

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, April 20, 2016

I. CALL TO ORDER/ROLL CALL (6:02pm)

Commissioners Present: Johnson, Pinske, Poulton, Scott, Stockness

Commissioners Absent: none

Staff: Parker, Caldwell

Commissioner Pinske welcomes new Commissioner Scott.

II. APPROVAL OF MINUTES

March 16, 2016

Commissioner Scott is new and Commissioner Stockness was absent at the 03/16/16 meeting, so only three Commissioners may vote.

Motion (Johnson/Pinske) to approve the minutes.

Passed unanimously (3-0).

III. APPROVAL OF AGENDA

Motion (Pinske/Johnson) to approve the agenda.

Passed unanimously (5-0).

IV. ITEMS FROM THE FLOOR

A letter from D. Halkides (VDU / property owner) is read into the record regarding Commissioner Scott's appointment and her interest and involvement in VDU issues.

P. Morales (864 Edwards) references her public records request for emails regarding VDUs between the City Manager, City Planner and VDU owners and managers. She believes that the City Manager and Planner are purposely working around the codes and regulations behind the scenes. She reads some excerpts from emails and recites some code. She asks why the City is allowing some VDUs to operate illegally and out of compliance with the ordinance. The City Manager and City Planner are enjoying exorbitant salaries while Trinidad residents are losing value in their homes due to this issue. Trinidad is sinking like the Titanic.

S. Rotwein (53 N Westhaven) states that speeches such as the previous item are just an opportunity to take a shot at the City Planner and not efficient or productive; it is wasting time and money. The City priority should be for time and money to go toward funding a night-time sheriff to address the #1 issue in the City: violence and property crimes. The new Commissioner also has taken a position to serve her own agenda and staff time should not be used to support this. She does not meet the acceptable definition of a Commissioner.

K. Lake (435 Ocean) thinks that Commissioner Scott is an excellent candidate and was the only applicant for the position from inside the City. She, herself, resigned from the Commission because of legal threats from M. Reinman and a lack of support from the City Manager. She hopes the same thing doesn't happen to other Commissioners.

J. Kitchen (56 Berry) appreciates the work that the Commission does, but states that Commissioner Scott has made her position on VDUs clear, and asks that she recuse herself from voting on the issue.

L. Farrar (433 Ewing) states that this is not the way to welcome a new Commissioner and thinks that Commissioner Scott's background, qualifications and investment in the community are positive characteristics for a commissioner.

A. Grau (433 Ewing) thinks that diversity of viewpoints on the Commission is a good thing. It is wrong that a previous Commissioner has had to resign due to legal threats. The City is threatened by property managers and their lawyers are at the meetings. Why are the property managers doing this?

B. Brisker (Westhaven) has a VDU across the street from him and supports L. Scott as a Commissioner. Everyone has a bias. The author of the letter read into the record assumes VDUs are free from bias and the author is radically biased himself, which cancels his opinion. Stating that VDUs are major revenue for the City is inviting a "pay to play" relationship with the City. This is a hyperbole. Regulations are something everyone deals with. He commends the Commission for their hard work.

V. AGENDA ITEMS

- 1. Clompus 2016-02:** Design Review and Coastal Development Permit to remove an existing 30' x 7' second story deck and staircase and replace it with a larger 30' x 13' deck and staircase in the same location. The existing concrete slab under the deck will be similarly expanded.

Commissioners Stockness asks if the city is going to put in any drains such as those on Ocean Street around this property. Planner Parker states that Phase 2 of the stormwater project is still in the planning stages.

Commissioner Poulton notes that the elevation map does not show where the staircase will be located and that the site plan is unclear, but it appears that the stairs may be going over the leach lines and septic tank. The information provided does not adequately show the aesthetic impact or impacts to the septic system.

Commissioner Stockness suggests they could move the septic tank. Planner Parker responds that that would be difficult but that the Health Department has signed off on the project after a site visit. Planner Parker does acknowledge that if the stairway extends west of the existing deck, it would go over the septic tank.

The applicant is not present.

Commissioner Johnson is concerned about the concrete pad under the staircase. He is unsure if Wes Green or the Health Department performed the stick test to find the septic components. Parker responds that they did locate the leachlines.

Planner Parker had assumed that the stairs were included in the outline on the submitted plan view. However, she admits that it is not really clear on the plans if the footings on the stairs could impact the septic system. Representation for the applicant is absent. Parker states that Adam,

from DEH, was on-site to review the project and didn't have any problems with it, but he may not have had all the information.

Commissioner Johnson notes that the only shows partial sections and the actual dimensions are impossible to determine. The description includes a 30' long x 17' wide deck, but does this include the staircase? He suggests ensuring there are no problems by consulting with DEH again with a more detailed plan.

J. Cuthbertson (840 Van Wycke, neighbor) says that he knows where the septic system is and it will not be affected. The slab is not near the septic tank. The project has been delayed already; this is a simple slab and expanded deck. The County should know where the leach lines are. Staff should have been clearer with the applicant about the requirements since they are from out of state, and should have told them to attend the meeting.

Commissioner Johnson states that for the purpose of the record, the applicants need to clarify the total footprint of the project and the location of the stairway footings. The original records should be cleaned up. The Commission does not have all the information they need to make the required findings to approve the project.

Planner Parker states that the as-built drawings of the septic in the DEH file were incorrect, because the primary and reserve fields got switched during construction. She notes that she has issued an OWTS operating permit for the project. She suggests that the Commission could add a condition that DEH must sign off on a more detailed site plan showing the stairs and all footings. In response to J. Cuthbertson's comments, Planner Parker states that she followed normal protocol, and the applicants got a notice about the meeting; she can't know where they are from, and the delays have come on their end, not from staff.

Commissioner Pinske states that there have been enough questions raised that he cannot feel comfortable approving the project. The Commission needs more detailed plans.

Motion (Poulton/Johnson) to delay action pending further information from the applicants, specifically:

- **A more detailed plot plan showing the stairway and proposed deck with footings.**
- **Elevation that including the deck and stairway dimensions in relation to the house.**
- **Communication between Planner Parker and the health department confirming their understanding of the project, including the stairs.**

Passed unanimously (5-0).

2. VDU Ordinance Amendment: Continued consideration of an amendment to the existing VUD ordinance (§17.56.190 of the Trinidad Zoning Ordinance) and development of additional regulations to cap the number and / or density of VDUs in Trinidad. Specific topics may include, but are not limited to: definition of different types of VDUs, City-wide cap, neighborhood cap or distance restriction, license activity requirement, license term, transferability, grandfathering of existing VDUs, waiting list, enforcement and any subsections of the existing VDU ordinance. There will also be a community presentation on proposed regulations for owner-occupied VDUs.

Planner Parker notes that there have been several comments that there is a conflict of interest with Commissioner Scott on this issue and that she should recuse herself from this discussion. Parker reviews the quasi-legislative and quasi-judicial roles of the Planning Commission. She states that there is no legal requirement for Commissioner Scott to recuse herself from this agenda item because it is a legislative process. She notes it is up to each individual whether to recuse themselves in this kind of situation in order to avoid the appearance of bias, and that the later appeal item does have a different standard.

Planner Parker notes that she doesn't have all of the answers pertaining to this agenda item that she anticipated getting from the City Attorney yet, but he did send her some information on transferability.

Commissioner Comments

Commissioner Stockness appreciates how Planner Parker has presented the information. She feels that they are getting closer to a good ordinance. She asks who performs the audits and inspections and Planner Parker responds that audits would be the responsibility of the City Manager and inspections are the duty of the Building Inspector.

Commissioner Pinske notes that on page 5, under "...if emergency or complaint..." it is not appropriate to call 911 for just a complaint. Planner Parker suggests that the Sheriff's Office may have an after-hours, non-emergency phone number. If there is a complaint or a manager does not respond, then dispatch can be called that way.

Commissioner Stockness adds that property managers need to stress that curfew hours are enforced. Planner Parker agrees and suggests they beef up the Good Neighbor brochure and required contract language. Commissioner Pinske also notes that if neighbors are disturbed, they should call the 24-hour contact first before the Sheriff.

Regarding administrative rules, Commissioner Johnson asks about the authority this provides for the City Manager in the review or approval process. Planner Parker notes that she took this language from another ordinance, but it may benefit the City Manager to have the Planning Commission sign off on any such rules to avoid sole responsibility. Commissioner Johnson continues, and thinks it is an effective way to make administrative changes but is hesitant that Commission review may impact and delay every administrative change. Commissioner Johnson suggests an annual or bi-annual review for administrative rules. Planner Parker suggest language such as "the city manager has authority subject to Planning Commission approval." The administrative rules also must be enforceable and clear, and how they affect the Coastal Commission certification must also be considered.

Commissioner Johnson asks what the appropriate permit fee is and Planner Parker states that the fees are set by resolution of the City Council.

The Commission discusses why bed and breakfasts are distinct and Planner Parker states that this needs to be addressed, because the city does not have an existing definition for bed and breakfasts, and they are permitted separately. Commissioner Johnson believes they need to focus on defining STRs so they can accomplish the items they were tasked with, but he is concerned about putting too much extra information in. Planner Parker suggests that they don't need to use STR1 and 2, as it is not that understandable for the general public. Commissioner Pinske notes that homestays may not fall under ordinance rules and Planner Parker agrees that that is the case now, but if amended, it would be consistent with home occupations.

A presentation is given by T. Davies, K. Lake, Dan Cox, Dorothy Cox, L. Farrar and A. Grau in support of allowing only owner-occupied STRs in residential zones. A copy of the presentation and additional language from other city ordinances was provided to the Planning Commission and City Staff for the record:

T. Davies (435 Ocean) inquires about some specific rentals and talks about how STR-1 rentals benefit the community as opposed to STR-2s. He states that as evidenced by the petition that he put out, the presented proposal has strong backing from residents. VDUs are businesses in residential neighborhoods. STR-1 or owner occupied STRs: 1) create fidelity; 2) increase the city budget; 3) are consistent with the General Plan; and 4) increase neighborhood livability.

K. Lake (435 Ocean) speaks about balance and how what her group is proposing is not a change in direction with the ordinance or a setback. She asks that vacation rentals be owner-occupied or STR-1 in residential areas since non-owner occupied VDUs are a commercial business. A survey from last spring indicated residents preferred an increased live-in to vacation rental ratio, retaining a fishing village character, phasing out vacation rentals and were in favor of the moratorium. 60+ people supported this in a petition. She plugs the Mendocino ordinance and asks that the Commission find balance.

Dan Cox (436 Ocean) echoes that residents want to retain the fishing village community. When there are complaints about vacation rentals, property managers argue, receive exemptions and manipulate the details. He feels the complaint process is not working. If a manager gets three significant violations, manager rights should be lost, not just individual properties. Neighbors should not be responsible for enforcement. The exemptions regarding some permits are not fair. VDUs in residential areas are businesses, not neighbors.

Dorothy Cox (436 Ocean) feels that the reasonable and fair thing to do is have owner-occupied rentals in residential zones. Str-1 and owner-occupied that are reviewed so they don't adversely impact the community and do comply with regulations. They need to be compatible. She is just asking for balance in the neighborhoods. She reiterates that the fair decision is owner-occupied rentals only or no VDUs in residential areas.

L. Farrar (433 Ewing) summarizes the presentation supporting owner-occupied STR-1 rentals, full-time residents, professional business practices and community goals. Included in the hand-out is the example of an application.

Alan Grau (433 Ewing) wants to see the character of Trinidad preserved.

Commissioner Comments

Commissioner Stockness inquires as to the group's views of the VDUs on Wagner Street. K. Lake responds that owner-occupied rentals are the only feasible option, and she is asking for owner-occupied in UR and SR zones based on zoning. Commissioner Pinske verifies that K. Lake only wants to allow traditional VDUs in VS, C or PD zones.

Commissioner Scott asks T. Davies to repeat the name and purpose of the Save Trinidad Neighborhoods petition. She states that more people in the core area are being affected, because houses are close together.

Commissioner Johnson thanks everyone for a good summary and notes that there is much information that has been given tonight. But, he states, the point is not to replace the old ordinance with a new one.

Public Comment

K. Lake (435 Ocean) states that the housing stock is being changed to hotels. She doesn't think it is a change in direction to ask that STR-1s only be allowed in residential zones.

Commissioner Pinske reads several submitted letters into the record:

J. Kitchen (56 Berry, owner of Trinidad Retreats): Commissioner Scott should recuse herself from the agenda item based on her clear bias.

A. and C. Lobue (VDU owners): oppose the restrictions on transferability.

T. Marlow (resident): Planning Commissioners should have opinions.

J. Hunt (VDU owner): Commissioner Scott should recuse herself based on a personal agenda. As a VDU owner, she feels the lack of compromise is punitive.

J. Kitchen (56 Berry, owner of Trinidad Retreats): A VDU manager would benefit a VDU subcommittee. She submits her comments, questions and suggestions regarding a maximum of 20 people at an event being reasonable, strict and fair application procedures, unfair manager responsibility for occupant behavior, transferability options (owners want transferability), allowing 60-day for an application from the wait list is too long, a 15% maximum number of allowable non-owner occupied STRs is reasonable, retaining the number of occupants, requiring guests to register the number of overnight vehicles is okay but phone numbers are not, the impractical requirement of meeting guests at the rental, and support for guest accountability for penalties.

A. King (396 Wagner) addresses events and reducing the allowable occupants. She knows that the VDU across from her hosts funerals and seminars. The Planning Commission should take a look at hosted VDUs. She thinks they are losing their City and the threats of lawsuits and loss of income shouldn't sway the decision.

S Ruth (777 Edwards) sees this as democracy in action. He thinks the VDU regulations need to be tightened. Also, the noise ordinance should apply to everyone, and noise includes work at the harbor area and resident parties. The occupancy limits should be reduced. The use of VDUs does not bode well for the character of this town.

M. Reinman (VDU owner and property manager) thinks that the intention of defining significant violations was to penalize non-responsiveness. He thinks any complaint is now being considered a significant violation and the word "significant" has lost its meaning and managers have no incentive to respond. The due process of complaints and quiet hours should be better defined. Property managers are not making lots of money off the community. Vacation rentals bring diversity and jobs to the community. Without people, Trinidad will become empty like Big Lagoon. He questions if running a crab business in a residential Zone is a commercial use.

W. McNeil (lawyer) thinks it is unlawful to amend the ordinance and the City is making it impossible to have VDUs. He points out some problems with amending the ordinance:

- there is an unlawful moratorium in place,
- requiring structures be brought to building code when applying for a VDU application is odd,
- there is a problem with the transfer item,
- having a contact person within 30 minutes or having property owners live within 30 minutes of Trinidad is not rational
- there is no basis for 1 VDU per parcel, and

- the City Manager can't delegate legislative authority

He summarizes that this ordinance is a disaster. He suggests reviewing it carefully with the City Attorney.

J. Kitchen (56 Berry) had no idea she could gather people and make community presentations at Planning Commission meetings. There have been a lot of ordinance revisions but no one has decided on the cap which seems crucial. The moratorium was put in place to make a cap. This process has been over-reaching, micromanaged and complicated. If STR1s had been added from the start, there would have been no problems. There should be some liability for noise, but the ordinance as written does not allow any noise at all after 10 p.m., which is unreasonable. Events should allow a fair number of guests that is easy to enforce, not just the number 20. There is no evidence that guests will be well-behaved with a meet-and-greet; this was recently attempted but can't reasonably be staffed. The permit wait list allows way too long for a new application submittal and strains business. They need to come up with a cap and keep things simple.

K. Lake (435 Ocean) states that the City Council unanimously asked for owner-occupied rentals. The goal has never been to make a cap. VDUs are a business practice and the language has showed this is not compatible with neighborhoods. Exceptions are being added by the Planner at VDU owner requests. In regard to the parking exceptions, there should be a public hearing on it rather than being decided by the Planner. Water restrictions should be just like those of residents. There is a drought. The original ordinance said no events. No restrictions regarding minimum activity. Los Angeles has an owner-occupied ordinance which she thinks is wonderful. Transferability needs to be restricted. She recommends removing the dispute resolution, because it is impractical. There should be a property watch list, but neighbors do not want to be the watch.

D. Allen (Westhaven) thanks the Commission for its service. He thinks it is disturbing that lawyers are speaking at the meeting. They are intimidating and paid to be there. He was originally opposed to all VDUs but thinks allowing STR-1s only is a good compromise. If VDU managers were community-minded, they should recognize they are disturbing the neighbors. Neighbors shouldn't be the complainers. Commissioner Scott has opinions, but so does everyone else on the Planning Commission. All this threatened legal action by the property managers is a form of bullying.

L. Farrar (433 Ewing) thinks parking exceptions should be approved by a two-thirds majority neighbor vote. Water use should follow the state regulations. The minimum activity requirement actually raises the density of VDUs. Using the terms active versus inactive is still confusing and is being used internally by staff as a smoke screen. She is for long-term tenants. Diversity is good on the Commission and Commissioner Scott has a great background for this position.

T. Davies (435 Ocean) thinks that the categorization of active versus inactive VDUs is inappropriate. He also does not agree with a minimum activity requirement, because the City doesn't have that for any other businesses. Vacation rentals are the biggest money-maker in Trinidad. He notes that one place previously listed by staff as inactive is now active on AirBnB.

Commissioner Comments

Commissioner Johnson notes that there's been a lot of information given tonight. He realizes they have to decide on the amendment soon but is disappointed that the City Attorney didn't answer most of their questions. He feels they need some more guidance.

Commissioner Scott suggests the City Attorney sit in on the next meeting. Planner Parker responds that is not always feasible due to costs, and because he often needs time to research questions anyway. But she thinks his input is important.

Commissioner Poulton asks for the Attorney's transferability answer and Planner Parker reads the City Attorney's email. The City Attorney states that the Mendocino example is very strict, but that limiting transferability has legal basis. He gives language regarding legal transfer ability with City review. He is trying to limit the City's liability. Planner Parker notes that the language is somewhat confusing, and that the Commission likely needs to read it and think about it. Commissioner Scott asks for a copy of the email.

When Commissioner Pinske and Commissioner Johnson looked into this issue, they saw that at least one ordinance had a spousal exception. Commissioner Johnson states that actually there were several exceptions including if a VDU is in a trust or passed on to an heir. The Cannon Beach example is also discussed.

Commissioner Pinske asks whether, since these transfer limits are in other ordinances, then there must be legal precedence. Commissioner Scott asks about Mendocino's new transfer language. Planner Parker responds that she has not specifically reviewed it, and since it has not been certified by the Coastal Commission, it would not be tested in court either. Commissioner Scott requests the updated language from Mendocino.

The Commission agrees to continue this item at a special meeting in about two weeks.

3. Lake Appeal of Staff Determinations/Decisions: Appeal of staff decisions to issue VDU licenses to properties with alleged second unit and / or building code violations.

Planner Parker introduces the agenda item and states that this is a quasi-judicial hearing item, and so the conflict of interest standards are much stricter. She suggests that Commissioner Scott recuse herself due to her relationship to the appellant and her stance on VDUs. This was based on the City Attorney's recommendation. Commissioner Scott disagrees. Planner Parker reads the City Attorney's recommendation. Commissioner Scott requests formal documentation from the City Attorney.

Planner Parker introduces the project.

Commissioner Comments

Commissioner Pinske verifies that Commissioner Scott is not recusing herself, and she responds that she is absolutely not recusing herself unless directed to by the City Attorney.

Commissioner Stockness leaves due to discomfort from a recent surgery (9:52pm).

Commissioner Johnson asked if the appeal was filed within the required time frame. Planner Parker responds that the appeal was filed within 10 days of an explanatory letter being written by the City Manager, but not within 10 days of the permits being issued. She notes that there are some questions about the legality of the appeal, but staff is asking the Commission to consider it anyway. Parker notes that since the appeal, it appears that additional properties have been added to it. Planner Parker can provide additional information regarding specific properties, but hasn't done a full review and analysis of the complaints yet. It is staff's assessment the appeal is a list of complaints, and that the complaint process is the appropriate process, not an appeal.

K. Lake (appellant) corrects the agenda item to be the Lake-Davies appeal. She details the process she underwent and the history behind the appeal. She followed codes provided by Coastal Commission staff Jim Baskin and filed in writing within the 10 day period. She met with the Mayor and the City Manager and handed the materials to the Mayor. She was disappointed that it did not make it into the packet. The second packet she provided proves that staff was writing policy behind closed doors, known as 'municipal exclusivity' and dispensing liberal exemptions. The location use permit exception in the amendment came from a property manager to the Planner; the public record shows multiple code violations.

Commissioner Pinske asks if this is appealable to the City Council and the Coastal Commission. Planner Parker replies that the Commission's would be appealable to the City Council, but not the Coastal Commission because VDU licenses do not constitute CDPs.

Commissioner Poulton asks where the information in the appeal came from, and K. Lake responds that it is from her own personal observations. Regarding a question about 88 Van Wycke, K. Lake responds that that it is being used illegally as a duplex. Upstairs is a long-term resident and downstairs is a VDU.

Planner Parker notes that 88 Van Wycke is one that the City has started investigating, and that it does appear that it is being used as a duplex without approval. But she refers to the list and gives another example, expanding on the history of 381 Ocean. She notes that as part of a previous project and suspicions about a second unit conversion, the building inspector examined the back bedroom and found it being used for a caretaker and it did not have a kitchen in 2007. The City has not received any information to the contrary until this complaint, so it has not yet been investigated. K Lake states that on March 7th she emailed the City Manager informing him about an unpermitted dwelling and also notes that the city collected TOT tax on that property. Planner Parker states that the owner can have a renter and if someone is actually living there, it doesn't mean that there is a kitchen.

K. Lake reviews 381 Ocean as an example of an unpermitted building. She did a records request for this property multiple times. Commissioner Johnson recalls that he was on the Planning Commission for that property and that it is not necessarily true that it is an illegal operation just because there is someone staying in the back bedroom. K Lake states that it is her understanding that the VDU is permitted for the entire property, and if there is a stove and a refrigerator in the back, then it is a dwelling unit. Commissioner Poulton asks if she has been in the unit, and K. Lake states that the City already knows this information and the City Planner has said it was an unpermitted dwelling. Planner Parker corrects her, stating that what she said was that if it was being used as such, it would then be an unpermitted dwelling.

K. Lake and the Planning Commission then discuss 363 Ocean. Planner Parker states that the current owner was told by the real estate agent the property had two legal units when she bought it. The owner is currently working with the City to bring the property into compliance. It is the City's understanding that the back unit is vacant. The City issued a VDU license for only the main house. K. Lake says that neighbors have said there is a person living there. This VDU also got a parking exemption. This needs to come in front of the Planning Commission. Commissioner Scott thinks that the property owner should go after the real estate agent for providing false information.

Commissioner Johnson takes a step back and muses over what this appeal will accomplish. This process doesn't bring properties into compliance, it would only take away the VDU license. He thinks that when issuing new permits each property should be inspected. The building inspector

should be involved with the process. The City needs to do their due diligence, and then work with owners to bring these into compliance in order to accomplish something.

Commissioner Pinske agrees and states that the Commission needs to give staff clear direction. He appreciates the work that was put into this appeal but he would like the appropriate process to do the work.

K. Lake brings up the Ocean Avenue parking. It needs an appeal, because the issue needs to be brought to the Planning Commission to decide how it is dealt with. The Commission needs to decide on parking exemptions. Planner Parker notes that the parking exemption only applied to existing VDUs, and so will be a moot point in the future. K Lake States that she used the word grandfathered in her documents. Planner Parker states that this is a form of grandfathering. Commissioner Poulton states that the ordinance granted the exceptions. K Lake says that she read the actual documentation and the decision was biased and based on dialogue between the property manager, the Planner, and the City Manager.

Commissioner Johnson notes that there were multiple things addressed in one single appeal. K Lakes states that these are all pervasive and ongoing violations. Commissioner Johnson notes that they have to deal with accountability and these allegations were submitted outside of the appropriate process. K Lake said it was difficult to get information from the City, so she did her own research.

Public comment

M Reinman owns or manages some of the units on Kathleen Lake's list. There's misinformation in the complaints; he clarifies that for #17 (178 Parker Creek) a caretaker stays in a separate building without a kitchen; he uses the kitchen in the main house. He is tired of these false complaints. 651 Parker Street does not have an illegal second unit. He has units sitting empty because he can't rent them long-term. The apartments are rented as one VDU, and the City Manager is aware of it. 88 Van Wyck has no kitchen downstairs and he is working with the City to ensure compliance.

L Farrar states that this may be the only way to get answers due to a lack of a response by the City. There needs to be a process for questions and complaints.

A Grau states that the idea of allowing parking exemptions on Ocean Ave is ridiculous.

W McNeil admits that he doesn't know the issues as well for this item, but recognizes this is the wrong process. The real issue is the failure of City officials to do what the public wants them to do. This should be dealt with through the City Manager and City Staff. If someone is in violation then appeal their license permit individually.

B Hawkins (98 Berry) accused M Reinman of running a commercial laundry operation in a garage in the past. He was his neighbor and he saw people coming in and out.

Commissioner Pinske states that these are serious allegations. Commissioner Poulton states that it bothers him that people coming to the City with requests for information are not addressed. The appeal is the wrong process, but the process must be made clear. Staff cannot ignore requests for information just because it is inconvenient.

Commissioner Scott states that the City Manager said staff did not thoroughly review all VDU permits, because it was a new process. Ground-truthing and verifying with inspections are important. There shouldn't be this lack of information.

Planner Parker clarifies the City Manager's comment. He was talking about signage inspections. Planner Parker did due diligence for every application, analyzing site plans, water use, septic systems and parcel records. Several questionable applications were held up to get further information. The Ordinance didn't require physical inspections. She also states that she did not know about most of these stated information requests. She reviewed the allegations; most of them are new to her or have already been previously dealt with and so are not appropriate for an appeal.

Commissioner Pinske states that the ordinance went into effect May 2015. This is the first year and time is needed to work through the process. This appeal has brought attention to some properties for additional Staff review. There are major issues and concerns but the renewal process will allow Staff deal with and rectify these issues under the current ordinance. He moves to follow the City Manager's recommendation and himself strongly recommends getting those properties into conformance. Some may not be able to renew their licenses.

Commissioner Johnson agrees with Commissioner Poulton. The evidence provided is compelling but revoking licenses may infringe on somebody's rights, whether it is they are in the right or wrong. Staff can handle this, and the building inspector should do inspections. He is not comfortable with voting either way on the appeal until the City investigates the allegations. He suggests tabling this until the building inspector can provide evidence and suggests staff come back with regular progress reports at future meetings.

Commissioner Scott states that this seems like hasty work, because people are having to meet deadlines. She thinks it should be done right the first time. She would like more information and input from the City Attorney.

Commissioner Pinske doesn't necessarily agree with the process of the appeal but letting the system work is viable. The building inspector needs to address these concerns.

Commissioner Johnson agrees this will still allow the process to go forward and it is occurring whether this appeal is denied or approved.

Commissioner Johnson would like the building inspector to inspect the listed properties, and Planner Parker thinks that the city has the legal authority to investigate these based on complaints and the VDU ordinance.

***Motion (Johnson/Scott) to continue the agenda item until the building inspector provides evidence to validate or refute the allegations.
Passed 3-0 (Commissioner Pinske abstains)***

VI. COUNCIL REPORT

A new Planning Commissioner was appointed. Planner Parker was not at the meeting and does not know what else was discussed.

VII. STAFF REPORT

Grants and the General Plan update are still in process when staff has time.

There have been some inspection reports returned for the Clean Beaches Grant.

The moratorium is up on June 30, but can be extended for a year.

Commissioner Johnson notes that 17.56.190.J audit paragraph is a good reason for the City to examine VDUs.

Commission Scott wants a map of all permitted STRs, a copy of the Trinidad zoning map, all VDU or STR permits, the existing and draft General Plan (her copy is lacking some items), the City Attorney's email regarding bias, the new language from Mendocino regarding transferability.

VIII. ADJOURNMENT

Meeting adjourned at 10:45 p.m.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair