



RESOURCE MANAGEMENT AGENCY COUNTY OF TULARE PLANNING COMMISSION SUMMARY

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Visalia, CA 93277
624-7000 Phone
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PLANNING COMMISSION

CHAIRMAN: Wayne O. Millies
VICE-CHAIR: Carlos Aleman
COMMISSIONERS:

Gil Aguilar
Bill Whitlatch
Ed Dias
Christopher Launer
Dennis Lehman
Terren Brown

AIRPORT LAND USE
COMMISSIONERS (ALUC)
Bill Whitlatch
Matthew Stoll

PROJECT NO: Text Amendment to Ord No. 352 (adding Section 16.VI: Special Use Permit – Batting Cages), PZC 24-004	AGENDA DATE:	8/14/2024
APPLICANT: Tulare County Resource Management Agency	AGENDA ITEM NO.:	5A
AGENT: N/A		
SUBJECT: Amendment to the Tulare County Zoning Ordinance pertaining to adding Section 16.VI: Special Use Permit – Batting Cages. Environmental Review: Statutory Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15262, pertaining to feasibility and planning studies, as the workshop is for informational purposes only.	AGENDA ITEM TYPE	
	Presentation	X
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	
	Continued Public Hearing	
	Discussion	X
	Other:	
	ACTION REQUESTED	
	Resolution – Board of Supervisors	
MOTION(S): One Motion	Resolution - Planning Commission	
CONTACT PERSON: Russell Kashiwa		

RECOMMENDATION(S):

That the Planning Commission:

1. Hold a Public Workshop to discuss an amendment to the County of Tulare Zoning Ordinance No. 352 specifically:
 - a. Section 16.VI: Special Use Permit – Batting Cages

Project Summary

The County has received an application to amend the Zoning Ordinance of Tulare County to regulate batting cages in residential zones (R-A, R-O, R-1, R-2, R-3, MR, or P-D-FM). A citizen has raised concerns regarding noise nuisance issues related to batting cages in the surrounding area. The citizen purchased the property in 2019 and in August 2023 has been dealing with a batting cage that is located on a property directly north of their property (APN 079-050-063). The citizen has made several calls to the Tulare County Sheriff's Office and Tulare Code Enforcement Department but would like to see a more permanent solution to the batting cages within a residential zone.

Studies

City of Los Angeles: In January of 1990 the City of Los Angeles charged a local business owner for violating the City's noise ordinance for running of a batting cage on a commercial lot near a residential zone. Section 111.03 of the Los Angeles Municipal Code (LAMC) pertaining to minimum ambient noise levels sets

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presumed ambient noise levels for various zones and are as follows:

TABLE II
SOUND LEVEL “A” DECIBELS

(In this chart, daytime levels are to be used from 7:00 a.m. to 10:00 p.m. and nighttime levels from 10:00 p.m. to 7:00 a.m.)

Zone	Presumed Ambient Noise Level (DB(A))	
	Day	Night
A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, and R5	50	40
P, PB, CR, C1, C1.5, C2, C4, C5, and CM	60	55
M1, MR1, and MR2	60	55
M2 and M3	65	65

At the boundary line between two zones, the presumed ambient noise level of the quieter zone shall be used.

Section 116.01 of the LAMC pertaining to unnecessary and unusual noise further states:

Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (a) The level of noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) The proximity of the noise to residential sleeping facilities;
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of the day and night the noise occurs;
- (I) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent, or constant; and
- (k) Whether the noise is produced by a commercial or noncommercial activity.

Therefore, due to the fact that site was in proximity to residential uses and that the batting cages can produce sound levels over 50dB(A), this site was found to be in violation of the noise ordinance of the City.

Sacramento Study: The following excerpt from the Noise Element of the Sacramento County General Plan 1993. “The Scandia Family Fun Center is located at 5070 Hillsdale Boulevard near the Madison Avenue

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overcrossing at Interstate 80. Typical hours of operation are from 10 am to 1 am on weekends with fewer operating hours on weekdays and reduced hours during the off season. Facilities at Scandia include an indoor arcade, batting cages, two 18-hole miniature golf courses, bumper boats and a miniature Indy car race track. Noise at the site is dominated by traffic noise from Interstate 80. Noise measurements of various Scandia activities indicate maximum noise levels of 80 dBA at a distance of 10 feet from the center of the mini race car track with five race cars operating. At a distance of 15 feet from the path of the bumper boats a maximum noise level of 76 dBA was recorded. The only other significant noise source was the batting cages. Noise measurements conducted 10 feet from the batting area recorded maximum noise levels of 72 to 78 dBA resulting from the impact of the bat and ball. Noise measurements at the perimeter of the Scandia center were not possible due to the I-80 traffic noise exposure.

East Greenwich Rhode Island: In June of 2018, the Town of Greenwich, Rhode Island closed down a batting cage at a local school citing that the batting cage violated the noise ordinance. According to the Town of Greenwich Code Section 152-4 pertaining to Maximum permitted noise levels states “The noise levels listed in this section shall be the maximum permitted sound levels used for the purposes of this chapter, unless another maximum permitted sound level is provided for in this chapter:

Zoning District	Time	Sound Level (dba)
R-6, R-10, R-20, R-30	10:00 p.m. to 7:00 a.m.	55
R-6, R-10, R-20, R-30	7:00 a.m. to 10:00 p.m.	60
F, F-1, F-2	10:00 p.m. to 7:00 a.m.	55
F, F-1, F-2	7:00 a.m. to 10:00 p.m.	60
CD, CL, CH	10:00 p.m. to 7:00 a.m.	65
CD, CL, CH	7:00 a.m. to 10:00 p.m.	70
W	10:00 p.m. to 7:00 a.m.	65
W	7:00 a.m. to 10:00 p.m.	70
M	Any time	75

A study was conducted on the noise levels of the batting cages and the noise generated by the batting cages was around 90 dBA. This was in violation of the Greenwich code.

Tulare County General Plan Consistency Findings

The Tulare County General Plan Table 10.1 pertaining to Land Use Compatibility for Community Noise Environments lists noise levels by Normally Acceptable, Conditionally Acceptable, Normally Unacceptable, and Clearly Unacceptable levels, based off the State Land Use Compatibility Standards for Community Noise Environment: California’s Office of Planning and Research, October 2003 (See Attachment No. 2).

The County determines acceptable noise levels based off of day-night average sound levels (Ldn) or community noise exposure levels (CNEL (dB)). This is an average based off of a twenty-four (24) hour period. The current use of batting cages does not violate the County’s Noise Element. In order for a batting cage to raise the CNEL of the ambient noise levels, a significant amount of balls would need to be hit daily.

As an example, if we assume that the ambient noise levels for a residential zone is 55dB in order for a batting cage to raise the average decibel reading over a twenty-four (24) hour period by 5dB, an individual will need to be batting for 205 minutes throughout the day or 3.41 hours at a constant rate of 90dB.

The County currently finds that private batting cage are considered accessory uses which are allowed by right within the residential zones.

ENVIRONMENTAL SUMMARY:

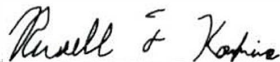
A Statutory Exemption were prepared by the Tulare County Environmental Planning and Processing Division and approved by the Environmental Assessment Officer. The text amendments are considered Exempt under Statutory Exemption pursuant to Article 18 Section 15282 (h) adoption of an ordinance regarding second units

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in a single-family or multifamily residential zone. See Attachment 3 (CEQA Exemption) for a complete description of CEQA compliance.

PUBLIC NOTICE:

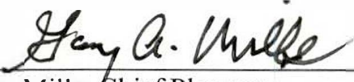
The County is not required to mail out a public notice for items that are informational purposes only, however a notice was published in the Exeter Sun-Gazette on July 31, 2024, with a public comment period ending on August 12, 2024. A notice was also sent to the Tulare County Sheriff's Department and Tulare County Code Enforcement.



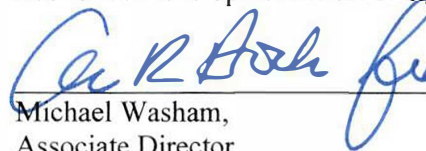
Russell Kashiwa
Planner
Economic Development & Planning Branch



Aaron R. Bock, MCRP, JD, LEED AP
Assistant Director
Economic Development & Planning Branch



Gary Mills, Chief Planner
Environmental Planning Division
Agency Economic Development & Planning Branch



Michael Washam,
Associate Director
Resource Management

ATTACHMENTS:

- Attachment No. 1 – Draft Section 16.VI Ordinance
- Attachment No. 2 – Table 10.1: Land Use Compatibility for Community Noise Environments.
- Attachment No. 3 – Public Hearing Notice

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, PERTAINING TO SECTION 16.VI OF ORDINANCE NO. 352, THE ZONING ORDINANCE, BY ADDING SPECIAL USE PERMIT – BATTING CAGES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Add Special Use Permit – Batting Cages as Section 16.VI pertaining to Batting Cages, to read as follows:

SECTION 16.VI: SPECIAL USE PERMIT – BATTING CAGES.

PURPOSE

In this County, there are a number of private batting cages located in residential zones (R-A, R-O, R-1, R-2, R-3, MR, or P-D-FM). The purpose of this chapter is to establish standards and regulations for all private batting cages, within residential zones. The standards and regulations adopted herein are designed and intended to minimize the negative impacts that can result to residents located near or around batting cages.

DEFINITIONS

16.VI.01 Batting Cage: A permanent outdoor space that is generally enclosed by fencing, netting, or some other barrier, and which is used for practicing baseball or softball hitting.

Temporary Batting Cage: A batting cage that is non-permanent in nature, and shall be disassembled, or compressed and stored after each use. If the temporary batting cage is not disassembled, or compressed and moved, after each use, then it shall be considered a batting cage and be subject to all the applicable regulations for that use.

PERMITTED ZONES

16.VI.02 No person or persons shall construct, erect and maintain, or modify a batting cage, in a residential zone (R-A, R-O, R-1, R-2, R-3, MR, or P-D-FM) without the approval of a special use permit. No special use permit shall be issued for a batting cage, in a residential zone unless it conforms to the requirements of this chapter and is an accessory use to a primary

1 residential use on the same lot. A special use permit will not be issued for a batting cage on a
2 vacant residential parcel. A temporary batting cage shall be exempt from requirements for a
3 special use permit and from the requirements of this chapter except for Section 16.IV.03,
4 subsection C. Batting cages are allowed “by-right” in any non-residential zone.

6 **DEVELOPMENT STANDARDS**

7 **16.VI.03** Batting cages located in any residential zone (R-A, R-O, R-1, R-2, R-3, MR, or P-
8 D-FM), including, fences, overhead light-standards, or other fixtures accessory thereto, shall
9 comply with the following subsections:

10
11 A. Fencing shall not exceed a height of twelve (12) feet and shall be constructed of materials
12 which reduce noise associated with their use. All fencing must be lined with a mesh-netting
13 interior to capture balls and reduce noise during use. For all batting cages, padding and a hanging
14 net in front of the rear backstop shall be provided behind the batter to reduce noise resulting from
15 balls hitting the back of the cage. All structural support posts and framing shall be padded to
16 reduce noise.

17
18 B. The following minimum standards shall be met in the installation of lights. In addition to the
19 following standards, the decision-making body may impose other conditions which are deemed
20 appropriate.

- 21 1. Light standards and fixtures for private sport courts shall not exceed 20 feet in
22 height, measured from the finished surface of the court. Light standards and
23 fixtures for batting cages shall not exceed 15 feet in height.
- 24 2. Lights shall be turned off between 10:00 p.m. and 7:00 a.m.
- 25 3. Lights for shall not blink or flash and shall be shielded or recessed so that direct
26 glare and reflections are confined to the maximum extent feasible within the
27 boundaries of the site. All lights shall be directed downward and away from
28 adjoining properties and public rights-of-way
- 29 4. Batting cages constructed prior to the effective date of the ordinance codified in
30 this chapter shall comply with the hours of illumination as stated in this section. If
31 the existing light standards and fixtures are changed, or new light standards and

1 fixtures are added, the new lighting shall comply with the provisions of this
2 chapter in all respects.

- 3 5. No existing unlighted batting cages shall have lights installed unless a special use
4 permit is obtained, and the cage is brought into full compliance with the
5 requirements of this chapter.

6
7 C. Composite baseball bats or wooden baseball bats shall be used in all batting cages and
8 temporary batting cages subject to this chapter. Aluminum or other metal bats shall not be
9 permitted. Pitching machine dimpled baseballs, soft covered baseballs, and other similar types of
10 balls shall be used to decrease the noise associated with batting practice. Regulation baseballs
11 and softballs are prohibited because of the loud noise that accompanies their use during batting
12 practice. Pitching machines shall be low-noise emitting.

13
14 **APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL AUTHORIZED**

15 **16.VI.04** The decision-making body may approve or conditionally approve or disapprove a
16 special use permit based upon evaluation of the information submitted and use proposed.

17
18 Minimum criteria and finds, as noted below, shall be required:

- 19 1. The proposed use is consistent with the County's general plan, any applicable
20 community plan or area plan, and the provision of this ordinance.
21 2. The proposed land use is compatible with neighboring land use and zoning.
22 3. A Special Use Permit shall be granted only if it is found that the establishment,
23 maintenance and operation of the use applied for will not, under the
24 circumstances of the particular case, be detrimental to the health, safety, peace,
25 morals, comfort and general welfare of persons residing in the neighborhood, or
26 to the general welfare of the County. Special Use Permits may be granted subject
27 to such conditions as will ensure compliance with the aforementioned standards.
28
29

INDEMNIFICATION

16.VI.05 The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all special use permits or, at its election and in the alternative, shall relinquish such approval. Applicant shall sign an indemnification agreement upon application for a special use permit pursuant to County policy.

Section 2. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the Sun-Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 2024, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:

NOES:

ABSENT:

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Chairman, Board of Supervisors

ATTEST: Jason T. Britt
County Administrative Officer/Clerk
Board of Supervisors

By: _____
Deputy

Tulare County General Plan

Table 10.1 Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure- L_{dn} or CNEL (dB)						
	50	55	60	65	70	75	80
Residential - Low Density Single Family, Duplex, Mobile Homes							
Residential – Multi-Family							
Transient Lodging – Motels, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concerts Halls, Amphitheaters							
Sports Arenas, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							
	Normally Acceptable	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.					
	Conditionally Acceptable	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.					
	Normally Unacceptable	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.					
	Clearly Unacceptable	New construction or development generally should not be undertaken.					

[Source: Figure Noise-1. State Land Use Compatibility Standards for Community Noise Environment: California Governor's Office of Planning and Research, October 2003]

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Tulare County Planning Commission will hold a public workshop on Wednesday, August 14, 2024, at 9:00 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California. For further information regarding this project, please call **Russell Kashiwa** at **559-624-7110** or **E-mail** at **Rkashiwa@tularecounty.ca.gov**.

PROJECT: Text Amendment to Ord No. 352 (Sec 16.VI: Special Use Permit – Batting Cages), PZC 24-004

APPLICANT/AGENT: Tulare County Recourse Management Agency

LOCATION: Countywide

PROJECT DESCRIPTION: The workshop pertains to Text Amendment to The County of Tulare Zoning Ordinance, Ordinance Number 352 specifically adding Section 16.VI: Special Use Permit – Batting Cages.

ENVIRONMENTAL DOCUMENT: Statutory Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15262, pertaining to feasibility and planning studies, as the workshop is for informational purposes only.

REVIEW PERIOD: 10 days until Monday, August 12, 2024, at 5:00 p.m.

PUBLIC HEARING: Planning Commission on Wednesday, August 14, 2024, at 9:00 a.m.

All meetings are currently held at the Board of Supervisors Chambers, 2800 West Burrel Avenue, Visalia, California 93291. PLANNING COMMISSION meetings start at 9:00 a.m. All interested parties are invited to attend and be heard. Meeting Agendas, Documents, Live Broadcasts and Archived Recordings are available at the following link:

<https://tularecounty.ca.gov/rma/planning-building/planning-commission/>

For environmental questions, please call Gary Mills, Chief Environmental Planner at 624-7000. If you challenge the decision on any of the foregoing matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Tulare County Resource Management Agency, Economic Development and Planning Branch, within the review period described herein. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in meetings call (559) 624-7000 48-hours in advance of the meeting.

GARY A MILLS, CHIEF ENVIRONMENTAL PLANNER
REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER

TO BE PUBLISHED ONCE ONLY ON: July 31, 2024

SEND BILL AND TEAR SHEET TO:

TUL. CO. RESOURCE MGMT., 5961 SOUTH MOONEY BLVD., VISALIA, CA 93277-9394

SEND TO: Sun-Gazette