



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.:
Received: 4/16/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation no more than 20 days after the adoption. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review. Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Manzanita

Local file no.: Ordinance 14-01D

Date of adoption: 4/9/2014

Date sent: 4/16/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/16/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No changes

Local contact (name and title): Jerald P. Taylor, City Manager

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Street address: PO Box 129

City: Manzanita

Zip: 97130

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Land use categories;Transportation;Water;Fire Protection;Beaches and Dunes

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from ... to ... acres. A goal exception was required for this change.
Change from ... to ... acres. A goal exception was required for this change.
Change from ... to ... acres. A goal exception was required for this change.
Change from ... to ... acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Sect. 3.010(Medium Density Residential); Sect.3.020(High Density Residential);Sect. 3.025(High Density Residential/Limited Commercial);Sect. 3.040(Commercial); Sect. 3.062-3.065(Flood Hazard Overlay);Sect. 3.085(Beach and Dunes Overlay);Sect. 4.070(Signs);Sect. 4.150-4.156(Design Review);Sect. 6.030(Accessory Uses);Sect. 7.040-7.050(Nonconforming Structures)

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: Flood Hazard Overlay amendments per FEMA requirements

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Memo to City Council dated February 25, 2014 summarizes changes.

Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

Language proposed to be deleted is shown as ~~crossed-out~~.  
Language proposed to be added is shown as underlined.

## ORDINANCE NO. 14-02

### **AN ORDINANCE AMENDING LAND USE CATEGORIES, TRANSPORTATION POLICY #1, WATER POLICY #2, FIRE PROTECTION POLICY, AND BEACHES AND DUNES POLICY #1 OF THE CITY OF MANZANITA COMPREHENSIVE PLAN; AND AMENDING SECTIONS 1.030, 3.010, 3.020, 3.025, 3.040, 3.062, 3.064, 3.065, 3.085, 4.070, 4.150, 4.151, 4.152, 4.153, 4.156, 6.030, 7.040 AND 7.050 OF CITY OF MANZANITA ORDINANCE 95-4 RELATING TO ZONING AND DEVELOPMENT STANDARDS**

**WHEREAS**, written notice of the proposed amendments was mailed to all property owners within the Manzanita Urban Growth Boundary as required by State Ballot Measure 56 codified in ORS Chapter 227; and,

**WHEREAS**, the Planning Commission conducted a public hearing on January 21, 2014 and received public testimony on the proposed changes; and,

**WHEREAS**, the Planning Commission has recommended the amendment of Land Use Categories, Transportation Policy #1, Water Policy #2, Fire Protection Policy, and Beaches and Dunes Policy #1 stated in the City of Manzanita Comprehensive Plan and adoption of several amendments, deletions and additions to Zoning Ordinance 95-4; and,

**WHEREAS**, the City Council conducted a public hearing on March 5, 2014 and received public testimony on the proposed changes; now, therefore,

#### **THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:**

##### **SECTION 1. Land Use Categories stated on page 8 of the City of Manzanita Comprehensive Plan is hereby amended to read as follows:**

“In order to prevent confusion and future conflicts between the comprehensive plan and the zoning ordinance, the following land use categories are the same in both documents. In the future, changes to either land use categories or zoning designations will necessitate a change in both the plan and the ordinance.

For purposes of determining allowable density, the term “net acre” shall mean the gross area of an acre parcel less the amount of land needed for public right-of-way or 86% of the gross area of an acre parcel, whichever is greater.”

##### **SECTION 2. Transportation Policy #1 stated on page 22 of the City of Manzanita Comprehensive Plan is hereby amended to read as follows.**

- “1. Efforts to reduce speeding on Laneda Avenue should be carried out by the city. This should take the form of maintaining a low speed (~~25~~ 20 MPH), requesting that the City police and Tillamook County Sheriff's Department maintain a high level of enforcement and installing appropriate warning signs.”

Language proposed to be deleted is shown as ~~crossed out~~.  
Language proposed to be added is shown as underlined.

**SECTION 3. Water Policy #2 stated on page 26 of the City of Manzanita Comprehensive Plan is hereby amended to read as follows.**

“2. Outside the City limits, but within the Urban Growth Area, the city ~~will furnish fire protection where it provides water service (except as provided for in mutual aid agreements)~~ and will require that water mains be adequately sized and that fire hydrants be properly spaced. This policy will be a factor in setting the differential between water rates inside and outside the City limits.”

**SECTION 4. Fire Protection Policy stated on page 30 of the City of Manzanita Comprehensive Plan is hereby amended to read as follows.**

~~“Fire protection shall be provided by the volunteer fire department. Currently there is back-up support from Nehalem and Wheeler volunteer fire departments. There is currently a regional training agreement. Manzanita should investigate the feasibility of creating a regional fire and rescue service. Fire protection shall be provided by the Nehalem Bay Fire and Rescue District, which assumed responsibility for this service in 2009.”~~

**SECTION 5. The following paragraph within Beaches and Dunes Policy #1 stated on page 33 of the City of Manzanita Comprehensive Plan is hereby amended to read as follows.**

“The area is physically developed and is committed to single-family and duplex residential development. The area was first platted in the early 1900's. All lots are served by the City's or ~~County's~~ County's street system. NBWA sewer and City water service are available to all lots. More than 90 percent of the lots in the area are developed. Under these circumstances, not to permit development on the vacant lots interspersed among existing development would deny owners of vacant lots property rights that are enjoyed by similar adjacent developed property.”

**SECTION 6. Section 1.030 of City of Manzanita Ordinance 95-4 is hereby amended by adding or amending the following definitions:**

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\*

Interdune Area. Low lying areas between higher sand land forms and which are generally under water during part of the year. These areas may be in the AO flood zone, and be subject to ocean flooding.

Landscaping: A combination of living plant materials such as trees, shrubs, groundcovers, flowers, lawn, and non-living materials such as benches, walkways, and courtyards, consisting of brick/concrete, rock or other decorative material.

Lot. A designated parcel, tract or area of land established by lot line adjustment, partition or subdivision.

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Person or Business Service Establishment. Offices which deal primarily with professional services and in which goods, wares and general merchandise are not commercially

Language proposed to be deleted is shown as ~~crossed-out~~.

Language proposed to be added is shown as underlined.

created, sold or exchanged. Such offices would include medical, engineering, law, accounting, bookkeeping, barber and beauty shop.

Recreational Vehicle. ~~A vehicle trailer or other vehicular or portable unit which is either self propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreation purposes but not residential use as mobile home.~~ Means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the lowest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

Recreational Vehicle Park. An area which is licensed by the State for the parking of recreational vehicles.

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**SECTION 7. Section 3.010(2)(g) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**Section 3.010 Medium Density Residential Zone, R-2.** In an R-2 zone, the following regulations shall apply:

- (2) Conditional Uses Permitted. In an R-2 zone, the following conditional uses and their accessory uses are permitted subject to the provisions of Article 5:
  - (g) Bed & Breakfast establishments.

The following conditions shall apply to all Bed & Breakfast establishments in R-2 zones, plus any other conditions the Planning Commission feels necessary in order to preserve the residential character of the neighborhood.

1. (No change)
2. (No change)
3. (No change)
4. (No change)
5. ~~Signing is limited to 4 square feet non illuminated. [Amended by Ord. 95-4, passed March 6, 1996.]~~ Signing is subject to Article 4, Section 4.070.

**SECTION 8. Section 3.020(2)(g) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**Section 3.020 High Density Residential Zone, R-3.** In an R-3 zone, the following regulations shall apply:

- (2) Conditional Uses Permitted. In an R-3 zone, the following conditional uses and their accessory uses are permitted subject to the provisions of Article 5:
  - (g) Bed & Breakfast establishments.

The following conditions shall apply to all Bed & Breakfast establishments in an R-3 zone, plus any other conditions the planning commission feels necessary in order to preserve the residential character of the neighborhood.

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Language proposed to be added is shown as underlined.

1. (No change)
2. (No change)
3. (No change)
4. (No change)
5. ~~Signing is limited to 4 square foot nameplate, non-illuminating.~~ Signing is subject to Article 4, Section 4.070.

**SECTION 9. Section 3.025(2)(f) and Section 3.025(2)(g) of City of Manzanita Ordinance 95-4 are hereby amended to read as follows:**

**Section 3.025 High Density Residential/Limited Commercial Zone, R-4.** In an R-4 zone the following regulations shall apply:

(2) Conditional Uses Permitted. In an R-4 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 5:

(f) Personal or business service establishments.

The following conditions shall apply to all Personal or Business Services Establishments in the R-4 zone:

1. ~~Signs shall be non-illuminated and limited to no more than 4 square feet in area on a single side. [Amended by Ord. 95-4, passed March 6, 1996.]~~ Signing is subject to Article 4, Section 4.070.
2. (No change)
3. (No change)
4. (No change)
5. (No change)
6. (No change)
7. (No change)

(g) Bed & Breakfast establishments.

The following conditions shall apply to all Bed & Breakfast establishments in the R-4 zone, plus any other conditions the Planning Commission feels necessary in order to preserve the residential character of the neighborhood.

1. (No change)
2. (No change)
3. (No change)
4. (No change)
5. ~~Signing is limited to 4 square foot non-illuminated. [Amended by Ord. 95-4, passed March 6, 1996.]~~ Signing is subject to Article 4, Section 4.070.

**SECTION 10. Section 3.040(3)(g) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

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### Section 3.040 Commercial Zone, C-1.

- (3) Standards. In the C-1 zone the following standards shall apply:
- (g) In the C-1 zone, signs, awnings, marquees and sidewalk coverings shall extend not more than 10 feet from a building or more than 5 feet over a sidewalk, whichever is less.

### SECTION 11. Section 3.062 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

**Section 3.062 Definitions.** Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Area of shallow flooding means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
2. Area of special flood hazard means the land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.
3. Base Flood means the flood having a one-percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.
4. Basement means any area of the building having its floor subgrade (below ground level) on all sides.
45. Breakaway walls means a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
56. Coastal high hazard area means the area subject to high velocity waters, including but not limited to, storm surge or tsunamis. The area is designated on FIRM as zone V1-30 or VE zone.
67. Development. Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling located within the area of special flood hazard.
8. Elevated Building means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.



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- 79. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) The overflow of inland or tidal water and/or
  - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
  
- §10. Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
  
- 911. Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
  
- ~~10~~12. Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this ordinance found at Section 3.065(2)(a).
  
- ~~11~~13. Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
  
- ~~12~~14. Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
  
- ~~13~~15. Mean Sea Level means the average height of the sea for all stages of the tide.
  
- ~~14~~16. New Construction means structures for which the "start of construction" commenced on or after the effective date of this amendment to the zoning ordinance.
  
- 17. Recreational Vehicle means a vehicle which is:
  - a. Built on a single chassis;
  - b. 400 square feet or less when measured at the lowest horizontal projection;
  - c. Designed to be self-propelled or permanently towable by a light duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonable use.

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~~1518.~~ Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation: or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

~~1619.~~ Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

~~20.~~ Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~1721.~~ Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started, or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which ~~are solely necessary to assure safe living conditions, or have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;~~ or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SECTION 12. Section 3.064(2)(d) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

Language proposed to be deleted is shown as ~~crossed-out~~.

Language proposed to be added is shown as underlined.

### Section 3.064 Administration.

2. Duties and Responsibilities of the Building Official. Duties of the Building Official shall include, but not be limited to:

(d) Alteration of Watercourses. The Building Official shall:

- (1) Notify adjacent communities and the ~~Oregon Water Resources Department~~ Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**SECTION 13. Section 3.065(2)(c) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

### **Section 3.065 Provisions for Flood Hazard Protection.**

2. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.063(2), Basis for Establishing the Areas of Special Flood Hazards or Section 3.064(2)(b), Use of Other Base Flood Data, the following provisions are required:

(c) Manufactured Homes.

~~All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provision of subsection 3.065(1)(a)(2).~~

All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam shall be at or above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement. Electrical crossover connections shall be a minimum of 12 inches above the Base Flood Elevation (BFE). Crossover ducts are allowed below BFE, but shall be constructed to prevent floodwaters from entering or accumulating within system components. This may require an engineer's certification.

**SECTION 14. Section 3.065(3)(a) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

### **Section 3.065 Provisions for Flood Hazard Protection.**

3. Coastal High Hazard Area.

Coastal high hazard areas (V zones) are located within the areas of special flood hazard established in Section 3.063. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:

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Language proposed to be added is shown as underlined.

- (a) All new construction and substantial improvements in Zones V-1 to V-30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
  - (1) ~~The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level.~~ The bottom of the lowest horizontal structural member supporting the home (excluding the pilings or columns) is elevated a minimum of one foot or more above the base flood elevation; and
  - (2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent (1%) chance of being ~~equalled~~ equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (1) and (2) of this Section.

**SECTION 15. Section 3.085 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**Section 3.085 Standards.** Uses and activities permitted outright or conditionally within the beaches and dunes overlay zone shall comply with the following applicable standards:

1. (No change)
2. (No change)
3. Site Investigation.

(a) In the following cases, a site investigation by a registered geologist shall be required prior to the issuance of a building permit. The planning commission may also require a site investigation as part of the application for a conditional use, preliminary subdivisions, proposal, partition request, and preliminary planned development requests:

(1) Active foredunes. Conditionally stable foredunes which are located within coastal high hazard areas (V zones) as identified on Flood Insurance Rate Map(FIRM) maps, and interdune areas which are located within coastal high hazard areas (V zones) as identified on FIRM maps.

(2) (No change)

(b) (No change)

Language proposed to be deleted is shown as ~~crossed-out~~.  
Language proposed to be added is shown as underlined.

- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)

4. Ocean Front Averaging

a. For lots abutting the oceanshore, the setback from the front (ocean side) lot line for buildings and additions to buildings hereafter constructed shall be on the direct line from the western foundation of the nearest existing building to the north to the western foundation of the nearest existing building to the south. For purposes of this section and associated policies, the western foundation of a building shall be part of the principal underlying support for the building, and shall not include the footings or foundation for a deck, porch, or patio. [Amended by Ord. 05-03, passed 5/13/05]

b. (No change)

5. (No change)

6. Foredune grading.

Foredune grading refers to the alteration of the foredune area through sand transfer or removal of sand by mechanical means. Foredune grading may be permitted for the purpose of siting a permitted use, 'construction grading'; for the purpose of removing inundating sand, 'remedial grading'; or for the purpose of restoring ocean views, 'view grading'. Grading or sand movement necessary to maintain views may be allowed for structures in foredune areas only if the area is committed to development and only as part of a management unit subarea plan determined to be consistent with the Foredune Management Plan. Transfer or removal of sand which is inundating structures or for the purpose of siting a permitted use may be permitted without a Foredune Management Plan as provided in Subsections (a) and (b) of this Section. No person shall engage in foredune grading without first obtaining a permit from the City Manager.

(a) Construction grading on vacant lots for site development purposes is permitted subject to the following standards:

i) In order of priority, graded sand shall be transferred to low and narrow dune areas in the immediate vicinity of the area from which it has been removed, the fronting beach, other

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areas within and between management units. Sand transfer shall be limited to that required for building placement or other valid purposes. It shall be conducted in a manner that maintains the foredune area at a minimum elevation of 33 feet National Geodetic Vertical Datum(NGVD) and is otherwise consistent with measures prescribed in an approved management unit subarea plan and the Manzanita Foredune Management Plan.

- ii) (No change)
- iii) (No change)
- iv) (No change)
- (b) (No change)
- (c) (No change)
- (d) (No change)
- 7. (No change)
- 8. (No change)

**SECTION 16. Section 4.070(4)(b) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**4.070 Sign Requirements.**

**4. Sign Requirements – Residential Zones**

- b. The following temporary signs are permitted on any lot without issuance of a permit. The signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, garage sales, home construction or remodeling and similar activities.
  - (1). Two (2) signs each not exceeding fifteen (15) square feet in area ~~or~~ nor higher than eight (8) feet in height above grade provided said signs are removed within fifteen (15) days from the sale, lease or rental of the property or within seven (7) days of completion of any construction or remodeling or, in the case of a special event, are erected no more than four (4) days prior to the event and removed within one (1) day after the event.

**SECTION 17. Section 4.070(6) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**4.070 Sign Requirements.**

**6. Prohibited Signs:**

- a. Permanent signs on undeveloped sites, except where necessary to address trespass by vehicles or persons on property and in such case no larger than twelve (12) square feet.

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Language proposed to be added is shown as underlined.

- b. Roof signs
- c. Signs that contain luminescent paint or fluorescent or phosphorescent elements, including day-glow or neon ~~and internally illuminated signs, except on properties abutting Highway 101, or except within 100 feet of the edge of the Highway 101 right-of-way.~~
- d. Internally illuminated signs, except on properties abutting Highway 101, or except within 100 feet of the edge of the Highway 101 right-of-way.
- de. Signs other than small incidental signs attached to parking structures or to portions of buildings that serve as parking facilities.
- ef. Any sign prohibited by Oregon Department of Transportation, Oregon Revised Statutes or Federal Government.
- g. Any sign that through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message.

**SECTION 18. Section 4.150 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**Section 4.150 Design Review.** The purpose of Sections 4.150 through 4.158 is to provide design standards for commercial and mixed use development in Manzanita's commercial zones and in the High Density Residential/Limited Commercial zone. Design review provides aesthetic judgment over development projects in order to maintain the unique character of the community by keeping buildings to human scale and reflecting the natural beauty of the city's setting, to encourage the traditional style of the Pacific Northwest, and to protect the viability of the commercial zones. The standards provide for originality, flexibility and innovation in site planning and development and encourage development where structures, use areas, artistic expression and site elements are integrated in a manner that is harmonious within the site and with adjacent properties. Design review criteria shall be applicable to all new construction, alteration of site improvements, or exterior alteration of commercial and mixed use development in the C-1, ~~and LC, and R-4~~ zones. [Amended by Ord. 06-04, passed September 18, 2006]

**SECTION 19. Section 4.151 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**Section 4.151 Definitions.** [Amended by Ord. 06-04, passed September 18, 2006]

- a. (No change)
- b. (No change)
- c. (No change)

Language proposed to be deleted is shown as ~~crossed-out~~.  
Language proposed to be added is shown as underlined.

- d. (No change)
- e. Major revision: Modifications to an approved design review plan which result in a significant change to the plan; including but not limited to changes to the siting of a building or improvements, the modification of the areas to be landscaped, the placement of mechanical or electrical equipment not shown on the approved design review plan, or modifications to a plan element that was the subject of a Design Review Board condition.
- f. Minor revision: Minor modifications to an approved design review plan which result in an insignificant change to the plan; ~~such as~~ including but not limited to minor changes to the dimension or placement of windows or doors, changes in building materials where only a limited area is affected and which do not affect the overall architectural design, or the substitution of landscape materials which do not affect the overall landscape design.
- ~~g. Landscaping: A combination of living plant materials such as trees, shrubs, groundcovers, flowers, lawn, and non-living materials such as benches, walkways, and courtyards, consisting of brick/concrete, rock or other decorative material.~~
- hg. Design Review Board: The Planning Commission or a separate board designated by the City Council.

**SECTION 20. Section 4.152(2) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**Section 4.152 Design Review Plan - When Approval is Required.** Design review plan approval shall be required prior to:

- 2. The issuance of a building permit for new construction or alteration. This shall include reconstruction of a nonconforming structure. The plan for which a building permit is issued shall conform in all aspects to the plan approved through the design review process.

**SECTION 21. Section 4.153(3) of City of Manzanita Ordinance 95-4 is hereby amended by adding the following to read as follows:**

- 3. The design plan must identify:
  - j. Location and proposed living plant material for landscaped areas, including type, number and size of living plant materials and including visual representations of the living plant materials relative to building elevations.

**SECTION 22. Section 4.156(1) 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



Language proposed to be deleted is shown as ~~crossed-out~~.  
Language proposed to be added is shown as underlined.

manner that encourages village design and visual diversity within development projects and the surrounding area.

Corrugated siding is prohibited as it does not harmonize with siding used on most existing buildings.

**SECTION 23. Section 6.030(2) of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:**

**Section 6.030 General Provisions Regarding Accessory Use.** An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

2. An accessory structure separated from the main building may be located in the required rear and side yard not closer than 5 feet to any interior lot line for the portion of the building at the setback line up to 10 feet in height as measured vertically from grade to the highest point of that portion of the accessory structure and not closer than 8 feet for any portion of the accessory structure where this height is exceeded; except that a roof with a pitch of less than or equal to 8 in 12 may extend upward from the 5 foot setback line to the 8 foot setback line. Accessory structures may be located in the rear yard of a corner lot but no closer than 12 feet to the street. ~~If an accessory structure is more than 12 feet in height, the setback shall be not closer than 8 feet to any interior lot line.~~

**SECTION 24. Sections 7.040 and 7.050 of City of Manzanita Ordinance 95-4 are hereby amended to read as follows:**

**Section 7.040 Change of a Nonconforming Structure.** A structure conforming as to use but nonconforming as to height, yard requirements, lot coverage, equipment, its location on the lot or other requirements concerning the structure may be altered or enlarged provided the alteration or enlargement conforms to the current requirements of this Ordinance and the altered or enlarged building or buildings do not result in additional nonconformity. ~~Should such structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Ordinance.~~ [Amended by Ord. 06-03, passed 9/18/06]

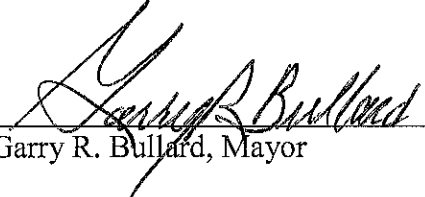
**Section 7.050 Destruction of Nonconforming Use or Structure.** If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80% of its fair market value as indicated by the records of the County Assessor and is not returned to use within one year from the date of destruction, a future structure or use on the site shall conform to this Ordinance. For any nonconforming structure so rebuilt within one year of the date of destruction, any part of the structure which is outside of the original foundation footprint shall conform to the current standards of this Ordinance and the resulting building or buildings shall not result in additional nonconformity. Such rebuilt buildings on corner lots shall conform to the clear vision area requirements specified in Section 4.020 of this Ordinance.

Language proposed to be deleted is shown as ~~crossed-out~~.  
Language proposed to be added is shown as underlined.

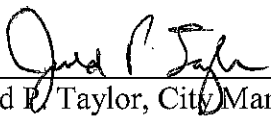
**PASSED FIRST READING** by the Council this 5<sup>th</sup> day of March, 2014.

**PASSED SECOND READING** by the Council this 9<sup>th</sup> day of April, 2014.

**APPROVED** by the Mayor this 9<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Garry R. Bullard, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Jerald P. Taylor, City Manager/Recorder

# MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** CITY MANAGER JERALD P. TAYLOR

**RE:** PLANNING COMMISSION RECOMMENDATION  
**DRAFT ORDINANCE 14-01D RELATING TO ZONING AND DEVELOPMENT STANDARDS**

**DATE:** FEBRUARY 25, 2014

## **RECOMMENDED ACTIONS:**

1. Conduct public hearing to receive public comments
2. Motion to read “*AN ORDINANCE AMENDING LAND USE CATEGORIES, TRANSPORTATION POLICY #1, WATER POLICY #2, FIRE PROTECTION POLICY, AND BEACHES AND DUNES POLICY #1 OF THE CITY OF MANZANITA COMPREHENSIVE PLAN; AND AMENDING SECTIONS 1.030, 3.010, 3.020, 3.025, 3.040, 3.062, 3.064, 3.065, 3.085, 4.070, 4.150, 4.151, 4.152, 4.153, 4.156, 6.030, 7.040 AND 7.050 OF CITY OF MANZANITA ORDINANCE 95-4 RELATING TO ZONING AND DEVELOPMENT STANDARDS*” by title only for its first reading and to tentatively approve said Ordinance as of its first reading.

## **BACKGROUND INFORMATION:**

Enclosed are the Planning Commission’s recommended amendments to several provisions within Zoning Ordinance 95-4 and the Comprehensive Plan. This proposal is the result of the work of the Planning Commission dating back to August of 2012. The Commission began its discussion at that time of miscellaneous issues that had arisen since the last update of the Zoning Ordinance and Comprehensive Plan. The Commission continued to add and subtract from the list as the issues were discussed over a period of several months.

Some of the changes were editorial and had no significant impact. As the Commission was discussing other issues, the City received notice from FEMA that the City needed to amend the Flood Hazard Overlay Zone within the Zoning Ordinance to maintain community eligibility for the National Flood Insurance Program; these required changes were added to the list of amendments.

To date, there has not been a lot of community interest in these changes. Most of the changes clarify existing policy and practices. Notice of the formal Planning Commission public hearing on these changes was mailed to all property owners within the Manzanita Urban Growth

Boundary, which is called the “Measure 56 notice”. The City Council’s public hearing was advertised in the Headlight Herald.

The following is a brief summary of the proposed Ordinance:

Sections 1 through 5 are proposed amendments to the City of Manzanita Comprehensive Plan. Section 1 clarifies the definition of “net acre” for purposes of determining allowable residential density. Sections 2 through 5 correct typographical errors and clarify the City’s role in fire protection since the formation of Nehalem Bay Fire and Rescue District.

The remainder of the Sections in the proposed Ordinance amend sections of Zoning Ordinance 95-4.

Section 6 adds or amends general definitions in the Zoning Ordinance. Sections 7 through 9 revise sign requirements for certain uses to make them consistent with the general sign requirements. (The current requirements for “bed and breakfast” and “personal service business” could be challenged as being “content” based.)

Section 10 clarifies the distance signs, awnings, marquees and sidewalk coverings may extend from commercial buildings given the building setback requirements adopted in 2011. Sections 11 through 14 amend the Flood Hazard Overlay Zone with specific changes required by FEMA to keep the City’s regulations in compliance with the National Flood Insurance Program.

Section 15 clarifies the oceanfront setback requirement for additions to existing buildings on oceanfront lots. Section 16 makes an editorial change to the description of sign height regulations. Section 17 clarifies the prohibition of signs that move or have the appearance of movement. (This would only affect future internally illuminated signs along Highway 101.)

Section 18 extends the requirement for formal design review of commercial buildings to the R-4 (High Density Residential /Limited Commercial) zone. The thought was that commercial buildings in this zone are adjacent to the C-1 zone and should be evaluated for compatibility with the C-1 buildings that currently go through formal design review.

Section 19 provides that for commercial buildings, the placement of mechanical or electrical equipment not shown on the approved design review plan is a “Major Revision” subject to review and approval of the Design Review Board.

Sections 20 and 24 clarify standards for alteration, enlargement or rebuilding of a nonconforming structure. The significant change is that a nonconforming structure on a corner lot would have to conform to clear vision area requirements when rebuilt, even if the existing building does not comply.

Sections 21 and 22 deal with design review requirements for commercial buildings. Section 21 would require the design plan to include a specific landscaping plan and a visual representation of the living plant materials relative to building elevations. Section 22 would specifically prohibit corrugated siding on commercial buildings.

Section 23 would redefine the side yard setback for accessory structures to match the current side yard setback requirement for the main building. In short, if the accessory structure was no taller than 10 feet at the 5 foot setback line from the side or rear lot lines, the minimum setback for the accessory structure would be 5 feet. If the building was taller, the setback would be 8 feet.

After the public hearing and before the final reading and adoption of this Ordinance, staff will prepare legislative findings for the Council to consider and adopt as part of the final approval. The staff and Planning Commission have put a lot of effort into crafting these revisions, and staff recommends approval of the Ordinance.