



NOTICE OF DECISION

PLANNING FILE #24032

Partition

- A. APPLICANT: Pine Grove Properties, Inc. (Owner – Pine Grove Properties, Inc).
- B. PROPERTY LOCATION: The property is located at the east end of Meadows Drive while Necarney City County Road borders 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 28; Tax Lot #1401.
- A. PARCEL SIZE: 29.63 acres.
- B. EXISTING DEVELOPMENT: The vacant site fronts along two public streets and public sewer and water service may be extended to serve the property.
- C. ZONING: Medium Density Residential Zone (R-2) – 17.09 acres; Special Residential/Recreation Zone (SR-R) – 12.54 acres. All R-2 land is located outside City limits but within the Urban Growth Area. All SR-R zoned is located within the Manzanita City limits.
- D. ADJACENT ZONING AND LAND USE: Property to the east and south are in Tillamook County and designated RMD. 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.
- E. REQUEST: The applicants are requesting approval to Partition the property into three parcels.
- F. 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, Medium Density Residential Zone (R-2) Section 3.010; and Special Residential/Recreation Zone (SR-R) standards in Section 3.030.

II. CRITERIA AND FINDINGS – PARTITION

- A. The applicant wishes to divide the subject property into three parcels. Parcel 3 will be located on the northeast corner of the site and contain 4.60 acres while Parcel 2 is located on the south end and will contain 5.59 acres. Both proposed Parcels will retain the SR-R zoning. Parcel 1 will contain the remainder of the property and be split zoned between the R-2 zone (17.09 acres) and the SR-R zone (2.35 acres). Included in Parcel 1 is an anticipated 40-foot public access to be dedicated and developed at such time the Parcels are developed. As an interim measure, this 40-foot “stem” provides access to Parcel 3. This request is limited to the proposed partition and 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, but Parcel 1 provides a 40-foot wide “stem” reserved for future public street development.

- 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 are 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, Parcel 1 includes an area that will eventually be dedicated and improved as a public street. As an interim measure, this will operate as an easement accessing Parcel 3.
- 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 minimum lot size 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. Both Parcel 2 and Parcel 3 exceed these minimum requirements as does the SR-R portion of Parcel 1.

Section 3.010(3) of the R-2 zone requires a minimum lot area of 5,000 square feet with a 40-foot minimum width and 90-foot minimum depth. The R-2 portion of Parcel 1 exceeds.

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

FINDINGS: Parcels 1 and 2 retain the necessary street frontage. A 40-foot-wide strip provides an access easement to Parcel 3 and will be dedicated and developed as a public street as the Parcels develop.

- 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: The partition does not create a through lot.

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 are somewhat unusual; however, they conform to the boundaries of the land recently annexed into the City and therefore acceptable.

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: Two prior annexations and zone changes established the subject area, resulting in the current proposal to divide vacant land. Based on the sheer acreage, the above-identified factors are currently not an issue but can be addressed as development occurs on the vacant Parcels.

- 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. All three vacant Parcels are sufficient size, 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 the intended purpose of either the R-2 or SR-R zones, both of which allow residential development.

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

FINDINGS: Improvements will be required for each Parcel 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 and shall include a minimum 40-foot-wide access easement on Parcel 1 to serve Parcel 3.
 - 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.

IV. 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.

V. 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., _____ August 24, 2024.

Should you wish to appeal this action, or have any questions regarding this project, please contact City Hall, at (503) 812-2514, for further information.

Respectfully,



August 13, 2024

Leila Aman

Date

City Manager

NOTES

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION OF THE SUBJECT PROPERTY AS PER THE CLIENT'S REQUEST. ITEMS 1 THROUGH 14, SECTION 27 OF THE CITY OF MANZANITA LAND PARTITIONING STANDARDS ARE SHOWN HEREON UNLESS OTHERWISE NOTED BELOW.
 5. NO WATER BODIES OR WETLANDS EXIST ON THE SUBJECT PROPERTY.
 6. NO CONTOUR LINES OF THE SUBJECT PROPERTY ARE AVAILABLE FROM THE CITY OF MANZANITA.
 7. THERE ARE NOT ANY EXISTING BUILDINGS ON THE SUBJECT PROPERTY.
 12. NO GRADING PLAN HAS BEEN PREPARED AT THIS POINT AS NO GRADING IS NECESSARY TO PHYSICALLY COMPLETE THE PARTITION. GRADING PLAN WILL BE PROVIDED AT THE TIME OF DESIGN/CONSTRUCTION OF INDIVIDUAL HOMES IF NECESSARY.
 13. THE GEOLOGIC HAZARD REPORT WILL BE PROVIDED AS NECESSARY WHEN DEVELOPMENT IS PROPOSED.
 14. AN EROSION CONTROL PLAN WAS NOT PREPARED AS GRADING IS NOT REQUIRED TO PHYSICALLY COMPLETE THE PARTITION.
 THE UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY AND ARE BASED UPON VISUAL INSPECTION AND ASBUILTS.

OWNER INFORMATION

THE OWNER OF THE SUBJECT PROPERTY IS:
 PINE GROVE PROPERTIES, INC
 PO BOX 569
 MANZANITA, OR 97130

EASEMENTS BEING CREATED

E-1 40.00 FOOT WIDE NON-EXCLUSIVE INGRESS, EGRESS AND UTILITY EASEMENT FOR POWER, CABLE, TELEPHONE, SEWER, WATER, STORM, ETC. TO BE DEDICATED TO THE PUBLIC, STREET NAME TO BE DETERMINED.
 E-2 8.0 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT FOR POWER, CABLE, TELEPHONE, SEWER, WATER, STORM, ETC.

EXISTING EASEMENTS OF RECORD

EX. EASE: NON-EXCLUSIVE UTILITY EASEMENTS FOR POWER, CABLE, TELEPHONE, SEWER, WATER, STORM, ETC.

CONTIGUOUS OWNERS

3N 10 28 TAX LOT 1200	LOWER NEHALEM COMMUNITY TRUST
3N 10 28 B TAX LOT 2400	LOWER NEHALEM COMMUNITY TRUST
3N 10 28 B TAX LOT 2407	PINE GROVE PROPERTIES INC
3N 10 28 B TAX LOT 2600	COVENANT COMMUNITY CHURCH
3N 10 28 CA TAX LOT 1500	STEPHEN J & CERISA A ALBRECHTSEN
3N 10 28 CA TAX LOT 1600	HAL W & JEANETTE F HALVERSON
3N 10 28 CA TAX LOT 1700	ALLEN A & CAROL L OVIATT
3N 10 28 CA TAX LOT 1800	WILLIAM A PENGRA
3N 10 28 CA TAX LOT 2000	KATHRYN H & SAMUEL A HARMON
3N 10 28 CA TAX LOT 2100	GARY L & MARYLOU ANDES
3N 10 28 CB TAX LOT 700	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 800	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 900	ANDREW CLINTON STEIGLER & NATALIE SABRINA JOELLE METZGER
3N 10 28 CB TAX LOT 1000	JASON R & CARRIE A LUSE
3N 10 28 CB TAX LOT 1100	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1200	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1300	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1400	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1500	JEFFREY F DRESSER & DEBORAH A GALARDI
3N 10 28 CB TAX LOT 1600	ENCORE INVESTMENTS, LLC
3N 10 28 CC TAX LOT 100	BROWN & NIELSEN PROPERTIES LLC
3N 10 28 CC TAX LOT 200	BROWN & NIELSEN PROPERTIES LLC
3N 10 29 D TAX LOT 100	PINE GROVE PROPERTIES INC
3N 10 29 DA TAX LOT 10000	PINE GROVE PROPERTIES INC
3N 10 29 DA TAX LOT 10100	CONNIE & AMY SIM CHAN
3N 10 29 DA TAX LOT 10200	SINDT-HAYS FAMILY TRUST, BRIAN J SINDT & BARBARA D HAYS
3N 10 29 DA TAX LOT 10300	BRIAN ESSIG
3N 10 29 DA TAX LOT 10400	JOHN & PERLA LEWIS TRUST, JOHN C & PERLA R LEWIS
3N 10 29 DA TAX LOT 10500	STEVEN M & JENNIFER G RAMMER
3N 10 29 DA TAX LOT 10600	MCARTHUR FAMILY JOINT REVOCABLE TRUST, JOE ALLEN & JO ANN MCARTHUR
3N 10 29 DA TAX LOT 10700	JANICE GAINES-EHLEN
3N 10 29 DA TAX LOT 11500	PINE GROVE PROPERTIES INC

CURVE	RADIUS	LENGTH	DELTA	CH. BEARING	CH. LENGTH
C1	274.78'	226.87'	47°18'17"	S65°51'09"W	220.48'
C2	375.00'	75.08'	11°28'18"	N84°27'58"W	74.96'
C3	860.00'	97.37'	6°29'14"	S22°31'33"W	97.32'
C4	25.00'	38.88'	89°06'02"	S25°16'04"E	35.08'
C5	25.00'	46.10'	105°38'54"	N57°03'40"E	39.84'
C6	220.00'	323.01'	84°07'22"	S41°40'45"E	294.77'
C7	20.00'	31.42'	90°00'00"	S46°08'58"W	28.28'
C8	230.00'	40.57'	10°04'53"	N79°39'46"W	40.52'
C9	230.00'	208.57'	51°57'22"	S69°18'20"W	201.49'
C10	100.00'	158.28'	90°41'21"	S44°54'48"E	142.27'
C11	180.00'	283.94'	90°22'56"	S44°48'32"E	255.41'
C12	490.00'	7.18'	0°50'23"	S69°23'54"E	7.18'
C13	530.00'	10.51'	1°08'10"	S69°32'48"E	10.51'
C14	180.00'	144.39'	45°57'37"	S67°01'11"E	140.55'

REGISTERED PROFESSIONAL LAND SURVEYOR
Erick M White
 OREGON
 APRIL 28, 2014
 ERICK M. WHITE
 78572
 RENEWS 6/30/2026

ONION PEAK DESIGN

11460 EVERGREEN WAY
 NEHALEM, OR 97131
 (503) 440-4403

ENCORE2407-EX.DWG

TENTATIVE PARTITION FOR:

PINE GROVE PROPERTIES, INC

TRACT '0'
 HIGHLANDS 5
 SW 1/4, SECTION 28, T3N, R10W, W.M.
 TILLAMOOK COUNTY
 JULY 18, 2024

