

Item No. 6
September 8, 2016



TRINITY COUNTY PLANNING DEPARTMENT

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STAFF REPORT

September 8, 2016

From: Carson Anderson, Senior Planner
To: Planning Commission
Subject: Conditional Use Permit for Relocating a 2,688 Square-foot Metal Building For Storage to a Single-family Residential – One-half Acre Minimum (R-1A) Zoned Parcel

Applicant APN
Ed Suda 025-550-21

Proposal

- 1) Recommend or deny approval of the CUP for the proposed project calling for the relocation of the Lewiston fire station metal building from 200 Texas Avenue to 144 Texas Avenue, subject to condition, and;
- 2) Make a finding that the granting of a CUP for the project was determined to be consistent, or found not to be, consistent with the County's General Plan and Lewiston Community Plan.

Location

144 Texas Avenue in Lewiston, south from the road, at Trinity Vista Street (Figure 1)

Project Information

- A. Planning Area: Lewiston
- B. Existing General Plan Designation: Single-family Residential – Low Density (SF-L)
- C. Existing Zoning: Single-family Residential – One-half Acre Minimum (R-1A)
- D. Existing Land Use: Vacant land with an already cleared building pad for future construction; shrub brush and grassland; access driveway and culvert over adjoining drainage
- E. Adjacent Land Use Information:

North: C2 (General Commercial) zoned property carrying General Plan Commercial land use designations (Figures 2 and 3)

South: Approximately 78 acres of undeveloped grassland and woodland, with rolling terrain, controlled by the Bureau of Reclamation. This property is zoned Open Space (OS) and also carries an OS General Plan designation

East: R-1A zoned/SF-L designated as well as undeveloped Bureau of Reclamation property carrying zoning and General Plan OS land use designations

West: R-1A-zoned and C-2 zoned parcels carrying General Plan SF-L and Commercial land use designations, respectively

The applicant is requesting approval of a conditional use permit to relocate the current surplus 28 by 98-foot Lewiston fire station metal building from 200 Texas Avenue to his nearby property at 144 Texas Avenue for the storage of personal belongs, and not for use as a commercial storage facility (Figure 4). The storage use will become as accessory use for a proposed residence on the same parcel—plans for which will be submitted at a future date—thereby conforming, in overall intent, to the property’s residential zoning and general plan use designations. It should be noted that the applicant (Ed Suda) owns nearly all the abutting properties to the north, including 160 Texas Avenue (due north), through which driveway access to the subject parcel will be provided.

The project was initially submitted for consideration as a Director’s Use Permit; however, the size of the structure being relocated (2,688 square feet) and its placement on a residentially-zoned parcel without a residence already being in place, as well as the adjoining OS-designated property prompted the Planning Director to request review of the application by the Planning Commission. The removal of the old fire station’s metal building to accommodate construction of a much needed new facility is a worthwhile aim and is consistent with the General Plan, and is an aim that staff supports.

Minor ground disturbance, including some vegetation removal closest to the extant building pad (and not adjoining the drainage) is proposed as part of the project. Conditions of approval incorporating standard best management practices related to accidental discovery of underground cultural resources or human remains, stormwater runoff prevention, night sky preservation and appropriate buffering from the drainage to protect biological resources, can be included as part of the project approval and will ensure that adverse impacts are avoided per CEQA (Attachment 1 – Draft Conditions).

Land use patterns, as noted on page 1, are varied and include C-2 uses along the south side of Texas Avenue, a substantial single-family residential subdivision that extends north from the northerly side of Texas Avenue to Third Avenue, and land designated as Open Space (OS). Although the subject property is bordered on the north by commercial uses it is designated for single-family residential use, and is bordered on the south by an extensive tract of Bureau of Reclamation land designated for OS use. The 1986 Lewiston Community Plan documents the very same land use designations that exist today. Staff’s reading of this is that the single-family residential land use designation was likely viewed as offering some kind of transition from the commercial district (north) to the open space district (south) (Figure 5).

Chapter 1 (Housing and Population), 4 (Public Services and Facilities) 7 (Natural Resources, and 10 (Land Use) of the Lewiston Community Plan contain goals, policies and objectives related to development and the desired design appearance of the community. Reference is made to preserving “...the natural, rural, small town and historic character of Lewiston,” while also accommodating “...adequate housing development to meet the need of its residents” (Chapter 1). Assisting in the development of fire stations or other public facilities within the Plan Area” is also a stated objective (Public Services and Facilities - Chapter 4). The Natural Resources discussion (Chapter 7) includes the goals of protecting “...areas with special habitat considerations,” (Goal 2) preserving and maintaining open space, (Goal 3) and “...retaining the quiet unobtrusive nature of development in the Plan Area,” (Goal 5) and encouraging development which is “...consistent with the natural carrying capacity of the area’s soils.” (Goal 6).

The proposed relocation of the existing Lewiston fire station building to the proposed location a few hundred feet away, and adjacent to commercially-zoned properties used for general commercial purposes appears to be consistent with the public facilities goals of the community plan. Staff has concerns about the size of the metal building and its placement on a residential-designated parcel. In addition, Zoning Ordinance Section 16 C stipulates that accessory buildings should normally be constructed simultaneous with or subsequent to the main residential building on the same property, and as an incidental use to the primary residential use of the property. In order to grant the conditional use permit the Commission must make a finding that special circumstances warrant departure from a strict reading of the code to accommodate a community facility under development (relocated existing structure from the fire station property) and conditioned to require that the applicant construct a residence on the applicant's property at the earliest feasible date.

Environmental Scoping and Comments:

The project was routed for comments in June and August 2016. Comments received from the routing were as follows:

County Department of Transportation – An encroachment permit is required from the County Department of Transportation for the existing driveway onto Texas Avenue (County Road #LW 18) and must conform to County commercial driveway standards. More detailed comments were withheld after staff learned of the decision by the Planning Director to submit the application to the Planning Commission for approval. Comments will be forthcoming in time for discussion at the Commission meeting.

California Fish and Wildlife - Commented that the drainage abutting the subject property on the north is depicted in the California Natural Diversity Database (CNDDDB) and on USGS topographic maps, and that the Department would have concerns about potential impacts to biological resources were the applicant proposing actions that could directly affect the drainage and adjoining vegetation. In the event that the applicant proposes changes to the culvert over the drainage, the channel, or other changes that could impact the drainage bank or associated riparian vegetation abutting the drainage, a Streambed Alteration Agreement could be required in order to proceed with development.

Based on the negligible prospect for impacts to building safety, fire or environmental health concerns the County's **Building & Safety Department, Environmental Health Department,** the County's **Code Enforcement Officer,** and **Cal Fire** did not offer comments. The Building Official noted that the applicant has an active building permit application on file that will be processed pending actions taken by the Planning Commission.

Bureau of Reclamation (BOR) property abuts the subject property, however, BOR was not notified as part of the neighboring property owner notification process undertaken by the applicant. BOR has been advised of the project by staff and asked for their input. If any input is offered, this will be provided to the Commission at the meeting.

Environmental Review Action

Staff has determined that the proposed action is categorically exempt per Section 15301 of the *CEQA Guidelines* (i.e., Class 1 qualifying adaptive reuse of existing facilities with negligible expansion infill development projects) as conditioned.

Staff Recommendations

Staff offers the following potential courses of action:

1) Approve the CUP for the proposed project calling for the relocation of the Lewiston fire station metal building from 200 Texas Avenue to 144 Texas Avenue, subject to condition, finding that on the basis of the whole record before the Commission, including the comments received, that there is no substantial evidence that the project will have a significant effect on the environment, and that in doing so, reflects the Commission's independent judgement and analysis; and

2) Make a finding that the granting of a CUP for the project was determined to be consistent with the Lewiston Community Plan of the County's General Plan, and that in approving placement of an accessory structure prior to, and conditioned on future placement of a residence on the subject property, a reasonable accommodation has been made, based on special circumstances, for development of the new Lewiston Fire District fire station facility, thereby setting aside a strict reading of Zoning Ordinance Section 16 C for a legitimate public purpose.

3) Adopt as part of the CUP the conditions of approval provided herein as Attachment 1.

If the Commission grants approval staff will bring back appropriate findings to the Commission meeting for its consideration.

Or alternatively:

4) Deny the CUP for the proposed project calling for the relocation of the Lewiston fire station metal building from 200 Texas Avenue to 144 Texas Avenue, finding that on the basis of the whole record before the Commission that the project is not consistent with Zoning Ordinance Section 16 C, which calls for accessory buildings to be constructed simultaneously with, or subsequent to, and incidental to, the main residential building on the property, and also based on concerns about the size of the relocated structure and its placement on single-family residential-designated property. Direct staff to work with the applicant and the Lewiston Fire District in order to accommodate a temporary, time-specific, placement of the relocated metal building on his property until the building can be dismantled or can be sited on another suitable property.

ATTACHMENT 1

SUDA CONDITIONAL USE PERMIT (P-16-11) CONDITIONS OF APPROVAL

- 1) In the event that previously unidentified cultural or paleontological resources are encountered during the development, there shall be no further excavation or disturbance of that area. The construction crews shall stop work and avoid the materials and their surrounding context. The Trinity County Environmental Compliance Specialist shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented, and the Environmental Compliance Specialist has provided written authorization to resume work.
- 2) In the event that previously unidentified evidence of human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per state law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Commission shall identify the persons it believes to be the most likely descendent. The most likely descendent will be given the opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work in the area shall not continue until the human remains area dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.
- 3) In order to avoid potential areas of biological resource sensitivity bordering the drainage that adjoins the subject property, development will be confined to the building envelope specified by Planning Department staff.
- 4) The Owner is advised to secure all appropriate permits and clearances for site development. Any grading for site preparation, including roads, septic areas, and building pads is potentially subject to the review and approval of the California Department of Fish and Wildlife.
- 5) All driveways access locations for the property shall be subject to an Encroachment Permit from the Trinity County Department of Transportation, and shall be installed in accordance with the Permit requirements.
- 6) A grading, drainage and erosion control plan shall be prepared and submitted for approval by the County of Trinity Department of Transportation which addresses site preparation standards for access roads, building pads, and any other planned development activity for individual parcel development.
- 7) This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider

what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

8) Consistent with the Trinity County Airport Compatibility Plan and Night Sky standards, and also to preserve the character of adjoining open space-designated lands, no exterior lighting features shall be installed which result in uplighting effects that could prove distracting to aviators, or that would cause spill light or glare impacts to adjacent properties. A lighting plan for the project is required and shall be submitted for the project for review and approval of the Planning Director.

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PROJECT LOCATION MAP SUDA - DP-16-11

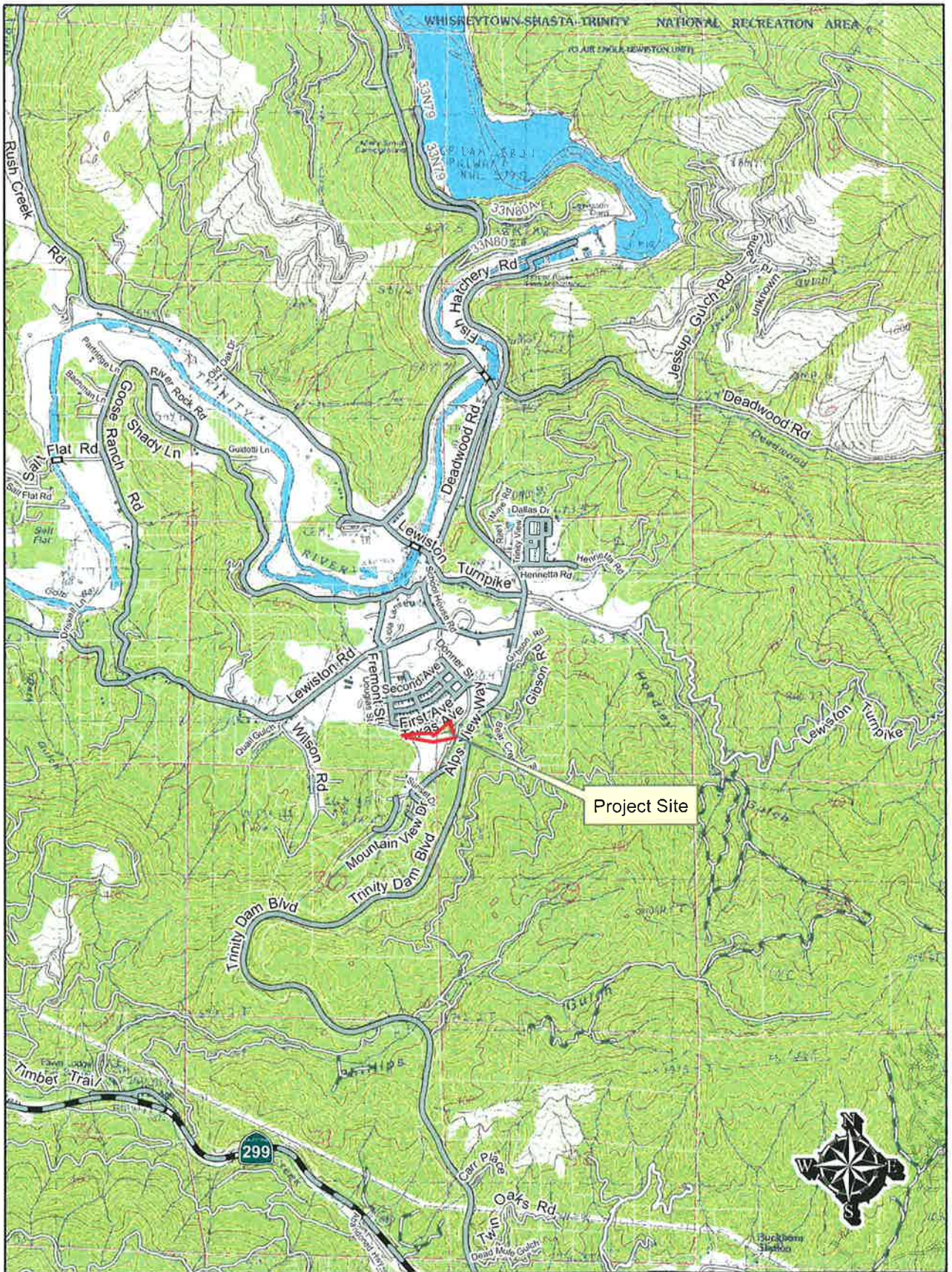


Figure 1

ZONING Suda P-16-21

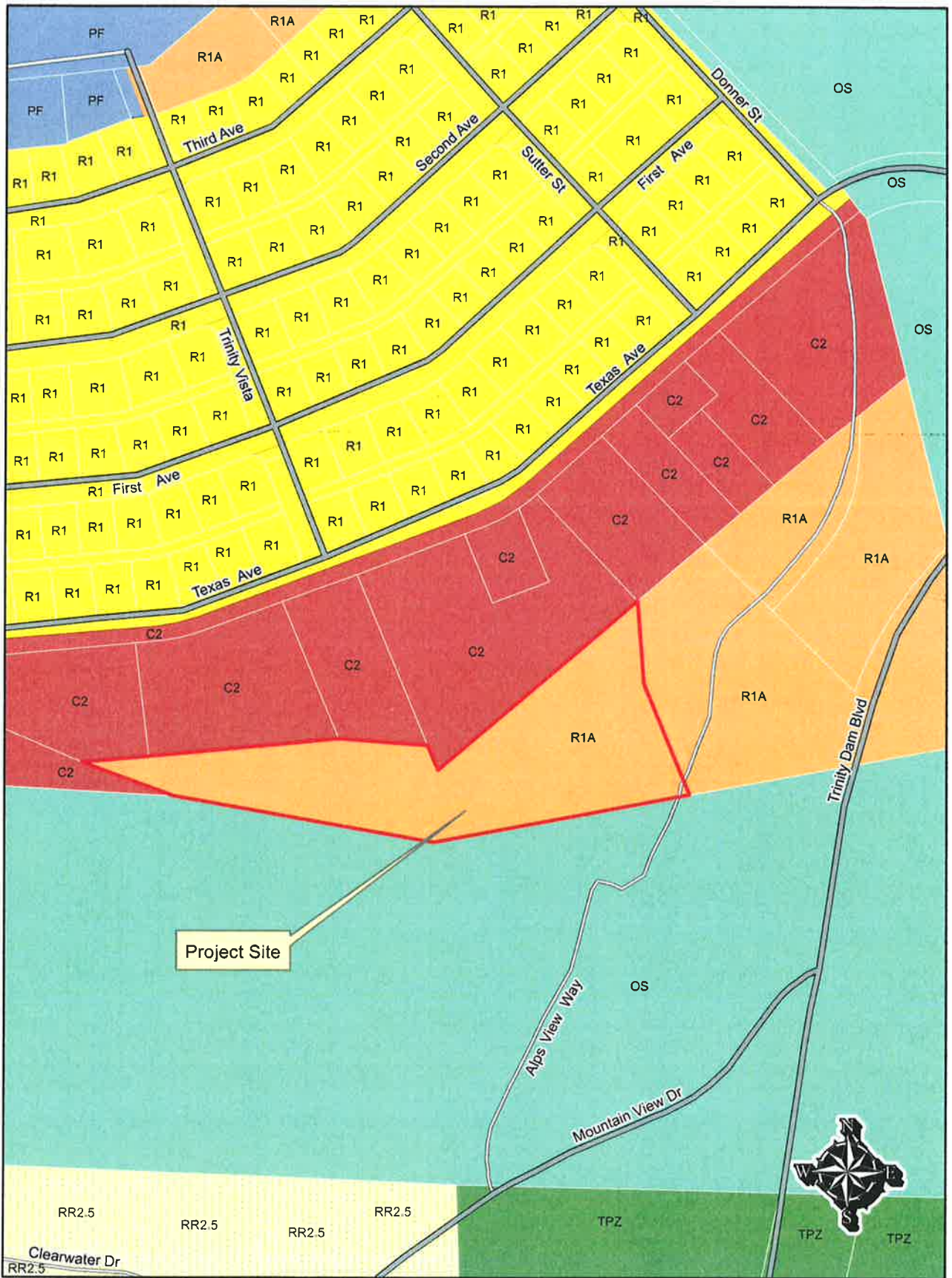
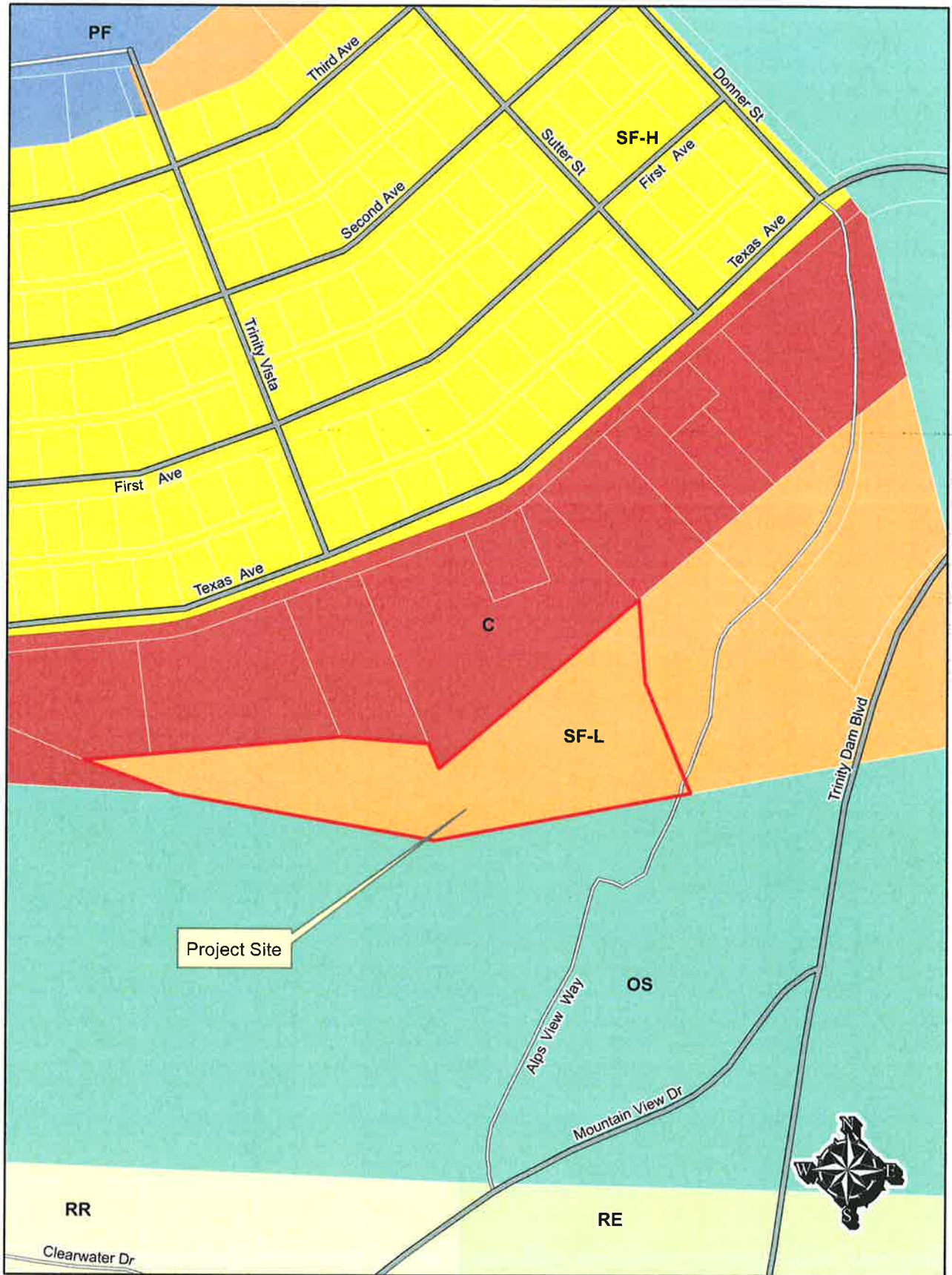


Figure 2

GENERAL PLAN DESIGNATION Suda P-16-21



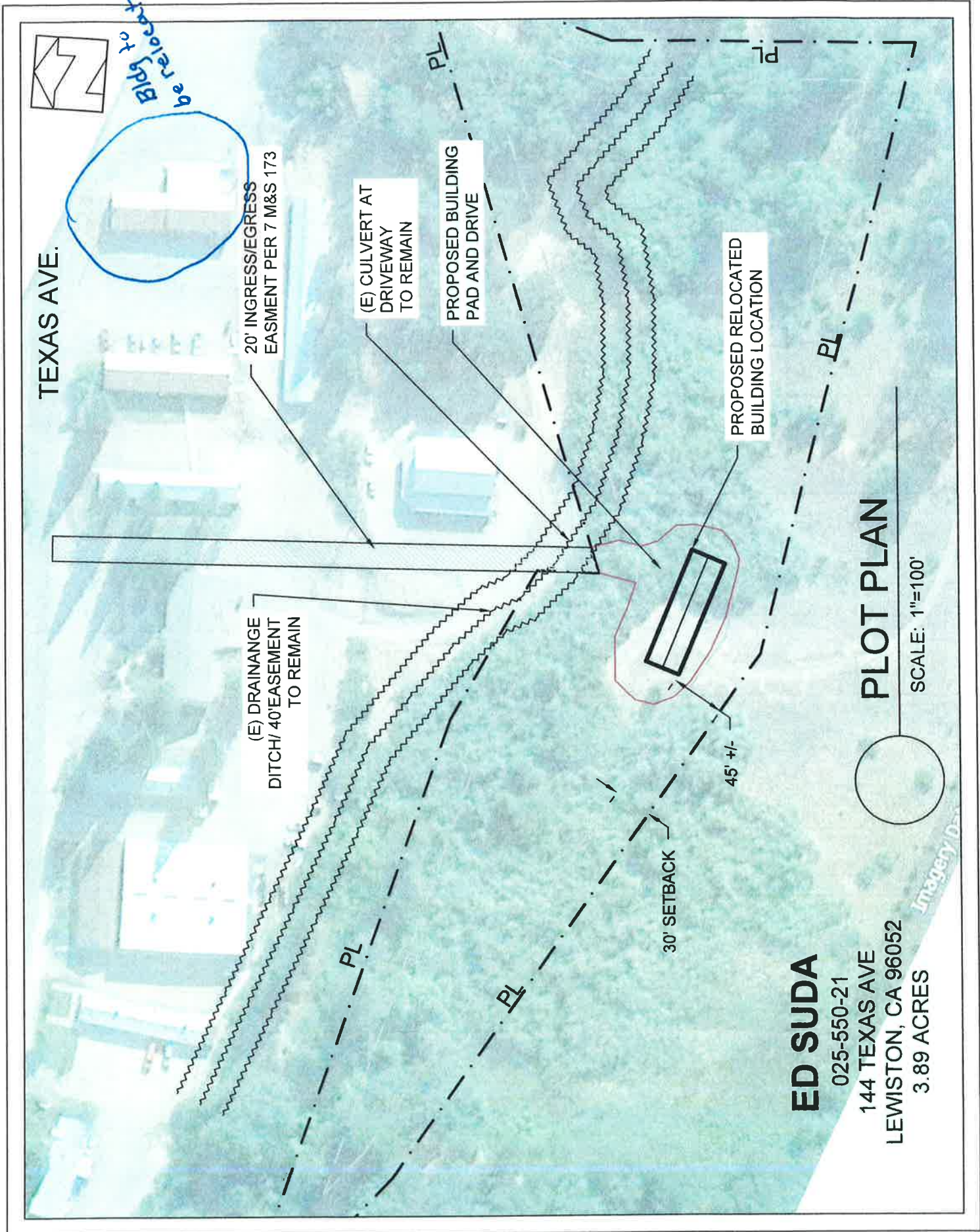
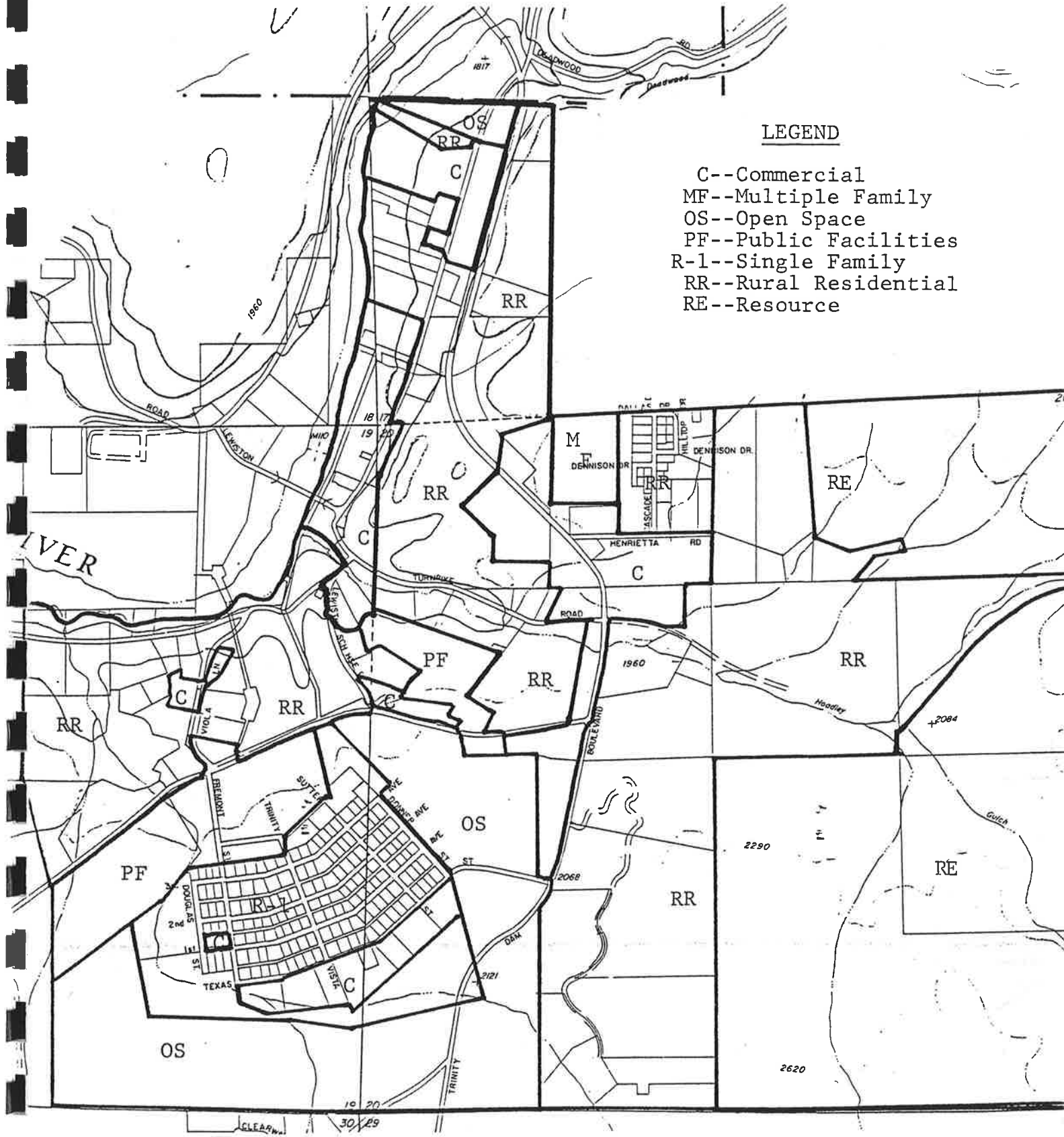


Figure 4

GENERAL PLAN LAND USE DESIGNATION --- CHART GP-II



LEGEND

- C--Commercial
- MF--Multiple Family
- OS--Open Space
- PF--Public Facilities
- R-1--Single Family
- RR--Rural Residential
- RE--Resource

Figure 5