



Date: March 17, 2025

To: Chair Pham, Vice Chair Anderson, Members of the Senate Committee on Housing and Development

From: Mallorie Roberts, on behalf of the Oregon Association of County Engineers and Surveyors

Subject: **Oppose Senate Bill 974 -1, Section 14 (8)**

Thank you for the opportunity to submit testimony in opposition to Senate Bill 974, specifically Section 14(8) of the -1 amendment.

The Oregon Association of County Engineers and Surveyors (OACES), an affiliate of the Association of Oregon Counties (AOC), represents Oregon's 36 county public works agencies and county surveyors across the state.

Oregon County Surveyor's duties are outlined in Oregon Revised Statute (ORS) §209.070. A county surveyor office files and maintains survey and plat records, oversees the public land corner restoration program, and assists the public with survey-related questions.

Senate Bill 974 and the -1 amendment, Section 14 (8) creates a new "shot-clock" requirement on county surveyors, stating that "Unless the county surveyor, city surveyor or designee authorized under this section has, within 120 days of submittal, rejected a subdivision or partition plat that is part of an urban housing application, as defined in ORS 197.015, and that has received approval of its tentative plan, the plat is considered approved and may be recorded."

County surveyors have serious concerns about any "shot clock" or timeline imposed on plat recording and respectfully request the opportunity to meet with the bill's proponents to understand the problem this section seeks to fix and collaborate on how to meet that goal while protecting public health and safety and landowners' expectations.

County Surveyors are statutorily prohibited from rejecting plats. County Surveyors facilitate development by reviewing plats and providing comments, when necessary. After appropriate deletions or additions are made, plats can be deemed legally sufficient and acceptable for recording. Requiring a plat to be ready to record by no reason other than a statutory timeframe is a recipe for disaster, lawsuits, chaos, and ultimately unhappy landowners, many of whom couldn't afford to remedy, let alone have the knowledge or additional finances to protect and

defend their new investment. These proposed changes to the statute will likely create additional ambiguities and development delays.

County Surveyors do not control timelines relative to a plat recording. Plats in their entirety must meet many statutory requirements prior to recording, which are subject to the quality and quantity of submittals by the private land surveyor. All boundaries and easements must be legally sufficient, clear, and unambiguous. Typically, the time it takes a County Surveyor to review and finalize a plat is minimal since submittals are reviewed relatively quickly and comments, if necessary, are provided in a timely manner. The timeline from the first submittal to the final recording is almost entirely in the hands of the developer, private land surveyor, and others. A plat may take a few months or more to record, but it may only be in the County Surveyors office for a few days. The county surveyor often provides comments to the private land surveyor and the plat is not returned to the county for next review for weeks or months. Consent affidavits as well as the preparation and execution of easement documents are often hindered by mortgage holders, attorneys, abutting landowners, etc. Unwritten and unresolved property rights also account for unforeseen delays which directly correlate to the specifics of the issue, the parties involved, and the chosen mechanism and path used to resolve the rights which will enable a plat to record.

A timeline cannot change a plats ability to be lawfully recorded. The proposed changes in Senate Bill 974 and any “shot-clock” requirements on plat recording are averse to the health, safety, and welfare of the public.

Thank you for considering our testimony and request to work with the committee on this proposal. We look forward to the opportunity to work with the committee and the bill proponents to find a workable solution.

Sincerely,

Ray Griffin
President-Elect, Oregon Association of County Engineers and Surveyors
County Surveyor, Clackamas County