

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:20 a.m.

Urgent Routine

AGENDA DATE January 29, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Introduce, Waive the Reading, and Consider Adoption of Ordinance Amendment # 2007-01, Public Events and Outdoor Entertainment

PLANNING COMMISSION RECOMMENDATIONS:

Following a public hearing on December 20, 2007, the Planning Commission recommended the Board take action as follows:

1. By a 8-0 vote, recommended the Board take no action to adopt Ordinance Amendment #2007-01, Public Events and Outdoor Entertainment.
2. By a 8-0 vote, recommended that the Board direct staff to develop and implement improvements to and more strict enforcement of the existing ordinance and regulations before considering a new ordinance related to outdoor events.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-077

On motion of Supervisor DeMartini, Seconded by Supervisor Mayfield

and approved by the following vote,

Ayes: Supervisors: Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: O'Brien

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Approved Planning Commission Recommendation No. 1 to Take No Action to adopt Ordinance Amendment #2007-01, Public Events and Outdoor Entertainment

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-F-2

PLANNING COMMISSION RECOMMENDATION (Continued):

3. By a 7-1 (Mataka) vote, recommended the Board continue the current practice of authorizing outdoor events on a case-by-case basis through General Plan Amendments and Rezone process.

DISCUSSION:

The subject ordinance amendment proposes to add Chapter 21.93 - Public Events and Outdoor Entertainment to the Stanislaus County Zoning Ordinance. Proposed Chapter 21.93 sets forth regulations applicable to the location of any public event, as defined within the Chapter, in an R-A (Rural Residential), R-1 (Single-Family Residential), or A-2 (General Agriculture) zoning district. The regulations are intended to address, and avoid, potential adverse impacts associated with public events and outdoor entertainment within the applicable agricultural and residential areas of Stanislaus County. Limitations on the size, scale, and design of venues serve to protect surrounding agricultural operations by limiting the impacts of the events to the venue site. The regulations are not intended to encourage the year-round proliferation of public gatherings which may be disruptive to commercial production agriculture in the area.

Draft Chapter 21.93 - Public Events and Outdoor Entertainment is included in this report as Exhibit "A" of Attachment "1". In order to reflect the progression of the proposed ordinance, the draft of Chapter 21.93 reflects the original first draft, revised draft, and draft 2nd version being considered for adoption. The various revisions to the proposed language are reflected in stricken and bold text.

The attached December 20, 2007, Planning Commission memo provides a detailed background and discussion of the proposed ordinance amendment. (See Attachment "1") The background section addresses the issues leading to preparation of the proposed ordinance, zoning history, public participation and comments received, and review of the proposed ordinance by both the Stanislaus County General Plan Update Committee and the Agricultural Advisory Board. Direction provided to planning staff by the General Plan Update Committee was to investigate adoption of an ordinance with the understanding agriculture takes precedent and any facilities authorized by the ordinance cannot impact the surrounding agricultural uses. The Committee also provided staff with clear direction they did not want to see permanent structures, with the exception of a single gazebo, associated with facilities approved in the agricultural area and discussed the need to limit the number of events per year and the need to include buffers.

The proposed ordinance was prepared with a focus on how to allow a commercial activity reliant on an outdoor/agricultural setting to be conducted without negative impact to surrounding agricultural uses and/or residents. The ordinance attempts to balance the property rights of all interested parties without creating an incompatible land use situation or establishing a precedent for opening the residential or agricultural zoning districts up to undesirable commercial uses.

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The discussion section of the Planning Commission memo provides an overview of the findings required for approval of a Use Permit, the permit type required by the proposed ordinance, the general standards and disclosure nature of the regulations incorporated into the proposed ordinance, enforcement provisions, general plan/zoning ordinance consistency, and a discussion of public comments specific to the proposed ordinance.

If adopted, projects allowed in accordance with the proposed ordinance will need to meet two layers of general standards. The first layer of general standards is applicable to all projects regardless of location. The second layer of general standards are based on a project's location in relationship to a LAFCO-adopted Sphere of Influence (SOI). Standards for projects located within a SOI recognize the transitional nature of the area and approved city/county agreements regarding approval of discretionary uses within an adopted SOI. Standards for projects located outside a SOI are more restrictive due to the need to balance the interests of the applicant with the need to limit impacts to surrounding agricultural operations. Standards for projects located outside a SOI include, but are not limited to, limits on the number of events, operating hours, maximum attendance, buffer requirements, maximum area of use, size and type of structures, and parking criteria.

The general standards provided in the proposed ordinance contain an extensive list of requirements which have essentially been added for disclosure purposes. The intent of incorporating regulations for the purpose of disclosure is to insure potential applicants are aware of standard regulations applicable to the processing and conditioning of a Use Permit request. The general standards incorporated for disclosure purposes include, but are not limited to: noise, traffic, fire protection, domestic water, alcohol license, storm water control, on-site food preparation, parking, and restroom/on-site waste water. Even if these standards were omitted from the proposed ordinance, the project would still be subject to the standards in order to meet environmental review requirements, general plan consistency, and/or compliance with applicable state and local ordinances.

Section 21.93.080 of the proposed ordinance addresses permit revocation, expiration and code enforcement provisions added in an effort to make the ordinance enforceable. The provisions included in this section make any Use Permit issued in accordance with the ordinance subject to a yearly renewal, if an appealable notice of non-renewal is issued by the County 6-months in advance of the renewal date, revocation for failure to comply with all applicable regulation set forth in the subject ordinance and/or fails to comply with the Conditions of Approval established by the Use Permit, and a citation fee in the amount of \$2,500.00 for every day a violation occurs. The fee serves to discourage violations and to aid the County in recouping the cost of enforcement.

The Planning Commission memo also provided a list of 'options' available for the Planning Commission to consider in their review and recommendation of the project to the Board of Supervisors. The list of options provided was not intended to be considered as the only available options, but rather as an overview of identified options.

At the time the proposed ordinance amendment was drafted and the Planning Commission memo written, the 2007 update to the Agricultural Element had not yet been adopted. One component of the adopted Agricultural Element Update is Buffer and Setback Guidelines incorporated as Appendix "A". The adopted guidelines specify buffer widths based on types of activities and specific fencing and vegetative screening standards which must be incorporated into required buffers. The proposed draft ordinance includes very similar, but not identical agricultural buffer requirements.

The newly adopted Buffer and Setback Guidelines only apply buffers where the project site and the adjoining agricultural operation share a common parcel line; while the proposed ordinance requires buffers where the project site and the adjoining agricultural operation or residential use share a common parcel line. In addition, the proposed ordinance only requires fencing and vegetative screening when the approved on-site location for public events, when located outside a LAFCO-SOI, are not located at least 1,000 feet from an adjoining property; while the adopted guidelines require a 300-foot buffer with fencing and vegetative screening be provided regardless of the on-site location of the proposed use.

To be consistent with the newly adopted Buffer and Setback Guidelines, the following modification to the proposed ordinance is recommended:

Section 21.93.050(M):

- M. Agricultural Buffer: Any activities authorized by these regulations shall be located a minimum of 300-feet from the property line of any adjoining property located in the A-2 (General Agriculture) zoning district. All buffers shall incorporate a solid wall and vegetative screen consistent with Appendix "A" - Buffer and Setback Guidelines of the Stanislaus County General Plan Agricultural Element.

Section 21.93.070(E):

- E. Agricultural Buffer: All projects shall incorporate a minimum 150-foot wide buffer. Projects which propose any outdoor activities shall incorporate a minimum 300-foot wide buffer. All buffers shall incorporate a solid wall and vegetative screen consistent with Appendix "A" - Buffer and Setback Guidelines of the Stanislaus County General Plan Agricultural Element.

The modified language serves the purpose of providing both disclosure with respect to the buffer width requirements, maintaining consistency with the newly adopted guidelines, and insuring consistency with the Agricultural Element as a whole. Section 21.93.040(B) - Residential Separation of the proposed ordinance maintains the requirement for a minimum distance of 1,000 feet be maintained between the venue and any residence in existence at the time of approval.

Provided to the Planning Commission in their agenda packet or placed before them the night of the meeting were several pieces of correspondence received by the Planning Department after the December 20th memo was prepared. The correspondence received is provided as Attachment "3" of this report. The packet received from Denise Seymore on December 10, 2007, and incorporated into the Planning Commission agenda packet as Item V-B, included a CD and DVD which were not shared with the Planning Commission in the format received. The CD provided a PowerPoint Presentation titled "Be Neighbor Friendly Campaign" which was printed out by staff and included in the packet. The DVD provides a series of photos in film format of Ms. Seymore's wedding facility at 8651 Crane Road, in the Oakdale area. The Planning Commission was notified of the DVD's existence and informed of its availability to be viewed at the Planning Department. The Planning Department has both the CD and DVD available for public review. No additional correspondence has been received by the Planning Department since the December 20th Planning Commission meeting.

Attachment "4" consists of a complete transcript of the December 20, 2007, Planning Commission public hearing on this item. Since the staff recommendation was to recommend the Board adopt the proposed ordinance, the Chair of the Planning Commission opened the public hearing for those in opposition to the proposed ordinance and followed up with those in favor of the proposed ordinance. While several members of the public spoke during the opposition and in favor portions of the public hearing, the bulk of the comments were not directly related to the proposed ordinance, but rather to general opposition and support of public events and outdoor entertainment in the agricultural area.

The following is summary outline of the issues raised by members of the public who spoke in opposition to the proposed ordinance at the meeting:

- negative impacts from existing non-permitted facilities.
- establishing a precedence for others to establish non-permitted uses in the agricultural zone in hopes they will be permitted.
- concern with having to disclose a neighborhood nuisance to potential buyers and the impact such disclosure would have on property values.
- concern with the irresponsible behavior from party attendees citing alcohol, fights, and car accidents as problems.
- no adequate buffer to address impacts.
- traffic issues.
- frustration with the non-permitted facilities having been deemed a nuisance by the Nuisance Abatement Hearing Board, yet allowed to continue to operate.
- excessive noise generated by facilities.
- on-street parking along the dirt shoulder and in a fields across the street occurring with larger parties.
- questioning how a commercial venues can be allowed on agricultural land when a machine shop, generating less noise and traffic, is not permitted.

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- frustration with the process to try to get the County to address a non-permitted facility.
- hope a new ordinance will not be adopted and enforcement of existing ordinances take place.
- agricultural land not an appropriate location for the proposed commercial uses.
- concern with establishing new regulations when the County has not been able to enforce existing regulations.
- concern with applicants asking for variances to adopted regulations
- concern with the allowance for thirty events being all summer long.
- need to reduce the number of events allowed, if the ordinance is to be adopted, and the need to guarantee enforcement.
- concern it might be more profitable to operate a wedding facility on agricultural land then to farm the land.
- belief the proposed ordinance conflicts with agriculture and does not promote or protect agriculture and encourages incompatible land uses.
- concern with the ability to control volume and to close down a business booking events a year or more in advance.
- concern with establishing a series of new regulations needing to be enforced when existing regulations are not currently enforceable.
- concern for property values and impacts a facility adjacent to a river might have with the sound echoing off the water.
- belief the proposed ordinance does not work with agriculture.
- belief the proposed ordinance opposes the principle of agriculture.
- concern regarding the number of events permitted per year.
- concern on there being no limits on the number of permits which can be issued under the proposed ordinance.
- concern with the 1,000-foot residential separator not being enough.
- concern regarding the deterioration of agriculture on parcels permitted to operate a commercial venue.

The following is summary outline of the issues raised by members of the public who spoke in favor of the proposed ordinance at the meeting:

- proposed ordinance puts everyone out of business.
- loss of additional revenue from weddings will impact ability to continue farming.
- proposed ordinance prohibits venues of lands enrolled in a Williamson Act contract.
- objection to a 1,000 foot residential separator.
- concern the proposed ordinance may require costly traffic study.
- difficulty in meeting visibility requirements.
- proposed ordinance limits operation of a venue to the property owners.
- concern with yearly permit renewal provision.
- permit required by proposed ordinance might be cost prohibitive.
- negative business climate for establishing tourism.
- need to create an ordinance showing an effort to encourage business in the county.

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- need to consider wedding ceremonies only with no reception allowed in the agricultural area.
- outdoor venues tend to be in agricultural areas naturally and can work incredibly well with agriculture when done right.
- need to be careful not to over regulate to the point where you lose the industry.
- sound travels and must be mitigated.
- receptions and not the weddings generate noise issues.
- amplified sound is needed.
- security requirements are an important thing to keep in the proposed ordinance.

The following is a summary outline of the issues discussed by the Planning Commission following the close of the public hearing:

- concern we can protect agricultural land, but what are we doing to protect agricultural people, the farmers themselves? Puts the farmer at risk for litigation associated with pesticide spray drift.
- proposed ordinance does not go far enough to address the rights of farmers to operate the way they need to operate in a competitive atmosphere.
- belief there should not be weddings in the agricultural zone. They are commercial businesses needing to be in commercial zones.
- the passage of something that contributes to non-agricultural uses in an agricultural zone creates conflict.
- lack of the ability or the willingness to enforce the rules that already exist.
- option for facilities to occur in the A-2 zone through a Planned Development general plan amendment and rezone exist now.
- need to be cognizant of the preservation of agricultural land.
- wedding facilities should be the exception and not the rule in the agricultural zone.
- the need for an ordinance exists, but first there is a need to cleanup enforcement of existing regulations.
- focus of discussion regarding proposed ordinance on wedding venues, but there are other venues which could benefit from an ordinance.
- opportunity for events associated with agriculturally related processing facilities already exist in the A-2 zoning district as Tier Two uses.

The Planning Commission has recommended the Board take action as follows:

1. By a 8-0 vote, recommended the Board take no action to adopt Ordinance Amendment #2007-01, Public Events and Outdoor Entertainment.
2. By a 8-0 vote, recommended that the Board direct staff to develop and implement improvements to and more strict enforcement of the existing ordinance and regulations before considering a new ordinance related to outdoor events.
3. By a 7-1 (Mataka) vote, recommended the Board continue the current practice of authorizing outdoor events on a case-by-case basis through General Plan Amendments and Rezone process.

POLICY ISSUES:

The policy question here is whether the proposed ordinance amendment is consistent with the overall goals and policies of the Stanislaus County General Plan.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

ATTACHMENTS:

1. Planning Commission Memo, December 20, 2007 **Attachment 1 (Exhibits A - N)**
 - Exhibit A: Draft Chapter 21.93 - Public Events and Outdoor Entertainment (2nd Revision)*
 - Exhibit B: Draft Ordinance Amendments to Chapters 21.20 and 21.28 of the Stanislaus County Zoning Ordinance:
"B-1": Chapter 21.20 -General Agriculture (A-2)
"B-2": Chapter 21.28 - Single-Family Residential (R-1)
 - Exhibit C: Chapter 6.40 of the Stanislaus County Code - Outdoor Entertainment Activities in Unincorporated Areas
 - Exhibit D: June 11, 2007 Handout Provided to the Stanislaus County Agricultural Advisory Board
 - Exhibit E: May 9, 2007 SOVA Proposal and May 14, 2007 Minutes of the Stanislaus County Agricultural Advisory Board meeting
 - Exhibit F: June 11, 2007 Minutes of the Stanislaus County Agricultural Advisory Board meeting
 - Exhibit G: Response to Comments prepared for September 6, 2007 General Plan Update Committee
 - Exhibit H: Letter provided to the General Plan Update Committee on September 6, 2007
 - Exhibit I: September 10, 2007 Minutes of the Stanislaus County Agricultural Advisory Board meeting
 - Exhibit J: General Plan Land Use criteria of 'Agriculture' and 'Low-Density Residential'
 - Exhibit K: General Plan Spheres of Influence Policy
 - Exhibit L: Letter from Amy Erwin dated December 3, 2007
 - Exhibit M: Example Properties in the A-2 (General Agriculture) zoning district - Buffer and Residential Separators
 - Exhibit N: Initial Study & Negative Declaration
2. Planning Commission Minutes, December 20, 2007 **Attachment 2**
3. Correspondence provided to the Planning Commission in their agenda packet or placed before them the night of the December 20, 2007 Planning Commission meeting. **Attachment 3**
4. Transcript of the Ordinance Amendment No. 2007-01 - Public Events and Outdoor Entertainment agenda item from the December 20, 2007 Planning Commission meeting. **Attachment 4**

* In order to reflect the progression of the proposed draft ordinance, Exhibit "A" reflects the original first draft, revised draft, and draft 2nd revision version being considered for approval. The various revisions to the proposed language are reflected in stricken and bold text.

**AN ORDINANCE RELATING TO REGULATION OF
PUBLIC EVENTS AND OUTDOOR ENTERTAINMENT**

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

Section 1. Subsection C of Section 21.20.030 of the Stanislaus County Code is amended to read as follows:

"C. TIER THREE. The uses listed below are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:

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

"In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy.

"Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

- "a. Public stables, including boarding and training, and kennels,
- "b. Bridle paths, riding academies, roping arenas and similar facilities for the training, exercising or exhibiting of horses, dogs or other animals,

- "c. Recreational camps without housing for permanent residents and dude or guest ranches,
- "d. Cemeteries,
- "e. Schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- "f. Churches,
- "g. The raising or keeping for commercial or noncommercial purposes of fur-bearing animals, zoo-type animals, exotic birds, fish or wildlife regulated by the California Department of Fish and Game or dangerous animals as described in Chapter 7.28 of this code,
- "h. Off-road vehicle parks, motorcycles, bicycle, go-cart and automobile race tracks; rifle ranges; trap and skeet ranges,
- "i. Public buildings, parks or other facilities operated by political subdivisions,
- "j. Facilities for public utilities and communication towers,
- "k. Sanitary landfills,
- "l. Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
- "m. Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- "n. Gun clubs and hunting clubs.
- "o. Golf courses (excluding miniature golf), golf driving ranges and practice putting greens, athletic fields and facilities (when operated by a non-profit organization or club), and related facilities (including, but not limited to, clubhouses, pro-shop, and food and drink facilities).
- "p. Commercial excavation of earth, minerals, building materials or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.
- "q. Corn mazes, hay mazes, and similar seasonal activities when determined by the Planning Director to be similar in nature and when they do not qualify for the exception in Section 21.100.050(E). (Ord. CS 890, Section 1, 2004)
- "r. Public Events and Outdoor Entertainment as defined and regulated in Chapter 21.93. "

Section 2. Section 21.28.030 of the Stanislaus County Code is amended to read as follows:

"Uses permitted, subject to first securing a use permit in each case:

- "A. Churches (excluding tent and open-air churches), schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education, hospitals, public buildings, facilities for public utilities, and community antenna systems with an antenna not exceeding one hundred fifty feet in height;

- "B. One guesthouse;
- "C. Mobile home parks; provided that all units are connected to a public sanitary sewer and public water system and that the density does not exceed the maximum allowable in this district;
- "D. Family day care centers for more than twelve persons or for seven to twelve persons where the criteria listed in Section 21.28.020K are not met. (Ord. CS 106 Sec. 4 (part), 1984).
- "E. Public Events and Outdoor Entertainment as defined and regulated in Chapter 21.93."

Section 3. Chapter 21.93, attached to this ordinance and incorporated herein by reference, is added to the Stanislaus County Code.

Section 4. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2008, by the following called vote:

AYES: Supervisors:
 NOES: Supervisors:
 ABSENT: Supervisors:

 Thomas W. Mayfield
 Chair of the Board of Supervisors of the
 County of Stanislaus, State of California

ATTEST:
 CHRISTINE FERRARO TALLMAN
 CLERK OF THE BOARD OF SUPERVISORS OF THE
 COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
 Deputy

APPROVED AS TO FORM:
 MICHAEL H. KRAUSNICK
 COUNTY COUNSEL

By _____
 John P. Doering
 Assistant County Counsel

Chapter 21.93

PUBLIC EVENTS AND OUTDOOR ENTERTAINMENT

Sections:

21.93.010	Purpose and Intent
21.93.020	Applicability
21.93.030	Definitions
21.93.040	General Standards - Any Location
21.93.050	General Standards - Uses Located Outside a LAFCO-Adopted Sphere of Influence of Any City
21.93.060	General Standards - Uses Located Inside a LAFCO-Adopted Sphere of Influence of Any City
21.93.070	Findings for Approval
21.93.080	Permit Revocation, Expiration and Code Enforcement
21.93.090	Right-to-farm and Permit Expiration Notification

21.93.01 Purpose and Intent

These regulations are intended to address, and avoid, potential adverse impacts associated with public events and outdoor entertainment within the agricultural and residential areas of Stanislaus County. Limitations on the size, scale, and design of venues serve to protect surrounding agricultural operations by limiting the impacts of the events to the venue site. These regulations are not intended to encourage the year-round proliferation of public gatherings which may be disruptive to commercial production agriculture in the area.

The purpose of these regulations is to provide clearly stated land use regulations addressing limited and seasonal commercial public events and outdoor entertainment in the agricultural and residential areas of Stanislaus County outside a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) of a city or year-round activities inside a city's LAFCO SOI.

These regulations are also intended to notify parties paying for use of a venue of the County's Right-to-Farm policy and the potential for revocation or expiration of a outdoor venue permit rendering the venue unavailable to conduct public events.

21.93.020 Applicability

The regulations set forth in this Chapter shall apply to the location of any public event in an R-A (Rural Residential), R-1 (Single-Family Residential) or A-2 (General Agriculture) zoning district. This Chapter shall not apply to A-2 zoned land which is enrolled under a California Land Conservation Contract (Williamson Act Contract).

21.93.030 Definitions

A. "Public Event" - For the purpose of this Chapter, means any public gathering of persons, with or without invitation, in which rent or compensation of any form is paid for use of a venue operated by an entity for commercial or business purposes. Public events shall include, but not be limited to, weddings, family reunions, class reunions, company retreats and picnics, special events or celebrations of any type.

B. "Outdoor Entertainment" - For the purpose of this Chapter, means any public event conducted primarily outdoors.

C. "Public Gatherings" - For the purpose of this Chapter, the bringing together of public members, with or without invitation, for the purpose of participating in a public event, social occasion, or activities including but not limited to weddings or class reunions.

D. "Venue" - For the purpose of this Chapter, means the location authorized to host public gatherings or public events in accordance with the regulations set forth in this Chapter.

21.93.040 General Standards - Any Location

The following general standards shall apply to all public events and outdoor entertainment regulated by this chapter:

A. Permitting Process: Uses regulated by this section shall not be authorized until a Use Permit, as required by the A-2 (General Agriculture), R-A (Rural Residential), or R-1 (Single-Family Residential) zoning districts, is approved.

B. Residential Separation: A minimum distance of 1000-feet shall be maintained between the venue and any residence in existence at the time of approval on an adjacent parcel.

C. Noise: An acoustical analysis shall be prepared in accordance with the Noise Element of the County General Plan prior to approval of any permit to insure noise levels from the proposed venue does not exceed 60 Ldn (or CNEL) or the maximum allowable noise exposure for stationary noise sources as allowed by the Noise Element. For purposes of the acoustical analysis, residential dwellings on adjacent parcels shall be considered a noise-sensitive land use.

1. The project applicant shall be responsible for providing an acoustical analysis prior to an environmental review being conducted in accordance with the California Environmental Quality Act (CEQA).

2. The property owner/operator shall be responsible for the cost of mitigating all noise impacts prior to operation and shall be responsible for the ongoing cost of monitoring noise associated with an approved use.

D. Traffic: A traffic study shall be prepared when determined necessary by the County Public Works Department or Caltrans. When a project is located within a city's LAFCO-adopted Sphere of Influence, the City may also request a traffic study be prepared. The scope of the traffic study shall be approved by the requesting agency prior to the study being conducted.

1. The project applicant shall be responsible for providing a traffic study prior to an environmental review being conducted in accordance with the California Environmental Quality Act (CEQA).

2. The property owner/operator shall be responsible for the cost of mitigating on-site and off-site traffic impacts prior to operation and shall be responsible for the ongoing cost of monitoring traffic associated with an approved use.

E. Visibility: Activities associated with approved uses, except for parking, shall not be visible from any public right-of-way classified as a "local" or "collector" by the Stanislaus County General Plan or any residence in existence at the time of approval on an adjacent parcel. In situations where the elevation of a parcel is lower than the public right-of-way, the Planning Commission may determine visibility requirements specific to the requested venue.

F. Security: The operator shall be responsible for providing on-site security for all events. The level of security required shall be as determined necessary by the Sheriff. A security plan shall be submitted by the applicant with the permit application.

G. Fire Protection: Adequate on-site and/or public water supply for fire protection and emergency access shall be provided as determined necessary by the responsible fire agency. Applicant shall provide the responsible fire agency details of the event(s) and a scaled site plan showing property lines, all structures, fire apparatus access road(s), parking layout, water for fire protection if applicable, etc., so that preliminary approval can be given with the permit application.

H. Domestic Water: Venues served by private well shall be subject to the following:

1. Prior to the first event of every calendar year, the on-site water system serving the event grounds must have a bacteriological analysis of the water performed by a certified analytical laboratory recognized by the Department of Environmental Resources. For approval to begin operation for the season, the Department of Environmental Resources must receive results of the analytical report that show an absence of Total/Fecal Coliform.

I. Lighting: All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect.

J. Proof of Insurance: The operator shall be responsible for obtaining and maintaining liability insurance covering damage to property and crops on adjacent agricultural property as a result of public events held at the permitted venue.

K. Alcohol License: Any venue serving alcohol during an event shall obtain and maintain a liquor license as required from the California Department of Alcohol Beverage Control. If an outside vendor is allowed on-site to serve alcohol, the vendor shall have the necessary license as required by the California Department of Alcohol Beverage Control.

L. Storm Water Control: Storm water control shall be designed, constructed, and maintained per County standards as approved by Public Works.

M. On-Site Food Preparation:

1. No home prepared food shall be allowed.

2. All on-site food preparation shall be done in approved kitchen permitted by the Department of Environmental Resources.

a. The on-site water system that serves the approved kitchen will be a public water system and shall be required to obtain a Water Supply Permit from the Department of Environmental Resources. The water system shall be required to meet at least the minimum requirements of a Transient Non-Community Water System, including construction standards and water quality.

b. The operator shall provide the Department of Environmental Resources a list of events and their associated caterers.

c. All caterers shall secure permits from the Department of Environmental Resources and operate according to the requirements of any applicable retail food law.

3. Food service allowed in the absence of a Department of Environmental Resources permitted caterer will be limited to prepackaged non-potentially hazardous food.

N. Amplified Music: No amplified music shall be allowed in association with any event conducted outdoors or within a tent.

21.93.050 General Standards - Uses Located Outside a LAFCO-Adopted Sphere of Influence of Any City

A. Hours of Operation: All authorized events shall start no sooner than 10:00 a.m. and end by 10:00 p.m. each day. Facility set-up and clean-up shall be allowed between the hours of 8:00 a.m. to 11:00 p.m. on event days and 8:00 a.m. to 5:00 p.m. the day before and after an event day. All guests of an event shall be off the property by 11:00 p.m.

B. Maximum Events per Year: The number of authorized events shall not exceed thirty (30) events per year or thirty (30) days a year. For enforcement purposes, private events held at a permitted venue shall count towards the maximum events per year allowed.

C. Maximum Attendance: The number of guests authorized to attend any one single event shall not exceed three hundred (300) persons or any smaller number as established in the Use Permit. Guests shall not include the venue operator, employees, or on-site service providers such as contracted catering staff.

D. Operator: The operator of any approved venue shall be limited to the property owner(s) residing on the property.

E. Agricultural Use: If the parcel authorized to host public events in accordance with these regulations is zoned A-2 (General Agriculture), at least 75 percent of the parcel shall be devoted to agricultural production.

F. On-site location: The on-site location of all authorized activities pursuant to this Chapter shall not exceed five (5) acres in size. Any land removed from agricultural production shall be designed and maintained in such a manner as to allow the land to be reasonably returned to an agricultural use in the future.

G. Permanent Structures: Permanent structures authorized in association with an approved use shall be limited to a single gazebo type building not to exceed 600 square feet in size. Permanent structures shall be subject to County Public Facility Fees as adopted by the Board of Supervisors and shall be required to obtain building permits in accordance with all applicable regulations.

H. Temporary Structures: The following temporary structures may be allowed:

1. Tents may be erected in approved locations subject to compliance with all applicable building and fire code requirements, including the need to obtain permits and inspections prior to use.

a. All tents shall be disassembled and stored if not used during a period of four (4) or more months. Temporary tents, air-supported, air-inflated or tensioned membrane structures and canopies shall not be erected for a period of more than 180 days within a 12-month period on single premises.

2. Commercial Modular Structures, single or multiple units, not to exceed a combined total of 2,000 square feet, may be authorized to provide areas for restrooms, dressing rooms, supply storage, cold storage and other incidental uses associated with the authorized use. Permanent structures shall be required to obtain building permits in accordance with all applicable regulations.

a. All commercial modular structures shall be removed from the property within thirty (30) days of permit expiration.

3. Commercial modular kitchens must comply with the requirements of any applicable retail food law administered and enforced by the Department of Environmental Resources.

I. Parking: All parking associated with authorized events shall be contained on-site and comply with the following criteria:

1. On-site parking at a ratio of one parking space per three (3) persons shall be provided based on the maximum number of guests identified on the permit requests.

2. On-site parking shall be designed and maintained to maximize dust control and provide all weather accessibility as required for emergency vehicles. The use of asphalt, or any non-permeable material, or water intensive vegetation shall be discouraged.

3. On-site parking shall not be located in areas currently, or historically used for, agricultural production.

4. To ensure off-site parking does not occur, a sufficient number of parking attendants shall be on-site during all events to direct on-site traffic in accordance with the approved parking layout to ensure that emergency vehicle access is available. Parking attendants shall be on-site one hour prior to each event and one-half hour at the conclusion of each event.

J. Restroom/On-site Waste Water: The operator shall be responsible for providing adequate on-site restroom/waste water facilities as required by the Department of Environmental Resources. Facilities shall be constructed and maintained in conformance with all applicable laws, ordinances, and regulations, including Handicap accessibility.

1. All commercial modular structures with plumbing fixtures, including but not limited to restroom facilities, shall be plumbed to an approved on-site waste water system that is properly designed to meet the requirements of Measure X.

K. Signs:

1. A complete sign plan indicating the location, height, and area of the sign shall be reviewed by the Planning Commission as part of the Use Permit approval process. The number and size of any authorized sign shall not exceed the following criteria:

a. One identification or information sign not more than twelve (12) square feet in area nor more than six (6) feet in height may be permitted in the front yard adjacent to a street frontage.

b. On-site directional signs shall be authorized provided no single sign exceeds four (4) square feet in area nor more than three (3) feet in height if located inside any required front or side yard setback area.

c. All approved signs that are visible from a public right-of-way or adjoining property shall be removed within fourteen (14) days of permit expiration.

2. Each permitted venue shall have at a minimum one (1) informational sign clearly displaying the address to the website required by section 21.93.050 L of these regulations. The address shall be prominently displayed using legible lettering large enough to be clearly read from the public right-of-way.

L. Internet postings: All authorized venues shall provide a website accessible to the general public providing the following information:

1. A complete listing of all scheduled events including dates and times.

2. Contact information for the operator, e-mail and phone number, to be used to notify the operator of issues with the operation.

3. Contact information for the County Code Enforcement Division to be used if members of the public have complaints about the operation.

4. A right-to-farm and permit renewal disclaimer for potential customers.

M. Agricultural Buffer: Any activity authorized by these regulations shall be located a minimum of 300-feet from the property line of any adjoining property located in the A-2 (General Agriculture) zoning district or any residential zoning district. When the approved on-site location for public events are not located at least 1,000 feet from an adjoining property, a minimum 300-foot wide buffer incorporating a solid wall and vegetative screen consistent with the following shall be required along each side not meeting the required separation distance:

1. Fencing: A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation or residential use share a common parcel line.

2. Vegetative Screen: (minimum standards)

a. Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a short-life span shall be discouraged.

b. Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.

- c. Plants shall have 50 percent to 70 percent porosity (i.e., approximately 50 percent to 75 percent of the plant is air space).
- d. Plant height shall vary in order to capture drift within 4 feet of ground application.
- e. A mature height of 15 feet or more shall be required for each tree.
- f. To ensure adequate coverage, two staggered rows shall be located 5 feet apart and consist of minimum 5 gallon plants at least 6 feet tall planted 10 feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.

21.93.060 General Standards - Uses Located Inside a LAFCO-Adopted Sphere of Influence of Any City

A. Parking: All parking associated with authorized events shall be contained on-site and comply with the following criteria:

- 1. On-site parking at a ratio of one parking space per three (3) persons shall be provided based on the maximum number of guests as established in the use permit or the maximum capacity of any permitted building(s) as established by the fire warden, which ever is greatest.
- 2. All required off-street parking and associated driveways shall be paved to applicable standards.

B. Landscaping: Landscaping shall be designed, installed, and maintained to City standards.

C. Signs: All signs shall be designed and located in accordance with City standards.

D. Conflicting County & City Standards: If development standards of the City and County conflict, the City's standards shall govern.

E. Agricultural Buffers: All projects shall incorporate a minimum 150-foot wide buffer. Projects which propose any outdoor activities shall incorporate a minimum 300-foot wide buffer. All buffers shall incorporate a solid wall and vegetative screen consistent with the following standards:

- 1. Fencing: A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation or residential use share a common parcel line.
- 2. Vegetative Screen: (minimum standards)
 - a. Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a short-life span shall be discouraged.
 - b. Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.

- c. Plants shall have 50 percent to 70 percent porosity (i.e., approximately 50 percent to 75 percent of the plant is air space).
- d. Plant height shall vary in order to capture drift within 4 feet of ground application.
- e. A mature height of 15 feet or more shall be required for each tree.
- f. To ensure adequate coverage, two staggered rows shall be located 5 feet apart and consist of minimum 5 gallon plants at least 6 feet tall planted 10 feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.

21.93.070 Findings for Approval

A. Any Use Permit issued in accordance with these regulations shall be subject to the findings required by the respective zoning district and Chapter 21.96 of the County Zoning Ordinance.

B. Any project seeking approval in the A-2 (General Agricultural) zoning district which must make a finding to demonstrate the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future shall not be granted any variance, in accordance with Chapter 21.84 - Variances of the Stanislaus County Zoning Ordinance, to any of the general standards required by these regulations.

21.93.080 Permit Revocation, Expiration and Code Enforcement

A. Any Use Permit issued in accordance with these regulations shall be subject to yearly renewal. The property owner shall be notified 6-months in advance if the permit will not be renewed. Any notice of non-renewal may be appealed subject to Section 21.112.020 of the County Code. Any approved activity not conducted for a period of one calendar year shall be deemed expired. An expired permit in accordance with these regulations shall be considered revoked in accordance with Chapter 21.104 of the County Zoning Ordinance with no further action required for revocation.

B. Any activity conducted after a Use Permit is revoked or expired shall be subject to zoning violation abatement procedures and a citation fee in the amount of \$2,500.00 for every day a violation occurs.

C. Any Use Permit shall be revoked for the following reasons: (1) failure to comply with all applicable regulations set forth in this Chapter, and/or (2) failure to comply with the conditions of approval established by the Use Permit.

21.93.090 Right-to-Farm and Permit Expiration Notification

The operator of any venue authorized in accordance with these regulations shall be responsible for providing written notification to all customers of the County "Right-to-Farm" policy and the permit expiration provision prior to finalizing any agreement/contract for use of the venue. It shall be the operators responsibility to obtain and maintain written verification of the notification from each customer.