



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

11/21/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Manzanita Plan Amendment
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 05, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jerald Taylor, City of Manzanita
Angela Lazarean, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

Thomas Hogue, DLCD Regional Representative

<paa> YA



PROF 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

NOV 15 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Manzanita**

Local file number: **None**

Date of Adoption: **11/9/2011**

Date Mailed: **11/14/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/11/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amends Zoning Ordinance 95-4 to change the number of off-street parking spaces required for commercial developments in the Commercial zone; creates additional yard setback requirements for commercial buildings; creates floor area ratio limitations for commercial and mixed use developments in the Commercial zone.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jerald P. Taylor, City Manager**

Phone: (503) 368-5343 Extension:

Address: **P.O. Box 129**

Fax Number: 503-368-4145

City: **Manzanita**

Zip: 97130-

E-mail Address: **jtaylor@ci.manzanita.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. **Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.**
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

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Language to be added is shown as underlined.

ORDINANCE NO. 11-04

AN ORDINANCE AMENDING SECTIONS 1.030, 3.040, 4.080, 4.090 AND 4.156 OF CITY OF MANZANITA ORDINANCE 95-4 RELATING TO OFF-STREET PARKING REQUIREMENTS AND YARD SETBACK REQUIREMENTS IN THE COMMERCIAL ZONE.

WHEREAS, written notice of the proposed amendments was mailed to all property owners within the Commercial (C-1), Limited Commercial (LC), and High Density Residential/Limited Commercial (R-4) zones as required by State Ballot Measure 56 codified in ORS Chapter 227; and,

WHEREAS, the Planning Commission conducted a public hearing on August 22, 2011 and received public testimony on the proposed changes; and,

WHEREAS, the City Council conducted a public hearing on October 5, 2011 and received public testimony on the proposed changes; and,

WHEREAS, the City Council has adopted findings and conclusions which support the following changes to the Zoning Ordinance; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1.010 of City of Manzanita Ordinance 95-4 is hereby amended by adding the following definitions:

Floor Area, Gross. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Floor Area Ratio (FAR). The gross floor area of a building or buildings divided by the lot area and is usually expressed as a decimal. Buildings of varying number of stories can have the same FAR because the FAR counts the total floor area of a building, not just the building's footprint. (For example, on a 4,000 square foot lot, a 1,000 square foot, one story building would have the same FAR (.25) as a two story building where each floor was 500 square feet.)

SECTION 2. Section 3.040(3) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

Section 3.040 Commercial Zone, C-1.

(3) Standards. In the C-1 zone the following standards shall apply:

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- (a) The minimum lot size, setbacks and height for residential uses, except in mixed use development, shall be the same as in the R-2 zone. [Amended by Ord.03-06, passed July 9, 2003].
- (b) ~~Setbacks For commercial, nonresidential, or mixed use development uses, shall be 5 feet along street rights of way. [Amended by Ord. 95-4, passed March 6, 1996; Amended by Ord.03-06, passed July 9, 2003].~~ the minimum front yard shall be 10 feet, the minimum side yard shall be 5 feet, and the minimum rear yard shall be 5 feet. For corner lots adjacent to Laneda Avenue, the yard facing Laneda Avenue shall be considered the front yard.
- (c) The maximum building or structure height shall be 28 feet, 6 inches. However, if more than one-half of the roof area has a roof pitch of less than 3 in 12, the building or structure height shall not exceed 24 feet. The height of a stepped or terraced building shall be the maximum height of any segment of the building or structure. [Amended by Ord. 95-4, passed March 6, 1996; Amended by Ord. 01-03, passed 8/27/01]
- (d) Minimum landscaped area: At least 10% of the total lot area of commercial, mixed use, or non-residential uses shall be devoted to landscaping or usable open space such as playgrounds, sitting areas or picnic areas and shall be located in front or on a street side of the use. For developments exempt from on-site parking requirements under Section 4.090(2) and for commercial and mixed use developments providing less than the required number of parking spaces on-site, an additional 10% of the total lot area shall be devoted to landscaping. The minimum lot area required for landscaping in residential and other uses shall be 20%. Placement of landscaping is subject to standards specified in Section 4.156.
- (e) Parking shall be in accordance with Article 4, Section 4.080.
- (f) Signs shall be in accordance with Article 4, 4.070.
- (g) In the C-1 zone, signs, awnings, marquees and sidewalk coverings shall extend not more than 5 feet over a sidewalk.
- (h) Adequate storm drainage shall be provided as specified by the City.
- (i) Design review subject to Section 4.152. [Amended by Ord. 95-4, passed March 6, 1996].
- (j) Building(s) on a lot shall have a floor area ratio of no more than 0.65. The combined floor area of all buildings on a lot shall be used in calculating the floor area ratio. If a development is proposed on a lot divided between the R-4 and C-1 zones, the area in the R-4 zone shall be assumed to be no greater than the area in the C-1 zone for purposes of calculating the floor area ratio.
- (k) If a development is proposed on a parcel consisting of two or more contiguous lots, the lots must be legally combined into one lot.

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SECTION 3. Section 4.080 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

Section 4.080 Off-Street Parking and Off-Street Loading Requirements. At the time a new structure is erected or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this Ordinance.

1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
2. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
3. Owners of 2 or more uses, structures, or parcels of land may agree to utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use.
4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. ~~Other required parking spaces shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.~~ Other parking spaces required by this Section may be located on another parcel of land, provided that the furthest parking space is no more than 500 feet from an entrance of a use it serves, measured by following a sidewalk or other pedestrian route. The right to use the offsite parking must be evidenced by a recorded deed, lease, easement or similar written instrument. Any use of offsite parking spaces may not decrease the parking spaces of any other use below the requirements of Sections 4.080 or 4.090.
5. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.
6. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and drained so as to avoid flow of water across public sidewalks or adjacent property.
7. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize

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- disturbances of residents by the erection between the uses of a sight-obstructing fence of not less than 5 or more than 6 feet in height except where vision clearance is required.
8. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least 4 inches high and set back a minimum of 4 1/2 feet from the property line.
 9. Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling.
 10. Groups of more than 4 parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
 11. Loading of merchandise, materials, or supplies, buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
 12. Groups of 4 or more parking spaces shall be required within the Commercial and Limited Commercial zones to be clearly marked and shall not be less than 9 feet by 18 feet in size for each space required. An information sign of 4 square feet, visible from the street, road or highway will be used to identify the location of off-street parking areas.
 13. For corner lots on Laneda Avenue, access to parking areas for new structures shall not be from Laneda Avenue. [Added by Ord. 06-04, passed September 18, 2006]
 14. When a use in the commercial zone existing as of November 9, 2011 does not have the number of off-street parking spaces required by this ordinance and the use or size changes, the total number of parking spaces required for the new use or size shall be reduced by the deficient number of spaces for the existing use or size.
 15. For development on lots adjacent to Laneda Avenue, offsite parking for commercial uses may be located further away than outlined in Section 4.080(4) above if the following conditions are met:
 - a) The parcel on which the parking is located shall be deeded to the City after the required number of parking spaces is developed to City specifications.
 - b) The entrance to this remote, offsite parking must be clearly visible to the flow of traffic on Laneda Avenue.
 - c) This parking will be available for the general public to use.
 16. Parking spaces within a structure shall be on no more than one level.

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SECTION 4. Section 4.090 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

Section 4.090 Off-Street Parking Requirements.

1. In determining the number of parking spaces required by this section, all fractions shall be rounded to the nearest whole number.
2. Development of no more than two (2) retail, restaurant or office spaces on lots of 5,000 square feet or less in the C-1 or L-C zones will require no parking spaces in excess of that required by the Americans with Disabilities Act [ADA] or required by Section 4.090(3)(b) below.
3. Requirements for specific uses

USE	REQUIREMENTS
(a) Dwelling	Two spaces for each dwelling unit.
<u>(b) Dwelling on lots 5000 square feet or smaller in the C-1 or L-C zones</u>	<u>One space for the first dwelling, two spaces for each additional dwelling unit.</u>
(b) Dwellings designed for elderly or handicapped	One space per dwelling unit.
(c) Boarding, lodging or boarding house	One space for each guest.
(dc) Motel, hotel or group cottages	One and 1/4 spaces for each guest accommodation (any fraction over the total shall be counted as 1 space). <u>One space for each unit of 400 square feet or less, if that unit has only one bedroom; One and 1/4 spaces per unit for all other units; and 2 spaces for a manager's unit.</u>
<u>(ed) Hospital, nursing home, assisted living facility, or similar institution</u>	One space for each 3 beds.
<u>(fe) Church, club, or similar place of assembly</u>	One space for each 6 seats or 1 space for each 50 square feet of floor area used for assembly

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| (g) | Library | One space for each 400 square feet of floor area plus 1 space for each 2 employees. |
| (h) | Dance hall, skating rink | One space for each 50 square feet of dance floor or skating area plus one space for each 2 employees. |
| (i) | Bowling Lane | Four spaces for each alley plus 1 space for each 2 employees. |
| (j) | Eating and drinking establishments | Not less than 1 space per each 4 seats, or per each 250 square feet of service floor area, whichever is greater. |
| (kf) | <u>Retail store, restaurant and library</u> | One space for each 400 square feet of <u>gross</u> floor area plus 1 space for each 2 employees. |
| (lg) | Service or retail shop, retail store handling bulky merchandise such as automobiles and furniture | One space for each 600 square feet of <u>gross</u> floor area. |
| (mh) | <u>Bank, office and medical clinic</u> | One space for each 600 <u>400</u> square feet of <u>gross</u> floor area plus one space for each 2 employees. |
| (n) | Medical and dental clinic | One space for each 400 square feet of floor area plus 1 space for each 2 employees. |

SECTION 5. Section 4.156 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

Section 4.156 Architectural and Landscape Design Evaluation Criteria.

1. The design integrates and harmonizes the existing and proposed development with the existing surroundings and future allowed uses. This standard shall be applied in a manner that encourages village design and visual diversity within development projects and the surrounding area.
2. The landscape design acknowledges the growing conditions for the climatic zone, and provisions are made for the survival and continuous maintenance. The landscape design shall include the use of local native species of trees and shrubs.
3. The minimum lot area required to be landscaped under Section 3.040(3)(d) shall be 10% for commercial, mixed use, or non-residential uses, and 20% for residential and other uses. shall be located in the front and side yards and the portion of the lot adjacent to the front or street side yards and not within the foundation footprint or rear yard.

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4. Living plant material shall constitute of minimum of 50% of the total required landscape area, which can include landscaping around buildings, in parking lots and loading areas, outdoor recreation use areas, and screening and buffering areas. For corner lots, no less than 25% of the total landscape area required to be in living plant material shall face each street frontage.
5. The grading and contouring of the site, and on site drainage facilities, shall be designed so there is no adverse affect on neighboring properties or public rights-of-way.
6. The design avoids monotony and provides visual interest by giving sufficient attention to architectural details and to design elements.
7. The design adequately addresses the pedestrian nature of the commercial area and places structures in relation to sidewalks and open areas to foster human interaction.
8. Lighting is non-industrial and non-invasive in character, and contributes to the village character.
9. Compatibility. All new commercial and mixed use buildings and exterior alterations shall be designed consistent with the architectural context in which they are located. This standard is met when the Design Review Board finds that all of the criteria in a.- c., below, are met.
 - a. There is compatibility in building sizes between new and existing commercial and mixed use buildings;
 - b. The size, shape and scale of the structures are architecturally compatible with the site and with the village character of the surrounding neighborhood.
 - c. All buildings and developments shall provide human scale design. The design avoids a monolithic expanse of frontages and roof lines, diminishes the massing of buildings by breaking up building sections, and/or by use of such elements as visual planes, projections, bays, dormers, setbacks or changes in the roof line, and/or similar features generally shown in the following figure (Note: The examples shown below are meant to illustrate these building design elements, and should not be interpreted as a required architectural style).

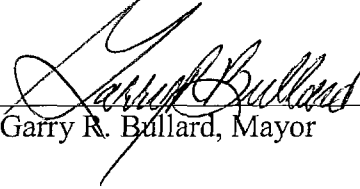
[Section 4.156 renumbered and amended by Ord. 06-04, passed September 18, 2006]

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PASSED FIRST READING by the Council this 5th day of October, 2011.

PASSED SECOND READING by the Council this 9th day of November, 2011.

APPROVED by the Mayor this 9th day of November, 2011.



Garry R. Bullard, Mayor

ATTEST:



Jerald D. Taylor, City Manager/Recorder

CITY OF MANZANITA CITY COUNCIL

LEGISLATIVE FINDINGS FOR ORDINANCE 11-04 AMENDING REGULATIONS IN ZONING ORDINANCE 95-4 RELATING TO PARKING AND SETBACKS IN THE COMMERCIAL ZONE (Adopted by City Council November 9, 2011)

PROCESS

A. Procedure for adopting zoning ordinance amendments:

1. Sections 9.010 through 9.030 of Manzanita Ordinance 95-4 specify the procedure for amendments to the Zoning Ordinance as follows:

“ARTICLE 9. AMENDMENTS

Section 9.010 Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to the zoning map may be initiated by the City Council, the Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Manager.

Section 9.020 Public Hearings on Amendments. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within 40 days after the hearing, recommend to the City Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment, and approve, disapprove or modify the proposed amendment.

Section 9.030 Record of Amendments. The City Manager shall maintain records of amendments to the text and zoning map of the Ordinance.”

Findings: The following is an excerpt from the March 9, 2011 City Council meeting minutes:

“**PLANNING COMMISSION RECOMMENDATIONS ON COMMERCIAL PARKING** – Taylor explained that the report is essentially made up of three sections. The first set of action items are non-planning related parking issues that were raised during the process of preparing the report. The second section consists of minor Ordinance and/or Comprehensive Plan amendments to clarify language. Further Commission action is needed, but the Commission wanted to get some initial direction from City Council to see if these items were worth pursuing. The third section raises some issues that perhaps will require a significant amount of study and discussion before recommendations can be made to the Council. Again, the Commission is seeking direction from the Council as to whether the Commission should continue to invest its time and energy in developing a proposal.

By consensus, the Council agreed upon the following actions:

1. Instruct staff to review the recommended action items and bring back appropriate implementing actions to the April 11, 2011 Council meeting.
2. Request that Planning Commission proceed with developing a recommendation on the minor Ordinance and/or Comprehensive Plan changes identified in its report.
3. Request that Planning Commission develop a recommended Ordinance and/or Comprehensive Plan amendment relative to a policy addressing harmony of scale and preservation of small lots in the Commercial zone.”

3. The Planning Commission and its Subcommittee on Commercial Parking conducted numerous hearings and study sessions to develop a draft for formal public comment.

4. Notice of the public hearing before the Planning Commission on the proposed amendments to the Zoning Ordinance 95-4 was mailed to all property owners within the Commercial (C-1), Limited Commercial (LC) and High Density Residential/Limited Commercial (R-4) zones on July 15, 2011. Notice of the Planning Commission public hearing on August 15, 2011 was published in the Tillamook Headlight-Herald on July 20, 2011. After discussing the proposal and making changes at its meeting of August 15, 2011, the Planning Commission approved recommending the Ordinance amendments to the City Council for approval.

5. Notice of the public hearing before the City Council on October 5, 2011 regarding the amendments recommended by the Planning Commission was published in the Tillamook Headlight-Herald on September 14, 2011.

B. Citizen involvement:

Summary: The Manzanita Comprehensive Plan specifies on Page 2 the Citizen Involvement Program and Citizen Involvement Policies as follows:

“THE CITIZEN INVOLVEMENT PROGRAM

Citizen involvement in Manzanita is consistent with the statewide citizen involvement goal, "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process".

It is the policy of the Planning Commission and City Council that the city program is appropriate to the scale of the planning effort. Manzanita is a quiet, scenic, residential and resort community. There is access by citizens and property owners to the decision making process, both of the Planning Commission and City Council.

Citizens are urged to take part in the meetings and/or to apply for positions on city commissions or committees. No action is taken concerning improvements in public facilities, changes in the Comprehensive Plan or implementing ordinances without public hearings and much public discussion.

In the preparation of the original plan and the recent revision, daytime and evening meetings or workshops were held with the Planning Commission, Citizens Advisory Committee and the City Council. Coordination took place with Tillamook County and other jurisdictions. The planning activities were publicized through the local newspapers.

CITIZEN INVOLVEMENT POLICIES

1. The Planning Commission, which is the committee for citizen involvement, shall represent a cross-section of people in the community and shall be chosen in a fair, well-publicized manner.
2. Well publicized open public meetings shall be held in which citizens' feelings and concerns are the foundation of decision making.

3. Citizens are urged to become involved in all phases of the planning process, from the identification of issues to the adoption of policies.
4. Technical information, the Comprehensive Plan and City Ordinances are available at City Hall at nominal cost through the City Clerk or City Manager. Information shall be written in such a way that it is clear and understandable.
5. Citizens shall receive responses from decision makers in the manner that has been carried out since the city was incorporated: By direct response at meetings, by letter, or through discussions with city staff.
6. Through the Planning Commission budget, financial support shall be made available for citizen participation. The city funds a newsletter, notices in local papers, paid secretary time for planning meetings, and the salary of the City Manager.”

Findings: Before developing the draft to submit for formal public comment, the Planning Commission and its Subcommittee on Commercial Parking conducted numerous public hearings and study sessions and invited public comment on the proposals. Public forums were held on October 14, 2010, December 2, 2010 and June 2, 2011. Members of the public were invited to submit written comments and proposals for the Planning Commission’s consideration. Copies of all written comments were distributed to each Planning Commissioner. Several suggestions from the public were incorporated into the drafts prepared by the Commission, including the recommended revisions submitted to the City Council.

COMMERCIAL PARKING AND SETBACK AMENDMENTS

Overview: The original purpose of discussing and developing Ordinance amendments was to determine whether the City’s current off-street parking requirements were too strict and inhibited the development of smaller commercial lots. Developers appeared to need to assemble larger parcels in order to meet the parking requirements for economically feasible projects. It was determined that the main commercial area along Laneda Avenue did not have a shortage of parking spaces except for only a few times a year.

Terms such as “village character” and “harmony of scale” were determined to mean that the City was trying to encourage smaller-scale commercial buildings on smaller lots. During the discussion of reducing the off-street parking requirements, it became clear that if off-street parking requirements were to be reduced, additional limitations on building size and location needed to be added to the Zoning Ordinance.

The following are some of the key points raised during the development of these amendments:

A. Offsetting additional setback requirements with reduced off-street parking requirements

Summary: For most commercial uses, the amendments reduced the required number of off-street parking spaces. There were no changes in requirements for residential uses. Additional setback and landscaping requirements were also included in the Ordinance amendments.

Findings: The Council determines that the increased setback and landscaping requirements are offset in large part by the relaxation of required off-street parking requirements. These amendments do not remove all economically beneficial use of the property or substantially impact an owner’s reasonable investment-return expectations. By protecting the “village character” of the commercial area, the value of individual properties is likewise protected.

Increased setbacks also provide for more effective fire protection in that most of the business district does not have an alley parallel to the street from which to conduct fire operations. The increased setbacks provide more light and air between buildings and along the street. The separated buildings are consistent with the community’s vision of “harmony of scale”.

B. Distance limit for required parking spaces

Summary: The current provisions for required off-street parking on other parcels of land require that such spaces be no further than 200 feet from the building or use they are required to serve. The amendments increase this distance to 500 feet, which is the maximum of the range specified in the Model Code of Development. Also specified is how the distance is measured, which is not clear in the current language.

Findings: The Council concurs with the Planning Commission that off-site parking satisfying the requirement for a given use should be no more than 500 feet from the use. Any greater distance, and it is unlikely that the spaces would be used for the subject business. Drivers would most likely seek on-street or off-street parking closer to the business.

C. Option to provide public parking further than distance limit for required parking

Summary: As an option, the amendments allow a subject business to acquire commercial property further than 500 feet away, develop the required number of parking spaces and deed the parking lot to the City. A single developer or a group of developers may find this option attractive to meet off-street parking requirements instead of providing off-street parking closer to their businesses.

Findings: Providing this option to create public parking is a reasonable alternative to providing off-street parking on the site of the business or off-street parking within 500 feet of the business. It is less likely that customers of a particular business would walk more than 500 feet from that business to a specific off-street parking lot. Providing a public parking area would offset the impact on public on-street parking spaces closer to the business.

D. Encouraging small buildings on small lots

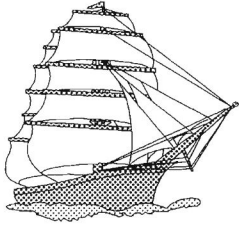
Summary: For commercial lots of 5,000 square feet or less, no off-street parking requirements are imposed by the Ordinance amendments (except as required by the Americans with Disabilities Act) for buildings containing no more than two retail, restaurant or office uses. Any residential uses continue to be required to provide off-street parking spaces.

Findings: In order to encourage smaller commercial developments on small lots, it is reasonable to remove any City requirements for off-street parking. Removal of the parking requirements for these types of development could be enough to make these developments more economically feasible. The parking impact on the surrounding public parking spaces is anticipated to be minimal. The addition of greater landscaping requirements and the floor area ratio limitation are also intended to keep the scale of development small.

E. “Grandfathering” of existing non-conforming uses

Summary: Certain houses and businesses in the Commercial zone do not have the number of off-street parking spaces required by the current Ordinance. Staff has informally permitted changes of use, usually from residential to business, if the parking impact is the same as the previous use. Usually non-conforming uses are required to meet the current regulations upon change of use. The Ordinance amendments codify the current practice of forgiving an existing parking deficiency and only requiring additional spaces for new uses that have a greater impact.

Findings: The “grandfathering” of parking requirements for existing uses is intended to ensure that current uses are not discouraged from changing to higher uses due to parking requirements. It is likely that residential uses on small lots would not transition into commercial uses if full compliance with current off-street parking requirements was required.



City of Manzanita

Jerald P. Taylor, City Manager
543 Laneda Avenue, P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 Fax (503) 368-4145 TTY Dial 711

DEPT OF

NOV 15 2011

**LAND CONSERVATION
AND DEVELOPMENT**

November 14, 2011

Department of Land Conservation and Development
Attn: Larry J. French, Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Re: Notice of Adoption

Dear Mr. French:

Enclosed are the required notice and one copy of City Ordinance #11-04 (formerly #11-01D).

Please let me know if you need additional material.

Thanks for your assistance.

Sincerely,

Jerald P. Taylor
City Manager

cc: Matt Spangler

CITY OF MANZANITA
P.O. BOX 129
MANZANITA, OR 97130



Dept of Land Conservation and
Development
Attn: Larry J. French
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540