

**MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION**

Wednesday, October 19th, 2016

I. CALL TO ORDER/ROLL CALL (6:00pm)

Commissioners Present: Johnson, Pinske, Poulton, Scott, Stockness
Commissioners Absent: none
Staff: Parker; Caldwell

II. APPROVAL OF MINUTES

September 21, 2016

Commissioners Pinske and Johnson were not at the last meeting, and so can not vote. Commissioner Scott disagreed with how her comment on glass deck railings was worded (page 3). Commissioner Scott actually said that they “weren’t consistent with the findings and not okay,” which Planner Parker had interpreted as “should not have been approved.”

***Motion (Poulton/Stockness) to approve the minutes as corrected.
Passed unanimously (3-0), with Pinske and Johnson abstaining.***

III. APPROVAL OF AGENDA

***Motion (Johnson/Stockness) to approve the agenda.
Passed unanimously (5-0).***

IV. ITEMS FROM THE FLOOR

K. Lake (435 Ocean) states that she requested a status report on the VDU renewals at the August meeting. She notes that it’s been two months without an update. And additionally, the City Manager said he would post the info online. She is here to request an update on the status of the renewals again and ask for transparency.

Planner Parker responds that she only knows information as it applies to her role in reviewing the licenses, and all the OWTS Operating Permits have been issued. Commissioner Pinske thought Ms. Lake’s request was related to how many STRs were in town based on the application deadline of 07/01/16. Planner Parker assumes the City Manager has that information. Commissioner Pinske asks Planner Parker to relay this request as he agrees that it is important information. Commissioner Stockness reviews her notes and thought Ms. Lake wanted all permits brought to the meeting for review and transparency.

V. AGENDA ITEMS

1. **Sebring 2015-05:** Design Review, Grading Permit and Coastal Development Permit to tear down an existing 1-story, 2-bedroom, 960 s.f. residence consisting of two detached buildings, and rebuild as a 2-story, 2-bedroom, 1,988 s.f. residence in a single structure within approximately the same footprint as the existing buildings. The project also includes a septic system repair. No other improvements are proposed. Located at 20 Scenic Drive; APN: 042-131-07

Commissioner Comments

Planner Parker reviews the Staff Report in detail.

Parker responds to Commissioner inquiries regarding the easements required as part of the project, and explains that the Trinidad Coastal Land Trust generally accepts and takes responsibility for public access easements, such as on the neighboring Nash property. Commissioner Johnson, on the Board of the Land Trust, expands on that and explains that, for each property, a quitclaim deed is prepared, and they may need some informal surveys to show boundaries, and then the Land Trust takes the offer to dedicate.

Commissioner Stockness adds that there is no conflict of interest for her on this Item; she can't even see the property. However, she is concerned about the height of the building as it impacts the public viewshed and would like to know who maintains the Parker Creek Trail. Planner Parker notes that the City performs trail maintenance. Commissioner Stockness continues, wanting the trail to have a good foundation when the culvert is repaired and suggests the addition of railings to improve safety. Planner Parker responds that, as it applies to this project, there will be no physical changes to the trail, just formalizing the easement. No changes are proposed for the trail at this time; the City Engineer will be overseeing the culvert repair, including repair of the trail. The addition of railings would require a separate permit.

Commissioner Stockness is concerned about not receiving comments from the Tribe/TAS, and Planner Parker assures her that they were well notified and provided ample opportunity to comment. Stockness also is confused about the Design Review findings on pages 21; she wonders what the reference to subdivision 2 is in finding C. Planner Parker notes that that is an error, and subdivision 2 does not exist; she believes 1, 2, 3 of the originally adopted ordinance correspond to A, B, C in the codified version of Zoning Ordinance.

Commissioner Stockness is concerned about views and vegetation and the trails. Planner Parker states that the project will result in formalizing the public's right to use the trail; views and vegetation maintenance are further addressed in the staff report and required easements.

Commissioner Pinske is concerned that the entire project parcel is zoned Special Environment for a reason and that the addition should require a Use Permit. Planner Parker notes that a Use Permit for a 2-bedroom residence has already been approved for the property. The Use Permit runs with the land and does not expire; since the use is not changing, that Use Permit is still valid for the proposed project, and a new one is not required.

The Commission discusses the visibility of the house and potential viewshed impacts. Commissioner Johnson verifies that in the SE zone, the maximum allowed height of a structure is 25 feet. He asks about the geologic report and whether the Coastal Commission geologist has concurred with the findings. Planner Parker notes that she hasn't gotten formal correspondence from the Coastal Commission and that the Sebring geologist has been working directly with the Coastal Commission geologist to address his concerns. The City has received all the necessary reports, and there have been no objections. In response to a question regarding the qualified stormwater professional, Planner Parker states that her understanding is that Sam Polly, in her office, is the City's official QSP, but that GHD also has QSPs on staff.

In response to Commissioner Johnson's inquiry into the easements and past development and City actions on this property, Planner Parker states that the open space easement requirement was met by quitclaiming the northern portion of the property and donating it to the Land Trust (now APN: 042-131-08. In addition, there was also a quitclaim deed along the beach, but it is unclear if

this was done adequately. There was no easement required for the trail, because it was thought to be on the adjacent property back then. Planner Parker added that she's not sure an open space easement for the entire property is necessary because of the previous quitclaim to the Land Trust, and protecting the vegetation in the riparian corridor may be adequate. Commissioner Johnson clarifies that Parker is speaking about the undeveloped portions of the property for such an easement. Planner Parker affirms that the open space easement would be outside of the construction envelope and driveway indicated on the plans.

In response to inquiries, Parking explains that the Tsurai Study Area, as mapped in the City's LCP, is not the same as the 12.5 acres that is the subject of the Tsurai Management Plan and that is now commonly referred to as the TSA. The Sebring property is actually within the LCP mapped TSA, but not within the 12.5 acres.

The Commission discusses the sewage disposal and water use on the property. Planner Parker explains the options that were explored and the repair currently proposed. Commissioner Scott asks if the septic system is being required to be brought up to current standards. Planner Parker replies that according to both County DEH and City regulations, repairs are not generally required to be brought up to the same standards as for new development for the entire system, and that the current design has been approved by DEH .

Public Comment

The applicants, M. Sebring and C. Kelly, give some history about the property, their past management, and plans for the future. They have now permanently moved to the property and are remodeling the house to be more livable while trying to keep to the same footprint. Their project is as environmentally friendly and unobtrusive as they could make it. They have to raise the height of the project to keep to the same footprint, because due to the bluff and other limitations, it is not practical to expand outward.

S. Atkins, project manager, points out that the roof is actually only being raised a story and a half with a loft rather than a true second story. The window in the loft will be removed, so there is no visual privacy issue for the TAS, and the applicants are going to salvage as much of the existing house as possible.

R. Wolf, construction manager, also notes that the building height was adjusted, and that they already have a new design for the septic system. M. Sebring elaborates, stating that the drainage system is in place to protect the TSA and property. They worked closely with J. Lindgren on that and have spoken to A. Lindgren of the TAS. J. Lindgren's main concern for this project was privacy, so they worked on the fence rebuild together. A. Lindgren's concern was the culvert, and that was OK'd after an explanation. Planner Parker notes that she sent the TAS all the project plans. R. Wolfe adds that they tried to set up several meetings on the property, but TAS folks didn't show up; the applicants have reached out quite a bit. M. Sebring adds that ensuring privacy of TAS activities was resolved with the new fence and eliminating the second story window.

Commissioner Pinske notes that it looks like Parker Creek goes under the fence and C. Kelly verifies this. Commissioner Pinske adds that without story poles it was hard to make a determination on the view impacts of the project. C. Kelly adds that they're willing to do story poles, though it is unlikely the project will block views. The photos from the beach only reveal the deck, but it was pointed out that this doesn't mean the house won't be visible. People will see more from the harbor, but it will be unobtrusive due to the distance and vegetation.

Commissioner Pinske is concerned about the culvert repair not being completed and suggests a continuance for this project until the culvert is repaired. M. Sebring states that they now have all the various agency permits but just need a weather window of ten days to complete the repair. Commissioner Pinske is not comfortable approving the septic system until the culvert repair is completed, because the leachfield is so close to the creek. Commissioner Johnson notes that the septic repair was already approved by DEH. He adds that he realizes that without the culvert, the leachfield does not have appropriate setbacks, but points out that the existing leachfield is in a similar location. M. Sebring assures them that as soon as they have the weather window, the culvert will be fixed. Parker adds that construction on the house is not supposed to occur until after the dry season. R. Wolfe adds that the septic system was designed and engineered in cooperation with Health Department staff. If the system is successful, pretreatment should not be necessary.

C. Kelly responds to Commissioner Scott's questions about how the residence is used, explaining that in the past, the property was rented month to month, and that they themselves are now living there...with a leaking roof, no heat, rats and partial electricity; she clarifies that it was not and is not used as a vacation rental.

Commissioner Stockness asks about a chimney and the applicants think they'll use wood or possibly propane as a heating source. Commissioner Stockness also asks about vegetation maintenance practices. C. Kelly responds that the vegetation gives them a privacy screen, so they do not plan on removing any. They cut back approximately 1.5 feet of vegetation per year for maintenance, and it is mostly non-native Himalaya berries. After the culvert is repaired, the applicants plan to plant a variety of native vegetation within the riparian corridor.

Commissioner Scott asks about the driveway and whether there are any plans to pave it. M. Sebring responds that there are no plans to do so at this time. He adds that they have looked at permeable materials, but they difficult to find and use in Humboldt County. Commissioner Stockness suggests Alves, Inc. Commissioner Johnson asks if the applicants maintain all of Groth Lane, and M. Sebring responds that the responsibility is shared between three property owners.

Commissioner Johnson asks further about TAS concerns. He verifies that there will be no change in the easement agreement for access to the village. He also asks if the TAS are aware of where all the drainage will go on the property. R. Wolfe states that the downspouts will be collected by a line and directed to the existing system. Planner Parker adds that a Drainage Plan will be required at the building permit stage and carefully reviewed by the City. C. Kelly adds that they will be diverting water away from the village site.

Commissioner Johnson thinks the color choices will help camouflage the house from the beach but he doesn't understand some of the figures in the glare study. C. Kelly states that she could request further clarification from the analyst, and adds that the glass being used is low glare and climate friendly. Commissioner Johnson also states that the glare analysis doesn't account for the vegetation, which will further reduce any glare potential.

Commissioner Stockness asks for the exact building height. The Commission and applicants discuss the height. It is about 25'-4" as defined by the zoning ordinance, but the project is conditioned on it being a maximum of 25' as allowed in the SE zone. Commissioner Stockness asks about the deck, and the applicants respond that they don't plan to change it, but might reinforce and repair it. Planner Parker adds that repair and maintenance with similar materials that don't change the footprint are normally exempt, noting that the exemption may not apply to the small portion of the deck that extends beyond the bluff.

Commissioner Comments

Commissioner Pinske wants to make sure the culvert gets repaired, and he is still not comfortable with the lack of written comments from the TAS. Planner Parker states that they have been given ample notice and the application materials; she describes the steps taken to notify the tribes. Commissioner Johnson notes that as part of this project, the culvert will be repaired, drainage improved, a new fence built, the septic system upgraded, and bluff stability studied and mitigated. His main concerns were privacy and height but those have been addressed; the project seems to be an overall improvement to the site environmentally. If the TAS are concerned, they have a right to appeal; he doesn't think the project should be delayed because they have not submitted comments.

Commissioner Poulton asks for clarification regarding the three geological reports. Planner Parker states that the R-1 report by D. Lindberg addresses the stability of the soils and bluff and the impact of the foundation and loading on stability. The SHN reports address the location of the bluff edge, appropriate setbacks and the potential impacts from bluff retreat on the development and site stability.

Commissioner Stockness notes that this is a sensitive area and she's concerned about the weight of the second story and impacts to ground stability. Reports written during a drought concern her. She would also like to see written comments from the Tsurai, which would be added protection for the City. C. Kelly reminds her that the Tsurai will have two weeks to appeal the project and that they were informed of it more than a year ago. M. Sebring adds that he talked to two members of the TAS today. If they have an objection, they would have come to the meeting; he actually expected at least one to attend. C. Kelly adds that they offered to sell the property to the TAS, and they have tried to be open and sensitive to TAS concerns in the design of the house.

Commissioner Johnson suggests notifying the TAS of the decision, reminding them of the appeal process and including the conditions associated with the project. Planner Parker reviews the appeal process.

Commissioner Scott would like to add a condition of approval to bring the septic system up to current standards. Planner Parker responds that that may not be possible, and that if the property was currently vacant, it may not be developable due to high groundwater and other factors. She explains the requirements that have been proposed as conditions for the septic system, including the installation of monitoring wells and the possibility of a pretreatment system. Monitoring within the leachfield and then downslope will indicate whether water quality standards are being met and if not, that would trigger installation of pretreatment.

In response to further questions, Planner Parker explains that septic standards are set by the County and water quality standards set by the State. Commissioner Johnson questions if they can issue a permit based on performance, and then it would be fair to say this meets the OWTS standards. Planner Parker explains that City's OWTS regulations do not set a bright line standard. It provides for guidelines for what is appropriate with decisions made by the Health Department and OWTS administrator.

Commissioner Poulton notes that one of the recommendations in the geologic reports is to maintain the existing gabian walls which are currently deteriorated. He thinks the applicants should bring the septic system up to current standards, get a permit to maintain the gabian wall prior to building the house, and obtain written comments from the Tsurai. He thinks this site is extremely sensitive, as illustrated by the fact that it is entirely within the SE zone. He is not enthusiastic about more development on this site; he understands they want to improve their

house, but he is concerned about the project's compatibility with the site for a number of reasons, including stability, drainage, aesthetics and cultural issues.

R. Wolfe assures the Commission that they paid engineers a lot of money to ensure the bluff is stable and that the house won't decrease stability; that goal is in the best interests of the applicants. M. Sebring adds that they are in compliance with all the various limitations and studies, and they're just trying to improve the house for living. Commissioner Poulton still thinks that doubling the house square footage is a significant increase in the intensity of use of the property. R. Wolfe states that the existing post and pier foundation will be improved, thereby spreading out and softening the load, likely improving it from the existing conditions, even with the second story. The drainage and septic improvements will also be better for the site than the existing conditions.

Commissioner Pinske agrees that the applicants have put care and consideration into this project. The project will result in environmental improvements to the site, but he still would like written comments from the Tsurai and the culvert to be in place, though he understands the culvert will happen eventually.

Commissioner Stockness agrees that she would like written comments from the Tsurai. Planner Parker reminds them that they cannot make the Tsurai respond and that she feels the City has done everything it reasonably could to provide them opportunities to comment. She does not recommend conditioning or continuing the project for something that is outside the applicants' and City's control. Commissioner Stockness still pushes for an alternative to further reach out to the Tsurai.

The Commission discusses additions to the conditions. Commissioner Johnson would like "and consider drainage issues on additional parcels" added to Condition 9 regarding the drainage plan. They discuss requiring comments from the Tsurai. They add allowing "maintenance of the gabian walls" to Condition 7 regarding vegetation maintenance. They consider adding an allowance to plant native vegetation within the open space easement, but decide it is not necessary. Commissioner Poulton adds to Condition 9, clarifying that it will be an "engineered" drainage or stormwater runoff plan.

Planner Parker verifies for Commissioner Stockness that R. McConnell, Historic Preservation Officer of the Yurok Tribe, made some informal comments on behalf of the Tsurai. The Commission discuss cultural concerns and Planner Parker summarizes the current requirements and protections, stating that the Tsurai have an easement through the property to access the village site, a qualified cultural monitor is required to be onsite during construction, privacy issues have been addressed, and the OS easement protects the site from further disturbance. She continues, noting that the project, through the conditions and proposed improvements, really improve the site conditions including drainage, easements and septic upgrades.

The applicants restate that they have talked to A. Lindgren of the TAS, and they will ask him to recommend a cultural monitor. R. Wolfe adds that the house design is more appealing than what is there now. C. Kelly notes that it is stylized off Yurok dwellings, to a point. Planner Parker adds that the application materials and notices were sent out through both formal and informal means that included mail, email and verbal correspondence. This project was discussed at a Tsurai Management Team meeting and the groups have received additional emails and official public notices. Dan Berman, City Manager, also sent a separate email to the Tsurai Management Team. M. Sebring stated that he also offered to the TAS to have their monthly meetings at their house. Commissioner Scott states that she thinks reasonable effort has been made to contact the Tsurai.

Motion (Johnson/Poulton) to approve the project as submitted and conditioned in the staff report, including the amended conditions of approval (Conditions 7 & 9).

Passed (3-1-1). Commissioner Poulton is opposed and Commissioner Scott abstains.

VI. CITY COUNCIL REPORT

The Council is almost done with the new STR ordinance, but there are still a few outstanding issues. Planner Parker is already working on the application to the Coastal Commission in an attempt to ensure that it can be certified before the moratorium expires.

The Council is on-board with enforcement. Administrative fines have been included and they are discussing more enforcement. The complaint process does not need Council action. The City Attorney was involved in the review of the ordinance and is OK with the regulations.

VII. STAFF REPORT

Planner Parker will now be able to focus on septic programs and grants.

The General Plan update is still in the works.

There are two Planning Commission vacancies now: the terms are expiring for Commissioners Mike Pinske and Cliff Poulton. The announcement has been published.

VIII. ADJOURNMENT

Meeting adjourned at 9:04 p.m.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Planning Commission Chair