



THE FORE SITE

NEWSLETTER FOR THE
CLACKAMAS COUNTY SURVEYOR'S OFFICE



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<http://www.co.clackamas.or.us/surveyor/intro.html>

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PUBLIC LAND CORNERS:

County Wide GPS Project:

Data from the County-wide GPS Control Network is now posted on the NGS Datasheet web site at: <http://www.ngs.noaa.gov/datasheet.html>. Maps and copies of the final report are available from our office.

We have completed a number of restorations in the Molalla area and are in the process of establishing GPS positions on those corners and adding that information to our Geodetic Control Network. A similar project in Milwaukie is also underway. Additionally, we are concentrating our Public Land Corner restorations in Happy Valley due to the high rate of development and will be moving to the Damascus area in anticipation of the expansion of the Urban Growth Boundary.

Do you need a Public Land Corner for a project or will a Public Land Corner fall within one of your projects? Contact our office and we will make every attempt to accommodate you in referencing and/or restoring the corner. This is especially important in subdivisions where there may not be a physical monument. Restoring such a corner will enable the design of the subdivision in such a manner to protect the monument. Please try to give us as much lead-time as possible. Corner Request forms are available on our web page.

RECORDS OF SURVEY:

Property line adjustment issues:

One of the statutory requirements of a property line adjustment is the recording of deeds. It would be a great help to us, and your clients, if surveyors would take a more proactive role in assuring that their clients are aware that to complete the adjustment the deeds must be recorded with the County Clerk. We are aware that many surveyors do this and we appreciate those efforts. As a professional in the development process, you should assure that your client is aware of all of the steps involved in completing the process. If you have any questions or suggestions, please contact our office.

We have recently received from County Counsel a copy of a LUBA decision known as "LUBA 2002-087" (see: <http://luba.state.or.us/opinions.htm>). It essentially states that if multiple lines are to be adjusted, that each adjusted line must be done separately and the process completed (deeds recorded and survey filed) prior to starting another adjustment.

DEVELOPMENT REVIEW and RECORDING:

Consent Affidavits: In the past, we have not required a consent affidavit unless there was a dedication of a public road. The provisions of ORS 92.075(4) was brought to our attention and after consideration, we will be requiring a consent affidavit for any plat that has a dedication or donation of land to public purposes. This includes any “public” easements. This will also bring us into conformance with Multnomah and Washington Counties.

Minimum submittal requirements for plats are again giving us a lot of problems. A plat will not be placed in line until we receive the following documents:

- A copy of the “last vesting deed” for the property being platted. Contracts of sale are not deeds and will not be accepted as such.
- Copies of deeds for all adjoining property (existing plats where the lot or parcel is in its platted configuration are not required).
- Copies of any documents that encumber the property such as easements, mineral reservations, etc. If the plat has a riparian boundary we require the deeds on the other side of the river.
- An up to date copy of report from a title company listing ownerships, easements, liens, and other matters affecting the property. Missing documents or not all of the property being platted may result in delays.
- Related documents such as CC&R’s, consent affidavits, etc. that need to be recorded with the plat.
- Fee

If you recognize a problem with the history of the property that requires a “chain of title”, we also will need copies. Careful attention to the minimum submittal requirements and prompt attention to our request for additional documents helps us get your projects reviewed in a timely and efficient manner. For a complete list of submittal requirements, please see our web page.

A new twist to old problems:

We are receiving CC&R’s that are attempting to create easements. Please be aware of ORS 92.050(6) which states that “the location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the subdivision or partition plat, along with the county clerk’s recording reference if the easement as been recorded with the county clerk.” In other words, if easements are existing or being created they must be shown in detail on the map. It is critical that the surveyor obtains a copy of the CC&R’s and other documents and assures that we have copies.

Plat Notaries - Senate Bill 184 (2001 Session) eliminated the need for a notary to place a wet ink stamp on final plats. This office will require the alternative procedure (refer to our website) for all future plats. Other documents required to be notarized will continue to be “wet” stamped.

Delayed Monumentation Deposits:

As a result of banks closing accounts or eliminating loan set-asides without our authorization, we are requiring that the interior monumentation assurance be cash.

Historically, the amount of the deposit collected for the delayed monumentation guarantee has been determined by using a set amount for each lot and tract (unless the platting surveyor requests a higher number). However, we have encountered several smaller plats where the guarantee amount was not sufficient to assure that the work was completed. As a result, the minimum amount for a delayed monumentation guarantee has been set at \$2500 for a plat with 10 lots/tracts or less. Other plats will continue to use the formula of \$250 each for 11 to 50 lots/tracts and \$200 each for over 51 lots/tracts. As always, the plat surveyor may request a higher amount to be reserved for the later completion work. Remember that this is money that is being held to pay the plat surveyor to reestablish control and set the delayed monumentation one to several years in the future.

Plat Fees:

Due to the complexities of estimating the fees for individual subdivisions and condominiums, a set fee schedule is not used. Our estimating process takes into consideration the topography, number of lots, number of monuments, the complexity of the plat, the size of the lots and tracts, delayed monumentation, and other circumstances. To obtain an estimate of fees, please submit a copy of the plat (as it will be submitted for review). The plat will be assumed to be delayed monumentation unless evidence is provided that all of the interior construction work, including utilities, streets, site grading, etc. is completed prior to plat approval.

Delayed Monumentation Plats:

- When construction on a delayed monumentation plat is not completed within one year of plat recording, you must notify us in writing, identifying the cause for the delay, and request an extension of time.
- What to do if the second lift of asphalt paving is not complete? This has been a continuing problem for developers, surveyors and the county. Our first choice is the placement of monument boxes at the centerline points, monument all of the other required points, and finalize the project. As an alternative, if you are in a city that does not require monument boxes you could leave the centerline monuments up to the finish grade and mound asphalt around them. Do not set them flush with the first lift of asphalt.
- We are currently working on a modification to our County Surveyor Ordinance that would require centerline monument boxes on all plats that create streets within the county.

Riparian Issues:

The issue of plats and surveys with streams, rivers and property with riparian rights, seems to be coming up more often lately. With that in mind we have developed a "**Navigability Statement**" to be shown on **appropriate plats**. We recommend (not require) that surveyors add such a statement to records of survey that have riparian boundaries. The only officially declared "Navigable Rivers" in Clackamas County are the Willamette River and the Sandy River from river mile 0 to river mile 37.5 (the mouth of the Salmon River). Several other tributaries of the Willamette below the Oregon City falls have automatic navigability for the "portion with tidal influence". If you encounter a plat with a stream or river with tidal influence, contact Carl Clinton at our office. The statements for "navigable" and "non-navigable" rivers can be found on our website.

Encroachments and Gaps – Subdivisions, Partitions, and Condominiums:

Any encroachment on a plat submitted for review must be resolved prior to the approval of the plat by this office. It is not the duty of the surveyor to solve the problems, but it is their obligation to disclose any encroachments or gaps to the county and their client in a timely manner so they may take the necessary steps for resolution. Disclosing these problems for your client to solve will keep the plat moving toward recording, rather than being stopped pending resolution of those boundary issues. The Clackamas County Code (Chapter 11) requires that any encroachment or hiatus be brought to the attention of the County Surveyor. It further provides that the County Surveyor may require an encroachment or hiatus be eliminated prior to approval of the plat. If there is a problem with the plat boundary as surveyed and the occupation on the ground, the sooner it is disclosed to us and your client, the sooner it can be resolved and the plat recorded.

FEMA ISO/CRS

Clackamas County is in the process of updating the FEMA Flood Maps. The county is also participating in the Community Rating System evaluation and process. When in place, the citizens of the county in flood areas will be eligible for savings to their flood insurance. A part of the documentation will be the Flood Elevation Certificates prepared by surveyors. Be aware that all details need to be correct and the forms filled out properly for your certificate to be accepted. Also, while the County Surveyor has copies of the FEMA Firm Maps, they may not be the most recent. Up to date maps are available from the County (see Steve Hanschka in Planning).

SCANNING UPDATE

We understand that many of you are very anxious to have our records available on the web. While we appreciate your desires, please understand that this is a very complicated project and we are working very diligently on it. Currently, we are in the final development stages of the software that will be used on the computers at the county. We have scanned all of the partition plats, USBT entries, and almost all of the subdivisions. When all of these documents are scanned, we will enable the public use computers in our lobby area. At that time, we will remove the paper copies that are currently being used. If you are interested in purchasing the full sets of these paper copies of partition and subdivision records, please contact us.

Sometime during the scanning of the surveys, we will begin work on the web interface for research. We'll keep you posted on the development of that service.

OVERTIME CHARGES

There are a "select" few surveyors that often come to our office to perform research late in the day and then expect a staff member to remain after closing to assist them. Effective July 1, 2003, we will begin assessing an overtime charge of \$49 per hour in 15 minute increments for providing an after hours service. For instance, 0-15 minutes will be \$12.25; 16-30 minutes will be \$24.50; etc.

CHARGE ACCOUNTS

Very soon, we are going to eliminate the current charge account system. In lieu, we will accept credit cards (**for printing services only**) or cash. If someone performs research and has neither, we will hold the prints until payment is received.

CLOSING COMMENTS

We'd like to leave you with the message that we are here to serve the people of Clackamas County. While the developers pay the fees, and we are very appreciative of their needs, our final customer is the citizen that buys the lot, parcel, or unit in a new development. We strive very hard to assure that their new ownership is not encumbered by boundary problems with their neighbors. On occasion, we may appear to be overly burdensome in our reviews. If that happens, please feel free to discuss the matter with the County Surveyor Chuck Pearson (503) 353-4499 or the Deputy County Surveyor Carl Clinton (503) 353-4498. Your comments, both positive and negative, assure that we continue to do a good job for the public, but also for you.