



Explanation of proposed 2017 change to ORS 209.250(4)(c) by the  
Surveyors Division of the Oregon Association of County Engineers and Surveyors (OACES)

**Background:** When a licensed land surveyor in private practice prepares a survey plat for a property survey, subdivision, condominium or partition, it is sent to the County Surveyor's Office to be reviewed for compliance with state statutes and local codes. Often red-line corrections necessary to meet compliance are then sent back to the private surveyor. ORS 209.250(4)(b) states that once the private surveyor receives the red lines, the corrected map shall be returned to the County Surveyor within 30 days for filing. ORS 209.250(4)(c) states that if the corrected survey is not received in 30 days the County Surveyor *must* forward the survey plat to the State Board of Examiners for Engineering and Land Surveying (OSBEELS) for disciplinary action. The statute does not allow any extensions to the 30 day limit at this stage of the review process.

**Problem:** Many factors may delay the return of the corrected survey plat within the mandated 30 day period. Plats are also being reviewed simultaneously by other governmental agencies such as Public Works Departments and Planning Departments. These other agencies often require changes that can delay the final submittal of the plat for many months. Thus the private surveyor's 30 day requirement for returning the corrected map to the County Surveyor is delayed by circumstances outside of both the private surveyor's and the County Surveyor's control.

Through the actions of others who delay the review timeframe, the private surveyor is subject to disciplinary action by the licensing agency, OSBEELS. The action can include monetary fines or license suspension. A County Surveyor can also be disciplined by OSBEELS for not forwarding a map that has exceeded the 30 day turn-around-time. These two licensed land surveyors are the only ones involved in the process who risk monetary or professional punishment by delays caused by others.

**Solution:** The proposed wording gives the County Surveyor and the private surveyor the ability to work on solutions to get the survey plat filed in a timely manner by stating that the survey **may** be forwarded to OSBEELS for action if it is not returned in 30 days. If, in a rare situation where the corrected survey can be returned for filing in 30 days but the private surveyor is being negligent in returning it for filing, the County Surveyor can then forward it to OSBEELS. When OSBEELS holds a hearing on the matter, both parties can testify as to what they did or did not do to resolve the delay before the County Surveyor forwarded the map to OSBEELS.