CHAPTER 2: LAND USE ELEMENT

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A. PURPOSE

The Land Use Element is the heart of the General Plan since it has the broadest scope of the required elements and provides an overview of the long-term development and sustainability goals and policies of the City. The Land Use Element provides the primary basis for City decisions on development applications.

The Land Use Element establishes policies and programs to help establish the general framework for the future pattern of growth, development, and sustainability in Trinidad, CA. These regulations strive to conserve natural resources and scenic character of the land, protect wildlife habitat and cultural resources, contribute to the character of the community, and adequately serve the health, safety, and needs of the citizens. Land use decisions must take into consideration the relationship of adjacent land uses to fully integrate proposed land uses with existing natural and physical environments.

B. BACKGROUND

The City of Trinidad is located in Humboldt County approximately 25 miles north of Eureka, and 300 miles north of San Francisco. The City was founded in the 1850's as a supply center for the gold rush and, being incorporated in 1870, is one of California's oldest cities; it is also one of the State’s westernmost Cities. Trinidad has only about one square mile of land area and a year-round population of 311 residents (2000 census) and 200 residences making it one of California's smallest cities as well. Though small in area, the City of Trinidad provides commercial services to surrounding rural areas, in particular the Westhaven area, which has a population of around 3000 people. The closest towns to Trinidad are McKinleyville, six miles to the south and Orick, sixteen miles to the north.

The City of Trinidad falls within the ancestral territory of the Yurok Tribe. The Tsurai village site (perched on the ocean bluffs on the south side of the City) dates as far back as 800 A.D. and was occupied until the early 1900's. In 1775, the Spanish discovered and named Trinidad. Visitors were mainly limited to fur traders until the Gold Ruch. In the 1850's, Trinidad became a supply port for the inland gold rush and at one point may have had 3,000 people living there; the population plummeted though when other inland routes to the gold camps were established. After gold, the logging industry sustained settlers and thrived, especially while the railroad operated in Trinidad from 1911-1948. Salmon also became an important industry during this time.

The area's physical setting, regional and national economic and social changes, and individual and governmental agency development have blended to create the community we see today. The original street pattern, laid out by a ship captain in 1850, remains today, though only a few original buildings exist as result of large fires in 1911 and 1928. Although fishing and lumber remain important to the local economy, Trinidad is now a quaint seaside town that thrives on tourism and recreation, including sportfishing.

C. LAND USE DESIGNATIONS AND MAP POLICIES:

1. Land Use Map Categories and Zoning Ordinance.

Figure 1 shows the land use designations for all properties in the City. The goals, policies and programs in this element should be considered in relation to this map. The Trinidad General Plan has defined development options based on finite space and environmental constraints. The City is near build-out unless surrounding areas are annexed into City limits. The purpose of the following land use categories are described relative to the development density or intensity, and the types of activities or land uses permitted, primarily within the Trinidad City limits. State law requires that maximum densities for residential uses be specified for each designation. Overlay zones that include additional requirements above these base zones in certain areas may be utilized in the City's Zoning Ordinance to make implementing the General Plan easier.

Goal LU-1a: To provide a compatible mix of land uses that provide for the needs of residents, businesses and visitors.

Suburban Residential (SR)
The Suburban Residential Designation is intended to provide for single-family residential development at low-densities suited to the physical capacity of the land and consistent with the density of nearby development. These areas are generally located east of the freeway or along Scenic Drive, where public water systems are available or could be made available upon annexation. There may be soil limitations for foundations and sewage disposal systems in these areas. SR parcels generally have larger lots and maintain a rural feel with large setbacks, low lighting and no curbs or sidewalks. An accessory dwelling on a lot may be appropriate if the development design is consistent

with neighborhood character and the lot has sufficient area to meet the sewage disposal requirements for each dwelling.

Maximum density: One residential dwelling unit per 20,000 square feet, with up to one accessory dwelling as appropriate.

Urban Residential (UR)
The Urban Residential Designation provides areas for moderate residential development and encapsulates the central portion of town that is most densely developed. This area allows the highest density of residential use (not including mixed use), taking into consideration neighborhood characteristics, community design policies, and soil capacity for individual septic systems. Although this is the most densely developed zone, development will not be allowed to impact the small-town character of Trinidad. There is little potential for more subdivision in the UR Zone based on current regulations. Accessory dwelling units may be allowed if carefully regulated and monitored for septic system compliance.

Maximum Density: One residential dwelling unit per 8,000 square feet with up to one accessory dwelling unit if septic requirements can be met.

Commercial (C)
The Commercial Zone provides for the commercial services that meet the convenience and retail needs of residents and visitors. Uses serving the commercial fishing industry are also appropriate. Design of structures avoids the typical franchise or highway commercial design and incorporates design elements sensitive to the small-town atmosphere of the City. Signage is not to be designed to be seen from the freeway. Off-premise signs are limited to non-advertising directional signs and public informational signs. High wastewater producing uses are limited based on septic system capability.

Maximum Density: No new residential dwelling units allowed.

Visitor Services (VS)
The Visitor Services Zone is intended to provide areas for camping, recreational vehicle parks, motels, restaurants, lounges, and similar visitor services and accommodations. Such visitor services and accommodations have direct access to a primary collector street. Design of structures avoids the typical franchise or highway commercial design and incorporates design elements sensitive to the small-town atmosphere of the City. Development should not create conflicts with nearby residential areas and should be located near convenience shopping facilities and / or recreational destinations. Limitations that might apply to uses of a site include sewage disposal and off-street parking.

Maximum Density: One residential (caretaker) dwelling unit per existing parcel.

Mixed Use (MU)

The Mixed Use designation is applied to either primarily residential areas along main streets where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt an appropriate mix of commercial and/or residential uses to the site and to surrounding uses. This includes residential and commercial establishments along Trinity and Main Streets and several large, mostly vacant parcels off Main Street and Westhaven Drive. This designation replaces the previous 'Planned Development' designation. The intent of the designation is that limited commercial uses, including visitor accommodations and services, recreational uses, offices, gift shops, food establishments, and personal services may be appropriate when such uses are designed to minimize conflicts with adjacent residentially designated properties. Uses allowed in the Public and Community (PC) designation are also allowed consistent with the intent of the MU designation. Design of structures avoids the typical franchise or highway commercial design and incorporates design elements sensitive to the small-town atmosphere of the City. Residential uses can be individual structures, clustered multifamily or mixed with commercial uses. Limitations that might apply to uses of a site include sewage disposal, off-street parking, lighting, noise, and mixed use densities. The MU designation is not intended for campgrounds and recreational vehicle parks.

Maximum Density: One residential dwelling unit per 8,000 square feet of lot area whether combined with a business or not. Commercial and visitor accommodations are allowed based on septic system capabilities.

Harbor (H)

The Harbor category is intended to provide an area in which a mixture of limited commercial, industrial and recreational uses can occur in the existing Trinidad Harbor area. This is a new designation, not part of the previous General Plan. The intent is to provide for the continuation of a mix of activities which support the Harbor's function as a commercial fishing and recreational fishing port and to protect and reserve parcels on, or adjacent to, the sea for coastal- dependent and coastal-related uses. Incidental and appurtenant commercial activities are intended to be subordinate to the coastal-dependent use.

Maximum density: No new residential dwelling units allowed other than a caretaker unit.

Open Space (OS)

Open Space lands include public agency open space lands, parklands, the Tsurai Village Site, beaches, and near and off-shore rocks. This designation also applies to areas lying seawards of the mean high tide line. Public Access dedications along beaches and trails may be required. The purpose of the OS designation is to preserve the natural and scenic character of these lands, including protecting wildlife habitat and cultural resources. Limited recreation and land management activities are appropriate uses; commercial timber harvesting is not an appropriate use. Limited development of appropriate technology, (such as micro-hydro power turbines in riparian areas) and cultural and interpretive elements may be allowed.

Maximum Density: No residential dwelling units allowed.

Special Environment (SE)

The Special Environment (SE) designation is applied to portions of otherwise developable properties to limit development due to hazards or sensitive resources such as steep slopes and riparian areas by minimizing the alteration of natural landforms and vegetation Public and private open space, wildlife habitat, and low intensity recreational uses including public access to and along the shoreline are the intended uses. The SE designation allows limited development only if reasonable use of the property would otherwise be prohibited, and to the extent that an appropriate study or report recommends it. On parcels where only a portion is designated SE, development shall only occur outside of the SE area if feaslible. The SE area shall not be subdivided or utilized in calculating required minimum parcel area or density. It is intended that development not be visible from public viewpoints more than necessary and that it have a natural appearance. Public Access dedications along trails may be required, and open space easements may also be required to protect sensitive resources.

Maximum Density: One residential dwelling unit per lot (only after resolution of all constraints following site-specific analysis).

Public and Community (PC)

The Public and Community (PC) land use designation includes publicly owned lands (exclusive of those maintained primarily as open space), and lands owned by religious or other non-profit organizations and used for education, religious worship, community meetings, and related activities. This designation replaces the previous ‘Public and Religious’ designation. Public agency ownerships include, but are not limited to schools, public parking areas, utility and public service substations, fire stations, public buildings, parks and recreation facilities, and cemeteries. Public or private community facilities shall be compatible with nearby uses and should be located adjacent to streets, which offer convenient access.

Maximum Density: No new residential dwelling units allowed other than one caretaker unit per lot.

Goal LU-1b: Promote development and conservation of land in Trinidad according to the pattern shown on the Land Use Designations Map.

Land Use Policies

LU-1b.1 The Land Use Map (Figure 1) designates specific land use areas. All new development shall be placed into appropriately designated areas so that land use conflicts can be minimized.

LU-1b.2 Densities and uses specified under each General Plan designation are further defined by language and specification included in the corresponding Zoning designation.

LU-1b.3 Some properties include existing land uses that are nonconforming to their land use designations. Such legally established existing land uses shall not be allowed to significantly increase the existing degree of nonconformity.

> *Program LU-1b.3.1:* In deciding on any permit application to alter a nonconforming use, the Planning Commission will exercise its discretion in determining whether a nonconforming use is compatible with a given area, including, but not limited to, the attitudes of the nearby property owners to the nonconforming use.

LU-1b.4 The Planning Commission shall annually review, by September 30th, the Zoning Ordinance and recommend amendments to it, as necessary, to allow adequate response to current or ongoing issues, identified shortcomings or conflicts, and to ensure compliance with State and other applicable laws.

LU-1b.5 Revise the Zoning Ordinance to provide more refined Design Review Guidelines that objectively address the design, size, bulk, and scale of new development and ensure that new and remodeled buildings are compatible with and enhance the character of the neighborhoods in which they are located. The revisions will be based on policy guidance contained within the Community Design element of this General Plan.

Goal LU-1c: Preserve and maintain the natural and community environments by promoting sustainability in development patterns.

<u>Sustainable Land Use Policies</u>

LU-1c.1 Investigate and adopt appropriate policies encouraging “green building technologies” that reduce negative impacts on the environment from both existing and new development.

LU-1c.2 Encourage, both inside and around the City, principles of smart growth and mixed-use development concepts where feasible to improve circulation and reduce the need for auto use.

LU-1c.3 Incorporate fundamentals of low-impact-development (LID) technologies into the requirements of the City implementation plans and provide education and / or incentives to property owners for incorporating LID alternatives into new and existing development projects where it will not negatively impact any OWTS. (CONS-3.2)

LU-1c.4 In order to ensure adequate services and infrastructure for development, new or increased buildings or uses shall only be approved when it has been

demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development shall be grounds for denial of the development.

LU-1c.5 In order to minimize impacts on air quality and green house gasses, new and revised development shall: (1) be consistent with the City's Climate Action Plan, if and when it is adopted; (2) be consistent with any requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development; and (3) minimize energy consumption and vehicle miles traveled to the extent feasible.

LU-1c.6 Encourage, through City implementing ordinances, sustainability and alternative technologies. This includes, but is not limited to, community agriculture, solar and wind power and rainwater collection.

LU-1c.7 All new parcels shall have adequate area to provide for anticipated uses or structures. Setbacks from nearby septic tanks, wells, nearby slopes and streams shall also be provided. Sufficient area for adequate sewage disposal requirements shall be demonstrated prior to any intensification or addition to existing uses (CONS-23).

LU-1c.8 Develop and maintain an Onsite Wastewater Treatment System (OWTS) Management Program in compliance with the CA OWTS regulations that includes regular monitoring, maintenance, and pumping requirements to assure that State and federal water quality standards are met. (PUBL-13/ CONS-2.6)

2. Residential Land (Urban Residential, Suburban Residential)

The residential neighborhoods of Trinidad have mostly been built-out; there are only a few vacant parcels. Homes are typically located on local and collector streets rather than on the busier arterial streets (see Circulation Element). The street pattern, originally laid out by a ship captain in 1850, remains today though only a few original buildings exist as result of fires in 1911 and 1928. Trinidad has several distinct residential neighborhoods, identified in the Community Design Element. Residents have expressed a desire to maintain Trinidad's small-town character, continue to protect public and private coastal views, and to embrace 'green' technology in both new and existing residences.

Home businesses (Home Occupations) have occurred throughout the City in recent years, especially as a result of personal computers and internet services. The primary review criteria mandate that they do not impact adjacent residential uses. Vacation rentals have also become more numerous in the community, prompting concerns over their impact on residential neighborhoods. While the City recognizes the benefits of short-term vacation rentals to the City in terms of tourism, jobs, affordable housing and the economy, short-term vacation rentals also have the potential to adversely affect the small-town atmosphere of the City and to negatively impact the character of residential neighborhoods if they are not appropriately regulated.

Goal LU-2: Provide adequate land to accommodate the housing needs of all income groups while maintaining the character of existing residential areas and keeping the small town feel and coastal views that residents and visitors enjoy.

Residential Land Policies

LU-2.1 Accessory dwelling units (ADUs) are a valuable source of affordable housing in Trinidad. However, they shall be carefully regulated to ensure that sewage disposal requirements can be met and may not be appropriate on all residential lots.

LU-2.2 Trinidad's View Protection Criteria should be reviewed and revised as necessary to provide clearer guidance and reduce community conflicts while still protecting important public and private coastal views.

LU-2.3 Home Occupations are allowed in Residential or Mixed Use areas to the extent that they do not impact the residential character of the neighborhood.

> *Program LU-2.3.1:* Limitations and permitting requirements for Home Occupations shall be specified in the City Zoning Ordinance. Some of the issues that need to be considered include:
> - Determining the suitable density of residential and commercial uses
> - Providing sufficient sewage-disposal systems and adequate water services
> - Providing off-street parking / loading

LU-2.4 (Note: this was moved into the text, since it is not a policy)

LU-2.4.: Limitations and permitting requirements for all vacation rentals shall be specified in the City Zoning Ordinance. Conditions on any permit to operate a vacation rental shall include standards addressing the following at a minimum:

- Requirement to maintain a business license and pay transient occupancy taxes
- Adequacy of the OWTS and notification to guests regarding proper operation
- Occupancy, parking, traffic, lighting and noise standards

3. Commercial Land (Commercial, Visitor Services, Mixed Use)

Many of the commercial establishments in the City are dispersed near the freeway interchange and along Main, Trinity and Edwards Streets, as well as in the Harbor area. The current businesses in town include restaurants, a gas station, various small retail shops and a grocery store. These businesses attract residents and visitors year-round to the City. The sales tax and bed tax revenue generated by businesses in the City is an important component of City revenues.

Additional commercial and visitor-serving areas can be found just outside the City, mostly along Patrick's Point Drive; these include a hardware store, mini-storage, a bar

and several campgrounds and RV parks. The Trinidad Rancheria operates a casino located south of the City on Scenic Drive and owns the Trinidad pier and harbor area, including the boat launch, Seascape restaurant and a vacation rental. Based on the Coastal Act, the Harbor Area has been redesignated to a Harbor zone rather than general commercial. The summer months brings an influx of tourists to the City to enjoy the many coastal amenities found in Trinidad.

The City encourages tourism and supports the efforts of local businesses to ensure City revenues do not decline. Most property owners within the planning area want to maintain the small-town feeling of Trinidad and support only a small increase of businesses that cater to local needs and a small to moderate increase in specialty shops catering to visitors. The City, whenever necessary, attempts to minimize adverse impacts to the small-town atmosphere caused by visitors. This is accomplished, in part, through land use regulations.

Goal LU-3: Promote the economic vitality of the commercial district while maintaining the historic, civic, cultural, and commercial core of the community without marring resources, views, or rural characteristics of the area

Commercial Land Policies

LU-3.1 The City's Commercial and Mixed Use designated areas provide for a mix of local as well as tourist-related, goods and services in a manner that is compatible with surrounding land uses.

LU-3.2 Convenience shopping facilities are located near the freeway interchange. Gift shops, smokehouses, tackle shops, restaurants and other visitor related businesses can be located along primary collector streets provided they are compatible with nearby residences. The compatible blending of these types of businesses with the community enhances the seaside character of the town.

LU-3.3 Commercial uses with high-use sewage disposal needs shall be carefully analyzed as to adequacy to provide for year-round needs without impacting groundwater or increasing seepage to the bluff area.

LU-3.4 Commercial accommodations need buffers from adjacent residential areas and must have convenient access to a primary collector street.

4. Harbor Area

The Trinidad Harbor Area has had a varied and colorful history in the past, supporting first a Native American population, then furring, gold mining supply, logging, whaling and fishing; it also serves as the last safe harbor north of Humboldt Bay until Crescent City. In 1946 the Hallmark family purchased the lands around the harbor and constructed a fishing pier. The commercial and fishing industry continued to increase for the next 40 years with a peak of up to 150 commercial salmon fishermen and at least

300 sport fishermen during the salmon season. In 1999 the Trinidad Rancheria purchased the property. The decline of commercial salmon fishing in recent years is due to dwindling fish stocks, increased operating costs, added government restrictions and recent listing of several salmon species on the Endangered Species list. Primary activities now are the winter Dungeness crab commercial season and summer sport fishing.

The property area is approximately 10 acres in nine individual parcels with ocean frontage both on the Pacific Ocean and Trinidad Bay. Most of the parcels are owned by the Rancheria, but there is also U.S. Government and City Property as well. The project site is improved with: a boat sling launcher, tackle/bait and gift shop, a pier, skiff dock and rental, water taxi service to transport boat owners to boat moorings, a two-unit vacation rental, and a restaurant. The City owns the land under the pier and mooring field to hold in trust for the people of the State. These lands were granted to the City by the State; the City leases these tidelands to the owner of the upland harbor area.

The primary use for the harbor area is to provide a working harbor for commercial and sport fishing. Recreational boating and public coastal access are also encouraged, but should not conflict with the primary use of the area as a fishing port. Some of the current recreational uses include sea kayaking, sailing, party boating, and whale watching. Public access to the coast is available throughout the harbor area, providing continued public access and parking to adjacent beaches, trails, the pier, and Trinidad Head, as well as boat launching to Trinidad Bay.

Goal LU-4: Encourage a mixture of commercial fishing, recreational boating and fishing, mixed coastal dependant / compatible commercial and visitor-serving uses consistent with coastal access policies while protecting the Trinidad Head ASBS.

<u>Harbor Area Policies</u>

LU-4.1 Coastal-dependent and coastal related uses are given priority in the harbor area. Coastal-dependent uses, per Coastal Act Section 30101, are defined as: *any development or use, which requires a site on, or adjacent to, the sea to be able to function at all*. Coastal related uses, per Coastal Act Section 30101.3, are defined as: *any use that is dependent on a coastal-dependent development or use*.

> *Program LU-4.1.1* Non-coastal-dependent/ non- coastal-related uses, including visitor-serving uses, shall be limited to a total of twenty-five percent (25%) of the developed land in the harbor area.

LU-4.2 Intensification or addition to existing uses proposed in the harbor area shall be accommodated with adequate sewage disposal, water, parking, and other public services. The property owner is encouraged to create a long-range plan for the orderly development of the Harbor Area into the future.

Program LU-4.2.1 As part of an application for any intensification or addition to existing uses, the property owner shall identify suitable leach field reserve areas for septic systems for existing and future uses. These areas shall be protected from adverse activities and development.

Program LU-4.2.2 Prior to approval of an application for any intensification or addition to existing uses, the property owner shall identify and offer to dedicate areas reserved for public access to the pier, Launcher Beach, Trinidad Beach, Trinidad Head and public trails as necessary and appropriate to protect public access.

Program LU-4.2.3 As part of an application for any intensification or addition to existing uses, the property owner shall identify suitable public parking for public access to all of these areas. A minimum thirty-five public parking spaces shall be provided overall in addition to that necessary for on-site uses.

Program LU-4.2.4 The property owner, with coordination of the City, should enter into a water service agreement for the provision of additional services necessary for future coastal-dependent and coastal-related uses as allowed by the general plan designation prior to approval of any intensification or addition to existing uses.

LU-4.3 The Harbor area is intended to be retained / managed in minimal ownerships. Intensification or addition to existing uses in the harbor area may require merger of existing lot lines. Subdivision is only allowed for lease purposes or public access dedications.

LU-4.4 Commercial fishing has special needs, and other uses should not detract from these facilities. Public launching facilities are recognized as an important aspect of the harbor area. These facilities are to be kept in working order in conjunction with other allowable uses in the Harbor designation.

LU-4.5 The property owner is encouraged to provide an improved, safer, method for refueling boats than the current hand carrying method. The fueling system shall include an emergency response plan in case of a fuel spill. The property owner is also encouraged to construct a non-discharging fish-cleaning station.

LU-4.6 Dredging or filling of coastal waters is to be consistent with provisions of Coastal Act 30233 limiting development to, among other requirements, new or expanded commercial fishing facilities, maintenance of previously dredged depths in the harbor, and public recreational piers.

LU-4.7 New development and additions to existing development within the Harbor Area shall be evaluated for potential impacts to the Trinidad Head ASBS and any impacts shall be mitigated to the maximum extent feasible.

5. Aquaculture

Aquaculture is the farming of aquatic organisms including fish, mollusks, crustaceans and aquatic plants. Farming implies some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies individual or corporate ownership of the stock being cultivated. It is foreseeable that aquaculture could be proposed in Trinidad Bay, and that it may be an ecologically and economically viable endeavor.

There is now little doubt that the world's fisheries are in crisis and that in the future increasingly more fish and shellfish will be obtained from aquaculture to meet the growing demand for seafood that natural stocks cannot provide. Aquaculture now accounts for roughly one-third of the world's total supply of food fish and undoubtedly the contribution of aquaculture to fish supplies will increase in the future as aquaculture technitues continue to develop. Aquaculture is the fastest growing sector of the world food economy, increasing by more than 10% per year and currently accounts for more than 40% of all fish consumed. Unfortunately, aquaculture often is developed in an unsustainable manner, which can result in environmental and social problems. With the expected expansion of aquaculture in the coming years it will be vital that sustainable practices be implemented and further developed to avoid causing damage to important and already-stressed coastal areas. Aquaculture should not be used to mitigate declines of natural stocks.

Goal LU-5: Promote creative and sustainable aquaculture in the Harbor Area while minimizing impacts on coastal resources.

LU-5.1 All aquaculture development or facilities shall be sited and designed to prevent impacts that would degrade environmentally sensitive habitat areas, as defined in Section C.1 of the Conservation, Open Space and Recreation Element and section 30107.5 of the Coastal Act, including Trinidad Head ASBS, and shall be compatible with the continuance of biological and ecological values in those habitat areas.

LU-5.2 All aquaculture development or facilities shall be carried out in a manner that will sustain the biological productivity of coastal waters, protect human health and maintain healthy populations of all species of marine organisms for long-term commercial, recreational, scientific and educational purposes.

LU-5.3 All aquaculture development or facilities shall be sited and designed to eliminate the chances for release of non-native species, pathogens, and parasites into the aquatic environment.

LU-5.4 All aquaculture development or facilities shall be sited and designed in accordance with any Waste Discharge Requirements (WDR) or Exception to waste discharge prohibitions from the SWRCB and / or RWQCB.

Program LU-5.4.1 All aquaculture development or facilities shall implement Best Management Practices (BMPs) to ensure the number and quantity of pollutants discharged or potentially discharged from the facility shall be minimized to the maximum extent feasible. BMPs shall specifically address adequate cleaning, feeding, transfer and importation of species, husbandry practices, removal of dead species, storage and handling of raw material, drugs and chemicals, and disposal of solid waste.

LU-5.5 All aquaculture development or facilities shall be sited and designed to: (1) minimize risks to life and property from geologic and flood hazards, including but not limited to bluff erosion, slope stability, seismic events, liquefaction, tsunamis, floods, and wave attack; and (2) assure stability and structural integrity, and neither create nor contribute to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would alter natural landforms along bluffs and cliffs.

LU-5.6 Availability of adequate water to serve all aquaculture development or facilities shall be demonstrated prior to approval of such aquaculture development or facilities.

LU-5.7 All aquaculture development or facilities shall be sited and designed to be visually compatible with the character of surrounding areas.Shoreline facilities shall be screened from important public view points.

LU-5.8 No aquaculture development or facilities shall interfere with the public's right of access to the sea. All aquaculture development or facilities shall ensure adequate provision of lateral and vertical access and shall not interfere with adjacent recreational uses

LU-5.9 Aquaculture facilities sited within the Harbor Area shall not interfere with existing recreational boating facilities and existing coastal-dependent industry, including fishing.

6. State and Federally Owned Lands

For Trinidad's small size, it has a high proportion of State and other publicly owned lands. State lands within City Limits include Trinidad Beach State Park, Trinidad School and playing field, the Humboldt State University Telonicher Marine Laboratory and the underwater portion of Trinidad Harbor; CalTrans owns and manages Hwy 101 and the interchange right-of-way. Some of these State properties are still subject to the City's Local Coastal Plan and approval of Coastal Developments Permits by the City. Federal lands include the Coast Guard facility (lighthouse), and National Oceanographic and Atmospheric Administration (NOAA) weather station on Trinidad Head. In addition, the Trinidad Rancheria (Bureau of Indian Affairs) is located adjacent to the City on the

southeast, and the Bureau of Land Management (BLM) manages the offshore rocks as the California Coastal National Monument.

State and Federal agencies may acquire, develop, manage, or dispose of land and make land use decisions. Such activities can have a major effect on local development. Local jurisdictions such as Humboldt County, the Trinidad Rancheria, and the Trinidad School District also manage land and make land use decisions affecting the City. Figure 2 shows where existing governmental facilities and land holdings are located. It is in the City's best interest to work cooperatively with those agencies that manage land in and around the City to further community goals. The City will seek to acquire any land within City Limits that may be disposed of by an agency if such acquisition will benefit the City.

The property owners in the City have opposed acquisition of residential areas for expansion of HSU's Telonicher Marine Laboratory at the west end of Edwards Street. State properties are exempt from paying property taxes so additional property acquisition by State agencies would also mean a gradual erosion of the City tax base, and it would affect the residential character of the town. The Marine Laboratory is an important asset to the community for teaching, research and exhibits and is a partner with the City to achieve marine resource goals, but should not be allowed to reduce the importance of, or adversely affect, the fishing industry or the residential community.

Goal LU-6: Ensure that State owned lands are managed such that they are compatible with, and do not detract from Trinidad's coastal village character.

State and Federally Owned Lands Policies

LU-6.1 Development on lands of Trinidad State Beach, Trinidad School playing field, the Telonicher Marine Laboratory and any other State properties within City Limits are subject to coastal development permit / design review approval from the City as required by the CA Coastal Act and the City's certified Local Coastal Program. In lieu of individual development proposals, the City may approve an appropriate Management Plan addressing specific future development activity on those lands.

LU-6.2 The portion of Trinidad Head no longer needed by the Coast Guard should be transferred to the City. An appropriate management plan shall be developed. The City will cooperate with other parties interested in joint acquisition and / or management of Trinidad Head in negotiations with BLM.

D. DEVELOPMENT OUTSIDE OF CITY LIMITS

Land use decisions outside City limits affect the City in a variety of ways. Traffic and upstream pollution or disturbance are good examples. Land use designations differ from City designations in the lands under County jurisdiction surrounding the City. Since the City's Planning Area is under Humboldt County jurisdiction, the land use categories shown in Figure 4 correspond to the existing Humboldt County General Plan

(Framework Plan 1984). Note that these land use designations may change as a result of the current update of the County General Plan. There are four different areas outside the City that have been designated based on their relationship to City Planning.

The first and the smallest of these designations is the Sphere of Influence, which represents the area where the City has the capacity to provide services and that is anticipated to possibly be annexed in the future. The next is the City's Service Area, which is defined as the area that the City currently does and potentially may provide water service. The third, and largest, area is the Planning Area. The Planning Area encompasses those areas that bear a relationship to City land use and planning in terms of resource use, land use, traffic, community, etc. In addition, there is an Urban Limit Line that limits intensive growth, which some of the following policies are based upon.

1. Sphere of Influence

As mandated in Government Code § 56425, "the Local Agency Formation Commission (LAFCO) shall develop and determine the sphere of influence of each governmental agency within the county. Sphere of Influence means a plan for the probable ultimate physical boundaries and services of a local government agency. The Sphere of Influence, after adoption, shall be used by the commission as a factor in making regular decisions on proposals over which it has jurisdiction." The Sphere of Influence boundary will be determined based on the City's "Master Service Element" that indicates capabilities and management of all services provided by the City (or district). A Municipal Service Review for the City of Trinidad was prepared by LAFCO in 2008 without City review. These elements need updating in order to be used to formulate Sphere of Influence boundaries and dictate how and when land is developed around the City. The Sphere of Influence report is to be updated every five years.

The purpose of the Sphere of Influence is to promote orderly, regulated growth that best represents the desires of the community. It is intended to represent the anticipated physical boundaries and service area of the City for the next twenty years. Trinidad adopted a sphere of influence in 1984, but only a very small portion has actually been annexed into City Limits since that time. There has been a strong indicated desire on the part of Trinidad residents to maintain the compact urban form of Trinidad. Some residents outside City limits have also expressed an aversion to being annexed into City limits. Benefits to the City from annexation include additional land use control, and potential increase in property tax revenue. In particular, annexation would allow the City to expand its OWTS program and increase protection of the Trinidad Head ASBS. It has also been suggested that annexation would benefit the City by increasing the population base for running a City government. One of the main advantages to residents of being annexed would be the provision of City services, particularly water. At this time, Trinidad's Sphere of Influence is relatively small. A minimal population growth projected for the City and the adjacent areas as well as the restrictive nature of the land use policies contained in this Local Coastal Plan will help preserve the community's character.

Goal LU-7: To provide and maintain clear boundaries and policies for considering the future expansion of Trinidad

Sphere of Influence Policies

LU-7.1 Depending on service capacity, the City's Sphere of Influence should be defined to include the City's water service connections, as well as all properties adjacent to the City's trunk line and those properties that are not zoned for timber production within the Luffenholtz and Mill Creek watersheds. The watersheds are to be included to provide direction and oversight on land use decisions that affect the City's Water Supply, including OWTS management. (PUBL-6)

LU-7.2 Consider expanding City services to areas outside City limits only if it can be done without significantly increasing the costs to residents within City limits, or if it is a public health emergency; annexation is a prerequisite for any service expansions.

LU-7.3 Consider annexations if it can be proven that they are economically, environmentally, politically or otherwise advantageous to the City.

2. City Service Area

"City Service Area" refers to those areas that will receive all, or a major portion of the urban services (water, police protection, road maintenance, cemetery operation, fire protection, and planning and zoning) that are provided by the City. Of the aforesaid services, water supply and distribution, and the absence of sewage collection and disposal facilities, are the major determinants of the urban form and density of development in the City. Luffenholtz Creek is small, and has only limited capacity to provide additional domestic water. The City's water plant also has limited storage and treatment capacity, but is continually being upgraded as funding allows. The Service Area boundary is based on the areas currently connected to City water. In addition, a commercial area to the north has been included based on potential future need of City water. The Service Area could become a Service District in the future, with greater powers, and separate governing board. Please see the Public Services section of the Circulation Element for additional information.

Goal LU-8: Manage City services to the maximum efficiency and benefit for residents as well as those outside City limits where appropriate.

City Service Area Policies

LU-8.1 The City is responsible for periodically assessing the capacity of Luffenholtz Creek to provide domestic water, including existing and potential riparian rights and groundwater wells. Upgrades to the City's water plant to improve efficiency, water quality and storage capacity will be completed as funding becomes available.

LU-8.2 If capacity and / or storage is adequate the City should 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. (PUBL-5)

LU-8.3 The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive north to the CalFire (CDF) station property should be included in the City service area / water district to allow for future consideration of water service. Annexation, or an annexation agreement, is a requirement for water service expansion, unless it is already part of a services district. (PUBL-8)

3. Planning Area

Government Code § 65300 provides that a City consider areas outside the City limits that have a bearing on planning for the City. The City of Trinidad has determined that activity affecting twelve coastal watersheds is the area of critical importance; therefore, it is in the interest of Trinidad to play a more active role in the decision-making processes involving land located within these watersheds, and to include them in the planning area. Trinidad has adopted this watershed based approach to planning due to particular concerns about water supply, pollution, and impacts on coastal resources; activities that occur in the upper watershed can affect downstream resources.

The designated Planning Area delineated in the previous General Plan defines an area in which the City has interests outside of its City limits and its Sphere of Influence boundary. The Planning Area might affect the City in ways such as increased circulation, impacts on water quality, or economic provisions. The designation of a planning area may be in the interest of establishing cooperation efforts with other surrounding jurisdictions, landowners or interest groups, including Humboldt County, State Parks, Trinidad Rancheria, Green Diamond Resource Co. Westhaven Community Services District, etc... This area also includes the area of interest of the Trinidad Bay Watershed Council. By adopting this specific Planning Area, the City defines the area where land use decisions affect Trinidad. Figure 3 shows the existing and proposed Planning Area.

The proposed Planning Area is more centered on the greater Trinidad-Westhaven community. The Luffenholtz Creek drainage basin was included because it is the watershed for the City water supply and serves parcels adjacent to it and along the main line extension. Residential areas west of the freeway up to the Seawood interchange are included because they rely on the Trinidad area for commercial services and include visitor accommodations and facilities that support the local tourist and fishing activity. The forest area east of the freeway is included to ensure

consideration of the potential impacts of activities to these coastal watersheds. The entire Planning Area, outside of City limits, is within Humboldt County jurisdiction.

The County is currently revising its General Plan and a revision of the County Zoning Ordinance Map will follow. This will update the County's Trinidad Area Plan 1990 and Non-coastal Framework Plan 1984. The resulting County General Plan should be comprehensive enough to provide for specific designations throughout the planning area. Most of the Trinidad General Plan land use recommendations are consistent with present county designations (1984 Framework Plan). The following is a brief sub-area (Figure 5) review of existing county designations and discussion, which identifies specific areas where the City's land use designations do not conform to the County designations. The reader is also referred to the County Trinidad Area Plan for discussion of the Urban / Rural areas and policies or findings that apply for development in these areas.

(Note that the following sections need to be mapped and reworded and the information verified.)
1) North Trinidad

A) Stagecoach Road (North). The area north on the east side and west of Stagecoach Road, and south of the Patrick's Point Drive and Stagecoach Road intersection includes approximately 246 acres of Rural Residential properties consisting of about 38 parcels. The current average parcel size (arithmetic mean) is 6.5 acres, while the modal average (most frequently occurring parcel size) is five acres. The area is planned for a one unit per five-acre density. Several lots are also designated Commercial Recreation (CR) in this area. The Simpson Demonstration Forest has been designated TPZ, allowing commercial timberland harvesting. The City's designations are shown consistent with the exception that the Demonstration Forest has been designated Open Space (OS).

B) North Patrick's Point Drive. The area is currently comprised of residential and commercial recreational parcels and includes approximately 403 acres. The modal average is approximately two acres which generally reflects the current parcelization primarily concentrated around Patrick's Point State Park, at the northern end of the neighborhood or sub-area. An area 100 feet on either side of Martin Creek has been designated by the City as special environment (SE). Likewise, the other creeks in the planning area north of Martin Creek are also designated (SE). Many of the parcels east of Patrick's Point Drive include extremely steep coastal bluffs; slope stability is of major concern throughout most of this area. The area is planned for one unit per two acres.

C) Stagecoach Road South. The area south of Martin Creek and east of Stagecoach Road to the Trinidad City limit line includes about 100 acres of Rural residential properties. The current average size (arithmetic mean) is three acres. The modal average (most frequently occurring parcel size) is two acres. The area is planned for a one unit per two acre density.

2) Northeast Trinidad

A) Stumptown Road. Only a very small portion of this area is actually within the Coastal Zone and many of the parcels included are dissected by the Coastal Boundary Line. Present parcelization includes 6 parcels with a total of about 37 acres. Using a total of 39 parcels Rural Residential in the surrounding area, both within and outside of the Coastal Zone, an average of between 2-2.5 and 3 acres is yielded. The modal average is larger than this, approximately 4.5 acres. The area is planned for one unit per 2-2.5 acre density. With only a small portion of Visitor Services outside the Coastal Zone, the remainder of the land east of the Highway 101 is TC- Commercial Timber. The City's designations are different for that portion of the Mill Creek watershed which, because it is a Critical Water Supply Area (see Water Resource/Water Supply Sections), has been designated Special Environment (SE).

3) East Trinidad

A) Westhaven Drive: Rural Residential. Approximately one-quarter mile east of the City of Trinidad, and just east of Quarry Road is an area which contains about nine parcels. The County planned density is one unit per 2 acres, which will allow for only a very modest increase in the existing residential density.

B) Westhaven Drive: Residential Exurban. Currently, eight parcels are included in this designation. The arithmetic mean and modal average are both one half acre. The County planned density is two units per acre. This area in the Coastal Zone as well as non-coastal properties to the east have been designated by the City as Suburban Residential, which allows densities at two units per acre. This is within the City's Intensive Growth Area and the County's Urban Limit Line. East of this area is Resource Production (RP).

4) South Trinidad

A) Rural Scenic and Westhaven Drives. There currently exists a great disparity in parcel sizes within the coastal zone south of the Trinidad Urban Limit Line (Deadman Creek) and north of the Westhaven Village area. Parcels range in size from about one acre to thirty acres. This area includes approximately 370 acres and about 77 parcels. Thirty-two percent of the parcels in the Coastal Zone are between one and two acres while thirty-one percent of the parcels are greater than five acres. The arithmetic mean for the same area is 4.5 acres. The planned density for this area is one unit per 2.5 acres. A portion of TPZ land is within the Coastal Zone. Most of the properties outside the Coastal Zone are zoned TPZ as well. One exception to this is a rectangular shaped area on Fox Farm Road in the midst of Resource Production (RP) lands.

B) Luffenholtz Creek. This area includes, currently, about nine parcels and comprises about 43 acres. The area is planned for a density of one unit per five acres. Since Luffenholtz Creek is the domestic water source for the City of Trinidad and is an important anadromous fish stream, The City of Trinidad designated the area as a Critical Water Supply area. Trinidad's land use plan recommendation for the area is Special Environment (SE), which allows development of existing lots but no further subdivisions.

Goal LU-9: Ensure the protection of the coastal watersheds, natural and community resources and the quality of life in and around Trinidad.

Planning Area Policies

LU-9.1 Assess impacts of development within the entire planning area when considering large projects and regional issues

Program LU-9.1.1: Adopt a watershed based approach to land use planning that accounts for the impacts of development on an entire watershed, not only the individual parcel or activity. Because most of the watersheds in the City's Planning Area extend outside City limits, the City shall respond to County application referrals based on watershed impacts and encourages the County to do the same for City projects. (CONS-2)

LU-9.2 Comment on relevant projects located within the Trinidad Planning Area based primarily on goals and policies found in Appendix #, throughout this General Plan and specific or unusual circumstances.

Program LU-9.2.1: Provide comments and input during the County's General Plan Update, any future amendment and adoption of implementing ordinances and any other agency's or organization's long range plan for that area within the City's Planning Area. The City shall seek to have such plans recognize impacts that could occur to the City as a result of inappropriate changes that occur in the City's Planning Area.

Program LU-9.2.2: Review development projects in the County, including timber harvest plans, that affect Luffenholtz Creek, Mill Creek and other Planning Area watersheds and provide comments to regulatory agencies emphasizing the need to minimize water quality impacts. Such comments shall consider consistency with all relevant policies in the City's General Plan, particularly those found under Planning Area, Conservation and Water Quality, and the objectives of the Trinidad-Westhaven Integrated Coastal Watershed Plan. (CONS-#g)

Program LU-9.2.3: Monitor land use activities and development projects within the Luffenholtz Creek watershed and oppose those activities and projects that may have adverse impacts on creek water quality.

LU-9.3 Encourage coordination efforts between Trinidad officials and surrounding jurisdictions and landowners in order to address concerns about development projects that affect the Trinidad Planning Area and the Trinidad Head Area of Special Biological Significance / State Water Quality Protection Area.

> *Program LU-9.3.1:* Request notification from responsible agencies (CDF for THPs, ACOE for fill or discharge permits, CALFIRE, PG&E, etc.) whenever possible regarding activities that will occur within the City's Planning Area. The City shall also inform responsible agencies of the types of projects that could have impacts on the water quality of the water resources of the Planning Area.

LU-9.4 The City designates both the Luffenholtz Creek and Mill Creek watersheds as "Critical Water Supply Areas," recognizing that these watersheds areas are primary water sources and limited in area so that current development makes the streams susceptible to a potential risk of contamination to the water supply from development activities.

> *Program LU-9.4.1:* Work with the County to ensure that the County designates Luffenholtz Creek and Mill Creek watersheds as "Critical Water Supply Areas" thereby providing increased scrutiny of and special protections from land use activities as defined in the Humboldt County Framework Plan and the Trinidad General Plan.

> *Program LU-9..4.2:* Property within a "Critical Water Supply Area" shall be designated "Special Environment" to minimize further subdivision and reduce potential adverse land use densities until such time that improvements are made to the water supply system so that it is not so sensitive to land use impacts. Existing lots within the watershed may be considered suitable for single-family residence provided the septic tank system is carefully designed and installed to preclude pollution of the stream, and requires periodic inspection by and fees paid to the County Environmental Health Department.

LU-9.5 Develop and maintain an open relationship with landowners within the Planning Area, particularly those in Luffenholtz Creek, in order to facilitate landowner awareness of the need for water quality protection.

> *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.

> *Program LU-9.5.2:* Support the efforts of the Trinidad Bay Watershed Council to improve water quality in the Planning Area. The City should designate a representative to participate in the Watershed Council meetings and other activities to the extent practicable.

LU-9.6 Encourage responsible septic system use and installation within the Planning Area.

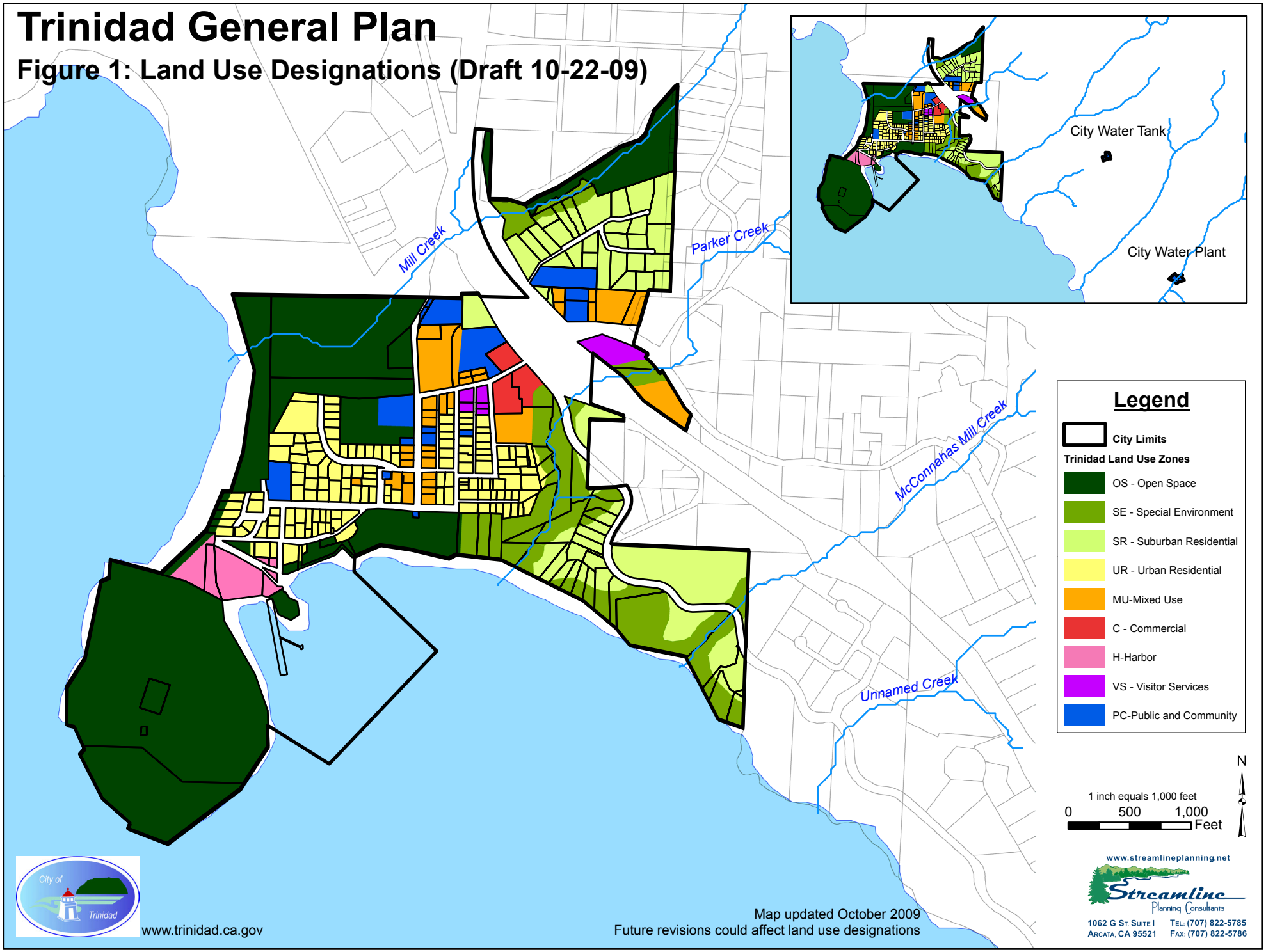
> *Program LU-9.6.1:* Pursue grant funding to monitor and implement projects within the City's entire Planning Area to reduce pollution from onsite wastewater treatment systems. Trinidad shall encourage Humboldt County to participate to the maximum extent possible. Project goals shall include determining what areas and which onsite wastewater treatment systems are contributing the most pollution and offering financial incentives or other assistance to help landowners fix problems. The City and County should consider the feasibility and desirability of forming a Septic Maintenance District from Trinidad to Moonstone. (PUBL-18)

Goal CONS-8: To preserve economically viable timber stands for use as commercial timber while protecting water quality, special status species and sensitive habitats.

Goal CONS-11: Provide a geographically distributed inventory of mining sites protected from incompatible land uses, permitted and operated to prevent significant environmental impacts and to satisfy long-term demand for mineral resources and construction materials.

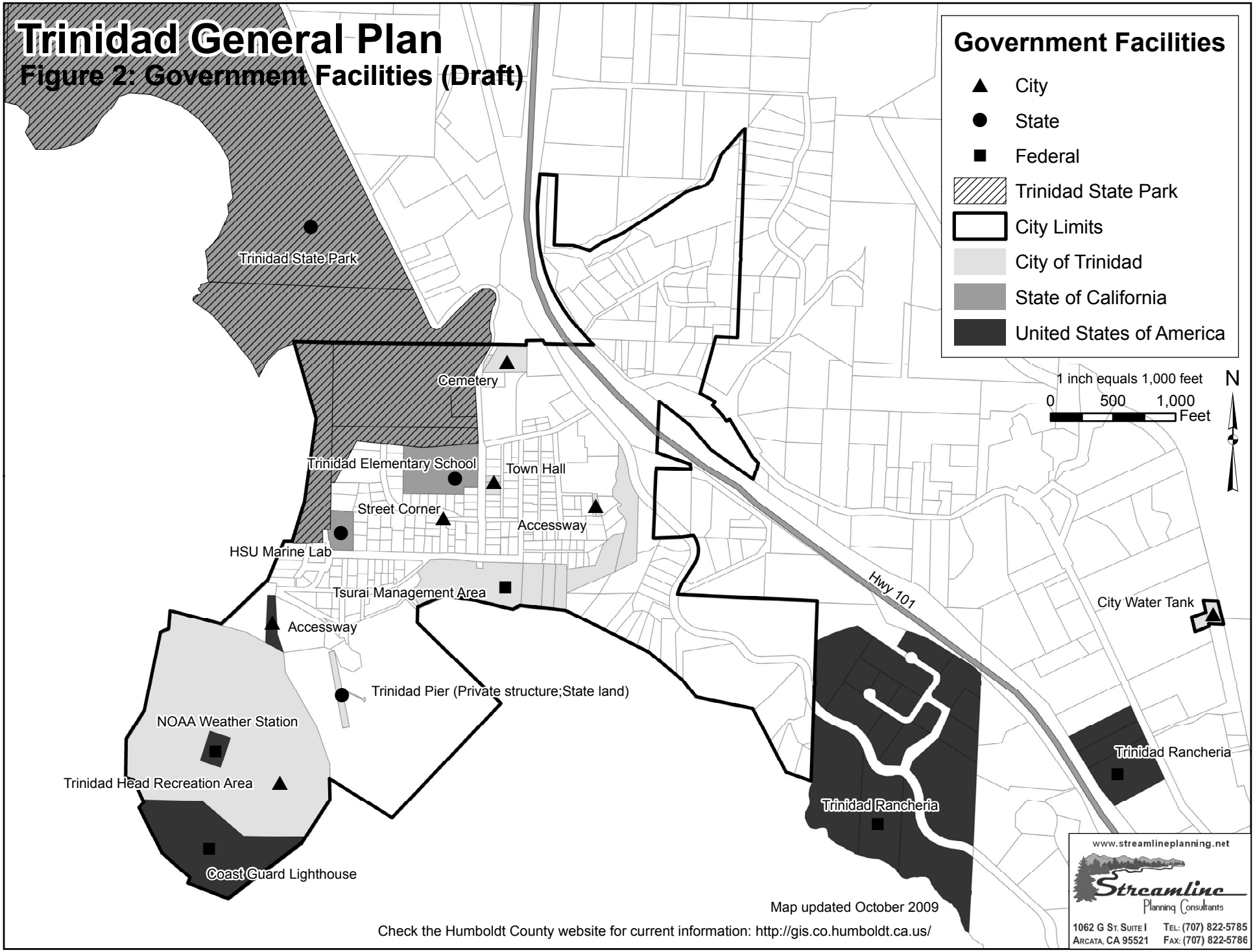
Trinidad General Plan

Figure 1: Land Use Designations (Draft 10-22-09)



Trinidad General Plan

Figure 2: Government Facilities (Draft)



Map updated October 2009

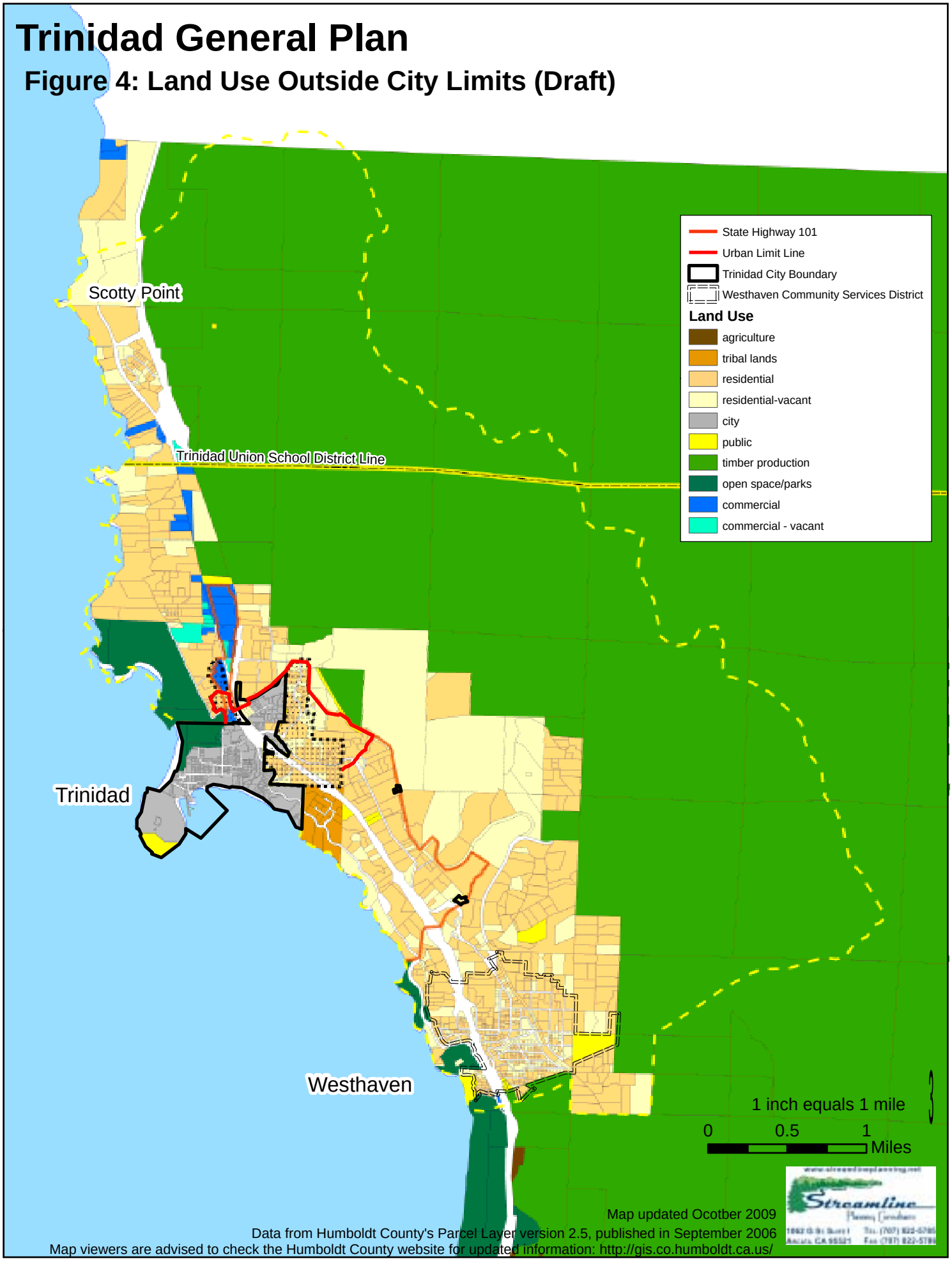
Check the Humboldt County website for current information: http://gis.co.humboldt.ca.us/

Trinidad General Plan

Figure 3: Planning Area (Draft)

Trinidad General Plan

Figure 4: Land Use Outside City Limits (Draft)



Trinidad General Plan

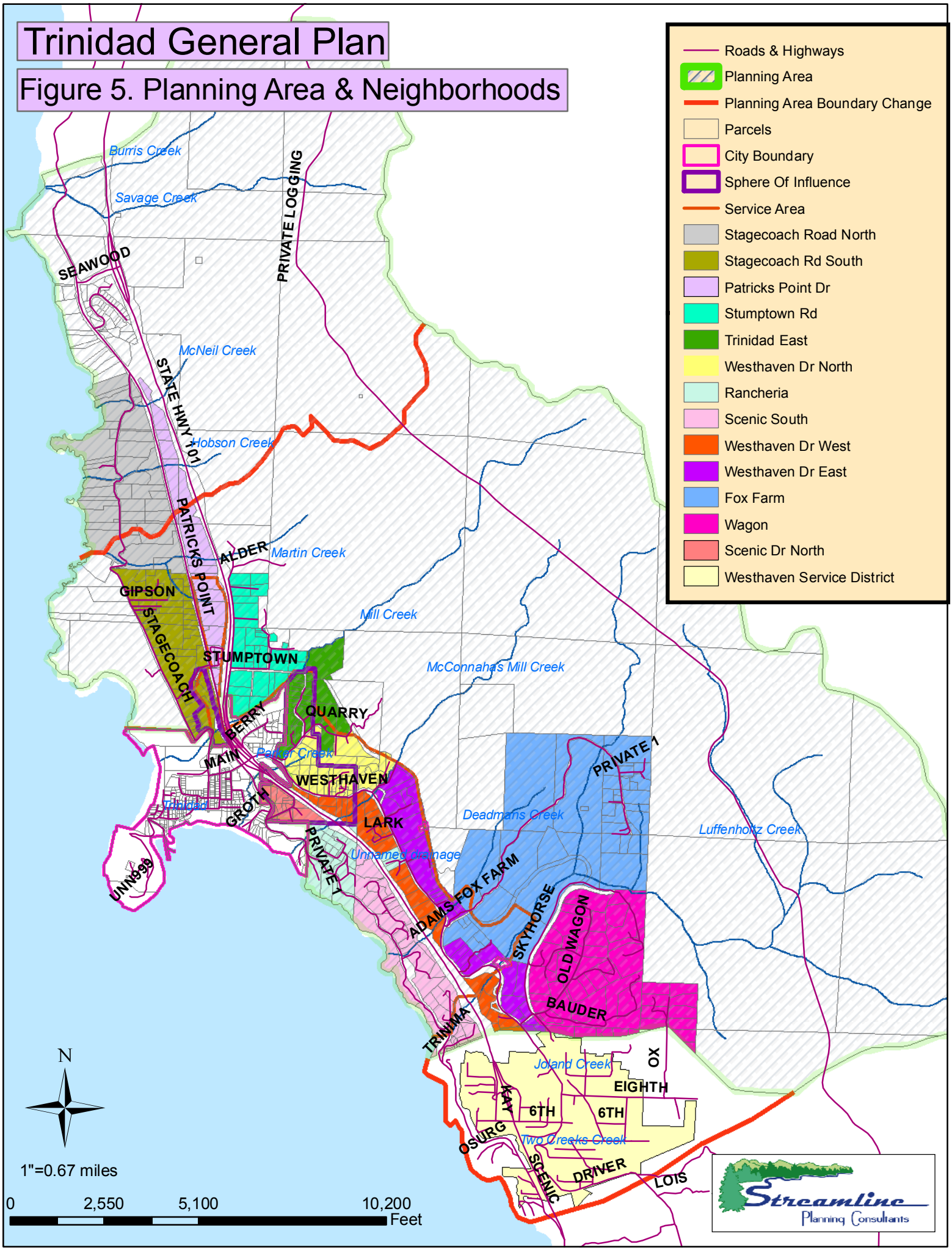



Figure 5. Planning Area & Neighborhoods