



COUNTY OF LAKE
Community Development Department
PLANNING DIVISION
 Courthouse - 255 N. Forbes Street
 Lakeport, California 95453
 Phone (707) 263-2221 - FAX (707) 263-2225

FILED
 With The Board of Supervisors
 Of The County of Lake

Date 12/19/24

Planning Division Application BY [Signature]
 (Please type or print)

Project name: AG Forest Wood Processing Bioenergy facility
 Assessors Parcel #: 004 - 010 - 04 with supporting infrastructure

INITIAL FEES:	
AB <u>24-06</u>	\$1,643.00
Sub Total:	\$1,643.00
Technology recovery 2% Cost	\$20.00
General Plan Maintenance Fee	\$62.50
Total:	\$1,725.50

Zoning: Ap2-SC-WW-FE
 General Plan: A, RL
 Receipt #: 75289
 Initial: Pa/yw

APPELLANT INFORMATION

See back for 2nd App →

NAME: Larry KAHN
 MAILING ADDRESS: 825 E HWY 20 CITY: UPPER LAKE
 STATE: CA ZIP: 95485
 PRIMARY PHONE: (707) 275 3400 SECONDARY PHONE: ()
 EMAIL: LARDOG@SBCGLOBAL.NET

PROJECT LOCATION

ADDRESS: 755 E. State Highway 20, Upper Lake

PRESENT USE OF LAND:

Ag / No use

DESCRIPTION OF PROJECT APPEALED:

Bio chow / Wood chip / Wood Processing Facility

SURROUNDING LAND USES:

North: Prime Farm land / other / urban built up land
 South: Prime Farm land
 East: Prime Farm land / Urban and Built up Land
 West: Prime Farm land / Urban Built up land

PARCEL SIZE(S):

Existing: area of 5 acres on 42.60 acre parcel
 Proposed: _____

Existing/Proposed Water Supply: Well

Existing/Proposed Sewage Disposal: _____

Fire Protection District: Northshore Fire Protection District

School District: Upper Lake Unified

Joe Fernandez Jr 720 Clover Valley Rd Upper Lake CA

J Pumps 93 @ Gmail.com 707-349-2277

At-Cost Project Reimbursement

I, Larry Kahn & Joe Fernandez, the undersigned, hereby authorize the County of Lake to process the above referenced appeal request in accordance with the County of Lake Code. I am paying an initial fee of \$ 1725.50 as an estimated cost for County staff review, coordination and processing costs related to my appeal according to the master fee schedule. **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the appeal is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my appeal and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the appellant, the appellant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

Name of Appellant or Appointed Designee for Payment of all At-Cost Appeal Fees:

Larry Kahn / Joe Fernandez
(Please Print)

Name of Company or Corporation (if applicable):

N/A
(Please Print)

Mailing Address of the Appellant or Party responsible for paying processing fees:

(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Larry Kahn:
825 E. Hwy 20
Upper Lake, CA 95485

Joe Fernandez:
720 Clover Creek Rd.
Upper Lake, CA 95485

Name: * Larry Kahn / Joe Fernandez

Date: 12/19/24

Email address: Larcio.g@shcglobal.net /
j.pumps93@gmail.com

Phone Number: 707-275-3100 / 707-349-2277

Signature of Appellant/ Agent* Name

Date

Larry Kahn
Signature of Appellant Joe Fernandez

DEC 19, 2024
Date
12-19-24



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

APPEAL TO BOARD OF SUPERVISORS

Date: 12/19/24

Project Name (if applicable): AG Forest Wood Processing Bioenergy facility with supporting infrastructure

Appellant's Name: Larry Kahn / Joe Fernandez

Appellant's Mailing Address: 825 E Hwy 20 / 720 Clover Valley Rd. Upper Lake CA 95485
Upper Lake 95485

Phone #: _____

Appellant's Representative to be determined

Phone #: _____

Location of Project: 755 E Hwy 20 Upper Lake CA 95485

Assessor's Parcel Number: 004-010-04

Previous Action Taken: Planning commission approved project

on 12/12/24 - No other action taken Date: _____

Reason for Appeal: (Attach extra sheets if necessary)

please see attached

Larry Kahn
[Signature] Signature of Appellant/s

FOR OFFICE USE ONLY

Appeal Number: _____

Related File#: _____

Fee: _____

Receipt #: _____

Date Received: _____

Received By: _____

Lake County Community Development
Appeal To Board of Supervisors
Scotts Valley Energy Corp BioChar/Energy Project
BU 23-05
12/19/24

REASON FOR APPEAL

1. New findings not yet submitted by licensed engineer for violations of varying codes/laws/regulations. Please see attached for existing Business and Profession code violations of application as submitted. Violations of this sort referenced are misdemeanors.
2. New findings not yet submitted on the designation of Hiway 20 Scenic Hiway that this project does not comply with.
3. New findings not yet submitted on gravel placement on Prime Ag Lands and other Prime Ag land protections.
4. New Findings not yet submitted on Air Quality Department and Staffing deficits for monitoring this approved project.
5. New Findings not yet submitted of Air Quality Contaminants from such an approved project. This includes the air flow/lack of air flow within the community of Upper Lake.

Brian Hall, PE
Po Box 956
Lakeport, CA 95453

December 11, 2024

County of Lake
Community Development Department
255 N. Forbes St #330
Lakeport, CA 95453

** These violations
are misdemeanors **

The Scotts Valley Energy Corporation Biochar Project Plans violate numerous California Business and Professions Codes (BPC) and do not bear the names, license numbers, seals or signatures of design professionals as required for the preparation of the notes, plans, details, specifications and instruments of service for architectural, civil engineering, mechanical engineering, electrical engineering and land surveying aspects of the project.

The project plans violate the following Business and Professions Codes:

- BPC 5536
- BPC 5536.1
- BPC 5536.2
- BPC 6735
- BPC 6735.3
- BPC 6735.4
- BPC 6787
- BPC 8726
- BPC 8792

The Community Development Department (CDD) is required to verify licensure and signatures for all architectural, engineering and land surveying documents as a condition of approval for any permit including preliminary and conceptual planning and design documents. This is not discretionary. The CDD cannot ensure that the plans and specifications for this project are safe for the public and the environment if the plans are not prepared or reviewed by properly licensed design professionals. Since the CDD does not have a single design professional on its staff, it lacks the expertise to review the complex and unique architectural, engineering and land surveying aspects of this project.

The project plans have numerous errors and omissions which include:

1. Construction notes that appear to apply to a solar electric project in San Benito County with references to solar electric code specifications (NEC

690).

2. The use of assessor tax data in lieu of land surveys for property boundaries and the design of the Highway 20 encroachment which is critical since the project and encroachment adjoin neighboring properties and rights of way.
3. The use of a Caltrans Right of Way Appraisal Map in lieu of project specific land surveys as a base map for the Highway 20 encroachment design.
4. Inconsistent and recycled architectural and structural building plans, details and calculations from previous unrelated projects including a project from British Columbia that has a snow load of 73 psf (8 to 15 ft of snow) but with no earthquake loads.

SHEET 1

Sheet 1 contains specifications for non-exempt buildings and structures and electrical systems without the license number, seal and signature of a design professional. It also seems to have been the electrical notes for a previous solar electric project in San Benito County.

SHEET 2 & 3

The site plan property boundary dimensions are based on tax assessor parcel data which is considered grossly inaccurate and not suitable for engineering design work especially in a public right of way. The site plan is also missing both "Blue Line Streams" west and east of the site which is included in the National Wetland Inventory Database as R4SBAX riverine streams. Therefore, state and federal agencies such as the USACE, SWRCB and CDFW have not had an opportunity to consider potential impacts by this project to these streams.

SHEET 4

Sheet 4 contains notes, plans, details and specifications for an encroachment from State Highway 20 without the name, license number, seal and signature of a licensed civil engineer. The base map for the encroachment layouts is actually a Caltrans Right of Way Appraisal Map which is used for negotiations in the acquisition of property for highway expansion projects. These maps are real estate documents and are not used for design purposes since they lack critical design information such as elevations and survey control data. Sheet 4 looks to be a collage of cropped sections from the appraisal map overdrawn with the proposed encroachment layouts. Caltrans typically does not permit third parties to use their appraisal maps for design work.

SHEET 5

The initial study states that the building is designed in accordance with the California Building Code (CBC). This is false. The building is actually “slightly” designed to the British Columbia Structural Code which it refers to on sheet 5. Buildings, including membrane and temporary buildings, must be able to support California Building Code Chapter 16 loads including earthquake loads, regardless of their temporary status.

The building plans appear to contain a collage of notes, plans, details and specifications from other projects. For example, the wind and snow loads are in metric units. However, building loads in the United States are typically in US units. Also, the ground snow load of 3.5 kPA (73 psf; 8-15 ft of snow) significantly exceeds the 5 psf (1 ft of snow) criteria for this location suggesting that the structural analysis was actually prepared for a different project in a very cold location (British Columbia). Also, the number of trusses in the structural analysis is inconsistent with the number shown in the building elevations suggesting that the analysis and elevations are from two different projects and the analysis is for a much larger building than what is being proposed here.

The building design concept is also fundamentally flawed in that it assumes that the roof and walls of the shipping containers can support additional loads. Shipping containers are loaded at the corner columns and although the columns can support the weight of several stacked containers, the roof and wall sheathing are not designed for additional loads. It is not safe to walk on the roof of a shipping container let alone place 50,000 lbs on its roof sheathing.

CONCLUSION

The architectural, civil engineering, electrical engineering, mechanical engineering and land surveying notes, plans, details and specifications for this project have not been prepared by a single licensed professional and contain significant errors and omissions that pose a threat to the environment and public safety. In addition, since the documents were not prepared by licensed design professionals they are likely not covered by professional liability insurance for errors and omissions since insurance companies only insure licensed design professionals for the planning and design of construction projects.

The proposed location is not a suitable spot for what appears to be a pilot project for future bio-char facilities in other locations. If approved, I believe hard lessons will be learned from this project at the expense of the environment and the local community.

Sincerely,



Brian Hall, PE

Enclosures:

1. California Business and Professions Codes

State of California

BUSINESS AND PROFESSIONS CODE

Section 5500.1

5500.1. (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.

(b) Architects' professional services may include any or all of the following:

(1) Investigation, evaluation, consultation, and advice.

(2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.

(3) Coordination of the work of technical and special consultants.

(4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.

(5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.

(6) Contract administration.

(7) Construction observation.

(c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

(Amended by Stats. 1996, Ch. 184, Sec. 1. Effective January 1, 1997.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 5536

5536. (a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that the person is an architect, is qualified to engage in the practice of architecture, or is an architectural designer.

(b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.

(Amended by Stats. 2019, Ch. 376, Sec. 6. (SB 608) Effective January 1, 2020.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 5536.1

5536.1. (a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person's responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.

(b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee's name, his or her license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.

(c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.

(d) The board may adopt regulations necessary for the implementation of this section.

(Amended by Stats. 1999, Ch. 982, Sec. 1.5. Effective January 1, 2000.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 5536.2

5536.2. Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.

This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

(Amended by Stats. 1996, Ch. 184, Sec. 7. Effective January 1, 1997.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6701

6701. “Professional engineer,” within the meaning and intent of this act, refers to a person engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment or projects, and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

(Amended by Stats. 1978, Ch. 1161.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6731

6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, grading, framed and homogeneous structures, buildings, or bridges:

(a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.

(b) The supervision of the construction of engineering structures.

(c) The investigation of the laws, phenomena and forces of nature.

(d) Appraisals or valuations.

(e) The preparation or submission of designs, plans and specifications and engineering reports.

(f) Coordination of the work of professional, technical, or special consultants.

(g) Creation, preparation, or modification of electronic or computerized data in the performance of the activities described in subdivisions (a) through (f).

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein.

Civil engineers registered prior to January 1, 1982, shall be authorized to practice all land surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3.

(Amended by Stats. 1990, Ch. 1226, Sec. 1.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6731.1

6731.1. Civil engineering also includes the practice or offer to practice, either in a public or private capacity, all of the following:

(a) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Section 6731.

(b) Determines the configuration or contour of the earth's surface or the position of fixed objects above, on, or below the surface of earth by applying the principles of trigonometry or photogrammetry.

(c) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in subdivisions (a) and (b).

(d) Renders a statement regarding the accuracy of maps or measured survey data pursuant to subdivisions (a), (b), and (c).

(Amended by Stats. 2006, Ch. 760, Sec. 1. Effective January 1, 2007.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6735

6735. (a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as “documents”) shall be prepared by, or under the responsible charge of, a licensed civil engineer and shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All civil engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final civil engineering calculations and reports shall bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping. If civil engineering plans are required to be signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, and date of signing and sealing or stamping shall appear on each sheet of the plans. If civil engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, and date of signing and sealing or stamping shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a licensed civil engineer who signs civil engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed civil engineer who originally signed the documents, provided that the engineering service rendered by the civil engineer who signed the documents was not also a proximate cause of the damage.

(Amended by Stats. 2015, Ch. 430, Sec. 4. (AB 181) Effective January 1, 2016.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6735.3

6735.3. (a) All electrical engineering plans, specifications, calculations, and reports (hereinafter referred to as “documents”) prepared by, or under the responsible charge of, a licensed electrical engineer shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All electrical engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final electrical engineering calculations and reports shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. If electrical engineering plans are required to be signed and sealed and have multiple sheets, the signature, seal or stamp, and date of signing and sealing or stamping shall appear on each sheet of the plans. If electrical engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, and date of signing and sealing or stamping shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a licensed electrical engineer who signs electrical engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed electrical engineer who originally signed the documents, provided that the engineering service rendered by the electrical engineer who signed the documents was not also a proximate cause of the damage.

(Amended by Stats. 2009, Ch. 368, Sec. 2. (AB 645) Effective January 1, 2010.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6735.4

6735.4. (a) All mechanical engineering plans, specifications, calculations, and reports (hereinafter referred to as “documents”) prepared by, or under the responsible charge of, a licensed mechanical engineer shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All mechanical engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final mechanical engineering calculations and reports shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. If mechanical engineering plans are required to be signed and sealed and have multiple sheets, the signature, seal or stamp, and date of signing and sealing or stamping shall appear on each sheet of the plans. If mechanical engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, and date of signing and sealing or stamping shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a licensed mechanical engineer who signs mechanical engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed mechanical engineer who originally signed the documents, provided that the engineering service rendered by the mechanical engineer who signed the documents was not also a proximate cause of the damage.

(Amended by Stats. 2009, Ch. 368, Sec. 3. (AB 645) Effective January 1, 2010.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6787

6787. A person who does any of the following is guilty of a misdemeanor:

(a) Unless the person is exempt from licensure under this chapter, practices or offers to practice civil, electrical, or mechanical engineering in this state according to this chapter without legal authorization.

(b) Presents or attempts to file as the person's own the certificate of licensure of a licensed professional engineer unless they are the person named on the certificate of licensure.

(c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate of licensure.

(d) Impersonates or uses the seal, signature, or license number of a licensed professional engineer or uses a false license number.

(e) Uses an expired, suspended, surrendered, or revoked license.

(f) Represents themselves as, or uses the title of, a licensed or registered civil, electrical, or mechanical engineer, or any other title whereby that person could be considered as practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches, unless they are correspondingly qualified by licensure as a civil, electrical, or mechanical engineer under this chapter.

(g) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced, except as authorized pursuant to Section 8726.1.

(h) Uses the title, or any combination of that title, of "professional engineer," "licensed engineer," "registered engineer," or the branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or "engineer-in-training," or makes use of any abbreviation of that title that might lead to the belief that the person is a licensed engineer, is authorized to use the titles specified in Section 6736 or 6736.1, or holds a certificate as an engineer-in-training, without being licensed, authorized, or certified as required by this chapter.

(i) Uses the title "consulting engineer" without being licensed as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965, or 1968 Regular Session.

(j) Violates any provision of this chapter.

(Amended by Stats. 2022, Ch. 302, Sec. 4. (SB 1120) Effective January 1, 2023.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 8726

8726. (a) A person, including any person employed by the state or by a city, county, or city and county within the state, practices land surveying within the meaning of this chapter who, either in a public or private capacity, does or offers to do any one or more of the following:

(1) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Section 6731.

(2) Determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry.

(3) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.

(4) Makes any survey for the subdivision or resubdivision of any tract of land. For the purposes of this subdivision, the term "subdivision" or "resubdivision" shall be defined to include, but not be limited to, the definition in the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or the Subdivided Lands Law (Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of this code).

(5) By the use of the principles of land surveying determines the position for any monument or reference point that marks a property line, boundary, or corner, or sets, resets, or replaces any monument or reference point.

(6) Geodetic surveying or cadastral surveying. As used in this chapter:

(A) Geodetic surveying means performing surveys, in which account is taken of the figure and size of the earth to determine or predetermine the horizontal or vertical positions of fixed objects thereon or related thereto, geodetic control points, monuments, or stations for use in the practice of land surveying or for stating the position of fixed objects, geodetic control points, monuments, or stations by California Coordinate System coordinates.

(B) Cadastral surveying means performing a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivisions of the public land survey system of the United States.

(7) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in paragraphs (1) to (6), inclusive.

(8) Indicates, in any capacity or in any manner, by the use of the title “land surveyor” or by any other title or by any other representation that they practice or offer to practice land surveying in any of its branches.

(9) Procures or offers to procure land surveying work for themselves or others.

(10) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced.

(11) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter.

(12) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in paragraphs (1) to (6), inclusive.

(13) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in paragraphs (1), (2), (3), (4), (5), (6), (11), and (12).

(14) Renders a statement regarding the accuracy of maps or measured survey data.

(b) Any department or agency of the state or any city, county, or city and county that has an unregistered person in responsible charge of land surveying work on January 1, 1986, shall be exempt from the requirement that the person be licensed as a land surveyor until the person currently in responsible charge is replaced.

(c) The review, approval, or examination by a governmental entity of documents prepared or performed pursuant to this section shall be done by, or under the direct supervision of, a person authorized to practice land surveying.

(Amended by Stats. 2021, Ch. 106, Sec. 1. (SB 414) Effective January 1, 2022.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 8792

8792. A person who does any of the following is guilty of a misdemeanor:

(a) Unless the person is exempt from licensure under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.

(b) Presents as their own the license of a professional land surveyor unless they are the person named on the license.

(c) Attempts to file as their own any record of survey under the license of a professional land surveyor.

(d) Gives false evidence of any kind to the board, or to any board member, in obtaining a license.

(e) Impersonates or uses the seal, signature, or license number of a professional land surveyor or who uses a false license number.

(f) Uses an expired, suspended, surrendered, or revoked license.

(g) Represents themselves as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless the person is correspondingly qualified by licensure as a land surveyor under this chapter.

(h) Uses the title, or any combination of that title, of “professional land surveyor,” “licensed land surveyor,” “land surveyor,” or the titles specified in Sections 8751 and 8775, or “land surveyor-in-training,” or who makes use of any abbreviation of that title that might lead to the belief that the person is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.

(i) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced, except as authorized pursuant to Section 6731.2.

(j) Violates any provision of this chapter.

(Amended by Stats. 2022, Ch. 302, Sec. 10. (SB 1120) Effective January 1, 2023.)