



City of Trinidad

Posted: Friday, August 05, 2011

NOTICE AND CALL OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold its first regular monthly meeting on
WEDNESDAY, AUGUST 10, 2011 at 7:00 PM
in the Town Hall at 409 Trinity Street

Closed Session begins at 5:00 PM

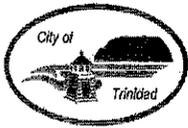
- I. CALL TO ORDER/ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. CLOSED SESSION
 1. Government Code section 54956.9(b)(3): Pending Litigation
- IV. REPORT FROM CLOSED SESSION
- V. APPROVAL OF AGENDA
- VI. APPROVAL OF MINUTES - July 13, 2011 CC
- VII. COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS
- VIII. ORAL STAFF REPORTS - Specific Department Reports, Planning Commission
- IX. ITEMS FROM THE FLOOR
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- X. CONSENT AGENDA
 1. Staff Activities Report through July 2011
 2. Financial Status Reports for June 2011
 3. Present Certificates of Recognition to Josh Casqueria and Connor Woods.
 4. Second Reading of Ordinance 2011-02: Vacation Dwelling Units.
 5. Second Reading of Ordinance 2011-01: Qualifications of Planning Commissioners.
- X. DISCUSSION/ACTION AGENDA ITEMS
 1. Discussion/Decision regarding Tsunami Siren Test.
 2. Discussion/Decision regarding Public Education for OWTS Ordinance.
 3. Discussion/Decision regarding Moss Subdivision EIR.
 4. Discussion/Decision regarding Water Rate Analysis.
 5. Discuss/Consider Selection of Trinidad Head Advisory Committee.
 6. Discussion/Decision regarding Supplemental Budget to Pay for New Recycling Containers.
 7. Discussion/Decision regarding Trinity & Edwards Street Signage.
- XI. COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS
- XII. ADJOURNMENT

APPROVAL OF MINUTES FOR:

JULY 13, 2011CC:

Supporting Documentation follows with: _____ 0 PAGES

***MINUTES WERE INCOMPLETE AT THE TIME THE PACKET WAS DISTRIBUTED.
MINUTES WILL BE PROVIDED TO THE COUNCIL AND AVAILABLE TO THE PUBLIC
FOR REVIEW PRIOR TO THE MEETING.***



CONSENT AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 19 PAGES

1. Staff Activities Report through July 2011

CITY OF TRINIDAD
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Kathy Bhardwaj, Mayor
Karen Sulker, City Manager



STAFF ACTIVITIES REPORT

Through July 2011

A Staff Activities Report is provided to the City Council on a monthly basis. Additions to the previous report will be indicated in **bold type face**. Old information will be left on this report for a period of time and then removed or updated.

City Administration:

1. Town Hall Rental. Staff has arranged for the City of Blue Lake Parks & Recreation Director to assist Trinidad in drafting updated procedures and a proposed new rate structure for the use of facilities, including town hall. A report will be presented to the Council at the September meeting.
3. On-Site Waste Water Treatment (OWTS) Ordinance. A Public Education Proposal to implement this Ordinance will be presented for considered by Council at this August meeting.
4. Tsunami Warning Signs. Staff met with Dan Larkin (County), Royal McCarthy (CalTrans), Lori Dengler (HSU) and Michael Hostler (Rancheria) on placement of signage throughout the Trinidad area to advise residents and visitors as to tsunami warning zone locations. Signs have been ordered but are usually filled in blocks (serving multiple entities), and will be installed once received.
5. Tsunami Warning Siren. A report on the tsunami siren test conducted on July 19, 2011 is presented as a separate agenda item for this August meeting.
6. Library Lease. The City has been advised by its insurance carrier, the Public Agency Risk Sharing Authority, that they will not insure the City if the City enters into an agreement that transfers indemnity or obligations from a third party (LACO) to the City, as is proposed by the draft lease prepared on behalf of the Humboldt North Coast Land Trust. A letter has been sent to the attorney representing the Land Trust reaffirming the City's intent to enter into a long term lease after the building is constructed, but advising that the City cannot assume such third party indemnification. It is staff's understanding that a geological study will be conducted on the proposed footprint for the new library, with the proposed design to follow based on that study. This will eliminate the need for the objectionable third party indemnification. The City is awaiting such confirmation from the Land Trust.

6. Water Rates. Winzler & Kelly has commenced the rate analysis study that was funded in the adopted FY 2011-12 budget. **An update on this analysis will be presented at this August meeting, at which point Council will be asked to give specific direction in terms of the general configuration of the proposed rates.**

7. Investments. Staff is working on updating its investment policy which was adopted in 2005, and has requested copies of investment policies used by other local municipalities. In the meantime, funds continue to be invested in short term bonds (up to five years) through Smith Barney. A long-term investment (10+ to 20 years) was recently sold with those and other funds transferred to the City's State of California Local Agency Investment Fund (LAIF) Account. Investment of city's funds in LAIF was authorized by the Council pursuant to Resolution 2007-03.

8. Code Compliance. Staff has been working with the Planner and Building Official on two long-standing code compliance issues (one regarding condition of property on Edwards Street and one regarding a second unit on Ocean Avenue). **Both property owners have demonstrated their intent to cooperate and work with the city to bring their properties into compliance through exchange of correspondence, payment of fees and/or the hiring of professionals.**

PLANNING ISSUES

1. General Plan. The Planning Commission continues to work on the Circulation Element, which is one of the more complex of the seven state required elements, and the fourth reviewed by the Planning Commission so far. The Circulation Element not only includes transportation and streets, but also public services and energy use. The Planning Commission has been holding special meetings as necessary to keep this moving forward.

2. Accessory Dwelling Unit (ADU) Code. This Ordinance was adopted by the City Council in August, 2010. Streamline is of the opinion this needs to be approved by the Coastal Commission and will be submitted in conjunction with the Vacation Dwelling Unit (VDU) regulations. The next step will be putting together an application package that will include an analysis of how the new regulations fit within the Local Coastal Plan and Coastal Act regulations as well as any environmental impacts of new rules. The local Coastal Commission staff could not get to it until September, 2011 at the earliest as they are currently working on the Arcata general plan and zoning LCP amendment.

3. Vacation Units Regulations. **The second reading of the Vacation Dwelling Unit Ordinance is being presented to the Council at this (August) meeting.** As a land use ordinance, this will need to be approved by the Coastal Commission, and it could be submitted in conjunction with the ADU ordinance. Insofar as the ordinance does not conflict with existing land use regulations, it may be able to be implemented prior to Coastal Commission approval.

4. **Trinidad Rancheria Community-based Plan.** Because of the short time period to respond (comments were due August 1) there was no opportunity to present this Plan to the Council for discussion. The Planner did submit extensive comments which are attached to this report.

Status of Grant Funded Programs

1. Project Name: Gateway Project

Source of Funds: CA State Transportation Improvement \$145,000 and Federal High Risk Rural Roads \$360,000 with local Prop 1B funds for match (\$84,300).

Status: **Winzler & Kelly is finalizing the plans and specifications and construction schedule. The streetlight at the Lighthouse has been removed and will not be replaced. The other replacement streetlight component of this project will proceed as soon as PG&E completes their design; however, there will be no further construction activity until an update can be presented to the Council.**

2. Project Name: Town Hall Heating System

Source of Funds: Energy Efficiency Block Grant (\$25,000)

Status: **Due to difficulties encountered in meeting requirements for other federally-funded projects, staff is reluctant to take this project on; however, the Redwood Coast Energy Authority is handling a stimulus project for the City of Ferndale, and we are in discussion with that the Authority about a similar arrangement in Trinidad.**

3. Project Name: Saunders Park Development

Source of Funds: State Park Bond Act (\$76,737) ; Z'Berg Harris (\$70,000) and local match (\$33,000).

Status: A grand opening ceremony took place on July 4th and honored the Saunders for their valuable contributions and commitment to the citizens of Trinidad. Final invoices have been submitted and a project inspection is being scheduled with State Parks personnel, after which reimbursement is anticipated.

4. Project Name: Turbidity Monitoring (SCADA upgrade)

Source of Funding: CA State Proposition (\$113,628)

Status: This project is to install equipment to facilitate water quality monitoring, and Winzler & Kelly will act as the project manager on behalf of the City. **The project is ready for competitive bidding which will occur shortly.**

5. Project Name: Water Plant Improvement Project

Source of Funding: Safe Drinking Water Revolving Fund (\$193,100)

Status: **The Grant agreement has now been signed by all parties and the project is ready to proceed. Winzler & Kelly will act as project manager on behalf of the City. This project is to plan the upgrades to the water distribution system.**

6. Project Name: Luffenholtz Creek Sediment Reduction

Source of Funding: California Department of Public Health (up to \$1.875 million)

Status: **Agreements are underway for this project, which is to reduce sources of sediment impacting the city's water supply. Redwood Community Action Agency and Green Diamond are partnering with the City on this project. Until we receive a letter of commitment for funding, costs incurred will be limited to minimal internal staff charges only.**

7. Project Name: Trinidad Pier Reconstruction (ASBS Project)

Source of Funding: CA State Proposition 84 (\$2,500,000)

Status: **A groundbreaking ceremony for the Trinidad Pier Reconstruction project was held on August 3, 2011, and construction will soon be underway, with completion anticipated in May of 2012.**

8. Project Name: Storm Water Management Improvement

Source of Funding: CA State Proposition 84 (\$2,500,000)

Status: **The grant agreement has recently been signed by the City and the State. Winzler & Kelly will act as the project manager and work should commence within the next month.**

9. Project Name: Trinidad to Humboldt Bay Coastal Watershed Program

Source of Funding: Department of Conservation Water Coordinator Grant (\$293,910)

Status: **The Grant agreement was signed in June, 2011. Scheduling a meeting of the Watershed Council is underway to begin planning activity for the upcoming year.**

10. Project Name: Museum Access Road and Landscaping

Source of Funding: ARRA (Stimulus) \$186,000

Status: The City has been advised that reimbursement from Stimulus funds is being disallowed due to a number of procedural and paperwork deficiencies associated with management of the construction project. **The City was successful in securing a commitment for \$120,000 from Transportation Enhancement Reserves available for projects within Humboldt County through HCAOG. These funds are designated for the City's Gateway project, which in turn will free previously designated Gateway funds which can then be directed to help offset the loss of ARRA funding. Although this will go a long ways toward backfilling the loss of ARRA reimbursement, it will result in a loss of regional funding available for other eligible projects.**

Police Department

1. Staffing. Deputy Scott Hicks is the Sheriff's Office deputy for Trinidad. His normal work days are Tuesday through Friday (10-hour days). Roving patrol from the Sheriff's office occurs at other times.
2. Law Enforcement Agreement: The Council supported a three year arrangement with the Humboldt County Sheriff for the provision of law enforcement services at their meeting in June, 2011. State funding in the amount of \$100,000 for local law enforcement services is once again secured for FY 2011-12.

Public Works Department

1. Streets Maintenance. In January, staff replaced all of the deteriorated and faded stop signs in Trinidad.
2. Axel Lindgren Memorial Trail. Public Works will soon be performing repairs and maintenance on this trail weather permitting, using wood generously donated by the Lindgren family.
3. Van Wycke Trail. **The Trail has been temporarily opened by Pubic Works. A long term fix is pending evaluation of available proposition 1B funds, which has been delayed pending determination of Transportation Enhancement Reserves to backfill loss of ARRA funding for the Museum Landscaping Project. This evaluation can now proceed to identify possible available funding for a permanent fix. Although Madrone Enterprises submitted a proposal not to exceed \$30,000, the City cannot bypass the competitive bid process and sole source to a single contractor.**
4. Water Treatment Improvements. Staff continues efforts on obtaining data to determine the backwash sediment load and potentially reduce disinfection by-product

pre-cursors in our source water utilizing current treatment techniques. This data is expected to be helpful when funding for the Water Plant Improvement Project is granted.

5. Emergency/Disaster Response Plan. **Staff has recently completed an Emergency/Disaster Response Plan intended to address how the city will respond to emergencies and/or disasters that are likely to affect its water service system operations.**

6. Trinidad Head Maintenance. Staff met with Coastal Commission representatives on site May 16, 2011 to clarify the definition of routine maintenance as opposed to that which constitutes development or improvements, and a letter seeking concurrence as to the status and requirements for various maintenance activities was sent by the City's Planner on May 31, 2011. The City received an interim response on July 1 (copy attached) that indicates that the Coastal Commission staff finds mowing and trimming over existing roads to no more than one foot on either side of the existing roads and to a total width of 4 feet along the trails would not constitute major vegetation removal and therefore would not require a coastal development permit. **The City has performed trail maintenance to within these limitations.**



August 1, 2011

Allison Pernell
Project Manager
Local Government Commission
Sent via email to: apernell@lgc.org

Re: (Revised) Comments on Trinidad Rancheria Comprehensive Community-based Plan and Integrated Development Standards

Dear Ms. Pernell,

Thank you for providing the opportunity to comment on these important documents that have the potential for far-reaching impacts on the surrounding community. I have just been informed that that the comment period ending August 1, 2011 is an agency only comment period and that a public comment period will be forthcoming. The City has received numerous public comments as many people have become aware of these draft documents. However, this revised letter only transmits general comments from City staff. The public comments will be held in reserve until the appropriate public comment period is opened to the community.

Let me first say that there are many thoughtful and valuable goals, policies and standards in both the Comprehensive Community-based Plan (Plan) and Integrated Development Standards (Standards). The City will consider incorporating some of them in its own general plan and zoning ordinance update. However, there are also some significant concerns that the City and the public have regarding these documents.

Many of these issues and concerns are due to the fact that these documents represent only a small piece of the Rancheria planning puzzle, and so it raises many questions without providing a lot of answers. Staff understands that much of the technical background information and analysis will be developed as the planning process continues to move forward and as the development proposals proceed. The City also understands that it cannot dictate development on the Rancheria property. However, the City and the Rancheria are part of the same community, and the City would like the opportunity to provide meaningful input into the process and welcomes the Rancheria's participation in the City's planning process as well.

Please note that the City Council has not had an opportunity to review and comment as a body on these documents due to the short comment period and the fact that the Council only meets once per month, nor have they reviewed these comments. Therefore, the City requests additional time

to comment in order to get the City Council's input. This was mentioned to Tribal Vice Chairwoman Shirley Laos at the July 13, 2011 regular City Council meeting.

My comments fall into 3 main categories, but all are closely related: (1) procedural; (2) content; and (3) coordination.

1. Procedurally, these documents do not fit into any context. Though it is noted that future development may be subject to the National Environmental Policy Act (NEPA), plans that guide and influence future development are also subject to NEPA. The Council on Environmental Quality NEPA Regulations (40 CFR 1508.18) defines actions subject to NEPA. Included is #2: *Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based.* Though the Rancheria may not be subject to NEPA if no federal agency action is needed, these documents are committing the Rancheria to a certain course of action that will impact both the human and natural environment in and around the Rancheria. The whole point of the NEPA is to start an analysis as early as possible in the planning process to allow for meaningful consideration of alternatives, which this document does not appear to do. In addition, impacts to specific resource categories such as traffic or water need to be analyzed along with cumulative impacts to the surrounding communities. This information should be included for review of such a plan in order to allow accurate assessment of its merits and impacts.

To provide an example of how this plan will have physical impacts, p. 2-11 of the Standards includes mandatory actions such as *"all existing rural residential lots shall be connected to the centralized wastewater treatment plant"* and *"the Westhaven Parcel shall implement a Septic Tank Effluence Pumping (STEP) system and build a connection to the Main Parcel in order to send wastewater to the wastewater treatment plant."* The use of the work 'shall' makes these standards mandatory, without the analysis as to the feasibility or impacts of these policies. No information is provided as to the capacity of the treatment plant or the soils to accept wastewater. Will the connection to the Westhaven Parcel be underground or along the proposed overpass? It is impossible to accurately assess and judge the merits of these types of policies and standards without the appropriate technical and scientific reports to support them. The Rancheria may already have this information, but it should be provided to the reviewing agencies.

In addition, it unclear what process was used to come up with the preferred alternatives and projects discussed in these documents. Not much detail was provided regarding the design charrettes; the City was under the impression that they were mostly related to the proposed interchange. The Rancheria's governmental procedures are not well understood, and that information would help the City understand where it and neighboring residents fit into this process.

2. In terms of content, and related to the process, the lack of background studies and technical reports raises many questions and concerns that could possibly have been avoided if the relevant background information was included or completed prior to circulation of the Plan. It is understood that there are funding limitations, but there is no

analysis included with the Plan of the feasibility of any of the proposals. There is no analysis of the impacts of any of these projects on the environment, the surrounding community or cumulatively over the long-term. It is difficult to analyze this Plan without the relevant background information it is based on or an analysis of what impacts are expected when these projects are completed. As a start, the City would like to obtain copies of the reports that are referenced in the Plan (Appendix A).

The Plan itself is also not complete (missing several elements), and therefore it is difficult to assess how it all fits together and what the ultimate impacts will be. There is also no discussion of impacts or plans for public services and how the new development might affect crime and other public safety issues. It is unclear what the timeline for completing these other elements is and whether the public or the City will have another opportunity to comment. It would be helpful to include a discussion of how this plan fits within a governmental and regulatory context. The City seeks clarification as to the process required for agency funding and review of the large-scale development projects that are proposed, including the interchange, hotel, gas station, etc.

The other big concern to the City is the large scale of the proposed developments. These projects, if they come to fruition, will represent the single largest development in this area in a very long time. Many are worried about how such development will impact the character of their neighborhoods and community. One of the 'dreams' that came out of a visioning process as listed on page 3 of the Plan refers to "*development with minimal, but positive impact to neighbors and local communities.*" The City supports this vision and would like to work with the Rancheria in implementing it for mutual benefits.

3. Most communities recognize larger areas where the community may have influence or impact such as a sphere of influence or planning area. The intent is to consider and understand how the community impacts or affects the surrounding area and vice versa. The City would like to be included as a stakeholder in the Rancheria's planning process. This does not mean that the City wants to control, dictate or veto development on the Rancheria property, but would like to have a voice in the process and outcome, because development, particularly of the scope proposed in these documents, will have significant impacts on the City. The City is legally required to consult with Tribes in its planning process. In addition, the City's governmental procedures are always open to the public, including the Rancheria community. Meeting agendas, staff reports, draft plans and documents are available on the City's website so that the public can keep abreast of current activities. Tribal governance and planning is inherently different, and a lack of understanding of those differences is a barrier to successful cooperation. The City is open to working towards this goal in a manner that works for both parties.

The City respectfully requests to be kept abreast of the timeline and schedule of significant development projects on the Rancheria and would appreciate an opportunity to provide meaningful input. Another reason for early consultation is to allow the City time to prepare for some of the changes that will impact City resources such as roads and water supply. In addition, the City requests to be a referral agency for large development projects on the main Rancheria parcel. The City recognizes that the application process

provides a generous notification area of 500 feet and that hearings that are open to the general public are required for Major Land Development. However, the City would like to specifically receive notices of these types of projects on the main Rancheria parcel, regardless of the distance of the proposed project.

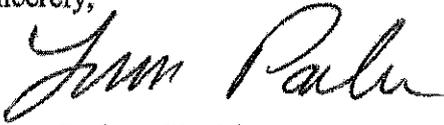
The City has concerns over the definitions of Major and Minor Development Plans found on p. 3-4 of the Standards. Many projects that could fall under the definition of 'minor' are actually quite large in scale, particularly compared with the existing community scale and surrounding neighborhoods, and could have significant impacts. These definitions seem to be more consistent with standards that are found in much larger urban areas. Minor Development Plans should be more narrowly defined. In addition, it should be clarified that development in the Harbor requires application, review and appeal through the City of Trinidad. It is not clear whether this would be in addition to or instead of the Rancheria's normal application process.

In addition to the above comments, the following is a list of issues and examples that are important and of particular concern to the City.

- Procedural – what was the process to decide the preferred list of projects, are there feasible alternatives that would accomplish the same goals, what are the impacts to the City and surroundings from the proposal
- Economic – potentially drawing people directly to the Casino and taking business from the gas station and retail in town; conversely, could be an overall draw and bring more people to the area in general
- Traffic – the interchange and large developments such as the hotel will alter traffic patterns in and around town
- Wastewater / septic – this is obviously a sensitive issue throughout the area, and the Rancheria does address it in these plans; no details are provided about the existing wastewater treatment plant, and septic is also utilized
- Water use – the Rancheria currently uses City water, but the documents propose a decrease on the reliance of City water by utilizing rainwater catchment and onsite wells; there are potential implications and impacts
- Visual – impacts include tall buildings (up to 4 stories near the casino), loss of vegetation that would expose more development (away from the casino area, the Rancheria encourages tree preservation)
- Bluff stability and stormwater – these are generally addressed with BMPs (best management practices), LID (low impact development), and other standards
- Noise – The proposed developments and alterations in traffic patters are going to affect ambient noise levels in the vicinity of the Rancheria
- Lighting – light pollution is an existing concern to the City and additional lighting could further impact the night sky; the document does includes pretty strong standards to protect the night sky by minimizing lighting and light pollution, but there will be in overall increase in lighting with the new development
- Notification – the proposed notification area is a generous 500 ft. from projects, the City should get a specific referral for large projects. Administrative procedures, including application processing and appeals should be clear how the community outside the Rancheria fits into it

Again, thank you for the opportunity to comment on the Trinidad Rancheria's Comprehensive Community-based Plan and Integrated Development Standards. The City respectfully invites cooperation with the Rancheria in developing and promoting projects that will benefit the entire community in a well-planned and thoughtful manner.

Sincerely,



Trever Parker, City Planner

cc: Karen Suiker, City Manager
Kathy Bhardwaj, Mayor
Richard Johnson, Planning Commission Chair
Jacque Hostler, Trinidad Rancheria CEO

August 3rd, 2011

Mayor and Council members: c/o Karen Suiker, City Manager

Re: Van Wycke Trail

This letter is written to follow up on recent conversations as regards the Van Wycke Trail. The recent work by Public Works staff, to clear vegetation from the trail and to do some minor trail tread repair, looks good. It is good to have the trail open again.

Unfortunately, this work does very little to deal with the bluff instability at this site. I recognize that the City has some very difficult budget problems with the unreimbursed park landscaping expenditures and a need to shift funds from several accounts to balance that loss. While this is a dire situation it does not change the conditions at the trail site.

My professional opinion is that the City is already in an emergency situation with the trail and the bluff erosion at that site. The emergency has two parts. First, there is a 6-inch diameter water line running through the soil under the trail. Due to instabilities in this area this section of water line is currently turned off due to the danger of bluff failure. If the line is left pressurized and the bluff fails, then major erosion would occur, similar to what happened at the top of Van Wyke a few years ago when the fire hydrant was opened causing serious bluff erosion.

With this 6-inch line being turned off it leaves the entire lower Trinidad area including the Marine Lab, docks, and restaurant without adequate fire protection. The only supply to this area is through a 4-inch line that cannot be tapped in case of a fire because the line would collapse from the fire truck pumps. This is an extreme emergency.

The second part of the emergency is that the bluff moved significantly this past two winters. This erosion cause the trail bed to drop several feet at the retaining wall and the entire trail bed east of this wall for about 100 feet has also dropped and separated from the old concrete trough that has the drainage pipe in it. This erosion created a crack in the soil that has now been covered over by the recent trail work. This erosion will get worse without bluff support work and the entire trail bed is likely to fail in the next significantly wet period, especially if accompanied by large waves and erosion of the toe of the slope.

When this trail bed fails, it will likely cause failure of the imbedded 6-inch waterline. At that point the City will no longer have the option of building cost-effective wooden retaining walls. It will be necessary to do the more expensive fix such as the quarter million dollar project estimated by Winzler and Kelly. Failure to act now will increase costs for the City creating another fiscal emergency of even larger proportions than currently being experienced.

I recommend that the City begin permitting for a wooden retaining wall project immediately. This repair work needs to be completed in October at the latest and if permits cannot be secured in time I recommend that the City declare an emergency and get the work done asap, but definitely before the winter rains.

I understand that funds are tight and so I propose the following:

#1 City contracts immediately with Madrone Enterprises (ME) (not to exceed \$4,999) to do a set of simple plans with plan views, a cross-section view, and a list specifications for about 8- feet of new wooden retaining wall with tiebacks and dead-man supports. I am licensed, insured, and bonded to do this design work as long as I work on the project to build it. Steve Allen at W&K has agreed to review my plans and provide findings for the permits. This design work should cost less than \$1,500 and the balance of the \$4,999 will be used as labor and supervision on the construction. Construction would occur jointly with Brian and his staff. The City would be responsible for securing a Cultural monitor, buying all materials, and completing the bulk of the construction after the ME nte amount runs out.

#2 Begin the permitting process and prepare to declare an emergency to complete the work before the winter rains.

I estimate that by using M.E. to do the design work and some of the initial construction, and by using the City staff (not required to pay prevailing wages) this project can be constructed for less than \$20,000.

I am available and prepared to help the City with this project. I can begin immediately.

Sincerely, Sungnome Madrone



CONSENT AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 9 PAGES

2. Financial Status Reports for June 2011

City of Trinidad
Statement of Revenues and Expenditures
From 6/1/2011 Through 6/30/2011

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
41010	PROPERTY TAX - SECURED	0.00	71,898.85	110,000.00 (34.64)%
41020	PROPERTY TAX - UNSECURED	0.00	3,056.80	0.00 0.00%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	46.38	0.00 0.00%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	224.61	0.00 0.00%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	227.11	0.00 0.00%
41071	MOTOR VEHICLES	0.00	3,113.81	0.00 0.00%
41072	PROP TX - BOOKING FEES	0.00	451.76	0.00 0.00%
41080	PROPERTY TAX - HOMEOWNERS	0.00	444.59	0.00 0.00%
41090	REAL PROPERTY TRANSFER TAX	0.00	333.85	0.00 0.00%
41110	PROPERTY TAX EXEMPTION	0.00	635.12	0.00 0.00%
41130	PUBLIC SAFETY 1/2 CENT	0.00	1,090.43	0.00 0.00%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	864.87	0.00 0.00%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	(3,556.18)	0.00 0.00%
41200	LAFCO Charge	0.00	(493.12)	0.00 0.00%
41210	IN-LIEU SALES & USE TAX	0.00	27,257.85	0.00 0.00%
41220	IN LIEU VLF	0.00	25,835.00	0.00 0.00%
42000	SALES & USE TAX	25,103.15	155,549.25	220,000.00 (29.30)%
43000	TRANSIENT LODGING TAX	0.00	52,323.25	72,000.00 (27.33)%
47310	VEHICLE LICENSE COLLECTION	0.00	474.29	0.00 0.00%
47350	MOTOR VEHICLE LICENSE FEE GAP	99.42	338.87	0.00 0.00%
49080	MOTOR VEHICLE FINES	0.00	0.00	1,000.00 (100.00)%
53010	COPY MACHINE FEE	33.20	50.20	100.00 (49.80)%
53020	INTEREST INCOME	906.00	36,717.06	35,000.00 4.91%
53090	OTHER MISCELLANEOUS INCOME	0.00	3,393.81	0.00 0.00%
54020	PLANNER- APPLICATION PROCESSIN	0.00	5,701.75	10,000.00 (42.98)%
54040	ENGINEER-APPLICATION PROCESSIN	0.00	0.00	500.00 (100.00)%
54050	BLDG.INSP-APPLICATION PROCESSI	15,581.21	24,626.43	5,000.00 392.53%
54100	ANIMAL LICENSE FEES	0.00	34.00	200.00 (83.00)%
54130	FARMERS MARKET BUSINESS LICENS	95.00	415.00	0.00 0.00%
54140	ZONING & SUBDIVISION FEES	0.00	10.00	0.00 0.00%
54150	BUSINESS LICENSE TAX	0.00	5,100.00	12,000.00 (57.50)%
54300	ENCROACHMENT PERMIT FEES	100.00	460.00	400.00 15.00%
56150	FRANCHISE FEES	0.00	8,459.51	6,000.00 40.99%
56400	RENT - VERIZON	3,337.04	19,715.82	18,000.00 9.53%
56500	RENT - HARBOR LEASE	0.00	5,000.00	5,000.00 0.00%
56650	RENT - SUDDENLINK	0.00	3,948.51	0.00 0.00%
56700	RENT - TOWN HALL	985.00	6,365.00	10,000.00 (36.35)%
56800	RENT - MISC	0.00	0.00	500.00 (100.00)%
58100	CEMETERY PLOT SALES	0.00	100.00	0.00 0.00%
59999	INTERDEPARTMENTAL TRANSFER INC	2,533.22	2,533.22	52,000.00 (95.13)%
	Total Revenue	<u>48,773.24</u>	<u>462,747.70</u>	<u>557,700.00 (17.03)%</u>

City of Trinidad
Statement of Revenues and Expenditures
201 - GFAdmin
From 6/1/2011 Through 6/30/2011

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Expense					
60900	HONORARIUMS	250.00	2,750.00	3,000.00	8.33%
61000	EMPLOYEE GROSS WAGE	11,618.19	67,387.92	47,545.00	(41.74)%
61470	FRINGE BENEFITS	69.24	6,338.56	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFIT	0.00	0.00	26,247.00	100.00%
65100	DEFERRED RETIREMENT	404.80	6,740.27	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	306.05	6,532.80	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	613.75	0.00	0.00%
65400	UNEMPLOYMENT COMPENSATION	0.00	2,111.47	0.00	0.00%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	63.50	1,176.50	1,200.00	1.96%
65600	PAYROLL TAX	852.98	5,987.87	4,721.00	(26.83)%
68100	FIDELITY BOND	0.00	700.00	700.00	0.00%
68200	INSURANCE - LIABILITY	0.00	5,443.00	5,443.00	0.00%
68300	PROPERTY & CASUALTY	0.00	4,397.00	5,350.00	17.81%
71100	ATTORNEY-MEETINGS	0.00	17,076.70	24,000.00	28.85%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	8,517.10	0.00	0.00%
71130	ATTORNEY-LITIGATION	0.00	2,812.50	10,000.00	71.88%
71140	ATTORNEY-MILEAGE	0.00	37.50	0.00	0.00%
71160	ACCOUNTING	0.00	255.29	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	5,224.75	6,000.00	12.92%
71220	CITY ENG-APPLICATION PROCESS	0.00	0.00	2,000.00	100.00%
71300	CITY PLANNER-MEETINGS	420.00	4,624.25	2,000.00	(131.21)%
71310	CITY PLANNER-ADMIN. TASKS	974.75	10,907.80	6,000.00	(81.80)%
71320	CITY PLANNER-APPL. PROCESS	0.00	5,310.00	8,000.00	33.63%
71330	CITY PLANNER-ENFORCEMENT	696.00	888.00	0.00	0.00%
71340	CITY PLANNER - SPECIAL PROJECT	750.00	8,241.00	12,000.00	31.32%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	568.75	0.00	0.00%
71420	BLDG INSPECTOR-PERMIT PROCESS	433.00	1,922.00	0.00	0.00%
71430	BLDG INSPECTOR-ENFORCEMENT	0.00	593.85	5,000.00	88.12%
71510	ACCOUNTANT-ADMIN TASKS	459.03	14,008.97	18,000.00	22.17%
71620	AUDITOR-FINANCIAL REPORTS	0.00	11,044.00	10,000.00	(10.44)%
72000	CHAMBER OF COMMERCE	0.00	0.00	30,000.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	940.69	1,000.00	5.93%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	4,000.00	100.00%
75170	RENT	0.00	5,850.00	7,800.00	25.00%
75180	UTILITIES	141.32	4,273.26	4,000.00	(6.83)%
75190	DUES & MEMBERSHIP	54.50	12,846.50	2,000.00	(542.33)%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	1,031.97	5,000.00	79.36%
75220	OFFICE SUPPLIES & EXPENSE	236.01	4,470.60	4,500.00	0.65%
75240	BANK CHARGES	0.00	72.80	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	4,200.08	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	0.00	1,027.00	1,000.00	(2.70)%
76110	TELEPHONE	140.45	1,949.51	3,000.00	35.02%
76130	CABLE & INTERNET SERVICE	160.95	1,980.11	1,500.00	(32.01)%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	621.77	3,209.52	1,000.00	(220.95)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	3.18	3,616.31	5,000.00	27.67%
92200	UNREALIZED INVEST. GAINS/LOSSE	614.31	12,759.59	0.00	0.00%
	Total Expense	19,270.03	260,449.54	268,506.00	3.00%

City of Trinidad
Statement of Revenues and Expenditures
301 - Police
From 6/1/2011 Through 6/30/2011

	<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense				
61000	2,715.59	20,953.80	23,231.00	9.80%
65000	0.00	638.51	980.00	34.85%
65100	0.00	289.99	0.00	0.00%
65200	0.00	(586.30)	0.00	0.00%
65300	0.00	614.51	0.00	0.00%
65400	0.00	3,631.53	0.00	0.00%
65600	208.01	1,604.62	2,371.00	32.32%
71160	0.00	233.41	0.00	0.00%
71510	393.44	5,130.37	0.00	0.00%
71620	0.00	792.00	0.00	0.00%
75170	1,300.00	8,450.00	7,800.00	(8.33)%
75180	177.50	2,632.42	1,200.00	(119.37)%
75220	0.00	644.90	2,400.00	73.13%
75230	179.90	179.90	0.00	0.00%
75300	29,996.00	74,508.10	80,000.00	6.86%
75350	113.00	1,356.00	1,350.00	(0.44)%
75380	0.00	105.00	0.00	0.00%
76110	80.59	947.94	1,800.00	47.34%
76130	0.00	174.76	0.00	0.00%
78150	0.00	60.00	0.00	0.00%
78160	0.00	36.00	0.00	0.00%
78180	0.00	0.00	500.00	100.00%
85000	0.00	2,791.75	3,000.00	6.94%
Total Expense	35,164.03	125,189.21	124,632.00	(0.45)%

City of Trinidad
Statement of Revenues and Expenditures
401 - Fire
From 6/1/2011 Through 6/30/2011

	<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>	
Expense					
60900	HONORARIUMS	150.00	1,650.00	1,800.00	8.33%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	90.00	0.00	0.00%
75180	UTILITIES	0.00	594.25	600.00	0.96%
75190	DUES & MEMBERSHIP	0.00	10.00	0.00	0.00%
75260	BACKGROUNDS / EDUCATION	0.00	125.00	1,000.00	87.50%
75280	TRAINING / EDUCATION	0.00	161.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	123.00	5,700.00	97.84%
76110	TELEPHONE	4.07	160.07	100.00	(60.07)%
76140	RADIO & DISPATCH	0.00	0.00	1,000.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	151.22	750.00	79.84%
78150	VEHICLE REPAIRS	0.00	0.00	3,000.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	207.88	500.00	58.42%
78180	OTHER REPAIR & MAINTENENCE	0.00	0.00	1,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	4,688.03	7,500.00	37.49%
85000	CAPITAL OUTLAY	0.00	0.00	10,000.00	100.00%
90000	Capital Reserves	0.00	0.00	20,000.00	100.00%
	Total Expense	<u>154.07</u>	<u>7,960.45</u>	<u>53,450.00</u>	<u>85.11%</u>

City of Trinidad
Statement of Revenues and Expenditures
501 - PW (Public Works)
From 6/1/2011 Through 6/30/2011

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	4,280.48	31,995.56	37,072.00	13.69%
65000	EMPLOYEE TAXES, INSUR & BENEFIT	0.00	0.00	15,145.00	100.00%
65100	DEFERRED RETIREMENT	458.89	3,274.10	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	1,330.46	12,720.99	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	614.51	0.00	0.00%
65600	PAYROLL TAX	362.82	2,743.43	2,560.00	(7.17)%
71510	ACCOUNTANT-ADMIN TASKS	0.00	942.64	0.00	0.00%
75180	UTILITIES	74.21	74.21	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	1,000.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	5.04	11,882.14	24,000.00	50.49%
78110	Street Safety Improvements	0.00	1,320.47	12,000.00	89.00%
78120	STREET LIGHTING	309.10	3,500.43	4,000.00	12.49%
78125	Street Lighting - Improvements	0.00	0.00	15,000.00	100.00%
78130	TRAIL MAINTENANCE	0.00	21,190.79	22,200.00	4.55%
78140	VEHICLE FUEL & OIL	409.97	2,837.30	3,000.00	5.42%
78150	VEHICLE REPAIRS	0.00	1,291.44	0.00	0.00%
78180	OTHER REPAIR & MAINTENENCE	0.00	43.29	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	733.44	2,473.35	2,500.00	1.07%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	283.52	0.00	0.00%
79150	WATER LINE REPAIR	0.00	32.42	0.00	0.00%
Total Expense		<u>7,964.41</u>	<u>97,220.59</u>	<u>138,477.00</u>	<u>29.79%</u>

City of Trinidad
Statement of Revenues and Expenditures
204 - IWM
From 6/1/2011 Through 6/30/2011

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
46000	GRANT INCOME	0.00	720.00	5,000.00	(85.60)%
47600	BLUE BAG SALES	336.00	3,346.00	2,000.00	67.30%
47650	RECYCLING REVENUE	1,503.87	26,637.93	23,000.00	15.82%
	Total Revenue	<u>1,839.87</u>	<u>30,703.93</u>	<u>30,000.00</u>	<u>2.35%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	1,637.73	12,981.33	11,291.00	(14.97)%
61250	OVERTIME	0.00	0.00	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	5,060.00	100.00%
65100	DEFERRED RETIREMENT	216.31	1,438.97	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	380.85	3,941.90	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	283.62	0.00	0.00%
65600	PAYROLL TAX	120.54	1,088.65	1,151.00	5.42%
75120	WASTE RECYCLING PICKUP/DISPOSA	1,360.00	14,400.00	12,000.00	(20.00)%
75130	GARBAGE	522.70	927.20	0.00	0.00%
75140	BLUE BAG PURCHASES	0.00	3,160.00	2,500.00	(26.40)%
78100	STREET MAINT/REPAIR/SANITATION	1,360.27	6,798.15	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	614.16	1,249.41	0.00	0.00%
78210	Advertising Outreach & Project	0.00	480.47	2,500.00	80.78%
	Total Expense	<u>6,212.56</u>	<u>46,749.70</u>	<u>34,502.00</u>	<u>(35.50)%</u>
	Net Income	<u>(4,372.69)</u>	<u>(16,045.77)</u>	<u>(4,502.00)</u>	<u>256.41%</u>

City of Trinidad
Statement of Revenues and Expenditures
601 - Water
From 6/1/2011 Through 6/30/2011

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
53020	INTEREST INCOME	0.00	0.00	30,000.00 (100.00)%
53080	OTHER FEES FOR SERVICE	0.00	90.00	0.00 0.00%
53090	OTHER MISCELLANEOUS INCOME	0.00	817.50	0.00 0.00%
57100	WATER SALES	18,073.97	215,688.08	214,600.00 0.51%
57300	NEW WATER HOOK UPS	0.00	4,500.00	9,000.00 (50.00)%
57500	WATER A/R PENALTIES	1,503.11	9,354.67	4,000.00 133.87%
	Total Revenue	19,577.08	230,450.25	257,600.00 (10.54)%
Expense				
61000	EMPLOYEE GROSS WAGE	10,335.22	80,299.99	85,050.00 5.58%
61250	OVERTIME	0.00	882.78	0.00 0.00%
61470	FRINGE BENEFITS	0.00	0.00	0.00 0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	40,022.00 100.00%
65100	DEFERRED RETIREMENT	1,188.09	9,145.04	0.00 0.00%
65200	MEDICAL INSURANCE AND EXPENSE	2,619.89	28,760.45	0.00 0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	1,843.53	0.00 0.00%
65600	PAYROLL TAX	839.48	6,881.82	7,352.00 6.40%
68200	INSURANCE - LIABILITY	0.00	4,000.00	4,000.00 0.00%
68300	PROPERTY & CASUALTY	0.00	2,250.00	3,231.00 30.36%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	3,000.00 100.00%
71160	ACCOUNTING	0.00	240.71	0.00 0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	3,499.25	41,000.00 91.47%
71230	ENGINEER-SPECIAL PROJECTS	0.00	15,212.50	0.00 0.00%
71510	ACCOUNTANT-ADMIN TASKS	459.03	6,432.11	14,000.00 54.06%
71610	AUDITOR-ADMINISTRATIVE TASKS	0.00	0.00	8,000.00 100.00%
71620	AUDITOR-FINANCIAL REPORTS	0.00	9,064.00	0.00 0.00%
72100	BAD DEBTS	200.00	294.46	0.00 0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	45.00	0.00 0.00%
75180	UTILITIES	1,182.77	10,825.73	14,000.00 22.67%
75190	DUES & MEMBERSHIP	356.00	1,059.04	1,000.00 (5.90)%
75220	OFFICE SUPPLIES & EXPENSE	290.00	1,956.73	2,000.00 2.16%
75230	INTEREST EXPENSE	0.00	1,935.43	1,050.00 (84.33)%
75240	BANK CHARGES	5.00	10.00	0.00 0.00%
75990	MISCELLANEOUS EXPENSE	0.00	116.81	0.00 0.00%
76100	TELEPHONE & COMMUNICATIONS	0.00	49.00	1,500.00 96.73%
76110	TELEPHONE	70.05	961.59	0.00 0.00%
76130	CABLE & INTERNET SERVICE	49.00	539.00	0.00 0.00%
76160	LICENSES & FEES	0.00	2,314.77	0.00 0.00%
78140	VEHICLE FUEL & OIL	158.80	2,054.45	3,000.00 31.52%
78150	VEHICLE REPAIRS	0.00	36.79	1,500.00 97.55%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	1,399.12	1,000.00 (39.91)%
78170	SECURITY SYSTEM	0.00	276.00	1,000.00 72.40%
78190	MATERIALS, SUPPLIES & EQUIPMEN	4.48	4,664.74	5,000.00 6.71%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	297.83	0.00 0.00%
79100	WATER LAB FEES	425.00	3,137.01	4,000.00 21.57%
79110	WATER LINES/METERS	0.00	9.31	0.00 0.00%
79120	WATER PLANT CHEMICALS	95.00	10,857.76	14,000.00 22.44%
79130	WATER LINE HOOK-UPS	0.00	0.00	4,000.00 100.00%
79150	WATER LINE REPAIR	0.00	12,967.00	18,000.00 27.96%
79160	WATER PLANT REPAIR	0.00	8,611.37	10,000.00 13.89%

City of Trinidad
Statement of Revenues and Expenditures
 601 - Water
 From 6/1/2011 Through 6/30/2011

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Total Expense	<u>18,277.81</u>	<u>232,931.12</u>	<u>286,705.00</u>	<u>18.76%</u>
Net Income	<u>1,299.27</u>	<u>(2,480.87)</u>	<u>(29,105.00)</u>	<u>(91.48)%</u>

City of Trinidad
Statement of Revenues and Expenditures
701 - Cemetery
From 6/1/2011 Through 6/30/2011

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	5,000.00	(100.00)%
58100	CEMETERY PLOT SALES	3,417.20	11,532.20	8,000.00	44.15%
	Total Revenue	<u>3,417.20</u>	<u>11,532.20</u>	<u>13,000.00</u>	<u>(11.29)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	1,073.03	8,480.85	6,841.00	(23.97)%
61250	OVERTIME	0.00	0.00	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	2,946.00	100.00%
65100	DEFERRED RETIREMENT	135.34	885.73	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	319.60	3,062.76	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	189.08	0.00	0.00%
65600	PAYROLL TAX	85.31	715.87	885.00	19.11%
68200	INSURANCE - LIABILITY	0.00	500.00	500.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	500.00	100.00%
78180	OTHER REPAIR & MAINTENENCE	0.00	(13.15)	500.00	102.63%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	278.81	0.00	0.00%
	Total Expense	<u>1,613.28</u>	<u>14,099.95</u>	<u>12,172.00</u>	<u>(15.84)%</u>
	Net Income	<u>1,803.92</u>	<u>(2,567.75)</u>	<u>828.00</u>	<u>(410.11)%</u>

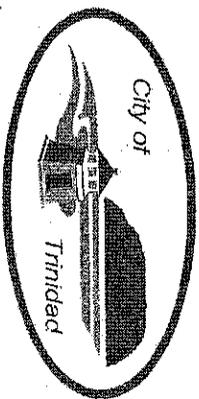


CONSENT AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

3. Present Certificates of Recognition to Josh Casqueria and Connor Woods.

CERTIFICATE OF APPRECIATION



THE CITY OF TRINIDAD

CONGRATULATES AND HONOURS

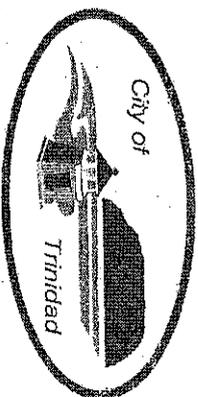
CONNOR WOODS

FOR HIS COMMUNITY SERVICE

AUGUST 2011

KATHY BHARDWAJ, MAYOR

CERTIFICATE OF APPRECIATION



THE CITY OF TRINIDAD

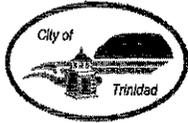
CONGRATULATES AND HONOURS

JOSH CASQUEIRA

FOR HIS COMMUNITY SERVICE

AUGUST 2011

KATHY BHARDWAJ, MAYOR



CONSENT AGENDA ITEM #4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

4. Second Reading of Ordinance 2011-02; Vacation Dwelling Units.

TRINIDAD CITY HALL
P.O. BOX 390

409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

KATHY BHARDWAJ, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2011-02

AN ORDINANCE OF THE CITY OF TRINIDAD **ADDING CHAPTER 17.53 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE,** **AND AMENDING SECTIONS 3.20.030 AND 5.04.220 OF THE TRINIDAD MUNICIPAL CODE**

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2011-XX, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Chapter, Chapter 17.53, "City of Trinidad Vacation Dwelling Unit Ordinance," which shall read as follows:

Chapter 17.53

VACATION DWELLING UNITS

Sections:

17.53.010	Short Title
17.53.020	Definitions
17.53.030	Purpose
17.53.040	Requirements
17.53.050	Appearance and Visibility
17.53.060	Effect on Existing Vacation Dwelling Units
17.53.070	Location
17.53.080	Noise
17.53.090	Non-Permitted Uses
17.53.100	Number of Occupants
17.53.110	Visitors
17.53.120	Tenancy
17.53.130	Traffic
17.53.140	Tourist Occupancy Tax
17.53.150	Audit
17.53.160	Dispute Resolution
17.53.170	Violations—Penalty
17.53.180	Violations—Revocation
17.53.190	Ordinance Review

17.54.010 Short Title.

This chapter shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance."

17.54.020 Definitions.

Good Neighbor Brochure.

"Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking and minimizing noise and quiet hours shall be included.

Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes but is not limited to art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

Occupant.

"Occupant" within this Chapter is synonymous with the definition of "Tourist" in Trinidad Municipal Code section 3.20.020G. As used in this Chapter, "occupant" does not include children aged 5 or under.

Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

Vacation Dwelling Unit.

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use.

As used in this chapter, the definition of "Vacation Dwelling Unit" falls within the definition of "Lodging House" found in Trinidad Municipal Code section 3.20.020A but does not include "inn" or "motel" within Section 3.20.020A.

Visitor.

"Visitor" means someone staying temporarily at a VDU, but that is not an "occupant" and not staying at the VDU overnight.

17.54.030 Purpose.

The purpose of this Chapter is to ensure that Vacation Dwelling Units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.54.040 Requirements.

A. Business License Application.

Each VDU must procure a Business License. Existing VDUs must obtain a Business License within 3 months of the adoption of this ordinance. The business license shall identify the existence of a VDU at a particular address and declares the number of bedrooms in the VDU.

A site plan and floor plan must be submitted along with the Business License application so the City can verify the number of bedrooms and parking spaces. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

Each application for a Business License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

A Business License Fee of \$100.00 will be charged for the first year of each VDU's operation. Annual renewals for subsequent years shall be at the same cost as a renewal for any other Business License in the City.

The City will notify all property owners within 100 feet of the VDU property of the VDU's Business License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection B below.

B. Contact Information.

1. Local Contact Person.

Each VDU must designate a local contact person on the Business License form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

2. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a business license for the VDU.

If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

C. Parking.

A VDU must provide at least one on-site parking space per bedroom in the VDU. The parking space/s shall be entirely on the VDU property. VDU occupants may not use public right-of-way (street) spaces to meet their parking needs. Parking spaces will not be located on the septic system unless it is designed and rated for traffic in accordance with the OWTS Regulations.

D. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with the City's OWTS Management Program. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

E. Signs.

A single sign no greater than 3 square feet in size shall be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU.

F. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the unit.

G. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or

kitchen area. In particular, information regarding regular testing of the tsunami siren and real emergencies shall be included.

H. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

17.54.050 Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as required by this Chapter). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors which are not commonly experienced in residential areas.

17.54.060 Effect on Existing Vacation Dwelling Units.

Each individual holding a valid Trinidad Business License for a VDU existing at the time the VDU Ordinance is adopted shall be subject to the requirements of this Chapter of the Municipal Code upon its adoption. The owner of an existing VDU which does not meet the requirements of this Chapter will not be issued a Business License and may not use the VDU structure for VDU purposes.

17.54.070 Location.

VDU's are permitted in any zone district in the City that allows for single or multiple family dwelling units. A VDU may be allowed in a legally established Accessory Dwelling Unit. Each separate VDU must obtain its own, individual Business License.

17.54.080 Noise.

Occupants of VDU properties and visitors shall not generate noise in excess of what might be expected in a residential neighborhood. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors.

17.54.090 Non-Permitted Uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling or sleeping purposes, as defined in Section 3.20.020A of the Trinidad Municipal Code. Use for events which are not hosted by the VDU's property owner are not permitted.

17.54.100 Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants.

17.54.110 Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed on the premises between 1:00 a.m. and 4:00 a.m.

17.54.120 Tenancy.

The rental of a VDU shall not be for less than two successive nights.

17.54.130 Traffic.

Vehicles used and traffic generated by the VDU shall not exceed the type of vehicles or traffic volume normally generated by a residence occupied by a full-time resident in a residential neighborhood.

17.54.140 Tourist Occupancy Tax.

The rental or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of Trinidad Municipal Code Chapter 3.20, "Tourist Occupancy Tax," which addresses the registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.54.150 Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Chapter are being fulfilled.

17.54.160 Dispute Resolution.

By accepting a VDU Business License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU.

17.54.170 Violations--Penalty.

Violations of this Chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 1.08 of the Trinidad Municipal Code. Each separate day in which a violation exists shall be considered a separate violation.

17.54.180 Violations--Revocation

If the VDU owner or property manager is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU's Business License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.

17.54.190 Ordinance Review

This ordinance shall be reviewed by the Planning Commission a year after its adoption, and periodically thereafter, to ensure that it is meeting the needs of the community.

ORDINANCE 2011-XX, SECTION 2:

Section 3.20.030 of the Trinidad Municipal Code, entitled "Imposed--Rate" is amended to read as follows:

"For the privilege of occupancy in any lodging, each tourist is subject to, and shall pay, a Tourist Occupancy Tax ("TOT"). The TOT constitutes a debt owed by the tourist to the City. The tourist shall pay the TOT to the lodging house operator based on the rent charged by the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid TOT shall be due upon the tourist's ceasing to occupy space in the lodging house. If for any reason the TOT due is not paid to the lodging house operator, the Tax Administrator may require that such TOT shall be paid directly to the Tax Administrator.

The TOT is hereby set in the amount of 10 percent (10%) of the rent charged by the operator.

The amount of the TOT may be set by resolution of the City Council from time to time."

ORDINANCE 2011-XX, SECTION 3:

Subsection B of Section 5.04.220 of the Trinidad Municipal Code, entitled "License--Appeal" is amended to read as follows:

"B. Any person aggrieved by any decision of city staff with respect to the issuance or reissuance or refusal to issue a license, or the amount of a license tax may appeal to the council by filing a notice of appeal with the city clerk within thirty (30) days of such decision. The council shall fix a time and place of hearing such appeal and the city clerk shall give notice in writing to the license applicant and the appellant, if different from the applicant, of the time and place of hearing by serving it personally or by

mail, postage prepaid, addressed to such person at the address appearing on his last license or application and / county assessor records. The findings of the council shall be served upon the applicant in the manner prescribed above for service of notices of hearing.

ORDINANCE 2011-XX, SECTION 4:

This Ordinance shall take effect thirty days after its passage.

Passed, approved, and adopted this 13th day of July, 2011 by the following roll call vote:

AYES:	Morgan, Miller, Bhardwaj, Fulkerson, Davies
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

Attest:

Approved:



Gabriel Adams
City Clerk

Kathy Bhardwaj
Mayor

First Reading: **Wednesday, July 13, 2011**

Second Reading:



CONSENT AGENDA ITEM #5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

5. Second Reading of Ordinance 2011-01; Qualifications of Planning Commissioners.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Kathy Bhardwaj, Mayor
Gabriel Adams, City Clerk



ORDINANCE NO. 2011-01

**AMENDING ORDINANCE 2007-03 OF THE CITY COUNCIL OF THE CITY OF TRINIDAD,
AND AMENDING SECTION 2.20.090 OF THE TRINIDAD MUNICIPAL CODE,
RELATING TO THE QUALIFICATIONS OF PLANNING COMMISSION MEMBERS**

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1: Section 2.20.090 of the Trinidad Municipal Code, and Ordinance 2007-03 is hereby amended to read as follows:

2.20.090: Qualifications of Planning Commission Members

Except as provided hereinafter, no person may serve on the Trinidad Planning Commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the City Limits of the City of Trinidad.

However, in the event there are no acceptable applicants from within the City limits, the City Council may appoint up to (2) members who need not be residents of the City of Trinidad, but reside within the Greater Trinidad Area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.

Section 2: This ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED on this 13th day of July, 2011, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

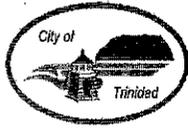
Attest:

Gabriel Adams
Trinidad City Clerk

Kathy Bhardwaj
Mayor

First Reading: Wednesday, July 13, 2011

Second Reading:



AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

1. Discussion/Decision regarding Tsunami Siren Test.

DISCUSSION/ACTION AGENDA ITEM 1

Date: August 10, 2011

Item: Report on Tsunami Siren Test and Consider Waiver of Use Permit and Design Review Fee paid by Rancheria

Background: The tsunami siren was tested on July 19, and although the sound could be heard in the intended locations, there is significant concern over the decibel meter readings in the immediate vicinity of the siren, including the vacation rental residence and the road leading to Trinidad Head trails. Due to those concerns, the level of the siren was subsequently turned down, and this has a corresponding negative impact on sound propagation to provide adequate warning to the areas as intended. A report from Building Inspector John Roberts detailing the results and findings is attached.

The siren was installed to its present height to mitigate citizen concerns expressed at the time of consideration by the Planning Commission, and there was the need to move rapidly to meet the grant expenditure deadline. Since this expedited installation, additional funds have become available due to savings from other county allocations (specifically Del Norte), and the expenditure deadline has now been extended to September 2011. Because of concerns with the potentially injurious sound levels, the Planning Commission will be asked to reconsider the height of the siren at their next meeting on August 17.

Mr. Dan Larkin from the County's Office of Emergency Services will provide a brief overview of the results of the siren test and he and Mr. Michael Hostler, Tribal Programs Director, will be present to respond to any questions from the Council regarding the intention to request reconsideration of the siren's height by the Planning Commission.

In addition to receiving this oral report, it is recommended that the Council consider a waiver of the use permit and design review fee and direct staff to refund the \$750 paid by the Rancheria in February of this year. This would help to demonstrate the City's willingness and commitment to partner with the Rancheria on this important public safety project.

Proposed Action: (1) Hear update and (2) Direct staff to issue a \$750 permit fee refund to the Trinidad Rancheria

Attachment: July 28, 2011 Report from Building Inspector John Roberts

○

○

○

July 28, 2011

Report to City Manager
SUBJECT: Siren test findings

Recently a test of the Tsunami Siren was done. I was present and monitored the db levels at the siren location, the adjoining rental structures, the frontage road. Following are results of tests and findings:

- 1- db level at the corner of the cottage exceeded federal maximum allowed of 115 db. (reading was 125 db)
- 2- Sound was not tolerable without ear protection. I have a real concern of anyone near the siren on the frontage road, driveway, or any close proximity when it goes off.
- 3- Siren protrudes slightly out into the drive way at the top of the unit. This situation is a potential impact situation by any tall or large vehicles. Mitigation would require tall pipe guards that would reduce the usability of the existing driveway an additional 1 foot or more.
- 4- The test was monitored at various locations and even at the pier the siren was heard but mostly not noticed in the restaurant. Also it is doubtful the siren was adequate for the fishing fleet on the water as it was not heard in the south direction at several locations, or, was so light that people did not notice it.
- 5- The siren's sound has been reduced to just at 110 db +or - a couple DBs(the threshold for max. sound level without ear damage) by reducing the time the siren runs for each cycle.

In summary:

Reducing the pitch and duration of time for each cycle of the siren defeats the ability of the siren to perform as needed for our community and adjoining areas at the beaches. Leaving the siren at its present elevation defeats the ability of the siren to adequately produce a proper warning due to the berm and structures adjacent to the siren. In addition close proximity pathways and exits to and about the property provide ongoing situations that could arise and cause injury to the public.

My unbiased recommendation is to elevate the siren as it was originally designed. In response to the elevated visual effect, innovative paint detail of the pole and siren assembly could provide a positive impact for the community while still providing the best possible siren performance without possible hearing injury to persons near by in a real emergency.

Submitted by:
John Roberts
Building Inspector
Trinidad, Ca.
707498-4858





AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

2. Discussion/Decision regarding Public Education for OWTS Ordinance.

DISCUSSION/ACTION AGENDA ITEM # 2

Date: August 10, 2011

Item: Approval of Public Education Proposal to Implement the On-Site Waste Water Treatment System (OWTS) Ordinance

Background: The Council adopted the On-Site Waste Water Treatment Ordinance on December 10, 2008. This Ordinance requires a process of permitting and inspecting septic systems in the City, with the goal to increase public health and safety and to improve water quality. A key component of that program is the adoption of "Program Guidelines" to establish the steps and processes necessary to properly implement. Draft guidelines were presented to the Council in October, 2010 for review and comments, and the final Guidelines were endorsed by the Council at their meeting in November, 2010.

At the request of the City, Streamline Planning submitted the attached proposal to conduct a public education program to acquaint residents with this Ordinance prior to commencement of enforcement action. A proposal was also solicited by PlanWest; however, given their unfamiliarity with the City's Ordinance and its provisions, they respectfully declined to submit a proposal. The same situation would seemingly apply to other firms.

The proposal from Streamline appears reasonable and recommendation is recommended. There may be sufficient funds in the adopted budget depending on other projects that require Planning efforts during the course of the year, and no budget modification is proposed at this time.

Proposed Action: Approve the Public Education Proposal from Streamline Planning in the amount of \$1,570.

Attachment:

OWTS Management Program – Public Education Proposal

OWTS MANAGEMENT PROGRAM - PUBLIC EDUCATION PROPOSAL

Work Plan

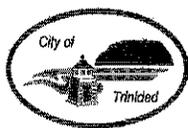
Update existing information and write brochure explaining the City's new OWTS Management Program. Work with the City Manager on editing and present to City Council for approval. Send to property owners within City limits and provide additional information and answers for follow-up questions from the public.

Format

Brochure to be mailed to all property owners in the City. The brochure will describe the process and basic requirements of the program and how it will affect individual property owners. It will also provide background to explain why the program was adopted, how it benefits the City and residents why it is being implemented the way it is. Will provide some cost estimates for OWTS maintenance and compare those to sewer fees.

Hours and Budget

Trever Parker	Brochure and information prep	8 hours	\$384
Sarah Caldwell	Brochure and layout prep	12 hours	\$432
Trever Parker	Council / Admin	6 hours	\$288
Sarah Caldwell	Admin / Mailing	4 hours	\$144
Trever Parker	Answering follow-up questions	4 hours	\$288
Printing / Mailing	200 property owners		\$128
		Total	\$1,570



AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: LOTS OF PAGES

3. Discussion/Decision regarding Moss Subdivision EIR.

DISCUSSION/ACTION AGENDA ITEM 3

Date: August 10, 2011

Item: Final Supplemental Environmental Impact Report – Moss Parcel Map

Background: The Draft Supplemental Environment Impact Report (DSEIR) for the Moss Subdivision was initially published in mid-2010. The City of Trinidad has a long history of commenting on this subdivision and last did so in August of 2010. The City's comments made at that time have been incorporated in the Final Report (see pages 9 – 14). Public input at the Council meeting may result in additional areas of comment or clarification or direction of the Council to staff.

Proposed Action: Receive the Final Supplemental Environmental Impact Report and give direction as appropriate and/or refer to the Planning Commission for comment.

Attachment: Final Supplemental Environmental Impact Report

August 2nd, 2011

Mayor Bhardwaj and Council Members

City of Trinidad

409 Trinity Street, P. O. Box 390

Trinidad, California 95570

Re: Response to Supplemental Environmental Impact Report (SEIR) for the Moss Parcel Map Subdivision, Trinidad Area, Case No. PMS -03-14, File No. 515-131-23

Dear Mayor and Council Members:

This council, and every other council before it for the past 14 years, has submitted input to the county as regards the Moss Parcel Subdivision. The City has consistently requested a thorough analysis of impacts to its water supply and other issues. The City's most recent input on 8/19/10 was very clear in stating the City's concerns about its water and requested several significant mitigation measures to protect the City and its residents.

While some of the City's requests were honored, several significant requests were denied, discounted, or explained away as not being under consideration due to direction of the courts. This should be of serious concern to the City. While the most recent court decision did limit the areas of consideration of impacts, I will explain below why that decision does not make the City's concerns off limits.

I believe that the City has every right and obligation to its water customers to be concerned about the precedence that this project will set for the development of the rest of the TLLC 680 acre development that Moss is a part of. The City asked for new mitigation measures, expressed concerns about enforcement, and identified a modified version of Alternative 3 as its preferred alternative.

The following City concerns were added to the final SEIR:

1. Water use restrictions were added to any possible second units that might occur due to zoning changes with General Plan Updates;
2. Runoff will be directed away from septic tank leachfields;
3. Meters will be installed at the intake to each storage tank, and record flows once per day. Records to be submitted to county once per year. Deed restrictions shall be recorded for each parcel to describe dry season withdrawals and storage and this carry to any new owner;

The following City concerns were not added to the final SEIR:

1. Selection of a modified Alternative 3 as the preferred alternative, with open space restrictions to prevent additional diversions or changes in hydrology and sedimentation from forest land conversions reducing base flow in the summer. The county stated that such a modified alternative was unreasonable and not required by CEQA.
2. Water quality issues related to land clearing and conversions from forest to pasture leading to increased sedimentation. The county stated that this is outside the purview of this project based on the court ruling.

Taken as a whole what we have is a precedent setting project with the potential to direct development on the entire 680 acre TLLC development. Cumulative impacts from this development are significant and mostly unmitigated.

The county states in EIR MM 2 (on page 34 of the FSEIR) that "Based on the current state of knowledge regarding dry season flows in the two affected streams and the life-cycle of non-anadromous populations of coastal cutthroat trout, the risk to the species through potential dewatering of the streams at or below the subject site is sufficient to prohibit any water diversions during the dry season". Dewatering streams would be bad for fish and for the Cities water supply.

There are many problems with the Counties suggested mitigations. They have created a house of cards relying on dry season restrictions, pumping records, county enforcement, and massive water storage facilities, rivaling the Cities in size. It will not take much for this house of cards to fall and it puts the City and the fish at great risk.

Severe drought and dry periods have occurred on Luffenholtz Creek in the so-called wet season. The winter of 1976 was extremely dry and in the early 1990's there was several dry years with a drought in spring. Pumping restrictions need to cover any significant dry period when dewatering might occur, not just the historical dry season. This would further complicate monitoring and enforcement. Additionally, pumping systems and records can be tampered with and the counties ability to enforce existing regulations and restrictions has been severely hampered by budget cuts. In what world does anyone believe that the county will be enforcing this measures included in EIR MM 2 and EIR MM 3. The required water storage facilities are massive and should require engineering to prevent tank failure, erosion, and sedimentation.

I also believe that the water quality issue is eligible for review because it affects water quantity as the City pointed out in its letter last year. Land clearing and conversion on the Clanton Parcel has affected water quality further limiting the Cities ability to pump and treat water. The same types of land clearing are possible on the Moss parcels without open space easements and restrictions.

Dirty water affects the timing of City diversions and treatment and can have dramatic affects on water supply.

Other unmitigated impacts from this project and others that are still to come based on the precedence of this project include:

1. Increase traffic and pedestrian safety issues along Westhaven Drive and at the "Dysfunction Junction at the Freeway;
2. Increased fire danger to the Cities wooden water storage tanks from fire ignitions along Fox Farm Road. The road side vegetation along this road was changed from fire-resistant vegetation (rhodies, huckleberries, and salal) to fire prone vegetation (tall dry grass, broom, and pampas grass). It was upgraded without any CEQA review (a portion of the road project is in the coastal zone) as a mitigation measure for Moss. The mitigation measure had no CEQA review of its impacts and the fact that it would create irreversible momentum to develop the entire 680 TLLC patent parcel subdivision.

These impacts have recently become known and therefor are eligible to be reviewed, regardless of the court decision, as they are substantial changes since the project was reviewed in 2005. The county budget cuts continue to hamper the counties ability to do vegetation maintenance along the road to reduce invasive plants and fire danger, and yet somehow they will magically do monitoring of dry season pumping and storage as well.

I recommend that the City request denial of this project due to unmitigated significant effects to its water and to the fish. Without development deed restrictions on the bulk of the Moss property, the potential for significant impacts are great. Approval of this project as currently designed and mitigated is unreasonable, would be irresponsible, as well as a violation of the spirit and text of CEQA.

Given the dire state of the water supply in Luffenholtz Creek and the fact that it is already over-appropriated in a dry year, the only prudent action is denial of this project. It may even be time to declare a moratorium on further development in this watershed to prevent further suffering, and an increase in danger to the public from a lack of sufficient water supply to fight fire.

Sincerely, Sungnome Madrone

cc. Bill Verick, Attorney at Law

COPY RECEIVED
AUG 01 2011

Print Form

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2009042051

Project Title: Moss Parcel Map Subdivision PMS-03-14

Lead Agency: Humboldt County Community Development Services Dept. **Contact Person:** Michael E. Wheeler
Mailing Address: 3015 H Street **Phone:** 707-445-7541
City: Eureka **Zip:** 95601 **County:** Humboldt

Project Location: County: Humboldt City/Nearest Community: Trinidad

Cross Streets: N. Westhaven Drive & Fox Farm Road **Zip Code:** 95670

Lat. / Long.: 41 ° 03 ' 22 " N / 124 ° 06 ' 47 " W **Total Acres:** 94

Assessor's Parcel No.: 515-131-23, -24, 515-291-40, -41 **Section:** 19&30 **Twp.:** 8N **Range:** 1E **Base:** HBM

Within 2 Miles: State Hwy #: US 101 **Waterways:** Pacific Ocean

Airports: **Railways:** **Schools:** Trinidad School

Document Type:

- | | | | | | | |
|--------------|--------------------------------------|--|--------------|------------------------------------|---------------|--|
| CEQA: | <input type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | NEPA: | <input type="checkbox"/> NOI | Other: | <input type="checkbox"/> Joint Document |
| | <input type="checkbox"/> Early Cons | <input type="checkbox"/> Supplement/Subsequent EIR | | <input type="checkbox"/> EA | | <input checked="" type="checkbox"/> Final Document |
| | <input type="checkbox"/> Neg Dec | (Prior SCH No.) | | <input type="checkbox"/> Draft EIS | | <input type="checkbox"/> Other |
| | <input type="checkbox"/> Mit Neg Dec | Other | | <input type="checkbox"/> FONSI | | |

Local Action Type:

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input checked="" type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other |

Development Type:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Residential: Units 4 Acres 94 | <input type="checkbox"/> Water Facilities: Type _____ MGD _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Educational _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ |
| <input type="checkbox"/> Recreational _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| | <input type="checkbox"/> Other: _____ |

Project Issues Discussed in Document:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input type="checkbox"/> Recreation/Parks | <input type="checkbox"/> Vegetation |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input checked="" type="checkbox"/> Water Quality |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input checked="" type="checkbox"/> Water Supply/Groundwater |
| <input type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input type="checkbox"/> Wetland/Riparian |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Minerals | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Wildlife |
| <input type="checkbox"/> Coastal Zone | <input type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Growth Inducing |
| <input type="checkbox"/> Drainage/Absorption | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Economic/Jobs | <input type="checkbox"/> Public Services/Facilities | <input type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Other | | | |

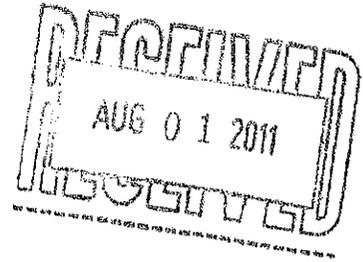
Present Land Use/Zoning/General Plan Designation: Undeveloped / A E / Dispersed Houses

Project Description: (please use a separate page if necessary)

A Parcel Map Subdivision of an approximately 94 acre vacant parcel, into four parcels. Proposed Parcel 1 will be approximately 20.11 acres, proposed Parcel 2 will be approximately 21.02 acres, proposed Parcel 3 will be approximately 32.11 acres and proposed Parcel 4 will be approximately 21 acres. All parcels will be served by on-site water and septic systems.

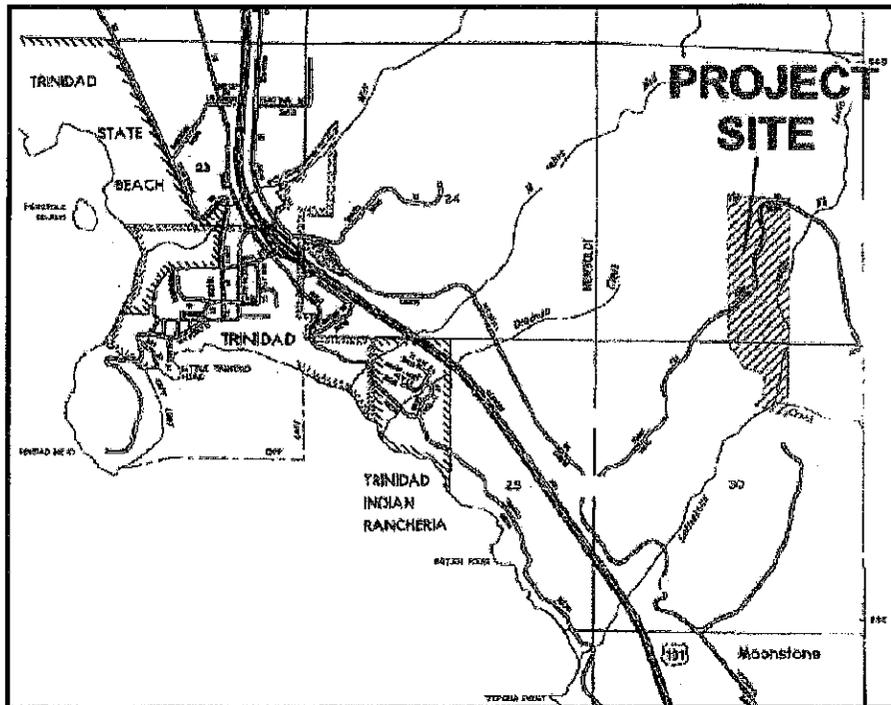
Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

To be scheduled for the 9-1-11 Planning Commission Mtg



FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

MOSS PARCEL MAP SUBDIVISION PMS-03-14 Trinidad Area



State Clearinghouse Number 2009042051

July 2011

COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

3015 H Street
Eureka, CA 95501-4484



THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

Very faint, illegible text, possibly a list or abstract of research papers.

RESEARCH REPORT

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FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR
MOSS PARCEL MAP SUBDIVISION PMS-03-14

State Clearinghouse Number 2009042051

Prepared for:

County of Humboldt
Contact: Michael Wheeler, Sr. Planner
Community Development Services
Planning Division
3015 "H" Street
Eureka, CA 95501
Phone: (707) 268-3730
Fax: (707) 445-7446
Email: MWheeler@co.humboldt.ca.us



Prepared by:

LACO Associates
Contact: Randall Rouda, Sr. Planner
21 W. 4th Street
Eureka, CA 95501
Phone: (707) 443-5054
Fax: (707) 443-0553
Email: roudar@lacoassociates.com

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CHAPTER 1 INTRODUCTION

On July 2, 2010, the County of Humboldt distributed to public agencies and interested citizens a Draft Supplemental Environmental Impact Report (DSEIR). The 45-day public review and comment period ended on August 16, 2010.

Upon the close of the public review period, the County prepared responses to both written and oral comments. These comments and the responses thereto are contained in this Final Supplemental Environmental Impact Report (FSEIR). Chapter Two provides all comment letters received on the Draft SEIR and presents responses to significant environmental issues raised in the comments. Chapter 3 consists of revisions to the text of the DSEIR made in response to the comments as well as corrections to errors identified by the lead agency. Chapter 4 consists of the revised Mitigation Monitoring and Reporting Program reflecting changes to mitigation measures as discussed in the Chapter Two.

Responses to comments are directed towards the disposition of significant environmental issues that are raised in the comments, as set forth in *Section 15088(b)* of the California Environmental Quality Act *CEQA Guidelines*. When reviewing the comments and in developing responses thereto, every effort is made to compare the comment to the facts contained in the Draft EIR, and to provide supplemental information to provide "substantial" evidence about the presence or absence of environmental impacts. According to *CEQA, Section 15064(f)(5)* "argument, speculation, unsubstantiated opinions, or narrative, or evidence that is clearly inaccurate or erroneous does not constitute such [substantial] evidence." Responses are not provided to comments on the non-environmental aspects of the proposed project. For comments not directed to significant environmental issues, the responses indicate that the comment has been "noted".

CEQA requires that the Final SEIR be prepared, certified and considered by the County Board of Supervisors prior to taking action on the project. The Final SEIR provides the County of Humboldt with an opportunity to respond to comments on the Draft SEIR and to incorporate any changes necessary to clarify and/or supplement information contained in the document. The Final SEIR, therefore, summarizes all environmentally related issues raised during the comment period. This Final SEIR will be circulated to public agencies and will be available to all interested parties for at least ten (10) days prior to its certification, as required by CEQA.

1.1 CONTENTS OF THE FINAL EIR

As set forth in the CEQA Guidelines § 15132, the Final EIR shall consist of:

- The Draft EIR or a revision of the draft;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft MEIR;
- The responses of the lead agency to significant environmental points raised in the review and consultation process;
- Any other information added by the lead agency.

This document has been prepared in the form of a Final EIR and incorporates the Draft EIR by reference and includes revisions to the Draft EIR.

1.2 ORGANIZATION OF THE DRAFT EIR

- Executive Summary
- Chapter 1 Introduction
- Chapter 2 Project Description
- Chapter 3 Settings, Impacts, and Mitigation Measures
- Chapter 4 Evaluation Of Alternatives And Cumulative Effects.
- Chapter 5 Other Mandatory CEQA
- Chapter 6 Mitigation Monitoring and Reporting
- Appendices

1.3 ORGANIZATION OF THE FINAL EIR

- Chapter 1 Introduction
- Chapter 2 List of Commenting Persons, Comment Letters Received, and Responses to Comments
- Chapter 3 Revisions to the DEIR
- Chapter 4 Revised Mitigation Monitoring and Reporting Plan

**CHAPTER 2 LIST OF PERSONS COMMENTING, COMMENT LETTERS RECEIVED
AND RESPONSES TO COMMENTS**

2.1 List of Persons and Agencies Commenting

State Clearinghouse and Planning Unit

City of Trinidad

Ron Dean

Daniel M. O'Hara

2.2 Comment Letters Received



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

August 17, 2010

Michael E. Wheeler
Humboldt County Community Development Services Department
3015 H Street
Eureka, CA 95501

Subject: Moss Parcel Map Subdivision PMS-03-14
SCH#: 2009042051

Dear Michael E. Wheeler:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 16, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse



1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 328-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009042051
Project Title Moss Parcel Map Subdivision PMS-03-14
Lead Agency Humboldt County

Type EIR Draft EIR
Description A Parcel map Subdivision of an approximately 94 acre vacant parcel, into four parcels. Proposed Parcel 1 will be approximately 20.11 acres, proposed Parcel 2 will be approximately 21.02 acres, proposed Parcel 3 will be approximately 32.11 acres and proposed Parcel 4 will be approximately 21 acres. All parcels will be served by on-site water and septic systems.

Lead Agency Contact

Name Michael E. Wheeler
Agency Humboldt County Community Development Services Department
Phone 707-445-7541 **Fax**
email
Address 3015 H Street
City Eureka **State** CA **Zip** 95501

Project Location

County Humboldt
City Trinidad
Region
Lat / Long 41° 03' 22" N / 124° 06' 47" W
Cross Streets N. Westhaven Drive & Fox Farm Road
Parcel No. 515-131-23, -24, 515-291-40, -41
Township 8N **Range** 1E **Section** 19,30 **Base** HB&M

Proximity to:

Highways US 101
Airports
Railways
Waterways Pacific Ocean
Schools Trinidad School
Land Use Undeveloped/AE/Dispersed Houses.

Project Issues Biological Resources; Water Quality; Water Supply

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 1E; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 1; Regional Water Quality Control Board, Region 1; State Water Resources Control Board, Division of Water Rights; Native American Heritage Commission

Date Received 07/02/2010 **Start of Review** 07/02/2010 **End of Review** 08/16/2010



August 19, 2010

Michael E. Wheeler, Senior Planner
County of Humboldt
Dept. of Community Development Services, Planning Division
3015 H Street
Eureka, CA 95501

Re: Response to Notice of Availability for the Draft Supplemental Environmental Impact Report for the Moss Parcel Map Subdivision, Trinidad Area; Case No. PMS-03-14, File No. 515-131-23

Dear Mr. Wheeler,

The City of Trinidad respectfully submits the following comments regarding the above mentioned project (herein referred to 'Moss Subdivision') after careful consideration and public hearing.

Overall, the Draft Supplemental Environmental Impact Report (DSEIR) is generally thorough in its analysis of the two issues at hand, and also covered alternatives and cumulative impacts. It seemed to cover most of the potential development scenarios, including additional subdivisions and build-out in Luffenholtz Creek as well as the recent request by CDF to acquire City water. Most of the conclusions and assumptions seem reasonable (e.g. estimates of daily water use per residence). In general, staff feels that the document was well done.

However, there are still uncertainties for the future, and the City has concerns about this project. Though this particular project consists of only three new lots (four total parcels), which partially limits the direct impacts, this subdivision will set future precedence for other subdivisions and development proposals in the area. There are two main areas where City feels that some comments and recommendations are warranted. These include additional mitigation and enforcement measures, and the preferred alternative. The discussion and suggestions below have been divided into subcategories, and the City's overall comments are included in italics.

The City's concerns generally fall into four different categories: future uncertainties; future development and increased water demand; water quality; and the preferred alternative. In order to address these concerns, the City suggests several additions to proposed mitigation as well as additional mitigation.

(707) 677-0223 • 409 Trinity Street • P.O. Box 390 • Trinidad, CA 95570 • Fax (707) 677-3759

Environmentally Superior Alternative

The first comment from the City is that the most environmentally superior alternative should be the "Clustered Development" Alternative (No. 3 in the Draft Supplemental Environmental Impact Report (DSEIR)). The City strongly encourages the County to revise their analysis to determine this to be the case and require this alternative to be implemented as a condition of project approval for the reasons outlined below.

Alternative 2 – Alternative Water Supply (Wells) – is not the environmentally superior alternative, and may have greater impacts than the proposed project.

The determinations that this alternative would have impacts "less than project" for biological and water resources are unsupported by the facts. The description of this alternative acknowledges this: "Another concern raised in the 2005 Initial Study is that any such well could be directly linked to Deadman Creek, or Luffenholtz Creek, essentially drawing from subsurface flows of those watercourses. In that circumstance, there is the potential that the proposed alternative would cause reductions in surface flows similar to those which would occur under the proposed project." (DSEIR p. 4-5) Then, without any additional supporting information the DSEIR goes on to state: "Alternative 2 has the potential to maintain existing flows in both watercourses on the subject site, limiting effects both to natural communities and to the water supply which ultimately reaches the City of Trinidad." (DSEIR p. 4-6) Even if this alternative were mitigated so that the new parcels were required to give up their riparian rights, as suggested on DSEIR p. 4-5 describing this alternative, there is no evidence that any future wells would not be hydrologically connected to the creeks. And even if the connection were not direct subsurface flow, groundwater storage is what provides the stream's baseflow, which is especially important during the dry season.

Alternative 3 – Clustered Development – will have fewer impacts on the environment than the proposed project, or Alternative 2, and should be considered the 'environmentally superior alternative' pursuant to CEQA Guidelines §15126.6

Water impacts were found to be similar to those of the proposed project. However, it is also recognized that by clustering the development, land disturbance impacts are minimized. If a large remainder parcel were to be preserved from future development, it is more likely to retain its native cover. With four 20 acre parcels, based on past developments, it is likely that much of the forest land will be converted to pasture land and non-native vegetation and other development such as gardens and trails, which can significantly affect the hydrologic cycle within the watershed – e.g. grasslands tend to store less water, which could affect dry season flows in Luffenholtz Creek. Therefore, this impact should be considered to be "less than the project."

More generally, most of the effects related to this project were considered to be "similar to the project." However, as mentioned above, clustered development is recognized to have less land disturbance, which reduces several types of impacts to a project. Clustered development is generally considered more walkable and less car-oriented, which could reduce air quality and traffic impacts. Because the clustered development would result in less land disturbances,

biological impacts would also be assumed to be less than the proposed project. Also by clustering development, there is increased efficiency in delivering public services (e.g. police and fire), with fewer utility and lines and roads needed. This decreases impacts to aesthetics, cultural resources, public services, utilities and hazards. Fire hazards should also be less since less land would be disturbed. Therefore, many of these impacts should have been listed as "less than the project" instead of "similar to the project." If these findings had been more appropriately made, then this alternative would be identified as the environmentally superior alternative in Table 4-1 of the DSEIR.

Alternative 3 – Clustered Development – as the environmentally preferred alternative, will reduce potentially significant impacts to the water supply of the City of Trinidad and to coastal cutthroat trout, and should be required as project mitigation.

The City has determined that Alternative 3 should be considered the most environmentally superior alternative and would like to see it further developed and incorporated into the project. Even though this project only involves four lots, it sets precedence for future development in these upper watershed areas that will have larger and lasting effects in the future. Although the DSEIR found that Alternative 3 would have "greater than the project" impacts to land use because the smaller lots are not consistent with General Plan and zoning regulations, these restrictions can be changed through proper permitting process and analysis. In addition, the County is currently going through a General Plan update and policies and zoning that encourage or require clustered development in this area can more easily be incorporated for other areas in the future. The City suggests that this alternative be the one that is required to be developed for the project. Residential development rights on the 84 acre remainder parcel must be converted to an Open Space easement or equivalent with restrictions on residential development and forest cover removal. It is acknowledged that such a change may necessitate changes to the DSEIR and may also alter the recommendations for additional mitigation included below, but in general, the suggestions for mitigation would still be applicable to this alternative.

Mitigation

Under the proposed project, additional mitigation is required to adequately reduce potentially significant impacts to the City's water supply from future uncertainties and increased water demand.

There are many uncertainties in terms of future water use, and stronger mitigation is needed to ensure that future development does not impact the water supply for downstream users, including the City of Trinidad, and fish. These uncertainties include drought conditions, altered weather patterns from climate change and the fact that these parcels may utilize their riparian rights beyond just a single-family residence, including for agriculture, which is what they are zoned for. Dry weather flow testing was done on a limited basis of only a few different years, which do not likely represent the lowest possible flow conditions. In addition, there is a history of well failures in the area, generally from septic pollution, which requires the development of surface water sources or connection to a public water system; this means that some existing development may utilize these sources in the future, not just new development. Secondary dwelling units are another source of potential development on existing lots that was not analyzed in the DSEIR. In

order to address the problems of insufficient water or contaminated wells, the City has included the following policy encouraging the formation of a Water Services District that could supply additional users from the City's water system; many properties outside the City are already connected to the City's water system.

Policy LU-8.2 If capacity and / or storage is adequate, study the feasibility of forming a Water District that includes the area to the east and southeast of the City on either side of the freeway, where some properties are already connected to the system, to allow for additional connections outside the City, as the system allows. Eventual annexation should be considered. An 'annexation agreement' (agreeing not to object to future annexation) with the City is a minimum requirement for providing any new connections outside of City limits. Areas to the north of the City should be part of such a district if services are to be provided there in the future.

The 'project demand' (DSEIR p. 3-15) was estimated based on only three units in the Luffenholtz Creek watershed and one in Deadman Creek resulting from the proposed Moss subdivision. It is noted that the AE zone "generally... permits a maximum of one residential unit per parcel" (DSEIR p. ES-3). Though the cumulative analysis section of the document recognizes the potential for second units, it is generally considered "too speculative" to include in this analysis. The DSEIR is not clear whether secondary dwelling units would be allowed on these lots, though County staff has stated they would not. However, a General Plan update is underway, and the designation and zoning could easily change. In accordance with State law, second units are generally a ministerial process and most existing lots in the watershed would fall under this requirement. It is not clear whether the dry-season water storage mitigation requirement would apply to any future second units. Therefore, additional mitigation is warranted to ensure future protection of the City's water supply.

Water Quality impacts are also tied to water supply impacts due to limiting factors for potable water such as turbidity and bacterial contamination, and additional mitigation is required to adequately reduce potentially significant impacts to the City's water supply.

Though water quality was not listed as a specific impact to be addressed in the DSEIR, it affects the City's ability to provide water, and is a limiting factor during the wintertime in being able to supply adequate water quantity to customers. Therefore, the City considers this issue to be within the scope of the Court decision limiting the analysis to two issues. Luffenholtz Creek is considered a "Critical Water Supply Area," which is defined by the Humboldt County General Plan as "used by a specific municipality or community for its water supply system, which is so limited in area that it is susceptible to a potential risk of contamination from development activities."

The DSEIR notes (p. 3-6) that: "Concentrated run-off from developed portions of the site has the potential to increase erosion along the stream banks, carrying silt and soil into the streams. Runoff from developed areas may contain contaminants, including landscape chemicals (pesticides, fertilizers, etc.) and roadway contaminants." The DSEIR concentrates all of its analysis on quantity impacts to the water supply of the City, but does not adequately address the water quality impacts, which could also impact cutthroat trout. Large lots such as those proposed

are often converted from forest to pasture or garden space or other landscaping. Often dirt roads and paths are created such as for off-road vehicles and site access. These activities can have hydrologic impacts to the stream resulting in more runoff and less storage as well as increased erosion and siltation and introduction of foreign materials, including polluted runoff into the creek. The City's draft General Plan includes the policy implementation included below, and the City requests that mitigation consistent with the policy be included for the Moss subdivision in order to reduce potentially significant impacts to the City's water supply.

Program LU-9.5.1: Pursue adoption of a public education program regarding pesticides and other hazardous chemical, and when feasible, enter into a non-binding Memorandum of Understanding, or other agreement with property owners within the "Critical Water Supply Area" to minimize the use of these chemicals and reduce contamination of water supplies.

The City of Trinidad requests that the following additions be made to the proposed mitigation in order to adequately reduce potentially significant impacts to the City's water supply resulting from the Moss subdivision as described above.

IS MM 4 – regarding site revegetation, should specify 'with native vegetation' (this is a requirement for revegetation within Streamside Management Areas (SMAs) in IS MM 7, but should be required throughout the site). Conversion of large areas to non-native vegetation has the potential to impact the hydrologic cycle and downstream water supplies.

IS MM 5 – regarding runoff from impervious surfaces should additionally specify that runoff be directed away from the septic system in order to more fully protect the leachfield.

IS MM 7 / EIR MM 1 – regarding SMAs should be enforceable long-term. As currently written, it only applies to the building stages, but should be applied to the parcels into the future. The mitigation measure includes restrictions on development, disposal and the use of chemicals in the SMAs. This mitigation needs to be included in a landowner agreement or deed restriction in order to be effective (also see suggested additional mitigation below).

EIR MM 2 and EIR MM 3 – regarding dry-weather storage and pumping, the City has concerns about enforcement. These may be difficult provisions to enforce, though the DSEIR makes a commendable attempt at enforcement measures. But what happens after 5 years and property is sold? There needs to be at least a deed restriction recorded so that future property owners are made aware of the restrictions. There also should be remedial measures in place should the conditions not be complied with. The City also requests the opportunity to review the pumping records annually beyond the five years to ensure that these conditions continue to be followed (also see suggested additional mitigation below). It also should be specified that the permanent flow meters have, at a minimum, daily recording capabilities and that these records be submitted for review annually. Easements should be established that provide access to the storage tanks, pumps and flow meters for inspection purposes. Assessments should be established to cover the cost of inspections and evaluations. In addition, rain / fog water collection system should be included as part of the water storage mitigation measure EIR MM 2.

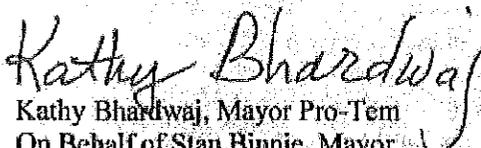
EIR MM 4 – The City strongly supports this mitigation measure and future policy, including for any secondary dwelling units even if ministerially approved. This policy can be applied as a standard to be met even for ministerial projects to be verified through a building permit process and this provision should be added to the mitigation. The City has some concerns about enforcement of this mitigation and the timing. The Planning Commission and Board of Supervisors could reject such a policy, or it may not be a priority for an agenda item. Therefore, it should be completed prior to approval of Final Map or Waiver rather than within 12 months.

The City of Trinidad requests that the following additional mitigation be required in order to adequately reduce potentially significant impacts to the City's water supply resulting from the Moss subdivision as described above.

1. Include an additional mitigation measure(s) that requires landowner agreements or deed restrictions to restrict the use of chemicals such as fertilizers and pesticides, the amount of land clearing and land conversion such as from forest to pasture or to non-native vegetation for the entire parcel, not just the SMAs and not just during construction.
2. Include an additional mitigation that requires any future secondary dwelling units to demonstrate that the development will not reduce instream water flow below that necessary for maintaining necessary flows in Luffenholtz Creek similar to EIR MM 4. In addition, clarify that all secondary dwelling units will be required to comply with EIR MM 2 and EIR MM 3 regarding dry-season water storage if they are allowed in the future.
3. Add a mitigation measure that the public works inspection records of metered flows be provided to the City each year for review.

Thank you for the opportunity to comment on this important and potentially far-reaching project. These comments have been carefully considered by City staff and the City Council at a public hearing. The City has determined that significant impacts to the City's water supply may result if the suggestions are not included as mitigation and conditions of approval of the Moss subdivision. Please feel free to contact me if you have any questions.

Respectfully


Kathy Bhardwaj, Mayor Pro-Tem
On Behalf of Stan Binnie, Mayor
City of Trinidad

Aug. 19, 2010

Ron Dean
83 Fox Farm Rd.
Trinidad, CA. 95570
A.P. # 515-131-031

RE: Moss Subdivision- "Notice of public hearing"
File Number 515-131-23

Michael E. Wheeler,

I've read most of the E.I.R on this project and I appreciate the due diligence that has been developed on its behalf. However, there is still no way that I can consider the impacts to our property as "insignificant", mainly for the following reasons:

1. Our place is unique in that our house is close to the road and all vehicle traffic for development and new residence has to grind up the hill past Our house. It is worse for us since the widening of the road making it easier for too many to ignore the speed limit of 25mph. The result for us is more noise and more perilous to people and pets.
2. When we came here in 1977, Deadman's creek frontage was a major attractive feature. Since that time we regrettable watched it diminish to a point where it is barely visible above ground during late summer-early fall . With all the possible future subdivision between us and this Moss subdivision. we would like to know how many additional residences will rely on this creek before the impacts to this tiny creek are considered "significant". It seems that the "average residential water usage" in the EIR is calculated from suburb type usage and not typical of 20+ acre hobby ranches that may decide to dabble in activities like aquaculture, crop production, golf course, or raising livestock. . We are against ANY further water rights being established with Deadman's creek as its source.
3. Unintended, unforeseen consequences. Case in point, widening the road. I have no doubt that this project was done with similar due diligence as the proposed Moss subdivision. From our viewpoint, the impacts are more noisy speeding traffic . Gravel imported for the project was contaminated with seeds of pampas grass and scotch broom, both of which spread vigorously, crowding out native species and are nearly impossible to get rid of once established.

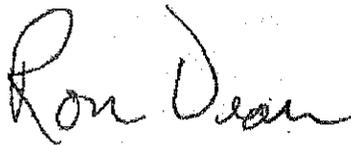


4. At one point I had a conversation with one of the representatives of this project expressing some of my concerns . He shrugged and generally replied 'that's just business'. These changes, known and unforeseen will impact this neighborhood for years to come, long after the doers and their *business* is done in our backyards. We choose this place because we liked the way it was at the time (Dec. 77).
5. Especially in this economy, I'm generally not in favor of the transition of timber resource land to residences. Some area residence are already forced to import water, and with the chance of future weather changes I think it unwise to exploit every resource, especially water.

Most if not all these issues were addressed in the EIR for this project, and determined "not significant". They ARE significant to us.

Thanks for the opportunity to comment. I'll look forward to the public hearing.

Ron Dear



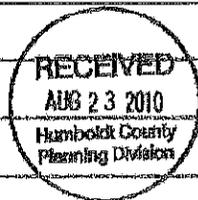
August 20, 2010

Dear Mr. Wheeler:

In regard to the Moss Parcel
Map Subdivision Project, PMS-03-14,
515-131-23, my wife and I are
the owners of the following:
515-121-023-000 (4.0 A.)
515-131-015-000 (7.5 A. - Railroad Bed)

We do have serious concerns
regarding the type of subdivision
proposed. They include runoff
during winter into Luffenholts
Creek and a diminished summer
flow to that creek for fish
survival and the water supply
to the town of Trinidad. Road Run
Gulch is likely to experience
a diminished availability of water
as well for those who live
downstream.

We do believe the project will
result in significant impacts for
us, and we therefore appreciate a
thorough public review of the
project.



Sincerely,
Daniel M. O'Hara
707-677-3840



2.3 Responses to Comments

This section restates each of the comments received on the Draft SEIR during the review period. Following each comment is a response intended to either supplement, clarify, or amend information provided in the Draft SEIR, or refer the commenter to the appropriate place in the Draft SEIR and Final EIR where the requested information is found. Each letter and corresponding response is numbered for reference. Comments not directed to significant environmental issues are included in this section; responses thereto indicate that the comment has been noted and that no detailed response is necessary.

Response to Comment Letter #1

State of California
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Comment 1.1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 16, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Response 1.1
None required

Response to Comment Letter #2

City of Trinidad
409 Trinity Street
P.O. Box 390
Trinidad, CA 95570

Comment 2.1

Environmentally Superior Alternative

The first comment from the City is that the most environmentally superior alternative should be the "Clustered Development" Alternative (No. 3 in the Draft Supplemental Environmental Impact Report (DSEIR)). The City strongly encourages the County to revise their analysis to determine this to be the case and require this alternative to be implemented as a condition of project approval for the reasons outlined below.

Response 2.1

Comment noted. Specific responses will follow specific comments.

Comment 2.2

Alternative 2 - Alternative Water Supply (Wells) - is not the environmentally superior alternative, and may have greater impacts than the proposed project.

The determinations that this alternative would have impacts "less than project" for biological and water resources are unsupported by the facts. The description of this alternative acknowledges this: "Another concern raised in the 2005 Initial Study is that any such well could be directly linked to Deadman Creek, or Luffenholtz Creek, essentially drawing from subsurface flows of those watercourses. In that circumstance, there is the potential that the proposed alternative would cause reductions in surfaced flows similar to those which would occur under the proposed project." (DSEIR p.4-5) Then, without any additional supporting information the DSEIR goes on to state: "Alternative 2 has the potential to maintain existing flows in both watercourses on the subject site, limiting effects both to natural communities and to water supply which ultimately reaches the City of Trinidad." (DSEIR p.4-6) Even if this alternative were mitigated so that the new parcels were required to give up their riparian rights, as suggested on DSEIR p.4-5 describing this alternative, there is no evidence that any future wells would not be hydrologically connected to the creeks. And even if the connections were not direct subsurface flow, groundwater storage is what provides the stream's baseflow, which is especially important during the dry season.

Response 2.2

As noted on Page 4-11 of the DSEIR, Appendix P (Domestic Water Well Feasibility Analysis), offers evidence in support of the conclusion that the Alternative No. 2 (Alternative Water Supply) could "reasonably likely" be implemented without reducing the water supply in Luffenholtz Creek. As further noted on Page 4-11, a definitive finding would require the development of test wells on the subject site to determine the direction of subsurface flows and the hydrologic response to well draw-downs. If implemented, such tests may show that the wells are either infeasible due to the lack of available groundwater or that there is no environmental advantage of such wells over the proposed project, which relies on direct surface diversion, if the wells share a direct hydrologic connection to the surface water. However, there appears to be no basis for a conclusion that domestic water wells would have a greater environmental impact than the proposed project. If a direct hydrologic connection is found, the mitigation measures describing volume and timing of diversion would continue to apply to the project.

The lead agency concurs that additional information regarding sub-surface flows would be desirable and concludes that such information is only likely to be presented if Alternative No. 2 is selected as the preferred alternative and test wells are developed, as described on Page 4-11. If, as noted in the comment, there is no environmental advantage to Alternative No. 2 based on

subsurface flows, the applicable mitigation measures would be sufficient to reduce such effects below the threshold of significance.

Comment 2.3

Alternative 3 - Clustered Development - will have fewer impacts on the environment than the proposed project, or Alternative 2, and should be considered the 'environmentally superior alternative' pursuant to CEQA Guidelines §15126.6

Water impacts were found to be similar to those of the proposed project. However, it is also recognized that by clustering the development, land disturbance impacts are minimized. If a large remainder parcel were to be preserved from future development, it is more likely to retain its native cover. With four 20 acre parcels, based on past developments, it is likely that much of the forest land will be converted to pasture land and non-native vegetation and other development such as gardens and trails, which can significantly affect the hydrologic cycle within the watershed - e.g. grasslands tend to store less water, which could affect dry season flows in Luffenholtz Creek. Therefore, this impact should be considered to be "less than the project."

More generally, most of the effects related to this project were considered to be "similar to the project." However, as mentioned above, clustered development is recognized to have less land disturbance, which reduces several types of impacts to a project. Clustered development is generally considered more walkable and less car-oriented, which could reduce air quality and traffic impacts. Because the clustered development would result in less land disturbances, biological impacts would also be assumed to be less than the proposed project. Also by clustering development, there is increased efficiency in the delivering public services (e.g. police and fire), with fewer utility and lines and roads needed. This decreases impacts to aesthetics, cultural resources, public services, utilities and hazards. Fire hazards should also be less since less land would be disturbed. Therefore, many of these impacts should have been listed as "less than the project" instead of "similar to the project." If these findings had been more appropriately made, then this alternative would be identified as the environmentally superior alternative in Table 4-1 of the DSEIR.

Response 2.3

As noted on page 4-8 of the DSEIR, the primary result of Alternative No. 3 would be to relocate the residence planned to be constructed on the developable building pad on Parcel 4 to one of the two developable building pads on Parcel 3. The overall development density would be unchanged and the relationship of the project site to the communities of Westhaven and Trinidad would not be affected. Such an alternative would have no beneficial or detrimental effect on walkability, car orientation, provision of police and fire services, utility lines or road construction. While such benefits may accrue to clustered development for larger or differently situated projects, there is no apparent mechanism to achieve such benefits in this instance. As noted on page 4-8 of the DSEIR, the primary advantage related to development would be the

result of reduced on-site driveway lengths and, if feasible, the establishment of shared building pads which could reduce the overall graded area on the subject site.

Additionally, the comment assumes use restrictions on the Remainder parcel which are not proposed in Alternative No. 3 and which may not be feasible. Alternative No. 3 includes an assumption that development rights on the Remainder parcel would be dedicated to Humboldt County or otherwise extinguished as a condition of approval of the proposed subdivision. The comment extends the language of Alternative No. 3 to further assume that the Remainder would not be used for pasturage, gardening, trails and other, unspecified land disturbance, all of which are currently permitted under the existing zoning. The comment asserts that a greater percentage of native cover is likely to be preserved in the clustered development alternative than in the proposed project alternative and relies on that assumption to indicate that the natural hydrologic function of the site would be less disturbed with associated reductions in water impacts and the risk of fire.

In order to achieve the benefits of clustering assumed in the comment letter to accrue to the project as a result of Alternative No. 3, it would be necessary to add substantial further restrictions to the use of the Remainder parcel, beyond the development restrictions proposed in the DSEIR. It is not clear from the comment what the extent of such restrictions would be, but they would clearly include extinguishing the ability to pasture livestock, install landscaping, and construct driveways and walking trails, and a likely a number of additional permitted activities generally allowed by right in the AE Zone. Such potential restrictions fall outside of the scope of Alternative No. 3 and, if sufficient to achieve the results assumed in the letter, may exceed a "rough proportionality" in relation to the magnitude of the potential impacts to be addressed. (See *Dolan v. City of Tigard*, 1994, 512 U.S. 374, 114 S. Ct. 2309)

The lead agency maintains that Alternative 3 would have similar impacts as the proposed project in that the building sites as proposed on the tentative map are already clustered. As shown on the tentative map, the proposed building sites for Parcels 1, 2, and 3 are located within a radius of approximately 250 feet of each other and are also located near to Fox Farm Road. Under Alternative 3, the building sites would remain as those for the proposed project, the only difference being smaller lot sizes. The building site for Parcel 4, although more isolated from the other building sites, is located near to Fox Farm Road in an area which was determined to be best suited for the location of the septic system. There is no evidence that home construction on Parcel 4 of the proposed project will result in more land disturbance impacts than construction of a fourth home under Alternative 3, as the building sites are relatively equal in size

Similar to the proposed project, the building sites' proximity to Fox Farm Road will allow increased efficiency in delivering police and fire services and will not require lengthy access driveways and utility line extensions. Alternative 3 would require a General Plan Amendment and Rezone in order to subdivide the site into the 1-acre lots proposed under Alternative 3. The lead agency maintains that subdividing below the current 20-acre minimum lot size would be

precedent setting in the project area and may encourage other property owners to file similar applications.

Comment 2.4

Alternative 3 - Clustered Development - as the environmentally preferred alternative, will reduce potentially significant impacts to the water supply of the City of Trinidad and to coastal cutthroat trout, and should be required as project mitigation.

The City has determined that Alternative 3 should be considered the most environmentally superior alternative and would like to see it further developed and incorporated into the project. Even though this project only involves four lots, it sets precedence for future development in these upper watershed areas that will have larger and lasting effects in the future. Although the DSEIR found that Alternative 3 would have "greater than the project" impacts to land use because the smaller lots are not consistent with General Plan and zoning regulations, these restrictions can be changed through proper permitting process and analysis. In addition, the County is currently going through a General Plan update and polices and zoning that encourage or require clustered development in this area can more easily be incorporated for other areas in the future. The City suggests that this alternative be the one that is required to be developed for the project. Residential development rights on the 84 acre remainder parcel must be converted to an Open Space easement or equivalent with restrictions on residential development and forest cover removal. It is acknowledged that such a change may necessitate changes to the DSEIR and may also alter the recommendations for additional mitigation included below, but in general, the suggestions for mitigation would still be applicable to this alternative.

Response 2.4

As described in Response 2.3, the lead agency continues to find that Alternative No. 3 is not the environmentally superior alternative. As described in Comment 2.4, in order to achieve the benefits being suggested, Alternative No. 3 would require substantial modification to restrict a variety of activities permitted by the AE Zone, and collectively described as "forest cover removal" under an "Open Space easement." As noted in the comment, the current project "only involves four lots." Only three of those lots (Parcels 2, 3, and 4) could reasonably be affected by a clustered development plan because Parcel 1 is located across Fox Farm Road. As such, Alternative 3 is described as a clustering plan which would place the building pad on Parcel 4 in closer proximity to the building pads on Parcels 2 and 3.

CEQA requires the analysis of a "reasonable range" of alternatives but does not require analysis of all conceivable variations of such alternatives. This is particularly true where variations on such alternatives may themselves be infeasible. While clustering generally is a feasible alternative, the lead agency does not concur that the establishment of an open space easement which prohibits "forest cover removal" on the Remainder parcel is a feasible alternative or falls within a reasonable range of alternatives in the case of a project consisting of four lots, three of which could be affected by such an approach.

As noted in the comment, and in the Cumulative Impacts analysis of the DSEIR (Chapter 5), other projects may be proposed in the general vicinity of the subject parcel in the future and those projects may be considered under an amended General Plan. It is anticipated that clustered development would continue to be considered as a feasible alternative for such projects and that the specific application of such clustering will be addressed on a case by case basis.

Comment 2.5

Under the proposed project, additional mitigation is required to adequately reduce potentially significant impacts to the City's water supply from future uncertainties and increased water demand.

There are many uncertainties in terms of future water use, and stronger mitigation is needed to ensure that future development does not impact the water supply for downstream users, including the City of Trinidad, and fish. These uncertainties include drought conditions altered weather patterns from climate change and the fact that these parcels may utilize their riparian rights beyond just a single-family residence, including for agriculture, which is what they are zoned for. Dry weather flow testing was done on a limited basis of only a few different years, which do not likely represent the lowest possible flow conditions. In addition, there is a history of well failures in the area, generally from septic pollution, which requires the development of surface water sources or connection to a public water system; this means that some existing development may utilize these sources in the future, not just new development. Secondary dwelling units are another source of potential development on existing lots that was not analyzed in the DSEIR. In order to address the problems of insufficient water or contaminated wells, the City has included the following policy encouraging the formation of a Water Services District that could supply additional users from the City's water system; many properties outside the City are already connected to the City's water system.

Policy LU-8.2.....If capacity and/or storage is adequate, study the feasibility of forming a Water District that includes the area to the east and southeast of the City on either side of the freeway, where some properties are already connected to the system, to allow for additional connections outside the City, as the system allows. Eventual annexation should be considered. An "annexation agreement" (agreeing not to object to future annexation) with the City is a minimum requirement for providing any new connections outside of City limits. Areas to the north of the City should be part of such a district if services are to be provided there in the future.

Response 2.5

The additional sources of potential diversions from Luffenholtz Creek are either addressed in the CEQA document, do not reflect a change from existing circumstances as a result of the project, or rely on speculative future scenarios which may not occur as described and are beyond the scope of typical CEQA analysis as follows:

- Drought conditions and dry weather testing: As described in EIR Section 3.2.1.5, dry weather testing was performed on Luffenholtz Creek in 1994 and 1996 to the satisfaction of the California Department of Fish and Game in the issuance of a Streambed Alteration Permit.
- Climate change: While climate change has the potential to further reduce in-stream flows in the dry season, the mitigation measures prohibiting diversions from Luffenholtz Creek and Deadman Creek during the dry season adequately account for this possibility.
- Agricultural irrigation: The potential to use riparian water rights for agricultural uses is unchanged by the proposal to divide the property. Aside from the residential uses described in detail in the Draft EIR, no new authorization for use is granted by the project.
- Potential surface water diversions to replace future failed wells on other parcels in the Luffenholtz Creek watershed: No evidence is provided to indicate that such well failures are typical in the watershed, or that such failures typically lead to surface water diversions as opposed to the development of new wells or the utilization of water delivery services. In the absence of such evidence, the potential effect of such potential diversions on the water supply of the City of Trinidad is too speculative to effectively analyze with this EIR. Further, any such diversion would require permitting from the Department of Fish and Game, and would be subject to appropriate analysis and mitigation at the time of application.
- Secondary dwelling units: Second unit dwellings are not a permitted use in the AE zone (Humboldt County Zoning Regulations Section 3314-7.1). The development of potential secondary dwelling units on other parcels in the vicinity was deemed too speculative to analyze with this EIR pursuant to Save Round Valley Alliance v. County of Inyo (2007) 157 Cal. App. 4th 1437, which found such analysis to be unduly speculative.

While outside of the scope of the EIR, the Lead Agency is generally supportive of the City of Trinidad Policy LU-8.2.

Comment 2.6

The "project demand" (DSEIR p. 3-15) was estimated based on only three units in the Luffenholtz Creek watershed and one in Deadman Creek resulting from the proposed Moss subdivision. It is noted that the AE zone "generally... permits a maximum of one residential unit per parcel" (DSEIR p. ES-3). Though the cumulative analysis section of the document recognizes the potential for second units, it is generally considered "too speculative" to include in this analysis. The DSEIR is not clear whether secondary dwelling units would be allowed on these lots, though County staff has stated they would not. However, a General Plan update is

underway, and the designation and zoning could easily change. In accordance with State law, second units are generally a ministerial process and most existing lots in the watershed would fall under this requirement. It is not clear whether they dry-season water storage mitigation requirement would apply to any future second units. Therefore, additional mitigation is warranted to ensure future protection of the City's water supply.

Response 2.6

Second unit dwellings are not a permitted use in the AE zone (Humboldt County Zoning Regulations Section 3314-7.1). It is acknowledged that the County is in the process of a General Plan update. However, it is overly speculative to assume that the update will or may amend the General Plan Land Use designations and Zoning Regulations in such a manner which would permit secondary units in areas where they are currently not permitted. Such an amendment would also require CEQA review which would enable reviewing bodies to revisit the issue of impacts to the watersheds in question due to secondary units.

The Lead Agency concurs that dry season water storage would be required for any future secondary dwelling unit on the subject site, if such dwelling units become permissible in the future. Mitigation Measure EIR MM2 will be amended to clarify that dry season storage applies to all separate residential units.

Comment 2.7

Water Quality impacts are also tied to water supply impacts to limiting factors for potable water such as turbidity and bacterial contamination, and additional mitigation is required to adequately reduce potentially significant impacts to the City's water supply.

Though water quality was not listed as a specific impact to be addressed in the DSEIR, it affects the City's ability to provide water, and is a limiting factor during the wintertime in being able to supply adequate water quantity to customers. Therefore, the City considers this issue to be within the scope of the Court decision limiting the analysis to two issues. Luffenholtz Creek is considered a "Critical Water Supply Area," which is defined by the Humboldt County General Plan as "used by a specific municipality or community for its water supply system, which is so limited in area that it is susceptible to a potential risk of contamination for development activities."

The DSEIR notes (p. 3-6) that: "Concentrated run-off from developed portions of the site has the potential to increase erosion along the stream banks, carrying silt and soil into the streams. Runoff from developed areas may contain contaminants, including landscape chemicals (pesticides, fertilizers, etc.) and roadway contaminants." The DSEIR concentrates all of its analysis on quantity impacts to the water supply of the City, but does not adequately address the water quality impacts, which could also impact cutthroat trout. Large lots such as those proposed are often converted from forest to pasture or garden space or other landscaping. Often dirt roads and paths are created such as for off-road vehicles and site access. These activities

can have hydrologic impacts to the stream resulting in more runoff and less storage as well as increased erosion and siltation and introduction of foreign materials, including polluted runoff into the creek. The City's draft General Plan includes the policy implementation included below and the City requests that mitigation consistent with the policy be included for the Moss subdivision in order to reduce potentially significant impacts to the City's water supply.

Program LU-9.5.1: Pursue adoption of a public education program regarding pesticides and other hazardous chemical, and when feasible, enter into a non-binding Memorandum of Understanding, or other agreement with property owners within the "Critical Water Supply Area" to minimize the use of these chemicals and reduce contamination of water supplies.

Response 2.7

As described in DSEIR Section 1.1.2, water quality impacts of the project, generally are outside of the scope of the DSEIR as they have been found by the courts to have been adequately analyzed in the prior adopted Initial Study and Negative Declaration. With respect to water quality impacts specific to the effect on coastal cutthroat trout, the lead agency maintains that this has been adequately addressed Section 3.2.1 of the DSEIR and that the identified Mitigation Measures (1997 IS MM No. 7, 1997 IS MM No. 10 and EIR MM No. 1) are sufficient to reduce potential effects below the identified threshold of significance.

Comment 2.8

The City of Trinidad requests that the following additions be made to the proposed mitigation in order to adequately reduce potentially significant impacts to the City's water supply resulting from the Moss subdivision as described above.

IS MM4 – regarding site revegetation, should specify "with native vegetation" (this is a requirement for revegetation within Streamside Management Areas (SMAs) in IS MM 7, but should be required throughout the site). Conversion of large areas to non-native vegetation has the potential to impact the hydrologic cycle and downstream water supplies.

Response 2.8

No evidence has been submitted to support the assertion that revegetation with unspecified native species in areas outside of the SMA would reduce the impact to the water supply of the City of Trinidad.

Comment 2.9

IS MM 5 – regarding runoff from impervious surfaces should additionally specify that runoff be directed away from the septic system in order to more fully protect the leach field.

Response 2.9

Mitigation Measure IS MM5 requires that impervious surfaces be designed to dissipate runoff uniformly particularly for runoff directed towards steep slopes or creeks. Mitigation Measure IS

MM5 will be amended to specify that impervious surfaces be designed to also dissipate runoff away from septic systems to protect leach fields.

Comment 2.10

IS MM 7 / EIR MM 1 – regarding SMAs should be enforceable long-term. As currently written, it only applies to the building stages, but should be applied to the parcels into the future. The mitigation measure includes restriction on development, disposal and the use of chemicals in the SMAs. This mitigation needs to be included in a landowner agreement or deed restriction in order to be effective (also see suggested additional mitigation below).

Response 2.10

IS MM 7 contains provisions for the establishment of SMA's and controlling and mitigating erosion and runoff due to construction. EIR MM 1 requires that the provisions of IS MM 7 shall continue to apply throughout the project. The DSEIR concluded that the mitigation measures included in IS MM7 would result in less than significant impacts to the SMAs due to all development activities; during initial construction phases and any future development. As stated in the Response to Comment 1.13, future development (i.e. second unit dwellings or other main structures) are not permitted uses in the existing AE zoning designation. Therefore, the inclusion of further mitigation measures based on the speculative assumption of a General Plan amendment and rezone are not warranted at this time.

Comment 2.11

EIR MM 2 and EIR MM 3 – regarding dry-weather storage and pumping, the City has concerns about enforcement. These may be difficult provisions to enforce, though the DSEIR makes a commendable attempt at enforcement measures. But what happens after 5 years and property is sold? There needs to be at least a deed restriction recorded so that future property owners are made aware of restrictions. There also should be remedial measures in place should the conditions not be complied with. The City also requests the opportunity to review the pumping records annually beyond the five years to ensure that these conditions continue to be followed (also see suggested additional mitigation below). It also should be specified that the permanent flow meters have, at a minimum, daily recording capabilities and that these records be submitted for review annually. Easements should be established that provide access to the storage tanks, pumps and flow meters for inspection purposes. Assessments should be established to cover the cost of inspections and evaluations. In addition, rain/fog water collection system should be included as part of the water storage mitigation measure EIR MM 2.

Response 2.11

Mitigation Measure EIR MM2 requires the provision of dry season water storage facilities for each new residence. EIR MM3 requires water pumps restricting the amount of water pumped to those daily maximums established in the DSEIR. The DSEIR concluded that EIR MM2 and MM3 would mitigate impacts to Luffenholtz and Deadman Creeks to less than significant levels. While rain collectors would be a desirable and recommended additional feature for homeowners,

such facilities are not required to reduce the potential effect below the threshold of significance and are not included in the Mitigation Measure.

The lead agency concurs that notification of future property owners is a critical component of the long term success EIR MM2 and EIR MM3. As such, those Measures have been modified to specify the requirement for a recorded notice, discoverable in future title searches, to ensure that the requirements will be presented to future purchasers. The lead agency similarly concurs that the suggested modifications to add specificity to the requirements for monitoring equipment and access will support the success of EIR MM3.

It should be noted that the requirements of EIR MM2 continue in perpetuity and will be enforceable through the County of Humboldt's Code Enforcement authority. The requirement for twice annual noticing for five years is intended to establish a baseline for compliance during initial development, but is not intended to replace the enforcement mechanisms which apply to all adopted mitigation measures.

It is the Lead Agency's understanding that pumping records submitted by the property owner's to the County of Humboldt would be public records and that no special arrangement for access to those records by the City of Trinidad is necessary.

Comment 2.12

EIR MM 4 – The City strongly supports this mitigation measure and future policy, including for any secondary dwelling units even if ministerially approved. This policy can be applied as a standard to be met even for ministerial projects to be verified through a building permit process and this provision should be added to the mitigation. The City has some concerns about enforcement of this mitigation and the timing. The Planning Commission and Board of Supervisors could reject such a policy, or it may not be a priority for an agenda item. Therefore, it should be completed prior to approval of Final Map or Waiver rather than within 12 months.

Response 2.12

The Lead Agency continues to determine that EIR MM4 is sufficient to reduce the potential cumulative effect of future development to the City of Trinidad Water supply below the adopted threshold of significance.

Comment 2.13

The City of Trinidad requests that the following additional mitigation be required in order to adequately reduce potentially significant impacts to the City's water supply resulting from the Moss subdivision...

Include an additional mitigation measure(s) that requires landowner agreements or deed restrictions to restrict the use of chemicals such as fertilizers and pesticides, the amount of land clearing and land conversion such as from forest to pasture or to non-native vegetation for the entire parcel, not just the SMAs and not just during construction.

Response 2.13

As described in DSEIR Section 1.1.2, water quality impacts of the project, generally are outside of the scope of the DSEIR as they have been found by the courts to have been adequately analyzed in the prior adopted Initial Study and Negative Declaration.

Comment 2.14

The City of Trinidad requests that the following additional mitigation be required in order to adequately reduce potentially significant impacts to the City's water supply resulting from the Moss subdivision...

Include an additional mitigation that requires any future secondary dwelling units to demonstrate that the development will not reduce instream water flow below that necessary for maintaining necessary flows in Luffenholtz Creek similar to EIR MM 4. In addition, clarify that all secondary dwelling units will be required to comply with EIR MM 2 and EIR MM 3 regarding dry-season water storage if they are allowed in the future.

Response 2.14

As noted in Response Number 2.6 above, the lead agency concurs that EIR MM 2 and EIR MM 3 should be modified to clarify that any future secondary residences on the property would be required to provide adequate dry season storage.

Comment 2.15

The City of Trinidad request that the following additional mitigation be required in order to adequately reduce potentially significant impacts to the City's water supply resulting from the Moss subdivision...

Add a mitigation measure that the public works inspection records of metered flows be provided to the City each year for review.

Response 2.15

As noted in Response 2.11 above, such records will be available to the City of Trinidad as public records. As such the modification to the Mitigation Measure is not necessary.

Response to Comment Letter #3

Ron Dean
83 Fox Farm Road
Trinidad, CA 95570

Comment 3.1

Our place is unique in that our house is close to the road and all vehicle traffic for development and new residence has to grind up the hill past our house. It is worse for us since the widening of the road making it easier for too many to ignore the speed limit of 25mph. The result for us is more noise and more perilous to people and pets.

Response 3.1

As described in DSEIR Section 1.1.2, traffic and noise impacts of the project, generally are outside of the scope of the DSEIR as they have been found by the courts to have been adequately analyzed in the prior adopted Initial Study and Negative Declaration.

Comment 3.2

When we came here in 1977, Deadman's creek frontage was a major attractive feature. Since that time we regrettably watched it diminish to a point where it is barely visible above ground during late summer-early fall. With all the possible future subdivision between us and this Moss subdivision, we would like to know how many additional residences will rely on this creek before the impacts to this tiny creek are considered "significant". It seems that the "average residential water usage" in the EIR is calculated from suburb type usage and not typical of 20+ acre hobby ranches that may decide to dabble in activities like aquaculture, crop production, golf course, or raising livestock. We are against ANY further water rights being established with Deadman's creek as its source.

Response 3.2

Mitigation Measures EIR MM2 and EIR MM3 continue to apply to the project to reduce the impacts to the in-stream water supply of Deadman Creek.

Comment 3.3

Unintended, unforeseen consequences. Case in point, widening the road. I have no doubt that this project was done with similar due diligence as the proposed Moss subdivision. From our viewpoint, the impacts are more noisy speeding traffic. Gravel imported for the project was contaminated with seeds of pampas grass and scotch broom, both of which spread vigorously, crowding out native species and are nearly impossible to get rid of once established.

Response 3.3

As described in DSEIR Section 1.1.2, traffic and general biological impacts of the project are outside of the scope of the DSEIR as they have been found by the courts to have been adequately analyzed in the prior adopted Initial Study and Negative Declaration.

Comment 3.4

At one point I had a conversation with one of the representatives of this project, expression some of my concerns. He shrugged and generally replied..... "that's just business". These changes, known and unforeseen will impact this neighborhood for years to come, long after the doers and their business is done in our backyards. We choose this place because we liked the way it was at the time (Dec. 77).

Response 3.4

Comment noted.

Comment 3.5

Especially in this economy, I'm generally not in favor of transition of timber resource land to residences. Some area residences are already forced to import water, and with the chance of future weather changes I think it unwise to exploit every resource, especially water.

Response 3.5

The proposed project does not include a change in land use designation, zoning, or timberland conversion. Single-family residences are a permitted use in the existing Agriculture Exclusive zoning designation.

Response to Comment Letter #4

Daniel M. O'Hara

(Address not provided)

Comment 4.1

We do have serious concerns regarding the type of subdivision proposed. They include (1) runoff during winter into Luffenholtz Creek and (2) a diminished summer flow to that creek for fish survival and (3) the water supply to the town of Trinidad. (4) Deadman Gulch is likely to experience a diminished availability of water as well for those who live downstream.

We do believe the project will result in significant impacts for us, and (5) we therefore appreciate a thorough public review of the project.

Response 4.1

(1) Mitigation Measure No. 7 which was adopted with the 1997 Mitigated Negative Declaration continues to apply to the project and will reduce the potential impacts due to stormwater runoff.

(2) and (3) Mitigation Measures No.2 and No.3 which were adopted in the 2009 EIR continue to apply to the project to reduce the impacts to the coastal cutthroat trout and the water supply of the City of Trinidad.

4) Mitigation Measures No.2 and No.3 which were adopted in the 2009 EIR continue to apply to the project to reduce the impacts to the water supply for residents downstream of the project site.

(5) The project and all environmental analysis and documentation have been, and will continue to be required by law to undergo comprehensive public review.

Chapter 3 Revisions to the Draft EIR

***Note:**

Text with strikeouts means text has been deleted

Text with underline means text has been added

Table ES-1

Impact Mitigation	Mitigation Measure	Level of Significant Following Mitigation
IS Section III.f) Geologic problems involving erosion, changes in topography or unstable soil conditions from excavation, grading, or fill	IS MM 4	Less Than Significant
IS MM 5	Driveways, parking areas, and other impermeable surfaces shall be designed to dissipate runoff uniformly; particularly for runoff directed toward steep slopes or creeks. Such runoff shall not be to flow or pond in identified septic system leach fields.	Significant

Table ES-1

Impact Mitigation	Mitigation Measure	Level of Significant Following Mitigation
EIR MM 2	The developer/applicant shall provide dry season water storage facilities for each residence, including secondary residential units, if any. Based on the current state of knowledge regarding dry season flows in the two affected streams and the life-cycle of non-anadromous populations of coastal cutthroat trout, the risk to the species through potential de-watering of the streams at or below the subject site is sufficient to prohibit any water diversions during the dry season. As such, each residence shall provide water storage sufficient for a minimum of 107 days of independent operation from August 1st through November 15th of each year. Each residence or secondary residential unit will be assumed to require a minimum of 400 gallons per day (pursuant to the Humboldt County Framework Plan §2554.9A), to a dry season total storage requirement of 42,800 gallons.	Less Than Significant

Impact Description	Mitigation Measure ID	Mitigation Measure Details	Level of Significance Following Mitigation
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Each parcel shall have recorded against it an agreement with the County, and enforceable by the County, requiring the installation of a water storage facility capable of meeting the needs described herein. Residential water storage quantities shall be above and beyond the 2,500 gallons required by CalFire for developments within the State Responsibility Area (SRA) for fire protection. Storage for both uses, however, may be provided for within one storage unit. ~~Permanent flow meters shall be installed at the intake to each storage tank.~~

EIR MM 3

To avoid excess short-term withdrawals during the periods in which the tanks required by 2009 Mitigation Measure No. 2 are being filled, pumps shall be sized or otherwise regulated to draw a maximum of two gallons per minute on Deadman Creek and a combined maximum of five gallons per minute on the North Fork of Luffenholz Creek. Permanent flow meters shall be installed at the intakes to each storage tank. Such flow meters shall record flows no less than once per day. The property owner shall submit daily records of flows to the Humboldt County Department of Community Development and Services no less often than once per year. Deed restrictions or similar instruments shall be recorded for each parcel at the time of recordation of the Final Parcel Map or Parcel Map Waiver describing the restrictions to dry season withdrawal from surface streams and the requirements to provide dry season water storage.

CHAPTER 3 – Settings, Impacts, and Mitigation Measures

EIR Mitigation Measure No. 2

The developer/applicant shall provide dry season water storage facilities for each residence, including secondary residential units, if any. Based on the current state of knowledge regarding dry season flows in the two affected streams and the life-cycle of non-anadromous populations of coastal cutthroat trout, the risk to the species through potential de-watering of the streams at or below the subject site is sufficient to prohibit any water diversions during the dry season. As such, each residence shall provide water storage sufficient for a minimum of 107 days of independent operation from August 1st through November 15th of each year. Each residence or secondary residential unit will be assumed to require a minimum of 400 gallons per day (pursuant to the Humboldt County Framework Plan §2554.9A), to a dry season total storage requirement of 42,800 gallons. ~~Each parcel shall have recorded against it an agreement with the County, and enforceable by the County, requiring the installation of a water storage facility capable of meeting the needs described herein.~~ Residential water storage quantities shall be above and beyond the 2,500 gallons required by CalFire for developments within the State Responsibility Area (SRA) for fire protection. Storage for both uses, however, may be provided for within one storage unit. ~~Permanent flow meters shall be installed at the intake to each storage tank.~~

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EIR Mitigation Measure No. 3

To avoid excess short-term withdrawals during the periods in which the tanks required by 2009 Mitigation Measure No. 2 are being filled, pumps shall be sized or otherwise regulated to draw a maximum of two gallons per minute on Deadman Creek and a combined maximum of five gallons per minute on the North Fork of Luffenholtz Creek. Permanent flow meters shall be installed at the intake to each storage tank. Such flow meters shall record flows no less than once per day. The property owner shall submit daily records of flows to the Humboldt County Department of Community Development and Services no less often than once per year. Deed restrictions or similar instruments shall be recorded for each parcel at the time of recordation of the Final Parcel Map or Parcel Map Waiver describing the restrictions to dry season withdrawal from surface streams and the requirements to provide dry season water storage.

Table 6-1

Impact	Mitigation Measure	Implementation	Monitoring	Time Span
IS MM 5	Driveways, parking areas and other impermeable surfaces shall be designed to dissipate runoff uniformly, particularly for runoff directed toward steep slopes or creeks. <u>Such runoff shall not be to flow or pond in identified septic system leach fields.</u>	County of Humboldt Building Division shall verify	County of Humboldt review of building permits and record of inspection	With individual building permits

Table 6-1

Impact	Mitigation Measure	Implementation	Monitoring	Time Span
EIR MM 2	The developer/applicant shall provide dry season water storage facilities for each residence, including secondary residential units, if any. Based on the current state of knowledge regarding dry season flows in the two affected streams and the life-cycle of non-anadromous populations of coastal cutthroat trout, the risk to the species through potential dewatering of the streams at or below the subject site is sufficient to prohibit any water diversions during the dry season. As such, each residence shall provide water storage sufficient for a minimum of 107 days of independent operation from August 1st through November 15th of each year. Each residence or secondary residential unit will be assumed to require a minimum of 400 gallons per day (pursuant to the Humboldt County Framework Plan §2554.9A), to a dry season total storage requirement of 42,800 gallons. Each parcel shall have recorded against it an agreement with the County, and enforceable by the County, requiring the installation of a water storage	County of Humboldt Public Works Division shall verify	County of Humboldt Planning Staff shall send affected property owners twice yearly notices of dry weather water withdrawal restrictions. Such notices shall include recommended dates to ensure tanks are full and the dates during which	Tanks installed prior to Final Map or waiver. Notices send to property owners annually for five years following approval of building permits

Impact / Mitigation Measure / Response	Mitigation Measure / Response	Implementation	Monitoring	Time-Span
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~~facility capable of meeting the needs described herein.~~ Residential water storage quantities shall be above and beyond the 2,500 gallons required by CalFire for developments within the State Responsibility Area (SRA) for fire protection. Storage for both uses, however, may be provided for within one storage unit. ~~Permanent flow meters shall be installed at the intake to each storage tank.~~

water withdrawals are prohibited

EIR MM
3

To avoid excess short-term withdrawals during the periods in which the tanks required by 2009 Mitigation Measure No. 2 are being filled, pumps shall be sized or otherwise regulated to draw a maximum of two gallons per minute on Deadman Creek and a combined maximum of five gallons per minute on the North Fork of Luffenholtz Creek. Permanent flow meters shall be installed at the intake to each storage tank. Such flow meters shall record flows no less than once per day. The property owner shall submit daily records of flows to the Humboldt County Department of Community Development and Services no less often than once per year. Deed restrictions or similar instruments shall be recorded for each parcel at the time of recordation of the Final Parcel Map or Parcel Map Waiver describing the restrictions to dry season withdrawal from surface streams and the requirements to provide dry season water storage.

County of Humboldt Public Works Department shall verify
County of Humboldt review of improvement plans and public works inspection records
Equipment shall be in place prior to approval of Final Map or Waiver

CHAPTER 4 REVISED MITIGATION MONITORING AND REPORTING PROGRAM

Table 3-1
Mitigation and Monitoring Program

Impact Identifier	Mitigation Measure	Implementation	Monitoring
IS Section I.a)	IS MM 1	Adams Fox Farm Road shall be improved to a Road Category 4 roadway as approved by the Land Use Division of the Department of Public Works from Westhaven Drive through the subject property.	County of Humboldt record of Public Works inspections
Conflict with plans and policies			Completed
IS MM 9	The onsite sewage disposal systems shall be developed on the parcels in accordance with the County's sewage disposal regulations, and shall be located at least 100-feet from the stream transition lines of Luffenholtz and Deadman Creeks.	County of Humboldt Division of Environmental Health shall verify	County of Humboldt record of inspection
IS Section III.b)	IS MM 2	The residential structures shall be of wood-frame construction, built in accordance with the latest edition of the Uniform Building Code for the highest seismic zone (Seismic Zone 4).	County of Humboldt review of building permits and record of inspection
Seismic ground shaking			With individual building permits
IS MM 3	Any residential development proposed outside of the approved building envelopes as shown in the May 1995 SHN Consulting Engineers and Geologists Preliminary R-1 Geologic and Geotechnical Report shall require further geologic testing.	County of Humboldt Building Division Shall verify	County of Humboldt review of building permits
IS Section III.f)	IS MM 4	Areas disturbed during construction shall be revegetated as soon as practical prior to the beginning of the rainy season as required in the May 1995 SHN Geologic Report.	County of Humboldt record of building inspections.
Erosion and grading			With individual building permits

Impact
Time Span
Mitigation Measure
Implementation
Monitoring

IS MM 5	<p>Driveways, parking areas and other impermeable surfaces shall be designed to dissipate runoff uniformly, particularly for runoff directed toward steep slopes or creeks. Such runoff shall not be to flow or pond in identified septic system leach fields.</p>	<p>County of Humboldt Building Division shall verify</p>	<p>County of Humboldt review of building permits and record of inspection</p>	<p>With individual building permits</p>
IS Section III.f)	IS MM 7	<p>Streamside Management Areas of 100 feet from both sides of the stream transition lines of the North Fork of Luffenholtz and Deadman Creek shall be established, and erosion control and other measures for development within these areas shall include the following:</p> <ol style="list-style-type: none"> a. During construction, land clearing and vegetation removal will be minimized. b. Construction sites will be planted with native or naturalized vegetation and mulched with natural or chemical stabilizers to aid in erosion control and insure re-vegetation. c. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction. d. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversions dikes, interceptor ditches, slope drains or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge where discharge is to natural ground or channels. e. Runoff shall be controlled to prevent erosion by onsite or offsite methods. Onsite methods include, 	<p>County of Humboldt Building Division shall verify</p>	<p>County of Humboldt review of building permits and record of inspection</p>

Impact	Mitigation Measure	Implementation	Monitoring	Time Span
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- but are not limited to, the use of infiltration basins, percolation pits, or trenches. Onsite methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by onsite retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.
- f. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Game and Regional Water Quality Control Board.
 - g. No pesticides or herbicides shall be used within the Streamside Management Areas.

Winter operations (generally October 15 through April 15) shall employ the following special considerations:

- a. Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds such as barley or rye grass; and mulched with protective coverings such as natural or chemical stabilizations.
- b. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

Mitigation Measure
 Impact Identifier
 Mitigation Measure
 Implementation
 Monitoring
 Time Span

IS MM 10	A complete hydraulic report and drainage plan shall be submitted for approval by the Department of Public Works. This will require the construction of drainage facilities adjacent to and across Adams Fox Farm Road. The applicant shall dedicate drainage release easements to the County of Humboldt for all cross drains as directed by the Department of Public Works.	County of Humboldt Public Works Department shall verify	County of Humboldt record of Public Works inspections	Prior to approval of Final Map or Waiver
IS Section VI.b)	IS MM 1	As above	As above	As above
Hazards from design features	IS MM 6	A school bus turnaround area shall be provided on the subject property adjacent to Adams Fox Farm Road as shown on the Improvement Plans for Fox Farm Road.	County of Humboldt Public Works Department shall verify	County of Humboldt record of Public Works inspections
IS Section VI.c)	IS MM 1	As above	As above	As above
Inadequate emergency access	IS Section VI.e)	IS MM 1	As above	As above
Hazards to pedestrians and bicyclists	IS Section VII.d)	IS MM 7	As above	As above
Wetland Habitat	IS Section VII.e)	IS MM 9	As above	As above
Wildlife migration	IS Section VII.e)	IS MM 7	As above	As above
IS Section	IS MM 1	As above	As above	As above

Impact	Mitigation Measure	Implementation	Monitoring
IX(b)	Emergency response	Residential development shall comply with Humboldt County Fire Safe Ordinance and shall include: a. Defensible space of at least 30-feet from all structures to property lines. b. A 2,500-gallon emergency water storage tank for each parcel. c. Street names, addresses, and water sources shall be clearly marked where visible from the public road d. Roadway and driveway grades shall not exceed 16%. e. Disposal, including chipping, burying, burning, or removal to a landfill site approved by the County, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification, shall be completed prior to completion of road construction, or final inspection of a building permit or initiation of a use under a use permit. f. Sample Codes, Covenants, and Restrictions shall be written prior to recordation of the Parcel Map which specifies the future landowners' responsibility in maintaining their property in order to comply with State Fire Regulations and the County [Fire Safe] Regulations.	With individual building permits and record of inspections

IS Section	Mitigation Measure	Implementation	Monitoring
IX(e)	Wildland fire hazard	Residential development shall comply with Humboldt County Fire Safe Ordinance and shall include: a. Defensible space of at least 30-feet from all structures to property lines. b. A 2,500-gallon emergency water storage tank for each parcel. c. Street names, addresses, and water sources shall be clearly marked where visible from the public road d. Roadway and driveway grades shall not exceed 16%. e. Disposal, including chipping, burying, burning, or removal to a landfill site approved by the County, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification, shall be completed prior to completion of road construction, or final inspection of a building permit or initiation of a use under a use permit. f. Sample Codes, Covenants, and Restrictions shall be written prior to recordation of the Parcel Map which specifies the future landowners' responsibility in maintaining their property in order to comply with State Fire Regulations and the County [Fire Safe] Regulations.	County of Humboldt review of building permits and record of inspections
IS Section XI(a)	Fire protection services	As above	As above
IS Section	IS MM 8	As above	As above
IS Section	IS MM 1	As above	As above

Mitigation Measure Identification, Implementation, Monitoring, and Time Span

Impact	Mitigation Measure Identifier	Mitigation Measure	Implementation	Monitoring	Time Span
Maintenance of public facilities	IS MM 8	As above	As above	As above	As above
	IS MM 10	As above	As above	As above	As above
IS Section XIV.a)** Paleontological Resources	IS MM 11	If any paleontological, archaeological, or historical resources are discovered during construction, all activities must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, and protective cover.) pursuant to California Health and Safety Code Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.	County of Humboldt Building Division shall ensure notation of requirement on building permits	County of Humboldt building permit review	Individual building permits
	IS MM 11	As above	As above	As above	As above
IS Section XIV.b)** Archaeological Resources	IS MM 11	As above	As above	As above	As above
	IS MM 11	As above	As above	As above	As above
IS Section XIV.c)** Historical Resources	IS MM 11	As above	As above	As above	As above
	IS MM 11	As above	As above	As above	As above
SEIR Section 3.2.1 Sensitive Species	EIR MM 1	The provisions of 1997 IS Mitigation Measure 7 shall continue to apply to the project throughout the remainder of the project, including periods of vegetation removal to clear existing building pads, grading or re-grading of such pads, and any construction activities which may occur on the subject site.	County of Humboldt Building Division shall verify	County of Humboldt building permit review and record of inspection	Individual building permits
	EIR MM 2	The developer/applicant shall provide dry season water storage facilities for each residence, including secondary residential units, if any. Based on the current	County of Humboldt Public Works Division	The County of Humboldt Planning Division shall send affected	Tanks installed prior to Final Map or waiver. Notices send

Mitigation Measure Implementation Monitoring
 Impact Identifier Mitigation Measure Monitoring

state of knowledge regarding dry season flows in the two affected streams and the life-cycle of non-anadromous populations of coastal cutthroat trout, the risk to the species through potential de-watering of the streams at or below the subject site is sufficient to prohibit any water diversions during the dry season. As such, each residence shall provide water storage sufficient for a minimum of 107 days of independent operation from August 1st through November 15th of each year. Each residence or secondary residential unit will be assumed to require a minimum of 400 gallons per day (pursuant to Humboldt County Framework Plan §2554.9A), to a dry season total storage requirement of 42,800 gallons. Residential water storage quantities shall be above and beyond the 2,500 gallons required by Cal Fire for developments within the State Responsibility Area (SRA) for fire protection. Storage for both uses, however, may be provided for within one storage unit.

EIR MM 3 To avoid excess short-term withdrawals during the periods in which the tanks required by EIR Mitigation Measure No. 2 are being filled, pumps shall be sized or otherwise regulated to draw a maximum of two gallons per minute on Deadman Creek and a combined maximum of five gallons per minute on the North Fork of Luffenholtz Creek. Permanent flow meters shall be installed at the intake to each storage tank. Such flow meters shall record flows no less than once per day. The property owner shall submit daily records of flows to the Humboldt County Department of Community Development and Services no less often than once per year. Deed restrictions or similar instruments shall be

County of Humboldt Public Works Department shall verify

property owners shall verify through field visits and review of the required flow meters that the property owners continue to comply with the requirements of the adopted agreement.

County of Equipment

Impact	Mitigation Measure	Implementation	Monitoring	Time Span
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recorded for each parcel at the time of recordation of the Final Parcel Map or Parcel Map Waiver describing the restrictions to dry season withdrawal from surface streams and the requirements to provide dry season water storage.

Cumulative Effects	EIR MM 4	<p>Prior to approving additional discretionary approvals for development in the vicinity of the subject site, the County of Humboldt shall identify all parcels within the Luffenholtz Creek Critical Water Supply Area (CWSA) and adopt a policy to require that any proposed future development of residential units within this area shall demonstrate that such development will not reduce in stream water flows below that necessary for maintaining anticipated demand for the Trinidad Water System and minimum pass-by flows to maintain habitat value in the stream for fish and other species.</p>	<p>Humboldt review of improvement plans and public works inspection records</p> <p>Planning Commission or Board of Supervisors Resolution establishing policy</p>	<p>shall be in place prior to approval of Final Map or Waiver</p> <p>Within 12 months of approval of Parcel Map Subdivision</p>
		<p>County of Humboldt Planning Division shall prepare policy</p>		

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