

Chapter 16.04

GENERAL PROVISIONS AND ADMINISTRATION

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16.04.010 Title.

This title shall be the “subdivision ordinance of the city of Port Orford, Oregon.” (Ord. 258 § 1, 1974)

16.04.020 Definitions.

As used in this title, unless the context requires otherwise:

“City” means the city of Port Orford, Oregon.

“Community water supply” means a source of water and distribution system, whether publicly or privately owned, which serves more than three single residences or other users for the purpose of supplying water for drinking, culinary or household uses.

“Contested case” means a proceeding in which the legal rights, duties or privileges of specific parties pursuant to the zoning and subdivision ordinances of the city and any orders or regulations pursuant thereto at which specific parties are entitled to appear and be heard.

“County” means the county of Curry, Oregon.

“Hearing” means a quasi-judicial hearing held pursuant to notice and may include the taking of testimony under oath and the introduction of

exhibits at the discretion of the hearings officers.

“Hearings officer” means a person or board or commission appointed by the city council to hear matters encompassed within this title and may include one or more such persons, boards or commissioners.

“Lot” means a unit of land that is created by a subdivision of land.

“Major partition” means a partition which includes the creation of a road.

“Map” means a final diagram, drawing or other writing concerning a major partition.

“Minor partition” means a partition that does not include the creation of a street or road.

“Parcel” means a unit of land that is created by a partitioning of land.

“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

“Partition land” means to divide land into two or three parcels of land within a calendar year, but does not include:

1. 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; or

2. An adjustment of a property line by the relocation of a common boundary where and additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with the minimum lot size requirements of the city zoning ordinance; however, if such adjustment involves a lot described by a recorded plat or map the adjustment of property lines must follow the replat procedure defined by this chapter.

“Plat” includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

“Replat” means and includes a final map, diagram or drawing of the reconfiguration of lots and easements of a recorded plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision.

“Road” or “street” means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

“Subdivide land” means to divide an area or tract of land into four or more lots within a calendar year when such area or tract exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

“Subdivision” means either an act of subdividing land or an area or a tract of land subdivided as defined in this section. (Ord. 260-85 §§ 1, 2, 1985; Ord. 258 § 2, 1974)

16.04.030 Delegation of powers to the planning commission and planning director.

A. The Port Orford planning commission is delegated all lawful powers and functions of the city council of Port Orford with respect to the consideration, requirements and approval of all tentative plans and plats and final approval of all plans and plats of subdivisions, major partitions and planned unit developments including the power to approve instruments dedicating land to the public use, so far as the same pertains to plans and plats of subdivisions, major partitions and planned unit developments.

B. The Port Orford planning director is

delegated all lawful powers and functions of the city council of Port Orford with respect to the consideration, requirements and approval of all minor partitions.

C. Notwithstanding any requirements for appeals, the city council may upon its own motion review and affirm, modify or reverse any final decision of the planning commission of the planning director. In addition, at any time when the planning commission or the planning director may fail to act on any matter within the time as provided herein, or, if no time is provided, within a reasonable time, the city council may on its own motion or the motion of any interested party, intervene and take jurisdiction of such matter from the planning commission or the planning director, and render a determination in such matter. (Ord. 258 § 3, 1974)

16.04.040 Sales of property.

A. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision or any lot by reference to or exhibition of any plat of any subdivision, until such plat has been finally approved by the planning commission and duly recorded in the city.

B. A person may offer or negotiate to sell any parcel in a major partition, planned unit development or in a minor partition prior to the approval of the tentative or final plan for the major or minor partition or the planned unit development, but no person may dispose of, transfer, sell or agree to sell any parcel in a major partition, planned unit development, or in a minor partition prior to final approval by the planning commission and filing in the city. (Ord. 258 § 4, 1974)

16.04.050 Hearings.**A. Notice.**

1. Notice of hearing for a subdivision, major partition or planned unit development shall be given to the applicant at least fifteen (15) days before such hearing.

2. Notice of a hearing for a violation of this title shall be given by mailing such notice by certified mail, to the person or persons accused, to his last known address at least fifteen (15) days before such hearing if the person is within the city, or by serving such notice in the manner provided by law for the service of civil summons. In the event the notice is served as a civil summons, the time to appear shall contain at least the following:

- a. Date, time and place of hearing;
- b. Names of any other persons or corporations jointly accused of the violations;
- c. A succinct description of the violation charged together with a description of the property involved.

3. Nothing herein shall prevent the giving of additional or further notice of any hearing if it is deemed advisable.

B. Conduct of Hearing. The planning commission, planning director and city council are empowered to formulate such rules and procedures as they deem necessary or proper for the conduct of their respective hearings, including the power to require witnesses to testify under oath, provided that no rule shall be adopted that limits the right of an interested person or group to be represented by counsel. (Ord. 258 § 10, 1974)

16.04.060 Appeals.

A. Right of Appeal. Any ruling, decision or order of the planning commission may be appealed to the city council by filing with the city clerk within thirty (30) days after the

planning commission or planning director has rendered a decision. Nothing herein shall be construed as limiting the right of appeal from the city council in the manner provided by the Oregon Revised Statutes.

B. Persons Entitled to Appeal. Any interested person including any governmental agency having an interest in the matter may appeal to the city council. "Interested person" means one who has an interest that is directly affected by the ruling, decision or order, as contrasted to a general interest in the subject matter. The city council may dismiss any appeal, with or without a hearing, that it finds is not brought by an interested party. (Ord. 258 § 11, 1974)

16.04.070 Fee schedule.

A. General. In addition to the fees required by Oregon Revised Statutes, there shall be fees paid at the time of filing, the exact description and amount to be set by Resolution passed by the Common Council. (Ord. 2006-15 Amending Ord. 258 § XII, 2006)

16.04.080 Initiation of proceedings by city.

Nothing in this title shall be construed to prohibit the initiation of any matter pertaining to this title, by the planning director, planning commission or city council. (Ord. 258 §b13(1), 1974)