



PARALLAX

Newsletter of the Central Coast Chapter of the California Land Surveyors Association

Volume 5, Issue 3

March 2001

CALIFORNIA WATER BOUNDARIES

A rigorous one-day course taught by Roy Minnick, LS

COURSE DESCRIPTION

General principles of ownership, title and boundary location along rivers, lakes, bays, lagoons, and the Ocean. Covers methods for determining tideland boundaries, apportioning lands under waters, the effects on property boundaries of accretion, erosion, avulsion, reliction. Interpreting water boundaries in deeds and on maps. Sovereign rights, public rights, and private rights in relation to navigable and non-navigable waters, and the adjacent uplands—some historical and *current* issues and the surveyors' role in locating water boundaries. Learn to analyze and understand boundary location along California waterways. Special emphasis will be placed on identifying and solving water boundary problem situations. No text is required—material supplied at seminar.

Who should attend:

Anyone who wants to understand California ownership, title, and boundary location problems along rivers, lakes and the coast. Anyone preparing for the California Land Surveyor exam, or who may think their work will take them to a water boundary situation, will find the class especially helpful.

You will learn how to:

· analyze factual situations—avulsion v. artificial change v. natural change · evaluate the alternatives · distinguish between the Federal and State rule on accretions · portray uncertain water boundaries on maps and in descriptions · apply recent court decisions to navigability for title tests

Materials needed: Everything you need will be supplied at the seminar. However, a text covering water boundary principles is helpful for future reference; *Clark on Surveying and Boundaries* and *Boundary Control and Legal Principles* are recommended. *The Manual of Instructions for Survey of the Public Lands* also contains much useful information.

The Instructor:

Roy Minnick is currently Vice President, Waterways and Boundaries, on the corporate staff of First American Title Insurance Company. He is responsible for matters relating to tidelands, waterways, land descriptions, property boundaries, and land survey matters in United States, Canada, Mexico, and other countries served by the Company. He retired as chief of the Boundary Determination Section at the California Lands Commission in 1992, and joined First American in 1994. Roy was founder and chairman of the Survey Technology Program at Sacramento City College taught courses and seminars in boundary location principles, land description interpretation, and water boundaries. He is an active author and expert witness. He is licensed in several states and is a Fellow in ACSM. He has been a member of CLSA since 1967.

Date & Location :

The date is March 14th, 8:30 to 4 pm at First American Title SLO community room. Registration will be by prepaid mail ONLY and limited to 40 attendees. Cost is \$60 for CLSA members & \$90 for non-members.

Contact: Randy Ellison, RRM Design Group, (805)543-1794

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MARCH MEETING NOTICE

Date: Thursday, March 8, 2001 Location: A.J. Spurs
 Time:..... 6:30pm.....no-host cocktails 740 W. Foothill Blvd.
 7:00pm.....business meeting San Luis Obispo
 7:15pm.....dinner Dinner: Top Sirloin / Chicken
 8:00pm.....Program & Speaker Cost : \$19.50 includes tax & tip

Program:

Sam Blakeslee of Blakeslee & Blakeslee will be speaking on Education and Retirement planning.

RSVP by Tuesday, March 6th to:

Rochelle Vierra549-3461 or email Rochelle_Vierra@dot.ca.gov



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CLSA Central Coast Chapter

February Meeting Minutes

February 8, 2001

Meeting held at A.J. Spurs in Templeton

I. Call to Order @ 7:05 by Mark Lewis.

II. Introductions

III. Approval of January 2001 Minutes. Motion to approve by Randy Ellison, second by Randy Woodjack. Minutes approved.

IV. Officer's Reports

A. President's Report by Mark Lewis - Mark presented scholarships at annual CSUF conference

B. Vice President's Report by Rochelle Vierra - No Report

C. Secretary / Treasurer's Report by Craig Yates

General Fund \$7778.09 Education Fund \$1000.00 Legal Fund \$40.00 Historical Fund \$250.00

V. Committee Reports

A. Standing Committees

1. Education Committee - Tom Mastin, LS and LSIT review classes to begin Wednesday, February 28th from 6-9p.m.. Tom is arranging for teachers.

2. Membership Committee - Craig Yates- 2001 chapter membership applications have been mailed. As of February 8th there are 22 paid chapter members of which 2 are Life members, 10 are Corporate members, 1 Associate member, 1 Affiliate member and 10 have no state affiliation at this time.

3. Professional Practices Committee - (Mark Lewis, Joe Morris, Linda Richardson, Dan Manion, Leonard Lenger) Mark has added Tom Vaughan and JoAnn Head to this committee.

B. Special Committees

1. Publications Committee - (Bryce Dilger, Mark Lewis) No Report.

2. Trig-Star Committee - (Randy Woodjack, George Marchenko, Keith Crowe, John Sanders, Skip Touchon, Jo Ann Head, Alan Volbrecht, Mark Lewis, Randy Ellison, Tom Mastin, Geoff Villegas, Dave Carey, Burke Blake, Leonard Lenger) Randy Woodjack stated that testing to be done in March. An effort to solicit additional monies (i.e. \$20 per donor or company) to increase the awards for school winners is under way. George Marchenko is contacting larger companies by phone. A motion by Tom Mastin and seconded by John Sanders to authorize secretary/treasurer (Craig Yates) to separate these donations into a Trig Star Fund. Motion passes unanimously.

3. Workshops/Seminar Committee - Randy Ellison, Roy Minnick water boundaries seminar to be held Wednesday, March 14th from 8:30a.m. to 4:00p.m. A mailer has been sent to the Parallax Mailing list recipients. Space is limited to the first 40 registered, there will be no walk-ins. Price is \$60 for members in good-standing and \$90 for non-members.

4. BBQ Committee - (Ken Fargen, Mark Lewis, Clay Margason, Bryce Dilger) No Report.

5. Nominating Committee - Mark Lewis, No Report.

6. Christmas Committee - Linda Richardson, No Report.

C. Ad Hoc Committees

1. Scholarship Committee - (Bob Fredericks, Tom Mastin) No Report.

2. G.I.S. Development Committee - Victor Rasgado, No Report.

3. Historical Records Committee- (Dan Manion, Dave Carey) Randy Ellison stated that the file cabinet has been purchased

4. County Liaison Committee - Mike Stanton, No Report.

VI. State Board Report (Randy Woodjack, Randy Ellison, and Linda Richardson)- Report is in parallax. Motion by Randy Ellison, seconded by Leonard Lenger that the chapter support/sponsor Dave Carey for Retired Corporate Membership status at State level of CLSA. Motion passes unanimously and Randy is to draft a resolution to be put on the State Board's next meeting agenda. Linda Richardson said the state board was pleased with our Subdivision Map Act Seminar and would like more of this type of seminar involvement in the future. They had a check for us but will need to call Dorothy to track down the whereabouts of the check. Linda will follow-up.

VII. Old Business - None

VIII. New Business - Discussion that chapter needs to review by-laws and update as necessary to be in conformance with state association by-laws. A new By-Laws committee is established with Tom mastin to chair with the following committee members, Randy Ellison, Robert Reese, Mark Lewis and Craig Yates.

IX. Announcements - Next meeting will be March 8th at A.J. Spurs in San Luis Obispo. Speaker Sam Blakeslee of Blakeslee & Blakeslee.

X. Program - The speakers this evening are John Mueller and Steven Redding with Geoline Positioning Systems. Discussion on GPS & GIS.

XI. Adjournment

There were 16 in attendance.

Respectfully submitted, Craig Yates.

LS/LSIT REVIEW CLASSES

The Central Coast Chapter is proud to sponsor a Land Surveyor and Land Surveyor in Training review classes for 2001. The classes will be a **review** of test subjects presented by local Land Surveyors. You need not be taking the test to enjoy and learn from the classes.

DATE & TIME	Wednesday nights from 6:00 PM to 9:00 PM through April 4.
LOCATION	Conference Room at John L Wallace & Associates 4115 Broad Street Suite B-5· San Luis Obispo
COST	\$25.00 made payable to CLSA Central Coast Chapter
REGISTRATION	Call Tom Mastin at 544-4011 (Ext. 156)

The Coastal Commission comes to SLO County

Submitted by Mike Stanton, PLS

As many people are aware, the California Coastal Commission (CC) is performing their periodic review of the County's Local Coastal Plan (LCP). Our LCP was certified by the CC in 1988. They are focusing their energy in our County, even though 27 other jurisdictions in the state do not even have an LCP.

Those of you who may think that the Coastal Commission's recommendations will not affect the land surveying profession are hereby warned. Drastic changes are being proposed by the Commission for the County to deal with "non-conforming parcels," including changes to processing of Certificates of Compliance COC, Conditional Certificates of Compliance (CCOC) and lot line adjustments (LLA). Their recommendations are contained in an Executive Summary (20 pages) and the full report (361 pages with 21 maps). The report can be viewed on the web at www.coastal.ca.gov.

The proposed changes that affect the land surveying profession are as follows:

Certificates of Compliance (page 212 of CC's report)

Certificates of Compliance are defined under the Subdivision Map Act (Section 66499.35). The COC process simply validates that an existing parcel was created in conformance with the Map Act and local ordinances in affect at the time. State law mandates that the County issue a COC or a COC on each parcel applied for. This action is not discretionary. The Commission is concerned that County personnel may make "errors" during their review and validate illegal parcels. They now want to review each certificate application within the Coastal Zone, even though straight Certificates clearly do not meet the definition of a "development" under Public Resources Code, Section 30106.

The Coastal Commission recommends that:

- 1) A manual be provided to the Commission that outlines applicable requirements for creating parcels since 1850.
- 2) The CC review applications with their own staff and resources to verify each claim.
- 3) Requiring written staff reports to be approved by the planning director. Reports are to be noticed to the Commission to allow for "legal review" and Commission comment.

Conditional Certificates of Compliance

This type of certificate can be issued by a local jurisdiction to legalize a parcel that was not created in accordance with the applicable regulations in place at the time that the parcel was created. It is County Counsel's opinion that CCOC's are required to be noticed to the CC. The CC now recommends that "a strategy for limiting and ultimately eliminating this form of parcel creation should be established." To achieve this "goal" the CC recommends:

- 1) All applications for CCOCs be treated as violations (regardless of whether or not the current owner created the illegal lot.)
- 2) The County Assessor and Recorder put a note on Assessor's maps and deeds that states that "approval has not been obtained."
- 3) Treating CCOC's as an appealable conditional use.

Lot line adjustments (LLA)

Currently, lot line adjustments are allowed under the Map Act as long as the adjustment does not result in more parcels than what originally existed. The County has historically granted approval of lot line adjustments based on the finding that the project makes the lot sizes equal to or better than the existing configuration. The County does not address whether a particular parcel in the adjustment is "buildable" or "unbuildable." They also do not force newly adjusted parcels to conform to current zoning and parcel size criteria. The CC obviously would like to see changes that eliminate conversion of non-developable parcels into developable parcels. They propose that the County "adopt new lot line adjustment standards that limit the ability to create new subdivision potential or increase the number of developable parcels."

Within the AG zone, the CC also proposes that "each resulting parcel from the division shall constitute an individually viable agricultural unit...Applications for any land division or lot line adjustment shall include an agricultural viability report..." Generally, the objective is to limit the conversion of agricultural land to residential use.

The CC suggests the County of San Luis Obispo follow Sonoma County's ordinance that places limitations on lot line adjustments, including clarifying what constitutes a developable parcel. On the surface, Sonoma County's local ordinance appears to be in conflict with state law, since the Map Act makes no distinction between developable and non-developable parcels. However, Sonoma County's local ordinance provides (in part) that:

- 1) No lot line adjustment shall result in increased subdivision potential for any affected parcel.
- 2) No lot line adjustment shall result in a greater number of developable parcels than existed prior to the adjustment.

Continued Next Page.....

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The Coastal Commission comes to SLO County (Continued...)

To be deemed "developable," a parcel must:

- 1) Have legal access to a public road.
- 2) Be served by a public sewer.
- 3) Be served by a public water supply.
- 4) In some zoning districts, the parcel must be a minimum of 10 acres.

Note: Napa County has a similar law. The Napa County section of the Map Act was added in 1997 in Section 66451.22.

The CC also recommends adopting a merger ordinance for non-conforming agricultural parcels. In most cases this would require that parcels involved in a lot line adjustment in the AG zone be a minimum of 320 acres in size.

In summary, these changes would affect thousands of existing legal parcels within our county. If implemented, these changes will likely end up within the County's Land Use Ordinance affecting applications for Certificates and Lot Line Adjustments County wide. This would extend the CC's jurisdiction well beyond the limits of the Coastal Zone (currently 5 miles inland from the coast. I am all in favor of protecting our coastline, but striking a balance between "preserving scenic beauty" and protecting private property rights will have to rest with the courts.

I would encourage anyone concerned about these issues to contact the Board of Supervisors. The County should be allowed to determine its own destiny within the provisions of the State Coastal Act, without succumbing to the strong-arm policies of the Coastal Commission.

Mike Stanton, PLS
RRM Design Group, 3701 So. Higuera St., San Luis Obispo, 93401

SB1999

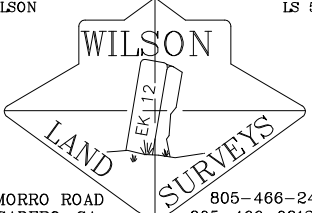
SB 1999 became effective on Jan 1, 2001. This law now requires prevailing wages to be paid on pre-construction phases of a project that is funded with "public funds".

SECTION 1. Section 1720 of the Labor Code is amended to read: 1720. As used in this chapter, "public works" means: (a) Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority. For purposes of this subdivision, "construction" includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work.


http://www.leginfo.ca.gov/pub/99-00/bill/sen/sb_1951-2000/sb_1999_bill_20000929_chaptered.html

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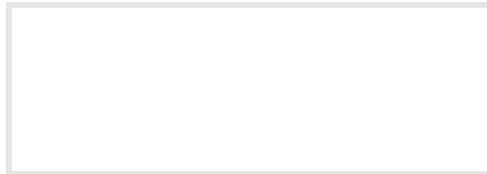
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Coastal Commission

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