THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS ACTION AGENDA SUMMARY

DEPT:	Planning &	Community Development	1	BOARD AGENDA #	*D-1
	Urgent	-W	•	AGENDA DATE: Nov	vember 20, 2001
CEO C	·		NO Attached)	4/5 Vote Required YES	
SUBJE	CT:				
INTRO	DUCTION,	ET A PUBLIC HEARING ON WAIVING OF THE READIN EPARTMENT ORDINANCE AN	IG, AND ADOF	TION OF PLANNING	AND COMMUNITY
STAFF	RECOMME	NDATION:			
IT IS F	RECOMMEN	DED THAT YOUR BOARD AP	PROVE THE FO	LLOWING:	
1.	WAIVING O	IC HEARING ON DECEMBER OF THE READING, AND ADO NT ORDINANCE AMENDMEN	PTION OF PLA	NNING AND COMMUN	ITY DEVELOPMENT
2.	AUTHORIZE LAW.	THE CLERK OF THE BOARD) TO PUBLISH N	OTICE OF THE HEARIN	IG AS REQUIRED BY
FISCA	L IMPACT:	***************************************			
None.					
			· · · · · · · · · · · · · · · · · · ·		
BOAR	D ACTION A	S FOLLOWS:	,	No. 2001-902	
On mo	tion of Super	visor Caruso	, Second	ed by Supervisor_Blom	
and ap	proved by the	e following vote, Mayfield, Blom, Simon, Caruso, a			
Noes:	Supervisors. Supervisors:	Mayrield, <u>Biotri, Sirtori, Cardso, a</u> None	mu Onan Faul		
Excus	ed or Absent:	Supervisors: None			
		sor: None		. <u> </u>	
		d as recommended			
,	Denied	dd-d			
3)		d as amended			

Christine Lerraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-54-I-13

SUBJECT:

APPROVAL TO SET A PUBLIC HEARING ON DECEMBER 11, 2001 AT 9:40 A.M.TO CONSIDER THE INTRODUCTION, WAIVING OF THE READING, AND ADOPTION OF PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT ORDINANCE AMENDMENT NO. 2001-02 - SWIMMING POOL SETBACKS

PAGE 2

DISCUSSION:

For many years, Stanislaus County has regulated the location of private swimming pools through use of the Uniform Building Code (UBC). Swimming pools were not interpreted as being "structures" for the purpose of requiring setbacks from front, side or rear property lines, or from other structures on the property on which they have been built. As a result, countless pools have been constructed throughout the unincorporated area without the yard provisions of the County Zoning Ordinance being applied to them.

In general, swimming pools have been required by the Department of Development Services, with concurrence of the Planning Department, to be constructed no closer than three feet from a property line in compliance with the Uniform Building Code. The side and rear yard setbacks in residential zones required to be five feet. The zoning ordinance does not address swimming pools. As a result, for many years they were not considered as being structures subject to normal building setback requirements. The only setbacks requirements imposed on pools were those in the UBC.

Staff has determined that, in the best interests of providing consistency and appropriate information to the public regarding this issue that an ordinance amendment to clarify any uncertainty is appropriate. The proposed language (attached) creates a specific definition of swimming pools, ensures that they will be constructed in a safe and appropriate manner consistent with all requirements of the Uniform Building Code as well.

POLICY ISSUES:

None.

STAFFING IMPACT:

None.

I:\BOS\Ordinance Amendment\OA 2001-02 sph.wpd

ORDINANCE	NO.	C.S.		

AN ORDINANCE AMENDING TITLE 21 OF THE STANISLAUS COUNTY CODE TO ADDRESS SWIMMING POOL SETBACKS

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Subsection 21.08.065 of Section 21.08 of the Stanislaus County Code is hereby added to read as follows:

"21.08.065 Swimming Pools

Any swimming pool, as defined within this title, when used as a private swimming pool in any Zone, shall comply with the following requirements:

- A. Such pools shall be used solely for the enjoyment of the occupants of the premises on which they are located and their guests and not for instruction, unless done in compliance with Section 21.94 regarding home occupations, or parties when fees are paid therefore;
- B. Pools shall not be located closer than three (3) feet from any side or rear property line. No pool shall be located closer than the minimum depth required for the front yard or the street side yard of a corner lot. Distances from other structures shall be governed by the Uniform Building Code;
- C. Lot coverage by a swimming pool shall not be considered in calculating the maximum lot coverage for buildings;
- D. Filter and heating systems for swimming pools may encroach into a side or rear yard provided there remains a net two (2) feet clear adjoining passageway past the equipment. Distances between heating systems and buildings, including door and window openings shall be governed by the requirements of the current building codes, as well as manufacturer's requirements;
- E. Whenever a construction permit is issued for construction of a new swimming pool at a private, single-family home, it shall be equipped with safety features as required by the California Health and Safety Code, including any future amendments to that code."

Section 2. Subsection 21.12.602 of Section 21.12 of the Stanislaus County Code is hereby added to read as follows:

"21.12.602 Swimming Pools

"Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools."

Section 3. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

California.		
Upon motion	of Supervisor	, seconded by Supervisor resolution was passed and adopted at a f the County of Stanislaus, State of
regular meeting of California, the vote:	the Board of Supervisors o	f the County of Stanislaus, State of, 2001, by the following called
AYES:	Supervisors:	
NOES:	Supervisors:	
ABSENT:	Supervisors:	
		Pat Paul, Chair of the Board of Supervisors of the County of Stanislaus, State of California
	O TALLMAN RD OF SUPERVISORS OF THE LAUS, STATE OF CALIFORNIA	
By Deputy		
APPROVED AS TO MICHAEL H. KRAUSI COUNTY COUNSEL		
By 1. Ternon Seel	- Leely ev -	

E\BOS\Ordinance Amendment\oa2001-02 ordinance.wpd

Assistant County Counsel

NOTICE OF PUBLIC HEARING FOR ORDINANCE AMENDMENT NO. 2001-02 SWIMMING POOL SETBACKS

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:40 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider an ordinance amending Title 21 of the Stanislaus County Code to address swimming pool setbacks.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 20, 2001

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of

the Board of Supervisors of the County of Stanislaus,

State of California.

BY:

Lillie L. Farriester, Assistant Clerk

(2015.5 C. C. P.)

STATE OF CALIFORNIA,

County of Stanislaus

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE OAKDALE LEADER, 122 South Third Avenue, Oakdale, California, a newspaper of general circulation, published in Oakdale, California in the City of Oakdale, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

all in the year <u>2001</u> ,
I certify or declare) under penalty of perjury that the foregoing is true and correct.
Dated atOakdale,
California, this 28TH day of November, 2001

Signature

November 28th

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Stanislaus County Board of Supervisors

Ordinance Amendment #2001-02

PUBLIC NOTICE

NOTICE OF PUBLIC
HEARING FOR
ORDINANCE AMENDMENT
NO. 2001-02
SWIMMING POOL
SETBACKS

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:40 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider an ordinance amending Title 21 of the Stanislaus County Code to address swimming pool setbacks.

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BY ORDER OF THE BOARD OF SUPERVISORS DATED: November 20, 2001 ATTEST: CHRIS-

TINE FERRARO TALLMAN, Clerk of

the Board of Supervisors of the County of Stanislaus, State of California.

By: Lillie L. Farriester, Assistant Clerk

arrigaters

3RD-54-I-13 3RB AMENO 2001-02

Affidavit of Publication

STATE OF CALIFORNIA SS. County of Stanislaus

TERRI FIERRO

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the WATERFORDNEWS

a legal newspaper of general circulation published weekly in Waterford in said County of Stanislaus, State of California: that said WATERFORDNEWS

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41155 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race of denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in Waterford; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given. NOTICE OF **PUBLIC HEARING FOR ORDINANCE AMENMENT NO. 2001-02** SWIMMING POOL SETBACKS. PUBLIC HEARIN WILL BE HELD **DECEMBER 11, 2001 AT 9:40 A.M.**

of which named annexed is a printed copy, was published and printed in said

WATERFORD NEWS

at least 1 times, commencing on the 27TH day of NOVEMBER 2001 and ending on the 27TH day of NOVEMBER 2001 both days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

NOVEMBER 27, 2001

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated this 27TH day of NOVEMBER 2001

PRINCIPAL CLERK OF THE PRINTER
PROOF OF PUBLICATION

WATERFORD NEWS P.O. BOX 70, WATERFORD, CA 95386 TELEPHONE 874-1927

LEGAL # 3835
NOTICE OF PUBLIC
HEARING FOR
ORDINANCE AMENDMENT NO. 2001-02
SWIMMING POOL
SETBACKS

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:40 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider an ordinance amending Title 21 of the Stanislaus County Code to address swmming pool setbacks.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-

BY ORDER OF THE BOARD OF SUPERVISORS DATED: November 20, .

ATTEST: CHRISTINE
FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California.

· Lillie L. Farriester, Assistant Glerk

(2015.5 C.C.P.)

STATE OF CALIFORNIA County of Stanislaus

Nov. 29

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer, foreman or principal clerk of THE WEST SIDE INDEX a newspaper of general circulation, printed and published weekly in the City of Newman, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Stanislaus, State of California, under the date of April 25, 1952, Case Number 46882; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

all in the year 2001.
I certify (or declare) under penalty of perjury that the foregoing is true and correct.
Dated at Newman, California, this day of
November 2001.

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Notice of Public Hearing for Ordinance Amendment

No. 2001-02 Swimming Pool Setbacks

PUBLIC NOTICE • PUBLIC NOTICE

NOTICE OF PUBLIC HEARING FOR ORDINANCE AMENDMENT NO. 2001-02 SWIMMING POOL SETBACKS

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:40 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider an ordinance amending Title 21 of the Stanislaus County Code to address swimming pool setbacks.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 20, 2001

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the

County of Stanislaus, State of California

BY: Lillie L. Farriester, Assistant Clerk

Published: Nov. 29, 2001

(2015.5 C.C.P.)

STATE OF CALIFORNIA County of Stanislaus

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the aboveentitled matter. I am the principal clerk of the printer of the Patterson Irrigator, a newspaper of general circulation, printed and published once a week on Thursdays, in the city of Patterson, California, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, of the County of Stanislaus, State of California, under the date of June 15, 1952. Case Number 47304; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareii), has been published in each regular issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

all in the year 2001.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Patterson, California, this

Sighature--

This space is for the County Clerk's Filing Stamp

Proof of Publication of

NOTICE OF PUBLIC HEARING FOR ORDINANCE AMENDMENT NO: 2001-102 SWMMING POOL SETBACKS NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:40 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 10:10 10th St., Modesto, CA, to consider an ordinance amending Title 21 of the Stanislaus County Code to address swimming pool sebacks.

NOTICE IS FURTHER GIVEN hat at the said time and place, interested persons will be given the oppor-

NOTICE OF PUBLIC HEARING FOR

ested persons will be given the oppor-tunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County, if a challenge to the

by the county. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS SUPERVISORS

BY UNDERSONS
DATED: November 20, 2001
ATTEST: CHRISTINE FERRARO
TALLMAN
TALLMAN

Clerk of the Board of Supervisors
Of the County of Stanislaus,
State of California.
BY: Lillie L. Farriester Assistant Clerk

Affidavit of Publication

in the second of
Stan. County Board of Supervisors
1010 10th Street Ste. 6700
Modesto, CA 95354
STATE OF CALIFORNIA SS. County of Stanislaus Ss.
Robin Luton
of the said County, being duly sworn, deposes and says:
THAT I am and at all times herein mentioned was a citizen of the United States, over the age of twenty-one, and that I am not a party to, nor interested in the above entitled matter; that I am the clerk of the Ceres Courier, a newspaper of general circulation, published in the City of Ceres, County of Stanislaus, and which newspaper is published for the dissemination of local news and intelligence of general character, and which newspaper at all times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established and published at regular intervals in the said City of Ceres, County of Stanislaus, for a period of publication of the notice hereinafter referred to; and which newspaper is devoted to nor published for the interests; entertainment, or instruction of a particular class, profession, trade, calling, race or denomination, or any number of the same, that the notice, of which the annexed is a printed copy and which is hereby made a part if this affidavit, has been published in each regular and entire issue of said newspaper and not in any supplemental thereof on the following dates, to-wit:
November 28, 2001
008303030303030303030003000000000000000
 3000000000000000000000000000000000000
I certify (or declare) under penalty of perjury that the foregoing is true and correct. Dated at Ceres California this twenty-eight day of November

AFFIDAVIT OF PUBLICATION

Swimming Pool Setbacks

CC#11-33

PUBLIC NOTICE

NOTICE OF PUBLIC
HEARING FOR ORDINANCE AMENDMENT
NO. 2001-02
SWIMMING POOL
SETBACKS

NOTICE IS HEREBY GIV-EN that on December 11, 2001 at 9:40 a.m. or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers Low-er Level, 1010 10th St., Modesto, CA, to consider an ordinance amending Titie 21 of the Stanislaus County Code to address swimming pool setbacks NOTICE IS FURTHER GIV-EN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e.photos, petitions, etc.) will be retained by the County if challenge by the country. It challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this person. hearing described in this notice, or in written corre-spondence delivered to the spondence getweed to the Board. For further informa-tion call (209)525-6330. BY ORDER OF THE BOARD OF SUPERVI-Dates: November 20, 2001 ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California By: Lillie Farriester, Assistant Clerk of the Board Públish: 11/28/01 CC#11-33

PRINCIPAL CLERK OF THE PRINTER

The Ceres Courier

P.O. BOX 7 CERES, CALIFORNIA, 95307 SUPERIOR COURT DECREE NO. 42498

(2015.5 C. C. P.)

STATE OF CALIFORNIA,

County of Stanislaus

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE OAKDALE LEADER, 122 South Third Avenue, Oakdale, California, a newspaper of general circulation, published in Oakdale, California in the City of Oakdale, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Nov 28th
all in the year <u>2001</u> ,
I certify or declare) under penalty of perjury that the foregoing is true and correct.
Dated at Oakdale,
California, this 28th day of November, 2001
California, this 28th day of November. 2001

Signature

BOARD OF SUPERING Stamp
This space is for the Founty Clerk's Filling Stamp

3: 46

Proof of Publication of

Board of Supervisors Stanislaus County

Swimming pool setbacks #2001-02 Amend

public notice

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING FOR

ORDINANCE AMENDMENT NO. 2001-02 SWIMMING POOL

SETBACKS

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:40 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider an ordinance amending Title 21 of the Stanislaus County Code to address swimming pool setbacks.

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BY ORDER OF THE BOARD OF SUPERVISORS

DATED:November 20, 2001 ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus.

State of California.

By: Lillie L. Farriester, Assistant Clerk

Affidavit of Publication

Stanislaus County Board of Supervisors Hearing December 11, 2001 Re: Swimming Pool Setbacks

AFFIDAVIT OF PUBLICATION

Hearing December 11, 2001 Re: Swimming Pool Setbacks

STATE OF CALIFORNIA County of Stanislaus

Norma Martinez

of the said County, being duly sworn, deposes and says:

THAT she is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that she is not a party to, nor interested in the above entitled matter; that she is the Legal Clerk of the Turlock Daily Journal, a newspaper of general circulation, printed and published in the City of Turlock, County of Stanislaus, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established and published at regular intervals in the said City of Turlock, County of Stanislaus, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to; and which newspaper is not devoted to nor published for the interests, entertainment, or instruction of a particular class, profession, trade, calling, race or denomination, or any number of same; that the notice, of which the annexed is a printed copy and which is hereby made a part of this affidavit, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

December 1, 2001

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Dated at Turlock, California this 4th day of December, 2001

PUBLIC NOTICE

PUBLIC NOTICE .

NOTICE OF PUBLIC HEARING FOR ORDINANCE AMENDMENT NO. 2001-02 SWIMMING POOL SETBACKS

NOTICE IS HEREBY GIVEN that on December 11, 2001 at 9:40 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider an ordinance amending Title 21 of the Stanislaus County Code to address swimming pool setbacks,

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BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 20, 2001

ATTEST: CHRISTINE FERRARO TALL-MAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California.

BY: Lillie L. Farriester, Assistant Clerk

*Bec.1, 2001 #3246

PRINCIPAL CLERK OF THE PRINTER