

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

APPLICANT: Mark Hodgetts

REPORT BY: John Jelich

AGENT: Carter Blackmun

APN: 014-370-21

APPLICATION: Conditional Use Permit to develop a private “Card Room”

PROPOSAL: The applicant proposes to construct a 720 sq. ft. building overlooking Hayfork Creek for the purpose of operating a private card room.

LOCATION: 340 Tule Creek Road, Hayfork (next to Bayley’s Lumber).

PROJECT INFORMATION:

- A) Existing General Plan Designation: Commercial
- B) Existing Zoning: General Commercial (C-2)/ Flood Hazard (FH)
- C) Existing Land Use: vacant, except for a small utility building
- D) Adjacent Land Use Information:

	<u>Land Use Des.</u>	<u>Zoning</u>	<u>General Plan</u>
North:	Residential	Rural Resid. (RR-10)/Fl Haz	Rural Residential
South:	wood products	Manufacturing Med (M-2)	Industrial
East:	lumber yard	Gen Comm (C-2)/ Fl Haz	Commercial
West:	wood products	Gen Comm (C-2)/Fl Haz	Commercial

BACKGROUND INFORMATION:

The applicant is requesting a conditional use permit to develop a private card room on approximately 1.0 acre located on Tule Creek Road in Hayfork (across from the intersection of Tule Creek Road and One Wizards Way). See location map (Exhibit A). The property is located next to a lumber yard and across from the CDF fire station and old mill, now a wood products mill. The site is zoned General Commercial with Flood Hazard on that portion located within the 100 year flood plain of Hayfork Creek.

ZONING CONSISTENCY:

The subject site is designated “Commercial” in the Hayfork Community Plan, a part of the Trinity County General Plan and is zoned General Commercial (C-2).

The General Commercial (C-2) zoning district specifically allows “card room” as an allowable use subject to first securing a use permit. This is the first “private” card room application the county has received. In the past, card rooms have been public card rooms. A public card room involves much more scrutiny for such matters as alcohol sales, lighting, noise, and signage. In addition, a “public card room” requires a license from the Trinity County Sheriff that includes: investigations, criminal background checks of dealers, and limitations on the number of tables (Trinity County Code, Chapter 5.08).

This “private” card room will be owned and operated by the property owner, who plans to use it only as a meeting place for personal friends to get together for their own personal recreation purposes. No signs are proposed. No exterior lighting. No advertising of any kind. No sale of alcoholic beverages.

SIGNAGE/EXTERIOR LIGHTING:

The applicant has stated that no signage will be placed on or off-site to advertise the facility and that no exterior lighting is proposed at this time, except that which would normally be found on a building near entrances. Use permit conditions are proposed that set standards for lighting, if exterior lighting is desired in the future. A building permit will be required and staff can review building plans for compliance with the lighting condition.

PARKING:

There is ample room for guests. The site plan (attached as Exhibit B) shows the required handicapped space and nine other spaces. The handicapped space will be concrete or asphalt and developed in accordance with ADA standards. Other parking will be undeveloped, however, there is ample room for additional parking. The maximum occupancy for the 720 sq. ft. building will not be determined until actual building plans are submitted.

FLOOD PLAIN:

The project is located on Hayfork Creek which forms its northern boundary. The attached GIS map (Exhibit C) depicts the approximate boundary of the Floodway of Hayfork Creek and the 100 year flood plain in relation to the proposed new building for the card room. Note that the reddish pink color is a depiction of the Floodway (no obstructions or structures are allowed); the lighter pink area is the 100 year flood plain and the yellowish color is the 500 year flood plain. The proposed building would be built partially over the 500 year flood plain. See attached elevation drawing for the west side of the building which shows the change in slope toward the creek (Exhibit D). A Flood Plain Certification will be required prior to issuance of the building permit. This would also entail verification that the foundation was actually constructed outside of the 100 year flood plain and floodway at the time of the foundation inspection. The county’s flood hazard ordinance does not allow construction within the 100 year flood plain if there is sufficient area outside of the flood plain that can be built upon.

OTHER COMMENTS:

The following agencies submitted comments and recommended conditions for the Commission’s consideration:

Building Department:

“Improvements require building permits and Flood Certification.”

Department of Transportation:

“An encroachment permit must be obtained from the Trinity County Department of Transportation for the existing driveway onto Tule Creek Road, County Road #317. The driveway shall conform to the County Department of Transportation standards for a commercial driveway.”

(Note: The applicant has an approved encroachment permit (EN-19-08) dated March 14, 2008; however, the DOT will need to inspect the existing encroachment to be sure it meets the standards for the intended use.)

Cal Fire:

“Must meet Trinity County Ordinance (4290) like all other buildings in the county.”

Trinity County Sheriff:

The Sheriff has responded indicating that a license will not be necessary for this project.

(Note: Chapter 5.08 of the Trinity County Code requires a license secured from the Sheriff for “public” card rooms. The application before the Commission is for a “private” card room.)

Responses indicating “no comment” were received from Assessor’s Office and Environmental Health.

Responses were not received from Fish and Wildlife, Hayfork Fire Protection District or Trinity County Waterworks District #1.

Environmental Review:

The project is categorically exempt pursuant to CCR, Section 15303, Class 3: construction and location of limited numbers of new, small facilities. The subject structure is 720 sq.ft. on a one acre lot, served by community sewer and water and will be constructed outside of the 100 year flood plain of Hayfork Creek.

RECOMMENDED ACTION:

Staff recommends that the Planning Commission:

1. Approve the Use Permit to develop a private card room at 340 Tule Creek Road, Hayfork (APN: 014-370-21), subject to the following conditions of approval and based upon findings of fact, as follows:

FINDINGS OF FACT

- A. Finding: Sound Principles of Land Use. The use permit is granted on sound principles of land use.**

Statement of Fact: The subject private card room will be located in a General Commercial zoning district in an area with heavy commercial/light industrial uses. The impact to neighboring properties, if any, will be negligible.

- B. Finding: Not injurious. Granting of the use permit will not be detrimental to the public health, safety or welfare, nor will it create a public nuisance.**

Statement of Fact: The business, as conditioned to minimize impacts to neighbors, address any traffic safety issues on and off site, provide for adequate public health standards, and mitigate any environmental considerations of significance.

- C. Finding: The use permit complies with the objectives of the general plan for the area in which it is located.**

Statement of Fact: The use permit is consistent with the objectives of the Hayfork Community Plan, a part of the Trinity County General Plan. While this will be a private card room located on a parcel zoned for commercial use, the location is such that any activities would not conflict with residential areas or retail commercial activities in the central business district of Hayfork.

Figure 1

Conditions of Approval

Hodgetts, Card Room (P-16-16)

- 1 Any future nighttime security lighting for the business shall be directed down and in toward the business so as to reduce effects to neighboring properties and roadways. Shadowbox type light fixtures shall be used that block upward and sideways light projection.
- 2 There shall be no sales of alcohol.
- 3 A Flood Plain Elevation Certificate shall be prepared by a licensed land surveyor or engineer qualified to prepare elevation certificates. The certificates must establish that the site is located outside of the 100 year flood plain of Hayfork Creek. Prior to sign-off of the foundation the actual location of the structure outside of the 100 year flood plain shall be verified. If the site review determines that the site is within the 100 year flood plain, then the location of the structure shall be moved such that it is no longer within the flood plain. This issue will be addressed as part of the building permit application and review process.
- 4 An encroachment must be obtained from the Trinity County Department of Transportation for the existing driveway onto Tule Creek Road, County Road #317. The driveway shall conform to the County Department of Transportation standards for a commercial driveway.
- 5 A detailed parking and circulation plan shall be submitted to the Trinity County Planning Department for review and approval. Approved parking improvements shall be installed prior to issuance of the certificate of occupancy by the Building Department.
- 6 The applicant shall secure all appropriate permits and clearances for the various structures and their uses on the property from the Building Inspection and Environmental Health Divisions and Cal Fire. This includes provision for handicapped accessibility and sanitation facilities, to the extent required by law.
- 7 Free standing signs, either on-site or off-site shall not be allowed. No advertising by any other means shall be allowed and there shall be no signs placed on building surfaces, roofs or projections from walls pertaining to the card room activities.
- 8 If the permittee proposes to convert this use permit to a “public card room”, a public hearing will be required and the applicant will need to comply with Chapter 5.08 of the County Code concerning licensing from the Trinity County Sheriff, licensing from Alcoholic Beverage Control and securing any other necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Noise issues shall also be addressed. Any requirements imposed by an agency having jurisdiction shall be considered a condition of the use permit.
- 9 This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted.

- 10 The use and occupancy of the premises shall be established and maintained in conformance with the provisions of the Trinity County Code and County Zoning Ordinance unless modified by conditions of the use permit.
- 11 That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
- 12 This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - a) That one or more of the conditions upon which such permit was granted have been violated.
 - b) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
 - c) Any such revocation shall proceed as specified in Zoning Ordinance of Trinity County.

PROJECT LOCATION MAP P-16-16

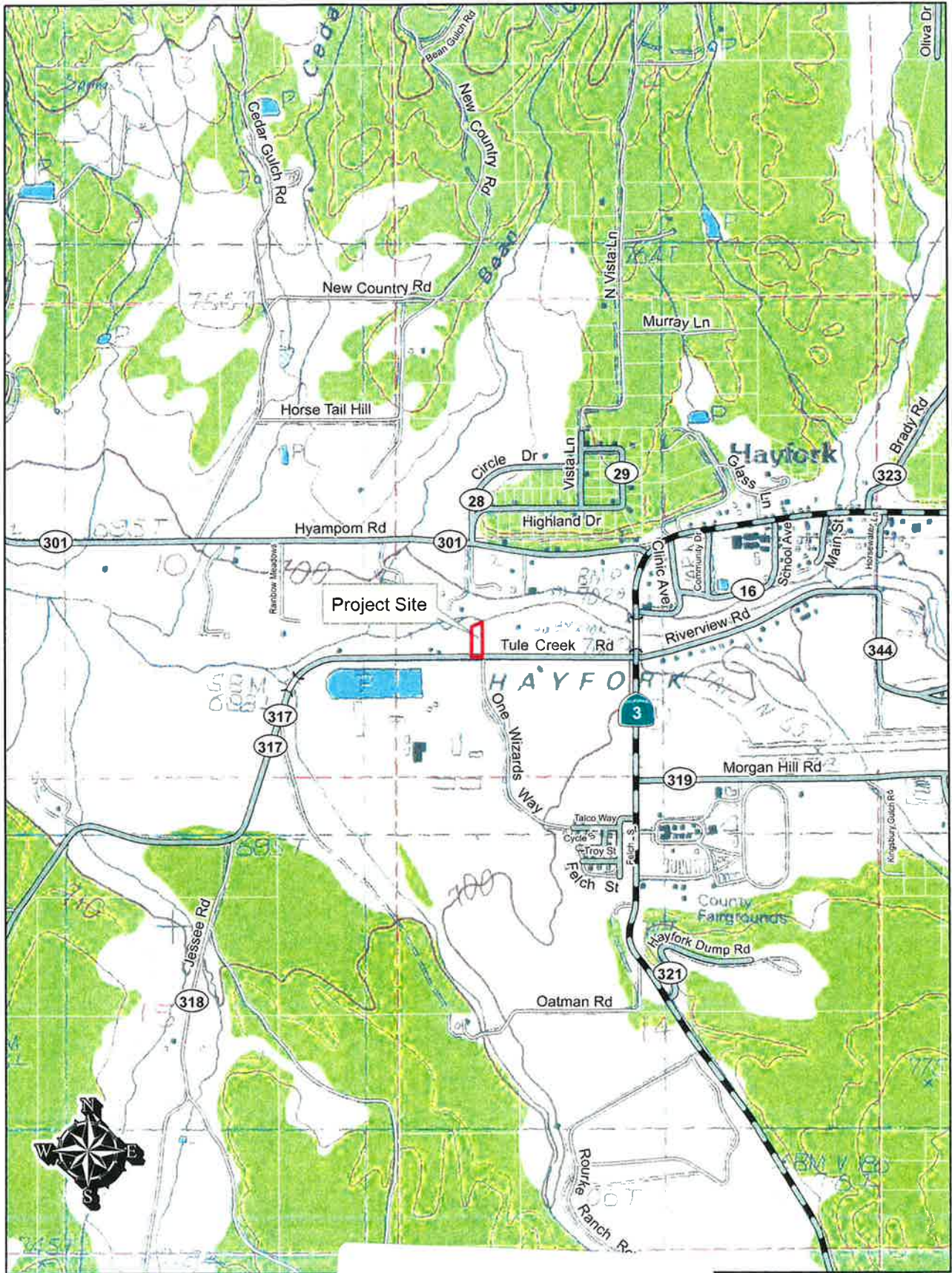


EXHIBIT A

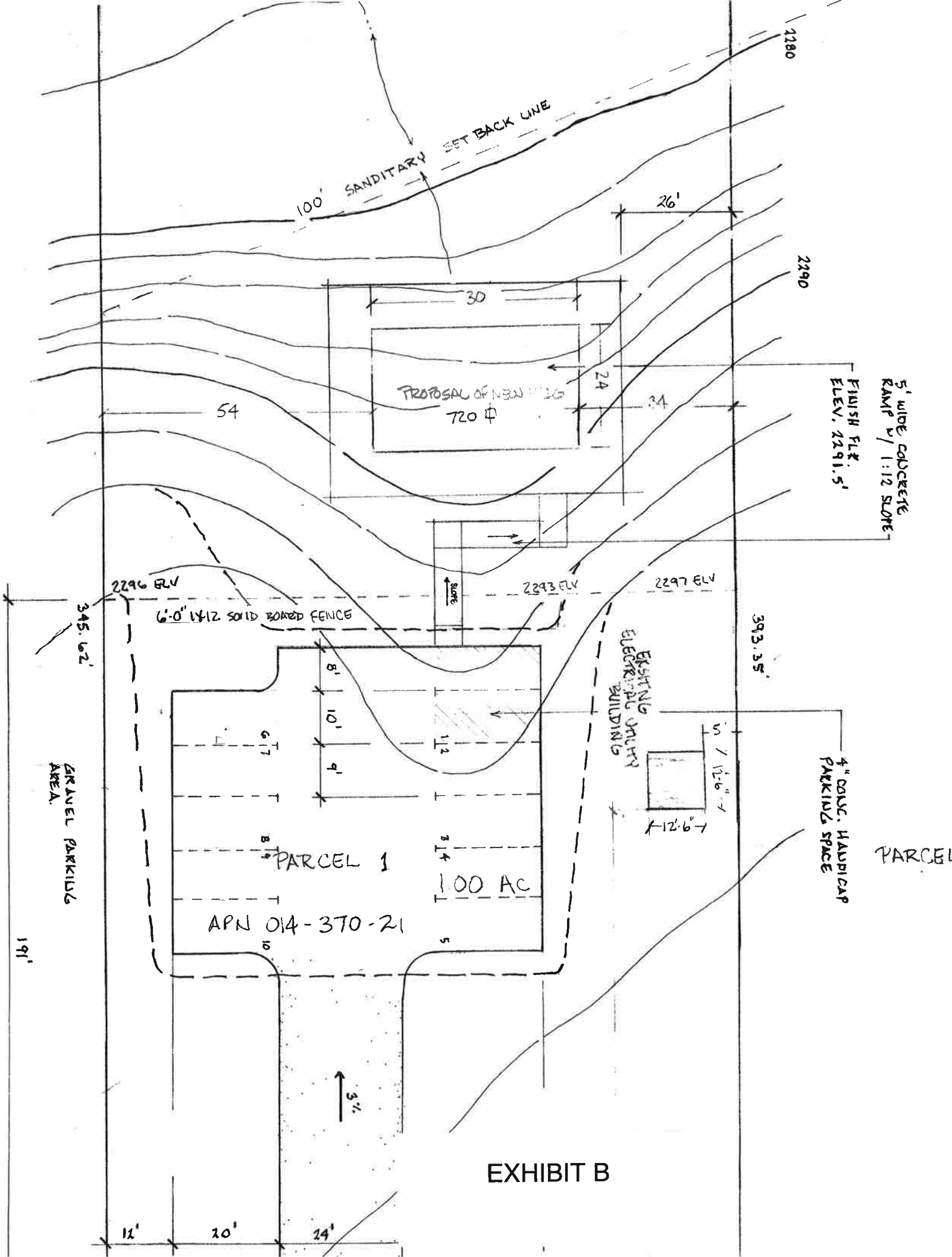


EXHIBIT B

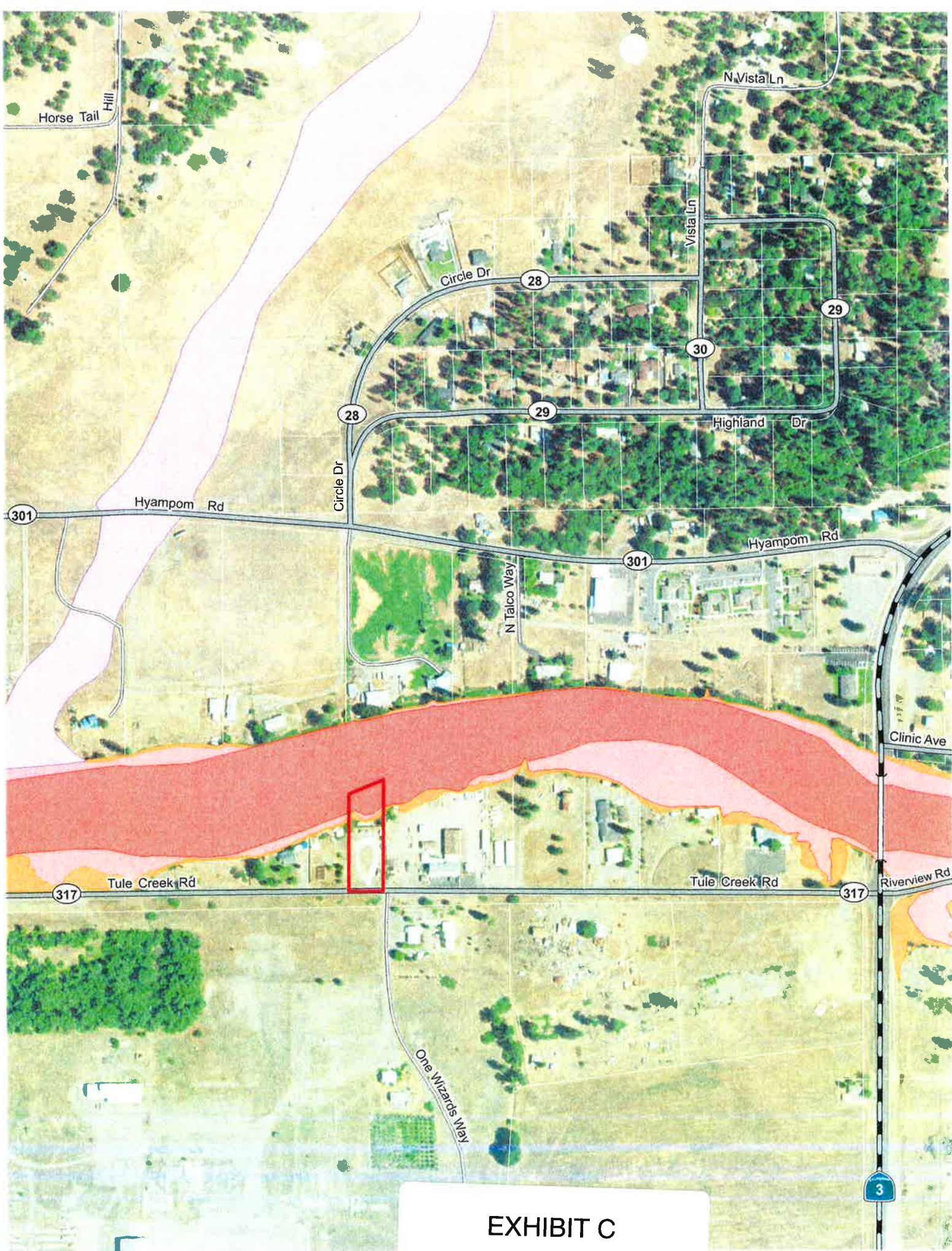
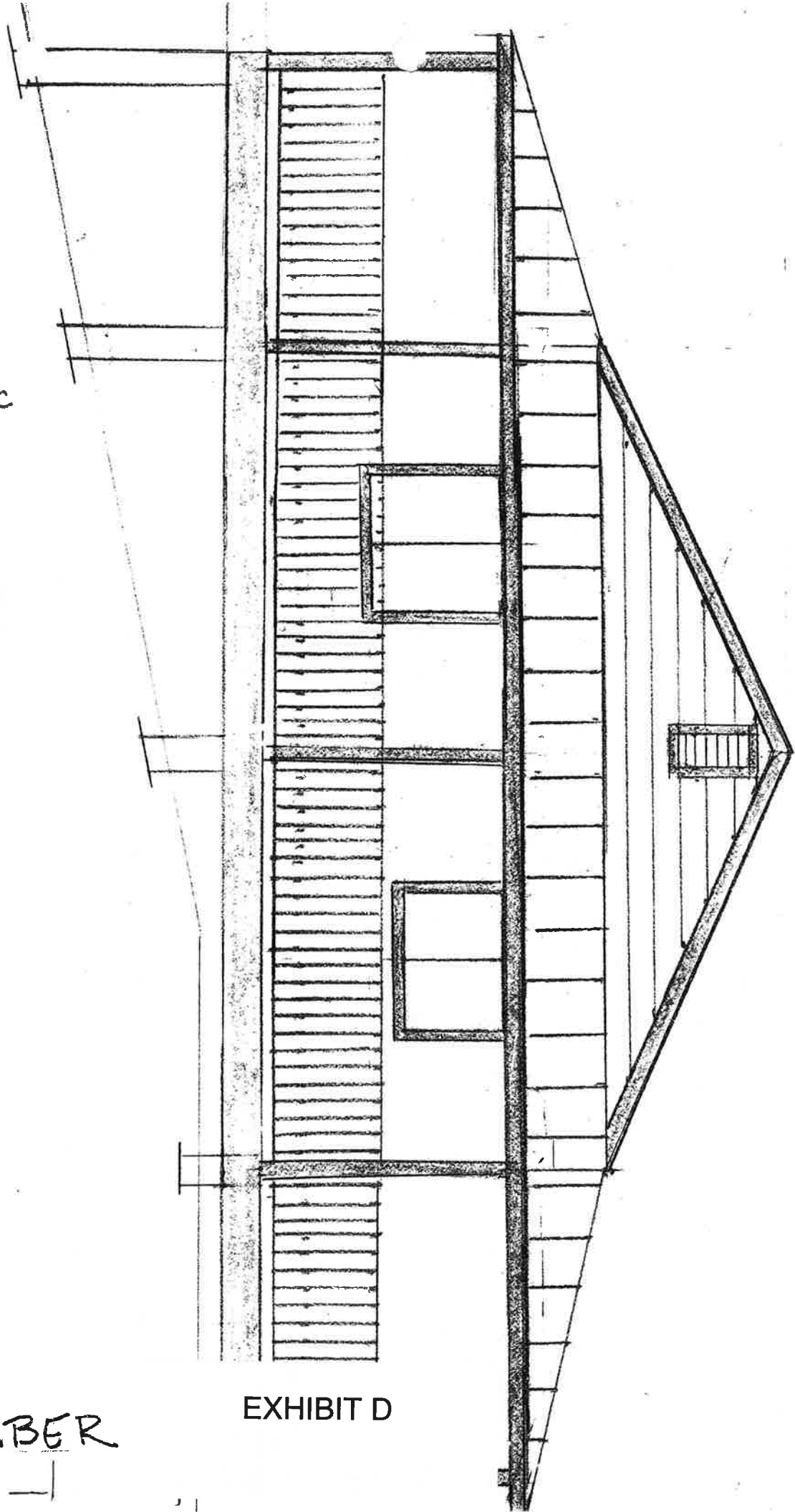


EXHIBIT C

EL 2

2.55 Ac

WEST ELEVATION



BAYLEY LUMBER

EXHIBIT D