

Date: 8/5/25

Board Action Item

To: Board of Directors

From: Planning and Compliance Department

Re: Approval for Rule Revision for Section IX Waterfront Lots

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:

SECTION IX - WATERFRONT LOTS Elsinore Valley Municipal Water District (**EVMWD**) owns the lake and the strip of land completely surrounding the lake. This **EVMWD** property is leased to the Association and is sometimes referred to as the Shorezone. *Property owners, even those whose properties abut the lake, do not have the authority to encroach upon the **EVMWD** property for the purpose of installing docks, sun decks, ramps, or other improvements, or for other purposes, except as may be permitted by the Association.*

No improvement may be installed or altered in the Shorezone except pursuant to an encroachment permit issued by the Association. The Association's Board of Directors delegated to the Committee the role of considering applications for and authority to issue encroachment permits to owners of Lakefront Lots for installation or modification of improvements upon the Shorezone. *Committee approval, in the form of an encroachment permit, shall be obtained before any improvement (including, but not limited to, docks and seawalls) may be altered, installed, or placed in the Shorezone. After Committee approval, final consent rests with the owner of the lake.*

Since the Shorezone property is leased by the Association from EVMWD, the applicant is actually seeking approval to install and maintain improvements upon the Association's leasehold. As a result, when considering an application regarding improvements within or alterations to the Shorezone, the Committee may consider factors beyond the criteria normally applied by the Committee when considering applications for improvements located entirely on the applicant's lot.

Applications for the placement and use of docks and other improvements within the Shorezone shall only be accepted by the Committee for consideration from members who own lots which are immediately adjacent to Canyon Lake and separated from the water surface by only the said strip of land owned by the **EVMWD**. Owners of lots that do not have a lakefront boundary line, as shown on the original tract map creating such lots, are not eligible, by virtue of lot line adjustments, grants of easement or other alterations of the original property rights, to install docks, ramps, sun decks or any similar structures.

Applications must include plans prepared and signed / stamped by a registered civil engineer or licensed surveyor.

Current Rule (Redlined):

SECTION IX - WATERFRONT LOTS Elsinore Valley Municipal Water District (**EVMWD**) owns the lake and the strip of land completely surrounding the lake. This **EVMWD** property is leased to the Association and is sometimes referred to as the Shorezone. *Property owners, even those whose properties abut the lake, do not have the authority to encroach upon the **EVMWD** property for the purpose of installing docks, sun*

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Applications must include plans prepared and signed ~~and~~ stamped by a ~~registered civil engineer~~ or licensed **land** surveyor.

Proposed Change:

SECTION IX - WATERFRONT LOTS Elsinore Valley Municipal Water District (**EVMWD**) owns the lake and the strip of land completely surrounding the lake. This **EVMWD** property is leased to the Association and is sometimes referred to as the Shorezone. *Property owners, even those whose properties abut the lake, do not have the authority to encroach upon the **EVMWD** property for the purpose of installing docks, sun decks, ramps, or other improvements, or for other purposes, except as may be permitted by the Association.*

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Applications must include plans prepared and signed and stamped by a licensed surveyor.

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.