

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Development Code Amendment

<p>Background:</p> <p>The Umatilla County Development Code requires that with any recording of a partition plat, two true copies are also to be filed - one with the surveyor, and one with the records office. By Oregon statute, the one for the records office is within the discretion of the county. The records office is requesting that the additional copy requirement be eliminated, to save space and to streamline the recording process. The office now has the plats digitalized, so that copies can easily be made. To accomplish the change requires an amendment to the ordinance.</p>	<p>Requested Action:</p> <p>(1) First Reading of Ordinance; (2) Set Second Reading</p>
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ATTACHMENTS: Churchill Memorandum; Proposed Ordinance

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:
Dan Lonai

Needed at Meeting:

Scheduled for meeting on: December 5, 2018

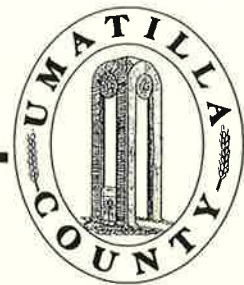
Action taken:

Follow-up:

Umatilla County

Department of Administrative Services

Office of County Records



MEMORANDUM

Director of
Administrative
Services

Dan Lonai

TO: Dan Lonai

Chief
Records
Officer

Steve Churchill

CC: Doug Olsen

FROM: Steve Churchill

Approved: 11-21-2018

by: 

DATE: 11-13-2018

RE: Proposal to require only an original and County Surveyor's "true copy" of any subdivision or partition plat submitted for recordation.

Oregon Revised Statute 92.120(3) states "At the time of recording a subdivision or partition plat, the person offering it for recording shall also file with the county surveyor and with the county recording officer, if requested by county recording officer, an exact copy of the plat..."

I propose to eliminate the requirement for an exact copy to be submitted to the Records Office based on the following reasons:

The statute was written prior to the advent of scanning. Historical practice was to preserve the originals and run blue line copies from the recorder's exact copy (working copy) to provide to customers. We have long had the ability to scan and print our own copies from the original.

There is no shortage of an accessible back up as we still maintain the original plat on site; the county surveyor maintains an exact physical copy and the survey section scans and makes images available on the county website. We also have several plat books on microfilm.

Requiring one less Mylar copy will be a cost savings to the surveyor and streamline the recording process.

To continue the practice of requiring the recorder's exact copy will soon require a capital purchase of two additional plat cabinets. Our last purchase in 2002 totaled \$4872.40. Space to house additional cabinets is limited. There is also the possibility of selling the working copies and/or cabinets we currently maintain to an interested title company, surveyor, or governmental entity. A "win-win" situation.

I propose this change be effective January 1, 2019 in order to allow time for the necessary development code amendment to be amended at 15.669(A)(2) & 152.686(A)(2), and to notify area surveyors of the change, in addition to providing an easy to remember start date of the changed practice.

2017 ORS 92.120¹ Recording plats

(1)The plat of a subdivision described in ORS 92.050 (**Requirements of survey and plat of subdivision and partition**), when made and approved as required and offered for record in the records of the county where the described land is situated, must be recorded by the county recording officer upon the payment of the fees provided by law. The fact of recording and the date of recording must be entered on the plat and the plat must be indexed in the deed records by owner name and subdivision.

(2)The partition plat described in ORS 92.050 (**Requirements of survey and plat of subdivision and partition**), when made and approved as required and offered for record in the records of the county where the described land is situated, must be recorded by the county recording officer upon the payment of the fees provided by law. The fact of recording and the date of recording must be entered on the plat and the plat must be indexed by owner name and plat type or plat name. Partition plats must be numbered by year and sequentially and be recorded in deed records.

(3)At the time of recording a subdivision or partition plat, the person offering it for recording shall also file with the county surveyor and with the county recording officer, if requested by the county recording officer, an exact copy of the plat made on material that has the characteristics of strength and permanency required by the county surveyor. The surveyor who made the subdivision or partition plat shall certify that the photocopy or tracing is an exact copy of the subdivision or partition plat. The subdivider shall provide without cost the number of prints from the copy that are required by the governing body of the county.

(4)For the purpose of preserving the record of subdivision or town plats or partition plats, the plats may be microfilmed or stored for safekeeping without folding or cutting. All records must be created and stored in accordance with all applicable rules and regulations and in a manner that ensures the permanent preservation of the record. [Amended by 1955 c.756 §16; 1973 c.696 §18; 1977 c.488 §1; 1985 c.582 §10; 1987 c.649 §12; 1989 c.772 §17; 1991 c.763 §17; 1993 c.702 §7; 1995 c.382 §9; 1997 c.489 §6; 1999 c.710 §4; 2005 c.399 §13]

§ 152.668 PUBLIC HEARING AND ACTION.

(A) Notice of a hearing on a Type I Land Division shall be given as required in § 152.771 of this chapter.

(B) The burden of proof is upon the applicant to show that the tentative plan complies with the requirements of this chapter;

(C) A decision on a Type I Land Division shall be noted on two copies of a tentative plan for a Type I Land Division, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider, and the other shall be retained by the Planning Department;

(D) Approval or disapproval of the tentative plan by the Planning Commission shall be final unless the decision is appealed;

(E) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such tentative plan shall be binding upon the county for purposes of the preparation of the plat and the county may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision and the terms of this chapter.

(Ord. 83-4, passed 5-9-83)

§ 152.669 FINAL PLAT.

(A) Submission.

(A)(1) Within two years from the date of approval of a tentative plan, a subdivider or owner within a cluster development shall

prepare a final plat in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review.

(A)(2) The final subdivision or cluster development plat shall be drawn on 18" x 24" mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three inch binding edge); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include ~~two~~ ^{ONE} exact reproducible copies made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the Mylar and two copies required by this subsection.

(B) *Information on final plat.* In addition to that otherwise specified by county ordinance and state law, the following information shall be shown on the final plat, which shall be drawn on an 18" x 24" mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three inch binding edge) and shall conform with the surveying standards of ORS 92.050:

(1) The date, scale, north point, legend, and existing road or railroad rights-of-way;

(2) Legal description of the tract boundaries;

(3) Name of the owner, subdivider and surveyor;

signing of the findings, and stands as the county's final decision unless appealed.

(3) Approval of the tentative plan shall not constitute acceptance of the final plat for recording. However, such approval shall be binding upon the county for purposes of preparation of the plat, and the county may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan.

(Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16;)

§ 152.686 FINAL PARTITION PLAT.

(A) Within two years from the date of final decision approving the tentative plan, the applicant shall file with the Planning Department a final plat map. This plat is intended to be recorded in the record of partition plats of the county. A final plat that is a replat of an existing recorded partition will also be referenced on the original partition plat.

(B) The final partition plat shall be reviewed and processed as follows:

(1) Submission

(a) Within two years from date of approval of a tentative partition plan, the applicant shall have a final partition plat prepared in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review.

(b) The final partition plat shall be drawn on 18" x 24" Mylar sheet (four

mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three inch binding edge); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include ^{ONE} two exact reproducible copies made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the Mylar and two copies required by this subsection.

(2) In addition to that otherwise specified by county ordinance and state law, the following information shall be shown on the final plat, which shall be drawn on an 18" x 24" Mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three inch binding edge) and shall conform with the surveying standards of ORS 92.050:

(a) The date, scale, north point, legend, and existing road or railroad rights-of-way;

(b) Legal description of the tract boundaries;

(c) Name of the owner, applicant and surveyor;

(d) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

(i) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the partition;

(ii) Adjoining corners of

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
County Development Ordinance,) ORDINANCE NO. 2018-06
Ordinance No. 83-04, Codified at)
Chapter 152, for Plat Recordings)

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS ORS 92.120 requires that at the time of recording a subdivision or partition plat, a true copy is to be filed with the county surveyor and with the county recording officer, if requested by the county recording officer;

WHEREAS the Umatilla County recording office has requested, and which is included in the Umatilla County Ordinance, that a true copy also be filed;

WHEREAS the Director of Administrative Services, along with the Chief Records Officer, are requesting that the requirement for the extra copy be eliminated.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendments to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

§ 152.669 FINAL PLAT.

(A) *Submission.*

(A)(1) Within two years from the date of approval of a tentative plan, a subdivider or owner within a cluster development shall prepare a final plat in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county assessor's office for review.

(A)(2) The final subdivision or cluster development plat shall be drawn on 18" x 24" mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide

permanent photocopy, leaving a three inch binding edge); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include ~~two~~ one exact reproducible ~~copies~~ copy made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the mylar and two copies required by this subsection.

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(B) The final partition plat shall be reviewed and processed as follows:

(1) Submission

(a) Within two years from date of approval of a tentative partition plan, the applicant shall have a final partition plat prepared in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county assessor's office for review.

(b) The final partition plat shall be drawn on 18" x 24" mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three inch binding edge); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include one ~~two~~ exact reproducible ~~copies~~ copy made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the mylar and two copies required by this subsection.

FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force on August 1, 2018.

FIRST READING: December 5, 2018

SECOND READING:

DATED this day of , 2018.

UMATILLA COUNTY BOARD OF COMMISSIONERS

George L. Murdock, Commissioner

William J. Elfering, Commissioner

W. Lawrence Givens, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer