



Referral Early Consultation

Date: October 17, 2023

To: Distribution List (See Attachment A)

From: Teresa McDonald, Associate Planner
Planning and Community Development

Subject: WILLIAMSON ACT UNIFORM RULE UPDATE AND ORDINANCE AMENDMENT APPLICATION NO. PLN2023-0121 – SALIDA COMMUNITY PLAN

Respond By: November 1, 2023

******PLEASE REVIEW REFERRAL PROCESS POLICY******

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

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

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

Applicant: Stanislaus County Unincorporated

Project Location: Stanislaus County Unincorporated

APN: Stanislaus County

Williamson Act Contract: N/A

General Plan: N/A

Current Zoning: N/A

Project Description: This is a two-part request. The first is a request to amend 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 rescinding a contract pursuant to a lot line adjustment, 3) revisions to reflect updates to state law, and 4) recognize the Salida Community Plan zoning district as being included in the adopted Stanislaus County Agricultural Preserve. The second 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 for parcels within the SCP zoning district, to be entered into new contracts subject to restrictions on the permitted use of the contracted land. Stanislaus County is considering the project to be

exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061, the Common-Sense Exemption.

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



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

**WILLIAMSON ACT UNIFORM RULE UPDATE AND ORDINANCE AMENDMENT APPLICATION NO.
PLN2023-0121 – SALIDA COMMUNITY PLAN**

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources	X	MUNICIPAL ADVISORY COUNCIL: SALIDA
X	FIRE PROTECTION DIST: SALIDA	X	STAN CO SUPERVISOR DIST: ALL
X	SANITARY DISTRICT: SALIDA	X	ELEMENTARY SCHOOL DISTRICT: STANISLAUS UNION
X	STAN CO AG COMMISSIONER	X	ELEMENTARY SCHOOL DISTRICT: SALIDA UNION
X	STAN CO FARM BUREAU	X	IRRIGATION DISTRICT: MODESTO
X	STAN CO ASSESSOR	X	STAN CO SHERIFF

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

**SUBJECT: WILLIAMSON ACT UNIFORM RULE UPDATE AND ORDINANCE
AMENDMENT APPLICATION NO. PLN2023-0121 – SALIDA COMMUNITY
PLAN**

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

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

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

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

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

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

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

Response prepared by:

Name Title Date

**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 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 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 uses in accordance with the Salida Community Plan 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 1.
- 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. When the lands involved in the adjustment are enrolled under separate contracts, the lands not meeting the 10 or 40 gross acre size requirements may be entered into a new contract to avoid having whole legal parcels covered under multiple contracts.**

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 term 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 61412 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).

The rescinding of a contract in order to enter into a new contract or contracts shall not be required in order to facilitate a lot line adjustment when 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.

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 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.