



2023-2031 Housing Element Update

Chapter 4 – Housing Constraints

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4 Housing Constraints

State housing element law requires the County to identify and analyze potential and actual governmental and non-governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities. The analysis is required to identify specific standards and processes within the purview of government and evaluate their impact on the supply and affordability of housing. The analysis below determines whether local regulatory standards pose an actual constraint and demonstrates local efforts to remove constraints that hinder the County from meeting its housing needs. Stakeholder input informed the analysis. The County met with developers and representatives of organizations serving persons with disabilities, persons experiencing homelessness, and other residents of the County to identify governmental and nongovernmental constraints to the development of housing and the provision of services for lower-income or special needs populations (More information on stakeholder interviews and community outreach can be found in Appendix A.)

4.1 Governmental Constraints

Local governments have little or no influence on federal monetary policies or national economic forces; yet these factors carry substantial weight on the overall cost of housing. The local housing market, however, can be encouraged and assisted locally. Part of the housing element's purpose is to require local governments to evaluate their past performance in this regard. By reviewing local conditions and regulations that may impact the housing market, the local government can prepare for future growth through actions that address housing needs for its population, address public health and safety, and facilitate reducing the cost of housing production.

Stanislaus County's primary policies and regulations that affect residential development and housing affordability include the following: land use controls, development processing procedures and fees, impact fees, on- and off-site improvement requirements, building and housing codes, and code enforcement. This section discusses these policies and regulations and assesses whether any serve as a governmental constraint to the production of housing.

As part of the governmental constraints analysis, the housing element must also analyze potential and actual constraints upon the development, maintenance, and improvement of housing for persons with disabilities. Additional analysis of these constraints is included at the end of this section.

4.1.1 General Plan and Zoning Ordinance

The Stanislaus County General Plan and Zoning Ordinance establish allowable land use types, amount, and distribution of various uses throughout unincorporated Stanislaus County, including the distribution of housing and intensity of residential development. Incorporated cities are governed by their own regulatory documents. These policy and regulatory controls guide growth and development for the future. The discussion that follows focuses generally on the intent of these controls and their impact on the production of housing.

General Plan Land Use Designations

The Stanislaus County General Plan is a comprehensive, long-term guide for development in the unincorporated areas of the County. The General Plan elements should be comprised of integrated, internally consistent, and compatible policy objectives. The 2015 comprehensive update to the Stanislaus County General Plan established a 20-year planning horizon to 2035. The Land Use Diagram sets broad guidance for land use development. As summarized in Table 4-1, the Land Use Element establishes four residential land use designations and one commercial land use designation that permits all allowable residential use types. According to the General Plan Land Use designations, single-family dwellings are also allowed, with limitations, on land designated primarily for agricultural and industrial land uses.

Table 4-1 Land Use Designations Permitting Residential Uses

General Plan Designation	Compatible Zoning Ordinance Classification	Allowable Residential Use	Maximum Dwelling Units per Acre
Residential			
Estate Residential	R-A (Rural Residential) PD (Planned Development)	Single-family dwelling; Accessory dwelling unit	1 dwelling unit per 3 acres
Low-Density Residential	R-A (Rural Residential) R-1 (Single Family Residential) PD (Planned Development) US (Urban Service combining district in conjunction with the above zones)	Single-family dwelling, Mobile home, Accessory dwelling unit, and Mobile home parks with a use permit.	8 dwelling units per acre (if served by community services or sanitary sewer district), 2 dwelling units per acre (if not served by public water and sewer service)
Medium-Density Residential District	R-2 (Medium-Density Residential) PD (Planned Development)	Single-family dwelling, Second dwelling unit, Duplexes, Mobile home in lieu of any permitted single-family, dwelling groups with use permit, and Mobile home parks with a use permit.	14 dwelling units per acre
Medium High-Density Residential	R-3 (Multiple-Family Residential) PD (Planned Development)	Single-family dwelling (two dwelling units are permitted on the first six thousand square feet of a lot with one additional unit permitted for each additional fifteen hundred square feet of the lot to a maximum density of 25 units per net acre), Accessory dwelling units, Apartment house, Dormitory, fraternity/ sorority house, Rooming or boarding house, Orphanage or residential care home, Mobile home in lieu of a permitted single-family dwelling, and Mobile home parks with a use permit.	25 dwelling units per acre

General Plan Designation	Compatible Zoning Ordinance Classification	Allowable Residential Use	Maximum Dwelling Units per Acre
Commercial			
Commercial	C-1 (Neighborhood Commercial) C-2 (General Commercial) H-1 (Highway Frontage Commercial)	Apartment houses, Two-family dwellings or duplexes, Residential care homes, Convents, Mobile homes, Single-family dwellings or one apartment if it is accessory to a permitted commercial use, Emergency shelters (H-1 and C-2), and Mobile home parks with a use permit.	25 dwelling units per acre
Industrial			
Industrial	LM (Limited Industrial) M (Industrial) PI (Planned Industrial) PD (Planned Development)	One single-family dwelling or one apartment if accessory to a permitted commercial or industrial use.	1 unit per parcel
Planned Industrial	A-2 (General Agriculture) PI (Planned Industrial) LI (Light Industrial) IBP (Industrial Business Park) SCP-PI (Salida Community Plan, Planned Industrial) all industrial or business park related PD (Planned Development)	One single-family dwelling or one apartment if accessory to the industrial use, or accessory to crop farming.	1 unit per parcel
Agricultural			
Agriculture	A-2 (General Agriculture) PD (Planned Development)	20 acres or more: Up to two dwelling units (single-family dwellings or one single-family dwelling and one accessory dwelling unit) One to less than 20 acres: One single-family dwelling and one accessory dwelling.	2 dwelling units per 3, 5, 10, 20, 40, or 160 acres (appropriate corresponding A-2 zone)

Source: Stanislaus County General Plan, 2015

Community Plans

Included in the Land Use Element are nine community plans (Crows Landing, Del Rio, Denair, Hickman, Keyes, Knights Ferry, La Grange, Salida, and Westley) for unincorporated communities in Stanislaus County. By and large, the land use designations in these plans align with the zoning designations with some exceptions and include policies related to housing production. The communities with the greatest potential for residential development are Denair, Keyes, and Salida.

Denair Community Plan

The Denair Community Plan was adopted December 15, 1998, and encompasses a land area of 1,013 acres. Higher-density residential development is located near the downtown commercial core. Measure E, discussed further in Section 4.1.10, Growth Management, applies to agricultural land within the Community Plan area, and may present some barriers to housing development.

Keyes Community Plan

The Keyes Community Plan was adopted April 18, 2000, and encompasses a land area of 857 acres. New residential development is targeted for the community’s northern and eastern areas. Measure E, discussed further in Section 4.1.10, Growth Management, applies to agricultural land within the Community Plan area, and may present some barriers to housing development.

Salida Community Plan

The Stanislaus County Board of Supervisors passed an ordinance on August 7, 2007, to implement the Salida Area Planning “Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative,” also known as the “Salida Initiative,” which amended the Salida Community Plan (SCP). The amended SCP provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. SCP encompasses the existing community of Salida, which was part of the previously approved SCP (Existing Plan Area), and an amendment area encompassing approximately 3,383 acres (Amendment Area).

The plan area is divided into seven land use designations and is unique from the other community plan documents because it establishes sub-zoning districts that implement the General Plan land use designations. Table 4-2 summarizes the residential land use designations and corresponding zoning districts for the SCP. The table shows the allowable types of residential use, maximum dwelling units per acre and projected average dwelling units per acre. These zone districts allow higher residential density than other unincorporated areas. The SCP was adopted by the Board of Supervisors without environmental review, which was allowed at the time for initiatives. Environmental review is required for build out of the SCP.

Table 4-2 Salida Community Plan Land Use Designations Permitting Residential Uses

General Plan Designation	Compatible Zoning Ordinance Classification	Allowable Residential Use	Maximum Dwelling Units per Acre	Projected Average Dwelling Units per Acre
Low-Density Residential	SCP-R-1	Single Family homes	8 dwelling units per acre	4.5 dwelling units per acre
Low-Density Residential-Special Treatment Area	SCP-R-1- ST	Single Family homes	8 dwelling units per acre	N/A
Medium-Density Residential	SCP-R-2	Detached single-family homes, duplexes, and triplexes	14 dwelling units per acre	10 dwelling units per acre
Medium High-Density Residential	SCP-R-3	Multifamily homes	25 dwelling units per acre	23.4 dwelling units per acre

Source: Stanislaus County General Plan, 2015

Overall, the SCP was projected to have a build-out of about 5,000 dwelling units. The SCP created capacity for lower-income households, by way of expanded area for the development of higher-density housing. The standards outlined in the SCP allow for more flexibility in housing types beyond the single-family home. As an example, unlike other areas of the County where the Medium Density Residential (R-2) district has a minimum lot size of 6,000 square feet, the medium-density SCP-R-2 district in the Salida Community Plan allows lots between 2,000 and 3,000 square feet and has the capacity for two to three times the number of units than the standard R-2 zone. The Medium-High-Density SCP-R-3 district allows for row houses, townhomes, condominiums, and apartments at 25 units per acre and excludes allowance for single-family housing.

The SCP also establishes different development standards for height limits and setbacks. For example, the SCP zones have a higher height limit but greater minimum rear yard setbacks as shown in Table 4-5 in Section 4.1.4. SCP zones also regulate the maximum number of stories to 2.5 stories in SCP-R-1 and SCP-R-2 zones and three stories in SCP-R-3 zones, unlike other residential zoning districts. Despite having standards that better accommodate a range of housing types and policies that support future housing development, that development has not been realized. Development in the SCP is still required to undergo CEQA analysis, and Infrastructure to serve the amendment area of the Salida Community Plan is unknown and has not been evaluated, discussed further in Section 4.2.4, *Infrastructure Constraints*. Under Program 2.1g, the County will complete the necessary environmental review for the Salida Community Plan to facilitate housing development.

The General Plan provides opportunities for housing in both residential and non-residential land uses such as in the Agricultural and Commercial land use categories. Additionally, the SCP accommodates a broader range of housing development opportunities, though residential development in the area is limited by infrastructure constraints. Overall, the General Plan accommodates an appropriate range of residential land use types within its land use designations and does not create constraints for housing development.

4.1.2 Zoning Ordinance

The following discussion reviews the types and density of housing permitted and relevant development standards in the Stanislaus County Zoning Ordinance.

Residential Districts and Permitting

The Stanislaus County Zoning Ordinance has four residential zone districts: Rural Residential (R-A), Single-Family Residential (R-1), Medium Density Residential (R-2), and Multiple-Family Residential (R-3). Table 4-3 shows the residential zone districts in relation to the minimum lot area and maximum residential density. The densities allowed by the Zoning Ordinance do not reflect Senate Bill 9 legislation, approved in 2021, which requires ministerial approval of up to four housing units in areas typically used for one single-family home. Likewise, accessory dwelling units allowed by state law are not counted in residential density.

Table 4-3 Residential Zone Districts

Zoning District	Minimum Residential Lot Area	Maximum Residential Density
R-A Rural Residential	3 acres (Estate Residential General Plan) 8,000 square feet (Low Density Residential General Plan)	1 dwelling unit per 3 acres 1 ADU
R-1 Single Family Residential District	5,000 square feet	8 dwelling units/acre (if served by community services or sanitary sewer district) 2 dwelling units/acre (if not served by public water and sewer service) 1 ADU
R-2 Medium Density Residential District	6,000 square feet	14 dwelling units/acre 1 ADU
R-3 Multiple Family Residential District	6,000 square feet	25 dwelling units/acre ADUs at 25% of existing units (2 detached ADUs where there are multiple existing units)

1. Zoning densities do not reflect recent state laws that permit Accessory Dwelling Units (ADUs) in single-family zones.
2. Minimum lot area applies when serviced to two public facilities (exception is R-A Estate Residential). Where serviced by public water and septic tank facilities or private well and public sewer facilities minimum lot area is 20,000 square feet. Where serviced by private well and septic facilities minimum lot area is one acre.

Source: Stanislaus County Zoning Ordinance, 2022. Stanislaus County Local Agency Management Plan (LAMP), 2017.

4.1.3 Zoning for a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of housing types for all economic segments of the population. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This includes single-family homes, multiple dwelling units, accessory dwelling units, mobile homes, agricultural employee housing, homeless shelters, and transitional housing, among others. An overview of different housing types is provided below.

Residential allowances are not expressed in a single land use table, rather, they are discussed within each respective section of the zoning code and recognized under the following types of administrative and discretionary permit requirements:

- **Permitted Uses.** Permitted uses are ministerial and require a building permit be issued by the County. The building permit application must be accompanied by plans and pertinent information showing how the application for the use meets required standards. This is a ministerial process that involves County staff review of a proposed development to ensure that all applicable zoning requirements, and other County adopted standards, are satisfied. If so, the permit is issued.
- **Uses Requiring a Use Permit.** The procedures for obtaining a use permit include an application, which can be filed with the Department of Planning and Community Development and accompanied by plans and information relevant to the standards outlining the requirements of that use. Environmental review is required and public hearings are held for uses requiring a use permit and depending on the intensity of use can be heard before either the Planning Commission or the Board of Supervisors. Such a project can either raise major land use policy issues or create problems for adjoining properties and the surrounding area if it is not considered compatible either by location or design. The purpose of a use permit is to allow Planning Department staff

and the Stanislaus County Planning Commission an opportunity to evaluate a proposed use to determine if problems may occur, to provide the public an opportunity to review the proposed project and express their concerns in a public hearing, and to prevent potential problems that may be caused by the project through the application of conditions of approval.

Table 4-4 identifies housing types permitted by zone under the Stanislaus County Zoning Ordinance.

Table 4-4 Housing Types Permitted by Zone

Housing Type	R-1	R-2	R-3	R-A	A-2	HS	C-1	C-2	M	H-1	SCP- R-1-ST	SCP- R-2 ⁵	SCP- R-3 ⁵
Accessory Dwelling Unit	P	P	P	P	P								
Emergency shelters								p ⁶	p ⁶	p ⁶			
Employee Housing					UP								
Mobile Homes ⁴	P	P	P	P	P		P	P	P	P			
Multiple- Dwelling (see “Group Dwelling” definition in Stanislaus zoning code)		UP	P				P						P
Residential Care Home ⁹			P	UP			P						
Rooming House			P				P			UP			
Single-Family Dwellings	P	P	P	P	P	p ¹	p ²	p ²	p ²	p ²	P	P	P
Apartment House			P				P			UP			
Supportive and Transitional Housing ⁷	P	P	P	P	P	P	P	P	P	P	P	P	P
Two Dwelling Units (Duplex)	p ³	P	P	p ³		UP ⁸	P			UP	P	P	P

Legend

P= Permitted

UP=Use Permit

¹ One single-family dwelling, additions to already existing buildings requiring a building permit,

² Single-family dwelling or one apartment if it is accessory to a permitted commercial or industrial.

³ Duplexes on corner lots of subdivisions created after January 1, 1979 are allowed, provided that each unit fronts on a separate street and each unit has the appearance of a single family home, in the opinion of the director of planning.

⁴ Mobile Homes in lieu of Single-Family residence as regulated by 21.72.

⁵ SCP districts require a development plan and environmental review.

⁶ A use permit is required if the project exceeds 10 beds.

⁷ Supportive and transitional housing is included in the definition of a dwelling and is permitted wherever residential dwelling units are permitted.

⁸ Up to 8 units/acre with a Historic Site Permit (use permit).

⁹ Residential care homes are defined as structures with seven or more persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

Source: Stanislaus County Zoning Ordinance, 2022

Accessory Dwelling Units and Junior Accessory Dwelling Units

Under state law (Government Code Section 65852.2), an accessory dwelling unit (ADU) is a dwelling unit that provides complete independent living facilities for one or more persons. It must be located on the same parcel on which a single-family dwelling or multifamily development is located or will be built and may be attached to or converted from a portion of the primary dwelling unit or separate from the primary structure (detached). An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation. ADUs must be permitted ministerially pursuant to state law in all zoning districts that allow residential uses.

A junior ADU (JADU) is a dwelling unit limited to 500 square feet and converted from a portion of a single-family home. A JADU must contain a kitchen, but bathroom facilities may be shared with the primary dwelling unit. Owner occupancy of the primary dwelling unit is required, and no parking may be required for the JADU. JADUs must be ministerially permitted in zoning districts that allow single-family residences. Government Code Section 65852.22 establishes minimum standards for JADUs.

State law governing ADUs and JADUs has changed rapidly during the previous housing element planning period. State law supersedes local ordinances and while some jurisdictions adopt local ordinances making provisions for ADUs and JADUs, rapid changes mean that local ordinances quickly become out of date. The County's existing ADU ordinance was updated in 2021 and can be found in Chapter 21.74 of the Stanislaus County Zoning Ordinance. The County's ordinance is not consistent with recently passed state laws including Assembly Bill (AB) 345 (allowing the separate sale or conveyance of ADUs in limited circumstances). As a result of this inconsistency, the County will update Chapter 21.74 to allow limited separate sale or conveyance of ADUs.

Emergency Shelter

"Emergency shelter" is defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (Health and Safety Code 50801). Jurisdictions must allow emergency housing (homeless shelters) in at least one zone without discretionary review.

AB 139, which went into effect on January 1, 2020, mandates that emergency shelters may only be subject to standards that apply to residential and commercial development within the same zone. AB 139 also states that a local government may only require sufficient parking to accommodate all staff working in the emergency shelter. However, a jurisdiction can apply standards regulating the following:

- Maximum number of beds, off-street parking based upon demonstrated need
- Size and location of onsite waiting and intake areas
- Provision of onsite management
- Proximity to other shelters
- Length of stay
- Lighting
- Security during hours when the shelter is open

The Stanislaus County Zoning Code requires emergency shelters to comply with the standards above, as well as obtain a nondiscretionary use permit subject to the following requirements:

- The maximum number of beds shall not exceed ten;
- Outdoor activity and intake areas should be screened from public view and adjacent properties;
- Lighting shall be provided in all parking, pedestrian paths, and entry, and shielded it from adjacent uses;
- Off street parking shall be provided at a rate of one vehicle per employee, plus one additional parking space;
- A minimum of one supervisory level staff member on site during operation hours;
- A security plan approved by the sheriff's department;
- A licensed security guard provided during intake period;
- The maximum length of stay is no longer than six months;
- Hours of operation are publicly visible, and outdoor activity is only permitted during 8:00am and 10:00pm;
- An approved pet care plan (if pets are permitted); and
- Outdoor trash receptacles are provided and properly maintained.

The County permits emergency shelters by right in the General Commercial District (C-2), the Highway Frontage District (H-1), and the Industrial (M) District for a maximum of ten beds per zone when the site is served by both public sewer and water services and is in an area served by public transit for at least six days a week. The C-2, H-1, and M districts permit single-family dwellings and mobile homes if it is accessory to a permitted commercial or industrial use, and supportive and transitional housing by right. Apartment housing requires a use permit in H-1 districts. The development of a new emergency shelter in a single zone after the 10-bed limit has been reached requires a Use Permit. Emergency shelters are not permitted in other zoning districts, unless rezoned according to a Planned Development District.

Passed in 2022, AB 2339 requires identified zoning designations where emergency shelters are allowed to include sites that meet at least one of the following:

- Vacant and zoned for residential
- Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals
- Nonvacant and suitable for use as a shelter in the current planning period.

Additionally, AB 2339 requires that identified sites must have a minimum area of 200 square feet per person to show adequate capacity for the number of people experiencing homelessness.

The 2022 Stanislaus County Homeless Point-In-Time Count identified 1,857 homeless individuals in Stanislaus County, 911 of which were sheltered at the time of the count.¹ Of these individuals, 1,781 were identified in the incorporated cities of Modesto and Turlock. The Point-In-Time Count included the unincorporated communities of Empire, Keyes, Crows Landing, and Westley in which only 76 homeless individuals (sheltered and unsheltered) were identified. Pursuant to AB 2339, 15,200 square feet (0.35 acres) of land is required to shelter 76 people at a rate of 200 square feet per person. The County must identify 15,200 square feet of land in the C-2, H-1, or M districts located near services and amenities serving homeless individuals.

¹ 2022 Stanislaus County Homeless Point in Time Count, <https://www.stanCounty.com/newsfeed/pdf/20220613-resch-pit.pdf>

There are approximately 36 parcels of vacant land that range between 0.5 and one acres in the C-2, H-1, or M districts which allow emergency shelters, totaling 25.39 acres. With a rate of 200 square feet per person, this land has a capacity to shelter approximately 5,532 homeless individuals, significantly more than the required 76. Of these sites, nine parcels in the communities of Denair, Salida, and Empire encompassing approximately three acres are within walking distance of amenities and services including groceries, social services, medical services, and transit. These districts permit single-family and mobile home uses (when accessory to an onsite commercial/industrial use) by right and therefore comply with AB 2339's requirements. With a limit of 10 beds per shelter, a minimum of eight emergency shelters would be needed to accommodate the unsheltered residents in the unincorporated areas of the County.

The current ten bed per shelter and ten bed per zone limits are a constraint to the development of adequate shelter capacity. Additionally, requiring more parking than is required to accommodate staff, as stipulated by AB 139, adds additional project costs and is a constraint to the development of emergency shelters. As described in Program 4-3e, the County will update the zoning code to remove the ten bed per zone limit and increase the size limit for emergency shelters to at least 20 beds per facility, as well as reduce the off-street parking requirements.

Farmworker/Employee Housing

The Employee Housing Act, specifically Health and Safety Codes Sections Code Sections 17021.5 and 17021.6, requires employee housing for six or fewer employees to be allowed wherever single-family homes are allowed. Health and Safety Code Section 17021.6 precludes a local government from requiring a conditional use permit, zoning variance, and/or other zoning clearance for employee housing consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household in an agricultural zoning district. Additionally, Section 17021.8 requires a streamlined, ministerial approval process for farmworker housing as long as the development is located on land designated as agricultural, is not located in an environmentally sensitive or hazardous area.

The County defines "farm labor camp" as any living quarters, dwelling, boardinghouse, tent, bunkhouse, camper, mobile home, or other housing accommodation, maintained by an employer for five or more employees in connection with any agricultural work or place where agricultural work is being performed.

The County Department of Environmental Resources is responsible for permitting, inspection, and re-inspections of all employee housing, labor camps, dairy farm labor camps, and labor supply camps, pursuant to Health and Safety Code, Division 13, Part 1, also known as the Employee Housing Act, and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 3, also known as the Employee Housing Regulations.

The County's Zoning Ordinance requires a use permit for employee housing in the A-2 zoning district. However, the County permits employee housing consistent with State law through a staff level permit when the employees are living and working on lands farmed by the property owner in the agricultural zoning district. Additionally, the County offers a Temporary Mobile Home permit, a ministerial permit which can be used to apply for farmworker housing. Although the Zoning Ordinance language is not consistent with State law, in practice the County adheres to the Employee Housing Act in review of proposals for employee housing. On-site farmworker housing on agricultural land is allowed, subject to ministerial approval, in compliance with State law. However, off-site farmworker housing, where residents do not work at the location of the housing, is allowed with a use permit. For clarity on the County's current practices and compliance with State law, the County will update its ordinance

consistent with the Employee Housing Act through Program 4-2c to remove the use permit requirements for employee housing on agricultural land and allow for ministerial approval for projects with less than 36 units.

Manufactured Housing and Mobile Homes

“Mobile home” is defined as a structure that meets the definition of a manufactured home as defined by Section 18007 the California Health and Safety Code: a structure, which is transportable in one or more sections, is eight feet or more in body width, or 40 feet or more in body length, in the traveling mode, or, when erected onsite, is 320 or more square feet. Mobile homes are defined as being constructed prior to June 15, 1976, while a manufactured home is constructed on or after the same date. Manufactured housing and mobile homes can be an affordable housing option for low- and moderate-income households. Mobile homes and manufactured housing are regulated by Section 21.72 of the Stanislaus County Zoning Ordinance and are permitted in lieu of a single-family dwelling and by right in eight residential and commercial zoning districts except in the Historical Site District. Additionally, mobile home parks are allowed in all residential districts, Highway Frontage Districts, Neighborhood Commercial Districts, and General Commercial Districts subject to a use permit. Mobile homes and manufactured housing on permanent structures are subject to the same residential use development standards for single family uses applicable within each zoning district, which is consistent with Government Code Section 65852.3. As such, there is no constraint to the development of manufactured housing and mobile homes. The Stanislaus County Building Permit Division is responsible for issuing building permits for installation of manufactured homes on permanent and non-permanent foundation. The Building Permit Division follows HCD’s guidelines and Health and Safety Code Section 1855(a) regulations and requirements for all manufactured home permits except for the Historical Sites District. Program 3-6j amends the Zoning Ordinance to permit mobile homes, subject to objective design standards, in the Historical Site District, further reducing the constraints to mobile home development.

Multiple Dwelling

“Multiple dwelling” is defined as a building or portion thereof used and designed as a residence for three or more families living independently from each other and doing their own cooking in the building. Multiple dwellings are permitted by right in the Multiple-Family Residential District (R-3), the Neighborhood Commercial District (C-1) and the Salida Community Plan R-3 district (SCP-R-3) when appropriate infrastructure is available. Dwelling groups, which includes multiple dwellings, require a Use Permit in the Highway Frontage (H-1) and Medium-Density Residential (R-2) Districts. Zoning Ordinance terminology is inconsistent when referencing this land use type. The County plans to modify the Zoning Ordinance to reference multifamily dwellings and define different types of dwellings that may fall into this category. In addition, the Zoning Ordinance will clearly define objective development and design standards that are required to permit these uses. (Program 3-7f).

Dwelling Group

A “Dwelling group” is defined as a group of two or more detached or semidetached single-family, two-family, or multiple dwellings occupying a parcel of land under single ownership.

Stanislaus County interprets the term “dwelling group” as interchangeable with multiple dwelling and allows uses such as townhomes, multi-plexes, and small apartments as allowable land uses. Similar to the definition of “multiple dwelling,” discussed above, the language used in the Zoning Ordinance to describe “dwelling group” may not be consistent with generally used terminology, and the definitions

may not make it clear to readers and developers where the uses are allowed, particularly because they are allowed without discretionary action. Program 3-6f is proposed to create clarity and ease of interpretation in the County's Zoning Ordinance.

Residential Care Facilities

The California Community Care Facilities Act (Health and Safety Code Section 1500) defines a residential care facility as "any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children." Residential care facilities serving six or fewer persons (small residential care facilities) are considered a residential use of property, subject to the same development standards as other residential uses on that lot (Health and Safety Code Section 1566.3).

Stanislaus County defines a residential care home as a dwelling, building or structure in which seven or more persons not of the immediate family are provided with food, shelter, and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury. Residential care homes for seven or more people are permitted by right in the R-3 and C-1 zoning districts and require a use permit in the R-A zoning District. Residential care homes for six or fewer residents are not defined or specifically listed as a permitted use, but are considered a residential use per Health and Safety Code 1566.3 and are permitted as single-family residences. Program 3-6 (Action 3-6c) commits the County to amending the Zoning Ordinance to remove the requirement for a conditional use permit for large residential care facilities in the R-A district, and ensure the use is subject to the same objective standards as other residential uses in the R-A district. The County will also establish objective standards for large and small residential care facilities to provide certainty to applicants through the permitting process.

Rooming House

"Rooming house" is defined as a building or structure (other than a residential care home) occupied by five or more persons who have agreed to pay a specific rent for services and a specific space as distinguished from guests subject to innkeepers' liability. Rooming houses are only permitted by right in the R-3 district and require a Use Permit in the H-1 district. Rooming houses are considered a permitted residential use, subject to density limitations, as established in each zoning district if no services are being provided in exchange for money other than a room.

Single-Family Dwelling

"Single-family dwelling" is defined as a detached building designed for and occupied exclusively by one family. Single-family dwellings are permitted in every zone by right with the exception in the non-residential zones which permit them only if they are accessory to a permitted commercial or industrial building. Single-family dwellings permitted in multiple family zones such as the R-3 zone can be considered a constraint to multiple family developments because it results in the overwhelming development of single-family homes in land designated multiple family that should be reserved for other types of housing. As a result, the County will implement Program 3.1e to evaluate and update the Zoning Ordinance.

Single Room Occupancy

Under Housing Element law, cities and counties must facilitate Single Room Occupancy (SRO) as a form of housing for special needs populations (Government Code Section 65583(c)(1)). An SRO unit is usually small, between 200 to 350 square feet. SROs are an important source of affordable private housing for lower-income individuals, seniors, persons with disabilities, and formerly homeless people. SROs are not specifically defined in the County's Zoning Code nor are they included as a permitted use under any of the zoning districts. The omission of SRO units as a permitted land use in any of the zoning districts can pose a constraint to building this affordable housing type, as developers may be discouraged from developing them. As a result, Program 3-6g is proposed to accommodate the development of SRO units throughout the County.

Supportive and Transitional Housing

State Housing Element law defines transitional housing as “buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance” (Government Code Section 65582(j)).

Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation. Transitional housing can take several forms, including group quarters with beds, single-family homes, and multifamily apartments; and typically offers case management and support services to help return people to independent living. The Zoning Code specifies occupancy of no less than six months.

Supportive housing has no limit on length of stay, as set forth in Government Code Sections 65582 and 65650, occupied by low-income individuals who will receive, as part of their residency, supportive services designed to assist the individual in retaining housing, improving health, or enhancing other life functions. The target population includes homeless families, homeless youth, and persons with disabilities. Similar to transitional housing, supportive housing can take several forms, including group quarters with beds, single-family homes, and multifamily apartments.

The County's zoning code defines “Supportive Housing” as housing with no limit on length of stay that is occupied by the target population, as defined in California Government Code Section 65582(g), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. It defines “Transitional Housing” as buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance.

Government Code Section 65651 requires supportive housing as a use by right in zones where multifamily and mixed uses are permitted. Stanislaus County's definition of dwelling unit includes transitional and supportive housing and is applicable to any zone that allows residential units. Therefore, the County permits transitional and supportive housing wherever residential units are allowed, in all zoning districts, including those permitting multifamily and mixed uses. As a result, there are no constraints to the development of transitional housing.

Two-Family Dwelling (Duplex)

“Two-family dwelling (duplex)” is defined as a detached building designed for and occupied exclusively by two families living independently of each other. Two-family dwellings or duplexes are permitted by right in eight zoning districts and require a use permit in the Highway Frontage District (H-1).

4.1.4 Development Standards

Table 4-5 summarizes residential development standards in the County’s Zoning Ordinance. The County’s residential requirements establish various development standards such as minimum setbacks, maximum lot coverage, maximum height, and minimum site area. Other development standards such as parking are discussed further below in Section 2.1.5. Additionally, the County offers density bonuses, incentives, and concessions to qualifying developments which is also further described below.

Table 4-5 Setback, Lot Coverage, and Height Requirements in Residential Zone Districts

Zone District	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage	Maximum Height	Minimum Site Area ¹
Agricultural						
A-2	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	5 ft.	5 ft.	n/a	n/a	3, 5, 10, 20, 40, or 160 acres
Residential						
R-A	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	5 ft.	5 ft.	40%	35 ft.	3 acres (Estate Residential) 8,000 square feet (Low Density Residential)
R-1	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	5 ft.	5 ft.	40%	Dwellings: 35 ft. Detached accessory building: 20 ft.	5,000 square feet- serviced by public facilities 20,000 square feet (public water and septic tank) 1 acre (private well and septic tank)
R-2	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	5 ft.	5 ft.	50%	Dwellings: 35 ft. Detached accessory building: 20 ft.	6,000 square feet- serviced by public facilities 20,000 square feet (public water and septic tank) 1 acre (private well and septic tank)

Zone District	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage	Maximum Height	Minimum Site Area ¹
R-3	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	5 ft.	5 ft.	60%	Dwellings: 35 ft. Detached accessory building: 15 ft.	6,000 square feet (served by public facilities) 20,000 square feet (public water and septic tank) 1 acre (private well and septic tank)
SCP-R-1	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	5 ft. if lot is 5,000-6,999 sq. ft., 6 ft. if lot is greater than 7,000 sq. ft.	12 ft. if lot is 5,000-6,999 sq. ft., 15 ft. if lot is greater than 7,000 sq. ft.	N/A	40 ft. (2.5 stories max)	5,000 square feet
SCP-R-2	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	4 ft.	10 ft. for small lot single family and duets, 4 ft. for private street, 14 ft. for alley easement	N/A	40 ft. (2.5 stories max)	6,000 square feet
SCP-R-3	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	n/a	10 ft.	N/A	40 ft. (3 stories max)	7,000 square feet
Other						
H-S	n/a	n/a	n/a	n/a	n/a	5 acres; or 1 acre for any sites bordered to the south by the Stanislaus River, two hundred fifty feet west of Sonora Road (to the west), two hundred fifty feet north of Valentine Street (to the north), and two hundred fifty feet east of Lynde Street (to the east)
H-1	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	5 ft.	5 ft.	n/a	35 ft	6,000 (public sewer and water) 20,000 square feet (public water and septic tank) 1 acre (private well and septic tank)
M	15 ft. from road ROW (20 ft with garage) 10 ft. from side yard fronting a street (15 ft with garage)	Varies per Building Code Use occupancy type	Varies per Building Code Use occupancy type	75%	75 ft	n/a

Zone District	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage	Maximum Height	Minimum Site Area¹
S-P	Varies per Specific Plan	n/a	n/a	n/a	n/a	Varies per Specific Plan
PD	Varies per development plan	n/a	n/a	n/a	n/a	Varies per development plan
Commercial						
C-1	25-70 ft.	5 ft.	5 ft.	n/a	35 ft.	6,000 square feet (public sewer and water) 20,000 square feet (public water and septic tank) 1 acre (private well and septic tank)
C-2	45-70 ft.	None	None	n/a	75 ft.	Set forth in the appropriate R district

ft. = feet

¹ Minimum lot area applies when serviced by two public facilities (exception is R-A Estate Residential). Where serviced by public water and septic tank facilities or private well and public sewer facilities minimum lot area is 20,000 square feet. Where serviced by private well and septic facilities minimum lot area is one acre.

Source: Stanislaus County Zoning Ordinance, 2022

Overall, Stanislaus County has comparable development standards to other jurisdictions such as San Joaquin County. Both jurisdictions have a minimum five-foot side yard setbacks for their residential zoning districts and a maximum building height of 35 feet for dwellings. The Zoning Ordinance does not regulate the number of stories except in SCP zones, which allow up to three stories in SCP-R-3 zones, but height limits of 35 feet in higher density residential districts can typically accommodate three stories. Both jurisdictions also have lot coverages that range from 40 to 60 percent for their low- to high-density residential zoning districts. Stakeholder interviews with representatives of the development community indicated that they did not find development standards to be a constraint to housing development. Rather, land availability with adequate zoning (i.e., for multifamily housing) was identified as a constraint.²

Parking Standards

According to the Turner Center for Housing Innovation at UC Berkeley, parking cost can range between \$25,000 to \$75,000 per space to construct.³ Parking provided in underground or structured parking facilities, or if required to be covered or enclosed, can significantly increase the cost of housing and could affect the feasibility of various housing projects in the County. Requirements for parking space locations and maximum distances from dwelling units may also increase the cost of housing and affect the feasibility of housing projects. Requiring less parking not only reduces the project budget but can allow for more space to build additional housing units. Parking requirements for residential uses and Zoning Districts in the County are summarized in Table 4-6.

² A complete summary of the findings gathered during stakeholder interviews can be found in Appendix A.

³ Turner Center for Housing Innovation at UC Berkeley, 2016. Available at: <http://turnercenter2.berkeley.edu/proforma/>

Stanislaus County has similar parking requirements as surrounding jurisdictions that have a similar geography. For example, San Joaquin County and Merced County require two parking spaces per dwelling unit for single-family homes and 1.5 parking spaces for multiple-family homes. As shown in Table 4-6 below, these same standards apply in Stanislaus County.

The Zoning Ordinance does not provide additional specificity regarding multifamily units. As a result, a three-bedroom unit in a multifamily building has the same parking requirements as a studio and one-bedroom. This places a disproportionate cost on smaller units, contributing to a constraint on the development of studios and one-bedroom units. Program 3-6k amends the zoning ordinance to develop parking standards based on unit size.

Currently, reductions in parking requirements are only offered through State Density Bonus incentives and concessions, or through Planned Development District zoning. Recent state laws have also limited the ability for jurisdictions to impose minimum parking requirements. For example, Housing Element Law (Government Code Section 65585) prohibits a public agency from imposing minimum parking requirements for any residential developments within half a mile from public transit with frequencies intervals of no longer than 15 minutes. The Stanislaus Regional Transit Authority (StanRTA) has about 26 bus routes that run throughout the County (not including commuter bus routes). The majority of the bus routes operate in the incorporated cities, but there are several that run through unincorporated communities, such as Keyes, Denair, Salida, Empire, Crows Landing and Westley. Potential affordable housing developments in unincorporated communities that are near major incorporated cities like Modesto would most likely benefit from state law as some of the bus lines that operate in these areas would qualify under state law for a reduction in minimum parking requirements. Unincorporated communities that are further from incorporated cities have fewer bus routes that run frequently, and would thus not qualify for parking reductions allowed by state law. Although parking standards are similar to other surrounding jurisdictions and are generally not seen as a constraint, the County may offer opportunities for reduced parking for affordable housing units to bring down the costs of construction. As the County contemplates updates to its zoning code, such as the introduction of objective design or development standards for multifamily housing, it should consider this incentive in the future. As noted in Section 2.1.4 above, the County will implement Program 3-7f to adopt objective standards for multifamily housing, including requirements for parking, and identify objective standards to support streamlined housing approval.

Table 4-6 Parking Requirements by Residential Use Type

Use	Stanislaus County Required Off-Street Parking Spaces	County of San Joaquin Required Off-Street Parking Spaces	County of Merced Required Off-Street Parking Spaces	City of Modesto
Single family	2 spaces/dwelling 1 space/ADU	2 spaces/dwelling	2 spaces/dwelling (4 bed) 3 spaces/dwelling (5 bed)	2 spaces/unit
Two-Family	1.5 spaces/unit	2 spaces/dwelling	2 spaces/dwelling (4 bed) 3 spaces/dwelling (5 bed)	3 spaces per unit
Multiple Family	1.5 spaces/unit	1.5 spaces/dwelling unit	1½ spaces/ per 1 bedroom 2 spaces (2-4 bedrooms) 3 spaces (5+ beds) Plus 1 guest space for every 5 units	1 space/unit (0+ bed) 2 spaces per unit (2+ beds)
Roominghouse	1 space/room + 1 space	N/A	1 space/unit	1 space per two beds
Mobile Home Parks	2 spaces/mobile home space + 1 recreational vehicle space for every 5 mobile homes	1.5 spaces/dwelling unit	2 spaces/unit plus 1 guest space for every 5 units	As specified per PD zone approval

Source: Stanislaus County Zoning Ordinance. 2022. https://library.qcode.us/lib/stanislaus_County_ca/pub/County_code/item/title_21-chapter_21_76?view=all

County of San Joaquin Zoning Ordinance. 2022.

https://library.municode.com/ca/san_joaquin_County/codes/development_title?nodeId=TIT9DETI_DIV10DERE_CH9-1015PALO_9-1015.3REPASP

County of Merced Municipal Code. 2023. https://library.qcode.us/lib/merced_County_ca/pub/County_code/item/title_18-article_3-chapter_18_38?view=all

City of Modesto Municipal Code. 2023. https://library.qcode.us/lib/merced_County_ca/pub/County_code/item/title_18-article_3-chapter_18_38?view=all

Unit Sizes

The Stanislaus County Zoning Ordinance does not regulate unit sizes. Therefore, it is not a constraint to the development of housing.

4.1.5 Processing and Permit Procedures

The processing time needed to obtain development permits and required approvals is commonly cited by developers as a prime contributor to the high cost of housing. Processing times depend on the magnitude and complexity of the proposed development project.

The time between application submittal and project approval varies depending on the magnitude and complexity of the development proposal. Factors that can affect the length of development review on a proposed project include a requirement to hold a public hearing, the level of environmental review required, and the completeness of the application submittal. The Permit Streamlining Act governs the processing time for planning applications, although the applicant can waive these time limits. The length of processing time also depends upon the knowledge and expertise of the applicant’s development team and their ability to prepare plans in accordance with the jurisdiction’s requirements, make timely submissions (and resubmissions), and revise plans based on feedback received.

In Stanislaus County, a General Plan Amendment may take six to nine months to process while a Site Plan review may take three weeks to process. Table 4-7 provides a summary of the processing times and approval body required for various types of planning permits and actions.

Table 4-7 Application Processing Time

Action	Processing Time	Approval Body
General Plan Amendment	6-9 months	Stanislaus County Board of Supervisors
Zone Change	4-6 months	Stanislaus County Board of Supervisors
Subdivision and Parcel Map	3-4 months	Stanislaus County Planning Commission or Board of Supervisors
Use Permit	3-4 months	Stanislaus County Planning Commission or Board of Supervisors
Site Plan Review	Ministerial building permit review which takes 3 weeks	Reviewing agencies of Planning, Building, DER, PW, and Fire

Source: Stanislaus County Planning Forms, 2022
<https://www.stanCounty.com/planning/forms/PLAN-application-questionnaire.pdf>

If permitted by the zoning district, residential uses such as single-family homes, ADUs, multifamily developments, and manufactured homes that meet applicable requirements may be permitted through a ministerial review. If the zoning district requires a use permit, then the development must be reviewed and approved by the Planning Commission through a public hearing. The Planning Commission reviews the project based on applicable zoning requirements, density, and the ability to provide adequate wastewater and water service. The processing times in Stanislaus County is comparable to other neighboring jurisdictions such as the County of San Joaquin where a discretionary permit also takes about three months. However, Stanislaus County does not have a design review requirement like many other jurisdictions, except for H-S districts. Stanislaus County permit types are further described below:

In addition to permitting timeframe, parcels located within a city's Sphere of Influence (SOI) are subject to city approval (with the exception of agricultural uses and religious institutions). A significant amount of County territory is within a city's SOI. If a city does not approve a project that is located within the SOI, it cannot move forward. As a result, this approval process represents a development constraint.

General Plan Amendment

A General Plan Amendment requires a discretionary approval by the Stanislaus County Board of Supervisors, which considers a recommendation from the Stanislaus County Planning Commission, and requires CEQA review. A General Plan Amendment is reviewed by the Planning Department to ensure the proposed division of land meets local and state requirements. Per state law, General Plan Amendments can only be considered by the Board of Supervisors no more than four times per year, which limits public hearing scheduling and may add time to the review process. Additionally, Senate Bill 18 requires a 90-day tribal review period, which adds time to the review process. When reviewing a General Plan Amendment, the County considers the levels of public and private services that may be affected. Findings include the following⁴:

⁴ Stanislaus County Department of Planning and Community Development, Application Form. [stanCounty.com/planning/forms/PLAN-application-questionnaire.pdf](https://www.stanCounty.com/planning/forms/PLAN-application-questionnaire.pdf)

- The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
- The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.
- The amendment is consistent with the goals and policies.

Once the County has reviewed the project and prepared an environmental assessment, if applicable, the amendment is recommended for review by the Planning Commission through a public hearing. The Planning Commission then votes to recommend approval or denial of the project to the Board of Supervisors. The Board of Supervisors then considers the Planning Commission's recommendation during a subsequent public hearing and adopts a determination of approval or denial of the project.

Zone Change (Rezone)

A Zone Change requires discretionary approval by the Stanislaus County Board of Supervisors, which considers a recommendation from the Stanislaus County Planning Commission, and requires CEQA review. A rezone application is reviewed by the Planning Department to ensure the proposed division of land meets local and state requirements. Once the County has reviewed the project and prepared an environmental assessment, if applicable, the project is recommended for review by the Planning Commission through a public hearing. The Planning Commission then votes to recommend approval or denial of the rezoning to the Board of Supervisors. The Board of Supervisors then considers the Planning Commission's recommendation during a subsequent public hearing and adopts a determination of approval or denial of the project. A zone change must be found to be consistent with the General Plan, and if the subject parcel is zoned for agriculture, the following Agricultural Conversion Findings in Policy 2.7 of the General Plan Agricultural Element must be made:

- A. Overall, the proposal is consistent with the goals and policies of the General Plan.
- B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates and other pertinent data.
- C. No feasible alternative site exists in areas already designated for the proposed uses.
- D. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).
- E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
- F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
- G. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

A zone change requires a plot plan, development schedule, elevations, sign plan, parking analysis, landscaping and tree plan, and a records search for historical and cultural resources. The Planning Commission may impose conditions of approval in connection with the rezoning. The Board of Supervisors then considers the proposal in a public hearing and votes to approve or deny the project.

Subdivision and Parcel Map

A subdivision or parcel map application is submitted when a division of land is required for a development. All subdivision applications must comply with the County Subdivision Ordinance and the state Subdivision Map Act. A subdivision application is submitted to the Planning and Community Development Department and is reviewed by the Planning Department and the Public Works Department to ensure the proposed division of land meets local and state requirements. The application is then referred to the Planning Commission for approval. A Parcel Map or Tentative Map shall not be approved by the Planning Commission if any of the following findings⁵ are made:

- The proposed map is not consistent with applicable general and specific plans;
- The design or improvements of the proposed subdivision is not consistent with applicable general and specific plans;
- The site is not physically suitable for the proposed density of development;
- The site is not physically suitable for the type of development;
- The design of the subdivision, or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- The design of the subdivision, or the type of improvements are likely to cause serious public health problems;
- The design of the subdivision or the type of improvements will conflict with easements acquired by the public at large, for access through, or use of, property within the proposed subdivision.

The Planning Commission may impose conditions of approval in connection with the subdivision.

Use Permit

A use permit is required to ensure that the establishment, maintenance, and operation of the proposed use or building is compatible with surrounding land uses and will not be detrimental to the health and safety persons residing or working in the neighborhood, or to the property and improvements in the neighborhood, or the general welfare of the County. The use permit application is submitted to the Planning and Community Development Department and is reviewed for consistency with the County Zoning Ordinance and General Plan. The application is also routed to other departments and applicable agencies that result in comments pertaining to consistency with fire, water, airport, and other agency standards. Once the County has reviewed the project and prepared an environmental assessment, if applicable, the project is recommended for review by the Planning Commission through a public hearing. The Planning Commission then votes to approve or deny the project. The Planning Commission must find that:

- The establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The Planning Commission may impose conditions of approval in connection with the Use Permit.

⁵ Stanislaus County Department of Planning and Community Development, Application Form. stanCounty.com/planning/forms/PLAN-application-questionnaire.pdf

Site Plan Review

A Site Plan Review is a ministerial review required for new construction upgrades, and/or remodeling that requires a building permit. The site plan must provide all required information to show compliance with the Zoning Ordinance, Fire Code, and Building Code requirements. Stanislaus County does not have a Site Plan Review Committee and review site plans for compliance at a staff level as part of the regular land use entitlement or building permit application process.

On- and Off-Site Improvements

In accordance with the Stanislaus County Code and adopted Plans and Specifications, all new development shall install various on- and off-site improvements to ensure the health and safety of residents and to ensure development is connected to the state, County, and local utilities, roads and other infrastructure. As conditions of approval, Stanislaus County requires developers to construct various on- and off-site improvements related to roadways, utilities, and stormwater control as described below. These improvements are prescribed in accordance with County standards and include the following:

- The construction of curbs, gutters, sidewalks, street lighting, and street paving to meet the existing street pavement;
- The dedication of land, payment of an in-lieu fee, or a combination of both for park and recreational purposes; and
- The construction of water, sewer, storm drainage, and utility systems.

Typically, on- and off-site improvement costs associated with residential projects are passed on to the homebuyer as part of the final cost of a home. Although these improvements understandably add to the cost of a project, they are considered necessary to meet basic public health and safety standards. The site improvement requirements imposed by the County are no greater than conditions implemented throughout the incorporated cities and surrounding counties.

4.1.6 Fees

Planning/Processing Fees

All housing projects are subject to a variety of fees and exactions to process permits and provide necessary services and facilities allowed by state law. These costs can be a constraint to the maintenance, improvement, and development of housing because the additional costs borne by developers contribute to overall increased housing unit cost. However, fees are necessary to maintain adequate staffing services and other public services and facilities provided by the local jurisdiction.

Development review fees are necessary to fund staff review of development applications for consistency with adopted plans, ordinances, standards and specifications, and applicable environmental laws. All planning, building and engineering-related development review fees are in adopted fee schedules for each respective department, or are included as a condition of approval or development standards for a project and are reviewed regularly.⁶

The first step in the development review process is obtaining an “entitlement” and related environmental review. For planning entitlements, applicants provide a flat fee or an initial deposit

⁶ Stanislaus County. Adopted Planning Services Fee Schedule – July 23, 2022. Available: <https://www.stanCounty.com/planning/documents/planning-fees.pdf>

depending on the entitlement type, which is then charged on a time and material basis. Stanislaus County primarily uses in-house staff for environmental review; not including the preparation of technical environmental studies (e.g., traffic and noise studies) or environmental impact reports. A typical Initial Study, with related environmental studies is covered in the initial deposit or flat rate application fee. Additional studies (transportation, air quality, noise, health risk assessment, among others) may be required on case-by-case basis. The cost for projects requiring an Environmental Impact Report range drastically depending on the scale and complexity of the project. The Planning Division does not add an administrative or other charge to CEQA consultant fees, but does charge the actual cost for staff time in reviewing the documents and may charge for the cost of a County contracted third party review.

Following entitlement approvals and environmental certification, applicants submit improvement plans and grading permits and utility plans. The County will also accept concurrent building permit applications that consist of detailed construction-level plans.

Development review adds to the cost of a development and contributes to overall increased housing unit cost. However, these fees are necessary to provide for the timely and thorough review of development applications and to maintain adequate planning services. Development and Planning fees are shown in Table 4-8 below.

Table 4-8 Stanislaus County Planning and Processing Fees

Entitlement Type	Fee
Planning Fees	
Use Permit (non-agricultural zones)	\$5,549
General Plan Amendment	Actual Cost/Deposit \$6,837
Specific Plan	Actual Cost/Deposit \$21,990
Zoning Ordinance Variance	Actual Cost/Deposit \$4,913
Zoning Ordinance Text Amendment	Actual Cost/Deposit \$7,152
Lot Line Adjustment	\$1,027
Environmental Review	
Categorical Exemption	Environmental document filing fees will be waived if a project will have no effect on fish and wildlife or if the project is statutorily or categorically exempt from CEQA.
County Clerk Processing Fee	\$57
Negative Declaration	\$2,764
Environmental Impact Report	Deposit - To be determined based on cost estimate
Fish and Wildlife Fee - Negative Declaration*	\$2,764
Fish and Wildlife Fee - Environmental Impact Report*	\$3,839
Land Division	
Tentative Subdivision Map	Actual Cost/Deposit \$8,954 plus \$30 per lot

Entitlement Type	Fee
Parcel Map	Parcel Maps (R, C, M, LI, IBP, PD, PI Zones)- \$4,823 plus \$30 per lot Parcel Maps (A-2 Zone, Non-Williamson Act And < 4 Parcels + Remainder) - \$5,435 plus \$30 per lot Parcel Maps (A-2 Zone, With Williamson Act Or > 4 Parcels + Remainder) - \$5,449 plus \$30 per lot, or \$1,000 deposit for ministerial review of SB9 parcel maps

*Fees set by the State of California.

Source: Stanislaus County Planning Services Fee Schedule – July 23, 2022.
<https://www.stanCounty.com/planning/documents/planning-fees.pdf>

Impact Fees

Impact fees are required to offset the cost of provision of public services and include, but are not limited to, sewer and water connection fees, and park, fire, traffic, and school impact fees. Impact fees are assessed after a project entitlement is completed, and when building permit applications are submitted. Impact fees are required to offset the cost of provision of public services and include sewer and water connection fees as well as park, traffic, various district, and school impact fees. Below is a general description of these fee types along with a summary of the fees assessed in the unincorporated area of Stanislaus County, shown in Table 4-9 and Table 4-10.

Sewer and Water Fees

When available, developers must pay for new or upgraded sewer and water connection fees and for any improvements required to bring services to the development sites to ensure that new development is safely connected to the service provider’s systems by expanding the sewer and water infrastructure to the new development Fees are generally assessed on each new residential development according to unit counts and number of connections, and are set by the service provider Per State Law, allowances in design (i.e., master water meter rather than individual water meters) that lead to fee reductions are permitted for affordable housing and for ADUs within existing homes and those under 750 square feet in size.

Public Facilities Fees

The Stanislaus County Public Facilities Fees (PFF) Program was developed in 1989. The primary objective of the PFF program is to ensure that new development pays the capital costs associated with growth. The PFF program collects impact fees from new development throughout the County, both in the cities and the unincorporated area, to fund the public facilities required to accommodate growth. The County's Public Facilities Fee can help pay for roads, facilities for criminal justice, health, fire, and various other County buildings. Public Facilities fees can be charged to new development based on density and traffic impact.

State law AB 602 requires a proportionality test to ensure the pro-rata share of costs to provide services and infrastructure by individual developments is reasonable. The nexus fee study must calculate a fee proportional to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees. Stanislaus County’s PFF program charges residential land uses on a per unit basis, rather than the square footage of the proposed units. As a result, Stanislaus County’s PFF structure is inconsistent with AB 602 and may pose a constraint to development of multi-family buildings The County will implement Program 3-9e

to establish a fee schedule that accurately reflects the impact of single-family and multi-family development, pursuant to AB 602.

Traffic Impact Fees

The PFF program includes a Regional Traffic Impact Fee (RTIF)⁷ to help mitigate the cumulative transportation impacts of growth. Improvements funded through the RTIF will fund roadway and intersection improvements, and other enhancements that may support multi-modal transportation. The RTIF is assessed on single family homes, duplexes, multifamily homes, mobile home parks, and ADUs. The adopted fee for single family development is \$3,592 per unit which is consistent with medium-sized retail and shopping center establishments and less than the RTIF for office and drive-through or gas station uses. For multifamily homes, the fee is \$2,404 per unit which is similar to small retail uses but less than the fee for a single-family home. Further, the County has included traffic impact fees as an environmental mitigation measure for certain projects or community plans, and those are applied on a project-specific basis.

Park Impact Fees

The Department of Parks and Recreation maintains grounds and operations of identified parks and facilities and provides basic levels of services at all general funded neighborhood parks, reservoirs, and regional parks throughout Stanislaus County. The PFF Park facility fee is charged through the building permit issuance process and assessed for both regional and neighborhood parks. Table 2-10 below shows a listing of these fees and are intended to ensure the provision of parks and open space are afforded to the growing population of the County commensurate with permitted development.

In addition to the parks fee included in the PFF, subdivisions subject to the Quimby Act are eligible for in-lieu fees for subdivisions under 52 lots. For subdivisions over 52 lots, parkland dedication is required.

Emergency Services Fees

The PFF Emergency Services Fee is used to fund construction of new buildings, or acquisition of vehicles or equipment to expand the capacity of existing emergency services systems to serve new development.

School and Fire Developer Fees

There are twenty-five school districts and 20 fire districts in Stanislaus County; of which 12 school districts and 10 fire districts charge impact fees for all new development in unincorporated Stanislaus County. The school district fees are provided in Table 4-11 and the fire district fees are provided in Table 4-12. The fees are used for facility improvements and operations and are intended to offset the impact of increased numbers served. Developer Fees, which are assessed by the School and Fire Districts on a per square foot basis, are collected by the respective districts to pay the required fees. There are no reductions for affordable housing projects; however, small projects such as ADUs under 750 square feet may be exempt from school impact fees. Stanislaus County verifies payment of school and fire district fees at the time a building permit is issued, and only verifies payment of fees to high school districts.

⁷ Stanislaus County, Board of Supervisors, August 11, 2020 Agenda. <https://www.stanCounty.com/bos/agenda/2020/20200811/PH02.pdf>

Table 4-9 Stanislaus County Development Impact Fees

Residential (Per Dwelling Unit)	Total Fee
Regional Parks/Neighborhood Parks	\$346/\$671
Sewer	Varies. Depends on whether unincorporated areas are part of different jurisdictions
Transportation Single Family	\$3,592 per unit
Transportation Multiple Family	\$2,404 per unit

Source: Stanislaus County Public Facilities Fees. https://www.stanCounty.com/planning/bp/ImpactFees/2021_impact_fees.pdf

Table 4-10 Stanislaus County Public Facilities Fee Summary – Unincorporated

Type	Single Family/Duplex	Multifamily/ Mobile Home	Accessory Dwelling Unit
Animal Services	\$118	\$77	\$37
Behavioral Health	\$92	\$60	\$29
Criminal Justice	\$134	\$87	\$42
Detention	\$1,091	\$710	\$343
Emergency Services	\$16	\$10	\$5
Health	\$353	\$230	\$111
Library	\$350	\$228	\$110
Other County Facilities	\$2,121	\$1,381	\$667
Regional Parks	\$346	\$225	\$109
Neighborhood Parks	\$671	\$437	\$211
Sheriff	\$1,078	\$702	\$339
Countywide IT	\$10	\$6	\$3
Recommended RTIF (Regional Transportation Impact Fee)	\$3,592	\$2,404	\$995
Admin Charge	\$199	\$131	\$60
Total Fees	\$10,171	\$6,688	\$3,061

Note: Accessory dwelling units (ADUs) up to 750 square feet are exempt from impact fees. Impact fees for an ADU of 750 square feet or larger are charged fees proportional to the size of the ADU and to the size of the primary dwelling unit. Proportional ADU fees cannot exceed the flat rate listed above.

Source: Stanislaus County Public Facilities Fees. https://www.stanCounty.com/planning/bp/ImpactFees/2021_impact_fees.pdf

Table 4-11 Stanislaus County School District Fees

School Districts	Fees
Ceres Unified	No information at this time
Denair Unified	No information at this time
Empire Union	No information at this time
Hughson Unified	\$4.79 per sq-ft
Modesto Union High School	\$4.79 per sq-ft
Newman – Crows Landing Unified	\$4.79 per sq-ft
Oakdale Joint Unified	\$4.79 per sq-ft
Patterson Joint Unified	No information at this time
Riverbank Unified	\$4.79 per sq-ft
Salida School District	\$4.79 per sq-ft
Turlock Joint Unified	\$4.79 per sq-ft
Waterford Unified	\$4.79 per sq-ft

Note: Information is current as of July 2023, as reported by each district and/or previously reported to the Stanislaus County Planning and Community Development. Fees are subject to change by district.

Source: Stanislaus County

Table 4-12 Stanislaus County Fire District Fees

School Districts	Fees
Stanislaus Consolidated Fire	Waterford
	<ul style="list-style-type: none"> ▪ Not fully fire sprinklered: \$0.29 per sq-ft ▪ Fully fire sprinklered: \$0.22 per sq-ft"
	Riverbank
	<ul style="list-style-type: none"> ▪ Not fully fire sprinklered: \$0.19 per sq-ft ▪ Fully fire sprinklered: \$0.14 per sq-ft
Oakdale Rural Fire	No fee*
Keyes Fire	\$0.43 per sq-ft
Denair Fire	No information at this time
Hughson Fire	\$0.60 per sq-ft
Mountain View	No information at this time
Salida Fire Protection	\$0.49 per sq-ft
West Stanislaus Fire	\$0.86 per sq-ft
Westport Fire	No information at this time
Woodland Fire	\$0.36 per sq-ft

* Oakdale Rural Fire District charges a fee on a per parcel basis. If a parcel has already paid the fee, subsequent development wouldn't be subject to additional fees. The fee amount was not available as of July 2023.

Source: Stanislaus County

A 2018 User Fee Study compared the planning fees in Stanislaus County to eight comparable counties (Fresno, Kern, Madera, Merced, Monterey, Sacramento, San Joaquin, and Tulare) and three local cities (Modesto, Turlock, and Patterson). The study concluded that Stanislaus County's fees are in line with

the other jurisdictions surveyed. As a result of this analysis, on- and off-site improvement and development fees are not found to be a constraint to the development of housing.

Table 4-13 shows development impact and permit fees for single-family and multifamily developments on a per-unit basis for a 1,500 square foot unit on a single lot. Depending on the location, single-family residential development fees are estimated to range from approximately \$13,974 to \$15,054 per unit and multifamily residential development fees are estimated to range from \$19,632 to \$20,712 per unit. Multifamily development is slightly more costly to build on a per-unit basis than single-family development, but roughly comparable.

Table 4-13 Residential Development Fees	Cost Per Unit	
	Single-Family	Multifamily
Use Permit	n/a	\$5,693
Transportation	\$3,592	\$2,404
Animal Services	\$118	\$77
Behavioral Health	\$92	\$60
Criminal Justice	\$134	\$87
Detention	\$1,091	\$710
Emergency Services	\$16	\$10
Health	\$353	\$230
Library	\$350	\$228
Other County Facilities	\$2,121	\$1,381
Regional Parks	\$346	\$225
Neighborhood Parks	\$671	\$437
Sheriff	\$1,078	\$702
Countywide IT	\$10	\$6
Admin Charge	\$199	\$131
Fire	\$210-\$1,290	\$210-\$1,290
School	\$7,185	\$7,185
Total Per- Unit Fees	\$22,958-\$24,038	\$23,067-\$24,147

Source: Stanislaus County Planning Services Fee Schedule and Public Facilities Fees

4.1.7 Review of Local Ordinances

Density Bonus

State Density Bonus Law (Government Code Section 65915) requires jurisdictions to provide housing developers incentives and concessions to encourage the development of affordable housing and housing for certain targeted groups such as students, seniors, transitional foster youth, and disabled veterans. Recent updates to the state law provide significant reductions in parking requirements for affordable housing projects meeting the requirements of the Density Bonus law. No parking requirements may be imposed for 100 percent affordable housing projects near major transit stops. Other projects containing a percentage of affordable units near transit are subject to no more than one-half space per unit. For all projects meeting the minimum Density Bonus Law standards, no more than 1.5 spaces per two- and three-bedroom units shall be required.

Stanislaus County adopted their current Density Bonus Ordinance in 2015 (Chapter 21.82 Density Bonus for Affordable Housing). The ordinance is not consistent with current State requirements as a result of new changes in the last several years. Until forthcoming updates are complete, the County must default to State Density Bonus Law and will implement Program 2.2a to update the Density Bonus Ordinance to be consistent with state law.

4.1.8 Building Codes and Enforcement

The Building Permits Division provides construction permits, floodplain administration (for construction permits), and administers the County's abandoned and dangerous building abatement program. Stanislaus County adopted and currently enforces the California Building Code (CBC), 2022 Edition. The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. The guidelines established by the CBC provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment.

In addition to enforcement of CBC regulations, Stanislaus County implements Measure X, which is a local initiative approved by the voters of Stanislaus County in 1990, and it is enforced by the Department of Environmental Resources (DER) during building permit review. This measure requires that urban development on residential parcels created after July 13, 1990, establishes primary and secondary sewage treatment. Farmworker housing, very low-income housing, and single-family uses on lots recorded prior to July 13, 1990, are permitted to utilize traditional septic tank and leach field systems. However, while the 1990 changes are more restrictive than the CBC, the changes were necessary due to local climatic, geological, or topographical conditions throughout Stanislaus County. These changes are intended to protect the health and well-being of residents in unincorporated areas of the County.

The Building Permits Division also investigates and enforces regulations for substandard buildings. These investigations occur in response to complaints received or during their daily inspections. During the investigations of substandard buildings, the building inspectors provide homeowners with information regarding the County's housing rehabilitation programs to assist homeowners repair their homes. The California Health and Safety Code Section 17980(b)(2) states that government enforcement agencies, when deciding whether to require vacation or repair of a building, shall give preference to repair a building whenever economically feasible to do so without having to repair more than 75 percent of the dwelling. The Abatement of Dangerous Buildings (ADB) program involves the evaluation of a structure and has building inspectors work with the owners to resolve the issues. A building must be declared a Nuisance by the Stanislaus County Board of Supervisors before the building can be demolished. The Stanislaus County Nuisance Abatement Hearing Board provides recommendations to the Board of Supervisors on requests to declare a nuisance.

Along with the Building inspectors the Department of Environmental Resources—Code Enforcement also investigates complaints received from residents. They investigate complaints related to illegal dumping, nuisances creating health and safety issues, housing, zoning, and vehicle abatement.

4.1.9 On-and Off-Site Improvements

For residential projects consisting of new subdivisions with lots of less than 20,000 square feet, the County requires both on- and off-site improvements. These include curb/gutter and storm drainage facilities, sidewalks, paved streets, landscaping, parks, and water and sewer service. Such

improvements are required as a condition of the subdivision map and are required to be installed prior to the recording of the subdivision map. As stated in HUD’s study of Subdivision Requirements as a Regulatory Barrier, such requirements can reasonably be considered regulatory barriers to affordable housing if the County determines that the requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.⁸ In adopting its standards, by ordinance or as conditions of approval, the County finds that on- and off-site improvements promote the health, safety, and general welfare of the public.

Curbs, gutters, and drainage facilities direct stormwater and runoff water out of residential developments. Paved County streets and roads create an all-weather roadway, facilitates roadway drainage and safety for the driving public, and reduces dust. Developers are responsible for the development of roadways associated with the residential project and also participate in regional transportation system improvements through a portion of the public facilities fee. Sidewalks provide for the safety of pedestrian traffic , particularly for school-age children, seniors, and the physically impaired. In some cases, the County requires block walls. The County uses the Quimby Act requirements that residential subdivisions provide 3–5 acres of park land per 1,000 people.

Development of and connection to municipal water and sewer services are required for a constant supply of potable water. Sewer services are necessary for the sanitary disposal of wastewater. These offsite requirements allow the development of much higher residential densities. Although the above improvements understandably add to the cost of any project, they are considered necessary in order to meet the basic health and safety needs of Stanislaus County residents. The County can mitigate the cost of these improvement requirements by assisting affordable housing developers in obtaining state and federal financing for their projects or providing regulatory and financial incentives.

4.1.10 Growth Management

Growth management is a tool that local governments use to prevent urban sprawl and preserve open space, natural resources, and agricultural land. Growth management measures, such as urban growth boundaries, can in some instances increase the cost of affordable housing by limiting the amount of land for new development. There is a greenbelt agreement between the cities of Oakdale and Riverbank, the Oakdale-Riverbank Corridor Area Agreement, to protect agricultural lands between the two cities.

In 2007, voters of the County passed Measure E, a 30-year land use restriction initiative that requires that any redesignation or rezoning of land in the unincorporated area from agricultural or open space use to residential use must be approved by a majority vote of the County voters at a general or special local election. Residential use means any land use designation, zoning district or other legislative entitlement authorizing, allowing, or consistent with residential development at a density greater than one dwelling unit per 10 gross acres.

Measure E applies to any property designated Agriculture in the General Plan Land Use Element or zoned A-2 (General Agriculture). Exemptions exist to allow the rezone of agricultural land to support lower-income housing development under some circumstances. These exemptions allow up to 10 acres of land per year to be redesignated for residential use without a Measure E vote, if the Board

⁸ U.S. HUD. 2007. Study of Subdivision Requirements as a Regulatory Barrier.
https://www.huduser.gov/portal/publications/commdev/subdiv_report.html

finds, based on substantial evidence in the record, and HCD certifies in writing, that all the following circumstances exist:

- The approval is necessary and required to meet the County’s legal fair share housing requirements.
- There is no other land in the County or the cities in the County already designated for urban use that can accommodate the County’s legal fair share housing requirement.
- Additional acreage may be approved without a Measure E vote if it is necessary to meet the County’s legal fair share obligation for moderate, low, or very low-income housing units. This includes multifamily densities which state that all housing units shall be permanently affordable.
- Development projects that obtained a vested right prior to the effective date of the Measure E policy and any development project consisting entirely of farm worker housing.

The Measure E initiative has been incorporated into the County’s General Plan as Goal 7, Policy 32 of the Land Use Element and remains in effect until December 31, 2036.

While there are exemptions from the provisions of Measure E, it may still present some barriers to housing development, specifically, to lands within Community Plan areas and city Spheres of Influence adopted by the Stanislaus Local Agency Formation Commission that have access to infrastructure and are in proximity to services. It has been County policy to periodically review Measure E to see if the ability for the County to meet its housing needs is constrained and those reviews have found it to not be a constraint. While there are a limited number of parcels located within the City of Modesto’s Sphere of Influence that may have developed without the barrier of Measure E, other factors such as proximity to off-site services and market conditions could also have been barriers to development. For areas within the communities of Denair and Keyes that have lands designated in community plans for residential development, but General Plan and zoning designations triggering Measure E, market conditions, resulting from the impacts of the great recession, were a major barrier during much of the 5th cycle housing element. As market conditions improved during the 5th cycle, requirements to plan for development of these larger areas, by use of specific plans or other planning tools, and the cost of extending infrastructure were also barriers. Measure E alone has not been a barrier to housing development. As subdivision interest in these communities picked up towards the end of the 5th cycle housing element, shifts in the economic outlook, reflected in increasing inflation and mortgage interest, also served as barriers to development. Measure E does include provisions that exempt the public vote requirement if the County’s RHNA needs for lower-income units cannot be met. The Housing Element recognizes this as an option if the land identified for rezone fails. The County’s assessment of Measure E will continue to be required in accordance with Program 3.1f, which will require evaluation of Measure E on a bi-annual basis.

4.1.11 Development, Maintenance, and Improvement of Housing for Persons with Disabilities

Definition of Family

The Federal Fair Housing Act requires that local jurisdictions do not discriminate against persons based on familial status. Familial status is defined as one or more individuals under the age of 18 living with a parent/legal guardian, or the designee of such parent. A rental agreement with a restrictive definition of “family” that limits the number of individuals living together may illegally limit the

development and siting of group homes for persons with disabilities, but not for housing families that are similarly sized or situated.

The County's Zoning Ordinance defines "family" as one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house (Ord. CS 106 Sec. 1 (part), 1984). The inclusion of "non-profit" in the County's definition of "family" could constrain the development of group homes and residential care facilities that are owned by for-profit businesses or that pay a house manager or resident to help manage a home's operations. The County will commit to removing references to "nonprofit" in the definition of "family" (Program 4-1e).

Reasonable Accommodation Procedures

Both the Federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments.

Reasonable accommodation procedures are codified in the County's Zoning Ordinance Chapter 21.86. As stated in the Zoning Ordinance, "In order to make housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability, equal opportunity to housing of their choice." Requests for reasonable accommodation are submitted as a ministerial permit subject to the staff approval permit application process. The Planning Director or their appointed designee reviews and approves or denies within thirty days after the application is deemed complete. If the application for a reasonable accommodation involves another discretionary decision the Planning Director reviews and determines the approval of the reasonable accommodation request, and then this decision is then accepted by the reviewing body of the discretionary permit. A decision to approve, approve with modifications, or deny a request for reasonable accommodation must be consistent with federal and state fair housing laws. The Planning Director must approve a request for accommodation if the following findings can be made:

- The housing, which is the subject of the request, will be used by a disabled individual as defined under the Acts;
- The requested reasonable accommodation is necessary to make housing available to an individual with a disability under the Acts;
- The requested reasonable accommodation would not impose an undue financial or administrative burden on the County;
- The requested reasonable accommodation would not require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning; and
- There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the County's applicable rules, standards, and practices.

The County's current procedure for reasonable accommodations is consistent with Federal Fair Housing Act and the California Fair Employment and Housing Act and is not a constraint to the development of housing for persons with disabilities.

4.1.12 State Streamlining

SB 35 requires that eligible projects be reviewed for compliance and consistency with the County's objective standards and are not subject to discretionary processes, such as CEQA review and public hearings. Eligible projects with 150 units or fewer must be approved within 90 days and projects with more than 150 units must be approved within 180 days.

Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. A local government that has been designated as subject to the Streamlined Ministerial Approval Process by HCD shall provide information, in a manner readily accessible to the public, about the locality's process for applying and receiving ministerial approval, materials required for an application and relevant objective standards to be used to evaluate the application. A local government cannot impose application requirements that are more stringent than required for a final multifamily entitlement or standard design review in its jurisdiction. Further, SB 35 requires approval of housing projects to be based on objective design standards. The County has not yet received any applications subject to SB 35 ministerial approval processing requirements. Currently the County does not have written procedures for SB 35 Streamlined Ministerial Approval Process. The County will adopt procedures to address SB 35 (Program 3.7-g).

In addition, AB 1397 requires that 5th cycle opportunity sites re-used in the 6th cycle inventory and identified to accommodate lower-income units (Very Low-Income and Low-Income) be subject to by-right approval if projects include 20 percent affordable units for lower-income households on-site. The County will implement Program 3-4 to incorporate AB 1397 requirements.

The Housing Crisis Act of 2019 (SB 330 and amended by SB 8) establishes a statewide housing emergency and creates new state laws focused on the production and preservation of housing. SB 330 and SB 8 aim to expedite and increase certainty in the development process with changes to the Housing Accountability Act and Permit Streamlining Act that will be in effect from January 1, 2020, to January 1, 2030. SB 330 also addresses the statewide housing shortfall with new protections for existing housing and restrictions on certain zoning actions that reduce the availability of housing. The legislation creates a preliminary application process, and housing developments will only be subject to those ordinances, fees, and policies in effect when the completed preliminary application is submitted. Like SB 35, SB 330 limits jurisdictions from imposing subjective design standards on housing developments. Objective standards are limited to design standards that involve no personal or subjective judgment by a public official. They must be verifiable by reference to an external and uniform benchmark available to both the applicant and the public official prior to application submittal. Stanislaus County will adopt procedures to develop objective design standards (Program 3-7f).

4.1.13 Transparency in the Development Process

To increase transparency in the development process, the County's website publishes resources that help developers and homeowners navigate the residential development and home improvement processes. The County's Planning and Community Development webpage provides links to building permit guides, ADU information, CEQA, and planning initiatives such as the Housing Element Update⁹. The webpage also provides links to the County's Zoning Ordinance, General Plan, fee schedules, and

⁹ County of Stanislaus Building Permits Division. <https://www.stanCounty.com/planning/bp/index.shtml>

applications and forms. The County also provides contact information for the Director of Planning and Community Development. The County's Planning Division website complies with the new transparency requirements in California Government Code Section 65940.1(a)(1).

4.2 Non-Governmental Constraints

A variety of factors impact development and housing costs and can provide barriers to local housing production. Some of these factors include market forces, which local government has little or no control over. State law requires that a Housing Element address and assess these barriers, which could lead to actions or programs to support the production of future housing. The non-governmental constraints evaluated in this section for Stanislaus County include the following categories: cost of land, cost of construction, and availability of financing. Additionally, non-governmental constraints such as environmental and infrastructure constraints are also discussed in this section because Stanislaus County has unique challenges related to sewer and water infrastructure, as well as some distinct challenges related to environmental hazards.

4.2.1 Construction Cost

Construction costs depend on several factors, including the type of construction, custom versus tract development, cost of materials, site conditions, finishing details, amenities, size, and structural configuration. The International Code Council estimates the average price of labor and materials for typical wood-frame housing. Estimates are based on "good-quality" construction, providing for materials and fixtures above the minimum required by state and local building codes.

The International Code Council estimated in 2023 that the national average cost per square foot for good-quality housing was approximately \$156 for multifamily housing, \$178 for single-family homes, and \$196 for residential care/assisted living facilities.¹⁰

Sources specific to Stanislaus County indicate the construction cost of a home can range between \$150 to \$340 per square foot, or \$300,000 to \$680,000 for a 2,000-square-foot home depending on the quality of construction.¹¹ The lower end of this range, typical for multifamily housing, would price a 500-square-foot unit, based on recent examples in Stanislaus County, at \$75,000 to construct. If labor or material costs continue to increase, then increased construction costs have the potential to constrain new housing construction and the rehabilitation of existing housing. While the costs above vary based on higher construction costs in the State of California, construction costs are not specifically identified as a constraint for Stanislaus County.

4.2.2 Land Cost

The housing market and land cost in Stanislaus County can vary depending on location, zoning (allowable density), availability of improvements, and proposed land use of the site. In general, entitled single-family subdivisions with infrastructure command higher prices than raw land. Available improvements can consist of improvements to streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements, and landscaping. Improvement standards establish infrastructure or site requirements to support new residential development. Land

¹⁰ International Code Council Building Valuation Data. February 2023. Available: https://www.tualatinoregon.gov/sites/default/files/fileattachments/building/page/5057/feb_2023_icc_building_valuation_data_table.pdf. Accessed May 11, 2022

¹¹ "Cost to Build a Home in Modesto." Bluehome.com. Accessed September 2022. www.homeblue.com.

costs and value are difficult to average on a Countywide basis as land value is assessed based on the characteristics unique to each property.

The cost of raw, developable land creates a direct impact on the cost for a new home. A higher cost of land raises the price of a new home because developers consider the cost of land while evaluating the feasibility of a development. When land costs are high, developers must ask for higher rent or sales prices to make their development feasible. Residential land prices in Stanislaus County average between \$35,000 to \$75,000 per acre of raw multifamily residential land¹²¹³. Prices for raw single-family residential land can vary greatly between \$50,000 and over \$150,000 per acre. While land costs increase over time, these raw costs are not necessarily a constraint to housing. A comparison to San Joaquin County shows that costs are slightly lower, and still relatively inexpensive when compared to counties in the Bay Area. As a result, raw land costs are not considered a constraint to the development of housing in Stanislaus County.

4.2.3 Availability of Financing

The availability of developer financing options affects the feasibility of housing developments. Financing is available from a variety of sources including financial institutions, insurance companies, and pension plans. Below is a discussion of some of the government assistance programs and private financing opportunities that affect the availability of financing in unincorporated Stanislaus County.

Affordable Housing Programs

- The Home Investment Partnerships Program (HOME) assists cities, counties, and non-profit community housing development organizations to create and retain affordable housing for lower-income renters or owners. HOME funds are available as loans for housing rehabilitation, new construction, and acquisition and rehabilitation of single and multifamily projects and as grants for tenant-based rental assistance. As lead entity of the City of Turlock/Stanislaus County HOME Consortium, City of Turlock staff assumes overall responsibility for administration of HOME funds and the responsibility for their CDBG funds. Stanislaus County, as the lead entity of the Stanislaus Urban County a HUD-designated entitlement jurisdiction, is a member of the HOME Consortium. The Stanislaus Urban County consisting of the cities of Ceres, Hughson, Newman, Oakdale, Patterson, Turlock, and Waterford, and the unincorporated area of the County. Stanislaus County will be taking over administration of HOME funds on July 1, 2023, as the lead entity of the Stanislaus HOME Consortium, which will be comprised of the same jurisdictions as the current HOME consortium.
- Stanislaus County, as the lead entity of the Stanislaus Urban County, assumes overall responsibility for administration of Community Development Block Grant (CDBG), as well as Emergency Solutions Grant (ESG), HUD entitlement funds. The primary objective of the CDBG program is the development of viable urban communities by providing decent housing and a suitable living environment and through expanding economic opportunities, principally, for persons of low- and moderate-income. The ESG program provides grant funding to (1) engage homeless individuals and families living on the street, (2) rapidly re-house homeless individuals and families, (3) help operate and provide essential services in emergency shelters for homeless individuals and families, and (4) prevent individuals and families from becoming homeless.

¹² Zillow, 2022. https://www.zillow.com/homes/stanislaus-County_rb/ Date Accessed December 12, 2022.

¹³ LoopNet, 2022.

<https://www.loopnet.com/search/commercial-real-estate/stanislaus-County-ca/for-sale/?sk=f8a819bda2a65db93f7ba04b3d889f36> Accessed December 12, 2022.

- Farmers and Merchants Banks WISH Program: The WISH program is a matching grant program and is designed to offer member financial institutions an opportunity to support affordable, sustainable homeownership for first-time homebuyers while achieving their own community investment goals. Funding for WISH establishes grants for individual homebuyers through its members. The WISH program offers eligible low- to moderate-income households 4-to-1 matching grants of up to \$22,000 that can be applied to down payment and closing costs for the purchase of a home. WISH grants help working families and individuals move from renting to owning and can complement or supplement many local, state, and federal homeownership programs and initiatives.
- Project Homekey is an opportunity for state, regional, and local public entities to develop a broad range of housing types for people at risk of or currently experiencing homelessness, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing, and to convert commercial properties and other existing buildings to permanent or interim housing. Project Homekey is administered by HCD.
- The Low-Income Housing Tax Credit (LIHTC) program awards tax credits to developers of affordable housing projects, which can then be sold to investors to fund the project development. The California Tax Credit Allocation Committee (TCAC) develops scoring methodology and makes awards.
- HCD's Multi-Family Housing Program (MHP) makes low-interest, long-term deferred-payment permanent loans for new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower-income households.
- HCD's Predevelopment Loan Program (PDL) makes short-term loans for activities and expenses necessary for the continued preservation, construction, rehabilitation, or conversion of assisted housing primarily for low-income households.
- HCD's Infill Infrastructure Grant (IIG) program promotes infill development by providing financial assistance for Capital Improvement Projects that enable development of infill projects or in infill areas, as defined by the program guidelines.
- No Place Like Home Program (NPLH) funds the development of permanent supportive housing for persons who are in need of mental health services and are experiencing homelessness, chronic homelessness, or at risk of chronic homelessness. The program is administered by HCD.
- The Transit-Oriented Development (TOD) Housing Program administered by HCD provides low-interest loans as gap financing for rental housing developments near transit that include affordable units. In addition, grants are available to local governments and transit agencies for infrastructure improvements necessary for the development of specified housing developments, or to facilitate connections between these developments and the transit station.
- The Affordable Housing and Sustainable Communities (AHSC) program is administered by the Strategic Growth Council and implemented by HCD and provides funding to housing development that connects residents with jobs, amenities, and low-carbon transportation.
- Permanent Local Housing Allocation Program (PLHA) is a program administered by HCD. The PLHA provides a permanent source of funding to cities and counties to help meet the unmet need for affordable housing and increase the supply of affordable housing units. Stanislaus County and the cities of Modesto and Turlock are eligible to apply for PLHA funding.

While these programs are beneficial, many of them are also competitive, over-subscribed, and have many eligibility requirements that may be difficult for all projects and activities to meet. These programs are not a catch-all solution to supporting housing development, however, paired with other

funding mechanisms, the programs overall reduce barriers to housing by providing financial support to reduce the costs of housing.

Private Financing for Homebuyers

Due to high housing costs, mortgage financing is required in most cases to purchase or improve a home. Lack of access to mortgage financing is a barrier to achieving housing stability through long-term stable housing costs afforded to homeowners, and lack of access to home improvement loans makes it difficult for homeowners to maintain their homes and preserve housing stability. The discussion on loan outcomes provided below is from the Stanislaus Urban County, City of Modesto, and City of Turlock Fiscal Year 2020-2025 Regional Analysis of Impediments to Fair Housing Choice (AI), including outcomes by income and race.¹⁴

According to the 2020-2025 AI, data from 2018 indicates that about 16,000 loans originated in Stanislaus County, with 8,034 (50.2 percent) originating in the City of Modesto, 2,327 (14.5 percent) in Turlock, and 1,739 (10.9 percent) in the unincorporated County. Compared to previous years, the number of loan originations at the County level has decreased, although loan data for the County has shown that applications for individual jurisdictions have fluctuated over time.

Mortgages and Loan Outcomes

Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary purpose of this review of lending activity is to determine whether home financing is accessible to all residents of Stanislaus County. The data presented in this section includes the disposition of loan applications submitted to financial institutions for home mortgages, home improvement, and refinance loans in Stanislaus County.

A little over half of all applications (9,056 loans or 56.6 percent) were approved and almost a fifth (2,839 loans or 17.7 percent) were denied. Of the jurisdictions analyzed, loans originating in Turlock experienced the highest approval rate of 59.5 percent while applications in the unincorporated County cumulatively saw the lowest approval rate of 54.4 percent. When it came to loan denial rates, loan applications in Modesto had the lowest loan denial rate at 16.9 percent while loans in the unincorporated County had the highest loan denial rate at 20.0 percent. Notably, approval rates across Modesto, Turlock, and the unincorporated County are slightly higher than the national approval rate of about 53.4 percent.

Loan types include conventional purchase loans and government-backed loans that are guaranteed by the federal government including the Federal Housing Administration (FHA), Veterans Affairs (VA), and USDA Rural Housing Service or Farm Service Agency (RHS/FSA). In addition to general loan information below, loan outcomes may also be evaluated by income and race. Evaluating information by these types enables local governments to analyze discrepancies in outcomes by an applicant's demographic characteristics. Disaggregating lending outcomes in this regard (by income and race) is one way to look for differences.

¹⁴ Stanislaus Urban County, City of Modesto, City of Turlock. Stanislaus County Fiscal Year 2020-2025 Regional Analysis of Impediments to Fair Housing Choice. 2020. Available online at <https://www.stanCounty.com/planning/cdbg/documents/other/2020-2025-analysis-impediments-final.pdf>, accessed March 3, 2023.

Loan Outcomes by Applicant Income

For each of the three years analyzed, most individuals applying for a loan fell into the upper income bracket. For example, upper income individuals represented 45.3 percent of applicants in 2008, 43.6 percent of applicants in 2013, and 49.2 percent of applicants in 2018 (Table 4-14). Furthermore, the shares for applicants among the remaining income levels decreased as the income bracket decreased. In other words, there were fewer applicants in the lower income brackets. Regarding approval rates, upper-income applicants generally experienced the highest rates, which is a common finding across many jurisdictions.

Table 4-14 Loan Outcomes by Applicant Income Level in Stanislaus County

Applicant Income Level	Total Applicants		Approved		Declined		Other	
	#	%	#	%	#	%	#	%
2008								
Low (0-49% AMI)	1,228	4.6%	454	37.0%	463	37.7%	311	25.3%
Moderate (50-79% AMI)	4,287	16.0%	2,113	49.3%	1,041	24.3%	1,133	26.4%
Middle (80-119% AMI)	6,529	24.3%	3,110	47.6%	1,558	23.9%	1,861	28.5%
Upper (>= 120% AMI)	12,154	45.3%	5,867	48.3%	2,991	24.6%	3,296	27.1%
NA	2,626	9.8%	177	6.7%	78	3.0%	2,371	90.3%
Total	26,824	100.0%	11,721	43.7%	6,131	22.9%	8,972	33.4%
2013								
Low (0-49% AMI)	1,452	5.9%	780	53.7%	362	24.9%	310	21.3%
Moderate (50-79% AMI)	3,591	14.6%	2,006	55.9%	596	16.6%	989	27.5%
Middle (80-119% AMI)	5,155	21.0%	3,071	59.6%	760	14.7%	1,324	25.7%
Upper (>= 120% AMI)	10,727	43.6%	6,751	62.9%	1,460	13.6%	2,516	23.5%
NA	3,663	14.9%	1,266	34.6%	310	8.5%	2,087	57.0%
Total	24,588	100.0%	13,874	56.4%	3,488	14.2%	7,226	29.4%
2018								
Low (0-49% AMI)	889	5.6%	345	38.8%	305	34.3%	239	26.9%
Moderate (50-79% AMI)	2,006	12.5%	1,054	52.5%	529	26.4%	423	21.1%
Middle (80-119% AMI)	3,834	24.0%	2,380	62.1%	708	18.5%	746	19.5%
Upper (>= 120% AMI)	7,873	49.2%	5,094	64.7%	1,240	15.8%	1,539	19.5%
NA	1,398	8.7%	183	13.1%	57	4.1%	1,158	82.8%
Total	6,000	100.0%	9,056	56.6%	2,839	17.7%	4,105	25.7%

Source: Stanislaus County. 2020. Fiscal Year 2020-2025 Regional Analysis of Impediments to Fair Housing Choice. Stanislaus County, California. May 12, 2020. <https://www.stanCounty.com/planning/cdbg/documents/other/2020-2025-analysis-impediments-final.pdf> (Accessed September 2022).

Loan Outcomes by Applicant Race

Table 4-15 presents the loan outcomes by race for applicants in Stanislaus County for 2008, 2013, and 2018. Chapter 3, *Assessment of Fair Housing*, examines mortgage applications and decisions by race in more detail. Overall, Black/African American, American Indian/Alaska Native, and Hispanic/Latino residents were underrepresented in the number of applications filed. Denial rates were also higher for those racial and ethnic groups. As discussed further in Chapter 3, *Assessment of Fair Housing*, disproportionate lack of access to financing is a fair housing issue.

Table 4-15 Loan Outcomes by Applicant Race and Ethnicity

	Percent Total Applicants			Percent Approved			Percent Denied		
	2008	2013	2018	2008	2013	2018	2008	2013	2018
Unincorporated									
White	71.5%	99.6%	65.2%	47.7%	54.9%	61.5%	26.2%	16.6%	18.9%
Black	1.1%	0.0%	1.8%	40.7%	0.0%	64.5%	25.9%	100.0%	25.8%
Hispanic	23.6%	18.5%	25.5%	40.7%	59.5%	57.6%	31.2%	17.5%	24.2%
Asian	3.2%	0.1%	4.3%	48.1%	50.0%	49.3%	23.4%	50.0%	29.3%
Average	–	–	–	43.8%	54.9%	54.4%	24.5%	16.7%	20.0%
Stanislaus County									
White	68.2%	67.1%	63.7%	50.0%	64.2%	63.8%	23.7%	14.5%	17.3%
Black	1.6%	1.6%	2.1%	35.6%	54.2%	57.1%	33.3%	20.3%	19.8%
Hispanic	26.9%	21.7%	26.8%	45.0%	60.2%	59.7%	28.7%	16.4%	21.8%
Asian	4.5%	6.1%	5.6%	47.5%	62.7%	55.4%	25.1%	17.6%	23.6%
Average	–	–	–	43.7%	56.4%	56.6%	22.9%	14.2%	17.7%

Source: Stanislaus County. 2020. Fiscal Year 2020-2025 Regional Analysis of Impediments to Fair Housing Choice. Stanislaus County, California. May 12, 2020. <https://www.stanCounty.com/planning/cdbg/documents/other/2020-2025-analysis-impediments-final.pdf> (Accessed September 2022).

According to the policies and actions from the 2020-2025 Stanislaus County Analysis of Impediments, differential origination rates based on race, ethnicity, and location in the County and limited coordination with the real estate industry were identified as impediments to housing. Additionally, the following actions were identified to address those impediments:

- **Action 3.1:** When selecting lending institutions for contracts and participation in local programs, Stanislaus County, the City of Turlock, and Stanislaus Urban County member jurisdictions may prefer those with a Community Reinvestment Act (CRA) rating of “Outstanding” and may exclude those with a rating of “Needs to Improve” or “Substantial Noncompliance” according to the most recent examination period published by the Federal Financial Institutions Examination Council (FFIEC). In addition, the Stanislaus Urban County and the City of Turlock may review an individual institution’s most recent HMDA reporting as most recently published by the FFIEC.
- **Action 3.2:** Strengthen partnerships with lenders to discuss lenders’ community reinvestment goals, including home mortgages, home improvement loans, and community development investments to be made in low- and moderate-income neighborhoods in the Stanislaus Urban County and in the City of Turlock.
- **Action 4.1:** Work cooperatively with the real estate industry to develop ways for local agents to become more familiar with Stanislaus Urban County and City of Turlock housing and rental assistance programs.
- **Action 4.2:** Encourage Realtors to seek fair housing training.

As a result of these actions, and to address this constraint in the Housing Element, the County will implement Program 5-1b to give preference to lending institutions with a good Community Reinvestment Act rating.

4.2.4 Requests for Lower Development Densities

Many factors influence the actual density of a project and can result in significantly lower densities than the maximum density allowed by zoning. During the 5th Cycle, the County received requests on four parcels to develop at a capacity of less than what was included in the 5th cycle Sites Inventory. Table 4-16 shows the units identified and what was ultimately developed. Three of these parcels were developed with commercial buildings. The County will implement Program 3-1h to rezone sites with minimum density and development standards.

Table 4-16 Requests for Lower Development Densities During the 5th Cycle

APN	Zoning	Units Identified in 5 th Cycle Sites Inventory	Development that occurred
133-014-023	H-1	13	One commercial building
133-015-016	H-1	11	One commercial building and one residential unit
045-030-062	H-1	1	One commercial building
039-002-023	R-A	3	Two residential units

4.3 Infrastructure Constraints

Stanislaus County has identified the need for improved infrastructure within unincorporated areas, including through its Board Priorities, which provide guidance to effectively manage public resources and improve certain efficiencies. As related to infrastructure, the goals include:

- Improve energy efficiency
- Ensure reliable water sources – quality and quantity
- Improve transportation and circulation
- Promote effective solid waste disposal
- Develop a comprehensive flood control strategy

Often, counties are constrained by the financial feasibility of investment in unincorporated communities that are not in proximity to urban services. For example, residential sewer and water may be provided to urban residents, while the provision of these services to unincorporated rural parts of the County are left to property owners. Investment in infrastructure such as sewer and water to more distant areas require a significant amount of planning, including an appropriate funding mechanism, sufficient capacity in the near-term and in the future, and a means to support construction, service, and maintenance. These infrastructure challenges expand beyond just sewer and water in rural areas and may also include County-maintained roads and other transportation or safety-related infrastructure. As noted above, the County of Stanislaus has identified these priorities and realizes some of the challenges they present toward housing development, including the development of multifamily housing.

While many unincorporated areas may be infrastructure constrained, a key community in the area that has been envisioned for development is the Salida area. Noted previously, the Salida Community Plan was adopted by the Stanislaus County Board of Supervisors in 2007 and provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. Existing land uses in the community plan area include agricultural land uses with little to no water and sewer infrastructure to advance residential development. Table 2-2 in Section 2.1.1 above identifies

the community plan residential land use designations for the Salida area, including zone districts that offer opportunity for multifamily and affordable housing. The County's 5th Cycle Housing Element relied heavily on this community plan to accommodate its lower-income housing needs. While portions of the Salida Community Plan are included in the City of Modesto's Water Master Plan and within the boundaries of the Salida Sanitary District, the County cannot rely on the plan area for the 6th Cycle Housing Element due to the inability to advance infrastructure development over the previous Housing Element Cycle. The County will facilitate the necessary environmental review needed to allow for housing within the Salida area.

The 2020-2025 Stanislaus County Analysis of Impediments identifies infrastructure as a clear constraint to housing development. Action 8.1 states, "Examine possible gaps in public infrastructure and services, especially for the needs of persons with disabilities, seniors, and low-income residents via a Disadvantaged Unincorporated Communities assessment. If significant gaps are found, explore methods to address the gaps and incorporate public improvements and services into local infrastructure and service plans." In accordance with Action 8.1, the County should analyze the gaps in public infrastructure and services, including accommodations for lower-income housing needs and the needs of seniors and persons with disabilities. Infrastructure is therefore identified as a constraint and the County will implement Program 3-9b to continue exploring methods to address the gaps and improve public and social services, and infrastructure support for local communities.

In 2021, Stanislaus County received \$107 million in funding through the American Rescue Plan Act of 2021 (ARPA). The Board of Supervisors approved various strategic priorities for the use of \$90 million, of this, \$50 million was assigned to Community Infrastructure – Urban Pockets/County Communities. These investments include updated sanitary sewer infrastructure, sidewalk improvements, storm drain facilities, water lines, and streetlights. This funding will significantly decrease the gap in the provision of services and infrastructure.

4.4 Environmental Constraints

A community's environmental setting affects the feasibility and cost of developing housing. Environmental issues range from the availability of water to the suitability of land for development due to potential exposure to seismic, flooding, wildfire, and other hazards. The presence of environmental hazards limits the ability to construct safe and quality housing. If not properly recognized and accommodated in residential development, these environmental features could potentially endanger lives and property. Additional information on environmental hazards in the County and their effect on local communities are discussed in the Environmental Justice Technical Report. The General Plan Safety Element contains much more detail about hazards, including maps and policies to address environmental hazards.

4.4.1 Federal and State Environmental Protection Regulations

California regulations require an environmental review of proposed discretionary projects (e.g., subdivision maps, development of large sites, use permits, etc.) that do not fall within specified exemptions outlined in California Environmental Quality Act (CEQA) Statute and Guidelines. Additionally, federal environmental review is required when federal funding or lands are involved. Costs to analyze and address impacts result from fees charged by local government agencies and private consultants to complete the environmental analysis and can add to the cost of building new housing, which is passed on to the consumer. While these regulations disclose impacts and help

preserve the environment and mitigate environmental impacts, they do not necessarily pose a constraint on housing development.

The County has updated its Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) in 2022. This plan addresses hazard vulnerabilities from natural and human-caused hazards, including flooding, drought, wildfire, landslides, severe weather, terrorism, cyber threats, pandemic, and the impact of climate change on hazards, as well as other hazards. While mitigation measures identified in the MJHMP are necessary to reduce the level of injury, property damage, and community disruption that might otherwise result from such events, requirements may be a constraint to housing development. For example, building safety requirements or increased buffers in fire or landslide zones may increase costs of development and limit available land. The analysis that follows summarizes the hazards that could be identified as a constraint to housing development.

4.4.2 Geologic and Seismic Hazards

Earthquake

Earthquakes can cause structural damage, injury, and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. There are several faults known to exist within Stanislaus County. The nearest faults of major significance are the San Andreas to the west of Stanislaus County, a distance of approximately 25 miles from the County line; the Calaveras faults to the northwest; the White Wolf, Garlock, and Sierra Nevada faults to the south; and the Bear Mountain Fault Zone about 5 miles east of and parallel to the eastern border of Merced County. These faults have been and will continue to be the principal source of seismic activity affecting the County of Stanislaus.¹⁵

Structures and populations along the Interstate 5 corridor and within the Diablo Range are most vulnerable to damage. All populations are vulnerable to impacts of any earthquake. However, the area of the County identified for the most intense shaking is the least populated.

All property within Stanislaus County is subject to the effect of seismic activity. Structures built prior to 1976 are most vulnerable. Hazard maps indicate that the area along the western-most edge of the valley floor near the Interstate 5 corridor has the greatest potential for probabilistic shaking.

The Stanislaus County Capital Improvement Plan, along with the Capital Project Program, supports the goal of the County to protect critical facilities and infrastructure. The Capital Projects Team is actively working to incorporate MJHMP priorities in the CIP development to protect facilities and infrastructure. The most recent CIP identified eight seismic bridge replacements to rectify seismic deficiencies. Earthquakes can be unexpected and detrimental to infrastructure and housing especially for housing built prior to 1976. The 2022 MJHMP identifies several objectives to limit development in areas with high geologic hazard, and to rehabilitate structures that are not earthquake resistant. The County will explore programs to retrofit existing housing to comply with current building code standards in order to preserve existing housing stock through Programs 1-1a, 1-1b, and 1-1h.

Landslides and Erosion

Excessive erosion can contribute to landslides, siltation of streams, undermining of foundations, and ultimately the loss of structures. The Stanislaus County MJHMP states that hazards due to landslide events are limited to areas within the foothills which are located in the western and eastern edges of

¹⁵ <https://www.stanoes.com/pdf/mjhmp/2022-MJHMP-draft.pdf>

the County. Deep-seated landslide susceptibility is mostly located west of the I-5 freeway, with a susceptibility class ranging between seven to ten (ten being the highest). However there have not been any disastrous events associated with landslides in Stanislaus County¹⁶. Further, any new development will be subject to mitigation measures contained in the County's Safety Element. These include, only approving new development in areas of geologic hazards when there is an acceptable evacuation route, and the routes of public roads are designed to minimize seismic risk. Additionally, the development west of I-5 will only be permitted when a geological report provides evidence that there are no onsite hazards, or they can be mitigated. Future projected housing developments are located outside of the areas with increased susceptibility to landslides. Therefore, landslide risk does not constrain housing development.

4.4.3 Wildfire

Stanislaus County is susceptible to both urban and wildland fires. The areas most vulnerable to wildfire are in the State Responsibility Areas (SRA) on the eastern and western edges of the County (see Figure V-6 of the County's Safety Element). There has been little to no development within the majority of the SRA with the exception of the development in Diablo Grande. There has also been development of ranchettes, two-to-ten-acre homesteads, on the eastern side of the County between Knights Ferry and the City of Oakdale. These ranchettes are located primarily in the SRA. Cal FIRE has designated Knights Ferry, La Grange, Oakdale, and Riverbank as communities with increased risk from wildfires¹⁷. A small percentage of the County's total area currently with housing or identified for future housing is within a Very High Fire Severity Zone (see Figure V-6 of the County's Safety Element). Future housing within high fire zones must have higher development costs due to the additional materials and safety measures required to additionally protect the residents and property. Due to the small percentage of current and future housing in the Very High Severity Zone, Wildfire is not considered a constraint.

4.4.4 Flood Risk

In western parts of Stanislaus County, there is a higher number of acres located within the San Joaquin River floodplains. Construction in the floodplain has the potential to impact flood levels, and the properties may be susceptible to flood damage. There has been little to no development within the floodplains. The community of Grayson borders the boundary of the 100-year floodplain. The County is actively working to identify solutions aimed at lowering flooding risks. Due to the small percent of current and future housing located in the floodplain, flooding is not considered a constraint.

4.4.5 Excessive Noise

Residential uses are considered sensitive land uses and new development must be constructed such that it meets interior noise standards in the County's General Plan. The County's Noise Regulations can be found in Chapter 10.46 Noise Control of the Stanislaus County Municipal Code.

According to the Noise Element (Chapter IV) of the County's General Plan, highways and freeways are the most significant sources of noise affecting sensitive land uses in Stanislaus County. This is followed by other roadway traffic such as principal arterials, minor arterials, and major collectors. In addition to traffic noise on local roadways, freight and passenger trains contribute to community noise levels¹⁸.

¹⁶ Stanislaus County Local Hazard Mitigation Plan, 2017, <https://www.stanoes.com/pdf/lhmp/2017-lhmp.pdf>

¹⁷ CAL FIRE, 2022, <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/fire-plan/communities-at-risk/>

¹⁸ <https://www.stanCounty.com/planning/pl/gp/current/gp-chapter4.pdf>

While these requirements may impose specific mitigation or building requirements related to housing development, they are not considered a significant constraint to development.