

**MINUTES OF THE 15 AUGUST 2007
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Mike Morgan called the meeting to order. Commissioners in attendance were Judy Lake, Mike Morgan, Carol Rowe, Bryce Kenny, and Richard Johnson. No Commissioners were absent. Council Liaison Kathy Bhardwaj was in attendance. Trever Parker and Kristen Martin represented staff in attendance.

II. APPROVAL OF MINUTES – July 18, 2007 and July 20, 2007

Johnson asked for an update on two items that the Commission had moved on at the previous meetings. Regarding a waiver of permit fees for the Cox tree removal, Bhardwaj said that it will be on the Council's agenda after two Councilmembers return from vacation. Regarding a citizen committee to address light pollution, Rowe agreed to form the committee and distribute a sign-up sheet for citizens. She will give a progress report at the next Commission meeting. Lake said that other Commissioners might be interested in attending meetings of the committee, but due to the Brown Act, no more than two Commissioners or Councilmembers could be present at the meetings.

Rowe suggested a change to Page 3 of the minutes from July 20: under Draft Motion 2007-01C, the phrase "location of the canopy fascia panel on which new logo signs would be allowed" should instead read "signage and paint color requirements of the canopy fascia panels." Rowe made a motion to approve the minutes as amended. Lake seconded. Kenny abstained. Motion carried 4-0.

III. APPROVAL OF AGENDA

Rowe made a motion to approve the agenda. Johnson seconded. Motion carried 5-0.

IV. ITEMS FROM THE FLOOR

There were no items from the floor.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. Knapp 2006-12: Recommendation to City Council on a Minor Subdivision and Coastal Development to subdivide a 12.7 acre parcel into two parcels of approx. 2.0 and 10.7 acres and the Negative Declaration of environmental impacts prepared and circulated for the project. 80 Lanford Rd.; APN: 042-141-01 and 515-151-22.

Parker introduced the project. The parcel is located mostly within City limits but partly in County jurisdiction. Annexation of the County portion of the property is not under consideration at this time but will probably occur in the future. A

Negative Declaration has been circulated pursuant to CEQA for the project and has received no comments. The main environmental concern is the property's inclusion in an Alquist-Priolo fault hazard zone; however, a trench that was dug on the property found no evidence of faulting. No street improvements, service extensions, or easement/right-of-way dedications are required. In reviewing the conditions of approval, Parker pointed out Condition 5, which requires the applicant to file a development plan with the City containing development restrictions and mitigations from the Negative Declaration.

Johnson asked about an item on Page 6 of the staff report stating that the Council may waive a requirement for the applicant to enter into agreement with the City to complete all improvements prior to recording the Parcel Map. Parker replied that the Council may find this requirement unnecessary because no improvements are proposed for this project.

The applicant's only comment was that he wants the project to go forward. No other public comment was received.

Motion: Kenny made a motion to recommend to the City Council that they approve the project as conditioned in the staff report. Rowe seconded. Motion carried 5-0.

2. Discussion regarding Accessory Dwelling Units (ADUs) including a review of current City Zoning Ordinance requirements, State Law and a sample ordinance.

Parker distributed a memo about State ADU requirements and a draft ordinance for the City of Trinidad based on one from Pacific Grove. She said that it is unclear how the City is out of compliance with State law regarding this issue, because even though ADU's are not supposed to be subject to density requirements, the State regulations do not supersede the Coastal Act, and our Zoning Ordinance has been certified by the Coastal Commission. Either way, citizens and Commissioners have expressed a desire to have an ADU ordinance. There are certain State standards that must be met, but the City has some leeway in setting its own requirements.

The main point of discussion was the State requirement that review of ADU applications and subsequent appeals be conducted ministerially, not discretionarily. Parker said this presents a problem because 1) there is still a requirement for ADUs to undergo Design Review, and 2) although State law provides for a public comment period for Coastal Development Permits pursuant to the Coastal Act, it does not state how those comments should be incorporated into the process. The Commissioners were uneasy with the idea of ministerial approval. Morgan asked how the City's Design Review requirement could be met. Parker suggested that she, as City Planner, could review ADUs; then if she were to recommend denial, the decision could be appealed to the Commission without a public hearing. The problem, she said, is that the current Design

Review standards are not objective enough for ministerial review. The Commissioners recommended that Parker talk to planners from other cities with ADU ordinances to see how their processes work.

Kenny asked if the primary purpose of the City's ordinance should be to address existing illegal units rather than allowing or encouraging new ones. Parker acknowledged that it is difficult to encourage new ADUs when the City has so many limitations on septic systems. She said that State law allows cities to make specific findings regarding limitations on ADU construction; therefore, the City may be able to require public hearings for ADUs based on a finding that they have significant impacts on septic systems and water quality.

Discussion turned back to the issue of ministerial approval. Parker stated that the State ADU law is superseded by the Coastal Act in most respects except that no public hearing can be required. She read relevant passages from the 2003 amendments to the State law, which made it clear that applications are to be reviewed ministerially. However, the Coastal Commission still has discretionary review authority over Coastal Development Permits for ADUs. The new ADU ordinance will also have to be reviewed for compliance with the City's Local Coastal Program, which has discretionary requirements; Parker said that this adds another complication to the issue.

Johnson brought the discussion back to the "big picture" of existing ADUs, which he thought was the main reason for having an ordinance. Parker said that Pacific Grove's ordinance has "amnesty" provisions for dealing with existing units, but they don't seem particularly useful for Trinidad. Morgan said that the City would have to begin by sending a letter to every owner of an ADU. Johnson suggested following the model of the OWTS Management Program, i.e. by conducting an inventory of existing ADUs and establishing enforcement procedures for different types of ADUs based on their legal status. He also suggested developing criteria for approval of new and existing ADUs, such as the availability of utility hookups.

The Commission asked Parker to add language to the draft ordinance to deal with existing ADUs, take a closer look at amnesty provisions, and get further clarification on the public comment process. Morgan stated that the City should draft an ordinance that it's comfortable with, even if that includes some kind of discretionary review, because it can be changed later if State oversight agencies disapprove of it.

Comments from the public mainly addressed existing ADUs. One citizen complained that many secondary units have been constructed without separate water hookups. Another citizen said that ADUs should be considered on a case-by-case basis, because some have very little impact on septic systems or utilities. He also said that pre-existing ADUs should not be forced to change.

Parker stated that generally, units built prior to 1980 are considered legal non-conforming.

Motion: none.

3. Review, discussion, action on various public educational and informational documents relating to the OWTS Management Program.

Parker reminded the Commission that these documents were distributed earlier in the year, and some are currently available to the public. She is asking the Commissioners to review the materials, revise them if desired, and make a recommendation to the Council. Changes can be made even to materials that are already available to the public. Morgan said that the Commissioners need more time to review the documents.

Motion: none.

4. Discussion regarding future strategies and committee formation for the upcoming General Plan update.

Parker said that the Commissioners should begin thinking of issues that they want to see addressed in the General Plan, looking 10 to 15 years into the future. Cities usually update their general plans every 20 years, while Trinidad's plan has not been updated since its adoption in 1978. A draft General Plan is available from 2001, but that update involved line-by-line revisions rather than a re-thinking of the City's vision statement and development policies; it does not address the "big picture." Morgan said that the Commissioners should review the 2001 draft.

Parker said that at this point in the process, she is looking for a preliminary list of general issues to be addressed. Several topics were brainstormed: pedestrian-friendly streets, development on Trinidad Head, encouraging new businesses, traffic control, lighting, signs, parking, view protection, community design, the harbor, historic structures, the Tsurai study area, low-impact development options, renewable energy, the Marine Lab, and population density.

Johnson suggested that the Commission look at other cities' visualization processes and the issues they have chosen to address in their general plans. Parker recommended developing a vision for Trinidad first, then looking at other cities for ideas about how to implement that vision. She also recommended that the Commission establish a direction before soliciting public input, because it will be more effective than overwhelming the public with options. The Commissioners said that it might be useful to hire an outside firm to help with strategies; Parker said she will look into it.

Morgan said that in preparation for next month's meeting the Commissioners should individually review the draft General Plan, brainstorm issues, and come up with potential policies to establish a direction. After next month, the Commission will consider meeting more frequently.

There was one comment from the public, suggesting that the City should try to preserve the best aspects of the town, promoting a mix of the old and the new. Parker agreed that the Commission should think about what needs to stay the same as well as what needs to change.

VI. **COUNCIL LIAISON**

The following items were reported by Council Liaison Bhardwaj:

- The new City Attorney has several items to review, and the Chevron freeway logo sign is on the list.
- The City Clerk is updating the City Web site with Commissioners' contact information.
- One application has been received for the position of City Building Inspector.
- The Coast Guard will be discontinuing its use of 12 acres on Trinidad Head. Several parties are interested in the land and have been invited to work together to come up with a plan.
- The Council has approved budget allocations for the following planning-related items: recodification of the Zoning Ordinance, update of the General Plan, ADU ordinance, sign ordinance, OWTS Management Plan, vacation rentals, and Design Review clarification. Johnson confirmed that these allocations reflect the projects that the Commission wants to work on.
- Bhardwaj has been researching the architectural features of houses in town and will present her findings at an upcoming Council meeting.

VII. **ADJOURNMENT**

Kenny made a motion to adjourn. Rowe seconded. Motion carried 5-0. The meeting was adjourned at 10:00 PM.

Respectfully submitted by: Kristen Martin, Assistant City Planner
Secretary to the Planning Commission
City of Trinidad