

**CITY OF MANZANITA
PLANNING COMMISSION MEETING
SEPTEMBER 21, 2009**

- I. CALL MEETING TO ORDER:** Chair Owen Nicholson called the meeting to order at 7:00 pm in the City Council Chambers.
- II. ROLL:** Members present were: Owen Nicholson, Frank Wolf, Hans Tonjes, Billie Hines and Walter Stickel. Burt Went and Karen Reddick-Yurka were excused. There was a quorum. Staff present: City Manager Jerry Taylor, Administrative Assistant Kristin Grassetth.
- III. AUDIENCE INTRODUCTION:** There were 35 people in the audience.
- IV. APPROVAL OF MINUTES:** A motion was made by Wolf, seconded by Tonjes to approve the minutes of the June 15, 2009 Planning Commission meeting. Motion passed unanimously.

QUASI-JUDICIAL ITEM

- V. ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES:** Chair Owen Nicholson explained the procedure for the public hearing to be held this evening.
- VI. PUBLIC HEARING: TENTATIVE PLAN FOR GLENESSLIN SHORES, A 9 LOT RESIDENTIAL SUBDIVISION OF 1.39 ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL ZONE. APPLICANTS: CRAIG EATON AND E. LEE LANDRY OWNERS: ROBERT H. EATON, CRAIG EATON AND E. LEE LANDRY. LOCATION: BETWEEN OCEAN ROAD AND CHERRY STREET AT OCEAN AVENUE. (32 NOTICES SENT).**
- A. CHALLENGE TO PLANNING COMMISSION JURISDICTION** – No challenges presented by the audience.
- B. PERSONAL BIAS OR CONFLICT OF INTEREST** – Commission had none.
- C. EX PARTE CONTACTS INCLUDING SITE VISITS** – All commissioners had visited the site except Billie Hines. No one present challenged any of the Commissioners.
- D. STAFF REPORT** – Jerry Taylor, City Manager began his report stating that the applicants had met all the requirements for the R-2 medium residential zone. The issue with this application is the significant slope – an average of about 36% from the top of the hill to the bottom. Because the slope is greater than 25% there is a requirement in the zoning code for a geo hazards report prepared by an engineering geologist to identify any geological issues. The report that was received from geologist Tom Horning concluded with proper engineering and design these lots would be buildable and that each lot should have a separate geotechnical report prepared as people came forward with lot or house designs. The City of Manzanita hired Chinook Geo Services located in Vancouver and

asked that they do a peer review on the applicant's geological report. Chinook's review concurred with some of the applicants report made but questioned putting off the slope stabilization until the time that the lots are developed. Staff felt at this time that the main issues were: 1. How will they coordinate the stabilization of the hill if there were no set parameters or guidelines? 2. The dedication of right away to Ocean Ave.; 3. Making a beach access stairway one of the requirements of the subdivision; and, 4. Storm drainage would need to be addressed. Staff recommended that the Planning Commission gather all the information that has been or will be presented this evening, hear what the applicant has to say, and continue the hearing until the October meeting, which means leaving the record open until the next meeting. Commission had no questions of staff.

- E. **APPLICANTS' PRESENTATION:** Applicant Lee Landry spoke on behalf of the owners. Their proposal has three basic objectives: First is to build a high quality subdivision; second, maintain aesthetic quality by controlling colors and vegetation through very stringent CC&Rs; and, third is the safety of the development and the neighborhood, which is why they have had the hillside stabilized and hired local engineers to make recommendations.

Tom Horning of Horning GeoServices in Seaside described landslide failures and explained the types of tests that they had performed. All they found was sand. Mr. Horning then explained how builders could use pilings or other ways to secure a home on the slope. Drainage control could be controlled with drywells at least 5 to 10 feet away from every downspout. Landry added that when an owner goes to build they would have to pass their CC&R and engineer's approval.

Civil Engineer Rich Gitschlag of North Coast Engineering addressed fire protection and having to install more hydrants. Gitschlag also spoke about lot sizes, roof lines and sewer lines.

Craig Eaton again brought up the stairway that could be built either side of the subdivision depending on what worked best for everybody. Height restrictions and retaining walls would also be enforced by the set CC&Rs.

- F. **TESTIMONY PRO:** None

- G. **TESTIMONY CON:** David Soderstrom submitted a list of his comments plus two letters sent in prior to the meeting; he then addressed his concerns, including that the developers were bound by the City of Manzanita subdivision ordinance to dedicate additional right-of-way for Ocean Avenue. Chris Robinson lives on Cherry St. and asked the Commission to cite Mr. Greenfield's letter that is in the packet. Greenfield's letter detailed the City of Manzanita's ordinances and comprehensive plan and how this application does not comply. Robinson stressed his concerns on storm water drainage and stabilization with seismic activity plus owner imposed engineering. Carol Bosanko, a homeowner from Glenesslin

subdivision who bought her home 2 years ago, stated that the foundation of her home was found to be bad due to the destabilization of the dune. She spent one year and \$100,000.00 stabilizing the house with earth anchors and retaining walls as well as 3 engineers. John Sorenson of the Glenesslin subdivision bought his house 8-9 years ago and when they wanted to start remodeling found that the foundation was severely compromised and had to be torn down and rebuilt. Sorenson stressed his concerns regarding wind erosion and dune stabilization.

Douglas McCourt, an attorney with the firm of Ater Wynne, gave testimony on behalf of Ms. Bosanko. He requested that the record remain open for seven days as per state law. McCourt stated that the City's ordinances plus the Oregon administrative rules implementing LCDC Goal 18 require a certain amount of specifics in the application for this proposal to be approved, and this application does not and should be denied. Sue Yanello of College Ave asked just because we can do it should we do it? Yanello also asked who would be responsible if things go wrong. Rudy Barton, who lives on Cherry Street, stated that the number of homes has doubled and asked about adequate access for emergency vehicles. Steve Pfeiffer, land use attorney with the firm of Perkins Coie, spoke on behalf of Brian Rohter and Eileen Brady. Pfeiffer gave the Commission a handout that concurred with earlier testimony. He stated that the burden of proof is on the applicants, and he does not believe that burden has been met. Pfeiffer said CC&Rs would not be enforceable by the City nor could they be a substitute for other criteria.

Ann Knipe commented on the winds and that they have been as high as 100 mph and the dune was always changing. Dave Hooff owns a house on Cherry Street and seconded what everybody else has addressed this evening. Hooff asked that this proposal be denied, but felt that there could be something that could fit the site.

H. REBUTTAL BY APPLICANT: Tom Horning noted earthquakes or tsunamis will create serious damage to houses in the proposed subdivision, but so will houses on Neahkahnie Mountain –those are just the hazards. Slopes on neighboring properties are greater than 50%, but houses were built there. There are engineering solutions that work in these cases. Flooding at the base of the subdivision is unlikely as the elevation of the road is above the velocity zone and if there were any erosion the county would come in and fix or fill in the road. Craig Eaton addressed the issue of pushing the engineering off on to the owners. Eaton said he had built these types of homes where a report had been given owners but then it was required by the building department by the individual Cities that the builder had to provide an additional geotech report that was specific to that house being built on that specific piece of property. Eaton said that they were not trying to push this off on the homeowner. Rich Gitschlag, the Engineer, listed the reasons why Ocean Ave could not be built and said a contractor could not get the equipment up there to build it even with a 50 ft

landing. The scarring of the hill is from people walking on it keeping the vegetation from growing.

Hans Tonjes asked when the CC&Rs may be available to review. Eaton replied that they had waited to hear what the neighbors' concerns were before they made those up. Nicholson raised the question of how construction would be handled.

A motion was made by Wolf; seconded by Stickel to continue the public hearing on this application until the next meeting on October 19th leaving the record open until then. Motion passed unanimously.

**MINUTES APPROVED THIS
19TH DAY OF JANUARY, 2010**

D. Owen Nicholson, Chair

ATTEST:

Jerald P. Taylor, City Manager/Recorder