

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2356

By COMMITTEE ON ENVIRONMENT AND LAND USE

June 1

1 On page 1 of the printed A-engrossed bill, line 2, after “division” insert “; creating new pro-
2 visions”.

3 Delete lines 4 through 27 and insert:

4 “**SECTION 1.** ORS 92.100 is amended to read:

5 “92.100. (1)(a) **Except as provided in subsection (4) of this section**, before [*any*] a subdivision
6 or partition plat [*can be recorded, covering*] **that covers** land within the corporate limits of [*any*] a
7 city **may be recorded**, the county surveyor must approve the plat.

8 “(b) Notwithstanding ORS 92.170, the governing body of the city may, by resolution or order,
9 designate the city surveyor to serve in lieu of the county surveyor.

10 “(c) Except as provided in subsection (4) of this section, if the land is outside the corporate
11 limits of any city, the subdivision or partition plat shall be approved by the county surveyor before
12 it is recorded.

13 “(d) All subdivision plats must also be approved by the county assessor and the governing body
14 of the county in which the property is located before recording.

15 “(e) Notwithstanding paragraph (d) of this subsection, a county may provide by ordinance for
16 the approval of subdivision plats by:

17 “(A) The county assessor; and

18 “(B)(i) The chairperson of the governing body of the county;

19 “(ii) The vice chairperson of the governing body of the county; or

20 “(iii) A person designated in lieu of the chairperson or vice chairperson.

21 “(f) Unless provided for by ordinance of the **controlling** governing body, partition plats [*shall*
22 *be*] **are** subject only to the approval of the city or county surveyor. The city or county surveyor
23 shall review the partition plat only for compliance with the applicable provisions of [*this chapter*]
24 **ORS 92.010 to 92.190** and [ORS] 209.250.

25 “(2) Before approving the subdivision plat as required by this section, the county surveyor shall
26 check the subdivision site and the subdivision plat and shall take [*such*] measurements and make
27 [*such*] computations and other determinations as are necessary to determine that the subdivision
28 plat complies with the applicable provisions of [*this chapter and*] **ORS 92.010 to 92.190 and** 209.250
29 and with the subdivision requirements established pursuant to an ordinance or resolution passed by
30 the governing body of the controlling city or county. [*For performing such service the county surveyor*
31 *shall collect from the subdivider a fee of \$100 plus \$5 for each lot contained in the subdivision. The*
32 *governing body of a city or county may establish a higher fee by resolution or order.*]

33 “(3) Before approving the partition plat as required by this section, the county surveyor, as
34 provided by subsection (1) of this section, shall check the partition plat and make [*such*] computa-
35 tions and other determinations that the partition plat complies with the **applicable** provisions of

1 [this and other applicable laws] **ORS 92.010 to 92.190 and 209.250** and with the partition require-
2 ments established pursuant to an ordinance or resolution by the governing body of the controlling
3 city or county. [For performing such service, the county surveyor shall collect from the partitioner a
4 fee to be established by the governing body.]

5 “(4) [Any] **Before a** subdivision or partition plat prepared by the county surveyor in a private
6 capacity [shall] **may be recorded, the plat must** be approved in accordance with subsection (2) or
7 (3) of this section, whichever is applicable, by the surveyor of a county other than the county
8 [where] **in which** the land is located and who has been designated by the county surveyor. [The
9 designated county surveyor shall collect the applicable subdivision or partition plat check fee, and any
10 travel expenses incurred, as established by the designated county surveyor’s board of commissioners.
11 The subdivision or partition plat check fee and other expenses shall be paid by the subdivider prior to
12 approval of the subdivision or partition plat by the designated county surveyor.]

13 “(5) **For performing the service described:**

14 “(a) **In subsection (2) of this section, the county surveyor shall collect from the subdi-**
15 **vider a fee of \$100 plus \$5 for each lot contained in the subdivision. The governing body of a**
16 **city or county may establish a higher fee by resolution or order.**

17 “(b) **In subsection (3) of this section, the county surveyor shall collect from the**
18 **partitioner a fee to be established by the governing body.**

19 “(c) **In subsection (4) of this section, the designated county surveyor shall collect the**
20 **applicable subdivision or partition plat check fee, and any travel expenses incurred, as es-**
21 **tablished by the designated county surveyor’s board of commissioners. The subdivision or**
22 **partition plat check fee and other expenses shall be paid by the subdivider or partitioner**
23 **prior to approval of the subdivision or partition plat by the designated county surveyor.**

24 “[5] (6) Nothing in this section [shall be construed to prohibit] **prohibits** a city, county or spe-
25 cial district from requiring engineering review and approval of a subdivision plat to [assure] **ensure**
26 compliance with state and local subdivision requirements that relate to matters other than survey
27 adequacy.

28 “(7) **Granting approval or withholding approval of a final subdivision or partition plat**
29 **under this section by the county surveyor, the county assessor or the governing body of a**
30 **city or county, or a designee of the governing body, is not a land use decision or a limited**
31 **land use decision, as defined in ORS 197.015.”.**

32 On page 2, delete lines 1 through 39.

33 On page 5, before line 4, insert:

34 “**SECTION 3. The amendments to ORS 92.100 and 197.015 by sections 1 and 2 of this 2005**
35 **Act apply to plats submitted after the effective date of this 2005 Act.”.**

36 In line 4, delete “3” and insert “4”.