

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

DEPT: Planning and Community Development *af*

BOARD AGENDA # 9:05 a.m.

Urgent

Routine

AGENDA DATE February 11, 2014

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of Ordinance Amendment Application No. 2012-01, Historical Site District

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of December 19, 2013, the Planning Commission, on a 3-2 vote recommended the Board approve the project, as follows:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis;

(Continued on page 2)

FISCAL IMPACT:

There are minimal fiscal impacts associated with this project. In accordance with the adopted Department of Planning and Community Development Fee Schedule, if approved this project must pay a fee to the Department of Fish & Game of \$2,181.25 and \$57 to the County Clerk for a recording fee.

BOARD ACTION AS FOLLOWS:

No. 2014-58

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa,  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2)        Denied

3)        Approved as amended

4)        Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-S-2

**PLANNING COMMISSION RECOMMENDATIONS: (Continued)**

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find that the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and
4. Approve Ordinance Amendment Application No. 2012-01 – Historical Site District and introduce, waive the reading, and adopt the revised ordinance.

**DISCUSSION:**

**OVERVIEW**

This request proposes changes to Stanislaus County Zoning Ordinance, Chapter 21.44 - Historical Site District (HS), by modifying the division of land standards and clarifying the number of permitted single-family dwelling units per parcel. The existing historical site districts include the communities of Knights Ferry and La Grange.

Over the past decade, the historic communities of Knights Ferry and La Grange have seen limited growth in terms of new development; however, recent development approved within Knights Ferry has raised concerns over the ability to maintain the historic characteristics of the community in terms of the potential for the creation of smaller lots in the “rural area” outside the “Downtown Core”. The intent of this ordinance amendment is to protect and promote public health, safety, and general welfare by preserving the historic characteristics that make historic communities an asset to Stanislaus County and to protect water sources by limiting new development.

Specifically, this request provides clarification, within Section 21.44.020 - Permitted Uses of the Historical Site District, that only one dwelling unit per parcel is permitted. Section 21.44.040(B) has been added to allow additional dwellings if a Historical Site Permit is obtained and is in conformance with the density requirements set forth within the General Plan, which allows for residential densities from one to seven units per net acre. Any approval shall be subject to a finding that the use will not be detrimental to the unique historical character of the community or to the residents of the community and must include prescribed development standards which conform to all guidelines established by the Knights Ferry or La Grange Community Plans.

Lastly, Section 21.44.070 - Site Area has been added to clarify the standards for minimum parcel sizes. When no greater standard is specified, the County’s general standard (Chapter 21.08.050 – Building Site Area), which includes a minimum site area of 20,000 square feet for sites serviced by public water and septic tank facilities and one acre for sites serviced by private well and septic tank facilities, is applied. This general standard will continue to be used for the community of La Grange, but has been added to the ordinance for clarification purposes.

The Knights Ferry Municipal Advisory Council identified larger parcels existing on the eastern and western entrances to the historic community of Knights Ferry as fundamental to the historic character of their community. In an effort to maintain these gateways into the community, the proposed ordinance amendment modifies the minimum parcel size of parcels on the outskirts of Knights Ferry's Historical Site District boundaries to align with the surrounding A-2-5 zoning district. The inner portions of the Knights Ferry community are, in large part, already at or below the general standard minimum of 20,000 square feet. The interior portion of Knights Ferry that contains the majority of these existing smaller lots is proposed to be designated as the "Downtown Core," which allows for the general standard to remain in place. Properties falling outside of the downtown core will have a 5-acre minimum parcel size (see Attachment 2 - Planning Commission Memo and Attachments from the December 19, 2013, Planning Commission Meeting).

### **BACKGROUND**

On April 30, 2013, the Board of Supervisors adopted a Resolution of Intention to initiate an amendment to the Historical Site District, as allowed under Section 21.108.020 of the Stanislaus County Code. This action ensured that any applications for development within any Stanislaus County HS zoning district received after April 30, 2013, but before the Ordinance Amendment is formally adopted, would be held to the standards proposed in the revised HS zoning district.

On October 16, 2013, planning staff received a letter from Nick Honchariw raising concerns with Ordinance Amendment Application No. 2012-01 – Historical Site District. Specifically, the letter claimed that the 5-acre minimum parcel sizes being proposed outside of the "Downtown Core" area of Knights Ferry, in Section 21.44.070.B of the ordinance was "spot down zoning" and discriminatory in nature. The scheduled October 17, 2013 Planning Commission hearing was continued to December 19, 2013, in order to give Planning staff and County Counsel sufficient time to consider the letter.

After reviewing the concerns, Planning staff believes that the proposed ordinance amendment permissibly upholds the intent of the Historic Site District, "to preserve areas of local, regional, state or national historical significance," as stated in the Land Use Element of the General Plan (See Attachment 2 - Planning Commission Memo and Attachments from the December 19, 2013 Planning Commission Meeting).

During the December 19, 2013 Planning Commission hearing, a petition was received prior to the meeting requesting that La Grange be re-zoned from "Historical Sites" to "General Agriculture" (See Attachment 4 – La Grange Petition). Two residents of La Grange spoke against the project, stating concerns with emergency response times and restrictions on commercial and residential development in La Grange. In response, planning staff explained that this ordinance amendment request is not proposing any new standards within the community of La Grange and that the issues being raised would be most effectively addressed through a separate process. The Planning Commission voted 3-2 (Gibson, Crabtree) to provide the Board of Supervisors with a recommendation of approval of the project in conjunction with a request that Planning staff work with the community of La Grange to resolve the issues addressed in the

petition. Planning staff has since reached out to various departments, agencies, and the La Grange Improvement Association to arrange a meeting to further explore the issues raised during the Planning Commission hearing. An update on the progress of this separate process will be brought to the Planning Commission in March of 2014.

**POLICY ISSUES:**

The proposed ordinance amendment furthers the Board's priorities of A Well Planned Infrastructure System and A Healthy Community by providing an amended ordinance consistent with the overall goals and policies of the Stanislaus County General Plan.

**STAFFING IMPACT:**

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the proposed Ordinance Amendment.

**CONTACT PERSON:**

Angela Freitas, Planning and Community Development Director  
Telephone: (209) 525-6330

**ATTACHMENTS:**

1. Ordinance Amending Stanislaus County Zoning Ordinance, Chapter 21.44 - Historical Site District (HS)
2. Planning Commission Memo and Attachments from the December 19, 2013 Planning Commission Meeting
3. Meeting Minutes from the December 19, 2013 Planning Commission Meeting
4. La Grange "Zoning Change" Petition, December 17, 2013

**AN ORDINANCE AMENDING STANISLAUS COUNTY CODE RELATING TO  
THE HISTORICAL SITE DISTRICT**

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

**Section 1.** Section 21.44.020 (E) of the Stanislaus County Code is amended to read as follows:

“E. One single-family dwelling, additions to already existing buildings requiring a building permit, and accessory uses and buildings normally incidental to single-family dwellings. The new dwelling or addition shall adhere to the guidelines for new construction and rehabilitation of older buildings within the adopted community plan for each historic community. Evidence of its conformance may be required.”

**Section 2.** Section 21.44.040 (B) of the Stanislaus County Code is added to read as follows:

“B. Additional single-family dwellings provided the Historical General Plan density requirements are maintained.”

**Section 3.** Section 21.44.070 of the Stanislaus County Code is added to read as follows:

**“21.44.070 SITE AREA**

The minimum allowable area for creation of a parcel within Knights Ferry shall be determined based on the location of the subject parcel as follows:

- A. Sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east), sites serviced by public water and septic tank facilities, twenty thousand square feet. Sites serviced by private well and septic tank facilities, one acre.
- B. Sites within any historical zoned land and outside of the area described above, the minimum building site area shall be five (5) acres.

The minimum allowable area for creation of a parcel within La Grange shall be twenty thousand square feet for sites serviced by public water and septic tank facilities; and one acre for sites serviced by private well and septic tank facilities.”

**Section 4.** This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with 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 Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

\_\_\_\_\_  
Jim DeMartini, Chairman  
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 \_\_\_\_\_  
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

John P. Doering  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel



December 19, 2013

MEMO TO: Stanislaus County Planning Commission  
FROM: Department of Planning and Community Development  
SUBJECT: **ORDINANCE AMENDMENT APPLICATION NO. 2012-01 – HISTORICAL SITE DISTRICT**

### **PROJECT DESCRIPTION**

This is a recommendation to amend the Stanislaus County Zoning Ordinance, Chapter 21.44 - Historical Site District (HS), by modifying the division of land standards and clarifying the number of permitted single-family dwelling units per parcel. The existing historical site districts include the communities of Knights Ferry and La Grange.

### **DISCUSSION**

On October 16, 2013, planning staff received a letter from Nick Honchariw raising concerns with Ordinance Amendment Application No. 2012-01 – Historical Site District. Specifically, the letter claimed that the five acre minimum parcel sizes being proposed outside of the “Downtown Core” area of Knights Ferry, in Section 21.44.070.B of the ordinance, was “spot down zoning” and discriminatory in nature. The scheduled October 17, 2013, Planning Commission hearing was continued to December 19, 2013, in order to give Planning staff and County Counsel sufficient time to consider the letter.

After reviewing the concerns, Planning staff believes that the proposed ordinance amendment permissibly upholds the intent of the Historic Site District, “to preserve areas of local, regional, state or national historical significance,” as stated in the Land Use Element of the General Plan.

The Knights Ferry Municipal Advisory Council identified larger parcels existing on the eastern and western entrances to the historic community of Knights Ferry as fundamental to the historic character of their community. In an effort to maintain these gateways into the community, the proposed ordinance amendment modifies the minimum parcel size of parcels on the outskirts of Knights Ferry’s Historical Site District boundaries to align with the surrounding A-2-5 zoning district. The inner portions of the Knights Ferry community are, in large part, already at or below the minimum parcel size of 20,000 square feet, which is the current minimum parcel size allowed under the General Provision Standard 21.08.050 for lots with public water and septic systems. The interior portion of Knights Ferry that contains the majority of these existing smaller lots is proposed to be designated as the “Downtown Core,” which allows for the same

minimum parcel size as is currently in place. Due to the need to describe the boundaries of the "Downtown Core" in a written format, the boundaries of the area were described in reference to the Stanislaus River and to a specific number of feet from existing roadways. If any portion of a parcel's boundary falls within the boundaries of the "Downtown Core," it is considered to be part of the "Downtown Core". A revised map (Exhibit A) was prepared as a part of this memo to more clearly illustrate which parcels are included in the "Downtown Core".

The purpose of restricting parcels outside of the Knights Ferry "Downtown Core" to a minimum parcel size of five acres is to allow the County greater control over preserving the historic character of the community of Knights Ferry. There are a total of 15 parcels located outside of the "Downtown Core" and inside of the H-S Zoning District. One of those is a 19.56 acre parcel federally owned and managed by the U.S. Army Corp of Engineers, which is unlikely to develop, as it contains the Knights Ferry Recreation Area. Out of the remaining 14 parcels, seven (7) are less than one acre in size and could not be divided regardless of this ordinance amendment. Under the current zoning, the remaining seven (7) parcels could be divided into sixty-three 20,000 square foot lots, dependent on the availability of public water and on topography, each with the potential to build one dwelling with obtainment of a building permit. This potential for development on multiple lots, which may be sold to multiple property owners, results in a very different type of development, likely more residential in nature, than would occur on larger lots with a single property owner. If this ordinance amendment is approved and parcels located outside of the "Downtown Core" are held to the five acre minimum parcel size, only one (1) of the total 14 parcels falling outside of the "Downtown Core" area of Knights Ferry could subdivide. Because no changes are being proposed in terms of maximum density, multiple dwellings can still be developed on a single lot with a Historic Site Permit; however, the County will have the ability to evaluate each potential impact from the proposed development and to condition development accordingly, such as requiring the clustering of structures, shared driveways, or reducing visibility from the road, to avoid potential impacts to Knights Ferry's historic character.

Contrary to Mr. Honchariw's comments, the proposed changes are neither discriminatory nor spot zoning. Mr. Honchariw's property is only one of several properties affected by the changes, and the new minimum parcel size for those properties is fully consistent with the surrounding properties, which are zoned for five acre and 40 acre minimum parcels.

### **RECOMMENDATION**

Increasing minimum parcel sizes outside of the "Downtown Core" of Knights Ferry will assist the County in their efforts to preserve local areas of historical significance, specifically the community of Knights Ferry. Based on the discussion above and on the whole of the record provided to us, staff is requesting that the Planning Commission provide a recommendation of approval of Ordinance Amendment Application No. 2012-01 – Historical Site District to the Board of Supervisors. If the Planning Commission decides to provide a recommendation of



OA 2012-01  
Planning Commission Memo  
December 19, 2013  
Page 3

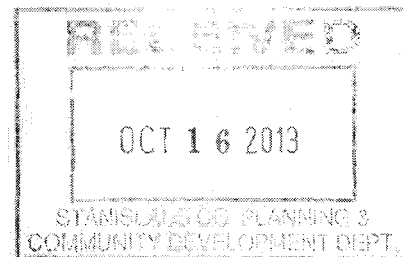
approval, Exhibit A of Attachment C - *Ordinance Amendment Application No. 2012-01 – Historical Site District Planning Commission Memo dated October 17, 2013*, provides an overview of all of the findings required for project approval.

Attachments:

- A - Revised Map, Knights Ferry “Downtown Core”
- B - Letter from Nick Honchariw dated October 10, 2013
- C - Ordinance Amendment Application No. 2012-01 – Historical Site District Planning Commission Memo dated October 17, 2013



Nick Honchariw, Ttee  
3 Via Paraiso West  
Tiburon CA 94920  
415 225 3048



Dept. of Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto CA 95354

October 10, 2013

Re: Ordinance Amendment Application No. 2012-01 – Historical Site District

As owners of 17442 Cemetery Road, we object strongly to the discriminatory attempt to down-zone our property and other property within the H-S District to 5-acre minimum parcels. That is agricultural zoning, not zoning for districts specifically zoned for development, and conspicuously out of kilter with the size of existing lots in and adjoining the Core Area as well as the lots approved for our Knights Ferry Overlook subdivision last year. The proposal is punitive, arbitrary and capricious, and accordingly unlawful.

It has very little to do with its stated purposes of “preserving the historic characteristics that make historic communities an asset to Stanislaus County and to protect water sources by limiting new development.”

All of the H-S District is already subject to a community plan sufficient to preserve its historic characteristics. Construction in the zone must comply with the architectural standards set forth in the plan in some detail and undergo design review. New development can be expected to comply better with the standards than many of the existing structures within the Core Area.

And water sources are well-protected and adequate for the community. The service capacity of the KFCSD was greatly expanded just several years ago, and, as part of our conversations with KFCSD to extend water lines, we were informed that the increased capacity is sufficient to service foreseeable development within the H-S District.

Of course, the fact that the proposal specifically reaffirms further development on lots within the Core Area flies in the face of the avowed purpose to “protect water sources”. The Core Area is already the most densely developed in the H-S District, with likely the oldest and least secure septic systems, with parcels directly on the river, yet the proposal reaffirms the community plan allowing new development of up to 7 units per acre, with population densities of up to 25 persons per acre.

Since it is not reflected in the Zoning Designation plan prepared by the Department, let me remind the Commission that four 1-acre lots were approved on the upper portion of the Knights Ferry Overlook project and one 1/2-acre lot at the lower portion. These are roughly outlined on the enclosed copy of the plan. This outlining highlights that down-zoning the intervening acreage to a 5-acre minimum is discriminatory spot down-zoning --- it becomes an island of punitive zoning inconsistent with the approved lots as well as the neighboring lots within the H-S District. How can this be

ATTACHMENT B

justified? It is particularly conspicuous that the 1.68 acre parcel across from the acreage at the foot of Cemetery Road remains subject to 20,000 sq ft. minimum size requirements – allowing a split into at least 3 parcels — even though it falls mostly outside the Core Area. It is conspicuously arbitrary and unfair that it may be split and benefit from the water line extension which we are building at our expense to service the upper Knights Ferry Overlook lots while our much larger remainder is down-zoned.

We request that the Commission recognize that the proposal is punitive, arbitrary and capricious, and accordingly unlawful, and rejects it. As you may recall, the initial disapproval of our subdivision in 2009 was unanimously held by a California Court of Appeal to be unlawful after extensive litigation. If adopted, the Ordinance Amendment will invite further land use litigation and the prospect of paying damages. In illustration, let me refer the Commission to the recent California Court of Appeal decision on spot zoning in *Avenida San Juan Partnership v. City of San Clement* (2011) 201 Cal.App.4<sup>th</sup> 1256. Running roughshod over legitimate property rights can carry a heavy price.



---

Nick Honchariw, Tee





October 17, 2013

MEMO TO: Stanislaus County Planning Commission  
FROM: Department of Planning and Community Development  
SUBJECT: **ORDINANCE AMENDMENT APPLICATION NO. 2012-01 – HISTORICAL SITE DISTRICT**

**PROJECT DESCRIPTION**

This is a request to amend the Stanislaus County Zoning Ordinance, Chapter 21.44 - Historical Site District (HS), by modifying the division of land standards and clarifying the number of permitted single-family dwelling units per parcel. The existing historical site districts include the communities of Knight’s Ferry and La Grange.

Over the past decade, the historic communities of Knights Ferry and La Grange have seen limited growth in terms of new development; however, recent development approved within Knights Ferry has raised concerns over the ability to maintain the historic characteristics of the community and potential impacts such as contamination to private/public water sources (including groundwater and the Tuolumne and Stanislaus Rivers) from new septic systems. Within Knights Ferry, the community members feel that the community character has been threatened due to the provisions of the HS District allowing for creation of smaller lots in the “rural area” outside the “Downtown Core”. The intent of this Ordinance Amendment is to protect and promote public health, safety, and general welfare by preserving the historic characteristics that make historic communities an asset to Stanislaus County and to protect water sources by limiting new development.

Specifically, this request provides clarification, within Section 21.44.020 - Permitted Uses of the Historical Site District, that only one dwelling unit per parcel is permitted. Section 21.44.040(B) has been added to allow additional dwellings if a Historical Site Permit is obtained and is in conformance with the density requirements set forth within the General Plan, which allows for residential densities from one (1) to seven (7) units per net acre with a population density of two (2) to 25 persons per net acre. Any approval shall be subject to a finding that the use will not be detrimental to the unique historical character of the community or to the residents of the community and must include prescribed development standards which conform to all guidelines established by the Knights Ferry or La Grange community plans.

Lastly, Section 21.44.070 - Site Area has been added to establish standards for minimum parcel sizes. This section establishes the boundaries of the Knights Ferry Downtown Core (Downtown Core) where smaller parcel sizes are permitted. Those boundaries are as follows: sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-

feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east). (See Exhibit B - Maps, Knight's Ferry Downtown Core.) Parcels existing within the Downtown Core have a minimum allowable area of 20,000 square feet where public water and septic services are available and one (1) acre for sites serviced by private well and septic facilities. Sites existing outside of the Downtown Core and inside of the HS zoning district have a minimum parcel size of five (5) acres. No changes to the minimum allowable area for creation of parcels within the La Grange HS zoning district are being proposed, which are 20,000 square feet for sites serviced by public water and septic tank facilities and one (1) acre for sites serviced by private well and septic facilities. Additional restrictions to minimum parcel size may apply depending on the Department of Environmental Resources (DER) review of site specific factors, such as the depth of the water table.

On April 30, 2013, the Board of Supervisors adopted a Resolution of Intention to initiate an amendment to the Historical Site District, as allowed under Section 21.108.020 of the Stanislaus County Code. This action ensured that any applications for development within any Stanislaus County HS zoning district received after April 30, 2013, but before the Ordinance Amendment is formally adopted, would be held to the standards proposed in the revised HS zoning district.

### **SITE DESCRIPTION**

**Knights Ferry** - The historic Community of Knights Ferry is located in the northern part of the County in the Sierra Nevada Foothills. The Stanislaus River borders the southern edge of the historic community. The Knights Ferry Recreation Area and Historic Covered Bridge are located on the eastern boundary of the historic community. Agricultural lands, including dryland pasture, irrigated pasture, orchards, scattered single-family dwellings, and ranchettes surround the historic community on its northern and western boundaries. The City of Oakdale is located approximately nine (9) miles to the southwest and the County of Tuolumne is located just northeast of the community.

**La Grange** - The historic community of La Grange is located on the eastern border of Stanislaus County along the Tuolumne River. The community is located northeast of the Turlock Dam and Modesto Reservoir and south of the Don Pedro Reservoir. Dawson Lake is located just south of La Grange and the La Grange Dam and La Grange Regional Park run north of the community. Surrounding land use consists of dryland pasture, scattered ranchettes, and a few gravel mining operations. The city of Waterford is located approximately 15 miles west of La Grange. The borders of Tuolumne, Mariposa, and Merced counties exist approximately 1.5 miles east of the historic downtown.

### **ISSUES**

This Ordinance Amendment is intended to address issues of potential development impacts to Historical Character and Water Quality within and surrounding Historical Site zoned parcels.

## **Historical Character**

The communities of Knights Ferry and La Grange are recognized as historic resources by Stanislaus County, by the State of California, and federally.

Knights Ferry is registered as a historic community with the State of California as California State Historical Landmark No. 347 and is registered as a historic community in the National Register of Historic Places. The Knights Ferry HS zoning designation extends to the north opening of the Knights Ferry Covered Bridge which is included within the Historic American Buildings Survey (HABS), the Historic American Engineering Record (HAER), and, recently, in the National Register of Historic Places.

La Grange is registered as a historic community with the State of California as California State Historical Landmark No. 414. The HS zoning designation includes the downtown corridor of the community of La Grange and a few other historic sites scattered throughout the La Grange area including: the French Bar Cemetery; the Basso Ferry Bridge; a Gold Dredger; and a Gold Dredging Town. Although La Grange is not registered federally as a historic community, multiple sites throughout the community are in the National Register of Historic Places including: the Gold Dredge site; the Kingen Hotel; Louie's Place; the Odd Fellows Hall; the Old Adobe Barn; the Old La Grange Schoolhouse; the Shell Gas Station; St. Louis Catholic Church; and the Stage Shop. These historic resources are well recognized, are registered with multiple agencies overseeing historic resources, and are subject to the rules and regulations of Chapter 21.44 - Historical Site District (HS) of the Stanislaus County Zoning Ordinance.

## **Water Quality**

Both historic communities run parallel to rivers. The southern border of the Knights Ferry HS zoning district, which parallels the Stanislaus River, is located within a flood zone classified by the Federal Emergency Management Agency (FEMA) as AE - High Risk base floodplain. A small portion of the northern border of the La Grange HS zoning district, which parallels the Tuolumne River, is located within a flood zone classified by FEMA as A - High Risk for flooding with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage.

Both the Knights Ferry and La Grange HS districts utilize septic systems as their means for waste water treatment. Knights Ferry receives public water from the Knight's Ferry Community Services District. La Grange receives public water from the Turlock Irrigation District.

Recent development approved within Knights Ferry raised community concerns over potential impacts (including contamination) to private/public water sources (including groundwater and the Tuolumne and Stanislaus Rivers) from new septic systems. The intent of this Ordinance Amendment is to protect historic and water resources by limiting new development.

If approved, discretionary review will be conducted to fully evaluate the potential for impacts when residential development beyond the density of one (1) unit per parcel occurs. Clarification



is being provided within this Ordinance Amendment that one dwelling per parcel is permitted. Additional dwellings are permitted with a Historic Site Permit which requires discretionary review of potential impacts.

In an effort to prevent future development along the outer edges of the Knight's Ferry Historical Site District, this Ordinance Amendment will also restrict parcels outside of the established boundaries of the Downtown Core from splitting into parcels less than five (5) acres in size. Consistent with the standards set forth within Chapter 21.08.050 – Building Site Area – Sanitary sewers or public water not available, language to establish the minimum parcel sizes for the creation of new lots within Historical zoned sites in La Grange and within Knight's Ferry's designated Downtown Core has also been included in this Ordinance Amendment. Those standards include a minimum parcel size of 20,000 square feet when only one public service (sewer or water) is available, and one (1) acre when neither service is available.

## **BACKGROUND**

### **Community Advisory Councils/Associations**

This project was brought to the Knight's Ferry Municipal Advisory Council (MAC) and the La Grange Improvement Association on two separate occasions. Prior to the April 30, 2013, Board Hearing to Adopt a Resolution of Intention for the Historical Sites Ordinance Amendment, staff attended both the Knight's Ferry MAC and La Grange Improvement Association meetings to get community input on the proposed changes. The Knight's Ferry MAC was in support of the amendments made to the HS Ordinance. The La Grange Improvement Association provided comments regarding an interest in revising zoning standards for the La Grange area, such as parking standards and permitted uses, which were outside of the scope of this ordinance amendment. They also requested that the final version of the Ordinance Amendment be brought back to them for comment. County staff returned to both community groups to present the Ordinance Amendment prior to the scheduled October 17, 2013, Planning Commission hearing. The Knight's Ferry MAC provided a letter of support for the Ordinance Amendment. The La Grange Improvement Association provided a letter of support for the Ordinance Amendment and provided comments during the meeting that they were interested in working with County staff to evaluate the potential for future revisions to the HS zoning ordinance.

### **General Plan Update Committee**

The project was presented to the General Plan Update Committee on June 7, 2012. Members were generally supportive of the changes.

### **Public Comments**

A number of calls have been received from residents of the Knight's Ferry and La Grange communities with general questions regarding the Ordinance Amendment.

## **GENERAL PLAN CONSISTENCY**

The site is currently designated "Historical" in the Stanislaus County General Plan and this designation is consistent with an HS zoning district. The proposed project is addressed by the following goal, objectives, and policies of the Land Use and Conservation/Open Space Elements of the General Plan:

### **Land Use Element**

Under the Land Use Element of the General Plan, the intent of the Historical Designation is "to preserve areas of local, regional, state or national historical significance." The Land Use Element states that, "Historical areas should be protected by zoning controls emphasizing the need for new development (or rehabilitation) to be compatible with the historic nature of the area." According to the Land Use Element of the General Plan, "due to the unique nature of this kind of designation, population density and building intensity for any new projects must be reviewed on an individual basis."

Both Knight's Ferry and La Grange are recognized by the Land Use Element of the General Plan as Historical Communities which, due to limitations of their current water systems, lack of public sewer, and surrounding Williamson Act properties, are not anticipated to experience significant growth in the coming years; however, if and when development does occur, the amendments being proposed are intended to allow opportunity to evaluate potential impacts to historic character on an individual basis.

### **Conservation/Open Space Element**

**Goal 2:** Conserve water resources and protect water quality in the County.

**Policy 5** - Protect groundwater aquifers and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

### **Implementation Measures**

2. The Department of Environmental Resources shall identify and require control of point sources for pollutants stored, handled or disposed of on the surface of the soil or in the vadose zone that is located in the zone or aeration immediately above the groundwater level. Potential sources of pollutants to the groundwater may also include high densities of individual on-site sewage treatment units and/or the use of community package treatment plants. The Department of Environmental Resources shall require the adoption of groundwater monitoring programs for projects where hydrogeological assessments indicate the potential for groundwater deterioration is likely.

**Policy 6** - Preserve vegetation to protect waterways from bank erosion and siltation.

### **Implementation Measures**

1. Development proposals including or in the vicinity of waterways and/or wetlands shall be closely reviewed to ensure that destruction of riparian habitat and vegetation is minimized. This shall include referral to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the State Department of Fish and Game.

**Goal 8:** Preserve areas of national, state, regional and local historical importance.

**Policy 24** - The County will support the preservation of Stanislaus County's cultural legacy of historical and archeological resources for future generations.

### **Implementation Measures**

1. The County shall continue to utilize the HS (Historical Site) zone in Knight's Ferry and La Grange to protect the historical character of the communities.
2. The County shall seek input from the Knight's Ferry Municipal Advisory Council concerning any development proposals in the HS zone in Knight's Ferry.
5. The County shall utilize the California Environmental Quality Act (CEQA) process to protect archaeological or historic resources. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.

The requested ordinance amendment will meet the goals of the General Plan to protect the County's historic and water resources through establishing minimum parcel sizes and by requiring environmental review be conducted for densities exceeding one (1) single-family dwelling per parcel on parcels existing within the County's Historical Site Districts.

### **ZONING ORDINANCE CONSISTENCY**

All amendments to the Zoning Ordinance must be consistent with the General Plan. Staff believes this amendment request to be consistent with the General Plan, as described above.

In accordance with Chapter 21.108 – Amendments of the Stanislaus County Zoning Ordinance, an ordinance amendment may be initiated by a Resolution of Intention of the Board of Supervisors. This Resolution was adopted by the Board on April 30, 2013.

The specific findings required for approval of the proposed ordinance amendment are outlined in Exhibit A of this report. Staff believes that all of the findings necessary for approval of this request can be made.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. (See Exhibit I - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit H – *Negative Declaration*.)

## **RECOMMENDATION**

Based on the discussion above and on the whole of the record provided to us, staff is requesting that the Planning Commission provide a recommendation of approval of Ordinance Amendment Application No. 2012-01 – Historical Site District to the Board of Supervisors. If the Planning Commission decides to provide a recommendation for approval, Exhibit A provides an overview of all of the findings required for project approval.

\*\*\*\*\*

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay \$2,213.25 for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees.

Contact Person: Kristin Doud, Associate Planner, (209) 525-6330

### Attachments:

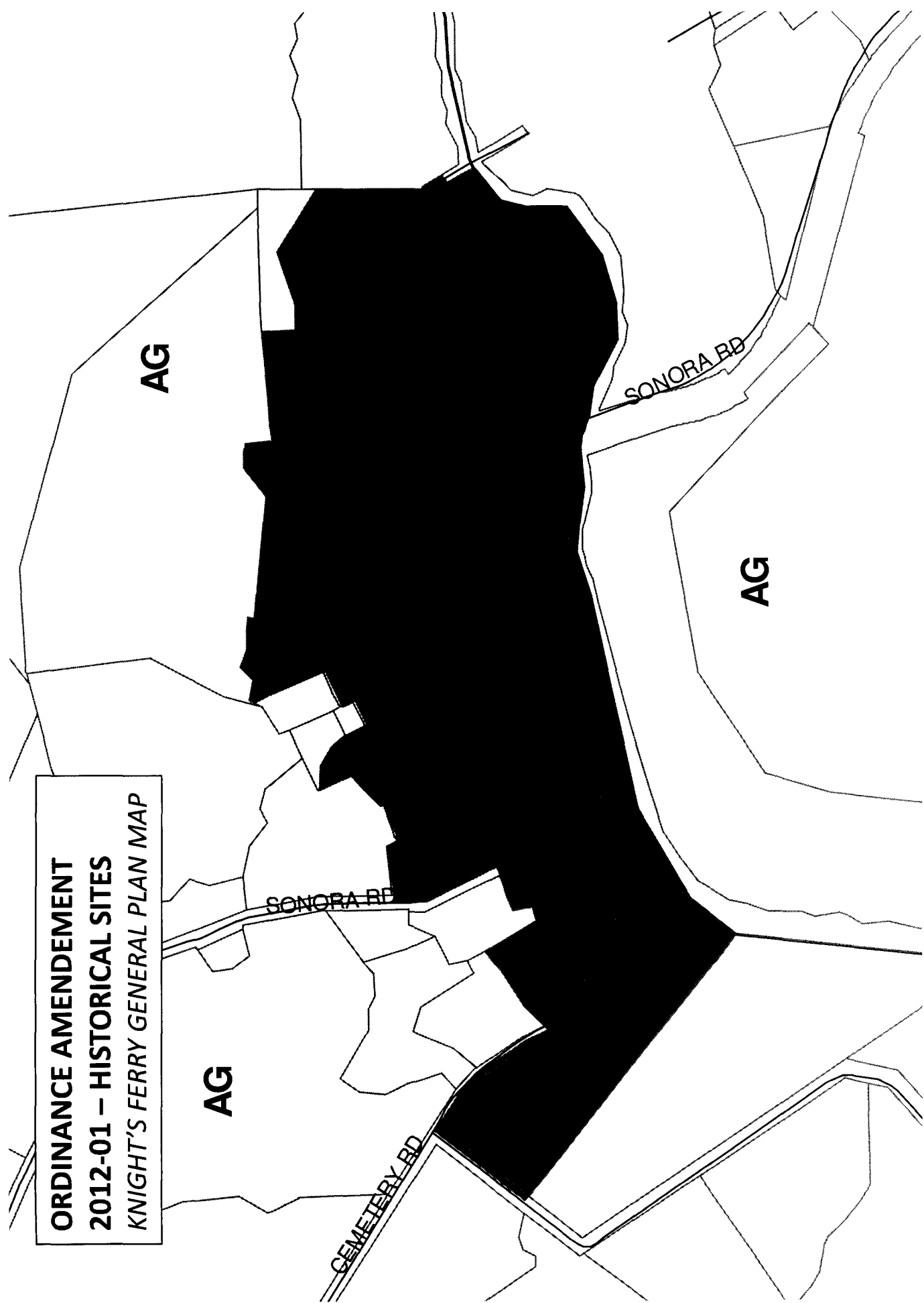
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Proposed Zoning Ordinance Amendment – Chapter 21.44
- Exhibit D - Board of Supervisor's Resolution of Intention, adopted April 30, 2013
- Exhibit E - Knight's Ferry Municipal Advisory Council Letter of Support
- Exhibit F - La Grange Improvement Association Letter of Support
- Exhibit G - Initial Study
- Exhibit H - Negative Declaration
- Exhibit I - Environmental Review Referrals

## **Exhibit A**

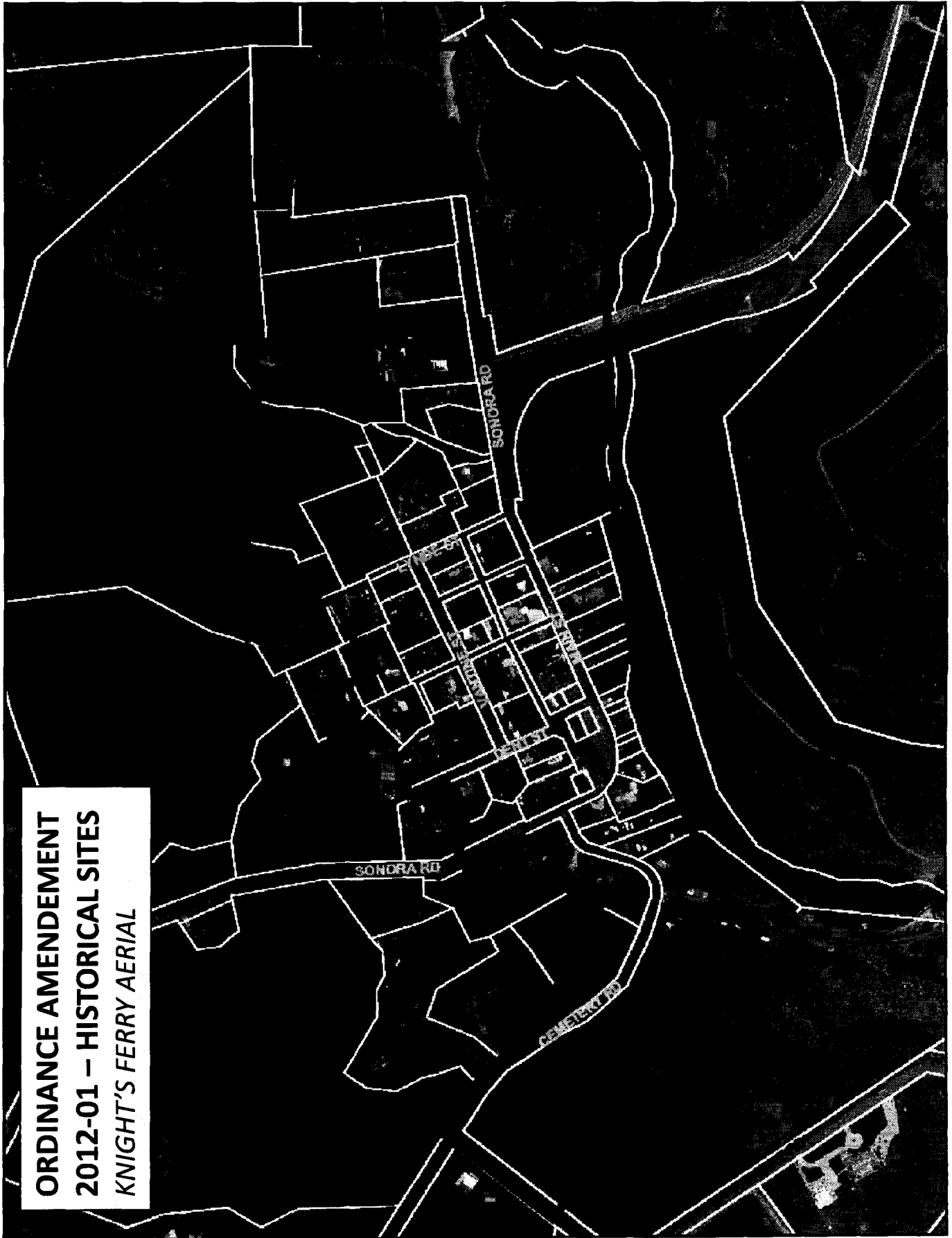
### **Findings and Actions Required for Project Approval**

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis;
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find that the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and
4. Approve Ordinance Amendment Application No. 2012-01 – Historical Site Districts.

**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES  
KNIGHT'S FERRY GENERAL PLAN MAP**



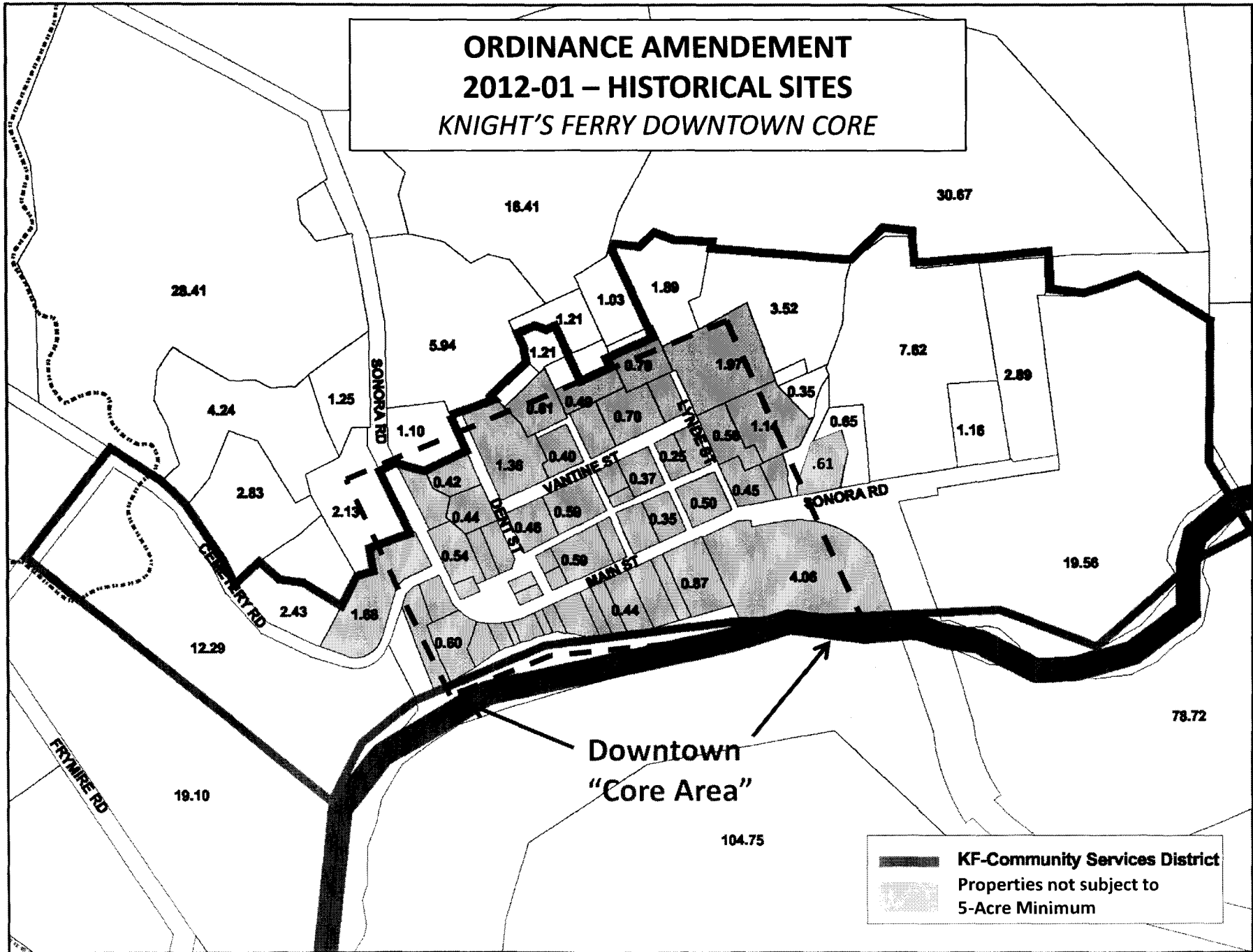




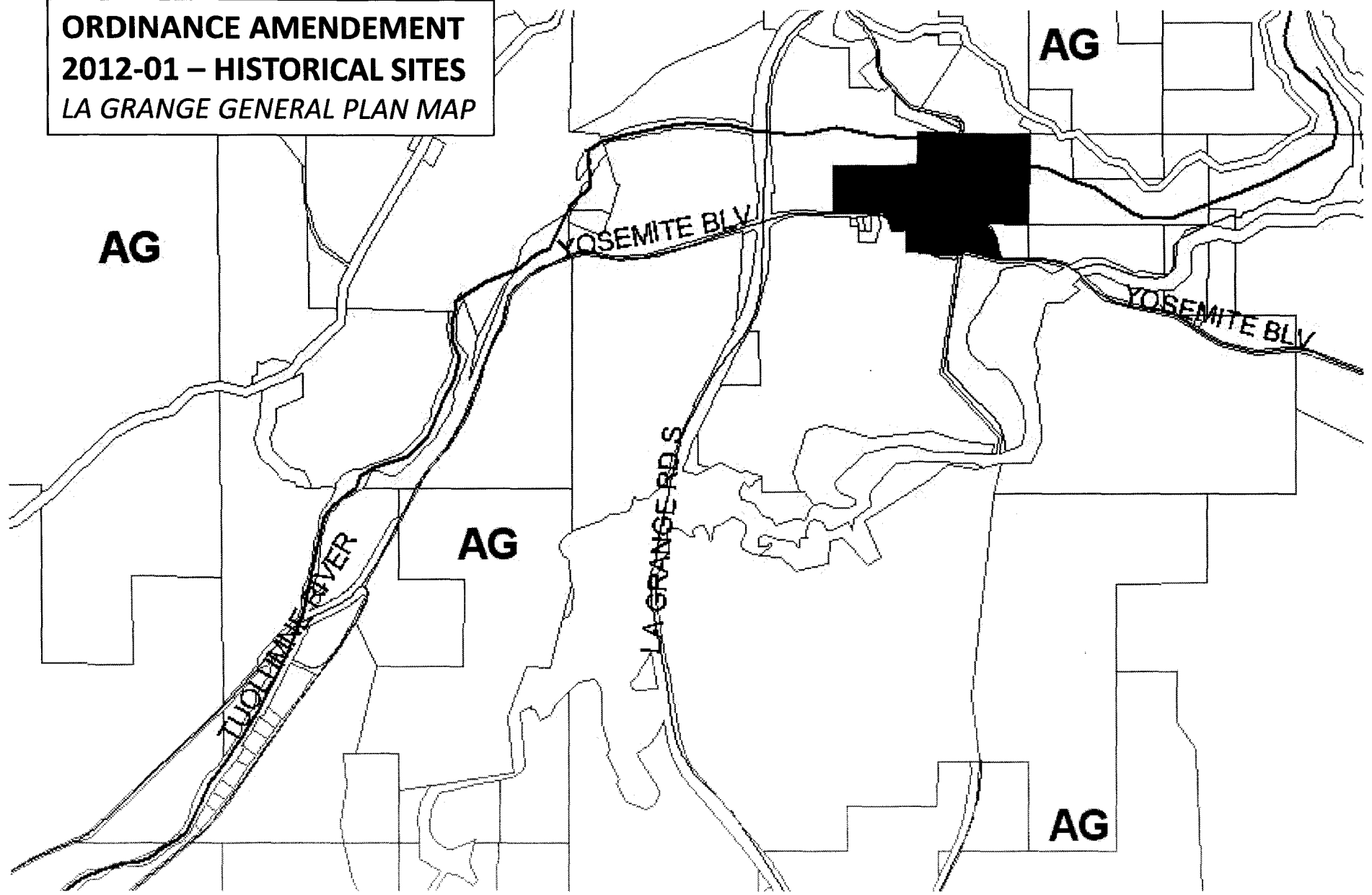
**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES  
KNIGHT'S FERRY AERIAL**



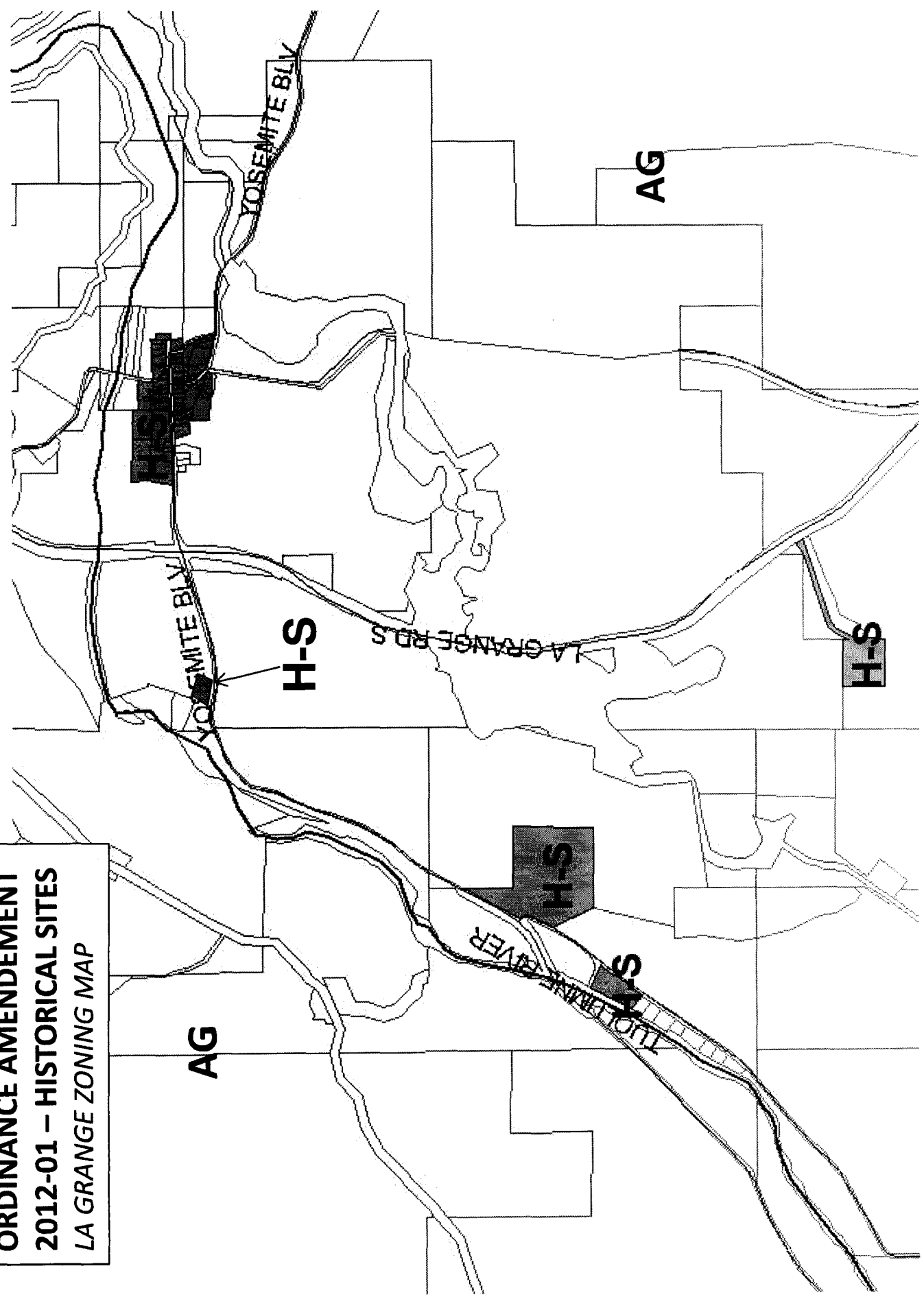
**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES  
KNIGHT'S FERRY DOWNTOWN CORE**



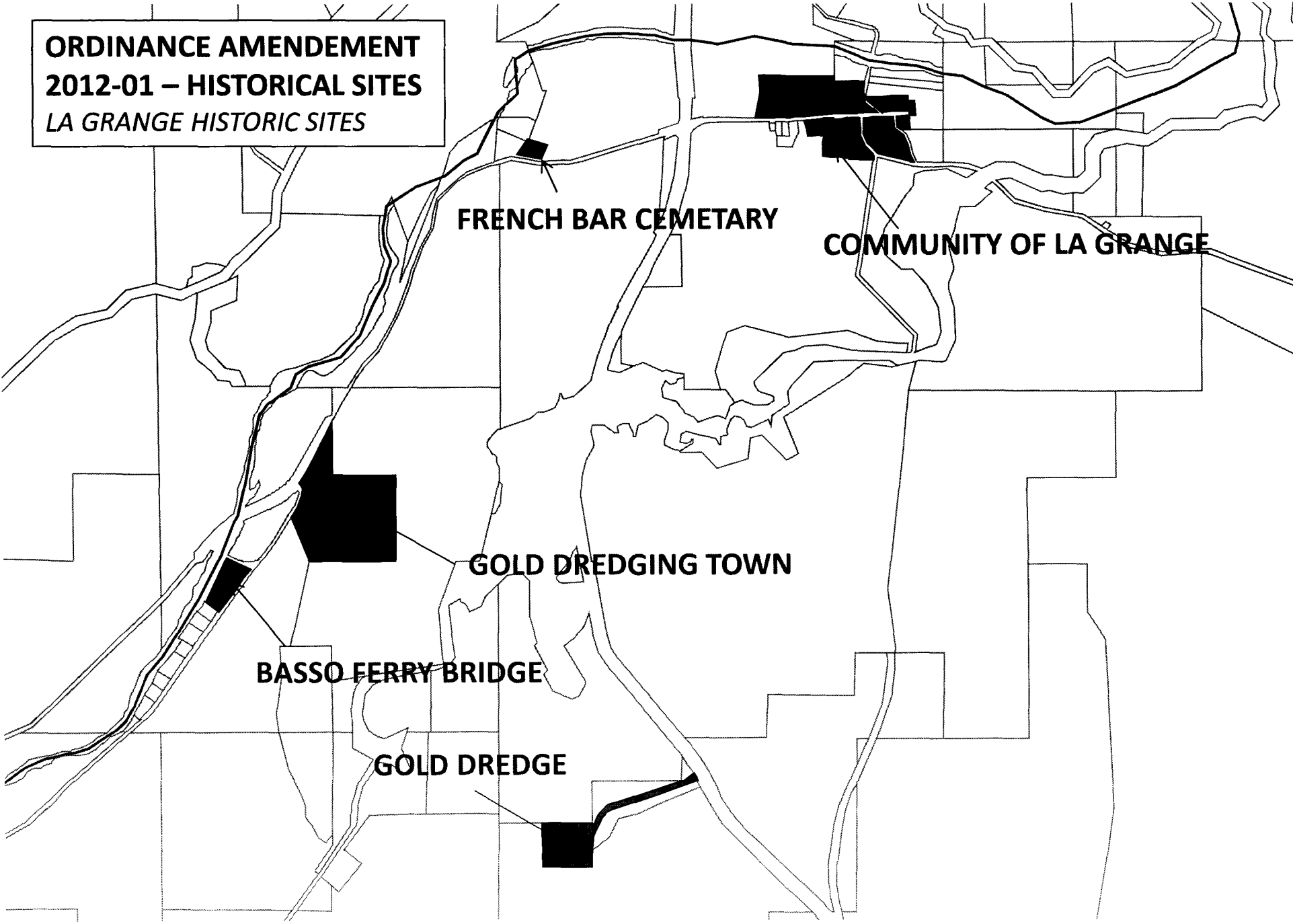
**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES  
LA GRANGE GENERAL PLAN MAP**



**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES  
LA GRANGE ZONING MAP**



**ORDINANCE AMENDEMENT  
2012-01 – HISTORICAL SITES  
LA GRANGE HISTORIC SITES**



**FRENCH BAR CEMETARY**

**COMMUNITY OF LA GRANGE**

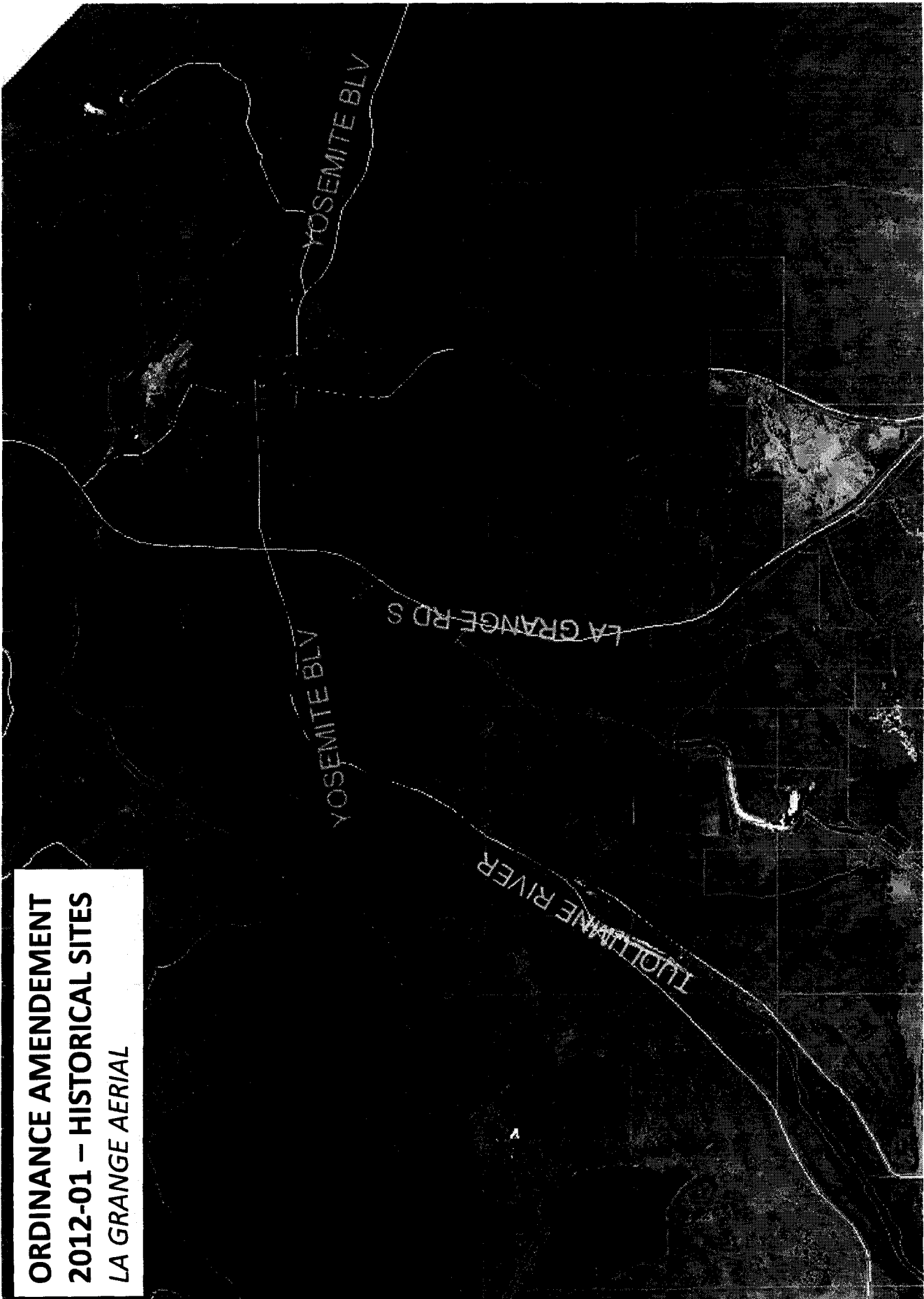
**GOLD DREDGING TOWN**

**BASSO FERRY BRIDGE**

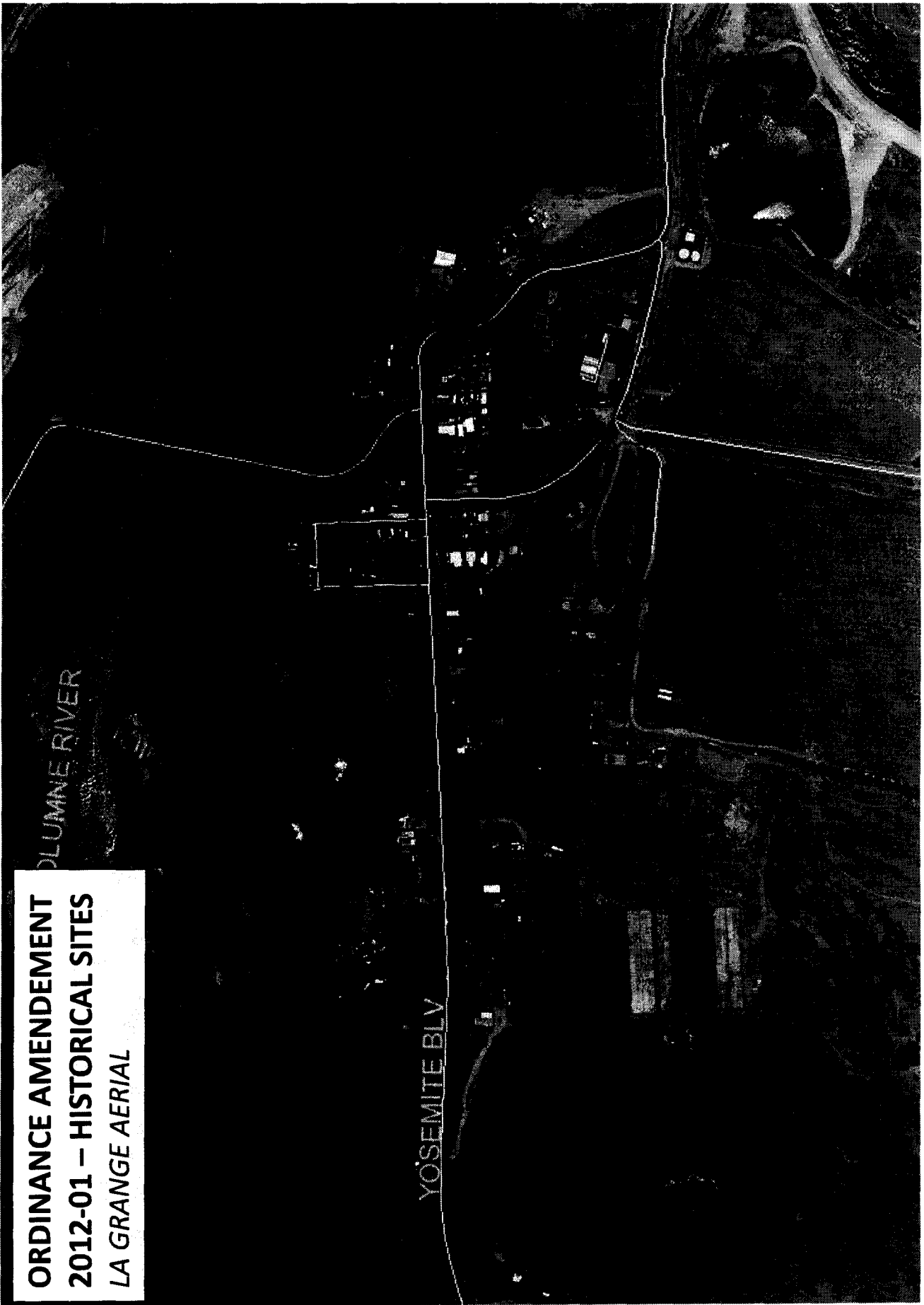
**GOLD DREDGE**

15

EXHIBIT B-6



**ORDINANCE AMENDMENT  
2012-01 - HISTORICAL SITES  
LA GRANGE AERIAL**



**Note:** New wording is shown in **bold text** and deleted wording is shown as ~~strike-through~~ text.

## CHAPTER 21.44

# HISTORICAL SITE DISTRICT (HS)

### SECTIONS:

21.44.010	PURPOSE
21.44.020	PERMITTED USES
21.44.030	PROHIBITED USES
21.44.040	USES REQUIRING HISTORICAL SITE PERMIT
21.44.050	EXEMPTIONS FROM BUILDING CODE REQUIREMENTS
21.44.060	DEMOLITION
21.44.070	SITE AREA

### 21.44.010 PURPOSE

It is the intent of these district regulations to support and enhance the character of historical areas within the county. These district regulations also recognize historical structures as a finite resource which is a product of another time and worthy of special consideration. When new additions, alterations, or rehabilitation projects are proposed to existing structures and are approved by the historical site subcommittee of the county planning commission or planning staff, these district regulations shall enable the building official to grant exemptions from building code requirements when in his opinion such maintenance of the historical character of such buildings or structures and the granting of the exemptions will not create or allow any condition which is immediately hazardous to life or property. The existing unique character of these areas is considered a scenic and economic asset and has significant value to the general welfare. The review provided for by this chapter is intended to ensure that any development in the subject areas will not be unsightly, undesirable, or obnoxious to the extent that such development will impair the quality of the area. The following regulations shall apply in HS districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 8 (part), 1984).

### 21.44.020 PERMITTED USES

Uses permitted in HS districts:

- A. One sign, unlighted, not over four square feet in area, and pertaining only to the sale, lease or rental of the property upon which the sign is located;
- B. Home occupations as regulated in Chapter 21.94;
- C. Crop farming and pasturing, but excluding small animal farming, hog farming, and feed lots;
- D. Garage sales;
- E. **One New** single-family dwellings, additions to already existing buildings requiring a building permit, and accessory uses and buildings normally incidental to single-family dwellings. The new dwelling or addition shall adhere to the guidelines for new construction and rehabilitation of older buildings within the adopted community plan for each historic community. Evidence of its conformance may be required. (Ord. CS 106 Sec. 8 (part), 1984).

- F. Small family day care homes for eight or fewer persons;
- G. Large family day care homes for seven through fourteen persons when the following criteria are met:
  - 1. One off-street parking space shall be provided for each employee plus two spaces;
  - 2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading or unloading;
  - 3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.

**21.44.030 PROHIBITED USES**

Uses prohibited in HS districts:

- A. Mobile homes;
- B. Replacement of or addition to any existing mobile home shall be prohibited, except that mobile homes located within any mobile home park existing on the effective date of the ordinance codified in this chapter may be replaced. (Ord. CS 106 Sec. 8 (part), 1984).

**21.44.040 USES REQUIRING HISTORICAL SITE PERMIT**

Uses permitted subject to first securing an historical site permit in each case:

- A. Land uses not listed in Sections 21.44.020 or 21.44.030 may be permitted subject to first obtaining approval in each case. This approval shall be requested on forms provided by the department of planning and community development staff and shall require a fee equal to that required for use permit approval. Following receipt of a properly completed application, an advertised public hearing shall be held at a location within the historical site district by a five-person subcommittee of the county planning commission. Any approval shall be subject to a finding that the use will not be detrimental to the unique historical character of the community or to the residents of the community. Any approval shall have prescribed conditions as to the architecture of proposed construction, the area of building site, yards required, height limitation permitted, automobile standing space, signs which may be displayed, driveway and parking area improvements, provision for sewage and storm water disposal, domestic water supply, street widening and improvement to be required and shall be consistent with all guidelines established by the community plan. (Ord. CS 106 Sec. 8 (part), 1984).
- B. **Additional single-family dwellings provided the Historical General Plan density requirements are maintained.**

**21.44.050 EXEMPTIONS FROM BUILDING CODE REQUIREMENTS**

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of the building code, when authorized by the building official, provided:



- A. Any unsafe or substandard conditions will be corrected in accordance with approved plans;
- B. The restored building or structure will be less hazardous, based on life and fire risk, than the existing building. (Ord. CS 106 Sec. 8 (part), 1984).

**21.44.060 DEMOLITION**

No building or structure, or portion thereof, shall be removed, relocated, demolished or structurally altered without prior approval of the director of planning and community development in the form of a staff approval permit. (Ord. CS 106 Sec. 8 (part), 1984).

**21.44.070 SITE AREA**

**The minimum allowable area for creation of a parcel within Knights Ferry shall be determined based on the location of the subject parcel as follows:**

- A. Sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east), sites serviced by public water and septic tank facilities, twenty thousand square feet. Sites serviced by private well and septic tank facilities, one acre.
- B. Sites within any historical zoned land and outside of the area described above, the minimum building site area shall be five (5) acres.

**The minimum allowable area for creation of a parcel within La Grange shall be twenty thousand square feet for sites serviced by public water and septic tank facilities; and one acre for sites serviced by private well and septic tank facilities.**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: April 30, 2013

2013-200

On motion of Supervisor Withrow and approved by the following vote,  
Seconded by Supervisor O'Brien

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*D-1

**RESOLUTION OF INTENTION BY THE STANISLAUS COUNTY BOARD OF SUPERVISORS  
TO INITIATE AN AMENDMENT TO TITLE 21 (ZONING) OF THE ORDINANCE CODE OF  
STANISLAUS COUNTY FOR THE HISTORICAL SITE DISTRICT (TITLE 21, CHAPTER 21.44)**

WHEREAS, the Ordinance Code of Stanislaus County (Title 21, Chapter 21.108.020) stipulates that an amendment to the Ordinance Code of Stanislaus County (Title 21) may be initiated by a Resolution of Intention of the Board of Supervisors; and

WHEREAS, the intent of the "Historical" General Plan Designation is to preserve areas of local, regional, state, or national significance by utilizing zoning controls, emphasizing the need for new development, including the division of land, to be compatible with the historic nature of the area; and

WHEREAS, the Board finds that due to substantial public input derived during the course of past development proposals, it is evident that there is a definite community desire to protect and preserve the distinctive historic character of the Knights Ferry "downtown core" and "rural" areas of the community; and

WHEREAS, there is a potential health and safety threat due to the limit on the available public services for new development and a potential for new septic systems to contaminate private/public water sources; and

WHEREAS, the California Government Code (Section 66474.2) allows a local agency to apply any ordinances, policies, or standards initiated or enacted on the date the local agency approves or disapproves a division of land proposal; and

WHEREAS, any such ordinance, policy, or standard must have been initiated by way of ordinance, resolution, or motion by the local agency's legislative body, prior to being applied to a division of land proposal; and

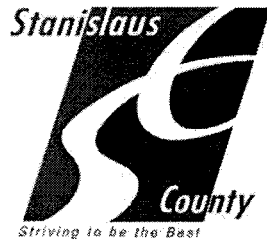
WHEREAS, a modification is needed to clarify the language regarding the permitted number of single-family dwelling(s) allowed within the Historical Site District.

NOW THEREFORE, BE IT RESOLVED, by the Stanislaus County Board of Supervisors that it is the intent of Stanislaus County to amend Title 21 of the Ordinance Code and direct the Planning Department to proceed with an amendment to Chapter 21.44 – Historical Site District.

ATTEST: **CHRISTINE FERRARO TALLMAN, Clerk**  
**Stanislaus County Board of Supervisors,**  
**State of California**



File No. ORD-55-R-1



**KNIGHTS FERRY MUNICIPAL ADVISORY COUNCIL**  
P.O. Box 846, Knights Ferry, CA 95361

July 29, 2013

Stanislaus County Department of Planning  
And Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Subject: CEQA Referral Initial Study and Notice of Intent to Adopt a Negative Declaration  
Ordinance Amendment Application No. 2012-01 – Historical Site District

To whom it may concern:

With regard to the above subject CEQA Notice, dated July 24, 2013, please be advised the Knights Ferry Municipal Advisory Council is in full support of your proposal to adopt the Negative Declaration for this project..

Sincerely,

Carla Doshas, President  
KNIGHTS FERRY MUNICIPAL ADVISORY COUNCIL

CD/dh

La Grange Improvement Association  
PO Box 102  
La Grange, CA 95329

October 10, 2013

Kristin Doud  
Associate Planner  
Stanislaus County Department of Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354  
doudk@stancounty.com

RE: Historic Zoning Ordinance Amendment

Dear Ms. Doud:

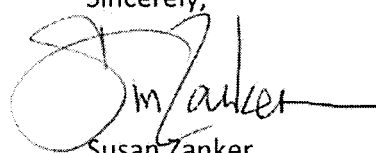
This letter is written as a follow up to your presentation to the La Grange Improvement Association (LGIA) on Tuesday, October 8, 2013. We wish to thank you and Director Angela Freitas for taking the time to present the proposed ordinance and for seeking input from the town of La Grange, through the La Grange Improvement Association.

The town of La Grange appreciates the continuing respect of its autonomy as afforded by Stanislaus County. As the group understands these amendments; the presentation confirmed that there are no changes proposed which would impact the community of La Grange. LGIA appreciates the changes made to the proposed ordinance after the last meeting, to specifically note the changes that would apply to Knights Ferry rather than La Grange.

LGIA has a long standing tradition of promoting the historic interest of La Grange and the well-being of this community. As has been past practice, LGIA requests that any and all requests for development within the community of La Grange be forwarded to LGIA for consideration and input prior to action by Stanislaus County.

Thank you again for requesting input from La Grange.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Zanker", written over a circular stamp or mark.

Susan Zanker  
President



## Stanislaus County Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

Phone: (209) 525-6330  
Fax: (209) 525-5911

### CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Ordinance Amendment Application No. 2012-01 - Historical Site District
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Kristin Doud, Associate Planner  
(209) 525-6330
4. **Project location:** Countywide (Existing Historical Site Districts  
Knights Ferry and La Grange)
5. **Project sponsor's name and address:** Stanislaus County Department of Planning and  
Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
6. **General Plan designation:** Historical
7. **Zoning:** HS (Historical Site)
8. **Description of project:**

This is a request to amend the Stanislaus County Zoning Ordinance, Chapter 21.44 - Historical Site District (HS), by modifying the division of land standards and clarifying the number of permitted single-family dwelling units per parcel. Over the past decade, the historic communities of Knights Ferry and La Grange have seen limited growth in terms of new development; however, recent development approved within Knights Ferry has raised concerns over the ability to maintain the historic characteristic of the community and potential impacts such as contamination to private/public water sources (including groundwater and the Stanislaus River) from new septic systems. Within Knights Ferry, the community members feel that the community character has been threatened due to the provisions of the HS District allowing for creation of smaller lots in the "rural area" outside the "Downtown Core". The intent of this Ordinance Amendment is to protect and promote public health, safety, and general welfare by preserving the historic characteristics that make historic communities an asset to Stanislaus County and to protect water sources by limiting new development.

Specifically, this request provides clarification, within Section 21.44.020 - Permitted Uses of the Historical Site District, that only one dwelling unit per parcel is permitted. Section 21.44.040(B) has been added to allow additional dwellings if a Historical Site Permit is obtained and is in conformance with the density requirements set forth within the General Plan, which allows for residential densities from one (1) to seven (7) units per net acre with a population density of two (2) to 25 persons per net acre. Any approval shall be subject to a finding that the use will not be detrimental to the unique historical character of the community or to the residents of the community and must include prescribed development standards which conform with all guidelines established by the Knights Ferry or La Grange community plans.

Lastly, Section 21.44.070 - Site Area has been added to establish standards for minimum parcel sizes. This section establishes the boundaries of the Knights Ferry Downtown Core (Downtown Core) where smaller parcel sizes are permitted. Those boundaries are as follows: sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east). Parcels existing within the Downtown Core have a minimum allowable area of 20,000 square feet where public water and septic services are available and one (1) acre for sites served with private septic and well. Sites existing outside of the Downtown Core and inside of the HS Zoning District have a minimum parcel size of five (5) acres. No changes to the minimum allowable area for creation of parcels within the La Grange HS Zoning District are being proposed, which are 20,000 square feet for sites serviced by public water and septic tank facilities and one (1) acre for sites serviced by private well and septic facilities. Additional restrictions to minimum parcel size may apply depending on the Department of Environmental Resources (DER) review of site specific factors, such as the depth of the water table.

On April 30, 2013, the Board of Supervisors adopted a Resolution of Intention to initiate an amendment to the Historical Site District, as allowed under Section 21.108.020 of the Stanislaus County Code. This action ensured that any applications for development within any Stanislaus County HS Zoning District received after April 30, 2013, but before the Ordinance Amendment itself is adopted, would be held to the standards proposed in the revised HS Zoning District (<http://www.stancounty.com/bos/agenda/2013/20130430/D01.pdf>).

Attachments: Negative Declaration  
Project Maps  
Draft Zoning Ordinance Amendment - Chapter 21.44

**9. Surrounding land uses and setting:**

**Knights Ferry** - The historic Community of Knights Ferry is located in the northern part of the County in the Sierra Nevada Foothills. The Stanislaus River borders the southern edge of the historic community and the Knights Ferry Recreation Area and Historic Covered Bridge are located on the eastern boundary of the historic community. Agricultural lands, mostly dryland pasture, and ranchettes surround the historic community on its northern and western boundaries. The City of Oakdale is located approximately nine (9) miles to the southwest and the County of Tuolumne is located just northeast of the community.

**La Grange** - The historic community of La Grange is located on the Eastern border of Stanislaus County along the Tuolumne River. The community is located northeast of the Turlock Dam and Modesto Reservoir and south of the Don Pedro Reservoir. Dawson Lake is located just south of La Grange and the La Grange Dam and La Grange Regional Park run north of the community. Surrounding land use consists of dryland pasture, scattered ranchettes, and a few gravel mining operations. The city of Waterford is located approximately 15 miles west of La Grange. The borders of Tuolumne, Mariposa, and Merced counties exist approximately 1.5 miles east of the historic downtown.

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Environmental Resources  
Department of Public Works

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                                                   |                                                           |                                                             |
|---------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kristin Doud, Associate Planner  
 Prepared By \_\_\_\_\_

July 11, 2013  
 Date \_\_\_\_\_



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p><b>Discussion:</b> This project proposes to clarify the number of residential units permitted per parcel and to modify the standards for dividing land within the HS Zoning District. For the historic community of Knights Ferry, the revised ordinance concentrates parcel splits of one (1) acre or less (depending on services) within the existing Downtown Core. Parcels outside of the Downtown Core must be five (5) acres or more in size. Additionally, in both Knights Ferry and La Grange, each parcel is limited to one dwelling per parcel. Additional dwellings may be permitted on a parcel provided a historic site permit is obtained. Aesthetic resources existing within the communities of Knights Ferry and La Grange include a unique historic visual character and scenic views of riparian habitat. Potential impacts to aesthetics from additional housing would be evaluated on a site-by-site basis through the historic site permitting process. Approval of this project will not have a negative impact on aesthetic resources existing within the Historical Site Zoning Districts. Restricting the number of residences per parcel and limiting minimum parcel size will assist in maintaining the visual character of the historic communities of Knights Ferry and La Grange.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**Discussion:** The majority of land within the Knights Ferry HS Zoning District and all of the land within the La Grange HS Zoning District is designated by the California Farmland Mapping and Monitoring Program as Urban and Built Up Lands. Outside of the Knights Ferry Downtown Core, along the outer boundaries of the Knights Ferry HS Zone, a few parcels are designated by the California Farmland Mapping and Monitoring Program as Grazing Land and Rural Residential. No Prime Farmland exists within the HS Districts of Knights Ferry or La Grange. A few parcels designated as Prime are located adjacent to the boundaries of the La Grange HS Zoning District. Parcels surrounding the Knights Ferry HS boundaries are primarily utilized for rangeland and homesites. Surrounding parcels range in size between one (1) and 40 acres in size and have a zoning designation of A-2-5 to the west and A-2-40, to the north, east, and south. Four (4) parcels (between four [4] and 11 acres in size) bordering the western edge of the Knights Ferry HS Zoning District are enrolled in the Williamson Act. Parcels surrounding the La Grange HS boundaries are zoned A-2-40 and range in size between .25 acres and 230 acres with dryland pasture and residential uses. No negative impacts to existing agricultural land or lands enrolled in the Williamson Act are anticipated. Approval of this Zoning Ordinance Amendment will maintain larger parcel sizes on parcels in the Knights Ferry HS Zoning District adjacent to existing agricultural operations. Any construction of new dwellings exceeding the one (1) per parcel threshold must go through environmental review in the form of a Historical Site Permit. Each of these permits will evaluate potential impacts to agriculture on a site-by-site basis.

This project was referred to the Stanislaus County Agricultural Commissioner's office through an Early Consultation and no comments were received.

**Mitigation:** None.

**References:** 2006 California Farmland Mapping and Monitoring Program Data and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

**Discussion:** The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. This project has been referred to the district, but no comments have been received.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.



IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:** It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The California Natural Diversity Database includes sightings of listed species such as the California Tiger Salamander, Merced Kangaroo Rat, Tri-Colored Black Bird, and Hoover's Calycadenia in La Grange, and the Western Pond Turtle in Knights Ferry; however, the lands within the HS Zoning District are generally developed with residential, historic, and commercial uses. Approval of this Zoning Ordinance Amendment will maintain larger parcel sizes on parcels in the Knights Ferry HS Zoning District adjacent to existing rangeland and riparian habitat. Any construction of new dwellings exceeding the one (1) per parcel threshold must go through environmental review in the form of a Historical Site Permit. Each of these permits will evaluate potential impacts to biological resources on a site-by-site basis.

The project was referred to the State of California Department of Fish & Wildlife through an Early Consultation and no response has been received to date.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup> and the California Department of Fish and Wildlife California Natural Diversity Database.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Discussion:** The communities of Knights Ferry and La Grange are recognized as historic resources by Stanislaus County, by the State of California, and federally. Knights Ferry is registered as a historic community with the State of California as California State Historical Landmark No. 347 and is registered as a historic community in the National Register of Historic Places. The Knights Ferry HS Zoning Designation extends to the north opening of the Knights Ferry Covered Bridge which is included within the Historic American Buildings Survey (HABS) and the Historic American Engineering Record (HAER). La Grange is registered as a historic community with the State of California as California State Historical Landmark No. 414. The HS Zoning Designation includes the downtown corridor of the community of La Grange and a few other historic sites scattered throughout the La Grange area including: the French Bar Cemetery; the Basso Ferry Bridge; a Gold Dredger; and a Gold Dredging Town. Although La Grange is not registered federally as a historic community, multiple sites throughout the community are in the National Register of Historic Places including: the Gold Dredge site; the Kingen Hotel; Louie's Place; the Odd Fellows Hall; the Old Adobe Barn; the Old La Grange Schoolhouse; the Shell Gas Station; St. Louis Catholic Church; and the Stage Shop. These historic resources are well recognized, are registered with multiple agencies overseeing historic resources, and are subject to the rules and regulations of Chapter 21.44 - Historical

Site District (HS) of the Stanislaus County Zoning Ordinance. The intent of Chapter 21.44 is to support and enhance the character of historical areas within the County which are recognized as finite resources which are a product of another time and worthy of special consideration. Specifically, the intent of this Ordinance Amendment request is to maintain the character of Stanislaus County's existing historic resources by limiting parcel splits outside of the Downtown Core of Historic Knights Ferry and by requiring a discretionary process be conducted to fully evaluate the potential for impacts when residential development beyond the density of one (1) unit per parcel occurs. Because this project is limiting rather than encouraging development of Historical Site Districts, negative impacts to existing historic, archaeological, or cultural resources are not anticipated.

**Mitigation:** None.

**References:** Chapter 21.44 - Historical Site District (HS) of the Stanislaus County Zoning Ordinance; California State Parks Office of Historic Preservation California Register; U.S. Department of the Interior National Parks Service National Register of Historic Places; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.



VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

**Discussion:** As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any future development occurring within the HS district must be designed and built according to building standards appropriate to withstand shaking for the area in which it is constructed. Any earth moving is subject to Public

Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval. Any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process and, if applicable, through the historic site permit process, which requires environmental review. When reviewing requests for new septic or alternative waste water disposal systems, DER takes soil type into consideration within the specific design requirements.

**Mitigation:** None.

**References:** California Building Code and the Stanislaus County General Plan and Support Documentation - Safety Element<sup>1</sup>.



VII. GREENHOUSE GAS EMISSIONS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreased GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

This project proposes minor amendments to Stanislaus County's Historical Site (HS) Zoning Ordinance. The project does not propose any development and would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. In addition, all future development occurring within the HS Zoning District will be required to conform with the California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings. Because this project is limiting rather than encouraging development of Historical Site Districts, considerations regarding the generation of greenhouse gas emissions are considered to be less than significant. With the exception of one dwelling unit per parcel, any future development within the HS Zoning District must also go through environmental review in the form of a historic site permit, at which point potential greenhouse gas impacts would be evaluated on a site specific basis.

The project was referred to the San Joaquin Valley Air Pollution Control District through an Early Consultation and no response has been received to date.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
<p><b>Discussion:</b> Approval of this project would not have any impact on existing or future hazardous materials sites. No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area. Potential impacts from hazardous materials from any future development within the HS Zoning District will be evaluated through the building permit process and, if applicable, through environmental review in the form of a historic site permit.</p>				
The project was referred to DER's Hazardous Materials Division through an Early Consultation and no response has been received to date.				



**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

**Discussion:** Both the Knights Ferry and La Grange HS Districts utilize septic systems as their means for waste water treatment. Recent development approved within Knights Ferry raised community concerns over potential impacts (including contamination) to private/public water sources (including groundwater and the Stanislaus River) from new septic systems. Part of the intent of this Ordinance Amendment is to protect water sources by limiting new development. DER will evaluate any development which requires installation of new or expanded septic systems in terms of meeting state and County standards through the building permit process or, if applicable, the historic site permit review process. Any future development will also be evaluated by the Stanislaus County Department of Public Works to ensure grading and drainage for the development meet County and State standards through the building permit or historic site permit processes.

Both historic communities run parallel to rivers. The southern border of the Knights Ferry HS Zoning District, which parallels the Stanislaus River, is located within a flood zone classified by the Federal Emergency Management Agency (FEMA) as AE - High Risk base floodplain. A small portion of the northern border of the La Grange HS Zoning District, which parallels the Tuolumne River, is located within a flood zone classified by FEMA as A - High Risk for flooding with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Property owners located within these FEMA zones are required to purchase flood insurance if their county participates in the National Flood Insurance Program.

This project was referred to the Central Valley Regional Water Quality Control Board and a standard response was received which provided a general list of the agency's water permits. No project specific comments were provided in their response letter.

**Mitigation:** None.

**References:** Referral response from the Central Valley Regional Water Quality Control Board dated July 6, 2012; Federal Emergency Management Agency website; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.



<b>X. LAND USE AND PLANNING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Discussion:** Any land use decisions impacting the historic community of Knights Ferry are brought to the Knights Ferry Municipal Advisory Council (MAC) for discussion and input. Any land use decisions impacting the historic community of La Grange are brought to the La Grange Improvement Association for discussion and input. Over the past decade, the historic communities of Knights Ferry and La Grange have seen limited growth in terms of new development; however, recent development approved within Knights Ferry has raised concerns over the ability to maintain the historic characteristics of the community and potential impacts (including contamination) to private/public water sources (including groundwater and the Stanislaus River) from new septic systems. Within Knights Ferry, the community members feel that the community character has been threatened due to the provisions of the HS District allowing for creation of smaller lots in the "rural area" outside the "Downtown Core". The intent of the Ordinance Amendment is to protect and promote public health, safety, and general welfare by preserving the historic characteristics that make historic communities an asset to Stanislaus County and to protect water sources by limiting new development.

This project will not result in the physical division of an established community. The proposed project is consistent with the site's general plan designation and zoning classification. The project does not conflict with any conservation plans.

This project was referred to both Tuolumne and Calaveras Counties through an Early Consultation and no responses have been received to date.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.



XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	
<p><b>Discussion:</b> The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. The segment of the Stanislaus River running along the southern border of the Knights Ferry HS Zoning District and the segment of the Tuolumne River running along the northern border of the La Grange HS Zoning District are both designated within the Stanislaus County General Plan as having significant sand and gravel resources. No active or reclaimed mines exist in the vicinity of the Knights Ferry HS Zoning District. Both active and reclaimed aggregate mines exist surrounding the historic community of La Grange. A historical gold dredging site, including gold dredging equipment and remnants of the gold dredging town, are part of the HS Zoning District of La Grange. With the exception of two Stanislaus County parks, lands existing within both HS Zoning Districts are already developed and do not include any mine sites. No loss of available mineral resources is anticipated to occur as a result of this project. Potential impacts to mineral resources from any future development within the HS Zoning District, other than one residential unit on any parcel, would be evaluated through environmental review in the form of a historic site permit.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

<p><b>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</b></p>				X
<p><b>Discussion:</b> The proposed project will not result in any significant noise impacts. The existing uses of the HS Zoning District will remain the same. Potential noise impacts from any future development within the HS Zoning District must meet the standards set forth within Chapter 10.46 - Noise Control of the Stanislaus County Code and, if applicable, would be evaluated through environmental review in the form of a historic site permit.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County Code and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XIII. POPULATION AND HOUSING -- Would the project:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p><b>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</b></p>			X	
<p><b>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</b></p>			X	
<p><b>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</b></p>			X	
<p><b>Discussion:</b> Within Knights Ferry, this Ordinance Amendment will restrict parcels outside of the Downtown Core from splitting into parcels less than five (5) acres in size. Within both Knights Ferry and La Grange HS Zoning Districts, this Ordinance Amendment will permit one residential unit per parcel, with an additional density of up to seven (7) units per parcel, on a site-by-site basis when a historic site permit is obtained which requires environmental review. Knights Ferry utilizes septic tanks and has public water available within the boundaries of the HS Zoning District. La Grange utilizes both septic and well. Any future residential development must meet minimum sizing requirements, enforced by DER, which is based on available services and the depth of the water table. No property within the HS Zoning District was included within the County's Housing Element.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XIV. PUBLIC SERVICES</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p><b>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b></p>			X	
<p><b>Fire protection?</b></p>			X	

Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**Discussion:** The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. On-site water storage for fire protection will be further evaluated as part of any future building permit process. No negative impacts to public service providers is anticipated to occur as a result of this project.

"No Comment" referral responses were received from the Stanislaus County Environmental Review Committee (ERC) and the Stanislaus County Department of Parks and Recreation. The project was also referred to the: Knights Ferry, La Grange, Oakdale, and Hughson School Districts; Oakdale and Stanislaus Consolidated Fire Districts; Modesto Regional Fire Authority; and the Sheriff's Department. No comments have been received to date from any of these agencies/departments.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Environmental Review Committee dated July 17, 2012; referral response from the Stanislaus County Department of Parks and Recreation dated July 17, 2012; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.



XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**Discussion:** The Knights Ferry HS Zoning District contains an existing County park and borders the Knights Ferry Recreation Area which is owned and operated by the US Army Corps of Engineers. The Stanislaus County Department of Parks and Recreation owns a number of parcels existing within and surrounding both the Knights Ferry and La Grange HS Zoning Districts. A Stanislaus County park, which has access to the Tuolumne River, borders the La Grange HS Zoning District to the north. No increase in the use of these existing recreational facilities is anticipated to occur as a result of this project.

A "No Comment" referral response was received from the Stanislaus County Department of Parks and Recreation.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Department of Parks and Recreation dated July 17, 2012, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.



XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
<p><b>Discussion:</b> The intent of this Ordinance Amendment is to limit, not promote, development within the HS Zoning Districts; therefore, no adverse impacts to traffic are anticipated to occur as a result of this project.</p> <p>This project was referred to CalTrans and the Stanislaus County Department of Public Works and no comments have been received to date.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**Discussion:** Knights Ferry utilizes septic tanks and has public water, through the Knights Ferry Community Services District (CSD), available within the boundaries of the HS Zoning District. La Grange utilizes both septic and well. Any future residential development must meet minimum sizing requirements, enforced by DER, which is based on available services and the depth of the water table. Any additional needs for public water within Knights Ferry must be approved by the Knights Ferry CSD. No additional public services will be required as a result of this project. The intent of this Ordinance Amendment is to limit, not promote, development within the HS Zoning District.

This project was referred to both the Oakdale (OID) and Turlock (TID) Irrigation Districts for comment through an Early Consultation and both agencies responded with "no comments". The project was also referred to the Knights Ferry Community Services District and PG&E and no responses were received.

**Mitigation:** None.

**References:** Referral response from Turlock Irrigation District dated July 11, 2012; referral response from Oakdale Irrigation District dated July 12, 2012; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>			<p>X</p>	
<p><b>Discussion:</b> Review of this project has not indicated any features which might significantly impact the environmental quality of the sites and/or the surrounding areas.</p>				

I:\Planning\Staff Reports\OA\2012\OA 2012-01 - Historical Site District\Initial Study.wpd

---

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.



## NEGATIVE DECLARATION

**NAME OF PROJECT:** Ordinance Amendment Application No. 2012-01 - Historical Site District

**LOCATION OF PROJECT:** Countywide (Existing Historical Site Districts Knights Ferry and La Grange)

**PROJECT DEVELOPERS:** Stanislaus County Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**DESCRIPTION OF PROJECT:** Request to amend the Stanislaus County Zoning Ordinance, Chapter 21.44 - Historical Site District (HS), by modifying the division of land standards and clarifying the number of permitted single-family dwelling units per parcel. Specific amendments to the HS Zoning District are proposed within sections 21.44.020, 21.44.040, and 21.44.070.

Based upon the Initial Study, dated **July 11, 2013**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristin Doud, Associate Planner


Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: ORDINANCE AMENDMENT APPLICATION NO. 2012-01 - HISTORICAL SITE DISTRICT**

REFERRED TO:			RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS		
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X					X		X
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X					X		X
CA NATIVE AMERICAN HERITAGE COMM				X				X				
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION		X	X	X				X		X		X
CA STATE LANDS COMMISSION		X	X		X					X		X
CENTRAL VALLEY FLOOD PROTECTION		X	X		X					X		X
COMMUNITY SERVICES DIST: KNIGHT'S FERRY	X	X	X		X					X		X
COOPERATIVE EXTENSION	X	X			X					X		X
COUNTY OF: CALAVERAS, TUOLUMNE (2 wk & 30-day), MERCED, MARIPOSA (30-day)	X	X	X		X					X		X
FIRE PROTECTION DIST: OAKDALE/STANISLAUS CONSOLIDATED	X	X	X		X					X		X
IRRIGATION DISTRICT: OAKDALE/TURLOCK	X	X	X	X				X		X		X
LA GRANGE IMPROVEMENT ASSOCIATION	X	X	X	X				X		X		X
MODESTO REGIONAL FIRE AUTHORITY	X	X			X					X		X
MOSQUITO DISTRICT: EASTSIDE/TURLOCK	X	X	X		X					X		X
MT VALLEY EMERGENCY MEDICAL	X	X	X		X					X		X
MUNICIPAL ADVISORY COUNCIL: KNIGHT'S FERRY	X	X	X	X				X		X		X
PACIFIC GAS & ELECTRIC	X	X	X		X					X		X
SAN JOAQUIN VALLEY APCD	X	X	X		X					X		X
SCHOOL DISTRICT 1: LA GRANGE/KNIGHT'S FERRY	X	X	X		X					X		X
SCHOOL DISTRICT 2: OAKDALE/HUGHSON	X	X	X		X					X		X
STAN CO AG COMMISSIONER	X	X			X					X		X
STAN CO BUILDING PERMITS DIVISION	X	X		X				X		X		X
STAN CO CEO	X	X			X					X		X
STAN CO DER	X	X		X				X		X		X
STAN CO ERC	X	X		X				X		X		X
STAN CO FARM BUREAU	X	X	X		X					X		X
STAN CO HAZARDOUS MATERIALS	X	X			X					X		X
STAN CO PARKS & RECREATION	X	X		X				X		X		X
STAN CO PUBLIC WORKS	X	X			X					X		X
STAN CO SHERIFF	X	X			X					X		X
STAN CO SUPERVISOR DIST: ALL	X	X			X					X		X
STAN COUNTY COUNSEL	X	X			X					X		X
StanCOG	X	X			X					X		X
STANISLAUS LAFCO	X	X	X		X					X		X
SURROUNDING LAND OWNERS			X									
TUOLUMNE RIVER TRUST		X	X		X					X		X
US ARMY CORPS OF ENGINEERS		X	X		X					X		X
US FISH & WILDLIFE		X	X		X					X		X
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X					X		X

- D. **ORDINANCE AMENDMENT APPLICATION NO. 2012-01 – HISTORICAL SITE DISTRICT** - Request to amend the Stanislaus County Zoning Ordinance, Chapter 21.44 - Historical Site District (HS), by modifying the division of land standards and clarifying the number of permitted single-family dwelling units per parcel. The existing Historical Site Districts include the communities of La Grange and Knight's Ferry. The Planning Commission will consider a CEQA Negative Declaration on this project.
- APN: Countywide (Existing Historical Site Districts)  
Staff Report: Kristin Doud Recommends **APPROVAL**.  
Staff Report Presented By: Miguel Galvez, Senior Planner  
Public hearing opened.
- OPPOSITION:** Sylvia Varain, La Grange; Marcia Ingalls, La Grange.  
**FAVOR:** No one spoke.  
Public hearing closed.
- Pires/Etchebarne, 3-2 (Gibson, Crabtree) **RECOMMENDED APPROVAL OF STAFF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS WITH A REQUEST TO HAVE PLANNING STAFF WORK WITH THE COMMUNITY OF LA GRANGE TO RESOLVE ISSUES ADDRESSED IN THE PETITION AND BRING A REPORT BACK TO THE COMMISSION IN THREE MONTHS (MARCH 2014).**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <p>Secretary, Planning Commission</p> <p style="text-align: center;"><u>1-21-2014</u></p> <p>Date</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

La Grange "Zoning Change" Petition – December 17, 2013

The undersigned residents and property owners petition The Stanislaus County Planning Department and the Board of Supervisors to review and correct the current "Historical" zoning designation of La Grange by returning to "Agricultural" zoning for the town proper. (See attached)

1. Sylvia Varain - 167 Brescia Cir.
2. Robert Varain 167 Brescia Cir
3. Bruce McCoy 30151 Flato
4. Evelyn McCoy 30151 Flato
5. George Ingalls 29901 Yosemite Blvd
6. Marcia Ingalls 29901 Yosemite Blvd
7. Mary Pamela 30037 Yosemite Blvd.
8. M. G. Varain 131 BRESCIA CR.
9. Angela Baber 30243 Flato La Grange Ca.
10. Elizabeth Horton 30000 Yosemite LaGrange
11. Jim A. Varain 30025 SP#3 YOSEMITE LA GRANGE
12. Betty J Varain 179 BRESCIA CIR
13. Edna R. Varain 30049 YOSEMITE BLVD.

La Grange "Zoning Change" Petition - December 17, 2013

The undersigned residents and property owners petition The Stanislaus County Planning Department and the Board of Supervisors to review and correct the current "Historical" zoning designation of La Grange by returning to "Agricultural" zoning for the town proper. (See attached)

14. John Ingalls 30155 Yosemite Blvd.

15. Rudy Bindig 30107 Yosemite Blvd.

~~duplicate~~ 16. [Signature] 131 ~~Brescia Cr.~~ in

17. Donna Mulkey 130 Brescia CR

18. Christina Stevenson 137 Brescia Lane

19. [Signature] 30124 Yosemite Blvd.

20. Shaune Howard 30025 Yosemite Blvd. #2

21. B Sifini LA GRANGE MKT 30124 Yosemite

22. Lalonna Naran 30124 SP4 Yosemite La Grange 95329

23. Bradley West 30130 Yosemite La Grange 95329

24. John Dominguez

25. [Signature] 30042 Yosemite Blvd

26. Muelyn Baha - La Grange

La Grange "Zoning Change" Petition – December 17, 2013

The undersigned residents and property owners petition The Stanislaus County Planning Department and the Board of Supervisors to review and correct the current "Historical" zoning designation of La Grange by returning to "Agricultural" zoning for the town proper. (See attached)

27. MIRANDA McBORNACK 30055 YOSEMITE BLVD LA GRANGE
28. Lucky Blacksten 30124 Yosemite Blvd Lagrange
29. Matthew S. Farnio 30124 Yosemite Blvd L.g.
30. William E. Hilde 30131 Yosemite Blvd
31. John E. Hilde 30040 Yosemite Blvd
32. Kevin Clapperton 30025 Yosemite Blvd La Grange
33. Pat Dole 135-137<sup>-161</sup> Brescialane
34. Laura Phillips 30154 Yosemite Blvd
35. Walt Jolly 30173 Yosemite Ave La Grange CA 953
36. ~~Pat Dole~~ 30160 Yosemite Ave
37. Scott Trudson 30003 Bush Ave
38. John Bryn 30012 Yosemite Ave La Grange CA
39. James Gonzales 29936 Yosemite Blvd La Grange CA. 953

La Grange "Zoning Change" Petition - December 17, 2013

The undersigned residents and property owners petition The Stanislaus County Planning Department and the Board of Supervisors to review and correct the current "Historical" zoning designation of La Grange by returning to "Agricultural" zoning for the town proper. (See attached)

40. Denny Stanford 29848 Yosemite

41. Linda Stanford 29848 Yosemite

42. Ronald Bartelme 29924 Yosemite Blvd.

43. Adela Rebozo 29806 Yosemite St

44. Stanley Sullens 29948 Yosemite Blvd

45. Michelle Airc 7031 Yosemite Blvd

46. \_\_\_\_\_

47. \_\_\_\_\_

48. \_\_\_\_\_

49. \_\_\_\_\_

50. \_\_\_\_\_

51. \_\_\_\_\_

52. \_\_\_\_\_

(Attachment)

The basis for the zoning change request rests on the following information:

A. Non-residential sites for historical significance have been identified in town and many are on the National Registry for Historical Buildings. These include:

1. IOOF Hall
2. Levaggi Saloon
3. General Store
4. Inmon Building Trading Post
5. Adobe Barn
6. St. Louis Catholic Church
7. Original School House

*These should remain individually preserved as historical sites*

B. Residences in town by a large majority (estimated over 80%) are not historically significant due to age and type. Of the approximate 60 separate residences, 32 are newer construction, 17 are modular/mobile homes and only 11 are older construction. Of the 11 older construction, all are rentals except for one (1). This includes three (3) mobile home parks which are exempt from County codes per County Director of Planning A. Freitas.

There is no logical or factual basis for zoning the entire town as "Historical". It is a grossly inaccurate description. If the County



supports preservation of significant, older residential structures, these should be identified separately as historical sites (the same as the nonresidential sites listed above). The County could then oversee their maintenance and preservation. There is no sufficient justification to keep the town residents under the yoke of "historical" zoning. It just does not fit.

- C. "Historical" zoning prevents the town from qualifying for the nearest fire protection service from CDF for SRAs. There is no local volunteer force and the town is forced to rely on Stanislaus Consolidated Fire Department, located 18 miles away in Waterford as our first responders. Typical response time for fire or medical emergency is over 25 minutes. As an "agricultural" zone, we would qualify for CDF/SRA response ten (10) miles away and ten (10) minutes response time. This could mean the difference between life and death, or structures saved or lost. Yet, we pay (on our own tax bills) for both Stanislaus Consolidated and for SRA (plus the annual \$115.00 per dwelling to the state).

All that we want is obvious – the nearest and quickest fire protection available.

- D. We also want our property values protected. Our tax rates are the same, so treat us the same. "Historical" zoning codes and regulations, or lack thereof, seem unclear to everyone, including:
1. County Planning
  2. Property owners and residents
  3. Licensed contractors

Our rights of ownership are restricted unfairly, and our property values are negatively and severely diminished.

In conclusion, "facade" is the operative word in "Historical" zoning. And, in the words of Webster, facade means "implication of an imposing appearance concealing something inferior." "facade" does not describe the town of La Grange or the people of La Grange. We are diverse and we are real. Our property is important to us and it is being devalued and misrepresented by a phony "Historical" designation.



January 30, 2014

Susan Zanker  
La Grange Improvement Association  
P.O. Box 102  
La Grange, CA 95329

**SUBJECT: ISSUES OF CONCERN TO THE LA GRANGE COMMUNITY**

Dear Ms. Zanker:

As expressed at the La Grange Improvement Association (LGIA) meetings on October 8<sup>th</sup> and December 10, 2013, the Stanislaus County Planning Department is committed to working with the community of La Grange to address land use related issues of concern. The following is a list of issues currently understood to be of concern:

- Constraints to new development – Identified constraints include limited utilities (sewer and water), limited parcel sizes, permitting process, and design review.
- Aesthetic character – Revisiting restrictions on new mobile homes and design standards applied to new development.
- Mobile Home Parks – Regulation of existing mobile home parks and options for enhancing the aesthetics of existing parks.
- The benefits and constraints of the existing "Historic Site District" zoning and the benefits and constraints of rezoning the community to the "General Agriculture District" zoning.
- Impacts of the "Historical Site District" zoning on fire protection and emergency response times.

The list above includes some concerns identified in the attached December 17, 2013 petition not previously identified at LGIA meetings.

The Planning Department is in process of assessing the known issues of concern and will be reaching out to the various government agencies that may be able to assist in addressing the issues. As this effort is underway, the Planning Department requests that the LGIA notify us of any other issues of concern not yet identified.

The Planning Department hopes to be able to present our assessments to the LGIA this upcoming Spring and will be coordinating a meeting date. Please do not hesitate to contact me, at (209) 525-6330 or [angela@stancounty.com](mailto:angela@stancounty.com), if you have any questions regarding this process.

Sincerely,

Angela Freitas  
Planning Director

cc: Vito Chiesa – Board of Supervisor, District 2

Attachment: Petition dated December 17, 2013

ORDINANCE NO. C.S. 1142

**AN ORDINANCE AMENDING STANISLAUS COUNTY CODE RELATING TO  
THE HISTORICAL SITE DISTRICT**

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

**Section 1.** Section 21.44.020, subdivision (E) of the Stanislaus County Code is amended to read as follows:

“E. One single-family dwelling, additions to already existing buildings requiring a building permit, and accessory uses and buildings normally incidental to single-family dwellings. The new dwelling or addition shall adhere to the guidelines for new construction and rehabilitation of older buildings within the adopted community plan for each historic community. Evidence of its conformance may be required.”

**Section 2.** Section 21.44.040, subdivision (B) of the Stanislaus County Code is added to read as follows:

“B. Additional single-family dwellings provided the Historical General Plan density requirements are maintained.”

**Section 3.** Section 21.44.070 of the Stanislaus County Code is added to read as follows:

**“21.44.070 SITE AREA**

The minimum allowable area for creation of a parcel within Knights Ferry shall be determined based on the location of the subject parcel as follows:

- A. Sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east), and serviced by public water and septic tank facilities; twenty thousand square feet. Sites serviced by private well and septic tank facilities; one acre.
- B. Sites within any historical zoned land and outside of the area described above, the minimum building site area shall be five (5) acres.

The minimum allowable area for creation of a parcel within La Grange shall be twenty thousand square feet for sites serviced by public water and septic tank facilities; and one acre for sites serviced by private well and septic tank facilities.”

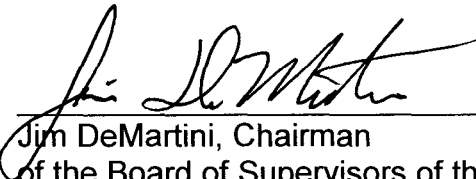
**Section 4.** This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State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

Upon motion of Supervisor O'Brien, seconded by Supervisor Chiesa, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 11th day of February, 2014, by the following-called vote:

AYES: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini


NOES: Supervisors: None

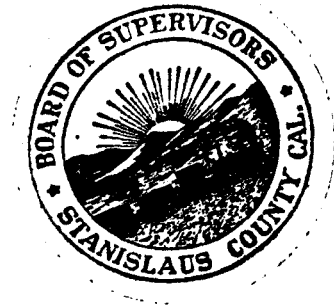
ABSENT: Supervisors: None

  
\_\_\_\_\_  
Jim DeMartini, Chairman  
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   
Elizabeth King, Deputy Clerk



APPROVED AS TO FORM:

John P. Doering  
County Counsel

By   
\_\_\_\_\_  
Thomas E. Boze  
Deputy County Counsel

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO** , County of **STANISLAUS** , State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS** , State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Feb 18, 2014

STANISLAUS COUNTY  
ORDINANCE NO. C.S. 1142

AN ORDINANCE AMENDING STANISLAUS COUNTY CODE RELATING TO THE HISTORICAL SITE DISTRICT. THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Section 21.44.020, subdivision (E) of the Stanislaus County Code is amended to read as follows: "E. One single-family dwelling, additions to already existing buildings requiring a building permit, and accessory uses and buildings normally incidental to single-family dwellings. The new dwelling or addition shall adhere to the guidelines for new construction and rehabilitation of older buildings within the adopted community plan for each historic community. Evidence of its conformance may be required."

Section 2. Section 21.44.040, subdivision (B) of the Stanislaus County Code is added to read as follows: "B. Additional single-family dwellings provided the Historical General Plan density requirements are maintained."

Section 3. Section 21.44.070 of the Stanislaus County Code is added to read as follows: "21.44.070 SITE AREA The minimum allowable area for creation of a parcel within Knights Ferry shall be determined based on the location of the subject parcel as follows: A. Sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east), and serviced by public water and septic tank facilities; twenty thousand square feet. Sites serviced by private well and septic tank facilities; one acre. B. Sites within any historical zoned land and outside of the area described above, the minimum building site area shall be five (5) acres. The minimum allowable area for creation of a parcel within La Grange shall be twenty thousand square feet for sites serviced by public water and septic tank facilities; and one acre for sites serviced by private well and septic tank facilities."

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

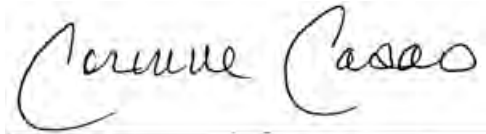
Upon motion of Supervisor O'Brien, seconded by Supervisor Chiesa, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 11th day of February, 2014, by the following-called vote: AYES: Supervisors: O'Brien, Chiesa, Withrow, Monteith and Chairman De Martini; NOES: None; ABSENT: None. s/ Jim DeMartini, Chairman 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 Elizabeth King, Asst. Clerk; APPROVED AS TO FORM: John P. Doering, County Counsel. By Thomas E. Boze Deputy County Counsel.  
Pub Dates Feb 18, 2014

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

**MODESTO, California** on

February 18th, 2014

(By Electronic Facsimile Signature)

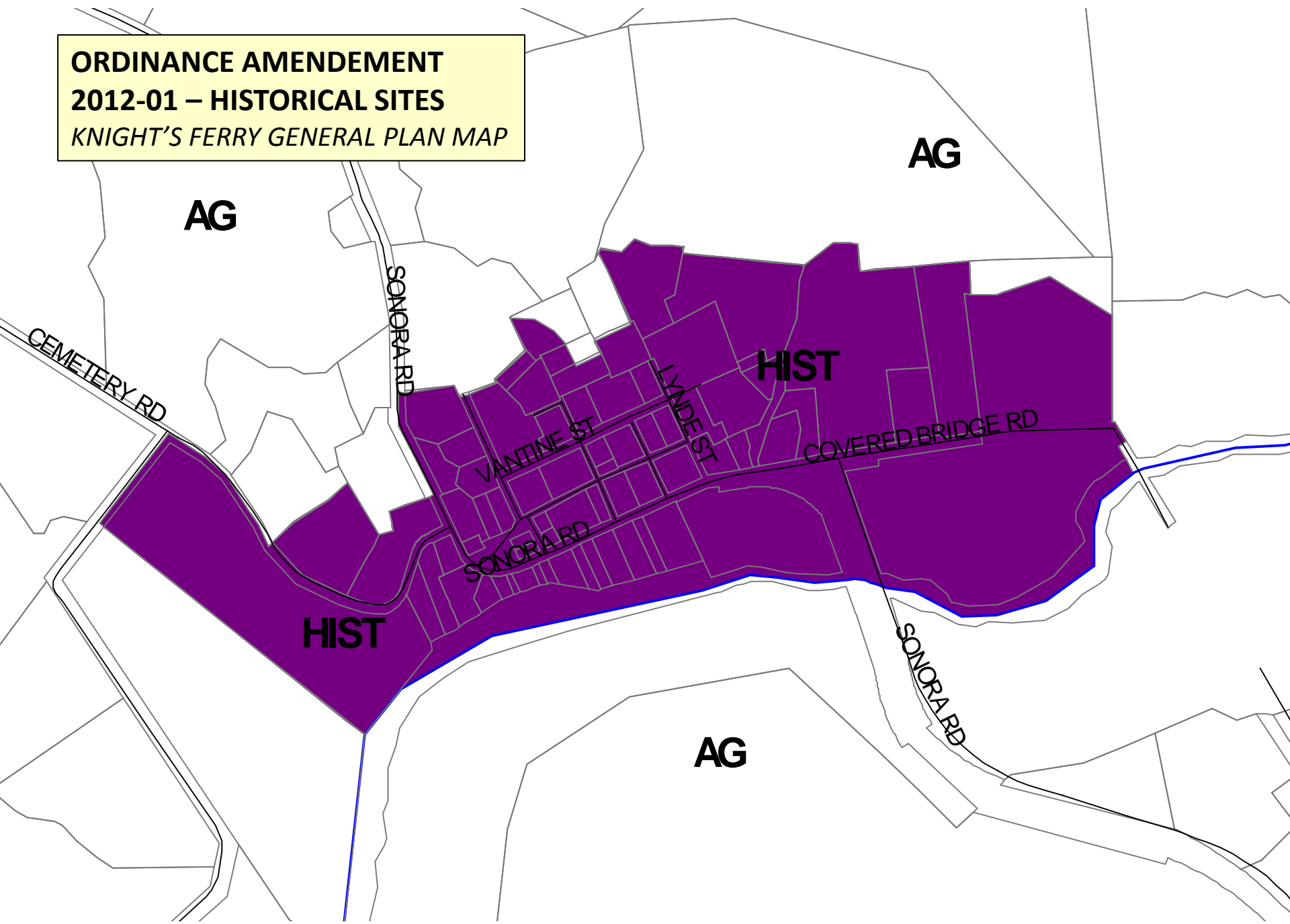


**ORDINANCE AMENDMENT  
APPLICATION NO. 2012-001  
HISTORICAL SITE DISTRICTS**



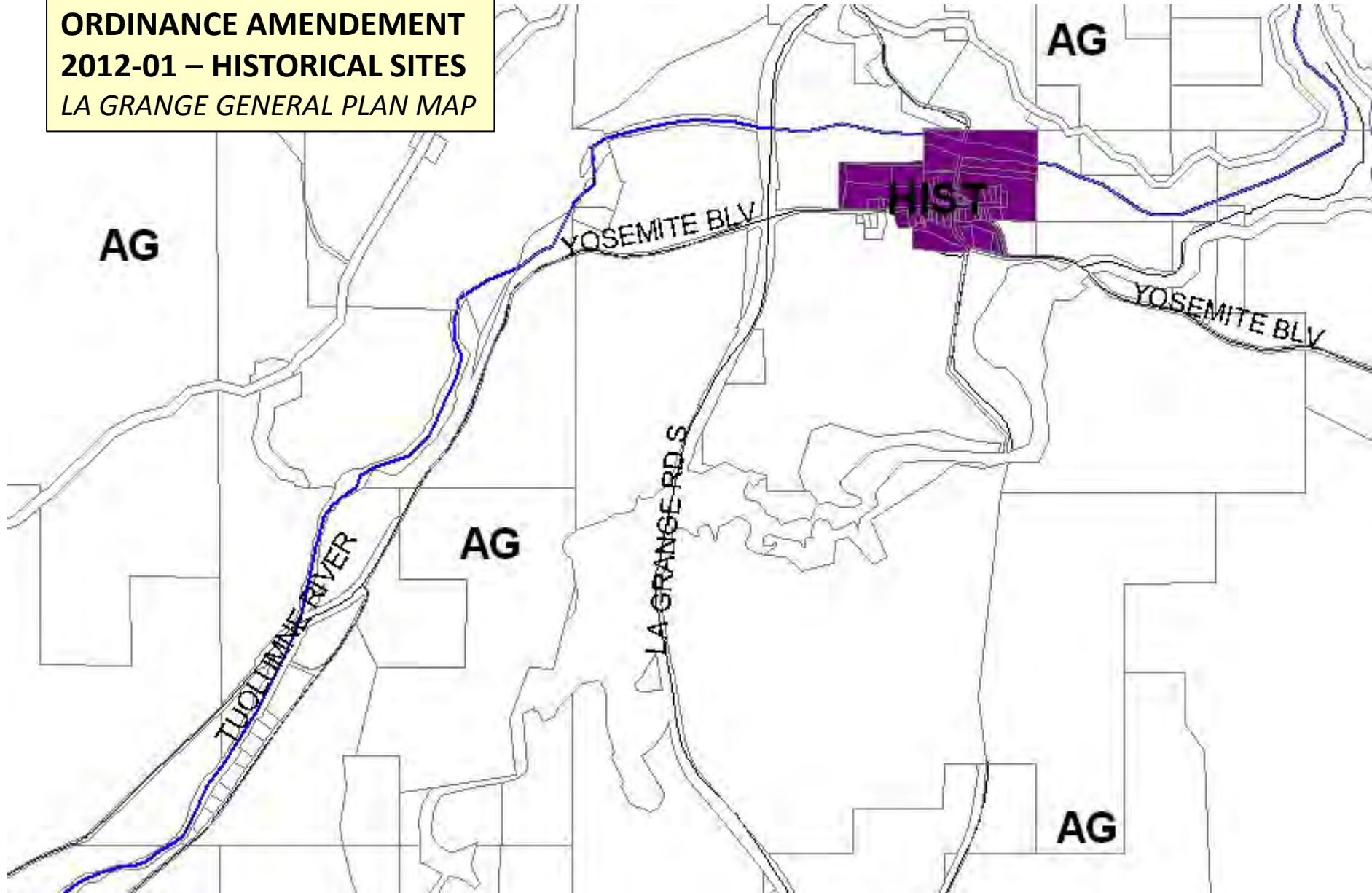
Planning & Community Development

**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES**  
*KNIGHT'S FERRY GENERAL PLAN MAP*





**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES**  
*LA GRANGE GENERAL PLAN MAP*



**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES**  
*KNIGHT'S FERRY ZONING MAP*

A-2-5

A-2-40

30.67

16.41

5.94

1.03

1.89

3.52

7.62

2.89

4.24

1.25

SONORA RD

1.10

1.21

0.81

0.49

0.70

1.97

0.35

1.14

0.65

1.16

2.83

2.13

0.42

1.36

0.40

0.70

0.25

0.56

0.81

SONORA RD

H-S

19.56

12.29

H-S

0.44

0.54

0.46

0.59

0.35

0.50

0.45

0.87

4.06

Stanislaus River

78.72

A-2-5

A-2-40

104.75

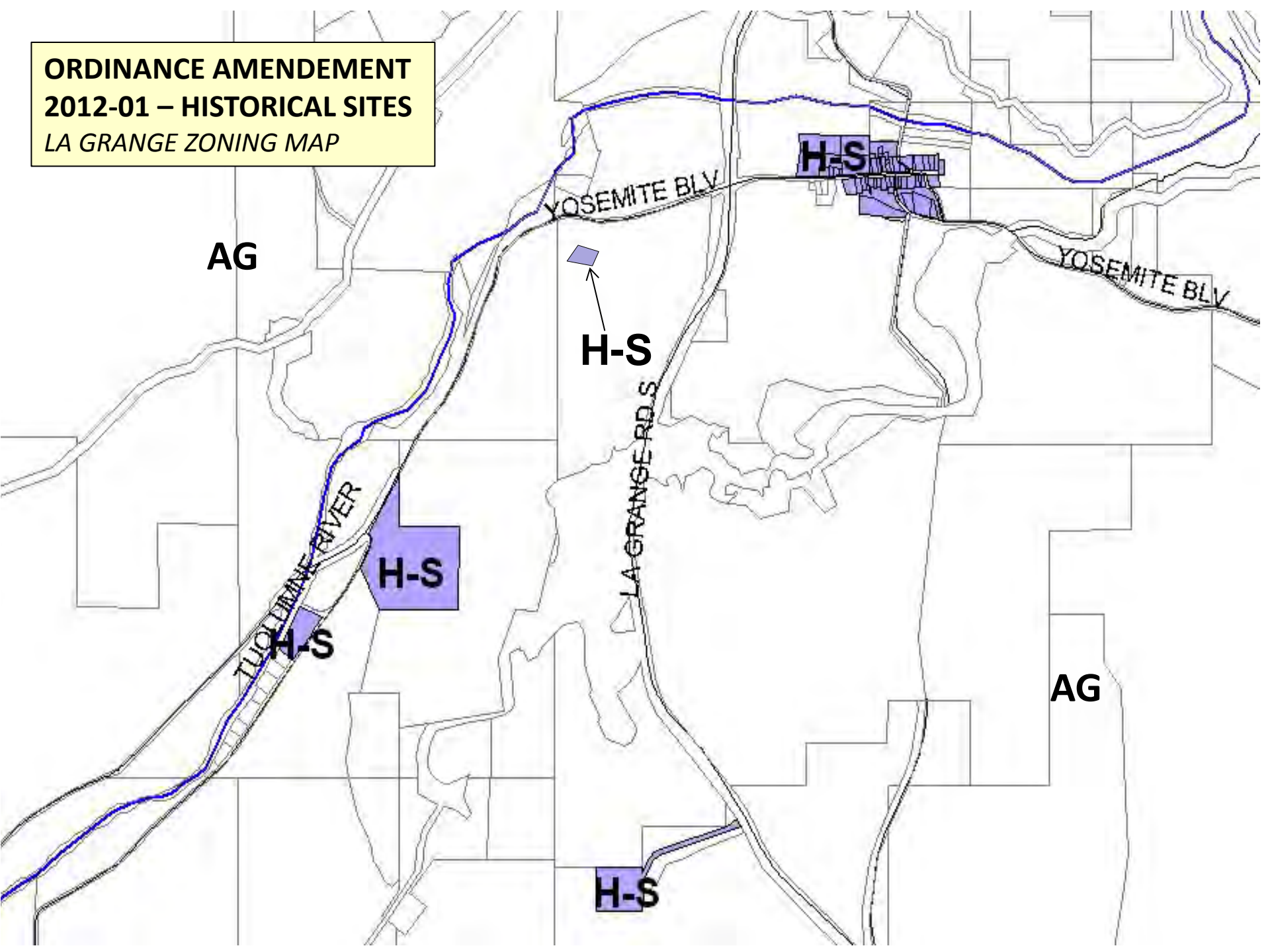
FRYMIRE RD

19.11

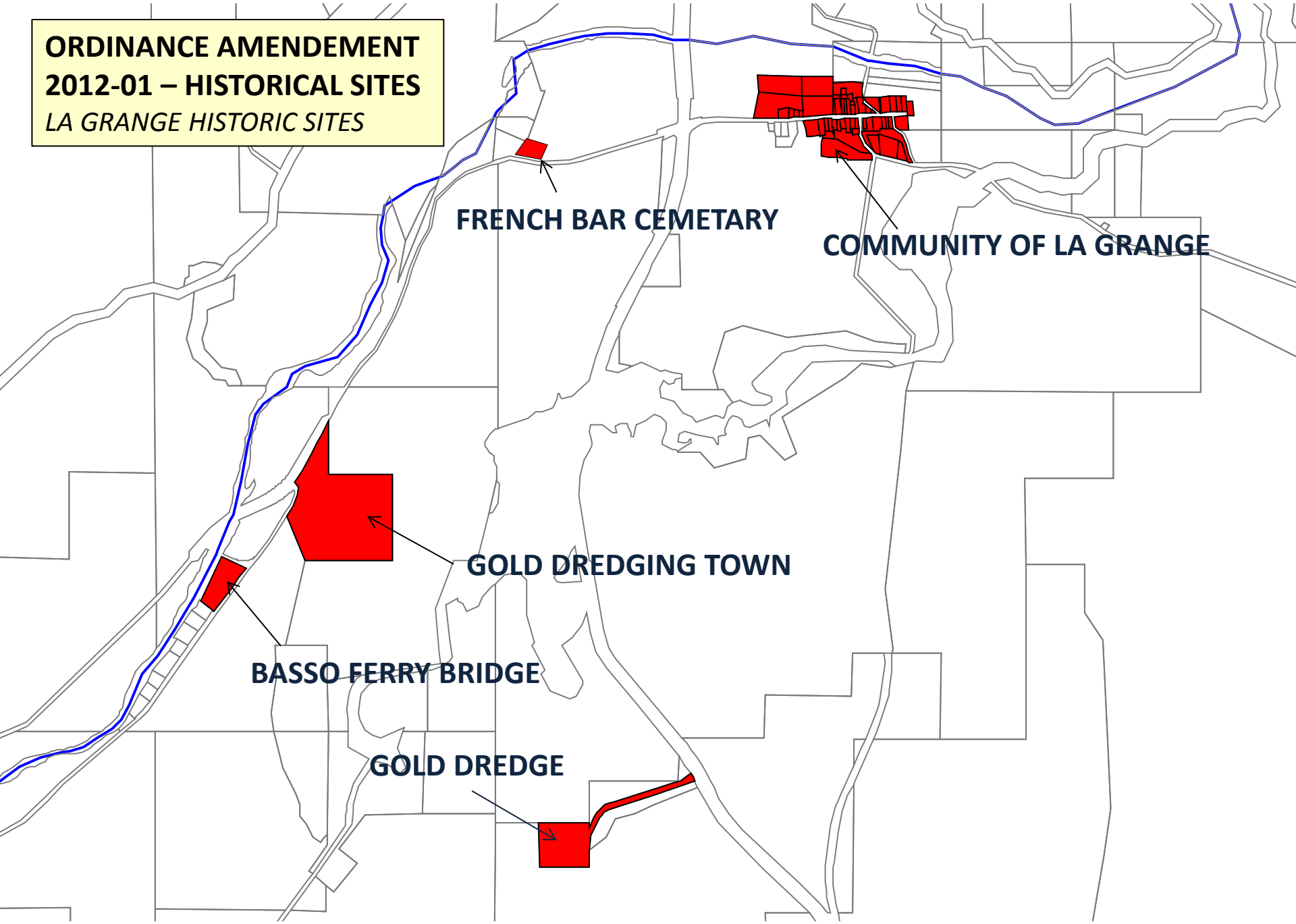
 KF-Community Services District

 Historic Site District

**ORDINANCE AMENDEMENT  
2012-01 – HISTORICAL SITES**  
*LA GRANGE ZONING MAP*



**ORDINANCE AMENDEMENT  
2012-01 – HISTORICAL SITES**  
*LA GRANGE HISTORIC SITES*



**FRENCH BAR CEMETARY**

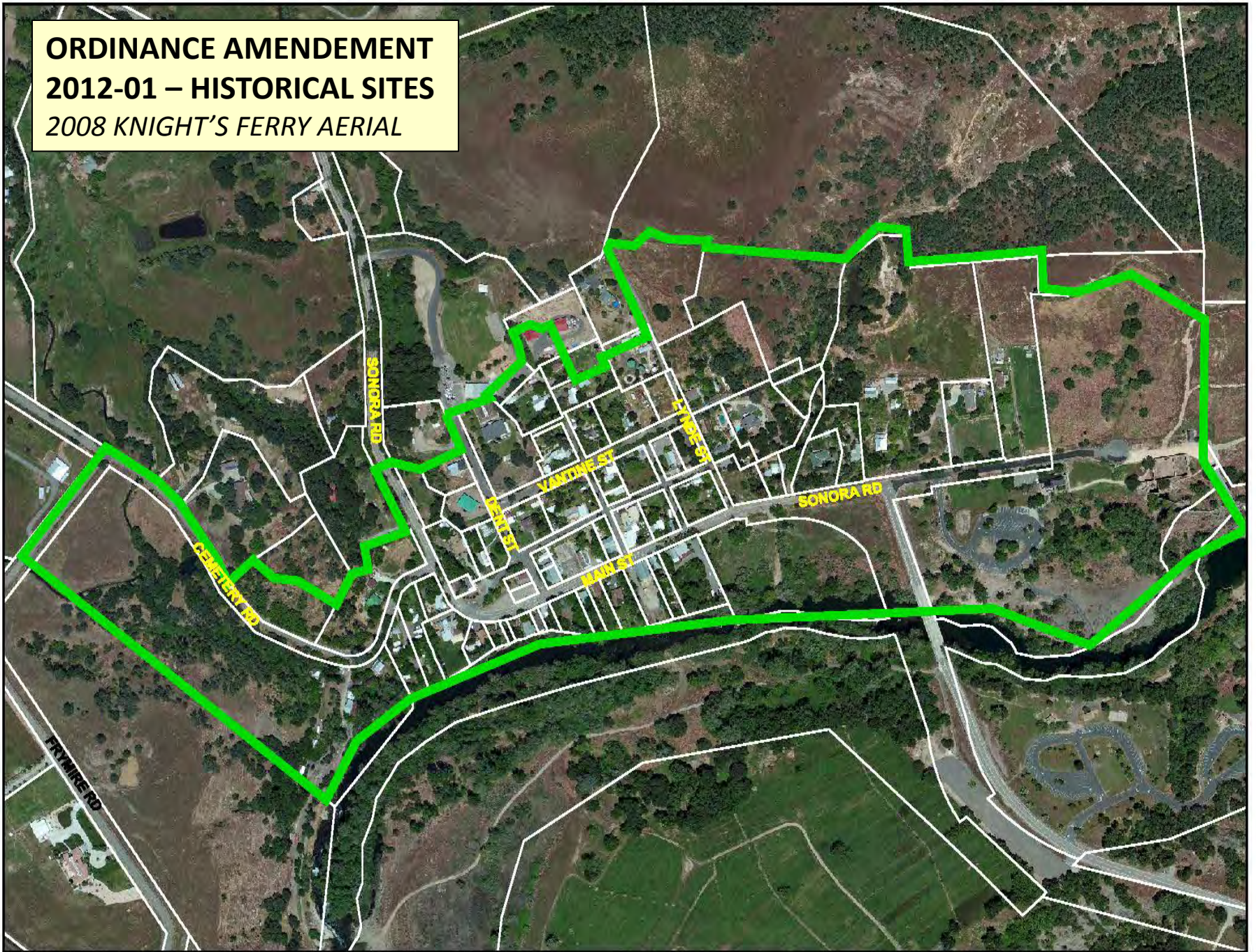
**COMMUNITY OF LA GRANGE**

**GOLD DREDGING TOWN**

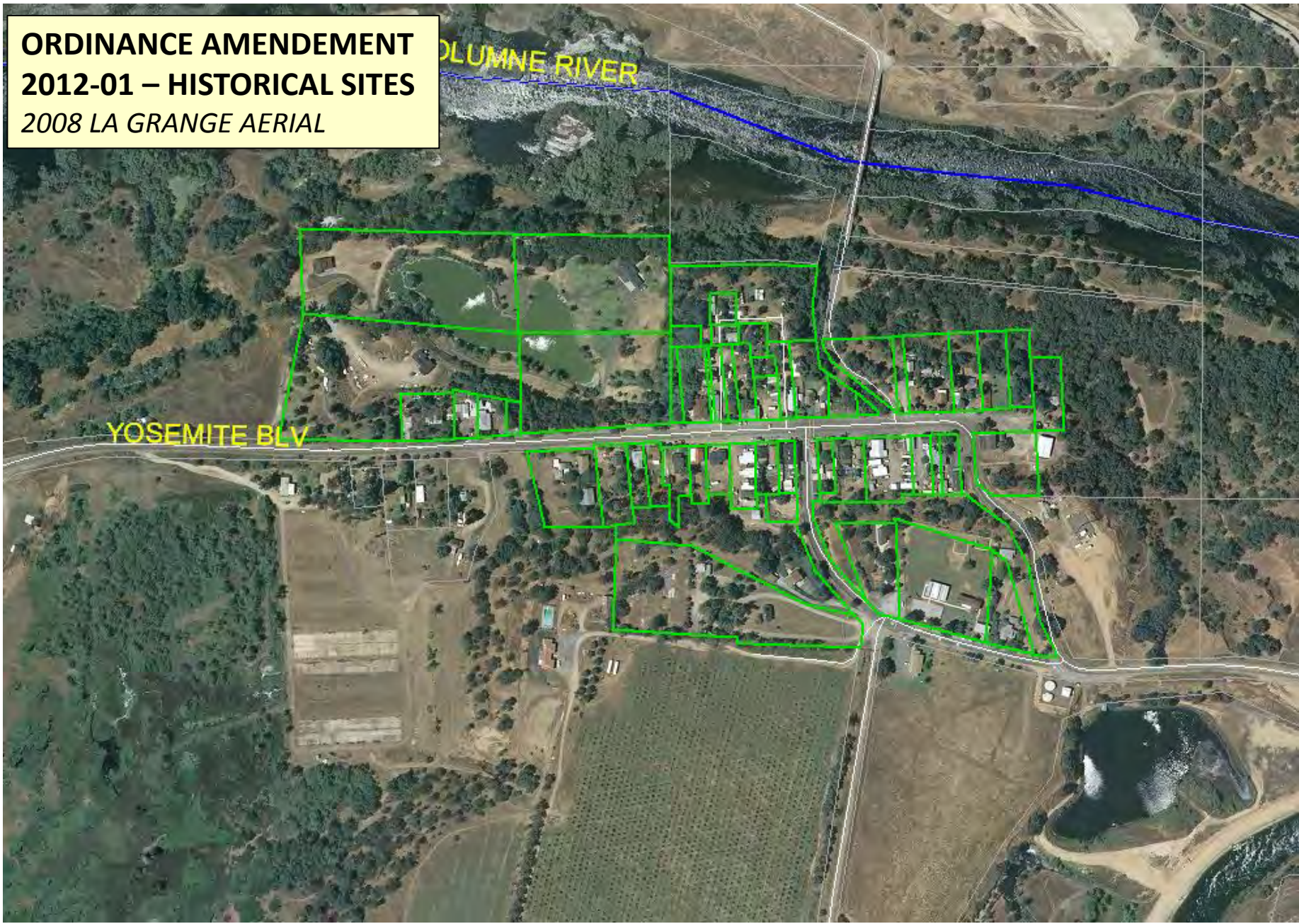
**BASSO FERRY BRIDGE**

**GOLD DREDGE**

**ORDINANCE AMENDEMENT**  
**2012-01 – HISTORICAL SITES**  
*2008 KNIGHT'S FERRY AERIAL*



**ORDINANCE AMENDEMENT  
2012-01 – HISTORICAL SITES**  
*2008 LA GRANGE AERIAL*



**ORDINANCE AMENDEMENT**  
**2012-01 – HISTORICAL SITES**  
*2008 LA GRANGE AERIAL*



# OA 2012-001 - HISTORICAL SITE DISTRICTS

## OVERVIEW

Intent is to clarify and establish standards within the Historical Site District Ordinance:

- PERMITTED USES
- DIVISION OF LAND



# **OA 2012-001 - HISTORICAL SITE DISTRICTS**

## *PERMITTED USES*

### **Section 21.44.020 – PERMITTED USES**

**(E) One single-family dwelling**

### **Section 21.44.040 – USES REQUIRING HISTORICAL SITE PERMIT**

**(B) Additional single-family dwellings provided the Historical General Plan density requirements are maintained.**



# OA 2012-001 - HISTORICAL SITE DISTRICTS

## DIVISION OF LAND

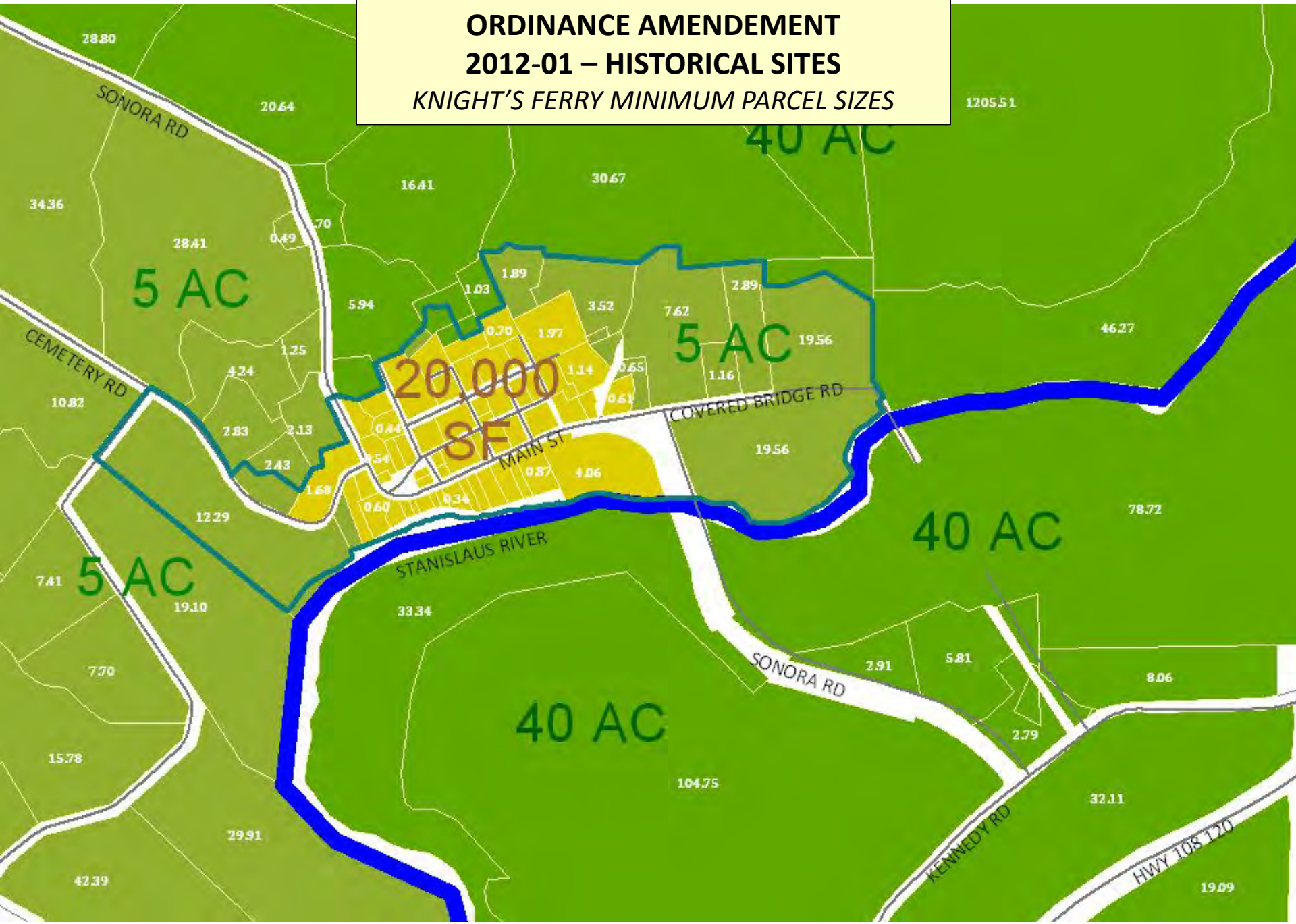
### Section 21.44.070 – SITE AREA

The minimum allowable area for creation of a parcel within **La Grange** shall be **20,000 square feet** for sites serviced by public water and septic tank facilities; and **one acre** for sites serviced by private well and septic tank facilities.

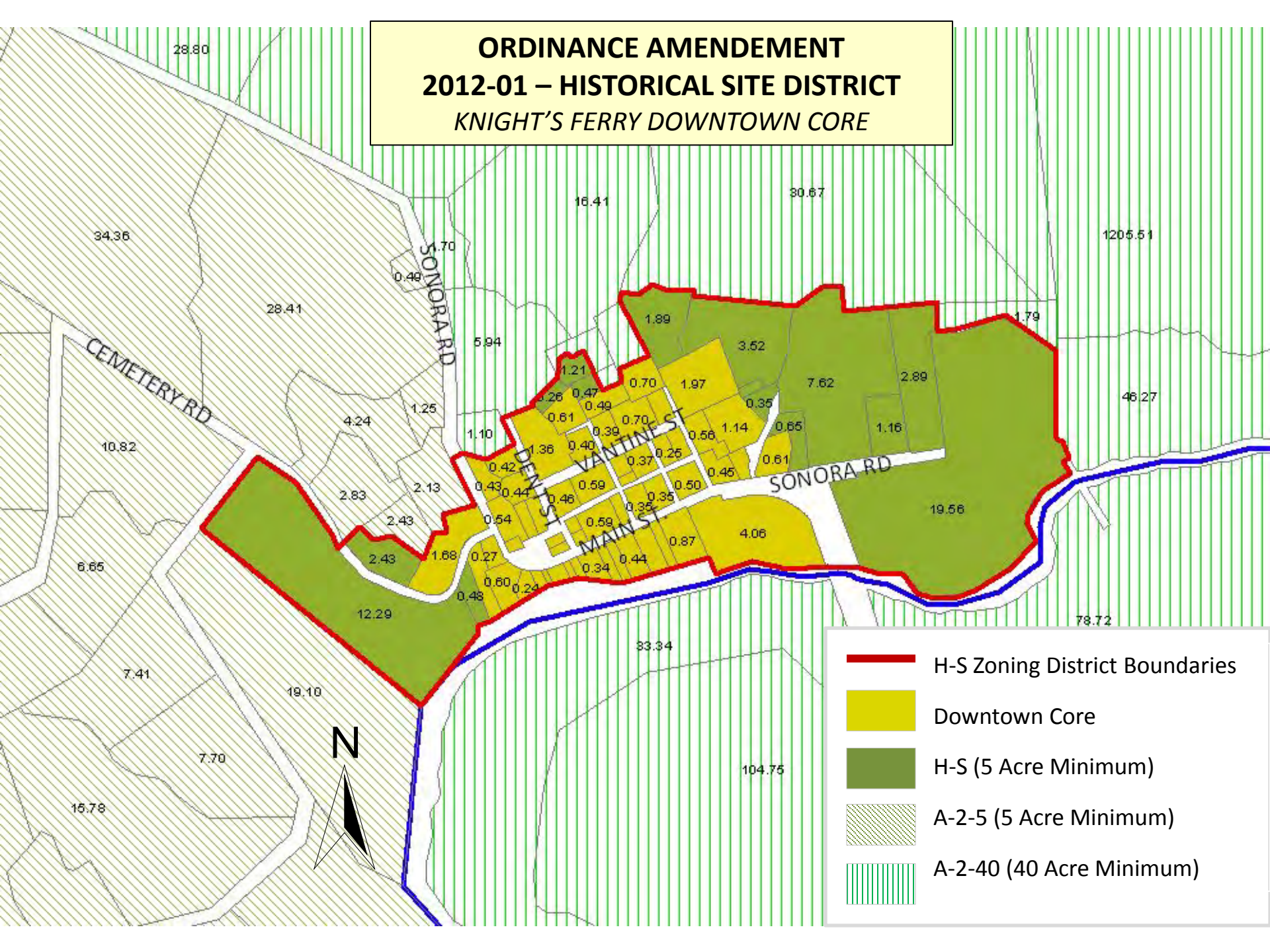
- *This comes from County Zoning Ordinance 21.08.050 Building site area—Sanitary sewers or public water not available*




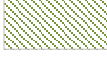



**ORDINANCE AMENDMENT  
2012-01 – HISTORICAL SITES**  
*KNIGHT'S FERRY MINIMUM PARCEL SIZES*



**ORDINANCE AMENDMENT**  
**2012-01 – HISTORICAL SITE DISTRICT**  
*KNIGHT'S FERRY DOWNTOWN CORE*



	H-S Zoning District Boundaries
	Downtown Core
	H-S (5 Acre Minimum)
	A-2-5 (5 Acre Minimum)
	A-2-40 (40 Acre Minimum)

# OA 2012-001 - HISTORICAL SITE DISTRICTS

## *DIVISION OF LAND*

### Section 21.44.070 – SITE AREA

The minimum allowable area for creation of a parcel within **Knights Ferry** shall be determined based on the location of the subject parcel as follows:

- (A) Sites bordered to the south by the Stanislaus River, 250-foot west of Sonora Road (to the West), 250-foot north of Valentine Street (to the north), and 250-foot east of Lynde Street (to the east), sites serviced by public water and septic tank facilities, **twenty thousand square feet**. Sites serviced by private well and septic tank facilities, **one acre**.



# OA 2012-001 - HISTORICAL SITE DISTRICTS

## *DIVISION OF LAND*

### **Section 21.44.070 – SITE AREA**

Minimum allowable area for creation of a parcel within **Knights Ferry** shall be determined based on the location of the subject parcel as follows:

- (B) Sites within any historical zoned land and outside of the Historic Downtown Core, the minimum site area shall be five (5) acres.



# OA 2012-001 - HISTORICAL SITE DISTRICTS

- Received a letter of opposition prior to October 17, 2013 Planning Commission hearing
- Continued hearing to December 19, 2013
- After review determined ordinance amendment permissibly upholds the intent of the Historic Site District:
  - “to preserve areas of local, regional, state or national historical significance”



# OA 2012-001 - HISTORICAL SITE DISTRICTS

December 19, 2013 Planning Commission hearing:

- A petition was received prior to the meeting requesting that La Grange be re-zoned from “Historical Sites” to “General Agriculture”
- Two residents of La Grange spoke against the project, stating concerns with emergency response times and restrictions on commercial and residential development in La Grange





# OA 2012-001 - HISTORICAL SITE DISTRICTS

December 19, 2013 Planning Commission hearing:

- The Planning Commission voted 3-2 (Gibson, Crabtree) to provide the Board of Supervisors with a recommendation of approval of the project
- Planning Commission requested that Planning staff work with the community of La Grange to resolve the issues addressed in the petition



# OA 2012-001 - HISTORICAL SITE DISTRICTS

December 19, 2013 Planning Commission hearing:

- Planning staff has since reached out to various departments, agencies, and the La Grange Improvement Association to further explore the issues raised during the Planning Commission hearing
- Planning Commission update in March of 2014



# OA 2012-001 - HISTORICAL SITE DISTRICTS

## *PROJECT REVIEW*

- Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated as a Negative Declaration to all interested parties and responsible agencies for review and comment and no significant issues were raised.

# OA 2012-001 - HISTORICAL SITE DISTRICTS

## *PROJECT REVIEW*

- Knights Ferry MAC
- La Grange Improvement Association
- County General Plan Update Committee

All committees expressed support for the project.

# OA 2012-001 - HISTORICAL SITE DISTRICTS

## *GENERAL PLAN CONSISTENCY*

### Land Use Element

The intent of the Historical Designation is to preserve areas of local, regional, state or national historical significance through zoning controls that emphasize the need for new development (or rehabilitation) to be compatible with the historic nature of the area.

### Conservation/Open Space Element

**Goal 8:** Preserve areas of national, state, regional and local historical importance.



# **OA 2012-001 - HISTORICAL SITE DISTRICTS**

## *GENERAL PLAN CONSISTENCY*

Staff believes that the requested ordinance amendment meets the goals of the General Plan to protect the County's historic resources.



# OA 2012-001 - HISTORICAL SITE DISTRICTS *RECOMMENDATION*

STAFF REQUESTS THAT THE BOARD OF SUPERVISORS APPROVE THE PLANNING COMMISSION'S RECOMMENDATIONS 1-4 AND **APPROVE** ORDINANCE AMENDMENT APPLICATION NO. 2012-01 – HISTORICAL SITE DISTRICTS.



# OA 2012-001 - HISTORICAL SITE DISTRICTS



QUESTIONS?