

Date: 8/5/25

Board Action Item

To: Board of Directors

From: Planning and Compliance Department

Re: Approval for Rule Revision for PC.5.13 Swimming Pool, Spa, and Water Feature/Pond

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.5.13 Swimming Pool, Spa, and Water Feature/Pond

A swimming pool or spa or water feature eighteen (18") inches or deeper shall not be installed in the Community setback or front yard. A water feature less than eighteen (18") inches deep may be installed in the front yard setback. The water of a swimming pool, spa, or water feature shall be a minimum of five (5') feet away from any property line except for a corner lot (see PC.3.1c). For a swimming pool a plot plan prepared by a licensed land surveyor or licensed civil engineer must be attached as an exhibit depicting the proposed improvements, their proposed location, and distances. All swimming pools, spas, and water features shall be drained to the sanitary sewer and not the yard, street, or lake per legal agreement with Elsinore Valley Municipal Water District. A hose may be used but all new permit applications for an inground pool must be plumbed with a permanent line draining from the pool equipment to the sanitary sewer through a "p" trap with an air gap. Simulated rock, and real rock formation and slides shall be subject to height restrictions set by the Architectural Control Committee. All equipment shall be screened from street, lake, and golf course view. Screening must be of a permanent nature: no plants, bushes, or trees. If screened with lattice, the openings shall be one (1") inch or smaller. Stuccoed or split-faced block wall is recommended.

Current Rule (Redlined):

PC.5.13 Swimming Pool, Spa, and Water Feature/Pond

A swimming pool or spa or water feature eighteen (18") inches or deeper shall not be installed in the Community setback or front yard. A water feature less than eighteen (18") inches deep may be installed in the front yard setback. The water of a swimming pool, spa, or water feature shall be a minimum of five (5') feet away from any property line except for a corner lot (see PC.3.1c). For a swimming pool a plot plan prepared by a licensed land surveyor ~~or licensed civil engineer~~ and must be attached as an exhibit depicting the proposed improvements, their proposed location and distances, ~~and property lines monument visible~~. All swimming pools, spas, and water features shall be drained to the sanitary sewer and not the yard, street, or lake per legal agreement with Elsinore Valley Municipal Water District. ~~A hose may be used but all new permit applications for an inground pool must be plumbed with a permanent line draining from the pool equipment to the sanitary sewer through a "p" trap with an air gap.~~ Simulated rock, and real rock formation and slides shall be subject to height restrictions set by the Architectural Control Committee. All equipment shall be screened from street, lake, and golf course view. Screening must be of a permanent nature: no plants, bushes, or trees. If screened with lattice, the openings shall be one (1") inch or smaller. Stuccoed or split-faced block wall is recommended.

Proposed Change:

PC.5.13 Swimming Pool, Spa, and Water Feature/Pond

A swimming pool or spa or water feature eighteen (18") inches or deeper shall not be installed in the Community setback or front yard. A water feature less than eighteen (18") inches deep may be installed in the front yard setback. The water of a swimming pool, spa, or water feature shall be a minimum of five (5') feet away from any property line except for a corner lot (see PC.3.1c). For a swimming pool a plot plan prepared by a licensed land surveyor and must be attached as an exhibit depicting the proposed improvements, their proposed location and distances, and property lines marked. All swimming pools, spas, and water features shall be drained to the sanitary sewer and not the yard, street, or lake per legal agreement with Elsinore Valley Municipal Water District. Simulated rock, and real rock formation and slides shall be subject to height restrictions set by the Architectural Control Committee. All equipment shall be screened from street, lake, and golf course view. Screening must be of a permanent nature: no plants, bushes, or trees. If screened with lattice, the openings shall be one (1") inch or smaller. Stuccoed or split-faced block wall is recommended.

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 aforementioned that only Licensed Land Surveyors will be accepted for property line verifications and setback requirements.

Due to EVMWD requirements regarding "P" traps, the rules were revised "permanently plumbed" removed to be in line with these requirements.