



COUNCIL ORDINANCE No. 23-04

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; TILLAMOOK COUNTY.

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 August 21, 2023, the Planning Commission for the City of Manzanita conducted a hearing on said application submitted by Tillamook County, 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 _____.

Deb Simmons, Mayor

ATTEST:

Leila Aman, City Manager/Recorder

EXHIBIT A

MANZANITA TRANSFER STATION ANNEXATION LEGAL DESCRIPTION

A portion of that tract of land described as Parcel 11, Deed Book 138, Page 264 of Tillamook County Deed Records more particularly described as follows:

Beginning at the Northeast Corner of Section 32, Township 3 North, Range 10 West of the Willamette Meridian, said point being marked by a 3" diameter Tillamook County Brass Cap as shown on Rewitness Card #151, Tillamook County Survey Records; thence southerly along the east line of above described Section 32, bearing South 0°07'41" West a distance of 230.13 feet to a 3/4" Iron Rod; thence North

87°54'46" West a distance of 507.87 feet to a 1" Iron Rod, thence North 2°05'14" East to a point on the north line of above described Section 32; thence easterly along the north line of above described Section 32 to the Northeast Corner thereof. Said point being the True Point of Beginning. The above described bearings and distances were derived from Map A-4609, Tillamook County Survey Records.

EXHIBIT B

I. BACKGROUND

- A. APPLICANT: Tillamook County
- B. PROPERTY LOCATION: The property is located at 34995 Necarney City Road in Manzanita. The County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #2000
- C. MAPPED AREA: 9.2 acres.
- D. EXISTING DEVELOPMENT: Transfer Station
- E. ZONING: Special Residential/Recreation Zone (SR-R) – 6.65 acres of Tax Lot 2000; Medium Density Residential (R-2) – 2.55 acres also Tax Lot 2000.
- F. ADJACENT ZONING AND LAND USE: Property to the east is located in Tillamook County and designated R-2. To the North on the same Tax Lot of the proposed area for annexation the land is zoned SR-R. To the West all of the property is zoned SR-R and contains a mix of open space and residential development.
- G. REQUEST: Application to Annex the remaining 2.55 acres of Taxlot 2000 into the City limits of Manzanita.

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 2.55 acres of R-2 designated land. (Please note that the zone for the property has been updated to reflect the correct zoning.) The subject area is located in the south portion of the property identified as part of Tax Lot #2000.
- 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, Tillamook County, 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 (a 2.55 acre portion of Tax Lot 2000) is located within the City's Urban Growth Boundary and adjacent to and contiguous to the City limits). Existing service districts (fire and sanitary sewer) will continue to serve the site. The 2.55 acre portion of the property 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.