

Survey Advisory Board Meeting Minutes

August 11, 2016

8:00 a.m. to 3:30 p.m.

Hilton Vancouver

301 W. 6th St., Vancouver, WA 98660

Board Members Present:

Martin Paquette, PLS, Education, Chair
 Walt Dale, PLS, Urban
 Bruce Dodds, PE/PLS, Multi-Discipline
 Jon Purnell, PLS, Government
 Tim Kent, PLS, Rural

Staff Present:

Pat Beehler, PLS
 Kris Horton, PLS
 John Gasche, LSIT

Guests:

Charlene Huffman, Clark Co. Auditor's office – Auditors Recording Committee Liaison
 Jim Coan, PLS, LSAW liaison
 Paul Galli, PLS, WCCS liaison
 Richard Dickman, PLS, IRWA liaison
 Howard Richardson, PLS, Olson Eng.
 Nin Beseda, PLS, Beseda Land Surveying
 Carla Meritt, PLS, MacKay-Sposito
 Jeff Lynch, PLS, City of Vancouver

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=Agenda item number

- 1 **Chair Martin Paquette called the meeting to order at 8:00 a.m.** (*Agenda item #1*)
- 2 The minutes of the April 13, 2016 meeting were unanimously approved. (*Agenda item #2*)
- 3 **Monument Protection** (*Agenda item #3*)
 - a John G. reported that 114 Permit applications consisting of 755 monuments, and 44 Completion Reports were received and processed from April 12, 2016 to August 10, 2016. Since December 2009, John has processed 1,866 Permits. The total since the first Permit in 1973 is 5,886 processed which is approximately 15,600 monuments. The average Permits processed, per year, from 1973-2009 was 106/year. The average from 2010- current is 311/year.
 Discussion included that education about the Permit needs to continue, and not just within the surveying profession. It was noted that the Permit is required even if the monument is immediately replaced and that the application and completion report can be sent in at the same time. It was discussed that

surveyors need to be reminded that the Permit is not a substitute for an ROS or LCR. Jon P. mentioned that in instances when utility companies have an emergency response, then monuments may be destroyed since it's unlikely that a surveyor will be called in at that time. Pat B. reported on an email that he recently received where a county surveyor came upon a contractor hired by the electric company to move lines during a road project. The contractor was digging a trench through a property corner that the county surveyor had marked "Do Not Disturb" with ribbon and lath. The contractor (backhoe operator) said that he would reset the rebar by pulling distances from a mark they had on the pavement and on a nearby tree. The county surveyor told the contractor that he is not a licensed surveyor and therefore is not authorized to reset the property corner rebar. It was discussed and noted that this sort of scenario likely happens quite frequently, and goes undetected which is to the detriment of the public/land owners.

- b John G. asked the Board members for their opinion on the current requirement that all pages of the Permit application must be stamped and signed by the surveyor. There was much discussion, and the outcome is that Board members recommended that any attachment that is information the surveyor provides that is their own work – such as an exhibit map, field book copies, or coordinate lists – needs to be stamped and signed. If the attachment is just supplemental information – such as a reference survey – then the surveyor would not need to stamp and sign it.
- c Kris H. gave a report on the chip seal Memorandum of Understanding (MOU) with the counties. Pat B. attended the conference for the Washington State Association of County Engineers (WSACE) in June and was able to discuss the MOU with the county engineers that were at the conference. The final version of the MOU was provided to the county engineers (via the WSACE president) a week after the conference. Kris H. has received signed MOUs from some of the counties, but expected more in the next week since she provided them a deadline of August 12, 2016. Richard D. had questions about chip seal really "destroying" a monument. There was much discussion about digging up monuments in a roadway, the definition of "removal or destruction" per WAC 332-120, past discussion by the SAB about this subject, and the purpose of the MOU.

4 Report from Auditor's Recording Committee liaison to the SAB (Agenda item #4)

- a Charlene H. said there was no report from the Auditor's recording offices. Kris H. talked about items that have come up with the recording office, such as the barcode sticker being used in lieu of actually filling out the Auditor's Certificate per RCW 58.09. Kris H. said that there were still about five counties still not using the certificate – some of the surveyors weren't even putting the certificate on their maps. She noted that surveyors need to be mindful about knowing the RCW/WACs that govern the profession and to not let outside sources push requirements that are not in compliance with the RCW/WACs.
- b Walt D. reported that a city plat was rejected for recording because it didn't have the Assessor's signature on it. He noted that the Assessor's signature was not a requirement by that city code, but was by that county code.
It was brought up that a planning department signed a map in green ink. The recording office made sure it scanned legibly before they accepted it for recording. It was noted that per WAC 332-130-050 permanent black is to be used for all signatures on the map.

5 PLSO Website (Agenda item #5)

- a Kris reported that the Historic Records Indexes, which were not transferred over to the new DNR/PLSO website last year, will be added back to the PLSO website sometime soon. The information was deleted when the new website was launched last year, and she has had to find and recreate the indexes. She noted that most of them are available in WebXtender.
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b Kris H. asked the Board members if there was anything else they would like to see on the PLSO website, but said that there are some content size restrictions by the DNR Communications Division. Board members asked if the publications were still on the website. Kris H. said that they were. They asked if a link to the SAB website could be added to the PLSO website.

6 LSAW Liaison to the SAB – Jim Coan (filling in for Mel Garland) (Agenda Item #6)

b Jim C. reported that the LSAW Education Committee has hired a videographer to redo the online PLS Refresher Courses. Those should be available in January 2017. They are looking to add classes for technicians. Tim asked if the NSPS Survey Technician certification program is the same as what LSAW is proposing for technicians. Martin P. and Jim C. agreed that they're complimentary to the NSPS program.

a Pat B. reported that the Monument Preservation Committee's next meeting is August 24, 2016 at the Natural Resources Building in Olympia. The committee is still discussing funds distribution.

7 Washington Council of County Surveyors Liaison to the SAB – Paul Galli (Agenda item #7)

a Paul G. reported that the last meeting was at the Quinalt Beach Resort in Ocean Shores on July 19th. He said that they are still deciding on a venue for the WCCS Survey Conference in January 2017. Paul G. mentioned that the association is dealing with low membership and involvement.

Rule Making (Agenda items #10, 8 & 9)

These items were discussed for rule making:

10 Revisions to WAC 332-130:

No report. Walt D. and Kris H. will work on it before the next meeting.

8 Accuracy Standards for a Traverse (Field Traverse Standards) (WAC 332-130-090):

a Walt D. reported about a traverse he did to see if ALTA standards could be met. He asked "What exactly would the standards/tolerances apply to?".....The whole traverse? Would it apply to side shots? Jon P. talked about past SAB work on this topic. Martin P. asked Jon P. to work on this with him and Walt D.

b It was mentioned that surveyors are professionals and should be making the decisions about accuracy – report what they did by adding a note on the survey such as "meets Class II per WAC..." and "the ratio of redundant observation was.....". Martin P. thinks we need to establish standards, but there is definitely a questions about the best way to update them. Walt D. noted that classifications (ie: forestry, urban, etc.) doesn't work well. Martin P. said that he would like to see minimums set, to add "teeth" to the law. It was suggested that surveyors describe to their clients what standards will be used, based on the purpose of the survey and their professional judgement. Jon P. asked if too strict standards creates a liability issue. Paul G. and Jon P. agree that professional judgement needs to be used. Jon P. said that as surveyors we should be reporting what we found, what we did, and why we did it. Walt D. said that education to surveyors will need to be done. Bruce asked that the legal effect of any standards put in place be considered. Walt D., Martin P. and Jon P. will submit a report at the next meeting.

Note: At this point, the members of the Board of Registration Survey Committee (Aaron Blaisdell, Jim Wengler, and Neil Norman) sat in on the meeting for a short period of time.

9 *Topographic Standards RCW 58.24.040(1):*

- a** The draft checklist was given to the Board of Registration Survey Committee for their review. Jim Wengler said that the committee has not had a chance to review it, so there is no consensus from them at this time. They will hopefully be able to give some input before the next SAB meeting.

12 **Surveyor's Certificate** (*Agenda item #12(e)(vi)*)

- e** Kris H. presented a copy of an email with attachments sent to her from a private surveyor asking if a county can require a different surveyor's certificate than the one required/shown in RCW 58.09. King County was requiring that a different certificate -- of their design -- be used on a Boundary Line Adjustment map. The surveyor felt this was in direct violation of RCW 58.09 and refused to do it, which was holding up approval of the BLA. He was asking the SAB for their opinion on the matter. Bruce D. noted that if the county does not require the BLA approval map to be recorded, then it doesn't matter what certificate is on that approval map; but if the map is to be recorded then the certificate per RCW 58.09 is required. After much discussion, it was agreed that a note could be added to the survey map, which uses the wording the county is asking for in their certificate, but that a certificate per RCW 58.09 is the only certificate to be used for all recorded survey maps with the exception of Short Plats and Plats. Pat B. suggested sending a notice out to surveyors that BLAs are a two-step process (usually) with 1) being the approval by the county or city and 2) being the recording of the record of survey, if required and/or if monuments were set. Kris H. will send out the notification via the DNR Listserv and ask LSAW to also send it out to their members.

The Board of Registration Survey Committee members will contact King County to discuss the issue.

Per RCW 58.17 the county can require a different surveyor's certificate (matching the requirements in RCW 58.17) on a Short Plat or Plat (Long Plat). The Board of Registration Survey Committee members added that they agreed, and had recently made that same determination when asked about it by a surveyor.

11 **"Did you know?" articles** (*Agenda item #11*)

Steve Palmen, former SAB gov't position member, sent Kris H. two articles before he retired from WSDOT at the end of June 2016. The articles were approved by the SAB members and Kris H. will get them sent out via the DNR Listserv. Walt D. is working on an article about line staking and asked the Board of Registration Survey Committee members if they would be willing to look over the draft, to make sure we're all in agreement with the article contents. They said they would. Paul G. will work with Ken Paul (Clark Co. Surveyor) to create an article about "Basis of Bearing". Jon P. asked if the articles could also be posted on the PLSO and/or SAB website. Kris H. said she will talk to DNR Communications about it. Pat B. will do an article about donating/loaning survey records to the PLSO.

12 PLSO Update (*Agenda item #12*)

- a Pat B. reported that the 02A account (surveys & maps) has a healthy enough balance that the PLSO will be able to move forward in the next year or so to purchase a book scanner, maybe add some staff, and also add staff to Resource Mapping that would enable them to scan and make available historic aerial photos.
- b Kris H. reported that the current maps (that come in from the Auditors offices) are getting indexed within a week or two of receiving them, which means no more current map backlog. The PLSO is currently recruiting to fill a recently vacated Engineering Aide 3 (indexing/research) position. There are several very viable candidates. Ted Smith who works one day a week sorting through the historic records/records collections in the warehouse will continue to do so after the initial two-year position approval terminates April 2, 2017. The approval will be re-submitted for another two-year stint. Ted has accomplished a great deal in the past 17 months and is doing very valuable work.
- d Kris H. stated that she is still receiving many inquiries about how to amend a survey map/short plat/plat/bla. She presented examples of some of the amended maps recorded in 2016. She noted that what she continues to see is the lack of compliance with the elements that are required on an amended map, per WAC 332-130-050. Elements lacking are: A heading stating it's an amended map, a **prominent** note which is to include the recording information of the instrument being amended and specific details about what is being amended. She also noted that most of the confusion pertains to amending a map that requires county/city approval and/or owner signatures. She said that really it is up to the surveyor to use their professional judgement and knowledge of state and local laws/ordinances when amending any map.
- c Kris H. reported that the PLSO recently acquired the records of Jim Hart, PLS which include the records of his father-in-law Harry Sisler, PE. Jim is finally retiring at 93 years old and many of the records acquired date back to the 1940's.
- e Kris H. reported that she was contacted by Vince Brown, PLS with WSDOT. He had a questions about having to re-set PLSS corners in roadways versus just setting reference monuments. He referenced RCW 47.36.010. After some discussion, the SAB members agree that they can't make a determination on this, but do agree that the RCW is clear that the PLSS monuments are required to be set/re-set in the original position but that reference monuments can also be set so that the monument in the roadway wouldn't have to be occupied.

Howard Richardson asked the group if they knew of any recourse available in regards to making the BLM follow state laws as far as recording a ROS/LCR or applying for a Permit. He gave an example of a recent situation where the BLM removed his monuments and replaced (some of?) them before he even had a chance to record the survey map. The group discussed the situation and agreed that there is no recourse – the BLM does not have to comply with the state laws concerning surveying.

Kris H. presented copies of emails sent to her from a private surveyor in Clark County that was being asked to show a proposed drainfield & reserve area on the final map for a plat, for just one of the lots. The surveyor felt that it should not be shown on the final (recorded) map since the size and location may change if the future property owners/developers decide to build a 4 bedroom home instead of the 3 bedroom home that the proposed drainfield & reserve were designed for. All of the licensed land surveyors at the meeting (board members and otherwise) agreed that the drainfield & reserve areas

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should not be shown on the final plat. They felt it would put the future lot owners at risk, not to mention putting the licensed land surveyor that signed the map at risk. Part of the reason is that the drainfield & reserve areas are likely to change – to some degree. Also, a licensed surveyor cannot certify to the location of a drainfield & reserve area, which is for the licensed engineer/septic designer to do.

The board members noted that it was probably not required by the hearings examiner and was probably a request by the Health Dept. This is something none of those in attendance had seen before.

It was agreed that a note, indicating that a site layout plan for Lot 4 was on file at the Health Dept. due to possible building area restrictions, could be added to the face of the map instead of showing the proposed drainfield & reserve areas.

It was agreed that items 12(e)(vii) and (viii) from the meeting agenda would be tabled until the next meeting.

12 Update on DNR Presentations: (*Agenda item #12(f)*)

f Kris H. reported that she is scheduled to do a four (4) hour presentation at the LSAW conference in March 2017 in SeaTac. She plans on talking about researching items that have come up over the last year in regards to survey maps/map recording and any unusual questions/situations. She will also give an update on what the SAB is working on. She asked for any other suggestions on what to present.

Kris H. also stated that she and/or other PLSO staff would like to make it to a meeting of each of the LSAW chapters in the next year or so. She would also like to visit all the county recording offices.

New Items (*Agenda item #13, 14 & 15*)

13 Walt D. reported that he is on a committee tasked with updating the monument specifications for the City of Spokane. Walt D. presented a copy of the current specifications and asked for any input (from those present) on what other municipalities use.

14 Martin P. asked if anyone else is aware of surveyors using 11-inch rebar so that they don't have to call for locates just to set a monument at a property corner. Walt D. said that it's up to the surveyors to use professional judgement about what to use. He noted that surveyors are caught between the "call before you dig" law and making sure they comply with using substantial, adequate monuments. There was discussion that Washington Utilities Coordinating Council (WUCC) has a complaint process and anyone found to not be complying with the "call before you dig" law can be issued fines of up to \$10,000; and that even when locates are requested they are not being done.

15 Bruce D. asked if having multiple surveyor names/numbers on a survey cap was acceptable or in compliance with RCW 58.09.120. After some discussion the SAB members agree that it does comply with the RCW. Carla Meritt commented that if her company goes back to reset a monument on a survey/plat they did, but the original surveyor from the company is retired, they have to put on a new cap and record a survey map. She said that a cap with the name/number of all the company surveyors on it would prevent that type of situation, which would help with costs for the property owners.

Good of the Order (*Agenda items #17 & 16*)

17 Kris H. went over travel expense paperwork with the SAB members.

Next Steps

16 The next meeting of the SAB will be (tentatively) in December 2016. Location undetermined at this time. The SAB members and DNR staff agree that from here forward they would like to only have one of the yearly meetings at the same date/location as the BOR. All other meetings will be set up independently of the BOR. Kris H. suggested that the Board try to have the meetings at different locations across the state, so as to encourage visitor attendance.

Suggestions

None given.

Assignments

- SAB Members:
 - Walt work with Kris on reaching out to Title Company organizations/associations – concerning changes such as the AMC no longer being used.
 - Walt, Martin, and Jon will work together to submit a report concerning proposed field traverse standards, at the next meeting.
 - Walt to re-send copy of Ron's changes of WAC 332-130 to all SAB members and staff.
- Kris will:
 - Send out notification concerning surveyor's certificates on short plats/plats
 - Ask DNR communications about adding items to the PLSO or SAB website.
 - Send out notification about BLA processes: approval and then recording of map & deeds
 - Contact Idaho & Oregon surveying associations for outreach/education purposes
- Did you know? Article assignments:
 - Kris: Scanning (map legibility)
 - Kris & Casey: Notary ink and signature color and any other recording issues
 - Tim & Casey: Transfer of Death Deed
 - Mel: Local Jurisdiction control of mapping
 - Bruce & Martin: Certificate on all recorded documents
 - John Gasche: Getting verbal approval for a Permit – common errors
 - Pat: Survey records -- donate/loan to PLSO
 - Paul G. and Ken Paul: Basis of Bearings

Meeting Adjourned at 3:30 p.m.