



November 16, 2023

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: STANISLAUS COUNTY WILLIAMSON ACT UNIFORM RULES UPDATE AND ORDINANCE AMENDMENT APPLICATION NO. PLN2023-0121 – LOT LINE ADJUSTMENT AND AGRICULTURAL PRESERVE UPDATE

RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to recommend approval of this project, Exhibit A provides an overview of all of the findings required for project approval.

PROJECT DESCRIPTION

This is a two-part request relating to Williamson Act (WA) requirements for new contracts and lot line adjustments involving WA contracted lands. The first part is a request to update the Stanislaus County Williamson Act Uniform Rules to: 1) clarify when the rescinding and re-entry of a contract is required in order to facilitate a lot line adjustment, 2) modify the minimum parcel size requirement when re-entering a contract pursuant to a lot line adjustment, 3) reflect legislative amendments made since the last update to the Uniform Rules, and 4) affirm that the Salida Community Plan (SCP) zoning district is included in the adopted Stanislaus County Agricultural Preserve. The second part is a request to amend Section 21.66.030(C) of Chapter 21.66 - Salida Community Plan District (SCP), of the Stanislaus County Zoning Ordinance, to allow parcels within the SCP zoning district to be entered into new contracts, subject to restrictions on the uses permitted on the contracted land.

The project was originally advertised in the Modesto Bee as Williamson Act (WA) Uniform Rules Update & Salida Community Plan District (SCP) Ordinance Amendment (OA) Application No. PLN2023-0121. The project name was revised to describe the nature of the project more accurately.

BACKGROUND AND DISCUSSION

The California Land Conservation Act of 1965, also known as the Williamson Act (WA), was adopted by the State Legislature in 1965 and was voluntarily implemented by the Stanislaus County Board of Supervisors in January of 1969. The WA permits a landowner, whose land is used for agriculture, to enter into a contract with the County guaranteeing that the land will continue to remain in farming, for a period of at least 10 years. In return for this guarantee, the County assesses taxes based on the agricultural value of the land rather than the market value.

As allowed by Government Code, Stanislaus County has adopted Uniform Rules to clearly identify the contract terms for every landowner of agricultural land within the agricultural preserve. These rules are locally adopted and subject to compliance with all applicable State regulations. State provisions of the WA which are not specifically identified in these rules are still applicable to all contracts located within the Stanislaus County Agricultural Preserve. Since the WA's initial adoption and implementation, numerous amendments to the WA have been made by the State Legislature. All existing and future contracts are subject to compliance with all legislative amendments made during any part of the life of the contract.

Only parcels that are located within a designated agricultural preserve may be enrolled under a WA contract. The Stanislaus County Agricultural Preserve was amended on October 20, 1970 to include all lands within the General Agriculture (A-2) zoning district.

Many of the provisions within the County's Uniform Rules have been amended over the years to reflect both legislative amendments and local agricultural land conservation policies. These amendments have included changes in the County's agricultural zoning districts, which in the past have included an "Exclusive Agricultural" and "Unclassified (A-1)" zoning districts, which have both been replaced by the current A-2 zoning district. These amendments have also included changes to the minimum parcel size required for enrollment under contract. The minimum parcel size for prime farmland has transitioned from an original minimum of 35 acres which could be made up of multiple parcels, to the current 10 acre minimum which may be made up of only whole legal parcels. In between the original and current standards, there have been periods with no set minimum parcel size requirement and periods requiring a minimum parcel size of 20 acres. The current 10 acre minimum for prime farmland and the 40 acre minimum for non-prime farmland is consistent with state minimum requirements; however, the requirement that the minimum parcel be met by only whole legal parcels is a local requirement intended to avoid the creation of contracts with parcels that individually would be nonconforming in meeting the size requirements. As a result of the time when the County had no minimum parcel size requirement, there are a significant number of contracted parcels throughout the County that are subject to the restrictions of the WA without any of the tax benefit. The County's Uniform Rules were last updated on December 18, 2007, as part of an update to the Agricultural Element of the Stanislaus County General Plan.

Since 2019, discussions with the California Department of Conservation (DOC), the state agency with oversight of the WA, have shifted planning staff's interpretation of the WA requirements in relationship to lot line adjustments involving undersized WA contracted parcels.

Lot line adjustments within the A-2 zoning district may be permitted subject to Section 21.20.060(E) which provides for the following:

- 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 ten 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.

The County's Uniform rules require that "lot line adjustments involving land under Williamson Act contract are permitted provided they are properly designed for agricultural purposes without materially decreasing the agricultural use of the project site. In no case shall a parcel of prime agricultural land under contract be reduced to a size smaller than 10 gross acres or a parcel of non-prime agricultural land under contract be reduced to a size smaller than 40 gross acres." The Uniform Rules further incorporate the requirements that to facilitate a lot line adjustment, pursuant to the Subdivision Map Act Section 66412 and Government Code Section 51257, and notwithstanding any other provision of the Williamson Act, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to the Williamson Act, referred to as a "rescission and re-entry", provided that the Board finds all of the following:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
2. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, the findings will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
3. At least 90 percent of the land under a former contract or contracts remains under a new contract or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use by complying with the minimum parcel requirements specified in the County's Uniform Rules for enrollment of land into a new contract.
5. The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
7. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

The requirement to rescind a contract and enter into a new contract has not been required when all of the land involved in the lot line adjustment is enrolled under a single WA contract, regardless of parcel ownership, and when there are no boundary changes to the contract. Otherwise, the County has historically interpreted the requirements to mean that all other lot line adjustments involving contracted land were required to undergo a rescission and re-entry.

The DOC has since clarified that the requirement for a rescission and re-entry is a "may" and not a "shall" and, as such, the County has flexibility in establishing conditions within its uniform rules

specifying when a rescission and re-entry is required. Not having to complete a rescission and re-entry is a significant shift in interpretation when addressing lot line adjustments involving undersized parcels which cannot meet finding No. 4 that “after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use by complying with the minimum parcel requirements specified in the County’s Uniform Rules for enrollment of land into a new contract.”

While not having to undergo a rescission and re-entry provides greater flexibility to applicants, the following A-2 zoning districts requirements included in 21.20.060(E) are still applicable in that:

- Contracted parcels greater than 10 acres in size shall not be reduced to a size smaller than 10 acres; and
- Contracted parcels less than 10 acres in size may be adjusted to a larger size, 10 acres or greater, but may not be reduced in size.

The A-2 zoning district is silent to adjustments where the contracted parcel is neither reduced or expanded in size, where the parcel boundary lines are being altered but the parcel size remains the same before and after adjustment; however, it has only been since 2019, after receiving clarification from the DOC on interpretation of the California Government Code, that planning staff have utilized the allowance to proceed with a same size parcel adjustment of undersized parcels without triggering the need to expand the size of the parcel to meet current minimum parcel size requirements, or require the WA to be cancelled in accordance with Government Code Section 51280. The following are some examples of historical interpretations vs. current interpretation:

- Example No. 1: Adjustment of a 3 and 37 acre parcel to a size of 3 and 37 acres (same sizes before and after adjustment of the parcel lines), in order to address a building setback issue for a barn located on the 3 acre parcel. The entire 40 acre project site is enrolled under a single WA contract and the parcels may be under the same or different ownership.
 - Historical interpretation: The request would not be subject to a rescission and re-entry but each of the resulting parcels would need to meet the 10 acre minimum A-2 zoning district requirement for size. To approve the request, a cancellation of the contract covering the adjusted 3 acre parcel would have been required or the 3 acre parcel would need to have been adjusted to a size of 10 acres or greater.
 - Current interpretation: This request may be approved since the size of the 3 acre parcel remains the same (before and after) and no cancellation of the contract is required. The existing WA contract will continue to cover the same acreage and have the same boundaries.
- Example No. 2: Adjustment of a 5 acre and 50 acre parcel to a size of 5 acres and 50 acres (same size before and after) to address a septic leach field crossing property lines. The parcels are under different ownership and each parcel is enrolled under a different WA contract.
 - Historical interpretation: The request would have been subject to a rescission and re-entry and the A-2 zoning district requirements for size. To approve the request, a cancellation of the contract covering the adjusted 5 acre parcel would have been required or the 5 acre parcel would need to have been adjusted to a size of 10 acres or greater.
 - Current interpretation: This request may be approved since the size of the 5 acre parcel remains the same (before and after) and no cancellation of the contract

would be required. While no rescission is required, due to the existing contracts continuing to cover the same acreage and the boundaries of the contracts themselves not changing, each parcel will now be covered under multiple contracts.

The proposed updates to the Uniform Rules reflects the current interpretations described above and clarifies that no rescission and re-entry of a contract is required in order to facilitate a lot line adjustment when: (1) an undersized parcel under contract is being adjusted in order to address a building site area or correct for a physical improvement which is found to encroach upon a property line; and (2) the undersized parcel before and after adjustment remains the same size. The updates are reflected in the “Lot Line Adjustment on Land under Contract” and “Rescinding a Contract” sections of Exhibit B – *Draft Williamson Act Uniform Rules*. Lot line adjustments are already being processed under the current interpretation and the changes to the Uniform Rules reflected under the current interpretation are for clarification purposes only.

Another proposed amendment to the Uniform Rules involves a change to the criteria used to allow the rescission and re-entry of property subject to a lot line adjustment. Recently staff has been faced with a question of how to address a request for a lot line adjustment involving both contracted and uncontracted lands where a rescission and re-entry is triggered due to the boundary change in the WA contract and where 90 percent of the land under the existing contract (finding No. 3) will not remain under a new contract and one of the resulting parcels is too small to meet the minimum parcel size requirement to enroll both parcels under a new contract. The following is an example of this situation:

- Adjustment of a 4 acre parcel (not under contract) and a 10 acre parcel (under contract) to a size of 3 and 11 acres in size where the purpose of the adjustment is to correct for a building encroachment, which meets the requirements of the A-2 zoning district for approval; however, the proposed 3 acre parcel does not meet the 10 acre minimum parcel size requirement for enrollment under a WA contract needed to provide for 90 percent of the land under the existing contract remaining under a new contract or contracts.

Unlike the previous examples the adjustment of the 4 acre parcel would be permitted to be further reduced to correct for a building encroachment due to the fact that the parcel is not currently under contract. However, a rescission and re-entry would be required for the 10 acre parcel under contract, which includes a requirement that 90% of the land under contract remain under contract after the lot lines are adjusted. In order to meet this 90% threshold, the 4 acre parcel would also need to be entered into contract. Currently, the County’s Uniform Rules only allow for whole legal parcels to be enrolled under a WA contract, but state regulations allow for the minimum parcel size to be attained by way of multiple parcels that cumulatively meet the minimum size requirements. As stated earlier, the County’s regulations allow for only whole legal parcels to be enrolled under new contracts as a means of avoiding the creation of additional nonconforming contracted parcels. While staff still believes that the requirement to enroll only whole legal parcels should remain for new contracts, it may be beneficial to allow for a limited exception when needed to facilitate a lot line adjustment. The alternative to the property owner would be to file a non-renewal on the existing contracted land; thus, removing conforming farmland from contract.

The proposed updates to the Uniform Rules would allow the uncontracted land not meeting the minimum size requirement to be enrolled under a contract when: the adjustment does not result in a greater number of nonconforming parcels in terms of minimum parcel size, all of the land

involved in the adjustment is under the same ownership, a greater amount of land is enrolled under contract after the adjustment, and the cumulative total of adjusted land enrolled under contract is at least 10 gross acres in size for prime agricultural land and 40 gross acres for non-prime agricultural land. The updates are reflected in the “Lot Line Adjustment on Land under Contract” section of Exhibit B – *Draft Williamson Act Uniform Rules*.

Stanislaus County Agricultural Preserve and the Salida Community Plan Zoning District

On August 7, 2007, the Stanislaus County Board of Supervisors passed an ordinance to implement the Salida Area Planning “Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative,” also known as the Salida Initiative, which amended the Salida Community Plan and incorporated Chapter 21.66 – Salida Community Plan (SCP) District into the Stanislaus County Zoning Ordinance. The Community Plan encompasses the existing community of Salida, which was part of the previously approved Salida Community Plan (Existing Plan Area), and an amendment area encompassing approximately 3,383 acres (Amendment Area). The lands included in the Amendment Area have various SCP zoning designations which are governed by the requirements of Chapter 21.66 – SCP District. At the time the Salida Community plan was adopted, if parcels were already enrolled in a Williamson Act contract, they were allowed to remain enrolled in a contract subject to the restrictions of the A-2 zoning district with regards to permitted uses on the contracted lands. This allowance was incorporated into Section 21.66.030(C) of the Stanislaus County Zoning Ordinance and speaks only to existing Williamson Act contracts in place prior to adoption of the Salida Initiative and does not specify an allowance for new contracts. When urban development is anticipated, property owners generally start to file notices of nonrenewal on contracted lands so that the lands may be more easily developed. A local jurisdiction may also not want to enroll new lands under contract in areas where urban development is anticipated as a means of reducing the restrictions to development. In the case of the SCP, it has been 16 years since the Initiative was adopted and the timeline for development is still unknown. In the meantime, property owners continue to actively farm prime agricultural lands without the tax benefits afforded by enrollment in the Williamson Act.

The proposed amendment to Section 21.66.030(C) of Chapter 21.66 - SCP, of the Stanislaus County Zoning Ordinance will allow for parcels within the SCP zoning district to be entered into new Williamson Act contracts (see Exhibit C). Parcels under contract will be restricted to uses permitted in the General Agriculture (A-2) zoning district and will not be permitted to have residential uses, uses requiring a Tier Three Use Permit, or other uses determined by the Planning Director to be in conflict with the SCP. Accordingly, Section 21.66.020(C) of the zoning ordinance is proposed to be amended as follows (additions are shown in bold and deletions in strikeout text):

*“Notwithstanding the development standards otherwise set forth in this Section, restrictions of the A-2 Agriculture District shall apply to lands within the SCP District that are subject to ~~existing~~ Williamson Act contracts for the term of the applicable contract and the uses of the A-2 Agriculture District shall be permitted uses, **except as restricted by this section**, for the term of the ~~existing~~ Williamson Act contract. It is the express intent of the SCP District that all lands subject to Williamson Act contracts remain in the Agricultural Preserve and there is no intent to remove such lands from the Agricultural Preserve, to trigger a notice of non-renewal, or impair any contract. No provision of the SCP District is intended to modify any provision of Subdivision Map Act that restricts the subdivision of lands subject to Williamson Act contracts. Nothing herein shall preclude a landowner from filing a notice of*

non-renewal or requesting cancellation of a Williamson Act contract in accordance with state law or cancellation or removal through other lawful methods.

- 1. Permitted uses shall not include any new residential uses, Tier Three uses, or other uses determined by the Planning Director to be in conflict with the Salida Community Plan. ”**

It is staff's position that while the Salida Initiative rezoned land within the Salida Community Plan from A-2 to SCP, the SCP zoning district was included within the boundaries of the Stanislaus County Agricultural Preserve established on October 20, 1970 for the purpose of allowing lands to be enrolled under the Williamson Act. The proposed update to the Uniform Rules includes an affirmation that the SCP zoning district is considered part of the Agricultural Preserve and, as such, lands zoned SCP may be enrolled under a new contract provided the lands are restricted to uses in accordance with the SCP zoning district. The following language is proposed to be added to the first paragraph of the Section titled *Stanislaus County Agricultural Preserve* of the Uniform Rules (page 1) (new proposed language shown in bold text):

*“Only parcels that are located within a designated agricultural preserve may be enrolled under a Williamson Act **contract**. The Stanislaus County Agricultural Preserve was amended on October 20, 1970 to include all lands within the **General Agriculture (A-2)** (~~General Agricultural~~) zoning district. **Lands located within the Stanislaus County Agricultural Preserve, as established on October 20, 1970, that have been rezoned to the Salida Community Plan (SCP) zoning district are still considered to be within the agricultural preserve and may remain enrolled under an existing contract or may be enrolled under a new contract provided the lands are restricted to permitted uses within the A-2 zoning district in accordance with the SCP zoning district.**”*

A few additional minor edits are included in the draft Williamson Act Uniform Rules (see Exhibit B) to reflect updates to state law and a few minor formatting adjustments.

ISSUES

No issues of concern have been identified regarding this request. Below is a summary of the feedback received during the review of this request.

The proposed request was presented to the County's Agricultural Advisory Board (AAB), on Monday, August 7, 2023, and General Plan Update Committee (GPUC), on Thursday, August 23, 2023. The AAB had no comments and expressed no opposition to the proposed updates to the Uniform Rules and Ordinance Amendment. The GPUC also had no comments on the proposed updates to the Uniform Rules, and most of the input from the GPUC was in support of the proposed Ordinance Amendment, which would allow lands within the SCP to enter into new WA contracts. One comment received at the GPUC meeting was that it is counterintuitive to allow additional parcels to enroll given the area is planned for urban development. Dave Romano, a local land use consultant representing a property owner in the SCP wanting to enroll land under contract and a property owner wanting to facilitate a lot line adjustment involving contracted land, attended both the GPUC and AAB meetings and has pointed out that parcels within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence of a city, which are also planned for future urban development, are still allowed by the County to enroll in a contract.

The proposed request was also presented to the Salida Municipal Advisory Council (MAC) on Tuesday, October 24, 2023. An audience member wanted to know how contract cancellation procedures would change with this amendment and staff stated that cancellation procedures would remain the same. MAC member Brad Johnson wanted to know if a parcel under 10 acres in the SCP could be enrolled in a contract and staff clarified that new contracts will still need to meet the 10 or 40 acre minimum, unless otherwise allowed pursuant to a lot line adjustment. Mr. Johnson further commented that one of the parcels in the SCP, should it request enrollment in the WA, should be required to install a pedestrian path to the high school on their property; to which staff clarified that WA contracts cannot be conditioned. The MAC had no formal opposition to the request.

The proposed updates to the Uniform Rules and Ordinance Amendment being considered for adoption were sent to the DOC and no response has been received.

GENERAL PLAN CONSISTENCY

All amendments to the zoning ordinance must be consistent with the General Plan. Staff believes the proposed update to the Williamson Act Uniform Rules and the proposed Ordinance Amendment are in compliance with the Stanislaus County General Plan, including the Land Use Element, Salida Community Plan, and Agricultural Element policies regarding Williamson Act contracts.

ENVIRONMENTAL REVIEW

This project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 Common Sense Exemption. Accordingly, a Notice of Exemption has been prepared as the project will not have a significant effect on the environment (see Exhibit D – *Notice of Exemption*).

An Early Consultation Referral and Notice of Public Hearing was circulated to interested parties and responsible agencies for review and comment and no comments have been received (see Exhibit E - *Distribution List for Early Consultation Referral and Notice of Public Hearing*). There are no conditions of approval for this project.

PROPERTY OWNER AND REPRESENTATIVE INFORMATION

Applicant: Stanislaus County
Property Owner: Applicable to all properties located within the General Agriculture (A-2) and Salida Community Plan (SCP) zoning districts.

Contact Person: Teresa McDonald, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Draft Williamson Act Uniform Rules
- Exhibit C - Draft Ordinance Amendment
- Exhibit D - Notice of Exemption
- Exhibit E - Distribution List for Early Consultation Referral and Notice of Public Hearing

Findings and Actions Required for Project Approval

1. Find the project is generally exempt for the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 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 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 Stanislaus County Williamson Act Uniform Rules Update and Ordinance Amendment Application No. PLN2023-0121 – Lot Line Adjustment and Agricultural Preserve Update.
5. Introduce, waive the reading, and adopt the ordinance amending Title 21 of the Stanislaus County Code relating to Chapter 21.66 - Salida Community Plan (SCP) District.

**Note: Specific amendments consisting of additions are reflected in bold and underlined text and deletions are reflected in strikeout text.*

Stanislaus County Williamson Act Uniform Rules California Land Conservation Act of 1965

Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code
(Commencing with Section 51200)
December 18, 2007

History and Background

The California Land Conservation Act of 1965, also known as the Williamson Act, was adopted by the State Legislature in 1965 and voluntarily implemented by the Stanislaus County Board of Supervisors in January of 1969. The **Williamson Act** permits a landowner, whose land is used for agriculture, to enter into a contract with the County guaranteeing that the land will continue to remain in farming for a period of at least ~~ten~~ **10** years. In return for this guarantee, the County assesses taxes based on the agricultural value of the land rather than the market value.

Uniform Rules

As allowed by Government Code, Stanislaus County has adopted Uniform Rules to clearly identify the contract terms for every landowner of agricultural land within the agricultural preserve. These rules are locally adopted and subject to compliance with all applicable State regulations. Provisions of the Williamson Act which are not specifically identified in these rules are still applicable to all contracts located within the Stanislaus County Agricultural Preserve. Since the Williamson Act's initial adoption and implementation, numerous amendments to the Williamson Act have been made by the State Legislature. All existing and future contracts are subject to compliance with all legislative amendments made during any part of the life of the contract.

Stanislaus County Agricultural Preserve

Only parcels that are located within a designated agricultural preserve may be enrolled under a Williamson Act **contract**. The Stanislaus County Agricultural Preserve was amended on October 20, 1970 to include all lands within the **General Agriculture (A-2)** (~~General Agricultural~~) zoning district. **Lands located within the Stanislaus County Agricultural Preserve, as established on October 20, 1970, that have been rezoned to the Salida Community Plan (SCP) zoning district are still considered to be within the agricultural preserve and may remain enrolled under an existing contract or may be enrolled under a new contract provided the lands are restricted to permitted uses within the A-2 zoning district in accordance with the SCP zoning district.**

Life of a Contract

When a contract is signed, it is good for a period of ~~ten~~ **10** years, except as otherwise allowed for in state law. After the first year of that ~~ten~~ **10** year period, one more year is automatically added to the term of the contract so that it is always valid for ~~ten~~ **10** years. If a person does nothing to stop this automatic addition of a year, the contract will go on indefinitely. The contract does not run for a period of 10 years and then stop. See the

Contract Non-Renewal section of these rules for information on stopping the automatic renewal of a contract.

New Contracts

Provided a parcel is within the agricultural preserve and meets the minimum parcel size and compatible uses outlined in these uniform rules, the County and landowners may enter into a Williamson Act contract, subject to the following conditions and procedures: Landowners shall file an application for a new contract with the Stanislaus County Planning Department, upon approved forms provided by the County, obtainable from the Planning Department.

- Only one application will be required for all eligible land in the County, which is under ~~identical~~ **same** ownership. However, the landowners may submit separate applications for separate whole parcels or combinations thereof.
- Each application shall be accompanied by the non-refundable filing fee in effect at the time the application is submitted.
- Each application shall be signed by all owners of any interest in the property and all holders of security interest in the property. All signatures are required to be notarized.
- Only whole legal parcels shall be eligible for enrollment in a Williamson Act Contract. A certificate of compliance may be required to determine the legal status of a parcel.
- The initial date and the renewal date for all agreements shall be January 1st.
- All applications for contracts shall be submitted prior to November 1st of the year preceding the year in which the landowner desires to effectuate the contract. If the application is not in proper form and is, therefore, not approved until after the lien date in any year, the contract shall be effective as of January 1st of the succeeding year.
- All contracts shall be recorded by the County.

Minimum Parcel Sizes for Enrollment of Land into a New Contract

Stanislaus County recognizes a minimum parcel sizes of (10) ten gross acres for prime agricultural land and (40) forty gross acres of non-prime agricultural land as suitable for enrollment of land into a new contract, **except as otherwise allowed to facilitate a lot line adjustment**, provided a parcel less than 160-acres in size with any residential development meets one or both of the following criteria before enrollment:

- 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.
- Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

Definition of Prime Agricultural Land for Stanislaus County:

1. All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classification.
2. Land which qualifies for rating of 80 through 100 in the Storie Index Rating.

3. Irrigated pasture land which supports livestock used for the production of food and fiber.
4. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than eight hundred dollars (\$800) per acre.
5. Land which has returned from the production of unprocessed agricultural plant productions an annual gross value of not less than eight hundred dollars (\$800) per acre for three of the previous five years.

Definition of Non-Prime Agricultural Land for Stanislaus County:

Non-Prime Agricultural land means any lands within the Agricultural Preserve not meeting the definition of Prime Agricultural Land for Stanislaus County.

Compatible Use of Land Enrolled Under Contract

During the term of a contract, enrolled land shall not be used for any purpose other than the production of agricultural commodities and the compatible uses permitted in the A-2 (General Agriculture) zoning district. Any legal non-conforming uses, excluding setback and height standards, of the property shall be abandoned prior to approval of a contract. All existing structures and uses of the property shall be clearly identified as part of a new contract application.

The following uses which may be permitted in the A-2 (General Agriculture) zoning district, but are not specifically identified as permitted uses within Chapter 21.20 - General Agriculture District of the County Zoning Ordinance shall be considered compatible uses:

- Temporary mobile home as regulated by Chapter 21.72 of the County Zoning Ordinance.

Division of Land Under Contract

Stanislaus County recognizes the following minimum parcel sizes for the division of land under contract to be presumed large enough to sustain their agricultural uses provided a no build restriction on the creation of any residential development is placed on each of the newly created parcels and each of the newly created parcels meets or exceeds the minimum zoning parcel size:

Prime Agricultural Land: (10) ten gross acres
 Non Prime Agricultural Land: (40) forty gross acres

No Build Restriction on Land Under Contract

Any newly created parcel of less than 160-acres in size resulting from the subdivision of land enrolled under contract shall be required to meet one or both of the following criteria before the construction of any residential development may occur:

- 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.

- Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

Lot Line Adjustment on Land under Contract

Lot line adjustments involving land under contract shall be primarily created and properly designed for agricultural purposes without materially decreasing the agricultural use of the project site. In no case shall a parcel of prime agricultural land under contract be reduced to a size smaller than (10) ten gross acres or a parcel of non-prime agricultural land under contract be reduced to a size smaller than (40) forty gross acres. **The adjustment of contracted lands not meeting the 10 or 40 gross acre size requirements before adjustment may be allowed provided the following conditions apply:**

- **The before and after size of the land not meeting the 10 or 40 gross acre size requirement remains the same in size, and the adjustment is needed to address a building site area or correct for a physical improvement which is found to encroach upon a parcel line.**

Uncontracted lands not meeting the 10 or 40 gross acre size requirement may be allowed to enroll under contract when needed to facilitate a lot line adjustment (i.e. at least 90 percent of the land under a former contract or contracts is required to remain under a new contract) provided the following conditions apply:

- **The adjustment does not result in a greater number of nonconforming parcels in terms of minimum parcel size for enrollment of land under contract, all land involved in the adjustment is under same ownership, a greater amount of land is enrolled under contract after the adjustment, and the cumulative total of adjusted land enrolled under contract is at least 10 gross acres in size for prime agricultural land or 40 gross acres for non-prime agricultural land.**

To facilitate a lot line adjustment, pursuant to the Subdivision Map Act Section ~~664126~~4412 and Government Code Section 51257, and notwithstanding any other provision of the Williamson Act, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to the Williamson Act, provided that the Board finds all of the following:

- The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, the findings will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

- At least 90 percent of the land under a former contract or contracts remains under a new contract or contracts.
- After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use by complying with the minimum parcel requirements specified in the County's Uniform Rules for enrollment of land into a new contract.
- The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Rescinding a Contract

Notwithstanding any other provision of the Williamson Act, the parties may upon their mutual agreement rescind a contract **or contracts** in order **to** simultaneously ~~to~~ enter into a new contract **or contracts** pursuant to the Williamson Act, which new contract(s) would enforceably restrict the same property for an initial term at least as long as the unexpired term of the contract(s) being so rescinded but not less than 10 years, **except as otherwise allowed by state law.** Such action may be taken notwithstanding the prior serving of a notice of nonrenewal relative to the former contract(s).

To facilitate a lot line adjustment, the rescinding of a contract(s) in order to enter into a new contract or contracts shall not be required when: (1) all lands involved in the lot line adjustment are enrolled under the same contract and the exterior boundaries of the contracted area are not changing, or (2) an undersized contracted parcel, which may or may not be under the same ownership, is being adjusted in accordance with these Uniform Rules.

Contract Non-Renewal

The only guaranteed way of stopping the automatic renewal provision is for either the property owner or the County to serve notice of a Notice of Non-Renewal. Once written notice is served and recorded in accordance with the California Land Conservation Act of 1965, the County will cease to renew the contract and it will expire in approximately ~~ten~~ **10** years. (Depending on the time of the year the notice is filed with the County, the contract will expire in as little as nine years and three months or as long as ~~ten~~ **10** years and three months; **however, a shorter expiration period may be applicable based on the state law in effect at the time the non-renewal is filed.**) Once a notice is recorded the taxes may start to increase so that at the end of ~~ten~~ **10** years the taxes will be the same as if the property was never under contract.

Notice of Non-Renewal Served by Landowner:

- Landowners must serve notice at least 90 days prior to the annual renewal date of the contract. (*Annual Renewal Date is January 1st*). The notice of nonrenewal must be upon approved forms provided by the County, obtainable from the Planning Department.
- Each notice shall be accompanied by the non-refundable filing fee in effect at the time the notice is submitted.

Notice of Non-Renewal Served by County:

- County must serve notice at least 60 days prior to the annual renewal date of the contract. (*Annual Renewal Date is January 1st*).
- Upon receipt by the owner of a notice from the County of Non-Renewal, the owner may make a written protest of the Notice of Non-Renewal. A protest shall be processed as an appeal of staff determination to the Planning Commission.
- The County may, at any time prior to the renewal date, withdraw the Notice of Non-Renewal.

Contract Cancellation - Landowner Petition:

The landowner may petition the Board for cancellation of any contract as to all or any part of the subject property. The landowner's petition must be accompanied by a proposal for a specified alternative use of the land and a Notice of Non-Renewal shall be recorded prior to the petition being submitted for consideration. The Board may grant tentative approval for cancellation of a contract only if it makes the following findings as required by Government Code Section 51282:

1. That the cancellation is consistent with the purposes of the Williamson Act (California Government Code Sections 51200-51207); and
2. That cancellation is in the public interest.

A contract cancellation shall be consistent with the purposes of the Williamson Act only if the Board makes all of the following findings:

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Government Codes Section 51242.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. That cancellation is for an alternative use which is consistent with the applicable provisions of the county general plan.
4. That cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Cancellation of a contract shall be in the public interest only if the board makes the following findings:

1. That other public concerns substantially outweigh the objectives of this chapter; and
2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Cancellation Process:

- Cancellation requests shall be filed with the Stanislaus County Planning Department, upon approved forms provided by the County, obtainable from the Planning Department. The request shall include any necessary applications for the alternative use of the land.
- Each application shall be accompanied by the non-refundable filing fee in effect at the time the application is submitted.
- Prior to any action by the Board of Supervisors, the county assessor shall determine the current fair market value of the land as though it were free of the contractual restriction. A cancellation request will not be scheduled for public hearing until the county assessor has determined the current fair market value. The landowner shall be responsible for any fee required by the county assessor to determine the value.
- Prior to giving tentative approval to the cancellation of any contract, the Board of Supervisors shall determine and certify to the county auditor the amount of the cancellation fee that the landowner shall pay the county treasurer upon cancellation. The fee shall be an amount equal to 12 ½ ± percent of the cancellation valuation of the property. The cancellation fee shall be paid in full before a certificate of cancellation is recorded.

Material Breach of Contract:

In accordance with Government Code Section 51250, a material breach of contract shall be remedied by either a contract cancellation petitioned by the landowner or the alternative remedy specified within the section. The alternative remedy shall be initiated by the County if it determines a material breach exists and the landowner does not petition for cancellation. If a material breach is determined to exist by the County, the landowner may be subject to: 1) removal of the conditions that resulted in the material breach within 60 days of determination or 2) payment of a monetary penalty in the amount of 25% of the unrestricted fair market value of the land rendered incompatible by the breach, plus 25% of the value of the incompatible building and any related improvements on the contracted land.

Annexation

If a city annexes land subject to a land conservation contract, the city succeeds to all rights, duties and powers of the county under contract, unless specific provisions of the Government Code addressing contracts executed prior to January 1, 1991 have been met and a protest of the contract by the city was upheld by the Local Agency Formation Commission.

Public Acquisition

Land conservation contracts become void **when contracted lands** that are acquired by a federal, state, or local government agency for necessary public use and facilities. The California Land Conservation Act of 1965 contains policies and restrictions to avoid public acquisition of lands in agricultural preserves, with special emphasis on restricting acquisition of land subject to land conservation contracts or containing prime agricultural land. State and local government agencies are required to refer proposals to acquire land in agricultural preserves to the **local governing body** State Department of Conservation for their review and response prior to acquisition. **Notice to the State Department of Conservation is required within 10 days of the acquisition of the land.**

**Note: Specific amendments consisting of additions are reflected in bold and underlined text and deletions are reflected in strikeout text.*

Chapter 21.66

SALIDA COMMUNITY PLAN DISTRICT (SCP)

SECTIONS

21.66.010	PURPOSE
21.66.020	SCP DISTRICT AND SUB-DISTRICTS
21.66.030	SCP DISTRICT STANDARDS
21.66.040	PROCEDURE
21.66.050	RELATIONSHIP TO LAND SUBDIVISION
21.66.060	FINDINGS REQUIRED
21.66.070	LAPSE OF APPROVAL
21.66.080	EXTENSION AND RENEWAL
21.66.090	PLAN MODIFICATIONS
21.66.100	URBAN SERVICES REQUIRED
21.66.110	SALIDA COMMUNITY PLAN FEE

21.66.010 PURPOSE

The SCP District is intended to implement the General Plan's stated vision for the development of the Salida Community Plan Amendment Area. The SCP District shall encourage the use of flexible development standards designed to ensure the development of the District as a master planned community. The general development standards applicable to the SCP District are defined below. Specific development standards designed for the SCP shall be implemented pursuant to discretionary non-legislative Development Plan(s) prepared according to the regulatory zoning parameters described in this Chapter. Any conditional use permit issued pursuant to this Chapter is a non-legislative approval.

21.66.020 SCP DISTRICT AND SUB-DISTRICTS

- A. The SCP District shall be applied to all parcels within the defined Amendment Area for the Salida Community Plan pursuant to the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative.
- B. SCP Sub-Zoning Districts. Within the SCP District, nine (9) separate sub-zoning districts are established:
 - 1. Salida Community Plan District, Low-Density Residential Zone (SCP-R-1)
 - 2. Salida Community Plan District, Medium-Density Residential Zone (SCP-R-2)
 - 3. Salida Community Plan District, Multiple-Family Residential Zone (SCP-R-3)
 - 4. Salida Community Plan District, Single-Family Residential – Special Treatment Zone (SCP-R-1-ST)
 - 5. Salida Community Plan District, Neighborhood Commercial Zone (SCP-C-1)

21.66.020 SCP District and Sub-Districts

6. Salida Community Plan District, General Commercial Zone (SCP-C-2)
7. Salida Community Plan District, Planned Industrial Zone (SCP-PI)
8. Salida Community Plan District, Industrial Business Park Zone (SCP-IBP)
9. Salida Community Plan District, General Agriculture Zone (SCP-A-2)

21.66.030 SCP DISTRICT STANDARDS

- A. **Allowable land uses.** The uses of land that may be allowed within the SCP District and each of its sub-districts shall be in accordance with the development standards set forth in this Section 21.66.030. The maximum number of residential dwelling units located on lands designated SCP-R-1, R-2, R-3 by the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative is limited to 5,000 units.
- B. **Development standards.** Proposed development and new land uses within the SCP District and applicable sub-districts shall comply with the development standards identified for the specific site in the applicable Development Plan, in compliance with Section 21.66.040 and the following:
1. SCP District, Low-Density Residential Zone (SCP-R-1) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-1 shall be designed, constructed, and/or established consistent with the R-1 District standards contained in Chapter 21.28 except that the height limit, building site, lot coverage, and yard standards contained in Sections 21.28.040, 21.28.050, 21.28.060, and 21.28.070 of the Stanislaus County Code Title 21, Zoning, respectively, are modified as shown in Table 1 — Salida Community Plan District, Low-Density Residential Zone (SCP-R-1) Standards.
 2. SCP District, Medium-Density Residential Zone (SCP-R-2) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-2 shall be designed, constructed, and/or established consistent with the R-2 District standards contained in Chapter 21.32 except that the height limit, building site, lot coverage, and yard standards contained in Sections 21.32.040, 21.32.050, 21.32.060, and 21.32.070 of the Stanislaus County Code Title 21, Zoning, respectively, are modified as shown in Table 2 — Salida Community Plan District, Medium-Density Residential Zone (SCP-R-2) Standards.
 3. SCP District Multiple-Family Residential Zone (SCP-R-3) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-3 shall be designed, constructed, and/or established consistent with the R-3 District standards contained in Chapter 21.36 except that the height limit, building site, lot coverage, and yard standards contained in Sections 21.36.040, 21.36.050, 21.36.060, and 21.36.070 of the Stanislaus County Code Title 21, Zoning, respectively, are modified as shown in Table 3 — Salida

21.66.030 SCP District Standards

Community Plan District, Multiple-Family Residential Zone (SCP-R-3) Standards.

4. SCP District Single-Family Residential - Special Treatment Zone (SCP-R-1-ST) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-1-ST shall be designed, constructed, and/or established consistent with the standards set forth in the SCP-R-1 Zone.

The SCP-R-1-ST zone is intended to provide for residential use, or other alternative uses, of the parcels owned by the Salida Sanitation District on which it operates the Salida Wastewater Treatment Plant and associated ancillary improvements. The regulations set forth in this zone shall apply only to the subject parcels.

This zone explicitly allows for the continued operation of the existing Salida Wastewater Treatment Plant and for its modification/expansion as necessary over time to meet the needs of the Salida Sanitation District.

Should the Salida Sanitation District determine that its existing or future operations do not require the use of vacant land within the subject parcels, vacant lands may be utilized for single-family residential development. In the event that site conditions, environmental constraints, or other factors limit the potential of the vacant land for residential development, other appropriate land uses may be considered.

Table 1 — Salida Community Plan District, Low-Density Residential Zone (SCP-R-1) Standards

Lot Type	SCP-R-1		
	5,000 S.F. and greater	6,000 S.F. and greater	7,000 S.F. and greater
Minimum Lot Area [1]	5,000 S.F.	6,000 S.F.	7,000 S.F.
Minimum Lot Width [2]			
Interior Lot	40'	50'	60'
Corner Lot	45'	55'	70'
Minimum Lot Depth	90'	90'	100'
Minimum Front Setbacks [3]			
Porch	10'	10'	10'
Living Area	15'	15'	15'
Forward Garage [4]	18'	20'	20'
Swing-in Garage [5]	15'	15'	15'
Minimum Rear Setbacks [3]			
Typical	12'	12'	15'

Lot Type	SCP-R-1		
	5,000 S.F. and greater	6,000 S.F. and greater	7,000 S.F. and greater
Detached Garages	2'	2'	2'
Detached Garage with Living Space Above [4]	n/a	5'	6'
Rear-Loaded Garage Door (alley configuration) [4]	4'	4'	4'
Minimum Side Setbacks [3, 6]			
Interior Side	5'	5'	6'
Detached Garage	5'	5'	6'
Corner Side Yard			
<i>Porch</i>	10'	10'	10'
<i>Living Area</i>	10'	10'	15'
<i>Forward Garage [4]</i>	20'	20'	20'
Minimum Distance Between Structures [6]			
Between Structures on Adjacent Lots	10'	10'	12'
Between Unit and Detached Garage on Same Lot	6'	6'	6'
Maximum Building Height [7]			
Primary Building	40' (2.5 Stories Max.)	40' (2.5 Stories Max.)	40' (2.5 Stories Max.)
Accessory Structure or Detached Garage	15' (1 Story Max.)	35' (2 Stories Max.)	35' (2 Stories Max.)
Parking			
Off-Street	2 spaces in garage	2 spaces in garage	2 spaces in garage
On-Street [8]	1 space per unit	1 space per unit	1 space per unit

General SCP- R-1 Setback Notes:

[1] Lots may exceed the minimum square foot lot size area; however, oversized lots are subject to the development standards required for the specific neighborhood/housing type in which they are located.

[2] Minimum lot width is to be measured at front setback.

[3] All setbacks are from associated property lines.

[4] Setbacks to garages are measured to the garage wall plane.

[5] Swing-in garages should not be used on lots less than 55' wide.

[6] Acceptable encroachments include fireplaces, media niches, roof overhangs, and architectural projections as long as Uniform Building Code is met.

[7] A 2.5-story residence is defined as a two-story home with third-story element(s).

[8] Parking spaces on driveways 18' or longer may be counted toward the on-street parking requirement.

**Table 2 — Salida Community Plan District, Medium-Density Residential Zone (SCP-R-2)
Standards**

Land Use Designation	SCP-R-2		
	Small Lot Single-Family (Conventional Loaded)	Small Lot Single-Family (Rear-Loaded)	Duets
Minimum Lot Area [1]	2,400 SF	2,000 SF	3,000 SF/unit
Minimum Lot Width [2]			
Interior Lot	40'	30'	40' per unit
Corner Lot	46'	36'	46'
Minimum Lot Depth	60'	60' for private street 70' for alley easement	60'
Minimum Front Setbacks [3]			
Porch	10'	10'	10'
Living Area	10'	10'	10'
Forward Garage [4]	18'	n/a	18'
Minimum Rear Setbacks [3, 6]			
Living Area	10'	4' for private street 14' for alley easement	10'
Rear-Loaded Garage Apron	n/a	4'	4'
Detached Garages	n/a	5'	5'
Rear-Loaded Garage Door (alley configuration) [4]	n/a	4' for private street 14' for alley easement	4' for private street 14' for alley easement
Minimum Side Setbacks [3, 5, 6]			
Interior Side Yard	4'	4'	0'/4'
Corner Side Yard			
Porch	10'	10'	10'
Living Area	10'	10'	10'
Forward Garage	18'	n/a	18'
Minimum Distance Between Structures [5]			
Between Structures on Adjacent Lots	8'	8'	0'/8'
Between Unit and Detached Garage on Same Lot	n/a	10'	10'
Maximum Building Height	40' (2.5 Stories Max.)	40' (2.5 Stories Max.)	40' (2.5 Stories Max.)
Parking			
Off-Street	2 spaces in garage	2 spaces in garage	2 spaces in garage
On-Street	1 space per unit	1 space per unit	1 space per unit

General SCP-R-2 Setback Notes:

[1] Lots may exceed the minimum square foot lot size area; however, oversized lots are subject to the development standards required for the specific neighborhood/housing type in which they are located.

[2] Minimum lot width is to be measured at front setback.

[3] All setbacks are from associated property lines.

[4] Setbacks to garages are measured to the garage wall plane.

[5] Acceptable encroachments include fireplaces, media niches, roof overhangs, and architectural projections as long as Uniform Building Code is met.

[6] Rear and side setbacks may be modified with County approval for innovative architecture and land plans.

Table 3 — Salida Community Plan District, Multiple-Family Residential Zone (SCP-R-3) Standards

	SCP-R-3
Land Use Designation	Rowhouses/Townhomes/Apartments/Condominiums
Minimum Front Setbacks/Corner Side [1]	
Porch	10'
Living Area	10'
Forward Garage [2]	5' or 18'+
Minimum Rear Setbacks [1, 4, 5]	
Front-Loaded Units	10'
Rear-Loaded Units [2]	4' for private street 14' for alley easement
Minimum Distance Between Structures [3, 4, 5]	
Primary Wall to Primary Wall	20'
Primary Wall to Secondary Wall	20'
Secondary Wall to Secondary Wall	15'
Maximum Building Height	
Rowhouses and Townhomes	40' (3 stories max.)
Apartments and Condominiums	40' (3 stories max.)
Parking	
Off-Street	
<i>Apartments and Condominiums</i>	1 uncovered space for each 1 bedroom unit, 1.5 spaces for each 2 and 3 bedroom unit
<i>Rowhouses/Townhouses</i>	2 covered spaces
Guest Parking	0.25 space per unit

General SCP-R-3 Setback Notes:

- [1] All setbacks are from associated property lines.
- [2] Setbacks to garages are measured to the garage wall plane.
- [3] Acceptable encroachments include fireplaces, media niches, and roof overhangs as long as Uniform Building Code is met.
- [4] Where appropriate, reciprocal easements may be used to satisfy rear or side yard requirements.
- [5] Rear and side setbacks may be modified with County approval for innovative architecture and land plans.
- [6] Primary walls are defined as building facades with one or more unit entries. Secondary walls are defined as building facades without unit entries.

5. SCP District Neighborhood Commercial Zone (SCP-C-1) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-C-1 shall be designed, constructed, and/or established consistent with the C-1 District standards contained in Chapter 21.52.
6. SCP District General Commercial Zone (SCP-C-2) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-C-2 shall be designed, constructed, and/or established consistent with the C-2 District standards contained in Chapter 21.56.
7. Salida Community Plan District, Planned Industrial Zone (SCP-PI) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-PI shall be

21.66.030 SCP District Standards

designed, constructed, and/or established consistent with the PI District standards contained in Chapter 21.42.

8. Salida Community Plan District, Industrial Business Park Zone (SCP-IBP) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-IBP shall be designed, constructed, and/or established consistent with the IBP District standards contained in Chapter 21.61, except upon making the findings set forth in Section 21.66.060(B), the Board of Supervisors may consider the range of permitted land uses specifically set forth in Title 21. This is intended to allow flexibility in approving uses as the market for modern business parks evolves with time.
 9. Salida Community Plan District, General Agriculture Zone (SCP-A-2) development-type standards. This designation applies solely to the Stanislaus River Park. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-A-2 shall be designed, constructed, and/or established consistent with the A-2 District standards contained in Chapter 21.20 except that active recreational facilities may also be approved as a conditional use. A Development Plan for the Stanislaus River Park will be required and used as a primary park implementation tool.
- C. Notwithstanding the development standards otherwise set forth in this Section, restrictions of the A-2 Agriculture District shall apply to lands within the SCP District that are subject to ~~existing~~ Williamson Act contracts for the term of the applicable contract and the uses of the A-2 Agriculture District shall be permitted uses, **except as restricted by this section**, for the term of the ~~existing~~ Williamson Act contract. It is the express intent of the SCP District that all lands subject to Williamson Act contracts remain in the Agricultural Preserve and there is no intent to remove such lands from the Agricultural Preserve, to trigger a notice of non-renewal, or impair any contract. No provision of the SCP District is intended to modify any provision of Subdivision Map Act that restricts the subdivision of lands subject to Williamson Act contracts. Nothing herein shall preclude a landowner from filing a notice of non-renewal or requesting cancellation of a Williamson Act contract in accordance with state law or cancellation or removal through other lawful methods.
1. **Permitted uses shall not include any new residential uses, Tier Three uses, or other uses determined by the Planning Director to be in conflict with the Salida Community Plan.**
- D. To allow for the implementation of contemporary zoning standards, a limited amount of flexibility is built into the development standards established for the SCP-R-1, R-2, R-3 and SCP-R-1-ST Zones, which may be implemented through adoption of alternative development standards with approval of the non-legislative Development Plan, upon a finding by the Board of Supervisors that:
1. The alternative development standard substantially conforms to the General Plan and Salida Community Plan.

2. The alternative development standard facilitates flexibility in the types of housing products that may be constructed creating a greater mix of housing and better meeting the housing needs of the County's residents.

21.66.030 SCP District Standards

- E. To allow for the implementation of contemporary zoning standards, a limited amount of flexibility is built into the development standards for the SCP-C-1, SCP-C-2, SCP-PI, and SCP-IBP Zones which may be implemented through adoption of alternative development standards with approval of the non-legislative Development Plan, upon a finding by the Board of Supervisors that:
 1. The alternative development standard substantially conforms to the General Plan and Salida Community Plan.
 2. The alternative development standard facilitates flexibility in the type of buildings which may be constructed and contributes to the vibrancy of retail, business park, and industrial park land uses.
 3. The project meets high standards and is of high quality.

21.66.040 PROCEDURE

- A. A proposed Development Plan for any defined area within the SCP District shall be submitted to County staff for review and recommendation by the Planning Commission and approval by the Board of Supervisors. The following information shall be provided at a minimum:
 1. Proposed land uses. The distribution, location, and extent (e.g., density, intensity, etc.) of land uses proposed within the area covered by the Development Plan, including open space areas;
 2. Infrastructure. A description of the major components of public and private facilities, including circulation/transportation, energy, sanitary sewage, solid waste disposal, water, storm water drainage, and other essential facilities proposed to be located within the Development Plan area and needed to support the proposed land uses;
 3. Land use and development standards. Criteria, guidelines, and standards by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 4. Implementation measures. A program of implementation measures and environmental mitigation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;
 5. Relationship to General Plan. A discussion of the relationship of the Development Plan to the objectives, policies, general land uses, and programs of the General Plan.

Following a public hearing, the Planning Commission shall make a recommendation to the Board of Supervisors based on substantial consistency with the General Plan and this Chapter and a review of the environmental

21.66.040 Procedure

impacts of the plan, the appropriateness and interrelationship of the proposed uses, any effects on traffic circulation due to development of the plan, the quality of the suggested site plan design, and other details of the proposed Development Plan. In considering the Development Plan at its public hearing, the Commission shall also determine its appropriateness based on its ability to meet the purpose of this Chapter. A favorable recommendation must include the findings listed in this Chapter for the Development Plan and any proposed conditions. At its public hearing, the Board may decide to approve, conditionally approve, or deny the Development Plan or return the matter to the Planning Commission for further evaluation.

- B. Following approval of a Development Plan, all development subject to the Development Plan shall be in substantial conformance with the approved Development Plan and the conditions thereof.

21.66.050 RELATIONSHIP TO LAND SUBDIVISION

In situations where a tentative map or parcel map is undertaken in conjunction with the approval of the Development Plan, such subdivision and approval may be processed concurrently.

21.66.060 FINDINGS REQUIRED

- A. The Planning Commission, prior to recommending the Development Plan to the Board of Supervisors, and the Board of Supervisors, prior to the Board's approval of the Development Plan, shall make the following findings, based on substantial evidence in the entire administrative record:

- 1. The Development Plan is substantially consistent with the requirements of the General Plan of the County;
- 2. The Development Plan is substantially consistent with the requirements of this Chapter.

- B. Prior to approving additional uses in the SCP-IBP Zone that are not currently contained in Chapter 21.61; the Board of Supervisors, based on substantial evidence in the entire administrative record, shall make the following findings:

The use would not significantly detract from the Salida Community Plan's goal of creating a vibrant employment center within land designated for job creation;

The use would enhance the vibrancy of the business park land and would strengthen the live-work environment for the entire Salida Community Plan.

21.66.070 LAPSE OF APPROVAL

A Development Plan shall expire 5 years, or any term otherwise approved by a Development Agreement, after the date of its approval, unless there has been activity within the area covered by the Development Plan (e.g., a use permit has been approved or a building permit issued for any development phase contemplated by the Development Plan), an extension has been granted, or as otherwise provided by a development agreement.

21.66.080 EXTENSION AND RENEWAL

A Development Plan approval may be extended by the Planning Director for a two-year period without notice or public hearings, if the required findings remain valid.

21.66.090 PLAN MODIFICATIONS

A request for modifications to the final development or any conditions of approval thereof shall be treated as a new application, unless the Planning Director finds that the changes proposed are minor in the context of the overall Development Plan and are consistent with the intent of the original approval.

21.66.100 URBAN SERVICES REQUIRED

Prior to development of any of the uses permitted in the SCP District, the property to be developed shall be annexed to an existing district or included within a new district, and receive service from a sanitary district, water district, and/or community services district.

21.66.110 SALIDA COMMUNITY PLAN FEE

The Board of Supervisors, after adoption of the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative, may impose a Salida Community Plan fee upon persons seeking governmental approvals within the SCP District. The fees shall be established so that they defray, but do not exceed, the cost of preparation, election or adoption, and administration, plus interest, of the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative and implementation of the Salida Community Plan. The costs shall include, but not be limited to, the actual County costs, third-party consultant costs, and reasonable costs paid and incurred by the proponents of the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative which the Board of Supervisors agrees are reimbursable. As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the Salida Community Plan and SCP District zoning. It is the intent in providing for such fees to charge persons who benefit from the Salida Community Plan for the costs of developing and implementing the Salida Community Plan and advocating changed land uses which are authorized pursuant to the Salida Community Plan and SCP District zoning.

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

NOTICE OF EXEMPTION

Project Title: Stanislaus County Williamson Act Uniform Rules Update & Ordinance Amendment Application No. PLN2023-0121 – Lot Line Adjustment and Agricultural Preserve Update

Applicant Information: Stanislaus County 1010 10th St. Suite 3400 Modesto, CA 95354, (209) 525-6330

Project Location: Unincorporated Stanislaus County

Description of Project: Request to amend the Stanislaus County Williamson Act Uniform Rules and Section 21.66.030(C) of Chapter 21.66 - Salida Community Plan District (SCP), of the Stanislaus County Zoning Ordinance.

Name of Agency Approving Project: Stanislaus County Board of Supervisors

Lead Agency Contact Person: Teresa McDonald, Associate Planner

Telephone: (209) 525-6330

Exempt Status:

- 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: _____
- Common Sense (Section 15061)

Reasons why project is exempt: This project has been determined to be generally Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 Common Sense Exemption.

November 16, 2023
Date

Teresa McDonald, Associate Planner
Stanislaus County Planning and Community Development

DISTRIBUTION LIST FOR EARLY CONSULTATION AND NOTICE OF PUBLIC HEARING

PROJECT: STANISLAUS COUNTY WILLIAMSON ACT UNIFORM RULES UPDATE AND ORDINANCE AMENDMENT APPLICATION NO. PLN2023-0121 – LOT LINE ADJUSTMENT AND AGRICULTURAL PRESERVE UPDATE

REFERRED TO:			RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	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							
FIRE PROTECTION DIST: SALIDA	X	X		X							
SANITARY DISTRICT: SALIDA	X	X		X							
STAN CO AG COMMISSIONER	X	X		X							
STAN CO FARM BUREAU	X	X		X							
STAN CO ASSESSOR	X	X		X							
MUNICIPAL ADVISORY COUNCIL: SALIDA	X	X		X							
STAN CO SUPERVISOR DIST: ALL	X	X		X							
ELEMENTARY SCHOOL DISTRICT: STANISLAUS UNION	X	X		X							
ELEMENTARY SCHOOL DISTRICT: SALIDA UNION	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X		X							
STAN CO SHERIFF	X	X		X							

WA UR UPDATE AND OA APP. NO PLN2023-0121

LOT LINE ADJUSTMENT AND

AGRICULTURAL PRESERVE

UPDATE

Planning Commission
November 16, 2023

Overview

- Update to Stanislaus County Williamson Act Uniform Rules
 - Clarify when a rescission and re-entry of a contract is necessary pursuant to a lot line adjustment (LLA)
 - Modify minimum parcel size requirement when re-entering a contract pursuant to LLA
 - Reflect legislative amendments
 - Affirm that Salida Community Plan (SCP) is included in agricultural preserve
- Amend Zoning Ordinance to allow parcels within the SCP to enter into new contracts

What is the Williamson Act

- California Land Conservation Act of 1965, also known as the Williamson Act (WA), implemented in Stanislaus County in 1969
- WA permits a landowner to enter into a contract with the County guaranteeing that the land will continue to remain in farming for at least 10 years
- County assesses taxes based on the agricultural value of the land rather than the market value

Overview of Uniform Rules

- County has adopted Uniform Rules to identify contract terms for every landowner of agricultural land within the agricultural preserve
- Only parcels within the agricultural preserve are eligible for the Williamson Act
- Stanislaus County agricultural preserve last updated in 1970 to include all General Agriculture (A-2) lands
- 10 acre minimum for prime farmland and 40 acre minimum for non-prime farmland, only whole legal parcels eligible

21.20.060(E) Site Area

- Refers back to 21.20.010: Intent of A-2 zoning district
 - Support & enhance agriculture as the predominant land use
 - Protect open space
- In addition to parcel sizes and number of dwellings, review also includes access, and onsite facilities such as well, septic, or irrigation infrastructure

21.20.060(E) Site Area

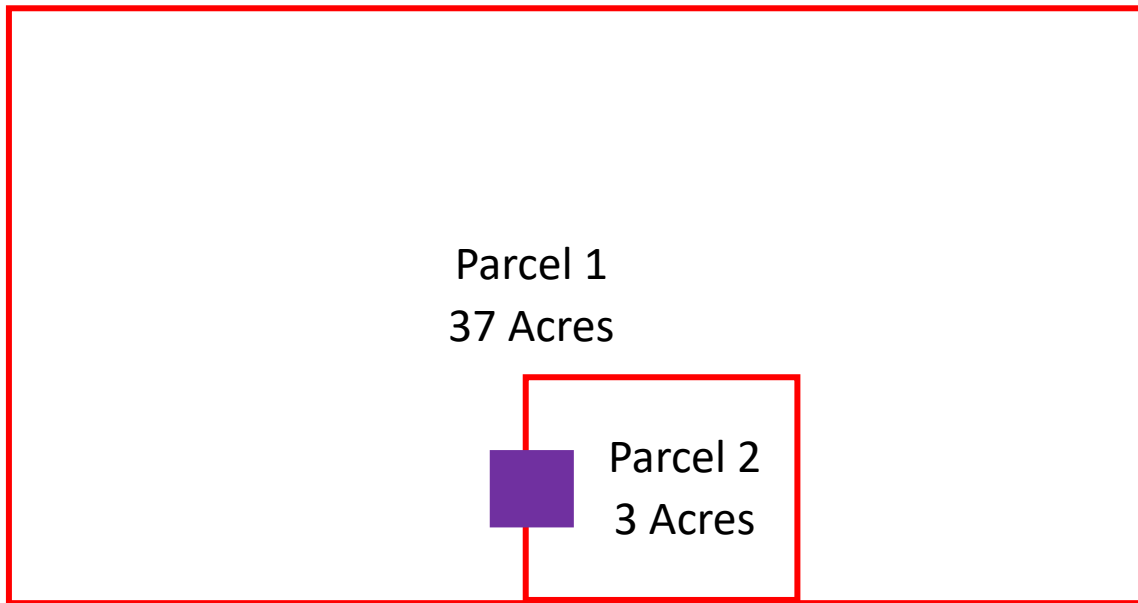
- Parcels over 10 acres can not go under 10, unless needed for a building site area physical improvement encroaching on a property line. Parcels in WA can't go under 10 acres; and
- Parcels under 10 acres can increase, 10 acres or more if in WA, or be reduced, if not in WA, as needed for building site area or physical improvement encroaching on a property line.

Existing Government Code 51257

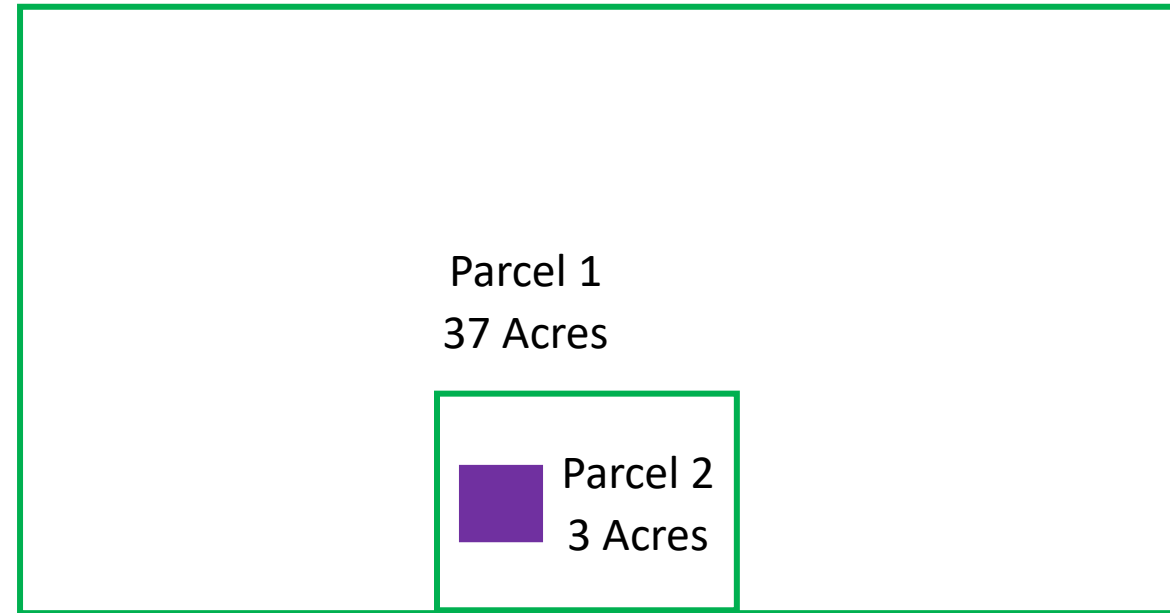
- Pertains to lot line adjustments involving rescission and reentry (at least one parcel is in a WA contract)
 - Seven required findings
 - Findings are required by Government Code and not something the County has the authority to change
 - Department of Conservation has clarified that the County has flexibility in specifying when a rescission and re-entry is required

LLA Example No. 1

Before



After

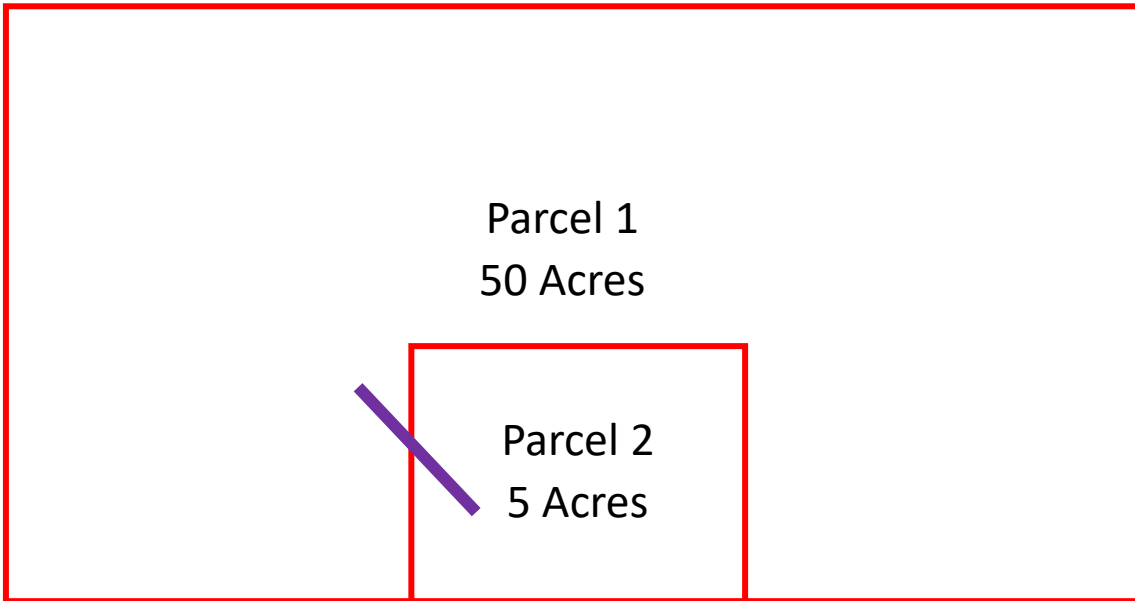


Both parcels enrolled in same Williamson Act (WA) contract

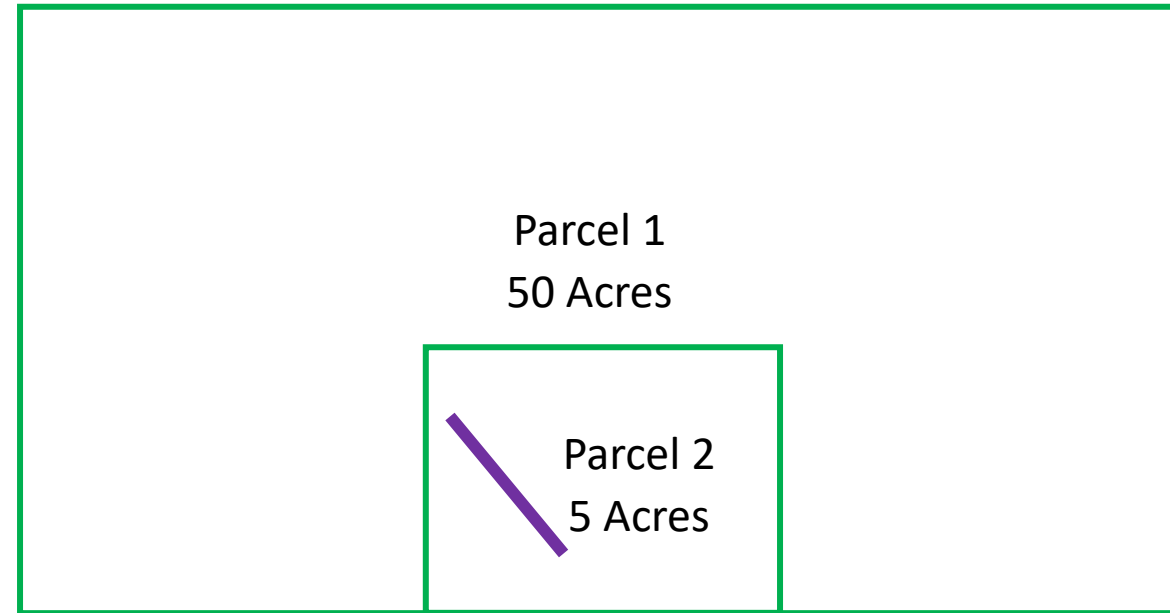
 Existing barn

LLA Example No. 2

Before



After



Both parcels enrolled under different Williamson Act (WA) contracts

 Existing Leach line

Uniform Rules Update

- Proposed updates reflect current interpretations described in the examples
- Clarifies that no rescission and re-entry of a contract is required in order to facilitate a lot line adjustment when:
 - an undersized parcel under contract is being adjusted in order to address a building site area or correct for a physical improvement which is found to encroach upon a property line; and
 - the undersized parcel before and after adjustment remains the same size

Uniform Rules Update

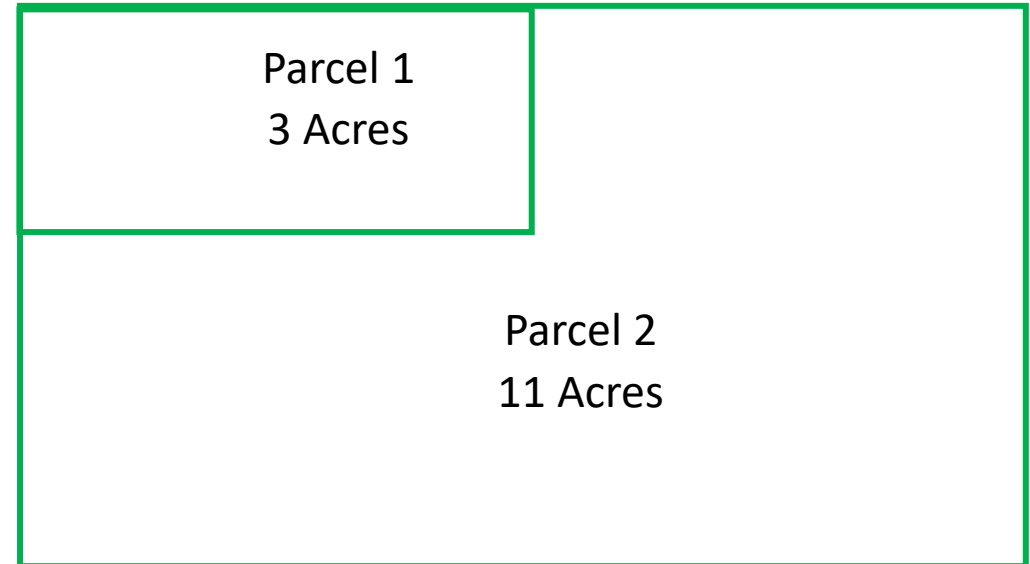
- Proposed update would allow the uncontracted land not meeting the minimum size requirement to be enrolled under a contract when:
 - The adjustment does not result in a greater number of nonconforming parcels in terms of minimum parcel size
 - All of the land involved in the adjustment is under the same ownership
 - A greater amount of land is enrolled under contract after the adjustment, and the cumulative total of adjusted land enrolled under contract is at least 10 gross acres in size for prime agricultural land and 40 gross acres for non-prime agricultural land

Example LLA

Before



After



Salida Community Plan (SCP)

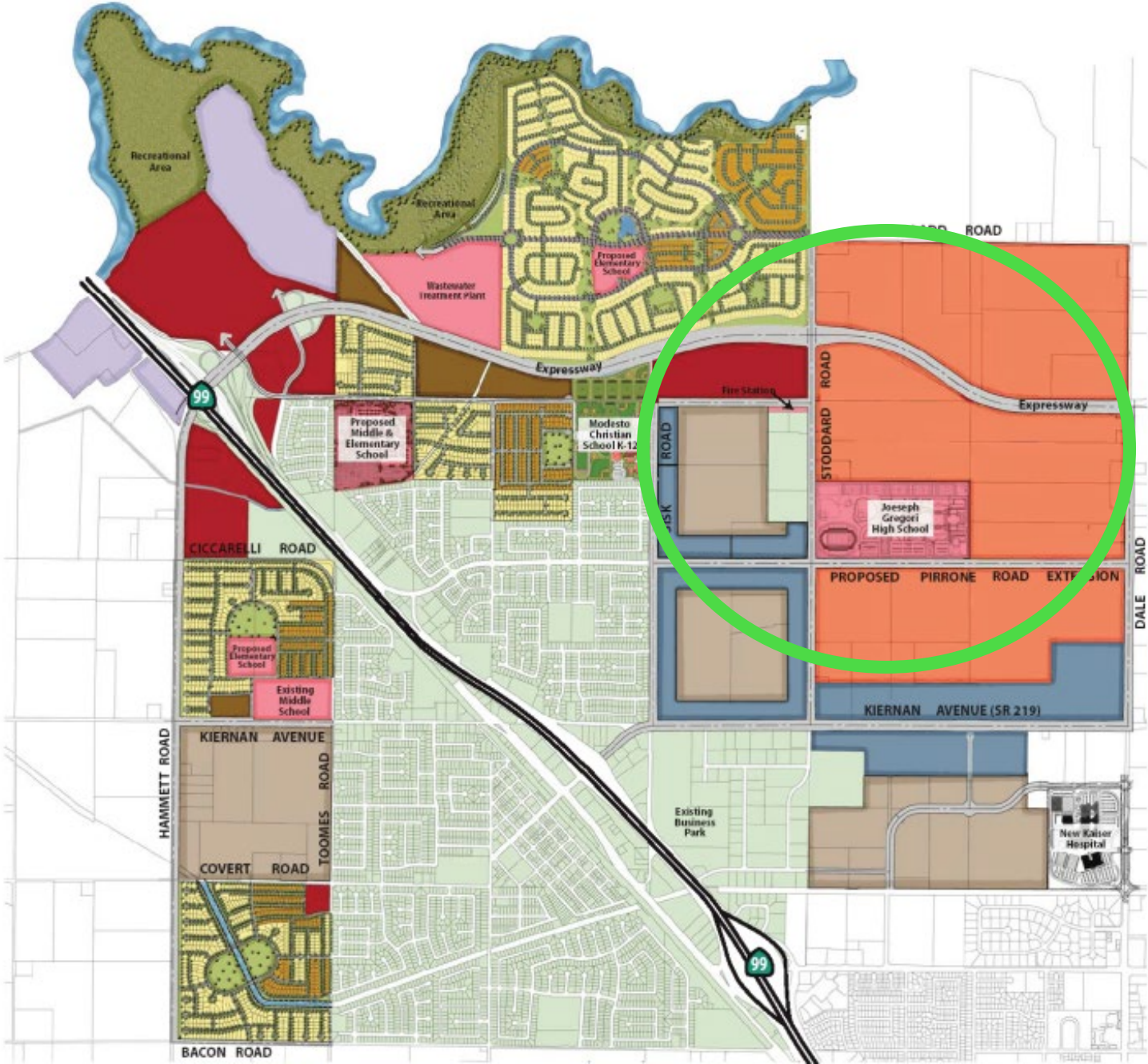
- Board of Supervisors approved Salida Initiative in 2007 incorporating Chapter 21.66 – Salida Community Plan (SCP) into the Zoning Ordinance
 - Parcels already enrolled in a Williamson Act contract were allowed to remain enrolled subject to the restrictions of the A-2 zoning district with regards to permitted uses on the contracted lands
 - It has been 16 years since the Initiative was adopted and the timeline for development is still unknown
 - Property owners continue to actively farm prime agricultural lands without the tax benefits afforded by enrollment in the Williamson Act

Salida Community Plan Ordinance Amendment

- Amendment to Section 21.66.030(C) of Chapter 21.66 – Salida Community Plan (SCP), of the Stanislaus County Zoning Ordinance
 - Will allow parcels within the SCP zoning district to be entered into new Williamson Act contracts
 - Parcels under contract will be restricted to uses permitted in the General Agriculture (A-2) zoning district and will not be permitted to have residential uses, uses requiring a Tier Three Use Permit, or other uses determined by the Planning Director to be in conflict with the SCP

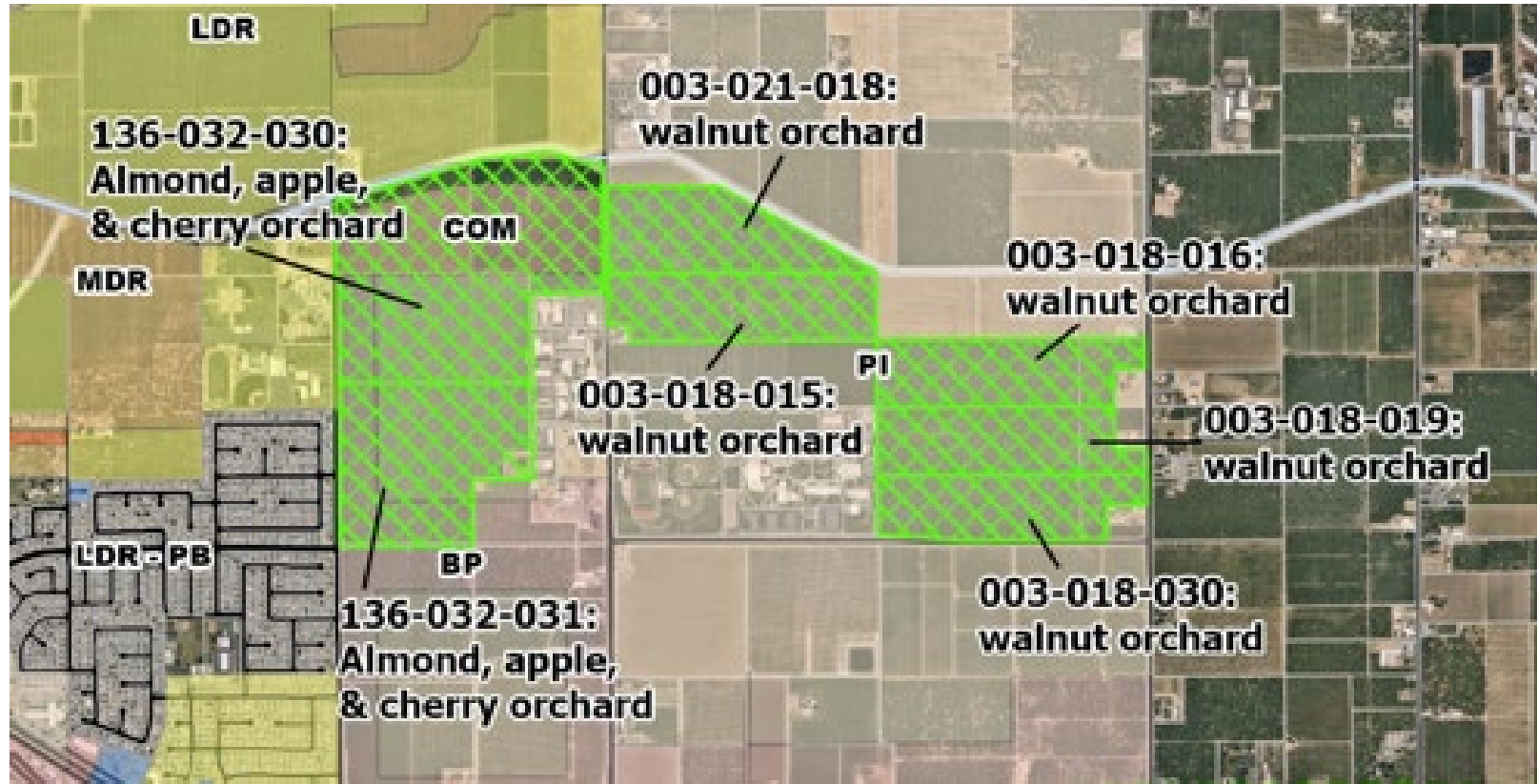
Salida Community Plan (SCP) map

General area of SCP zoned parcels with Williamson Act contract applications submitted



Salida Community Plan (SCP) map of parcels with Williamson Act contract applications

APN	Parcel Size	Crop	Owner
136-032-030	111.46	Almonds, apples, cherries	Grover Family Properties
136-032-031	60.00	Almonds, apples, cherries	Grover Family Properties
003-021-018	36.12	Walnuts	Grover Family Properties
003-018-015	39.30	Walnuts	Grover Family Properties
003-018-016	37.19	Walnuts	Grover Family Properties
003-018-019	36.93	Walnuts	Grover Family Properties
003-018-030	34.92	Walnuts	Grover Family Properties



Uniform Rules Update

- SCP zoning district was included within the boundaries of the Stanislaus County Agricultural Preserve established on October 20, 1970 for the purpose of allowing lands to be enrolled under the Williamson Act.
- Proposed Uniform Rules update affirms that the SCP zoning district is included in the Agricultural Preserve and lands zoned SCP may be enrolled under a new contract

Feedback Received

- Agricultural Advisory Board (AAB) - 8-7-23
 - No comments
- General Plan Update Committee (GPUC) - 8-23-23
 - Comments generally in support, one comment regarding allowing SCP parcels to enroll in a WA contract
- Salida Municipal Advisory Council (MAC) – 10-24-23
 - Question regarding WA cancellation procedure changes
 - Question regarding minimum parcel size for new contracts
 - Comment regarding requiring a pedestrian path to the high school

General Plan Consistency

- Consistent with
 - Land Use Element
 - Salida Community Plan
 - Agricultural Element

Environmental Review

- CEQA
 - CEQA Exempt pursuant to 15061 – Common Sense Exemption
- No Conditions of Approval

Recommendation

- Staff recommendation
 - Recommended project approval to the Board of Supervisors
- Findings – Exhibit A
 - Environmental Review
 - Consistent with General Plan
 - Project Approval
 - Adopt Ordinance

Questions