



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 1, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Maupin Plan Amendment
DLCD File Number 002-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 17, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Deora Patton, City Of Maupin

<paa> ya/



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AMENDED NOTICE OF ADOPTED AMENDMENT

October 1, 2007

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or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City Maupin Plan Amendment
DLCD File Number 002-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 17, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

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Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
DeOra Patton, City of Maupin

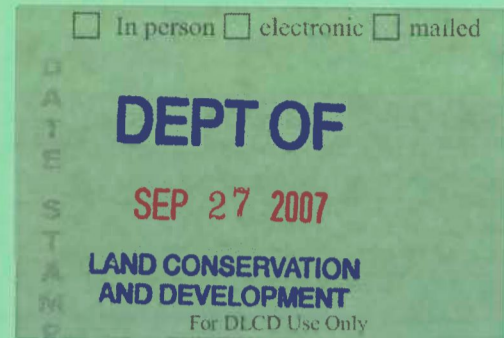
<paa> ya/

FORM **2**

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Maupin**

Local file number: **002-07**

Date of Adoption: **8/22/2007**

Date Mailed: **9/26/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City amended its Subdivision Ordinance to adopt the State's definition of "Partition" and delete the "Major" and "Minor" Partition definitions. The amendment also deleted the administrative processes for minor amendments. Some minor housekeeping items were addressed as well.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD #002-07 (16174)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **DeOra M Patton**

Phone: **(541) 395-2698** Extension:

Address: **PO Box 308**

Fax Number: **541-395-2499**

City: **Maupin**

Zip: **97037-0308**

E-mail Address: **maupincity@centurytel.net**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

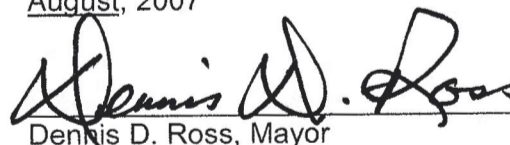
1. All references to the word "Town" are hereby amended to read "City".

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.

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