

WSR 24-23-001
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed November 6, 2024, 12:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-17-037.

Title of Rule and Other Identifying Information: WAC 332-130-050 and 332-130-055, survey map auditor's checklist.

Hearing Location(s): On December 13, 2024, at 10:00 a.m., at the Department of Natural Resources (DNR), Tumwater Compound, Black Hills, 801 88th Avenue S.E., Conference Room, Tumwater, WA 9854 [98504]-7019; and online with Teams.

Date of Intended Adoption: December 20, 2024.

Submit Written Comments to: Patrick J. Beehler, PLS, 1111 Washington Street S.E., Mailstop 47030, email Pat.Beehler@DNR.WA.Gov, fax 360-902-1778, 360-902-1181, beginning November 20, 2024, by December 13, 2024.

Assistance for Persons with Disabilities: Contact David Icenhower, PLS, phone 360-905-1190, email David.Icenhower@DNR.WA.Gov, by December 2, 2024.

Reasons Supporting Proposal: Revision to make the current auditor's checklist clear and concise without ambiguity.

Statutory Authority for Adoption: RCW 58.09.110 Duties of county auditor.

Statute Being Implemented: RCW 58.09.110.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Proposed revisions were developed by DNR with cooperation and input from Washington Association of County Auditors.

Name of Proponent: DNR, governmental.

Name of Agency Personnel Responsible for Drafting: Patrick J. Beehler, PLS, 1111 Washington Street S.E., Olympia, WA 98504-7030, 360-902-1181; Implementation and Enforcement: David Icenhower, PLS, 801 88th Avenue S.E., Tumwater, WA 98504-7019, 360-902-1190.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. No additional cost is anticipated due to the revision of the checklist.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The proposed rule corrects language that caused some misunderstanding and confusion. It also clarifies ambiguous wording.

Scope of exemption for rule proposal:

Is fully exempt.

November 6, 2024
Todd Welker
Deputy Supervisor
State Lands

OTS-5927.2

AMENDATORY SECTION (Amending WSR 22-04-049, filed 1/27/22, effective 2/27/22)

WAC 332-130-050 Survey map requirements. The following requirements apply to ~~((land boundary))~~ survey maps and plans ~~((, records of surveys, plats, short plats, boundary line adjustments, and binding site plans))~~ required by law to be filed or recorded with the county.

(1) All such documents filed or recorded ~~((shall))~~ must conform to the following:

(a) They ~~((shall))~~ must display ~~((a county recording official's))~~ information blocks which ~~((shall))~~ must be located along the bottom or right edge of the document unless there is a local requirement specifying this information to be displayed in a different format. The ~~((county recording official's))~~ required information blocks ~~((shall contain))~~ must include:

(i) The title block, which ~~((shall))~~ must be on all sheets of maps, plats or plans, and ~~((shall))~~ must identify the business name, phone number, and address of the firm and/or land surveyor that performed the survey. For documents not requiring the surveyor's certificate required by RCW 58.09.080, the title block ~~((shall))~~ must show the firm name, phone number, and business address of the preparer and the date prepared. Every sheet of multiple sheets ~~((shall))~~ must have a sheet identification number, such as "sheet 1 of 5";

(ii) The auditor's certificate, where applicable, which ~~((shall))~~ must be on the first sheet of multiple sheets; however, the county recording official ~~((shall))~~ must enter the appropriate ~~((volume))~~ book and page and/or the ~~((auditor's))~~ county recording official's file number on each sheet of multiple sheets;

(iii) The surveyor's certificate, where applicable, which ~~((shall))~~ must be on the first sheet of multiple sheets and ~~((shall))~~ must show the name, license number, signed seal of the land surveyor who had responsible charge of the survey portrayed, and the date the land surveyor approved the map or plat. Every sheet of multiple sheets ~~((shall))~~ must have the signed seal of the land surveyor and the date signed;

(iv) The following indexing information must be written out, either full text or abbreviated, on the first sheet of multiple sheets:

(A) The section-township-range and quarter-quarter(s) of the section in which the surveyed parcel lies, except that if the parcel lies in a portion of the section officially identified by terminology other than aliquot parts, such as government lot, donation land claim, homestead entry survey, townsite, tract, and Indian or military reservation, then also identify that official subdivisional tract and call out the corresponding approximate quarter-quarter(s) based on projections of the aliquot parts. Where the section is incapable of being described by projected aliquot parts, such as the Port Angeles townsite, or elongated sections with excess tiers of government lots, then it is acceptable to provide only the official GLO designation;

(B) Additionally, if appropriate, the lot(s) and block(s) and the name and/or number of the filed or recorded subdivision plat or short plat with the related recording data;

(b) They ~~((shall))~~ must contain:

(i) A north arrow;

(ii) The vertical datum when topography or elevations are shown;

(iii) The basis for bearings, angle relationships or azimuths shown. The description of the directional reference system, along with the method and location of obtaining it, (~~shall~~) must be clearly given (such as "North by Polaris observation at the SE corner of section 6"; "Grid north from azimuth mark at station Kellogg"; "North by compass using twenty-one degrees variation"; "None"; or "Assumed bearing based on..."). If the basis of direction differs from record title, that difference should be noted;

(iv) Bearings, angles, or azimuths in degrees, minutes and seconds;

(v) Distances in feet and decimals of feet;

(vi) Curve data showing the controlling elements (~~(-)~~);

(vii) A legend containing line types and symbols that are not otherwise identified by notations.

(c) They (~~shall~~) must show the scale for all portions of the map, plat, or plan provided that details not drawn to scale (~~shall~~) must be so identified. A graphic scale for the main body of the drawing, shown in feet, (~~shall~~) must be included. The scale of the main body of the drawing and any enlargement detail (~~shall~~) must be large enough to clearly portray all of the drafting detail, both on the original and reproductions;

(d) The document filed or recorded and all copies required to be submitted with the filed or recorded document (~~shall~~) must, for legibility purposes:

(i) Have a uniform contrast suitable for scanning or microfilming;

(ii) Be without any form of cross-hatching, shading, or any other highlighting technique that to any degree diminishes the legibility of the drafting detail or text;

(iii) Contain dimensioning and lettering no smaller than 0.08 inches, vertically, and line widths not less than (~~(0.008)~~) 0.01 inches (equivalent to pen tip 000). This provision does not apply to vicinity maps, land surveyors' seals and (~~certificates~~) logos.

(e) They (~~shall~~) must not have any adhesive material affixed to the surface;

(f) For the intelligent interpretation of the various items shown, including the location of points, lines and areas, they (~~shall~~) must:

(i) Reference record survey documents that identify different corner positions;

(ii) Show deed calls that are at variance with the measured distances and directions of the surveyed parcel;

(iii) Identify all corners used to control the survey whether they were calculated from a previous survey of record or found, established, or reestablished;

(iv) Give the physical description of any monuments shown, found, established or reestablished, including type, size, and date visited;

(v) Show the record land description of the parcel or boundary surveyed (~~(or)~~) with a reference to (~~(an)~~) the instrument of record;

(vi) Identify any ambiguities, hiatuses, and/or overlapping boundaries;

(vii) Give the location and identification of any visible physical appurtenances such as fences or structures which may indicate encroachment, lines of possession, or conflict of title.

(2) All signatures and writing (~~shall~~) must be made with permanent black ink or ink capable of being imaged.

(3) The following criteria (~~(shall)~~) must be adhered to when altering, amending, changing, or correcting survey information on previously filed or recorded maps(~~(, plats, or plans)~~):

(a) Such maps(~~(, plats, or plans)~~) filed or recorded (~~(shall)~~) must comply with the applicable local requirements and/or the recording statute under which the original map(~~(, plat, or plan)~~) was filed or recorded;

(b) Alterations, amendments, changes, or corrections to a previously filed or recorded map(~~(, plat, or plan shall)~~) must only be made by filing or recording a new map(~~(, plat, or plan)~~);

(c) All such maps(~~(, plats, or plans)~~) filed or recorded (~~(shall)~~) must contain the following information:

(i) A title or heading identifying the map(~~(, plat, or plan)~~) as an alteration, amendment, change, or correction to a previously filed or recorded map(~~(, plat, or plan)~~) along with, when applicable, a cross-reference to the (~~(volume)~~) book and page (~~(and auditor's)~~) and/or county recording official's file number of the (~~(altered map, plat, or plan)~~) original map;

(ii) Indexing data as required by subsection (1)(a)(iv) of this section;

(iii) A prominent note itemizing the change(s) to the original map(~~(, plat, or plan)~~). Each item (~~(shall)~~) must explicitly state what the change is and where the change is located on the original;

(d) The county recording official (~~(shall)~~) must file, index, and cross-reference all such maps(~~(, plats, or plans)~~) received in a manner sufficient to provide adequate notice of the existence of the new map(~~(, plat, or plan)~~) to anyone researching the county records for survey information;

(e) The county recording official (~~(shall)~~) must send to the department of natural resources, as per RCW 58.09.050(3), a legible (~~(copy)~~) image of any map(~~(, plat, or plan)~~) filed or recorded which alters, amends, changes, or corrects survey information on any map(~~(, plat, or plan)~~) that has been previously filed or recorded pursuant to the Survey Recording Act.

(4) Survey maps(~~(, plats and plans)~~) filed with the county (~~(shall)~~) must be an original that is legibly drawn in black ink and is suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The following are allowable formats for the original that may be used in lieu of the format stipulated above:

(a) Any standard material as long as the format is compatible with the auditor's recording process and records storage system. Provided, that records of survey filed pursuant to chapter 58.09 RCW are subject to the restrictions stipulated in RCW 58.09.110(5);

(b) An electronic version of the original if the county has the capability to accept a digital signature issued by a licensed certification authority under chapter 19.34 RCW or a certification authority under the rules adopted by the Washington state board of registration for professional engineers and land surveyors, and can import electronic files into an imaging system. The electronic version (~~(shall)~~) must be a standard raster file format acceptable to the county(~~(-)~~);

~~((5) The following checklist is the only checklist that may be used to determine the recordability of records of survey filed pursuant to chapter 58.09 RCW. There are other requirements to meet legal standards. This checklist also applies to maps filed pursuant to the other survey map recording statutes, but for these maps there may be additional sources for determining recordability.~~

~~CHECKLIST FOR SURVEY MAPS BEING RECORDED
(Adopted in WAC 332-130)~~

~~The following checklist applies to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county. There are other requirements to meet legal standards. Records of survey filed pursuant to chapter 58.09 RCW, that comply with this checklist, shall be recorded; no other checklist is authorized for determining their recordability.~~

~~ACCEPTABLE MEDIA:~~

- ~~• Acceptable media are:
[] Any standard material compatible with county processes; or, an electronic version of the original.~~
- ~~• [] All signatures must be made with black ink.~~
- ~~• [] The media submitted for filing must not have any material on it that is affixed by adhesive.~~

~~LEGIBILITY:~~

- ~~• [] The documents submitted, including paper copies, must have a uniform contrast throughout the document.~~
- ~~• [] The documents submitted must be legible and reproducible by the auditor's recording system regardless of media used for recording.~~
- ~~• [] No information, on either the original or the copies, should be obscured or illegible due to cross-hatching, shading, or as a result of poor drafting technique such as lines drawn through text or improper pen size selection (letters or number filled in such that 3's, 6's or 8's are indistinguishable).~~
- ~~• [] Signatures, date, and seals must be legible on the prints or the party placing the seal must be otherwise identified.~~
- ~~• [] Text must be 0.08 inches or larger; line widths shall not be less than 0.008 inches (vicinity maps, land surveyor's seals and certificates are excluded).~~

~~INDEXING:~~

- ~~• [] The recording officer's information block must be on the bottom or right edge of the map.
[] A title block (shows the name of the preparer and is on each sheet of multiple sheets).
[] An auditor's certificate (on the first sheet of multiple sheets, although Vol./Pg. and/or AF# must be entered by the recording officer on each sheet).
[] A surveyor's certificate (on the first sheet of multiple sheets; seal, date, and signature on multiple sheets).~~
- ~~• The map filed must provide the following indexing data:
[] S-T-R and the quarter-quarter(s) or approximate quarter-quarter(s) of the section in which the surveyed parcel lies.~~

~~MISCELLANEOUS:~~

- ~~• If the function of the document submitted is to change a previously filed record, it must also have:
[] A title identifying it as a correction, amendment, alteration or change to a previously filed record.
[] A note itemizing the changes.~~

~~• For records of survey:~~

~~[] The sheet size must be 18" x 24".~~

~~[] The margins must be 2" on the left and 1/2" for the others, when viewed in landscape orientation.~~

~~[] In addition to the map being filed there must be two prints included in the submittal; except that, in counties using imaging systems fewer prints, as determined by the auditor, may be allowed.)~~

(c) Maps cannot include: Any lines, cross-hatching, shading, un-conventional font, "grayscale" text or lines, or any other drafting conventions, that obscures information and/or would be difficult to be legibly reproduced from a scanned or microfilmed version of the original map. Also, any line width less than 0.08 inches.

NEW SECTION

WAC 332-130-055 County recording official's checklist. The following checklist is the only checklist that may be used to determine the recordability of records of survey filed pursuant to chapter 58.09 RCW. There may be additional requirements for other maps to meet legal standards. This checklist also applies to maps filed pursuant to the other survey map recording statutes, but for these maps there may be additional sources for determining recordability.

No other checklist is authorized for determining their recordability.

Recording Map Checklist (chapter 332-130 WAC)

Acceptable media:

Acceptable media are:

- Any standard material compatible with county processes; or electronic version of the original.

- All signatures must be made with black ink or ink capable of being imaged.

- The media submitted for filing must not have any material on it that is affixed by adhesive.

Legibility:

All maps must meet the following requirements:

- Uniform contrast throughout the document.

- Symbols and line types that appear to be illegible must be identified in a legend at a drawing scale.

- Fully reproducible by the auditor's recording system regardless of the media used for recording.

- Legible signatures, date, and seals. If seals are not legible, they must be otherwise clarified.

- Text 0.08 inches or larger (vicinity maps, land surveyors' seals; and certificates are excluded).

Indexing:

Maps must include:

- The county recording official's information block must be on the bottom or right edge of the map and must include a space for a recording date, official and deputy official signature, book and page and/or county recording official's file number.

- A title block (shows the name of the preparer, phone number and address, and is on each sheet of multiple sheets).
- Surveyor's certificate must be on the first page, if multiple sheets; seal, date, and signature on each additional sheet.
- The map must provide the following indexing data: Section, township, range and the quarter-quarter(s) or approximate quarter-quarter(s) of the section in which the surveyed parcel lies in written format. A graphical representation may also be used but not in lieu thereof.

Miscellaneous:

If the function of the document submitted is to change a previously filed record, it must also have:

- A title identifying it as a correction, amendment, alteration, or change to a previously filed record.
- A note itemizing the changes.
- Reference number to original recording.

For all maps:

- The sheet must be 18" × 24" unless otherwise designated by the recording official's county code.
- The margins must be 2 inches on the left and 1/2 inch for the others when viewed in landscape orientation.
- In addition to the map being filed there must be two prints included in the submittal; except that, in counties using imaging systems, then fewer prints, as determined by the county recording official, may be allowed.