



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

S \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_
ZONE \_\_\_\_\_
RECEIVED \_\_\_\_\_
APPLICATION NO. \_\_\_\_\_
RECEIPT NO. \_\_\_\_\_

NOISE CONTROL WAIVER APPLICATION

The undersigned hereby makes application for a Noise Control Waiver in accordance with the provisions of the Stanislaus County Code, Chapter 10.46 and any amendments to the same, and submits the following information for consideration:

1. NAME OF APPLICANT(S): (a) \_\_\_\_\_

(b) \_\_\_\_\_ (c) \_\_\_\_\_ (d) \_\_\_\_\_
Mailing Address City, State, Zip Phone

2. LOCATION OF PROPERTY: \_\_\_\_\_
Address

Between \_\_\_\_\_ and \_\_\_\_\_
Street Street

3. NAME OF PROPERTY OWNER(S): (a) \_\_\_\_\_

(b) \_\_\_\_\_ (c) \_\_\_\_\_ (d) \_\_\_\_\_
Address City, State, Zip Phone

4. ASSESSMENT NO. & ACREAGE OF PROPERTY: \_\_\_\_\_

5. LIST THE NUMBER AND USE OF ALL EXISTING STRUCTURES ON PROPERTY:
\_\_\_\_\_

6. A DETAILED WRITTEN DESCRIPTION OF WAIVER REQUEST INCLUDING THE FOLLOWING INFORMATION:

- a. THE NATURE AND LOCATION OF THE NOISE SOURCE FOR WHICH SUCH APPLICATION IS MADE;
b. THE REASON FOR WHICH THE WAIVER IS REQUESTED, INCLUDING THE HARDSHIP THAT WILL RESULT TO THE APPLICANT OR THE PUBLIC IF THE PERMIT OF WAIVER IS NOT GRANTED;
c. THE LEVEL OF NOISE THAT WILL OCCUR DURING THE PERIOD OF THE WAIVER;
d. THE SECTION OR SECTIONS OF THIS CHAPTER FOR WHICH THE WAIVER SHALL APPLY;

- e. A DESCRIPTION OF INTERIM NOISE CONTROL MEASURES TO BE TAKEN FOR THE APPLICANT TO MINIMIZE NOISE AND THE IMPACTS OF SUCH NOISE CONTROL MEASURES; AND,
- f. A SPECIFIC SCHEDULE OF THE NOISE CONTROL MEASURES THAT SHALL BE TAKEN TO BRING THE SOURCE INTO COMPLIANCE WITH THIS CHAPTER WITHIN A REASONABLE TIME.

*(Attach additional sheets if necessary)*

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- 7. A DETAILED SKETCH SHOWING THE APPROXIMATE LOCATION OF ANY PROPOSED AND EXISTING STRUCTURES ON PROPERTY OR LAND IMPROVEMENTS. *(See attached example plot plan)*
- 8. A COPY OF THE GRANT DEED WITH A LEGAL DESCRIPTION OF THE PROPERTY.
- 9. A FILING FEE, IN SUCH AMOUNT AS MAY BE FIXED FROM TIME TO TIME BY RESOLUTION OF THE BOARD OF SUPERVISORS, SHALL BE PAID AT THE TIME THE APPLICATION IS FILED (\$628.00). FEE MAY NOT BE REFUNDABLE.

**NOTICES TO ALL APPLICANTS:**

**DEED RESTRICTIONS AND COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS):**

The property involving this waiver request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs) or a variety of private easements or other deed restrictions which may restrict the property's use and development. These deed restrictions are private agreements and are **NOT** enforced by the County of Stanislaus. Consequently, development standards specified in such deed restrictions are **NOT** considered by the County when granting waivers.

You are advised to determine if the property is subject to deed restrictions and if so, contact the appropriate homeowners association and adjacent neighbors about your request prior to proceeding. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

## **INDEMNIFICATION:**

In consideration of the County's processing and consideration of this application for approval of the noise waiver being applied for (the "Project"), and any related consideration by the County, the Owner and Applicant, jointly and severally, agree to indemnify the County of Stanislaus ("County") from liability or loss connected with the Project approvals as follows:

1. The Owner and Applicant shall defend, indemnify and hold harmless the County and its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul the Project or any prior or subsequent development approvals regarding the Project or Project condition imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the Project, including any claim for private attorney general fees claimed by or awarded to any party from County.

The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County will promptly notify Owner and Applicant of any such claim, action, or proceeding that is or may be subject to this Indemnification and, will cooperate fully in the defense.
3. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, actions, or proceeding in good faith. To the extent that County uses any of its resources responding to such claim, action, or proceeding, Owner and Applicant will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, and any other direct or indirect cost associated with responding to the claim, action, or proceedings.
4. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.
5. The Owner and Applicant shall pay all court ordered costs and attorney fees.
6. This Indemnification represents the complete understanding between the Owner and Applicant and the County with respect to matters set forth herein.

IN WITNESS WHEREOF, by their signature below, the Owner and Applicant hereby acknowledge that they have read, understand and agree to perform their obligations under this Indemnification.

(Continued on next page)

**ASSESSOR'S INFORMATION WAIVER**

The property owner(s) signature on this application authorizes the Stanislaus County Assessor's Office to make information relating to the current owner(s) assessed value and pursuant to R&T Code Sec. 408, available to the Stanislaus County Department of Planning and Community Development.

***PROPERTY OWNER/APPLICANT SIGNATURE***

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form including:

- 1. The Notice to All Applicants
- 2. The Indemnification

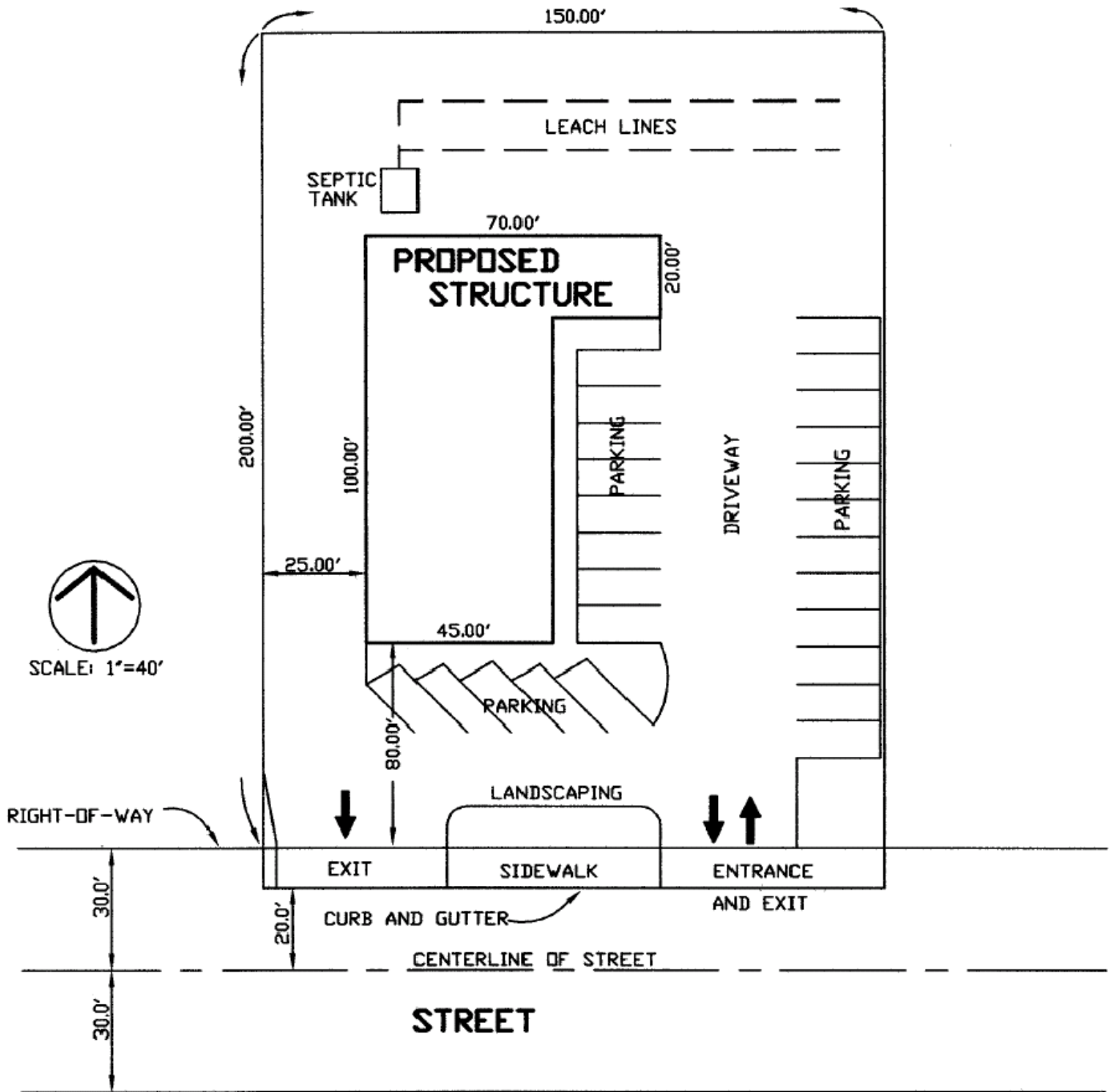
**Property Owner(s): (Attach additional sheets as necessary)**

Signature(s)	Print Name	Date

**Applicant(s): (If different from above)**

Signature(s)	Print Name	Date

# EXAMPLE PLOT PLAN



# EXAMPLE PLOT PLAN

