



## CEQA Exempt Referral and Notice of Public Hearing

**Date:** June 24, 2016

**To:** Distribution List (See Attachment A)

**From:** Kristin Doud, Associate Planner, Planning and Community Development

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

**Respond By:** July 12, 2016

**Public Hearing Date:** August 18, 2016

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Under the California Environmental Quality Act of 1970, the project described herein is **exempt** from CEQA review (Section 15061(b)(3)). However, the Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies to determine if specific conditions should be placed upon project approval. Therefore, please contact this office within **15** days if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

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**Applicant:** Stanislaus County

**Project Location:** All Unincorporated County Properties

**APN:** All Unincorporated County Properties

**Williamson Act Contract:** N/A

**General Plan:** All Unincorporated County General Plan Designations

**Current Zoning:** All Unincorporated County Zoning Districts

**Project Description:** 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.

Full document with attachments available for viewing at:  
<http://www.stancounty.com/planning/pl/act-projects.shtm>

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**STRIVING TO BE THE BEST COUNTY IN AMERICA**

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

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE	X	STAN CO ANIMAL SERVICES
X	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE	X	STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
X	CA STATE LANDS COMMISSION	X	STAN CO ERC
X	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
X	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: ALL	X	STAN CO PARKS & RECREATION
X	COMMUNITY SERVICES/SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION	X	STAN CO RISK MANAGEMENT
X	COUNTY OF: SAN JOAQUIN, MERCED, CALAVERAS, TUOLUMNE, SANTA CLARA	X	STAN CO SHERIFF
X	FIRE PROTECTION DISTRICTS	X	STAN CO SUPERVISORS
X	HOSPITAL DISTRICTS	X	STAN COUNTY COUNSEL
X	IRRIGATION DISTRICTS	X	StanCOG
X	MOSQUITO DIST: EASTSIDE, TURLOCK	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
X	MUNICIPAL ADVISORY COUNCILS		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
X	POSTMASTER: ALL		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: ALL	X	TUOLUMNE RIVER TRUST
X	SAN JOAQUIN VALLEY APCD	X	US ARMY CORPS OF ENGINEERS
X	SCHOOL DISTRICTS	X	US FISH & WILDLIFE
	SCHOOL DIST 2:	X	US MILITARY (SB 1462) (5 agencies)
X	STAN ALLIANCE	X	USDA NRCS
X	STAN CO AG COMMISSIONER	X	WATER DIST: ALL

**STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM**

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

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

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

\_\_\_\_\_  
Name Title Date

## 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
<del>21.08.080</del>	<del>DENSITY BONUS FOR AFFORDABLE HOUSING – Deleted effective January 14, 2016 (Ord. CS 1169 Sec. 1, 2015)</del>
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 operation 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:

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

### **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.

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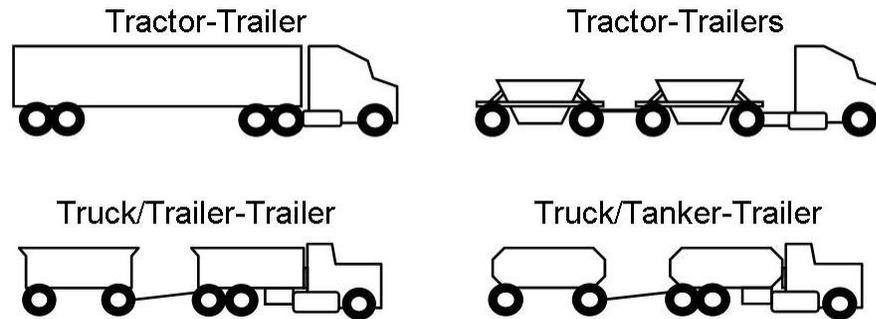
In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson 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** ~~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)).

### 21.104.30 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)).