



COUNCIL ORDINANCE No. 22-01

AN ORDINANCE OF THE CITY OF MANZANITA, OREGON, ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170; PINE GROVE PROPERTIES, INC.

WHEREAS, the City of Manzanita received a submission by written request for annexation of real property to the City of Manzanita, herein described in Exhibit "A"; and

WHEREAS, on January 24, 2021, the Planning Commission for the City of Manzanita conducted a hearing on said application submitted by Pine Grove Properties, Inc., making findings recommending annexation of the subject property and establishment of the Medium Density Residential (R-2) zone; and

WHEREAS, after conducting the hearing and considering all objections or remonstrance with reference to the proposed annexation, and further considering the recommendation of the Manzanita Planning Commission, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory.

Now, Therefore, the City of Manzanita does ordain as follows:

Section 1. **Findings.** In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B", which is incorporated herein by this reference as if fully set forth at this point.

Section 2. **Annexation Area.** Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Manzanita, and zoned as indicated in accordance with the Manzanita Ordinance 95-4 and assigned the zoning of Medium Density Residential (R-2).

Section 3. **Record.** The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Manzanita within ten (10) days of the effective date of this annexation ordinance to the Tillamook County Assessor, Tillamook County Clerk and the Oregon State Department of Revenue.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Michael Scott, Mayor

ATTEST:

Leila Aman, City Manager/Recorder

EXHIBIT A

PROPERTY DESCRIPTION



Ph. 503-440-4403

FEBRUARY 15, 2022

**LEGAL DESCRIPTION
FOR
ENCORE INVESTMENTS, LLC
FOR
PHASE 5 ANNEXATION**

A portion of that tract of land as described in Deed Book 346, Page 194, Tillamook County Deed Records, situated in the Southwest one-quarter of Section 28, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at the Northwest corner of said Deed Book 346, Page 194, said point also being the West one-quarter corner of Section 28, Township 3 North, Range 10 West of the Willamette Meridian;

Thence South 01°54'14" West 377.88 feet along the West line of said Section 28;

Thence South 82°55'52" East 45.65 feet;

Thence North 29°35'21" East 44.84 feet;

Thence Northeasterly along the arc of a 275.00 foot radius non-tangent curve to the right (radius bears South 47°46'44" East) through a central angle of 47°34'36" a distance of 228.35 feet (chord bears North 66°00'34" East 221.85 feet);

Thence North 89°47'53" East 67.33 feet;

Thence Southeasterly along the arc of a 350.00 foot radius curve to the right through a central angle of 22°40'18" a distance of 138.49 feet (chord bears South 78°51'58" East 137.59 feet) to a point of compound curve;

Thence Southeasterly along the arc of a 1625.00 foot radius curve to the right through a central angle of 03°44'04" a distance of 105.91 feet (chord bears South 65°39'47" East 105.89 feet);

Thence Northeasterly along the arc of a 940.00 foot radius non-tangent curve to the left (radius bears North 64°18'49" West) through a central angle of 06°01'21" a distance of 98.81 feet (chord bears North 22°40'30" East 98.76 feet) to a point of reverse curve;

Thence Northeasterly along the arc of a 25.00 foot radius curve to the right through a central angle of 92°33'27" a distance of 40.39 feet (chord bears North 65°56'33" East 36.14 feet) to a point of reverse curve;

Thence Southeasterly along the arc of a 200.00 foot radius curve to the left through a central angle of 25°36'51" a distance of 89.41 feet (chord bears South 80°35'09" East 88.67 feet);

Thence North 03°23'35" West 40.00 feet;

Thence Northwesterly along the arc of a 160.00 foot radius non-tangent curve to the right (radius bears North 03°23'35" West) through a central angle of 29°16'43" a distance of 81.76 feet (chord bears North 78°45'13" West 80.87 feet) to a point of reverse curve;

Thence Northwesterly along the arc of a 25.00 foot radius curve to the right through a central angle of 77°04'30" a distance of 33.63 feet (chord bears North 25°34'37" West 31.15 feet) to a point of reverse curve;

Thence Northeasterly along the arc of a 520.00 foot radius curve to the left through a central angle of 13°42'30" a distance of 124.41 feet (chord bears North 06°06'23" East 124.12 feet);

Thence North 00°44'52" West 22.69 feet to the East-West center line of said Section 28;

Thence North 89°44'44" West 632.70 feet along said East-West center line to the **Point of Beginning**.

Containing 4.19 Acres.

The purpose of this legal description is to describe an area to be annexed and not create a separate tax lot.

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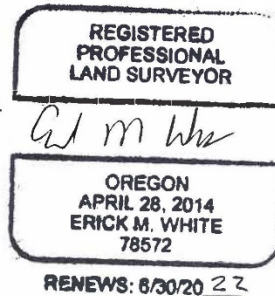


EXHIBIT B

I. BACKGROUND

- A. APPLICANT: Pine Grove Properties, Inc. (Owner - James P. Pentz).
- B. PROPERTY LOCATION: The property is approximately located at the north end of Seaview Drive and Meadows Drive. Necarney City County Road border the site along the south. There is no site address and the County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #100; Township 3 North; Range 10 West; Section 29AD; Tax Lot #200 and Township 3 North; Range 10 West; Section 28; Tax Lot #1401.
- C. MAPPED AREA: 64.18 acres.
- D. EXISTING DEVELOPMENT: The vacant subject area fronts two public streets and public services are available.
- E. ZONING: Special Residential/Recreation Zone (SR-R) – Tax Lot 100; Medium Density Residential (R-2) – Tax Lot 1401; and Commercial (C-1) – Tax Lot 200.
- F. ADJACENT ZONING AND LAND USE: Property to the east is located in Tillamook County and designated R-2. To north lies C-1 zoned land located along US Highway 101 and containing a mix of commercial uses. All remaining adjacent property is zoned SR-R and contains a mix of open space and residential development.
- G. REQUEST: Application to Annex 4.06 acres into the City limits of Manzanita, and along with existing property within the City, create a 30-lot Single-Family Subdivision on approximately 9.82-acres (Highlands Subdivision Phase 4 and 5).

Findings contained in this Exhibit are limited to the proposed Annexation.

- H. DECISION CRITERIA: The Annexation request is evaluated against the Oregon Revised Statute Chapter 222.

II. ANNEXATION

- A. The applicant wishes to annex approximately 4.06 acres of R-2 designated land. The subject area is located in the northwest corner of the property identified as Tax Lot #1401. Upon annexation, the land would automatically be zoned Medium Density Residential (R-2).
- B. The City development regulations do not include annexation provisions. By default, the City is subject to provisions in Oregon Revised Statutes Chapter 222, Sections 222.111 to 222.177.
- C. ORS 222.111 Authority and procedure for annexation; specifying tax rate in annexed territory. This Section allows the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or

other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. Further, a proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

- D. ORS 222.170. Annexation by consent before public hearing. This Section allows for annexation by ordinance after a public hearing, if it receives written consent from (1) a majority of electors living in the territory to be annexed and (2) the owners of more than half the land in the territory to be annexed.

FINDINGS: The property owner submitted a request to annex the property. The applicant represents a majority of the electors and owns more than half of the land in the territory proposed to be annexed and has filed a statement of consent to be annexed on or before the date of the public hearing. The subject property (Tax Lot 1401) is located within the City's Urban Growth Boundary and adjacent to and contiguous to the City limits (Tax Lot 100). Existing service districts (fire and sanitary sewer) will continue to serve the site. Based on agency comments, necessary services are available to serve the proposed project. In summary, this portion of Tax Lot 1401 is available for urban uses and meets the statutory requirements for annexation.

IV. CONCLUSION

Based on the above findings the Manzanita City Council finds the proposed Annexation is consistent with the relevant provisions in ORS Chapter 222.