

MINUTES OF THE RECHEDUED MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
Wednesday, March 29, 2018

I. CALL TO ORDER/ROLL CALL (6:10pm)

Commissioners Present: Johnson, Graves, Stockness

Commissioners Absent: Gregory

Staff: Parker, Gunderson

II. APPROVAL OF MINUTES

January 31, 2018

Commissioner Graves requested that the following be noted as his response to the Applicant's (M. Hasslequist) comment on page 3 of 8: "By law, family history and intent cannot be considered, because permits run with the land."

Commissioner Johnson clarified that the Planning Commission would be receiving a copy of the Hold Harmless Agreement/Clause for the Hasselquist project once it is completed.

Motion (Johnson/Graves) to approve the minutes as amended.

Passed unanimously (3-0).

III. APPROVAL OF AGENDA

Motion (Johnson/Graves) to approve the agenda.

Passed unanimously (3-0).

IV. ITEMS FROM THE FLOOR

Do. Cox (436 Ocean) asks about the Hold Harmless clause – who creates it, is it a generic form, and what is taking so long?

Planner Parker responded that the City will copy the language used by another City and that the Hold Harmless clause follows the finalization of the deed restriction.

V. AGENDA ITEMS

1. Selection of a new Chair/Vice-Chair

Commissioner Johnson nominated John Graves as Chair and Brett Gregory as Vice-chair. Commissioner Graves suggested that they wait to appoint Commissioner Gregory as Vice-chair until he is in attendance.

The Commissioners voted to appoint John Graves as Chair. A discussion ensued as to whether this appointment terminates in two years, or should it be concurrent with appointments. Commissioner Johnson added that he and Commissioner Stockness' appointment terminate December 2018, Commissioner Graves and Gregory terminate December 2022.

2. Policies for Detached Living Spaces: As directed by the City Council, an initial discussion to develop clear policy recommendations about permitting detached living space to minimize the potential for these spaces to be utilized as separate dwelling units and add enforcement fines and/or fees for violators. *Continued from the July, August, and November 2017 and January 2018 meetings.*

Parker provided an overview of the ongoing conversation about the policies for detached living spaces. In her staff report, she suggested there are two primary issues that would help staff to address the complaints and enforcement. These are: 1) definition of a kitchen, and 2) residences being used as both long-term and short-term rentals. The staff is looking to the Planning Commission to provide guidance on Administrative Rules for help with enforcement of the STR Ordinance.

Beginning with defining a kitchen, Parker suggested that the Ordinance used by the City of Sonoma may be a good fit for Trinidad. This was also discussed at the previous meeting.

Commissioner Comments/Questions

Commissioner Graves notes that he and other Commissioners have received email correspondence regarding STRs in South Lake Tahoe.

Commissioner Stockness is concerned about the concentration of detached living spaces (DLS) on Ocean Ave., and would like to see more involvement by the Building Inspector.

Commissioner Johnson notes that this is both an STR and a DLS issue. He likes the Sonoma definition of a kitchen, but he suggested that a statement be added to include convection ovens, such as "microwave or similar." He pointed out that the section on bathrooms and second units didn't apply to Trinidad. Parker clarified that those sections would not be included in Trinidad's policy.

Parker clarifies the Health Department's regulations and policies regarding sizing of septic systems for second units; the requirements depend on the size and number of bedrooms of the structures.

Commissioner Graves notes that the City's restrictions on second units run counter to many State laws, and that the City is likely not meeting affordable housing needs. He feels that detached and attached second units should be treated the same.

Public Comment

Do. Cox (436 Ocean) referred to an email she sent to the City regarding the improper noticing of this meeting. She made a comment regarding her disagreement with Planner Parker and Commissioner Johnson over their assessment of the situation at

381 Ocean Ave; in her opinion it is not consistent with the rules in terms of use, the presence of a kitchen and the parking. She notes that she and neighbors are soured on this issue because of what happened at 407 Ocean. Ms. Cox asked the Commission for a definition of sub-standard housing. Commission Johnson replied that it is a building code issue. Ms. Cox also provided examples of alleged violations and the lack of enforcement by the City.

Commissioner Discussion

Commissioner Graves agrees that enforcement in the City is an issue; it is a small community with many “grandfathered” problems. He notes that he has spoken to the City Manager regarding the possibility of applying for Measure Z funding to provide enforcement assistance.

Commissioner Graves agrees that the definition of a kitchen used by the City of Sonoma is appropriate for Trinidad, but would like to see the definition be tightened up and condensed to understandable rules. Commissioner Johnson reiterated his comment regarding the convection oven, but otherwise agrees that the Sonoma definition is a good fit for Trinidad. Commissioner Stockness also agreed.

Commissioner Graves requested that Planner Parker prepare a policy document that could be approved at the next meeting. Planner Parker stated that she will have the Building Inspector review the document, add the Trinidad logo, and bring the policy document to the next Planning Commission meeting.

Regarding Administrative Rules, Commissioner Johnson reminded the Commission that they had previously discussed forming a five-member sub-committee to review complaints, comprised of appointed individuals from the public, Planning Commission, and an STR owner. He suggested that they discuss this further at the next meeting. Additional discussion ensued between Commissioners regarding inspections and enforcement, including administrative fines for violations. The Commission would like to pursue this issue further at the next meeting.

VI. COUNCIL REPORT

Planner Parker reported that the City Council discussed the extension of the Verizon lease. They continued the discussion to the next meeting pending additional information needed from Verizon. The Council also discussed a request from a property owner to cut trees on City property in accordance with the City’s Viewshed Ordinance. The City continued that discussion to the next meeting also. The McKinleyville High School requested their prom scheduled for the City Hall be allowed an extra hour. Their request was denied.

VII. STAFF REPORT

The new staff person Nicole has already become an asset to City staff.

The Draft CEQA Initial Study for the Van Wyke repair is waiting on Cultural and Biological Studies. Staff is also almost ready to start submitting draft general plan elements to Coastal Commission staff for review.

VIII. FUTURE AGENDA ITEMS

Continue the discussion on Policies for Detached Living Spaces.
There are several applications Parker is expecting soon.

IX. ADJOURNMENT

The meeting was adjourned at 7:42.

Submitted by:
Cheryl Gunderson
Interim Secretary to Planning Commission

Approved by:
Original signed by: _____
John Graves
Planning Commission Chair