

# Survey Advisory Board (SAB) Meeting Minutes

Thursday, April 28, 2022

8:00 a.m. – 12:00 pm

**Meeting held at 801 88<sup>th</sup> Ave SE, Tumwater  
and via Teams teleconference**

## **SAB Members Physically Present:**

Martin Paquette, PLS, Chair – **Education**

Paul Galli, PLS – **Government**

Gary Letzring, PLS – **Urban Surveying**

## **SAB Members Present Via Teams:**

Bruce Dodds, PLS/PE – **Multi-Discipline**

Erielle Lamb, PLS – **Rural Surveying**

## **PLSO Staff Physically Present:**

Pat Beehler, PLS – Chief DNR Surveyor

David Icenhower, PLS – Manager, PLSO

Ann Alves, LSIT – PLSO

Dennis Studeman – PLSO

## **Liaisons Present Via Teams:**

Tom Barger – LSAW (City of Seattle)

Kim Eisenbacher – WSACA (Pierce County Auditor)

Casey Kaul – WSACA (Pierce County Auditor)

## **Audience Guests Via Teams:**

Steve Dabrowski – DFW

Ryan Tessier – DNR PLSO

Lucas Lymangrover – DNR

Bob Morse – City of Bellingham

Michael Kulish

Tamara King – Snohomish County

Larry Signani

Lee Moua – Clark County

Ron Weeks

Unidentified guest

## **Call to Order**

1. Martin Paquette called the meeting to order shortly after 8:00 a.m.
  - o The Board members introduced themselves.
2. Guests were asked to self-introduce.

## **Brief Items and Reports**

1. **Approval of January 27, 2022 meeting minutes** - The minutes of the January 27, 2022 Survey Advisory Board meeting were approved on condition of making one amendment. Under item 2, “Outreach concerning monument destruction,” the minutes state:
  - *David reported that there seems to be confusion among surveyors regarding when an ROS needs to be filed following monument destruction and replacement.*
    - *There was a motion from the SAB, which was seconded and passed, for the PLSO to write up a formal request on the question to the Board of Registration for Professional Engineers and Land Surveyors (BRPELS).*

The specific questions to be formally posed to the BRPELS are not spelled out. The revision will be to add the full text of the questions to be posed. David will make this revision and redistribute the amended minutes.

2. **Monument perpetuation and Professional Development Hours (PDH) program report** – Ann Alves reported that since the January 27<sup>th</sup> meeting:
  - **75** LCRs have been submitted
  - **97** Permits to Remove or Destroy have been submitted
  - **61** Completion reports have been submitted
  - The Professional Development Hours (PDH) Program did not receive any participation
3. **Washington State Association of County Auditors (WSACA) report** – Kim Eisenbacher
  - Kim reported that the Recording Standards Commission continues to meet and is working on eliminating racially restrictive covenants. The group is charged with creating a process for courts to identify unenforceable covenants. Some documents could have these elements redacted and then have the document re-recorded. This system may not be in place until this summer and WACs would still need to be written.
  - Kim also reported that WSACA is working on standardization of document titles that recorders could use to help create predictable recording fees. They are also working on

rejection standards.

- Casey Kaul reported that House Bill 1376 passed which repealed the Torrens Act in its entirety. There were only a handful of counties that have properties registered in Torrens, which is more commonly known as registered land. In 1907, Washington adopted the Torrens real property registration system and it was an optional alternative to the recording system. Although both the recording and the registration systems are housed in the county auditor's office, the two systems are separate from one another. There's a several step process for removing registered property from the registration system and placing it in the recording system, which is outlined in the legislation:
  - The counties with registered land properties will need to notify the existing property owners that the registry system has been discontinued.
  - Then in turn, they will surrender their certificate of title to us and we will issue a certificate of withdrawal. If they don't do that, then the properties will be automatically withdrawn on July first of 2023.
  - At that point, all records will be closed, in the registry system and placed in the permanent deed records.

When documents are presented for recording under registered land, Title Companies are requiring those owners of the properties to withdraw in order for them to issue title insurance.

4. **SAB Liaison to WSACA report** - Gary Letzring also had no updates to report regarding WSACA related issues.

5. **Report from Land Surveyors' Association of Washington (LSAW) Liaison** –

- Tom Barger had no new LSAW information to report.
- Thomas reported that the Walker Cup golf tournament is scheduled for August 12<sup>th</sup> and the Jim Coan celebration of life is scheduled for August 13, 2022
- Martin made a call for LSAW members to pay their dues and Tom stated that Crissy would send out renewal notices statewide.

6. **Report from Washington Council of County Surveyors (WCCS) Liaison** –

- Sam Mutt was not in meeting attendance and no report was delivered.

7. **Status of the *Did you know?* Article**

- Paul Galli reported that an article about physical description and history of found and/or replaced monuments is still in the works.
- Paul explained that the purpose of the article, as originally conceived by Jon Purnell, is to suggest what monument information should be included in a description, including physical characteristics and the history thereof.
- Pat mentioned an issue that we have had with people using the LCR forms for non-PLSS corners. Pat suggested that we might consider having a monument recovery form that is similar to the LCR form but for documenting changes to non-PLSS corners. There is a

question as to whether posting this form in the WebXtender database is adequate under the law, or if such a “monument recovery form” would need to be recorded. There was also a question raised concerning whether a non-recording system of filing these recovery forms would constitute legal constructive notice.

#### 8. **Update of GPS Guidebook 2004 –**

- Martin would like to change the emphasis from the older methods, with long static sessions, etc., to more modern methods, like the use of GNSS, and use of the network.
- Paul also suggested that the guidebook should include info on the types of metadata is needed to adequately describe what was performed, and how to apply Washington State Law.
- Gary suggested the guidebook include “best practices” and modern methods.

### **DNR Report**

#### 1. **02A Account report**

- Pat Beehler reported on the 02A account, **as attached.**

#### 2. **Records – David Icenhower reported:**

- **Records donated**
  - The PLSO picked up records of Tom Kerth through Doug Casement (February 1).
  - David Baalman donated the records of Rogers Surveying, in Richland, through a disk transfer of files. About 1300 records (electronic files), some of which date back to the mid-sixties.
  - Whitman County Public Works sent us a digital collection of railroad maps in and around Whitman County, as well as other records from their Public Works Department.
  - Bill Fox donated records of Dobbs and Fox. We picked up a little more than half of his records and are planning on picking up the remainder in the next couple of weeks.
- **Record collections waiting to be donated:**
  - **Olson Engineering** – Ann Alves and Dennis Studeman have visited with Jerry Olson. Jerry is inclined to donate many records and we are working out the terms and logistics.
  - Contacted Todd Pocock regarding **Harmsen records**. Harmsen is now owned by a group in Tennessee and he doesn't know if they will allow the donation. He is looking

into it.

- **Triad records (DEA)** –John Christensen is our point of contact from the DEA who has the Triad records. Ann and David visited the site. They have hundreds of field files in addition to almost a terabyte of digital files. We will make arrangements to begin picking up the oldest files first.
- Contacted Bob Wilson of San Juan Surveying who has the **Thalacker collection**. He is in the process of digitizing all (or a large portion of) those records and he want to give them to us when he is finished. He asked that we call him again in 6 months to check in on the status.
- David attempted, but was unable, to contact Troy Marshall regarding the **Mike Marshal collection**.
- **Microfilm records in the office:**
  - The PLSO has thousands of diazo-microfilmed records that are fading due to the nature of the medium. A contract has been made with State Archives to have them digitize the higher quality duplicate microfilm copies that they are housing. They hope to be completed with the project by the end of this year.

### 3. **Outreach/Training** – David Icenhower reported:

- David and Pat attended a Washington Council of County Surveyors (WCCS) meeting was held on February 10, 2022. Those in attendance discussed the possibility of changing the Washington Council of County Surveyors to the Washington Council of Government Surveyors in an effort to be more inclusive and generate membership. The issue is pending.
- News and information sent via Mail Chimp
  - Revisions to WAC 332-130 (January 28<sup>th</sup>)
  - Survey Advisory Board Vacancy (January 28<sup>th</sup>)
  - BRPELS revisions to WAC 196-23 and 196-12 (February 9<sup>th</sup>)
  - NGS Seminar announcement “Geodetic Astronomy at NGS: Past and Present” (March 9<sup>th</sup>)
  - NGS Webinar Series (March 18<sup>th</sup>)
  - Announcement of NOAA VDatum Version 4.4.1 release (March 30<sup>th</sup>)
- David, Pat, Dennis, and Ann attended the Land Surveyor’s Association of Washington (LSAW) state conference, March 3-5, 2022.
  - Public Land Survey Office (PLSO) update presentation
    - a. Presented by David Icenhower
    - b. About 60 people in attendance
  - Seminar “Surveying Inside of Old Plats”
    - a. Presented by Pat Beehler
  - Information booth at the conference

- a. Staffed by Dennis Studeman and Ann Alves
  - b. Many people stopped by the booth
  - c. Much discussion with guests about records donations
- Survey Advisory Board members were also in attendance and made a presentation

## Active Items (Working)

### 1. Updates to WAC 332-130-050 – Pat Beehler reported:

- Removing Graphic indexing requirement
- Relative Accuracy definition (clarity for land net RCW 58.09 and RCW 58.20)
- Took effect on March 27, 2022
- Recorders expressed gratitude for having the requirement of a graphical index removed from WAC 332-130-050.
- Pat discussed a slightly revised draft of Senate Bill 5224 wherein there would be a revision in RCW 58.09 which would remove the allowance of the County Commissioners to add additional fees to map recordings. Also, the word “shall” is replaced with the word “must” to be in agreement with a Supreme Court ruling regarding the meaning of the word “shall.”
- Casey stated that there could be a problem with eliminating the Auditor’s fee for recording but it might be better to establish a set fee, but not to allow it to be changed at the discretion of the County Commissioners.

### 2. Outreach concerning monument destruction

- Paul reported that he has put together a paper on monument preservation and he was hoping to have it published in the Board Journal. The Board didn’t want to publish it unless it comes from the SAB, and not just from Paul.
  - David asked how Paul’s article compares with the information recently disseminated by the BRPELS.
  - Paul stated that the BRPELS letter stated that surveyors and engineers need to adhere to the law, but they did not mention specifics.
  - Paul suggested promoting “best practices” guidance.
  - Paul stated that the BRPELS Policy #42, regarding the practice of engineers performing incidental topo or other survey activity, is not in conformance with Washington State law, according to the Assistant Attorney General (AAG).
  - Paul requested that his letter be accepted by the SAB to become a “*Did You*

*Know?"* article.

- 811 Washington
  - Tom Barger reported that the 811 Washington Website now has a brief explanation of what monuments are. Is there an avenue to include monuments as a “utility” in the eyes of 811? Tom will get with Carla Meritt to see what he can learn from her as she was previously involved in working this issue.
- Martin asked if we have received any response from the BRPELS regarding the questions that have been formally posed to them by the DNR and SAB.
  - These questions concern the need to record a survey following monument replacements and the need to record a survey where apparent encroachments exist. **The questions to the BRPELS are attached.**
  - There are no SAB members or DNR employees who have received a response as of the date of this meeting.

### 3. Model BLA Ordinance

- Discussion took place regarding the intent of the Model BLA Ordinance document, primarily amongst Bruce, Martin, Gary, and Tom Barger:
  - Bruce feels that the document should be produced with surveyors in mind as being the target audience, since many surveyors do not understand all of the property issues involved in creating a BLA. We could much more readily disseminate such a document to the survey community than to all of the various jurisdictional planning departments. In addition, this would “arm” the surveyor to be able to discuss the relevant issues with the planners to ensure that the various critical components are addressed. It would also help the surveyor to convey to their client(s) what all the necessary elements are which need to be accomplished, and which of those elements are things that the surveyor can’t do.
  - Bruce suggested that this document could be “announced” through a “Did You Know?” article and the Board Journal (through BRPELS) that this document exists for use by land surveyors.
  - Tom expressed what he believed was the intentions of Walt Dale when this document was first proposed. He believes that Walt wanted a document to be used by local jurisdictional planners, architects, and engineers to inform them of what are the necessary elements that need to be accomplished in order to properly complete a BLA.
  - Bruce explained that he had worked with Walt in the early stages of this endeavor but the idea of who should receive this information and how to distribute it has morphed over time for the reasons previously mentioned.

- Tom suggested that the document could sum up the existing RCWs and WACs on the topic but Bruce explained that the law as written is inadequate to address all of the requirements for fully completing a proper BLA. Bruce believes that the current draft of the document is comprehensive.
- Martin asked Bruce to keep Walt Dale in the loop.
- Bruce asked if our liaison with LSAW could have a discussion with the LSAW to see how they feel about this document and plan for dissemination.
- Gary wants to be sure to include a checklist item for zoning considerations to ensure that a client does not create a non-buildable lot unintentionally.
- Bruce will get with Walt Dale to discuss the current document content.
- Bruce also brought up the monument preservation effort. He suggested education needs to happen and perhaps some kind of penalties created, but more thought needs to be given to the specifics.

## **New Items**

1. Introduction of incoming Board Chair
  - Pat Beehler announced that Bruce Dodds will be the new chair, presiding over the July 28, 2022 meeting in Spokane.
2. Recruitment for an Education Representative
  - Pat announced that he has not received any formal requests as of this meeting time
3. David briefed the board on possible tweaks to the Application and Permit to Remove or Destroy a Survey Monument form.
4. Thanks to departing Board Chair Martin Paquette for his twelve years of service as the Education member.

## **Next Meeting Date**

- The next meeting is planned for Thursday, July 28, 2022 in Spokane.

## **Adjournment**

- Martin Paquette adjourned the meeting at 10:47 a.m.