

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

DEPT: Planning and Community Development BOARD AGENDA #: 9:05 a.m.
AGENDA DATE: November 1, 2016

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation of Approval of Ordinance Amendment Application No. PLN2016-0008 – Events and Use Compatibility Regulations, an Update to the Stanislaus County Zoning Ordinance, Covering the Entire Stanislaus County Unincorporated Area

BOARD ACTION AS FOLLOWS:

No. 2016-551

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

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

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:

INTRODUCED, WAIVED THE READING, AND ADOPTED ORDINANCE C.S. 1181

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors


File No. ORD-55-X-6

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Planning and Community Development
Urgent ☐ Routine ☒

BOARD AGENDA #: 9:05 a.m.

AGENDA DATE: November 1, 2016



CEO CONCURRENCE:

4/5 Vote Required: Yes ☐ No ☒

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation of Approval of Ordinance Amendment Application No. PLN2016-0008 – Events and Use Compatibility Regulations, an Update to the Stanislaus County Zoning Ordinance, Covering the Entire Stanislaus County Unincorporated Area

STAFF RECOMMENDATIONS:

1. Conduct a public hearing to consider the Planning Commission's recommendation for approval of Ordinance Amendment Application No. PLN2016-0008 – Events and Use Compatibility Regulations, an update to the Stanislaus County Zoning Ordinance, covering the entire Stanislaus County unincorporated area.
2. Find the project is generally exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15062.
3. Find that there is no substantial evidence the project will have a significant effect on the environment and that the general exemption reflects Stanislaus County's independent judgement and analysis.
4. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan.
5. Approve Ordinance Amendment Application No. PLN2016-0008 – Events and Use Compatibility Regulations.
6. Introduce, waive the reading, and adopt the ordinance amending Title 21 of the Stanislaus County Code relating to Events and Use Compatibility Regulations.

DISCUSSION:

Stanislaus County proposes to amend the following Chapters of the Stanislaus County Zoning Ordinance – Title 21:

- Chapter 21.08 - General Provisions: proposed amendment adds language clarifying that no operation/use shall be conducted in a manner as to cause a nuisance condition.

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- Chapter 21.16 – Districts Generally: proposed amendment clarifies that no use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the County.
- Chapter 21.20 - General Agriculture District (A-2): proposed amendment will permit weddings, and other similar events, provided they are not located on Williamson Act Contracted land, subject to a Tier Three Use Permit (Section 21.20.030(C)). Each use permit application will be evaluated individually, in terms of environmental review and required operating standards, and will go through a separate public review period, and public hearing process.
- Chapter 21.104 - Revocation of Permits: proposed amendment establishes a process for amending conditions of any permit or variance granted in accordance with Title 21 in order to address nuisance concerns. Chapter title also proposed to be amended to "Amendment and Revocation of Permits."
- Chapter 21.108 – Amendments: Chapter title is proposed to be amended to "Ordinance Amendments" for purposes of consistency.

Background

In 2007, an amendment was proposed to add Chapter 21.93 - Public Events and Outdoor Entertainment of the County Zoning Ordinance, to allow weddings and other special events in the R-A (Rural Residential), R-1 (Single-Family Residential), or A-2 (General Agriculture) zoning districts, provided a use permit was obtained. The proposed ordinance was prepared with a focus on how to allow a commercial activity reliant on an outdoor/agricultural setting to be conducted without negative impact to surrounding agricultural uses and/or residents. The ordinance attempted to balance the property rights of all interested parties without creating an incompatible land use situation or establishing a precedent for opening the residential or agricultural zoning districts up to undesirable commercial uses. The proposed regulations detailed specific requirements for limits on the number of events, operating hours, maximum attendance, buffer requirements, maximum area of use, size and type of structures, and parking criteria. The draft regulations provided specific requirements for venues both inside and outside of a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI). The regulations went through many revisions in an attempt to balance the concerns of both those for and against weddings and other events in an outdoor setting. The proposed ordinance amendment was presented to the Planning Commission on December 20, 2007, and then to the Board of Supervisors on January 29, 2008. Many people spoke both for and against the proposed ordinance amendment during both the Planning Commission and Board of Supervisor's hearings raising a number of concerns with the proposed amendment. A detailed summary of those issues raised by members of the public and by the Board of Supervisor's may be found in Attachment 1 (Planning Commission Memo, dated September 15, 2016). Generally, concerns were raised by those in opposition to the project regarding conflicts with surrounding existing land uses and by those in favor of the project regarding the difficulty of operating with the proposed restrictions. Many provided input that wedding

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operations should be reviewed on a case-by-case basis and that the ordinance, as proposed, did not work for anyone.

By a vote of 8-0 the Planning Commission recommended that the Board of Supervisors take no action to adopt Ordinance Amendment No. 2007-01, Public Events and Outdoor Entertainment, and that the Board of Supervisors direct staff to develop and implement improvements to and more strict enforcement of the existing ordinance and regulations before considering a new ordinance related to outdoor events. On a 7-1 vote, the Planning Commission also recommended that the Board of Supervisors continue the current practice of authorizing outdoor events on a case-by-case basis through the General Plan amendments and rezone process. Ultimately, the Board of Supervisors took no action on the item and directed Planning staff to re-evaluate the ordinance.

Current Ordinance Amendment Request

(All proposed additional text is shown in ***bold and italic*** and all proposed deleted text is shown in strikeout.)

The current ordinance amendment request is an attempt to permit outdoor weddings and similar outdoor events in the A-2 (General Agricultural) zoning district on a case-by-case basis through the Tier Three use permit process by adding the following language to Section 21.20.030(C)(2) Uses Requiring Use Permit:

- r. Weddings, and similar events, provided they are not located on Williamson Act Contracted land.***

In no case may a permit for outdoor events be obtained on land restricted by a Williamson Act Contract. The use permit process allows for each request to be vetted through both environmental and public review and to have a public hearing. Through this method each request will have conditions applied in terms of limits on the number of events, operating hours, maximum attendance, buffer requirements, maximum area of use, size and type of structures, and parking criteria on an individual basis to ensure no conflicts or negative impacts to surrounding land uses are imposed.

The proposed ordinance amendment recognizes that there are already a number of existing people-intensive Tier Three uses (e.g. recreational camps; schools; churches; public parks; circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open air churches, and similar uses provided they do not last more than seven days) that may be permitted by use permit in the A-2 zoning district provided that it can be found that the use will not be detrimental to, or in conflict with agricultural use of other property in the vicinity.

While this proposed ordinance does not contain an extensive list of general standards as provided in the previous proposed ordinance, those standards, which were essentially added for disclosure purposes, will still apply under this proposed ordinance. The general standards include: noise, traffic, fire protection, domestic water, alcohol licenses, storm water control, on site food preparation, parking, and restroom/on site waste water. Any operation is subject to

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these standards as requirements of local, state, or federal regulations, regardless of whether or not they are included in the zoning ordinance.

The currently proposed ordinance amendment to the A-2 zoning district allowing for weddings and other similar events has been presented to both the Stanislaus County Agricultural Advisory Board (AAB) and the Stanislaus County General Plan Update Committee (GPUC). While neither the AAB nor the GPUC have objected to the proposed ordinance amendment being presented for consideration, the need to protect surrounding agricultural uses, and other neighboring uses, from any nuisance resulting from the events has been expressed.

In an effort to better address nuisance concerns, the current ordinance amendment also contains a number of amendments intended to clarify and enhance existing zoning regulations in terms of addressing compatibility and nuisance concerns with all land uses within the unincorporated area. The following is an overview of those proposed amendments, which if approved, would apply to all unincorporated land in Stanislaus County:

- In an effort to clarify that no land use shall be conducted in a manner as to cause a nuisance condition, Section 21.08.100 - Nuisance is proposed to be added to Chapter 21.08 – General Provisions, as follows:

No use shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, electrical interference, or other nuisance condition detectable off the site.

Currently, this nuisance language is only included in the H-1 (Highway Frontage), C-1 (Neighborhood Commercial), C-2 (General Commercial), M (Industrial), and LM (Limited Industrial) zoning districts.

- In an effort to clarify that any use which is prohibited by local, state, or federal law, is not allowed, the following language is proposed to be added to Chapter 21.16.40 - Conformance Required, as follows:

B. No land use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the County.

- To provide a process for the Director of Planning and Community Development Department to amend operating conditions to address nuisance concerns, Section 21.104.010 and 21.104.030 has been proposed to be amended, and 21.104.015 has been proposed to be added to Chapter 21.104 - Revocation of Permits, as follows:

21.104.010 AUTHORIZED

Any zoning permit, ~~staff approval permit~~, use permit or variance granted in accordance with the conditions of this title may be **amended to address nuisance concerns** or revoked if any of the conditions or terms of the permit or variance are violated, or if any law or ordinance is violated in connection therewith.

21.104.015 AMENDMENT

A. The Director of Planning and Community Development may amend the conditions of any permit or variance granted in accordance with this title in order to address nuisance concerns, subject to the following:

- 1. A written Notice of Amended Conditions shall be provided to the property owner 30 days prior to any amendment being effective.***
- 2. The Planning Director's decision to amend conditions, as reflected in the Notice of Amended Conditions, may be appealed pursuant to Section 21.112.020(B).***

B. Property owner requested amendments shall be considered in accordance with the requirements for approval of the original permit or variance.

21.104.020 REVOCATION HEARING

The Planning Commission shall hold a hearing on any proposed revocation after ***the Planning Director*** has given written notice to the ~~permittee~~ ***property owner*** at least ten days prior to the hearing and ***the Planning Commission*** shall submit its recommendations to the Board of Supervisors. The Board of Supervisors shall act thereon within sixty days after receipt of the recommendation of the Planning Commission. (Prior code Section 9-130(a)).

- The title of Chapter 21.104 is also proposed to be amended from "Revocation of Permits" to "***Amendment and*** Revocation of Permits" and the title of Chapter 21.108 is proposed to be amended from "Amendments" to "***Ordinance*** Amendments," to provide clarification on the purpose of each Chapter.

If the proposed ordinance amendment allowing for weddings and similar events in the A-2 zoning district is adopted, subsequent projects will be evaluated for consistency with each of the General Plan goals, policies, and implementation measures listed above through the use permit process.

As proposed, wedding or similar event facilities may not be located on Williamson Act Contracted land. As a Tier Three use, the following findings must be made in order to approve a use permit:

- 1) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and,***
- 2) The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the agricultural element***

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of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

In addition to the Tier Three findings, all use permits are subject to the following finding:

That the establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

As of the date this item was drafted, three comment letters have been received in response to the project referral and notice of public hearing circulated for this project. One was received from San Joaquin County Department of Public Works and a second letter was received from the Modesto Irrigation District, both letters were no comment letters. The third, received from the City of Turlock, expressed concerns over the proposed ordinance amendment in terms of the siting of outdoor events in or near urban areas. The letter continues to express concern with operations which will expand over time and end up requiring urban services, such as public water and sewer services. It further requests that amendments to the proposed ordinance be made to specify more detailed design standards. A copy of all three letters can be found in Attachment 1, Exhibit C - Response Letters.

Staff has reviewed the City of Turlock's response letter and believes that the County's current General Plan policies, specifically those regarding complementing the general plans of cities within the County, ensuring that an effective level of public service is provided in unincorporated areas, and ensuring compatibility between land uses, will satisfy the City of Turlock's concerns. These policies include the newly adopted General Plan Land Use Element Goal Five, Policy Twenty-Seven, requiring that any discretionary project within one mile of cities LAFCO adopted SOI and within a cities adopted general plan area, are referred to the city for consideration. This is in addition to Policy Twenty-Six requiring city approval of any discretionary project, other than agricultural uses and churches; within a city's LAFCO adopted SOI. All city comments will be taken into consideration through the use permit process.

Staff believes that with these amendments to the zoning ordinance in place, the County will be providing a path for operators who wish to pursue holding weddings and other similar outdoor events in the A-2 zone to obtain a permit to operate after all potential land use conflicts have been mitigated. The findings required for approval of a Tier Three use permit will limit the placement, intensity, and permanency of event facilities within the A-2 zoning district. The proposed ordinance amendment to Chapter 21.104 – Revocation of Permits will also provide a method to amend permit conditions as a means of adjusting operational standards, to address nuisance concerns, while still retaining the ability for full permit revocation, if needed.

The Stanislaus County Planning Commission conducted a public hearing to consider the Ordinance Amendment on September 15, 2016. No one spoke for or against the project. The

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Commissioner's did ask staff a number of questions. A summary of the Commissioner's questions and staff's responses are included below:

Commissioner's inquired about the amount of land currently enrolled in the Williamson Act and the project's potential impacts to Williamson Act lands. According to the 2015 Stanislaus County Agricultural Report, there are 575,549 acres currently enrolled in the Williamson Act, which is approximately 60% of the total acres in the County. Staff provided clarification that any property within the A-2 zoning district for which a non-renewal has been filled must wait until the full term of the Williamson Act Contract has ended before they are eligible to obtain a use permit for events. If a property is still enrolled in a Williamson Act contract and applies for a use permit to hold events, then a Williamson Act Cancellation would be required. However, cancellations are extremely costly (cancellation fee of 12.5% of current fair market value), and are difficult to get approved, as approval requires finding that the cancellation is both consistent with the purposes of the Williamson Act (including finding that there is an alternate use which is consistent with the Stanislaus County General Plan and that there is no proximate suitable non-contracted land available to place such an activity) and that the cancellation is in the public's best interest. The Commissioner's also asked staff if the County had made efforts to non-renew Williamson Act Contracts on undersized parcels. Staff explained that property owners of parcels under 10 acres in size, which are enrolled in a Williamson Act Contract, have been encouraged to file a non-renewal. However, there has been limited response to the County's encouragement and to date non-renewals on undersized parcels have only been filed by the County at the property owner's request.

The Commissioner's inquired as to how the discretionary permitting process will work for any operators applying for a permit to operate weddings in the A-2 zoning district; if the use permits will include an expiration term, protocol for responding to complaints, limits on the number of events, limits on the location of activities; or restrictions on permanent vs. temporary structures. Staff responded that restrictions on how events can be operated in terms of nuisance response protocols, traffic and noise mitigation, limits on the number of events, limit the number of attendees, structures utilized for the events, and on whether a permit must be annually renewed will be determined on a case-by-case basis as each application is reviewed and processed through the application of Conditions of Approval, and in some cases through a mitigation monitoring plan. The use permits will be processed as a Tier Three Use Permit, which limits the use from being located on the County's "most productive agricultural areas," unless the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. Factors in determining what qualifies as the County's "most productive agricultural areas" includes but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. Property located within a LAFCO approved sphere of influence is not considered to be the County's "most productive agricultural areas." To ensure applications on lands suitable for agricultural production can reasonably be returned to agricultural use, restrictions on constructing permanent facilities for the operation may be required.

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The Commissioners asked for clarification on where the ordinance amendment applies. Staff responded that the events portion of the ordinance amendment (Chapter 21.20 of the Stanislaus County Zoning Ordinance) applies only to unincorporated parcels, located in an A-2 zoning district, not enforceable restricted by a Williamson Act contract. The remaining requested amendments to the zoning ordinance is applicable to all property located in unincorporated Stanislaus County.

The Planning Commission commented that each operation requesting to hold weddings or similar events in the A-2 zoning district will be decided by the Commission on a case-by-case basis and will have operating standards applied on a case-by-case basis. Each of these requests will provide opportunities for input from neighboring residents. The Planning Commission then recommended that the Board of Supervisors approve the ordinance amendment request on a vote of 7/0 (Etchebarne/Gibson).

POLICY ISSUE:

In order to consider an amendment to the Zoning Ordinance, the Board of Supervisors must hold a public hearing. The proposed ordinance amendment provides a public process for the County to consider weddings, and similar events, in the A-2 (General Agricultural) zone by use permit, while establishing new ordinance provisions addressing compatibility associated with all land uses.

FISCAL IMPACT:

Costs associated with processing of this ordinance amendment, setting the public hearing, publishing of required notices, and conducting the hearing will be covered by the Planning and Community Development General Fund.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of A Safe Community, A Strong Local Economy, A Strong Agricultural Economy/Heritage, and A Well-Planned Infrastructure System by providing a process for the County to evaluate weddings, and similar events, by Use Permit in the A-2 (General Agricultural) zoning district, while addressing the need to maintain compatibility through existing and proposed new ordinance provisions.

STAFFING IMPACT:

Planning and Community Development staff is responsible for preparing all reports associated with this request and there are no staffing impacts associated with this item.

CONTACT PERSON:

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

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ATTACHMENTS:

1. Planning Commission Memo, September 15, 2016
 - Exhibit A - Findings and Actions Required for Project Approval
 - Exhibit B - Draft Stanislaus County Zoning Ordinance Chapters
 - Exhibit B-1 - Draft Chapter 21.08 – General Provisions
 - Exhibit B-2 - Draft Chapter 21.16 – Districts Generally
 - Exhibit B-3 - Draft Chapter 21.20 – General Agriculture District (A-2)
 - Exhibit B-4 - Draft Chapter 21.104 – **Amendment and** Revocation of Permits
 - Exhibit B-5 - Draft Chapter 21.108 – **Ordinance** Amendments
 - Exhibit C - Response Letters
 - Exhibit D - Notice of Exemption
 - Exhibit E - Distribution List for CEQA Exempt Referral & Notice of Public Hearing
2. Planning Commission Minutes, September 15, 2016 (Excerpt)

ORDINANCE NO. C.S. _____

**AN ORDINANCE AMENDING TITLE 21 OF THE STANISLAUS COUNTY CODE
RELATING TO EVENTS AND USE COMPATIBILITY REGULATIONS**

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

Section 1. Section 21.08.100, of the Stanislaus County Code is added to
read as follows:

“21.08.100 NUISANCE

“No use shall be conducted on any premises in such a manner as to cause an
unreasonable amount of noise, odor, dust, smoke, vibration, electrical interference,
or other nuisance condition detectable off the site.”

Section 2. Section 21.16.040, of the Stanislaus County Code is amended
to read as follows:

“21.16.040 CONFORMANCE REQUIRED

“A. In districts indicated in sectional district maps adopted as part of this title, no
building shall be erected and no existing building shall be moved, altered,
added to or enlarged, nor shall any land or building be used, or designed to
be used for any purpose or in any manner, nor shall any yard or other open
space surrounding any building be encroached upon or reduced, except as
permitted by and in conformity to the regulations specified in this title for the
district in which the building or yard or other open space is located. No
building shall be erected, reconstructed, or structurally altered to exceed the
height limit designed for the district in which the building is located. No yard
or open space provided about any building for the purpose of complying with
the provisions of this title shall be considered as providing a yard or open
space for any other building or any other lot.”

“B No land use prohibited under local, state, or federal law shall be allowed in
any zoning district within the unincorporated area of the county.”

Section 3. Section 21.20.030, Subdivision (C), Subparagraph (r) of the
Stanislaus County Code, is amended to read as follows:

“r. Weddings, and similar events, provided they are not located on Williamson
Act Contracted land.”

Section 4. Chapter 21.104, of the Stanislaus County Code is amended to
change the Title of the Chapter to read as follows:

“21.104 AMENDMENT AND REVOCATION OF PERMITS”

Section 5. Section 21.104.010, of the Stanislaus County Code is amended to read as follows:

“Any permit or variance granted in accordance with the conditions of this title may be amended to address nuisance concerns or revoked if any of the conditions or terms of the permit or variance are violated, or if any law or ordinance is violated in connection therewith.”

Section 6. Section 21.104.015, of the Stanislaus County Code is added to read as follows:

“21.104.015 AMENDMENT

“A The Director of Planning and Community Development may amend the conditions of any permit or variance granted in accordance with this title in order to address nuisance concerns, subject to the following:

1. A written Notice of Amended Conditions shall be provided to the property owner 30-days prior to any amendment being effective.
2. The Planning Director’s decision to amend conditions, as reflected in the Notice of Amended Conditions, may be appealed pursuant to Section 21.112.020(B).

“B Property owner requested amendments shall be considered in accordance with the requirements for approval of the original permit or variance.”

Section 7. Section 21.104.020, of the Stanislaus County Code is amended to read as follows:

“21.104.020 REVOCATION HEARING

“The planning commission shall hold a hearing on any proposed revocation after the Planning Director has given written notice to the property owner at least ten days prior to the hearing and the planning commission shall submit its recommendations to the board of supervisors. The board of supervisors shall act thereon within sixty days after receipt of the recommendation of the planning commission.”

Section 8. Chapter 21.108, of the Stanislaus County Code is amended to change the Title of the Chapter to read as follows:

“CHAPTER 21.108 ORDINANCE AMENDMENTS”

Section 9. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be

published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 1st day of November, 2016, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Dick Monteith, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California


ATTEST:

ELIZABETH A. KING, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Pam Villarreal, Deputy Clerk

APPROVED AS TO FORM:

John P. Doering
County Counsel

By  _____
Thomas E. Boze
Assistant County Counsel

Attachment 1



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: **ORDINANCE AMENDMENT APPLICATION NO. PLN 2016-0008 - EVENTS AND USE COMPATIBILITY REGULATIONS**

RECOMMENDATION

Based on the discussion below and on the whole of the record, staff is requesting that the Planning Commission provide a recommendation of approval to the Board of Supervisors of Ordinance Amendment Application No. PLN2016-0008 – Events and Use Compatibility Regulations, as presented in this staff report. If the Planning Commission decides to provide a recommendation of approval, Exhibit A, provides an overview of all of the findings required for project approval.

PROJECT DESCRIPTION

Stanislaus County proposes to amend the following Chapters of the Stanislaus County Zoning Ordinance – Title 21:

- Chapter 21.08 - General Provisions: proposed amendment adds language clarifying that no operation/use shall be conducted in a manner as to cause a nuisance condition.
- Chapter 21.16 – Districts Generally: proposed amendment clarifies that no use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.
- Chapter 21.20 - General Agriculture District (A-2): proposed amendment will permit weddings, and other similar events, provided they are not located on Williamson Act Contracted land, subject to a Tier Three Use Permit (Section 21.20.030(C)). Each use permit application will be evaluated individually, in terms of environmental review and required operating standards, and will go through a separate public review period, and public hearing process.
- Chapter 21.104 - Revocation of Permits: proposed amendment establishes a process for amending conditions of any permit or variance granted in accordance with Title 21 in order to address nuisance concerns. Chapter title also proposed to be amended to “Amendment and Revocation of Permits”.
- Chapter 21.108 – Amendments: Chapter title is proposed to be amended to “Ordinance Amendments” for purposes of consistency.

All amendments being recommended for approval are reflected in Exhibits B-1- thru B-5 - Draft Stanislaus County Zoning Ordinance Chapters, which show all proposed text additions in bold and italics and all proposed text deletions in strikeout.

PROJECT LOCATION

The proposed Ordinance Amendment will apply county-wide, with the exception of the incorporated cities.

BACKGROUND AND DISCUSSION

In 2007, an amendment to the County's Zoning Ordinance was proposed to allow weddings and other special events in the R-A (Rural Residential), R-1 (Single-Family Residential), or A-2 (General Agriculture) zoning district, provided a use permit was obtained, subject to the provisions of a new ordinance (proposed to be included as Chapter 21.93 - Public Events and Outdoor Entertainment). The proposed ordinance was prepared with a focus on how to allow a commercial activity reliant on an outdoor/agricultural setting to be conducted without negative impact to surrounding agricultural uses and/or residents. The ordinance attempted to balance the property rights of all interested parties without creating an incompatible land use situation or establishing a precedent for opening the residential or agricultural zoning districts up to undesirable commercial uses. The proposed regulations detailed specific requirements for limits on the number of events, operating hours, maximum attendance, buffer requirements, maximum area of use, size and type of structures, and parking criteria. The draft regulations provided specific requirements for venues both inside and outside of a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI). The regulations went through many revisions in an attempt to balance the concerns of both those for and against wedding and other outdoor events in an outdoor setting. The proposed ordinance amendment was presented to the Planning Commission on December 20, 2007, and then to the Board of Supervisors on January 29, 2008. Many people spoke both for and against the proposed ordinance amendment during both the Planning Commission and Board of Supervisor's hearings raising a number of concerns with the proposed amendment. The following is a summary outline of the issues raised by members of the public who spoke in response to the proposed ordinance at both public hearings:

- Concerns were voiced about the negative impacts from existing non-permitted facilities.
- Concerns were voiced with regard to potential irresponsible behavior from party attendees citing alcohol, fights, and car accidents as problems.
- Concerns were voiced with regard to traffic, on-street parking along the dirt shoulder and in surrounding fields, with amplified sound, and security.
- Concerns were voiced regarding the difficulty of regulating the number of events with businesses that book events a year or more in advance.
- Concerns were voiced with the 1,000-foot residential buffer not being adequate.
- Wedding venue operators were generally in agreement that the restrictions on the use permit would prevent their businesses from being successful and that the permit required by the proposed ordinance was cost prohibitive.
- Discussions took place around limiting wedding activities in the agricultural area to wedding ceremonies only, no receptions, to limit conflicts with surrounding agricultural operations.
- Many stated that they believed outdoor venues in agricultural areas could work incredibly well with agriculture when done right.
- Concerns were voiced regarding conflicts with surrounding agricultural uses including noise, traffic, and impacts to surrounding farms, limiting harvest hours and posing a risk to farmers associated with pesticide spray drift.
- Some stated that weddings are commercial enterprises which should be limited to commercial zones.

- Concerns were voiced that there is a lack of enforcement of existing regulations and that existing regulations should be cleaned up before new uses are permitted.
- Some identified existing options for allowing events to occur in the Agricultural Zone through a Planned Development general plan amendment and rezone, through a use permit for events associated with agriculturally related processing facilities (Tier Two uses), or through the Outdoor Events Permit issued by the Sherriff (public events only).
- Some stated that outdoor event operations should be permitted and conditioned on a case-by-case basis.

On a vote of 8-0 the Planning Commission recommended that the Board of Supervisors take no action to adopt Ordinance Amendment No. 2007-01, Public Events and Outdoor Entertainment and that the Board direct staff to develop and implement improvements to and more strict enforcement of the existing ordinance and regulations before considering a new ordinance related to outdoor events. On a 7-1 vote, the Planning Commission also recommended that the Board of Supervisors continue the current practice of authorizing outdoor events on a case-by-case basis through the general plan amendments and rezone process.

After the closing of the Board hearing, the Board of Supervisor's provided many comments on the proposed ordinance. Staff understood the Board's comments to include the following:

- The proposed ordinance applies to outdoor for profit events, not private outdoor events.(i.e. private family gathering)
- There are plenty of spaces available to hold outdoor weddings, including public parks.
- There are already processes in place for permitting of outdoor events including the Sherriff's permit which allows up to six (6) events per year, in accordance with Chapter 6.40 of the County Code.
- Outdoor wedding events can work when issues with neighbor disturbance and impacts to agriculture can be mitigated.
- The general plan amendment and rezone process is difficult to get approved because it can be treated as spot zoning.
- A solution is needed which protects neighbors, agriculture, and property owners who want to hold weddings.
- The proposed amendment does not get to the solution.
- Allowing commercial weddings will open up the agricultural zone for other commercial enterprises.
- There needs to be a clear consistent decision.
- Nobody is happy with the proposed ordinance.

Ultimately, the Board took no action on the item and directed Planning staff to re-evaluate the ordinance.

The current ordinance amendment request is an attempt to permit outdoor weddings and similar outdoor events in the A-2 (General Agricultural) zoning district on a case-by-case basis through the Tier 3 use permit process by adding the following language to Section 21.20.030(C)(2) Uses Requiring Use Permit:

- r. Weddings, and similar events, provided they are not located on Williamson Act Contracted land.***

In no case may a permit for outdoor events be obtained on land restricted by a Williamson Act Contract. The use permit process allows for each request to be vetted through both

environmental and public review and to have a public hearing. Through this method each request will have conditions applied in terms of limits on the number of events, operating hours, maximum attendance, buffer requirements, maximum area of use, size and type of structures, and parking criteria on an individual basis to ensure no conflicts or negative impacts to surrounding land uses are imposed.

The proposed ordinance amendment recognizes that there are already a number of existing people-intensive Tier 3 uses (e.g. recreational camps; schools; churches; public parks; and circuses, carnivals, outdoor festivals, rallies, revivals, concerns, open-air churches, and similar uses provided they do not last more than seven days) that may be permitted by use permit in the A-2 zoning district provided that findings showing that the use will not be detrimental to or in conflict with agricultural use of other property in the vicinity can be made.

While this proposed ordinance does not contain an extensive list of general standards as provided in the previous proposed ordinance, those standards, which were essentially added for disclosure purposes, will still apply under this proposed ordinance. The general standards include: noise, traffic, fire protection, domestic water, alcohol licenses, storm water control, on-site food preparation, parking, and restroom/on-site waste water. Any operation is subject to these standards as requirements of local, state, or federal regulations, regardless of whether or not they are included in the zoning ordinance.

The currently proposed ordinance amendment to the A-2 zoning district allowing for weddings and other similar events has been presented to both the Stanislaus County Agricultural Advisory Board (AAB) and the Stanislaus County General Plan Update Committee (GPUC). While neither the AAB nor the GPUC have objected to the proposed ordinance amendment being presented for consideration, the need to protect surrounding agricultural uses, and other neighboring uses, from any nuisance resulting from the events has been expressed.

In an effort to better address nuisance concerns, the current ordinance amendment also contains a number of amendments intended to clarify and enhance existing zoning regulations in terms of addressing compatibility and nuisance concerns with all land uses within the unincorporated area. The following is an overview of those proposed amendments:

- In an effort to clarify that no land use shall be conducted in a manner as to cause a nuisance condition, Section 21.08.100 - Nuisance is proposed to be added to Chapter 21.08 – General Provisions, as follows:

No use shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, electrical interference, or other nuisance condition detectable off the site.

Currently, this nuisance language is only included in the H-1 (Highway Frontage), C-1 (Neighborhood Commercial), C-2 (General Commercial), M (Industrial), and LM (Limited Industrial) zoning districts.

- In an effort to clarify that any use which is prohibited by local, state, or federal law, is not allowed, the following language is proposed to be added to Chapter 21.16.40 - Conformance Required, as follows:

B. No land use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.

- To provide a process for the Director of Planning and Community Development Department to amend operating conditions to address nuisance concerns, Section 21.104.010 and 21.104.030 has been proposed to be amended, and 21.104.015 has been proposed to be added to Chapter 21.104 - Revocation of Permits, as follows:

21.104.010 AUTHORIZED

Any ~~zoning permit, staff approval permit, use permit~~ or variance granted in accordance with the conditions of this title may be **amended to address nuisance concerns** or revoked if any of the conditions or terms of the permit or variance are violated, or if any law or ordinance is violated in connection therewith.

21.104.015 AMENDMENT

A. The Director of Planning and Community Development may amend the conditions of any permit or variance granted in accordance with this title in order to address nuisance concerns, subject to the following:

- 1. A written Notice of Amended Conditions shall be provided to the property owner 30-days prior to any amendment being effective.**
- 2. The Planning Director's decision to amend conditions, as reflected in the Notice of Amended Conditions, may be appealed pursuant to Section 21.112.020(B).**

B. Property owner requested amendments shall be considered in accordance with the requirements for approval of the original permit or variance.

21.104.020 REVOCATION HEARING

The Planning Commission shall hold a hearing on any proposed revocation after **the Planning Director has** ~~giving~~ written notice to the ~~permittee~~ **property owner** at least ten days prior to the hearing and **the Planning Commission** shall submit its recommendations to the Board of Supervisors. The Board of Supervisors shall act thereon within sixty days after receipt of the recommendation of the Planning Commission. (Prior code Section 9-130(a)).

- The title of Chapter 21.104 is also proposed to be amended from "Revocation of Permits" to "**Amendment and** Revocation of Permits" and the title of Chapter 21.108 is proposed to be amended from "Amendments" to "**Ordinance** Amendments", to provide clarification on the purpose of each Chapter.

GENERAL PLAN AND ZONING CONSISTENCY

The following is an overview of the proposed ordinance's consistency with applicable sections of the adopted Stanislaus County General Plan:

Land Use Element

Goal One: Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to the

environmental, economic and social concerns of the residents of Stanislaus County.

Policy Two: Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resource management, open space, outdoor recreation and enjoyment of scenic beauty.

Policy Three: Land use designations shall be consistent with the criteria established in this element.

'Agriculture' Designation: "... This designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. It is intended for areas of land which are presently or potentially desirable for agricultural usage. ... This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their nature are not compatible with urban uses, provided they do not conflict with the primary use. ..."

Goal Two: Ensure compatibility between land uses.

Policy Fourteen: Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

Implementation Measure No. 1: All development proposals that require discretionary action shall be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area.

Goal Three: Foster stable economic growth through appropriate land use policies.

Policy Seventeen: Agriculture, as the primary industry of the County, shall be promoted and protected.

Policy Eighteen: Promote diversification and growth of the local economy.

Policy Nineteen: Accommodate the siting of industries with unique requirements.

Implementation Measure No. 1: The criteria described in the Designations section of this element shall be applied in the siting of industries with unique requirements. (See Agricultural Designation description above)

Goal Four: Ensure that an effective level of public service is provided in unincorporated areas.

Policy Twenty-Five: New development shall pay its fair share of the cost of cumulative impacts on circulation and transit systems.

Goal Five: Complement the general plans of cities within the County.

Policy Twenty-Six: Development, other than agricultural uses and churches, which requires approval and is within the sphere of influence of cities..., shall not be approved unless first approved by the city...

Policy Twenty-Seven: Development which requires discretionary approval and is outside the sphere of influence of cities, but located within one mile of a city's adopted sphere of influence and within a city's adopted general plan area, shall be referred out to the city for consideration. However, the County reserves the right for final discretionary action.

Circulation Element

Goal One: Provide and maintain a transportation system throughout the County for the movement of people and goods that also meets land use and safety needs for all modes of transportation.

Policy One: Development will be permitted only when facilities for circulation exist, or will exist as part of the development, to adequately handle increased traffic and safety needs for all modes of transportation.

Implementation Measure No. 4: The County shall ensure that new development pays its fair share of the costs of circulation improvements, including non-motorized modes, through a combination of public facility fees, transportation impact fees, and other funding mechanisms. The total cost of required improvements shall be paid for by new development.

Implementation Measure No. 5: The circulation systems of development proposals shall be reviewed and approved to ensure there are no adverse effects to adjoining land and the circulation system.

Implementation Measure No. 6: Development proposals shall identify and mitigate, at the developers sole cost, all potential operations and safety impacts to the circulation system.

Conservation/Open Space Element

Goal Three: Provide for the long-term conservation and use of agricultural lands.

Policy Eleven: In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

Implementation Measure No. 1: All development proposals that require discretionary approval shall be reviewed to ensure that the project will not adversely affect an existing agricultural area.

Implementation Measure No. 2: The County shall continue to implement the strategies identified in the Agricultural Element to ensure that new development is compatible with agricultural uses.

Noise Element

Goal Two: Protect the citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

Policy Two: It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

Implementation Measure No. 3: Prior to the approval of a proposed development of noise-sensitive land uses in a noise impacted area, or the development of industrial, commercial or other noise generating land use in an area containing noise-sensitive land uses, an acoustical analysis shall be required. Where required, an acoustical analysis shall:

- a) Be the responsibility of the applicant.
- b) Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
- c) Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
- d) Include estimated noise levels in terms of Ldn (or CNEL) and the standards of Table 4 (if applicable) for existing and projected future (10-20 years hence) conditions, with a comparison made to the adopted policies of the Noise Element.
- e) Include recommendations for appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element.
- f) Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise Element will not be achieved, a rationale for acceptance of the project must be provided.

Safety Element

Goal Two: Minimize the effects of hazardous conditions that might cause loss of life and property.

Policy Six: All new development shall be designed to reduce safety and health hazards.

Policy Seven: Adequate fire and sheriff protection shall be provided.

Implementation Measure No. 2: All discretionary projects in the County shall be referred to the Office of Emergency Services / Fire Warden, and the Local Fire Agency having jurisdiction for comment. The comments of these agencies will be used to condition or recommend modifications of the project as it relates to fire safety and rescue issues, including emergency access and evacuation routes. All projects in State

Responsibility Areas or Very High Fire Hazard Severity Zone shall be routed to CALFire for comments.

Agricultural Element

- Goal One: Strengthen the Agricultural sector of our economy.
- Objective 1.3: Minimizing Agricultural Conflict.
- Policy 1.10: The County shall continue to implement its Right-to-Farm Ordinance.
- Policy 1.11: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.
- Policy 1.12: Setbacks from agricultural areas shall be established to minimize adverse impacts of adjacent uses on agriculture.

If the proposed ordinance amendment allowing for weddings and similar events in the A-2 zoning district is adopted, subsequent projects will be evaluated for consistency with each of the general plan goals, policies, and implementation measures listed above through the use permit process.

As proposed, wedding or similar event facility may not be located on Williamson Act Contracted land. As a Tier Three use, the following findings must be made in order to approve a use permit:

- 1) *The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and*
- 2) *The parcel on which such use is requested is not located in one of the county's "most productive agricultural areas," as that term is used in the agricultural element of the general plan; **or** the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.*

In addition to the Tier Three findings, all use permits are subject to the following finding:

That the establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

Staff believes that with these amendments to the zoning ordinance in place, the County will be providing a path for operators who wish to pursue holding weddings and other similar outdoor events in the A-2 zone to obtain a permit to operate after all potential land use conflicts have been mitigated. The findings required for approval of a Tier Three use permit will limit the placement, intensity, and permanency of event facilities within the A-2 zoning district. The proposed ordinance amendment to Chapter 21.104 – Revocation of Permits will also provide a method to amend permit conditions as a means of adjusting operational standards, to address nuisance concerns, while still retaining the ability for full permit revocation, if needed.

Three comment letters have been received in response to the project referral and notice of public hearing circulated for this project. (See Exhibit C – Response Letters) Two, received from the Modesto Irrigation District and San Joaquin County Department of Public Works, were no comment letters. The third, received from the City of Turlock, expressed concerns over the proposed ordinance amendment in terms of the siting of outdoor events in or near urban areas. The letter continues to express concern with operations which will expand over time and end up requiring urban services, such as public water and sewer services. It further requests that amendments to the proposed ordinance be made to specify more detailed design standards.

Staff has reviewed the City of Turlock's response letter and believes that the County's current General Plan policies, specifically those regarding complementing the general plans of cities within the County, ensuring that an effective level of public service is provided in unincorporated areas, and ensuring compatibility between land uses, will satisfy the City of Turlock's concerns. These policies include the newly adopted General Plan Land Use Element Goal Five, Policy Twenty-Seven, requiring that any discretionary project within one mile of cities LAFCO adopted SOI and within a cities adopted general plan area, are referred to the city for consideration. This is in addition to Policy Twenty-Six requiring city approval of any discretionary project, other than agricultural uses and churches; within a city's LAFCO adopted SOI. All city comments will be taken into consideration through the use permit process.

ENVIRONMENTAL REVIEW

This project has been determined to be generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations. A CEQA Exempt Referral and Notice of Public Hearing was circulated to all interested parties and responsible agencies for review and comment. (See Exhibit E- *Distribution List for CEQA Exempt Referral and Notice of Public Hearing*) A Notice of Exemption has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit D – *Notice of Exemption*.) There are no conditions of approval for this project.

Contact Person: Kristin Doud, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Draft Stanislaus County Zoning Ordinance Chapters
 - Exhibit B-1 - Draft Chapter 21.08 – General Provisions
 - Exhibit B-2 - Draft Chapter 21.16 – Districts Generally
 - Exhibit B-3 - Draft Chapter 21.20 – General Agriculture District (A-2)
 - Exhibit B-4 - Draft Chapter 21.104 – **Amendment and** Revocation of Permits
 - Exhibit B-5 - Draft Chapter 21.108 – **Ordinance** Amendments
- Exhibit C - Response Letters
- Exhibit D - Notice of Exemption
- Exhibit E - Distribution List for CEQA Exempt Referral & Notice of Public Hearing

Exhibit A
Findings and Actions Required for Project Approval

Note: *The proposed project must obtain approval from the Stanislaus County Board of Supervisors. The Planning Commission may make a recommendation to the Board. Should the Commission support the project, the Commission may recommend the following:*

1. Find the project is generally exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15062.
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects Stanislaus County's independent judgement and analysis.
3. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan.
4. Approve Ordinance Amendment Application No. 2016-0008 – Events and Use Compatibility Regulations, and introduce, waive the reading, and adopt the revised ordinances.

EXHIBIT B – Draft Stanislaus County Zoning Ordinance Chapters consists of the following:

Exhibit B-1 – Draft Chapter 21.08 – General Provisions

Exhibit B-2 – Draft Chapter 21.16 – Districts Generally

Exhibit B-3 – Draft Chapter 21.20 – General Agriculture District (A-2)

Exhibit B-4 – Draft Chapter 21.104 – ***Amendment and*** Revocation of Permits

Exhibit B-5 – Draft Chapter 21.108 – ***Ordinance*** Amendments

*All proposed text additions in bold and italics and all proposed text deletions in strikeout.

CHAPTER 21.08

GENERAL PROVISIONS

SECTIONS:

21.08.010	GENERAL PROVISIONS
21.08.020	USES
21.08.030	HEIGHT LIMITS
21.08.040	BUILDING SITE AREA - EXISTING LOTS
21.08.050	BUILDING SITE AREA - SANITARY SEWERS OR PUBLIC WATER NOT AVAILABLE
21.08.060	YARDS
21.08.065	SWIMMING POOLS
21.08.070	SIGNS
21.08.075	MONUMENTS
21.08.080	DENSITY BONUS FOR AFFORDABLE HOUSING – Deleted effective January 14, 2016 (Ord. CS 1169 Sec. 1, 2015)
21.08.090	DEVELOPMENT REQUEST - CITY APPROVAL REQUIRED WHEN
21.08.100	NUISANCE

21.08.010 GENERAL PROVISIONS

The regulations specified in this title shall be subject to the general provisions and exceptions set forth in this chapter. (Prior code Section 9-125 (part)).

21.08.020 USES

- A. Accessory uses and buildings appurtenant to a permitted use shall be allowed only when constructed concurrent with or subsequent to the main buildings.
- B. Wrecking yards, junkyards, surplus yards, auto dismantling yards and secondhand stores, where merchandise is displayed or stored outside an enclosed building, shall be enclosed within a solid fence of uniform texture of not less than six feet in height. Not more than six rebuildable automobiles, identified as offered for sale as used automobiles, may be displayed outside the fenced area or building at any one time, regardless of the number of businesses being conducted independently at the location.

If any vehicle is so displayed for a period of thirty days and it shall not have been sold during that time, it shall not be considered to be a rebuildable automobile and it must thereafter be stored within the fenced enclosure.

- 1. No material shall be stored or piled so as to extend higher than fence height at any point nearer than six feet from the fence. Beginning at a line parallel to the fence and six feet within it, material may be piled an additional one foot in height for each additional two feet in distance from the fence.

21.08.020 Uses

2. Where vehicles not suitable for resale are stored or held for wrecking or dismantling, one may be stacked or piled on top of another at the fence to a two-car maximum limit, even though the top of the second vehicle may extend higher than six feet; provided, that vehicles so stacked at the fence cannot be other than passenger vehicles. The term passenger vehicle shall not include trucks, buses, pickups, vans, carryalls, or any other vehicles the primary intended use of which was for other than transportation of persons.
- C. For purposes of this title, facilities for public utilities include, but are not limited to, electrical substations, communication equipment buildings and towers, service yards, gas regulator stations, meter lots, pumping stations which are accessory to existing gas or oil pipelines, and water wells; and such uses are permitted in A-2 and all R districts; provided, that such use is demonstrated in connection with the approval of a use permit, to be properly located without detriment to or in conflict with the agricultural or residential usage of property so zoned within the vicinity. Public utility transmission and distribution lines, both overhead and underground, are permitted in all districts without limitation as to height, but metal transmission towers are subject to all yard requirements as other structures. However, routes of proposed electrical transmission lines (including height, and placement of towers), shall be submitted to the planning commission for review and recommendation prior to the acquisition of rights-of-way therefore, when such lines are not within a public street or highway. (Prior code Section 9-125(a)).

21.08.030 HEIGHT LIMITS

- A. Chimneys, elevators, communication towers, mechanical appurtenances, monuments, spires, campaniles, public and quasi-public buildings may be permitted in excess of height limits for the various districts, provided a use permit shall first be obtained in each case. Flagpoles are permitted without height limitations and conventional television antennas, not over sixty feet in height, are permitted in all districts.
- B. As to height limits, specific reference is made to Title 17 of this code. Applications for a permit under Title 17 may be a part of an application under this title. (Prior code Section 9-125(b)).

21.08.040 BUILDING SITE AREA - EXISTING LOTS

When a legally created lot has less than the minimum required area or width as set forth in any of the residential zones contained in this title, or in a precise plan, such lot shall be deemed to have complied with the minimum lot area and width as set forth in any such zone. The lot shall qualify for only one single-family residence and only when the lot is of sufficient area to comply with all requirements for sewage disposal and water supply as determined by the department of environmental resources and that all applicable building setbacks are met. If the substandard lot contains the minimum required lot area for a use in the zone in which such lot is located, and if the width of the lot is not less than fifty feet, then the lot may qualify for such use. (Prior code Section 9-125(c)(1)).

21.08.050 BUILDING SITE AREA - SANITARY SEWERS OR PUBLIC WATER NOT AVAILABLE

Unless the minimum building site area for the various districts is greater, as provided by this title, a minimum area for one single-family dwelling which is not connected to sanitary sewer, but served by a public water supply, or to public sewer and not to public water, shall be twenty thousand square feet. Where there is no connection to either sanitary sewer or public water, the minimum building site for a single-family dwelling shall be not less than one acre or greater if required by the county department of environmental resources. For other uses without sanitary sewers, and/or public water, the minimum building site shall be that established by the board of supervisors or planning commission as a condition to any use or other approval required. The minimum lot size where both sewer and water systems are available shall be six thousand square feet. (Prior code Section 9-125(c)(2)).

21.08.060 YARDS

- A. Architectural features such as cornices, eaves, and canopies may extend not exceeding three feet into any required yard.
- B. Whenever an official plan line has been established for any street, required yards shall be measured from such line, and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan lines.
- C. Uncovered porches and paved terraces may extend not exceeding three feet into any required side yard and not exceeding six feet into any required front yard.
- D. Accessory buildings which are detached or attached to the main building shall comply in all respects with the requirements of this title applicable to the main building. The accessory building shall not be located within five feet of any alley or within five feet of the side line of any adjacent lot or in the case of a corner lot to project beyond the front yard required on the adjacent lot. (C.S. 984, Section 1, 2007)
- E. Truck loading docks shall be so located that all vehicles entering or leaving the premises to load or unload may be driven in a forward direction without the necessity of the vehicle entering or leaving the premises in reverse gear, and that no portion of any such vehicle will stand or protrude on or into the public right-of-way while loading or unloading.
- F. On the following specified highways, no structure (excluding, however, open wire fences, electroliers without attached advertising signs, utility poles and solid fences or screen planting not more than three feet in height) shall be located closer to the highway center line than as indicated.
 - 1. State Highway No. 33, 95 feet from the railroad right-of-way line;
 - 2. Kiernan Avenue, between McHenry Avenue and Broadway Avenue, seventy feet;
 - 3. Santa Fe Avenue, one hundred feet from the railroad right-of-way;
 - 4. McHenry Avenue, between the City of Modesto and the Stanislaus River, seventy-five feet;
 - 5. State Highway No. 108, between McHenry Avenue and the City of Riverbank, seventy-five feet; and between the City of Riverbank and the Tuolumne County line, seventy feet.

21.08.060 Yards

- G. Where lots abut streets on the front and rear, and vehicle access to the street in the rear is restricted, solid fences or screen planting, not exceeding eight feet in height, may be located on the rear property line.
- H. Vision Clearance for Corner Lots. In all zones which require a front yard, no obstruction to view in excess of three feet in height shall be placed, built, parked or allowed to grow on any corner lot within a triangular area formed by the street, property lines and a line connecting them at points twenty-five feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers. (Ord CS. 09 (part), 1983; prior code Section 9-125(d)).

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. (Ord. CS 778, Section 1, 2001)

21.08.070 SIGNS

Within the adopted sphere of influence of any city where a use or sign is permitted by the regulations of the zoning district in which it is located, or when a use permit, rezoning or other approval has been granted, any signs to be installed in connection with such use shall be permitted consistent with any applicable sign regulations of that city. (Ord. CS 419 Sec. 1, 1990; prior code Section 9-125(e)).

21.08.075 MONUMENTS

Monuments shall be permitted in all districts subject to the approval of the planning and community development director, except for customary and usual monuments within a cemetery or enclosed building, which are permitted without review. However, if in the opinion of the Director, a monument subject to his/her approval may cause substantial public controversy or adversely affect the public health, safety, peace, or morals, a use permit shall be required to establish such monument. (Ord. CS 449 Sec. 1, 1991).

21.08.080 DENSITY BONUS FOR AFFORDABLE HOUSING – (Deleted effective January 14, 2016 – Ord. CS 1169 Sec. 1, 2015)

21.08.090 DEVELOPMENT REQUEST--CITY APPROVAL REQUIRED WHEN

Within the LAFCO adopted sphere of influence of any city where any discretionary approval is required for any project, said project, except agricultural uses and churches, shall not be approved by the county unless it has first received written approval by the city. No development request within the sphere of influence of any incorporated city shall be approved unless it is consistent with agreements with the city which are in effect at the time of project consideration. (Ord. CS 457 Section 1, 1991; Ord. CS 414 Section 1, 1990).

21.08.100 NUISANCE

No use shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, electrical interference, or other nuisance condition detectable off the site.

CHAPTER 21.16

DISTRICTS GENERALLY

SECTIONS:

21.16.010	DESIGNATED
21.16.020	ESTABLISHED
21.16.030	BOUNDARY DETERMINATION
21.16.040	CONFORMANCE REQUIRED
21.16.050	SETBACK CONFORMANCE
21.16.060	SECTIONAL DISTRICT MAPS--ADOPTED AND ON FILE
21.16.070	SECTION DISTRICT MAPS--DESIGNATION

21.16.010 DESIGNATED

The several districts are as follows:

- A. General agriculture district or A-2 district;
 - B. Rural residential district or R-A district;
 - C. Single-family residential district or R-1 district;
 - D. Medium density residential district or R-2 district;
 - E. Multiple-family residential district or R-3 district;
 - F. Planned development district or P-D district;
 - G. Planned industrial district or PI district;
 - H. Historic site district or HS district;
 - I. Highway frontage district or H-1 district;
 - J. Neighborhood commercial district or C-1 district;
 - K. General commercial district or C-2 district;
 - L. Industrial district or M district;
 - M. Limited industrial district or LM district;
 - N. Urban service district or US district;
 - O. Specific plan district or S-P district;
 - P. Salida Community Plan district or SCP district.
- (Ord. CS 1005, 2007; Ord. CS 381 Sec. 1, 1990; Ord. CS 344 Sec. 9, 1989: prior code Section 9-104).

21.16.20 ESTABLISHED

The district indicated in Section 21.16.010 are established and the designations, locations and boundaries thereof are set forth and indicated in Sections 21.16.060 and 21.16.070. The maps constituting Sections 21.16.060 and 21.16.070 and all notations, references and data thereon are made a part of this title. (Prior code Section 9-105).

21.16.030 BOUNDARY DETERMINATION

Where uncertainty exists as to the boundaries of any of the aforementioned districts as described aforesaid or as shown on the sectional district maps, the planning commission, upon written application or upon its own motion, shall determine the boundaries of the districts. (Prior code Section 9-106).

21.16.40 CONFORMANCE REQUIRED

A. In districts indicated in sectional district maps adopted as part of this title, no building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be used, or designed to be used for any purpose or in any manner, nor shall any yard or other open space surrounding any building be encroached upon or reduced, except as permitted by and in conformity to the regulations specified in this title for the district in which the building or yard or other open space is located. No building shall be erected, reconstructed, or structurally altered to exceed the height limit designed for the district in which the building is located. No yard or open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building or any other lot. (Prior code Section 9-107).

B. *No land use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.*

21.16.050 SETBACK CONFORMANCE

No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right-of-way line of any street than the setback from any official plan line or any building line which has been established for such street by the circulation element, or section thereof of the general plan of the county. (Prior code Section 9-108).

21.16.060 SECTIONAL DISTRICT MAPS--ADOPTED AND ON FILE

Sectional district maps heretofore and hereafter adopted are made a part of this title by reference and shall be filed and kept on file in the offices of the county clerk and the planning commission. (Prior code Section 9-109).

21.16.070 SECTION DISTRICT MAPS--DESIGNATION

Sectional district maps adopted hereafter shall be designated by the number 9-110 followed by a decimal point and numeral or numerals. (Prior code Section 9-110).

CHAPTER 21.20

GENERAL AGRICULTURE DISTRICT (A-2)

SECTIONS:

21.20.010	PURPOSE
21.20.020	PERMITTED USES
21.20.030	USES REQUIRING USE PERMIT
21.20.040	USES REQUIRING BOARD OF SUPERVISORS APPROVAL
21.20.045	USES ON LANDS SUBJECT TO WILLIAMSON ACT
	CONTRACTS
21.20.050	DIVISION OF LAND
21.20.060	SITE AREA
21.20.070	YARDS
21.20.080	HEIGHT LIMITS

21.20.010 PURPOSE

It is the intent of these district regulations to support and enhance agriculture as the predominant land use in the unincorporated areas of the county. These district regulations are also intended to protect open-space lands pursuant to Government Code Section 65910. The procedures contained in this chapter are specifically established to ensure that all land uses are compatible with agriculture and open space, including natural resources management, outdoor recreation and enjoyment of scenic beauty. (Ord. CS 106 Section 2 (part), 1984).

21.20.020 PERMITTED USES

Uses permitted in the A-2 districts:

- A. All agricultural uses not requiring a staff approval or a use permit pursuant to Sections 21.20.030 and 21.20.040; provided, however, that within areas designated on the land use element of the general plan as urban transition the maintenance of animals shall be limited to the provision of Chapter 21.24 (R-A rural residential zoning regulations) unless approval of additional animals is first obtained from the director of planning and community development;
- B. Single-family dwelling(s) on parcels meeting the following criteria:
 1. Parcels less than 20 acres in size and zoned A-2-3, -5, -10, or -20 - One-single family dwelling is permitted on all parcels that meet or exceed the minimum building site area requirements of this chapter.
 2. Parcels less than 20 acres in size and zoned A-2-40, or -160 - One-single family dwelling is permitted with approval of a Staff Approval Permit in accordance with Section 21.100.050(C) of the Zoning Ordinance.

21.20.020 Permitted Uses

3. Parcels of 20 acres or more in size - Two-single family dwellings may be constructed on a parcel, regardless of the minimum parcel size zoning requirement. The second dwelling shall be placed to take maximum advantage of existing facilities including utilities and driveways. New driveways may be authorized by the County Public Works Department when it can be shown public safety will not be degraded, now or in the future, based on both existing traffic conditions and future traffic projected in the County General Plan.

Any parcel created with a 'no build' restriction shall meet the criteria specified in Section 21.20.050 prior to the construction of any dwelling. Any parcel enrolled in the Williamson Act, and not subject to a 'no build' restriction, shall be in agricultural use prior to the construction of any dwelling. (Ord. CS 1020, Sec. 4, 2007; Ord. CS 741, 2000).

- C. A mobile home (excluding travel trailers, motor homes or campers) in lieu of any permitted single-family dwelling in areas designated as agriculture in the land use element of the general plan; provided, that the mobile home is placed on the county assessment roll; and further provided, that any such mobile home is completely skirted;

In areas designated as urban transition in the land use element of the general plan, a mobile home in lieu of a permitted single-family dwelling subject to a determination by the director of planning and community development that it meets the following compatibility criteria.

1. Eligibility. A mobile home shall be eligible if it:
 - a. Is to be occupied only for residential purposes.
 - b. Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made.
 - c. Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976.
 - d. Is attached to a permanent foundation system approved by the building inspection department of the county.
2. Compatibility. A mobile home shall be compatible if:
 - a. It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site.
 - b. The exterior covering material extends to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures will be considered compatible.
 - c. The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site.

21.20.020 Permitted uses

- D. Buildings, appurtenances, and uses such as custom contract harvesting or land preparation where the buildings, appurtenances, or uses are incidental and accessory to the use of the subject property for farming purposes.
- E. Home occupations as regulated by Chapter 21.94.
- F. Racing homer pigeons as regulated in Chapter 21.92.
- G. Garage sales.
- H. Temporary agricultural service airports.
- I. Detached accessory buildings, the uses of which are incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property as determined by the director of planning and community development.
- J. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage of a property which contains a lawful agricultural use, or commercial, or industrial nonconforming use in lieu of any other freestanding sign which may be permitted, provided that:
 - 1. It does not bear any advertising message,
 - 2. It is nonflashing, nonmoving and nonanimated,
 - 3. It is located wholly on private property on the premises to which it pertains,
 - 4. A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- K. Lagoons or ponds for the storage of animal wastes, except when a use permit is required under Section 21.20.030 F. Such lagoons or ponds shall be located a minimum of fifty feet from any property line and three hundred feet from any dwelling on an adjacent property. Other standards may be imposed by other county or state agencies.
- L. Christmas tree sales lots and Halloween pumpkin sales lots provided they meet the required setbacks and provide at least ten accessible and useable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet on each face. No off-site signs shall be permitted. Such Halloween pumpkin sales lots may not be established prior to October 1 of any year and shall be removed and the property returned to its previous condition prior to November 15; Christmas tree sales lots may not be established prior to November 15 of any year and shall be removed and the property returned to its previous condition prior to January 1.

21.20.020 Permitted uses

- M. Fireworks stands provided they meet all required setbacks and provide at least five accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department.
- N. Produce stands as defined and regulated in Chapter 21.90.
- O. Small family day care homes for eight or fewer persons.
- P. 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.

(Ord. CS 861, Section 2, 2003; Ord. CS 591 Section 1, 1995; Ord. CS 350 Sections 1 (part), 2, 1989; Ord. CS 349 Section 1, 1989; Ord. CS 142 Section 1, 1985; Ord. CS 141 Section 1, 1985; Ord. CS 106 Section 2 (part), 1984).

21.20.030 USES REQUIRING USE PERMIT

Uses permitted in the A-2 districts subject to first securing a use permit in each case:

- A. TIER ONE. The uses listed below are closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050, the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - 1. Stationary installations such as alfalfa and feed dehydrators; commercial viners; fuel alcohol stills designed to serve a localized area; nut hulling, shelling, and drying; agricultural experiment stations; warehouses for storage of grain and other farm produce; weighing, loading and grading stations; wholesale nurseries and landscape contractors when conducted in conjunction with a wholesale nursery; agricultural backhoe services; sale of firewood; and similar agricultural facilities;
 - 2. Farm labor camps and agricultural service airports;

21.20.030 Uses requiring use permit

3. Permanent housing for persons employed on a full-time basis in connection with the agricultural use of the property or other property owned or leased by the same owner. The parcel(s) shall be large enough in terms of acreage, crops, production, number of animals, to clearly support and justify the establishment of an additional dwelling(s) for a full-time employee. Applicants will be required to substantiate that the employee is, in fact, a full-time employee. Permits granted for employee housing shall require that new residences be placed in close proximity to existing dwelling to minimize the disruption of agricultural land and to take maximum advantage of existing facilities, including utilities and driveways;
 4. Produce markets as defined and regulated in Chapter 21.90. (Ord. CS 591 Section 2, 1995)
- B. TIER TWO. The uses listed below are agriculture-related commercial and industrial uses that may be allowed when the planning commission or board of supervisors finds that, in addition to the findings required under Section 21.96.050:
1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
 2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
 3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
 - a. Agricultural service establishments primarily engaging in the provision of agricultural services to farmers, including contract harvesting when not allowed under Section 21.20.020D. Such establishments shall be designed to serve the immediately surrounding area as opposed to having a widespread service area.
 - b. Agricultural processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses, provided:
 - (1) The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;
 - (2) At least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or lease; and
 - (3) The number of full-time, year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
 - c. In conjunction with an agricultural processing plant or facility, incidental retail sales, tasting rooms and/or facilities for on-site consumption of agricultural produce processed on the premises, provided:

21.20.030 Uses requiring use permit

- (1) The primary purpose is to promote sales of the agricultural product(s) produced and processed on the premises;
 - (2) The use is subordinate to the production of such product and the use of such agricultural processing facility; and
 - (3) The number of full-time, year-round employees involved in the operation shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
 - (4) However, the total number of full-time, year-round employees allowed under Subsections b(3) and c(3) shall not exceed ten, and the total number of part-time, seasonal employees shall not exceed twenty.
 - d. Soil reclamation, or the process of cleaning or decontaminating soil that has been contaminated by gasoline or other toxic materials.
 - e. Commercial or municipal composting, processing and/or spreading of whey, treated sludge or biosolids (including Class A and Class B), or other organic matter when the matter to be composted, processed and/or spread is not generated on site and the composting, processing and/or spreading is not part of a routine farming practice. Composting operations with less than 1,000 cubic yards or 300 tons of active composting material on site at any given time shall be considered an agricultural use and shall be exempt from this provision. (This provision is intended to apply to operations whose primary function is the composting, processing and/or spreading of organic matter; it is not intended to apply to composting and/or the use of fertilizers and other soil amendments or feed additives in conjunction with agricultural production.)
- C. TIER THREE. The uses listed below are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:
1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and
 2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

21.20.030 Uses requiring use permit

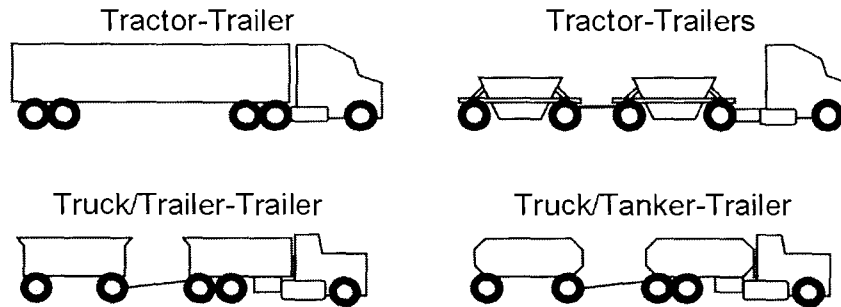
In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

- a. Public stables, including boarding and training, and kennels,
- b. Bridle paths, riding academies, roping arenas and similar facilities for the training, exercising or exhibiting of horses, dogs or other animals,
- c. Recreational camps without housing for permanent residents and dude or guest ranches,
- d. Cemeteries,
- e. Schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- f. Churches,
- g. The raising or keeping for commercial or noncommercial purposes of fur-bearing animals, zoo-type animals, exotic birds, fish or wildlife regulated by the California Department of Fish and Game or dangerous animals as described in Chapter 7.28 of this code,
- h. Off-road vehicle parks, motorcycles, bicycle, go-cart and automobile race tracks; rifle ranges; trap and skeet ranges,
- i. Public buildings, parks or other facilities operated by political subdivisions,
- j. Facilities for public utilities and communication towers,
- k. Sanitary landfills,
- l. Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
- m. Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- n. Gun clubs and hunting clubs.
- o. Golf courses (excluding miniature golf), golf driving ranges and practice putting greens, athletic fields and facilities (when operated by a non-profit organization or club), and related facilities (including, but not limited to, clubhouses, pro-shop, and food and drink facilities).
- p. Commercial excavation of earth, minerals, building materials or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.
- q. Corn mazes, hay mazes, and similar seasonal activities when determined by the Planning Director to be similar in nature and when they do not qualify for the exception in Section 21.100.050(E). (Ord. CS 890, Section 1, 2004)
- r. ***Weddings, and similar events, provided they are not located on Williamson Act Contracted land.***

21.20.030 Uses requiring use permit

- D. Notwithstanding any other provision of this title relating to the use of property zoned A-2, a factory for processing rabbits shall be allowed after issuance of a use permit subject to the following limitations:
1. The property proposed for use shall contain a minimum of ten acres;
 2. There shall be no more than five employees involved in the processing operation;
 3. The proposed facility shall satisfy all of the applicable regulations enacted by the California State Department of Food and Agriculture relating to processing of rabbits;
 4. There shall not be retail sales at the property;
 5. The processor shall submit a plan for disposing of the animal waste;
 6. Such other limitations or conditions as may be imposed by the planning commission or board of supervisors. (Ord. CS 501 Section 1, 1992; Ord. CS 424 Section 1, 1991; Ord. CS 305 Section 1, 1988; Ord CS 294 Section 1, 1988; Ord. CS 260 Section 1, 1987; Ord. CS 141 Section 3 (part), 1985; Ord. CS 106 Section 2 (part), 1984).
- E. Repealed December 18, 2007 (Ord. CS 1020 Sec. 6, 2007).
- F. New confined animal facility and expansions of existing confined animal facility requiring a new or modified permit, waiver, order, or waste discharge requirements from the Regional Water Quality Control Board, where the issuance of such permit, waiver, order or waste discharge requirements requires compliance with the California Environmental Quality Act. Lagoons or ponds for the storage of animal wastes shall be located a minimum of fifty feet from any property line and three hundred feet from any dwelling on an adjacent property. (CS Ord. 861, Sec. 3, effective December 25, 2003)
- G. Parking of tractor-trailer combinations may be allowed when the Planning Commission finds that, in addition to the findings required under Section 21.96.050:
1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
 3. All the following criteria are met:
 - a) For the purpose of this ordinance, a tractor-trailer combination shall include a tractor-trailer, truck/trailer-trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted combinations:

21.20.030 Uses requiring use permit



- b) At least one of the combinations shall be registered to the property owner and the property owner shall live on the parcel.
- c) The total number of tractors, truck/trailers and truck/tankers shall not exceed twelve (12) and the total number of trailers shall not exceed two (2) per tractor, truck/trailer, or truck/tanker. For the purpose of this ordinance, a set of double trailers shall be equivalent to one trailer.
- d) The parcel on which parking will occur is one acre or more in size, the total area of the parcel used for the parking operation does not exceed 1.5 acres in size, and the area used for parking, including employee parking, shall not exceed fifty percent of the entire parcel.
- e) No off-loading of trailers shall occur on-site.
- f) All tractors, truck/trailers, truck/tankers and trailers parking on-site shall be in full operable condition for at least six consecutive months of every year.
- g) One on-site office, accessory to the parking operation, not to exceed 1,200 square feet in size, may be maintained within an on-site dwelling or within an accessory structure provided all applicable building permits are obtained and public facility fees paid, if applicable.
- h) Access to the site shall be available without violation of any state, county, or city roadway weight restrictions, and a driveway approach acceptable to the Department of Public Works is provided.
- i) Parking areas, including employee parking, and driveways shall be adequately graveled to reduce dust emissions and all parking areas shall be located outside any required front yard or corner lot side yard and delineated through fencing or vegetative landscaping to distinguish the authorized parking area.
- j) On-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.

21.20.030 Uses requiring use permit

- k) No signs advertising parking shall be placed on the property.
- l) On-site storage and use of related equipment may be considered by the Planning Commission as part of the application consideration.

This subsection is intended to allow for the parking of tractor-trailer, truck/trailer-trailer, and truck/tanker-trailer combinations used to transport goods and materials and requiring a California commercial A license for operation on a public roadway. This subsection is not intended to allow the parking of commercial vehicles used for the transportation of people or pick-up trucks, tow trucks, delivery trucks, box trucks, fleet vehicles or other similar vehicles. Trucks used solely for permitted agricultural operations on site are exempt from this provision. (Ord. CS 1117 Section 1, 2012)

21.20.040 USES REQUIRING BOARD OF SUPERVISORS APPROVAL

Public and private airports are permitted subject to board of supervisor's approval when the following procedure is followed:

- A. Application shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order of the board of supervisors as well as a plot plan and other pertinent data as may be deemed necessary by the planning director.
- B. In order to obtain an airport permit, the applicant must introduce evidence in support of this application sufficient to enable the planning commission and the board of supervisors to find that the establishment of the airport is consistent with the general plan, consistent with any adopted county policies and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- C. The application shall be referred to the Airport Land Use Commission for review prior to approval by the planning commission and board of supervisors.
- D. A public hearing shall be held by the planning commission. Notice of hearing shall be given as required by Section 21.96.040. The planning commission shall make a report of its findings and recommendation to the board of supervisors.
- E. Upon receipt of the report from the planning commission a public hearing shall be held by the board of supervisors. Notice of the hearing shall be given as required by Section 21.96.040. At the conclusion of any hearing held by the board of supervisors, the board may approve the airport permit if the findings listed in Section 21.20.040B can be established. (Ord. CS 106 Section 2 (part), 1984).

21.20.045 USES ON LANDS SUBJECT TO WILLIAMSON ACT CONTRACTS

- A. As required by Government Code Section 51238.1, the Planning Commission and/or Board of Supervisors shall find that uses requiring use permits that are approved on lands under California Land Conservation Contracts (Williamson Act Contracts) shall be consistent with all of the following principles of compatibility:
 - 1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - 3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- B. Unless the Planning Commission and/or the Board of Supervisors makes a finding to the contrary, the following uses are hereby determined to be consistent with the principles of compatibility and may be approved on contracted land:
 - 1. The erection, construction, alteration, or maintenance of gas, electric, water, communication facilities,
 - 2. Farm labor camps and farm employee housing, and
 - 3. All Tier One uses requiring use permits listed in Section 21.20.030 A.
- C. The following uses are hereby determined to be inconsistent with the principles of compatibility and shall not be approved on contracted land:
 - 1. Churches,
 - 2. Schools, and
 - 3. Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education.
- D. Mineral extraction on contracted land may be approved consistent with Government Code Section 51238.2.
- E. Uses on nonprime contracted land may be approved consistent with subdivision (c) of Government Code Section 51238.1.

21.20.045 Uses on land subject to Williamson Act contracts

- F. All other uses requiring use permits on contracted lands, except those specified in Subsections B, C, D and E of this Section, shall be evaluated on a case-by-case basis by the Planning Commission and/or Board of Supervisors to determine whether they are consistent with the principles of compatibility set forth in Government Code Section 51238.1.

21.20.050 DIVISION OF LAND

All divisions of land on property zoned A-2 (General Agriculture) shall conform to the minimum parcel designation exhibited on the county's sectional district maps. The subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under the Williamson Act, into parcels of less than 160-acres in size shall be allowed provided a "no build" restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

- A. 90% or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
- B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.(Ord. CS 1020 Sec. 7, 2007; Ord. CS 344 Section 4, 1989; Ord. CS 106 Section 2 (part), 1984).

21.20.060 SITE AREA

The minimum allowable area for creation of a parcel shall be either three, five, ten, twenty, forty, or one hundred sixty acres as designated on the sectional district map following the zone symbol. Minimum parcel size may be determined by including internal area occupied by irrigation canals, laterals and other facilities and area up to the centerline of public roads, railroads, transmission lines, aqueducts or irrigation laterals which are located at a parcel's boundary. The following shall be exempt as to the minimum parcel size requirements provided the parcels are consistent with the subdivision ordinance and all other applicable county regulations:

- A. Parcels created or used for public utility or communication purposes.
- B. Repealed December 18, 2007 (CS 1020 Sec. 8, 2007; prior code CS 741, effective November 24, 2000)
- C. Repealed December 18, 2007 (CS 1020 Sec. 9, 2007).

21.20.060 Site Area

- D. Parcels created and used pursuant to Sections 21.20.030 and 21.20.040, or where there exists a nonresidential legal nonconforming use, approved by the planning commission based upon findings that such parcel exhibits size, location and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity.
- E. Parcels created by a lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, where the integrity and purpose of Section 21.20.010 is maintained, where one of the parcels is already below the minimum lot area of the zone in which it is located, where a greater number of nonconforming parcels, in terms of parcel size and permitted dwelling(s), is not thereby created and the following criteria can be met:
 - 1. Parcels greater than 10-acres in size shall not be adjusted to a size smaller than 10-acres, unless the adjustment is needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line. In no case shall a parcel enrolled in the Williamson Act be reduced to a size smaller than 10-acres; and
 - 2. Parcels less than 10-acres in size may be adjusted to a larger size, 10 acres or greater in size if enrolled in the Williamson Act, or reduced, if not enrolled in the Williamson Act, as needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line. (Ord. CS 1020 Section 10, 2007; Ord. CS 501 Section 2, 1992; Ord. CS 344 Section 5, 1989; Ord. CS 333 Section 1, 1989; Ord. CS 142 Section 2, 1985; Ord. CS 106 Section 2 (part), 1984).

21.20.070 YARDS

Yards required in A-2 districts:

- A. Front yards:
 - 1. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
 - 2. Not less than forty-five feet from the existing centerline of the street on a collector street sixty feet wide, nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
 - 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.

21.20.070 Yards

- B. Side yards, interior lot line and rear yards: Five feet.
- C Side yards, corner lot: The main building and accessory building or garages not having direct access to the street may be five feet closer to the planned street line than at the front yard. (Ord. CS 106 Section 2 (part), 1984).

21.20.080 **HEIGHT LIMITS**

No fence, hedge or screen planting, in excess of three feet in height, shall be constructed or permitted to grow within any required front yard or side yard of a corner lot unless the director determines that visibility will not be obstructed. (Ord. CS 106 Section 2 (part), 1984).

CHAPTER 21.104

AMENDMENT AND REVOCATION OF PERMITS

SECTIONS:

- 21.104.010 AUTHORIZED
- 21.104.015 **AMENDMENT**
- 21.104.020 **REVOCATION HEARING**
- 21.104.030 EXPIRATION

21.104.010 AUTHORIZED

Any zoning permit, ~~staff approval permit, use permit~~ or variance granted in accordance with the conditions of this title may be **amended to address nuisance concerns** or revoked if any of the conditions or terms of the permit or variance are violated, or if any law or ordinance is violated in connection therewith. (Prior code Section 9-130 (part)).

21.104.015 **AMENDMENT**

A. The Director of Planning and Community Development may amend the conditions of any permit or variance granted in accordance with this title in order to address nuisance concerns, subject to the following:

- 1. A written Notice of Amended Conditions shall be provided to the property owner 30-days prior to any amendment being effective.**
- 2. The Planning Director's decision to amend conditions, as reflected in the Notice of Amended Conditions, may be appealed pursuant to Section 21.112.020(B).**

B. Property owner requested amendments shall be considered in accordance with the requirements for approval of the original permit or variance.

21.104.020 **REVOCATION HEARING**

The planning commission shall hold a hearing on any proposed revocation after **the Planning Director has** ~~giving~~ written notice to the permittee **property owner** at least ten days prior to the hearing and **the planning commission** shall submit its recommendations to the board of supervisors. The board of supervisors shall act thereon within sixty days after receipt of the recommendation of the planning commission. (Prior code Section 9-130(a)).

21.104.030 **EXPIRATION**

- A. Except as provided in subsection B of this section, all land use permits, including zoning permits, staff approval permits, use permits, and variances (hereafter permits or variances), shall be null and void eighteen months from the date of final approval, unless prior to the expiration of the permit or variance, the permit or variance has been signed, and all conditions of approval have been met, and either (a) the property is being used for the purpose for which the permit or variance was granted, or (b) the landowner or developer has applied for all permits relating to project improvements, and the landowner or developer is

working diligently to complete all project improvements. The Planning Commission, in the case of use permits or variances, may extend the expiration of any use permit or variance for not exceeding one year upon application being made by the owner of the property, in writing prior to expiration of the permit or variance, provided the use is still a permitted use in the district in which it is proposed to be located.

21.104.030 Expiration

- B. Variances granted in conjunction with a tentative parcel map or tentative subdivision map shall be valid for the same period of time as the tentative parcel map or tentative subdivision map. This subsection is a declaration and clarification of existing law. (CS. 984, Section 2, 2007; Prior code Section 9-130(b)).

CHAPTER 21.108

ORDINANCE AMENDMENTS

SECTIONS:

- 21.108.010 AUTHORIZED**
- 21.108.020 INITIATION**
- 21.108.030 HEARING**
- 21.108.040 PLANNING COMMISSION ACTION**
- 21.108.050 BOARD OF SUPERVISORS ACTION**
- 21.108.060 REAPPLICATION**

21.108.010 AUTHORIZED

This title may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require the amendment by the procedure set out in this chapter. (Prior code Sec. 9-131 (part)).

21.108.020 INITIATION

An amendment may be initiated by:

- A. The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the planning commission, and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order or resolution of the board of supervisors; or by
- B. Resolution of intention of the board of supervisors; or by
- C. Resolution of intention by the planning commission. (Prior code Sec. 9-131(a)).

21.108.030 HEARING

- A. The planning commission shall hold at least one public hearing on any proposed amendment and shall give notice thereof by at least one publication in a newspaper of general circulation within the county at least ten days prior to the first of the hearings.
- B. If the proposed amendment consists of a change of the boundaries of any district, so as to reclassify property from any district to any other district, or to change the classification of any property from one district to any other district, the planning commission shall give additional notice of the time and place of the hearings and of the purpose thereof either:
 - 1. By causing postcard notices to be mailed to all property owners within the district of which the boundaries are proposed to be changed, or whose property is proposed to be reclassified from one district to another, as shown on the preceding assessment roll of the county and to all owners of properties bordering or within three hundred feet of the exterior boundaries of the district, as shown on the roll; or
 - 2. By posting at least three public notices of the hearings in conspicuous places on each street within the district and upon all streets which abut the property proposed to be reclassified from one district to another. Each such notice shall consist of the words "Notice of Proposed Zoning Change" in letters not less than one inch in height, and in addition thereto, a statement in small letters setting forth a general

21.108.030 Hearing

description of the area involved in the proposed change of boundaries of the district or the proposed reclassification of property; the times and places of the public hearings on the proposed change and any other information which the planning commission may deem to be necessary or desirable;

3. Any failure to post public notices as aforesaid shall not invalidate any proceedings for amendment of this title. (Prior code Sec. 9-131(b)).

21.108.040 PLANNING COMMISSION ACTION

- A. Following the aforesaid hearings, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the board of supervisors an attested copy of the report within ninety days after the notice of the first of the hearings; provided, that the time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the planning commission so to report within ninety days without the aforesaid agreement shall be deemed to be the district's approval of the proposed amendment by the planning commission.
- B. The favorable recommendations of any amendment shall be carried by the affirmative vote of a majority of the voting members of the planning commission present. (Prior code Sec. 9-131(c)).

21.108.050 BOARD OF SUPERVISORS ACTION

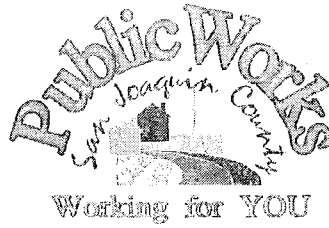
- A. Upon receipt of the report from the planning commission or upon expiration of the ninety days as aforesaid, the board of supervisors shall fix a time and place for public hearing of the proposed amendment and give notice thereof by at least one publication in a newspaper of general circulation within the county at least ten days prior to the hearing; however, if the matter under consideration is an amendment to this code which would change property from one district to another, and the planning commission has recommended against the adoption of such an amendment, the board of supervisors shall not be required to take further action thereon unless an interested party shall request the hearing by filing a written request with the clerk of the board of supervisors within ten days after the planning commission files its recommendations with the board of supervisors. At the conclusion of any hearing held by the board of supervisors, the board may adopt the amendment or any part thereof set forth in the petition in such form as the board may deem to be advisable.
- B. The decision of the board of supervisors shall be rendered within fifty days after the receipt of a report and recommendation from the planning commission, or after the expiration of such ninety days as aforesaid. In its discretion, the board of supervisors may extend the time for the decision an additional sixty days. (Prior code Sec. 9-131(c)).

21.108.060 REAPPLICATION

No application for a zoning change which has been denied wholly or in part by the planning commission, or by the board of supervisors on appeal, shall be resubmitted for a period of one year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning commission or the board of supervisors, whichever issued the order of denial. (Prior code Sec. 9-131(d)).



KRIS BALAJI
DIRECTOR



P. O. BOX 1810 - 1810 E. HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
(209) 468-3000 FAX (209) 468-2999
www.sjgov.org/pubworks

MICHAEL SELLING
DEPUTY DIRECTOR

FRITZ BUCHMAN
DEPUTY DIRECTOR

JIM STONE
DEPUTY DIRECTOR

ROGER JANES
BUSINESS ADMINISTRATOR

July 12, 2016

Ms. Kristin Doud
Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, CA 95354

**SUBJECT: CEQA EXEMPT REFERRAL AND NOTICE OF PUBLIC HEARING –
ORDINANCE AMENDMENT APPLICATION NO. PLN 2016-0008 – EVENTS AND
USE COMPATIBILITY REGULATIONS**

Dear Ms. Doud:

The San Joaquin County Department of Public Works has reviewed the above referenced project and has no comments at this time. However, the County does request to be included on the circulation list for any additional project documents.

Thank you for the opportunity to review and comment. Should you have questions please contact me at atmcginnis@sjgov.org or (209) 468-3085.

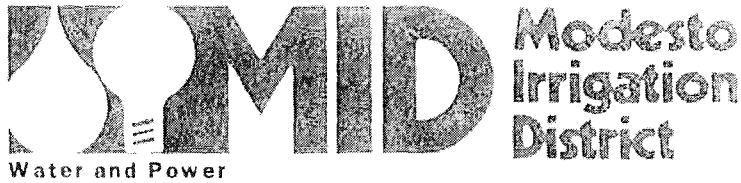
Sincerely,

A handwritten signature in cursive script that reads "Ashlen McGinnis".

ASHLEN MCGINNIS
Environmental Coordinator

AM:as

c: Firoz Vohra, Senior Engineer



RECEIVED

JUL 12 2016

STANISLAUS CO. PLANNING &
COMMUNITY DEVELOPMENT DEPT

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

July 11, 2016

Stanislaus County - Department of Planning & Community Development
Attention: Kristin Doud, Associate Planner
1010 10th St Ste 3400
Modesto, CA 95354-0868

RE: CEQA Exempt Referral & Notice of Public Hearing
Location: All Unincorporated County Properties

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation and Domestic Water Divisions:

Irrigation/Domestic Water/Risk & Property

- No comments at this time.

Electrical

- The District's Electric Division does not have any comments at this time.

The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

If you have any questions, please contact me at 526-7433.

Sincerely,

Celia Aceves
Risk & Property Analyst

Xc: File



DEBRA A. WHITMORE
DEPUTY DIRECTOR
dwhitmore@turlock.ca.us



DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

156 S. BROADWAY, SUITE 120 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 EXT 2218 | FAX 209-668-5107 | TDD 1-800-735-2929

July 13, 2016

Angela Freitas, Director
Department of Planning and Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354

**SUBJECT: ORDINANCE AMENDMENT PLN 2016-08 – EVENTS AND USE
COMPATIBILITY REGULATIONS**

Dear Ms. Freitas:

Thank you for the opportunity to comment on the proposed ordinance amendment. City staff appreciates the County's efforts to refine its ordinances to address nuisance concerns and improve the rural-urban interface. We support the delegation of authority to the Planning Director to more quickly respond to nuisance concerns by either administratively amending the conditions of approval or scheduling a revocation hearing for the Planning Commission.

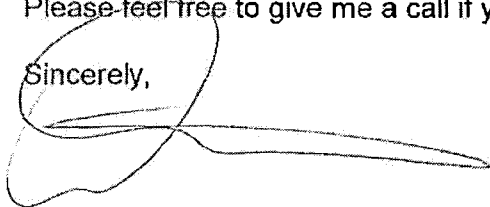
City staff is concerned about the proposed change adding "Weddings, and similar events..." to the list of Tier Three uses requiring approval of a use permit. In my discussion with you on this topic, it is clear that staff's intent is to allow these activities to occur only in very limited situations and in such a manner that adjacent uses, both urban and rural, are not disrupted. City staff understands there may be special properties located "far" from residential uses that have existing historic buildings or bucolic environments that offer a unique setting for weddings and other events. What is lacking in the proposed ordinance language is more specific criteria to ensure these uses do not result in a kind of development specifically designed and constructed to accommodate weddings and special events. There is equal concern these uses will evolve over time, incrementally becoming larger and requiring urban services such as water and wastewater. As groundwater becomes more limited, the quality worsens and State/federal standards become more stringent, the approval of urban-style uses in the unincorporated area, lacking adequate public water and sewer services, is very problematic.

City staff is not opposed to the proposed amendment in concept. However, staff would request that more careful study be conducted to identify the circumstances under which such uses should be approved and add those more detailed design standards into the ordinance to ensure the County's intent is achieved. Although the City/County Agreement gives control to cities over the approval or disapproval of Tier Three uses wishing to locate in a sphere of influence, much like Turlock, most cities' spheres of influence encompass only a small portion of the boundary between the city and the unincorporated area. What we have seen occurring on Turlock's borders is development of urban-style uses on or near the City Limit taking advantage of the city's population base and city infrastructure improvements and services without paying their fair share toward those improvements creating an unfair economic and business environment for similar businesses located within the city. Examples of these are Best RV, Larsa Hall, Price Ford, and Dan Avila's warehouse project.

While staff recognizes that the expansion of appropriately designed uses in the unincorporated area can enhance the county's attractiveness to visitors and tourists, we encourage County staff to consider the long-term implications of this ordinance and the impact it could have on agricultural production, water resources and water quality, not to mention the potential nuisances to adjacent residential neighborhoods and businesses.

Please feel free to give me a call if you have any questions at (209) 668-5640.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debra Whitmore', with a large, loopy flourish extending to the right.

Debra Whitmore
Deputy Director of Development Services/Planning Manager

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Ordinance Amendment No. PLN2016-0008 - Events and Use Compatibility Regulations

Applicant Information: Stanislaus County / 1010 10th Street / Modesto, CA 95354 / (209) 525-6330

Project Location: Countywide

Description of Project: Request to amend the following Chapters of the Stanislaus County Zoning Ordinance – Title 21:

- Chapter 21.08 - General Provisions: proposed amendment adds language clarifying that no operation shall be conducted in a manner as to cause a nuisance condition.
- Chapter 21.16 - Districts Generally: proposed amendment clarifies that no use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.
- Chapter 21.20 - General Agriculture District (A-2): proposed amendment will permit weddings, and other similar events, provided they are not located on Williamson Act Contracted land, subject to a Tier Three Use Permit (Section 21.20.030(C)). Each use permit application will be evaluated individually, in terms of environmental review and required operating standards, and will go through a separate public review period, and public hearing process.
- Chapter 21.104 - Revocation of Permits: proposed amendment establishes a process for amending conditions of any permit or variance granted in accordance with Title 21 in order to address nuisance concerns. Chapter title also proposed to be amended to Amendment and Revocation of Permits.
- Chapter 21.108 – Amendments: Chapter title is proposed to be amended to Ordinance Amendments for purposes of consistency.

Name of Agency Approving Project: Stanislaus County Board of Supervisors

Lead Agency Contact Person: Kristin Doud, Associate Planner

Telephone: (209) 525-6330

Signature on file. _____ June 24, 2016
Signature _____ Date

Exempt Status: (check one)

- ☐ Ministerial (Section 21080(b)(1); 15268);
- ☐ Declared Emergency (Section 21080(b)(3); 15269(a));
- ☐ Emergency Project (Section 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____
- ☒ General Exemption (Section 15061(b)(3)).

Reasons why project is exempt: The project will update the County's zoning ordinance and will have no direct physical impact on the environment. Each event permit will go through a separate environmental review.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: ORDINANCE AMENDMENT APPLICATION NO. PLN2016-0008 - EVENTS & USE COMPATIBILITY REGULATIONS

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION	X		X		X							
CA DEPT OF FISH & WILDLIFE	X		X		X							
CA DEPT OF TRANSPORTATION	X		X		X							
CA OPR STATE CLEARINGHOUSE	X		X		X							
CA LANDS COMMISSION	X		X		X							
CENTRAL VALLEY FLOOD PROT DIST	X		X		X							
CENTRAL VALLEY RWQCB	X		X		X							
CEMETARY DIST: ALL	X		X		X							
CITY OF: TURLOCK	X		X	X				X		X		X
CITY OF: CERES, HUGHSON, MODESTO, NEWMAN, OAKDALE, PATTERSON, RIVERBANK, WATERFORD	X		X		X							
COMMUNITY SERVICES/SANITARY DIST	X		X		X							
COOPERATIVE EXTENSION	X		X		X							
COUNTY OF: SAN JOAQUIN	X		X	X				X		X		X
COUNTY OF: MERCED, CALAVERAS, TUOLUMNE, SANTA CLARA	X		X		X							
FIRE PROTECTION DIST: ALL	X		X		X							
HOSPITAL DISTRICT: ALL	X		X		X							
IRRIGATION DISTRICT: ALL	X		X		X							
IRRIGATION DISTRICT: MODESTO	X		X	X				X		X		X
MOSQUITO DISTRICT: ALL	X		X		X							
MT VALLEY EMERGENCY MEDICAL	X		X		X							
MUNICIPAL ADVISORY COUNCIL: ALL	X		X		X							
PG&E	X		X		X							
POSTMASTER: ALL	X		X		X							
RAILROAD: ALL	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: ALL	X		X		X							
STAN ALLIANCE	X		X		X							
STAN CO AG COMMISSIONER	X		X		X							
STAN CO ALUC	X		X		X							
STAN CO ANIMAL SERVICES	X		X		X							
STAN CO BUILDING PERMITS DIVISION	X		X		X							
STAN CO CEO	X		X		X							
STAN CO DER	X		X		X							
STAN CO ERC	X		X		X							
STAN CO FARM BUREAU	X		X		X							
STAN CO HAZARDOUS MATERIALS	X		X		X							
STAN CO PUBLIC WORKS	X		X		X							
STAN CO RISK MANAGEMENT	X		X		X							
STAN CO SHERIFF	X		X		X							
STAN CO SUPERVISOR DIST: ALL	X		X		X							
STAN COUNTY COUNSEL	X		X		X							
STANCOG	X		X		X							
STANISLAUS FIRE PREVENTION BUREAU	X		X		X							
STANISLAUS LAFCO	X		X		X							

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS												
PROJECT: ORDINANCE AMENDMENT APPLICATION NO. PLN2016-0008 - EVENTS & USE COMPATIBILITY REGULATIONS												
REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
TELEPHONE COMPANY: AT&T	X		X		X							
TUOLUMNE RIVER TRUST	X		X		X							
US ARMY CORPS OF ENGINEERS	X		X		X							
US FISH AND WILDLIFE	X		X		X							
US MILITARY	X		X		X							
USDA NRCS	X		X		X							
WATER DISTRICTS: ALL	X		X		X							

Attachment 2

C. **ORDINANCE AMENDMENT APPLICATION NO. PLN2016-0008 – EVENTS AND USE COMPATIBILITY REGULATIONS-** Request to amend the following Chapters of the

Stanislaus County Zoning Ordinance – Title 21:

- Chapter 21.08 - General Provisions: proposed amendment adds language clarifying that no operation shall be conducted in a manner as to cause a nuisance condition.
- Chapter 21.16 - Districts Generally: proposed amendment clarifies that no use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.
- Chapter 21.20 - General Agriculture District (A-2): proposed amendment will permit weddings, and other similar events, provided they are not located on Williamson Act Contracted land, subject to a Tier Three Use Permit (Section 21.20.030(C)). Each use permit application will be evaluated individually, in terms of environmental review and required operating standards, and will go through a separate public review period, and public hearing process.
- Chapter 21.104 - Revocation of Permits: proposed amendment establishes a process for amending conditions of any permit or variance granted in accordance with Title 21 in order to address nuisance concerns. Chapter title also proposed to be amended to Amendment and Revocation of Permits.
- Chapter 21.108 – Amendments: Chapter title is proposed to be amended to Ordinance Amendments for purposes of consistency.

This project is exempt from CEQA. APN: Countywide

Staff Report: Kristin Doud, Associate Planner, Recommends **APPROVAL**

Public hearing opened.

OPPOSITION: None.

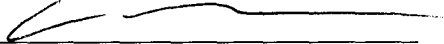
FAVOR: None.

Public hearing closed.

Ethchebarne/Gibson (7/0) **APPROVED THE STAFF RECOMMENDATION TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF MEMO.**

EXCERPT

**PLANNING COMMISSION
MINUTES**


Secretary, Planning Commission

10 24 2016
Date

ORDINANCE NO. C.S. 1181

**AN ORDINANCE AMENDING TITLE 21 OF THE STANISLAUS COUNTY CODE
RELATING TO EVENTS AND USE COMPATIBILITY REGULATIONS**

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

Section 1. Section 21.08.100, of the Stanislaus County Code is added to read as follows:

“21.08.100 NUISANCE

“No use shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, electrical interference, or other nuisance condition detectable off the site.”

Section 2. Section 21.16.040, of the Stanislaus County Code is amended to read as follows:

“21.16.040 CONFORMANCE REQUIRED

“A. In districts indicated in sectional district maps adopted as part of this title, no building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be used, or designed to be used for any purpose or in any manner, nor shall any yard or other open space surrounding any building be encroached upon or reduced, except as permitted by and in conformity to the regulations specified in this title for the district in which the building or yard or other open space is located. No building shall be erected, reconstructed, or structurally altered to exceed the height limit designed for the district in which the building is located. No yard or open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building or any other lot.

“B No land use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.”

Section 3. Section 21.20.030, Subdivision (C), Subparagraph (r) of the Stanislaus County Code, is amended to read as follows:

“r. Weddings, and similar events, provided they are not located on Williamson Act Contracted land.”

Section 4. Chapter 21.104, of the Stanislaus County Code is amended to change the Title of the Chapter to read as follows:

“21.104 AMENDMENT AND REVOCATION OF PERMITS”

Section 5. Section 21.104.010, of the Stanislaus County Code is amended to read as follows:

“Any permit or variance granted in accordance with the conditions of this title may be amended to address nuisance concerns or revoked if any of the conditions or terms of the permit or variance are violated, or if any law or ordinance is violated in connection therewith.”

Section 6. Section 21.104.015, of the Stanislaus County Code is added to read as follows:

“21.104.015 AMENDMENT

“A The Director of Planning and Community Development may amend the conditions of any permit or variance granted in accordance with this title in order to address nuisance concerns, subject to the following:

1. A written Notice of Amended Conditions shall be provided to the property owner 30-days prior to any amendment being effective.
2. The Planning Director’s decision to amend conditions, as reflected in the Notice of Amended Conditions, may be appealed pursuant to Section 21.112.020(B).

“B Property owner requested amendments shall be considered in accordance with the requirements for approval of the original permit or variance.”

Section 7. Section 21.104.020, of the Stanislaus County Code is amended to read as follows:

“21.104.020 REVOCATION HEARING

“The planning commission shall hold a hearing on any proposed revocation after the Planning Director has given written notice to the property owner at least ten days prior to the hearing and the planning commission shall submit its recommendations to the board of supervisors. The board of supervisors shall act thereon within sixty days after receipt of the recommendation of the planning commission.”

Section 8. Chapter 21.108, of the Stanislaus County Code is amended to change the Title of the Chapter to read as follows:

“CHAPTER 21.108 ORDINANCE AMENDMENTS”

Section 9. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be

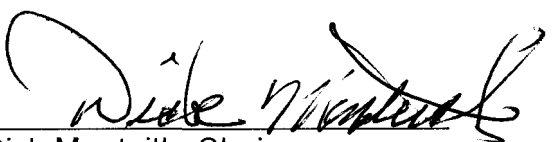
published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor O'Brien seconded by Supervisor Withrow, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 1st day of November, 2016, by the following-called vote:

AYES: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

NOES: Supervisors: None

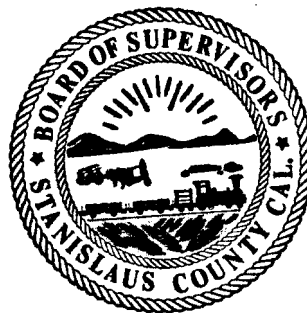
ABSENT: Supervisors: None


Dick Monteith, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:

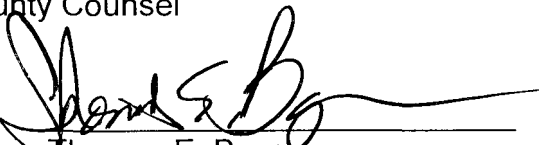
ELIZABETH A. KING, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By 
Pam Villarreal, Deputy Clerk



APPROVED AS TO FORM:

John P. Doering
County Counsel

By 
Thomas E. Boze
Assistant County Counsel

**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:

Nov 08, 2016

**STANISLAUS COUNTY
ORDINANCE C.S. 1181**

Upon motion of Supervisor O'Brien, seconded by Supervisor Withrow, Ordinance C.S. 1181 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 1st day of November 2016, by the following called vote: AYES: SUPERVISORS: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith. NOES: None. ABSENT: None. ABSTAINING: None.

Ordinance C.S. 1181 amends Title 21 of the Stanislaus County Code to address events and use compatibility regulations. This ordinance amends:

-Chapter 21.08 - General Provisions: adds language clarifying that no operation/use shall be conducted in a manner as to cause a nuisance condition.

-Chapter 21.16 - Districts Generally: clarifies that no use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.

-Chapter 21.20 - General Agriculture District (A-2): will permit weddings, and other similar events, provided they are not located on Williamson Act Contracted land, subject to a Tier Three Use Permit (Section 21.20.030(C)). Each use permit application will be evaluated individually, in terms of environmental review and required operating standards, and will go through a separate public review period, and public hearing process.

-Chapter 21.104 - Revocation of Permits: establishes a process for amending conditions of any permit or variance granted in accordance with Title 21 in order to address nuisance concerns. Chapter title also proposed to be amended to "Amendment and Revocation of Permits."

-Chapter 21.108 - Amendments: Chapter title is amended to "Ordinance Amendments" for purposes of consistency.

NOTICE IS FURTHER GIVEN that a full copy of the ordinance is available for review at the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Department of Planning and Community Development at (209) 525-6330 or email planning@stancounty.com

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: November 1, 2016. ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villareal, Assistant Clerk. Pub Dates Nov 8, 2016

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

November 8th, 2016

(By Electronic Facsimile Signature)



OA PLN2016-0008

EVENTS AND USE COMPATIBILITY REGULATIONS

**Board of Supervisors
November 1, 2016**

Overview

- Proposal to amend the following Chapters of the Stanislaus County Zoning Ordinance – Title 21:
 - Chapter 21.08 - General Provisions
 - Chapter 21.16 - Districts Generally
 - Chapter 21.20 - General Agriculture District (A-2)
 - Chapter 21.104 - Revocation of Permits
 - Chapter 21.108 - Amendments



Background & Discussion

- 2007 Ordinance Amendment
- Public Concerns
 - Both in favor and opposed
- Planning Commission
 - December 20, 2007
- Board of Supervisors
 - January 29, 2008



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Current Event Options

- Sheriff Permit
 - Public events only
 - Max 6 per year
- General Plan Amendment and Rezone
 - Spot zoning
- Tier 3 Use Permit
 - People intensive events such as outdoor festivals, concerts, churches, or recreational camps



Proposed Ordinance Amendment

- General Agriculture (A-2) District
- Tier Three Use Permit

21.20.030(C)(2)

r. Weddings, and similar events, provided they are not located on Williamson Act Contracted land.

Proposed Ordinance Amendment

- Each use permit application will be evaluated individually
 - Environmental review
 - Required operating standards
 - Public review
 - Public hearing
 - Referrals to cities



Use Permit Findings

- Consistent with the general plan
- Will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood
- Will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county



Tier 3 Use Permit Findings

- Will not be detrimental to or in conflict with surrounding agricultural
- Is not located on the county's "most productive agricultural areas," or may reasonably be returned to agricultural in the future



Comments Received

- Three Response letters
 - City of Turlock
- A number of phone calls with general inquiries
- E-mail expressing support



Proposed Ordinance Amendment

- General Provisions

21.08.100 Nuisance

No use shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, electrical interference, or other nuisance condition detectable off the site.



Proposed Ordinance Amendment

- Districts Generally

21.16.040 Conformance Required

No land use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county.



Proposed Ordinance Amendment

- Revocation of Permits

21.104.015 AMENDMENT

The Director of Planning and Community Development may amend the conditions of any permit or variance granted in accordance with this title in order to address nuisance concerns...



Proposed Ordinance Amendment

- Changes in Chapter Titles
 - Chapter 21.104 - “Revocation of Permits” to “***Amendment and*** Revocation of Permits”
 - Chapter 21.108 - “Amendments” to “***Ordinance*** Amendments”



Planning Commission

- Public Hearing - September 15, 2016
 - No one spoke for or against the project
 - Commissioners asked staff a number of questions regarding:
 - Williamson Act Contracts
 - Conditioning the event Use Permits
 - Applicability of ordinance amendments
- 7/0 Recommendation - BOS Approval



Recommendation

- Planning Commission recommendation
- Findings – Exhibit A
 - Environmental Review
 - General Plan Consistency
 - Project Approval



Questions

