



**NOTICE OF DECISION**  
PLANNING FILE #24012  
Partition

- A. APPLICANTS: City of Manzanita and Jim Penz (for Pine Grove Properties, Inc.).
- B. PROPERTY LOCATION: Southwest Corner of Intersection of Highlands and Meadows Drives, part of Tract "H" of Highlands 2. The County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #100.
- C. PARCEL SIZE: The property contains approximately 3.68 acres.
- D. EXISTING DEVELOPMENT: The site fronts two streets and public sewer and water service is available. A water pump station is located on the corner of Highland and Meadows Drives while the remainder of the site is vacant.
- E. ZONING: The parcel is zoned Special Residential/Recreation Zone (SR-R).
- F. ADJACENT ZONING AND LAND USE: All adjacent property is zoned SR-R and part of the Highlands development.
- G. REQUEST: The applicants are requesting approval to Partition the property into two parcels.
- H. DECISION CRITERIA: Approval or denial of this request is subject to the standards listed in Ordinance 95-5, Sections 24 to 51; Ordinance 95-4, Special Residential/Recreation Zone (SR-R) standards in Section 3.030; and Section 5.060 Public Utility and Communication facility.

**II. CRITERIA AND FINDINGS – PARTITION**

- A. The applicants previously received conditional use approval to locate a pump station on the subject property. The current improvements include the pump station as well as two off-street parking spaces. The applicants now wish to divide the property by separating the pump station from the remainder of the site. After the partition, the pump station parcel (Parcel 1) will contain 0.043 acres (1,907 square feet) while the residual 3.64 acres (Parcel 2) will remain vacant. This request does not include a concurrent development proposal.

- B. The partition application must address provisions in Sections 24 through 37. Section 24 establishes the minimum standards (includes previously noted Sections 37 through 51) and allows the approval of a street under certain circumstances.

FINDINGS: The report reviews compliance with the Partition requirements as well as compliance with Sections 38 through 51. For the record, the proposed partition does not create a public street.

- C. Section 25 establishes the requirements for a partition and allows an administrative review of the request.

FINDINGS: The applicants submitted the required material to allow review of the application. Per subsection 1., "(A)t the discretion of the City Manager, a land partition request may be approved administratively." The Manzanita City Manager agreed to have staff review the application administratively. While processed as an administrative review, the request remains subject to all applicable criteria and requirements for a review held by the Planning Commission.

- D. Sections 26 through 29 establishes the map scale requirements, information requirements on the tentative map, supplemental data needs, and filing fees. For the record, the submitted material complies with these provisions.

- E. Sections 30 through 37 establishes requirements for a final plat. This includes submission, form, and information on the plat, supplemental data, technical review and final approval, bonding requirements, and filing of the document. These requirements apply to submittal of the final plat and will be applied at that time.

- F. Sections 38 through 51 address the General Regulations and Design Standards. Section 38 notes states ". . . a land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance." The following Sections address compliance with these provisions.

- G. Section 39 establishes street requirements while Section 40 addresses utility easements. For the record, street improvements are in place as are the necessary easements to serve the pump station.

- H. Section 41 establishes the minimum standards for the building sites:

- 1. Size and Shape. The size, width, shape, and orientation of building sites shall be appropriate for the location of the land division considering all environmental features and for the type of development and use contemplated and conform to the standards of the zone in which they are

located. Each lot shall have an identifiable building site.

FINDINGS: The purpose of the partition is to create a separate parcel for the existing pump station (Parcel 1). The minimum lot size and setback requirements in SR-R zone reference standards in the R-3 zone [Section 3.030(4)(b)]. The R-3 zone requires a minimum lot area of 5,000 square feet with a 40-foot minimum width and 90-foot minimum depth. The minimum street side setbacks for a corner lot are 12-feet with a minimum of a 5-foot elsewhere, or 8-feet where a wall exceeds 10-feet in height.

At 1,907 square feet, Parcel 1 does not comply with these minimum requirements. However, as a conditional use established the pump station, Zoning Ordinance Section 5.060 notes “. . . the minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.”

Operations of the existing pump station indicate that it does not create detrimental impacts on adjacent property. Therefore, the City waives the minimum 5,000 square foot requirement, provided the existing pump station structure otherwise complies with applicable development provisions in the SR-R zone. Further, regarding setbacks, based on the submitted layout, the existing pump station building meets or exceeds all setback requirements.

On balance, while a smaller than required parcel, Parcel 1 is large enough to accommodate the use and comply with the setback requirements. Finally, at 3.64 acres, undeveloped proposed Parcel 2 exceeds the area and dimension requirements. Setback provisions do not currently apply to this parcel.

2. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

FINDINGS: Both proposed Parcels exceed this requirement.

3. Through Lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.

FINDINGS: Parcel 1 is a corner lot. The larger Parcel 2 is a through lot as three streets border the Parcel. However, this situation is the result of a prior land use action and not created as part of this request.

4. Lot and Parcel Side Lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face,

except that on curved streets they shall be radial to the curve.

FINDINGS: The lot lines creating Parcel 1 run at right angles to the street.

5. Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or partitioning due to geologic hazard, flooding, improper drainage, steep slopes, adverse soil conditions or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or partition and/or its surrounding areas, shall not be subdivided or partitioned unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the city staff, to solve the problems created by the unsuitable land conditions.

FINDINGS: As noted, a prior land use action established the parent 3.68-acre parcel. The above-identified factors are not an issue for the currently developed Parcel 1. The City may address these factors as development occurs on Parcel 2.

- I. Section 42 addresses block size. For the record, this partition does not create developable blocks as found in a subdivision.
- J. Per Section 43, any remaining undeveloped land must be situated or of sufficient size to allow further development. At 3.64 acres, the vacant proposed Parcel 2 is of sufficient, and with more than adequate access, to ensure efficient urban level development on the site.
- K. Sections 44 through 46 address water courses, land for public purposes, unsuitable land, and wetlands.

FINDINGS: There are no riparian issues or wetland issues that would limit the partition. Neither is the land unsuitable for their intended purpose of the existing pump station (Parcel 1) and future potential development (Parcel 2). Through the creation of Parcel 1, the partition effectively establishes land for public purposes.

- L. Sections 48 through 51 address improvement standards and requirements, monumentation, and survey requirements.

FINDINGS: Parcel 1 contains all necessary improvements and requires no further action. Improvements will be required for Parcel 2 when a project plan is submitted for the site's development.

### III. DECISION AND CONDITIONS OF APPROVAL

The City of Manzanita finds the submitted application complies with the applicable decision criteria and hereby APPROVES the partition application subject to the following Conditions of Approval:

- A. A registered land surveyor shall submit a final partitioning plat, complying with provisions in ORS Chapter 92. The final plat shall comply with the following:
  - 1. The final shall conform with the submitted partition plan. The pump station on Parcel 1 shall comply with all applicable setback requirements.
  - 2. Completion, submittal, and recording of the final partitioning plat, and development of the vacant parcel, shall comply with the requirements contained in the City of Manzanita Ordinance 95-5.
  - 3. The applicants shall record the final partitioning plat in the Tillamook County Assessor's Office within two years of the final date of approval.
- B. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants.

### V. OTHER PERMITS AND RESTRICTIONS

The Applicants are advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Manzanita land use and review and approval process does not take the place of or relieve the Applicants of responsibility for acquiring such other permits or satisfy any restrictions or conditions. Further, the land use permit approval does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

### VI. APPEALS

This action will become official in 10 days from the mailing of this decision. If you disagree with the decision or conditions of approval, you may appeal the decision. The Manzanita Planning Commission will hear the appeal. The City must receive the appeal at the Manzanita City Hall by:

5:00 P.M., May 11, 2024, 2024.

Should you wish to appeal this action, or have any questions regarding this project, please contact City Hall, at (503) 368-5343, for further information.

Respectfully,



5/1/2024

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Leila Aman  
City Manager

Date