

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

DEPT: Planning and Community Development *[initials]*

BOARD AGENDA # *D-1

Urgent

Routine

CEO Concurs with Recommendation YES NO
(Information Attached)

AGENDA DATE April 27, 2010

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on May 18, 2010, at 6:40 p.m. to Consider the Introduction, Waiving of the Reading, and Adoption of Planning and Community Development Department Ordinance Amendment #2009-01, an Ordinance Adding Subsection "G" to Section 21.20.030 of Title 21 of the Stanislaus County Code Relating to Truck Parking in the Agricultural Zone

STAFF RECOMMENDATIONS:

1. Set a public hearing on May 18, 2010, at 6:40 p.m. to consider the introduction, waiving of the reading, and adoption of Planning and Community Development Department Ordinance Amendment #2009-01, an ordinance adding Subsection "G" to Section 21.20.030 of Title 21 of the Stanislaus County Code relating to truck parking in the agricultural zone.
2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. Impacts associated with the addition of the ordinance relating to truck parking in the agricultural zone is currently being evaluated and will be included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2010-244

On motion of Supervisor Chiesa, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-M-2

Approval to Set a Public Hearing on May 18, 2010, at 6:40 p.m. to Consider the Introduction, Waiving of the Reading, and Adoption of Planning and Community Development Department Ordinance Amendment #2009-01, an Ordinance Adding Subsection "G" to Section 21.20.030 of Title 21 of the Stanislaus County Code Relating to Truck Parking in the Agricultural Zone

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DISCUSSION:

This is a request to set a public hearing on May 18, 2010, at 6:40 p.m. to consider the introduction, waiving of the reading, and adoption of Planning and Community Development Department Ordinance Amendment #2009-01, a request to amend the Stanislaus County Zoning Ordinance, by adding the parking of tractor-trailer combinations under Section 21.20.030 - Uses Requiring a Use Permit in the A-2 (General Agriculture) zoning district.

Background. A number of existing tractor-trailer parking facilities have been in operation for years while out of compliance with the provisions and restrictions of the A-2 zoning district. Although historically the parking of non-permitted tractor-trailers and other commercial vehicles in the A-2 zoning district has been an issue, it became more apparent in 2008 when roughly 20 facilities were reported to the Stanislaus County Department of Environmental Resources (DER) Code Enforcement Division and each were given a notice and order to abate.

Following the Code Enforcement actions, a number of truck operators (tractor-trailer operators) formed an informal group in order to bring issues associated with commercial truck parking before the County. Originally, the matter was reviewed by the Stanislaus County Agricultural Advisory Board; however, it was determined that the Agricultural Advisory Board was not the correct entity to be reviewing the matter.

As a result, an ad hoc committee, including two Supervisors, supported by staff from the Chief Executive Office, Department of Planning and Community Development, Department of Environmental Resources, County Counsel, and the Agricultural Commissioner's Office set out to examine the possibility of parking commercial vehicles in the A-2 zoning district with the following goals in mind:

1. Examine the possibility of allowing truck owner/operators to park commercial vehicles on property in the A-2 zoning district, in particular, smaller sized parcels (1-3 acres in size).
2. Provide rentable tractor-trailer parking facilities, thus removing trucks from public roads and County rights-of-way.

Several meetings were held with the truck operators, the Ad-Hoc Committee, support staff, and the General Plan Update Committee. Staff conducted field tours of sites around the County and conducted a review of neighbouring County's ordinance provisions. Based on the results of these efforts, staff developed a proposed ordinance to address the goals previously defined.

Approval to Set a Public Hearing on May 18, 2010, at 6:40 p.m. to Consider the Introduction, Waiving of the Reading, and Adoption of Planning and Community Development Department Ordinance Amendment #2009-01, an Ordinance Adding Subsection "G" to Section 21.20.030 of Title 21 of the Stanislaus County Code Relating to Truck Parking in the Agricultural Zone

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The proposed ordinance would require any proposed tractor-trailer parking facility to apply for a use permit and provide a supplemental checklist for facility information with the application. These use permits would be subject to discretionary approval and compliance with the California Environmental Quality Act (CEQA) and must be circulated in compliance with State requirements to all mandatory agencies and departments.

The original proposed ordinance was presented to the Planning Commission at a public hearing held on February 18, 2010. At the public hearing, a number of issues and concerns were raised by the Commission and the public who spoke both against the ordinance and in favor of it. The Planning Commission unanimously recommended forwarding the proposed ordinance "as is" to the Board of Supervisors for consideration.

In light of the concerns raised at the Planning Commission hearing, staff met with both members of the trucking industry and the ad hoc committee. The ad hoc committee directed staff to make modifications to the proposed ordinance amendment to address the concerns raised at the Planning Commission hearing and to return the ordinance amendment to the Planning Commission for a recommendation concerning the modifications.

Proposed Ordinance Amendment. The proposed ordinance (Attachment 1) is intended to provide a process and a method for the approval of parking up to 12 tractors and up to two (2) trailers per tractor on any agriculturally zoned (A-2) parcel greater than 1 acre. All tractor-trailers parking on-site would be required to be in full operable condition for at least six (6) consecutive months of every year. No off-loading of trailers would occur on-site and on-site maintenance of tractors and trailers would be limited to oil and tire changes, light and windshield wiper replacements, and checking of fluids.

The modifications made to the original ordinance include: recognition of truck/trailer-trailer and truck/tanker-trailer combinations being permitted, criteria specifying the need for combinations to have a minimum of five (5) axles and capable of hauling a combined Gross Vehicle Weight (GVW) of 80,000 pounds, clarifying that a set of double trailers is equivalent to one (1) trailer, and the addition of findings to address conflicts with agriculture and concentration of commercial and industrial uses.

The ordinance amendment is intended to apply to parking of tractor-trailers, truck/trailer-trailer, and truck/tanker-trailer combinations used to transport goods and materials and requiring a California Commercial Class A license for operation on a public roadway. The amendment is not intended to allow the parking of commercial vehicles used for the transportation of people or pick-up trucks, tow trucks, delivery trucks, box trucks, fleet vehicles or other similar vehicles. Trucks used solely for permitted agricultural operations on site are exempt from this provision.

Approval to Set a Public Hearing on May 18, 2010, at 6:40 p.m. to Consider the Introduction, Waiving of the Reading, and Adoption of Planning and Community Development Department Ordinance Amendment #2009-01, an Ordinance Adding Subsection "G" to Section 21.20.030 of Title 21 of the Stanislaus County Code Relating to Truck Parking in the Agricultural Zone

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Stanislaus County Planning Commission

On April 1, 2010, the Planning Commission held a public hearing and voted 5-2 (Gammon and Layman) to recommend the Board of Supervisors approve the ordinance amendment as presented.

This item simply sets the date and time for a hearing on the matter before the Board of Supervisors.

POLICY ISSUES:

The Board should determine if setting a hearing on this proposed ordinance amendment furthers the goals of efficient delivery of public services.

STAFFING IMPACTS:

There are no staffing impacts associated with this item

CONTACT PERSON:

Kirk Ford, Director of Planning and Community Development. Telephone: 525-6330

ATTACHMENTS:

1. Draft Ordinance

ORDINANCE NO. C.S. _____

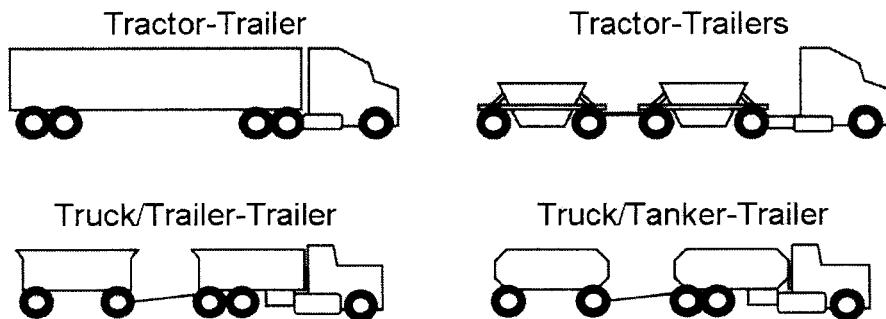
AN ORDINANCE RELATING TO THE PARKING OF TRUCKS IN THE AGRICULTURAL ZONE.

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

Section 1. Subsection "G" is added to Section 21.20.030 of the Stanislaus County Code to read as follows:

"G. Parking of tractor-trailer combinations may be allowed when the Planning Commission finds that, in addition to the findings required under Section 21.96.050:

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. All the following criteria are met:
 - a) For the purpose of this ordinance, a tractor-trailer combination shall include a tractor-trailer, truck/trailer-trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted combinations:



- b) At least one of the combinations shall be registered to the property owner and the property owner shall live on the parcel.
- c) The total number of tractors, truck/trailers and truck/tankers shall not exceed twelve (12) and the total number of trailers shall not exceed two (2) per tractor, truck/trailer, or truck/tanker. For the purpose of this ordinance, a set of double trailers shall be equivalent to one trailer.

- d) The parcel on which parking will occur is one acre or more in size, the total area of the parcel used for the parking operation does not exceed 1.5 acres in size, and the area used for parking, including employee parking, shall not exceed fifty percent of the entire parcel.
- e) No off-loading of trailers shall occur on-site.
- f) All tractors, truck/trailers, truck/tankers and trailers parking on-site shall be in full operable condition for at least six consecutive months of every year.
- g) One on-site office, accessory to the parking operation, not to exceed 1,200 square feet in size, may be maintained within an on-site dwelling or within an accessory structure provided all applicable building permits are obtained and public facility fees paid, if applicable.
- h) Access to the site shall be available without violation of any state, county, or city roadway weight restrictions, and a driveway approach acceptable to the Department of Public Works is provided.
- i) Parking areas, including employee parking, and driveways shall be adequately graveled to reduce dust emissions and all parking areas shall be located outside any required front yard or corner lot side yard and delineated through fencing or vegetative landscaping to distinguish the authorized parking area.
- j) On-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.
- k) No signs advertising parking shall be placed on the property.
- l) On-site storage and use of related equipment may be considered by the Planning Commission as part of the application consideration.

This subsection is intended to allow for the parking of tractor-trailer, truck/trailer-trailer, and truck/tanker-trailer combinations used to transport goods and materials and requiring a California commercial A license for operation on a public roadway. This subsection is not intended to allow the parking of commercial vehicles used for the transportation of people or pick-up trucks, tow trucks, delivery trucks, box trucks, fleet vehicles or other similar vehicles. Trucks used solely for permitted agricultural operations on site are exempt from this provision."

Section 2. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2010, by the following-called vote:

AYES:	Supervisors:
NOES:	Supervisors:
ABSENT:	Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

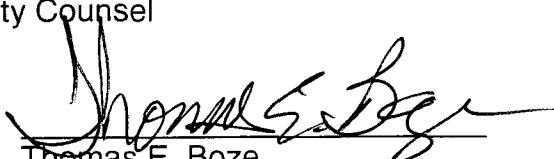
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Thomas E. Boze
Deputy County Counsel



CLERK OF THE BOARD OF SUPERVISORS

Christine Ferraro Tallman

1010 Tenth Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

**NOTICE OF PUBLIC HEARING FOR
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
ORDINANCE AMENDMENT NO. 2009-01
TRUCK PARKING IN THE AGRICULTURAL ZONE**

NOTICE IS HEREBY GIVEN that on May 18, 2010 at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction, waiving of the reading, and adoption of Planning and Community Development Department Ordinance Amendment #2009-01, a request to amend the Stanislaus County Zoning Ordinance, by adding the parking of commercial trucks, related equipment and trailers under Section 21.20.030 - Uses Requiring a Use Permit in the A-2 (General Agriculture) zoning district. APN: Countywide

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

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 27, 2010

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

BY:

Elizabeth A. King, Assistant Clerk

200 MAY 10 A.M. 3:30
BOARD OF SUPERVISORS**May 7, 2010****NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, May 18, 2010**, starting at **6:40 P.M.** in the Joint Chambers, 1010 10th Street Basement Level, Modesto, California, to consider the following:

The introduction, waiving of the reading, and adoption of Planning and Community Development Department Ordinance Amendment #2009-01 - Truck Parking in the Agricultural Zone, a request to amend the Stanislaus County Zoning Ordinance, by adding the parking of commercial trucks, related equipment and trailers under Section 21.20.030 - Uses Requiring a Use Permit in the A-2 (General Agriculture) zoning district.

The property is further identified as Assessor's Parcel No.: Countywide

This project is exempt from CEQA.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: planning@mail.co.stanislaus.ca.us.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

On May 7, 2010, I served the attached Notice of Public Hearing:
(Date)

Ordinance Amendment #2009-01 - Truck Parking in the Agricultural Zone on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 7, 2010, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)



Signature

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

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

MAY 8, 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO**, California on

MAY 8, 2010

Marie Dickman
(Signature)

**NOTICE OF PUBLIC HEARING FOR
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
ORDINANCE AMENDMENT NO. 2009-01
TRUCK PARKING IN THE AGRICULTURAL ZONE**

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BY ORDER OF THE BOARD OF SUPERVISORS
DATED: April 27, 2010
ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the County of Stanislaus,
State of California.
BY: Elizabeth A. King, Assistant Clerk