

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

APPLICANT: Trinity County

REPORT BY: Colleen O'Sullivan

OWNER: N/A

APN: N/A

PROJECT DESCRIPTION: Allow auto sales without a use permit in the Retail Commercial (C-1) and General Commercial (C-2) zones.

PROPOSED ACTION: Discuss and/or take action on proposed revisions to the C-1 and C-2 zoning districts.

LOCATION: C-1 and C-2 zoning districts

PROJECT INFORMATION:

A) Planning Area: Countywide

BACKGROUND INFORMATION:

The Retail Commercial (C-1) and General Commercial (C-2) zoning districts (attached as Figures 1 and 2) allow a variety of uses, with and without a Conditional Use Permit (CUP). Both districts provide for a residence after first securing a Planning Director's Use Permit. C-1 does not specifically allow auto sales at all, and C-2 allows them after first securing a CUP.

Inquiries from the public have been made requesting an evaluation and possible Zoning Ordinance amendment to allow auto sales without a CUP. Staff agreed to evaluate this request and to make recommendations to the Planning Commission.

PROJECT EVALUATION:

Staff's interpretation of the **C-1** General Description (Figure 1) is that of businesses and activities that are usually contained within a building. Their compatibility with adjacent residential areas is a primary factor in considering a CUP. Typical issues with uses that require a CUP center on noise, lighting, access, internal circulation and onsite parking, hours of operation, aesthetics and similar potential impacts.

Staff's interpretation of the **C-2** General Description (Figure 2) is that of businesses that are already in commercial areas and are located along state highways, and arterial and collector streets. This zone is not usually interspersed with residential uses, although residences are often located adjacent to and behind C-2 zones. Uses both with and without a CUP are greatly expanded in this zone, providing more flexibility in both indoor and outdoor commercial activities.

SURVEY OF NEIGHBORING COUNTIES:

An informal survey of Humboldt, Shasta and Siskiyou counties provided no clear direction. Humboldt County allows outdoor sales without a CUP in C-2 and C-3 (Heavy Commercial), and with a CUP in C-1. Their C-1 is similar to Trinity County's C-1 – an emphasis on allowable uses when contained within a building.

Siskiyou County allows them in their C-U (Neighborhood-Commercial) after first obtaining a Use Permit. Again, the use permit requirement allows planning staff and decision-making bodies to evaluate potential impacts on neighboring residences when considering a variety of commercial activities.

Shasta County's distinctions and requirements for allowable uses in C-1 and C-2 are very similar to those in Trinity County. The Senior Planner I discussed this with explained that requiring a CUP in both C-1 and C-2 was to address potential issues with exterior lighting, noise and traffic to the site.

None of the three counties mentioned provide the Planning Director's Use Permit path as a way to retain a level of review of this activity. No other comments were solicited.

ZONING ALONG ARTERIALS IN WEAVERVILLE AND HAYFORK

Figures 3 and 4 depict the location and prevalence of the C-1 and C-2 zones in Weaverville and Hayfork. They show the proximity of these zones to residential areas.

ENVIRONMENTAL EVALUATION:

The project is exempt from CEQA review under Section 15305(b)(3), commonly called the "general rule" provision:

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA.

PROPOSED REVISIONS TO THE RETAIL COMMERCIAL AND GENERAL COMMERCIAL ZONING DISTRICTS:

USES PERMITTED:

In addition to the uses allowed with and without a use permit in the C-1 and C-2 Zoning Districts, staff recommends that, under Sections 20.Bb and 21.Bb of the Zoning Ordinance, outdoor auto sales (or 'auto sales' as it is currently listed) shall be allowed after first securing a Planning Director's Use Permit, primarily to address potential conflicts with residential areas (lighting, noise, access and internal circulation, aesthetics, etc.).

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission discuss and/or take action on the following amendments to the Zoning Ordinance:

1. Amend Sections 20.Bb and 21.Bb of the Trinity County Ordinance to allow outdoor auto sales in the Retail Commercial (C-1) and General Commercial (C-2) Zoning Districts after first securing a Planning Director's Use Permit (Uses Permitted Subject To First Securing A Planning Director's Use Permit).

Findings of Fact for Zoning Ordinance Amendment to the Retail Commercial (C-1) and General Commercial (C-2) zoning districts:

1. The Trinity County Zoning Ordinance, as amended, allows for more flexibility in allowable uses, while maintaining review standards in the C-1 and C-2 zoning district.
2. The Trinity County Zoning Ordinance, as amended, is consistent with the general description and intent of the C-1 and C-2 zoning districts.
3. The Trinity County Zoning Ordinance, as amended, is not detrimental to the public health, safety and welfare and is in the public interest.

If the Planning Commission would like to discuss this item further and/or consider other alternatives to this proposal before making a recommendation, staff recommends continuing the item to another meeting.

SECTION 20. RETAIL COMMERCIAL OR "C-1" DISTRICT

- A. GENERAL DESCRIPTION: The purpose of this Zoning District is to provide appropriate locations for the distribution and sale or rental, of goods or services of primarily a retail nature. Retail Commercial areas are generally found within larger communities on major roads or interspersed with residential areas. Activities located in this district are generally compatible with nearby residential 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) (Ordinance No. 315-580)

- D. FOR SUBDIVISION PURPOSES, THE MINIMUM PARCEL SIZE REQUIRED: The minimum lot area shall be no less than 10,000 square feet.

- E. MINIMUM LOT WIDTH: Each lot shall be not less than seventy- five (75) feet wide.

- F. BUILDING HEIGHT: The maximum building height shall be twenty-five (25) feet.

- G. FRONT YARD SETBACK: The front setback shall have a minimum depth of ten (10) feet.

- H. INTERIOR SIDE YARD SETBACK: The interior side yard setback shall be a minimum of ten (10) feet - unless the side yard setback abuts a commercial or industrial zoned parcel in which case there are no setback requirements.

- I. EXTERIOR SIDE YARD SETBACK: The exterior side yard setback shall be a minimum of ten (10) feet.

- J. REAR YARD SETBACK: The rear yard setback shall be a minimum of six (6) feet unless the rear yard abuts a commercial or industrial zoned parcel in which case there are no setback requirements.

- K. MAXIMUM LOT COVERAGE: The total lot area covered by structures shall not exceed forty (40) percent of the total area of the lot.

- L. DRAINAGE: A Drainage Plan shall be submitted to the Department of Department of Transportation for review and approval prior to issuance of building permit(s).
- M. ENCROACHMENT PERMIT: Encroachment permits shall be obtained from the Department of Transportation Department prior to the issuance of building permits when projects create a new entrance onto a public road.

FIGURE 2

SECTION 21. GENERAL COMMERCIAL OR "C-2" DISTRICTS

- A. GENERAL DESCRIPTION: The purpose of this District is to provide appropriate locations for intensive commercial activities. General Commercial Districts are generally centralized within the community and located on major or arterial streets.
- 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) (Ordinance No. 315-580)
- D. FOR SUBDIVISION PURPOSES, THE MINIMUM PARCEL SIZE REQUIRED: The minimum lot area shall be no less than 10,000 square feet.

- E. MINIMUM LOT WIDTH: Each lot shall be not less than seventy- five (75) feet wide.
- F. BUILDING HEIGHT: The maximum building height shall be twenty-five (25) feet.
- G. FRONT YARD SETBACK: The front yard setback shall have a minimum depth of ten (10) feet unless the two nearest General Commercial zoned lots on the same street and block have less than a ten (10) foot average setback. In this case the setback shall be the average of the setback of these two nearest structures.
- H. INTERIOR SIDE YARD SETBACK: The interior side yard setback shall be a minimum of five (5) feet, unless the side yard abuts a Commercial or Industrial zoned parcel in which case there are no setback requirements.
- I. EXTERIOR SIDE YARD SETBACK: The exterior side yard setback shall be a minimum of ten (10) feet.
- J. REAR YARD SETBACK: The rear yard setback shall be a minimum of five (5) feet unless the rear yard abuts a Commercial or Industrial zoned parcel in which case there are no setback requirements.
- K. MAXIMUM LOT COVERAGE: No maximum.
- L. DRAINAGE: A Drainage Plan shall be submitted to the Department of Department of Transportation for review and approval prior to issuance of building permit(s).
- M. ENCROACHMENT PERMIT: Encroachment permits shall be obtained from the Department of Transportation Department prior to the issuance of building permits when projects create a new entrance onto a public road.



Figure 3
Central Hayfork Zoning Map

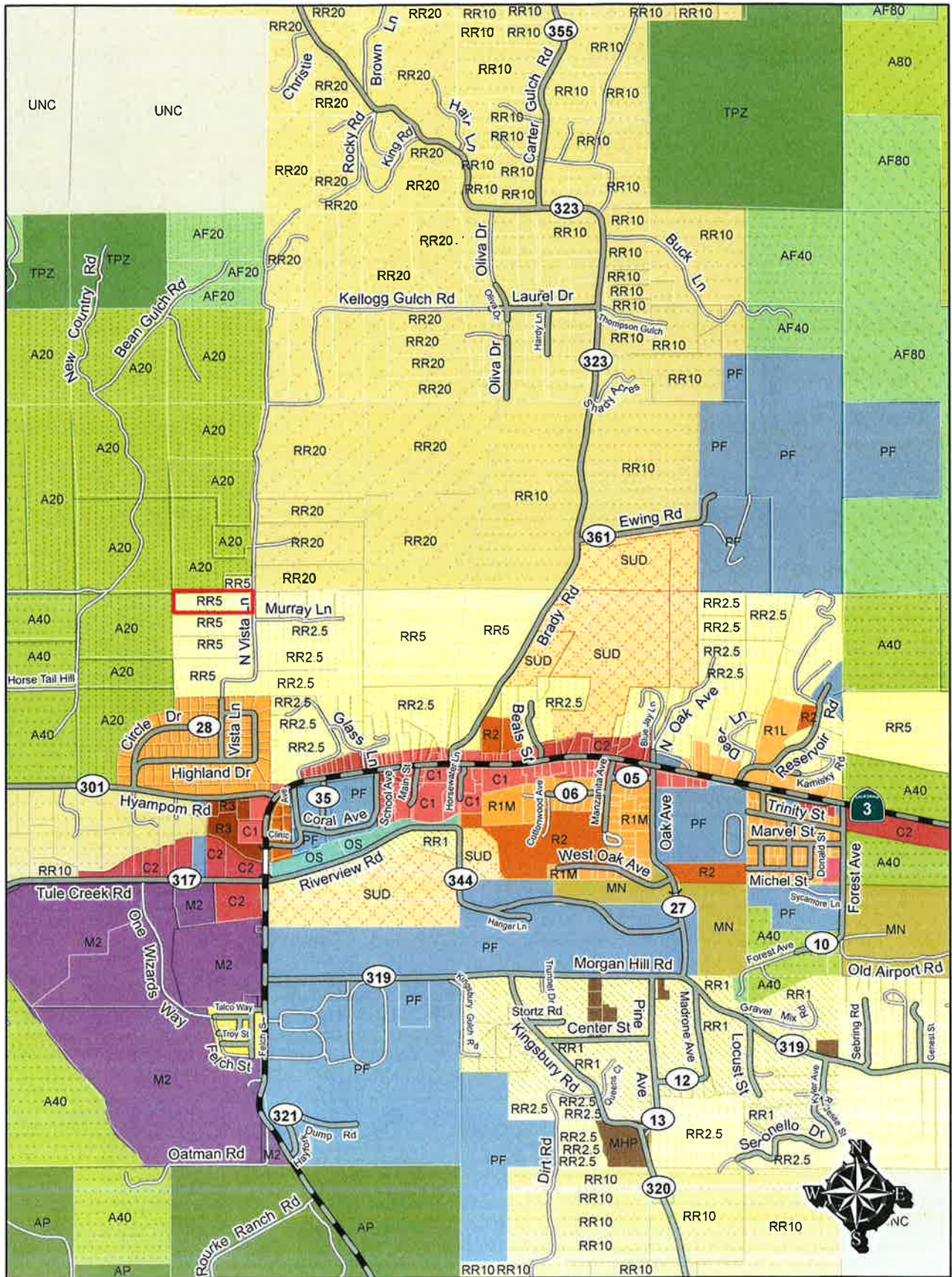


Figure 4
Central Weaverville Zoning Map

