

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Establishing Standards)
for the Review and Approval of City and County)
Survey Maps, Partition Plats, Condominium Plats) ORDINANCE No. 658
and Subdivision Plats and Declaring an Emergency;)
Effective October 1, 1998.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on August 20, 1998, commissioners Ted Lopuszynski, Robert Johnstone and Thomas E. E. Bunn being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. ORS 92.100(5) authorizes a county to enact an ordinance requiring additional review of a proposed subdivision plat to assure compliance with state and local subdivision requirements.
- B. The County Surveyor has recommended adoption of this ordinance to assure the adequacy of maps and plats constituting the public record as it relates to property use and ownership in Yamhill County.
- C. Prior to approval of the applicable map or plat by the County Surveyor as required by this ordinance, the City Surveyor first undertakes preliminary County Surveyor's duties in those cities where the city governing body has enacted municipal legislation designating the City Surveyor to serve in lieu of the County Surveyor for responsibilities specified in ORS 92.100(1).
- D. At the time of adoption of this ordinance, only the cities of Newberg and McMinnville within Yamhill County which exercised the city's option under ORS 92.100(1) to designate the City Surveyor to serve in lieu of the County Surveyor for certain duties. This ordinance was developed with the assistance of the City Surveyors in Newberg and McMinnville.
- E. A public hearing to consider adoption of this ordinance was held in Room 32 of the county courthouse on August 20, 1998. Public notice of the hearing was given in the McMinnville News-Register and Newberg Graphic.
- F. This ordinance is authorized by ORS 203.035 as a matter of county concern and by ORS 92.100(5) and is in the best interests of the citizens of Yamhill County. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1. Title.

This ordinance shall be known as the County Surveyor Plat Review Ordinance.

Section 2. Purpose.

The purpose of this ordinance is to establish standards and requirements for the review and approval of survey maps, partition plats, condominium plats, and subdivision plats for the following reasons:

- 1. The review and approval of survey maps, partition plats, condominium plats, and subdivision plats in an accurate, efficient, and timely manner is necessary for the promotion of economic development and

protection of property rights; and

2. Although benefiting the public in general, such services are user oriented. The long standing policy of the Board is that the most fair and sound method of ensuring adequate funding of such services is a user fee not to exceed the reasonable estimate of actual County Surveyor costs; and
3. The Board has received a favorable staff recommendation and has considered testimony from interested citizens.

Section 3. Additional Plat Review Requirements Imposed by this Ordinance.

In addition to the requirements of ORS Chapters 92, 100, and 209, and other applicable laws, ordinances, and rules, all of the following shall be provided:

1. For subdivision and condominium plats, a final boundary survey map of the proposed plat, accompanied by the report required in subsection 4 of this section, shall be submitted to the County Surveyor a minimum of 30 days prior to the submission of the final plat, unless the County Surveyor determines that good cause exists to submit the materials less than 30 days prior to submission of the final plat.
2. In addition to the requirements of ORS 209.250, the survey map shall show all obvious encroachments or hiatus created by deeds, building, fences, cultivation, occupation, previous surveys and plats and any other conditions that may indicate ownership lines as surveyed may be different than those shown on the survey.
3. The County Surveyor may refuse to approve a plat if the County Surveyor finds an encroachment or hiatus. Evidence that the encroachment or hiatus has been eliminated may be required prior to approval.
4.
 - a. All partition, condominium, or subdivision plats submitted for approval shall be accompanied by a report, issued by a title insurance company, or authorized agent to perform such services in Oregon, setting forth ownership and all easements of record, together with a copy of the current deed, easements, and restrictions for the platted property and copies of the deeds for all abutting properties, except platted property, and other documentation as required by the County Surveyor. Where a report meeting the requirements of this subsection has been submitted to a City Surveyor acting under ORS 92.100(1), no additional report shall be required by the County Surveyor unless the County Surveyor determines that supplemental information is required as authorized by subsection (c) of this section.
 - b. The report described in subsection (a) shall have been issued no more than 30 days prior to the submittal to the County Surveyor of the survey map or plat.
 - c. The County Surveyor may require a supplemental report if, in the judgment of the County Surveyor, additional information is necessary to protect the interests of the public.
5.
 - a. All partition, condominium, and subdivision final plats, including those inside city limits, shall be checked and approved by the County Surveyor. If the city has chosen to have the plat checking service performed by a city surveyor under ORS 92.100(1), the County Surveyor shall perform an office review and indicate approval on the plat. The fee for performing this service shall be \$50, which shall not include the County Surveyor survey filing fee.
 - b. The actual approval, or notice of intent to approve, of a plat by the County Surveyor shall be valid for 90 days only.
 - c. Notwithstanding ORS 92.100(1), no partition plat, condominium plat or subdivision plat shall be recorded by the County Clerk without the written approval of the County Surveyor.

Section 4. Severability.

A determination by a court of competent jurisdiction that any section, clause, phrase or word of this Ordinance, or its application, is invalid or unenforceable for any reason shall not affect the validity of the remainder of the Ordinance or its application and all portions not so stricken shall continue to remain in full force and effect.

Section 5. Emergency.

To carry out the intent of this Ordinance an emergency is hereby declared to exist and this Ordinance shall take effect on October 1, 1998.

DONE at McMinnville, Oregon on August 20, 1998.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

Chairman TED LOPUSZYNSKI

By: _____
Deputy CAROL ANN WHITE

Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:

JOHN M. GRAY, JR.
Yamhill County Counsel

Commissioner THOMAS E. E. BUNN