



NOTICE AND CALL OF A MEETING OF THE
TRINIDAD PLANNING COMMISSION

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on
WEDNESDAY MARCH 18th, 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
– January 15, 2020
– February 4, 2020
- 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, February 4, February 19, and March 4, 2020 meetings.*
- 2. Trinidad Emergency Shelter Zoning Amendment: Amendment to the Zoning Ordinance (Implementation Plan portion of the City's Local Coastal Program) to allow emergency shelters as a principally permitted use in the Commercial Zone as required by State law.

3. Trinidad Housing Element 2020: Amendment to the General Plan (Land Use Plan portion of the City's Local Coastal Program) to adopt a Housing Element that complies with new State housing laws.

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

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING COMMISSION
WEDNESDAY, JANUARY 15, 2020

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

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

II. APPROVAL OF MINUTES

November 20, 2019

The following correction was made on Page 7 "She advised the updates have not made a significant change as far as the CDP goes." to "She advised the updates have not made a significant change as far as the CDP goes."

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

III. APPROVAL OF AGENDA

Approval by acclamation to reorder discussion items 2 and 3.

IV. ITEMS FROM THE FLOOR

None

V. AGENDA ITEMS

Discussion/Decision/Public Hearing/Action

1. Election: New Chair and Vice Chair.

Graves discussed protocol for election of a new Chair.

Motion (Johnson/Stockness) to appoint Commissioner Kelly as Chair of the Commission. (Passed 4-0).

Motion (Graves/Stockness) to appoint Commissioner Johnson as Vice Chair of the Commission. (Passed 4-0).

2. General Plan Update: Discussion of hazards related policies. *Continued from the December 18, 2019 meeting.*

Staff report

Parker discussed the hazard assessment process and the work done to date. She advised that, based on the assessment, the southern bluff between the Ocean and Galindo Street is at the highest risk. Thus, the risk assessment focused on that area. She advised she is following Coastal Commission guidance and included the CCC's initial comments in the packet. She further stated they are requesting some more detail for the infrastructure and a more in-depth consideration of alternatives.

Parker then went on to discuss the current version of the Safety Element provided in the packet noting that she had focused her updates on the geologic and . She discussed recent guidance from the CCC regarding sea level rise and advised that managed retreat is one of the tools preferred

by the CCC. However, this is a new and evolving topic, so there aren't a lot of real-world examples yet. Furthermore, managed retreat has been controversial in developed areas. Parker did explain that Trinidad's shoreline has been more stable than she expected. She noted that the best available science regarding climate change and sea level rise is constantly being updated, and the CCC expects the City to do a evaluate the extreme risk, not just the most likely scenarios. Parker explained that at some point the City will have to examine where it may be practical to let the bluff retreat.

Commissioner Comments/Questions

Commissioner Graves discussed bluff retreat and responses in Half Moon Bay. Commissioner Stockness stated the bluff by the lighthouse is moving again, and suggested the area is unsafe. Parker opined it would be interesting to have the inclinometers read to see how much and how deep the movement is. Parker stated that she has heard there has been wave erosion recently. Johnson questioned potential conflicts between SAF-1.9 (page 17) and SAF-1.12 (page 18), regarding shoreline protection devices. Parker stated she reached out to the CCC to clarify.

Graves requested updates be made to page 13, as the City has obtained new data since 2008. Graves continued to discuss page 14, noting that there is a lot of discussion regarding evacuation routes. He advised this is something the City should update every few years, as conditions change. He also noted there is no mention of visitors in this section, opining that it is imperative they are included and informed. He further advised that the City needs mapping for emergency routes. He stated that several City representatives should have keys from Green Diamond for emergency access to timber roads.

Commissioners made updates starting on page 6 as noted below.

Comments were received on the following pages:

- Page 7: Kelly asked what the City should do about existing development on land that falls within the Alquist-Priolo fault zone. Parker clarified that the Act does not apply to single-family residences, and the commercial lots (shopping center and park) had the appropriate studies done as part of past development.
- Page 8: Stockness asked if the tsunami siren had been raised and suggested the City implement text message notifications for emergencies. In response, Trinidad Rancheria Tribal Council Representative, Robert Hemsted, stated the siren has not been raised yet, and further advised it still needs to be properly tested, which should occur on an annual basis. Graves and Johnson discussed the previous Planning Commission decision on the siren. Johnson added that the largest problem with the siren are the controls, further noting the radio connection doesn't work. Hemsted noted all the sirens in County have issues. Johnson requested the signal path be examined. Parker advised that all this should be coordinated with OCOS.
- Page 11: Graves questioned if the information from August 2006 on fire hazards is still accurate/current. Parker advised she has not updated the section yet.
- Page 13: Graves noted he has already commented on the water information. Parker advised she will be making updates when the City has all the information together.
- Page 14: Kelly discussed the comments made earlier by Graves regarding evacuations.
- Page 16: Graves requested Parker to spell out the acronyms.
- Page 17: Johnson requested the explanation of some terms, such as managed retreat. He suggested including them in a glossary. Stockness questioned where managed retreated would be included in the General Plan. Parker explained it would have to be approached

thoughtfully and carefully, because hazard designations have the potential to impact owner's ability to build and rebuild and therefore can affect property values.

- Pages 18-19: Johnson and Parker discussed the reasoning for highlighting certain verbiage, with Parker explaining that highlighted text is a placeholder, because the language was copied from another jurisdiction. They further discussed changing the way "programs" are listed. Parker advised she will make changes and bring it back for review. She stated some programs need to be recategorized.
- Page 19: Stockness questioned why requirements for reinforcing structures was crossed out. Parker explained it is unnecessary in the General Plan, as it is dependent on building codes, and the City has to continue to comply with State law.
- Pages 22-23: Graves requested maintaining an emergency master plan. Parker advised she'll review it.

Public Comment

Councilmember Grover advised he attended the Humboldt Hazardous Material Response Authority's meeting, which discussed coordination of training for emergency responses. He stated this will also lead to recruitment for volunteer firepersons. He expressed his support for obtaining keys from Green Diamond for emergency routes. He noted however, that people also need to know where they go. He'd like to have the Trinidad Rancheria involved in emergency planning.

S. Madrone (5th District Supervisor) discussed the locations of entrances/exits to Green Diamond's roads and clarified that they are usually closed off during the winter. Thus, the City would need to work with Green Diamond to determine best routes and timing. He advised, however, that the closest evacuation route is Adam's Fox Farm Road, which is paved. He also mentioned that the City should incentivize the installation of water storage tanks.

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

Graves recused himself to avoid the appearance of a conflict in accordance with the City's ethics standards and left the meeting.

Staff report

City Planner Parker referred to concerns brought up at the December meeting, specifically how to prioritize service areas, and examining the water demand in those areas. She continued to explain how the policies have prioritized areas with good potential for annexation, and briefly described the benefits of it. Parker advised the amount of water available has been examined, and currently staff is taking a conservative approach as was expressed by the City Council. She noted however, that there are different levels of conservative based on what level of risk is acceptable.

Parker went on to explain how build out was determined based on zoning, also taking a conservative approach. She clarified that full build-out would not be expected to occur for decades. However, the City needs to think about capital improvement plans, and drought contingency plans. Thus, the City needs to determine how to respond to hook up requests. The most conservative approach would be to put a moratorium on new hook-ups outside City limits. However, she advised that the City Council has asked the Planning Commission for a policy. Parker discussed the priority service areas in more detailed but noted that the policies left options open for the City Council and City Manager to make exceptions.

Commissioner Discussion/Comments

Johnson questioned the impact of the new general plan policy 27a. Parker clarified that 27a does not indicate that the City has to serve area C first, and CCC staff are now aware the City likely cannot serve the entire area. Parker reiterated that this process is to come up with a policy that is the best for the City, but to also keep in mind that policies are amendable if conditions change. She also suggested the City investigate water sharing options for Area C, which would reduce the demand on the City's water supply. She noted forbearance is becoming common. Parker acknowledged that there are loose ends, but staff is trying to meet the City Council's deadline of February.

Johnson revisited the question of who would be paying for the cost of hookups and extensions. Parker and West explained that the user ultimately the user(s) would, but the process and timing would depend on whether it is just a new connection or a larger extension of service/main line. A discussion ensued regarding the process of annexation, the history of annexation and LAFCO regulations. Stockness stated she is in favor of annexation for multiple reasons, and once the City's water situation is figured out, hookups should occur. She also expressed her desire for rain catchment systems to be installed. Kelly questioned where the Trinidad Rancheria's hotel would fit into the policy. Parker and West advised it would fall under the exceptions, since it cannot be annexed, so isn't a priority.

Public Comments

S. Madrone (5th District Supervisor and Trinidad area resident), questioned the designated services areas provided by staff. He opined the City currently does not have enough water to serve current customers in a drought. Thus, this discussion of granting more water is premature. Madrone also mentioned revenue neutrality in regards to annexation. Parker explained revenue sharing agreements and further commented that she does not necessarily agree with his suggestion of no hookups, as the City recently experienced a moderate drought with no issues. Parker explained how much water the City has right to, what it can treat, and also discussed GHD's findings.

V. Sackville (Trinidad resident) stated the Rancheria has found a way to proceed with the hotel project, as they found water on the property. She questioned if people are concerned.

Commissioner Discussion

Kelly expressed the need to have a prioritization plan, and discussed her take on each service area presented by staff. She advised she is fairly comfortable with A and B, but also recognizes the benefits to serving C. She asked about the potential incentives for storage tanks, and if the City could require the individual requesting water have a storage tank before receiving a hookup. Johnson stated extensions verses hookups need to be clarified in the policy and opined there needs to be statements about methodization of how the City prioritizes. He suggested examining statistical analysis of what the buildout would be over time to determine how much water demand there would be within a reasonable planning horizon. He suggested creating a model that fits the complexity of Trinidad, and take a conservative approach when doing so. Parker suggested using another City as a model, as Trinidad's growth rate has been slow. West noted that there are other entities that play roles in the future decision-making process, such as LAFCo, CCC, etc.

VI. COUNCIL REPORT

Council member Grover stated the retaining wall on the Van Wycke Connectivity Project has been abandoned, and Council member Miller and himself are going to be a part of the Climate committee.

VII. STAFF REPORT

Parker discussed the completion of the LCP Grant, and provided the timeline for the Land Use and Circulation Elements.

VIII. FUTURE AGENDA ITEMS

Johnson would like clarification on AB52 CEQA and SB18 Tribal Consultation.

IX. ADJOURNMENT

The meeting was adjourned at 8:30 pm. The next regularly scheduled meeting is February 19, 2020. *A special meeting will take place February 4th to continue the discussion of the water policy.*

Submitted by:

**Angela Zetter
Administrative Assistant**

Approved by:

**Cheryl Kelly
Planning Commission Chair**

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD PLANNING COMMISSION
TUESDAY, FEBRUARY 04, 2020

I. CALL TO ORDER/ROLL CALL (4:05 pm)

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

II. APPROVAL OF AGENDA

Motion (Graves/Johnson) to approve the agenda. Passed (4-0). Passed unanimously.

III. ITEMS FROM THE FLOOR

None

IV. AGENDA ITEMS

Discussion/Decision/Public Hearing/Action

1. Water Policies: Discussion of water policies and standards for evaluating requests for new service. *Continued from the January 15, 2020 meeting.*

It was noted that Commissioners Graves and Johnson both discussed potential conflicts of interest with the City's legal counsel in regards to this topic due to their connections or interests in the Rancheria's hotel project. The City Attorney determined they do not need to recuse themselves for this general water policy discussion.

Staff report

City Planner Parker provided a brief overview of what both the City Council and Planning Commission have discussed at recent meetings and what staff has provided up to the present date. She stated the City Council requested the Planning Commission look at specific criteria in order to address water service connections outside City limits, but also requested a conservative approach. The Planning Commission expressed a desire for a way to prioritize water service requests, with a current focus on outside City limits. In response, staff examined parts of the Service Area in terms of build out determining to prioritize areas that can both be served within the existing capacity and that have the potential to benefit the City through eventual annexation.

Parker continued to explain that the policy is set up with several tiers, starting with application requirements, which will eventually include inside City limits requests as well. Parker advised that the City has the capacity to serve areas A & B, but noted service area C currently does not presently have water infrastructure and the usage is potentially very high. She advised she spoke to P. Sullivan at GHD to ask about running the water model to look at serving priority areas at build out to see if it will affect the water system. She reminded the Planning Commission that they should allow for some flexibility, as it will help the City Council with their decision making.

As concerns regarding annexation had been brought up at and since the previous meetings, Parker clarified her position on the issue. She advised she is not advocating that the City start the annexation process, but instead she feels the City needs to consider it as part of the discussion of extending water service outside of City limits; in general, providing services outside of jurisdictional boundaries is discouraged, because it can lead to poorly planned development.

Parker also discussed the current growth rates she used to calculate potential water demand over time; at current growth rates, build-out would not occur for more than 100 years. She advised that over time the policy will need to be reevaluated. Also, she made a few potential changes to the language, clarifying some are administrative policies consistent with General Plan policies, and she included language that provides flexibility for the City Council. The City is aware that currently there isn't the capacity to serve all of Area C, so she included language that there will be no hookups in area C until the City determines the capacity exists.

Commissioner Comments/Questions

Commissioner Graves suggested wordsmithing on page 5 of 8 to relax the requirement for annexation. Commissioner Stockness asked about the deed restriction requirement. Parker advised they are intended to bind current as well as future owners to any conditions considered necessary by the City in providing the hook-up.

Commissioner Johnson advised he is assuming that on page 3 of 8 of the policy, Item F, legal nonconforming structures will be included. Parker confirmed they would, because they were legally built. Johnson asked whether hook-ups for commercial cannabis would be allowed. Parker advised most of the zoning in the Service Area would not allow commercial cultivation, and it isn't a listed priority use, but the Planning Commission has the ability to include language to not serve cannabis cultivation. Graves suggested including that only commercial cannabis operations are prohibited.

Johnson and Parker discussed service charges and rates for those outside City limits. Parker added that all fees and rates will be set by the City Council and will clarify that language. Johnson expressed his concern that there is a problem with the prioritization of Areas A and B before C due to policy 27a. He went on to add if there is potential for growth through annexation, the City needs to consider where it will get the most out of its effort. He questioned the outcome if a request was made in area C before a request is submitted from an area that has a higher priority.

Parker explained that area C has significant revenue potential due to sales and property taxes. She also discussed a revenue sharing agreement with the County, which is generally around a 70/30 split on existing property taxes but noted there can be more to it. However, the City should receive all sales and TOT tax upon annexation. So, if the City provides water service to Area C water, without annexation, it will lose out on a large revenue source as well as land use control. West and Parker advised that Areas A and B are currently within the City's existing Spheres of Influence, and if annexed would provide additional population to participate in City politics and could help satisfy housing requirements.

There was a discussion about the process for granting exceptions. Parker stated that the policy dictates that it should only be done if there are additional benefits to the City. She added the policy being composed will provide an overview and context, so if the City Council asked the question "what will happen if we provide water to applicant X?" they will have an idea of what it will mean for areas A, B, and C. She suggested it's not perfect, but it provides enough flexibility to make decisions. Parker advised that depending on whether the City Council approves a large exception, such as for the hotel, a whole new set of policies may be needed.

Johnson questioned if staff has an update on the Municipal Service Review with LAFCo. Parker stated she has a meeting with LAFCo staff on Friday.

Commissioner Kelly stated that she thinks the Planning Commission is very close to completing the priority policy, but considering annexation makes the issues more complex with cost/benefit considerations. She opines that Areas A and B are the obvious low-hanging fruit and don't use much water. Area C has a lot of economic potential. However, she feels that health and safety is a large issue, and suggested it be moved up in priority.

Graves questioned what the current procedure is if someone's well goes dry. Parker advised that any health and safety requests still go through LAFCo, but the standards are somewhat relaxed. Johnson mentioned the City sold 40 truck loads of water last month, which is proof there is a health and safety issue currently. Parker noted that stricter State drinking water standards City recently led the City to upgrade the water treatment plant, and some other properties are following suit to update their water infrastructure. Johnson also questioned if health and safety should be moved up in priority. However, he cautioned that the downside to moving it up in priority is that if one property claims there is a health and safety issue the City could possibly extend a line farther than anticipated when composing the policy and use up all the excess capacity.

All Commissioners agreed that if the City starts extending water service, more people will request it. Graves stated that ultimately, the decision lies with the City Council, but careful wordsmithing will provide clarity. Parker advised that she wants input from the Planning Commission on how to handle exceptions outside of the priority service areas. She also stated she has not decided how to approach the appeal process yet.

Johnson questioned the process for evaluating wastewater treatment in relation to water service, specifically how much is used and how is it being disposed of. Graves noted this is primarily a concern for large water users and exceptions. Parker advised the policies can be written in a way to require that the wastewater cannot overwhelm other infrastructure. Johnson stated the policies should indicate that no additional effects on coastal resources can occur. Parker added there can be language about sending a referral to the County Division of Environmental Health. She explained that the County has recently updated their regulations and standards have become more restrictive with more oversight, particularly in the Trinidad area due to existing bacterial contamination in the creeks and beaches.

Commissioner Stockness asked about the City's OWTS permit renewal timeframe. Parker advised the average is 3 years, but the longest is 5 years. She stated that potentially the City could make adhering to the OWTS ordinance a condition of water service. A discussion regarding the OWTS rates were discussed.

The Commissioners agreed to review the the policy again at the regularly scheduled February meeting. However, they expressed concern regarding the lack of public input thus far. Therefore, they requested to have the draft policy on the agenda for the City Council at their February 11, 2020 meeting in order to get public input and have the Council weigh in. Upon receiving input, the Planning Commission will review again before passing their final draft to the City Council.

V. STAFF REPORT

Planning staff is primarily working on the Land Use Element, General Plan update, Rancheria Stormwater Project (parking area), and Water Policies.

VI. ADJOURNMENT

Adjourned at 5:14 pm. Next regularly scheduled meeting is February 19, 2020.

Submitted by:

**Angela Zetter
Administrative Assistant**

Approved by:

**Cheryl Kelly
Planning Commission Chair**

DRAFT



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: March 12, 2020

RE: March 18, 2010 Agenda Items

I don't have a lot of new or supporting material for this month's agenda items, so I am combining the information for all the items into this one memo.

1. Water Policies: Discussion of water policies and standards for evaluating requests for new water service. *Continued from December 18, 2019, January 15, February 4, February 19, and March 4, 2020 meetings.*

I have made the revisions requested at the last meeting, which were fairly minor. The changes are shown in "track changes" in the document. Based on the discussion at the last meeting, this should be ready for Planning Commission recommendation to the City Council.

2. Trinidad Emergency Shelter Zoning Amendment: Amendment to the Zoning Ordinance (Implementation Plan portion of the City's Local Coastal Program) to allow emergency shelters as a principally permitted use in the Commercial Zone as required by State law.

Government Code Section 65583(a)(4) requires every jurisdiction to identify a zone or zones where emergency (as in short-term, less than 6 months) homeless shelters are allowed as a permitted use without a conditional use permit or other discretionary permit. Certain limitations, such as the number of beds, can be put on the allowed shelters. There are number of recent State laws like this related to housing opportunities that the City is not in compliance with, but this one is key to getting the City's Housing Element certified, and in turn being able to obtain \$160,000 in SB2 funding. I made the amendment as simple as possible by adding the definition from the State Code and then adding the use, with 10 beds or less, to the principally permitted uses in the C (Commercial) zone. I don't think the City can't get around the necessity for a Coastal Development Permit though, which is discretionary. This language may need to change

based on review by HCD and the Coastal Commission, but PlaceWorks staff have advised me that this should suffice for now. (See further related information under the next agenda item.)

3. Trinidad Housing Element 2020: Amendment to the General Plan (Land Use Plan portion of the City's Local Coastal Program) to adopt a Housing Element that complies with new State housing laws.

As reported at the last meeting, we are working on getting a Housing Element (of the General Plan) certified by the California Department of Housing and Community Development (HCD) by April in order to be eligible to enter into a contract for \$160,000 in SB2 funding that the City applied for last fall. HCD hired the consulting firm PlaceWorks to provide technical assistance for communities that applied for funding, and they are currently drafting a Housing Element for the City, with assistance from City staff, that is compliant with State housing laws. I received a draft this morning (3/13) and will provide comments back to them by the end of the day. PlaceWorks will work to provide me with a public review draft by Monday along with some additional background information. As soon as I get it, staff will make copies available and put it on the City's website.

We hope to have the Housing Element on the City Council's April 14 agenda for adoption. I am anticipating that the Planning Commission may not be ready to make a recommendation at the 3/18 meeting. In addition, it will not have been reviewed by HCD by that time. Therefore, I hope to schedule a special meeting on or around April 1 for a recommendation to the City Council. In my initial review of the draft I got this morning, there are no big surprises or onerous requirements. The City doesn't necessarily have to provide its allocated housing but must show that the land availability and regulations would allow it to be built. As with the previous draft Housing Element, it is heavy on data, and the data won't change through the review process. Once HCD is satisfied, they will work with the Coastal Commission to help the City achieve certification.

I will provide you with an addendum to this packet with the draft Housing Element as soon as it is available.

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.
- There is very limited data available for creek flow at the treatment plant and very limited data for extractions of water from the creek up- and downstream from the City's diversion.
- Climate change over the coming decades is expected to change precipitation patterns resulting in more runoff and less percolation as well as higher average temperatures and less fog, which could further reduce dry period flows and may also change demand characteristics.
- Extracting water becomes increasingly more difficult with lower creek flows.
- Droughts and climate change may impact the City's water supply and available capacity in the future.

- ~~Limited data exists regarding flows on Luffenholtz Creek as well as other water rights and diversions within the watershed. A conservative approach to allocating this limited but critical resource is warranted.~~
- 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.

Application Requirements

All requests for new water service or a new use or an intensification of an existing use on an existing connection outside eCity 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. *Conditions on use.* The City shall place conditions on the water use and connection permit, including on the allowable volume of water use, as needed to ensure compliance with applicable policies and regulations and equitable distribution of the limited water supply.

C. *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

D. *Fees paid.* The applicant has paid all fees required to be paid; and

E. *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 and/or conditions of the Public Works Department and the water use and connection permit; and

F. *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.

G. *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.

H. *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

I. *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

J. *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.K. *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 Area.

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, pursuant to the *Application Requirements*, under the following standards:

- A. *Service Charge for Connections Outside the City within the Priority Service Area.* 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. *Priority Service Areas.* 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 approving body, 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 an annual average of less than 500 gpd with a peak usage of no more than 1,000 gpd as averaged over any one month, the City Manager may approve the connection if he/she issues a written determination that:
 - I. The connection's primary use will [*optional language: 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 an annual average of more than 500 gpd or 1,000 gpd as averaged over any one month , the City Council may approve the connection if the following findings can be made:
- I. The connection’s primary use will [*optional language: 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.
- 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 Council 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 Trinidad. 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 Council, shall be due at the time of the water service extension, regardless of timing of the annexation application.
 - III. If the City Council 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 Council shall issue a written determination that:
 - I. The connection's primary use will [*optional language: 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.

Outside City Limits, not in Priority Service Areas.

- A. *Service Charge for Connections Outside the City and Priority Service Area.* Service charges for connection and monthly service shall be as provided under the current rate ordinances of the City, plus a 75 percent surcharge or as otherwise set by resolution of the City Council.
- B. Limitations. 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, for a "Health and Safety Concern" or per "City Council Exception" as outlined below.
- C. *Health and Safety Concern.* The City Council may authorize a water service connection to any legally developed 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:
1. 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
 2. The premises was intended to be served by a water well that had adequate capacity at the time of entitlement, but now has an insufficient water flow to serve its needs
 3. The connection meets the following criteria:
 - a. 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
 - b. There is no other feasible alternative water source to the premises, and
 - c. 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 satisfaction of the City Engineer, and
 4. If the connection requires an annual average of more than 500 gpd or 1,000 gpd as averaged over any one month, the City Council 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.

Format

5. 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
 6. 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.
 7. The service lateral shall not exceed the length of five hundred feet.
- D. *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 the condition of municipal services of the City; and
 2. The City has capacity to serve the proposed connection ~~w~~as well as all existing connections and future build-out within the City; and
 - 2.3.The new connection will not remove water system capacity needed to serve Coastal Act priority uses within Area C.
 - 3.4.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.
 - 4.5.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.

AN ORDINANCE OF THE CITY OF TRINIDAD
ADDING SECTION 17.08.265 AND AMENDING SECTION 17.44.020 OF TITLE 17 OF THE
TRINIDAD MUNICIPAL CODE TO DEFINE 'EMERGENCY SHELTER' AND TO ALLOW
EMERGENCY SHELTERS AS A PRINCIPALLY PERMITTED USE IN THE COMMERCIAL
ZONE (AMENDING SECTIONS 2.03 AND 4.09.A OF THE COASTAL COMMISSION
CERTIFIED ZONING ORDINANCE)

Chapter 17.08
DEFINITIONS

Sections:

17.08.010	Construction.
17.08.020	Advertising area.
17.08.030	Aggrieved person.
17.08.040	Agriculture.
17.08.050	Bluff.
17.08.060	Building.
17.08.070	Building, accessory.
17.08.080	Building inspector.
17.08.090	Campground.
17.08.100	City, city council.
17.08.110	City clerk.
17.08.120	Coastal commission.
17.08.130	Coastal development permit.
17.08.140	Coastal zone.
17.08.150	Condominium.
17.08.160	Day care center.
17.08.170	DBH.
17.08.180	Density.
17.08.190	Design assistance committee.
17.08.200	Development.
17.08.210	Duplex.
17.08.220	Dwelling, multi-family.
17.08.230	Dwelling, single-family.
17.08.240	Dwelling, townhouse.
17.08.250	Dwelling unit.
17.08.260	Emergency.
<u>17.08.265</u>	<u>Emergency Shelter</u>
17.08.270	Family.
17.08.280	Feasible.
17.08.290	Fence.
17.08.300	Fill.
17.08.310	Floor area, gross.
17.08.320	General plan.
17.08.330	Grade.
17.08.340	Guest house.

17.08.350	Height.
17.08.360	Home occupation.
17.08.370	Kennel.
17.08.380	Lot.
17.08.390	Lot area.
17.08.400	Lot, corner.
17.08.410	Lot frontage.
17.08.420	Lot, interior.
17.08.430	Lot lines.
17.08.440	Lot line, rear.
17.08.450	Lot, nonconforming.
17.08.460	Mobile home.
17.08.470	Mobile home park.
17.08.480	Motel, <i>inn</i> .
17.08.490	New.
17.08.500	Nonconforming.
17.08.510	Off-street parking.
17.08.520	Off-street loading.
17.08.530	Ownership.
17.08.540	Person.
17.08.550	Public works project.
17.08.560	Recreation, commercial.
17.08.570	Recreational vehicle or RV.
17.08.580	Rest home.
17.08.590	Servant's quarters.
17.08.600	Services, personal and professional.
17.08.610	Sign.
17.08.620	Sign, freestanding.
17.08.630	Sign, off-premise.
17.08.640	Parking lot, public.
17.08.650	Sign, on-premise.
17.08.660	Story.
17.08.670	Street.
17.08.680	Structure.
17.08.690	Structure, accessory.
17.08.700	Use.
17.08.710	Use, accessory.
17.08.720	Use, principal permitted.
17.08.730	Yard.
17.08.740	Yard, front.
17.08.750	Yard, rear.
17.08.760	Yard, side.
17.08.770	Zone.

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17.08.260 Emergency. "Emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. (Ord. 84-180 §6(part), 1984)

17.08.265 Emergency Shelter. "Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

17.08.270 Family. "Family" means one person; or two or more persons; or a group not in excess of five persons living together as a single housekeeping unit. (Ord. 90-204 §2(T), 1990; Ord. 166 Appx. A(part), 1979)

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Chapter 17.44

C ZONE

Sections:

17.44.010	Established--Intent.
17.44.020	Principal permitted uses.
17.44.030	Uses permitted with a use permit.
17.44.040	Minimum lot area.
17.44.050	Maximum density.
17.44.060	Minimum yards.
17.44.070	Maximum building height.

17.44.010 Established--Intent. The commercial zone is intended to be applied to areas designated commercial in the general plan. It provides for the commercial services that meet the convenience and retail needs of the residents and visitors. Uses serving the commercial fishing industry are also appropriate. The following regulations shall apply in all commercial zones. (Ord. 166 §4.09(part), 1979)

17.44.020 Principal permitted uses. Principal permitted uses in the C zone are:

- A. Professional and business offices;
- B. Social halls, fraternal and social organizations and clubs;
- C. Emergency shelters with onsite management and not more than 10 beds;
- DC. Retail stores, agencies and services of a light commercial nature conducted entirely within an enclosed building such as antique shops, art galleries, retail bakeries, banks, barbershops, beauty salons, book stores, clothing and apparel stores, coin operated dry cleaning and laundry establishments, drugstores, florist shops, food markets, furniture stores, hardware and appliance stores, radio and television sales and service, restaurants and appurtenant

licensed premises, service stations, studios, tailor shops, enclosed theaters, variety stores, plant nurseries, smokehouses and related sales, secondhand sales *appurtenant* to another permitted use. (Ord. 166 §4.09(A), 1979)

17.44.030 Uses permitted with a use permit. Uses permitted in the C zone are:

- A. Motels; single-family dwellings associated with a commercial use;
- B. Major auto repair, new and used auto, RV and boat sales, licensed premises not appurtenant to any restaurant, secondhand sales, storage warehouses, small animal hospital within a building, cabinet shops, contractor yards, handicraft manufacture, lumber yards, metal working shops, printing, wholesaling, commercial recreational facilities, piers, manufacture, repair and storage of fishing equipment, storage and processing of ocean produce. (Ord. 166 §4.09(B), 1979)

17.44.040 Minimum lot area. Minimum lot area in the C zone is eight thousand square feet. (Ord. 166 §4.09(C)(1), 1979)

17.44.050 Maximum density. Maximum density in the C zone is one motel unit per two thousand five hundred square feet of lot area; eight thousand square feet of lot area per dwelling unit. (Ord. 166 §4.09(C)(2), 1979)

17.44.060 Minimum yards. Minimum yards in the C zone are front, twenty feet; rear and side, none except five feet when adjacent to any other zone. (Ord. 166 §4.09(C)(3), 1979)

17.44.070 Maximum building height. Maximum building height in the C zone is twenty-five feet, provided that greater height may be permitted subject to obtaining a use permit. (Ord. 166 §4.09(C)(4), 1979)