

MINUTES OF THE REGULARLY SCHEDULED MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, MARCH 16, 2011

I. CALL TO ORDER/ROLL CALL

Commissioners Present: Becker, Johnson, (Vanderpool joins Commission during the Items from the Floor)
Commissioners Absent: Fraser
Council Liaison: none
Staff: Planner Parker, Caldwell

II. APPROVAL OF MINUTES

February 23, 2011

Commissioner Johnson relays that are only two Planning Commissioners present so they will be just commenting on the minutes unless another Commissioner arrives.

Minute-taking styles were discussed, and Commissioner Johnson recommends that the audio files be put up on the website to maintain transparency.

Modifications:

Page 1/9: Correct the date from Feb. 3 to Feb. 23

Page 2/9: Add a verb to the 1st sentence.

Page 3/9, 5th paragraph: When Hostler explains how the project is "exempt from the normal process," he meant that they were approving it in an alternative way, not through a formal Coastal Commission meeting.

Commissioner Johnson double-checks the status of the Commission recommendation memo as described in the second motion of the March 1, 2011 meeting. He would like the recommendations instead added to the list of items to be discussed with the new City Manager.

Note: the tsunami siren warning test is cancelled on March 23rd.

III. APPROVAL OF AGENDA

No quorum.

IV. ITEMS FROM THE FLOOR

Kathleen Lake

Inquires as to what is being done about M. Reinman's illegal dwelling behind his home on Ocean Ave.

Planner Parker indicates that the issue has been placed in the City Attorney's hands, but that with the current litigation, it's no longer at the top of his list.

K. Lake (Ocean Ave) would like this to be noted as a formal complaint.

Commissioner Johnson remarks that this is an example of needing to prioritize issues. The Planning Commission will meet with Karen (City Manager) soon to identify and prioritize issues so as to begin taking action.

Planner Parker explains the Reinman illegal second unit situation to Commissioner Becker, to get her up to speed.

Commissioner Johnson also relays that the most effective way to place a complaint is to document it through the formal request form procedure with the City Clerk. Lake states that she already has and can re-submit one, though Cathy Baharwaj has already submitted one this month.

Commissioner Vanderpool arrives (6:58pm).

Motion (Becker/Vanderpool) to approve the minutes as modified following Agenda Item 2. Passed unanimously.

V. AGENDA ITEMS

- 1. Vacation Dwelling Unit (VDU) Ordinance:** Discussion / decision on a Zoning Ordinance amendment to add a new chapter 17.54 regulating vacation rentals in the City of Trinidad.

Staff reviews the project and includes background information about how the ordinance was drafted through the Vacation Dwelling Unit Committee (VDUC).

Commissioner Comments

Commissioner Johnson explains that the ordinance was developed by the City Attorney to parallel the document written by the VDUC.

Commissioner Becker and Planner Parker discuss the meaning of the section regulating parking.

Commissioners Johnson and Becker question the 2-night minimum rental policy and P. Morales who sat on the VDUC clarifies that it's due to staffing and can be overridden during the quiet season.

A. King, Wagner Street resident, likes the way it's written. She believes if they are rented night to night that it'll turn the neighborhoods into motels.

Commissioner Johnson understands, but doesn't think this accounts for the property owner who independently wishes to rent his/her home as a VDU. They may not want the 2 night minimum restriction. To this, K. Lake explains that the all the ordinances reviewed in the process have a 2-night minimum. There are 29 VDUs in Trinidad and the 2-night minimum complies with Humboldt County ordinance.

J. Kitchen states that Trinidad Retreats already voluntarily has a 2-night minimum policy. Flexibility is nice.

P. Morales (Edwards St.) adds that the San Luis Obispo County VDU Ordinance was used as a template because it matched Trinidad the best. At the meetings, it was decided unanimously that there be 2-night minimums to reduce individual owners' interest in becoming vacation home renters.

Planner Parker verifies K. Lake's comment that VDUs and B&B's are regulated separately. Parker goes on to explain that VDUs are designated to accommodate two people / bedroom because of septic system limitations. She recommends linking occupancy to the OWTS Ordinance so that the OWTS systems are regulated on a performance-based regime rather than just the number of bedrooms.

Public Comment

J. Kitchen (property manager for Trinidad Retreats) reads a letter from K. McCarter, an owner of an Ocean Ave. VDU managed by Trinidad Retreats.

K. Lake (435 Ocean) disputed points in the letter. She knows people party in the VDUs and it's disruptive to the neighborhood. She has called about parties. She delineates between a residence and VDUs (a business) and believes that in a residential area, business rights should not trump residence rights. The VDU Ordinance was the outcome of many hours of discussion and input. The City Manager and all parties involved were all happy with the submitted document.

P. Morales (864 Edwards) explains that the VDUC meetings were noticed and open to the public. The previous owner of Trinidad Retreats, Gail Saunders, was on the committee. Rental owners and business people ended up outnumbering the residential home owners. They were discussing business rights, not property rights. The south side of Edwards is all vacation rentals. The lack of neighbors is hard on a city, especially if there are no citizens living in it. Twenty-nine vacation rentals are seventeen percent of Trinidad. They talked about putting a cap on the vacation rentals in City limits, but didn't. They chose to not let street parking fulfill parking requirements because the potential to block emergency response services exists.

A. King (396 Wagnor) lives across the street from a vacation rental and has a license to rent out her home as a VDU. She is tired of the controversy over whether businesses are the same as residences, noting that the Council has addressed this issue. A tight lease is good, but it doesn't protect the neighbors. There are no rules about VDUs and if the police are called, there are no rules to go by. The only standard in place is the noise code—someone can't call about the number of people, parking, septic, etc. She's pleased with the guidelines and thinks they're fair. She questions the Ordinance—it says that "The City will notify all property owners within 300 feet of the VDU property of the VDU's Business License within __ days of its issuance or re-issuance," and she thinks that should happen *before* the issuance. She also thinks that the number of cars should be limited. She can't back out of her driveway when all 6 cars in the neighboring VDU are there. She also believes the owner should take responsibility to meet the standard of compliance and the City should enforce it.

M. Reinman (Redwood Coast Vacation rentals) doesn't like the VDU Ordinance. San Luis Obispo, which has the ordinance Trinidad's was modeled after, has a population of 30,000. He thinks a small interest group is overpowering the Trinidad majority, which is supportive of VDUs. He thinks the ordinance is punitive to VDUs. He combats the parking, wedding & gathering, and septic regulations in the Ordinance, culminating with the belief that any ordinance will be infringing on rights. In-town rentals associated with drug and arrest incidents are not any better than VDU's. An ordinance will strip property owners' rights and give others a means of harassing people with VDUs.

P. Morales reiterates that business rights differ from property rights. The VDUC used San Luis Obispo *County's* VDU Ordinance—this area is on the outskirts of the populated City. Their population is smaller. The Noise Ordinance determines that excessive noise after 10pm is not

tolerated. Trinidad is too small to be dealing with 29 VDUs without an ordinance. She also noted that Reinman was part of the VDU Committee that unanimously approved recommendation of the proposed rules

J. Kitchen states that there's a huge misperception with the 29 VDUs. Trinidad Elementary is one of the only schools with heightened enrollment. There are a lot of families in this community—VDUs are not affecting the ability to bring families here. If some places weren't VDUs, there would be no upkeep and they would turn into rentals. This is punitive and singling out VDUs. Numerous home owners have gone from owning rentals to managing them as VDUs.

A. King speaks to "parties as a non-permitted use," conjecturing that homeowners or renters that live here probably throw parties one or two times a year. VDUs have different groups there up to every two nights and each group treats it as an occasion. They didn't set a cap on the number of VDUs allowed in town, but what happens to Trinidad if 50% of the homes here were VDUs?

M. Reinman deems that if a VDU is a business, then home ownership of a rental is a business. The number of people/house is based on the bedrooms—2 people/bedroom plus 1 more for every 50 square feet...but yet there are no occupancy restrictions for homeowners.

Commissioner Comments

Planner Parker has seen this issue evolve since 2004. This wasn't an issue for a long time because of Gail Saunders' strict contract and the low number of VDUs. She clarifies a few points, stating that short-term rentals fall under a different category than those rented long-term. She noted that if homeowners rented their properties for large events such as weddings then it becomes a commercial use, which isn't allowed in residential areas, though a homeowner could host their own event. She felt that the ordinance is not discriminatory because everyone is held to the performance-based OWTS regulations and other standards. She also noted that having a VDU ordinance could be an advantage to responsible managers by leveling the playing field and not allowing someone to undercut other managers by not having good standards.

Planner Parker and Commissioner Becker discuss the wording of the neighbor notification upon or before receipt of a business license. Parker notes that the way it is written, issuance is ministerial and can't be denied. Therefore, what is the point of notifying neighbors of an application unless it is appealable.

Parker explains to Commissioner Vanderpool that a Noise Element in the General Plan discusses noise, but does not contain specific noise standards. She's not sure if the City has any ordinances that address nuisance noise.

Commissioners Johnson and Becker discuss homeowners, businesses & parking. Parker states that the Zoning Ordinance hasn't been updated since 1980 and the parking issue comes and goes. It should be updated based on size. Between the OWTS and bedroom occupancy regulations, the VDU requirements actually may be less than resident requirements.

She also adds that VDU renters don't have a stake in the property—that is the difference between long-term and short-term renters.

Commissioner Becker declares that non-permitted uses are not well-defined. It gets too close to people's personal uses with the ban on parties or weddings. Parker states that it isn't the event, but the number of people taxing the septic system. Even use is also better over time, rather than

spikes in uses. VDUs also are at a higher risk for what people will put down the plumbing. VDUs should post do's and don'ts.

M. Reinman says that he already posts this in his VDUs.

Parker continues, surmising that the definition of parties versus tenancy warrants more detail and is going to be hard to enforce.

Commissioner Johnson distills tonight's comments and those of the last City Council meeting. VDUs being singled out more than other businesses or residences is a common thread. He doesn't think that is the intent of this ordinance. However, a VDU *is* a business, which is totally different from a residence. The City and State look at them differently and have different rules. The business license has rules and regulations to abide by and those should be compared to how businesses are already regulated. He is concerned about the prohibiting celebrations or parties—small weddings shouldn't be denied. That regulation should be worked on. Also, the OWTS is of concern—it's not the volume but the dose rate that differs for a VDU. This is why it's tied to the performance-based regulation. The VDU Ordinance should be taken back to the attorney for rewording. He thinks the ordinance is a good thing and if you're a responsible property manager with an OWTS permit, you're in good shape. He lives near vacation rentals and thinks the management companies are good, but this Ordinance will also deal with the managers of the future, that may or may not be of the same caliber. There have to be rules and regulations for people to be aware of and follow. There are also some administrative issues to tackle, such as recommendations for the blanks in the Ordinance.

Planner Parker and Commissioner Becker go over the VDU permitting steps.

Commissioner Johnson recommends that installing a placard that addresses emergency preparedness, the tsunami siren, etc. part of the Ordinance. He also considers his recommendations. He thinks that VDUs are good revenue streams for the City. Noise is also an issue; however noise can come from private residences, VDUs, people on the corner, etc. Complaints can be made to the proper authorities. Parker agrees and thinks that noise standards should be applied to residential units in the future revision of the Zoning Ordinance. Commissioner Johnson would like the City Manager to comment on the VDU Ordinance and suggests that Commissioners Becker and Vanderpool receive the recommendations submitted by the VDUC.

MOTION

Due to several unresolved issues that were brought up, agenda Item 1 is continued to the next Planning Commission meeting, April 20, 2011.

II. APPROVAL OF MINUTES (moved from earlier)

Motion (Becker / Vanderpool) to approve February 23 and March 1, 2011 as amended.

Passed unanimously.

V. AGENDA ITEMS (continued)

2. **General Plan Update**: Discussion of the Draft Circulation Element, Figures, Background Reports, General Plan Update

Commissioner Johnson and Planner Parker realize that the General Plan gets better attention when they have General Plan workshops. This will give the Commissioners time to review. Some materials are on the website, but it was noted that the Commissioners should receive their own copies of the draft General Plan to-date.

Parker notes that she made some changes from last time and that State regulations have changed since January 1. Also, she's working on a request from HCOG regarding updating the bike plan. All bike routes are class 3 in Trinidad. Bike routes are recognized not as improved roads but rural routes with signs alerting drivers.

Commissioner Johnson remembers the last time bike routes were discussed to be marked and that did not happen. Parker explains that through this update the City isn't required to do anything, it just is a way to prioritize them for grant funding.

The Commissioners prioritize the bike routes:

1. Edwards Street
2. Main Street
3. Trinity Street
4. Patrick's Point Drive
5. Scenic Drive
6. Westhaven Drive

Parker requests that if any of the Commissioners have comments, questions, or edits, to please call or email her.

The next workshop is tentatively scheduled from 6:30pm-8pm on March 30th or April 5th pending Commissioners Becker and Fraser's schedules.

VI. STAFF REPORT

Planner Parker will be giving her thesis defense Friday, March 25 at 2:30pm based on the Clean Beaches grant.

VII. CITY COUNCIL LIAISON

None. Commissioner Johnson will ask the City Manager if they can take this off the agenda since there is not liaison. He has been the Planning Commission Liaison at the City Council meetings.

VIII. ADJOURNMENT

Meeting adjourned at 9:04pm.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Richard Johnson

Planning Commission Chair