**Maupin Ordinance**

**ORDINANCE NO. 279**

AN ORDINANCE AMENDING THE CITY'S SUBDIVISION ORDINANCE AS ADOPTED BY ORDINANCE #250 TO REDEFINE THE TERM PARTITION AND OTHER REVISIONS

## PURPOSE

1. The purpose of this ordinance is to perform revisions and updates to the City of Maupin Subdivision Ordinance, including recognizing changes in the statutory definition of "partitions" and address several other minor issues within the Subdivision Ordinance.
2. The City Planning Commission has reviewed the Subdivision Ordinance in detail and directed the City Planner to prepare this Ordinance addressing several issues.
3. The Planning Commission conducted a public hearing on July 10, 2007 and recommended conditional approval of this Ordinance to the City Council.
4. The City Council conducted a public meeting on August 22, 2007 to consider the Planning Commission recommendation and receive public testimony and at the close of the public meeting, moved on a 5 to 0 vote to approve the proposed Ordinance.

The City of Maupin ordains as follows:

## AMENDMENT 1

1. The definition section of the Subdivision Ordinance, Section 4, Item 24, "Major Partition", and Item 25, "Minor Partition" are hereby deleted. The remaining items are to be renumbered to reflect the deletion of those two items.

2. "Partition", formally shown as Section 4, Item 30, is hereby amended to read.
   "Partition" means to divide land to create two or three parcels of land within a calendar year, but does not include:
   (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
   (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
   (c) The division of land resulting from the recording of a subdivision or condominium plat;
   (d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property

for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
(e) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

3. Section 4, Item 43, "Subdivide", is hereby amended to read.
"Subdivide" means to divide land to create four or more lots within a calendar year.

**AMENDMENT 2**

**Section 7** – This item is amended to read, "Ten copies of the preliminary plat and explanatory information, Sections 10 and 11 of the Ordinance, for any proposed subdivision or partition, shall be submitted to the Recorder at least 45 days prior to the meeting of the Planning Commission, in which this consideration is desired, together with the filing fee. Filing fees are set by the resolution of the City Council."

**Section 8, Item 2** This item is amended to read, "Copies of the preliminary plat shall be submitted to the following additional officials, and they shall be given at least 14 days to review the proposal and submit comments."

**Section 10, Item 7** This item is amended to read, "The approximate location and character of all the existing and proposed easements for public utility facilities, including proposed water, sewer, and storm drainage, to be used within the subdivision."

**Section 10, Item 11** This item is amended to read, "Contour lines shall be provided at 2-foot intervals on slopes of 5-percent or less. For slopes greater than 5-percent, contours may be at 5-foot intervals."
**Section 12-** This item is amended to read, "The Planning Commission shall determine whether the preliminary plat is in conformity with the provisions of law and of this ordinance. A public hearing conducted by the Planning Commission to approve, conditionally approve, or disapprove the proposed subdivision plat shall be held. The City shall render a final decision within 120 days from the date the application is deemed complete. Approval of the preliminary plat shall indicate the Planning Commission's intent to approve the final plat, provided that there is no change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of this Ordinance. The action of the Planning Commission shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one shall be transmitted to the engineer, and the other retained by the Recorder together with a memorandum setting forth the action of the Commission."

**Section 14, Item 1** Capitalize "Preliminary Title Report"

**Section 16, Item 7** This item is amended to read "Lot numbers beginning with the number "1" and numbered consecutively, in a clock-wise direction, unless there is a conflict with the adjoining subdivision".

**Section 16, Item 8** This item is amended to read, "Block numbers are not required unless a subdivision is a continuation of a previously recorded subdivision, which used a lot and block format."

**Section 16, Item 9** This item is amended to read "Appropriate words, symbols, or legends distinguishing lots, intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case".

**Section 34, Item 3** The requirements for sidewalks were deleted by Ordinance #258.

**Section 36** To be deleted. Section 37 then becomes Section 36 - Partitioning.

**Section 38** To be deleted.

**AMENDMENT 3**

1. All references to the word "Town" are hereby amended to read "City".

**Emergency Clause**. That in as much as it is necessary for the peace, health, safety, and welfare of the citizens of the City of Maupin that this subdivision ordinance amendment become effective with its adoption, the council, by its vote, declares an emergency to exist, and the Ordinance to be in full force and effect upon and after its passage by the council and approval by the Mayor.

**DATED and PASSED** this 22nd day of August, 2007.

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|---|---|
| Ayes | 5 |
| Nays | 0 |
| Absent | 2 |

Approved by the Mayor this 22nd day of August, 2007

Dennis D. Ross, Mayor

ATTEST:

DeOra M. Patton, City Recorder