

FILED WASCO CTY
MAR 18 12 39 PM '93
KAREN R. ...
COUNTY CLERK

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE PROPOSAL FOR POST-
ACKNOWLEDGEMENT AMENDMENTS TO THE
CITY OF THE DALLES SUBDIVISION AND LAND
PARTITIONING ORDINANCE AND ZONING
ORDINANCE FOR LANDS WITHIN THE URBAN
GROWTH BOUNDARY. THIS AMENDMENT IS
UNDER THE AUTHORITY OF THE CITY OF THE
DALLES/WASCO COUNTY JOINT MANAGEMENT
AGREEMENT (JMA).

ORDINANCE

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That on June 26, 1983, Wasco County adopted by ordinance the City of The Dalles Zoning Ordinance for land lying within the urban growth area, and has previously entered into an (amended) urban growth area joint management agreement with the City, which requires that plans and implementing ordinances be coordinated within the urban growth area (outside city limits and inside the urban growth boundary); and

IT APPEARING TO THE COURT: That on February 18, 1993, the City of The Dalles Planning Commission made a motion to adopt the proposed amendments to the City of The Dalles Subdivision and Land Partitioning Ordinance and table the proposed amendments to the City of The Dalles Zoning Ordinance; and

IT FURTHER APPEARING TO THE COURT: That on Monday, March 15, 1993, the Wasco County Planning Commission held a public hearing on the matter, asked for testimony, deliberated and offered to the Wasco County Court a recommendation for

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approval of the proposed amendments to the City of The Dalles Subdivision and Land Partitioning Ordinance and tabling of the proposed amendments to the City of The Dalles Zoning Ordinance; and

IT FURTHER APPEARING TO THE COURT: That on March 17, 1993, the Court undertook a review of the above recommendation for proposed amendment to the City of The Dalles Subdivision and Land Partitioning Ordinance and Zoning Ordinance; and

IT FURTHER APPEARING TO THE COURT: That the Court took notice of the record, heard the staff report and asked for testimony and evidence and then closed the hearing for further input. The Court then announced it would deliberate; and

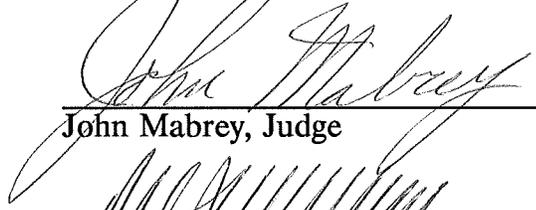
NOW THEREFORE: Based upon the adopted findings of fact and substantial evidence in the record, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED: That the proposal to adopt amendments to the City of The Dalles Subdivision and Land Partitioning Ordinance, to assure compliance with Oregon Revised Statutes, Chapter 92 is approved and the proposal to amend the City of The Dalles Zoning Ordinance is tabled.

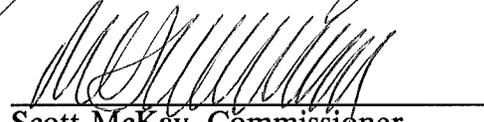
EMERGENCY CLAUSE: Inasmuch as this ordinance amendment is necessary for the immediate preservation of health, peace and safety, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon the filing of this order with the Wasco County Clerk.

SIGNED this 17th day of March, 1993.

WASCO COUNTY COURT



John Mabrey, Judge

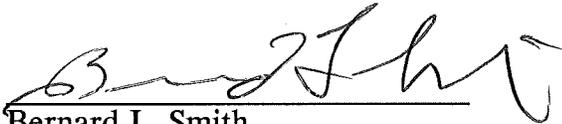


Scott McKay, Commissioner



Chuck Filbin, Commissioner

Approved as to Form:



Bernard L. Smith
Wasco County District Attorney

dlt
<5B:\leg-jma.cc>

General Ordinance No. 93-1160

AN ORDINANCE AMENDING ORDINANCE 937, AN
ORDINANCE REGULATING SUBDIVISIONS AND LAND
PARTITIONING, AND DECLARING AN EMERGENCY

THE PEOPLE OF THE CITY OF THE DALLES DO ORDAIN AS FOLLOWS:

Article 1
LEGISLATIVE FINDINGS

WHEREAS, the City of The Dalles is undergoing Periodic Review of its land use planning documents, as mandated by the State of Oregon; and

WHEREAS, certain statutory changes to requirements for subdividing land in the State of Oregon have been adopted by the Oregon State Legislature; and

WHEREAS, these statutory amendments apply to the City of The Dalles and its Subdivision Ordinance; and

WHEREAS, the City of The Dalles Planning Commission, recognizing the need for these amendments, adopted Resolution No. 229-93 initiating these amendments to The Dalles Subdivision and Land Partitioning Ordinance.

NOW, THEREFORE, the following amendments are hereby incorporated into the City of The Dalles Subdivision and Land Partition Ordinance No. 937, as detailed in Article 2.

ARTICLE 2
AMENDMENTS

Item 1. Section 3, Definitions, Subsection (29), Partition Land, is hereby amended to read:

(29) Partition Land means to divide land into 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 which is reduced in size by the adjustment complies with any applicable zoning ordinance; or
- (c) a sale or grant by a person to a public agency or a public body for a 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)(q) to (s) and 215.283(2)(p) to (r); 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.

Subparagraphs (30) through (46) shall be renumbered (31) through (47). A new subparagraph (30), entitled "Partition Plat" shall be inserted, which shall read as follows:

- (30) Partition Plat. "Partition Plat" includes a final map and other writing containing all descriptions, locations, specifications, provisions, and information concerning a partition.

The subsection entitled "Plat", which shall have been renumbered as subparagraph (36), shall read as follows:

- (36) Plat. "Plat" includes a final subdivision plat, replat, or partition plat.

Item 2. Section 4, Basic Provision and Design Standards, Subsection (1), Compliance required, shall be revised to read:

- (1) Compliance Required. No land within the City of The Dalles shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted

to and approved by the Commission, or in the case of a minor partition, until submission to and approval by the Planning Director.

Item 3. Section 7, Minor Partitions, Subsection (2), Tentative plan, shall be revised to read:

- (2) Tentative Plan. All applications to the City Planning Director shall be accompanied by 5 copies of a finished Tentative Plan furnished by the partitioner. The Tentative Plan shall conform to the provisions of ORS 92.080 and to the provisions of Section 4 (1), (3), (8), (9), (10), (12), (15), and (17), of the City of The Dalles Subdivision Ordinance.

Item 4. Section 7, Minor Partitions, Subsection (6), Conditions of plan approval, shall be amended to add the following language after the last sentence:

Approval of the Tentative Plan shall be based on the requirements of ORS 92.100.

Item 5. Section 7, Minor Partitions, Subsection (7), Decision upon tentative plan. Add:

- (d) Ensure that filing and recording of the plat shall be in accordance with ORS 92.120.

Item 6. Section 9, Final Plat, Subsection (2), Final plat, shall be amended to read as follows:

- (2) Final Plat. A final plat shall be submitted to the Commission, or to the Planning Director in the case of a minor partition; shall be an accurate plat for official record prepared by a registered engineer or licensed land surveyor; shall conform to the provisions of this ordinance and the applicable laws of the State of Oregon, including ORS 92.050 through ORS 92.080; and shall have attached thereon an affidavit from the surveyor. The affidavit shall establish the surveyor correctly marked the land as represented with proper monuments, that the initial point of survey was properly marked, that the survey was accurately made, that the dimensions and kind of the initial survey point are indicated,

and that the monumentation requirements of Section 10 are satisfied.

Item 7. Emergency. Due to recent legislative changes concerning subdivision of lands, and the need to complete the Periodic Review of the City's land use documents, it is necessary to adopt certain revisions to the City's Subdivision Ordinance; NOW, THEREFORE, an emergency is declared to exist and this ordinance shall go into effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS 15TH DAY OF MARCH, 1993.

Voting Yes, Councilmembers: _____
Voting No, Councilmembers: _____
Absent, Councilmembers: _____
Abstaining, Councilmembers: _____

AND APPROVED BY THE MAYOR THIS 15TH DAY OF MARCH, 1993.

Attest:

Julie Krueger, City Clerk

L. D. (Les) Cochenour, Mayor

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