

**SENATE AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2755  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON ENVIRONMENT AND LAND USE

June 9

1 On page 4 of the printed A-engrossed bill, delete line 33 and insert:

2 “(d) Each street is named and shown on the plat.”.

3 On page 6, after line 38, insert:

4 **“SECTION 7a. If Senate Bill 468 becomes law, section 7 of this 2005 Act (amending ORS**  
5 **92.060) is repealed and ORS 92.060, as amended by section 3, chapter \_\_, Oregon Laws 2005**  
6 **(Enrolled Senate Bill 468), is amended to read:**

7 “92.060. (1) The initial point, **also known as the point of beginning**, of *[all plats shall]* a plat  
8 **must** be on the exterior boundary of the plat and *[shall]* **must** be marked with a monument[,] **that**  
9 **is** either *[of concrete,]* galvanized iron pipe or an iron or steel rod. *[If concrete is used it may not be*  
10 *less than 6 inches by 6 inches by 24 inches and shall contain not less than five cubic inches of ferrous*  
11 *material permanently imbedded in the concrete.]* If galvanized iron pipe is used *[it]*, **the pipe** may not  
12 be less than three-quarter inch inside diameter and 30 inches long[, *and*]. If an iron or steel rod is  
13 used *[it]*, **the rod** may not be less than five-eighths of an inch in least dimension and 30 inches long.  
14 The location of the monument shall be with reference by survey to a section corner, one-quarter  
15 corner, one-sixteenth corner, Donation Land Claim corner or to a monumented lot corner or  
16 boundary corner of a recorded subdivision, partition or condominium plat. When setting a required  
17 monument is impracticable under the circumstances, the county surveyor may authorize the setting  
18 of another type of monument.

19 “(2) In subdivision plats, the intersections, the **initial point, also known as the point of be-**  
20 **ginning** *[and]*, **the point of ending** *[points]*, points of curves and points of tangents, or the point of  
21 intersection of the curve if the point is within the pavement area of the road, of the centerlines of  
22 all streets and roads and all points on the exterior boundary where the boundary line changes di-  
23 rection, *[shall]* **must** be marked with monuments either of *[concrete,]* galvanized iron pipe[,] or iron  
24 or steel rods. *[If concrete is used it shall be as described in subsection (1) of this section.]* If galvanized  
25 iron pipe is used *[it]*, **the pipe** may not be less than three-quarter inch inside diameter and 30 inches  
26 long[, *and*]. If iron or steel rods are used *[they]*, **the rod** may not be less than five-eighths of an inch  
27 in least dimension and 30 inches long. When setting a required monument is impracticable under the  
28 circumstances:

29 “(a) The county surveyor may authorize the setting of another type of monument; or

30 “(b) The county surveyor may waive the setting of the monument.

31 “(3) All lot and parcel corners except lot corners of cemetery lots *[shall]* **must** be marked with  
32 monuments of either galvanized iron pipe not less than one-half inch inside diameter or iron or steel  
33 rods not less than five-eighths inch in least dimension and not less than 24 inches long. When setting  
34 a required monument is impracticable under the circumstances:

1       “(a) The surveyor may set another type of monument; or  
2       “(b) The county surveyor may waive the setting of the monument.  
3       “(4) **A surveyor shall set** monuments *[shall be set with such]* **with sufficient** accuracy that  
4 measurements may be taken between monuments within one-tenth of a foot or within one ten-  
5 thousandth of the distance shown on the subdivision or partition plat, whichever is greater.  
6       “(5) **A surveyor shall set** monuments on the exterior boundary of a subdivision *[shall be set]*,  
7 unless the county surveyor waives the setting of a particular monument, where changes in the di-  
8 rection of the boundary occur and **shall reference** the monuments *[shall be referenced]* on the plat  
9 of the subdivision before the plat of the subdivision is offered for recording. However, **the surveyor**  
10 **need not set** the remaining monuments for the subdivision *[need not be set]* prior to the recording  
11 of the plat of the subdivision if:  
12       “(a) The registered professional land surveyor performing the survey work certifies that the  
13 remaining monuments will be set, unless the county surveyor waives the setting of a particular  
14 monument, on or before a specified date as provided in ORS 92.070 (2); and *[if]*  
15       “(b) The person subdividing the land furnishes to the county or city by which the subdivision  
16 was approved a bond, cash deposit, irrevocable letter of credit issued by an insured institution as  
17 defined in ORS 706.008 or other security as required by the county or city guaranteeing the payment  
18 of the cost of setting the remaining monuments for the subdivision as provided in ORS 92.065.  
19       “(6) **A surveyor shall set all** monuments on the exterior boundary and all parcel corner mon-  
20 uments of partitions *[shall be set]*, unless the county surveyor waives the setting of a particular  
21 monument, before the partition plat is offered for recording. Unless the governing body provides  
22 otherwise, any parcels created **outside an urban growth boundary** that are greater than 10 acres  
23 need not be surveyed or monumented.  
24       “(7) Except as provided in subsections (8) *[to (10)]* **and (9)** of this section, an adjusted property  
25 line created by the relocation of a common boundary as described in ORS 92.010 (7)(b) *[shall]* **must**  
26 be surveyed and monumented in accordance with subsection (3) of this section and a survey, com-  
27 plying with ORS 209.250, *[shall]* **must** be filed with the county surveyor.  
28       “(8) Unless the governing body of a city or county has otherwise provided by ordinance, a sur-  
29 vey or monument is not required for a property line adjustment when the abutting properties are  
30 each greater than 10 acres. Nothing in this subsection *[shall exempt]* **exempts** a local government  
31 from minimum area requirements established in acknowledged comprehensive plans and land use  
32 regulations.  
33       “*[(9) Unless the governing body of a city or county has otherwise provided by ordinance, the re-*  
34 *quirements of subsection (7) of this section do not apply to the relocation of a common boundary of a*  
35 *lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even*  
36 *width along the common boundary.]*  
37       “*[(10)] (9)* The requirements of subsection (7) of this section do not apply to property transferred  
38 through a property line adjustment as provided in ORS 92.010 (7)(e).”  
39       On page 10, after line 25, insert:  
40       “**SECTION 12a. If House Bill 2356 becomes law, section 12 of this 2005 Act (amending ORS**  
41 **92.100) is repealed and ORS 92.100, as amended by section 1, chapter \_\_, Oregon Laws 2005**  
42 **(Enrolled House Bill 2356), is amended to read:**  
43       “92.100. (1)(a) Except as provided in subsection (4) of this section, before a subdivision or par-  
44 tition plat that covers land within the corporate limits of a city may be recorded, the county sur-  
45 veyor must approve the plat.

1 “(b) Notwithstanding ORS 92.170, the governing body of the city may, by resolution or order,  
2 designate the city surveyor to serve in lieu of the county surveyor **or, with concurrence of the**  
3 **county surveyor, a contract surveyor to act as city surveyor.**

4 “(c) Except as provided in subsection (4) of this section, if the land is outside the corporate  
5 limits of any city, the subdivision or partition plat [*shall*] **must** be approved by the county surveyor  
6 before it is recorded.

7 “(d) All subdivision plats must also be approved by the county assessor and the governing body  
8 of the county in which the property is located before recording.

9 “(e) Notwithstanding paragraph (d) of this subsection, a county may provide by ordinance for  
10 the approval of subdivision plats by:

11 “(A) The county assessor; and

12 “(B)(i) The chairperson of the governing body of the county;

13 “(ii) The vice chairperson of the governing body of the county; or

14 “(iii) A person designated in lieu of the chairperson or vice chairperson.

15 “(f)(A) [*Unless provided for by ordinance of the controlling governing body, partition plats are*]  
16 **A partition plat is** subject only to the approval of the city or county surveyor[.] **unless:**

17 “(i) **The partition plat includes a dedication of land for public road purposes; or**

18 “(ii) **Provided otherwise by ordinance of the governing body.**

19 “(B) The city or county surveyor shall review the partition plat only for compliance with the  
20 [*applicable*] **survey-related** provisions of ORS 92.010 to 92.190 and 209.250.

21 “(2) Before approving the subdivision plat as required by this section, the county surveyor shall  
22 check the subdivision site and the subdivision plat and shall take measurements and make compu-  
23 tations and other determinations [*as are*] necessary to determine that the subdivision plat complies  
24 with the [*applicable*] **survey-related** provisions of ORS 92.010 to 92.190 and 209.250 and with [*the*  
25 *subdivision*] **survey-related** requirements established pursuant to an ordinance or resolution passed  
26 by the governing body of the controlling city or county.

27 “(3) Before approving the partition plat as required by this section, the county surveyor[, *as*  
28 *provided by subsection (1) of this section,*] shall check the partition plat and make computations and  
29 other determinations that the partition plat complies with the [*applicable*] **survey-related** provisions  
30 of ORS 92.010 to 92.190 and 209.250 and with the [*partition*] **survey-related** requirements established  
31 pursuant to an ordinance or resolution by the governing body of the controlling city or county.

32 “(4) Before a subdivision or partition plat prepared by the county surveyor in a private capacity  
33 may be recorded, the plat must be approved in accordance with subsection (2) or (3) of this section,  
34 whichever is applicable, by the surveyor of a county other than the county in which the land is lo-  
35 cated and who has been designated by the county surveyor.

36 “(5) For performing the service described:

37 “(a) In subsection (2) of this section, the county surveyor shall collect from the subdivider **or**  
38 **declarant** a fee of \$100 plus \$5 for each lot contained in the subdivision. The governing body of a  
39 city or county may establish a higher fee by resolution or order.

40 “(b) In subsection (3) of this section, the county surveyor shall collect from the partitioner **or**  
41 **declarant** a fee to be established by the governing body.

42 “(c) In subsection (4) of this section, the designated county surveyor shall collect the applicable  
43 subdivision or partition plat check fee, and any travel expenses incurred, as established by the  
44 designated county surveyor’s board of commissioners. The subdivision or partition plat check fee and  
45 other expenses [*shall*] **must** be paid by the subdivider [*or*], partitioner **or declarant** prior to ap-

1 proval of the subdivision or partition plat by the designated county surveyor.

2       “(6) Nothing in this section prohibits a city, county or special district from requiring engineer-  
3 ing review and approval of a subdivision plat to ensure compliance with state and local subdivision  
4 requirements that relate to matters other than survey adequacy.

5       “(7) Granting approval or withholding approval of a final subdivision or partition plat under this  
6 section by the county surveyor, the county assessor or the governing body of a city or county, or  
7 a designee of the governing body, is not a land use decision or a limited land use decision, as defined  
8 in ORS 197.015.”.

9

---