

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

DEPT: Planning And Community Development BOARD AGENDA #: *D-2
AGENDA DATE: September 26, 2017

SUBJECT:

Approval to Set a Public Hearing for October 17, 2017, at 6:40 p.m. to Consider the Planning Commission's Recommendation of Approval for Ordinance Amendment Application No. PLN2017-0055 – Small Livestock Farming, an Update to the Stanislaus County Zoning Ordinance, Covering the Entire Stanislaus County Unincorporated Area

BOARD ACTION AS FOLLOWS:

No. 2017-555

On motion of Supervisor Olsen, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-56-A-6

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning And Community Development BOARD AGENDA #: *D-2
Urgent Routine AK AGENDA DATE: September 26, 2017
CEO CONCURRENCE: _____ 4/5 Vote Required: Yes No

SUBJECT:

Approval to Set a Public Hearing for October 17, 2017, at 6:40 p.m. to Consider the Planning Commission's Recommendation of Approval for Ordinance Amendment Application No. PLN2017-0055 – Small Livestock Farming, an Update to the Stanislaus County Zoning Ordinance, Covering the Entire Stanislaus County Unincorporated Area

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

1. Set a public hearing for October 17, 2017, at 6:40 p.m. to consider the Planning Commission's recommendation of approval for Ordinance Amendment Application No. PLN2017-0055 – Small Livestock Farming, an update to the Stanislaus County Zoning Ordinance, covering the entire Stanislaus County unincorporated area.
2. Authorize the Clerk of the Board to publish a notice of public hearing as required by law.

DISCUSSION:

The Planning Department is proposing the following amendments to Title 21: Chapter 21.12 – Definitions; Chapter 21.24 Rural Residential (R-A) Zoning District; and Chapter 21.80 – Nonconforming Uses of Stanislaus County Zoning Ordinance:

- Section 21.12.530: The definition of "Small Livestock Farming" is amended to clarify the total number of fowl, animals, and beehives allowed; and to clarify that no small domestic animals with the potential to cause a nuisance shall be permitted under the definition.
- Section 21.24.020(B): The exclusion of turkeys is deleted for consistency with the definition of Small Livestock Farming, which allows for the raising and keeping of turkeys.
- Section 21.24.080(D): The yard and building provisions for the keeping of livestock and poultry is amended to include pens, coops, cages, or similar housing used for keeping livestock or poultry; and to clarify that the setback requirement from any public street is measured from edge of pavement; and to delete the setback requirement from any window or door of any building used for human occupancy.
- Section 21.80.020(A)(1): This section is amended to clarify that, with the exception of commercial dairy, poultry, or hog operations, the keeping of animals in quantities greater than permitted by Title 21 shall not be subject to continuation as a nonconforming use.

Approval to Set a Public Hearing for October 17, 2017, at 6:40 p.m. to Consider the Planning Commission's Recommendation of Approval for Ordinance Amendment Application No. PLN2017-0055 – Small Livestock Farming, an Update to the Stanislaus County Zoning Ordinance, Covering the Entire Stanislaus County Unincorporated Area

The Stanislaus County Planning Commission conducted a public hearing to consider the Ordinance Amendment on September 7, 2017. Four public members spoke against the project, and four public members spoke in favor of the project. The Planning Commission recommended that the Board of Supervisors approve the Ordinance Amendment request on a vote of 7/0 (Etchebarne/Blom).

POLICY ISSUE:

In order to consider an amendment to the Zoning Ordinance, the Board of Supervisors must hold a public hearing. The proposed Ordinance Amendment provides clarity on the permitting of Small Livestock Farming throughout the unincorporated County.

FISCAL IMPACT:

Costs associated with processing this ordinance amendment: setting the public hearing, publishing required notices, and conducting the hearing, will be covered by the Planning and Community Development General Fund budget.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of A Safe Community, A Healthy Community, and A Strong Agricultural Economy/Heritage by providing clarity on where Small Livestock Farming is permitted throughout the unincorporated County.

STAFFING IMPACT:

Planning and Community Development staff is responsible for preparing all reports associated with this request and there are no staffing impacts associated with this item.

CONTACT PERSON:

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

ATTACHMENT(S):

None

STANISLAUS COUNTY NOTICE OF PUBLIC HEARING FOR
ORDINANCE AMENDMENT NO. PLN2017-0055
SMALL LIVESTOCK FARMING

NOTICE IS HEREBY GIVEN that on October 17, 2017, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider the Planning Commission's recommendation of approval for Ordinance Amendment Application No. PLN2017-0055 – Small Livestock Farming, an update to the Stanislaus County Zoning Ordinance, covering the entire Stanislaus County unincorporated area. The project is a request to amend Chapters 21.12 – Definitions, 21.24 R-A (Rural Residential) Zoning District, and 21.80 – Nonconforming Uses of the Stanislaus County Title 21 Zoning Ordinance as follows:

- Section 21.12.530: The definition of Small Livestock Farming is amended to: clarify the total number of fowl, animals, and beehives allowed; and to clarify that no small domestic animals with the potential to cause a nuisance shall be permitted under the definition.
- Section 21.24.020(B): The exclusion of turkeys is deleted for consistency with the definition of Small Livestock Farming, which allows for the raising and keeping of turkeys.
- Section 21.24.080(D): The yard requirement for the keeping of livestock and poultry is amended to: include pens, coops, cages, or similar housing, in addition to buildings; to clarify that the setback requirement from any public street is measured from edge of pavement; and to delete the setback requirement from any window or door of any building used for human occupancy.
- Section 21.80.020(A)(1): This section is amended to clarify that, with the exception of commercial dairy, poultry, or hog operations, the keeping of animals in quantities greater than permitted by Title 21 shall not be subject to continuation as a nonconforming use.

This project has been deemed exempt from the California Environmental Quality Act (CEQA). All documents are available for review at 1010 10th Street, Suite 3400, Modesto and online at: www.stancounty.com/planning/.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: September 26, 2017

ATTEST: ELIZABETH A. KING, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY: 
Pam Villarreal, Assistant Clerk



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Cols	Lines
341787	0003309617	HEARING ORD AMEND PLN2017-0055 PAM VILLARREAL	MEND-PLN2017-0055 PAM VILLA	2	61

Attention:

CO STAN BOARD OF SUPERVISORS
1010 10TH ST STE 6700
MODESTO, CA 95354

**Declaration of Publication
C.C.P. S2015.5**

STATE OF CALIFORNIA)
) ss.
County of Stanislaus)

**STANISLAUS COUNTY NOTICE OF PUBLIC HEARING FOR
ORDINANCE AMENDMENT NO. PLN2017-0055
SMALL LIVESTOCK FARMING**

NOTICE IS HEREBY GIVEN that on October 17, 2017, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider the Planning Commission's recommendation of approval for Ordinance Amendment Application No. PLN2017-0055 – Small Livestock Farming, an update to the Stanislaus County Zoning Ordinance, covering the entire Stanislaus County unincorporated area. The project is a request to amend Chapters 21.12 – Definitions, 21.24 R-A (Rural Residential) Zoning District, and 21.80 – Nonconforming Uses of the Stanislaus County Title 21 Zoning Ordinance as follows:

- Section 21.12.530: The definition of Small Livestock Farming is amended to: clarify the total number of fowl, animals, and beehives allowed; and to clarify that no small domestic animals with the potential to cause a nuisance shall be permitted under the definition.
- Section 21.24.020(B): The exclusion of turkeys is deleted for consistency with the definition of Small Livestock Farming, which allows for the raising and keeping of turkeys.
- Section 21.24.080(D): The yard requirement for the keeping of livestock and poultry is amended to: include pens, coops, cages, or similar housing, in addition to buildings; to clarify that the setback requirement from any public street is measured from edge of pavement; and to delete the setback requirement from any window or door of any building used for human occupancy.
- Section 21.80.020(A)(1): This section is amended to clarify that, with the exception of commercial dairy, poultry, or hog operations, the keeping of animals in quantities greater than permitted by Title 21 shall not be subject to continuation as a nonconforming use.

This project has been deemed exempt from the California Environmental Quality Act (CEQA). All documents are available for review at 1010 10th Street, Suite 3400, Modesto and online at: www.stancounty.com/planning/.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: September 26, 2017. ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk.

MOD- 3309617 10/6

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of the The Modesto Bee, which 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. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

October 06, 2017

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:

Date: 6th, day of October, 2017

Cynthia A. Williams

Signature