

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

DEPT: Planning and Community Development *AF*

BOARD AGENDA # 9:00 a.m.

Urgent Routine

AGENDA DATE June 8, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing 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

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of April 1, 2010, the Planning Commission, on a 5-2 (Gammon, Layman) vote, recommended that the Board of Supervisors:

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.

(Continued on page 2)

FISCAL IMPACT:

Each proposed truck parking site will be evaluated independently with the processing of individual use permits. Costs for processing each use permit will be covered through individual application fees. Fiscal impacts of each project will be evaluated on a case-by-case basis during the use permit process.

BOARD ACTION AS FOLLOWS:

No. 2010-362

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: Chiesa

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Referred Planning and Community Development Department Ordinance Amendment #2009-01, relating to truck parking in the agricultural zone, 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; and, directed code enforcement to continue to suspend enforcement until after a revised ordinance is considered

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-M-2

PLANNING COMMISSION RECOMMENDATIONS: (Continued)

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 judgment 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.

DISCUSSION:

This item was originally scheduled to be heard by the Board of Supervisors on May 18, 2010. However, the item was continued to June 8, 2010 at the request of the Board.

The subject 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 (see Attachment 1 – *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.

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:

Public Hearing 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

Page 3

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 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 neighboring County's ordinance provisions. For a general overview of this process see Attachment 2 - *April 1, 2010 Planning Commission Memo with February 18, 2010 Memo and Attachments*. Based on the results of these efforts, staff developed a proposed ordinance to address the goals previously defined.

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 were raised by the Commission and the public who spoke both against the ordinance and in favor of it. Richard Sinclair, a local attorney representing several property owners spoke in opposition of the proposed ordinance, describing the potential adverse impacts to surrounding agricultural uses and the concentration of parking facilities. He also stated that the required parcel size should be much larger, such as 40 acres, to avoid potential conflicts with neighboring properties. In general, Mr. Sinclair described the ordinance amendment as bad land use policy that will affect surrounding agricultural property owners and operations.

Several truckers spoke in favor of the proposed ordinance amendment but also had some concerns with some of the terminology and definitions. Specifically Bill Silva, a local trucker, expressed concern that the term "tractor-trailer" may not include all types of big rig or semi type trucks such as truck-trailers and tanker-trailers. Another local trucker, Stan Goblirsch, pointed out that the term "trailer" does not specify whether it is a single trailer or a set of doubles. It was pointed out that a set of doubles occupies the same amount of space as a semi-trailer. Richard Keas also spoke in favor of the proposed ordinance mentioning that a lot of work has gone into drafting the ordinance amendment and approving it would help the trucking community.

Public Hearing 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
Page 4

The Planning Commission unanimously recommended forwarding the proposed ordinance "as is" to the Board of Supervisors for consideration.

In light of the issues 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.

Stanislaus County Planning Commission

At its regular scheduled meeting on April 1, 2010, the Stanislaus County Planning Commission held a public hearing on the proposed ordinance. Those who spoke at the April 1, 2010 meeting had also spoken at the previous February 18, 2010 meeting. And similar issues were raised. Richard Sinclair spoke and in addition to the issues he had raised at the previous meeting, Mr. Sinclair stated that he believes that the ordinance amendment should go through environmental review to assure that there are no impacts to surrounding properties. Mr. Sinclair also mentioned that he does not believe that the ordinance amendment is consistent with the General Plan or the purpose of the A-2 (General Agriculture) zoning district. In particular, Mr. Sinclair stated that the

Public Hearing 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

Page 5

ordinance amendment contradicts with the purpose of the A-2 zoning district which is established to ensure that all land uses are compatible with agriculture and open space, including natural resources management, outdoor recreation and enjoyment of scenic beauty.

Richard Keas, spoke in favor of the ordinance amendment and mentioned that each proposed project as a result of this ordinance amendment will be required to go through a use permit process, which requires environmental review. Mr. Keas stated that the ordinance is focused on small non-farmed parcels and that the local trucking industry provides many jobs and the ordinance amendment will help keep many of those jobs. Last, Mr. Keas pointed out that future more fuel efficient and environmentally friendly trucks will be used in the trucking industry. These types of trucks will only be allowed a 70,000 GVW and the ordinance amendment does not consider these types of trucks.

The Planning Commission discussed a number of items related to the ordinance amendment. The Commission discussed with staff that the ordinance amendment requires a use permit for each proposed truck parking facility and each proposed project will be required to go through environmental review. Concerns were raised regarding inconsistencies with the General Plan, specifically that the ordinance amendment will allow a non-agricultural use in the A-2 zone. In addition, concerns were also raised regarding ownership requirements. As proposed a property owner will only be required to own one (1) combination and lease out the rest of the space to other truckers. Staff was asked if the Agricultural Advisory Board (AAB) had commented on the ordinance amendment. Staff stated that the AAB had raised concerns with truck and trailer ownership. A higher percentage of trucks would help to prevent a proliferation of truck parking facilities. Commissioner Poore stated that the ordinance amendment gives truckers who own only a couple of combinations the opportunity to lease out space and get trucks off of the roads. Last it was pointed out by a member of the Commission that historically the Planning Commission has denied truck parking facilities that do not serve an approved agricultural operation.

The Planning Commission voted 5-2 (Gammon and Layman) to recommend the Board of Supervisors approve the ordinance amendment as presented.

The two Planning Commissioners voting against approval of the proposed ordinance amendment are also members of the General Plan Update Committee and expressed similar concerns as those raised in the General Plan Update Committee meetings. As referenced earlier in this report, two versions of the proposed ordinance were presented to the General Plan Update Committee for review. Some of the issues of concern identified by the General Plan Update Committee have been addressed in the current version of the proposed ordinance being considered by the Board of Supervisors. Those concerns include: limitations on the types of "commercial vehicles" permitted, limits on the amount of trailers, and requiring the property owner to have some ownership of trucks being stored on-site. However, there were many concerns raised

Public Hearing 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
Page 6

by the General Plan Update Committee which still remain unaddressed. Those concerns include: enforcement of ordinance provisions, the need for a higher percentage of truck ownership by the property owner, and the land use precedence approval of the proposed ordinance may set allowing other non-agricultural uses to establish in the A-2 zoning district.

POLICY ISSUES:

The Board should determine if the proposed ordinance amendment furthers the goals of a strong agricultural economy/heritage, a strong local economy and a well planned infrastructure system.

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 Subsection 21.20.030(G) – Parking of Tractor-Trailer Combinations and Related Equipment
2. April 1, 2010 Planning Commission Memo with February 18, 2010 Memo and Attachments
 - a. Proposed Modified Ordinance Amendment
 - b. February 18, 2010 Planning Commission Memo with Exhibits
 - c. February 18, 2010 Planning Commission Meeting Minutes
 - d. Truck and Trailer Illustrations
3. April 1, 2010 Planning Commission Meeting Minutes
4. Correspondence Received

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

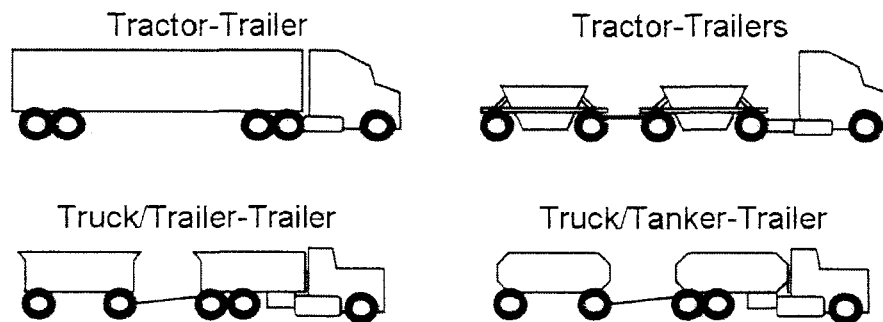
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

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

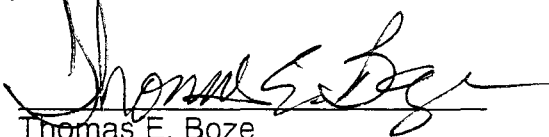
ATTEST:

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

By _____
Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Thomas E. Boze
Deputy County Counsel



April 1, 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**

The Stanislaus County Planning Commission held a public hearing on the subject project at its regular meeting on February 18, 2010. A full discussion and analysis of the proposed project is included in the attached Planning Commission Memo (see Attachment B - *February 18, 2010 Planning Commission Memo with Exhibits*).

At the February 18, 2010 Planning Commission meeting, a number of issues and concerns were raised by the Commission and the public who spoke both against the ordinance amendment and in favor of it. The Planning Commission voted to recommend the Board of Supervisors approve the ordinance "as is" on a vote of 5-0.

In light of the concerns raised at the Planning Commission hearing, staff has met with both members of the trucking industry and the Ad Hoc committee for the proposed ordinance amendment. The Ad Hoc committee has directed staff to make modifications to the proposed ordinance amendment to address the concerns raised at the Planning Commission hearing and to return the modified ordinance amendment to the Planning Commission for a recommendation to the Board of Supervisors. The Board of Supervisors cannot take any action on a modified ordinance amendment without returning the amendment to the Planning Commission for a recommendation concerning the modifications.

The following is a summary of the issues and concerns raised at the February 18, 2010 Planning Commission meeting and modifications being proposed by staff to address the concerns:

Terminology

The proposed ordinance permits the parking of tractor-trailer combinations used to transport goods and materials. The intent is to allow parking of large vehicles commonly referred to as "big rigs" and "semi-trucks" and commonly used for long hauls if a use permit is first obtained. A concern was raised that the term "tractor-trailer" may restrict truck/trailers, such as transfer trucks and truck/tankers, which are commonly considered "big rigs" or "semi-trucks." Photos illustrating the difference between tractor-trailer, truck/trailer-trailer, and truck/tanker-trailer combinations are attached to this memo (see Attachment D - *Truck and Trailer Illustrations*).

In order to clarify the types of large vehicles permitted by the ordinance amendment the proposed project has been modified to include the following criteria:

ATTACHMENT 2

- A tractor-trailer combination shall include tractor-trailer, truck/trailer-trailer, or truck/tanker-trailer combinations with a minimum of five (5) axles and capable of hauling a combined Gross Vehicle Weight (GVW) of 80,000 pounds.

Staff developed this criteria in consultation with members of the trucking community. The goal of the criteria is to broaden the desired types of large vehicles while still restricting the smaller undesired vehicles such as pick-up trucks, tow trucks, delivery trucks, box trucks, fleet vehicles, and other similar vehicles. Photos illustrating the types of vehicles which are not permitted by the proposed ordinance are attached (see Attachment D - *Truck and Trailer Illustrations*)

A member of the public speaking at the February 18, 2010 Planning Commission meeting raised objection to the limiting of smaller commercial vehicles as part of this ordinance. This limitation reflects one of the primary concerns raised by the General Plan Update Committee with respect to the precedence the proposed ordinance could set in allowing other non-agricultural uses to establish in the A-2 (General Agriculture) zoning district.

Trailers

The proposed ordinance allows two trailers per tractor; however, the ordinance does not distinguish whether a set of doubles is considered one (1) trailer or two (2). Staff has modified the ordinance amendment to reflect a set of doubles being equivalent to one (1) trailer. The modification is based on a couple of reasons identified by the Ad Hoc committee. One: a set of doubles is approximately the same length as one (1) of the longer semi-trailers, meaning they take up the same amount of space. Two: the rear trailer in a set of doubles generally does not operate without the front trailer. A graphic illustrating the difference between a semi-trailer and a set of doubles is attached (see Attachment D - *Truck and Trailer Illustrations*).

As modified, it is possible an approved facility could have up to forty-eight (48) individual trailers parked on-site, whereas, if doubles are considered to be two trailers the maximum amount of trailers parked on-site would be twenty-four (24); however, the operator of a tractor could have two (2) semi-trailers capable of independent use, but only one set of doubles. This inequity was the concern raised by speakers at the February 18, 2010 public hearing. The Ad Hoc committee has focused on the space taken up by the various trailer types and not the total number of individual trailers. The maximum of two (2) trailers also applies to truck/trailers and truck/tankers, which can operate with only one (1) extra individual trailer at a time.

Findings

Currently, the proposed ordinance would require that Planning Commission make only the following standard use permit finding in order to approve a request:

"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."

In order to address some of the concerns raised at the February 18, 2010 Planning Commission meeting with respect to potential impacts to surrounding agricultural uses and concentration of parking facilities, staff has modified the ordinance to require the following findings in addition to the standard use permit finding, for each request:

- *The establishment, as proposed, will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and*
- *The establishment, as proposed, will not create a concentration of commercial and industrial uses in the vicinity.*

Other concerns raised at the February 18, 2010 Planning Commission meeting, which have not resulted in modifications to the proposed ordinance, include ownership requirements and larger parcel requirements. The proposed ordinance requires that at least one of the combinations be registered to the property owner and the property owner live on-site. The Stanislaus County Farm Bureau has requested that the proposed ordinance be amended to require fifty (50) percent of the combinations or a majority of the combinations be registered to the property owner. This concern has been discussed with the Ad Hoc committee; however, an increase in the registration requirements to the property owner is in conflict with the committee's goal of providing parking facilities in an effort to remove truck parking from public roads and County rights-of-way. Trucks parking in public roads and County rights-of-way are typically owned by independent owner-operators who do not own the property necessary to establish a parking facility.

The proposed ordinance requires that a parcel be at least one (1) acre in size. One concern raised is that the size of the parcel should be much larger in order to avoid potential conflicts with neighboring properties; however, part of the Ad Hoc Committee's goal is to examine the parking of commercial trucks on smaller sized parcels.

The proposed ordinance amendment and the Planning Commission's February 18, 2010 recommendation were presented to the Stanislaus County Agricultural Advisory Board (AAB) on March 1, 2010. The AAB expressed concerns that the number of allowed trailers may be too much at two (2) per tractor if doubles are equal to one (1); however, the AAB did not provide a suggested amount that should be allowed. The AAB also had concerns that the required buffers and setbacks for non-agricultural uses may be difficult to make; however, it was pointed out that parking lots are allowed to be within a required setback per the Stanislaus County Buffer and Setback Guidelines. The AAB's concerns were taken into consideration during the ordinance modification process.

OPTIONS

All proposed ordinance amendments are 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. In light of the original ordinance amendment presented to the Planning Commission on February 18, 2010, the Planning Commission is being asked to consider a recommendation based on the proposed modifications reflected in Attachment A of this memo.

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 of the modified ordinance amendment:

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 non-agricultural commercial tractor-trailer, truck/trailer-trailer, and truck/tanker-trailer combinations.

Recommend approval of the modified ordinance amendment, "As Is":

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

Recommend approval of the modified ordinance amendment with further modifications to specific sections/regulations:

As with any ordinance amendment, the Board of Supervisors has an opportunity to adopt a modified version of the ordinance amendment 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. The Planning Commission may also wish to recommend approval of the original ordinance amendment presented to them on February 18, 2010 and reflected in Attachment B of this memo or may wish to suggest other possible modifications.

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 that the Board of Supervisors approve the proposed modified ordinance amendment, the Planning Commission should recommend that the Board of Supervisors take the following actions:

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.

OA 2009-01 - Truck Parking in the Agricultural Zone
Planning Commission Memo
April 1, 2010
Page 5

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

Attachments:

Attachment A -	Proposed Modified Ordinance Amendment
Attachment B -	February 18, 2010 Planning Commission Memo with Exhibits
Attachment C -	February 18, 2010 Planning Commission Meeting Minutes
Attachment D -	Truck and Trailer Illustrations

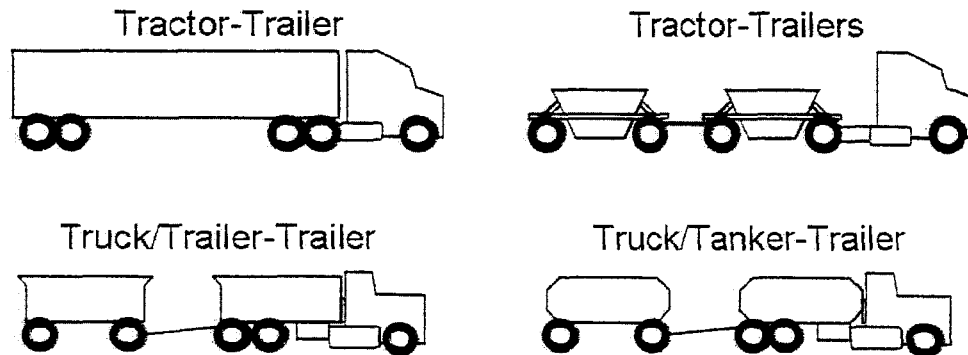
Truck Parking in the Agricultural Zone
Proposed Zoning Ordinance Amendment No. 2009-01

21.20.030 Uses requiring use permit

Add the following section:

G. Parking of tractor-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.



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:

- | | | |
|--|---|--|
| <input type="checkbox"/> Dry Goods / Freight | <input type="checkbox"/> Gasoline / Propane | <input type="checkbox"/> Hazardous Materials |
| <input type="checkbox"/> Refrigerated Goods | <input type="checkbox"/> Produce | <input type="checkbox"/> Livestock / Animals |
| <input type="checkbox"/> 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.

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

February 18, 2010

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Michael Navarro, Annabel Gammon, Greg Pires, Jim Poore, and John Ramos

Absent: Allen Layman, Tom DeLaMare, Marie Assali, Ted Reimers

Staff Present: Kirk Ford, Director; Angela Freitas, Deputy Director; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Javier Camarena, Assistant Planner; Kristin Doud, Assistant Planner; Thomas E. Boze, Deputy County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Crystal D. Rein, Planning Commission Clerk
- II. **PLEDGE OF ALLEGIANCE**
- III. **CITIZEN'S FORUM** - No one spoke.
- IV. **APPROVAL OF MINUTES**
 - A. January 21, 2010
Pires/Gammon, 4-0, **APPROVED**
Commissioner Poore abstained.
- V. **CORRESPONDENCE**

Director Ford informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:

 - A. Letter dated December 21, 2009 from the Department of Conservation regarding Item VII-C - General Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-02 - Derrel's Mini Storage.
- VI. **CONFLICT OF INTEREST** - None
- VII. **PUBLIC HEARINGS (* - Consent Items)**

Commissioner Navarro informed the public of the consent items and procedure.
Public hearing opened.
Public hearing closed.

ATTACHMENT C

*** CONSENT ITEMS**

- *A. TIME EXTENSION FOR REZONE NO. 2006-07 - GOLDEN STATE COMMERCIAL CENTER** - Time extension request to allow an additional four years for construction to begin for P-D (310), approved on April 17, 2007, to allow a variety of commercial uses on a 2.55 acre parcel. The property is located on the east side of Highway 99, west side of N. Golden State Boulevard, and north of W. Taylor Road, in the Turlock area. The time extension would allow construction to be completed by August 21, 2016. This project is Exempt from CEQA.
APN: 045-062-014
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Applicant approached to notify Commissioners he was available for questions.
Public hearing closed.
Poore/Ramos, Unanimous (5-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- *B. GENERAL PLAN AMENDMENT APPLICATION NO. 2009-04 - HOUSING ELEMENT UPDATE** - Consider a recommendation to the Board of Supervisors for adoption of an update of the Housing Element of the Stanislaus County General Plan. The changes are to State of California Department of Housing and Community Development (HCD) guidelines for context of a housing element. The 2009 Housing Element represents a modification to existing policies and implementation programs in the 2003 Housing Element. No specific housing projects are approved as a part of the Housing Element adoption. The Planning Commission will consider a CEQA Negative Declaration on this project. **STAFF IS REQUESTING CONTINUANCE TO MARCH 18, 2010.**
APN: Countywide
Staff Report: Bill Carlson Recommends **APPROVAL OF CONTINUANCE TO MARCH 18, 2010.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Ramos, Unanimous (5-0), **CONTINUED PROJECT TO MARCH 18, 2010.**

NON-CONSENT ITEMS

- C. GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01 AND REZONE APPLICATION NO. 2009-02 - DERREL'S MINI STORAGE** - Request to amend the General Plan designation of a 7.37 acre parcel from Agriculture to Planned Development and the zoning designation from A-2-40 (General Agriculture) to Planned Development to allow for recreational vehicle (RV) & boat storage as an expansion of an existing mini storage facility located on the adjacent property to the

west. The property is located at 5019 Tunson Road, at the northwest corner of Kiernan Avenue and Tunson Road, north of Modesto. The Planning Commission will consider a Negative Declaration on this project.

APN: 004-057-010

Staff Report: Kristin Doud Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Paul Ridenour, 3265 W. Ashlan, Fresno, CA 93722

OTHER: Joseph K. Fluence, 1412 Avenida Del Rio, Modesto, CA 95356

Public hearing closed.

Ramos/Pires, Unanimous (5-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS.**

- D. **USE PERMIT APPLICATION NO. 2009-13 - VARNI ALMONDS** - Request to construct a 12,000± square foot building for an almond huller on a 112± acre parcel (under Williamson Act Contract No. 77-2514), in the A-2-40 (General Agriculture) zoning district. The project is located at 15309 E. Keyes Road, east of Montpelier Road, west of Hawkins Road, in the Montpelier/Denair area. A CEQA Negative Declaration will be considered on this project.

APN: 019-041-049

Staff Report: Joshua Mann Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Dennis Wilson, Horizon Consulting, 909 14th Street, Modesto, CA 95354

Public hearing closed.

Poore/Gammon, Unanimous (5-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- E. **ORDINANCE AMENDMENT NO. 2009-01 - TRUCK PARKING IN THE AGRICULTURAL ZONE** - 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. This project is Exempt from CEQA.

APN: Countywide

Staff Report: Javier Camarena Recommends one of the following options: 1. Denial; 2. Approval as is; 3. Approval with modifications; 4. Other

Public hearing opened.

PUBLIC COMMENT: Richard Keas, 724 W. Linwood Avenue, Turlock, CA 95380; Wayne Zipser, Stanislaus County Farm Bureau, 1201 L Street, Modesto, CA 95354; Richard Sinclair, 8212 Oak View Drive, Oakdale, CA 95361; Stan Goblirsch, P.O. Box 1010, Ceres, CA 95307; Michael Flood, 702 Church Street, Modesto, CA 95357; Lori Norton, 6445 River Road, Oakdale, CA 95361; Richard Keas, 724 W. Linwood Avenue, Turlock, CA 95380; Terry Fagundes, 5313 S. Commons Road, Turlock, CA 95380; William Silva, 3906 S. Walnut Road, Turlock, CA 95380

Public hearing closed.

Ramos/Poore, Unanimous (5-0), **RECOMMEND OPTION 2. APPROVAL AS IS TO THE BOARD OF SUPERVISORS.**

7:55 p.m. - Recessed
8:01 p.m. - Reconvened

- F. **PUBLIC WORKS SUBDIVISION ORDINANCE AMENDMENT** - Request to amend the Stanislaus County Subdivision Ordinance to address road right-of-way dedications in Stanislaus County. This amendment will allow for roadway dedications to match the Circulation Element of the Stanislaus County General Plan.
APN: Countywide
Staff Report: Angie Halverson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Ramos/Pires, Unanimous (5-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS.**

VIII. **OTHER MATTERS (NOT PUBLIC HEARINGS)** - None

IX. **REPORT OF THE DIRECTOR**

BOARD OF SUPERVISORS ACTIONS OF JANUARY 26, 2010

- A. There were no items related to Planning and Community Development on this agenda.

BOARD OF SUPERVISORS ACTIONS OF FEBRUARY 2, 2010

- A. There were no items related to Planning and Community Development on this agenda.

BOARD OF SUPERVISORS ACTIONS OF FEBRUARY 9, 2010

- A. There were no items related to Planning and Community Development on this agenda.

BOARD OF SUPERVISORS ACTIONS OF FEBRUARY 16, 2010

- A. The Board approved a Reduction-in-Force of Four Filled Full-Time Positions in the Department of Planning and Community Development Building Permits Division.

MISCELLANEOUS & ON THE HORIZON

March 4, 2010

1. One Use Permit application for a cemetery on Dakota Avenue

March 18, 2010

1. General Plan Housing Element Update
2. Two Parcel Map applications, one in the Waterford area, one in Denair
3. Two Use Permit applications, one for expansion of a greenhouse operation near Newman, and the other for an equestrian boarding and training facility
4. One Rezone application for an expansion of an existing winery facility

Director Ford acknowledged Crystal Rein's official promotion to the position of Planning Commission Clerk.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None

XI. ADJOURNMENT

The meeting was adjourned at 8:11 p.m.

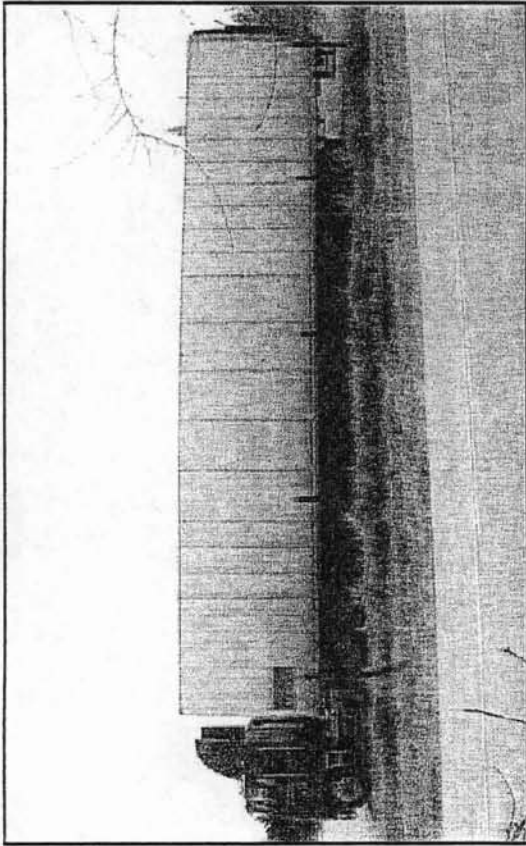


Kirk Ford, Secretary

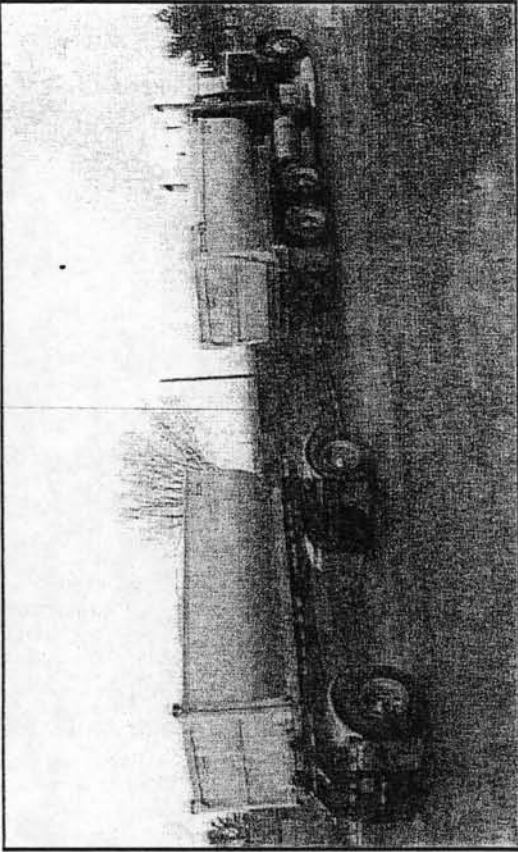
(The above is a summary of the minutes of the Planning Commission. Complete tape(s) of the meeting are available from the Planning Department.)

Permitted

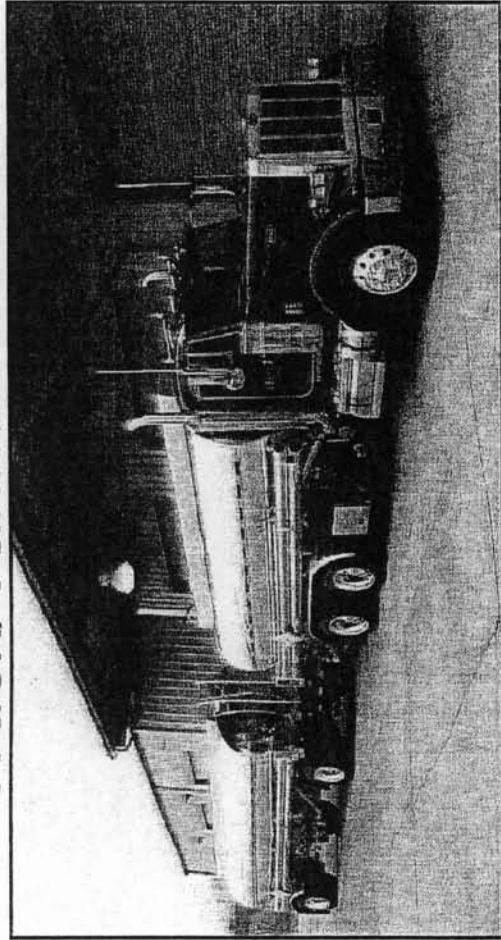
Tractor-Trailer



Truck/Trailer-Trailer

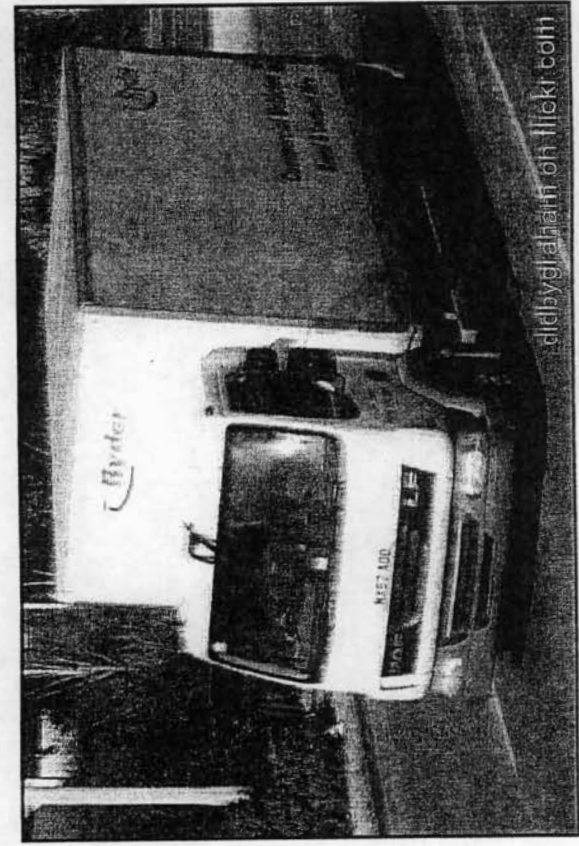


Truck/Tanker-Trailer



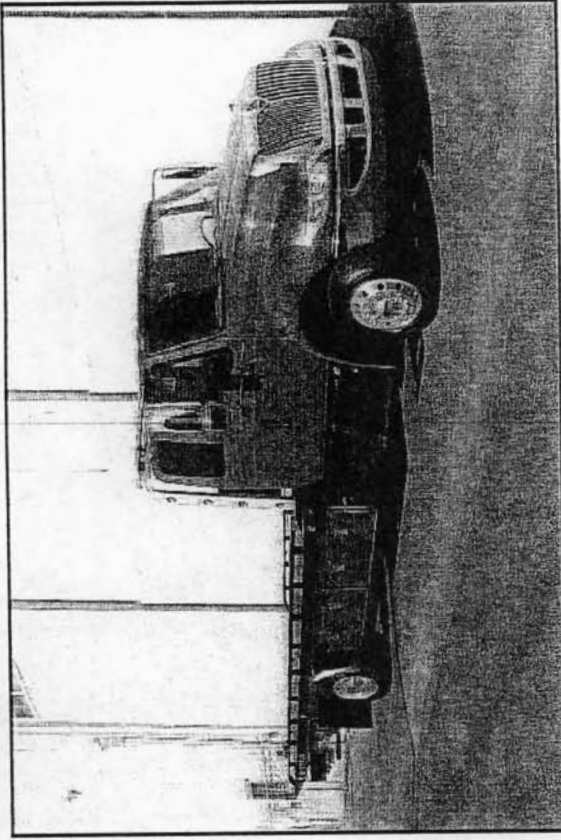
safetypump.com

Non-Permitted

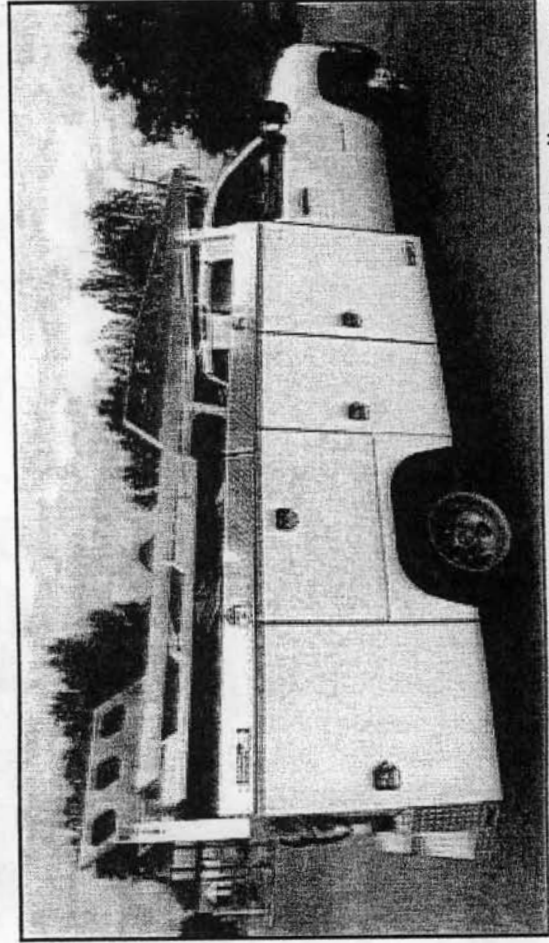


didbygraham on flickr.com

didbygraham on flickr.com



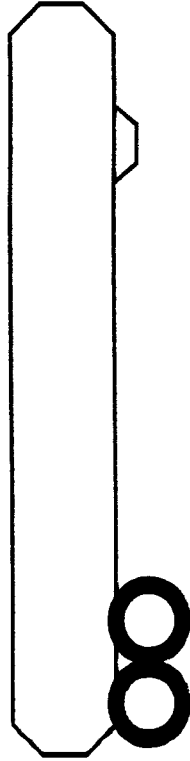
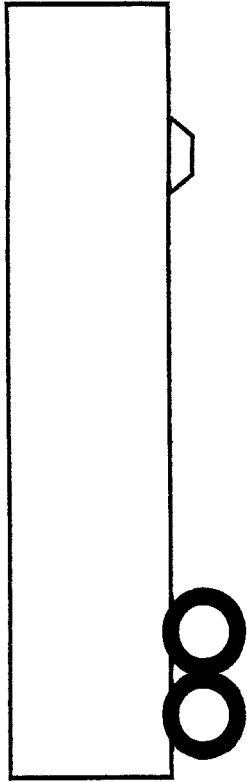
fleetsaleswest.com



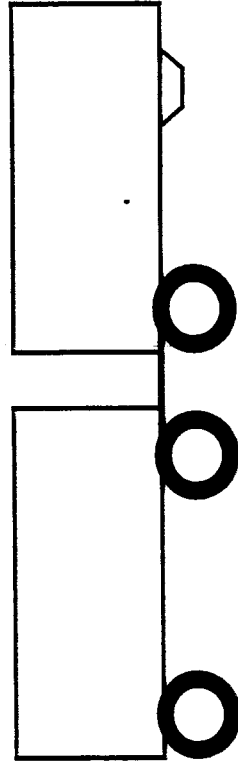
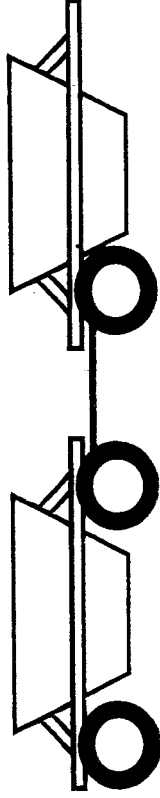
800toolbox.com

Trailers

Semi-Trailers



Doubles



- D. **ORDINANCE AMENDMENT NO. 2009-01 - TRUCK PARKING IN THE AGRICULTURAL ZONE** - 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. This project is Exempt from CEQA. **This is an amended version of the item heard by the Planning Commission on February 18, 2010.**

APN: Countywide

Staff Report: Javier Camarena recommends one of the following options: 1. Denial; 2. Approval as is; 3. Approval with modifications; 4. Other

Public hearing opened.

OPPOSITION: Richard Sinclair, P.O. Box 1628, Oakdale, CA 95361.

FAVOR: Richard Keas, 1443 Simmons Road, Turlock, CA 95380; Stan Goblirsch, 4725 Faith Home Road, Ceres, CA 95307; Teri Fagundes, 5313 S. Commons Road, Turlock, CA 95380.

Public hearing closed.

Poore/DeLaMare, 5-2 (Gammon, Layman), **RECOMMEND OPTION 2: APPROVAL AS IS TO THE BOARD OF SUPERVISORS.**

EXCERPT

PLANNING COMMISSION

MINUTES



Secretary, Planning Commission

5/7/2010

Date

RICHARD C. SINCLAIR
ATTORNEY AT LAW
P.O. BOX 1628
OAKDALE, CALIFORNIA 95361
(209) 847-8788
FAX (209) 847-7077

BOARD OF SUPERVISORS

2010 FEB 26 P 12:57

February 23, 2010

Supervisor Jeff Grover
1010 Tenth Street, Suite 6500
Modesto, CA 95354

Re: 2009-01 Truck Parking in Ag Zone

Dear Sir:

I attach a copy of a letter sent to Supervisor O'Brien, which my clients have requested I also submit to you. I would be happy to review the contents of these matters with you.

I have been a realtor, developer and real estate and land use attorney for more than 34 years.

This proposed plan has merit, but needs some refinement to protect the surrounding parcels.

Thank you.

Sincerely yours,



Richard C. Sinclair

cc: clients

RICHARD C. SINCLAIR

Attorney at Law

P. O. Box 1628

Oakdale, CA 95361

(209) 847-8788

Fax: (209) 847-7077

February 23, 2010

Supervisor William O'Brien
1010 Tenth Street, Suite 6500
Modesto, CA. 95354

RE: 2009-01 Truck Parking in Ag Zone

Dear Sir,

I represent a number of small parcel owners in our District who are opposed to the proposal to add the attached 21.20.030 to the Ag 2 Zoning rules.

The matter passed the Planning Commission this past week and will be making its way to the Board of Supervisors shortly.

I would like to have the opportunity to speak with you about it. In its present form, my clients oppose it for a variety of reasons. Basically, it allows an open use permit with no guidelines for dense non-agricultural truck storage anywhere there is ag zoning which includes all the small ranchettes in our county.

I suggested a number of alternatives to the Planning Commission and they had very good questions for the planning department, but in the end, adopted it unanimously without adding any of the restrictions that they had questions about.. It seemed to pass, more because it had been worked on for several years and would get trucks illegally parked off the sides of the road, than because it was a good ordinance. Kind of like, let's sell marijuana in a store so we get it off the streets. But this time, without any guidelines or controls other than, you have to get a use permit. In my opinion, bad planning.

They confused large small acre subdivisions which have C C & R's to protect neighbors with the hundreds of 1, 2, 3, 5 and 10 acre parcels that have been split and parcel mapped or subdivided without CC&R's who are not protected at all. As I understand it, you could fit almost 33 large (truck-trailer trailers on the small 1, 2 or 5 acre ranchettes which are all over our district. This would create a blight in those areas, not to mention, a lot of hazards.

Already, there is a problem with unlawful storing of trucks without use permits and without

controls which truckers bring in and out regularly in areas of small rural ranchettes with small kids or retirees, which create danger for the kids, noise pollution, dust, oil and gas into high water tables etc.. These areas are not designed to be blighted into a commercial zone by this ordinance which admittedly does not meet the criteria for Ag related zoning.

I suggest and suggested that larger parcels of 40 acres or more could store trucks on no more than an acre or two. This would make better sense and provide less blight and better protections. It would also eliminate putting a commercial site right next to small ranchettes. I also suggested that they impose the Two Tier requirements of 21.20.030 B to protect the ag owners and neighbors. Both ideas were ignored because this has been kicking around for several years. No controls were imposed at all, which is, simply, bad planning.

Again, I would like to submit our objection and would be happy to meet with you to discuss this more fully.

Thank you in advance.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Richard C. Sinclair". The signature is written in dark ink and is positioned above the printed name.

RICHARD C. SINCLAIR
cc: clients

Truck Parking in the Agricultural Zone
Proposed Zoning Ordinance Amendment

2

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 a 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 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;

This section 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 section 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.

TRUCK PARKING IN THE A-2 (GENERAL AGRICULTURE) ZONING DISTRICT

Zoning Ordinance Amendment
No. 2009-01

PROPOSED ORDINANCE

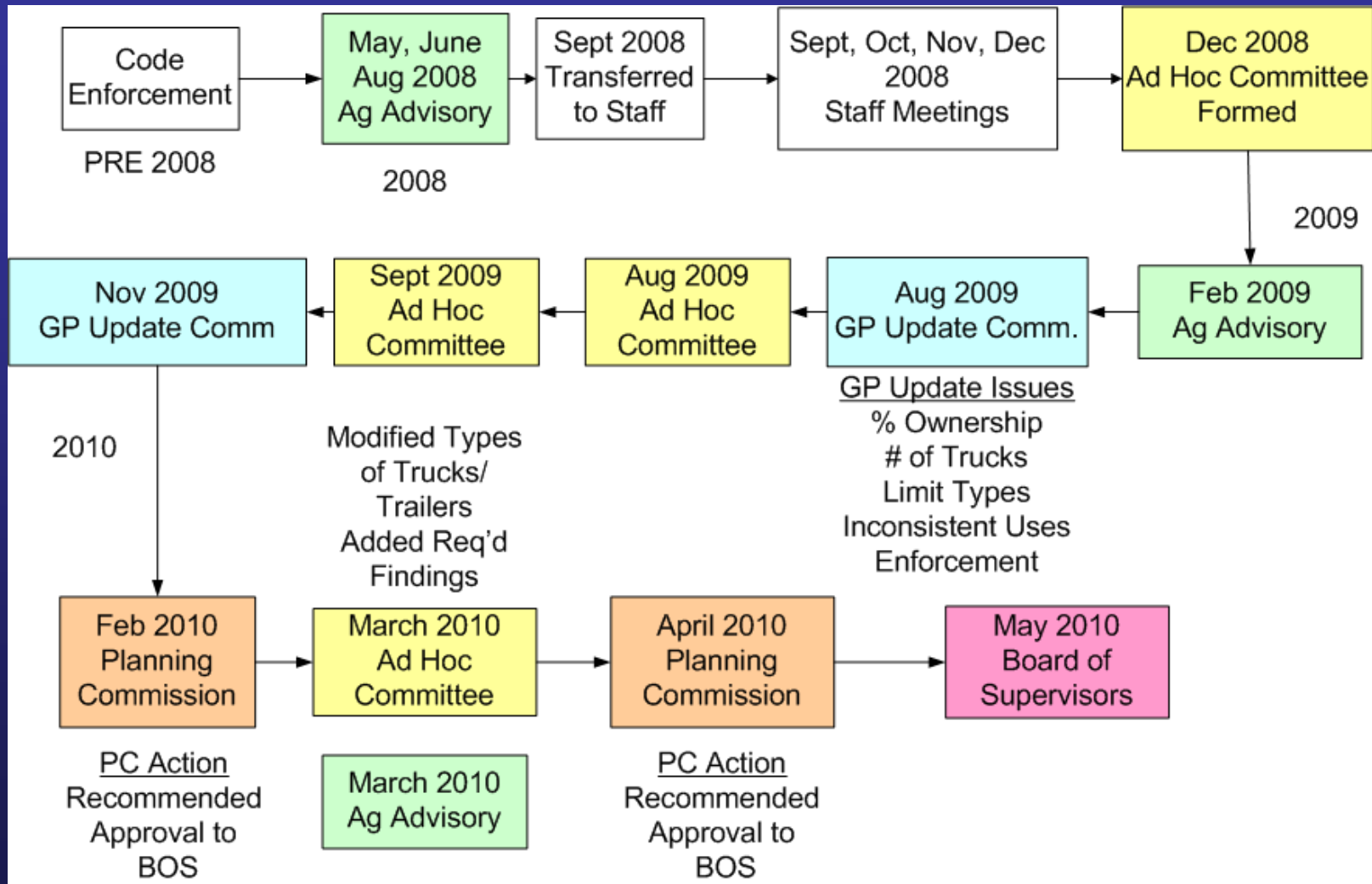
Allow the parking of up to 12 tractor/trailer, truck/trailer, or truck/tanker -trailer combinations on parcels greater than 1 acre in size in the A-2 (General Agriculture) zoning district with approval of a Use Permit.

PROPOSED ORDINANCE

Background

- Issue presented to the County by a group of truck operators as a result of ongoing code enforcement actions.

BACKGROUND



PROPOSED ORDINANCE

Background

Ad Hoc Committee formed:

- Two members of the Board of Supervisors
- Supported by staff from CEO's, Planning, DER, County Counsel, and Agriculture Commissioner's Office.

BACKGROUND

Ad Hoc Committee Goals

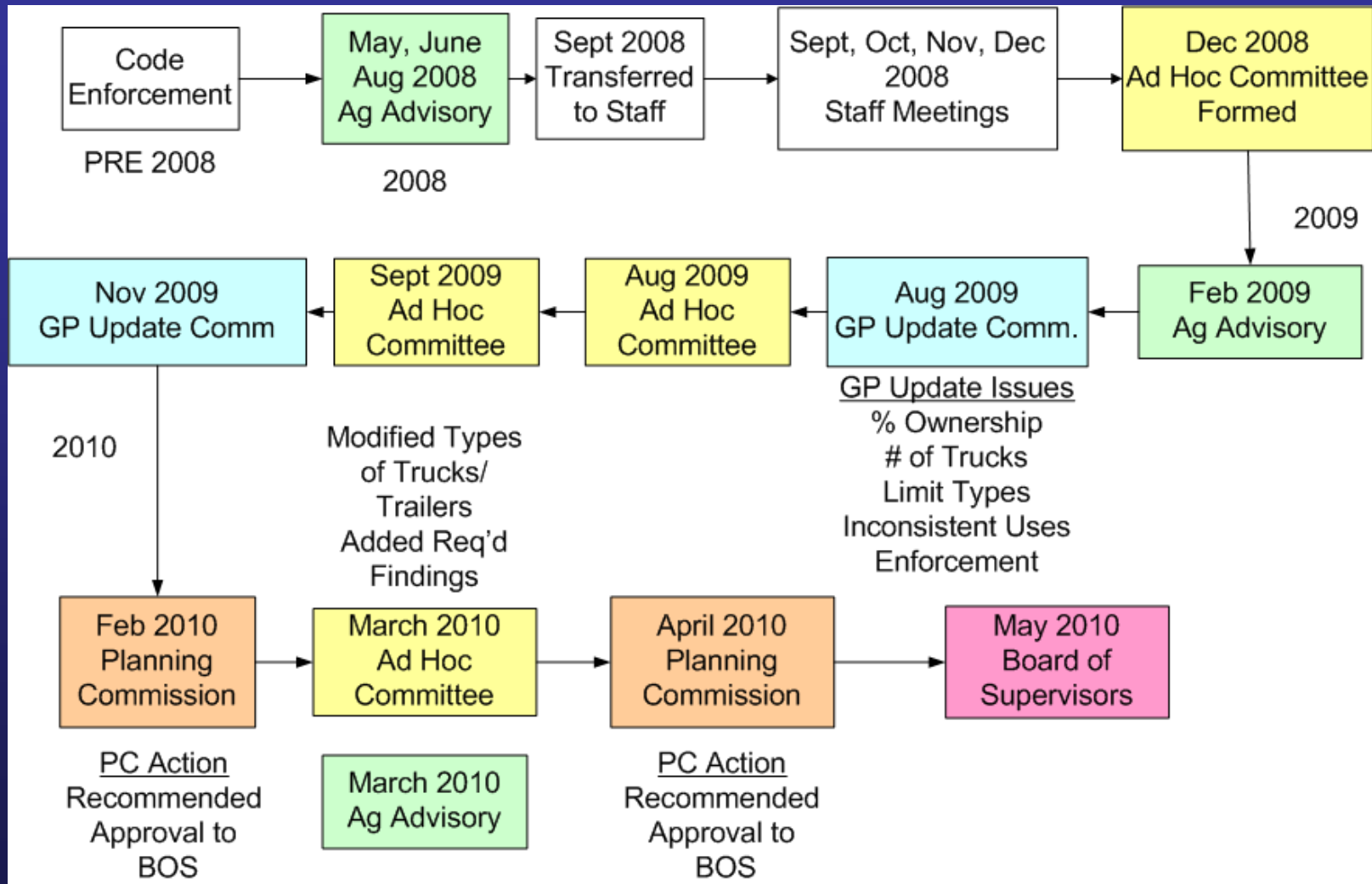
1. Examine the possibility of allowing truck owner/operators to park commercial vehicles on property in the A-2 zoning district, in particular, small sized parcels (1-3 acres in size); and
2. Provide tractor-trailer parking facilities, thus removing trucks from public roads and County rights-of-way.

BACKGROUND

Ordinance Development

- Several meetings held with:
 - Truck Operators
 - Ad Hoc Committee
 - Support Staff
 - General Plan Update Committee
- Staff Conducted Field Tours
- Review of Neighboring County Ordinances

BACKGROUND

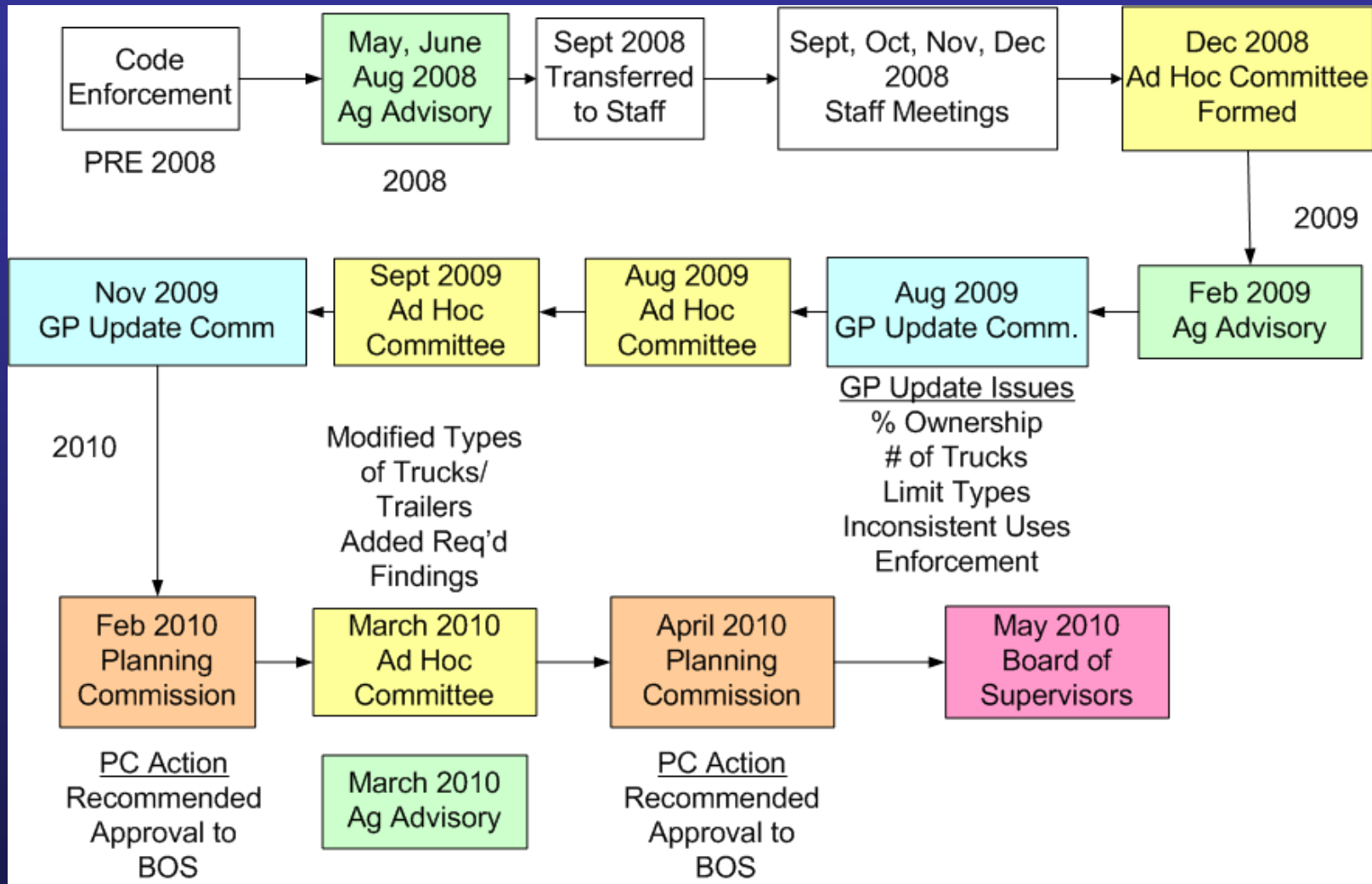


BACKGROUND

General Plan Update Committee

- GPUC concerns
 - Limitations on type of “commercial vehicle”
 - Limits on the amount of trailers
 - Requiring some vehicle ownership by the property owner
 - Land use precedence
 - Property Ownership requirements
 - Enforcement

BACKGROUND



General Plan Update Committee

- GPUC concerns addressed with revisions:
 - Limitations on type of “commercial vehicle”
 - Limits on the amount of trailers
 - Requiring some vehicle ownership by the property owner

General Plan Update Committee

GPUC issues not addressed with revisions:

- Land use precedence
- Expanded Ownership requirements
- Enforcement

PLANNING COMMISSION

Original Ordinance Amendment

- Presented on February 18, 2010.
- Opposition and support expressed at the public hearing by both members of the public and the Planning Commission.
- Voted 5-0 to send the Ordinance Amendment “as is” to the Board.

PLANNING COMMISSION

February 18, 2010

Issues and concerns raised:

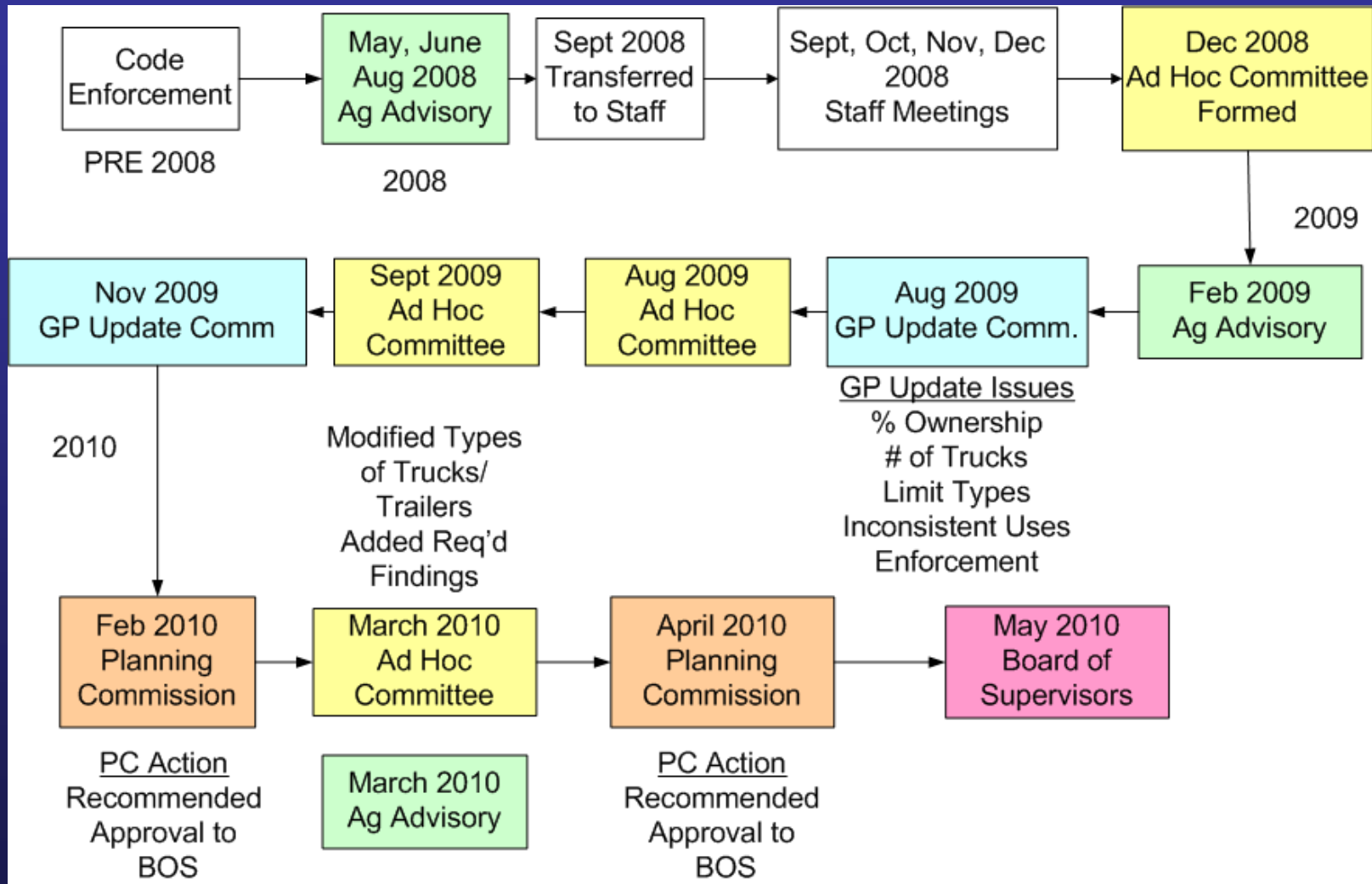
- Terminology – Use of “tractor-trailer” might restrict “truck/trailer”, such as a transfer truck.
- Trailers – single vs. double.
- Findings – concentration or potential impact to surrounding agricultural operations.
- Vehicle ownership by property owner.
- Larger Parcel Requirements.

POST-PLANNING COMMISSION

- Issues and concerns raised at the public hearing discussed with the Ad Hoc Committee and members of the trucking industry.
- Ad Hoc Committee directed staff to make modifications and return the revised ordinance to the Planning Commission.

*** Govt Code: *Planning Commission required to make a recommendation on any amendments before Board consideration.*

BACKGROUND



PROPOSED ORDINANCE

AMENDMENT 2009-01

- At least one (1) combination must be owned by the property owner.
- Two (2) trailers per tractor, truck/trailer, or truck/tanker.
- Parcel must be one (1) acre in size and the area used for parking does not exceed 1.5 acres of 50% of the parcel.

PROPOSED ORDINANCE

AMENDMENT 2009-01

- No off-loading of trailers.
- Vehicles shall be fully operations for 6-months out of the year.
- One on-site office not to exceed 1,200 square feet allowed.
- Access to site must meet weight restrictions on roads.

PROPOSED ORDINANCE

AMENDMENT 2009-01

- Dust control and vegetative landscaping to distinguish parking area.
- Limited on-site maintenance.
- No signs advertising parking.
- On-site storage and use of related equipment may be considered by Planning Commission.
- Use Permit required for each facility.

PROPOSED ORDINANCE

Modifications

- Parking of up to 12 tractor/trailer, truck/trailer, tanker/trailer -trailer combinations.
- Combinations must have a minimum of 5 axles and capability of hauling a combined Gross Vehicle Weight of 80,000 pounds.
- A set of doubles is equivalent to one (1) single trailer.
- Findings to address concentration and potential impacts to surrounding agricultural uses.

Supplemental Checklist

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):

TERMINOLOGY – TRUCK TYPES

Tractor-Trailer



Truck/Trailer-Trailer



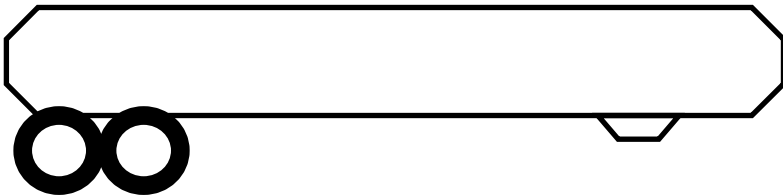
Truck/Tanker-Trailer



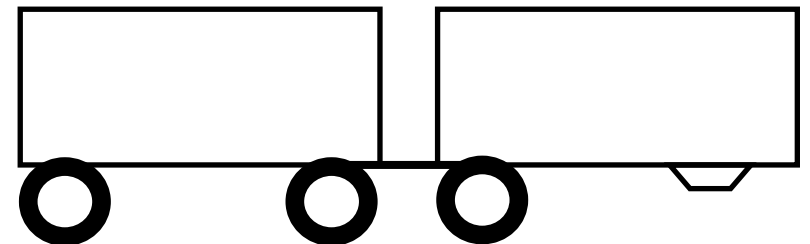
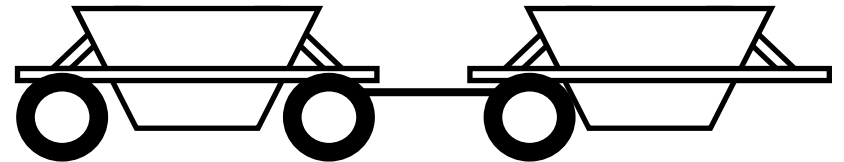
TYPES OF TRAILERS

Set of Doubles = 1 trailer

Semi-Trailers



Doubles



NON-PERMITTED TRUCKS



didbygraham on flickr.com
didbygraham on flickr.com



fleetsaleswest.com



800toolbox.com

CA
DMV

2011



15







CA
DMV

2010



CA
DMV

2011



26















CA
DMV

2010



80



PLANNING COMMISSION

Modified Ordinance – April 1, 2010

- Opposition and Support – same issues as in February.
- Need for environmental Review.
- Inconsistency with General Plan and purpose of A-2 zoning.
- Enforcement of future trucks on site not meeting GVW.

PLANNING COMMISSION

April 1, 2010

- Voted 5-2 to recommend the Board approve as presented.
 - Land use precedence and past history of denying request for commercial uses in A-2.
 - Ownership requirements – help to prevent proliferation of parking operations vs. goal of getting trucks off roadway.

PLANNING COMMISSION RECOMMENDATION

Approval of the proposed ordinance amendment subject to actions 1-4 outlined in the April 1, 2010 Planning Commission Staff Report.

PROPOSED ORDINANCE

Amendment No. 2009-01

Allow the parking of up to 12 tractor/trailer, truck/trailer, or truck/tanker -trailer combinations on parcels greater than 1 acre in size in the A-2 (General Agriculture) zoning district with approval of a Use Permit.