



CITY OF HUGHSON
REGULARLY SCHEDULED
PLANNING COMMISSION MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, DECEMBER 17, 2019 – 6:00 P.M.

CALL TO ORDER: Chair Brian Evans

ROLL CALL: Chair Brian Evans
Vice Chair Julie Ann Strain
Commissioner Kevin Cloherty
Commissioner Brenda Henley
Commissioner Alan McFadon

Staff to be Present: Raul Mendez, City Manager
Dan Schroeder, City Attorney
Ashton Gose, Deputy City Clerk

FLAG SALUTE: Chair Brian Evans

RULES FOR ADDRESSING THE PLANNING COMMISSION

*Members of the audience who wish to address the Planning Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.***

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, state their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

- 3.1: Approve the Minutes of the Regular Meeting of November 19, 2019.
- 3.2: Recommend that the City Council Adopt Proposed Ordinance No. 2020-XX, Finding that the Proposed Amendments to Chapters 10.32, 17.01, and 17.03 of the Hughson Municipal Code are Consistent with the City of Hughson Adopted General Plan.
- 3.3: Recommend that the City Council Adopt Proposed Ordinance No. 2020-XX, Finding that the Proposed Amendments to Chapter 15.12 of the Hughson Municipal Code are Consistent with the City of Hughson Adopted General Plan.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.

5. INFORMATIONAL ITEMS: NONE.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

Deputy City Clerk:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

December 20	▪ Hughson Ugly Sweater Competition, 10:00 A.M. – 3:00 P.M.
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December 25 – January 2	▪ Holiday Closure – City Hall Closed
January 13	▪ City/School 2+2 Committee, Hughson Unified School District/Ross Middle School, 5:30 P.M.
January 13	▪ City Council Meeting, City Hall Chambers, 7:00 P.M.
January 14	▪ Parks, Recreation and Entertainment Commission Meeting, City Hall Chambers, 6:00 P.M.
January 20	▪ Martin Luther King Jr. Day – City Hall Closed
January 21	▪ Planning Commission Meeting, City Council Chambers, 6:00 P.M.

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

AFFIDAVIT OF POSTING

DATE: December 13, 2019 **TIME:** 4:30 p.m.
NAME: Ashton Gose **TITLE:** Deputy City Clerk

General Information: The Hughson Planning Commission meets in the Council Chambers on the *third Tuesday* of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City's website at www.hughson.org and City Clerk's

Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054.



CITY OF HUGHSON
PLANNING COMMISSION MEETING
 City Hall Council Chambers
 7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, NOVEMBER 19, 2019 – 6:00 P.M.

- CALL TO ORDER:** Chair Brian Evans
- ROLL CALL:** Chair Brian Evans
 Vice Chair Julie Ann Strain
 Commissioner Alan McFadon
 Commissioner Kevin Cloherty
 Commissioner Brenda Henley (Arrived at 6:02 P.M.)
- Staff Present:** Raul Mendez, City Manager
 Ashton Gose, Deputy City Clerk
 Daniel Schroeder, City Attorney
 Carla Jauregui, Planning/Building Assistant
- FLAG SALUTE:** Chair Brian Evans

RULES FOR ADDRESSING THE PLANNING COMMISSION

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1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, state their name and city of residence for the record (requirement of name and city of residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a “Citizen Request Form” which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

3.1: Approve the Minutes of the Regular Meeting of August 20, 2019.

STRAIN/CLOHERTY 5-0-0-0 motion passes to approve the Minutes of the Regular Meeting of August 20, 2019.

3.2: Approve the 2020 Planning Commission Meeting Calendar.

STRAIN/HENLEY 5-0-0-0 motion passes to approve the 2020 Planning Commission Meeting Calendar as presented.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Adopt Resolution No. PC 2019-01, Approving a Conditional Use Permit Amendment to Allow the Existing 3,850 Square Foot Sovereign Grace Community Church Located at 7201 Hughson Avenue the Construction of a 4,892 Square Foot Expansion Building and a Variance of the Front Setback in the C-2 General Commercial Zone.

City Attorney Schroeder informed the Commission that an amendment needed to be made to agenda item 4.1, indicating a “10 foot variance”.

Chair Evans opened public comment at 6:34 P.M. There was no public comment. Chari Evans closed public comment at 6:35 P.M.

STRAIN/CLOHERTY 5-0-0-0 motion passes to adopt Resolution No. PC 2019-01, Approving a Conditional Use Permit Amendment to Allow the Existing 3,850 Square Foot Sovereign Grace Community Church Located at 7201 Hughson Avenue the Construction of a 4,892 Square Foot Expansion Building and a 10 Foot Variance of the Front Setback in the C-2 General Commercial Zone as amended.

5. INFORMATIONAL ITEMS: NONE.

6. CORRESPONDANCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

City Manager Mendez provided an update on the maternity leave for the Community Development Director. He also provided a reminder regarding many upcoming community events.

Deputy City Clerk Gose provided an update to the Commission regarding the three (3) scheduled vacancies on the Planning Commission in December of 2019.

City Attorney Schroeder informed the Commission that he will now attend each Planning Commission meeting going forward.

7.2: Commission Comments: (Information Only – No Action)

Commissioner Cloherty thanked the City Council for his re-appointment to the Planning Commission.

Commissioner Strain thanked the City Council for his re-appointment to the Planning Commission. She also provided a reminder regarding the 20th Century Arts and Crafts Fair on November 23-24, 2019.

Commissioner Henley provided information regarding a Table Viewing at the United Methodist Church on December 7, 2019.

Commissioner Evans thanked the City Council for his re-appointment to the Planning Commission.

ADJOURNMENT:

Chair Evans adjourned the meeting at 6:46 P.M.

BRIAN EVANS, Chair

ASHTON GOSE, Deputy City Clerk



**PLANNING COMMISSION
AGENDA ITEM NO. 3.2
SECTION 3: NEW BUSINESS**

Meeting Date: December 17, 2019
Subject: Recommend to the City Council that they Adopt Proposed Ordinance No. 2020-XX Finding that the Proposed Amendments to Chapters 10.32, 17.01, and 17.03 of the Hughson Municipal Code are Consistent with the Adopted City of Hughson General Plan
Enclosures: Draft Ordinance No. 2020-XX
Presented By: Raul L. Mendez, City Manager
Daniel J. Schroeder, City Attorney

Staff Recommendation:

Recommend to the City Council that they adopt proposed Ordinance No. 2020-XX finding that the proposed amendments to Chapters 10.32, 17.01, and 17.03 of the Hughson Municipal Code are consistent with the Adopted City of Hughson General Plan.

Background and Overview:

City staff routinely updates the Municipal Code to incorporate clarifying changes, minor modifications, technical, formatting, and other non-substantive changes to the Code to ensure that the Code follows development trends and maintains consistency with the General Plan. There are also instances where the Council requests staff to address certain issues that arise in the community through an ordinance amendment. At the August 20, 2019, the Planning Commission considered two proposed ordinance amendments that were a result of the discussions related to Recreational Vehicles (RV) that have taken place at City Council over the last year. Today, the Planning Commission is being asked to consider the remaining changes and some revisions to the prior two proposed ordinance amendments pertaining to RV parking that were part of this Council discussion.

At the June 22, 2019 City Council meeting, staff presented recommended changes to the Hughson Municipal Code as well as two proposed ordinance amendments to the Hughson Municipal Code to address the various concerns related to RVs. These proposed changes and amendments were the result of several discussions held during Council meetings. At the January 28, 2019 City Council meeting, City staff provided the City Council with the current rules and regulations related to the storage

and parking of RVs on private property and on public streets. This discussion arose after a member of the community requested that the City Council re-evaluate the rules and regulations related to the storage of RVs and other similar uses at the January 14, 2019 meeting. Similar complaints were raised by a member of the community during the November 13, 2018 City Council meeting. Between the years 2014 to 2019 the City's Code Enforcement Officer has received a total of 33 complaints about RVs. Out of the 33 complaints, 15 complaints were about RVs on private property, and 18 were related to RVs parking in the public-right-of-way (city street).

The changes described below are the remaining items that Council would like to address. The first amendment addresses where on the street the RV can be parked. The second amendment defines an RV and identifies the other vehicles subject to the ordinance. The third amendment addresses storage of an RV on private property. The fourth amendment addresses how long individuals can live in their RVs on private property during construction. The fifth and final amendment addresses the definition of improved surface.

It is the role of the Planning Commission to determine that the proposed amendments are consistent with the City's adopted General Plan. If the amendments are consistent with the General Plan, the Commission may recommend to the Council the adoption of the proposed amendments. If the Commission finds that the amendments are not consistent with the General Plan, they may not recommend the approval of the amendments to the City Council.

Discussion:

1. The 72-hour Rule

The Hughson Municipal Code (HMC) Section 10.32.300(A) and (C) Recreation Vehicles currently read as follows:

“ A. The city council hereby finds and determines that the unrestricted parking of recreation vehicles on public streets in the city leads to their unlawful occupation as dwelling units, congests traffic and constitutes a hazard to the public safety in that recreation vehicles restrict visibility.

...

C. It is unlawful to park, stop or leave standing recreation vehicles on any street, alley or highway, or a portion thereof, for more than a period of 72 hours, within any period of seven consecutive days, except that nonresidents of the city may park, upon the issuance of a permit for a period not to exceed seven consecutive days, while the owner or operator of the recreation vehicle is a guest in the home of the single-family residence adjoining that portion of the street, alley or highway upon which the recreation vehicle is parked. Permits under this subsection may be issued pursuant to HMC 10.32.130 and 10.32.140.”

This section currently exists in the Municipal Code and only allows RVs to be parked on the public street for 72 hours within a period of seven consecutive days. After 72 hours, the vehicle must be moved outside City limits. This section does allow guests

of homeowners to park their RVs on the street longer than the 72-hour period with the issuance of a permit from the City.

Proposed Ordinance Change:

The proposed change will require that the RV be parked in front of the owner's home. The proposed change is identified in yellow:

"A. The city council hereby finds and determines that the unrestricted parking of recreation vehicles (as defined by HMC 17.01.090(R)) on public streets in the city leads to their unlawful occupation as dwelling units, congests traffic and constitutes a hazard to the public safety in that recreation vehicles restrict visibility.

...

C. It is unlawful to park, stop or leave standing recreation vehicles (as defined in HMC 17.01.090(R)(1)) on any street, alley or highway, or a portion thereof, for more than a period of 72 hours, within any period of seven consecutive days, except upon the issuance of a permit for a period not to exceed seven consecutive days as long as the recreation vehicle is located in front of the applicant's single family dwelling. Permits under this subsection may be issued pursuant to HMC 10.32.130 and 10.32.140."

2. Recreational Vehicle Definition

The existing code does not define Recreational Vehicle. A definition for an RV and other types of non-standard vehicles that people typically park on private property are addressed in the new definition.

Proposed Ordinance Change:

In the "R" section of the definitions section, the following definition of an RV and other vehicle that will be subject to the proposed changes is identified.

"R. Definitions, "R."

1. Recreational Vehicle and Recreation Vehicle. "Recreational vehicle" and "recreation vehicle" means mobile home not on a foundation, camper, motor home, trailer, fifth wheel, or watercraft.

3. Storage location of RVs on Private Property not for Temporary Use

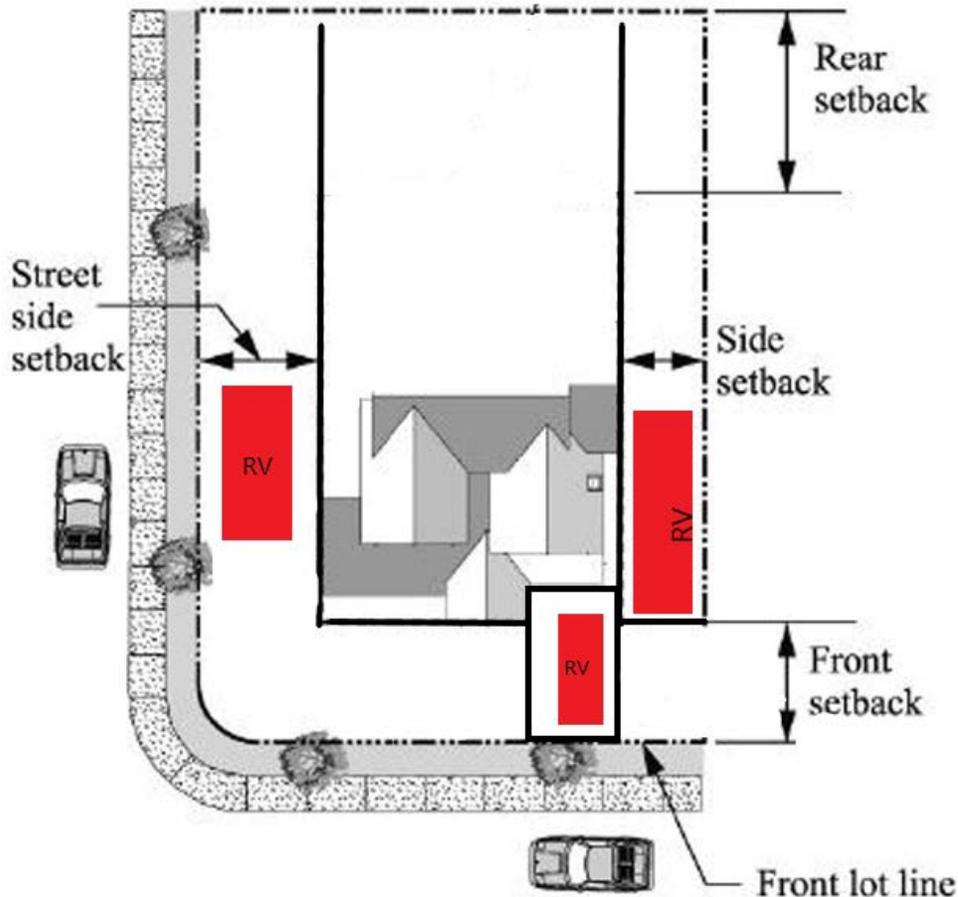
The Hughson Municipal Code does not currently regulate where an RV can be stored on private property. Based on multiple discussions with Council, staff developed a set of regulation to identify where on private property an RV can be stored. This storage section amends section 17.03.052(A) to clarify the applicability of RVs under the section and amends section 17.03.052(D) to specify where RVs may not be stored.

Proposed Ordinance Change:

The proposed changes to 17.03.052(A) and (D) are identified in yellow below. Subsection (A) clarifies that the section is applicable to RV storage. Subsection (D) identifies that only one visible RV may be stored off the street on private property in the driveway out of the public right-of-way. On corner lots, one visible RV can be stored within the street side setback. An additional RV may be stored on the property if it is behind a fence or enclosed within a garage.

“A. Purpose. The purpose of this section is to provide requirements for temporary and permanent mobile homes and storage of recreational vehicles within the city of Hughson and to ensure that they conform to the provisions of the following laws:

...
D. Storage. Only one recreation vehicle may be stored off the street and on a property when not located behind a fence or in a garage with the garage door closed. A recreational vehicle shall not be stored within the rear setback of a property as set forth in HMC 17.02.008. A recreational vehicle shall not be stored within the front setback of a property as set forth in HMC 17.02.008 unless it is stored on the driveway and out of the public right-of way. For corner properties, an additional recreational vehicle may also be stored within the street side setback as shown in figure 17.03.052.1:



Any recreation vehicle stored on a property, including behind a fence or in a garage, shall not be used or maintained as a living quarters or business conducted therein while such vehicle is so parked or stored, except as otherwise provided in this section.”

4. Duration

The Hughson Municipal Code Section 17.03.52.G **currently** reads as follows:

“G. Temporary Use of Recreational Vehicles in Residential Zones. A recreational vehicle may be used as a single-family dwelling unit on a property zoned for single-family residential use for a period of time not to exceed the time required to complete the project. An administrative permit shall be required for such recreational vehicles, subject to the following additional requirements:

1. There is an existing single-family dwelling unit on the site that cannot be occupied until repairs are completed, and a valid building permit has been issued to make all repairs required to make the dwelling unit habitable.
2. The occupied recreational vehicle is not placed within a required setback, with the exception of a designated driveway that conforms to the standards of the district in which the recreational vehicle is located.
3. Recreational vehicles shall be located in a designated area within the parcel as approved by the planning officer. Recreational vehicles shall be located so as to minimize their visibility from the public right-of-way or adjacent properties.”

This code section outlines specific regulations for the temporary use of RVs in residential zones. This code section only provides rules and regulations relating to the storage of RVs on a single lot when the RV is being used for a period of time when there is construction on the lot and living in the main dwelling unit is not possible due to the construction project. In this section, there are locational requirements for placement of the RV in the yard (must not be in the setback areas) and vehicle placement to minimize visibility from the public-right-of-way or adjacent properties.

Proposed Ordinance Change:

The proposed amendment to this section is to add a durational limit to the amount of time someone can live in their RV on the residential property during construction of the main home. The proposed change is identified in yellow below:

“G. Temporary Use of Recreational Vehicles in Residential Zones. A recreational vehicle may be used as a single-family dwelling unit on a property zoned for single-family residential use for a period of time not to exceed the time required to complete the project or one year, whichever is less. The City Manager or his/her designee in their sole discretion may allow a period of time greater than one year, but in no event

more than two years. An administrative permit shall be required for such recreational vehicles, subject to the following additional requirements:

1. There is an existing single-family dwelling unit on the site that cannot be occupied until repairs are completed, and a valid building permit has been issued to make all repairs required to make the dwelling unit habitable.
2. The occupied recreational vehicle is not placed within a required setback, with the exception of a designated driveway that conforms to the standards of the district in which the recreational vehicle is located.
3. Recreational vehicles shall be located in a designated area within the parcel as approved by the planning officer. Recreational vehicles shall be located so as to minimize their visibility from the public right-of-way or adjacent properties.”

5. Unimproved Surface

The Hughson Municipal Code Section 17.03.060.B.4.c **currently** reads as follow:

“c. Parking throughout the city is prohibited on unimproved surfaces such as unpaved areas, earthen or bare lots, lawns, landscaping, parks, parkways, gardens and similar types of surfaces. An exception is the use of an unimproved surface for the temporary parking of operable motor vehicles for temporary activities (e.g., carnivals, circuses, fairs, concerts, farmers’ markets) being held in accordance with a city issued temporary activity or temporary parking permit. Any temporary parking must comply with the minimum vehicular parking requirements set forth in Table 17.03.060(A). This provision shall not apply to any unimproved surfaces owned or operated by another public entity, as defined in Government Code Section 811.2, within the city limits.”

This current code section prohibits parking any vehicle on unimproved surfaces. An unimproved surface is defined as “unpaved areas, earthen or bare lots, lawns, landscaping, parks, parkways, gardens and similar types of surfaces”.

Proposed Ordinance Change:

The proposed Ordinance amendment add a new subsection 7 that identifies the type of surface RVs can be parked on. This subsection also identifies the permit process needed to be able to construct the RV parking surface.

“7. Recreational Vehicle Parking. Recreational vehicles shall be parked on areas at grade surfaced with an all-weather material, defined as concrete, asphalt, or minimum three-fourth (3/4) inch stone or gravel. The all-weather material shall be a minimum of four (4) inches deep with weed barrier and sufficiently compacted so as to eliminate the unreasonable accumulation of dust, dirt, mud, or weeds and shall be sufficiently maintained so that it will drain and dispose of all surface water per the City’s standard specification. A permit shall be obtained in accordance with HMC 15.04.035 prior to construction of a recreational vehicle parking surface pursuant to this subsection. Recreational vehicles shall not discharge any litter, sewer effluent,

or other matter except into sanitary facilities designed to dispose of such materials. An exception is the use of an unimproved surface for the temporary parking of operable recreational vehicles for temporary activities (e.g., carnivals, circuses, fairs, concerts, farmers' markets) being held in accordance with a city issued temporary activity or temporary parking permit. Any temporary parking must comply with the minimum vehicular parking requirements set forth in Table 17.03.060(A). This provision shall not apply to any unimproved surfaces owned or operated by another public entity, as defined in Government Code Section 811.2, within the city limits."

General Plan Conformance:

The Hughson Planning Commission is tasked with determining that the proposed amendment is consistent with the City's Adopted General Plan. Land Use Goal LU-3 encourages development to preserve and enhance Hughson's unique small-town character. In order to accomplish this, development should be visually interesting, include landscaping with mature trees and promote compliance with the Design Guidelines. The City's Design Guidelines encourage landscaped setbacks and place an emphasis on minimizing the presence of garages and parking. These Design expectations and General Plan goal provide justification for limiting the number of RVs on a property and for identifying where RVs can be located on private property. The general idea of preserving aesthetics throughout the City also justifies the restriction of parking an RV in front of the RV owner's home only. Instead of parking an RV anywhere in the City, which would impact the City's aesthetics, the restriction keeps RVs located only in front of the owner's home, limiting the city-wide impact.

The General Plan also contains the City's Housing Element, which promotes the creation and maintenance of a safe and livable housing supply. By limiting the length of time someone can live in an RV during construction, the code is preventing individuals from taking advantage of the temporary use of an RV as a living quarter. Housing Element Policy H-3.3 encourages the rehabilitation of substandard residential properties and encourages the overall development of quality housing opportunities throughout the city. An RV is not a quality permanent living situation, and the use of RVs as a home is not promoted by standard health and safety measures. As such, limiting the duration of livability in an RV during a period of construction to one year is a supportable limitation by the General Plan. It allows people time to complete major home construction projects without creating a burden on the homeowner by making them move off the property during this period, while still preventing the use of an RV as a permanent living quarter. Therefore, this amendment is supported by the General Plan.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2020-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON, AMENDING
CHAPTERS 10.32, 17.01 AND 17.03 OF THE HUGHSON MUNICIPAL CODE
CONCERNING PARKING OF VEHICLES**

WHEREAS, the City of Hughson Municipal Code Chapters 10.32, 17.01 and 17.03 currently provide regulations regarding of parking for all vehicles as well as parking of recreational vehicles within the City; and

WHEREAS, the City desires to amend Chapters 10.32, 17.01 and 17.03 to limit who can seek a permit to park aa recreational vehicle on a City street, alley and highway for a period greater than 72 hours, limit the storage of recreational vehicles not behind a fence or in a garage, regulate the parking surface for recreational vehicles, and the temporary use of a recreational vehicle by permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1 Sections 10.32.300(A) and (C) of the Hughson Municipal Code are amended to read in full as follows:

“A. The city council hereby finds and determines that the unrestricted parking of recreation vehicles (as defined by HMC 17.01.090(R)) on public streets in the city leads to their unlawful occupation as dwelling units, congests traffic and constitutes a hazard to the public safety in that recreation vehicles restrict visibility.

“C. It is unlawful to park, stop or leave standing recreation vehicles (as defined in HMC 17.01.090(R)(1)) on any street, alley or highway, or a portion thereof, for more than a period of 72 hours, within any period of seven consecutive days, except upon the issuance of a permit for a period not to exceed seven consecutive days as long as the recreation vehicle is located in front of the applicant’s single family dwelling. Permits under this subsection may be issued pursuant to HMC 10.32.130 and 10.32.140.”

Section 2 Section 17.01.090(R) of the Hughson Municipal Code is amended to read in full as follows:

“R. Definitions, “R.”

1. Recreational Vehicle and Recreation Vehicle. “Recreational vehicle” and “recreation vehicle” means mobile home not on a foundation, camper, motor home, trailer, fifth wheel, or watercraft.

2. Recreational Vehicle (RV) Park. “Recreational vehicle park” means a facility designed and equipped in accordance with the requirements of HMC 17.03.052 and applicable state laws, for the accommodation of motor homes and recreational vehicles on a temporary basis.

3. Regularly Features. The term “regularly features” with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two or more occasions within a 30-day period; three or more occasions within a 60-day period; or four or more occasions within a 180-day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

4. “Repair service” means any service or facility where electrical, electronic or mechanical equipment are repaired away from the premises of the customer.

5. “Research laboratory” means a facility for scientific research, including but not limited to pharmaceutical, chemical and biotechnology research, or the design, development and testing of electrical, electronic, magnetic, optical, computer or telecommunications components.

6. “Residential care home” means a state authorized, certified or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children on a 24-hour basis.

7. “Restaurant or cafe” means any retail business that sells ready-to-eat food or beverages for on-premises or off-premises consumption.

Section 2

Section 17.03.052(D) of the Hughson Municipal Code is amended to read in full as follows:

“A. Purpose. The purpose of this section is to provide requirements for temporary and permanent mobile homes and storage of recreational vehicles within the city of Hughson and to ensure that they conform to the provisions of the following laws:

D. Storage. Only one recreation vehicle may be stored off the street and on a property when not located behind a fence or in a garage with the garage door closed. A recreational vehicle shall not be stored within the rear setback of a property as set forth in HMC 17.02.008. A recreational vehicle shall not be stored within the front setback of a property as set forth in HMC 17.02.008 unless it is stored on the driveway and out of the public right-of way. For corner properties, an additional recreational vehicle may also be stored within the street side setback as shown in figure 17.03.052.1:

Any recreation vehicle stored on a property, including behind a fence or in a garage, shall not be used or maintained as a living quarters or business conducted therein while such vehicle is so parked or stored, except as otherwise provided in this section.”

Section 3

Section 17.03.052(G) of the Hughson Municipal Code is amended to read in full as follows:

“G. Temporary Use of Recreational Vehicles in Residential Zones. A recreational vehicle may be used as a single-family dwelling unit on a property zoned for single-family residential use for a period of time not to exceed the time required to complete the project or one year, whichever is less. The City Manager or his/her designee in their sole discretion may allow a period of time greater than one year, but in no event more than two years. An administrative permit shall be required for such recreational vehicles, subject to the following additional requirements:

1. There is an existing single-family dwelling unit on the site that cannot be occupied until repairs are completed, and a valid building permit has been issued to make all repairs required to make the dwelling unit habitable.
2. The occupied recreational vehicle is not placed within a required setback, with the exception of a designated driveway that conforms to the standards of the district in which the recreational vehicle is located.
3. Recreational vehicles shall be located in a designated area within the parcel as approved by the planning officer. Recreational vehicles shall be located so as to minimize their visibility from the public right-of-way or adjacent properties.”

Section 4

Section 17.03.060(B)(7) of the Hughson Municipal Code is added to read in full as follows:

“7. Recreational Vehicle Parking. Recreational vehicles shall be parked on areas at grade surfaced with an all-weather material, defined as concrete, asphalt, or minimum three-fourth (3/4) inch stone or gravel. The all-weather material shall be a minimum of four (4) inches deep with weed barrier and sufficiently compacted so as to eliminate the unreasonable accumulation of dust, dirt, mud, or weeds and shall be sufficiently maintained so that it will drain and dispose of all surface water per the City’s standard specification. A permit shall be obtained in accordance with HMC 15.04.035 prior to construction of a recreational vehicle parking surface pursuant to this subsection. Recreational vehicles shall not discharge any litter, sewer effluent, or other matter except into sanitary facilities designed to dispose of such materials.

An exception is the use of an unimproved surface for the temporary parking of operable recreational vehicles for temporary activities (e.g., carnivals, circuses, fairs, concerts, farmers' markets) being held in accordance with a city issued temporary activity or temporary parking permit. Any temporary parking must comply with the minimum vehicular parking requirements set forth in Table 17.03.060(A). This provision shall not apply to any unimproved surfaces owned or operated by another public entity, as defined in Government Code Section 811.2, within the city limits."

Section 5 If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 6 This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 7 Within fifteen (15) days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in accordance with California Government Code section 36933.

Section 8 This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on January __, 2020, and by a vote of the Council members present, further reading was waived.

On motion of Councilperson _____, seconded by _____, the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on January __, 2020, by the following votes:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

JERAMY YOUNG, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

DRAFT



PLANNING COMMISSION
AGENDA ITEM NO. 3.3
SECTION 3: NEW BUSINESS

Meeting Date: December 17, 2019
Subject: Recommend to the City Council that they Adopt Proposed Ordinance No. 2020-XX Finding that the Proposed Amendments to Chapter 15.12 of the Hughson Municipal Code is Consistent with the Adopted City of Hughson General Plan
Enclosures: Draft Ordinance No. 2020-XX
Presented By: Raul L. Mendez, City Manager
Daniel J. Schroeder, City Attorney

Staff Recommendation:

Recommend to the City Council that they adopt proposed Ordinance No. 2020-XX finding that the proposed amendments to Chapter 15.12 of the Hughson Municipal Code 15 consistent with the Adopted City of Hughson General Plan.

Background and Overview:

The Nation Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages.

Participation in the program is completely voluntary. A benefit to those that participate is the ability to purchase flood insurance program. However, communities that are in 'flood prone' areas are required to participate in the program. The City of Hughson is not in a flood prone area.

The Federal Emergency Management Agency (FEMA) is required by law to identify and map the Nation's flood prone areas. The identification of flood hazards serves many important purposes—it creates awareness of the hazard, especially for those who live and work in flood prone areas. Maps provide the State and communities with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations. State and communities can also use the information for emergency management.

To participate in the NFIP, a community must adopt and enforce floodplain management regulations that meet or exceed the minimum requirements of the Program. These requirements are intended to prevent loss of life and property and reduce tax payer's costs for disaster relief, as well as minimize economic and social hardships that result from flooding.

It should be noted that homeowner's insurance policies generally do not cover the flood losses and while Hughson is not a flood prone area, there are residents that do desire flood insurance.

On January 25, 2016, the Hughson City Council adopted Ordinance No. 2016-05, adding Chapter 15.12 – Flood Damage Prevention to Title 15 of the Hughson Municipal Code based on a recommendation from the Planning Commission per action taken on January 5, 2016.

It is the role of the Planning Commission to determine that the proposed amendments are consistent with the City's adopted General Plan. If the amendments are consistent with the General Plan, the Commission may recommend to the Council the adoption of the proposed amendments. If the Commission finds that the amendments are not consistent with the General Plan, they may not recommend the approval of the amendments to the City Council.

Discussion:

Recently, and based on inquiries by several Hughson residents attempting to secure flood insurance under the program, City staff discovered that it did not full complete its application into the National Flood Insurance Program administered by the Federal Emergency Management Agency. As such, City staff has been working with FEMA staff to complete required tasks so that it may move forward with the City's program application in short order. After conducting their technical review of Chapter 15.12, FEMA staff determined that there is additional language needed that requires an ordinance amendment. The suggested technical revisions would address City Waste Water Treatment Facility property located on Leedom Road just south of the Tuolumne River. The City's property was not considered when Chapter 15.12 was added as an oversight. FEMA's suggested modifications to Chapter 15.12 have been reviewed by the City Attorney and are included in the ordinance amendment.

General Plan Conformance:

Recommend to the City Council that they adopt proposed Ordinance No. 2020-XX finding that the proposed amendments to Chapter 15.12 of the Hughson Municipal Code 15 consistent with the Adopted City of Hughson General Plan. The Ordinance shall act as the City's statement of Intent to participate in the National Flood Insurance Program as required by the program and allow City staff to formally enroll as envisioned back in 2016.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2020-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON AMENDING
MUNICIPAL CODE CHAPTER 15.12 – FLOOD DAMAGE PREVENTION TO TITLE 15
“BUILDINGS AND CONSTRUCTION” OF THE CITY MUNICIPAL CODE**

WHEREAS, the City Council of the City of Hughson desires to establish floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry and to minimize public and private losses due to flood conditions; and

WHEREAS, the City Council of the City of Hughson also desires to adopt floodplain management regulations that will allow citizens of the City of Hughson to participate in the Federal Emergency Management Agency’s flood insurance program to further protect their property from damage caused by certain types of flooding set forth in said program; and

WHEREAS, the City Council of the City of Hughson amended Title 15 of the Hughson Municipal Code on January 25, 2016 adding Chapter 15.12 containing floodplain management regulations; and

WHEREAS, after conducting a technical review of the code section, the Federal Emergency Management Agency (FEMA) has determined that Chapter 15.12 of the Hughson Municipal Code should be amended in order for the National Flood Insurance Program (NFIP) application by the City of Hughson is deemed complete.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 15.12.210 of Chapter 15.12 of Title 15 of the Hughson Municipal Code is amended to read as follows:

“15.12.210. Basis for establishing flood prone areas. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS), Stanislaus County, California, and Incorporated Areas with accompanying Flood Insurance Rate Maps (FIRM’s) and Flood Boundary and Floodway Maps (FBFM’s), dated August 1, 1980 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood data available from other Federal or state agencies or other source to identify flood-prone areas within

the jurisdiction of City of Hughson. This data will be on file at the City of Hughson, City Hall, 7018 Pine Street, Hughson, California, 95326.

Section 2. Section 15.12.320(C) of Chapter 15.12 of Title 15 of the Hughson Municipal Code is added to read as follows:

“C. Notification of Other Agencies.

1. Alteration or relocation of a watercourse;
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
 - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Changes in corporate boundaries;
 - a. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of the map of the community clearly delineating the new corporate limits.”

Section 3. Section 15.12.430 of Chapter 15.12 of to Title 15 of the Hughson Municipal Code is added to read as follows:

“15.12.430. Floodways

“Until a regulated floodway is adopted, no new construction, substantial development, or other development (including infill) shall be permitted within Zone A unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the lands under the jurisdiction of the City of Hughson.”

Section 4. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 6. This ordinance shall become effective thirty (30) days after its final passage.

Section 7. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on January __, 2020, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the City of Hughson at a regular meeting thereof held on January __, 2020, and by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

JERAMY YOUNG, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk