

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

DEPT: Planning and Community Development *Af*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE March 27, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 17, 2012 at 6:40 P.M. to Consider the Introduction, Waiving of the Reading, and Adoption of Ordinance Amendment Application No. 2009-01 - Truck Parking in the Agricultural Zone, an Ordinance Amending Chapters 21.20 and 21.94 of the Stanislaus County Code

STAFF RECOMMENDATIONS:

1. Set a public hearing on April 17, 2012 at 6:40 P.M. to consider the Stanislaus County Planning Commission's recommendation for Ordinance Amendment Application No. 2009-01 - Truck Parking the Agricultural Zone, an Ordinance Amending Chapters 21.20 and 21.94 of the Stanislaus County Code and introduce and waive the reading of an ordinance upon approval.
2. Authorize the Clerk of the Board to publish notice of hearing as required by State law.

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. Impacts associated with the ordinance amendment will be evaluated and included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2012-127

On motion of Supervisor Monteith, Seconded by Supervisor De Martini
and approved by the following vote,

Ayes: Supervisors: Withrow, Monteith, De Martini, and Vice-Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman O'Brien

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Approval to Set a Public Hearing on April 17, 2012 at 6:40 P.M. to Consider the Introduction, Waiving of the Reading, and Adoption of Ordinance Amendment Application No. 2009-01 - Truck Parking in the Agricultural Zone, an Ordinance Amending Chapters 21.20 and 21.94 of the Stanislaus County Code
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DISCUSSION:

This is a request to set a public hearing on April 17, 2012, at 6:40 p.m. to consider the introduction, waiving of the reading, and adoption of Ordinance Amendment Application No. 2009-01 – Truck Parking in the Agricultural Zone. The ordinance amendment proposes to add “parking of tractor-trailer combinations” as a use requiring a use permit in the A-2 (General Agriculture) zoning district and add “parking of three (3) tractor-trailer combinations” to the Home Occupation section of the zoning ordinance. (See Attachment 1 – Proposed Ordinance Amendment)

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 explore 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 tractor-trailer parking facilities, thus removing trucks from public roads and County rights-of-way.

Several meetings have been held with the truck operators, the ad hoc committee, support staff, and the General Plan Update Committee throughout the draft process. Staff from the Chief Executive Office and Planning and Community Development Department conducted field tours of sites around the County and conducted a review of neighboring County’s ordinance provisions. The following is a summary of the proposed ordinances which have been presented to both the Stanislaus County Planning Commission and Stanislaus County Board of Supervisors for consideration:

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- February 18, 2010 – Planning Commission: Considered an ordinance amendment proposing to allow the parking of commercial trucks, related equipment and trailers with a use permit in the A-2 zoning district. The Planning Commission unanimously voted to recommend approval of the proposed ordinance “as is”.

In light of the concerns raised at the Planning Commission hearing, the Ad Hoc committee directed staff to make modifications to the proposed ordinance amendment and to return the modified ordinance amendment to the Planning Commission for a recommendation to the Board of Supervisors.

- April 1, 2010 – Planning Commission: Considered an amended version of the February 18, 2010 proposed ordinance amendment. The Planning Commission voted 5-2 (Gammon and Laymon) to recommend approval of the ordinance amendment to the Board of Supervisors. The version approved for recommendation at this hearing is the same version being presented to the Board of Supervisors for consideration on April 17, 2012 (and presented to the Board of Supervisors on June 8). (See Section 1 of Attachment 1)
- June 8, 2010 - Board of Supervisors: Considered the April 1, 2010 recommendation of the Planning Commission. A motion to adopt the proposed ordinance failed on a 2-2 vote (DeMartini/Monteith in favor and O’Brien/Grover opposed with Chiesa abstaining); however, the Board voted 4-0 (Chiesa abstained) to refer the proposed ordinance amendment back to the Ad-Hoc Committee, General Plan Update Committee, and Planning Commission to look at other alternatives, including consideration of limiting application of the ordinance to highway corridors.
- March 1, 2012 - Planning Commission: Considered a proposed ordinance comprised of the version recommended by the Planning Commission on April 1, 2010 to allow “parking of tractor-trailer combinations” as a use requiring a use permit in the A-2 zoning district and new language adding “ parking of three (3) tractor-trailer combinations” to the Home Occupation section of the County Zoning Ordinance. (See Attachment 1)

The following is a summary of the proposed ordinance amendment to be considered by the Board of Supervisors on April 17, 2012:

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Chapter 21.20 – General Agricultural District (A-2) – Addition of subsection “H” to Section 21.20.030 – Uses requiring a Use Permit: The proposed ordinance amendment 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 A-2 zoned parcel greater than one (1) acre in size. 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.

Chapter 21.94 – Home Occupation – Amendment of subsection “H”, addition of subsection “J(4)” of Section 21.91.020 – Criteria and addition of Section 21.94.050 - Definitions: The proposed ordinance amendment would allow for the parking of up to three (3) tractor-trailer combinations on A-2 zoned parcels. The criteria specifies that a parcel must be at least one (1) acre or more in size and prohibits the use of more than 1.5 acres for parking trucks. All tractor-trailer combinations parked on the parcel must be registered to an occupant of a dwelling on the parcel. Any trailers parked on-site must be operational and accessory to the use of any permitted truck parked on site. No offloading of trailers is allowed on-site and maintenance shall be limited. The proposed “Home Occupation” ordinance amendment would not require a full environmental review or Planning Commission decision for approval. The process would require non-discretionary or over the counter approval.

Both ordinance amendments are 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. Combinations must have a minimum of five (5) axles and capable of hauling a combined Gross Vehicle Weight (GVW) of 80,000 pounds. 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.

Two slight modification to subsections “J(4)” of Chapter 21.94 will be proposed to the Board of Supervisors by staff to address an issue relating to the parking of trailers hauling hazardous materials on-site raised at the March 1, 2012 Planning Commission regular meeting. The first modification is to subsection “J(4)(d)”. Originally, the language reads as: “maintenance of permitted tractor-trailer combinations shall be limited to minor repairs and windshield wiper replacements and checking fluids.” The Planning and Community Development Department is proposing the language be modified to be consistent with maintenance allowed under the proposed use permit option. As modified, the language reads as: “on-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.”

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The second modification is to subsection "J(4)(e)". Originally, the language reads as: "no off-loading of trailers shall occur on-site." As modified, the language reads as: "no off-loading of trailers or parking of trailers housing hazardous materials shall occur on-site". Trucking operators will still be allowed to haul hazardous materials, but will not be allowed to park trailers housing hazardous materials on-site as a home occupation. A use permit will be required for any operation needing to park trailers housing hazardous materials.

POLICY ISSUES:

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

STAFFING IMPACTS:

There are no staffing impacts associated with this item

CONTACT PERSON:

Angela Freitas, Interim Planning and Community Development Director.
Telephone: 525-6330

ATTACHMENTS:

1. Draft ordinance relating to the parking of trucks in the agricultural zone.

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

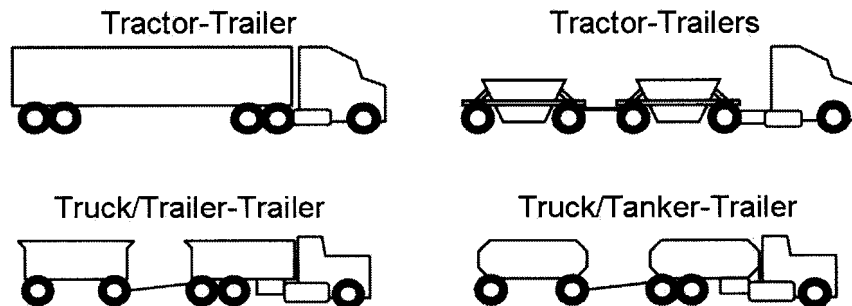
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

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. Subsection "H" in Section 21.94.020 of the Stanislaus County Code is amended to read as follows:

"There shall be no change in the outside appearance of the building premises, or any visible evidence of the conduct of such home occupations other than one sign not to exceed two square feet. Visible evidence shall include, but not be limited to, any vehicles associated with the home occupation, except as allowed by Section 21.94.020(J)(2) and (4)."

Section 3. Subsection "J(4)" is added to Section 21.94.020 of the Stanislaus County Code to read as follows:

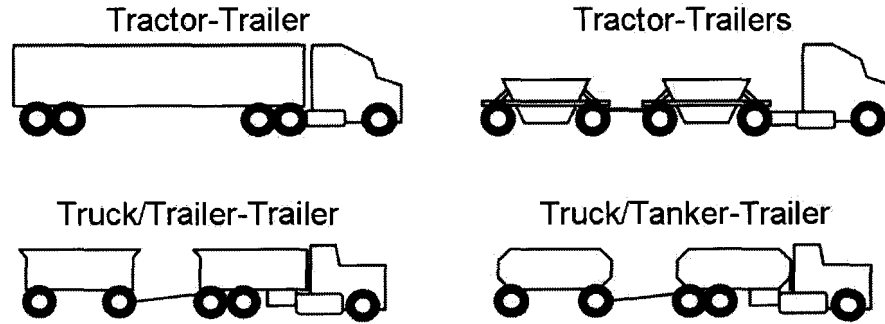
- "4. Trucking operations with on-site parking of up to three (3) tractor trailer combinations, as defined in this chapter, provided:
 - a. The home occupation is located within the A-2 (General Agriculture) zoning district, the parcel on which the parking will occur is at least one (1) acre or more in size, the total area of the acres used for the parking operation does not exceed 1.5 acres, and the area to be used for parking shall not exceed fifty percent of the entire parcel.
 - b. All of the tractor-trailer combinations parked on the parcel shall be registered to an occupant of a dwelling located on the parcel. On parcels with more than one trucking operation operating as a home occupation, the total number of tractor-trailer combinations parking on-site shall not exceed three (3).
 - c. Any trailers parked on-site shall be operational and accessory to the use of any tractor, truck/trailer, or truck/tanker permitted to be parked on-site.
 - d. On-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.
 - e. No off-loading of trailers or parking of trailers hauling hazardous materials shall occur on-site."

Section 4. Section 21.94.050 is added the Stanislaus County Code to read as follows:

"21.94.050 DEFINITIONS

The definition set forth in this section shall apply to this chapter.

- A. **“Tractor-Trailer Combinations”** mean a tractor-trailer, truck/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 vehicles:



Section 5. 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 _____, 2012, by the following-called vote:

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

 William O'Brien, Chairman
 of the Board of Supervisors of the
 County of Stanislaus, State of California

ATTEST:

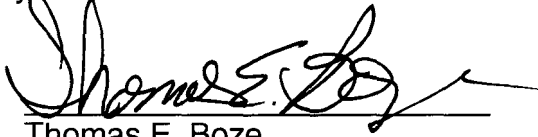
CHRISTINE FERRARO TALLMAN, Clerk of the
 Board of Supervisors of the County of Stanislaus,
 State of California

By _____
 Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By



Thomas E. Boze
Deputy County Counsel

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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 April 17, 2012 at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider the 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 Chapters 21.20 – General Agriculture District (A-2) and 21.94 – Home Occupation, by adding the parking of commercial trucks, related equipment, and trailers under Section 21.20.030 – Uses Requiring Use Permit in the A-2 zoning district and by adding trucking operations with on-site parking as a permitted home occupation in the A-2 zoning district under Section 21.94.020 – Criteria. This project is Exempt from CEQA. 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: March 27, 2012

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

BY: 
Elizabeth A. King, Assistant Clerk

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**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:

APRIL 7, 2012

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

APRIL 7, 2012



(Signature)

**NOTICE OF PUBLIC HEARING FOR
PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT ORDINANCE AMENDMENT NO. 2009-01
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the Board of Supervisors
of the County of Stanislaus,
State of California.

BY: Elizabeth A. King, Assistant Clerk