

**PROPOSED AMENDMENTS TO
HOUSE BILL 2894**

1 In line 2 of the printed bill, after “districts” insert “; creating new pro-
2 visions; and amending ORS 92.060”.

3 Delete lines 4 through 23 and insert:

4 **“SECTION 1.** ORS 92.090 is amended to read:

5 “92.090. (1) Subdivision plat names *[shall be]* **are** subject to the approval
6 of the county surveyor or, in the case where there is no county surveyor, the
7 county assessor. *[No]* **A** tentative subdivision plan or subdivision plat of a
8 subdivision *[shall be approved which]* **may not be approved if the subdivi-**
9 **vision** bears a name similar to or pronounced the same as the name of any
10 other subdivision in the same county, unless the land platted is contiguous
11 to and platted by the same party that platted the subdivision bearing that
12 name or unless the party files and records the consent of the party that
13 platted the contiguous subdivision bearing that name. All subdivision plats
14 must continue the lot numbers and, if used, the block numbers of the subdivi-
15 sion plat of the same name last filed. On or after January 1, 1992, any
16 subdivision submitted for final approval shall not use block numbers or let-
17 ters unless such subdivision is a continued phase of a previously recorded
18 subdivision, bearing the same name, that has previously used block numbers
19 or letters.

20 “(2) *[No]* **A** tentative plan for a proposed subdivision and *[no]* **a** tentative
21 plan for a proposed partition *[shall be]* **may not be** approved unless:

22 “(a) The streets and roads are laid out so as to conform to the plats of

1 subdivisions and partitions already approved for adjoining property as to
2 width, general direction and in all other respects unless the city or county
3 determines it is in the public interest to modify the street or road pattern.

4 “(b) Streets and roads held for private use are clearly indicated on the
5 tentative plan and all reservations or restrictions relating to such private
6 roads and streets are set forth thereon.

7 “(c) The tentative plan complies with the applicable zoning ordinances
8 and regulations and the ordinances or regulations adopted under ORS 92.044
9 that are then in effect for the city or county within which the land described
10 in the plan is situated.

11 “(3) [No] A plat of a proposed subdivision or partition [shall] **may not**
12 be approved unless:

13 “(a) Streets and roads for public use are dedicated without any reserva-
14 tion or restriction other than reversionary rights upon vacation of any such
15 street or road and easements for public or private utilities.

16 “(b) Streets and roads held for private use and indicated on the tentative
17 plan of such subdivision or partition have been approved by the city or
18 county.

19 “(c) The subdivision or partition plat complies with any applicable zoning
20 ordinances and regulations and any ordinance or regulation adopted under
21 ORS 92.044 that are then in effect for the city or county within which the
22 land described in the subdivision or partition plat is situated.

23 “(d) The subdivision or partition plat is in substantial conformity with
24 the provisions of the tentative plan for the subdivision or partition, as ap-
25 proved.

26 “(e) The subdivision or partition plat contains a donation to the public
27 of all common improvements, including but not limited to streets, roads,
28 parks, sewage disposal and water supply systems, the donation of which was
29 made a condition of the approval of the tentative plan for the subdivision
30 or partition.

1 “(f) Explanations of all common improvements required as conditions of
2 approval of the tentative plan of the subdivision or partition have been re-
3 corded and referenced on the subdivision or partition plat.

4 “(4) Subject to any standards and procedures adopted pursuant to ORS
5 92.044, [no] a plat of a subdivision [shall] **may not** be approved by a city or
6 county unless the city or county has received and accepted:

7 “(a) A certification by a city-owned domestic water supply system or by
8 the owner of a privately owned domestic water supply system, subject to
9 regulation by the Public Utility Commission of Oregon, that water will be
10 available to the lot line of each and every lot depicted in the proposed sub-
11 division plat;

12 “(b) A bond, irrevocable letter of credit, contract or other assurance by
13 the subdivider to the city or county that a domestic water supply system will
14 be installed by or on behalf of the subdivider to the lot line of each and
15 every lot depicted in the proposed subdivision plat; and the amount of any
16 such bond, irrevocable letter of credit, contract or other assurance by the
17 subdivider shall be determined by a registered professional engineer, subject
18 to any change in such amount as determined necessary by the city or county;
19 or

20 “(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that
21 [no] a domestic water supply facility will **not** be provided to the purchaser
22 of any lot depicted in the proposed subdivision plat, even though a domestic
23 water supply source may exist. A copy of any such statement, signed by the
24 subdivider and indorsed by the city or county, shall be filed by the subdivider
25 with the Real Estate Commissioner and shall be included by the commis-
26 sioner in any public report made for the subdivision under ORS 92.385. If the
27 making of a public report has been waived or the subdivision is otherwise
28 exempt under the Oregon Subdivision Control Law, the subdivider shall de-
29 liver a copy of the statement to each prospective purchaser of a lot in the
30 subdivision at or prior to the signing by the purchaser of the first written

1 agreement for the sale of the lot. The subdivider shall take a signed receipt
2 from the purchaser upon delivery of such a statement, shall immediately send
3 a copy of the receipt to the commissioner and shall keep any such receipt
4 on file in this state, subject to inspection by the commissioner, for a period
5 of three years after the date the receipt is taken.

6 “(5) Subject to any standards and procedures adopted pursuant to ORS
7 92.044, [no] a plat of a subdivision [shall] **may not** be approved by a city or
8 county unless the city or county has received and accepted:

9 “(a) A certification by a city-owned sewage disposal system or by the
10 owner of a privately owned sewage disposal system that is subject to regu-
11 lation by the Public Utility Commission of Oregon that a sewage disposal
12 system will be available to the lot line of each and every lot depicted in the
13 proposed subdivision plat;

14 “(b) A bond, irrevocable letter of credit, contract or other assurance by
15 the subdivider to the city or county that a sewage disposal system will be
16 installed by or on behalf of the subdivider to the lot line of each and every
17 lot depicted on the proposed subdivision plat; and the amount of such bond,
18 irrevocable letter of credit, contract or other assurance shall be determined
19 by a registered professional engineer, subject to any change in such amount
20 as the city or county considers necessary; or

21 “(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that
22 [no] a sewage disposal facility will **not** be provided to the purchaser of any
23 lot depicted in the proposed subdivision plat, where the Department of En-
24 vironmental Quality has approved the proposed method or an alternative
25 method of sewage disposal for the subdivision in its evaluation report de-
26 scribed in ORS 454.755 (1)(b). A copy of any such statement, signed by the
27 subdivider and indorsed by the city or county shall be filed by the subdivider
28 with the Real Estate Commissioner and shall be included by the commis-
29 sioner in the public report made for the subdivision under ORS 92.385. If the
30 making of a public report has been waived or the subdivision is otherwise

1 exempt under the Oregon Subdivision Control Law, the subdivider shall de-
2 liver a copy of the statement to each prospective purchaser of a lot in the
3 subdivision at or prior to the signing by the purchaser of the first written
4 agreement for the sale of the lot. The subdivider shall take a signed receipt
5 from the purchaser upon delivery of such a statement, shall immediately send
6 a copy of the receipt to the commissioner and shall keep any such receipt
7 on file in this state, subject to inspection by the commissioner, for a period
8 of three years after the date the receipt is taken.

9 “(6) Subject to any standards and procedures adopted pursuant to ORS
10 92.044, [no] a plat of a subdivision or partition located within, **or adjacent**
11 **to**, the boundaries of an irrigation district, drainage district, water control
12 district, water improvement district or district improvement company
13 [shall] **may not** be approved by a city or county unless the city or county:

14 “(a) Has received and accepted a certification from the district or com-
15 pany that the subdivision or partition is either entirely excluded from the
16 district or company or is included within the district or company for pur-
17 poses of receiving services and subjecting the subdivision or partition to the
18 fees and other charges of the district or company[.]; **and**

19 “(b) **Has determined, in consultation with the district or company,**
20 **that the proposed application does not negatively affect the structural**
21 **integrity of a district or company facility, or pose a risk to the oper-**
22 **ation of the district or company.**

23 “(7)(a) **When a subdivision or partition poses a risk to a facility or**
24 **to the operations of a district or company, the district or company**
25 **may provide a statement to the city or county requesting the imposi-**
26 **tion of conditions of approval of the plat, based on rules and regu-**
27 **lations of the district or company, for the protection of the facilities**
28 **and operations of the district or company.**

29 “(b) **If the district or company does not provide the statement de-**
30 **scribed in paragraph (a) of this subsection within 30 days after the city**

1 or county requests certification from the district or company under
2 subsection (6) of this section, the city or county shall consider the plat
3 to be in compliance with the needs of the district or company to pro-
4 tect the facilities and operations of the district or company.

5 “(8) As used in this section:

6 “(a) ‘District improvement company’ means a district organized
7 under ORS 554.005 to 554.340.

8 “(b) ‘Drainage district’ means a district organized under ORS
9 547.005 to 547.030, 547.105 to 547.150, 547.205 to 547.240, 547.250 to 547.265,
10 547.310, 547.315, 547.455 to 547.475 and 547.555 to 547.580;

11 “(c) ‘Irrigation district’ means a district organized under ORS
12 chapter 545;

13 “(d) ‘Water control district’ means a district organized under ORS
14 chapter 553; and

15 “(e) ‘Water improvement district’ means a district organized under
16 ORS chapter 552.”.

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