



February 18, 2010

MEMO TO: Stanislaus County Planning Commission
FROM: Stanislaus County Department of Planning and Community Development
SUBJECT: **ORDINANCE AMENDMENT NO. 2009-01 - TRUCK PARKING IN THE AGRICULTURAL ZONE**

PROJECT DESCRIPTION

The subject ordinance amendment proposes to add “parking of tractor-trailer combinations and related equipment” as a use requiring a use permit in the A-2 (General Agriculture) zoning district (see Exhibit A - *Draft Subsection 21.20.030(G) - Parking of Tractor-Trailer Combinations and Related Equipment*). The proposed ordinance is Countywide and will require a use permit application for each proposed project.

The proposed ordinance allows up to 12 tractors and up to two (2) trailers per tractor. All tractor-trailers parking on-site will be required to be in full operable condition for at least six (6) consecutive months of every year. No off-loading of trailers shall occur on-site and on-site maintenance of tractors and trailers shall be limited to oil and tire changes, light and windshield wiper replacements, and checking of fluids.

Parcels must be at least one (1) acre in size, the total facility area shall not exceed 1.5 acres in size and the total facility shall not exceed 50% of the entire parcel. Access to proposed sites will be required to be in compliance with State, County, and/or City roadway weight restrictions, and all driveways must be acceptable to the Stanislaus County Department of Public Works. All facility and employee parking areas will be required to be graveled to reduce dust emissions and all operation areas shall be within the required setbacks.

Offices 1,200 square feet or less in size or an office within an existing dwelling may be included provided that all applicable building permits are obtained and public facility fees are paid. No signs advertising the parking of tractor-trailers and related equipment shall be permitted.

The ordinance amendment is intended to allow for the parking of tractor-trailers used to transport goods and materials and requiring a California commercial 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.

BACKGROUND

A number of existing tractor-trailer parking facilities have been in operation for years while out of compliance with 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.

A number of truck operators (tractor-trailer operators) formed a 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 was established to look into the possibility of allowing the parking of commercial vehicles in the A-2 zoning district.

Ad Hoc Committee

The ad hoc committee includes two Supervisors and is supported by staff from the CEO's Office, Department of Planning and Community Development, DER, County Counsel, and the Agricultural Commissioner's Office. The committee 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 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.

Through a series of meetings and discussions, including site visits with truck operators to different parking facilities, the ad hoc committee examined the possibility of an ordinance amendment allowing tractor-trailer parking in the A-2 zoning district. Staff also conducted a survey of various Central Valley counties for information on how they address commercial vehicle parking in agricultural areas. Utilizing the information obtained from the meetings, site visits, and survey, staff drafted an ordinance amendment to allow the parking of tractor-trailers and related equipment in the A-2 zoning district.

General Plan Update Committee

A preliminary version of the ordinance amendment was taken on August 6, 2009, to the General Plan Update Committee (GPUC). The preliminary version allowed for the parking of "commercial trucks," an unlimited amount of trailers, and did not require a property owner to own any of the vehicles in order to apply for a use permit.

Committee members discussed a number of items related to the proposed ordinance. Some of the members discussed the types of vehicles that should be allowed and suggested that the ordinance be geared more for tractor-trailers only. Members expressed that property owners should own a specific percentage of the tractor-trailer combinations being parked in order to prevent non-truckers

from establishing a parking facility. Some members of the GPUC also wished to see a limit on the amount of trailers allowed to prevent large vehicle storage yards with inoperable vehicles. GPUC members mentioned that the ordinance criteria needs to be done carefully or it will be difficult to deny a use permit in cases where a facility may not work.

The potential land use precedence that allowing tractor-trailer parking may establish was also discussed. It was mentioned that the proposed ordinance was similar to Ordinance Amendment No. 2007-01 - Public Events and Outdoor Entertainment, which was an ordinance amendment to allow weddings and outdoor event type facilities in the A-2 zoning district. This project is discussed later in this report. Members discussed that both uses are non-agricultural, yet the wedding facility ordinance amendment was denied. However, it was also mentioned that the proposed ordinance is less intensive with respect to the amount of people utilizing a facility than the wedding facilities. The committee members also considered that the only incentive to allow such facilities may be the economic incentive for the property owner to establish a non-agricultural use.

Staff considered the information provided by the GPUC and brought the ordinance back to the ad hoc committee for review and revisions. A second version was drafted which includes the parking of "tractor-trailer combinations and related equipment" in place of "commercial trucks," a limit of two (2) trailers per tractor in place of an unlimited amount, and that the property owner own at least one (1) tractor-trailer combination being parked on the site in place of no tractor-trailer ownership requirement. Staff also created a supplemental checklist that would be required with each use permit application (see Exhibit B - *Supplemental Checklist for Tractor-Trailer Parking*). The supplemental checklist will provide information about the types of products being hauled, tractors and trailers, size of the facility, and operating hours.

The revised ordinance amendment was again reviewed by the GPUC on November 5, 2009, along with the supplemental checklist and similar issues were raised again. The committee members discussed that a higher percentage of tractor-trailer combinations should be owned by the landowners than the proposed one (1) in the ordinance. Some of the committee members again pointed out the potential land use precedence associated with the proposed ordinance amendment. Members of the committee also pointed out that parking of tractor-trailers may be a suitable use for smaller sized parcels, which are more difficult to farm. Ultimately, the GPUC voted to send the ordinance amendment as is to the Planning Commission for a recommendation to the Board of Supervisors.

DISCUSSION

Currently, the parking of tractor-trailers and related equipment in the A-2 zoning district is allowed if it is accessory to a permitted agricultural use. Parking of tractor-trailers and related equipment is also allowed under a tier two use permit for an agricultural service establishment, which requires that the service be directly related to agriculture and serve the immediate agricultural area. The County does allow the parking of one (1) commercial vehicle in the A-2 zoning district if the owner obtains a "Home Occupation" business license. If a person wishes to park tractor-trailers and related equipment and their proposed facility does not meet this criteria, then the only other option is to go through a rezone and/or general plan amendment application.

Many of the current non-compliant parking facilities operate hauling products such as cans, fuel, construction materials, and other non-agricultural products. Although a number of the hauled products are agricultural in nature, such as canned fruits, they are being hauled from processing facilities to commercial/industrial locations. They are not products that come directly from a permitted agricultural use and/or are not products that would be permitted under an agricultural service establishment.

Staff conducted a survey of various Central Valley counties for information on how they address commercial truck parking in agricultural areas. Staff contacted San Joaquin, Merced, Madera, Fresno, Kings, Kern, and Sacramento Counties. All of the counties surveyed require a discretionary permit for the parking of tractor-trailers. Most counties only allow parking of tractor-trailers if they are related to an approved agricultural type business. However, both Merced and Sacramento Counties allow commercial vehicle parking through a discretionary permit. Merced County currently allows up to 10 tractor-trailer combinations with an administrative permit and 11 or more tractor-trailer combinations under a conditional use permit. The tractor-trailers do not have to be related to an agricultural type use. Sacramento County currently allows an unlimited number of tractor-trailer combinations under a conditional use permit. The tractor-trailers do not have to be related to an agricultural type business; however, the County does require that the parcel size be at least 10 acres.

Past Projects

In the past, staff has received a number of applications for truck parking facilities in the A-2 zoning district. Many applications have been submitted as tier two use permit applications for an agricultural service establishment, others have been submitted as rezone applications, and at times general plan amendments, depending on a site's general plan designation. The Planning Commission and Board of Supervisors have historically denied these types of projects.

Use Permits

Tier two use permits are agriculture-related commercial and industrial uses that may be allowed when the Planning Commission or Board of Supervisors make specific findings outlined in the A-2 zoning ordinance. One finding requires the following:

"It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage."

Parking of vehicles may be permitted under a tier two use permit if it is accessory to an agricultural service establishment. The definition of an agricultural service establishment is as follows:

"a business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service include any business which has the primary function of manufacturing products."

Production agriculture is defined as follows:

“Production Agriculture” means agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes.”

Under the tier two use permit section, the ordinance states the following with respect to agricultural service establishments:

“Agricultural service establishments primarily engaging in the provision of agricultural services to farmers, including contract harvesting when not allowed under Section 21.20.020D. Such establishments shall be designed to serve the immediately surrounding area as opposed to having a widespread service area.”

UP 2004-29 - D.B. Truck Body Parking: The project was a request to park up to 23 tractor-trailer combinations on an approximately 10 acre parcel that already had an established agricultural truck and trailer repair business. The applicant applied for a tier two use permit as an agricultural service establishment. The Planning Commission denied the project and on an appeal to the Board of Supervisors, the Board denied the project. The project was denied based on the fact that it did not meet the agricultural service establishment definition and because it could not make the required findings for approval. The project was viewed as not being directly related to agriculture and not serving the immediate surrounding area. The project proposed the parking of tractor-trailers that hauled a wide range of cargo.

UP 2007-12 - Fagundes: The project was a request to park five (5) flat bed trailers, two (2) storage vans, two (2) forklifts, and four (4) semi trucks, as well as have an administrative office, and wash and maintain the vehicles on an approximately three (3) acre parcel. The applicant applied for a tier two use permit as an agricultural service establishment. The item was denied by the Planning Commission because the project did not meet the definition of an agricultural service establishment, it could not make the required tier two use permit findings, and because of the precedence that the project would set in the A-2 zoning district. No proof had been provided by the applicant that the facility was necessary and desirable to be located in the A-2 zoning district as opposed to relocating to a commercial or industrial zone.

UP 2002-32 - Five J’s Trucking: The project was a request to park 25 milk and hay trucks on one (1) acre of an approximately 39-acre parcel. The applicant applied for a tier two use permit as an agricultural service establishment. The Planning Commission denied the project because it did not serve the immediate area, although the proposed facility was directly related to agriculture. The facility would be delivering goods from Southern California up to the Redding area.

General Plan Amendments/Rezoning

A number of applications that have been submitted as a rezone, and in some cases a general plan amendment, have been denied due to spot zoning, not being within a city’s Local Agency Formation Commission (LAFCO) designated Sphere of Influence (SOI), and because of inconsistencies with County and/or City general plans.

GPA 2005-06 & REZ 2005-07 - Larry Turner: The project was a request to amend the general plan and rezone an A-2 zoned site to Planned Development (PD) to allow a truck oriented cement pumping business, which included sale of landscape materials and a small office. The project was denied by both the Planning Commission and Board of Supervisors. The project was denied because it was not consistent with a number of general plan policies.

GPA 2008-04 & REZ 2008-04 - Shoffner: The project is a current project with the Planning Department. The applicant has requested to park a fleet of 10 tractors and trailers for commercial and industrial deliveries on a 2.7-acre parcel. The project is within the City of Ceres SOI. It is currently on hold while the proposed ordinance amendment is reviewed.

Ordinance Amendments

It is important to mention two previous projects that are pertinent to the proposed ordinance amendment.

OA 2007-01 - Public Events & Outdoor Entertainment: The project was an ordinance amendment to allow limited and seasonal commercial public events and outdoor entertainment in the A-2 zoning district and residential areas through a use permit. Both the Planning Commission and Board of Supervisors denied the ordinance amendment. The ordinance amendment was denied based on the potential conflict between people and surrounding agricultural uses, inconsistencies with the general plan, and because of the land use precedence that the ordinance may set, including opening up the A-2 zoning district to incompatible and non-agricultural uses.

OA 2001-04 - D & L Concrete Pumping: The project was an ordinance amendment to add text to the A-2 (General Agriculture) zoning district to allow the parking of commercial vehicles on A-2 zoned property subject to use permit review and approval in each case. Use Permits would include the following limitations: minimum of four (4) acres and a maximum of ten (10), no more than ten (10) trucks, and all trucks must be owned by the property owner. The project was denied by the Planning Commission and Board of Supervisors because the proposed project does not enhance agriculture nor is it in the best interest of agricultural preservation and because of the land use precedence that it would set. The project was also denied because truck parking is already allowed in five (5) other zones in the County. They include:

- H-1 (Highway Frontage)
- C-2 (General Commercial)
- M (Industrial)
- LM (Limited Industrial)
- PI (Planned Industrial)

Draft Ordinance

The proposed draft ordinance amendment has been prepared with a focus on protecting the integrity of the A-2 zoning district as well as getting tractor-trailers off of County roads and rights-of-way. The ordinance attempts to balance the property rights of all interested parties without opening up the A-2 zoning district for other non-agricultural commercial or industrial uses that are incompatible with the A-2 zone.

The proposed ordinance will require any proposed tractor-trailer parking facility to apply for a use permit and provide a supplemental checklist for facility information with the application. Use permits are 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. For example, like all use permits, if a specific agency finds that a project may have a significant impact on a specific item, the applicant will be required to mitigate that item. This may include a traffic or noise study if required by a specific agency. All responsible agencies will review each individual use permit application and condition the project as needed. In the past, similar commercial uses have been required by Public Works to make road improvements or by the fire district to provide a water tank for fire suppression. A use permit for tractor-trailer parking may require the same. The use permit process allows staff and responsible agencies to review individual projects and ensure that all impacts are less than significant.

In acquiring a use permit, an applicant must introduce evidence in support of the application to enable the Planning Commission to make the following finding:

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

Because each tractor-trailer parking facility will be required to go through a use permit process, this finding will need to be made with each individual use permit application.

Properties enrolled in a Williamson Act contract will still be subject to their respective contracts and state and local regulations. Because the ordinance allows for proposed operations to be reviewed on a case by case basis through a use permit application, each project will be reviewed for Williamson Act Principles of Compatibility.

Projects allowed in accordance with the subject tractor-trailer parking ordinance will be required to meet a number of general standards. The standards include site specifications, truck and equipment types, environmental protection, etc.

All project sites located within a LAFCO SOI shall not be approved unless first approved by the city within whose SOI it lies, as required by the Stanislaus County General Plan. Projects approved within a SOI must meet the city's development standards.

Like all use permits in the A-2 zoning district, all project sites will still be required to meet County Buffer and Setback requirements.

Items to Consider

Throughout the process of researching, discussing, and drafting the proposed ordinance amendment, a number of items to consider have been raised by the ad hoc committee, the GPUC, staff, and truck operators in relation to the proposed ordinance amendment. These items are as follows:

Agriculture: Arguments have been made that allowing such parking would provide a suitable use for smaller sized parcels (1-3 acres in size) that are more difficult to farm. However, although parking facilities would only have a limited amount of people during specific times of day, the presence of a non-agricultural use may restrict surrounding agricultural operations.

In addition, the proposed ordinance does not restrict the number of parking facilities which may be approved in the A-2 zoning district. The proposed ordinance would allow anyone who owns a tractor-trailer in the A-2 zoning district to have a parking facility with a use permit.

Land Use: Allowing the parking of tractor-trailers could set a precedence in the A-2 zoning district, allowing other non-agricultural type uses to be permitted.

In the past, the County has denied projects which could set such precedence, such as wedding venues. One difference between the proposed ordinance and past requests is the low people intensity. The ordinance will provide another use for smaller sized parcels, although the possibility of parking tractor-trailers may discourage land owners from farming these small parcels.

Types of Vehicles: Because the goals of the ad hoc committee include removing tractor-trailers from County roads and rights-of-way, and to avoid allowing all commercial vehicles, the proposed ordinance only includes the parking of tractor-trailers and related equipment. However, owners of other types of commercial vehicles may argue that their commercial vehicle may in fact pose an equal or lesser impact. For example, an owner may find it difficult to see a difference between his or her fleet of pickup trucks versus a fleet of tractor-trailers.

Ownership of Vehicles: The proposed ordinance amendment requires a minimum of one (1) tractor-trailer combination be owned by a property owner to help assure that not just anyone with land in the A-2 zoning district can apply for a use permit to park tractor-trailers. The question that must be considered is which percentage of ownership establishes the proper balance.

Enforcement: Enforcement of parking facilities may pose some issues, in particular, tractor-trailer ownership, maintenance, and monitoring that all tractors and trailers be operable. The more vehicles that the property owner is required to own, the more difficult it may be for Code Enforcement to monitor. However, requiring such ownership is important in keeping these facilities only on a truck operator's land. Maintenance of vehicles may also be difficult to enforce because Code Enforcement cannot monitor a facility at all times. Assuring that all trucks and trailers are operable may also be difficult to enforce. Many tractors and trailers are used only during specific times during the year.

Other Issues: Noise, road improvements, and dust emissions have also been considered. Staff has discussed potential noise resulting from refrigerated tractor-trailers and the idling of vehicles. Potential impacts to County roads is also a concern. Staff has also discussed the amount of dust that some of these facilities may produce and its potential effect on air quality. These types of issues will be reviewed through the use permit process and conditioned and/or mitigated accordingly.

Benefits: A number of benefits associated with the ordinance amendment have also been identified throughout the process. As mentioned previously, the ordinance would help remove a number of tractor-trailers from public roads and County rights-of-way. The ordinance amendment would also provide land owners in the A-2 zoning district a secure place to park their tractor-trailers.

Public Comments

Staff has received a number of inquires from members of the public interested in the ordinance. One of those inquires came from a property owner who has in the past used his industrial zoned land, located within the County, for the parking of tractor-trailer trucks. This property owner has expressed concern with the County being able to limit the types of commercial vehicles allowed to park in the A-2 zone. His concern is that by opening the door for one type of commercial vehicle you open the door for all commercial vehicles. He has also expressed concern with the provision requiring only one truck be owned by the property owner. However, he also owns property in the A-2 zoning district and has stated that if the ordinance is adopted he may pursue getting a permit.

Staff received a letter from a citizen, who wishes to remain anonymous, in regards to a neighboring non-permitted parking facility. The letter states that the parking of trucks is a violation of the zoning ordinance and goes on to mention that the property should be used for agriculture, as the current zoning district requires.

Another concern brought forth to staff was from a truck operator who stated that he is concerned that the term "tractor-trailer" is not broad enough and would not allow for the parking of medium duty trucks, dump trucks, and other trucks slightly smaller than a tractor-trailer combination. Staff has left the tractor-trailer language in the ordinance because of the intent of the ordinance and goals of the ad hoc committee which includes getting tractor-trailer combinations off of County's roads and rights-of-way without opening up the A-2 zoning district to other commercial and industrial uses. The ordinance 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.

General Plan/Zoning Consistency

The General Plan is a comprehensive, long-term plan for the physical development of the County. The General Plan consists of a statement of development policies, standards, and plan proposals. All land use ordinances, such as the zoning ordinance, and development proposals must be found to be consistent with the general plan in order to be approved. The following is a general overview of the proposed ordinance's consistency with highlighted general plan policies.

Land Use Element

GOAL 1 Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County.

Policy 2 - Land designated Land use designations shall be consistent with the criteria established in this element.

GOAL 2 Ensure compatibility between land uses.

Policy 14 - Uses shall not be permitted to intrude into an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

GOAL 3 Foster stable economic growth through appropriate land use policies.

Policy 16 - Agriculture, as the primary industry of the County, shall be promoted and protected.

Policy 18 - Accommodate the siting of industries with unique requirements.

It is important to ensure that land uses remain compatible in order to help preserve agriculture. Generally, the A-2 zoning district is exclusive to agriculture and agriculturally related industries. An item to consider is whether or not allowing the parking of tractor-trailers will set a precedence allowing other non-agricultural uses to be permitted in the A-2 zoning district. Stanislaus County currently provides five (5) different zones in which the parking of tractor-trailers and other commercial vehicles is an allowed use. It may be difficult to distinguish tractor-trailer parking from other non-agricultural uses wishing to locate in the A-2 zoning district.

Conservation Element

GOAL 3 Provide for the long-term conservation and use of agricultural lands.

Policy 11 - In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

Currently, a property owner may park tractor-trailers if they are part of a permitted agricultural use, agricultural service establishment, or home occupation business license. The parking of tractor-trailers used to haul non-agricultural products may be compatible with other uses allowed in the A-2 zoning district. However, it is important to note that this may open up the zone to other non-agricultural uses.

Agricultural Element

GOAL 1 Strengthen the agricultural sector of our economy.

Policy 1.10 - The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

Implementation Measure No. 1 - The County shall require buffers and setbacks for all discretionary projects introducing or expanding non-agricultural uses in or adjacent to an agricultural area consistent with the guidelines presented in Appendix "A" (Agricultural Element).

GOAL 2 Conserve our agricultural lands for agricultural uses.

Policy 2.5 - To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

Tractor-trailer parking facilities will be required to be designed in such a way as to limit any kind of impact to surrounding agriculture. All projects are subject to the County's setback and buffer requirements. The parking of tractor-trailers does not necessarily mean that agricultural land will be taken out of production. Land used for tractor-trailer parking could be returned to agricultural use due to its limited infrastructure needs.

There are other General Plan goals and policies that may apply directly and indirectly to projects that would result from this ordinance amendment. These goals and policies are related traffic, public services, safety, hazards, water quality, and other items that will be reviewed with each project. The proposed ordinance amendment requires that each proposed parking facility go through the use permit process which includes discretionary approval and CEQA review. Each project will be reviewed by the responsible agencies for comments, conditions, and mitigation if required.

ENVIRONMENTAL REVIEW

This project is considered categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations. Each proposed use permit resulting from this ordinance amendment will be subject to CEQA review.

OPTIONS

This ordinance amendment will be presented to the Board of Supervisors for a determination of approval or denial. As with all land use related ordinance amendments, the Planning Commission is provided an opportunity to provide the Board with a recommendation. The following is a list of options the Planning Commission may wish to consider in their review and recommendation of the project to the Board of Supervisors:

Recommend denial:

The option to take no action is a decision that could be made if the proposed ordinance is found to be inconsistent with the County General Plan and/or County Zoning Ordinance. A recommendation of denial to the Board of Supervisors will be a recommendation to keep the current policies as is. If this option is chosen, a site specific, case-by-case, general plan amendment and rezoning will be the only option available for a property owner to gain the right to park commercial tractor-trailer combinations.

Recommend adopting proposed ordinance, as is:

The findings required for this option are outlined in the recommendation portion of this memo.

Recommend adopting proposed ordinance with modifications to specific section/regulation:
As with any ordinance amendment, the Board of Supervisors has an opportunity to adopt a modified version of the ordinance prepared by staff. The modifications may include recommendations made by the Planning Commission or suggested by staff, the public, or individual members of the Board of Supervisors. In order to adopt a modified version of the proposed ordinance, a finding to show the modified version is consistent with the overall goals and policies of the Stanislaus County General Plan will need to be made.

In addition to the options provided, the Planning Commission can recommend other options to the Board of Supervisors.

RECOMMENDATION

If the planning commission desires to recommend the Board of Supervisors approve the proposed project, the Planning Commission should recommend the Board of Supervisors take the following actions regarding this project:

1. Find the project is generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and order the filing of the Notice of Exemption.
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects Stanislaus County's independent judgement and analysis.
3. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and
4. Approve Ordinance Amendment No. 2009-01 - Truck Parking in the Agricultural Zone.

Report written by: Javier Camarena, Assistant Planner
Report reviewed by: Angela Freitas, Deputy Director

Attachments: Exhibit A - Draft Subsection 21.20.030(G) - Parking of Tractor-Trailer Combinations and Related Equipment
Exhibit B - Supplemental Checklist for Tractor-Trailer Parking
Exhibit C - Notice of Exemption

Truck Parking in the Agricultural Zone
Proposed Zoning Ordinance Amendment No. 2009-01

21.20.030 Uses requiring use permit

Add the following section:

- G. Parking of tractor-trailers, and related equipment used in conjunction with the operation of a tractor-trailer, provided the following criteria are met:
1. At least one of the tractor-trailer combinations is registered to the property owner and the property owner lives on the parcel;
 2. The total number of tractors shall not exceed twelve and the total number of trailers shall not exceed two per tractor;
 3. 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;
 4. No off-loading of trailers shall occur on-site;
 5. All tractor-trailers parking on-site shall be in full operable condition for at least six consecutive months of every year;
 6. One on-site office, accessory to the tractor-trailer 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;
 7. 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;
 8. 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;
 9. On-site maintenance of tractors and trailers shall be limited to oil and tire changes, light and windshield wiper replacements and checking fluids;
 10. No signs advertising parking of tractor-trailers and related equipment shall be placed on the property; and
 11. This subsection is intended to allow for the parking of tractor-trailers 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.

SUPPLEMENTAL CHECKLIST FOR TRACTOR-TRAILER PARKING

Does the property owner live on the property? ___ Yes ___ No

PRODUCTS BEING HAULED:

___ Dry Goods / Freight ___ Gasoline / Propane ___ Hazardous Materials
___ Refrigerated Goods ___ Produce ___ Livestock / Animals
___ Other

Specify types of materials and products being hauled: _____

ON-SITE TRUCK-TRACTOR AND TRAILER INFORMATION:

Number of truck-tractors (please list): _____

Number of trailers (please list): _____

Number of truck-tractors and trailers owned by property owner (please list make & model): _____

Number of truck-tractors and trailers not owned by property owner (please list make & model): _____

SITE IMPROVEMENTS:

Total size of parking area: _____

Proposed surface material for parking area: _____

Size of office (if applicable, please show location on site plan): _____

OPERATIONS:

Operating hours and season: _____

ADDITIONAL NOTES (attach additional sheets as necessary):

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Ordinance Amendment No. 2009-01 - Truck Parking in the Agricultural Zone

Applicant Information: Stanislaus County / 1010 10th Street / Modesto, CA 95354 / (209) 525-6330

Project Location: Countywide

Description of Project: 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 Use Permit in the A-2 (General Agriculture) zoning district.

Name of Agency Approving Project: Stanislaus County Board of Supervisors

Lead Agency Contact Person: Javier Camarena, Assistant Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____
- General Exemption (Section 15061(b)(3)).

Reasons why project is exempt: This project is not proposing a specific project. It is to amend the zoning ordinance to allow truck parking through a use permit, which requires discretionary approval. Any project resulting from this ordinance will require CEQA review. The ordinance amendment itself is not considered to have the potential for significant environmental impacts as zoning currently permits development.