

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

DEPT: Planning and Community Development *Jen*

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE April 30, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt a Resolution to Initiate an Amendment to Title 21 (Zoning) of the Ordinance Code of Stanislaus County for the Historical Site District (Title 21, Chapter 21.44)

STAFF RECOMMENDATIONS:

Adopt a Resolution to Initiate an amendment to Title 21 (Zoning) of the Ordinance Code of Stanislaus County for the Historical Site District (Title 21, Chapter 21.44)

FISCAL IMPACT:

The costs associated with reviewing, evaluating and processing the proposed amendment have been funded by existing appropriations in the Planning and Community Development Department's Fiscal Year 2012-2013 approved budget.

BOARD ACTION AS FOLLOWS:

No. 2013-200

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-R-1

DISCUSSION:

Stanislaus County Code, Section 21.108.020, states that an amendment to the County's Zoning Ordinance may be initiated by the Board of Supervisors by adoption of a Resolution of Intention. Staff is requesting that the Board initiate an amendment to the Historical Site (HS) District (Chapter 21.44) of the Zoning Ordinance.

Over the past decade, the Historic Communities of Knights Ferry and La Grange have seen limited growth in terms of new development; however, recent development approved within Knights Ferry has raised concerns over the ability to maintain the historic characteristic of the community and potential impacts (including contamination) to private/public water sources (including groundwater and the Stanislaus River) from new septic systems. Within Knights Ferry, the community members have felt that the community character has been threatened due to the provisions of the HS District allowing for creation of smaller lots in the outer lying "rural area" outside the "downtown core". The intent of the ordinance amendment is to protect and promote public health, safety, and general welfare by preserving the historic characteristics that make historic communities an asset to Stanislaus County and to protect water sources by limiting new development.

The action of adopting a formal Resolution of Initiation will have immediate consequences to all applications requesting to subdivide property within the HS District. The Subdivision Map Act (California Government Code 66410-66499) requires an application to be in substantial compliance with all ordinances, policies, and standards in effect at the time the application is considered complete; however, Section 66474.2 allows potential changes to any ordinances, policies or standards to be applied to an application if a local agency, such as the County, has initiated proceedings of an amendment by way of a formal resolution, ordinance, or motion. In this case, we are proposing a formal resolution to initiate amendments to the HS District.

Essentially, adoption of a Resolution of Intention will eliminate the vesting rights of an application determined to be complete prior to final adoption of the proposed amendments to the HS District. With vesting rights, an application determined to be complete prior to final adoption of the proposed amended ordinance would be allowed to proceed under the policies or standards in place at the time the application is determined complete.

The proposed ordinance amendment will consider modifying the division of land standards and clarifying the number of permitted single-family dwelling units per parcel. Attachment "1" is the original draft ordinance amendment circulated to the Knights Ferry Municipal Advisory Committee, La Grange Improvement Association, County Departments and various State agencies for review. The original draft has also been presented to the Stanislaus County General Plan Update Committee.

Based on initial comments provided by the La Grange Improvement Association, staff may modify the proposed ordinance to address only the number of permitted single-family dwelling units per parcel within the Historical Site District of La Grange. Staff will be working with the community of La Grange independently to address their specific concerns regarding potential modifications to the Historical Site District so that any changes are responsive to the input provided by the community.

POLICY ISSUES:

The Board should determine if the adoption of a resolution to initiate an amendment to Title 21 (Zoning) of the Ordinance Code of Stanislaus County for the Historical Site District (Title 21, Chapter 21.44) furthers the goals of A Well Planned Infrastructure System and Efficient Delivery of Public Services.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director.
Telephone: (209) 525-6330

ATTACHMENTS:

1. Proposed Draft Zoning Ordinance Amendment – Chapter 21.44

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: April 30, 2013

2013-200

On motion of Supervisor Withrow Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED: Item # *D-1

**RESOLUTION OF INTENTION BY THE STANISLAUS COUNTY BOARD OF SUPERVISORS
TO INITIATE AN AMENDMENT TO TITLE 21 (ZONING) OF THE ORDINANCE CODE OF
STANISLAUS COUNTY FOR THE HISTORICAL SITE DISTRICT (TITLE 21, CHAPTER 21.44)**

WHEREAS, the Ordinance Code of Stanislaus County (Title 21, Chapter 21.108.020) stipulates that an amendment to the Ordinance Code of Stanislaus County (Title 21) may be initiated by a Resolution of Intention of the Board of Supervisors; and

WHEREAS, the intent of the "Historical" General Plan Designation is to preserve areas of local, regional, state, or national significance by utilizing zoning controls, emphasizing the need for new development, including the division of land, to be compatible with the historic nature of the area; and

WHEREAS, the Board finds that due to substantial public input derived during the course of past development proposals, it is evident that there is a definite community desire to protect and preserve the distinctive historic character of the Knights Ferry "downtown core" and "rural" areas of the community; and

WHEREAS, there is a potential health and safety threat due to the limit on the available public services for new development and a potential for new septic systems to contaminate private/public water sources; and

WHEREAS, the California Government Code (Section 66474.2) allows a local agency to apply any ordinances, policies, or standards initiated or enacted on the date the local agency approves or disapproves a division of land proposal; and

WHEREAS, any such ordinance, policy, or standard must have been initiated by way of ordinance, resolution, or motion by the local agency's legislative body, prior to being applied to a division of land proposal; and

WHEREAS, a modification is needed to clarify the language regarding the permitted number of single-family dwelling(s) allowed within the Historical Site District.

NOW THEREFORE, BE IT RESOLVED, by the Stanislaus County Board of Supervisors that it is the intent of Stanislaus County to amend Title 21 of the Ordinance Code and direct the Planning Department to proceed with an amendment to Chapter 21.44 – Historical Site District.

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



Note: New wording is shown in **bold text**
deleted wording is shown as ~~strike-through~~ text.

CHAPTER 21.44

HISTORICAL SITE DISTRICT (HS)

SECTIONS:

21.44.010	PURPOSE
21.44.020	PERMITTED USES
21.44.030	PROHIBITED USES
21.44.040	USES REQUIRING HISTORICAL SITE PERMIT
21.44.050	EXEMPTIONS FROM BUILDING CODE REQUIREMENTS
21.44.060	DEMOLITION

21.44.010 PURPOSE

It is the intent of these district regulations to support and enhance the character of historical areas within the county. These district regulations also recognize historical structures as a finite resource which is a product of another time and worthy of special consideration. When new additions, alterations, or rehabilitation projects are proposed to existing structures and are approved by the historical site subcommittee of the county planning commission or planning staff, these district regulations shall enable the building official to grant exemptions from building code requirements when in his opinion such maintenance of the historical character of such buildings or structures and the granting of the exemptions will not create or allow any condition which is immediately hazardous to life or property. The existing unique character of these areas is considered a scenic and economic asset and has significant value to the general welfare. The review provided for by this chapter is intended to ensure that any development in the subject areas will not be unsightly, undesirable, or obnoxious to the extent that such development will impair the quality of the area. The following regulations shall apply in HS districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 8 (part), 1984).

21.44.020 PERMITTED USES

Uses permitted in HS districts:

- A. One sign, unlighted, not over four square feet in area, and pertaining only to the sale, lease or rental of the property upon which the sign is located;
- B. Home occupations as regulated in Chapter 21.94;
- C. Crop farming and pasturing, but excluding small animal farming, hog farming, and feed lots;
- D. Garage sales;
- E. **One New** single-family dwellings, additions to already existing buildings requiring a building permit, and accessory uses and buildings normally incidental to single-family dwellings. The new dwelling or addition shall adhere to the guidelines for new construction and rehabilitation of older buildings within the adopted community plan for each historic community. Evidence of its conformance may be required. (Ord. CS 106 Sec. 8 (part), 1984).

- F. Small family day care homes for eight or fewer persons;
- G. Large family day care homes for seven through fourteen persons when the following criteria are met:
 - 1. One off-street parking space shall be provided for each employee plus two spaces;
 - 2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading or unloading;
 - 3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.

21.44.030 PROHIBITED USES

Uses prohibited in HS districts:

- A. Mobile homes;
- B. Replacement of or addition to any existing mobile home shall be prohibited, except that mobile homes located within any mobile home park existing on the effective date of the ordinance codified in this chapter may be replaced. (Ord. CS 106 Sec. 8 (part), 1984).

21.44.040 USES REQUIRING HISTORICAL SITE PERMIT

Uses permitted subject to first securing an historical site permit in each case:

- A. Land uses not listed in Sections 21.44.020 or 21.44.030 may be permitted subject to first obtaining approval in each case. This approval shall be requested on forms provided by the department of planning and community development staff and shall require a fee equal to that required for use permit approval. Following receipt of a properly completed application, an advertised public hearing shall be held at a location within the historical site district by a five-person subcommittee of the county planning commission. Any approval shall be subject to a finding that the use will not be detrimental to the unique historical character of the community or to the residents of the community. Any approval shall have prescribed conditions as to the architecture of proposed construction, the area of building site, yards required, height limitation permitted, automobile standing space, signs which may be displayed, driveway and parking area improvements, provision for sewage and storm water disposal, domestic water supply, street widening and improvement to be required and shall be consistent with all guidelines established by the community plan. (Ord. CS 106 Sec. 8 (part), 1984).

- B. **Additional single-family dwellings provided the Historical General Plan density requirements are maintained.**

21.44.050 EXEMPTIONS FROM BUILDING CODE REQUIREMENTS

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of the building code, when authorized by the building official, provided:

- A. Any unsafe or substandard conditions will be corrected in accordance with approved plans;
- B. The restored building or structure will be less hazardous, based on life and fire risk, than the existing building. (Ord. CS 106 Sec. 8 (part), 1984).

21.44.060 DEMOLITION

No building or structure, or portion thereof, shall be removed, relocated, demolished or structurally altered without prior approval of the director of planning and community development in the form of a staff approval permit. (Ord. CS 106 Sec. 8 (part), 1984).

21.44.080 SITE AREA

The minimum allowable area for creation of a parcel within Knights Ferry is determined based on the specific location which the subject parcel is located. The minimum parcel sizes and location are described as follows:

- A. Sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east), sites serviced by public water and septic tank facilities, twenty thousand square feet. Sites serviced by private well and septic tank facilities, one acre.**
- B. Sites within any historical zoned land and outside of the area described above, the minimum building site area shall be five (5) acres.**

The minimum allowable area for creation of a parcel within La Grange is twenty thousand square feet for sites serviced by public water and septic tank facilities; and one acre for sites serviced by private well and septic tank facilities.

**NOTICE OF INTENT TO ADOPT A RESOLUTION
TO INITIATE AN ORDINANCE AMENDMENT TO
TITLE 21 (ZONING) OF THE STANISLAUS COUNTY CODE
FOR THE HISTORICAL SITE DISTRICT (TITLE 21, CHAPTER 21.44)**

NOTICE IS HEREBY GIVEN that on April 30, 2013, at 9:00 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 adoption of a Resolution authorizing the Director of Planning and Community Development to initiate an amendment to Title 21 (Zoning) of the Stanislaus County Code for the Historical Site District (Title 21, Chapter 21.44). Specific sections of the Historical Site District to be considered as part of this amendment will include the minimum site area of parcels, as well as the allowance of more than one dwelling through a Use Permit process. Furthermore, the adoption of this resolution is intended to satisfy provisions within the Subdivision Map Act, as specified in California Government Code § 66474.2.

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 meeting described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

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

BY: 
Elizabeth A. King, Assistant Clerk

PROOF OF PUBLICATION

(2015.5 C. C. P.)

Proof of Publication of

STATE OF CALIFORNIA,

County of Stanislaus

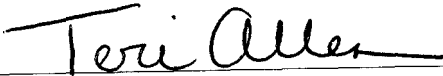
I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE OAKDALE LEADER, 122 South Third Avenue, Oakdale, California, a newspaper of general circulation, 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:

April 24, in the year 2013.

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

Dated at Oakdale, California,

This day 24th of April 2013.



Signature

STANISLAUS COUNTY BOARD OF SUPERVISORS

HISTORICAL SITE ZONING

PUBLIC NOTICE

NOTICE OF INTENT TO ADOPT A RESOLUTION TO INITIATE AN ORDINANCE AMENDMENT TO TITLE 21 (ZONING) OF THE STANISLAUS COUNTY CODE FOR THE HISTORICAL SITE DISTRICT (TITLE 21, CHAPTER 21.44)
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ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California
BY: Elizabeth A. King, Assistant Clerk

April 24, 2013

OL#13-134

Affidavit of Publication

STATE OF CALIFORNIA }
County of Stanislaus }ss

VICKIFRAGO

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 or 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 INTENT

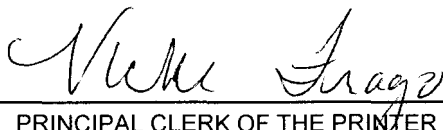
April 23, 2013

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

WATERFORDNEWS

at least 1 time, commencing on the 23rd day of April 2013 and ending on the 23rd day of April 2013 the days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Dated this 23rd day of April 2013.



PRINCIPAL CLERK OF THE PRINTER

Legal # 7563

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**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

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 entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO** , County of **STANISLAUS** , State of California, daily, for which said 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 **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 20, 2013

NOTICE OF INTENT TO ADOPT A RESOLUTION TO INITIATE AN ORDINANCE AMENDMENT TO TITLE 21 (ZONING) OF THE STANISLAUS COUNTY CODE FOR THE HISTORICAL SITE DISTRICT (TITLE 21, CHAPTER 21.44)

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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 meeting described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk Pub Dates Apr 20, 2013

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

April 20th, 2013

(By Electronic Facsimile Signature)

