

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE JURUPA VALLEY MUNICIPAL CODE CONCERNING PALLET YARD REGULATIONS, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS
FOLLOWS:**

Section 1. Project Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) At the September 7, 2017 regular City Council meeting, the City Council initiated an amendment to Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, concerning pallet yard regulations (the “Code Amendment”) and requested that the Planning Commission study and report on the proposed Code Amendment set forth in this Ordinance.

(b) On January 24, 2018, the Planning Commission of the City of Jurupa Valley held a public hearing on the proposed Code Amendment set forth in this Ordinance, at which time all persons interested in the proposed Code Amendment had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearings and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2018-01-24-02 recommending that the City Council approve the proposed Code Amendment.

(c) On February 15, 2018, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the proposed Code Amendment, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and duly considered the written and oral testimony received.

(d) All legal preconditions to the adoption of this Ordinance have occurred.

Section 2. CEQA Finding. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Code Amendment, adopting pallet yard regulations, will have a significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment because further environmental review, if required under CEQA, will be performed as applications for pallet yards are submitted to the City. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA exemption, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is exempt from the requirements of the California Environmental Quality

Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

Section 3. Project Findings. The City Council hereby finds, as required by the Jurupa Valley Ordinances and applicable state law, that the proposed Code Amendment should be adopted because:

The proposed Code Amendment is consistent with the Economic Sustainability Element of the City of Jurupa Valley General Plan because it promotes the reduction of blight resulting from the visual impact of pallet yards in areas of city that are located proximate to residential, commercial and institutional uses, thereby making land use decisions that may result in increases property values. In addition the proposed Code Amendment is consistent with the Community Safety, Services and Facilities Element of the City of Jurupa Valley General Plan because many of the development standards contained in the amendment are aimed at reducing fire risk from pallet yards, thereby contributing to the goal of minimizing risks resulting from manmade hazards to the residents and businesses.

Section 4. Amendment to Chapter 9.10, Definitions. Sections 9.10.953 and 9.10.955 are hereby added to Chapter 9.10, Definitions, of the Jurupa Valley Municipal Code to read as follows:

“Sec. 9.10.953. - Pallet.

A portable platform for handling, storing, or moving materials and packages.

Sec. 9.10.955. - Pallet yard.

An open yard that stores, sells, repairs, refurbishes, and/or manufactures pallets.”

Section 5. Amendment to Subsection (3) of Section 9.155.020, Uses permitted. Subsection (nn) is hereby added to Subsection (3) of Section 9.155.020, Uses Permitted, of Chapter 9.155, M-H Zone (Manufacturing-Heavy) of the Jurupa Valley Municipal Code to read as follows:

“(nn) Pallet yards (storage, sales, repairing, refurbishing, manufacturing), provided they satisfy the provisions of Section 9.240.530.”

Section 6. Amendments to Subsections (4) and (5) of Section 9.155.020, Uses permitted. Subsections (4) and (5) of Section 9.155.020, Uses Permitted, of Chapter 9.155, M-H Zone (Manufacturing-Heavy) of the Jurupa Valley Municipal Code are hereby amended to read as follows:

“(4) A conditional use permit required for the uses listed in subsection (3)(k)—(nn) shall not be granted unless the applicant demonstrates that the proposed use meets the general welfare standard articulated in Section 9.240.280(4) and meets all of the following requirements:

- (a) The proposed use will not adversely affect any residential neighborhood or property in regards to aesthetics, solar access, privacy, noise, fumes, odors or lights.
 - (b) The proposed use will not impact traffic on local or collector streets.
 - (c) The proposed use is adequately buffered from sensitive uses in the vicinity that may include, but not be limited to, churches, child care facilities, schools, parks and recreation facilities.
 - (d) The proposed use does not pose a hazard or potential to subject other properties in the vicinity to potential blight or crime.
- (5) Development agreement. Notwithstanding any other provision, the requirement of a conditional use permit in subsection (3)(k)—(nn) shall not apply to any property for which a development agreement has been adopted by the City Council.”

Section 7. Amendment to Chapter 9.240, General provisions. Section 9.240.530 is hereby added to Chapter 9.240, General Provisions, to read as follows:

“Sec. 9.240.530. - Pallet Yards.

- A. *Intent.* The intent of this section is to establish regulations and standards for the development of pallet yards in the M-H (Manufacturing-Heavy) Zone to ensure appropriately designed pallet yards proximate to the industries they serve in a manner that does not conflict with, or negatively impact, nearby uses, and minimizes fire risk.
- B. *Application.* A pallet yard is permitted in the M-H (Manufacturing-Heavy) Zone provided a site development permit is approved pursuant to the provisions of Section 9.240.330 and a conditional use permit is approved pursuant to the provisions of Section 9.240.280. Applications for consideration of a site development permit and conditional use permit shall be made to the Planning Director on the forms provided by the Planning Department, shall be accompanied by that filing fee set forth in Chapter 3.65 of the Jurupa Valley Municipal Code, and shall include such information and documents as may be required by Section 9.240.330, Section 9.240.280, and the Planning Director, in addition to the following:
 - (1) All outdoor work, assembly, and repair areas shall be depicted on the site plan.
 - (2) Required parking spaces shall be identified on the site development permit.
 - (3) All outdoor storage areas shall clearly be identified on the site development permit.
 - (4) All areas to be subleased to other pallet yard subtenants shall be indicated on the site development permit and described in the conditional use permit

application (i.e. hours of operations, type of activities conducted on site, and number of employees).

- C. *Development Standards.* Pallet yards shall conform to all requirements of this section and the Fire Code of the City of Jurupa Valley (see Chapter 8.10). Where standards are inconsistent, the more restrictive shall apply. No new pallet yard shall be permitted unless it complies with the following standards. Existing pallet yards that are located outside the M-H (Manufacturing-Heavy) Zone at the time of the effective date of the ordinance adding this section to Chapter 9.240 shall become legal non-conforming uses and shall comply with the following standards within one hundred eighty (180) days of the effective date of the ordinance adding this section to Chapter 9.240:

(1) Site and Building Design.

- (a) An office building shall be provided on the same parcel where the pallet yard and associated business is taking place, and shall meet the development standards of the M-H (Manufacturing-Heavy) Zone (see Section 9.155.030).
- (b) Caretakers' residences in conjunction with a pallet yard are prohibited.
- (c) Any permanent canopy type of structures may be permitted on the site and shall meet all zoning, building, and fire code requirements.
- (f) The minimum separation distance between pallet stacks and buildings, and other pallet stacks or on-site storage, shall be per the requirements of the Fire Code of the City of Jurupa Valley. For the purposes of this subsection, a stack shall be defined as two (2) or more pallets, one upon the other, and continuous to any other pallets that are less than seven and a half (7.5) feet away.
- (d) Pallet storage shall not be located within ten (10) feet of a lot line.
- (e) Pallet storage shall not exceed twelve (12) feet in height and shall be arranged to form stable stacks. If pallet storage is located within twenty (20) feet of a lot line or right-of-way, pallet storage shall not exceed eight (8) feet in height.
- (g) Maximum stack size may not exceed 90,000 cubic feet in volume.
- (h) All outdoor work, assembly, and repair areas shall be conducted in an entirely enclosed structure or under a permanent canopy type structure.
- (i) Outdoor display areas shall be maintained in a neat and orderly condition.

(2) Off-street Parking Requirements.

- (a) If number of workers can be determined: 1 space/2 employees of largest shift, plus 1 space/vehicle kept in connection with the use.
 - (b) If number of workers cannot be determined: 1 space/250 sq. ft. of office area, plus 1 space/500 sq. ft. of fabrication area, plus 1 space/1,000 sq. ft. of storage area, plus 1 space/500 sq. ft. of floor plan that is uncommitted to any type of use.
- (3) Access and Circulation.
 - (a) Driveways between and around pallets stacks shall be at least twenty (20) feet wide and maintained free from accumulation of rubbish, weeds, and equipment or other articles or materials that could lead to the spread of fires. See subsection C.(5) of this section for minimum width for fire apparatus access lanes.
 - (b) To accommodate queuing and reduce traffic conflicts, vehicular access to a pallet yard (i.e. driveways) shall be located a minimum of one hundred fifty (150) feet from an intersection.
- (4) Landscaping and Walls.
 - (a) All outdoor storage areas shall be screened from view from the public right-of-way by an opaque wall or fence. All screening walls adjacent to the public right-of-way shall have a minimum height of eight (8) feet and shall not be located in a required landscape setback area. Additional wall height, berming, or both may be added as needed to satisfy screening requirements as determined by the Planning Director or Planning Commission.
 - (b) Landscaping adjacent to the public right-of-way is required, using a combination of drought-tolerant trees, tall hedges, shrubs, and vines. A minimum ten (10) foot wide landscaped buffer between the wall or fence and the back of a sidewalk or right-of-way along all street frontages is required.
 - (c) Providing landscaping in the internal area (wall perimeter, parking, area, storage area, etc.) enclosed by the required screen walls is not required for pallet yards. However, incidental landscaping may be required as determined by the Planning Director or Planning Commission to satisfy screening and other requirements in interface area(s) open to public view.
 - (d) Plain chain link fencing is prohibited. Color-coated or fabric-screened chain link fencing is permitted.

(5) Fire Safety.

- (a) A hydrant system approved by the County Fire Department shall be installed.
- (b) Fire access lanes of a minimum of twenty-four (24) feet in width shall be required from any structures and exterior property line(s), shall be designed per the Fire Code of the City of Jurupa Valley to support the imposed loads of the fire apparatus, and shall have all weather driving capabilities. Additional fire access lanes may be required by the County Fire Department.
- (c) The minimum required fire flow in pallet yards shall be as required by the Fire Code of the City of Jurupa Valley.
- (d) All pallet yards shall be subject to an annual inspection by the Code Enforcement Manager, or his or her designee, or by such other person or governmental entity as designated by the City Manager. The City Manager shall establish such regulations as are necessary to implement the inspections. Such inspections shall be subject to an inspection fee established by resolution of the City Council.

(6) Additional Requirements.

- (a) Pallet yards shall not be located within one thousand (1,000) feet of a residential use or zone, a school, or a park.
- (b) Pallet yards shall confine operations on the property to the hours between seven (7:00) a.m. and six (6:00) p.m.

Section 8. Severability. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 9. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

Section 10. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

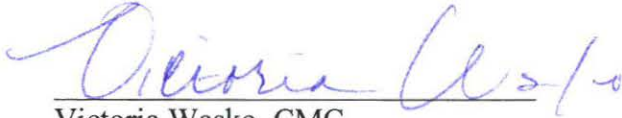
Section 11. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this 1st day of March, 2018.



Michael Goodland
Mayor

ATTEST:



Victoria Wasko, CMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF JURUPA VALLEY)

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2018-02 was regularly introduced at a regular meeting of the City Council held on the 15th day of February, 2018 and thereafter at a regular meeting held on the 1st day of March, 2018, it was duly passed and adopted by the following vote of the City Council:


AYES: BERKSON, KELLY, ROUGHTON, GOODLAND

NOES: NONE

ABSENT: LAURITZEN

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 1st day of March, 2018.


Victoria Wasko, CMC
City Clerk