

TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

APPLICANT: CAL FIRE

REPORT BY: Associate Planner Skylar Fisher

LOCATION: Countywide

PROJECT DESCRIPTION:

CAL FIRE is requesting the Planning Commission make a Determination of Similar Use for Firehouses in the Retail Commercial (C-1) zoning district, with or without a Conditional Use Permit, pursuant to 17.20.020 (Use permitted) and 17.30.010 (Ambiguity) of the Trinity County Zoning Code.

PROJECT INFORMATION:

The request for a Determination of Similar Use was submitted by a representative from the CAL FIRE Shasta-Trinity Unit in response to the current lease for the existing CAL FIRE station in Hayfork expiring and the only facility identified in Hayfork to become a new CAL FIRE station is located on a parcel in the C-1 zoning district at APN 014-370-32-00. The firehouse will include sleeping quarters for CAL FIRE personnel, office space, a kitchen, an engine bay, and fire engine parking.

PROJECT EVALUATION/DISCUSSION:

Firehouse Use Type in the C-1 Zoning District: The C-1 zoning district (Chapter 17.20 of the Trinity County Zoning Code) contains a list of uses that are principally permitted (allowed by right) and conditionally permitted (allowed with a Conditional Use Permit or CUP). A “Bed and breakfast inn” and “General office” are principally permitted uses in the C-1 district. A firehouse is not listed as either a principally or conditionally permitted use in the district. However, the section of the C-1 district that lists principally permitted uses (Section 17.20.020) contains a use type that states the following: “Other uses found to be similar as determined by the planning commission.” As such, this section allows the Planning Commission to determine whether other uses not specifically listed as principally permitted, should be allowed in the district without a CUP.

While a firehouse is not a specific use within the C-1 district, there are several uses permitted (with and without a use permit) which have similar intensities. For example, in Section 17.20.020 (Use permitted), "General office" and "Bed and breakfast inn" are listed as allowed uses in the district. In Section 17.20.025 (Uses permitted subject to first securing a planning directors permit), a single-family dwelling that does not account for more than twenty-five percent of the gross square footage of the structure is allowed with a director's use permit. In Section 17.20.030 (Uses permitted subject to first securing a use permit), an "Auto service station" and "Parking lot" are listed as uses allowed with a use permit. However, while there is a mechanism within the C-1 district for a Determination of Similar Use for uses permitted, there isn't a clear process for conditionally permitted uses.

Section 17.30.010 (Ambiguity) of the Trinity County Zoning Code provides a process by which this type of ambiguity in the Zoning Code may be resolved. This section states the following:

"17.30.010 - Ambiguity.

If any ambiguity arises concerning the appropriate classification of a particular use within the meaning and the intent of this title, or with respect to matter of height, area requirements or zone requirements as set forth herein, the planning commission shall ascertain all pertinent facts, and by resolution set forth its findings and interpretations and thereafter such interpretation shall govern. Similar use, as used in this title, means the same character of use and no less restricted in nature, i.e., generates no more traffic, parking, dust, noise, etc., and if retail uses are specified, "similar" means retail."

This section provides a process for the Planning Commission to consider whether a firehouse should be allowed as a conditionally permitted use in the C-1 zoning district.

Due to the nature of a firehouse use, and the fact that a firehouse is similar to the principally permitted uses in the C-1 zoning district, it is recommended that the Planning Commission find the firehouse use type to be similar to the permitted uses in the C-1 district. This would allow all firehouse uses proposed in the C-1 district, throughout the County, without an additional use permit. It is at the discretion of the Planning Commission whether a firehouse should instead be permitted through a director's use permit or a conditional use permit instead of a principally permitted use in the district. If a firehouse was subject to the conditional permit process, this would also allow for notification to the public, a public hearing before the Planning Commission, review under the California Environmental Quality Act, and for conditions and mitigations to be required of a firehouse project to address any potential impacts. A similar process of review and noticing would be required if a firehouse were permitted subject to first securing a planning director's permit.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution PC-2022-05 finding the following:

- A) Firehouse type uses are similar to the other uses permitted in the Retail Commercial (C-1) zoning district and shall be permitted without a Conditional Use Permit or a Director's Use Permit.

ATTACHMENTS:

A – Draft Resolution PC-2022-05

B – Letter Submitted by CAL FIRE Representative

RESOLUTION NUMBER 2022-05

A RESOLUTION OF THE TRINITY COUNTY PLANNING COMMISSION

(P-22-12: Determination of Similar Use of a Firehouse in Retail Commercial (C1) Zoning District)

WHEREAS, the Trinity County Planning Department has received an application which required determinations by the Trinity County Planning Commission related to the following item:

- A) Determination of Similar Use for Firehouse activities in the Retail Commercial (C-1) zoning district, with or without a Conditional Use Permit, pursuant to Sections 17.20.020 (Uses permitted) and 17.30.010 (Ambiguity) of the Trinity County Zoning Code.

WHEREAS, Section 17.30.010 (Ambiguity) of the Trinity County Zoning Code authorizes the Planning Commission to interpret the zoning code when ambiguities arise and to make determinations of similar use concerning the appropriate classification of a particular use, or with respect to matters of height, area requirements, or zone requirements; and

WHEREAS, after the posting of the meeting agenda, the matter came on regularly for consideration before the Trinity County Planning Commission on May 26, 2022;

NOW, THEREFORE BE IT RESOLVED, by the Trinity County Planning Commission:

1. Firehouse type uses are similar to other principally permitted uses in the Retail Commercial (C-1) zoning district, and shall not be required to obtain a Conditional Use Permit from the Planning Commission or a Director's Use Permit.

DULY PASSED AND ADOPTED this 26th day of May 2022 by the Planning Commission of the County of Trinity by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

WILLIAM SHARP, CHAIRMAN
Planning Commission
County of Trinity, State of California

ATTEST:

By:

Edward Prestley
Secretary of the Planning Commission
County of Trinity, State of California

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website: www.fire.ca.gov



Trinity County Planning Department:

CAL FIRE Shasta-Trinity Unit is requesting a change of occupancy permit for 6621 CA HWY 3 Hayfork CA 96041. CAL FIRE will be entering into a long-term lease for this building and property until we are able to acquire land and build a station in the community of Hayfork. CAL FIRE is needing to lease this building due to the current location of the station off Tule Creek Rd lease expiring, and the owner will not renew the lease without a charging an extremely high unfair market value. CAL FIRE personnel will be the only people sleeping at this facility. The number of people at any one time could range from 4-8 depending on fire activity and local incidents.

The use of this 6621 Hwy 3 as a station would allow CAL FIRE to continue 24/7 staffing in and around the community of Hayfork. If the occupancy change does not occur or for some reason CAL FIRE cannot use this building the CAL FIRE engine would have to commute from the CAL FIRE Weaverville station for sleeping and would have a 60-minute response time into Hayfork during the evening and night hours.

Any questions feel free to contact me at 530 448-2419

Sincerely:

DocuSigned by:

A handwritten signature in black ink, appearing to read "Jake Keown".

A029CAF331DC450...

Jake Keown

Cal Fire

**Shasta-Trinity Unit
Trinity County Relief
B2419 (530) 448-2419**