

Chapter 92

1955 REPLACEMENT PART

Plats and Subdivisions

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92.010 Definitions. As used in ORS 92.020 to 92.150:

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

(2) "Subdivide land" means to partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

(3) "Subdivision" means either an act of subdividing land or a tract of land subdivided as defined in this section. [Amended by 1955 c.756 §1]

92.014 Approval of planning commission or governing body of city or county required before creating street or way to partition land. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the agency or body authorized to give approval of plans for subdivision under ORS 92.040 with respect to the area in which the parcel is situated. [1955 c.756 §3]

92.016 Sales or transfers of lots when approval required under regulations adopted under ORS 92.046 prohibited until approval obtained. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot or parcel of land in any subdivision or division of land with respect to which approval is required by any ordinance or regulation adopted under ORS 92.046 and 92.048 until such approval is obtained. [1955 c.756 §24]

92.020 [Repealed by 1955 c.756 §5 (ORS 92.025 enacted in lieu of ORS 92.020 and 92.030)]

92.025 Prohibition of sales or transfers of lots prior to recordation of plat. (1) No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot or parcel of land in any subdivision until the plat thereof has been acknowledged and recorded with the recording officer of the county in which the lot is situated.

(2) No person shall dispose of, trans-

fer, sell or agree, offer or negotiate to sell any lot or parcel of land in any subdivision by reference to or exhibition or other use of a plat or plan of such subdivision before the plat for such subdivision has been so recorded. [1955 c.756 §6 (enacted in lieu of ORS 92.020 and 92.030)]

92.030 [Repealed by 1955 c.756 §5 (ORS 92.025 enacted in lieu of ORS 92.020 and 92.030)]

92.040 Application to planning commission or governing body of city or county for approval of subdivision plan before recording. Before a plat of any subdivision of land may be made and recorded, the subdivider or his authorized agent or representative shall make an application in writing to the planning commission of the county or city having jurisdiction under ORS 92.042 or, if there is no such commission in such county or city, to the governing body of such county or city for approval of a plan of subdivision and at the same time shall submit a tentative map showing the general design of the proposed subdivision. Approval of the tentative map shall not constitute final acceptance of a subdivision plat for recording. [Amended by 1955 c.756 §7]

92.042 Planning commission or governing body having jurisdiction to approve plans or plats. (1) Land within six miles outside of the corporate limits of a city is under the jurisdiction of the city for the purpose of giving approval of plans or plats of subdivisions under ORS 92.040 and 227.110. However, when the governing body of a county has appointed a county planning commission and has adopted regulations for subdivision control as authorized by ORS 215.150, land in such county within such six-mile limit shall be under the jurisdiction of the county for such purpose.

(2) Land over six miles from the corporate limits of a city is under the jurisdiction of the county for the purpose of giving approval of plans for subdivisions under ORS 92.040. [1955 c.756 §4]

92.044 Adoption of standards governing approval of plats and of partitioning of land by creation of street or way. (1) The governing body of a county or a city may, by regulation or ordinance, adopt standards, in addition to those otherwise provided by law,

governing, in the area over which the county or the city has jurisdiction under ORS 92.042, the approval of plats of subdivisions and of partitioning of land by creation of a street or way where the additional standards are considered necessary to carry out development patterns or plans and to promote the public health, safety or general welfare. Such standards may include, taking into consideration the location and surrounding area of the proposed subdivisions, requirements for placement of utilities, for the width and location of streets or for minimum lot sizes and such other requirements as the governing body considers necessary for lessening congestion in the streets, for securing safety from fire, flood, pollution or other dangers, for providing adequate light and air, for preventing overcrowding of land or for facilitating adequate provision of transportation, water supply, sewerage, drainage, education, recreation or other needs.

(2) Such governing body may also prescribe procedures to be followed in submitting plans and plats of subdivisions for approval. [1955 c.756 §9]

92.046 Adoption of regulations requiring approval of partitioning of land not otherwise subject to approval. The governing body of a county or a city may as provided in ORS 92.048, when reasonably necessary to accomplish the orderly development of the land within the jurisdiction of such county or city under ORS 92.042 and to promote the public health, safety and general welfare of the county or city, adopt regulations or ordinances requiring approval, by the agency or body of the county or city which is authorized to approve plans for subdivisions under ORS 92.040, of the partitioning of land not otherwise subject to approval under ORS 92.010 to 92.150 or ORS 227.100 and 227.110. Such regulations or ordinances may be applicable throughout the area over which the county or city has jurisdiction under ORS 92.042, or over any portion thereof. Such ordinances or regulations may specify the classifications of land partitioning which require approval under this section and may establish standards governing the approval of plats or plans for such partitioning. The standards may include all, or less than all, of the same requirements as are provided or authorized for subdivisions

under ORS 92.010 to 92.150 and may provide for different standards for different classifications of land partitioning so long as the standards are no more stringent than are imposed in connection with subdivisions. [1955 c.756 §22]

92.048 Procedure for adoption of regulations under ORS 92.046. The procedure for adoption of any ordinance or regulation under ORS 92.046 is as follows:

(1) The planning commission of the county or the city shall hold a public hearing on the proposed ordinance or regulation after publishing notice of the hearing once a week for two successive weeks prior to the hearing in a newspaper of general circulation published in the area in which land to be subject to such ordinance or regulation is situated or, if there is no such newspaper, a newspaper of general circulation published in the county. The notice shall contain the time, place and purpose of the hearing and a description of the land to be subject to the ordinance or regulation.

(2) After such hearing, the planning commission may recommend to the governing body of the county or city, as the case may be, the adoption of such ordinance or regulation.

(3) Prior to the adoption of such ordinance or regulation, the governing body of the county or the city shall hold a hearing thereon after giving notice of the hearing in the same manner provided in subsection (1) of this section.

(4) A copy of any regulation or ordinance adopted by the governing body of a county or a city under this section, together with a map of the area subject to the regulation or ordinance, shall be filed with the recording officer of the county in which the land subject to the ordinance or regulation is situated. Such ordinance or regulation shall not be effective until so filed.

(5) The ordinance or regulation may be amended from time to time by following the procedure prescribed in this section. [1955 c.756 §23]

92.050 Requirements of survey and plat of subdivision. (1) No subdivider shall submit a plat of a subdivision for record, until all the requirements for the survey and the plat of the subdivision have been met.

(2) The survey for the plat of the subdivision shall be of such accuracy that the error of closure shall not exceed one foot in 4,000 feet.

(3) The survey and plat of the subdivision shall be made by a surveyor who is a registered engineer or a licensed land surveyor.

(4) The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot shall be numbered and each block shall be lettered or numbered. The lengths of all boundaries of each lot shall be shown. Each street shall be named.

(5) The locations and descriptions of all monuments shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown. [Amended by 1955 c.756 §10]

92.060 Marking certain points of plats with monuments; specifications of monuments. (1) The initial point of all subdivision plats shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used it shall not be less than two inches in diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference to some known corner established by the United States survey.

(2) The intersections of all streets, avenues and public highways and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of stone, concrete, galvanized iron pipe, or iron or steel rods. If stone or concrete is used it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used it shall not be less than one inch in diameter and 30 inches long, and if iron or steel rods are used they shall not be less than five-eighths of an inch in least dimension and 30 inches long.

(3) All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in diameter or iron or steel rods not less than one-half inch in least dimension and two feet long.

(4) Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-tenth of a foot. [Amended by 1955 c.756 §11]

92.070 Surveyor's affidavit necessary to record plat; contents of affidavit. All plats or diagrams designating the location of land in any county in the State of Oregon, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that he has correctly surveyed and marked with proper monuments the lands as represented, that he planted a proper monument as provided in ORS 92.060 indicating the initial point of such survey, and giving the dimensions and kind of such monument, and its location with reference to some known corner established by the United States survey, or giving two or more objects for identifying its location, and accurately describing the tract of land upon which the lots and blocks are laid out.

92.080 Preparation of plat. All plats subdividing any tracts of land in any county in this state, and dedications of streets, alleys, avenues or roads or public parks and squares and other writings made a part of such plats offered for record in any county in this state shall be made in black India ink, upon a good quality of white cold-pressed, double-mounted drawing paper 18 inches by 24 inches in size, with the muslin extending three inches at one end for binding purposes. The plat shall be of such a scale, and the lettering of the approvals thereof, and of the dedication and affidavit of the surveyor, shall be of such a size or type as will permit the whole thereof to be placed upon one single sheet of paper, but no part shall come nearer any edge of the sheet than one inch. All of the plat shall be on one side of the sheet, but the dedication or other written matter may be on the other side. [Amended by 1955 c.756 §12]

92.090 Requisites for approval of plat. (1) No plat of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition" or similar words, unless the land platted is contiguous to and platted by the

same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

(2) No plat shall be approved unless:

(a) The streets and alleys are laid out so as to conform to the plats of adjoining property already filed as to width, general direction and in all other respects unless the planning commission or governing body authorized to give approval of plans of subdivisions under ORS 92.040 determines it is in the public interest to modify the street pattern.

(b) Streets and alleys are dedicated to the public use without any reservation or restriction whatever.

(c) The name is proper, so as to comply with this section.

(d) All taxes and assessments have been paid. [Amended by 1955 c.31 §1; 1955 c.756 §13]

92.100 Approval of plat by city engineer or surveyor or by county surveyor; approval by county assessor and county governing body. (1) Before any plat can be recorded, covering land within the corporate limits of any city, it must be approved by the city engineer or city surveyor, if any; otherwise by the county surveyor. However, the governing body of the city may designate the county surveyor to serve in lieu of the city engineer. If the land is outside the corporate limits of any city, the plat shall be approved by the county surveyor before it is recorded. All plats must also be approved by the county assessor and the governing body of the county in which the property is located before recording.

(2) Before approving the plat as required by this section, the city engineer, city surveyor or the county surveyor, as the case may be, shall sufficiently check it and the computations for making it to determine if they comply with the provisions of ORS 92.050 and with the subdivision requirements in effect in the area. For performing such service the county surveyor shall collect from the subdivider a fee not to exceed \$25. [Amended by 1955 c.31 §2; 1955 c.756 §14]

92.110 Land in irrigation districts; approval of plat; appeal from refusal to approve. All subdivision plats located within

the boundaries of an irrigation district, and all plans or plats for vacating, laying out, widening, extending, parking or locating streets or alleys in irrigation districts shall be submitted to the board of directors of the irrigation district and a report thereon shall be secured from the board in writing before approval by the governing body of the county. No such plan, plat or replat or deed shall be received or recorded in any public office, unless the approval of the board of directors of the irrigation district is indorsed thereon in writing. An appeal from the action of the board to the circuit court of the county in which the land is situated may be taken, perfected and prosecuted in the same manner as an appeal from the justice court. On appeal the matter shall be tried de novo. [Amended by 1955 c.756 §15]

92.120 Filing and recording plats; copies. (1) The plat of a subdivision described in ORS 92.050 when made and approved as required, and offered for record in the records of the county where the described land is situated, shall, upon the payment of the fees provided by law, be filed by the county recording officer. The fact of filing and the date thereof shall be entered thereon, and it shall then be securely bound with other plats of like character in a book especially prepared for that purpose and designated as "Record of Town Plats."

(2) At the time of filing such plat, the person offering it for filing shall also file with the county recording officer and with the county surveyor, if requested by him, an exact copy thereof, made with black India ink or photocopy upon a good quality of linen tracing cloth to the same scale and degree of legibility as the plat. The engineer or surveyor who made the plat shall make an affidavit to indicate that the tracing cloth copy is an exact copy of the plat. The copy filed with the county recording officer shall be certified by him to be an exact copy and then shall be filed in the archives of the county, and be preserved by filing without folding. The subdivider shall provide without cost one print each from such copy for the county assessor, the county surveyor and the city or county planning commission. [Amended by 1955 c.756 §16]

92.130 Additional tracings transferred to county surveyor; replacing lost or destroyed records. Any additional tracings of plats as mentioned in ORS 92.120 other than the one copy filed with the county recording officer shall be transferred to the county surveyor, if requested by him, who then shall keep them well bound and safeguarded as required by law. If such plat or copy thereof is lost, destroyed, mutilated or missing from the county records, the county surveyor shall make a copy thereof, and file it in the proper office of record. Each such copy made by the county surveyor pursuant to this section shall bear a certificate of the surveyor that it was made in compliance with this section, and that it is a true copy of the original record. [Amended by 1955 c.756 §17]

92.140 Indexing of plat records. The books entitled "Record of Town Plats" shall be provided in the front part with indices, in which shall be entered in alphabetical order, all plats recorded therein. The dedications to such plats shall also be indexed in the

indices of Records of Deeds for the county. When the plats are so filed, bound and indexed they shall be the legal record of all plats. [Amended by 1955 c.756 §18]

92.150 Construction of donations marked on plat. Every donation or grant to the public, including streets and alleys, or to any individual, religious society, corporation or body politic, marked or noted as such on the plat of the subdivision wherein the donation or grant was made, shall be considered a general warranty to the donee or grantee for his use for the purposes intended by the donor or grantor. [Amended by 1955 c.756 §19]

92.990 Penalties. Violation of any provision of ORS 92.010 to 92.150 or of any regulation or ordinance adopted thereunder, is punishable, upon conviction, by a fine of not less than \$50 nor more than \$500 or imprisonment in the county jail for not less than 25 days nor more than 50 days, or both. [Amended by 1955 c.756 §20]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

