

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**

2 **FOR MULTNOMAH COUNTY, OREGON**

3 ORDINANCE NO. 843

4 An Ordinance amending surveyor's fees, moving county surveyor fees from MCC 11.45 to
5 MCC 5.10, and changing method to a deposit with actual cost being determined at completion of the
6 services.

7 (Language in][brackets] is to be deleted; underlined language is new.)

8 Multnomah County ordains as follows:

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10 SECTION I. FINDINGS

- 11 A. In August 1994, the Board of County Commissioners adopted a Financial and Budget Policy
12 for Multnomah County that establishes user fees and service charges at a level to recover the
13 costs to provide services depending on the benefit to the user of the service, ability of the
14 user to pay for the services, benefit to County citizens and the type of service provided.
- 15 B. The current fee structure in MCC 11.45 for survey fees are specific set fees. This method is
16 being changed to a deposit with actual cost being determined at the completion of the project.
17 The ordinance further raises deposits to estimated average costs, and transfers fees and/or
18 deposits administered by the Transportation Division to MCC 5.10. The actual costs are
19 calculated by reference to the hourly cost of employee time, overhead, and other related
20 costs. Those costs may increase over time, as salaries and other related costs increase.

1 SECTION II. CODE AMENDMENT

2 A. Multnomah County Code Section 5.10.275 is amended to read as follows:

3 (A) Fees are based on the following procedures and requirements on partition, subdivision
4 and condominium plats.

5 ~~[(A)]~~(1) Submit a boundary survey to the county surveyor a minimum of thirty
6 (30) days prior to the submission of the final subdivision or
7 condominium plat. If warranted, the county surveyor may waive this
8 requirement.

9 ~~[(B)]~~(2) In addition to the requirements of ORS 209.250, a survey, and a
10 partition plat if a separate survey has not been filed shall show all
11 obvious encroachments or hiatus created by deeds, buildings, fences,
12 cultivation, previous surveys and plats, or similar means and any other
13 conditions that may indicate that the ownership lines as surveyed may be
14 different than those shown on the survey.

15 ~~[(C)]~~(3) The county surveyor may refuse to approve a plat if the surveyor finds
16 an encroachment or hiatus. Evidence that the hiatus or encroachment
17 has been eliminated may be required, or the county surveyor may
18 require that it be shown on the plat if it cannot be eliminated.

19 ~~[(D)]~~(4) All partition, subdivision, and condominium final plats, including those
20 inside city limits, shall be checked and approved by the county surveyor
21 prior to recording. No plat shall be recorded without such approval.
22 This approval by the county surveyor shall be valid for thirty (30) days
23 from the date of approval to the date submitted for recording, after 30

days the approval is withdrawn and must be resubmitted.

~~(b)(5)~~(5) All partition, subdivision, and condominium final 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 and easements for the platted property, and copies of the deeds for all abutting properties and other documentation as required by the county surveyor. The report shall have been issued no more than 15 days prior to plat submittal to the county surveyor. A supplemental report may be required by the county surveyor.

(B) A deposit for the following county surveyor functions shall be made with the submission of the material. The final fee will be determined at completion of the project based on actual costs incurred by Multnomah County including overhead and other related costs. The difference between the actual costs and the deposit will be paid prior to approval of the final plat or refunded to the applicant except for post-monumented plats, which will not be refunded until after completion of the interior monumentation; the survey filing fee is non-refundable.

(1) Partition Plat Review, the deposit shall be:

Base Deposit \$480.00 plus

<u>Survey Filing Fee</u>	\$100.00
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(2) Pre-monumented Plat Review, the deposit shall be:

Base Deposit \$700.00 plus

Survey Filing Fee \$100.00 plus

Per Lot, Tract, or Parcel \$ 35.00 each, plus

Per gross acre of the subdivision if the average

lot size exceeds 15,000 sq. ft. \$ 31.00 per acre

(3) Post-Monumented Plat Review, the deposit shall be:

An estimate by the county surveyor based on the complexity of the plat at 120%
of the estimate; the minimum deposits shall be:

Base Deposit \$795.00 plus

Survey Filing Fee \$100.00 plus

Per Lot, Tract, or Parcel \$ 45.00 each, plus

Per gross acre of the subdivision if the average

lot size exceeds 15,000 sq. ft. \$ 31.00 per acre

(4) For Condominium Plat Review, the deposit shall be:

Base Deposit \$770.00 plus

Each Building \$105.00 each, plus

Survey Filing Fee \$100.00

(C) Posting of Street Vacations in

accordance with ORS 271.230(2) \$65.00

(D) Review, Approval, and Posting of

Affidavits of Correction \$45.00 plus

county clerk's recording fee

~~(E)~~(E) For services required by ORS 100.115 in connection with
reclassification or withdrawal of variable property from unit ownership
as provided in ORS 100.115(1) or (2), or removal of property from any

condominium plat as provided in ORS 100.600(2), the fee will be
\$150.00.

B. The following subsections of MCC 11.45 are amended or renumbered to read as follows:

~~[11.45.690 Final Subdivision Plat or Partition Plat Requirements~~

~~A final subdivision plat or partition plat shall be prepared and reviewed as provided in
MCC 11.45.700 through 11.45.740, and approval shall be effective according to MCC
11.45.750.]~~

11.45.700 Final Drawing and Prints

(A) Two prints of the subdivision or partition plat shall accompany the final
drawing, conforming to all applicable requirements as established by the
Oregon Revised Statutes (ORS), Chapters 92 and 209. ~~[which shall be prepared~~
~~as follows: (A) The final subdivision or partition plat shall be drawn in the~~
~~manner provided by ORS 92.080 and shall include an exact copy of thereof,~~
~~according to subsection (2) or ORS 92.120.]~~

(B) ~~[The final subdivision or partition plat shall be subject to the requirements of~~
~~subsection (2) of ORS 209.250.]~~ Notwithstanding optional provisions in ORS
Chapter 92, all parcels created shall be surveyed, monumented and platted,
regardless of parcel area.

11.45.710 Information Required on Subdivision Plat or Partition Plat

In addition to the information required to be shown on the tentative plan, the
following shall be shown on the subdivision plat or partition plat:

~~[(A) The information required by subsections (1) and (2) of ORS 92.070 and~~
~~subsections (3)(a), (b), (c) and (f) of ORS 92.090.~~

1 ~~(B) — Recording numbers of existing surveys which are identified, related to~~
2 ~~the plat or map by distances and bearings, and related to a field book or~~
3 ~~map by any of the following:~~

4 ~~(1) — Stakes, monuments or other evidence found on the ground and~~
5 ~~used to determine the boundaries of the land division.]~~

6 (A)~~[(2)]~~ Corners of adjoining subdivisions or partitions [~~or~~

7 ~~(3) — Other monuments found or established in making the survey or~~
8 ~~required to be set by law].~~

9 (B)~~[(C)]~~ The location, width and centerline of streets and easements
10 abutting the boundaries of the land division.

11 (C)~~[(D)]~~ Normal flood plain or high water line for any creek or other
12 minor body of water or natural drainageway and the 100-year
13 flood line of any major water body.

14 ~~[(E) — Tract, block, and lot or parcel boundary lines and street rights-of-way~~
15 ~~and centerlines, with dimensions, bearings or deflection angles, radii~~
16 ~~are, points of curvature and tangent bearings. Tract boundaries and~~
17 ~~street bearings shall be shown to the nearest second with basis of~~
18 ~~bearings. Distances shall be shown to the nearest 0.01 feet. All curve~~
19 ~~data, including length of cord and cord bearing, shall be shown in~~
20 ~~tabular form. Arc lengths shall be shown on the lines.]~~

21 (D)~~[(F)]~~ ~~The width of the portion of any street being created and the width of any~~
22 ~~existing right-of-way. For a curved street, curve data shall be based on~~
23 ~~the street centerline. In addition to the centerline dimensions, the radius~~

1 ~~and central eagle shall be indicated. Each public street shall be named.]~~

2 The ownership of each private street shall be shown.

3 ~~[(G) Easements shall be clearly identified as to intended purpose. Book and page~~
4 ~~numbers shall be provided for any easement of record. If an easement is not of~~
5 ~~record, a description of the nature of the easement shall be given. The width of~~
6 ~~the easement, its length and bearing, and sufficient ties to locate the easement~~
7 ~~with respect to the land division shall be shown. If an easement is being~~
8 ~~dedicated by a plat, it shall be so indicated in the owner's certificate of~~
9 ~~dedication.~~

10 ~~(H) For a subdivision — lot numbers beginning with the number "1" and numbered~~
11 ~~consecutively.~~

12 ~~(I) [Deleted 1994, Ord. 781 § II]~~

13 ~~(J) Lot and block numbers in an addition to a subdivision of the same name, shall~~
14 ~~be a continuation of the numbering in the original subdivision.~~

15 ~~(K) Identification of land to be dedicated for any purpose, public or private, in a~~
16 ~~manner sufficient to distinguish it from lots or parcels intended for sale.~~

17 ~~(L) The following certificates, which may be combined where appropriate;~~

18 ~~(1) For a subdivision — a certificate signed and acknowledged by all parties~~
19 ~~having any record title interest in the land, consenting to the recording~~
20 ~~of the plat.~~

21 ~~(2) For a subdivision — a certificate signed and acknowledged as above,~~
22 ~~dedicating to the public all land and common improvements intended for~~
23 ~~public use.~~

~~(3) — For a subdivision or partition — a certificate with the seal of and signed
by the surveyor responsible for the survey and the final plat or map.]~~

~~(E)[(4)]~~ Other certifications required by law.

11.45.720 Supplemental Information with Subdivision Plat or Partition Plat

The following shall accompany the subdivision plat or partition plat, as
appropriate:

~~[(A) — A title report issued by a title insurance company if any real property is
to be dedicated to the public.]~~

~~(B) — Sheets and drawings showing the following:~~

~~(1) — Traverse data including the coordinates of the boundary of the
land division and ties to section corners and Donation Land
Claim corners. The error of closure shall not exceed 1:10,000.
All error is to be removed by adjustment on the plat or map.~~

~~(2) — The computation of the distances, angles and courses shown on
the plat or map.~~

~~(3) — Ties to existing monuments, proposed monuments, adjacent
subdivisions or partitions and street corners.]~~

~~(A)[(C)]~~ A copy of any deed restrictions applicable to the subdivision or
partition.

~~(B)[(D)]~~ A copy of any dedication requiring separate documents.

~~(C)[(E)]~~ A copy of the future street plan, when required, as recorded
according to MCC 11.45.170(A).

1 (D) As used in this section, "lot" means a unit of land that is created by a
2 subdivision of land, and a "tract" will be considered a lot, except for
3 street plugs.

4 **11.45.730 Technical Review and Approval of Subdivision Plat or Partition Plat**

5 (A) The subdivision plat or partition plat and all required material shall be
6 filed with the Planning Director for final approval. Within 10 business
7 days of filing, the Planning Director shall determine whether the
8 material conforms with the approved tentative plan and with the
9 applicable requirements of this Ordinance. If the Planning Director
10 determines that there is not such conformity, the applicant shall be so
11 advised and afforded an opportunity to make corrections. When the plat
12 is found to be in conformity, it shall be signed and dated by the Planning
13 Director.

14 (B) ~~[Following review and approval of a subdivision or partition plat, the~~
15 ~~Planning Director shall:~~

16 ~~(1) — Obtain the approval signature thereon by the County Surveyor~~
17 ~~certifying that the subdivision plat complies with all applicable~~
18 ~~laws. Before so certifying, the County Surveyor may cause field~~
19 ~~investigations to be made to verify that the plat survey is~~
20 ~~sufficiently accurate. If it is determined that there has not been~~
21 ~~full compliance, the applicant shall be so notified and afforded an~~
22 ~~opportunity to make corrections. When the plat is found to be in~~
23 ~~conformity, it shall be signed and dated by the County Surveyor;~~

~~(2) As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or Board's delegate, of an irrigation district, drainage district, water control district or district improvement company, if the subdivision is within such district;~~

(3) ~~In the case of~~ On a subdivision plat, ~~[obtain]~~ the approval signature~~[s thereon]~~ of the Chair of the Board of County Commissioners or the Chair's delegate, shall be required to certify~~[ing]~~ that the plat is approved, ;

~~(4) Obtain the approval signature thereon from the Division of Assessment and Taxation, certifying that all taxes on the property have been paid or bonded for in accordance with state law;~~

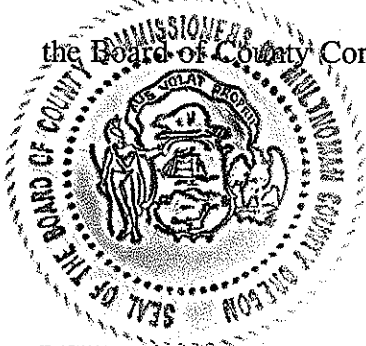
~~(5) Deliver the approved subdivision plat and accompanying documents to the Recording Section of the public office responsible for public records for recording; and~~

~~(6) Notify the applicant that the approved subdivision plat and accompanying documents have been delivered to the Recording Section and may be offered for record.]~~

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

1 Approved this 21 day of December, 1995, being the date of its second reading before

2 the Board of County Commissioners of Multnomah County, Oregon.



3 Board of County Commissioners
4 for Multnomah County, Oregon

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7 Beverly Stein, Chair

8 REVIEWED:

9 LAURENCE KRESSEL, County Counsel
10 for Multnomah County, Oregon

11 By John L. DuBay
12 Assistant County Counsel
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