

Date: 8/5/25

Board Action Item

To: Board of Directors

From: Planning and Compliance Department

Re: Approval for Rule Revision for PC.10.2 Application Requirements

Background

Rule revision regarding the removal of “Registered Civil Engineer” and maintaining the requirement of a Licensed Land Surveyor” for all property line verifications. Property line verifications is required for all new structures, pools, utility placement to keep these improvements out of the setbacks, per PC.3.1 that no improvement/structure is to be allowed in the defined setback area and that area to be kept free from improvements.

It is within the ACC purview to ensure that the setback requirements per **PC.3.1** are maintained, by establishing property lines by a licensed land surveyor and the placement of monuments depicting the property line in question.

Research showed:

The shift in California’s policy—restricting land surveying authority to only those Civil Engineers licensed before **January 1, 1982**—was driven by a few key factors:

1. **Public protection and specialization:** As land development became more complex, the state recognized that surveying required its own specialized expertise. By requiring a separate Professional Land Surveyor (PLS) license, California ensured that only those with dedicated training and experience in boundary law, mapping, and geodetic science could legally perform land surveys.
2. **Clarifying professional roles:** Before 1982, Civil Engineers had broad authority, including land surveying. But this overlap sometimes led to confusion or disputes over professional responsibilities. The change helped clearly delineate the scope of practice between Civil Engineers and Land Surveyors, reducing liability issues and improving accountability.
3. **Regulatory modernization:** The update aligned California with national trends emphasizing professional licensure based on demonstrated competency. It also responded to concerns about the aging surveyor workforce and the need to maintain high standards as infrastructure and property development surged in the late 20th century.

So, while Civil Engineers still perform **engineering surveying** (like construction staking or topographic mapping for design), **boundary surveys and legal property descriptions** now fall squarely under the PLS domain—unless the engineer was grandfathered in.

Fiscal Impact

Fine:

Recommendation

It is recommended that the Board of Directors approve a 28-day reading for a rule revision for PC.5.13, as attached.

Cheryl Mitchell _____

Senior Planning and Compliance Manager

ACC Rule Revision

Current Rule:

PC.10.2 Application Requirements

An application for Committee approval / encroachment permit for a swimming pool and related improvements near the Shorezone are available at the Planning and Compliance Department. The items required are:

PC.10.2a - A completed application form signed by all the owners of record of the lakeside lot.

PC.10.2b - Submission of an Agreement and Covenant (Running with the Land) (referred to as the "Covenant") that has all blanks filled in with the required information. A plot plan prepared by a licensed land surveyor or registered civil engineer must be attached as an exhibit depicting the proposed improvements, their proposed location, and distances from the proposed improvements to:

- the property lines of the lakeside lot closest to the lake,
- the pool water and/or other structures that must be five (5') feet minimum from the rear and side property lines on the owner's property,
- the existing rear improvements on the lakeside lots,
- and the existing improvements on the water company property such as a seawall and dock ramp.

ALSO:

- The pool must drain to the sanitary sewer through an in-ground line with a "p" trap with an air gap. A line must be shown from the pool equipment to the sanitary sewer with "a 'p' trap and air gap" labeled by the sanitary sewer location.
- Minimum height of water for a pool, trough, or a water feature is **1388' msl**. The actual water elevation must be shown on the plan.

Current Rule (Redlined):

PC.10.2 Application Requirements

An application for Committee approval / encroachment permit for a swimming pool and related improvements near the Shorezone are available at the Planning and Compliance Department. The items required are:

PC.10.2a - A completed application form signed by all the owners of record of the lakeside lot.

PC.10.2b - Submission of an Agreement and Covenant (Running with the Land) (referred to as the "Covenant") that has all blanks filled in with the required information. A plot plan prepared by a licensed land surveyor ~~or registered civil engineer~~ must be attached as an exhibit depicting the proposed improvements, their proposed location, and distances from the proposed improvements to:

- the property lines of the lakeside lot closest to the lake,
- the pool water and/or other structures that must be five (5) feet minimum from the rear and side property lines on the owner's property,
- the existing rear improvements on the lakeside lots,
- and the existing improvements on the water company property such as a seawall and dock ramp.

ALSO:

- ~~• The pool must drain to the sanitary sewer through an in-ground line with a "p" trap with an air gap. A line must be shown from the pool equipment to the sanitary sewer with "a 'p' trap and air gap" labeled by the sanitary sewer location.~~
- Minimum height of water for a pool, trough, or a water feature is **1388'** msl. The actual water elevation must be shown on the plan.

Proposed Change:

PC.10.2 Application Requirements

An application for Committee approval / encroachment permit for a swimming pool and related improvements near the Shorezone are available at the Planning and Compliance Department. The items required are:

PC.10.2a - A completed application form signed by all the owners of record of the lakeside lot.

PC.10.2b - Submission of an Agreement and Covenant (Running with the Land) (referred to as the "Covenant") that has all blanks filled in with the required information. A plot plan prepared by a licensed land surveyor must be attached as an exhibit depicting the proposed improvements, their proposed location, and distances from the proposed improvements to:

- the property lines of the lakeside lot closest to the lake,
- the pool water and/or other structures that must be five (5') feet minimum from the rear and side property lines on the owner's property,
- the existing rear improvements on the lakeside lots,
- and the existing improvements on the water company property such as a seawall and dock ramp.
- Minimum height of water for a pool, trough, or a water feature is **1388'** msl. The actual water elevation must be shown on the plan.

Fine: Guidance only. No fine associated with this rule.

Justification: It has been brought to our attention that a civil engineer licensed after **January 1, 1982**, can offer land surveying work incidental to his or her civil engineering practice, provided all the land surveying work is performed by, or under the direction of, a licensed land surveyor or licensed civil engineer legally authorized to perform land surveying. It has been decided due to the that only Licensed Land Surveyors will be accepted for property line verifications and setback requirements.