

March 22, 2004

To: Private Surveyors

From: Chuck Pearson, County Surveyor

Subject: **PLAT BOUNDARY SURVEYS**

For your information, I am enclosing a copy of Clackamas County Code Chapter 11.01 dealing with boundary surveys for plats and encroachments and hiatuses. There are several issues that I would like to address that relate to this ordinance:

The purpose of the boundary survey is twofold. The first is to give us the opportunity to review the boundary resolution determined by you and concur in that resolution; and the second is to discover any boundary issues such as fence encroachments that must be resolved prior to plat approval.

Generally speaking, we rarely require any changes to a boundary but do request additional information relative to the narrative or the documentation shown on the face of the survey. Occasionally, we will disagree with a boundary determined by the surveyor. Sometimes, these are serious in nature but more often they deal with the alignment of a road, or the fact that sufficient monumentation has either not been found by the surveyor or disclosed on the map, or that the narrative does not sufficiently explain how the boundary was determined.

The issue of encroachments is much more serious and time consuming for not only the private surveyor, but also for the county. In most cases, the surveyor has been on the site for several weeks or months before the survey is submitted for filing. Unfortunately, many surveyors don't advise their client of a boundary problem even though the surveyor has been aware of it for some time. When the issue of an encroachment is discovered by us at the last minute, it not only takes significant time on our part but also has the potential to cause additional costs to the developer due to delayed recording. Please keep one thing in mind and that is it is not the responsibility of the surveyor to

solve the problem. Your responsibility is to disclose this information to both the County Surveyor and also to the developer who has the responsibility to resolve the issue.

Another issue is the request by surveyors to use a previously recorded survey as the basis for their plat boundary. Generally, these do not disclose boundary problems nor have we reviewed them for boundary resolution. The additional cost of reviewing a boundary survey for a plat has been folded in the plat review process since that review is an integral part. As a result, we sometimes do significant work in advance of plat review and occasionally when the plat is dropped for one reason or another, those costs are not recovered.

As a result, effective April 15, 2004 we will require a partial plat deposit of \$500 at the time of submittal of the boundary survey. This is in addition to the survey filing fee. If a request is made to utilize a previously recorded survey, the \$500 deposit will be required together with the documents noted in County Code Chapter 11.01.020.B. If the previously recorded survey is not deemed adequate, for any reason, to use as the boundary resolution for the plat, a new survey will be required together with an additional \$500 deposit.

A final note is that it is anticipated that all subdivisions and partition plats will be required to place centerline monument boxes. The placement of these boxes is to be decided by you with my concurrence. You can mitigate the number of boxes required by setting centerline points of intersections (PI's) instead of setting both the PC and PT, provided the PI falls in the pavement area of the road. The effective date of this requirement is April 15, 2004. All monument boxes must meet the specifications adopted by this office. Any alternative box will be rejected and will be required to be replaced.

Two additional items will be accomplished by Ordinance revisions effective April 15, 2004. The first will be the ability to dedicate additional right of way on partition plats and the second is the delegation of the Board of County Commissioners approval authority to the staff level. This may cause a revision in the approval format.

Please share this information with other surveyors in your office.

If you have any questions, please call me at (503) 353-4499.

## **Chapter 11.01**

### **11.01 COUNTY SURVEYOR PLAT REVIEW STANDARDS**

#### **11.01.010 Purpose**

The purpose of this chapter is to establish standards and requirements for the review and approval of survey maps, partition plats, condominium plats, and subdivision plats for the following reasons:

- A. The review and approval of survey maps, partition plats, condominium plats, and subdivision plats in an accurate, efficient, and timely manner is necessary for the promotion of economic development and protection of property rights; and
- B. Although benefiting the public in general, such services are user oriented. The long standing policy of the Board is that the most fair and sound method of ensuring adequate funding of such services is a user fee not to exceed the reasonable estimate of actual County Surveyor costs; and
- C. The Board has received a favorable staff recommendation and has considered testimony from interested citizens.

#### **11.01.020 Additional Requirements**

In addition to the requirements of ORS Chapters 92, 100, and 209, and other applicable laws, chapters, and rules, the following shall be provided:

- A. For subdivision and condominium plats, a final boundary survey map of the proposed plat, accompanied by the report required in subsection B of this section, shall be submitted to the County Surveyor a minimum of 30 days prior to the submission of the final plat. If warranted, the County Surveyor may waive this requirement.
  1. In addition to the requirements of ORS 209.250, the survey map shall show all obvious encroachments or hiatuses created by deeds, building, fences, cultivation, occupation, previous surveys and plats and any other conditions that may indicate ownership lines as surveyed may be different than those shown on the survey;
  2. Any encroachment or hiatus affecting any partition plat submitted for review shall be brought to the attention of the County Surveyor at the time of submittal;
  3. The County Surveyor may refuse to approve a plat if the County Surveyor finds an encroachment or hiatus. Evidence that the encroachment or hiatus has been eliminated may be required prior to approval.
- B. All partition, condominium, or subdivision plats submitted for approval shall be accompanied by a report, issued by a title insurance company, or agent authorized to perform such services in Oregon, setting forth ownership and all easements of record, together with a copy of the current deed, easements, and restrictions for

- the platted property and copies of the deeds for all abutting properties, and other documentation as required by the County Surveyor. The report shall have been issued no more than 15 days prior to the submittal to the County Surveyor of the survey map or plat. The County Surveyor may require a supplemental report. Condominium plats shall be submitted with a copy of the condominium declaration. Prior to approval of a condominium plat, the final version of the condominium declaration, approved by the State of Oregon, shall be submitted.
- C. All partition, condominium, and subdivision final plats, including those inside city limits, shall be checked and approved by the County Surveyor. Items to be checked include, but are not limited to, compliance with Oregon Statutes, city and county ordinances, proper boundary resolution, and resolution of apparent gaps and overlaps. If the city has chosen to have the plat checking service performed by a city surveyor under ORS 92.100(1), the County Surveyor shall perform an office review and indicate approval on the plat. The fee for performing this service shall be established by resolution of the Board of County Commissioners. No plat shall be recorded without the approval of the County Surveyor. The actual approval, or notice of intent to approve, of a plat by the County Surveyor shall be valid for 30 days only.