

MINUTES OF THE REGULARLY SCHEDULED MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, MAY 18, 2011

I. CALL TO ORDER/ROLL CALL (6:06pm)

Commissioners Present: Becker, Fraser, Johnson, Vanderpool (arrived 6:21pm)

Commissioners Absent: none

Staff: Planner Parker, Caldwell

II. APPROVAL OF MINUTES

April 20, 2011

Page 2/5: Replace "g" with "together" in paragraph 9.

Page 4/5: Change b.1. to 17.54.100 in the first paragraph.

Page 5/5: Strike the 6th bullet point.

Change the 7th bullet to read: *Remove the mainstem Luffenholtz box culvert for a foot, bike & horse bridge.*

Consider issues outside of Trinidad boundaries so as not to make the General Plan too "Trinidad-centric."

Motion (Becker/Fraser) to approve the April 20th minutes as corrected.

Passed unanimously.

May 10, 2011

Commissioners Johnson and Becker state that they don't have the copies in their packets, so the minutes will be put up for approval at the next Planning Commission meeting.

III. APPROVAL OF AGENDA

Motion (Becker/Fraser) to add a City Council Meeting Report as a normal agenda item.

Passed unanimously.

IV. ITEMS FROM THE FLOOR

M. Reinman notes that currently the 651 Parker Street apartments (4-plex) were zoned single family. He thought that had been changed with the current General Plan update and wanted confirmation / clarification. Planner Parker responded that she thought that the current draft of the Land Use ordinance did rezone that parcel for mixed use so that it would no longer be nonconforming.

III. APPROVAL OF AGENDA (continued)

Planner Parker added a City Council report to the agenda. The Commissioners concur to formally vote it in.

Motion (Fraser/Johnson) to approve.

Passed unanimously.

Commissioner Johnson adds that the Planning Commissioners should attend City Council meetings on a rotational basis so each is recognized by the City Council and so as not to overburden one person. This will also enhance two-way communication between the Council and Commission.

IV. AGENDA ITEMS

1. **Vacation Dwelling Unit (VDU) Ordinance:** Discussion / recommendation to the City Council on a Zoning Ordinance amendment to add a new chapter 17.54 which regulates vacation rentals in the City of Trinidad. *Continued from the March 16, 2011 and April 20, 2011 meetings.*

Commissioner Johnson also announces that the City Attorney resigned. The City is staying with the same law firm but there will be a new point of contact.

Commissioner Vanderpool arrives.

Staff reviews the changes that have been made to the ordinance, as well as the response from the City Attorney regarding changes and questions outlined in a May 9, 2011 memo. These include:

- Adding the requirement for liability insurance and a hold harmless agreement
- Business license appeal process
- Enforcement, violations, revocation and false complaints
- Parking
- Grace periods
- Allowing increased occupancy in larger VDUs (more square footage)
- Defining 'occupant' and if that includes children
- Including a separate definition of visitors
- Changing "Temporary Events" to "Events" and define
- Adding 20 people as the number of a party or gathering
- Adding Rental Agreement to Business Licenses & Fees
- Including Trash requirements
- Including and defining the *Good Neighbor* brochure provision
- 17.54.090: omitting "temporary"
- Defining the location of a VDU and how many are allowed per parcel
- 17.54.100: separating out number of occupants and number of visitors for clarification
- Adding an audit section with language borrowed from the Palm Springs VDU Ordinance

The Commissioners and Planner Parker discuss 17.54.07 regarding the allowed location and number of VDUs allowed on a property. Lot size, zoning and number of VDUs comes into question. It was noted that this section, as written, should allow multiple VDUs on a property, including the apartment building.

Commissioner Johnson notes that Tony Smithers of HCCDB gave a presentation on Tourist Occupancy Tax (TOT). He suggests adding "and any other mandated taxes" to 17.54.130 (Tourist Occupancy Tax). This is added in response to the County's implementation of a tax called to 'Tourism Business Improvement Districts,' to maintain that public entities cannot finance private entities. He noted that generally the TOT tax would decrease with the addition of another tax so that the total taxed amount stays the same. However, Commissioner Johnson the City Council can still raise TOT and other taxes in the future. He also questions whether the Ordinance needs its own section on TOT (Section 2, amending 3.20.030) or if it can just be referenced. Planner Parker states that because that Municipal Code section is being amended, it has to be included as part of the ordinance.

Commissioner Comment

Commissioner Becker inquires as to when the Ordinance will be implemented. The Commission and Planner Parker realize that the Ordinance has to be checked against the existing Zoning Ordinance and Coastal Commission LCP, and if it passes tonight, would be read at the June City Council meeting. If it meets approval at the July meeting and is not sent back with substantial changes for approval by the Planning Commission, it then goes to the Coastal Commission which, in the best case scenario, will process it in only a few months.

Commissioner Vanderpool likes the review clause in the Ordinance.

Commissioner Becker inquires about the limitation on the number of people allowed in VDUs. Planner Parker responds that it's really all complaint driven. No matter what the number of people, noise will be the issue.

Commissioner Becker also asks if the Mayor has read and commented on the Ordinance. Planner Parker responds that he hasn't, and the City Manager is busy with the budget.

Commissioner Becker thinks Planner Parker is doing a fine job.

Planner Parker tried to address all changes from the last minutes.

Public Comment

Commissioner Johnson reads a letter from John Rotter, Trinidad resident, re: VDUs.

M. Reinman opines that banning visitors from VDUs from 12am to 5am seems restrictive. Fishermen tend to be on their boats by 5am.

Planner Parker responds that that was why the cut-off is so early (5am). The time period really isn't an issue; it exists as a guideline to differentiate occupants from visitors.

The Public and Commissioners debate if renters or managers should be penalized in the case of violations. It is decided that citations will be written that night for occupants; however, if the problem occurs multiple times, it falls on the manager's shoulders. A sample rental agreement that addresses regulations in the Ordinance will be on file for managers, as per the request of M. Reinman.

M. Reinman suggests being allowed to increase occupancy based on the square footage of a house and zoning.

Commissioner Discussion

The Commissioners agree to allow up to two more occupants based on square footage of a house in Suburban Residential zone using M. Reinman's suggested language.

The Commissioners discuss the time limits for visitors. Issues include enforcement, fishermen hours, adhering to the *Good Neighbor* brochure vs. providing a set time. Planner Parker does not have a preference for the actual times, but feels it's better to have it than not, so as to protect property managers.

It is decided that the *Good Neighbor* brochure will be distributed to occupants by the manager, though it doesn't matter in what form (posted or distributed).

The Commissioners agree that second VDUs should be allowed on a property as long as the Accessory Dwelling Unit (ADU) is legal. The maximum number of visitors allowed will be per property rather than per VDU. Each separate VDU will have to have its own business license.

Commissioner Johnson mulls over enforcement and states that if trash is not handled or the OWTS is not permitted, it falls on the property manager/home owner. Noise violations should be the responsibility of the renter, assuming they have a valid rental agreement and know the consequences. The Sherriff's office will contact the home owner or property manager if there is a violation of City Ordinances (noise, parking, fireworks, etc.).

The Commissioners discuss the letter from J. Rotter that was read during the Public Comment period. They agree that policies change and exist for a reason, so grandfathering properties in is not applicable. They feel a grace period is adequate for coming into compliance. It was noted that some of his comments have been addressed through previous discussions.

Parking in the Ordinance will be left as is, but reviewed in a year to assess any issues.

All of the City Attorney's suggestions will be added, as well as the hold harmless and liability.

The VDU ordinance will be amended to require notification of neighbors within 100 feet rather than 300 feet to cut down on the mailing requirements of the City and because it is consistent with other existing permit requirements. Subsection B of Section 5.04.220 of the Trinidad Municipal Code for the business license appeal process will be amended. The amendment will allow an appeal to be filed within 30 days rather than 15 days, giving the public 21 days to appeal and granting the City seven days to notify the neighbors.

The Commissioners recommend the Ordinance to the City Council with the proposed amendments discussed tonight but would like to review the final draft before it goes to the Council. They feel that legal issues have been cleaned up and many issues were flushed out and addressed.

The Commission continues the VDU Ordinance final review to the next regularly scheduled meeting.

2. General Plan Update: Continued discussion of the Draft Circulation Element, Figures, Background Reports, General Plan Update

The Energy element will be handled tonight. Planner Parker hasn't made changes since the last review of this element.

Commissioner Johnson suggests contacting the City Engineer to ask for guidance, such as suggestions for programs for energy conservation in buildings.

S. Madrone suggests including micro-hydro technology in the introduction and investigating development of such technologies in the Luffenholtz watershed during the wet season as 6.5.

Commissioner Johnson suggests collapsing 6.2.1 and 6.2.2 (and others). He is nervous about the programs and not sure what is covered adequately as he is not an expert, e.g. language

regarding adopting solar in 6.3.1. Perhaps the City Engineer can help with appropriate wording, such as phrasing “not blocking solar access.”

It is questioned whether it is appropriate for only PG&E only to review the 6.3.3 plans for energy efficiency. Commissioner Becker suggests utilizing community resources for reviews.

Commissioner Johnson suggests researching what City resources can be committed to these programs and if the programs really reflect the policies. He would like to see a Design Review checklist. Planner Parker will review Fortuna’s energy element for a local comparison.

Planner Parker explains 7.2.5 stating that it stemmed from Trinidad’s occasional non-compliance with air quality measurements (PM-10, small particles). This is usually brought on by fog. She will review 7.2.3 and EPA standards for wood-burning devices to further address this policy. It was also suggested that fish smokers be an exception. Strike “in commercial or industrial land.” Planner Parker will review City regulations on burning, including burn barrels.

V. STAFF REPORT

Commissioner Johnson notes that in order to resolve the lack of an application for the 5th Planning Commissioner, the Council passed an ordinance to allow up to two Commissioners from outside City limits.

Planner Parker is going out of town, so the packets will be out early. She will be in town for the next regularly scheduled Planning Commission meeting, June 15th at 6:00pm.

VI. ADJOURNMENT

Meeting adjourned at 8:41pm.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Richard Johnson

Planning Commission Chair