



**Trinity County  
Planning**

# Memo

**To:** Planning Commission  
**From:** Frank Lynch, Principal Planner  
**Date:** October 9 2014  
**Re:** Zoning Ordinance Interpretation – Impound Yards and Wrecking Yards

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As the Commission Members will recall, at the September 11, 2014 Commission hearing, under Public Comment, Ms. Sharon Eagleston requested that the Commission members review issues surrounding a staff interpretation of the Zoning Ordinance related to the establishment of an auto impound facility in the community of Hayfork. The Commission at an earlier meeting, August 14, 2014 also stated, pursuant to a discussion topic raised by staff, agreed to consider potential modifications to the Zoning Ordinance in being responsive to perceived demand, for locating suitable areas for auto wrecking/recycling yards. These topics are interrelated, and perhaps a review of a site specific concern will help illustrate the overall issue.

**Specific Project:** Mad River Towing has recently begun occupancy of an abandoned gas station (APN 014-090-09), zoned C-1 (Retail Commercial) on Highway 3 in the “downtown” area of Hayfork with the purpose of using the facility as an impound yard for vehicles that are towed in the area. As has been explained to me, this site was once a service station but has been a restaurant and a few other businesses in recent years. As an “auto service station” is a conditional use in the C-1 Zoning District, and the service station use has been “abandoned” for some period (well over a year) the non-conforming entitlement would be lost.

The property has Commercial General Plan Land Use designation and, again is zoned C-1. This zoning district provides for the following permitted and conditional uses:

B. **USE PERMITTED:** The following list is representative of retail commercial uses which are permitted on a parcel in a retail commercial zoning district:

- General office
- Retail sales and services conducted within a building
- Day care center for less than twelve (12) children
- Rest home
- Restaurant without drive-thru service
- Financial institution without drive-thru service
- Bed and Breakfast Inn

Other uses found to be similar in nature as determined by the Planning Commission

Bb. USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTORS USE PERMIT: (ORDINANCE NO. 315-580) A single-family use provided said use is located on the second story or above or in the rear one-half of any commercial structure and accounts for no more than 25% of the gross square footage of said structure.

C. USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT.

- Church
- Laundromat
- Auto service station (See Special Regulations in Section 30)
- Car wash
- Mini storage
- Parking lot
- Equipment rental yard
- Bar
- Second hand sales store
- Private club
- Day care center for more than twelve (12) children.
- Private school
- Residential caretaker unit (See Special Regulations in Section 30(L))

For comparison, the C-2 (General Commercial) Zoning District provides for the following:

B. USES PERMITTED: The following list is representative of general commercial uses which are permitted on a parcel in a General Commercial Zoning District:

- Adult Day Support Centers licensed by the State
- General office
- Retail sales and services conducted within a building
- Restaurant without drive-thru service
- Bed and breakfast inn
- Bar
- Laundromat when hooked up to a community sewer system
- Rest home
- Auto service station (see Special Regulations in Section 30)
- Auto repair shop
- Car wash
- Parking lot
- Second hand sales store
- Undertaking establishment
- Theater
- Mini storage when all storage is within a building
- Recycling when completely enclosed in a bldg.
- "Hotel / Motel of ten (10) units or less, hooked up to a community sewer system"
- Ordinance No. 315-711
- Other uses found to be similar as determined by the Planning Commission

Bb. USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTORS USE PERMIT: (ORDINANCE NO. 315-580) A single-family use provided said use is located on the second story or above or in the rear one-half of any commercial structure and accounts for no more than 25% of the gross square footage of said structure.

C. USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT:

- Church
- Laundromat when located in a non-sewered area.
- Storage warehouse
- Equipment rental yard
- Restaurant with drive-thru service
- Financial institution with drive-thru service
- Auto sales
- Contractors' yard
- Private club

C. USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT CON'T:

- Outdoor storage or sales associated with any of the uses listed in Section B
- Recycling with outdoor storage
- "Hotel / Motel over ten (10) units or Hotel / Motel not hooked up to a community sewer system" Ordinance No. 315-711
- Lumber yard
- Wholesale distributor
- Welding or machine shop
- Card room
- Residential caretaker unit (See Special Regulations in Section 30(L))

Since the Zoning Ordinance does not provide for a use type directly to encompass the impound yard use, some interpretation is required. When originally reviewed the assumption was that the impound yard would include the outdoor storage of vehicles. (The case was brought to the attention of the Planning Department as a result of a citizen complaint). The C-1 zone doesn't permit an impound yard, nor doesn't even permit an auto repair business. C-2 would allow auto repair and as a conditional use, the Zoning Ordinance provides "outdoor storage and sales associated with any (permitted use)." So by extrapolating auto repair use type to the storage of wrecked or otherwise non-operating vehicles, staff has interpreted the code to be able to consider the impound yard as a conditional use, subject to a rezone and use permit.

However, since that time, the operator stated that the vehicles would be kept in the service bays for the service station and no outdoor storage would occur. Therefore, the conditional "mini-storage" and/or "parking lot" use types in the C-1 zone may fit negating the need for the rezone and just leave the use permit requirement.

The rationale to support the use permit requirement would be to insure that all vehicles would be stored within the structure. The Commission is obviously free to draw their own conclusions, but staff would encourage that the Commission focus on the broader code interpretation issue as opposed to being individual project specific in their focus. Your interpretation will guide future actions within the department.

**Wrecking yards as a community resource:** This individual case highlights that auto impound yard, and more specifically automobile wrecking yards are difficult to legitimately establish. Under the current zoning regulations, the "Junk yard, wrecking yard, salvage yard" use type is only conditionally permissible in the Industrial Zoning District. As the Commission is well aware, there is a limited amount of land zoned Industrial in the County, and while overall there is not a need for many wrecking yards within the County, there is a probable need to have such facilities interspersed throughout the County. This would enable citizens convenient locations to dispose

of vehicles and hopefully discourage dumping or “collections” of such material attenuating potential blight within the communities.

However, there are some practical things to consider, such as this use type is one that candidly is difficult to successfully locate. The technical standards, i.e. an approved pad to drain and crush, as well as an adequately buffered and screened storage area, limit land from being suitable, not to mention that it can be difficult to successfully navigate the permit process as neighborhoods tend to perceive such facilities as being degrading to property values and are admittedly unattractive.

The question remains however, if this is really an obligation on the part of the County to modify zoning standards, or otherwise relieve any individual from legitimately pursuing appropriate vetting and approval of an individual project. From staff’s perspective, it would be difficult to imagine that there would be significant public support, let alone relief from water quality or other environmental standards, to ease standards or facilitate location of such uses.

It may be suffice to have the decision makers be cognizant that there is a true need for these uses and that fair consideration of projects is warranted.

**Action Necessary by Planning Commission:** The Planning Commission is requested to provide direction to staff on:

- 1) Should a use permit, or a use permit and rezone to C-2, or no permit entitlement be required for the location of an automobile impound yard?
- 2) Should there be a revision to the Zoning Ordinance, or other amendment to General Plan Land Use Element to facilitate the location of impound yards, wrecking yards or other similar facilities within the County?
- 3) Other direction as may be appropriate.