

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

DEPT: Planning and Community Development *AF*

BOARD AGENDA # 6:40 p.m.

Urgent  Routine

AGENDA DATE April 17, 2012

CEO Concur 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 Ordinance Amendment Application No. 2009-01 - Truck Parking in the Agricultural Zone, an Ordinance Amending Chapters 21.20 and 21.94 of the Stanislaus County Code

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

1. Find that Ordinance Amendment Application No. 2009-01 - Truck Parking in the Agricultural Zone 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.

(Continued on page 2)

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2012-173

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

Ayes: Supervisors: Withrow, Monteith, and De Martini

Noes: Supervisors: Chairman O'Brien

Excused or Absent: Supervisors: None

Abstaining: Supervisor: Chiesa

1)      Approved as recommended

2)      Denied

3)  X  Approved as amended

MOTION: Approved Staff Recommendations Nos. 1 through 4; and, **amended** subsection J(4)e of Section 21.94.020 to read as follows: "No off-loading of any trailer, and no parking of any trailer housing hazardous materials, shall occur on-site."

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-P-5

**PLANNING COMMISSION AND STAFF RECOMMENDATIONS: (Continued)**

3. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and
4. Introduce, waive the reading and adopt Ordinance Amendment No. 2009-01 - Truck Parking in the Agricultural Zone; both "Use Permit" and "Home Occupation" ordinance amendments as recommended by the Planning Commission with staff's recommendation to modify subsection "J(4)" of Chapter 21.94 as outlined in this report.

**DISCUSSION:**

This is a request to consider the introduction, waiving of the reading, and adoption of Ordinance Amendment Application No. 2009-01 – Truck Parking in the Agricultural zone. The ordinance amendment proposes to add "parking of tractor-trailer combinations" as a use requiring a Use Permit in the A-2 (General Agriculture) zoning district and add "parking of three (3) tractor-trailer combinations" to the Home Occupation section of the Zoning Ordinance. The following is a summary of the proposed ordinance amendment:

Chapter 21.20 – General Agricultural District (A-2) – Addition of subsection "H" to Section 21.20.030 – Uses Requiring a Use Permit: The proposed ordinance is intended to provide a process and a method for the approval of parking up to 12 tractors and up to two (2) trailers per tractor on any A-2 zoned parcel greater than one (1) acre in size. All tractor-trailer parking on-site would be required to be in full operable condition for at least six (6) consecutive months of every year. No off-loading of trailers would occur on-site and on-site maintenance of tractors and trailers would be limited to oil and tire changes, light and windshield wiper replacements, and checking of fluids.

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

A complete copy of the proposed ordinance amendment is provided as Attachment 1a of this report.

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. Combinations must have a minimum of five (5) axles and capable of hauling a combined Gross Vehicle Weight (GVW) of 80,000 pounds. The amendment is not intended to allow the parking of commercial vehicles used for the transportation of people or pick-up trucks, tow trucks, delivery trucks, box trucks, fleet vehicles or other similar vehicles. Trucks used solely for permitted agricultural operations on-site are exempt from this provision.

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

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

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

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

Several meetings have been held with the truck operators, the Ad Hoc Committee, support staff, and the General Plan Update Committee throughout the draft process.

Staff conducted field tours of sites around the County and conducted a review of neighboring County's ordinance provisions.

The following is a summary of the proposed ordinances which have been presented to both the Stanislaus County Planning Commission and Stanislaus County Board of Supervisors for consideration:

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

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

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

“Home Occupation” options were presented independently for consideration. An overview of the Planning Commissions' March 1<sup>st</sup> discussion is provided later in this report.

Throughout the process, a number of concerns and benefits relating to the various proposed ordinances have been identified. They have included the following:

#### Concerns

- Consistency with the General Plan;
- Opening up the A-2 (General Agriculture) zone to non-agricultural uses;
- Precedence: A number of previously proposed trucking operations have been denied by the County along with other non-agricultural uses, such as weddings, which may be viewed as similar;
- May be viewed as unfair business practice;
- General enforcement issues;
- Excludes other commercial vehicles;
- Noise with refrigerated trucks;
- Maintenance of roads;
- Compatibility with the Williamson Act; and
- Costs associated with improvements may be too high.

#### Benefits

- Trucks would have somewhere to park other than on the side of County roads;
- Security;
- Provides a use for smaller parcels where agriculture is not feasible;
- Larger operations will still go through environmental review while smaller operations will go through a simpler process; and
- Owner has to own a tractor-trailer combination, therefore limiting the use to only truckers.

A detailed summary of the various proposed ordinance amendments (options), including concerns and benefits for each option can be found in Exhibit “DD” – Truck Parking in the A-2 Zone Options of the March 1, 2012, Planning Commission Memo. (See Attachment 2b)

The proposed ordinance amendment presented to the Planning Commission on March 1, 2012 was also presented to the General Plan Update Committee (GPUC) on February 2, 2012, and the Stanislaus County Agricultural Advisory Board (AAB) on March 5, 2012.

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A complete overview of the February 2<sup>nd</sup> GPUC discussion is provided in the March 1<sup>st</sup> Planning Commission memo. (See Attachment 2b) In summary, GPUC members discussed that only allowing 80,000 lb. GVW, or greater, tractor-trailers may be seen as unfair because it excludes smaller “box” or “bobtail” trucks or other commercial vehicles. Some members of the committee found it difficult to differentiate truck parking from other commercial/industrial uses that could be proposed and might be considered acceptable on the 1.5 acres allowed by the proposed ordinance for truck parking. The GPUC ultimately decided to forward the proposed versions of the ordinance amendment to the Planning Commission and Board of Supervisors without recommendation.

The AAB did not vote on a uniform message regarding the proposed ordinance amendment; however, the comments relating to the following issues/concerns were noted:

- Need for safe place for small operators to park their trucks;
- Safety hazards caused by trucks parking on the side of the road;
- Concerns with using agricultural land for truck parking;
- Possible noise, visual, and road condition impacts to neighbors associated with the parking of twelve trucks and twenty-four trailers;
- Concerns with vehicles less than 80,000 lb. GVW, such as bobtails, small trucks, and tow trucks; and
- Concerns about code enforcement and whether current staffing levels could handle violations/illegal operations.

#### Stanislaus County Planning Commission

At its regular meeting on March 1, 2012, the Planning Commission held a Public Hearing on the proposed ordinance. No one from the public spoke in opposition of the proposed ordinance and three (3) members of the public, representing trucking operators, spoke in favor of the proposed ordinance. Gary Shoffner and Gary Gomes represented trucking operators interested in the “Use Permit” option and stated that they are only interested in parking their own trucks and trailers. Stan Goblirsch represented trucking operators interested in the “Home Occupation” option and also stated that he was interested in parking of his own trucks and trailers.

At the Public Hearing, the Planning Commission was presented with the following late correspondence:

- Letter dated February 21, 2012, from City of Modesto. The letter states that the City prohibits the parking of commercial vehicles in its Residential zoning district and in areas designated Residential in its General Plan. The City is concerned that the County’s ordinance amendment will allow truck parking within the City’s

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Sphere of Influence (SOI), in areas designated Residential in the Modesto General Plan. The proposed ordinance amendment is limited to only A-2 zoned land and currently only one (1) commercial vehicle is permitted under a Home Occupation business license in any zoning district. (See Attachment 3c)

The County's General Plan requires that City approval, of development located within cities SOI and requiring a discretionary approval, other than agricultural uses and churches, be obtained prior to County approval. In this case, the proposed ordinance amendment is not for a specific development proposal, but rather establishes a new use with either approval of a Use Permit, a discretionary permit, or approval of a Home Occupation business license, a non-discretionary permit. County approval of a Use Permit located within cities SOI will be subject to City approval.

If approved as proposed, one (1) to three (3) Home Occupation business licenses authorizing a cumulative total of up to three (3) tractor-trailer combinations could be approved on any parcel zoned A-2 by the County and located within the City's SOI and designed Residential. Unlike a Use Permit, and other discretionary land use entitlements, a Home Occupation business license is not a discretionary permit, does not run with the property, and is subject to renewal every three calendar years.

- Email received on February 23, 2012, from Brad Johnson (Salida resident). The email outlines complaints made at the Salida Municipal Advisory Board (MAC) meeting regarding truck parking. The complaints are regarding noise, air pollution, and privacy concerns. The email also mentions that there are concerns with trucks parking on the County's rights-of-way creating a hazard. The email states that the County should set aside public areas just for truck parking. (See Attachment 4d) A nearly identical email, also received on February 21, 2012, from Brad Johnson was included as Exhibit EE of the March 1, 2012 Planning Commission Staff Report. (See Attachment 2b)
- Letter dated February 28, 2012, from the California Regional Water Quality Control Board (CRWQCB). The letter provides an overview of the CRWQCB's general permits and requirements for surface and groundwater. All Use Permit applications will be referred to CRWQCB for review and comment. (See Attachment 5e)

The following is an overview of the issues discussed by the Planning Commission on March 1, 2012:

- Clarification of the number of truck-trailer combinations and the number required to be owned by the property owner.

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- Concerns with the precedence the proposed ordinance might set for allowing commercial/industrial non-agricultural uses in the A-2 zoning district and other options for permitting truck parking operations. The existing option is to seek a parcel specific general plan amendment and rezone to be reviewed case-by-case.
- Raised questions about the availability of existing locations for truck parking.
- The truck operators need for secure locations to park trucks and the improved safety to the general public of getting trucks off the public right-of-way.
- Concern with the commercial nature of “renting” spaces for truck parking and whether trucking operators really need, or even want, the opportunity to park trucks they do not own. The possibility of limiting trucks not owned by the property owner to 50% or applying a 1:1 ratio was discussed (i.e. if the property owner only owns two tractor-trailer combinations then they would only be allowed to “rent” two additional spaces). Also discussed was the difficulty of enforcing truck ownership requirements and the Ad-Hoc Committee’s goal of getting trucks of the public right-of way.

The Planning Commission voted 3-2 (Gibson/Gammon) to recommend the Board of Supervisors approve the “Use Permit” and “Home Occupation” ordinance amendment “as is”.

Staff is proposing two slight modifications to subsections “J(4)” of Chapter 21.94 to address an issue relating to the parking of trailers hauling hazardous materials on-site raised at the March 1, 2012. The first modification is to subsection “J(4)(d)”. Originally, the language read as: “maintenance of permitted tractor-trailer combinations shall be limited to minor repairs and windshield wiper replacements and checking fluids.” Staff is proposing the language be modified to be consistent with maintenance allowed under the proposed Use Permit option. As modified, the language reads as: “on-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.”

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



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**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:**

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

**ATTACHMENTS:**

- 1a. Draft ordinance relating to the parking of trucks in the agricultural zone
- 2b. March 1, 2012, Planning Commission Memo and Minutes – Ordinance Amendment No. 2009-01– Truck Parking in the Agricultural Zone
- 3c. Letter dated February, 21, 2012, from Brad Wall, AICP, Principal Planner, City of Modesto
- 4d. Email dated February 23, 2012, from Brad Johnson
- 5e. Letter dated February 28, 2012 from Genevieve (Gen) Sparks, Environmental Scientist, California Regional Water Quality Control Board, Central Valley Region

ORDINANCE NO. C.S. \_\_\_\_\_

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

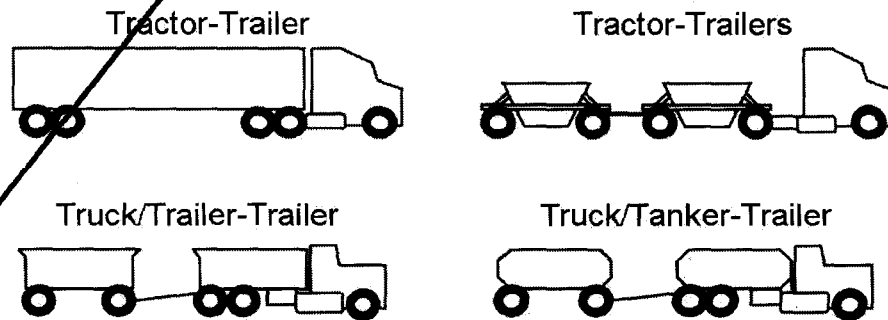
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

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

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

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. All the following criteria are met:

a) For the purpose of this ordinance, a tractor-trailer combination shall include a tractor-trailer, truck/trailer-trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted combinations:



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

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

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

**Section 2.** Subsection "H" in Section 21.94.020 of the Stanislaus County Code is amended to read as follows:

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

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

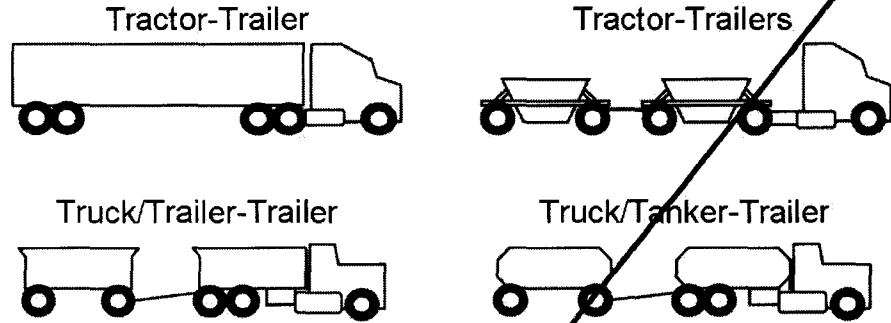
- "4. Trucking operations with on-site parking of up to three (3) tractor trailer combinations, as defined in this chapter, provided:
- a. The home occupation is located within the A-2 (General Agriculture) zoning district, the parcel on which the parking will occur is at least one (1) acre or more in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

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

**"21.94.050 DEFINITIONS**

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

A. "Tractor-Trailer Combinations" mean a tractor-trailer, truck/trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted vehicles:



**Section 5.** This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_ seconded by Supervisor \_\_\_\_\_, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2012, by the following-called vote:

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

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

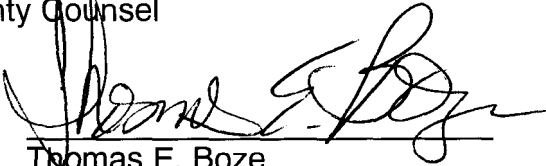
ATTEST:

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

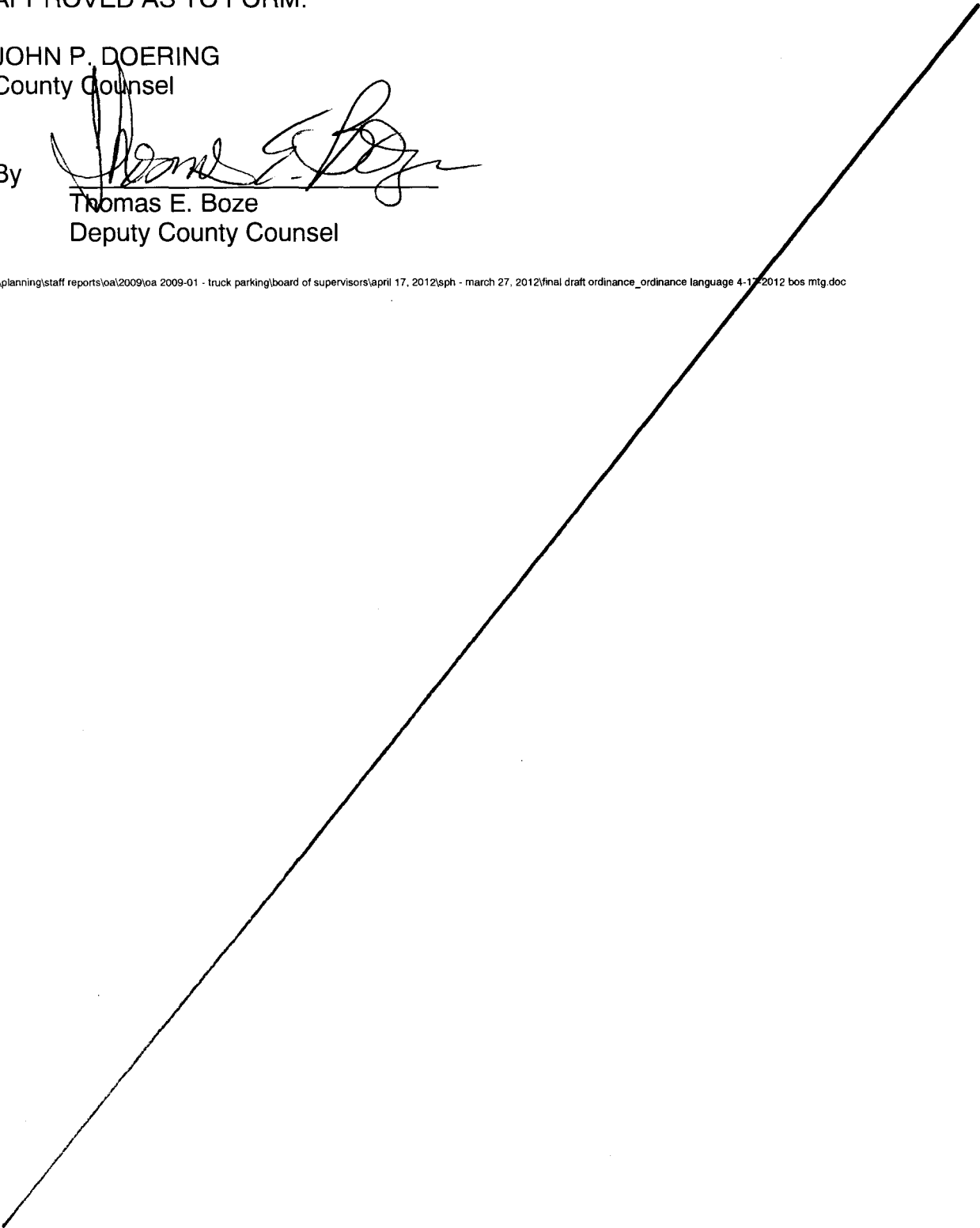
By \_\_\_\_\_  
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel

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ORDINANCE NO. C.S. 1117

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

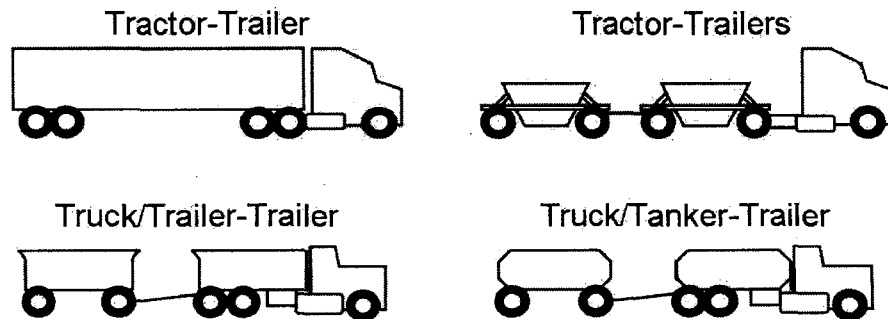
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

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

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

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. All the following criteria are met:

a) For the purpose of this ordinance, a tractor-trailer combination shall include a tractor-trailer, truck/trailer-trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted combinations:



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

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

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



**Section 2.** Subsection "H" in Section 21.94.020 of the Stanislaus County Code is amended to read as follows:

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

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

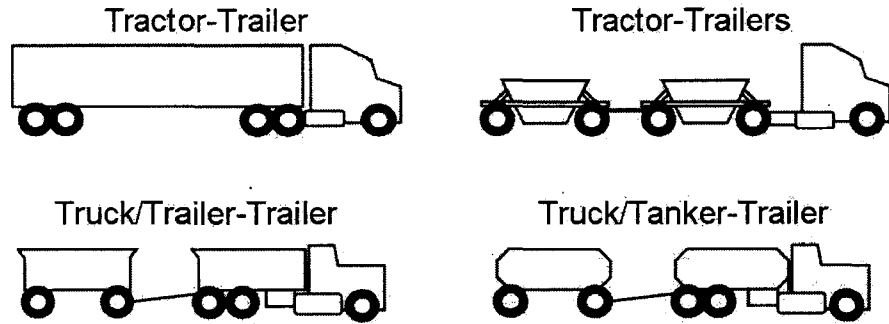
- "4. Trucking operations with on-site parking of up to three (3) tractor trailer combinations, as defined in this chapter, provided:
  - a. The home occupation is located within the A-2 (General Agriculture) zoning district, the parcel on which the parking will occur is at least one (1) acre or more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

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

**"21.94.050 DEFINITIONS**

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

A. "Tractor-Trailer Combinations" mean a tractor-trailer, truck/trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted vehicles:



**Section 5.** This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_ seconded by Supervisor \_\_\_\_\_, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2012, by the following-called vote:

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

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

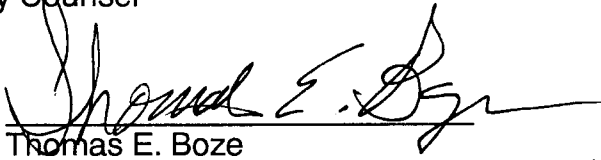
ATTEST:

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

By \_\_\_\_\_  
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel

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March 1, 2012

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 amendments propose to add “parking of tractor-trailer combinations” as a use requiring a use permit in the A-2 (General Agriculture) zoning district and add “parking of three (3) tractor-trailer combinations” to the Home Occupation section of the zoning ordinance. (See Exhibit A - *Draft Subsection 21.20.030(G) - Parking of Tractor-Trailer Combinations and Related Equipment* and Exhibit B - *Draft Subsection 21.94.020(J) 4 - Trucking operations with on-site parking of up to three (3) tractor trailer combinations Supplemental.*) The proposed ordinances apply to the A-2 (General Agriculture) zoning district countywide. As a result, an applicant wishing to park three (3) tractor-trailer combinations or less on his or her A-2 property will be permitted by obtaining a business license. An applicant wishing to park between four (4) and twelve (12) tractor-trailer combinations would require a use permit in the A-2 zone. Parking more than twelve (12) would be prohibited.

Proposed ordinance *Draft Subsection 21.20.030(G)* 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 ordinance amendment recognizes tractor-trailers, truck/trailer-trailer and truck/tanker-trailer combinations as being permitted. The criteria specifies the need for combinations to have a minimum of five (5) axles and be 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. All proposed use permits will be required to make the following findings:

- *The establishment, as proposed, will not be substantially detrimental to or in conflict with the 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.*

The proposed “use permit” ordinance amendment would require environmental review to be completed on a case-by-case basis and would require Planning Commission approval. Specific conditions of approval would be developed depending on the location and requirements of the site.

Proposed ordinance Draft Subsection 21.94.020 (J) 4 in the Home Occupation ordinance would allow for the parking of up to three (3) tractor-trailer combinations on parcels zoned A-2 (General Agriculture). The criteria specifies that a parcel must be at least one (1) acre or more in size and prohibits the use of more than 1.5 acres for parking trucks. All tractor-trailer combinations parked on the parcel must be registered to an occupant of a dwelling on the parcel. Any trailers parked on-site must be operational and accessory to the use of any permitted truck parked on site. No off-loading of trailers is allowed on-site and maintenance shall be limited. The proposed "Home Occupation" ordinance amendment would not require a full environmental review or Planning Commission decision for approval. The process would require non-discretionary approval or over the counter approval.

### **BACKGROUND**

The parking of commercial vehicles has been an issue in Stanislaus County in recent years. Currently, only one commercial vehicle is allowed to park on an A-2 property as long as it is associated with a Home Occupation. In 2008, roughly 20 tractor-trailer parking facilities were reported to the Department of Environmental Resources (DER) Code Enforcement Division. Each facility was given a notice and order to abate operations.

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:

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

Since 2008, several meetings have been held with the truck operators, the ad hoc committee, support staff, and the General Plan Update Committee. The item has gone before the Planning Commission twice (February 18, 2010, and April 1, 2010) to provide a recommendation to the Board of Supervisors and once to the Board of Supervisors for a decision (June 8, 2010). For a general overview of these meetings, see Exhibit C - *June 8, 2010, Board Report - Ordinance Amendment No. 2009-01 - Truck Parking in the Agricultural Zone.*

At the June 8, 2010, Board of Supervisor's meeting, the Board voted 2-2 (DeMartini/Monteith in favor and O'Brien/Grover opposed with Chiesa abstaining) on a motion to adopt draft ordinance *Subsection 21.20.030(G) - Parking of Tractor-Trailer Combinations and Related Equipment* (requiring a use permit). (See Exhibit A - *Draft Subsection 21.20.030(G) - Parking of Tractor-Trailer Combinations and Related Equipment.*) As a result of the 2-2 vote, the motion failed; however, the Board voted 4-0 (Chiesa abstained) to refer the Draft Ordinance Amendment back to the Ad Hoc Committee, General Plan Update Committee, and Planning Commission to look at other alternatives, including consideration of limiting application of the ordinance to highway corridors.

The Ad Hoc Committee reviewed the draft ordinance and considered limiting the ordinance amendment exclusively to highway corridor areas. The Ad Hoc Committee has recommended not supporting this option because it would either exclude too much of the County (1 mile radius) or include almost all of the County (2 mile radius).

In order to simplify the process for smaller owner-operators, the Ad-Hoc Committee has suggested adding an additional ordinance amendment for consideration. The ordinance amendment would add the parking of up to three (3) tractor-trailer combinations to Section 21.94.020 (J) 4 of the "Home Occupations" zoning ordinance in addition to the proposed use permit ordinance amendment.

### **DISCUSSION**

The Ad-Hoc committee has reviewed a number of options throughout the draft process of the proposed ordinance amendments. Each option has been considered with the Ad-Hoc committee goals in mind. The options that have been considered include the following:

#### **Amnesty**

This option allows all existing trucking operations to continue operating without requiring permits or approval from the County. - Rejected by Ad-Hoc Committee

#### **Registered Non-Conforming Commercial Truck Parking**

This proposal allows all trucking operations within a specific time frame to register their existing operations with the Planning Department and not be subject to specific standards. - Rejected by Ad-Hoc Committee

#### **Agricultural Service Establishment Modification**

The modification allows for indirect trucking activities such as back-hauling of non-agricultural products by obtaining a Use Permit for an Agricultural Service Establishment. It requires that all trucks be used to some extent for an agricultural operation. - Rejected by Ad-Hoc Committee

#### **Use Permit Ordinance Amendment**

This ordinance amendment requires a use permit and environmental review for a parking facility for up to twelve (12) tractor-trailer combinations. The applicant must make the required use permit findings. - Recommended by the Ad-Hoc Committee and Planning Commission but did not pass with the Board of Supervisors

#### **Use Permit Ordinance Amendment (2<sup>nd</sup> version)**

This ordinance amendment requires a use permit and environmental review for a parking facility containing four (4) and up to twelve (12) tractor-trailer combinations. The applicant must make the required use permit findings. This ordinance amendment is the current proposal being presented along with the "Home Occupation" ordinance amendment. The only difference between the first

version and the second is to acknowledge the tiering effect of allowing up to three trucks to be parked through issuance of a Home Occupation Permit. This version would be applicable to requests to park between four and twelve trucks. - Recommended by the Ad-Hoc Committee

#### **Use Permit Ordinance Amendment Restricted to County Corridors**

This modification to the ordinance amendment would consider restricting the applicability of the use permit process to sites within a specific mile radius of state highway routes and/or "J" routes. Half mile to two mile radiuses have been reviewed. - Rejected by one member of the Ad-Hoc Committee and no decision by the other

#### **Home Occupation Ordinance Amendment**

This ordinance amendment allows up to three (3) tractor-trailer combinations on A-2 zoned property through the issuance of a "Home Occupation" business license. This ordinance amendment is the current proposal being presented with the "use permit (2<sup>nd</sup> version)" option. - Recommended by the Ad-Hoc Committee - Neither the Planning Commission nor the Board of Supervisors have reviewed this option

#### **Use Permit for all Commercial Vehicles**

This option would consider allowing the parking of all commercial vehicles regardless of weight class, not just tractor-trailer combinations, in the A-2 zoning district. Each operation will require a use permit and environmental review. The number of vehicles cannot exceed twelve (12) - Rejected by the Ad-Hoc Committee but suggested by one member of the General Plan Update Committee

#### **Use Permit for all Commercial / Industrial Uses**

This option allows all commercial and industrial uses on a designated 1.5 acre area of all A-2 zoned property through a use permit. Each commercial and industrial use will require a use permit and environmental review. - Not discussed by the Ad-Hoc Committee but suggested by one member of the General Plan Update Committee.

Throughout the process of reviewing each of the options presented to and discussed by the Ad-Hoc committee, a number of concerns and benefits have been mentioned. They have included the following:

#### **Concerns**

- Consistency with the General Plan
- Opening up the A-2 (General Agriculture) zone to non-agricultural uses
- Precedence: A number of previously proposed trucking operations have been denied by the County along with other non-agricultural uses, such as weddings, which may be viewed as similar
- May be viewed as unfair business practice
- General enforcement issues
- Excludes other commercial vehicles

- Noise with refrigerated trucks
- Maintenance of roads
- Compatibility with the Williamson Act
- Costs associated with improvements may be too high

### **Benefits**

- Trucks would have somewhere to park other than on the side of County roads
- Security
- Provides a use for smaller parcels where agriculture is not feasible
- Larger operations will still go through environmental review while smaller operations will go through a simpler process
- Owner has to own a tractor-trailer combination, therefore limiting the use to only truckers

A detailed summary of the mentioned options, including concerns and benefits for each option can be found in Exhibit D - *Truck Parking in the A-2 Zone Options*.

### **General Plan Update Committee**

The proposed versions of the ordinance amendments were taken on February 2, 2012, to the General Plan Update Committee (GPUC). Staff reviewed the basic proposed conditions related to issuance of the Use Permit, including ensuring that the ordinance only affected 80,000 pound GVW big rigs and not agricultural trucks, that only one of the trucks was required to be owned by the landowner and that rental of parking spaces to others would be allowed, and that various improvements may be required to limit impacts on roadways and neighbors. Additionally, the various alternatives and potential modifications discussed above were also reviewed.

Committee members discussed that only allowing 80,000 lb GVW tractor-trailers may be seen as unfair because it excludes smaller "box" or "bobtail" trucks or other commercial vehicles. The committee discussed that the proposed ordinance would allow truck parking on only 1.5 acres and one member wanted to ensure that the area of impact was limited. Some members of the committee found it difficult to differentiate truck parking from other commercial / industrial uses that could be proposed and might be considered acceptable on the proposed 1.5 acres. The committee asked staff to include some evaluation of opening up 1.5 acres on all A-2 zoned parcels to smaller trucks, other commercial vehicles, and other non-agriculture related commercial/industrial uses.

A few members of the trucking community also attended the meeting. The truckers stated that they felt singled out because one person turned all of their operations in to code enforcement. They argued that many of their properties are kept clean and non-conspicuous. They discussed the effect of new EPA and Air Quality Board rules and regulations on the trucking industry and expressed concern regarding the potential costs of any improvements that would be required to comply with the Use Permit conditions.

Stanislaus County Code Enforcement managers identified 27 currently active complaints that have been put on hold by the Board of Supervisors until this issue is resolved. They additionally reiterated that portions of the ordinance would be difficult to enforce including monitoring of the number of trucks actually using the site, checking registrations and operability of the trucks, and monitoring the size of the parked big rigs.



The committee ultimately decided to forward the proposed versions of the Use Permit (2<sup>nd</sup> version) and Home Occupation ordinance amendments to the Planning Commission and Board of Supervisors without a recommendation.

### **General Plan Consistency Assessment**

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 are some highlighted general plan policies which must be considered with any of the proposed options.

#### Land Use 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.

#### 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.

#### 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.

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 to traffic, public services, safety, hazards, water quality, and other general plan policies. The Planning Commission is advised to independently review the General Plan as part of its review. The General Plan is available for public review online at [www.stancounty.com/planning/pl/general-plan.shtm](http://www.stancounty.com/planning/pl/general-plan.shtm).

Staff believes that the proposed ordinance amendment may be broadly consistent with the General Plan; however, some of the other options that were reviewed during the draft process may be inconsistent due to their more intensive nature.

## **Public Comments**

Staff received an email dated February 21, 2012, regarding the proposed ordinance amendments. The email provides concerns mostly relating to noise, air pollution, driving hazards, and privacy for adjacent properties. The email can be found in Exhibit E - *Email dated February 21, 2012, from Brad Johnson.*

## **ENVIRONMENTAL REVIEW**

The proposed ordinance amendments are considered categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(c)(3) of the California Code of Regulations. Each proposed use permit resulting from this ordinance amendment will be subject to its own stand-alone CEQA review which will evaluate proposals on a site-by-site and case-by-case basis.

Please consider that the other options reviewed and discussed during the draft process may not be CEQA exempt and may require additional environmental review before adoption.

## **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 given an opportunity to provide the Board with a recommendation. The Commission should consider whether the proposed ordinances can be found to be consistent with the County General Plan and/or County Zoning Ordinance. 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:**

A recommendation of denial to the Board of Supervisors will be a recommendation to keep current policy 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 only the "Use Permit" ordinance amendment, as is:**

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

### **Recommend adopting only the "Home Occupation" ordinance amendment, as is:**

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

### **Recommend adopting both the "Use Permit" and "Home Occupation" ordinance amendments, as proposed:**

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

**Recommend adopting proposed ordinance(s) 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. A finding to show the option is consistent with the overall goals and policies of the Stanislaus County General Plan will need to be made.

**Forward with No Recommendation:**

The Planning Commission may also choose to forward the ordinance amendment to the Board of Supervisors with "No Recommendation."

In addition to the options provided, the Planning Commission can recommend other options to the Board of Supervisors. For approval, a finding to show the option is consistent with the overall goals and policies of the Stanislaus County General Plan will need to be made.

**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 under one of the following:
  - a. "Use Permit" ordinance amendment only;
  - b. "Home Occupation" ordinance amendment only;
  - c. Both "Use Permit" and "Home Occupation" ordinance amendments; or
  - d. Other option as defined by the Planning Commission.

\*\*\*\*\*

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

OA 2009-01 - Truck Parking in the Agricultural Zone  
Planning Commission Memo  
March 1, 2012  
Page 9

Attachments:

- Exhibit AA - Draft Subsection 21.20.030(G) - Parking of Tractor-Trailer Combinations and Related Equipment
- Exhibit BB - Draft Subsection 21.94.020(J) 4 - Trucking operations with on-site parking of up to three (3) tractor trailer combinations Supplemental
- Exhibit CC - June 8, 2010, Board Report - Ordinance Amendment No. 2009-01 - Truck Parking in the Agricultural Zone
- Exhibit DD - Truck Parking in the A-2 Zone Options
- Exhibit EE - Email dated February 21, 2012, from Brad Johnson
- Exhibit FF - Notice of Exemption

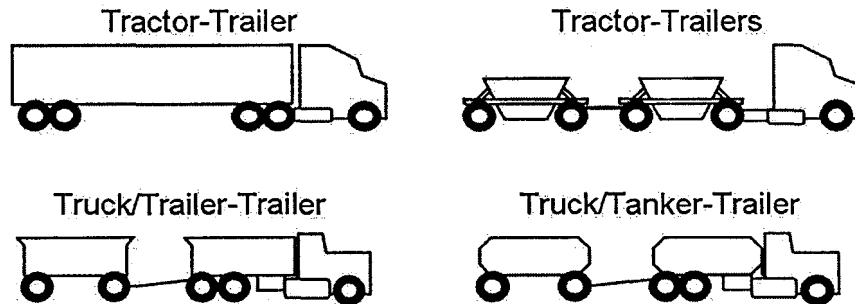
**AN ORDINANCE RELATING TO THE PARKING OF TRUCKS IN THE AGRICULTURAL ZONE.**

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

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

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

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



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

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

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

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

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

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

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

ATTEST:

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

By \_\_\_\_\_  
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By \_\_\_\_\_  
Thomas E. Boze  
Deputy County Counsel

**CHAPTER 21.94**

**HOME OCCUPATIONS**

**SECTIONS:**

<b>21.94.010</b>	<b>APPLICATION</b>
<b>21.94.020</b>	<b>CRITERIA</b>
<b>21.94.030</b>	<b>PROHIBITED USES</b>

**21.94.010 APPLICATION**

Applications for home occupations are administered by the department of planning and community development. (Ord. CS 9 (part), 1983).

**21.94.020 CRITERIA**

It is the intent of the following criteria to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity.

- A. Only occupants of the dwelling shall be engaged in the home occupation on the subject property. In the event of a partnership or corporation, at least one of the members must be a resident of the subject property.
- B. Off-site employees or partners are permitted so long as they do not work or report for work at subject property.
- C. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property provided that the area does not exceed twenty percent of the habitable floor area of the principal dwelling.
- D. There shall be no mechanical equipment or operation used which creates or makes noise, dust, odor, vibration or other effects detectable at the property line. Noise level at the property line shall not exceed sixty-five dBA.
- E. There shall be no display of products produced by the home occupation visible in any manner from the outside of the dwelling unit.
- F. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two additional vehicles at any one time.
- G. There shall be no storage of materials or supplies out-of-doors.
- H. There shall be no change in the outside appearance of the building premises, or any visible evidence of the conduct of such home occupations other than one sign not to exceed two square feet. Visible evidence shall include, but not be limited to, any vehicles associated with the home occupation, except as allowed by Section 21.94.020(J)(2) and (4).



**21.94.020**      Criteria

- I.      There shall be no advertising, including phone book advertising, newspaper ads, etc., of the home occupation which depicts the address of location. (Ord. CS 350 Sec. 4, 1989; Ord CS 9 (part), 1983).
  
- J.      The following specific home occupation uses shall be permitted subject to further limitations as follows:
  - 1.      Beauty/barber shops limited to one operator only.
  
  - 2.      Contractors and subcontractors offices are permitted as home occupations. However, the storage of materials, equipment or more than one commercial vehicle not normally associated with residential uses shall be prohibited.
  
  - 3.      Furniture repair, restoration and reupholstery shall be limited to one occupant of the dwelling subject to approval of building inspection and fire marshall as applicable. There shall be no pick up or delivery at this location by the public.
  
  - 4.      Trucking operations with on-site parking of up to three (3) tractor trailer combinations, as defined in this chapter, provided:
    - a.      The home occupation is located within the A-2 (General Agriculture) zoning district, the parcel on which the parking will occur is at least one (1) acre or more in size, the total area of the acres used for the parking operation does not exceed 1.5 acres, and the area to be used for parking shall not exceed fifty percent of the entire parcel.
  
    - b.      All of the tractor-trailer combinations parked on the parcel shall be registered to an occupant of a dwelling located on the parcel. On parcels with more than one trucking operation operating as a home occupation, the total number of tractor trailer combinations parking on-site shall not exceed three (3).
  
    - c.      Any trailers parked on-site shall be operational and accessory to the use of any tractor, truck/trailer, or truck/tanker permitted to be parked on-site.
  
    - d.      Maintenance of permitted tractor trailer combinations shall be limited to minor repairs and windshield wiper replacements and checking fluids.
  
    - e.      No off-loading of trailers shall occur on-site.

**21.94.030**      PROHIBITED USES

The following uses are expressly prohibited as home occupations:

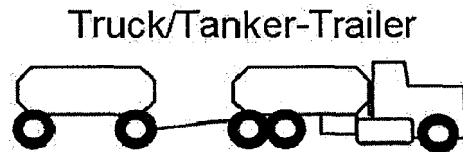
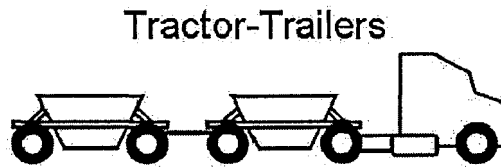
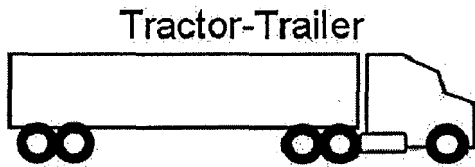
- A.      Repair or reconditioning of motorized vehicles or equipment, on site;

- B. Manufacturing, including cabinet shops and similar uses;
- C. Repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air conditioning equipment, and lawn mowers;
- D. Repair or reconditioning of boats or recreational vehicles;
- E. Medical, dental and chiropractic clinics and offices. (Ord. CS 9 (part), 1983).

**21.94.050 DEFINITIONS**

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

- A. **“Tractor-Trailer Combinations”** mean a tractor-trailer, truck/trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted vehicles:



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



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

EXHIBIT CC  
File No. ORD-55-M-2

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  
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**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

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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

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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

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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  
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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



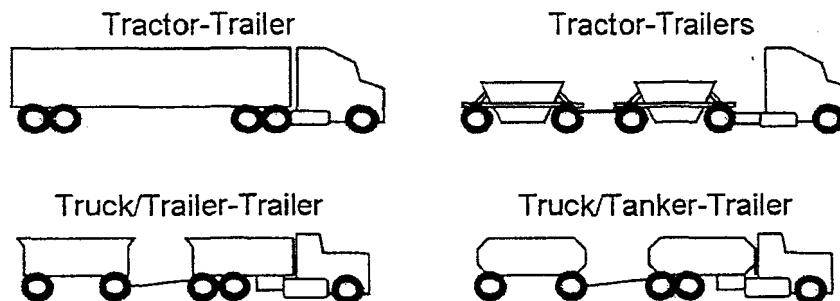
**AN ORDINANCE RELATING TO THE PARKING OF TRUCKS IN THE AGRICULTURAL ZONE.**

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

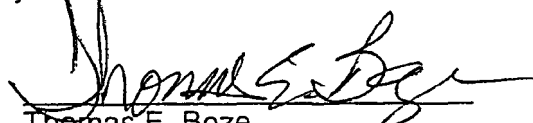
ATTEST:

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



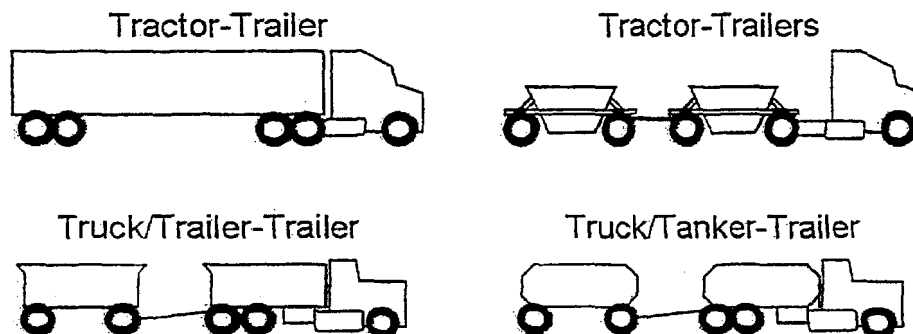
Truck Parking in the Agricultural Zone  
Proposed Zoning Ordinance Amendment No. 2009-01

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.

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

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

#### Ordinance Amendments

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

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

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

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

#### Draft Ordinance

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



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

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

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

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

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

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

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

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

#### **Items to Consider**

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

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

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

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

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

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

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

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

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

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

### Public Comments

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

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

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

### General Plan/Zoning Consistency

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

### Land Use Element

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

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

GOAL 2        Ensure compatibility between land uses.

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

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

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

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

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

#### Conservation Element

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

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

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

#### Agricultural Element

GOAL 1        Strengthen the agricultural sector of our economy.

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

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

GOAL 2 Conserve our agricultural lands for agricultural uses.

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

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

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

#### **ENVIRONMENTAL REVIEW**

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

#### **OPTIONS**

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

##### **Recommend denial:**

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

##### **Recommend adopting proposed ordinance, as is:**

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

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

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

**RECOMMENDATION**

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

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

\*\*\*\*\*

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

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

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

**21.20.030** Uses requiring use permit

*Add the following section:*

- G. Parking of tractor-trailers, and related equipment used in conjunction with the operation of a tractor-trailer, provided the following criteria are met:
1. At least one of the tractor-trailer combinations is registered to the property owner and the property owner lives on the parcel;
  2. The total number of tractors shall not exceed twelve and the total number of trailers shall not exceed two per tractor;
  3. The parcel on which parking will occur is one acre or more in size, the total area of the parcel used for the parking operation does not exceed 1.5 acres in size, and the area used for parking, including employee parking, shall not exceed fifty percent of the entire parcel;
  4. No off-loading of trailers shall occur on-site;
  5. All tractor-trailers parking on-site shall be in full operable condition for at least six consecutive months of every year;
  6. One on-site office, accessory to the tractor-trailer parking operation, not to exceed 1,200 square feet in size, may be maintained within an on-site dwelling or within an accessory structure provided all applicable building permits are obtained and public facility fees paid, if applicable;
  7. Access to the site shall be available without violation of any state, county or city roadway weight restrictions, and a driveway approach acceptable to the Department of Public Works is provided;
  8. Parking areas, including employee parking, and driveways shall be adequately graveled to reduce dust emissions and all parking areas shall be located outside any required front yard or corner lot side yard and delineated through fencing or vegetative landscaping to distinguish the authorized parking area;
  9. On-site maintenance of tractors and trailers shall be limited to oil and tire changes, light and windshield wiper replacements and checking fluids;
  10. No signs advertising parking of tractor-trailers and related equipment shall be placed on the property; and
  11. This subsection is intended to allow for the parking of tractor-trailers used to transport goods and materials and requiring a California commercial A license for operation on a public roadway. This subsection is not intended to allow the parking of commercial vehicles used for the transportation of people or pick-up trucks, tow trucks, delivery trucks, box trucks, fleet vehicles or other similar vehicles. Trucks used solely for permitted agricultural operations on site are exempt from this provision.

**SUPPLEMENTAL CHECKLIST FOR TRACTOR-TRAILER PARKING**

Does the property owner live on the property?  Yes  No

**PRODUCTS BEING HAULED:**

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

Specify types of materials and products being hauled: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ON-SITE TRUCK-TRACTOR AND TRAILER INFORMATION:**

Number of truck-tractors (please list): \_\_\_\_\_  
\_\_\_\_\_

Number of trailers (please list): \_\_\_\_\_  
\_\_\_\_\_

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

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

**SITE IMPROVEMENTS:**

Total size of parking area: \_\_\_\_\_

Proposed surface material for parking area: \_\_\_\_\_

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

**OPERATIONS:**

Operating hours and season: \_\_\_\_\_

**ADDITIONAL NOTES (attach additional sheets as necessary):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**STANISLAUS COUNTY**  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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**NOTICE OF EXEMPTION**

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

**Applicant Information:** Stanislaus County / 1010 10<sup>th</sup> 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:**
  - Present: Meeting called to order at 6:00 p.m.  
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 14<sup>th</sup> 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

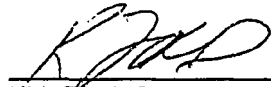
1. General Plan Housing Element Update
2. Two Parcel Map applications, one in the Waterford area, one in Denair
3. Two Use Permit applications, one for expansion of a greenhouse operation near Newman, and the other for an equestrian boarding and training facility
4. One Rezone application for an expansion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

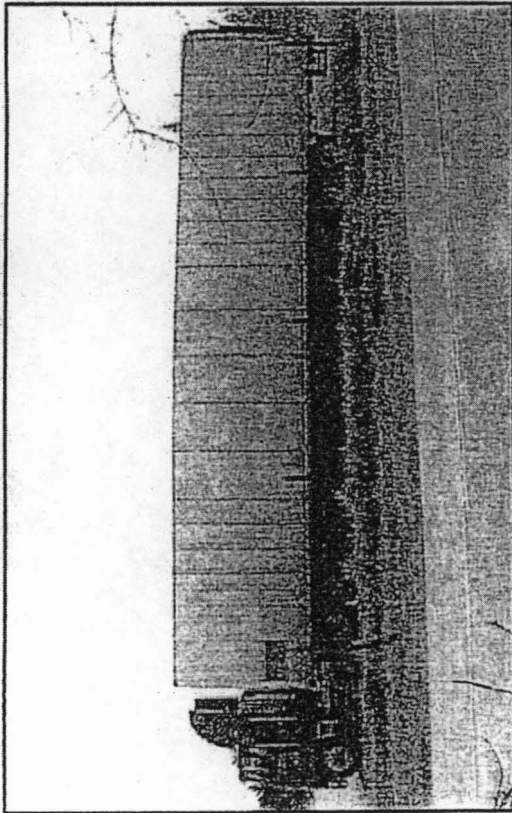


\_\_\_\_\_  
Kirk Ford, Secretary

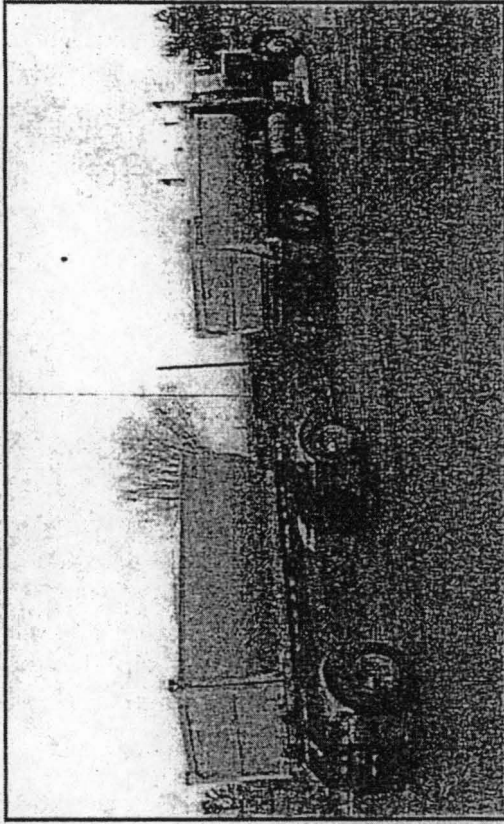
(The above is a summary of the minutes of the Planning Commission. Complete tape(s) of the meeting are available from the Planning Department.)

Permitted

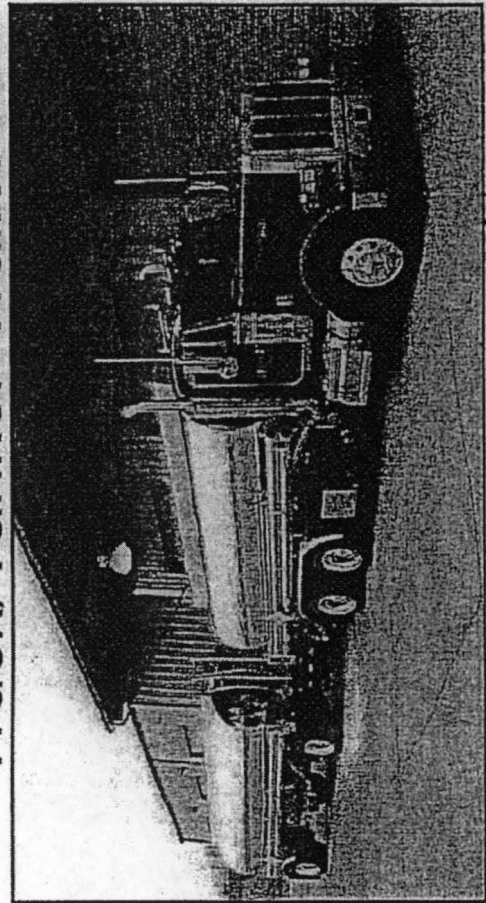
Tractor-Trailer



Truck/Trailer-Trailer

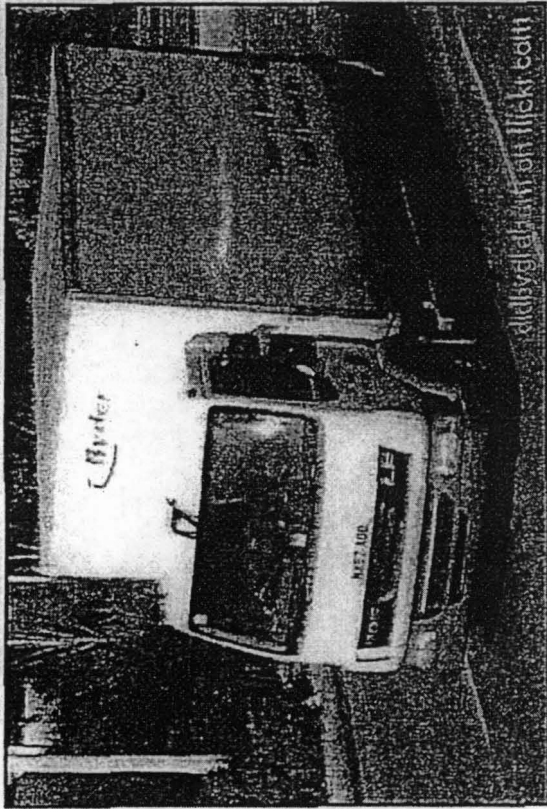


Truck/Tanker-Trailer



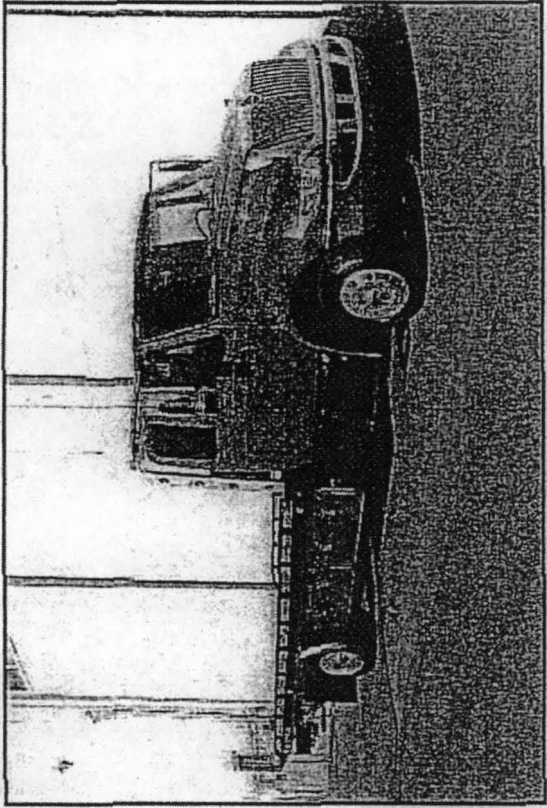
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# Non-Permitted

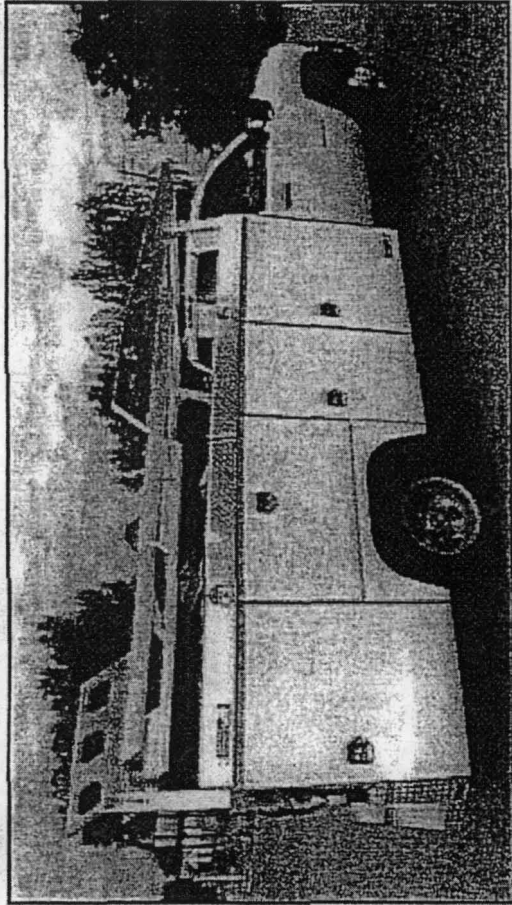


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didbygraham on flickr.com



fleetsaleswest.com



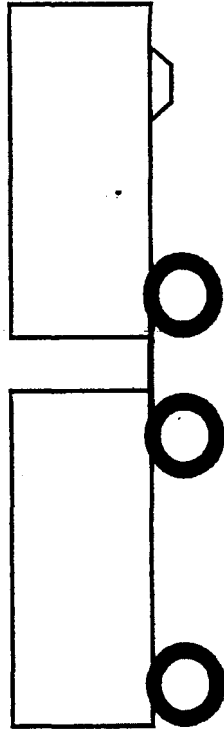
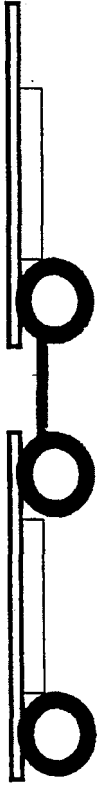
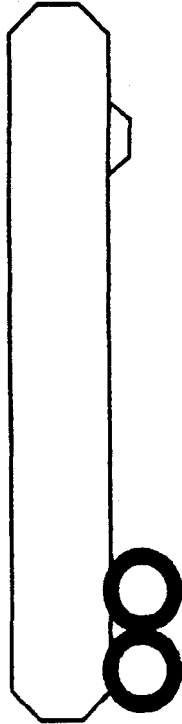
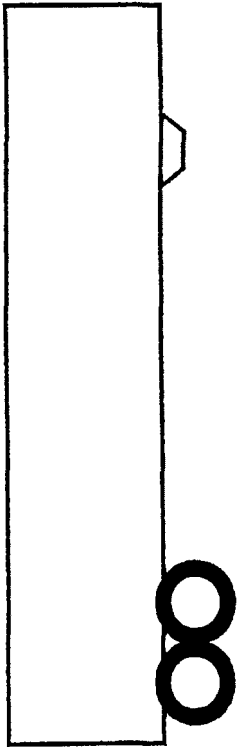
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Trailers

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 25 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:

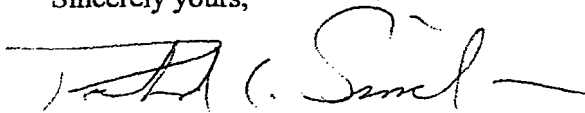
I attach a copy of a letter sent to Supervisor O'Brien, which my clients have requested I also submit to you. I would be happy to review the contents of these matters with you.

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 black ink, appearing to read "Richard C. Sinclair". The signature is fluid and cursive, with a large initial "R" and "S".

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.

PowerPoint Presentation

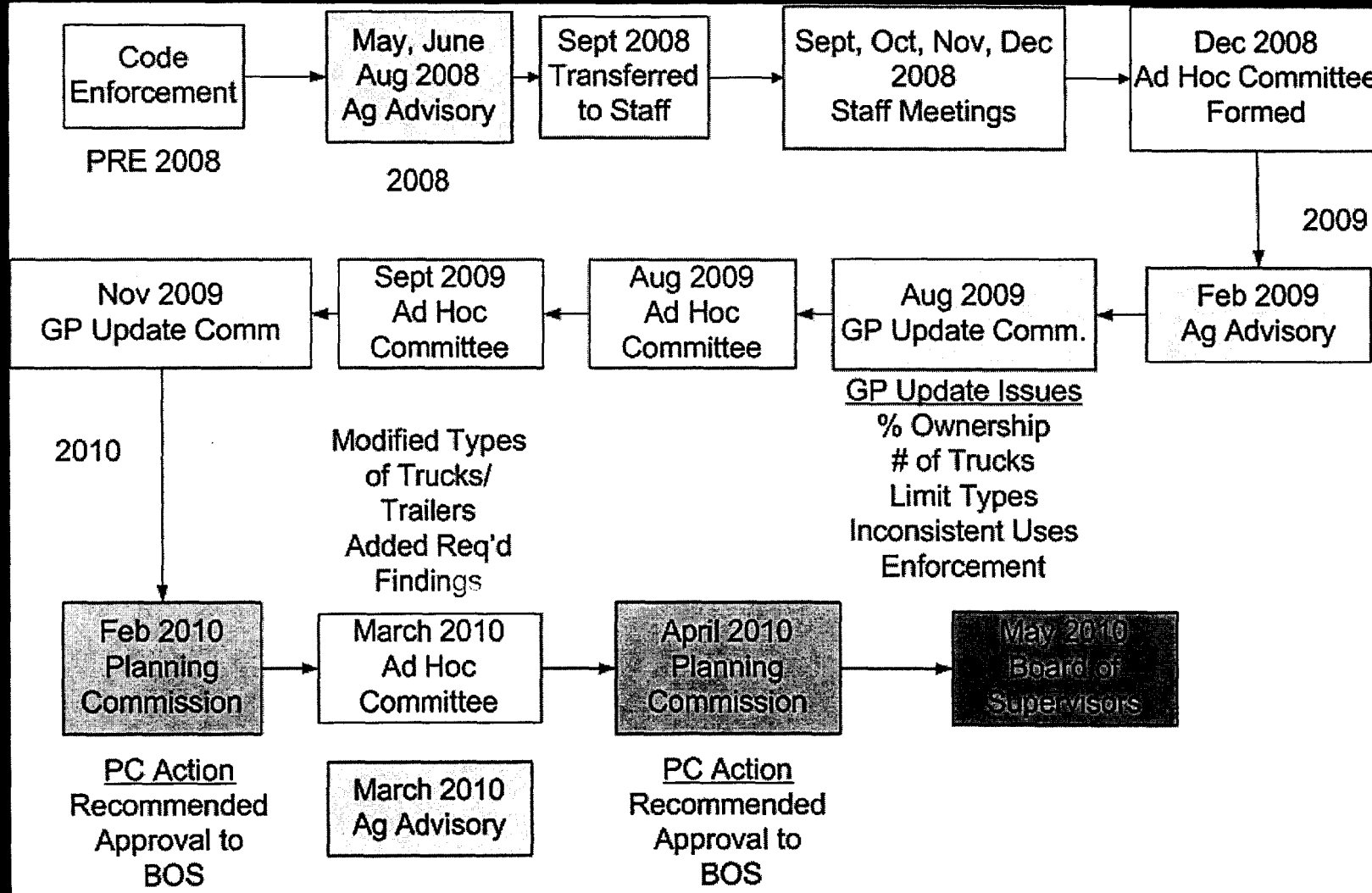
# **TRUCK PARKING IN THE A-2 (GENERAL AGRICULTURE) ZONING DISTRICT**

# PROPOSED ORDINANCE



# PROPOSED ORDINANCE

# BACKGROUND

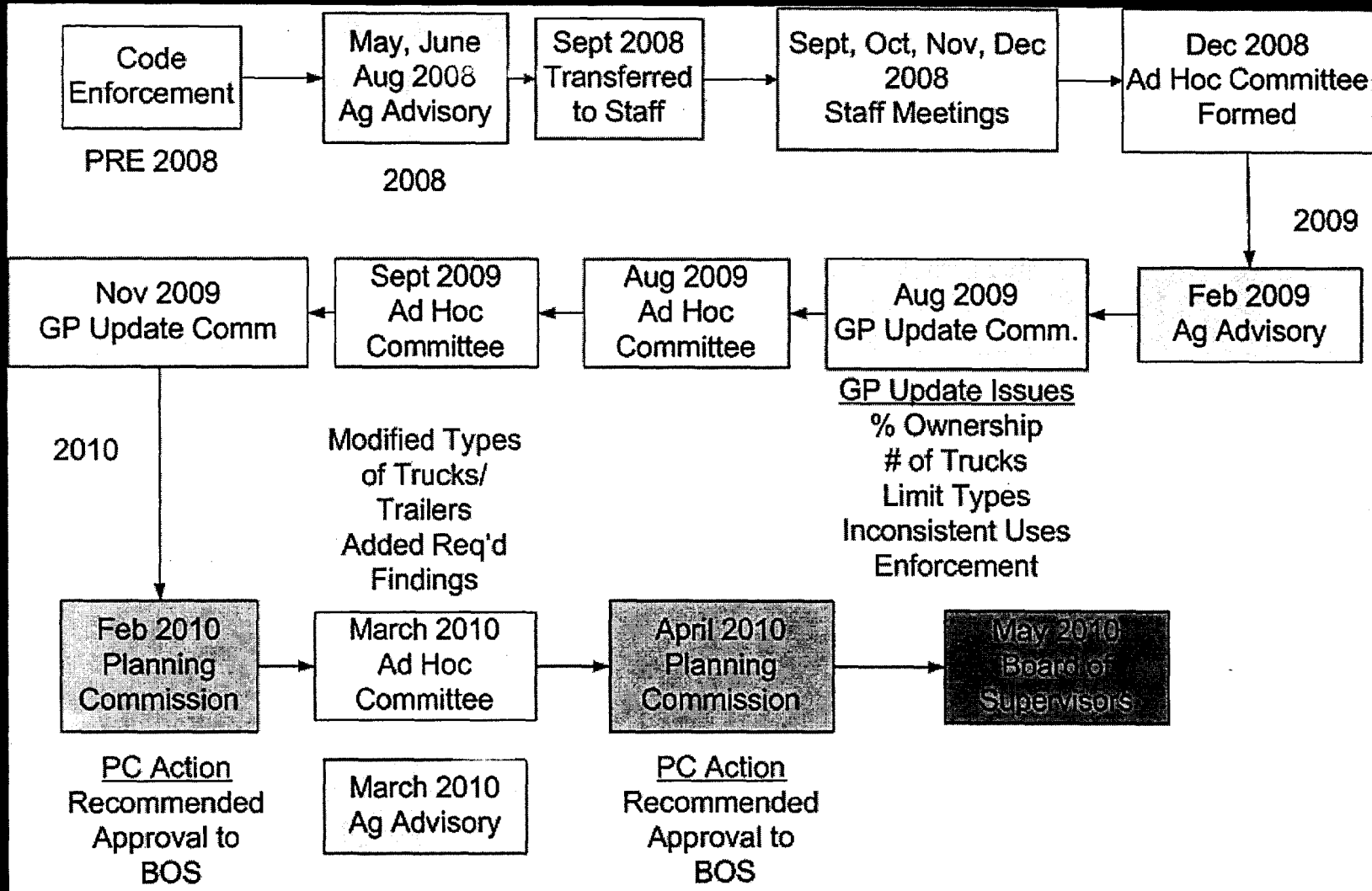


# PROPOSED ORDINANCE

# BACKGROUND

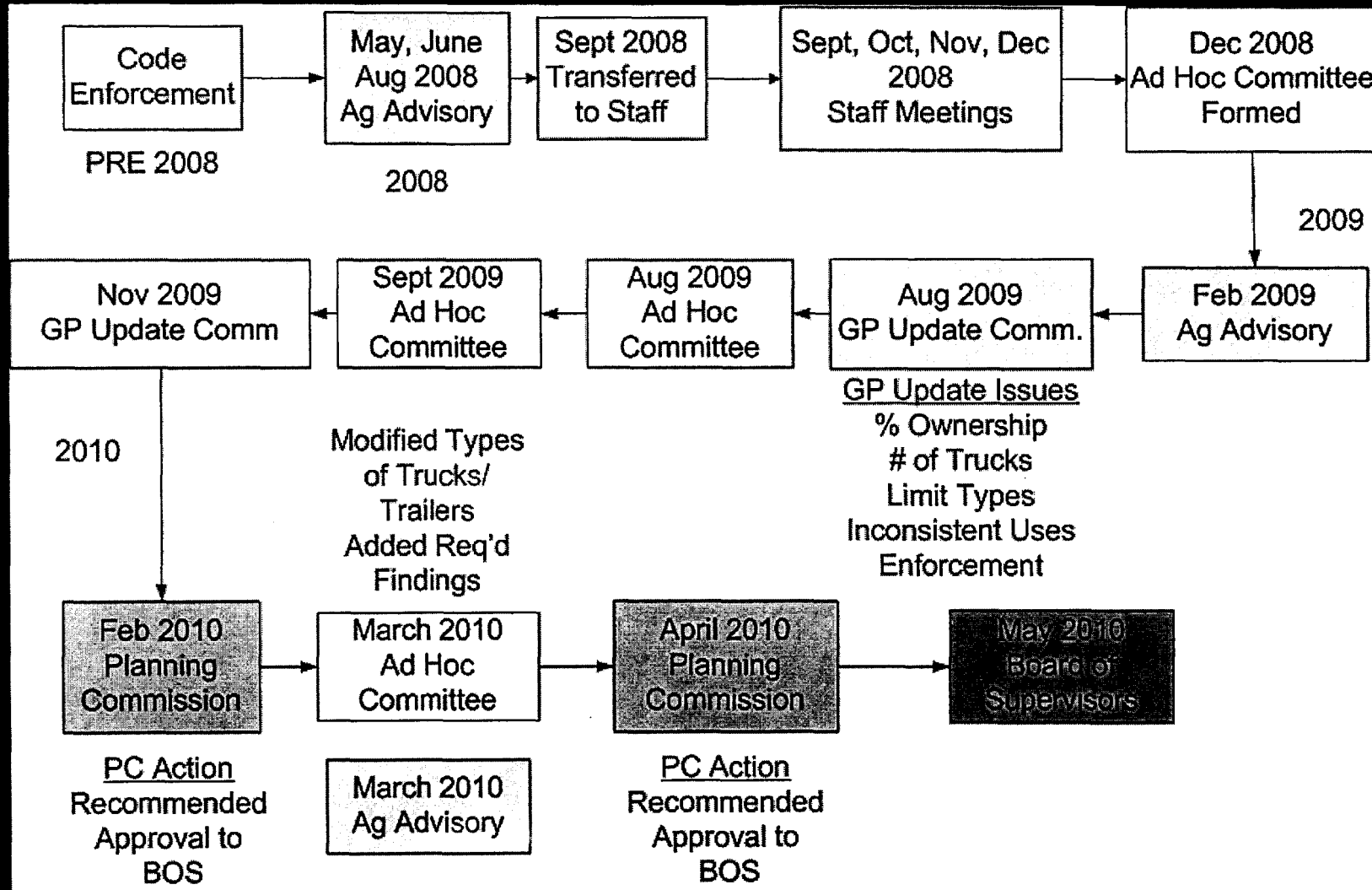
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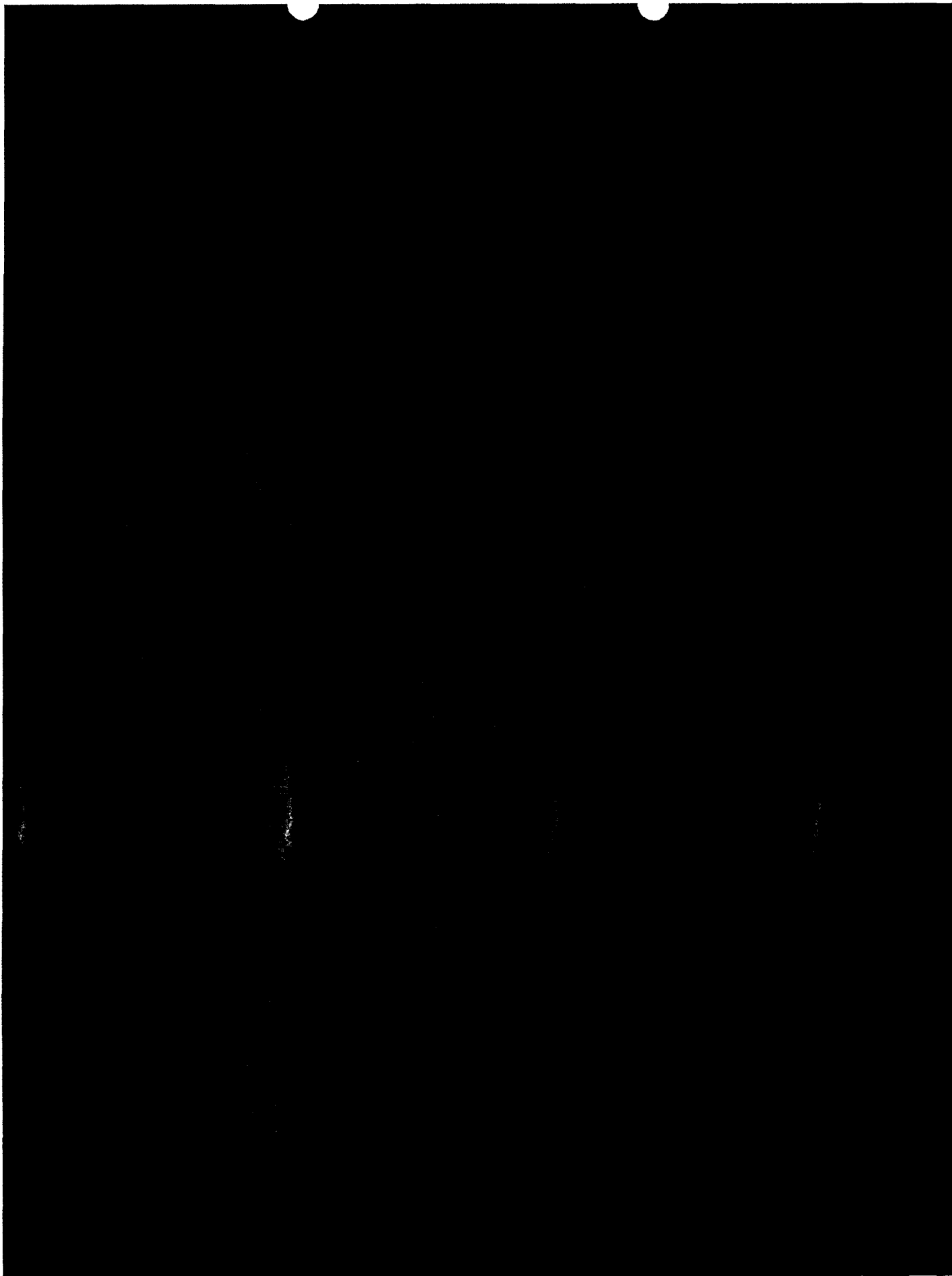


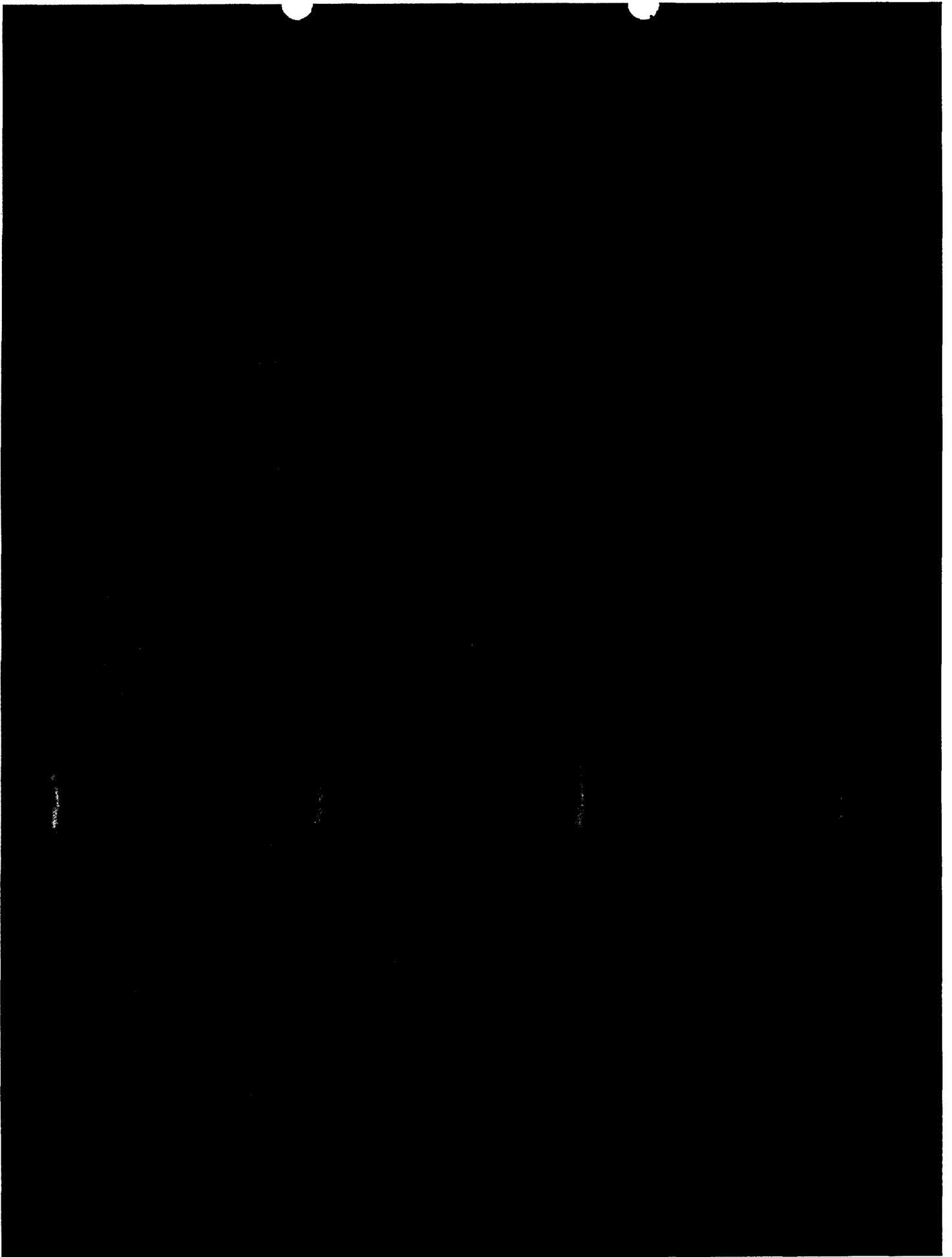
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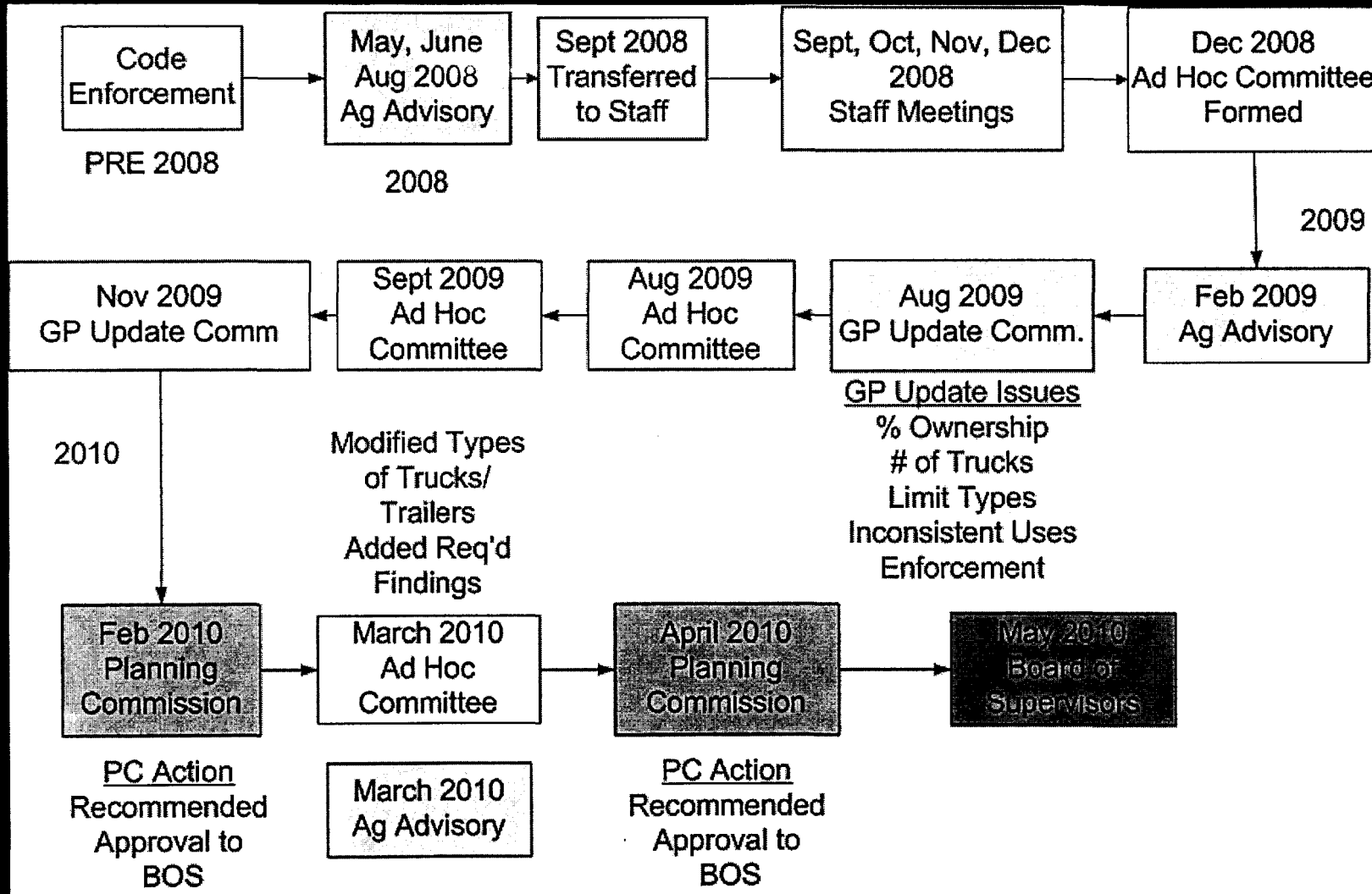


# PLANNING COMMISSION

# PLANNING COMMISSION

# POST-PLANNING COMMISSION

# BACKGROUND



# PROPOSED ORDINANCE

# PROPOSED ORDINANCE



# PROPOSED ORDINANCE

# PROPOSED ORDINANCE

# 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): \_\_\_\_\_

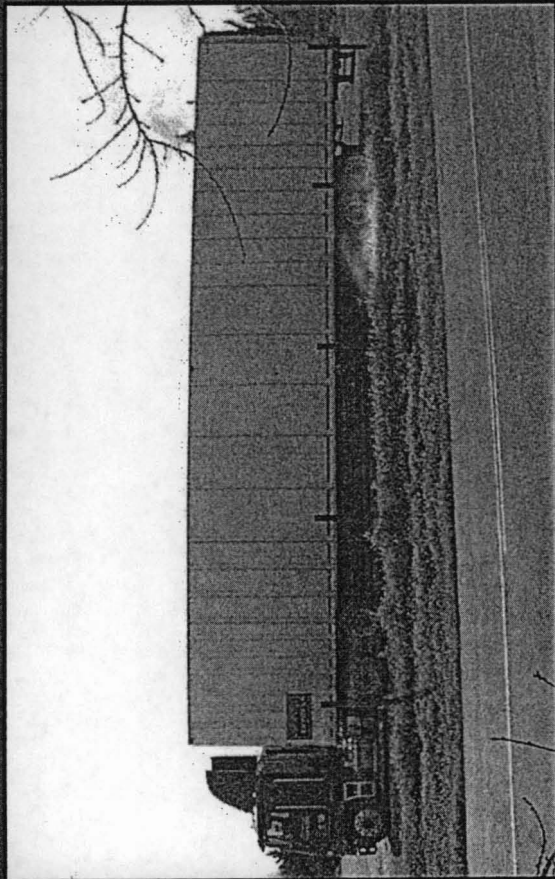
### OPERATIONS:

Operating hours and season: \_\_\_\_\_

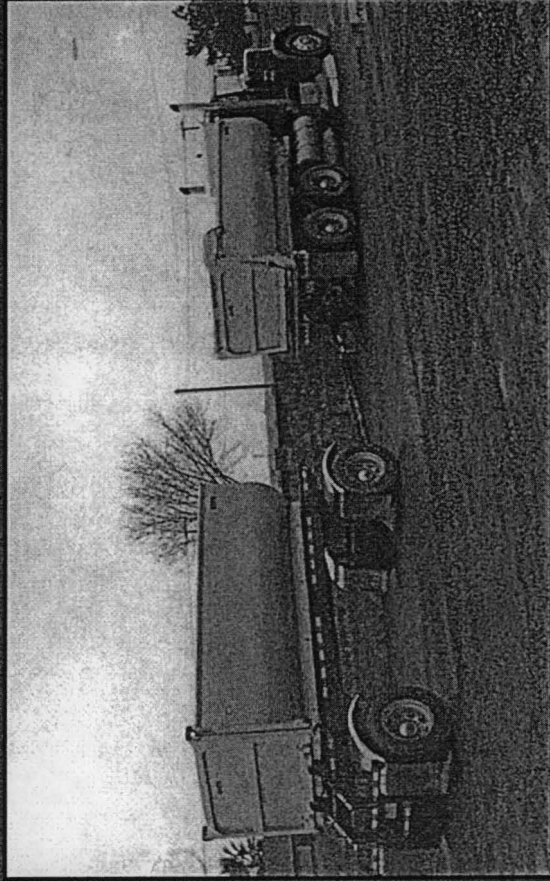
ADDITIONAL NOTES (attach additional sheets as necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# TERMINOLOGY – TRUCK TYPES

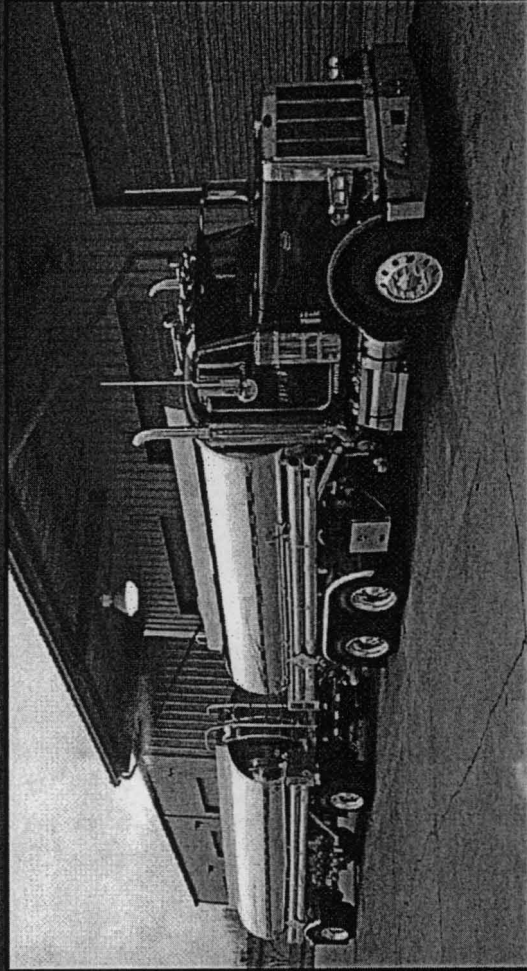
Tractor-Trailer



Truck/Trailer-Trailer



Truck/Tanker-Trailer

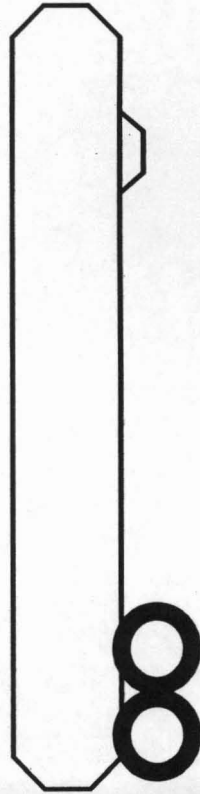
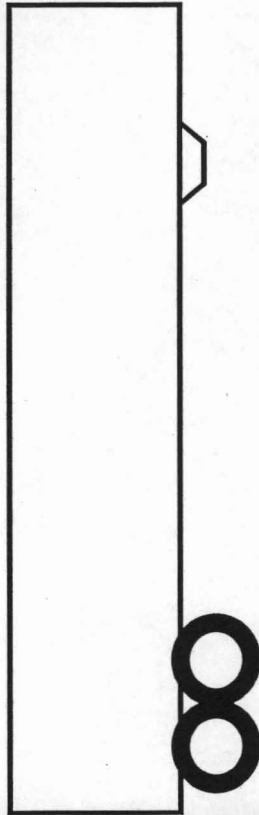


safetycamp.com

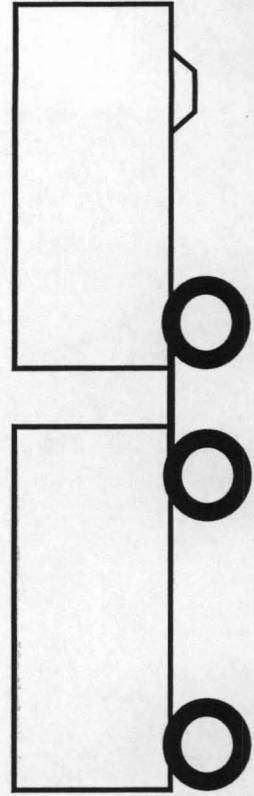
# TYPES OF TRAILERS

*Set of Doubles = 1 trailer*

## Semi-Trailers



## Doubles

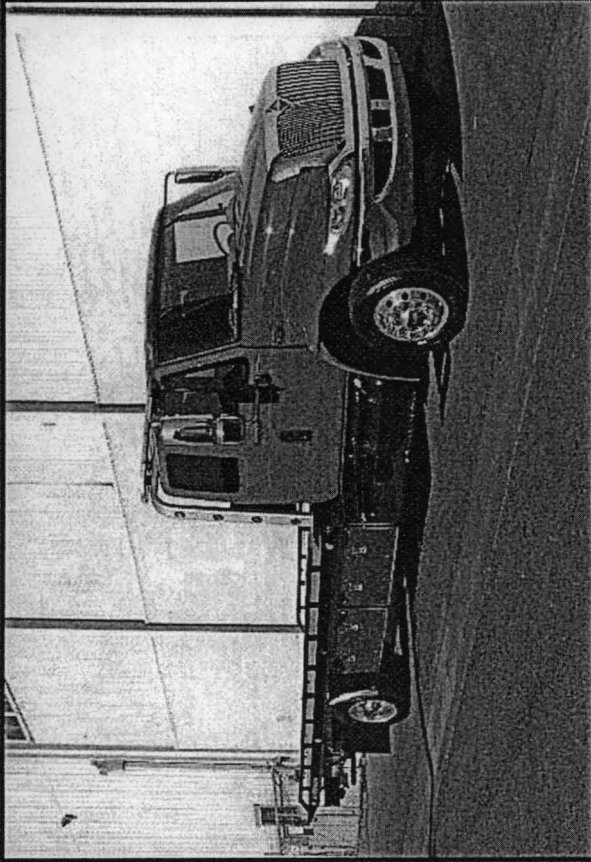


# NON-PERMITTED TRUCKS

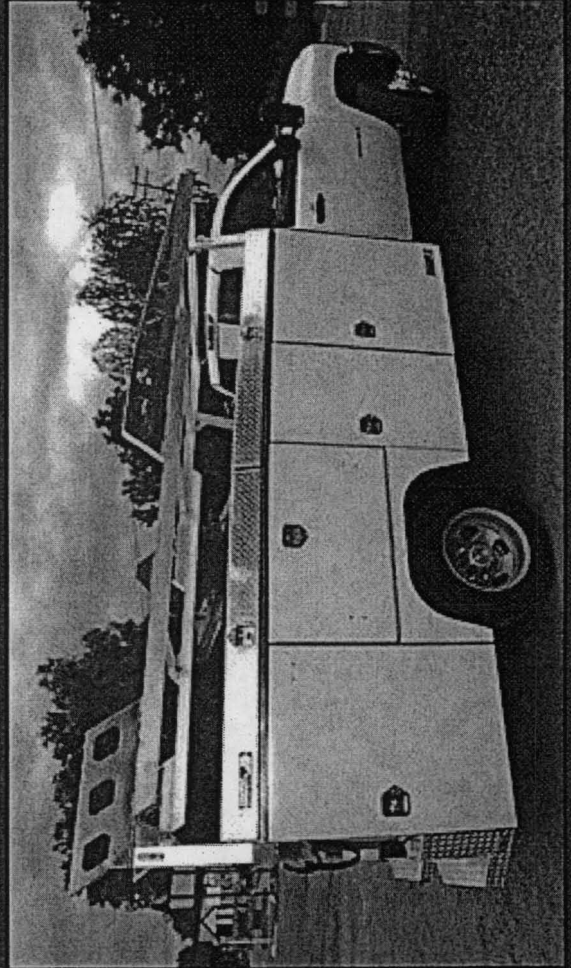


didbygraham on flickr.com

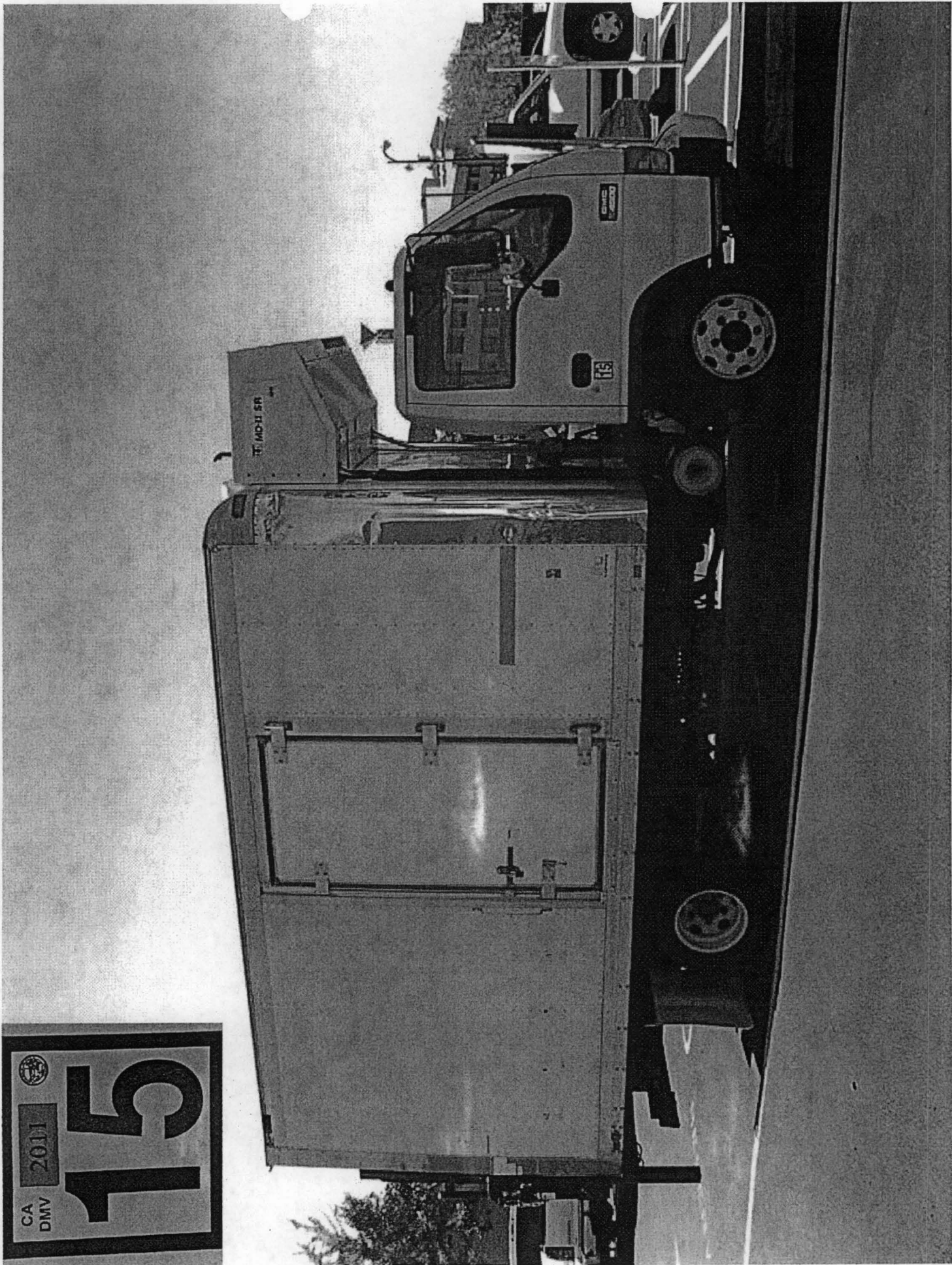
didbygraham on flickr.com



fleetsaleswest.com



800toolbox.com

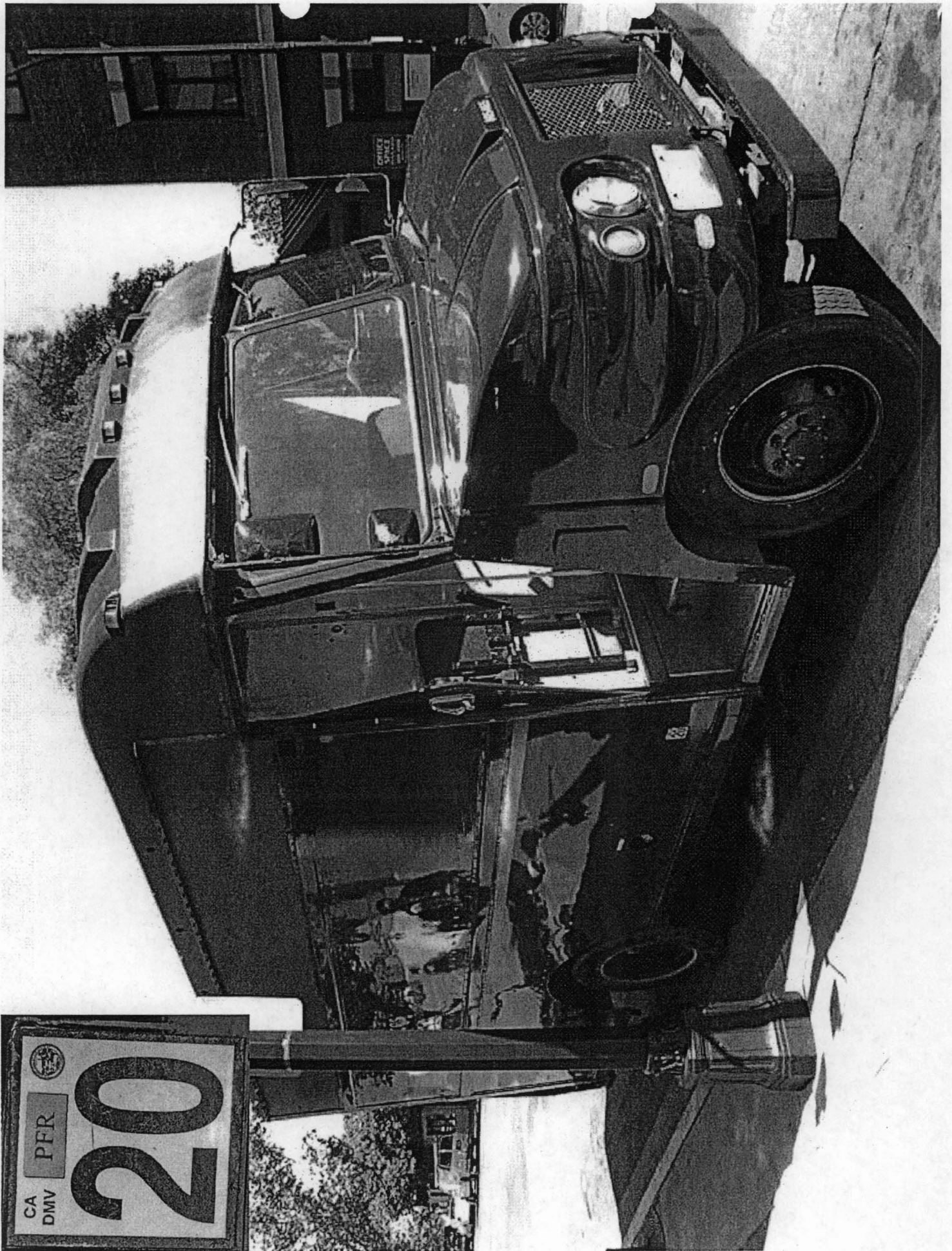


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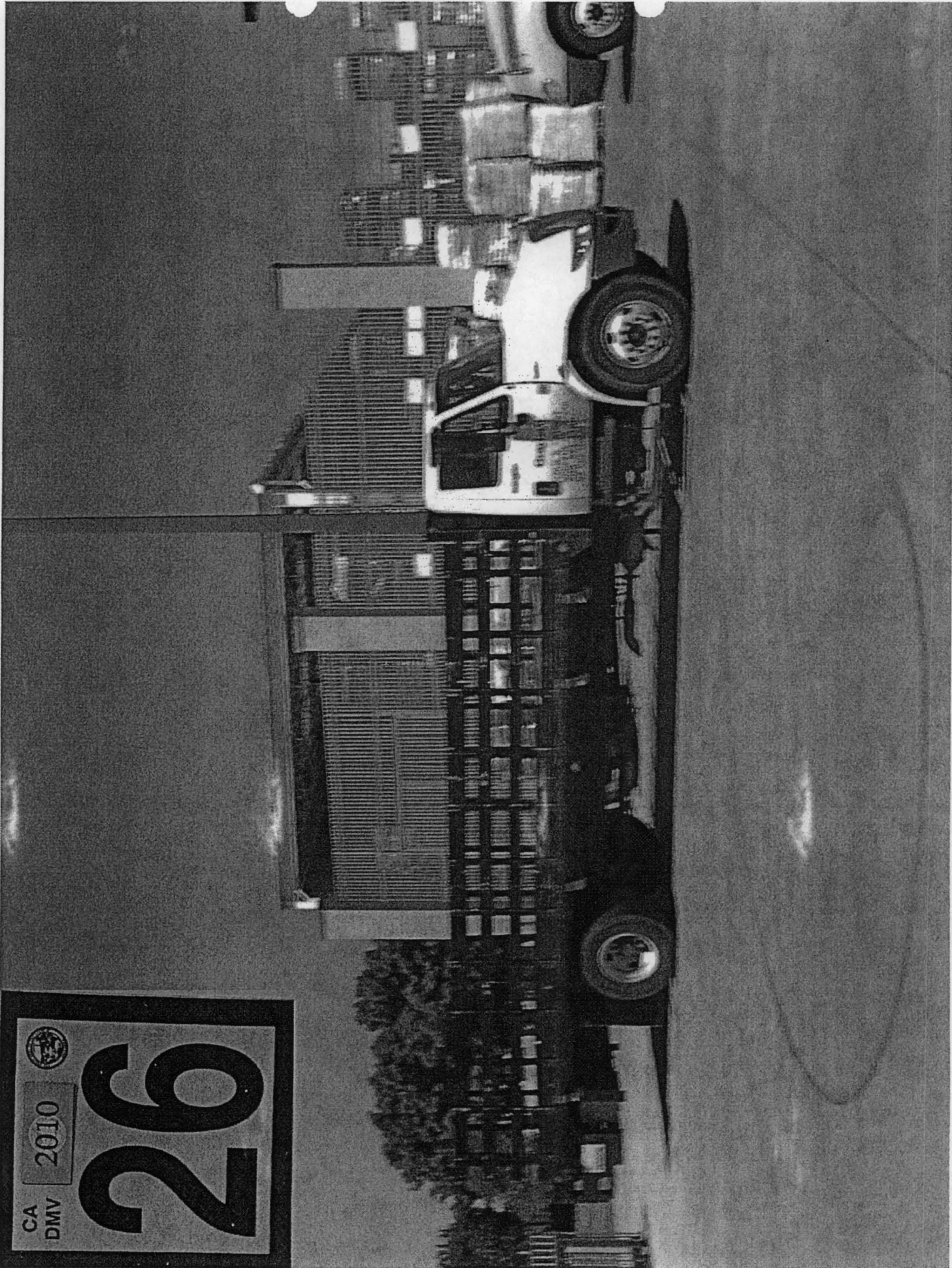
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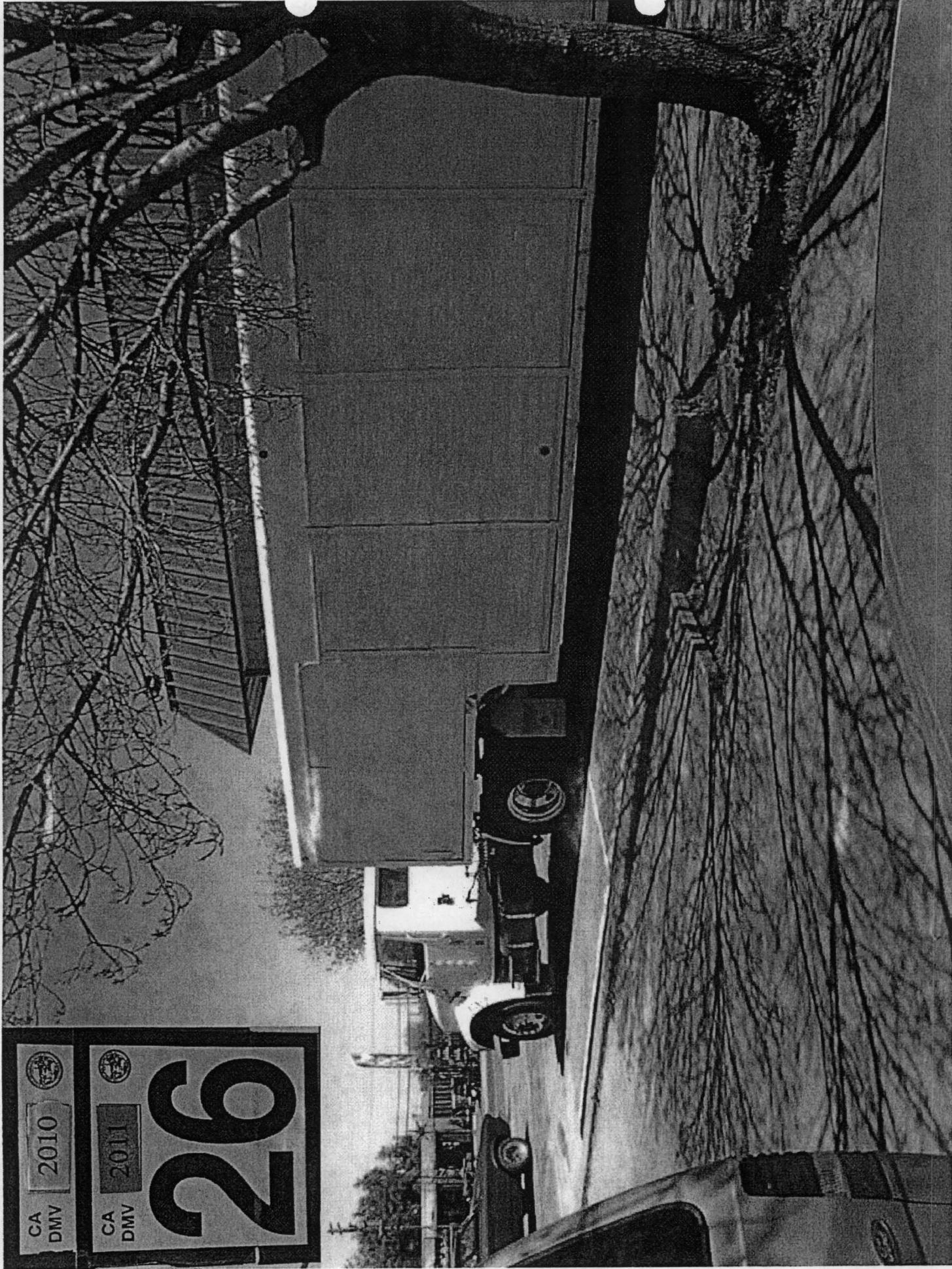
CA DMV 2011 15

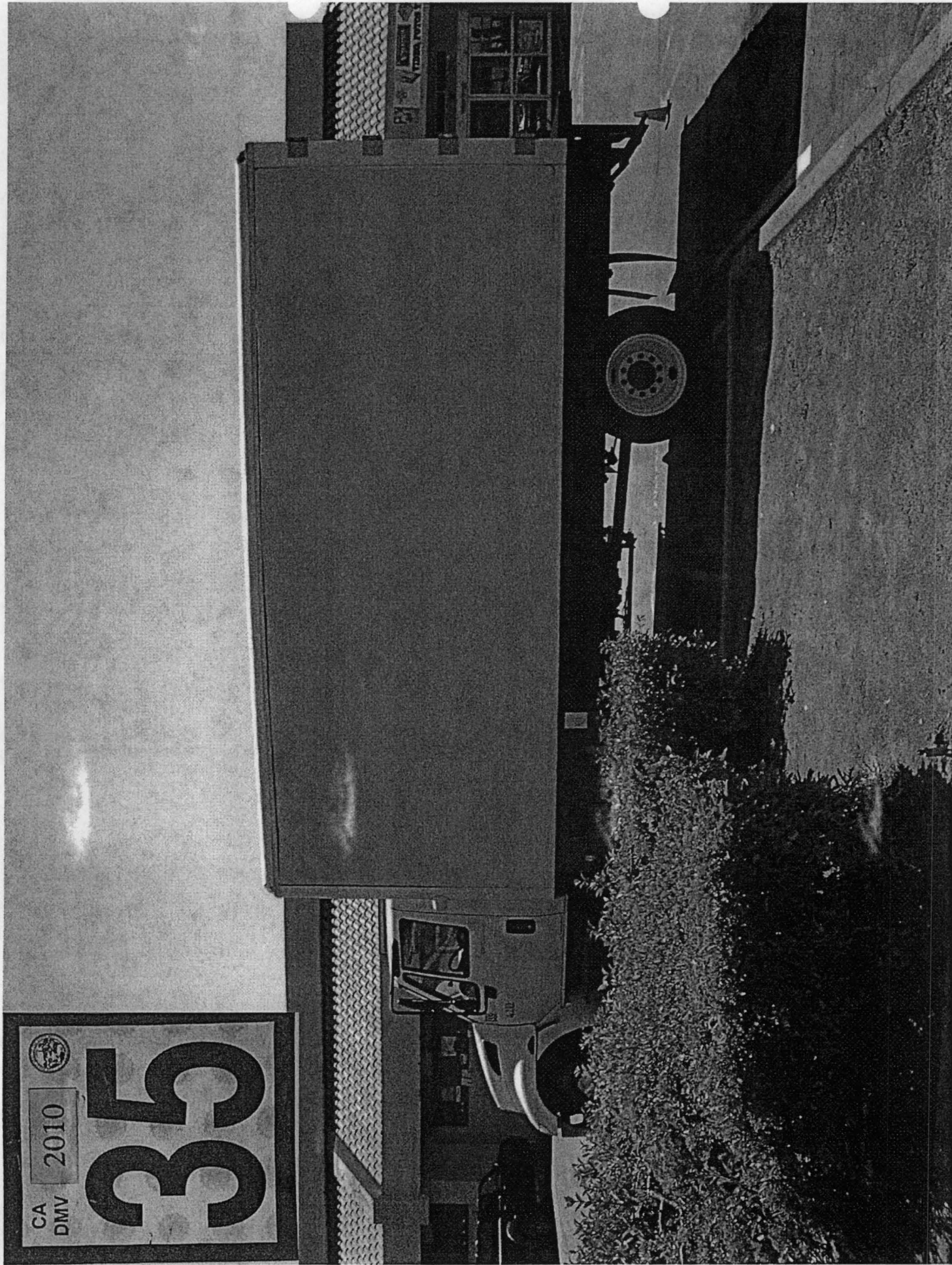




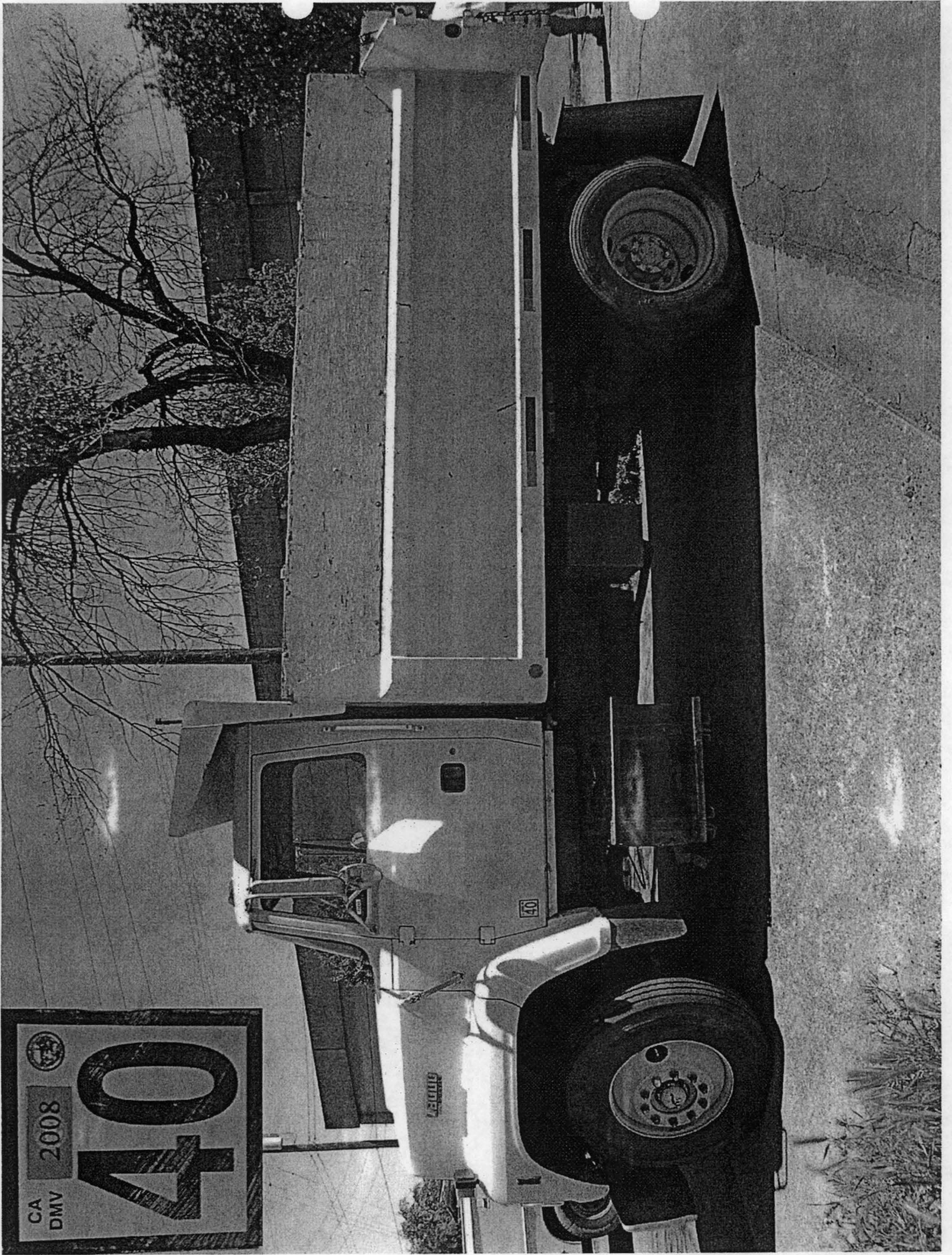
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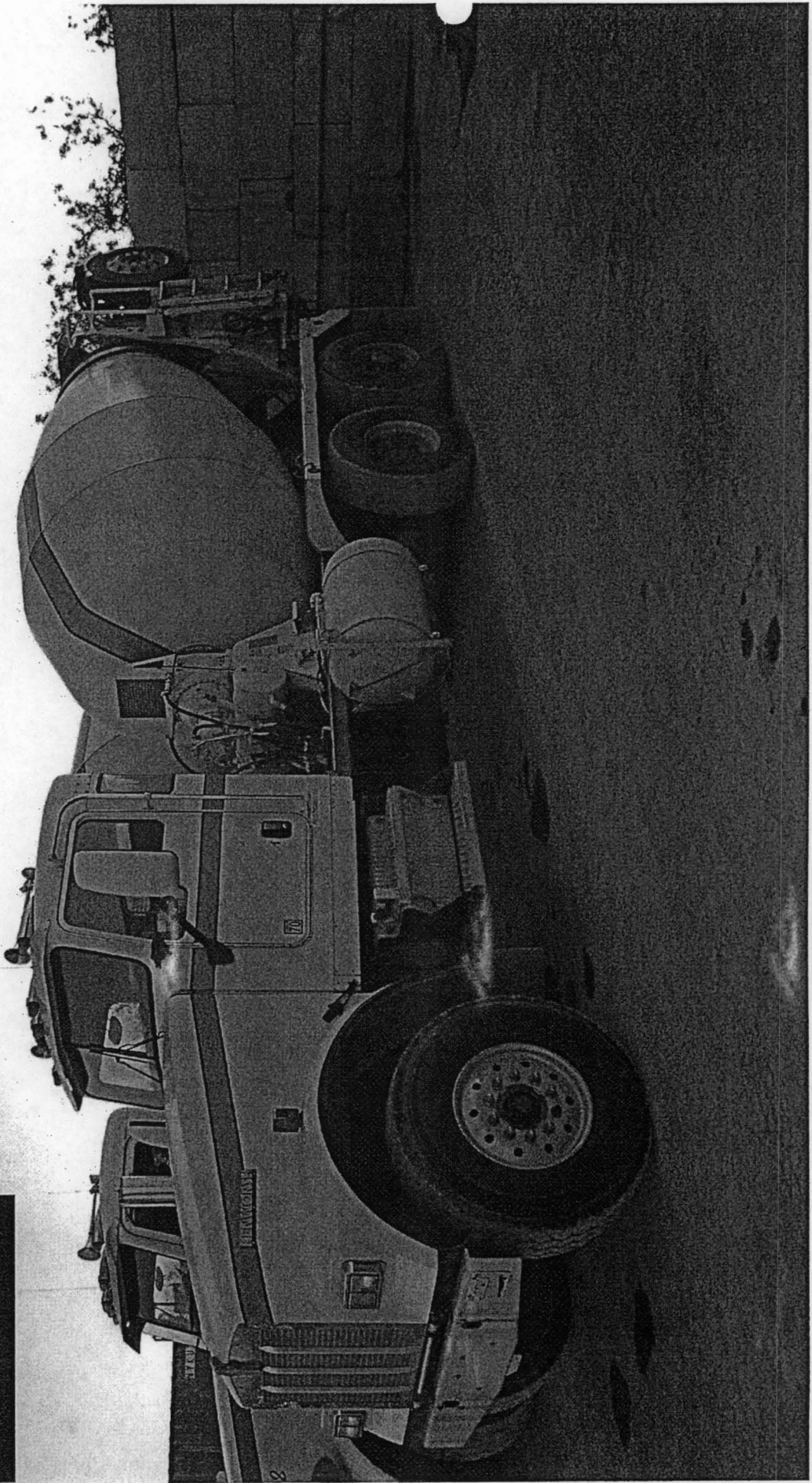
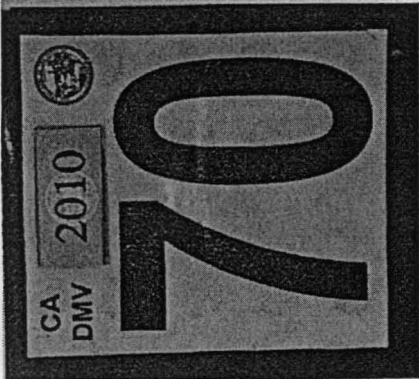




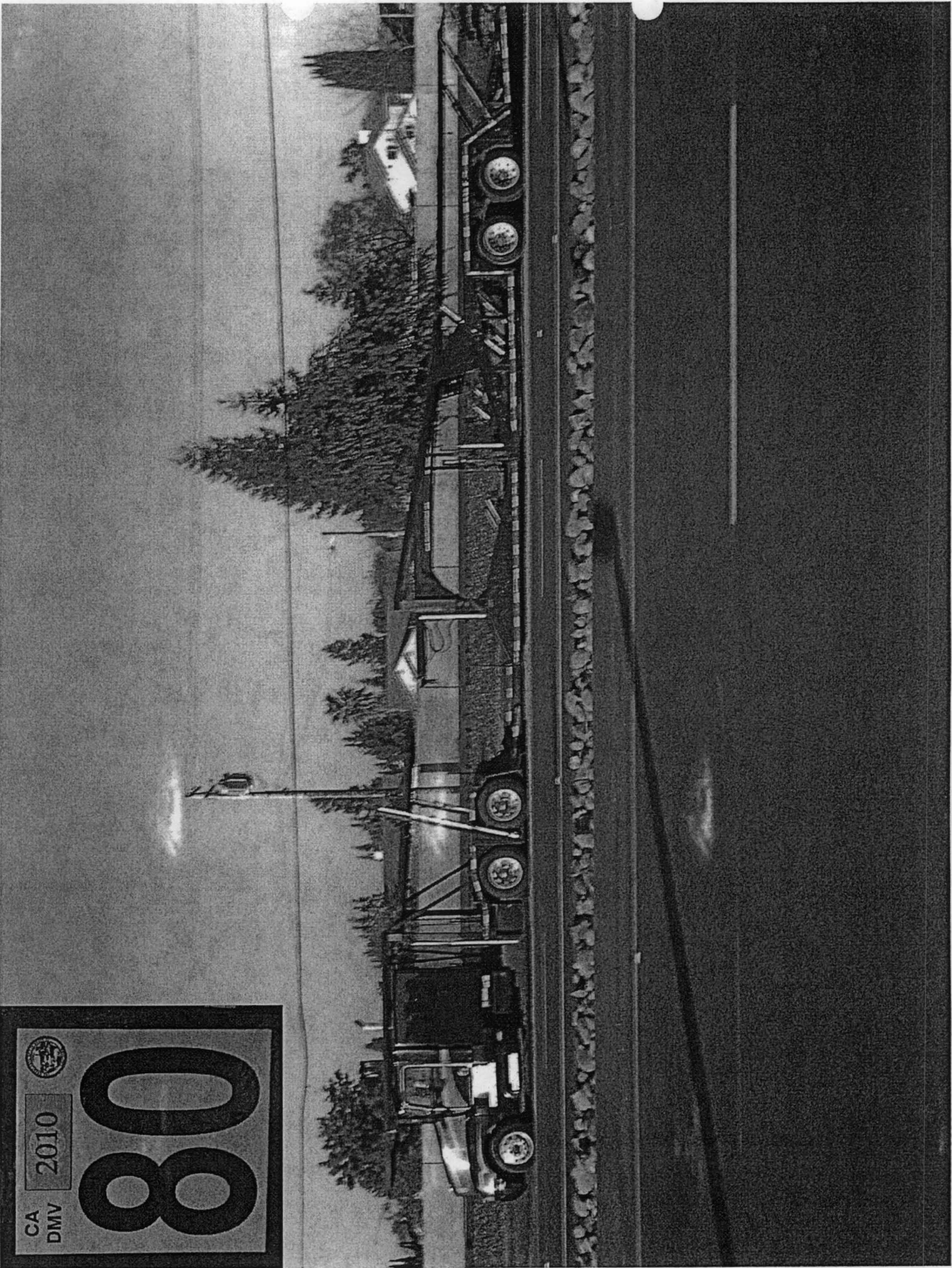
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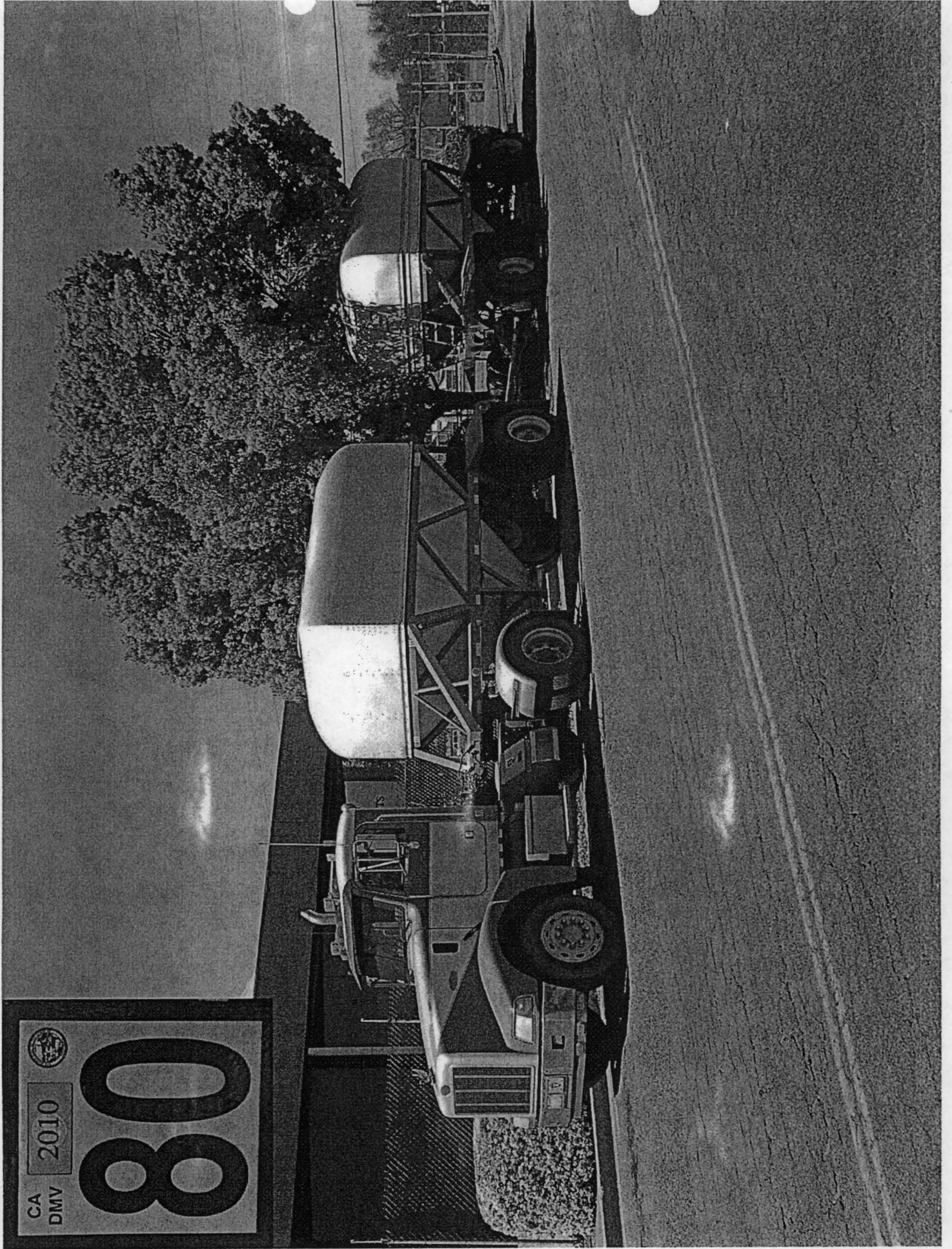
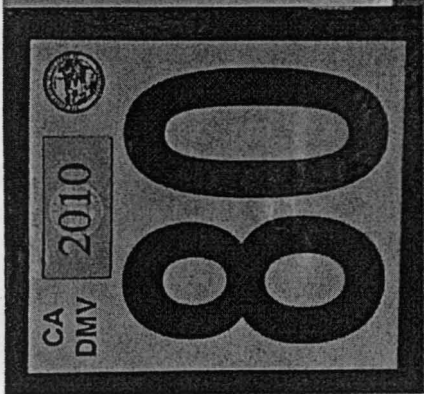


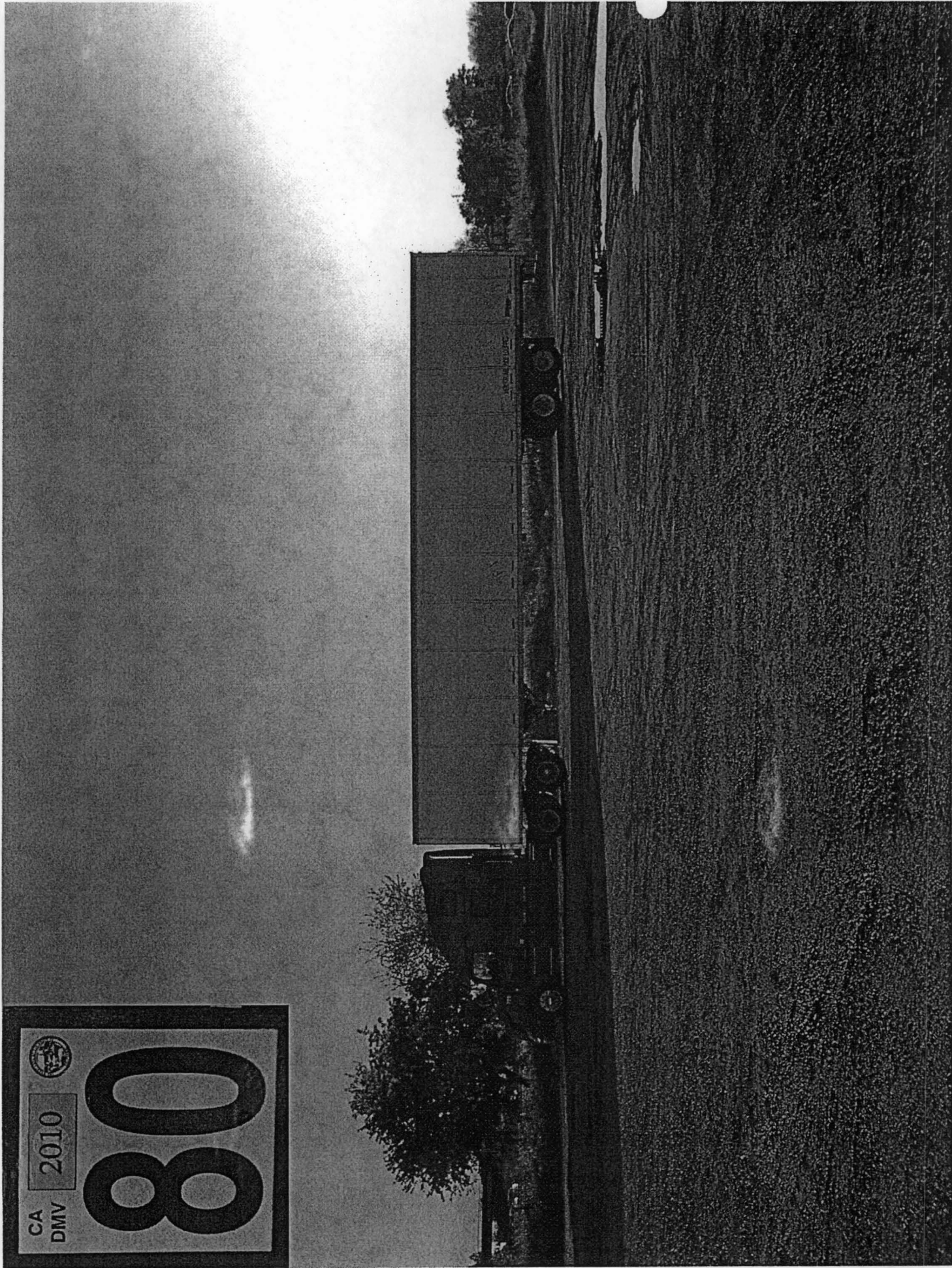
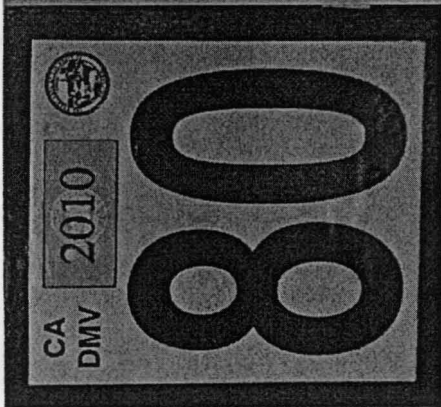
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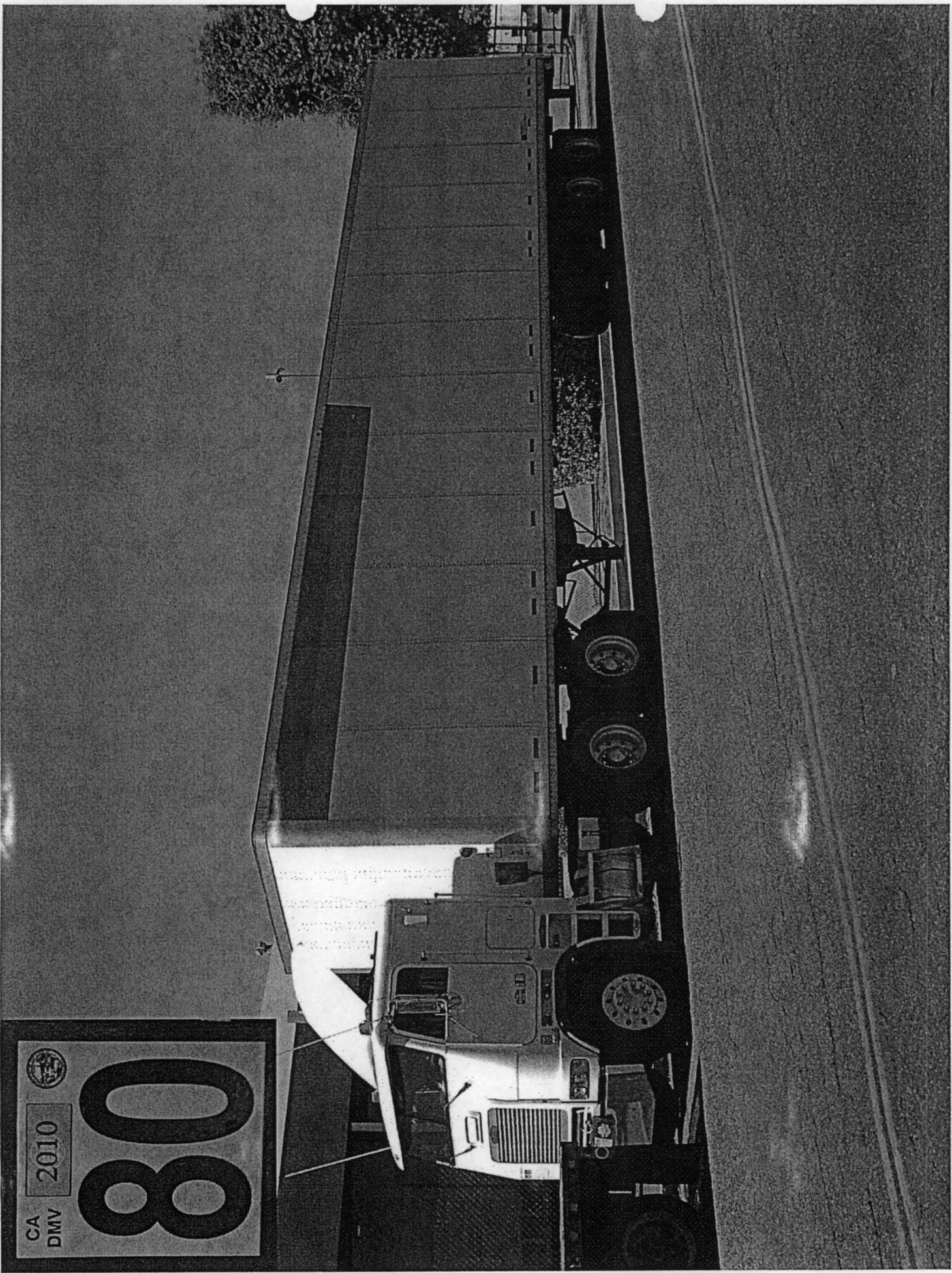
CA DMV 2010 80











CA DMV 2010

80

# PLANNING COMMISSION

# PLANNING COMMISSION

# PLANNING COMMISSION RECOMMENDATION

# **PROPOSED ORDINANCE**

**Amendment No. 2009-01**

## Truck Parking in the A-2 Zone Options

### **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, 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

	Benefits	Challenges
<b>Amnesty</b>  - Allow the existing trucking operations to continue operating with no permits or approval	<ul style="list-style-type: none"> <li>&gt; Allows current operators to continue</li> <li>&gt; Prevents current trucks from parking on County roads</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Sets a bad precedence</li> <li>&gt; Does not address complaints</li> <li>&gt; No oversight</li> <li>&gt; Unfair to all previous truck parking operation applicants</li> </ul>

*\* Rejected by Ad-Hoc Committee*

<b>Registered Non-Conforming Commercial Truck Parking</b>  - Registers existing operations - Files with Planning Department - Specific standards - Has to have been established within a specific time frame	<ul style="list-style-type: none"> <li>&gt; Legalizes current trucking operations</li> <li>&gt; Limits impact with specific time frames</li> <li>&gt; No public hearing and low costs</li> <li>&gt; Has development standards</li> <li>&gt; Prevents current trucks from parking on County roads</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Inconsistent with the General Plan</li> <li>&gt; No clear standards to determine establishment dates</li> <li>&gt; May be unfair business practice</li> <li>&gt; May open the A-2 zone to more trucking operations</li> </ul>
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*\* Rejected by Ad-Hoc Committee*

<b>Ag-Service Establishment</b>  - Includes indirect trucking activities such as back-hauling of non-agricultural products  - Requires a Use Permit for an Ag-Service Establishment  - Requires that the trucks be associated with an existing Agricultural operation	<ul style="list-style-type: none"> <li>&gt; Maintains integrity of Ag-Service Establishment</li> <li>&gt; Allows approval on a case by case basis</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Will not be the majority of trucking operations</li> <li>&gt; Difficult to monitor what is being hauled</li> <li>&gt; Difficult to monitor "service area"</li> <li>&gt; Just allows backhauling of non-ag products</li> <li>&gt; May cause more parking on County roads</li> </ul>
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*\* Rejected by Ad-Hoc Committee*

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**Adopt Use Permit Ordinance Amendment Only**

- Use Permit required
- Environmental review
- Specific guidelines to follow
- Must make Use Permit findings
- Max of 12 trucks and related equipment
- 2nd version is for 4-12 trucks

- > All operations will require County approval
- > Environmental review
- > Trucks off roads
- > Security for operators
- > Specific to truck-trailer combinations
- > Limits acreage allowed for parking
- > May prevent parking on County roads

- > May be viewed as similar to weddings in the A-2 Zone
- > May not be feasible for smaller operations
- > Will open the A-2 zone to more trucking operations
- > Number of trailers may be difficult to enforce
- > Maintenance may be difficult to enforce
- > Operation may expand beyond just parking
- > Other commercial vehicles are excluded
- > May open up the A-2 zone to commercial and industrial uses
- > Inconsistent with previous truck parking decisions

*\* Reviewed and recommended to the Planning Commission by the Ad-Hoc Committee.*

*\* Planning Commission has recommended approval.*

*\* Motion did not pass with the Board of Supervisors*

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**Limit Use Permits to County Corridors**

- Allows only sites within a .5 to 2 mile radius of a state highway to apply
- Also considers using "J" Routes
- .5-2 mile radiuses were reviewed

- > Will assist those already operating at a site near a state highway
- > Limits operations to only specific regions of the County
- > Limits acreage allowed for parking
- > May prevent parking on County roads

- > Area consists of most of the County
- > Difficult to enforce (distance)

*\* Rejected by Ad-Hoc Committee*

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**Adopt Home Occupation Ordinance Amendment Only**

- Allow 3 truck-trailer combinations
- Only requires a business license
- Must be zoned A-2

- > Review and approval is simpler
- > Will address many smaller scale trucking operations
- > Specific to truck-trailer combinations
- > Many current trucking operations would qualify
- > Limits acreage allowed for parking
- > May prevent parking on County roads

- > Does not address larger scale operations
- > No improvements or delineation required
- > Number of trailers may be difficult to enforce
- > Maintenance may be difficult to enforce
- > Other commercial vehicles are excluded

*\* Reviewed and recommended to the Planning Commission by the Ad-Hoc Committee*

*\* Planning Commission has not reviewed this option.*

*\* Board of Supervisors has not reviewed this option.*

<b>Adopt Ordinance Amendments (Use Permit &amp; Home Occupation)</b> <i>- Includes both ordinance amendments.</i>	<ul style="list-style-type: none"> <li>&gt; Larger operations would still be approved by the Planning Commission</li> <li>&gt; Environmental review on larger operations</li> <li>&gt; Trucks off road</li> <li>&gt; Security for operators</li> <li>&gt; Specific to truck-trailer combinations</li> <li>&gt; Review and Approval will be simple for smaller operations</li> <li>&gt; Most operations would qualify under the Home Occupation</li> <li>&gt; Limits acreage allowed for parking</li> <li>&gt; May prevent parking on County roads</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Similar to weddings in the A-2 zone</li> <li>&gt; Will open the A-2 zone to more trucking operations</li> <li>&gt; Number of trailers may be difficult to enforce</li> <li>&gt; Maintenance may be difficult to enforce</li> <li>&gt; No improvements or delineation required on smaller operations</li> <li>&gt; Operation may expand beyond just parking</li> <li>&gt; May open up the A-2 zone to commercial and industrial uses</li> <li>&gt; Inconsistent with previous truck parking decisions</li> </ul>
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*\* Reviewed and recommended to the Planning Commission by the Ad-Hoc Committee*

*\* Planning Commission has not reviewed this option.*

*\* Board of Supervisors has not reviewed this option.*

<b>Use Permit allowing all Commercial Vehicles</b> <i>- Allow all commercial vehicles to park, not just tractor-trailer combinations</i> <i>- Use Permit required</i> <i>- Environmental review required</i>	<ul style="list-style-type: none"> <li>&gt; <i>Some vehicles may have less of an impact than a tractor-trailer combination</i></li> <li><i>Limited to 1.5 acres</i></li> </ul>	<ul style="list-style-type: none"> <li>&gt; <i>May be a significant increase in parking businesses in the A-2 zone</i></li> <li>&gt; <i>Inconsistent with the Ad-Hoc Committee's goals</i></li> </ul>
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*\* Ad-Hoc Committee has not reviewed this option*

*\* Planning Commission has not reviewed this option*

*\* Board of Supervisors has not reviewed this option*

<b>Use Permit allowing all Commercial/Industrial Uses</b> <i>- Allow all commercial and industrial uses on 1.5 acres of A-2 zoned properties</i> <i>- Use permit required</i> <i>- Environmental review required</i>	<ul style="list-style-type: none"> <li>&gt; <i>Limited to 1.5 acres</i></li> </ul>	<ul style="list-style-type: none"> <li>&gt; <i>Inconsistent with Ad-Hoc Committee goals</i></li> <li>&gt; <i>Inconsistent with the General Plan</i></li> <li>&gt; <i>Will open the A-2 zone to non-agricultural uses</i></li> <li>&gt; <i>Including all commercial/industrial uses may be people intensive</i></li> </ul>
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*\* Ad-Hoc Committee has not reviewed this option*

*\* Planning Commission has not reviewed this option*

*\* Board of Supervisors has not reviewed this option*

<b>Leave Ordinance As Is</b>	<ul style="list-style-type: none"> <li>&gt; Keep A-2 zone as agriculture</li> <li>&gt; May prevent industrial and commercial uses in Ag zone</li> <li>&gt; Consistency with previous truck parking applications</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Truckers will be forced to move their trucks</li> <li>&gt; Trucks will continue to park on roads</li> <li>&gt; Will affect truckers operational costs</li> </ul>
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Other Alternatives as determined by BOS > N/A

> N/A

**Javier Camarena - regarding 2009-01 truck parking in ag zone**

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**From:** Mr B r a d <jhill\_81@yahoo.com>  
**To:** <planning@stancounty.com>  
**Date:** 2/21/2012 4:05 PM  
**Subject:** regarding 2009-01 truck parking in ag zone  
**CC:** frank ploof <mbeguy@gmail.com>

---

Thank you for the Notice regarding this.

We have had many many complaints at the Salida town meeting regarding truck parking.

- 1)Noise from the trucks coming and going.
- 2)Noise from the trucks warming up the diesel engines. somtimes at 3am!
- 3)Noise from the use of the 'Jake-Brake' , some thing that is banned and signs are posted for in many community's.
- 4)Noise from the LP engine that keep the cargo cold on refer box trucks.
- 5)Air pollution and also the (6)small particulate mater ( soot etc ) exhausted from the burning of the carbon based fuel. Exsposer to small particulate mater has been recently linked to early onset of mental dementia and is well know for health effects particularly in developing children lung and nerves systems.

Other complaints regarding truck parking in our area

Truck drivers have a high view and can see over fences and also into second story windows generating privacy concerns from residents.

Of course trucks parked along and entering / exiting the roadway also create more hazards for pedestrians and other local traffic and takes a might toll of stress to our all ready pot hole riddled local roads.

I also feel our county should set set aside areas just for truck parking , rather then the current cat a mouse game the local drivers have to play finding a place to park that no one has banned them from yet. ( such as the lot on North Salida Blvd )

Brad Johnson  
Salida Ca  
209-545-4227

EXHIBIT EE

**STANISLAUS COUNTY**  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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**NOTICE OF EXEMPTION**

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

**Applicant Information:** Stanislaus County / 1010 10<sup>th</sup> Street / Modesto, CA 95354

**Project Location:** Countywide - A-2 zoning district

**Description of Project:** Request to amend the Stanislaus County Zoning Ordinance Chapters 21.20 - General Agriculture District (A-2) and 21.94 - Home Occupation, by adding the parking of commercial trucks, related equipment, and trailers under section 21.20.030 - Uses Requiring Use Permit in the A-2 zoning district and by adding trucking operations with on-site parking as a permitted home occupation in the A-2 zoning district under section 21.94.020 - Criteria. This project is Exempt from CEQA. This is an amended version of the item heard by the Planning Commission on February 18, 2010, and April 1, 2010.

**Name of Agency Approving Project:** Stanislaus County Planning Commission

**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.

**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 either a use permit or home occupation business license. Each use permit will require environmental review and discretionary approval on an individual basis. The home occupation ordinance amendment is considered categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

Commissioners Peterson and Buehner left the chambers.

- B. ORDINANCE AMENDMENT NO. 2009-01 – TRUCK PARKING IN THE AGRICULTURAL ZONE** – Request to amend the Stanislaus County Zoning Ordinance Chapters 21.20 – General Agriculture District (A-2) and 21.94 – Home Occupation, by adding the parking of commercial trucks, related equipment, and trailers under section 21.20.030 – Uses Requiring Use Permit in the A-2 zoning district and by adding trucking operations with on-site parking as a permitted home occupation in the A-2 zoning district under section 21.94.020 – Criteria. This project is Exempt from CEQA. This is an amended version of the item heard by the Planning Commission on February 18, 2010, and April 1, 2010.  
APN: Countywide  
Staff Report: Javier Camarena recommends one of the following options: 1. Denial; 2. Adoption of only the Use Permit ordinance amendment, as is; 3. Adoption of only the Home Occupation ordinance amendment, as is; 4. Adoption of both the Use Permit and Home Occupation ordinance amendments, as proposed; 5. Adoption of proposed ordinance(s) with modifications to specific section/regulation; or 6. Forwarding with no recommendation  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Gary Shoffner, 3801 Faith Home Road, Ceres; Gary Gomes, 1701 N Tegner Road, Turlock; Stan Goblirsch, 4725 Faith Home Road, Ceres.  
Public hearing closed.  
Crabtree/Etchebarne, 3/2 (Gibson, Gammon) **RECOMMEND OPTION 4. ADOPTION OF BOTH THE USE PERMIT AND HOME OCCUPATION ORDINANCE AMENDMENTS, AS PROPOSED TO THE BOARD OF SUPERVISORS INCLUSIVE OF THE FINDINGS AND ACTIONS DESCRIBED IN THE MEMO TO THE PLANNING COMMISSION**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <p>Secretary, Planning Commission</p> <p style="text-align: center;"><u>4-11-2012</u></p> <p>Date</p>
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*Community and  
Economic  
Development  
Department*

*Planning  
Division*

*P.O. Box 642  
1010 Tenth Street  
Third Floor  
Modesto, CA 95353  
209/577-5267  
209/491-5798 Fax*

*www.modestogov.com*

*Hearing and Speech  
Impaired Only  
TDD 209/526-9211*

February 21, 2012

Javier Camarena, Assistant Planner  
County of Stanislaus  
Department of Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto CA 95354  
*Hand Delivered*

Re: Zoning Ordinance Amendment No. 2009-01 – A-2 Truck Parking (PRR-12-004)

Dear Mr. Camarena:

Thank you for providing the City of Modesto an opportunity to review the subject proposed code amendment. City staff offers the following comment:

1. The City of Modesto prohibits parking of commercial vehicles in Residential zoning districts. It appears that the County's proposed zoning code amendment would allow truck parking within the City's Sphere of Influence (SOI), in areas designated Residential in the Modesto General Plan. It is the City's position that the County's zoning code amendment should prohibit such truck parking within the City's SOI.

Please call me at 577-5273 if you would like to discuss this letter.

Sincerely,

Brad Wall, AICP  
Principal Planner

**Crystal Rein - please add to public comment for March 1, 2012, Stanislaus County Planning Commission Agenda**

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**From:** Mr B r a d  
**To:** Crystal Rein  
**Date:** 2/23/2012 4:02 PM  
**Subject:** please add to public comment for March 1, 2012, Stanislaus County Planning Commission Agenda

---

for your next meeting....

Thank you for the Notice regarding this.

We have had many many complaints at the Salida town meeting regarding truck parking.

- 1)Noise from the trucks coming and going.
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- 5)Air pollution and also the (6)small particulate mater ( soot etc ) exhausted from the burning of the carbon based fuel. Exposure to small particulate mater has been recently linked to early onset of mental dementia and is well know for health effects particularly in developing children lung and nerves systems. ( port of Oakland stats )

Other complaints regarding truck parking in our area ...

Truck drivers have a high view and can see over fences and also into second story windows generating privacy concerns from residents.

Of course trucks parked along and entering / exiting the roadway also create more hazards for pedestrians and other local traffic and takes a mighty toll of stress to our all ready pot hole riddled local roads.

I also feel our county should support labor via local trucker owner/operators and set aside public areas just for truck parking , rather than the current cat a mouse game the local drivers have to play finding a place to park that no one has banned them from yet.

one place here in our community might be the empty parking lot on North Salida Blvd ?

Brad Johnson  
Salida Ca  
209-545-4227

--- On Thu, 2/23/12, Crystal Rein <REINC@stancounty.com> wrote:

From: Crystal Rein <REINC@stancounty.com>  
Subject: March 1, 2012, Stanislaus County Planning Commission Agenda  
To: skneiss91@yahoo.com

Date: Thursday, February 23, 2012, 3:41 PM

The March 1, 2012, Stanislaus County Planning Commission Agenda is now available for viewing on our website @ <http://www.stancounty.com/planning/pl/agenda-min-2012.shtm>

Crystal D Rein  
Staff Services Tech  
Stanislaus County Planning &  
Community Development  
(209) 525-6330  
[reinc@stancounty.com](mailto:reinc@stancounty.com)

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

<http://www.stancounty.com/customercenter/index.shtm>



# California Regional Water Quality Control Board

## Central Valley Region

Karl E. Longley, ScD, P.E., Chair



11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

(916) 464-3291 • FAX (916) 464-4645

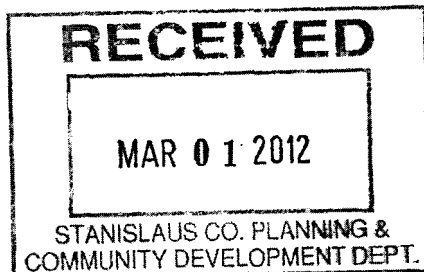
<http://www.waterboards.ca.gov/centralvalley>

Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

28 February 2012

Javier Camarena  
County of Stanislaus  
Planning and Community  
Development Department  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354



CERTIFIED MAIL  
7011 2970 0003 8939 8360

### COMMENTS TO CEQA EXEMPT REFERRAL AND NOTICE OF PUBLIC HEARING, ORDINANCE AMENDMENT NO. 2009-01 - TRUCK PARKING IN THE AGRICULTURAL ZONE PROJECT, SCH NO. 2012022020, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 7 February 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *CEQA Exempt Referral and Notice of Public Hearing* for the Ordinance Amendment No. 2009-01 - Truck Parking in the Agricultural Zone Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)



### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements**

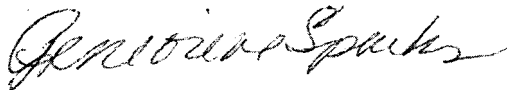
<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

If you have questions regarding these comments, please contact me at (916) 464-4745 or [gsparks@waterboards.ca.gov](mailto:gsparks@waterboards.ca.gov).



Genevieve (Gen) Sparks  
Environmental Scientist  
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

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

# Background

- Truck operators asked the County's Agricultural Advisory Board for assistance in the Spring of 2008.
  - At the time, twenty non-compliant truck parking facilities had been reported to the Code Enforcement Division.
- In December of 2008 an Ad Hoc Committee was formed to examine the possibility of parking commercial vehicles in the A-2 zoning district.

# 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, 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.

# Ordinance Development

- Ad Hoc Committee: Two Supervisors and staff from the Chief Executive Office, Planning Department, DER, County Counsel, and Agricultural Commissioner.
- General Plan Update Committee and Agricultural Advisory Board.
- Planning Commission: Feb. 2010, April 2010, and March 2012.
- Board of Supervisors: June 2010

# Proposed Ordinance Amendment

- Adds “Parking of Tractor-Trailer Combinations” as a use requiring a use permit – *Draft Subsection 21.20.030(G) (USE PERMIT)*
- Adds “Parking of three tractor-trailer combinations” to the Home Occupation section of the zoning ordinance – *Draft Subsection 21.94.020(J)4 (HOME OCCUPATION)*

# Types of Tractor-Trailers

Combinations must have a minimum of five (5) axles and be capable of hauling a combined Gross Vehicle Weight (GVW) of 80,000 pounds



# Combinations

## Tractor-Trailer



## Truck/Trailer-Trailer

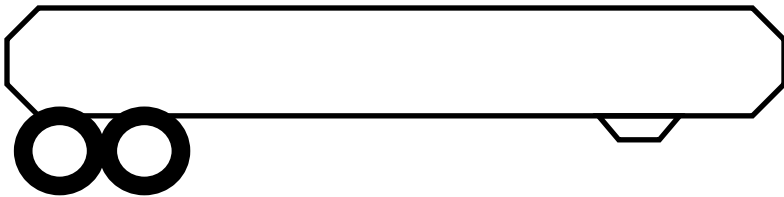


## Truck/Tanker-Trailer

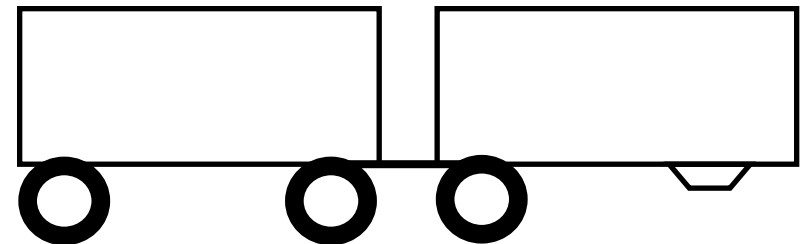
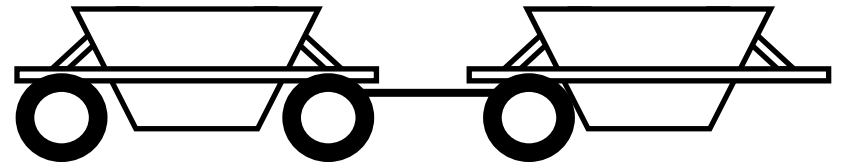
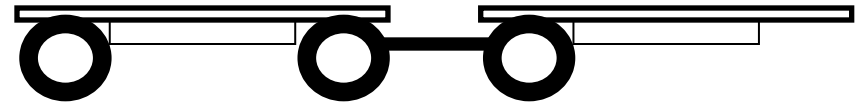


# Trailers

## Semi-Trailers



## Doubles



# Non-Permitted



didbygraham on flickr.com  
didbygraham on flickr.com



fleetsaleswest.com



800toolbox.com

# Use Permit Ordinance Amendment

- Allows up to 12 tractor-trailer combinations;
- Two (2) trailers per tractor;
- At least one (1) of the combinations must be registered to the property owner and property owner shall live on site;
- Tractor-trailers must be in full operable condition for at least six (6) consecutive months every year;
- No off-loading allowed;
- Limited maintenance allowed;

# Use Permit Ordinance Amendment

*continued*

- Parcels shall be at least 1 acre in size;
  - Parking area shall not to exceed 1.5 acres or 50% of the parcel.
- Trucks must meet state and local weight restrictions;
- All driveways shall be approved by Public Works;
- Offices are allowed; and
- Use Permit is subject to environmental review.

# Use Permit Ordinance Amendment

*continued*

## Required Use Permit Findings:

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

# Home Occupation Ordinance Amendment

- Allows parking of up to three (3) tractor-trailer combinations;
  - Current ordinance allows one (1) commercial vehicle.
- Parcel shall be at least one (1) acre in size and parking area may not exceed 1.5 acres or 50% of the parcel;
- All tractor-trailer combinations must be registered to an occupant of a dwelling on the parcel;
- All trucks shall be operational;

# Home Occupation Ordinance Amendment *continued*

- No off-loading of trailers shall occur on-site;
- Limited maintenance;
- Does not require environmental review; and
- Does not require discretionary approval.



# Concerns

- Consistency with General Plan;
- Establishing a precedence for opening up the A-2 zone to non-agricultural uses;
- May be viewed as unfair business practice;
- General enforcement issues;
- Excludes other commercial vehicles;
- Noise with refrigeration trucks;
- Maintenance of roads;
- Compatibility with the Williamson Act; and
- Costs associated with improvements may be too high.

# Benefits

- Trucks would have somewhere to park other than on the side of the County roads;
- Security;
- Provides a use for smaller parcels where agriculture is not feasible;
- Large operations will still go through environmental review while smaller operations will go through a simpler process; and Owner has to own a tractor-trailer combination, therefor limiting the use to only truckers.

# Planning Commission

*March 1, 2012*

- Number of truck-trailer combinations
- Precedence in allowing non-agricultural uses
- Availability of existing parking locations
- Need for security and safety
- Concerns with ownership of vehicles and renting out spaces

# Staff Proposed Modifications

- Home Occupation Subsections:
  - J(4): *“on-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.”*
  - J(4)(e): *“no off-loading of trailer or parking of trailers housing hazardous materials shall occur on-site.”*

Modifications provide consistency with Use Permit criteria.

# Recommendations

## Planning Commission:

- Adopt both “Use Permit” and “Home Occupation” ordinance amendments

## Staff:

- Modify subsection "J(4)" of Chapter 21.94 as outlined in the Board report .

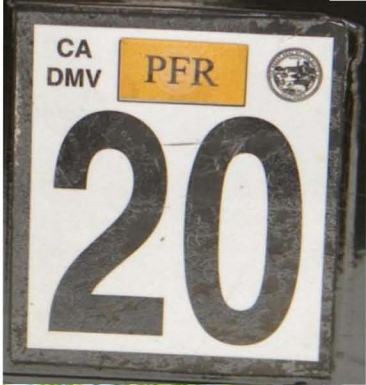
As outlined in items 1-4 of the Board Report

Questions?

CA DMV 2011

15











CA  
DMV

2010



35





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DMV

2010



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ORDINANCE NO. C.S. 1117

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

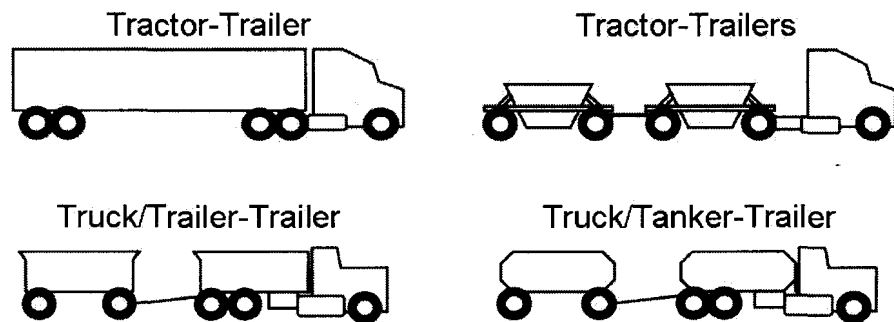
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

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

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

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. All the following criteria are met:

a) For the purpose of this ordinance, a tractor-trailer combination shall include a tractor-trailer, truck/trailer-trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted combinations:



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

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

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

**Section 2.** Subsection "H" in Section 21.94.020 of the Stanislaus County Code is amended to read as follows:

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

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

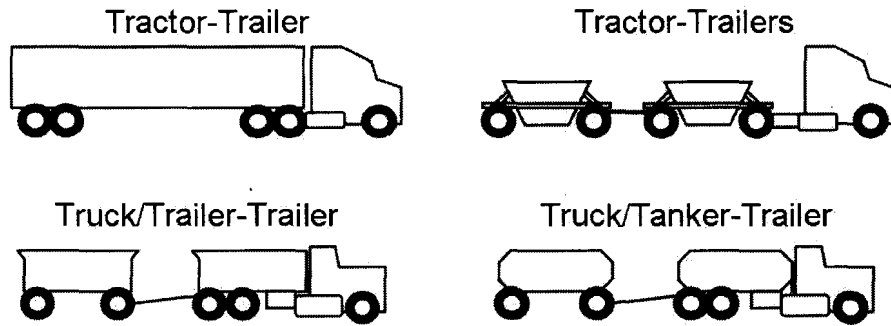
- "4. Trucking operations with on-site parking of up to three (3) tractor trailer combinations, as defined in this chapter, provided:
  - a. The home occupation is located within the A-2 (General Agriculture) zoning district, the parcel on which the parking will occur is at least one (1) acre or more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

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

**"21.94.050 DEFINITIONS**

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


A. "Tractor-Trailer Combinations" mean a tractor-trailer, truck/trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted vehicles:



**Section 5.** This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor Withrow seconded by Supervisor Monteith, 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 17th day of April, 2012, by the following-called vote:

AYES:	Supervisors: Withrow, Monteith and De Martini
NOES:	Supervisors: Chairman O'Brien
ABSENT:	Supervisors: None
ABSTAINING:	Supervisor: Chiesa

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

ATTEST:

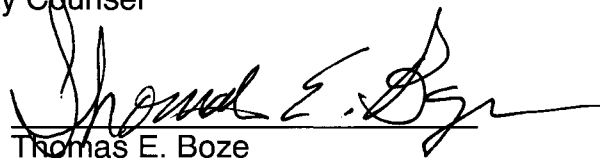
CHRISTINE FERRARO TALLMAN, Clerk of the  
 Board of Supervisors of the County of Stanislaus,  
 State of California

By   
 Elizabeth King, Deputy Clerk



APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel

i:\planning\staff reports\loa(2009)\oa 2009-01 - truck parking\board of supervisors\april 17, 2012\sp - march 27, 2012\final draft ordinance\_ordinance language 4-17-2012 bos mtg.doc



STANISLAUS COUNTY ORDINANCE C.S. 1117

Upon motion of Supervisor Withrow, seconded by Supervisor Monteith, Ordinance C.S. 1117 (Planning and Community Development Department Ordinance Amendment Application No. 2009-01) was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 17<sup>th</sup> day of April 2012, by the following called vote:

AYES: SUPERVISORS: Withrow, Monteith and DeMartini  
NOES: Chairman O'Brien  
ABSENT: None  
ABSTAINING: Chiesa

Ordinance C.S. 1117 amends the Stanislaus County Zoning Ordinance Chapters 21.20 – General Agriculture District (A-2) and 21.94 – Home Occupation, by adding the parking of commercial trucks, related equipment, and trailers under Section 21.20.030 – Uses Requiring Use Permit in the A-2 zoning district and by adding trucking operations with on-site parking as a permitted home occupation in the A-2 zoning district under Section 21.94.020 – Criteria.

NOTICE IS FURTHER GIVEN that a full copy of the ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Stanislaus County Department of Planning and Community Development, at 209-525-6330, or at 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 17, 2012

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

BY:

  
Elizabeth A. King, Assistant Clerk