

# BORMANN SURVEYING

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Boone County Planning and Zoning  
801 E. Walnut, Room 143  
Columbia, MO 65201-7733

Re: Proposed Subdivision Regulations

Dear Commissioners,

I have not had time to look at the proposed regulations in depth because my time is currently consumed by running for office, but I see numerous problems with the parts that I have reviewed.

While well intended, the new regulations creates more problems than they solve. In additions, they do not solve the problems they we were told they were meant to solve. Personally, I find the new regulations to be more confusing than the previous language. If I, as a surveyor find these confusing, then the general public will not understand them at all. I believe this regulation should be written so that anyone with high school education can go through and generally understand the subdivision. This proposal does not do that. Furthermore, the regulations have overstepped the authority given by the statutes.

For instance, this proposal requires county review of retracement surveys (Exception Surveys). The statutes give the county authority to regulate the subdivision process. It does not give the county the authority to regulate retracement surveys. The recorder must record documents that meet statutory requirements and cannot refuse to record then. I will not bring my retracement surveys to county planning and zoning for review if it means waiting two days before I can drive back to Columbia to record the survey. Instead, I will have it recorded without county review.

The same can be said for "lot consolidation surveys." Unless the owner signs the survey as a subdivision plat to legally remove the interior lot lines, this is a retracement survey having no legal impact upon the original lot lines. Again, the county would be overstepping its authority to require review of these.

If surveyors have recorded surveys that subdivided properties by telling staff they are retracement surveys, the solution is to call the surveyor to task. The surveyor may have made a legitimate mistake and should be given the opportunity to fix it; however, we have a licensing board to take care of problems that the surveyor refuses to resolve. If a surveyor intentionally did such a thing, he is guilty of fraud and misconduct in the practice of surveying and should have his license revoked because he has an obligation under the law to protect the public. I believe the county has an obligation to protect the public from such surveyors. Why would the county not do this? How many times has this happened? How many different surveyors have done this?

A similar problem is the idea of requiring "proof of ownership." This idea does NOT accomplish the stated goal and adds needless expense to the subdivision process. No title company can guarantee title beyond the date they sign the form. Yet this proposal is to "to be considered valid for a period of 30 days." Such a form will not prevent a developer from signing a deed for the property. Here the solution must be reactive. If the owner sells a tract that is currently going through the subdivision process and recorded with the signatures of the people who are not the owners, the county should vacate the plat and have the new owner go through the process again. You cannot legislate against stupidity.

Why do we need lot line adjustment plats? Columbia allows the sale of small tracts between adjacent owners so long as there is no zoning violation. They do not review and sign off on such surveys but rely upon surveyors to know and understand the regulations. If they have had a problem with this, it has not been a big enough problem to want to review and sign off on these surveys. They do have the option of refusing a building permit or revoking an illegal sale (the same as the county does) and going after the surveyor. How much of problem has this been to the county?

These are just few of things I see in the first ten or so pages. I would like to point out a major deficiency I see with this proposal. The language is too complicated for a layman to understand the requirements. The present regulation is not very good, but this is worse. I believe that ANY regulation adopted by the county should be written in plain English at no more than the high school reading level. Some of the surveyors who understand this process did not know what parts of this proposal meant. That makes for a bad regulation.

It was not wise exclude surveyors from reviewing the regulations. Surveyors work with these regulations almost daily and understand the impact of the changes far better than staff does. Staff understands problems with the current regulations, but surveyors are far more aware of the impact of the proposed solutions. Some of the proposed solutions are worse than the problem they are meant to solve.

I recommend that this process be started over with a committee to review them. At minimum, the committee should be one of each of the following groups, but maybe tow of some of them: staff, surveyors, realtors, attorneys, planning and zoning commissioners, and county commissioners. Some of the members might represent more than one of these.

Thank you for attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Don B", followed by a long horizontal line extending to the right.

Donald E. Bormann  
Registered Land Surveyor  
LS-2012