

## ORDINANCE NO. 468

AN ORDINANCE VACATING THE PLATTED, UNDEVELOPED CLODA COURT  
IN THE CITY OF WINSTON, OREGON; AND DECLARING AN EMERGENCY

WHEREAS, the Winston Planning Commission granted final approval of the replat of the Shanks Subdivision located on Darrell Street on May 8, 1991; and,

WHEREAS, notice of a public hearing on February 23, 1991, at 7:30 PM in the Council Chambers, City Hall, Winston, Oregon, was given by publication thereof in the News-Review, a newspaper of general circulation in the City on January 25, 1991, to allow the Planning Commission to determine if the replat is possible; and,

WHEREAS, notice of the public hearing on March 13, 1991, at 7:30 PM in the Council Chambers, City Hall, Winston, Oregon, was given by publication thereof in the News-Review, a newspaper of general circulation in the City on February 25, 1991, to allow the Planning Commission to review and grant tentative approval of the replat of Shanks Subdivision; and,

WHEREAS, the public hearings were duly held at the mentioned time and place, at which all persons desiring to be heard on said matter were heard and objections or remonstrances to said replat were made.

NOW, THEREFORE, THE CITY OF WINSTON ORDAINS AS FOLLOWS:

SECTION I: All of Cloda Court, a platted and undeveloped cul-de-sac located solely within the Shanks Subdivision, is hereby vacated and is more specifically described to be located in Township 28, Range 06, Section ~~DA~~, as indicated on the attached Exhibit "A".

2) DA

SECTION II: Criteria, according to ORS 92.225, and findings by the Winston Planning Commission determining Shanks Subdivision to be undeveloped, are as follows:

CRITERIA

1) The agency or body required to conduct the review under ORS 92.215 shall investigate the status of the lands included within a subdivision to determine whether the subdivision is undeveloped.

2) For the purposes of this section, the lands described in the plat of any subdivision under review shall be considered to be developed if any of the following conditions are found by the agency or body conducting the review to exist on such lands:

VOL. 14 PG 51

FILED *JP*

MAY 24 1991

COUNTY SURVEYOR  
DOUGLAS COUNTY, ORE.

- a) Roadways providing access into and travel within the subdivision have been or are being constructed to meet the specifications prescribed therefor by the agency or body that approved the plat of the subdivision;
- b) Facilities for the supply of domestic or industrial water to lots created by the subdivision have been or are being constructed;
- c) Sanitary sewerage disposal facilities have been or are being constructed for lots created by the subdivision, or septic tanks have been or are being installed on the land or permits have been issued for their installation on the land;
- d) Buildings have been or are being constructed upon the land or permits have been issued for the construction of buildings upon the land; and,
- e) One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of the initiation of such review.

FINDING

An access has not been constructed for the parcels located within the subdivision. Waterlines providing domestic water to the subject properties have not been installed. Lines have not been installed providing sanitary sewer to the parcels located within the subdivision. Nor has any sewer connection permits been issued by the City of Winston for the subject parcels. No building or placement permits have been issued by the City for construction upon the subject property. According to the May 22, 1990, Douglas County Assessor's Roll, the subject properties are solely owned by Kris Development Company. Based upon this information, it appears the Shanks Subdivision is an undeveloped subdivision.

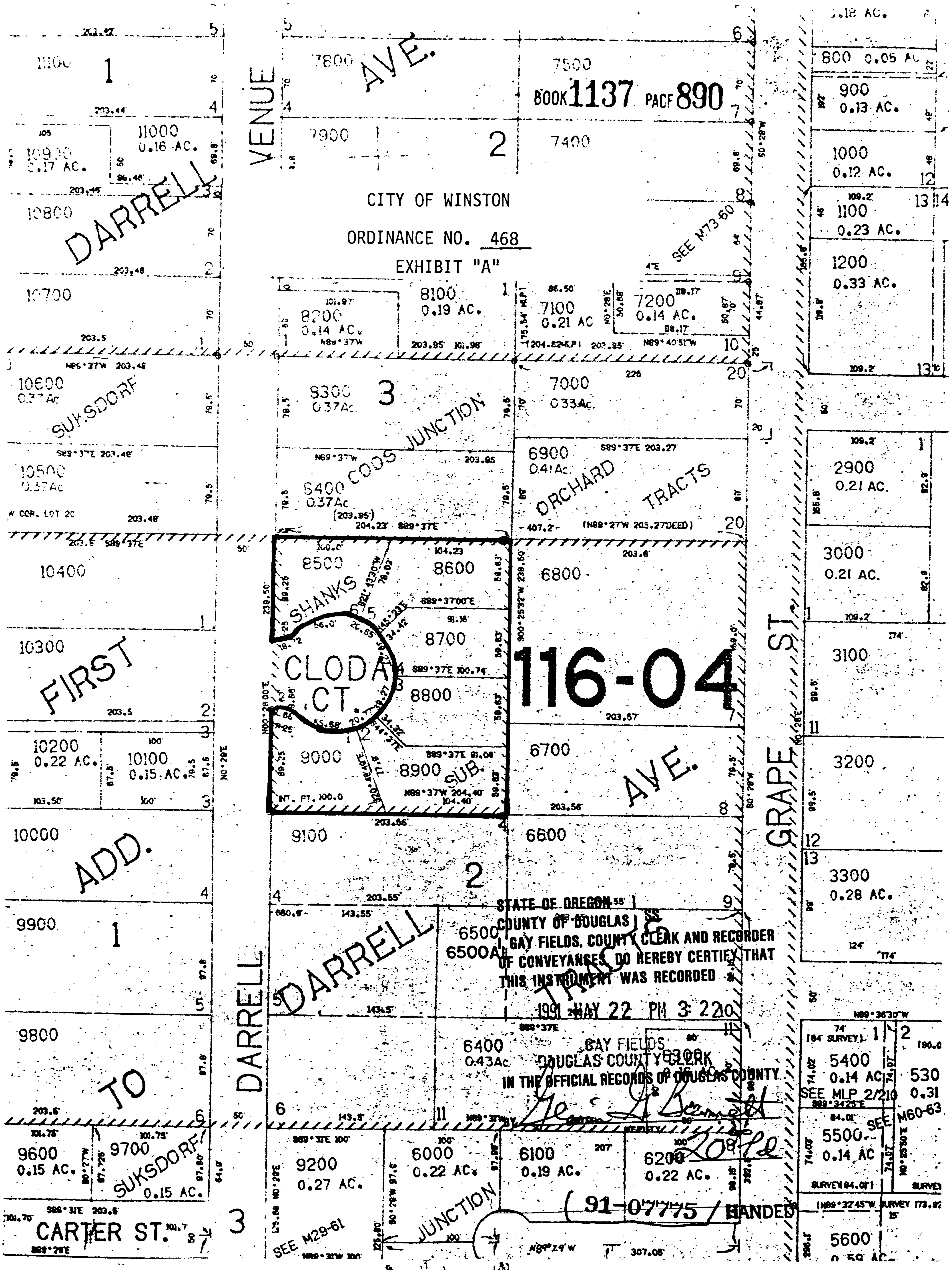
CRITERIA

3) If the agency or body determines that a subdivision is undeveloped after its investigation of the subdivision under subsection (1) of this section, it shall also determine:

- a) If the undeveloped subdivision complies with the comprehensive plan, zoning regulations and ordinances and subdivision ordinances and regulation then in effect with respect to lands in the subdivision; and,
- b) If the undeveloped subdivision does not comply with such plan and ordinances and regulations, whether the subdivision may be revised to comply with such plan and ordinances and regulations.

FINDING

The Shanks Subdivision was approved by the Winston Planning Commission in 1973, meeting the development standards at that



28-6-21 DA

time. The only records available are the plat filed with the Douglas County Clerk's Office and the City of Winston and minutes from October, 1973, Planning Commission meeting approving the variances for four lots (Tax Lots 8600-8900). The approved plat does not appear to conflict with the current development standards regarding minimum lot size and construction of the cul-de-sac which requires a 50-foot turning radius.

Since the existing subdivision does not conflict with the current development standards, vacating the subdivision would not be necessary. A replatting of the subdivision appears to be the reasonable method in order to aid the developer. The replat would be subject to the same procedures for a new subdivision with review by the Planning Commission.

SECTION III: The City Council finds that this vacation affects immediate future construction and an emergency is declared to exist. This ordinance shall be in full force and effect immediately upon its enactment.

PASSED BY THE CITY COUNCIL THIS 20TH DAY OF MAY, 1991.

APPROVED BY THE MAYOR THIS 20TH DAY OF MAY, 1991.

*James C. McClellan*  
\_\_\_\_\_  
JAMES C. MCCLELLAN, MAYOR

ATTEST:

*Margo S. Clinesmith*  
\_\_\_\_\_  
MARGO S. CLINESMITH, CITY RECORDER

FILED *JP*

MAY 24 1991

COUNTY SURVEYOR  
DOUGLAS COUNTY, ORE.