



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
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Kim Hunter, Director

MEMORANDUM

DATE: July 23, 2020
TO: Members of the Trinity County Planning Commission
FROM: Kim Hunter, Director of Planning and Building *KH*
SUBJECT: Item 4 - Proposed Zoning Text Amendment of Uses Permitted in Chapter 17.17, Duplex Residential (R-2)

Staff is requesting Planning Commission approval of Resolution 2020-07 to initiate a zoning text amendment to Trinity County Zoning Code Chapter 17.17 Duplex Residential District (R-2) District, specifically sections 17.17.10 and 17.17.20. The proposed amendment will restore uses permitted in the R-2 District which staff believes were unintentionally removed. Zoning amendments procedures may be initiated by the Board of Supervisors or the Planning Commission as provided by County Code section 17.35.030:

17.35.030 - Initiation by board of supervisors or planning commission.

By resolution, the board of supervisors or the planning commission may initiate the procedure for amendment. Upon receipt of such a resolution, the planning director shall file the necessary application.

Discussion:

On January 28, 2014, Ordinance number 315-806 was adopted to incorporate the requirements of the Federal Fair Housing Act and the California Fair Employment and Housing Act. (See attached Ordinance Number 315-806, page 2 of 11.) An unintended consequence of this amendment to Chapter 17 of the Trinity County Code was the striking out (removal) of Section 17.17.010, which removed all of the permitted uses for Chapter 17.17 Duplex Residential District or R-2 District.

As a result of that omission, development in the R-2 district is limited to the development listed in Section 17.17.020 – Uses permitted subject to first securing a use permit in each case. (See attached Chapter 17.17) Requiring a use permit to develop any property in the County of Trinity with the R-2 designation has placed a burden on property owners and has the effect of limiting development for multi-family residential uses and a shortage of much needed housing options.

Attachments:

1. Zoning Code Chapter 17.17
2. Ordinance 315-806
3. Planning Commission Resolution 2020-07

Chapter 17.17 - DUPLEX RESIDENTIAL DISTRICT OR R-2 DISTRICT

Sections:

17.17.005 - In general.

Subject to the provisions of Chapter 17.30 none but the following uses, or uses which in the opinion of the planning commission are similar will be allowed (see Section 17.30.010).

17.17.010 - Reserved.

Editor's note— Ord. No. 315-806, § 1, adopted January 28, 2014, repealed § 17.17.010, which pertained to uses permitted.

17.17.020 - Uses permitted subject to first securing a use permit in each case.

- A. Two single-family structures, single-family dwelling, triplex (single structure), condominiums, hospitals, rest homes, sanitariums and clinics.
- B. Art galleries, tract offices, country clubs, golf courses.
- C. Public and quasi-public uses, including churches, fire houses, parks and playgrounds.
- D. Schools (public and parochial) or schools accredited to state school system, and public utility buildings and uses.
- E. Public stables.
- F. Landing strips for aircraft.
- G. Off street parking when appurtenant to any permitted use in the district, or when adjacent to any "C," "M" or "HC" District.
- H. Signs, not over one hundred square feet in the aggregate, advertising the sale of a subdivision: Limit of one sign in each case.

(Ord. No. 315-806, § 1, 1-28-14)

17.17.030 - Accessory buildings.

Accessory buildings, only if constructed simultaneously with or subsequent to the main building on the same lot.

Accessory uses normally incidental to uses allowed in this district. This is not to be construed as permitting any commercial use.

17.17.040 - Signs.

Signs not exceeding in the aggregate six square feet in area for each building site may be displayed for the purpose of advertising the sale or lease of property upon which displayed.

17.17.050 - For subdivision purposes, the minimum parcel size required.

Corner lot: Seven thousand square feet; interior lot: Six thousand square feet, except schools five acres, churches twenty thousand square feet.

17.17.060 - Minimum lot widths required.

Corner lot: Sixty feet; interior lot: Sixty feet, except schools: Two hundred feet, churches: One hundred feet.

17.17.070 - Maximum allowable lot coverage by all structures.

Forty percent.

17.17.080 - Maximum allowable height.

Forty feet.

17.17.090 - Minimum front yard required.

Twenty feet.

17.17.100 - Minimum side yard required.

Interior lot line: Six feet; exterior lot line: Ten feet.

17.17.110 - Minimum rear yard required.

Corner and interior lot: Twenty feet provided that ten feet may be permitted if a minimum of five hundred square feet of open area per unit is maintained to the side or the rear of the main building or buildings.

17.17.120 - Minimum lot area per family unit.

Three thousand square feet.

17.17.130 - General requirements.

- A. For parking requirements, see Section 17.30.090.
- B. Larger building site may be required.
- C. Architectural features, see Section 17.30.060.
- D. Height limit accessory buildings twenty-five feet.
- E. For guest house regulations, see Section 17.30.040(C).
- F. Fences and walls permitted but not required. Such fences and walls shall not exceed six feet in height. In any required front yard on reversed frontage, the same shall not exceed three feet.
- G. Optional design and development may be permitted if approved under subdivision ordinance.
- H. Yards are minimum required unless building lines are established or unless standard street does not exist, see Section 17.30.060.

ORDINANCE NO. 315-806

**AN ORDINANCE AMENDING SECTIONS OF THE
TRINITY COUNTY ZONING ORDINANCE
PERTAINING TO THE IMPLEMENTATION
OF THE HOUSING ELEMENT**

WHEREAS, the Federal Fair Housing Act and the California Fair Employment and Housing Act (“Acts”) create new requirements for those seeking access to housing; and

WHEREAS, the 2009 and 2014 General Plan Housing Elements of Trinity County incorporate the requirement of the Acts; and

WHEREAS, the Board of Supervisors wish to amend the Trinity County Zoning Ordinance to reflect this intent.

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

SECTION I:

That various Sections of the Trinity County Zoning Ordinance are hereby amended to implement provisions of the 2009 to 2014 General Plan Housing Element as follows:

Amend Section 10 (Definitions) to include the following:

Delete the definition of “Dwelling, One-Family.” A detached building designed for or occupied exclusively by one family, not including trailers, tents or mobile homes.

Amend Section 10 to add the following definitions:

Emergency Shelter: A shelter or home run by a recognized public or non-profit entity for the purpose of emergency housing, i.e., less than six months maximum occupancy, under a declared public emergency. Such units may be established within any residential zoning district and may provide housing for up to 12 occupants. Under the terms of the operations program, no individual or household may be denied emergency shelter because of an inability to pay. Such facilities shall conform to the following development standards:

- **No more than 12 beds, not including facilities for on-site staff.**
- **A minimum parking area of one space for every two beds, in addition to two spaces reserved for on-site staff.**
- **There shall be on-site staff at all times.**
- **Such facilities shall be separated from other such facilities by a minimum of 300 feet.**
- **A written security plan shall be provided to the County Sheriff prior to operation.**

Emergency shelters may be established on properties within the Public Facility Zoning District under emergency authorization by the Board of

Supervisors without limitation to duration, population, and other criteria noted above

Single-Family Dwelling: A single dwelling unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

Supportive Housing: Housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (Health and Safety Code 50675.14.)

Transitional Housing: Transitional housing and transitional housing development means rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Health and Safety Code 50675.2.)

Amend Section 17 as follows:

Section 17(A): Delete "Single Family Dwelling" A. ~~USES PERMITTED: One family dwelling; duplexes (single structure).~~

Section 17(B):

B. USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:

- Two (2) single family structures, Single-Family Dwelling, triplex (single structure), condominiums, hospitals, rest homes, sanitariums and clinics.
- Art galleries, tract offices, country clubs, golf courses.
- Public and quasi-public uses, including churches, fire houses, parks and playgrounds.
- Schools (public and parochial) or schools accredited to State School System, and public utility buildings and uses.
- Public stables.
- Landing strips for aircraft.
- Off street parking when appurtenant to any permitted use in the district, or when adjacent to any "C," "M" or "HC" District.
- Signs, not over one hundred (100) square feet in the aggregate, advertising the sale of a subdivision - limit of one sign in each case.

Amend Section 18 as follows:

Section 18(B): USES PERMITTED: ~~Single-family dwellings,~~ [D]uplexes, triplexes, apartments, condominiums.

Section 18(C):

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

- Single-Family Dwelling.
- Rooming and Boarding Houses.
- Mobile Home Courts.
- Churches.
- Day Care Center for more than twelve (12) children.
- Schools.
- Professional Offices.

Amend the following Sections of Ordinance 315:

To add as a permitted use “Single-Family Dwelling” and delete the existing language as noted below:

Section 11 (B): B. LIST OF USES PERMITTED ON A PARCEL IN AN UNCLASSIFIED DISTRICT:

~~“One-Single-Family Dwelling”~~

Section 13:

A. USES PERMITTED: All agricultural uses, including crop and tree farming, livestock farming, dairies, animal husbandry, aviaries, Single-Family Dwelling, except that uses indicated in Section 13B shall not be established until a use permit is first secured.

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

- Frog and poultry farms, commercial hog and turkey raising, cattle feed yards, and animal sales yards, agricultural processing plants.
- Storage, rental and sales of irrigation equipment. Stands for the sale of products grown upon the premises.
- Public or quasi-public, including churches, fire houses, schools (public and parochial) or schools accredited to the State School System, and public utilities. Labor camps, including necessary or pertinent buildings but including any type of subdivision development, subdivision development, whether by official map, parcel map or recorded subdivision.
- Horse Ranch/Summer Camp (Res. PC 91-2); Campgrounds/Resorts (See Natural Resource Section of Land Use Element); Dog Kennels (Res. PC 95-01); Animal hospitals, small and large.

C. ACCESSORY BUILDINGS AND ACCESSORY USES: Accessory buildings and accessory uses, including barns, stables, and other farm out buildings, farm labor quarters and quarters for servants employed on the premises, ~~one family dwellings~~, one accessory to an agricultural operation on the same building site

Name plates and non-illuminated signs. Not over twenty (20) square feet, if pertinent to any permitted use.

Section 13.1(D)

D. ACCESSORY BUILDINGS AND USES:

The following accessory uses are deemed to be compatible with agricultural uses provided they do not significantly detract from the use of the property for, or inhibit, agricultural uses:

- Accessory buildings and uses normally incidental to the uses permitted.
- ~~One single family dwelling per parcel and normal residential accessory to harvesting or planting operations.~~ Single-Family Dwelling.
- Temporary labor camps, less than one year in duration, accessory to harvesting or planting operations.
- Recreational use such as walking, hiking, picnicking, swimming, boating, fishing, or hunting.

Section 14 (A):

A. USES PERMITTED: Management of land and forest for the production and harvest of trees and other natural resources (including tree farming), management of land and forest in a manner designed to provide protection from fire caused either by man or nature, insects, diseases, or other catastrophe, logging, primary wood processing plants and operations, Single-Family Dwelling, and accessory buildings and uses.

Section 15 (A):

A. USES PERMITTED: (Ord. No. 315-62)

~~One family dwellings.~~ Single-Family Dwelling.

Section 16 (A):

A. USES PERMITTED: ~~One family dwelling.~~ Single-Family Dwelling.

Section 18.5 (B):

B. USES PERMITTED WITHOUT A USE PERMIT: ~~One Family Dwelling~~ Single-Family Dwelling Day Care Center for less than twelve (12) children

Change language to "Single-Family Dwelling" in Commercial zones, all of which are subject to a DUP.

Section 20 (Bb):

Bb. USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTORS USE PERMIT: (ORDINANCE NO. 315-580) A ~~single-family use~~ Single-Family Dwelling 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.

Section 21 (Bb): Single family use – Commercial subject to DUP

Bb. USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTORS USE PERMIT: (ORDINANCE NO. 315-580) A ~~single-family use~~ Single-Family Dwelling 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.

Section 22 (Bb): Single family use – Commercial subject to DUP

Bb. USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTORS USE PERMIT: (ORDINANCE NO. 315-580) A ~~single-family use~~ Single-Family Dwelling 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.

Section 22.5 (Bb): Single family use – Commercial subject to DUP

Bb. USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTORS USE PERMIT: A ~~single-family use~~ Single-Family Dwelling 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. (Ordinance No. 315-580)

Add Section 30 (B)(10), to state:

Alternative Housing: The following uses are permissible in every zoning district permitting a single-family dwelling: Emergency Shelter, Supportive Housing, Transitional Housing, as defined within this ordinance for occupancies of up to six (6) guests/tenants.

Group Care: Supportive Housing, Transitional Housing, or other facilities authorized, certified or licensed by the State to provide board, room, and personal care for seven (7) or more, but not to exceed twenty-five (25) individuals or Large Family Day Care as defined by the California Health and Safety Code, subject to a Planning Commission issued Use Permit.

Add Section 30 (I)(3)(f), to state:

Parking requirements for multi-family or group housing developments that can demonstrate that they will be restricted to seniors and/or disabled persons may be reduced up to 50 percent.

Add Section 30.3 (F), to state:

Density Bonus: An increase in permissible density may be provided per the provisions of Government Code Sections 65915 through 65918, as may be amended, should a developer agree to such requirements for provision of extremely low, very low, low, and/or moderate income housing consistent with other applicable development regulation and provided that enforceable commitments are secured to ensure that units continue as affordable housing for target groups.

Amend Section 30 (D)(3)(c)(2), to state:

Second units may only be located on parcels zoned Single Family, Rural Residential, Duplex, Multi Family, and Unclassified. Second units may also be established in the Agriculture, Ag-Forest, and Agricultural Preserve Zoning Districts upon approval of a Planning Commission issued use permit, subject to the additional finding that such use shall be so located as to not have a negative impact on the resource base of the land. ~~Second dwelling units are prohibited from being located in other zoning districts unless expressly authorized in other Sections of this ordinance.~~

Amend Section 30 (I)(2), to state:

Add to the parking standard for "Three or more dwelling units per parcel" the following:

Two parking spaces per unit with a maximum credit of .75 per dwelling unit for enclosed garages. Parking for senior housing or group care homes may be reduced by up to 50 percent upon approval of the Planning Director.

SECTION II:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrases be declared invalid.

SECTION III:

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced, passed and enacted this 28th day of January, 2014 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Fisher), and the following vote:

AYES: Supervisors Fisher, Fenley, Chapman, Morris, and Pflueger
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None


JUDITH N. PFLUEGER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

WENDY G. TYLER
Clerk of the Board of Supervisors

By:  Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:


David Prentice, County Counsel

The foregoing is a correct copy of the original instrument on file in this office.

Attest: WENDY G. TYLER
Clerk of the Board of Supervisors of the County of Trinity, State of California.

By:  Deputy

RESOLUTION NO. 2020-07

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
INITIATING AN AMENDMENT OF ZONING CODE CHAPTER 17.17
DUPLEX RESIDENTIAL OR R-2 DISTRICT**

WHEREAS, on January 28, 2014, Ordinance number 315-806 was adopted to incorporate the requirements of the Federal Fair Housing Act and the California Fair Employment and Housing Act; and

WHEREAS, an unintended consequence of this amendment to Chapter 17 of the Trinity County Code resulted in the removal of Section 17.17.010 and all of the permitted uses for Chapter 17.17 Duplex Residential District or R-2 District; and

WHEREAS, the omission of permitted uses for Chapter 17.17 creates limitation and additional costs for the appropriate and reasonable development of parcels that are zoned R-2 which limits affordable housing development in Trinity County; and

WHEREAS, Planning Department staff has requested that Planning Commission direct that the zoning text amendment procedure be initiated to correct the omission of, and restore, the permitted uses in the R-2 District in accordance with Trinity County Zoning Code section 17.35.03.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the County of Trinity directs the Planning Department staff to initiate the zoning amendment procedure for Chapter 17.17 to specifically amend sections 17.17.10 and 17.17.20 and makes the following environmental finding:

1. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines, the Planning Commission of the County of Trinity makes the following environmental findings that this action is exempt from CEQA as provided by the Common Sense exemption (CCR 15061(b)(3)) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

DULY PASSED AND ADOPTED this 23rd day of July, 2020 by the Planning Commission of the County of Trinity by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

MICHAEL "DAN" FRASIER, Chairman
Planning Commission
County of Trinity, State of California

ATTEST:

By:

KIMBERLY HUNTER
Secretary of the Planning Commission
County of Trinity, State of California