



February 22, 2022

Chad Sweet
City Administrator
City of Gearhart
698 Pacific Way
Gearhart, Ore. 97138

Re: Transmittal Sheet supporting an Application for a Partition Plat by James Gronmark at 4915 Gronmark Ln., Gearhart, Ore.

Mr. Sweet,

Please see attached application for the Gronmark Partition Plat.

Transmittal (electronic packet & 9 hard copies)

1. Signed, completed Application Cover Sheet
2. Subdivision, Partition Check off Sheet
3. Wetland Report by Critical Areas Consulting dated February 28, 2022
4. Statement to Accompany Tentative Plan
5. Partition Narrative
6. 11x17 copy of Tentative Plan (Sheet 1 of 2)
7. 11x17 copy of Names of Record Owners of Contiguous Land within 250' (Sheet 2 of 2)

Also (2 hardcopies each)

1. 18x24 copy of Tentative Plan (Sheet 1 of 2)
2. 18x24 copy of Names of Record Owners of Contiguous Land within' 250' (Sheet 2 of 2)

Thank you for your assistance with this very important project.

Best Regards,

Michael G. Magyar, PLS



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION
2ND THURSDAY, 6:00 PM

DATE RECEIVED 2/28/22

1. APPLICANT: Michael Magyar PHONE: 503-338-9958
MAILING ADDRESS: POB 1309 Astoria, Ore. 97103
EMAIL ADDRESS: mike@magyarlandsurveying.com CELL PHONE: 503-338-9958
2. PROPERTY OWNER: James Gronmark PHONE: _____
MAILING ADDRESS: 4911 Gronmark Ln. Gearhart, Ore. 97138
EMAIL ADDRESS: jamesgronmark@gmail.com CELL PHONE: 503-738-2369
3. SURVEYOR/ ENGINEER: Michael Magyar PHONE: 503-338-9958
MAILING ADDRESS: POB 1309 Astoria, Ore. 97103
EMAIL ADDRESS: mike@magyarlandsurveying.com CELL PHONE: 503-338-9958
4. LEGAL COUNSEL: C. Thomas Davis - Davis Galm Law Firm PHONE: 503-644-9000
MAILING ADDRESS: 12220 SW 1st Street, Beaverton, Ore. 97005
EMAIL ADDRESS: tom@davisgalm.com CELL PHONE: _____
5. PROPERTY LOCATION: 4915 Gronmark Ln., Gearhart, Ore. 97138
6. LEGAL DESCRIPTION OF PROPERTY:
(A) ASSESSORS PLAT AND TAX LOT: 4915 Gronmark Ln., Gearhart, Ore. 97138, Taxlot 71034CA02105
(B) ADDITION, BLOCK, AND LOT: _____

PER SEC 13.080 OF THE GEARHART ZONING CODE ACTUAL EXPENSES INCURRED BY THE CITY DURING THE PROCESS OF TECHNICAL EVALUATION OF AN APPLICATION SHALL BE BORNE BY THE APPLICANT, IN ADDITION TO THE FILING FEES ESTABLISHED BY RESOLUTION. UNPAID PENALTIES, FINES OR INCUMBRANCERS OWED TO THE CITY OF GEARHART ARE GROUNDS FOR WITHHOLDING ISSUANCE OF A PERMIT. DO YOU OWE ANY MONEYS TO THE CITY OF GEARHART? (CIRCLE) YES NO

7. SIGNATURE (APPLICANT) Michael Magyar DATE: 2.22.22
PRINT Michael Magyar
8. SIGNATURE (OWNER) _____ DATE: 2.22.22
PRINT James Gronmark

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

TO BE COMPLETED BY STAFF
DOES APPLICANT OWN ANY MONEY TO THE CITY? NO IF SO, AMOUNT _____
FOR _____ ACCOUNT # _____ DEPARTMENT STAFF _____ (INITIAL)



CITY OF GEARHART

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P A I D
3/8/22 (AD)
CHK# 12284

- APPLICATION FOR: 1. SUBDIVISION – FEE \$3,000 PLUS \$100 /LOT
2. LAND PARTITION – FEE \$2,000 PLUS \$100/LOT
3. EXPEDITED REVIEW– FEE \$2,000 PLUS \$100/LOT
(PER ORS 197.360)

APPLICANT Michael Magyar APPLICATION FEE PD \$2200

CURRENT ZONE R1

DETAILS AND REASONS FOR REQUEST: James Gronmark (the owner) wishes to partition his property at the east end of Gronmark Lane into two parcels; see Clatsop County tax lot 71034CA02105.

1. The address is 4915 Gronmark Ln.
2. There is currently a single family dwelling at the Southeast Corner of the tract.
3. The owner wishes the southerly parcel to be 100' on the east and west sides and the northerly parcel to be 68.02 feet on the west side and 68.07 feet on the east side.
4. There is an existing gravel driveway that services the current single family dwelling.
5. There appears to be an existing wetland along the westerly boundary of the subject tract.
6. A proposed easement burdening Parcel 2 and benefitting Parcel 1 for ingress/egress will be recorded prior to submission of the Final Plat.

SUBMIT ALL DOCUMENTS AS REQUIRED BY THE SUBMISSION CHECK OFF SHEET.

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING



CITY OF GEARHART

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(503) 738-5501 • (503) FAX 738-9385

SUBDIVISION, PARTITION OR EXPEDITED REVIEW SUBMISSION CHECK OFF SHEET

Date Received 2/28/22

- | | |
|---|---|
| 1. 15 copies of tentative plan (24" x 36" and scale 1" = 50') | 9 copies of App.
<u>2 copies of Maps</u> |
| 2. 1 reproducible copy of tentative plan. 11" x 17" | <u>X</u> |
| 3. PDF of tentative plat sent to planning@cityofgearhart.com | <u>X</u> |

INFORMATION TO BE PROVIDED ON TENTATIVE PLAN

- | | |
|---|--------------------|
| 1. Proposed Name, Date, North Point, and Scale of Drawing. | <u>X</u> |
| 2. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries. | <u>X</u> |
| 3. Name/ Address of Subdivider/ Partitioner. | <u>X</u> |
| 4. Appropriate identification of the drawing as a tentative plan | <u>X</u> |
| 5. Name, business address and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision | <u>X</u> |
| 6. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision | <u>X</u> |
| 7. Names of Record Owners of Contiguous Land within 250' | <u>SEE MAP 2/2</u> |
| 8. The approximate location and character of all existing and proposed easements and public utility facilities except water lines in the subdivision or adjacent thereto | <u>X</u> |
| 9. The location and approximate dimensions of each lot and each to be numbered | <u>X</u> |
| 10. Building envelope denoting setbacks on each parcel | <u>X</u> |
| 11. The outline of any existing buildings and their use showing those which will remain | <u>X</u> |

- | | |
|---|--------------------|
| 12. Contour lines having the following minimum intervals: | |
| a. Grades of 1% or less will require not less than 6 spot elevations per acre. | |
| b. Two foot contour intervals for ground slopes 5% or less. | |
| c. Five foot contour intervals for ground slopes over 5%. | <u>5' LIDAR</u> |
| 13. The location of at least one temporary bench mark within the subdivision boundaries. | <u>X</u> |
| 14. City boundary lines crossing or bounding the subdivision | <u>N/A</u> |
| 15. Approximate location of all areas subject to inundation of stormwater overflow and the location, width, known high water elevation flood flow and direction of flow of water courses. | <u>X</u> |
| 16. Location of Any Wetlands. | <u>X</u> |
| 17. If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads, and water courses. | <u>SEE MAP 2/2</u> |
| 18. Indicate all areas to be cut or filled, along with soil profile information | <u>X</u> |
| 19. If impractical to show on the tentative plan, a key map for domestic water supply lines and related water service facilities. | <u>X</u> |
| 20. The proposals for waste disposal systems, storm water drainage and flood control. | <u>X</u> |

STATEMENT TO ACCOMPANY TENTATIVE PLAN

- | | |
|--|----------|
| 1. Explanation of improvements and public utilities including water supply, storm drainage plan and waste disposal systems proposed to be installed. | <u>X</u> |
| 2. Deviations from Subdivision Ordinance, (if any). | <u>X</u> |
| 3. Public Areas Proposed, (if any). | <u>X</u> |
| 4. Tree Cutting and Planting Proposed, (if any). | <u>X</u> |
| 5. Preliminary Draft of restrictive Covenants proposed, (if any). | <u>X</u> |
| 6. Preliminary draft of a private road or access easement maintenance agreement. | <u>X</u> |

This list is to be used as an aid in preparing a tentative plat for submittal. The Gearhart subdivision ordinance will be the final guide in completing the application.

February 28, 2022

Chad Sweet
PO Box 2510
698 Pacific Way
City of Gearhart, OR
97138

Subject: Wetland Survey
Parcel No. 71034CA02105
Gronmark Lane
Gearhart, OR

Dear Mr. Sweet:

On Tuesday, February 22, I conducted an assessment of the wetland boundary located near the western property boundary of a 0.57 acre lot near the end of Gronmark Lane, Gearhart. The single parcel is proposed to be subdivided into two parcels as shown in the attached Partition Plan by Magyar Land Surveying, LLC.

Wetlands at the project site were identified using characterizations of vegetation, soil and hydrology. Ponded water was noted in several areas adjacent to the wetland boundary. The wetland is fairly narrow in east-west dimension and is occupied by hydrophilic vegetation dominated by *Salix hookeriana* (Hooker Willow), *Douglas Spirea* (hardhack), and *Carex obnupta* (slough sedge) with *Rosa nutkana* (Nootka rose) and *Rubus spectabilis* (salmonberry) noted near wetland edges. The wetland edge was very well defined and occupies a depressed area several feet below elevated benches to the east and west.

The mapped wetland is located near the western boundary of the project site parcel and is bisected by Gronmark Lane, a gravel lane providing access off of the Oregon Coast Highway, State Highway 101. The culvert below the gravel driveway allows direct hydraulic connectivity between the wetland identified north and south of the gravel driveway. The wetland extends to the north beyond the immediate study area and is part of an extensive north-south oriented wetland system commonly seen in the project site area. The wetland appears to be controlled by groundwater elevations with storm water runoff from surrounding areas likely creating temporary ponding above the groundwater table.

The wetland boundary was flagged in the field using labeled wetland flagging and subsequently surveyed (see the attached figure) in the field by Magyar Land Surveying LLC. to within about 10 cm accuracy. The attached site plan by MLS, LLC shows the wetland boundary.

Robert S. Bogar
WA/OR Licensed Geologist

Environmental Investigations
Wetland Delineation/Mitigation

Critical Areas Consulting

As the site plan shows, the wetland boundary is limited to several feet adjacent to the western current parcel boundary. Thank you for allowing me the opportunity to present this letter for your review. Please contact me if you have questions or require additional information.

Sincerely,

A handwritten signature in blue ink that reads "Robert S. Bogar" followed by a long horizontal flourish.

Robert S. Bogar
WA Licensed Hydrogeologist No 269
OR Registered Geologist No 1960



February 22, 2022

Chad Sweet
City Administrator
City of Gearhart
698 Pacific Way
Gearhart, Ore. 97138

Re: Gronmark Partition; Statement to Accompany Tentative Plan

1. Explanation of improvements and public utilities including water supply, storm drainage plan and waste disposal systems proposed to be installed.

There is one City water line that currently services the existing single-family structure; there is a second City water line that services the properties to the north. We will utilize the northerly water service for the new single-family structure. Storm water will either percolate into the sandy soil or run off to the west and settle in the wetland features shown on the tentative map. Septic will be located on site to the north of the proposed single-family structure.

2. Deviations from Subdivision Ordinance.

There are no deviations from the Subdivision Ordinance.

3. Public Areas Proposed.

No public areas are proposed.

4. Tree Cutting and Planting Proposed

No tree cutting or planting is proposed.

5. Preliminary Draft of restrictive Covenants proposed.

No restrictive covenants are proposed.

6. Preliminary draft of a private road or access easement maintenance agreement.

See below.

GRANTOR:

James Gronmark
4915 Gronmark Ln
Gearhart, OR 97138

GRANTEE:

James Gronmark
4915 Gronmark Ln
Gearhart, OR 97138

After recording, return copy to:

C. Thomas. Davis
12220 SW First Street
Beaverton, OR 97005

**Until a change is requested,
All tax statements shall be
Sent to the following addresses:**

As is on record

ROADWAY EASEMENT AND AGREEMENT

THIS AGREEMENT made effective and entered into as of _____,
20____ by and between James Gronmark, hereinafter called Grantor, and
James Gronmark, called Grantee, WITNESSETH:

Grantor has or will submit to the City of Gearhart a Partion Plat
referred to as application number _____ to create two parcels from
a parcel legally described as Tract A in the attached Exhibit A for which an
easement is required. The partitioned property shall include the following:

Burdened Property: Parcel 1 Legally described as the attached
Exhibit B.

Benefitting Property: Parcel 2 Legally described as the attached
Exhibit C.

Easement Description: Legally described as the attached Exhibit D.

1. PURPOSE OF AGREEMENT.

a. The purpose of this Agreement is for the Grantor to convey to the Grantee a perpetual non-exclusive easement regarding the use of a roadway running with and burdening the property legally described in Exhibit B.

b. The parties acknowledge valuable and mutual consideration, receipt of which is hereby acknowledged.

2. LEGAL DESCRIPTION.

a. The descriptions are identified as follows:

- i. The roadway is situated on the property legally described in Exhibit A is for the benefit of the property legally described in Exhibit C.

3. DURATION

This Agreement shall continue in Perpetuity and all easements run with the land with all rights and responsibilities continuing forever for the owners of Parcel 1 and Parcel 2.

4. ROAD EASEMENT

a. Grantor grants a non-exclusive access easement to Grantee for the benefit of the property described in Exhibit C for Grantee to have access to and use the existing road described in Exhibit D.

- b. If the act or omission of any property owner, guest, invitee, licensee, contractor, or agent of a property owner causes damage to the roadway, said property owner shall be responsible its repair to its previous condition, including restoring the surface and subsurface.

- c. The easement is for reasonable ingress and egress.
- d. Neither Grantor nor Grantee shall interfere with the other's use of the roadway easement.
- e. Grantor and Grantee shall equally share the costs of maintaining the easement in its current condition.

5. INDEMNIFICATION.

- a. The parties mutually agree to indemnify, defend and hold each other harmless from any loss, claim or liability for any claim arising in any manner out of their respective use of the Easement.
- b. All workers undertaking maintenance of construction work within the easement shall have standard liability insurance in a reasonable amount from a reputable insurance company which protects the property owners.

6. ARBITRATION.

Should there be a dispute which the parties cannot otherwise resolve, the parties agree to submit their dispute to binding arbitration according to the rules then in effect as established by the Presiding Judge of the Clatsop County Circuit Court, Astoria, Oregon.

8. NOTICE.

Any notice, demand or report required under the Agreement shall be sent to each property owner in care of the street address of his lot, or in the event the property owner does not reside on the said property, in care of the current property tax notification address of the property; provided, however, that a property owner can change their notification address by written notice to each other property owner. Any required notice or demand shall be made by hand delivery or certified mail and shall be deemed received on actual receipt or 48 hours after being mailed whichever first occurs.

XXX

IN WITNESS WHEREOF, the parties hereto have executed this Easement and Agreement effective upon recording.

GRANTOR:

James Gronmark

GRANTEE:

James Gronmark

STATE OF OREGON)
) ss.
County of _____) _____, 2020.

Personally appeared before me the above-named James Gronmark who acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public

EXHIBIT A

Tract A

A tract of land in the County of Clatsop, State of Oregon, as shown in Clatsop County Survey No. 13334 and described as follows:

Beginning at a point on the north boundary of Parcel 3, Partition Plat No. 1998-047; said point of beginning bears N89° 36' 11"E 146.76 feet from the northwest corner of said Parcel 3 and is the southwest corner of that tract of land conveyed to Jim Gronmark by deed recorded as Instrument #200604096, Records of Clatsop County, Oregon;

thence S0°04'38" 168.02 feet to a 5/8" rebar on the south boundary of said Parcel 3;

thence N89° 35' 55"E along said south boundary 147.76 feet;

thence N89° 42' 54"E along said south boundary 30.00 feet to the southeast corner of said Parcel 3;

thence N00° 05' 11"E 168.07 feet to the northeast corner of said Parcel 3 and the southeast corner of said tract of land conveyed to Jim Gronmark by deed recorded as Instrument #200604096;

thence S89° 36' 11"W 178.24 feet to the point of beginning.

Said Tract A contains 29,907 sq. ft.

EXHIBIT B

Parcel 1

A tract of land in the County of Clatsop, State of Oregon, as shown in Clatsop County Survey No. 13334 and described as follows:

Beginning at a point on the north boundary of Parcel 3, Partition Plat No. 1998-047; said point of beginning bears N89° 36' 11"E 146.76 feet from the northwest corner of said Parcel 3 and is the southwest corner of that tract of land conveyed to Jim Gronmark by deed recorded as Instrument #200604096, Records of Clatsop County, Oregon;

thence S0°04'38" 168.02 feet to a 5/8" rebar on the south boundary of said Parcel 3;

thence N89° 35' 55"E along said south boundary 147.76 feet;

thence N89° 42' 54"E along said south boundary 30.00 feet to the southeast corner of said Parcel 3;

thence N00° 05' 11"E 168.07 feet to the northeast corner of said Parcel 3 and the southeast corner of said tract of land conveyed to Jim Gronmark by deed recorded as Instrument #200604096;

thence S89° 36' 11"W 178.24 feet to the point of beginning.

EXCEPT that portion north of the following described line:

Beginning at a point on the east line of said Tract A, 100.00 distant from the southeast corner of said Parcel 3;

thence S89° 37' 08"W 178.05 feet, terminating at a point on the west line of said Tract, 100.00 distant from said 5/8" rebar.

Said Tract A contains 17,790 square feet, more or less.



February 22, 2022

Chad Sweet
City Administrator
City of Gearhart
698 Pacific Way
Gearhart, Ore. 97138

Re: Gronmark Partition Narrative

Developer/Owner
James Gronmark
4911 Gronmark Ln.
Gearhart, Ore. 97138

Land Description
4915 Gronmark Ln.,
Gearhart, Ore. 97138, Taxlot:71034CA02105
Clatsop County Taxlot IDs: 71034CA02105 & 71034CA0200

Site Size
29,907 square feet (0.69 acre)

Zoning
R-1, Low Density Residential

Proposal
The owner wishes to partition the existing tract into two Parcels; Parcel 1 contains an existing single-family home and is proposed to be 17,785 square feet; Parcel 2 is planned for a new single-family home and is proposed to be 12,122 square feet;

Parcel 2 is already serviced by an ingress/egress easement leading to HWY 101; Parcel 1 is to be serviced by a proposed ingress/egress easement across Parcel 2.

Current zoning for R-1 Low Density Residential permits single family homes on lots of 10,000 square feet. Both of these proposed parcels meet the minimum requirements for R-1 LDR.

It is recommended that the City of Gearhart approve this application for partition.