



NOTICE AND CALL OF A MEETING OF THE
TRINIDAD PLANNING COMMISSION

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on
WEDNESDAY FEBRUARY 19th, 2020, AT 6:00 P.M.
in Town Hall at 409 Trinity Street.

The following items will be discussed:

- I. ROLL CALL
- II. APPROVAL OF MINUTES – December 5, 2019
– December 18, 2019
- III. APPROVAL OF AGENDA
- IV. ITEMS FROM THE FLOOR
- V. AGENDA ITEMS

Discussion / Decision / Public Hearing / Action

1. Water Policies: Discussion of water policies and standards for evaluating requests for new water service. *Continued from December 18, 2019, January 15 and February 4, 2020 meetings.*
2. General Plan Update: Discussion of updated Land Use Element.

- VI. COMMISSIONER REPORTS
- VII. STAFF REPORT
- VIII. FUTURE AGENDA ITEMS
- IX. ADJOURNMENT

The meeting packets can be accessed at the following link:
<http://trinidad.ca.gov/document-library/pc-meeting-packets-2019>

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD PLANNING
COMMISSION
THURSDAY, DECEMBER 05, 2019**

I. CALL TO ORDER/ROLL CALL (6:01 pm)

Commissioners Present: Graves, Kelly, Stockness, Johnson, Lake
City Consulting Staff: Parker, West
City Staff: Zetter, Naffah

II. APPROVAL OF AGENDA

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

III. ITEMS FROM THE FLOOR

Commissioner Johnson opined that the Planning Commission needs to have a discussion on how to deal with after-the-fact permitting for development. He suggested that it has been a significant issue, because it is too easy to get after-the-fact approvals. He questioned if there should be a violation penalty/fine.

IV. AGENDA ITEMS

Discussion/Decision/Public Hearing/Action

1. General Plan Update: Discussion of water related policies. *Continued from the October 16, 2019 and November 20, 2019 meetings.*

Staff report

City Planner Parker stated the final GHD water report (out of five) has been released. Parker summarized some of the key findings from the various reports. She noted that in some instances, improvements can be made that may increase water production and/or availability. Parker acknowledged the City has general water policies, but the Planning Commission needs to provide specific guidance to the City Council on how to evaluate and prioritize water service requests. Parker provided examples of prioritization, such as determining what are the City's preferred types of usage. She further stated there are other developmental issues that Trinidad will face, so it is pertinent to also look at water, slope stability, septic capacity, etc. She advised that after meeting with City Manager Naffah and Mayor Ladwig it was clear that the City Council wants recommendations by February 2020. City Manager Naffah added that the Planning Commission needs to take into account the City's current and potential future customers, in order to ensure the City can adequately provide water for everyone.

Commissioner Comments/Questions

Commissioner Graves stated the water policy should be a stand-alone element of the general plan and be placed after the introduction, as it is the most critical issue; it would put state agencies on notice that water is a limiting factor in Trinidad. He continued it is an exercise to fulfill state law, while also making various commitments as one of the City's largest constraints is water.

Commissioner Kelly questioned what the pros and cons are of making it a separate element, especially as water policy is integrated in many of the other elements. She, however, advised she does not have a preference. She also suggested having a water system master plan and used Fort Bragg as an example. Parker stated that regarding a separate element, it might prove to be difficult to pull out policies from various sections, so if done, organization is key. She continued by advising if Trinidad restricts development, then it needs to preface why there are limitations, and water is clearly one of them.

Graves questioned if Parker could reference back to a water element in other elements. Parker advised she could, or potentially repeat policies as appropriate. Commissioner Lake advised she is not opposed to the suggestion but questioned its impact on staff time. Parker could not confirm until she does a review. Commissioner Johnson stated he is neutral to creating a separate Water Element and advised the discussion feels premature. Additionally, he felt that the idea should be run by the California Coastal Commission, as we do not want to overcomplicate the review process. Parker advised she can compose a list of pros and cons to creating a stand alone Water Element. Lake questioned what the Water Element would look like, as only part of the Service Area is in the coastal zone. She further advised she wants information as to the status of the City's contingency plans, and how the water ordinance fits in. Lake also read from two laws that indicate a contingency plan or analysis is required.

Commissioner Stockness suggested that the Service Area section could be expanded upon to discuss water limitations. Graves wondered if the General Plan should discuss the merits of alternative water supplies that have been investigated. Lake opined that water recycling options should be further explored, and that water rights and illegal diversions need to be examined. Parker explained that the County has designated Luffenholtz as a critical water supply for the City of Trinidad. She also clarified that the County's General Plan Update does not allow more developmental potential. Stockness questioned whether the County can give the Rancheria water rights to Luffenholtz. Parker advised that is a decision made by the State Water Resource Control Board.

A discussion regarding Luffenholtz riparian rights, illegal diversions, and water storage occurred between Commissioners and the City Planner. A discussion regarding a water service application review process, the considerations, and policies occurred. Additional information regarding storage tanks was requested. Commissioner Lake requested a copy of the City's water ordinance.

Kelly requested information on the age of the water treatment plant, as we need to understand the state and longevity of the City's infrastructure. Parker provided a brief history of upgrades and limiting factors at the water plant, but then redirected the conversation to discussing how to manage the water. She stated the Planning Commission is not going to be able to have answers to all these questions by February, and that they need to keep in mind that the GHD reports indicate the City has a surplus of water at the plant. The goal is to determine what to do with the water. However, she stated, while the City does have a surplus of water, it is always a possibility that the creek could go dry during a drought.

Graves also advised that climate change, could increase the number of fires. Lake stated that the City does not have an abundant supply of water, as all of the reports are hypothetical. Stockness suggested looking into rain catchment. Johnson discussed how the Planning Commission needs to see the capital improvement plan for the water plant if it exists, and possibly have a meeting with the City Engineers. He advised their new reports don't indicate what the plan is for 20 years into the future. Furthermore, they don't explain what the impact would be during a dry scenario. Lake wants additional information on fire-fighting capacity. City Manager Naffah discussed that GHD will be speaking to the City Council in January. A discussion regarding pipe upgrades took place.

Graves stated he is in favor of more restrictive water policies due to all the uncertainties. Kelly questioned if the City has an existing process for approving or disapproving water requests. Parker confirmed that the City does not. Lake questioned LAFCo's role. Parker and West explained LAFCo's role and their procedures. West clarified that water extensions outside City limits requires LAFCo approval, but within the last few years their policies have changed to make it a little easier to extend services. She explained that LAFCo is scheduled to update the City's Municipal Service Review and Sphere of Influence this year. It was clarified that LAFCo determines the Sphere of Influence but does not require the City to provide water service within it.

A discussion regarding contingency plans took place between the Commissioners and the City Manager. Commissioner Kelly suggested that the first priority should be to increase production/decrease loss; the second priority would be increasing storage, and third would be exploring hook up to Humboldt Bay (HBMWD). Lake opined that HBMWD should not be considered an option; there was a discussion about the existing policy language. Johnson advised there is a real desire to look at contingency plans for near term, but we must also consider a long-term plan.

Naffah reminded the Commissioners that the City Council has asked the Planning Commission to come up with a water connection policy for requests from outside City limits, which is different from the General Plan discussion. The City Council is not looking for a contingency plan, but instead a synthesis of where we are right now. The City Council wants the priorities, such as determining who gets water and the criteria for evaluating those requests. There was a discussion of the timing of this request and how it fits within the general plan update.

Kelly advised she doesn't have a strong enough opinion regarding extending additional services, because if someone needs water and the City has the capacity to provide it why should we deny them. Graves favors more restrictive policies. Lake advised the City doesn't have the data to show there is extra water. Parker refuted her statement, advising that the reports show that the City does have excess production capacity except in extremely dry years.

Stockness suggested putting a cap on new water connections. Parker discussed various scenarios. Parker advised that since clarification was provided by the City Manager, the Commission will need to switch gears to discuss something different from the general

policies that are in the general plan. She stated the Commissioners will need to focus on how to address applications for water, which might then be incorporated into the general plan later.

The Commission discusses the questions provided in the staff memo for consideration. There was a discussion regarding the acceptable level of risk. A number of technical questions came up. Lake advocated for a moratorium on new hook-ups outside City limits. City Manager Naffah suggests having GHD staff at the next meeting. Commissioner Johnson would like more input from the City Council and public.

V. STAFF REPORT

City Planner Parker advised she is working on the subdivision ordinance, the General Plan update, and grant requirements and permits.

VI. ADJOURNMENT

Adjourned at 7:24 pm. Next regularly scheduled meeting is December 18, 2019.

Submitted by:

Approved by:

Angela Zetter
Administrative Assistant

John Graves
Planning Commission Chair

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING COMMISSION
WEDNESDAY, DECEMBER 18, 2019

I. CALL TO ORDER/ROLL CALL (6:01 pm)

Commissioners Present: Graves, Kelly, Stockness, Johnson
Commissioner Absent: Lake
City Consulting Staff: Parker, West (Planners), Allen (Engineer)
City Staff: Zetter

II. APPROVAL OF MINUTES

October 02, 2019 (continued from November 20th meeting)

Motion (Johnson/Stockness) to approve the minutes as amended. Kelly abstained, since she was not at the meeting. Passed (3-0).

November 06, 2019

Page 1 of 6:

Changed - "He stressed this meeting with the City Manager and Mayor is not to discuss the content...developing them."

Added "The meeting is only administrative."

Page 2 of 6:

Changed - "Trinidad to General Plan" in sentence "She also advised not much is mentioned about police in the Trinidad."

Motion (Kelly/Johnson) to approve the minutes as amended. Passed (4-0).

III. APPROVAL OF AGENDA

Approval made by acclamation.

IV. ITEMS FROM THE FLOOR

Commissioner Graves discussed the process of electing the Chair of the Commission and read from the City's municipal code. He advised he will be stepping down as Chair at the first meeting in January. He requested this be the first item on the agenda after items from the floor.

V. AGENDA ITEMS

Discussion/Decision/Public Hearing/Action

1. Trinidad 2019-12: Grading Permit, Use Permit and Coastal Development Permit for Phase 2 of the Trinidad Area of Special Biological Significance (ASBS) Stormwater Improvement Project. The project includes decommissioning the existing stormwater outfall and replacing it with a system of localized stormwater treatment chambers and infiltration basins.

Staff report

Parker noted nothing has changed regarding the project itself since the last meeting. She provides a brief summary of the project. She notes additional information that was added to the staff report, including use permit findings for the portion located in open space and a discussion regarding sea level rise and wave run-up hazards.

Commissioner Graves disclosed he had received two written comments; one from the Tsurai Ancestral Society (Sarah Lindgren) and the Yurok tribe (Sheri Provolt – Tribal Council Member). Parker clarified that those comments are regarding the Van Wycke project, which is not an agenda item.

Commissioner Questions

In response to a request for additional information, Parker discussed the cultural monitoring plan, explaining that consultations were completed in accordance with both NEPA and CEQA. She advised the monitoring plan version provided in the packet has been circulated to interested parties, and no objections were raised.

Commissioner Johnson expressed concerns over erosion around manhole covers and inlets as well as within the gravel parking lot. S. Allen, GHD, explained that the manhole covers will have concrete collars, and the rest of the improvements will be underground, not subject to erosion. Johnson asked about maintenance requirements. Allen advised that there will be annual and periodic maintenance, but it should be similar to current maintenance. He advised the design was chosen for minimal maintenance.

Commissioner Stockness questioned if there would be vegetation in the infiltration basins. Allen confirmed there will not be grass swales. Johnson further questioned the emissions of decomposed organic material buildup. S. Allen and P. Sullivan (GHD) explained that there is minimal organic material in the City's stormwater, and any leftover material will decompose over the summer.

Johnson questioned what will happen if a large storm overloads the system and creates a scenario where there is the inability to collect and treat the water. Allen explained that the new system will collect more water than the current system, but it must be understood that you can't collect everything. Once the capacity is exceeded, the stormwater will just flow downhill like it does now; the project exceeds all the various requirements. Parker notes that the excess stormwater would become a non-point source discharge, which is not currently regulated for the ASBS.

Commissioner Graves questioned the timing of construction, and requested heavy equipment not be used before 8:00 am. He expressed his concern regarding the use of heavy equipment in such close proximity to residential areas. Allen confirmed construction will take place during June-October 2020, and advised they are coordinating with the Rancheria on their stormwater project. He also advised that putting additional time constraints on the use of equipment may make it more difficult to get competitive bids, because it may increase the number of construction days.

Kelly suggested adding a condition for a community communication plan to be implemented during construction. Allen explained what steps were taken regarding communication during the last major construction phase. Graves stated there must be an attempt to notify residents when work will take place on the weekends and when traffic and parking may be disrupted. He was in support of Kelly's suggestion. Allen further stated that the hours are standard, and some modifications may need to be made depending on weather conditions, but they must be requested and approved. Allen advised that GHD does not make all of the decisions, but instead it is a collaborative decision with the City. Parker advised the Planning Commission can add specifications to existing conditions of approval.

Public Comment

None

Commissioner Discussion

Stockness suggested adding communication with the City Manager and community to condition 6. Parker responded asking if they want a communication plan as condition 8. Kelly was in favor. Graves suggested adding a condition that heavy equipment will not be used before 8:00 am, unless there are extenuating circumstances. Kelly agreed.

Motion (Johnson/Stockness) based on the information submitted in the application included in the staff report and public testimony, move to adopt the information and findings in this staff report and approve the Coastal Development Permit, Use Permit and Grading Permit for Phase 2 of the City of Trinidad ASBS Stormwater improvement Project as conditioned in the staff report and modified at this meeting. Passed (4-0). Passed unanimously.

2. Water Policies: Discussion of water policies and standards for evaluating requests for new water service.

Commissioner Graves disclosed that the General Manager of the Trinidad Rancheria is a past client, and as he has received compensation from him, he recused himself based on the City's Code of Ethics.

Staff report

City Planner Parker provided an outline for evaluating water service requests outside City limits. She referenced the Conceptual Hydrologic Assessment of the Luffenholtz Creek Watershed, and other water reports which show that the City has an excess production capacity, but production can be impacted by low flows on the creek; she acknowledged the City doesn't have all of the information. She explains what she provided is only an outline, not a final recommendation, and she would like more input prior to developing the policies further.

Commissioner Comments/Questions

Commissioner Kelly provided a Trinidad Water Service Policy sample for illustration/discussion only. She clarified that she developed the table for herself in order to better understand the policies, and is providing it as a potential deliverable (once updated). She advised an option would be to charge more for those outside City limits, and opined that a scoring system could be a consideration, but not a final decision. She discussed the benefits of having a loose scoring system to prioritize water requests, but acknowledged that ultimately the City Manager, City Council, and City Attorney make the final decision. Parker discussed the information provided by Kelly, and the potential it has. Parker did, however, advise the Planning Commission to be cautious in creating a scoring system that ranks requests against each other. She explained the City does not get a lot of requests outside of City limits.

Commissioner Stockness opined a scoring system is too complicated but allowing people outside City limits to have the opportunity to hook up is important. She praised the City for doing a good job managing the water use. She clarified she would prioritize emergency/health and safety hook-up requests. She also wants to review the fees. West, SHN, provided an explanation on what may be included in the costs - the extension costs, hook up fee, etc. Parker added there are other costs that can be added, to be paid by the person getting water service.

Parker noted she did take existing general plan policies into consideration, also recognizing those policies may change as part of the current update. Policy 27a seems a little unclear and may be problematic. She added the CCC's intent is to protect visitor serving uses, but does the City need to reserve capacity for all uses, only those that don't have an adequate supply, only new uses, etc. And it is unclear how it would apply to the hotel. A discussion continued regarding services. Johnson advised it seems the CCC is trying to maintain contradictory positions in an attempt to please the most people, and in doing so hasn't been clear. Parker stated it's unclear how much 27A would influence the City's decision regarding hookups.

Johnson questioned if the Planning Commission is making a recommendation or creating a policy. Parker stated "policy" has been being used for both "General Plan policies" and "criteria" for evaluating hookup requests." She advised that she thinks the criteria should result in updated policy, noting that some is specific enough to update the water code regulations. Johnson agreed with Parker, however, he expressed his concern that it's difficult to make modifications to the rules later on. Parker agreed and stated the Planning Commission can recommend the City Council waits to make a decision, but also provide criteria in case they want to move forward anyway. Johnson stated their recommendations to the City Council should include the key findings from the water studies, as they are important with moving forward with any policy.

Stockness suggested having another joint meeting with the Council. Johnson advised that the Planning Commission should rewrite the policies to reflect what they as a body feels is appropriate for Trinidad. Kelly questioned what is blocking the Planning Commission from making a decision. Parker explained they might not have all the answers in a reasonable time, or have the money to do so, so sometimes we have to move forward with what we have.

Johnson stated he is hung up on how to prioritize water requests and expressed his concern that these requests will come in random order and from different subareas. Coupled with that is he doesn't fully understand the annexation issues. Parker discussed annexation, and went on to advise that this process is difficult, because we are trying to write the policy in a way where we find a balance with objective criteria and minimum standards, while also creating enough flexibility for the City Council to be able to make decisions based on extenuating circumstances. She further discussed how potential hookups can benefit the City.

Kelly mentioned there can be negotiations, such as providing services in the event of an emergency (used the Rancheria as an example, as they have a well). Parker stated annexation should be considered, because it provides the City will opportunity for tax revenue, land use control, housing options, higher population for volunteering on Council's, Committees, etc., and it is sound planning. Johnson questioned who would be responsible for additional costs, such as the need for the water plant to hire a new staff member. Parker advised it is open to discussion.

Public Comment

T. Inglemen (Trinidad) questioned what are the City limits?

Commissioner Discussion

Johnson questioned the Planning Commission's deadline. Parker stated the Council requested it be completed by February. Johnson stated the Planning Commission is in a good place to start with the outline provided by staff. Johnson stated the recommendation is to work on a priority process to decide if applications would be meet the criteria. Kelly advised most of the criteria are here, and while maybe there is something missing, the Planning Commission is pretty close. She

advised the Planning Commission needs to figure out the deliverable. Parker provided an explanation and discussed how prioritizing subareas might be a good way to start. However, she clarified that some priorities are dependent on the CCC. Johnson requested highlighting health and safety as a priority. Johnson also requests to see policies from other communities.

3. General Plan Update: Discussion of hazards related policies. (*Was continued to the January 15, 2020*)
4. Implementation Plan Update: Introduction and discussion of revised Subdivision and Grading Ordinances.

Staff report

Parker suggested focusing on the General Plan, and to revisit the Ordinances at a later date. However, these ordinances are being presented as part of the LCP update grant.

Commissioner Comments/Questions

Commissioner Kelly advised she had a few comments, but will provide them when they reconvene the discussion. Commissioner Johnson stated the initiatives were unclear.

VI. COUNCIL REPORT

None

VII. STAFF REPORT

Commissioner Kelly advised that the Trails Committee hopes to have a final revision of the Trails Policy document by the January meeting, and confirmed she will be reviewing it in conjunction with the General Plan. She also stated the Committee discussed two different grant funding programs with the Grant Administrator.

Parker advised she is getting ready to submit an application for SB2 funds, which is a non-competitive grant which will hopefully help the City pay for updating the Housing Element, conduct a parking study, revise the ADU ordinance, and look at more objective design standards and preapproved designs for second units. Also the City Council has requested the Planning Commission to appoint a new STR representative. Lastly, water and hazards will be discussed at the next regularly scheduled meeting.

VIII. FUTURE AGENDA ITEMS

See above.

IX. ADJOURNMENT

Adjourned at 7:59 pm. Next regularly scheduled meeting is January 15, 2020.

Submitted by:

Approved by:

Angela Zetter
Administrative Assistant

John Graves
Planning Commission Chair



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: February 12, 2020

RE: Water Policies

The Council discussed the draft water connection policies/criteria at their February 11, 2020 meeting. I do not have time to revise the policies based on that discussion, and some of the comments were conflicting. Therefore, I have just typed up my notes from that discussion for Planning Commission consideration prior to providing staff with further direction. (I did revise the policies based on the direction given by the Planning Commission at the last meeting before giving them to the Council.)

Since my notes were quick and brief, its possible that I did not fully capture the essence of everyone's comment, but I think most of the issues and suggestions are fairly clear.

M. Stofski (sp?) (Westhaven): The color-coded map is not understandable. The City needs to modernize is notification and communication system.

D. Hankin (Westhaven CSD): The 48,000 gpd excess capacity does not account for water loss. (Also submitted the attached letter.)

Erin (Westhaven): Need to get a handle on housing requirements first.

D. Allen (Westhaven): Happy to see that water loss % went down between January 2019 and January 2020, but the use/production was way up (from the public works staff report in the packet). City needs to continue fixing leaks. Need more information on build-out numbers. Major users should require PC or CC approval, not just staff.

B. Kenny (Trinidad): Institute a temporary moratorium on any new hook-ups outside areas A, B and C. Those areas use up all the City's excess water, so no exceptions, even for health and safety. Does not support the loophole to the priorities created by the exception. Take a cautions approach and ensure enough water for the City. Rancheria cannot be annexed, so not a good growth plan. (Also submitted the attached letter.)

R. Johnson (PC): Clarifies that a water line does go through Baker Ranch to serve a hydrant (Area F).

S. Madrone (County Supervisor): The policies are not conservative enough. 48,000 is a theoretical number. The recent drought was not exceptional, so should not be used as a reference. Since the City does not have enough excess water to serve the entirety of Area C, then there should be no new connections at all, because policy 27a prioritizes that area first. City should consider an overall master plan for annexation.

L. Keating (sp?) (Westhaven): Water comes from a small beautiful creek; we should all appreciate Luffenholtz.

E. Hankin (sp?) (Trinidad): New to town. The policies seem to have contradictions, because the findings paint a picture of limited water, but the policies dole it out. City needs to ensure it can meet the needs inside the City. There is no discussion of fire protection needs. Large users need more review. There are too many issues and unknowns at this point to move forward.

Erin (Westhaven): Consider how many hours the plant operates.

B. Kenny (Trinidad): Area C must be given top priority based on existing GP policies (27a) after those within City limits. The wording of section b in the health and safety section is unclear whether it applies to new or only existing development. Health and safety should not be mixed with municipal services. No exemptions.

J. West (CC): Also concerned about fire.

T. Davies (CC): How are improvements financed?

D. Grover (CC): Agrees that more information is needed.

D. Miller (CC): Need more information regarding droughts. Recalls that when Suiker was City Manager, creek flows got low enough that they were days away from an emergency before it rained, so take a cautious approach. Generally supports considering annexation.

S. Ladwig (CC): City shouldn't consider allocating all of its water. City needs a contingency plan. There needs to be rules for water use within the City too. What happens if there is a major leak or drought. Supports a moratorium on new connections until other steps are taken.

T. Davies (CC): City needs to plan for extra fire storage. Not in favor of annexation or new connections outside the City now. The policies have too much ambiguous language. City needs a contingency plan.

S. Madrone (County Supervisor): Look at a distributive storage system (5000 gallon rainwater tanks). Freezes or earthquakes can cause major leaks.

D. Hankin (Westhaven CSD): WCSD is considering developing a drought contingency plan in the form of an ordinance that makes people cut back accordingly.

D. Allen (Westhaven): Fire hydrants use processed water; consider raw water for fire fighting. Supports rooftop collection systems.

E. Weinreb (Westhaven): Weather is changing; it is becoming drier and windier.

E. Hankin (sp?) (Trinidad): Health and safety should be defined, along with feasible. Need to study economic impacts. Water rationing can affect City revenues.

R. Johnson (PC): Clarifies that the PC was tasked with one small piece of a much larger water puzzle; the PC hasn't been ignoring the other issues that have been raised. PC and staff, including the water reports have taken a conservative approach, and enough water for the City was held in reserve. A quantitative risk analysis has not been done. Build out will take decades, and conditions will change in that time.

S. Ladwig (CC): Tighten up the health and safety language. Give the Council more authority rather than staff.

T. Davies (CC): Area C should be the first priority after the City in accordance with policy 27a. Production capacity excess is a theoretical number. There are too many unknowns to hook up more people outside the City.

Staff Recommendation

Review and discuss comments on the draft water policies and direct staff to make changes as needed.

Attachments

- Water Connection Policies & Criteria
- Letter from Dave Hankin
- Letter from Bryce Kenny

City of Trinidad

Draft Administrative Water Connection Policies and Criteria for Evaluating Connection Requests Outside City Limits

Intent

The City of Trinidad has a limited water supply and must carefully allocate this important limited resource. In addition, the provision of water can encourage development. The City desires to limit and regulate water service connections outside City limits in order to ensure continued sufficient capacity to serve City needs and to encourage orderly development and growth of the Trinidad community. These policies are to be used within the context of existing regulations and adopted general plan policies. If anything herein conflicts with those adopted policies and regulations, the adopted policies and regulations shall take precedence.

Limitations

If the City determines that a water extension is warranted, such service will be permitted only on an individual contractual basis for a specific property, which contract or agreement will specify the terms and conditions of such service in detail, including any exceptions allowed and any conditions imposed which may be different from the statement of policy of this chapter. The City shall not have an express or implied obligation to provide water service to any property outside the City limits, regardless of that property's location within a preferred service area, the health and safety concerns of the property's current water supply, the property's proximity to services, or the location in an area that is otherwise served by the City.

Findings and Statements of Facts

- The City's water plant currently has a reliable excess capacity of 48,000 gpd during peak usage (July and August) in normal to dry years.
- Droughts and climate change may impact the City's water supply and available capacity in the future.
- The City does not currently have the production capacity to serve the entire Service Area at estimated build-out; therefore, certain areas and uses should be prioritized.
- Build out is not expected to occur for several decades, even if growth rates increase.
- Sound planning principles and practice dictate that provision of services outside a jurisdiction does not promote orderly growth and is generally undesirable.
- Annexation should be a consideration in any decision to provide additional water service connections outside City limits.

- The City has prioritized service to (1) build-out within City limits, (2) an allowance for ADUs, (3) areas outside the City that the City has the capacity to serve and that would be appropriate for future annexation, (4) health and safety.

Requests for City Water

Definitions

City: *City* shall mean the City of Trinidad

Connection: Water service *connection* shall mean an individual service connection (lateral) to an existing main water line.

Extension: Water service *extension* includes a water *connection*, but also entails construction of additional main water line(s) in order to accommodate a connection.

Intensification of an Existing Use: The *intensification of an existing use* means an expansion or other change to the existing use(s) that will increase projected water demand (based on DEH expected daily wastewater flows or other methodology deemed appropriate by the City) by more than 50 gpd.

New Use: A *new use* shall mean an additional or modified use(s) that alters the project water demand of an existing connection.

Priority Service Area. *Priority Service Area* means a portion of the Service Area, as mapped on Figure # of the Trinidad General Plan, that the City has determined to be a good candidate for possible annexation into the City, and where the City has determined that it has adequate water capacity to serve that area. Parcels with health and safety concerns are also a priority.

Application Requirements

All requests for water service outside city limits shall be subject to the following conditions and processes:

- A. *Application from persons of interest in property.* The applicant and any other persons with an interest in the property to be connected to the water distribution system shall execute an application for conditional water use and connection permit formulated by the City; and
- B. *Responsibility for costs.* The proponent of the connection is responsible for all costs of the connection, including physical infrastructure, application review costs, connection fees, capacity expansion, and annexation (as applicable); and
- C. *Fees paid.* The applicant has paid all fees required to be paid; and

- D. *Comply with Trinidad Municipal Code.* The applicant agrees in a form suitable for recordation to comply with all water service-related provisions of the Trinidad Municipal Code and requirements of the Public Works Department; and
- E. *Adequacy of wastewater treatment system.* The City shall ensure that the provision of water service will not negatively impact any onsite wastewater treatment systems (OWTS). The applicant shall demonstrate that their OWTS is adequate for the type and level of use that will be served.
- F. *Prohibition to transfer water.* No applicant or person with an interest in the premises connected to the water distribution system shall sell, transfer, assign or otherwise separate the water use and connection permit from the premises for which it was originally granted, for the use of any other premises, without the express written consent of the City Council or its designee.
- G. *Valid building permit.* The applicant shall provide evidence of one of the following:
1. A valid building permit that authorizes the erection or construction of a residential or nonresidential structure upon the property, or
 2. An existing legal structure and use on the property, or
 3. A valid permit for a change of use; and
- H. *Waive right to protest annexation.* If not already within City limits, the owner of the property applying for water service shall execute the “waiver of the right to protest annexation” formulated by the City in a form suitable for recordation. To facilitate the waiver’s preparation, the applicant shall provide the City with all documents the public works department requires to ascertain the identity of all persons having an interest in the property and to ascertain the identity of the authorized representatives of any business entity having an interest in the property; and
- I. *Environmental Review.* The City shall determine the appropriate level of environmental review, subject to the requirements of CEQA, for each proposed connection. If needed, the applicant shall be required to complete such review prior to the appropriate decision-making body considering the application.
- J. *City Discretion.* Nothing in this section shall be construed to require the provision of water service outside of the City limits and the City’s decision to provide such service shall remain a discretionary authority of the City.

Outside City Limits, within Priority Service Areas.

All persons or entities requesting a water service connection outside City limits may be granted a new water connection permit or a permit for a new use or the intensification of an existing use under the following standards:

- A. *Service Charge for Connections Outside the City.* Service charges for connection and monthly service shall be as provided under the current rate ordinances of the City, plus a 50 percent surcharge or as otherwise set by resolution of the City Council.

B. *Service Priorities.* To ensure orderly outward extension of public services, the City has prioritized water service to those properties that may be appropriate for future incorporation or may otherwise benefit the city and its residents. Trinidad may grant water connections outside City limits under the following circumstances:

1. *Priority Service Areas A & B.* The City Manager, with recommendations from the Public Works Director, City Engineer, and City Clerk, shall have the discretion to execute a contract for, and issue a water connection to those premises located within Priority Service Areas A or B under the following circumstances:

a. *Minor water user.* If the location of service is within Priority Service Area A or B, and the requested connection is for use(s) requiring less than 1,000¹ gpd or less than 5% of the City's remaining service capacity (whichever is less), and the City Manager issues a written determination that:

I. The connection's primary use will not be for the production of commercial cannabis and will support one or more of the following uses:

- i. Visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation, or
- ii. Coastal-dependent industry per [California Coastal Act Section 30101](#), or
- iii. Private residential development, or
- iv. Essential public services (i.e. Fire Dept., Schools, etc.), and;

II. Water service provision is consistent with the water service policies of the City and other applicable jurisdictional agencies.

b. *Major water user.* If the location of service is within Priority Service Area A or B, and the requested connection is for use(s) requiring more than 1,000 gpd or more than 5% of the city's remaining service capacity (whichever is less), and the City Manager issues a written determination that:

I. The connection's primary use will not be for the production of commercial cannabis and will support one or more of the following uses:

- i. Visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation, or
- ii. Coastal-dependent industry per [California Coastal Act Section 30101](#), or
- iii. Private residential development, or
- iv. Essential public services (i.e. Fire Dept., Schools, etc.), and;

II. Water service provision is consistent with the water service policies of the City and other applicable jurisdictional agencies, and;

¹ As averaged over any month

- III. The City has the excess capacity, beyond what is needed to serve existing customers and all anticipated development within the City, sufficient to serve to applicant connection.
- IV. The new water service connection will not negatively impact other users or components of the City's water system as determined by the City Engineer, or that improvements will be required as part of the connection, at the expense of the applicant, that will eliminate or minimize those negative impacts to the satisfaction of the City Engineer.
- c. *Annexation.* Annexation to the City may be required for any water service connections in Priority Service Areas A & B.
 - I. Timing of annexation proposals will be determined based on what is most beneficial to the citizens of the community. The annexation may be required prior to, concurrent with, or subsequent to the service connection.
 - II. The applicant shall be responsible for all costs associated with the annexation application, or a share of those costs. The applicant's share of annexation costs, as determined by the City Manager, shall be due at the time of the water service connection, regardless of timing of the annexation application.
 - III. If the City Manager determines that the timing for annexation is not ripe, the applicant shall record a Waiver of Right to Protest Annexation, in a form approved by the City attorney, on the property deed. Such waiver shall apply to all heirs, successors and others having an interest in the property.
 - IV. The City Council may waive the annexation requirement and issue a written finding that annexation of the affected property is infeasible.
- 2. *Priority Service Area C.* New connections in Priority Service Area C shall not be allowed until and unless the City Council makes a determination that the City has the capacity to serve all, or a designated portion of it. If and when that determination is made, the following policies shall apply.
 - a. *Annexation.* Annexation to the City may be required for any water service extensions in Priority Service Area C.
 - I. Timing of annexation proposals will be determined based on what is most beneficial to the citizens of the community. The annexation may be required prior to, concurrent with, or subsequent to the service extension.
 - II. The applicant shall be responsible for all costs associated with the annexation application, or a share of those costs. The applicant's share of annexation costs, as determined by the City Manager, shall be due at the time of the water service extension, regardless of timing of the annexation application.
 - III. If the City Manager determines that the timing for annexation is not ripe, the applicant shall record a Waiver of Right to Protest Annexation, in a form

approved by the City attorney, on the property deed. Such waiver shall apply to all heirs, successors and others having an interest in the property.

IV. The City Council may waive the annexation requirement and issue a written finding that annexation of the affected property is infeasible.

b. In order to extend a water service connection prior to, or concurrent with an annexation application, the City Manager shall issue a written determination that:

I. The connection's primary use will not be for the production of commercial cannabis and will support one or more of the following uses:

- i. Visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation, or
- ii. Coastal-dependent industry per [California Coastal Act Section 30101](#), or
- iii. Private residential development, or
- iv. Essential public services (i.e. Fire Dept., Schools, etc.), and;

II. Water service provision is consistent with the water service policies of the City and other applicable jurisdictional agencies, and;

III. The City has the excess capacity beyond what is needed to serve existing customers and all anticipated development within the city sufficient to serve to applicant connection.

IV. The new water service connection will not negatively impact other users or components of the City's water system as determined by the City Engineer, or that improvements will be required as part of the connection, at the expense of the applicant, that will eliminate or minimize those negative impacts to the satisfaction of the City Engineer.

3. *Health and Safety Concern.* The City Manager may authorize a water service connection to any premises located outside the City jurisdictional boundary to respond to an existing or impending threat to health or safety, if the following requirements are met:

a. The premises are presently being served by a well that has been verified as being rendered unsafe from contamination. The applicant shall be responsible for providing documentation of a health and safety threat to the satisfaction of the City Manager;

OR

b. The premises was intended to be served by a water well that has an insufficient water flow to serve its needs that meets the following criteria:

I. The provision of municipal water to the premises shall not promote the creation of a subdivision of the parcel proposed to receive water service, and

- II. There is no other feasible alternative water source to the premises, and
 - III. The need for municipal water service is the result of unintentional and exceptional circumstances that are not the product of a non-permitted use of the property, or improper well design and maintenance or any failure to undertake diligent efforts to pursue the development of a well consistent with the state of the then-present technology. The applicant shall provide such evidence to the city as the public work's director requests, and
- c. If the connection requires more than 1,000 GPD, the City Manager shall make a written determination of excess capacity, beyond what is needed to serve existing customers and all anticipated development within the City, sufficient to serve to applicant connection.
 - d. The provision of municipal water service must not conflict with any California or Humboldt County adopted laws, regulations, policies or standards for the provision of municipal water services, and
 - e. The new water service connection shall not negatively impact other users or components of the City's water system as determined by the City Engineer, or improvements shall be required as part of the connection, at the expense of the applicant, that will eliminate or minimize those negative impacts to the satisfaction of the City Engineer.
 - f. The service lateral shall not exceed the length of five hundred feet;

Outside City Limits, not in Priority Service Areas.

- A. When City water service is sought for a connection that is not within a Priority Service Area, or that does not meet the criteria set forth above, then the request shall be denied, unless authorized by an exception from the City Council, per "City Council Exception".
- B. *City Council Exception.* Upon approval by motion of the City Council, the City may, but is in no way obligated to, approve the connection to City water services outside of the City limits. The City Council may only approve such connections upon making the following findings:
 - 1. When it is demonstrated that the connection would benefit the City, including
 - a. There is a demonstrated equal or near equal return to the City based on the cost of such service, and
 - b. That the provision of such service outside the City benefits directly the health and safety of residents or municipal services of the City; and
 - 2. The City has capacity to serve the proposed connection as well as all existing connections and future build-out within the City; and

3. The new water service connection will not negatively impact other users or components of the City's water system as determined by the City Engineer, or improvements will be required as part of the connection, at the expense of the applicant, that will eliminate or minimize those negative impacts to the satisfaction of the City Engineer.
4. That the provision of such service will not induce additional growth and urban development outside the City that will negatively impact the City, coastal resources consistent with §30250(a) of the Coastal Act, or the rural character of the Trinidad area.

Appeals

- A. Any person affected by an approval or denial of a water service connection outside city limits as authorized under this section by the City Manager may appeal to the City Council by filing a notice of appeal with the Clerk of the City within 30 working days of the action of the City Manager. The notice of appeal shall be accompanied by a filing fee set by resolution of the City Council of the City in an amount sufficient to cover costs. The appeal shall stay the effect of the action of the City Manager.
- B. The appeal shall be in writing and addressed to the City Council. The applicant shall file the appeal with the City Clerk. The City Clerk shall forward copies of the appeal to the City Council, City Manager, and Public Works Director. In the notice of appeal, the appellant shall state in full the facts and circumstances which make the action of the service connection authorization unreasonable. It shall also state the date of the claimed unreasonable action of the City Manager.
- C. The City Council shall cause the matter to be set for hearing not earlier than 20 days after the appeal has been filed with the Clerk of the City. The Clerk of the City shall cause notice to be mailed to all affected persons (within 100 feet of the property boundaries) at least 10 days prior to the hearing.
- D. At the time and place set for the hearing, the City Council shall proceed to hear the testimony of the City Manager, the testimony of the owner or their representatives, and the testimony of other competent persons concerning conditions upon which the action of the City Manager is based and other matters which the City Council may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and other witnesses. The hearing may be continued from time to time. The City Manager may be represented by counsel. At the request of the City Manager, the City Attorney shall represent the City Manager.
- E. The City Council may upon the appeal either affirm the action of City Manager or modify the City Manager's action in whole or in part. The decision of the City Council upon an appeal shall be based upon the facts presented to it.

David Hankin, President of the Board, Westhaven CSD

Comments on Draft Water Policies and Associated Summary, 11 Feb 2020 meeting of the Trinidad City Council

1. Overall, the Planning Commission and the assisting SHN City Planner are to be commended for developing an excellent set of water connection policies. The overall spirit of the policy seems exceptionally fair and well reasoned as our the various categories for priorities for filling requests for water service connections.
2. I believe that the 48,000 gpd "excess capacity" figure presented in the materials for this meeting comes from the May 2019 GHD production study. At a previous City Council meeting, I objected to this value because it is not equivalent to "capacity to satisfy additional (metered) requests for water", but was instead additional "capacity measured at the plant", i.e. additional water that could be "produced" and "supplied to the system" from the plant during the months when the difference between production and "demand" (including system loss) was smallest (not actually during lowest flow period, but during June when demand is high and pumping is assumed to take place only 20 hours per day due to turbidity issues). The actual amount of "excess water" that could actually be delivered to new/additional customers must account for system loss, historically averaging around 27%. Therefore, the available excess capacity (in terms of delivered water - real metered demand) would be 35,040 gpd ($48,000 * (1-.27)$) NOT 48,000 gpd.

In Table 1 of the report for tonight's meeting, figures are presented for "additional build-out peak demand". Are these demands that account for water loss, or are they estimated household demands measured by what users would need and receive (i.e., metered use). This seems critical given the distinction between gpd of water "produced" at the treatment plant as compared to the gpd actually delivered to customers.

Another way to put this is that IF all demands are expressed in amounts that *account for system loss*, then a 10,000 gpd (of requested real demand/need would require that the treatment plant "produce" /send $10,000/(1-.27) = 13,698$ gpd at/from the plant.

I remain concerned that tabulations still do not seem to be explicitly accounting for system loss, though at least the issue was finally been recognized and GHD did complete an actual demand and loss analysis (October 2019), the basis for the average of 26.6% system water loss. As I noted at a previous Council meeting, WCSD always measures "demand" by actual metered use; "production" is what our water plant has to send out to meet this demand; and "loss" is the difference between the two, which is normally expressed as a percentage of production. WCSD had a major line replacement project that was completed about a year and a half ago and that has reduced our loss to an average of about 15%, and we have been very pleased.

3. Application Requirements:

- A. Are requests for service connections within City limits automatically honored, regardless of justification/need? I did not see anything explicitly stating this if it is true.

- 4. Under Priority Service Areas A&B, parts a. and b., the parenthetical “(whichever is less)” are difficult to understand and, for part b should probably be whichever is “more” rather than less. In any event, they also will vary as the remaining service capacity decreases. Thus, an initial “early” request for 1,000 gpd may be less than 5% of remaining service capacity, whereas once remaining service capacity has been reduced by 50%, this would no longer be the case. The idea here seems good, but I suspect it is worthy of additional exploration and, more important, clarification, perhaps with some illustrative examples.

- 5. Re exceptions,
 - A. should it be B.1. a “and” b OR B.1.a “or” b?

 - B. Would development impacts associated with a satisfied water request be considered along with the specific use of the requested water?

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February 10, 2020

Trinidad City Council
And City Planner
409 Trinity Street
Trinidad, CA 95570

Re: Comments on Draft Water Connection Policy – City Council Meeting of
February 11, 2020

Dear City Council and City Planner:

In response to your request for public comment on the above-referenced document,
I offer the following.

While I generally agree with the approach of creating defined areas outside the city
limits for potential consideration, I believe that the draft General Plan Land Use
Plan constrains the city to rank a portion of Area C for higher priority than Areas A
or B.

Because the provision of water to Areas A, B, and C, would effectively account for
all of the potential excess capacity of 48,000 gpd that appears to exist now, a
moratorium on new connections outside of those areas should be imposed to
ensure that the city does not over-allocate its water resources. As currently drafted,
the Policy allows the City Council to grant an “exemption” to Areas D, E, F, or the
Trinidad Rancheria, that could easily result in not enough water left to supply A, B,
or C, the priority areas. This is especially advisable in light of the possibility of
increased upstream diversion under riparian rights or drought conditions, that could
render the estimated 48,000 gpd to be incorrect.

Finally, prudent discretion calls for building in a cushion of water reserves in case
the various estimates as to plant capacity and stream flow turn out to be faulty. In
the future, as more data on stream flows are collected, and other events transpire, it

may be possible to supply water to Areas, D, E, and F, but at this time it would be a reckless gamble to do so. For now, the prudent action is to impose a moratorium outside of Areas A, B, and C.

The Land Use Plan (LUP) amendments to the General Plan adopted to facilitate extension of water service to the Cal Fire station on Patrick's Point Drive specify as follows:

Policy 23a says users within the city limits should be given preference for service connections.

Policy 25 says the area to the east and southeast of the city limits should be included in the service area to allow for additional connections as the system allows consistent with policies 23a and 27a.

Policy 27a says that water service extensions shall not remove water system capacity needed to serve Coastal Act priority uses within the North Trinidad Service Area described in policy 26.

Policy 26 says that the existing commercial area on the West side of Patrick's Point Drive south of Anderson Lane and the area on the east side south of Cal Fire should be considered for future service consistent with policies 23a and 27a.

Thus, the gist of the LUP amendments is that existing city limits users get first priority for water connections, build out within the city limits, including Accessory Dwelling Units (ADU) gets next priority, and the commercial visitor serving business area of Patrick's Point drive south of Cal Fire on the east side of the road, and south of Anderson Lane on the west side get next priority for the available water. The Draft Water Connection Policy does not reflect this order of priority. Instead, it elevates the area to the east and south of the city limits, A and B1 and B2, to higher priority than Area C. Only Area C includes the locations discussed in policies 25, 26, and 27a.

In addition, Area C on the map accompanying the draft policy includes parcels on the east side of the freeway without explanation as to why they are being included. For the purposes of allocating the limited water available from Luffenholtz Creek, there would appear to be no reason to include the area on the east side of the freeway.

The report at page 4 of 5 concedes that annexation of Areas A and B would likely be a net financial loss to the city. Conversely, the commercial portions of Area C, if annexed, would likely be a positive financial result. Yet, A and B are given a higher priority for water extension and annexation than Area C.

The area currently labeled C should be changed to A, and get first priority for new connections outside the city. It should also be reduced in size to conform to the current LUP language by eliminating the area on the east side of the freeway. This would also mitigate the concern stated at page 4 of 5 that the “city may not be able to serve the entire area.”

The way the policy is currently stated, there is the distinct possibility of giving the water to Areas A and B first, only to eventually discover that there is not enough left to serve Area C, thus going against the express command of policy 27a, that Coastal Act priority must be adhered to.

Table 1 for Area C also appears to not include the commercial parcels on the east side of the road and south of Cal Fire. It mentions vacant parcels in general, and the west side of the road south of Anderson Lane only. Again, the Coastal Act priority that the city agreed to apply does not seem to be being recognized. It is understood that the General Plan is being revised at this time, and is not yet final, but it is clear that the city agreed to certain conditions in exchange for being able to provide water to Cal Fire, and those conditions should be upheld.

The report cites the lack of water lines to Area C as making it less of a candidate for annexation, and thus not as competitive as Areas A and B. But presumably, the parcels wishing to connect would have to bear the cost of extending the line out to them.

At page 5 of 8, at 2 a. I, the phrase “beneficial to the citizens of the community” should be changed to “beneficial to the residents of the city,” since it is ultimately those persons who are financially responsible for the water system. This is a simple matter of who the council is elected to serve and is in the nature of a trust or fiduciary responsibility.

At page 6 of 8, b. I through III are under the heading of Health and Safety Concern, yet do not appear to bear any resemblance to health or safety. Instead they appear to intend to cover situations where someone wants to develop a parcel, and can't find a well on the property adequate to serve it. For that reason alone, it

should be, at a minimum, separated from the Health and Safety label, if it is to be retained at all.

Further, the application of the stated criteria will likely be very difficult to objectively apply, and are not even required unless the public works director requests information on them. It is not clear why the city would want to go to the rescue of a person who purchased a parcel of land that does not have enough water to allow it to be developed. This section should be dropped from the document.

Page 7 of 8, outside city limits with no priority for service, needs a lot of work. It is unacceptably vague at B. 1. and 2. as to the definition of “a demonstrated equal or near equal return to the City based on the cost of such service,” and “benefits directly the health and safety of residents or municipal services of the City.” As to the former, it is not clear whether it refers to the cost to the city of providing water, or refers to something else. As to the latter, it is hard to imagine how the provision of water outside the city limits could directly benefit the health and safety of the people who live inside the city limits. And, is it possible for the thing called municipal services of the city to experience health and safety, as services are not persons, but actually the concept of the provision of amenities? As written, the finding could be made by ignoring the first part, and simply concluding that the proposed service directly benefits the health and safety of a concept called “municipal services.” This is a recipe for mischief that should be reworked.

Importantly as the Draft Policy stands, the Trinidad Rancheria is eligible for an exemption, but it is not possible to annex it, as it is federally owned property. The Policy puts great emphasis on the importance of considering annexation in conjunction with any request for water outside the city limits. It is emphasized that provision of services outside of a jurisdiction leads to disorderly growth. The possibility of an exemption being granted there illustrates the great potential for rendering ineffectual the carefully crafted other criteria that are emphasized so strongly for other parcels. In addition to the possibility of an exemption leading to over-allocation of water, this counsels strongly in favor of a temporary moratorium outside of Areas A, B, and C.

The Findings which appear at page 1 of 8 are incomplete. The October 8, 2019 report by GHD emphasize that upstream riparian rights from the city water intake and downstream flow requirements for other appropriators or fish and wildlife may be substantial limiting factors as to how much water will be available for processing and use by the city. These additional findings should be included.

- There is very limited data available for creek flow at the treatment plant and very limited data for extraction of water from the creek up and downstream from the city extraction.
- Upstream diversions by riparian rights holders is likely to increase over time, limiting the amount of water available at the city intake.
- Climate change in the coming decades is expected to result in more rain runoff and less percolation into ground water, the main source of Luffenholtz Creek.

CONCLUSION

The policy should be amended to reflect Area C as the next highest priority for new out of city connections, with what are currently labeled C and D to receive the next highest priority.

A temporary moratorium should be imposed on the new connections in Areas D, E, F, or other unclassified Areas, because provision of water to A, B, and C takes up the amount of excess production capacity that is believed to exist now.

Page 6 of 8, b. I through III are under the heading of Health and Safety Concern, and do not belong there. They should be eliminated.

The additional findings stated above should be added.

Respectfully Submitted,


J. Bryce Kenny



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: February 11, 2020

RE: General Plan Agenda Item – Land Use Element (Sections A & B)

I have revised the Land Use Element based on the comments at the last meeting (September 2019). This version incorporates all the Coastal Commission and Planning Commission comments to-date. There has been some discussion about reorganizing this element, but I haven't gotten any clear, specific guidance about that. In addition, there has been some discussion about pulling certain key topics, particularly water, out of the other elements to create a water or development limitations or sustainability element (or some combination thereof). It might be a little easier to do that once all the other elements are more complete, because it may be easier to separate relevant and related policies once they are finalized rather than when they are still under discussion.

I would suggest that the climate change policies need further work; the Coastal Commission commended that they need more detail. This subsection was previously part of the sustainable development subsection and was focused on sea level rise. However, the impacts from climate change are much broader. In addition, there were no policies addressing the causes of climate change. Although most of these issues are addressed elsewhere in the general plan, due to its importance, I thought it would make sense to make this a separate subsection and broaden its application. However, the policies are still incomplete at this point. It may make sense to pull applicable policies from other sections, such as the hazards policies, as they become more fully developed. However, that could impact the timeline for sending elements to the City Council, and that should be a consideration.

Note that I have not had a chance to work on Section C (Land Use Outside of City Limits) since the last meeting it was discussed (December 2, 2019). The Commission didn't discuss the specific policies at that meeting anyway, because the discussion focused on more detailed water issues and information. Therefore, once we get through the specific water connection policies, we will circle back to this section.

Attachments

- Revised Land Use Element (pages 1-19, Sections A & B)

CHAPTER 2: LAND USE ELEMENT

A. Introduction

1. Purpose
2. Background

B. Land Use Within City Limits

1. Land Use Map and Zoning Designations
2. Sustainable Development
3. Climate Change
4. ~~3.~~ Priority Uses
4. Residential Land
5. Commercial and Mixed Use Land
6. Harbor Area
7. Publicly ~~Owned~~ Lands

C. Development Outside City Limits

1. Sphere of Influence
2. City-Water Service Area
3. Planning Area

A. INTRODUCTION

1. Purpose

The Land Use Element is the heart of the General Plan because it has the broadest scope of the required elements, and it provides an overview of the long-term development and sustainability goals and policies of the City. The Land Use Element provides the primary basis for City decisions on development applications.

The Land Use Element establishes policies and programs to create the general framework for the future pattern of growth, development, and sustainability in Trinidad, CA. These regulations strive to conserve natural resources and the scenic character of the land, protect wildlife habitat and cultural resources, contribute to the character of the community, and adequately serve the health, safety, and needs of the citizens. Land use decisions must take into consideration the relationship of adjacent land uses to fully integrate proposed land uses with existing natural and physical environments.

2. Background

The City of Trinidad is located in Humboldt County, approximately 25 miles north of Eureka, and 300 miles north of San Francisco. The City was founded in the 1850's as a supply center for the gold rush and, being incorporated in 1870, is one of California's oldest cities; it is also one of the State's westernmost Cities. Trinidad has only about one square mile of land area and a year-round population of 367 residents (2010 census) and approximately 2200 residences making it one of California's smallest cities

as well. Though small in area, the City of Trinidad provides commercial services to surrounding rural areas, in particular the Westhaven area, which has a population of around 1,200 people. The closest towns to Trinidad are McKinleyville, six miles to the south and Orick, sixteen miles to the north.

The City of Trinidad falls within the ancestral territory of the Yurok People. The Tsurai village site (perched on the ocean bluffs on the south side of the City) dates as far back as 800 A.D. and was occupied until the early 1900's. In 1775, the Spanish "discovered" and named Trinidad. Visitors were mainly limited to fur traders until the Gold Rush. In the 1850's, Trinidad became a supply port for the inland gold rush and at one point may have had 3,000 people living there; the population plummeted when other inland routes to the gold camps were established. After gold, the logging industry sustained settlers and thrived, especially while the railroad operated in Trinidad from 1911-1948. Salmon fishing also became an important industry during this time.

The area's physical setting, regional and national economic and social changes, and individual and governmental agency development have blended to create the community we see today. The original street pattern, laid out by a ship captain in 1850, remains today, though only a few original buildings exist as a result of large fires in 1911 and 1928. Although fishing and lumber remain important to the local economy, Trinidad is now a quaint seaside town that thrives on tourism and recreation, including sportfishing.

B. LAND USE WITHIN CITY LIMITS

1. Land Use Map Designations and Zoning

Figure 2 shows the land use designations for all properties in the City. The goals, policies and programs in this element are to be considered in relation to this map. The Trinidad General Plan has defined development options based on finite space and environmental constraints. The City is mostly built-out unless surrounding areas are annexed into City limits or in the unlikely event that a sewer system is constructed. There are still a number of vacant parcels in town, and development needs to be carefully reviewed and controlled to ensure sustainability and compatibility with the community. The purpose of the following land use categories are described relative to the development density or intensity, and the types of activities or land uses permitted, primarily within the Trinidad City limits. State law requires that maximum densities for residential uses be specified for each designation. Overlay zones that include additional requirements beyond these base zones in certain areas may be utilized in the City's Zoning Ordinance to improve implementation of the General Plan.

Goal LU-1a: To provide a compatible mix of land uses that provide for the needs of residents, businesses and visitors.

[Land Use Designations in Trinidad](#)

Suburban Residential (SR)

The Suburban Residential Designation is intended to provide for single-family residential development at low densities suited to the physical capacity of the land and consistent with the density of nearby development. These areas are generally located east of the freeway or along Scenic Drive, where public water systems are available or could be made available upon annexation. There may be soil limitations for foundations and sewage disposal systems in these areas. SR parcels generally have larger lots and maintain a rural feel with large setbacks, low lighting and no curbs or sidewalks. An accessory dwelling on a lot may be appropriate if the development ~~design is consistent with neighborhood character and the lot has~~ does not impact coastal resources, including having sufficient lot area to meet the sewage disposal requirements for each dwelling.

Maximum Density: One single-family dwelling per 20,000 square feet, with up to one accessory dwelling as appropriate and if all applicable regulations can be met, or ~~8~~ up to 108.5 persons per acre. Maximum lot coverage of 20% allowed.

Urban Residential (UR)

The Urban Residential Designation provides areas for moderate residential development and encapsulates the central portion of town that is most densely developed. This area allows the highest density of residential use (not including mixed use), taking into consideration neighborhood characteristics, community design policies, and soil capacity for individual septic systems. Although this is the most densely developed zone, development will not be allowed to impact the small-town character of Trinidad. There is little potential for more subdivision in the UR Zone based on current regulations. A limited number of accessory dwelling units may be allowed if carefully reviewed for OWTS compliance and ~~neighborhood compatibility~~ coastal resource protection.

Maximum Density: One single-family dwelling per 8,000 square feet with up to one accessory dwelling unit if all applicable regulations can be met, or up to ~~25~~ 4 persons per acre. Maximum lot coverage of 40% allowed.

Commercial (C)

The Commercial Zone provides for the commercial services that meet the convenience and retail needs of residents and visitors. Uses serving the commercial fishing industry are also appropriate. Design of structures avoids the typical franchise or highway commercial design and incorporates design elements sensitive to the small-town atmosphere of the City. Similarly, signage is not to be designed to be seen from the freeway minimal and consistent with community character. Off-premise signs are limited to non-advertising directional signs and public informational signs. High wastewater producing uses are limited based on septic system capability.

Maximum Density: No new residential dwelling units allowed. Maximum lot coverage of 65% allowed.

Visitor Services (VS)

The Visitor Services Zone is intended to provide areas for camping, recreational vehicle parks, motels, restaurants, lounges, and similar visitor services and accommodations. Such visitor services and accommodations have direct access to a primary collector street. Design of structures avoids the typical franchise or highway commercial design and incorporates design elements sensitive to the small-town atmosphere of the City. Development ~~does not create conflicts~~ is compatible with nearby residential areas and is located near convenience shopping facilities and / or recreational destinations. Limitations that might apply to uses of a site include sewage disposal and off-street parking.

Maximum Density: One caretaker dwelling per existing parcel. Maximum lot coverage of 65% allowed.

Mixed Use (MU)

The Mixed Use designation is applied to either primarily residential areas along main streets where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt an appropriate mix of commercial and/or residential uses to the site and to surrounding uses. ~~This includes residential and commercial establishments along Trinity and Main Streets and three large, vacant parcels with some limitations.~~ This designation replaces the previous 'Planned Development' designation. The intent of the designation is that limited commercial uses, including visitor accommodations and services, recreational uses, offices, gift shops, food establishments, and personal services may be appropriate when such uses are designed to minimize conflicts with adjacent residentially designated properties. Uses allowed in the Public and Community (PC) designation are also appropriate if they are consistent with the intent of the MU designation. Design of structures avoids the typical franchise or highway commercial design and incorporates design elements sensitive to the small-town atmosphere of the City. Residential uses can be individual structures, clustered multifamily building(s) with up to four dwelling units each, or mixed with commercial uses. Limitations that might apply to uses of a site include sewage disposal, riparian setbacks, off-street parking, lighting, noise, and mixed use densities. The MU designation is not intended for campgrounds or R.V. parks.

Maximum Density: ~~One~~ Two residential dwelling units, including ADUs, per 8,000 square feet of lot area whether combined with a business or not, or up to 25 people per acre. Commercial and visitor accommodations are allowed to the extent that they can be adequately served by an OWTS. Maximum lot coverage of 65% allowed.

Harbor (H)

The Harbor designation is intended to provide an area in which a mixture of limited commercial, industrial and recreational uses can occur in the existing Trinidad Harbor ~~a~~ Area. This is a new designation, not part of the previous General Plan. The intent is to provide for the continuation of a mix of activities which support the Harbor's function as a commercial and recreational fishing port and to protect and reserve parcels on, or

adjacent to, the sea for coastal-dependent and coastal-related uses. Incidental and appurtenant commercial activities are intended to be subordinate to the coastal-dependent uses.

Maximum density: No new residential dwelling units allowed other than a caretaker unit.

Open Space (OS)

Open Space lands include, but are not limited to, public agency open space lands, including Trinidad State Park the Tsurai Management Area, Trinidad Head beaches, and Environmentally Sensitive Habitat Areas (ESHAs), though not all ESHAs are necessarily included within the OS designation. The purpose of the OS designation is to preserve the natural and scenic character of these lands, including protecting wildlife habitat and cultural resources. Limited recreation and land management activities are appropriate uses; commercial timber harvesting is not an appropriate use. Limited development of appropriate technology, ~~(such as micro-hydro power turbines in riparian areas)~~ and cultural and interpretive elements may be allowed as long as they are not detrimental to sensitive coastal resources.

Maximum Density: No residential dwelling units allowed.

Special Environment (SE)

The Special Environment (SE) designation is applied to portions of otherwise developable properties to limit development due to hazards or sensitive resources such as steep slopes and riparian areas. Public and private open space, wildlife habitat, and low intensity recreational uses, including public access to and along the shoreline, are the intended uses. The SE designation restricts alteration of land and vegetation, allowing limited development, based on an appropriate study or report, only if reasonable use of the property would otherwise be prohibited. On parcels where only a portion is designated SE, development shall only occur outside of the SE area if feasible. The SE area shall not be subdivided or utilized in calculating required minimum parcel area or density. It is intended that development not be visible from public viewpoints more than necessary and that it have a natural appearance. Public Access dedications along beaches and trails will be required as appropriate, and open space easements may also be required to protect sensitive resources as conditions of development approvals.

Maximum Density: One residential dwelling unit per lot (only after resolution of all constraints following site-specific analysis).

Public and Community (PC)

The Public and Community (PC) land use designation includes publicly owned lands ~~;~~ exclusive of those maintained primarily as open space~~;~~ and lands owned by religious or other non-profit organizations; these properties are used for education, religious worship, community meetings, and related activities. This designation replaces the previous 'Public and Religious' designation. Public agency ownerships include, but are not limited to schools, public parking areas, utility and public service substations, fire

stations, public buildings, parks and recreation facilities, and cemeteries. Public or private community facilities shall be compatible with nearby uses and should be located adjacent to streets that offer convenient access.

Maximum Density: No new residential dwelling units allowed other than one caretaker unit per lot.

Goal LU-1b: Promote development and conservation of land in Trinidad according to the pattern shown on the Land Use Designations Map.

Land Use Map Policies

LU-1b.1 The City shall implement the Land Use Map by approving development and conservation projects consistent with the land use designations and ensure consistency between the General Plan/LUP and the Zoning Ordinance/Implementation Plan.

LU-1b.2 The City shall not allow legally established existing land uses to increase their existing degree of nonconformity.

LU-1b.3 In deciding on any permit application to alter a nonconforming use, the City shall exercise discretion in determining whether a nonconforming use is compatible with a given area, including, but not limited to, the attitudes-concerns of the nearby property owners to the nonconforming use.

2. Sustainable Development

Sustainable development is a strategy by which communities seek to balance environmental protection, economic development, and social objectives and to meet the needs of today without compromising the quality of life for future generations. Sustainable development and smart growth are often used interchangeably. Smart growth is development that is environmentally sensitive, economically viable, community-oriented, and sustainable. However, smart growth is focused on densely developed, transit-oriented and mixed-use communities. Because of Trinidad's rural nature and reliance on septic systems, this type of smart growth is not an option for Trinidad. Instead, Trinidad will focus on things such as living within its means by ensuring adequate services exist for new development, reducing its carbon footprint, embracing more efficient alternative technologies, encouraging green building techniques and low impact development (LID), and protecting ESHAs and other natural areas.

Goal LU-2: Preserve and maintain the natural and community environments by promoting sustainability in development patterns.

Sustainable Development Policies

LU-2.1 Except as otherwise provided in this General Plan/LUP, new residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

LU-2.2 In order to ensure adequate services and infrastructure for development, the City shall only approve new development if it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development are grounds for denial of the development.



LU-2.3 In order to minimize impacts on air quality and greenhouse gasses, the City shall ensure new development: (1) is consistent with State reduction targets; (2) is consistent with any requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development; and (3) minimizes energy consumption and vehicle miles traveled to the extent feasible.

LU-2.4 The City shall ensure that all new parcels (1) have adequate area to provide for anticipated uses or structures; (2) provide adequate setbacks from nearby septic tanks, wells, nearby slopes and streams; and (3) demonstrate sufficient area for adequate sewage disposal requirements prior to any new development.

LU-2.5 Land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

LU-2.6 The City shall incorporate fundamentals of low-impact-development (LID) technologies into the requirements of the City implementation plans and/or conditions of approval for new development.

LU-2.7 The City shall require accurate and current septic information as part of any development application, including subdivisions. OWTS upgrades may be required based on the proposed development. Uses with large quantities or high strength discharges are subject to more stringent reviews and requirements.

LU-2.8 The City shall review expected water use as part of any development application, including subdivisions. Measures to conserve water should be required depending on the proposed development.

LU-2.8 New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this General Plan/LUP. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-

dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Other Initiatives for Sustainable Development

- Provide education and / or incentives to property owners to incorporate LID alternatives into new and existing development where it will not negatively impact any OWTS. (CONS-1c.1, CD-##)
- Continue to investigate and adopt appropriate policies encouraging green building technologies and uses that reduce negative impacts on the environment from both existing and new development (CD-##).
- Encourage principles of 'smart' growth and mixed-use development concepts where feasible, both inside and around the City, to improve circulation and reduce the need for auto use.
- Encourage sustainability and alternative technologies. This includes, but is not limited to, community agriculture, solar, wind and micro-hydro power, rainwater collection and LID.

3. Climate Change

According to the United States Environmental Protection Agency (EPA), the earth's average temperature has risen by 1.4 degrees Fahrenheit over the past century and is projected to rise another two to 11.5 degrees Fahrenheit over the next hundred years (EPA 2014). Even relatively small increases in global temperature can translate to large and potentially dangerous changes in climate and weather (climate change). The specific changes are difficult to predict, but there is an emerging consensus that the northern California coast will receive similar amounts of rainfall, but it is likely to come in fewer, more intense storms. In addition, summers are likely be warmer with less fog. Sea level rise in the Trinidad area is expected to be less than many other areas but can still range from [redacted]. Each of these changes can have profound ramifications to natural and social systems.

The Coastal Commission has identified several areas of concern for climate change specific to the Coastal Zone including: storms and flooding; coastal erosion and loss of sandy beaches; coastal habitats; marine ecosystems; land use planning decisions; and shoreline access (California Coastal Commission 2014). The City of Trinidad prepared a Climate Change Vulnerability Report and Adaptation Response (GHD 2016), which was updated in 2020. The issue of climate change encompasses much more than just coastal hazards; one of the biggest concerns for Trinidad will be changes in water supply and use. In addition, wildfire may become more of an issue.

Policies relating to climate change aren't limited to those addressing the repercussions,

but also those addressing the causes, including energy use, transportation and waste generation. Therefore, policies addressing the causes and effects of climate change can be found throughout this general plan, but are primarily concentrated in the following sections... The policies in this section are general and overarching, providing guidance and context for the policies found elsewhere.

Goal LU-31d: Assess, plan for, ~~and~~ adapt to, and minimize, to the extent possible, the impacts from climate change through appropriate land use controls to maintain community character and resources.

Climate Change Planning Policies

LU-3.1 Utilize the best available science when developing policies and regulations, as well as when reviewing development applications.

LU-3.21d.1 Update and continue to reevaluate land use patterns and zoning requirements to minimize energy use and risks from climate change effects, including sea level rise, global warming, precipitation patterns, and wildfire risks.

~~LU-1d.2 Establish shoreline management plans to address long term sea level rise.~~

~~Program LU-1d.2.1 Create policies that require a management plan for priority area that are subject to sea level rise hazards.~~

~~LU-1d.3.3 Limit new development in hazard areas.~~

~~Program LU-1d.3.1 Restrict or limit construction of new development in zones or overlay areas identified as hazardous.~~

~~LU-1d3.4 Develop a plan to remove or relocate structures that become threatened.~~

~~Program LU-1d.4.1 Require new development authorized through a CDP that is subject to wave action, erosion, or other hazards to be removed or relocated if it becomes threatened in the future.~~

~~LU-1d3.5 Plan ahead to replace loss of access and recreation areas by.~~

~~Program 1.d.5.1 Protecting existing open space adjacent to the coast and.~~

~~Program 1.d.5.2 Plan for removing of structures and other barriers that limit inland migration of beaches.~~

LU-3.6 Transition to climate-smart sources of energy.

Other Climate Change Initiatives

- ~~LU-1d.6~~ Foster efforts to better understand impacts of sea level rise.

~~Program 1.d.6.1~~ Support research on impacts to recreation and public beach access.

- Revise emergency management plans, programs and activities to account for changing hazard profiles and their consequences and integrate findings of climate vulnerability into all phases of emergency planning.
- Continue to coordinate with Humboldt County and participate in their Regional Climate Action Plan.

43. Priority Uses

The Coastal Act prioritizes certain land uses over others. In enacting the Coastal Act, the State Legislature defined the basic goals of the state for the Coastal Zone in § 30001.5 of the Coastal Act. This section is intended to carry out those goals and prioritized uses enumerated in the Coastal Act.

Goal LU-~~43~~:

- Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.**
- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.**
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.**
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.**
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.**

~~LU-43.1~~ Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

~~LU-43.2~~ Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

~~LU-43.3~~ Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for

public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

LU-43.4 The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

LU-43.5 Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

LU-43.6 Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

LU-43.7 Increased recreational boating use of coastal waters shall be encouraged, ~~in accordance with this division,~~ by developing dry storage areas, increasing public launching ~~facilities opportunities,~~ providing additional berthing space in ~~the~~ existing ~~harbors mooring field as feasible,~~ limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, ~~providing preserving Trinidad Harbor as a~~ harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

LU-43.8 Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

LU-43.9 The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

LU-43.10 Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

54. Residential Land (Urban Residential, Suburban Residential)

The residential areas of Trinidad have mostly been built-out, particularly in the UR Zone. Homes are typically located on local and collector streets rather than on the busier arterial streets (see Circulation Element). Trinidad's residential development is diverse, as further described in the Community Design Element. Residents have expressed a desire to maintain Trinidad's small-town character, continue to protect public and private

coastal views, and to embrace green and appropriate technology in both new and existing residences.

Home businesses (Home Occupations) have occurred throughout the City in recent years, especially as a result of personal computers and internet services. The primary review criteria mandate that they do not impact adjacent residential uses. Short Term Rentals (STRs), or vacation rentals, have also become more numerous in the community, prompting concerns over their impacts on the community. While short-term vacation rentals provide important visitor-serving accommodations and economic benefits to the City, an increase in the number and density of short-term vacation rentals have adversely affected the small-town atmosphere of the City and the character of residential neighborhoods.

Goal LU-54: Provide adequate land to accommodate the housing needs of all income groups while maintaining the character of existing residential areas and keeping the small town feel and coastal views that residents and visitors enjoy.

Residential Land Policies

LU-5.1 New development shall protect and/or enhance the character of residential neighborhoods.

LU-5.24.1 Accessory dwelling units (ADUs) shall only be allowed when consistent with State ADU laws, Coastal Act requirements, environmental constraints, service limitations and community character.

LU-5.34.2 Home Occupations are allowed in Residential or Mixed Use areas to the extent that they do not impact the residential character of the neighborhood. Some of the issues that need to be considered when decided whether to allow a Home Occupation include:

- Determining the suitable density of residential and commercial uses;
- Providing sufficient sewage-disposal systems and adequate water services;
- Minimizing nuisance impacts such as noise;
- Limiting traffic and providing off-street parking / loading.

65. Commercial Land (Commercial, Visitor Services, Mixed Use)

Many of the commercial establishments in the City are dispersed near the freeway interchange and along Main, Trinity and Edwards Streets, as well as in the Harbor Area. The current businesses in town include restaurants, a gas station, various small retail and service shops and a grocery store. These businesses attract residents and visitors year-round to the City. The sales tax and bed tax revenue generated by businesses in the City is an important component of City revenues.

Additional commercial and visitor-serving areas can be found just outside the City, mostly to the north along Patrick's Point Drive, including several campgrounds and R.V. parks as well as Trinidad State Beach and Patrick's Point State Park. The Trinidad Rancheria operates a casino and restaurant located south of the City on Scenic Drive, and owns the Trinidad Pier and The Harbor Aarea, including Trinidad Pier, the boat launch, a bait shop, restaurant and a vacation rental. Based on the Coastal Act, the Harbor Aarea has been redesignated as a "Harbor" land use designation and zone rather than general commercial to better protect coastal-dependent and coastal-related land uses. The summer months brings an influx of tourists to the City to enjoy the many coastal amenities found in Trinidad.

There are no vacant parcels designated as Visitor Services. During the adoption of the existing General Plan, it was determined that these parcels, in conjunction with others outside City limits, were sufficient to accommodate future visitor needs. However, many of the R-V spaces in the City are now used for long-term tenancy. Trinidad Bay Trailer Courts is now designated by the California Department of Housing and Community Development as purely a having only mobile home parkspaces, even though they are used by RVs.

The City encourages tourism and supports the efforts of local businesses to ensure City revenues do not decline and that essential services for residents are provided. Most property owners within the planning area want to maintain the small-town feeling of Trinidad and support only a small increase of businesses that cater to local needs and a small to moderate increase in specialty shops catering to visitors. The City, whenever necessary, attempts to minimize adverse impacts to the small-town atmosphere caused by visitors. This is accomplished, in part, through land use regulations.

There are two-four large, vacant, MU designated parcels in town. These parcels include the vacant lot behind Murphy's Market, the two parcels that make up the horse pasture, and one to the southeast of Hidden Creek R.V. Park on the eastern edge of town. These parcels represent the primary development potential remaining in Trinidad.

Goal LU-3: Promote the economic vitality of the commercial district while maintaining the historic, civic, cultural, and commercial core of the community without marring resources, views, or rural characteristics of the area

~~Compatibility with surrounding land uses: The City's Commercial and Mixed Use designated areas provide for a mix of local as well as tourist related, goods and services in a manner that is compatible with surrounding land uses.~~

~~Enhance town character: Convenience shopping facilities are located near the freeway interchange. Gift shops, smokehouses, tackle shops, restaurants and other visitor related businesses can be located along primary collector streets provided they are compatible with nearby residences. The compatible blending of these types of businesses with the community enhances the seaside character of the town.~~

Commercial Land Policies

LU-65.1 As part of any review of an application for new development, the City shall carefully analyze proposed uses with high water use or wastewater flows-use sewage disposal needs as to adequacy to provide for year-round needs without impacting, the City's water system or groundwater quality and quantity. ~~or increasing seepage to the bluff area.~~

LU-6.2 Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area

Program LU-65.2.1 The City shall ensure that commercial accommodations have convenient access to a primary collector street and provide adequate buffers from, or other measures to mitigate their impacts on adjacent residential areas ~~and have convenient access to a primary collector street.~~

LU-6.3 The City shall ensure that commercial development does not negatively impact town character or coastal resources. Big box and franchise development are likely not compatible unless they are situation and/or designed in such a way that impacts are minimized.

Other Initiatives

- Compatibility with surrounding land uses: The City's Commercial and Mixed Use designated areas provide for a mix of local as well as tourist-related, goods and services in a manner that is compatible with surrounding land uses.
- Enhance town character: Convenience shopping facilities are located near the freeway interchange. Gift shops, smokehouses, tackle shops, restaurants and other visitor related businesses can be located along primary collector streets provided they are compatible with nearby residences. The compatible blending of these types of businesses with the community enhances the seaside character of the town.

76. Harbor Area

The Trinidad Harbor Aarea has had a varied and colorful history in the past, supporting first a Native American population, then furring, gold mining supply, logging, whaling and fishing. It also serves as the last safe harbor north of Humboldt Bay (20 mi. south) until Crescent City (50 mi. north). In 1946 the Hallmark family purchased the lands around the HHarbor Aarea and constructed a fishing pier. The commercial and fishing industry continued to increase for the next 40 years with a peak of up to 150 commercial salmon fishermen and at least 300 sport fishermen during the salmon season. In 2000 the Trinidad Rancheria purchased the property. The decline of commercial salmon fishing in recent years is due to dwindling fish stocks, increased operating costs, added government restrictions and recent listing of several salmon species on the Endangered

Species list. Primary activities now are the winter Dungeness crab commercial season and summer sport fishing.

The property area is approximately 10 acres in nine individual parcels with ocean frontage both on the Pacific Ocean and Trinidad Bay. Most of the parcels are owned by the Trinidad Rancheria, but there is also a City-owned parcel that provides access to Trinidad Head as well. The site is improved with: a boat sling launcher, tackle/bait and gift shop, a pier, skiff seasonal floating dock, and skiff rental, water taxi service to transport boat owners to boat moorings, a vacation rental, and a restaurant. ~~The City owns the~~ The land under the pier and mooring field was granted to the City of Trinidad from the State Lands Commission to hold in trust for the people of the State. ~~These lands were granted to the City by the State;~~ The City leases these tidelands to the Trinidad Rancheria for the pier and mooring field.

The Rancheria has applied to transfer most of their harbor ownership into Tribal Trust, which would mean it would no longer be within the City's jurisdiction. This raises concerns regarding continued public access. The pier is located on public land, so cannot be placed in Trust. The Galindo Street right-of-way provides public access to Launcher Beach. Bay Street provides access from Edwards to the pier, and the City-owned parcel provides access from Edwards to Trinidad Head. As part of the Coastal Commission's Federal Consistency determination, the BIA included maintenance of open space and public access as part of the project description and agreed to assure that the Rancheria adopt a Tribal Ordinance that commits to coordinating any future, currently unanticipated, development proposals or changes in public access with Coastal Commission staff. ~~Trinidad Bay is also a State-designated Area of Special Biological Significance and State Water Quality Protection Area. As such, it is subject to special discharge prohibitions and high water quality standards.~~

The primary use for the Harbor Area is to provide a working harbor for commercial and sport fishing. Recreational boating and public coastal access are also priority uses. Care needs to be taken to ensure that permitted uses do not conflict with each other and do not detract from the primary and historic use of the area as a fishing port. Some of the current recreational uses include sea kayaking, sailing, pleasure boating, and whale watching. Public access to the coast is available throughout the Harbor Area, providing continued public access and parking to adjacent beaches, trails, the pier, and Trinidad Head, as well as boat launching to Trinidad Bay.

The Harbor Area experiences significant congestion at times. The congestion is most severe on summer weekends when ocean conditions are favorable for boating, but can occur throughout the year when the weather is nice or special events occur. This indicates that there is not a lot of potential for additional development in the Harbor Area without further impacting parking. The number of people visiting Trinidad Harbor puts a strain on other services that are provided there, including maintenance of the public restrooms and refuse management. The parking, restrooms and public access to the shore and trails are all provided free to users.

Trinidad Bay is also a State designated Area of Special Biological Significance and State Water Quality Protection Area. As such, it is subject to special discharge prohibitions and high water quality standards. People in Trinidad are generally strongly opposed to any kind of offshore energy development as well as onshore support facilities. Opinions regarding aquaculture development are more mixed.

Being the only low-lying area in the City, the Harbor Area is the most at risk from tsunamis and sea-level rise. A tsunami siren has been installed in the Harbor Area as well as signage indicating the tsunami hazard zone. The City and other agencies and organizations provide public educational materials for residents and visitors on what to do if an earthquake or tsunami occurs. Because of uplift occurring in the Trinidad area, sea level rise is not expected to inundate large areas, with a maximum projection of **about 30 cm by 2065**. Sea level rise is more of a threat to bluff stability through increased wave action and toe erosion. Both sea level rise and tsunamis are **also further** discussed in the Public Safety Element.

Goal LU-6: Encourage a mixture of commercial fishing, recreational boating and fishing, mixed coastal dependent / compatible commercial and visitor-serving uses consistent with coastal access policies while protecting the Trinidad Head ASBS.

Harbor Area Policies

LU-6.1 Coastal-dependent and coastal related uses shall be given priority in the **H**arbor **A**rea.

Program LU-4.1.1 Limit non-coastal-dependent / non-coastal-related uses, including visitor-serving uses, to a total of twenty-five percent (25%) of the developed land in the **H**arbor **A**rea.

LU-6.2 As part of the review for any application for new development in the **H**arbor **A**rea, the City shall require that it is accommodated with adequate sewage disposal, water, parking, access and other public services.

Program LU-6.2.1 The property owner is encouraged to create a long-range plan for the orderly development of the Harbor Area into the future.

Program LU-6.2.2 The property owner, with coordination of the City, should enter into a water service agreement for the provision of additional services necessary for future coastal-dependent and coastal-related uses as allowed by the general plan designation prior to approval of any intensification or addition to existing uses.

LU-6.3 As part of an application for any new development, the City shall require the property owner to identify suitable leach field reserve areas for septic systems for

existing and future uses or show proof that the existing system is adequate and shall protect existing and reserve leachfield areas from adverse activities and development.

LU-6.4 Prior to approval of an application for any intensification or addition to existing uses, the City shall require the property owner to identify and offer to dedicate areas reserved for public access to the pier, Launcher Beach, Trinidad Beach, Trinidad Head and public trails as necessary and appropriate to protect public access.

LU-6.5 As part of an application for any intensification or addition to existing uses, the City shall require the property owner to identify suitable public parking for public access to all of these areas.

Program LU-6.5.1 Provide a minimum thirty-five public parking spaces overall, in addition to that necessary for on-site uses.

Program LU-6.5.2 Encourage the property owner to develop a parking plan to accommodate all the uses in the ~~H~~harbor ~~A~~area with an emphasis on coastal access.

Program LU-6.5.3 Coordinate with the property owner on the development of a parking plan that includes the City-owned parcel ~~in the harbor~~ and to provide offsite parking within walking distance and/or shuttle service (**CIRC-2.4**).

LU-6.6 Subdivisions of land within the Harbor Area shall not be allowed, except for lease purposes or public access dedications. Approval of new development in the ~~h~~harbor ~~A~~area shall require merger of existing lot lines.

LU-6.7 Dredging or filling of coastal waters shall be consistent with provisions of Coastal Act 30233 limiting development to, among other requirements, new or expanded commercial fishing facilities, maintenance of previously dredged depths in the harbor, and public recreational piers.

 **LU-6.8** Ensure new development within the Harbor Area are evaluated for potential impacts to the Trinidad Head ASBS and that any impacts are mitigated to the maximum extent feasible.

LU-6.9 Onshore support facilities for off-shore energy development are not consistent with commercial and sport fishing, tourism, community residential uses or the environmentally sensitive habitats of Trinidad, and as such, are not allowed. The City also opposes offshore energy development that could interfere with commercial or sport fishing or pose a ~~ris~~ke to coastal resources.

LU-6.10 As part the review for an application for new development, the City shall ensure that any aquaculture facilities proposed within the Harbor Area do not interfere with existing recreational boating facilities and existing coastal-dependent industry, including fishing or with the public's right of access to the sea and that any aquaculture

development protects the water quality and ecological integrity of the Trinidad Head ASBS.

Program LU-6.10.1 Most types of aquaculture would not be appropriate in Trinidad due to the discharge prohibition into the ASBS and for the potential to negatively impact fishing and recreation in Trinidad's small harbor. Should aquaculture be proposed, the City will work closely with other regulatory agencies, including the SQRCB and Coastal Commission to review any permits.

Other Initiatives

- Commercial fishing has special needs, and other uses should not detract from these facilities.
- ~~Public~~ ~~The sling boat launch is launching facilities are~~ recognized as an important aspect of the ~~H~~harbor ~~A~~area. ~~These Launching~~ facilities ~~are to should~~ be kept in working order in conjunction with other allowable uses in the Harbor designation.
- The property owner is encouraged to provide an improved, safer, method for refueling boats than the current hand carrying method. The fueling system shall include an emergency response plan in case of a fuel spill.
- The property owner is ~~also~~ encouraged to construct a non-discharging fish-cleaning station.

7. State and Federally Owned Lands

For Trinidad's small size, it has a high proportion of State and other publicly owned lands. State lands within City Limits include Trinidad Beach State Park, Trinidad School and playing field, the Humboldt State University (HSU) Telonicher Marine Laboratory and the underwater portion of Trinidad Harbor; CalTrans owns and manages Hwy 101 and the interchange right-of-way. Some of these State properties are ~~still~~ subject to the City's ~~Local Coastal Plan LCP~~ and approval of ~~Coastal Developments Permits CDPs~~ by the City (including the State Park, Elementary School and CalTrans rights-of-way, ~~but not the HSU Marine Labs~~). Federal lands include the ~~Coast Guard facility (lighthouse), and~~ National Oceanographic and Atmospheric Administration (NOAA) weather ~~and air monitoring~~ station on Trinidad Head ~~and the California Coastal National Monument, managed by BLM, which includes the offshore rocks and a 13-acre parcel on the southern end of Trinidad Head that was previously owned by the Coast Guard.~~ In addition, the Trinidad Rancheria (Bureau of Indian Affairs) is located adjacent to the City on the southeast, ~~and the BLM manages the offshore rocks as the California Coastal National Monument. The 13-acre Coast Guard property on the southern end of Trinidad Head was recently transferred to the Bureau of Land Management (BLM). And that land has now been included in the California Coastal National Monument.~~

State and Federal agencies may acquire, develop, manage, or dispose of land and make land use decisions. Such activities can have a major effect on local development. Local jurisdictions such as Humboldt County, Trinidad Rancheria, and the Trinidad Union School District also manage land and make land use decisions affecting the City. Figure 2 shows where existing governmental facilities and land holdings are located. It is in the City's best interest to work cooperatively with those agencies that manage land in and around the City to further community goals. The City will seek to acquire any land within City Limits that may be disposed of by an agency if such acquisition will benefit the City.

The property owners in the City have opposed acquisition of residential areas for expansion of HSU's Telonicher Marine Laboratory at the west end of Edwards Street. State properties are exempt from paying property taxes so additional property acquisition by State agencies would also mean a gradual erosion of the City tax base, and it would affect the residential character of the town. Further, Section 30519(b) of the Coastal Act reserves CDP authority over State University lands in the Coastal Zone to the Coastal Commission rather than the local LCP. The Marine Laboratory is an important asset to the community for teaching, research and exhibits and is a partner with the City to achieve marine resource goals, but should not be allowed to reduce the importance of, or adversely affect, the fishing industry or the residential community.

Goal LU-7: Ensure that State owned lands are managed such that they are compatible with, and do not detract from Trinidad's coastal village character.

State and Federally Owned Lands Policies

LU-7.1 Development on lands of Trinidad State Beach and Trinidad School playing field, and any other State properties within City Limits, except the Telonicher Marine Lab, are subject to coastal development permit / design review approval from the City as required by the CA Coastal Act and the City's certified Local Coastal Program. In lieu of individual development proposals, the City may approve an appropriate Management Plan addressing specific future development activity on those lands.

Program LU-7.1.1 Work with federal agencies owning and managing property within the City to ensure appropriate consultation and coordination with the City.

D. DEVELOPMENT OUTSIDE OF CITY LIMITS

Land use decisions outside City limits affect the City in a variety of ways. Traffic and pollution are good examples. Land use designations on the lands under County jurisdiction surrounding the City differ from City designations. Since the City's Planning Area is under Humboldt County jurisdiction, the land use categories shown in Figure 4 correspond to the existing Humboldt County General Plan (Humboldt 21st Century,