



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

670 Hawthorne Ave. SE, Suite 220
Salem, OR 97301
(503) 362-2666
Fax (503) 362-5454
E-mail: osbeels@osbeels.org

PROFESSIONAL PRACTICES AGENDA Minutes of Meeting June 10, 2016

Members present:

Chris Aldridge, Chair
Shelly Duquette
Logan Miles
Oscar Zuniga

Staff present:

Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant

Others present:

Katharine Lozano, Assistant Attorney General
Jason Kent, observer

The meeting of the Professional Practice Committee (PCC) was called to order at 11:12 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Public Comment

There was no comment.

Unfinished Business

Right of entry – H. Timothy Fassbender

Public agency right of entry – Peggy Keppler

AAG Lozano completed her research on advice to assist in the Committee's response. As a result, **the Committee entered into executive session pursuant to ORS 192.660 (2)(f) to review written advice from legal counsel (privileged and confidential attorney-client communications, which are exempt from public inspection). All members of the audience were asked to leave the room and were invited to return upon resumption of the public meeting. Upon returning to public meeting, it was noted that no decisions were made and no votes were taken while in executive session.**

Upon exiting executive session, it was moved and seconded (Duquette/Aldridge) to recommend the Board waive privilege on the advice received. The motion passed unanimously. Staff was directed to notify Mr. Fassbender and Ms. Keppler of the Committee's recommendation and that a response may be provided at a later date if the Board accepts the Committee's recommendation.

New Business

OAR 918-098 – Jeanne Niemer

BCD Rule Change; Conflict of Interest – Bill Pease

BCD Rulemaking – Elizabeth Copeland

The Committee reviewed the comments received related to the proposed rule change to Oregon Administrative Rule (OAR) 918-098-1470. The rulemaking by the Building Codes Division (BCD) proposes to limit the ability for both public and private consultants to practice engineering with the State of Oregon while employed as an inspector, plans examiner, or building official.

Ms. Duquette noted that the option for a registrant to “moonlight” and the BCD’s definition of a “conflict of interest” are not issues within the authority of the Board, or related enough to the Board’s mission to comment. On the other hand, she noted that there are jurisdictions with limited budgets that require the use of consultants for plan review – this matter is within the Board’s authority to comment as it does relate to the welfare of the public in safeguarding life, health and property. If a registrant has to choose between acting in the capacity of an engineer or in the capacity of a plan reviewer, some jurisdictions may not have engineer plan reviewers, who would be important for complex projects in terms of public health and safety.

Chair Aldridge asked about the timing for a special Board meeting since the BCD rulemaking hearing is to be held on June 21, 2016. Since there is time to hold a special Board meeting, it was moved and seconded (Aldridge/Duquette) to hold a special meeting to determine if the Board would like to submit written comments in time for the June 21, 2016 BCD Rulemaking Hearing. The motion passed unanimously. Staff was directed to send out a DoodlePoll. There was no further discussion

Surveying Question for the Board – Rob Dehnert

Mr. Dehnert submitted a Question form regarding a proposed partition that covers land both inside and outside a recorded subdivision. The land is within an incorporated Oregon city. Two properties, a platted subdivision lot and an abutting parcel, will be divided into three parcels. The subdivision lot will be expanded beyond the boundary of the platted subdivision, incorporating land currently part of the abutting parcel. Additionally, a small portion of the same subdivision lot will be incorporated into the abutting parcel. The resulting abutting parcel will be divided in two, creating three parcels in total. The questions posed and the answers provided are as follows:

Does a partition that changes the exterior boundary of a platted subdivision require a separate replat of that subdivision or a portion thereof?

No, a separate replat is not required. One plat will accomplish the land division.

Will the number of lots remain the same and the area of the subdivision expand or will the number of lots and the area of the subdivision decrease by one lot?

The subdivision will decrease by 1 lot, but the area of the subdivision does not expand.

Would the proposed partition constitute a replat of the affected portion of the subdivision?

Yes.

Does the proposed partition imply a lot line adjustment of the affected subdivision lot, thereby adjusting the property boundary without the need for a replat?

No, since this is a land division no lines are being adjusted. The replat creates the new land division boundaries.

Staff was directed to respond to Mr. Dehnert and include if he needed more clarity to contact the County Surveyor's Office.

Practice of Engineering, Practice of Surveying vs. Practice of Architecture

A Question form was submitted regarding the practice of engineer and surveying versus the practice of architecture. The submitter then requested the form to be withdrawn. As a result, there was no discussion or consideration on the matter.

The meeting adjourned at 11:53 a.m.