

May 14, 2004

To: Private Surveyors

From: Chuck Pearson, County Surveyor

Subject: **CLARIFICATION OF ENCROACHMENT/HIATUS REQUIREMENTS
PLAT MAP REQUIREMENTS**

In my previous letter dated March 22, 2004 I discussed encroachments as they pertain to plat boundaries and Chapter 11.01.02 of the Clackamas County Code. Subsequent to that letter, a few other issues have been brought to my attention which needs further clarification.

County Code 11.01.02 provides that a surveyor “**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.**” This requirement does not require that you only show encroachments on your property, but also requires disclosure for adjoining property. These may be shown on the initial boundary survey, partition plat, or be provided on a separate detail map. Please note that individual circumstances will determine whether or not an encroachment or hiatus will need to be shown on the final survey or plat, depending upon the resolution. Since each individual project is unique, this requirement will vary from project to project.

Some surveyors have inquired whether fence lines or other encroachments need to be resolved by their client if they are as little as 0.5' (or even less) off the boundary line.

The answer depends on the following:

1. On which side of the boundary line the fence falls.
2. Who owns the fence? Often determined by the total property fenced, the side the wire is on (a stock, board, or cyclone fence almost always has the wire or boards on the owners side of the posts).
3. The intended use of the fence. Some case law in Oregon indicates that stock fences may not ripen into a prescriptive right.

In order to simplify the resolution and approval process of encroachments (especially fences) for your clients, I request that you provide the following information:

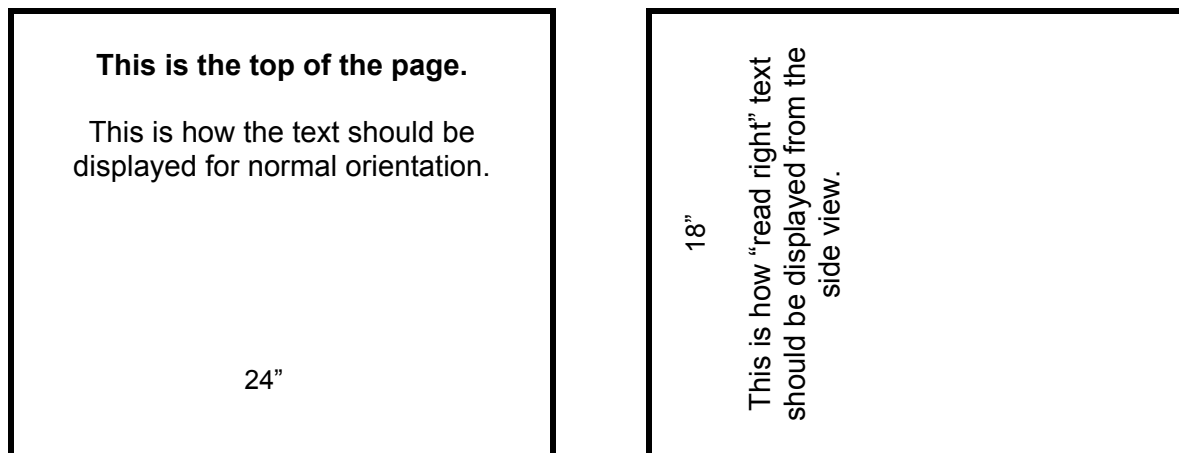
1. Graphically and clearly show the encroachment or hiatus in relation to the boundary. If warranted, a detail may be necessary.
2. Identify who owns the improvements causing the encroachment or hiatus (the owner of the subject property or the adjoining neighbor).
3. Show the type of encroachment or hiatus: cyclone fence, stock fence, landscaping, paved driveway, etc.

I have asked my Development Review staff to request this information on the initial comment print, if not already provided. Your cooperation will help to expedite this portion of the review process and will assist the county and your clients to more readily determine which encroachments or hiatus' are actually a problem and how they should be resolved.

Please keep in mind that the more information that you show on your map may result in less liability and reduced review time. Many times, an encroachment is not shown which actually supports the boundary resolution. The flip side is that if a problem is not disclosed early in the process, the probability of a delay increases.

PLAT ISSUES

We are constantly surprised at the number of surveyors that prepare maps who are unaware of simple drafting conventions. One of those that we regularly enforce, is the concept of “**read right.**” A survey map should be oriented with the 24 inch dimension being the width and the 18 inch dimension being the height, otherwise known as viewing in a “landscape” position. In that position, the title block, legend, etc. should be readable. While it is desirable to have the north arrow to the top of the page, sometimes it is not possible. In those cases, the north arrow should point to the left side of the map. “Read right” means that all information on the map reads from the top down and then from the right side. A simplistic drawing is shown below for your use.



If you have any questions regarding this, please call.

BOUNDARY SURVEYS FOR PLATS

When submitting a survey for the boundary of a proposed subdivision or condominium plat, it would be very helpful for us if you would include the proposed name of the development. This allows us to assign one project number for the development and provides better accounting of the costs associated with the plat. Not only does this assist us, but having the information referenced to each other may assist other departments and jurisdictions.

It is not the purpose of this letter to create a burden for you. We are attempting to cause you to identify potential problems so they can be dealt with in a timely manner. Giving your field survey crews specific instructions on what to look for and what to locate will save your client time and money in the long run.

If you have any questions or wish to discuss any aspect of this request, please call me at 503-353-4499 or Carl Clinton at 503-353-4498.