



NOTICE AND CALL OF A MEETING OF THE
TRINIDAD PLANNING COMMISSION

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on
WEDNESDAY MAY 20th, 2020, AT 6:00 P.M.
in Town Hall at 409 Trinity Street.

In accordance with Executive Order N-29-20 this meeting will be held via videoconference, and will be hosted on the Cisco Webex Platform. Learn more about Webex here:
<https://www.webex.com/>

PUBLIC COMMENT: Public comment may be submitted in an orderly process during the conference via email or Webex chat. Your comments will be included in the public record for the meeting and will be accepted at any time during the meeting.

You can email comments before or during the meeting via to azetter@trinidad.ca.gov. Or you can deliver hand-written comments to 409 Trinity Street, Trinidad CA, by 2:00pm, Wednesday, May 20, 2020.

HOW TO PARTICIPATE: The City will publish a direct link to the conference, along with the participant code, on the City Calendar page online at <http://trinidad.ca.gov/calendar>

The following items will be discussed:

- I. ROLL CALL
- II. APPROVAL OF MINUTES – April 1, 2020
– April 15, 2020
- III. APPROVAL OF AGENDA
- IV. ITEMS FROM THE FLOOR
- V. AGENDA ITEMS

Discussion / Decision / Public Hearing / Action

1. Welcome New Commissioner: Introduction of Tom Hopkins.
2. Trinidad General Plan Update: Discussion regarding the Land Use Element with a primary focus on Sections B.3 – Climate Change, and C – Development Outside City Limits and the Figures.
3. Water Shortage Contingency Plan: Discussion regarding options and steps for developing a Water Shortage Contingency Plan.

VI. COMMISSIONER REPORTS

VII. STAFF REPORT

VIII. FUTURE AGENDA ITEMS

The items listed below have been requested to be on a future Planning Commission agenda and will not be discussed at this meeting. Publication of this list is not required by law, and the list's inclusion on this agenda does not constitute, nor substitute for any noticing requirements. Also, please be aware that this list is subject to change.

- SB18 and AB32 Tribal Consultation Primer
- After-the-fact Permit Processing
- Tsunami Siren Update

IX. ADJOURNMENT

The meeting packets can be accessed at the following link:

<http://trinidad.ca.gov/document-library/pc-meeting-packets-2020>

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD PLANNING
COMMISSION
WEDNESDAY, APRIL 01, 2020**

Meeting was held via teleconference, due to COVID-19.

I. CALL TO ORDER/ROLL CALL (5:06 pm)

Commissioners Present: Kelly, Stockness, Johnson

Commissioners Absent: None

City Planner Staff: Parker

City Staff: Zetter

II. APPROVAL OF MINUTES

Motion (Johnson/Stockness) to approve the minutes of December 05, 2019, December 18, 2019, and February 04, 2020 as submitted. Passed (3-0). Passed unanimously.

Add "sea level rise issues" to the end of the first sentence of the last paragraph on page 1. *Motion (Kelly/Johnson) to approve the minutes of January 15, 2020 as amended. Passed (3-0). Passed unanimously.*

III. APPROVAL OF AGENDA

Commissioner Kelly discussed the need to appoint a Planning Commissioner to serve on the STR Committee. City Planner Parker advised she will add the appointment to the next meeting agenda. Commissioner Johnson requested that the STR Committee's charter be included in the packet.

Motion (Johnson/Stockness) to approve the agenda. Passed (3-0). Passed unanimously.

IV. ITEMS FROM THE FLOOR

None

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, March 4, and March 18, 2020 meetings.*

Staff report

City Planner Parker stated the conversation surrounding water policy is a continuation from multiple past meetings. She discussed all minor changes that had been made since

the last meeting. She noted that commercial cannabis had come up at the last meeting, but she did not receive clear guidance on how to address it, and she requested specific guidance at this meeting.

Commissioner Comments/Questions

Commissioner Stockness advised that the prohibition on City water connections for cannabis should remain in the water policy, due to its relevance to the area. Commissioner Johnson, admitting that it was originally his suggestion, opined that the water policy does not need to prohibit specific uses, as the water usage will be bound by criteria laid out in the water policy. He noted that primary connection usages are very specific and are listed on page 5, and large water users are differentiated from small users.

Johnson questioned whether an MOU or contract, which will include the max water usage, would be required for new connections, and if so, cannabis would not need to be included in the policy. Parker stated she included it in the application requirements. Johnson added that the City needs to ensure its policies are consistent with County rules and regulations surrounding cannabis. Parker explained that cannabis is strictly regulated by the County. Commissioner Kelly agreed that the water user is bound to a maximum volume regardless of how it is used.

Public Comment

E. Weinreb (greater Trinidad area resident) requested all speakers state who they are before speaking, because it is difficult to differentiate voices on the phone.

S. Laos (Trinidad Rancheria) stated it is unclear why the policy, on page 1 under Findings and Statements of Facts, indicates “there is very limited data regarding creek flow and extractions of water,” since five studies on Luffenholtz Creek have recently been conducted. She stated the policy needs to use consistent language, so she suggested adding that “there are limitations in the data available.” Laos also questioned if the policy is only meant for new hookups, as the most current draft includes verbiage regarding “intensification of use.” Laos also asked about permitting protocols when this policy goes into effect.

In response, Parker stated she can take “very” out, but explained that she is not comfortable removing the rest of the statement regarding limitations, because the language comes directly from findings in GHD’s water reports. She explained, that in terms of the application requirements, “change in the intensity of use of water” is included in the Coastal Act’s definition of development. And the City has noticed that some users have incrementally increased their use over the years, and the City wants to get a handle on that.

Commissioner Discussion

Johnson questioned Parker’s removal of “health and safety” from the list of priorities on page 2. Parker explained that the Commission had previously moved the provisions for health and safety connections from the priority area policies to the exceptions instead, so

that change was for consistency. Stockness opined that “health and safety” should still be listed as a priority in the findings. Kelly suggested leaving “health and safety” as a priority but flag it for the City Council to discuss. Johnson echoed Kelly’s suggestion, and to also requested that the City Attorney examine the policy.

(Kelly/Stockness) to approve the Draft Administrative Water Connection Policies and Criteria for Evaluating Connection Requests Outside City Limits as amended. Passed (3-0). Passed unanimously.

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. *Continued from the March 18, 2020 meeting.*

Staff report

City Planner Parker advised the State of California requires every jurisdiction to identify a zone(s) where emergency homeless shelters (6 months stay or less) are allowed as a permitted use without a conditional use permit, or other discretionary permit. Additionally, the State limits the limitations jurisdictions can put on shelters. She stated it was discussed by the Commission at the last meeting that the Planned Development (PD) Zone might offer more opportunities for shelters. Therefore, she added them as an allowable use in the PD zone, noting however, that all uses in the PD require a use permit, so they still have to be allowed in the Commercial Zone as a principally permitted use. Parking requirements were another concern, so she added parking requirements for emergency shelters at 2 dedicated parking spaces, plus an additional space for every 5 beds. Parker also reiterated that the emergency shelter amendment requires two readings by the City Council and certification by the California Coastal Commission prior to going into effect, but adoption by the Council will qualify the City for SB2 funding.

Commissioner Comments/Questions

Commissioner Stockness stated she is concerned about dogs. Parker advised that she is unsure if pets are a limitation the City can regulate but may be addressed in State requirements. She notes that dogs aren’t regulated as part of any other business or use. Johnson pointed out a possible typo under the definition of emergency shelter.

Public Comment

None

Commissioner Discussion

Motion (Johnson/Kelly) to approve the amendment to the Zoning Ordinance to allow emergency shelters as a principally permitted use in the Commercial Zone as required by State law, and to also include emergency shelters in the Planned Development zone and add parking requirements for emergency shelters. Passed (3-0). Passed unanimously.

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. *Continued from the March 18, 2020 meeting.*

Staff report

City Planner Parker stated that, as reported at previous meetings, the City is working towards getting the Housing Element certified by the California Department of Housing and Community Development (HCD) by April 2020, in order to be eligible to enter into a contract for \$160,000.00 in SB2 grant funding. Parker also reiterated the State of California has been enacting multiple laws over the last several years to limit local control of and encourage more affordable housing. Parker explained that Trinidad faces limitations in meeting these requirements, due to its proximity to sensitive habitats and coastal hazards and the use of septic.

Parker noted that PlaceWorks has developed a compliant Housing Element, and if approved by the City Council, the City will need to show progress toward fulfilling the implementation measures over the next several years. Additionally, the Housing Element likely need to be certified by the California Coastal Commission.

She acknowledged the tight timeline of this process because of grant funding deadlines.

Commissioner Comments/Questions

Commissioner Kelly stated she received a letter from J. Graves (greater Trinidad area resident) requesting that language be included to allow for tiny homes. Kelly also indicated that the Housing Element may need to be updated on page 6 to include emergency shelters in the PD and C zones.

A discussion surrounding zoning for manufactured homes occurred. Parker explained that the City allows a manufactured home to be classified as a single-family residence, as long as it is on a permanent foundation. Additionally, mobile home parks are partially regulated by another branch of HCD.

Stockness stated the State wants the City to share the responsibility for rehabbing and constructing affordable housing. Parker clarified that the City doesn't have to physically do anything, but instead must show that the City's land use regulations provide realistic opportunities for meeting affordable housing goals.

Johnson initiated a discussion regarding notifications and consultations. Parker explained that notices with hearing dates were posted several weeks ago, and she recently emailed interested parties to let them know the draft was available for public review. Parker also clarified that under SB18 the City needs to offer formal tribal consultation. Because tribes have 90 days just to respond, that process could result in the funding being lost due to the grant timelines. Therefore, a provisional approval is being proposed conditioned on completing the consultation process.

Johnson suggested adding a glossary to the document. He also noted there are multiple plans and programs that have specific schedules, which may be impossible to meet. He questioned if the State is going to be looking for compliance. Parker advised that the City needs to ensure they are making a good faith attempt to meet the goals. She added that she will follow up with HCD to find out about potential repercussions of not meeting goals, noting that annual reports will need to be submitted to HCD.

Public Comment

E. Weinreb (greater Trinidad area resident) questioned what is HCD. Parker explained.

S. Laos (Trinidad Rancheria) stated the Rancheria will be making a formal government to government consultation request.

Commissioner Discussion

Motion (Stockness/Kelly) to recommend approval of the amended Housing Element to the the City Council and ask staff to ensure the Council is aware of all obligations, penalties, commitments, and schedules. Passed (3-0). Passed unanimously.

4. Trinidad General Plan Update: Land Use Element, Sections B.3–Climate Change and C–Development Outside City Limits.

(Stockness/Kelly) to move agenda item to April 15, 2020 meeting. Passed (3-0). Passed unanimously.

VI. STAFF REPORT

Parker noted she will be working on the Safety Element and coastal hazards planning report.

Commissioner Stockness would like to discontinue the extra meeting each month, because it is too difficult with only three Commissioners during these difficult times.

VII. FUTURE AGENDA ITEMS

Appointment of a Planning Commissioner to the STR Committee.

Reverting to monthly meetings.

Parker discussed the Action Items list provided by Commissioner Johnson.

There was a discussion about what the City is doing to advertise the open Planning Commission positions. There was a suggestion to include it in “Trinidad Tidings” in the Mad River Union again soon.

Stockness requested an update on the tsunami siren. S. Laos (Trinidad Rancheria) stated the Rancheria is waiting for approval from the CCC, but they haven’t heard back.

VIII. ADJOURNMENT

Adjourned at 7:30 pm. Next regularly scheduled meeting is April 15, 2020.

Submitted by:

**Angela Zetter
Administrative Assistant**

Approved by:

**Cheryl Kelly
Planning Commission Chair**

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD PLANNING COMMISSION
WEDNESDAY, APRIL 15, 2020

I. CALL TO ORDER/ROLL CALL (5:03 pm)

Commissioners Present: Kelly, Stockness, Johnson
Commissioners Absent: None
City Planner Staff: Parker
City Staff: Zetter

II. APPROVAL OF MINUTES

March 04, 2020

Page 1: Updated *“Continuing with her staff report, Parker noted it was suggested that users with existing connections be treated differently, but she confirmed there isn’t an advantage for the City to do so.”*

Motion (Stockness/Johnson) to approve the minutes as amended. Passed (3-0). Passed unanimously.

March 18, 2020

Page 4: Updated *“Additionally, Laos cautioned the City on including the Tsurai Ancestral Society in government to government Tribal consultation notices, as they are not a federally recognized tribe.”*

Page 4: Include that THPO stands for *“Tribal Historic Preservation Officer”* for clarification. *“She explains that she sent letters for formal consultation directly to the Tribal Chair and Tribal Historic Preservation Officer (THPO) early in the month.”*

Motion (Stockness/Johnson) to approve the minutes as amended. Passed (3-0). Passed unanimously.

III. APPROVAL OF AGENDA

Motion (Johnson/Stockness) to approve the agenda. Passed (3-0). Passed unanimously.

IV. ITEMS FROM THE FLOOR

S. Laos (Trinidad Rancheria) advised that Parker noted at the previous meeting that it may be helpful to present regarding tribal consultation to the Planning Commission. Laos stated she agrees, as it seems there is misunderstanding with the process. Laos offered to assist, while also recommending E. Lawton, tribal liaison at SHN.

Commissioner Johnson added that both the Council and Planning Commission would benefit. All Commissioners echoed Johnson’s sentiment.

V. AGENDA ITEMS

Discussion/Decision/Public Hearing/Action

1. STR Committee Appointment: Discussion regarding the appointment of a Planning Commissioner to the STR Committee.

Commissioner Kelly noted Commissioner Stockness had informed her she was willing to volunteer.

Staff report

City Planner Parker provided information regarding the composition of the Short Term Rental (STR) Advisory Committee. She also noted that Commissioner Kelly is already on the Trails Committee, and Commissioner Johnson resides outside City Limits. She explained that the Council's resolution is unclear regarding whether or not the Planning Commissioner appointed to the STR Committee can reside outside City limits. Thus, the Planning Commission might want to seek clarification. However, they can also just move forward with a nomination, which the City Council can either deny or approve.

Commissioner Discussion

Commissioner Stockness stated she previously spoke with Commissioner Chair Kelly and advised that if nominated she will accept.

Commissioner Johnson stated the resolution still warrants clarification, and he further questioned the current composition of the STR Advisory Committee. Parker provided information regarding its current composition. Johnson discussed that based on the current language of the ordinance, one could argue, that the Planning Commissioner serving on the Committee could reside either in or outside City limits. He clarified he is not particularly interested in the position himself.

Motion (Kelly/Johnson) to nominate Commissioner Stockness to serve as the Planning Commissioner representative on the STR Advisory Committee. Passed (3-0). Passed unanimously.

The process regarding mailing the STR contact list to the public was discussed.

Parker noted that an outside City limits resident has showed interest in the one of the Planning Commission vacancies.

2. Trinidad General Plan Update: Land Use Element, Sections B.3 – Climate Change and C – Development Outside City Limits. *Continued from the April 1, 2020 meeting.*

Staff report

City Planner Parker advised that she updated the remaining sections of the draft Land Use Element that have not been approved by the Planning Commission, including section B.3, Climate Change, and C, Development Outside City Limits. Parker changing section C to 'Planning Outside City Limits,' because the County regulates development in that area.

Parker explained that the Climate Change section is meant to be general in the Land Use Element, and is addressed more specifically in other elements, noting that climate change issues are interwoven throughout the General Plan.

Parker explained that the text of section C was updated and reorganized. Additionally, she noted, that updated maps and figures have been provided; she explained the figure updates that had

been made. This included renumbering to allow for a new Figure 1 in the Introduction and a new water service area figure (5), among other minor edits.

Commissioner Comments/Questions

Climate Change

Commissioner Kelly suggested that Goal LU-3 should address the health of the community, instead of the character of the community. Commissioners Stockness and Johnson were in favor of the suggested change. Kelly advised she will send the verbiage to Parker.

Johnson suggested changing the term “walkable” in LU-3.4 to “multimodal,” because it is more inclusive. Parker and the Commissioners were in favor of the proposed change. Johnson questioned why several policies were removed from the section. Parker explained they are specific to coastal hazards and will be included in the Public Safety Element.

Johnson questioned why the three bullet points on page 10 are listed as “Other Climate Change Initiatives,” instead of policies. Parker reminded the Commission that one of the comments from the CCC was that the policies should be directly related to regulating development and should be standards of review for issuing Coastal Development Permits (CDPs) and suggested using “other initiatives” for policies to “support” or “educate,” etc. However, in looking more closely, Parker does not think this section has been organized consistently. Parker discussed that an option is to add the City symbol to indicate they are not a part of the Coastal portion of the LCP. She will review the organization and provide edits at the next meeting.

Development Outside City Limits

Parker advised that this section has been designated as not being part of the LCP, because the policies do not provide a standard of review for development permits. However, the Coastal Commission may still be interested in some of the policies, particularly regarding water; she will reach out to them for input.

Commissioner Johnson questioned LU-9.3’s verbiage regarding avoiding annexation. He explained that he was under the impression that it was prohibited by LAFCo anyway. Parker stated she will confirm.

Johnson requested clarification on LU-10.5 prioritization of connections outside City limits, specifically the third bullet point “proposed use(s).” Parker explained she was not sure how to refer to the priority uses, because there are Coastal Act priority uses, but a different set of priority uses was included in the water policy. Parker stated she will provide edits at the next Planning Commission meeting.

Johnson requested that acronyms listed in LU-11.3.1 be included in the glossary and in a list within the Element.

Commissioner Kelly suggested updating LU-11.5 from “encourage responsible...” to “require responsible...” in regards to septic. Parker advised that it should remain as encourage, because it is outside the City’s jurisdiction.

Commissioner Stockness questioned whether the City would require more septic management, if the City obtains more water. Parker advised that the water policy requires adequate disposal of wastewater as one of the application requirements for a water connection.

Figure 4

Commissioner Johnson questioned the size of the Trinidad Union School District and Big Lagoon School District as shown in the Trinidad Planning Area. Parker will verify. Johnson questioned the legend showing "CountyParcels58." Parker clarified that it should be parcel boundaries, and the source is the Humboldt County GIS. A discussion regarding the categorization of land uses occurred.

Commissioner Kelly questioned where the proposed and existing planning areas are in Figure 4, as described on page 23. Parker explained that once the General Plan is adopted areas will no longer be listed as proposed, so the text should be updated. Parker asked the Commission whether the previous Planning Area, which is very similar to the currently proposed one, should be on the figure. The consensus was that it isn't necessary.

Figure 6

Johnson asked about several natural and public resources parcels located south of Trinidad City limits. A discussion regarding the areas took place between Parker, Commissioner Kelly, and S. Laos (Trinidad Rancheria). Parker explained that she will ensure the areas are designated to the right colors.

Public Comment

S. Laos (Trinidad Rancheria) clarified the Trinidad Union School District boundary is correct in Figure 4. She noted that the Tribal Council has not reviewed the figures.

Commissioner Discussion

Commissioner Stockness noted the visuals are beneficial, as it allows more people to connect with the material.

Parker requested the Commissioners review Figures 2 and 5 in particular and provide feedback. She added that at some point in the future, the City will have to do a visitor service study, in order to ensure they are adequate or not. Parker also discussed potential locations for rezoning.

VI. COMMISSIONER REPORTS

Commissioner Kelly discussed the Trails Committee Meeting dates and current topics.

Commissioner Stockness noted that the STR Advisory Committee meeting has been postponed to May.

VII. STAFF REPORT

Parker advised she has spent much of her time working on the Housing Element, which the City Council approved. She stated HCD wanted a few more changes, which were included in the City Council version. Thus, the City is now set to begin the process to develop a contract for SB2 funding, because HCD has found that the Housing Element is legally acceptable. Additionally, the Council passed the first reading of the emergency shelter ordinance, which still requires a

second reading and then will need to be sent to the CCC. Lastly, the City Council directed the Planning Commission to work on a drought contingency plan at their April 14 meeting.

VIII. FUTURE AGENDA ITEMS

Commissioner Kelly discussed reviewing the status of all of the General Plan Elements and requested a status update. Commissioner Stockness requested an update on the tsunami siren. Commissioner Johnson discussed adding government to government consultation to the agenda, as well as to discuss the after-the-fact permitting issue. Parker will look into whether the Commission can keep a running list under this item on the agendas.

IX. ADJOURNMENT

Adjourned at 7:26 pm. Next regularly scheduled meeting is May 20, 2020.

Submitted by:

**Angela Zetter
Administrative Assistant**

Approved by:

**Cheryl Kelly
Planning Commission Chair**



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: May 4, 2020

RE: General Plan Update - Land Use Element

I have updated the Land Use Element (sections B.3 - Climate Change, and C - Planning Outside City Limits) based on our discussion at the April 15 meeting. I reorganized some of the policies and initiatives in the climate change section based on how they were defined in the Introduction Chapter. For reference, the definition of initiations is included below. There are a few highlights scattered throughout the document. They are there just to remind me to follow up some minor details, such as checking whether the acronym has been spelled out and that cross-referenced policy numbers are still accurate.

Also note new policy LU-11.4. I found this policy in the Conservation Element, and if we keep it, it should go in this section too. Also, as worded, it meets the definition of a principal. Should it be a principal or reworded to be a policy? As a reminder, I have included the various definitions from the Introduction chapter below.

- Goal: A general, overall, ultimate purpose, aim or end toward which the City will direct effort. Goals are a general expression of community values and, therefore, are abstract in nature. Consequently, a goal is not quantifiable, time-dependent, or suggestive of specific actions for its achievement.
- Principle: An assumption, fundamental rule, or doctrine guiding general plan policies, standards and implementation measures (programs). Principles are based on community values, generally accepted planning doctrine, current technology, and the general plan's goals. Principles underlie the process of developing the general plan polices but are only explicitly stated when they help frame and clarify the policies, generally for more complex topics such as water resources.
- Policy: A specific mandatory statement binding the City's action and establishing the standard of review to determine whether land use and development decisions, zoning changes or other City actions are consistent with the General Plan. Policies

are based on and help implement the City's goals and principles. Policies also govern the review and approval of CDPs, except for those policies demarcated with the Trinidad City seal, which are not part of the certified LUP.

- Program: An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal.
- Other Initiatives: Nonbinding and/or advisory statements of intent, encouragement, or pledges of support for specific endeavors, programs, or outcomes. Other Initiatives may set guidelines and priorities for City actions, but are not intended for permit governance or to serve as regulatory standards by which development projects or zoning amendments are to be assessed for conformity and consistency, and are not a valid basis for appealing a permit action.

I also added a new section D, which is a list of acronyms used in the Land Use Element. That endeavor did bring up a few questions though. Previously, the Planning Commission determined that acronyms should be written out the first time they are used in each element, because some people may just look at one element. But, if a list of acronyms is included in each element, is that still necessary? Also, if a phrase with an acronym is only used once in an element, should it be written out, even if the acronym is used in other elements? Finally, should I include the list of element abbreviations used in the policies (e.g. LU, CONS, etc.) in the acronyms?

I did not make any changes made to the figures, because I wanted to get all your input and then have the edits done all at one time. So please bring your figure from the last meeting. I did verify that the school district boundaries shown on Figure 4 are correct. There was also a question about the "CountyParcels58" in the legend (explanation) on Figure 4. Those are the parcel boundaries from the County's GIS data. They appear in every figure, but only appear on a couple of the legends (Figures 4 and 6). I would recommend that this layer be included in all the legends/explanations.

There was also a question about the blue parcels on Figure 6. I'm not sure I totally understand how the County has categorized those. But it looks like Public Resources include developed parks, where the open space category is for undeveloped natural spaces. All of the blue parcels south of the City and west of Scenic Drive are owned by the Trinidad Coastal Land Trust (TCLT). It seems confusing to have two different designations for these spaces, so I will lump them together under something like "parks and open space." The public facility designation on the other hand, includes the CALFIRE station and the CalTrans rest area north of the City. The southernmost "public resources" parcel belongs to the Westhaven Community Services District (WCSD), and appears to have infrastructure on it, so should also be classified as "public facility."

Finally, I provided you with the current statuses of all the various elements.

Status of the Various Draft Trinidad General Plan Elements (as of April 27, 2020)

Introduction

- Most current version: September 2019 (Approved/Recommended by PC)
- Reviewed by CCC staff: Preliminary comments received on August 2018 version; all comments have been incorporated
- Reviewed by PC: Complete
- Action by PC: Approved/Recommended September 2019
- Current Status: Need to add Figure 1 (CCC jurisdictional boundaries) and send to City Council.

Required Elements

Land Use

- Most current version: March 2020 (Partially approved by PC)
- Reviewed by CCC staff: Preliminary comments received on April 2018 version; all comments have been incorporated (CCC did not include in-document comments and revisions, but some specific comments in a letter)
- Reviewed by PC: Yes, in progress
- Action by PC: Sections A and B (except B.3) approved/recommended to CC. Currently finalizing review of sections B.3 (climate change), C (planning outside City limits) and figures.
- *Previous Version Approved by PC: September 2009*
- *Previous Version (Sept. 2009) Reviewed by CC: Yes*
- Current Status: Finish PC review, incorporate any edits, and send to CC

Conservation and Open Space

- Most current version: April 2018
- Reviewed by CCC staff: Preliminary comments received on April 2018 version; comments are currently being addressed.
- Reviewed by PC: Last reviewed October 2018
- *Previous Version Approved by PC: December 2009*
- *Previous Version (Dec. 2009) Reviewed by CC: Yes*
- Current Status: Needs to be updated based on PC's October 2018 comments and CCC comments; will come back to PC within the next couple of months (pending other tasks (e.g. WSCP and Trail Policies) and permit applications)

Circulation (includes Energy)

- Most current version: October 2018
- Reviewed by CCC staff: Preliminary comments received on October 2018 version; comments are fairly general and likely incomplete.
- Reviewed by PC: Yes, October - January 2019 (except for section I.5 – Water Service).
- *Previous Version Approved by PC: July 2012*

- *Previous Version (July 2012) Reviewed by CC: Yes*
- **Current Status:** Needs to be updated based on PC's October - January 2019 comments, CCC comments, and the recent water reports and policy discussions

Noise and Safety

- Most current version: December 2012
- Reviewed by PC: Not recently
- Reviewed by CCC staff: No
- *Previous Version Approved by PC: December 2012*
- *Previous Version (Dec. 2012) Reviewed by CC: Yes*
- **Current Status:** Staff is currently updating as time allows based on new information, including climate change report (done in 2016 and may need updating based on new information), and coastal hazards assessment (in progress).

Housing

- Most current version: March 2020
- Reviewed by CCC staff: No
- Approved by PC: April 1, 2020
- Approved by CC: April 14, 2020
- Approved (conditionally) by HCD: April 2, 2020
- **Current Status:** Needs to be submitted CCC staff for review and to determine what of it needs to be certified as part of the LCP.

Optional Elements

Community Design

- Most current version: February 2017
- Reviewed by PC: Last time was in January 2017
- Reviewed by CCC staff: No
- Approved by PC: No
- Reviewed by CC: No
- **Current Status:** Needs updating and further review.

Cultural & Historic Resources

- Most current version: October 2018
- Reviewed by PC: Not current version
- Reviewed by CCC staff: No
- Approved by PC: No
- Reviewed by CC: No
- **Current Status:** Ongoing informal consultation with interested tribal entities. Good progress was being made in 2018, particularly with the Rancheria, until other priorities and/or staffing changes sidetracked those efforts.

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. Priority Uses

4. Residential Land

5. Commercial and Mixed Use Land

6. Harbor Area

7. Public Lands

C. Development Outside City Limits

1. Sphere of Influence

2. Water Service Area

3. Planning Area

D. List of Acronyms Used in this Element

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 220 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 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 to 10 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 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 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 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 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 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_TV_T parks.

Maximum Density: 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 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 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 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 environmentally sensitive habitat areas (ESHA)s 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 to be warmer with less fog. Sea level rise (SLR) in the Trinidad area is expected to be less than ~~many other in the Humboldt Bay areas~~ but may still range from 0.64 ft. to 109.3 ft. by 2100 in the most extreme scenario. 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. Most of the policies related to the effects of climate change are found in the Safety and the Conservation Elements.

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. Local governments can play a critical role in reducing greenhouse gas (GHG) emissions through regulating activities that contribute to GHG emissions and air pollutants, including industrial permitting, land use and transportation planning, zoning and urban growth decisions, implementation of building codes and other standards, and control of municipal operations. The State of California has enacted several bills and executive orders regulating and setting targets for GHG emission reductions. Therefore, policies addressing the causes of climate change are primarily concentrated in the Circulation Element. However, policies relating to both causes and effects of climate change can be found throughout this general plan, including the following section. The policies in this section are general and overarching, providing guidance and context for the policies found elsewhere; therefore, they are not generally intended to be used in reviewing development applications.

Goal LU-3: Assess, plan for, adapt to, and minimize, to the extent possible, the impacts from climate change through appropriate land use controls to maintain the health and resiliency of the community, residents, businesses and coastal resources. ~~community character and resources.~~

Climate Change Planning Policies

LU-3.1 The City shall ~~U~~utilize the best available science when developing policies and regulations, and when reviewing development applications.

Program LU-3.1.1 Ensure that the SLR and other projections that are used are commensurate with the type of development (e.g. extreme scenarios used for critical infrastructure) and its projected longevity.

LU-3.23 New development shall ~~P~~protect and restore degraded ecosystems to enhance the natural adaptive capacity of biological communities.

LU-3.3 The City shall ensure that new development adequately evaluates applicable hazards and provides adequate setbacks or other measures to avoid or mitigate those hazards for the life of the project.



LU-3.42 ~~Continue to update and~~ reevaluate and update 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.

Program LU-3.4.1 In appropriate locations, adopt zoning regulations to enable mixed use, ~~walkable~~multi-modal, compact development that includes a range of housing types and affordability levels.

Program LU-3.4.25 Continue to evaluate and revise, as needed, Adopt community design and ~~neighborhood~~ development standards that encourage green building and adapt to new technology.



~~LU-3.5~~ Revise emergency management plans, programs and activities as needed to account for changing hazard profiles and their consequences and integrate findings of climate vulnerability into all phases of emergency planning.

Other Climate Change Initiatives

- **~~LU-3.6~~** Support and participate in regional collaborative climate change and SLR planning efforts.
- **~~LU-3.7~~** Educate community members about the risks of climate change and actions that individuals can take to reduce their greenhouse gas contributions.
- Foster efforts to better understand impacts of sea level rise. Support research on impacts to recreation and public beach access and bluff stability in particular.
- Continue to coordinate with Humboldt County and participate in their Regional Climate Action Plan.

4. 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-4:

- (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.**
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.**
- (c) 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.**
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.**
- (e) 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-4.1 Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

LU-4.2 Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

LU-4.3 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-4.4 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-4.5 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-4.6 Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

LU-4.7 Increased recreational boating use of coastal waters shall be encouraged by developing dry storage areas, increasing public launching opportunities, providing additional berthing space in the existing mooring field as feasible, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, preserving Trinidad Harbor as a harbor of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

LU-4.8 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-4.9 The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

LU-4.10 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.

5. 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-5: 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-5.2 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-5.3 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.

6. 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. The Harbor Area includes Trinidad Pier, the boat launch, a bait shop, restaurant and a vacation rental. Based on the Coastal Act, the Harbor Area has been designated 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 RV 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 ([HCD](#)) as having only mobile home spaces, 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 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-6: 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

Commercial Land Policies

LU-6.1 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 as to adequacy to provide for year-round needs without impacting, the City's water system or groundwater quality and quantity.

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

Program LU-6.2.1 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.

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.

7. Harbor Area

The Trinidad Harbor Area 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 Harbor Area 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 state and/or federal Endangered Species ~~H~~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. The site is improved with: a boat sling launcher, tackle/bait and gift shop, a pier, seasonal floating dock, skiff rental, water taxi service to transport boat owners to boat moorings, a vacation rental, and a restaurant. The land under the pier and mooring

field was granted to the City of Trinidad from the State Lands Commission (SLC) to hold in trust for the people of 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 a~~ 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.

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 a State designated Area of Special Biological Significance (ASBS) and State Water Quality Protection Area (SWQPA). 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 less than 30 ft. by 2100. 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 further discussed in the Public Safety Element.

Goal LU-7: 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-7.1 Coastal-dependent and coastal related uses shall be given priority in the Harbor Area.

Program LU-7.1.1 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 Harbor Area.

LU-7.2 As part of the review for any application for new development in the Harbor Area, the City shall require that it is accommodated with adequate sewage disposal, water, parking, access and other public services.

Program LU-7.2.1 The property owner is encouraged to create a long-range plan for the orderly development of the Harbor Area into the future.

Program LU-7.2.2 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-7.3 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-7.4 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-7.5 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-7.5.1 Provide a minimum thirty-five public parking spaces overall, in addition to that necessary for on-site uses.

Program LU-7.5.2 Encourage the property owner to develop a parking plan to accommodate all the uses in the Harbor Area with an emphasis on coastal access.

Program LU-7.5.3 Coordinate with the property owner on the development of a parking plan that includes the City-owned parcel and to provide offsite parking within walking distance and/or shuttle service (**CIRC-2.4**).

LU-7.6 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 Harbor Area shall require merger of existing lot lines.

LU-7.7 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-7.8 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-7.9 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 risk to coastal resources.

LU-7.10 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-7.10.1 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 **SWQRCB** and Coastal Commission to review any permits.

Other Initiatives

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- Commercial fishing has special needs, and other uses should not detract from these facilities.
- The sling boat launch is recognized as an important aspect of the Harbor Area. Launching facilities 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 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 subject to the City's LCP and approval of CDPs by the City (including the State Park, Elementary School and CalTrans rights-of-way, but not the HSU Marine Lab). Federal lands include the 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.

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 3 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-8: 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-8.1 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-8.1.1 Work with federal agencies owning and managing property within the City to ensure appropriate consultation and coordination with the City.

C. DEVELOPMENT PLANNING OUTSIDE OF CITY LIMITS

Land use decisions outside City limits affect the City in a variety of ways. Traffic and pollution are good examples of impacts that cross jurisdictional boundaries. There are three different areas outside the City that have been designated based on their relationship to City Planning, each of which is shown on Figure 4. The first and the smallest of these designations is the Sphere of Influence, which defines the probable physical boundary and service area of the City. The next largest designation is the City’s Water Service Area, which is defined as the area that the City currently does and may potentially provide water service to in the future. The third, and largest, area is the Planning Area. The Planning Area encompasses those areas that bear a relationship to City land use and planning in terms of resource use, land use, traffic, community, etc.



The policies in the following three sections (LU-9 through LU-11) and associated goals and programs are not part of the certified LCP and shall not govern the review and approval of Coastal Development Permits.

1. Sphere of Influence

As defined in Government Code § 56076, the Sphere of Influence (SOI) “means a plan for the probable physical boundaries and service area of a local agency.” Spheres of Influence are designated by the Local Agency Formation Commission (LAFCo) based on various studies, including a Municipal Service Review (MSR). LAFCo also has responsibility for approving boundary changes and service connections outside City

limits with a mandate of fostering orderly growth and development that promotes the efficient delivery of services and encourages the preservation of open space and agricultural lands. The SOI, after adoption, is used by LAFCo as a factor in making decisions on proposals over which it has jurisdiction. LAFCo adopted an SOI for Trinidad in 1984, but only a very small portion has been annexed into City Limits since that time. Trinidad's SOI is relatively small, only including a small portion of the Water Service Area. An update to the 2008 MSR is currently being prepared by LAFCo, which in turn will be used to update the SOI as needed.

In the past, there have been reservations regarding annexation from both inside and outside City limits. However, no recent public survey has been conducted. Benefits to the City from annexation include additional land use control, and potential increase in tax revenues, including property, sales and transient occupancy. In particular, annexation would allow the City to expand its OWTS management program and increase protection of the Trinidad Head ASBS. It has also been suggested that annexation would benefit the City by increasing the population base for running a City government. In addition, annexation could help the City meet State requirements such as provision of housing and accommodation of visitor services. One of the main advantages to residents of being annexed would be receiving City services, particularly water, at less cost. Other advantages would include more local representation and more convenient access to government services. The policies contained herein are based on the most current data and are intended to preserve the community's character.

Goal LU-9: To provide and maintain clear boundaries and policies for considering the future expansion of Trinidad

Sphere of Influence Policies

LU-9.1 Define the City's SOI based on the City's capacity to serve the area, particularly water. The City has prioritized Service Area subareas A, B and C (Figure 5) as priorities for future service and annexation. (CIRC-12.6)

LU-9.2 The City supports annexation as a positive means of City expansion but shall carefully evaluate annexation proposals on a case-by-case basis. The City shall support/pursue only those annexations that:

- Promote orderly development and redevelopment of land;
- Promote efficiency in delivery of services;
- Are supported by a majority of the affected residents and property owners;
- Are beneficial to the City.

LU-9.3 Avoid annexations of individual parcels or groups of parcels that are not contiguous with the City, and ensure proposed annexations are consistent with LAFCo policies and regulations.

Other Initiatives

- Establish a Memorandum of Understanding between the City and Humboldt County regarding procedures for project review within the Trinidad SOI in order for the City to be able to efficiently review and comment on development projects in the County's jurisdiction within the City's SOI.

2. Water Service Area

The "Water Service Area" (WSA) refers to those areas that do, or may in the future, receive water service from the City. Water supply and distribution, and the absence of sewage collection and disposal facilities, are the major determinants of the urban form and density of development in the WSA. The City has a substantial water right on Luffenholtz Creek, but the creek is small, and has only limited capacity to provide additional domestic water, particularly during droughts; climate change adds to the future uncertainty. The City's water plant also has limited storage and treatment capacity but is periodically upgraded as funding allows.

The City completed a number of water system related studies in 2019 to determine the City's capacity to serve additional users. It was found that the water plant does have some excess production capacity in normal to dry years. However, there is limited data regarding creek flows and other diversions and water rights on Luffenholtz Creek. And due to limitations in the wet well/infiltration gallery at the water plant, extracting water becomes increasingly more difficult at lower creek flows. That means that droughts and climate change may impact the ability of the City to provide water in the future. While there is currently enough excess production capacity at the water plant to serve future build-out of the City (plus an allowance for ADUs), there is not enough capacity to serve the City's entire WSA.

The WSA boundary is based on the areas currently connected to City water (Figure 5). In addition, a commercial area to the north has been included ~~based on potential to allow the City to potentially provide water in the future~~ ~~future provision of City water~~ in order to support commercial uses needed to serve residents of and visitors to Trinidad. The WSA could potentially become part of a Service District in the future, with greater powers, and a separate governing board that could include all or some of the Trinidad City Council. Please see the Public Services section of the Circulation Element for additional information regarding the City's water system.

Goal LU-10: Manage City services to the maximum efficiency and benefit for residents as well as those outside City limits where appropriate.

Water Service Area Policies

LU-10.1 The City is responsible for periodically assessing the capacity of Luffenholtz Creek to provide domestic water, including flow analyses that ~~take into~~ account for existing and potential riparian and appropriative rights, groundwater wells, droughts, and climate change.

LU-10.2 Upgrades to the City's water system to improve efficiency, water quality and storage capacity will be completed as needed and as funding and capacity allow.

LU-10.3 Users within City limits are given preference for service connections.

LU-10.4 Consider expanding City services to areas outside City limits only if it can be done without reducing capacity needed to serve build-out within the City, nor significantly increasing the costs to residents within City limits, or if it is a public health emergency; annexation is a prerequisite for any service expansions.

LU-10.5 Prioritize connections outside of City limits based on the following factors:

- Areas where the City has the capacity to serve, while not removing capacity needed for users within City limits
- Areas where annexation is likely to be beneficial to the City
- Proposed use(s) that have been determined to be priority uses under the Coastal Act or City policies.

LU-10.6 In the event of a proposal to expand the City water system, prospective customers shall enter into an agreement with the City to provide the necessary funds in whole or in part to defer the cost of system improvements.

3. Planning Area

Government Code § 65300 provides that a City consider areas outside the City limits that have a bearing on planning for the City. The Planning Area might affect the City in ways such as increased circulation traffic, impacts on water quality and quantity, or economic provisions factors. The City of Trinidad has determined that activity affecting twelve coastal watersheds, plus a small portion of the Little River watershed to incorporate the Moonstone Heights neighborhood of Westhaven, is the area of critical importance. It is in the interest of Trinidad to play a more active role in the decision-making processes involving land located within these watersheds, and to include them in the Planning Area. Trinidad has adopted this watershed-based approach to planning due to particular concerns about water supply, pollution, and impacts on coastal resources, because; activities that occur in the upper watershed can affect downstream resources.

-The designation of a Planning Area may also promote the establishment of cooperative efforts with other surrounding jurisdictions, landowners or interest groups, including Humboldt County, State Parks, Trinidad Rancheria, Green Diamond Resource Co. Westhaven Community Services District, Trinidad Coastal Land Trust, etc. This area also includes the area of interest of the Trinidad Bay Watershed Council. By adopting this specific Planning Area, the City defines the area where land use decisions affect Trinidad. Figure 4 shows the ~~existing and proposed~~ Planning Area.

The proposed Planning Area is centered on the greater Trinidad-Westhaven community. The Luffenholtz Creek drainage basin was included because it is the watershed for the City water supply and serves parcels adjacent to it and along the main line extension. Residential areas west of the freeway up to the Seawood interchange are included because they rely on the Trinidad area for commercial services and include visitor accommodations and facilities that support the local tourist and fishing **activity industries**. The forest area east of the freeway is included to ensure consideration of the potential impacts of activities to these coastal watersheds.

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 6 correspond to the existing Humboldt County General Plan (Humboldt 21st Century, October, 2017). The area within the Coastal Zone is under the jurisdiction of the Trinidad Area Plan (TAP) The County General Plan and TAP provide for specific designations throughout the planning area. The reader is also referred to the County's current General Plan and LCP for discussion of the Urban / Rural areas and policies or findings that apply for development in the areas outside the City but within the City's Planning Area.

Goal LU-11: Ensure the protection of the coastal watersheds, natural and community resources and the quality of life in and around Trinidad.

Planning Area Policies

LU-11.1 Request referrals from the County for projects within the Trinidad Planning Area and comment on relevant projects that could impact the City based primarily on goals and policies found throughout this General Plan, any other relevant plans, and considering any specific or unusual circumstances.

Program LU-11.1.1 Assess impacts of development on the entire planning area when considering large projects and regional issues

Program LU-11.1.2.: Provide comments and input during any revisions of the County's General Plan, Trinidad Area Plan or implanting ordinances that may affect the Planning Area. Seek to have such plans recognize impacts that could occur to the City as a result of inappropriate changes that occur in the City's Planning Area.

Program LU-11.2.2: Review development projects, including timber harvest plans, that may affect Luffenholtz Creek, Mill Creek and other Planning Area watersheds and provide comments to regulatory agencies emphasizing the need to protect water quality and quantity.

LU-11.2 The City supports the County's designation of Luffenholtz Creek as a Critical Municipal Water Supply Area and encourages the County to also designate Mill Creek as such, recognizing that these watersheds are primary or emergency water

sources for the City and limited in area so that current development makes the streams susceptible to a potential risk of contamination to the water supply from development activities. (see CONS-1e.3)

Program LU-11.2.1: Work with the County to ensure that Luffenholtz Creek remains designated as a Critical Municipal Water Supply Area and that it is included in any related implementation ordinance(s), thereby providing increased scrutiny of and special protections from land use activities that could affect the quality or quantity of water in the creek.

LU-11.3 Encourage coordination efforts between Trinidad officials and agencies with jurisdiction in the City's Planning Area to review and address concerns about development projects that affect the Planning Area and the Trinidad Head ~~ASBS/SWQP Area of Special Biological Significance / State Water Quality Protection Area.~~

Program LU-11.3.1: Request notification from responsible agencies (CALFIRE for THPs, ACOE for fill or discharge permits, CALFIRE, PG&E, etc.) whenever possible regarding activities that will occur within the City's Planning Area. Inform responsible agencies of the types of projects that could have impacts on the water quality of the water resources of the Planning Area.

Program LU-11.3.2: Maintain open communication with the Trinidad Rancheria, and encourage the Rancheria to keep the City informed of upcoming projects by providing pertinent background information and studies related to such projects and allowing the City to provide early input on development proposals that could impact the City.

LU-11.4 Develop and maintain an open relationship with landowners within the Planning Area, particularly those in Luffenholtz Creek, in order to facilitate landowner awareness of the need for water quality protection.

Program LU-11.4.1: Pursue adoption of a public education program regarding pesticides and other hazardous chemicals, and when feasible, enter into a non-binding Memorandum of Understanding, or other agreement with property owners within the Critical Municipal Water Supply Area to minimize the use of these chemicals and reduce contamination of water supplies.

Program LU-11.4.2: Support the efforts of the Trinidad Bay Watershed Council to improve water quality in the Planning Area. Designate a City representative to participate in the Watershed Council meetings and other activities to the extent practicable.

LU-11.5 Encourage responsible septic system design, installation, use maintenance and monitoring within the Planning Area.

Program LU-11.5.1: Pursue grant funding to monitor water quality and implement projects within the City's entire Planning Area to reduce pollution from onsite wastewater treatment systems. Encourage Humboldt County to participate to the maximum extent possible.

Program LU-11.5.2: Encourage and support the County to implement and enforce regulations regarding OWTS within the Trinidad Planning Area.

Program LU-11.5.3: Consider the feasibility and desirability of forming a Septic Maintenance District with the County that encompasses the area from Trinidad to Moonstone. (PUBL-18, CIRC-11.2)

D. LIST OF ACRONYMS USED IN THIS ELEMENT

ACOE: U.S. Army Corps of Engineers*

ADU: Accessory Dwelling Unit

ASBS: Area of Special Biological Significance

BLM: Bureau of Land Management*

C: Commercial Zone

CALFIRE: CA Dept. of Forestry and Fire Protection*

CD: Community Design Element (Policy)

CDP: Coastal Development Permit

CIRC: Circulation Element (Policy)

CONS: Conservation Element (Policy)

EPA: Environmental Protection Agency

ESHA: Environmentally Sensitive Habitat Area

GHD: (Contract City Engineers)

GHG: Greenhouse gas

H: Harbor Zone

HCD: CA Dept. of Housing and Community Development

HSU: Humboldt State University

LAFCo: Local Agency Formation Commission

LCP: Local Coastal Program

LID: Low Impact Development

LUP: Land Use Plan

MSR: Municipal Services Review

MU: Mixed Use Zone

NOAA: National Oceanographic and Atmospheric Administration

OS: Open Space Zone

OWTS: Onsite Wastewater Treatment System

PC: Public and Community Zone

PG&E: Pacific Gas and Electric*

PUBL : Public Safety Element (Policy)

RV: Recreational Vehicle

SE: Special Environment Zone

SLC: State Lands Commission*

SLR: Sea Level Rise

SOI: Sphere of Influence

SR: Suburban Residential Zone

SWRCB: State Water Resources Control Board*

SWQPA: State Water Quality Protection Area*

TAP: Trinidad Area Plan

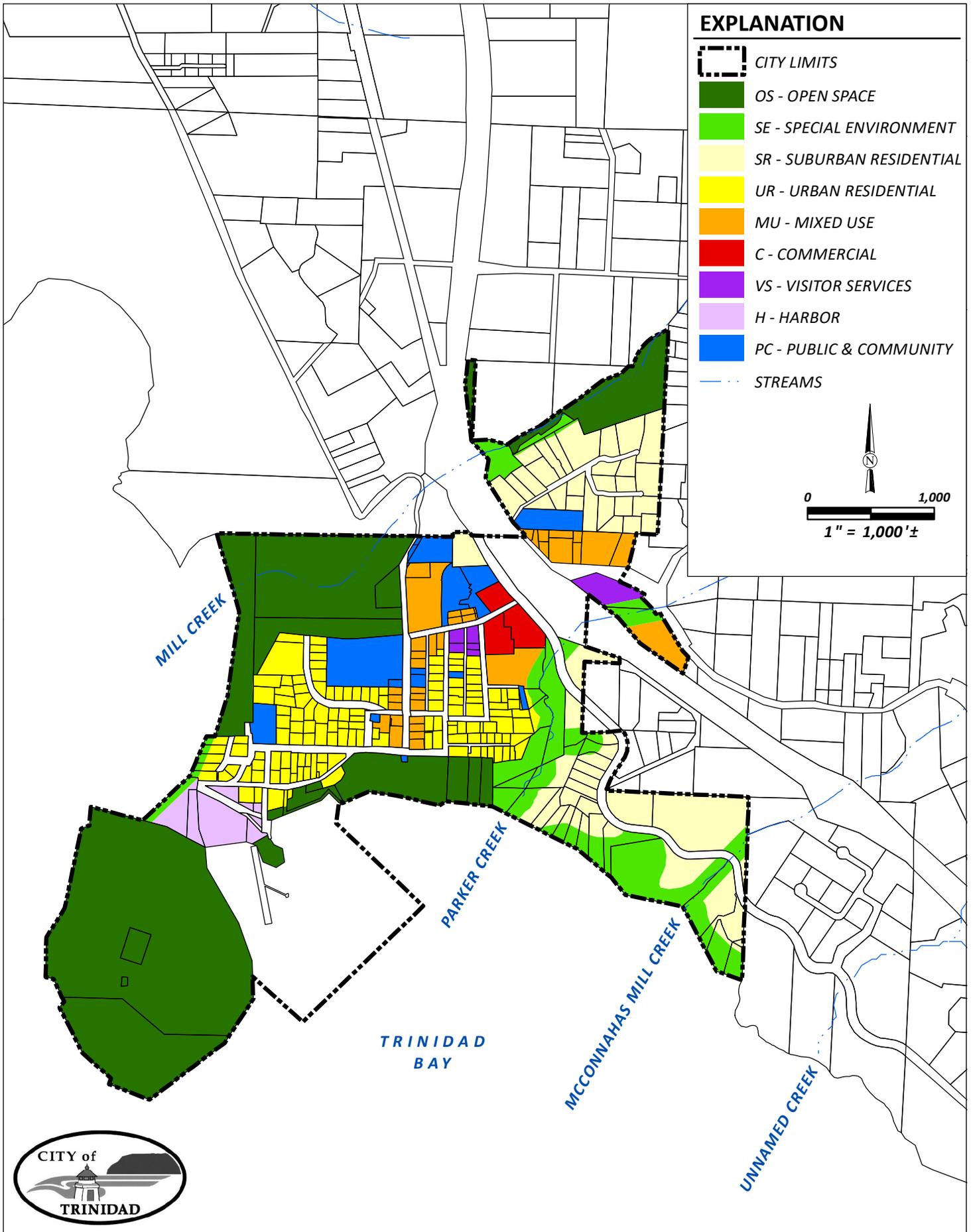
THP: Timber Harvest Plan*

UR: Urban Residential Zone

VS: Visitor Services Zone

WAS: Water Service Area

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City of Trinidad
 General Plan
 Trinidad, California

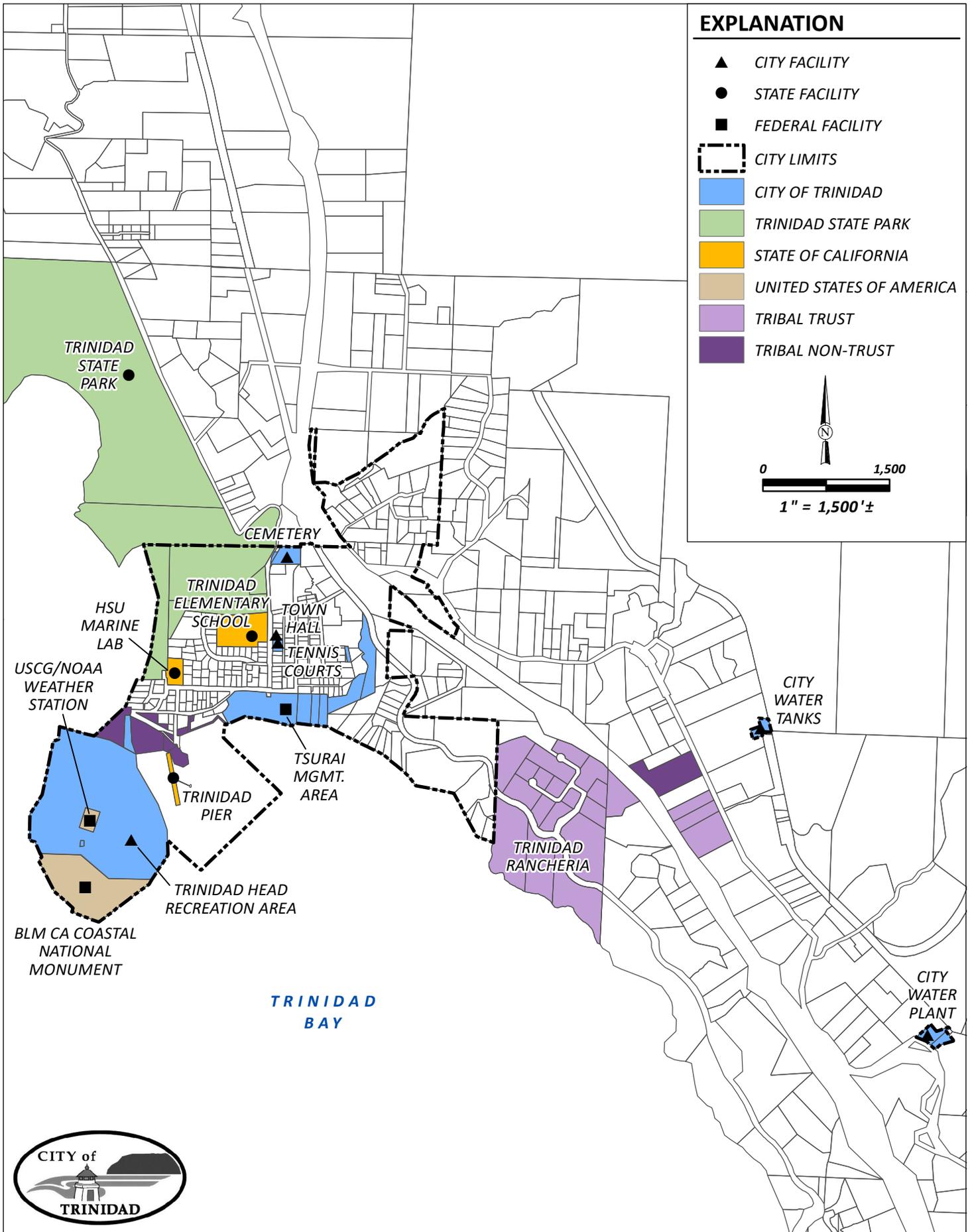
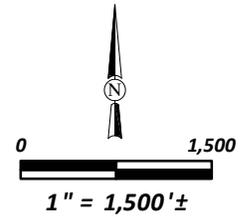
April 2020

Land Use Designations
 Trinidad General Plan (DRAFT)
 SHN 016105.006

Figure 2

EXPLANATION

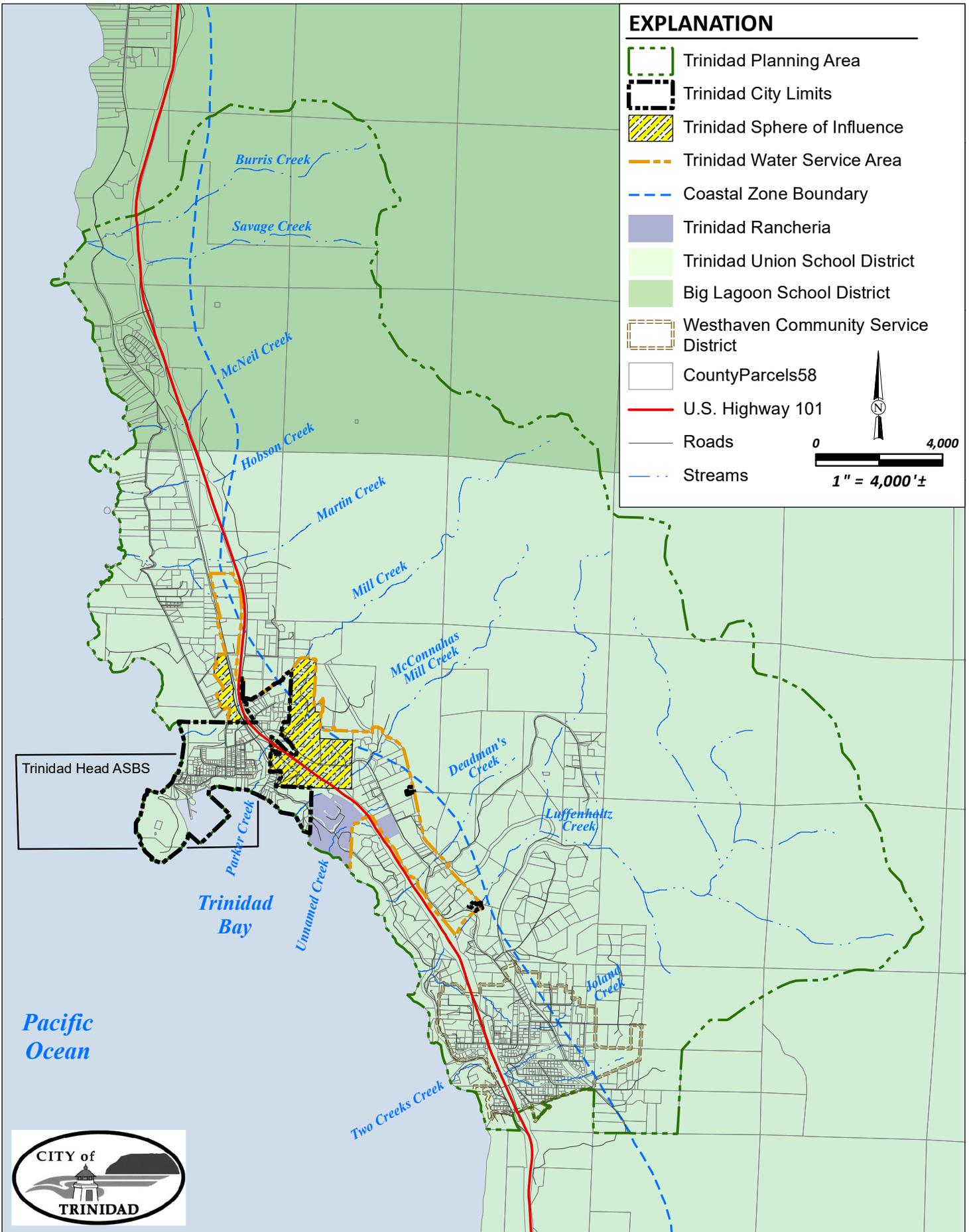
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- TRINIDAD STATE PARK
- STATE OF CALIFORNIA
- UNITED STATES OF AMERICA
- TRIBAL TRUST
- TRIBAL NON-TRUST



City of Trinidad
General Plan
Trinidad, California

Government Facilities
Trinidad General Plan (DRAFT)
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City of Trinidad
General Plan
Trinidad, California

Planning Area
Trinidad General Plan (DRAFT)
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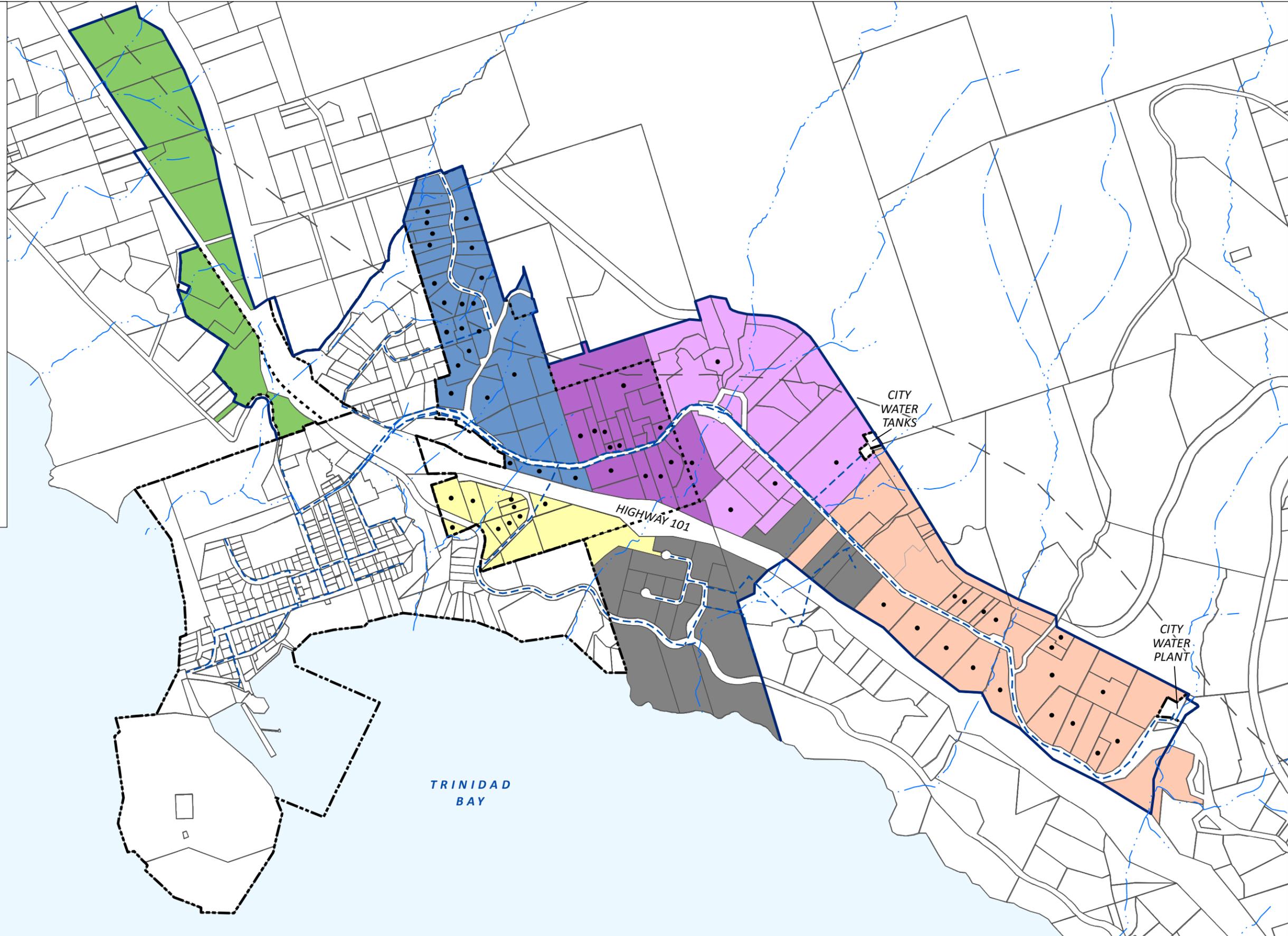
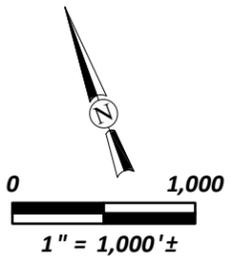
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Figure 4

EXPLANATION

-  CITY WATER SERVICE AREA
-  HAS EXISTING WATER SERVICE
- Service Subareas**
-  A
-  B
-  C
-  D1
-  D2
-  E
-  TRINIDAD RANCHERIA (PUBLIC WATER SERVICE)
-  WATERLINES
-  CITY BOUNDARY
-  SPHERE OF INFLUENCE
-  COASTAL ZONE BOUNDARY
-  CREEKS



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PACIFIC OCEAN



City of Trinidad
General Plan
Trinidad, California
April 2020

Water Service Area
Trinidad General Plan (DRAFT)
SHN 016105.006
Figure 5

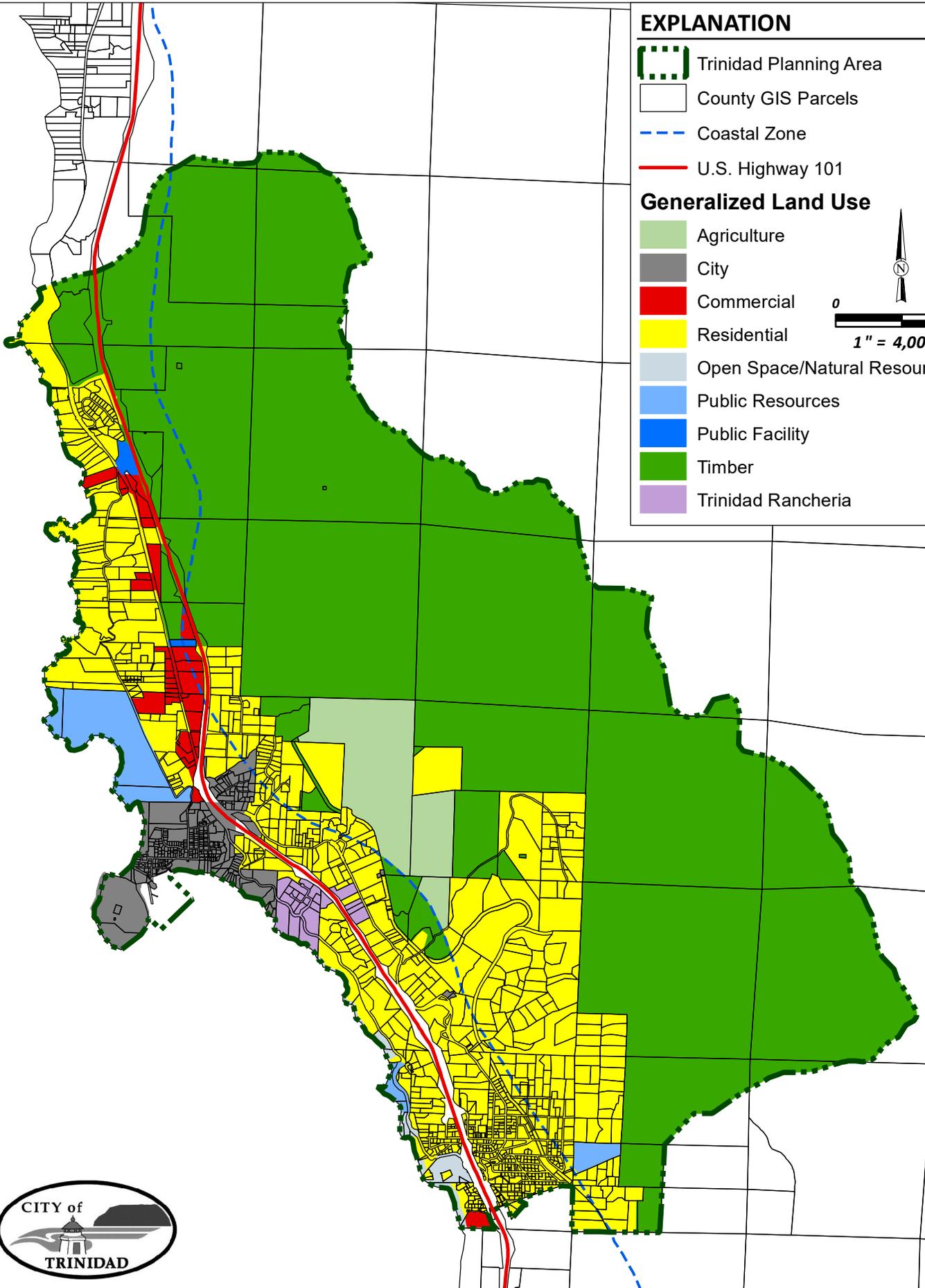
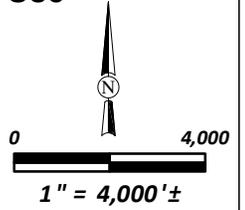
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EXPLANATION

-  Trinidad Planning Area
-  County GIS Parcels
-  Coastal Zone
-  U.S. Highway 101

Generalized Land Use

-  Agriculture
-  City
-  Commercial
-  Residential
-  Open Space/Natural Resource
-  Public Resources
-  Public Facility
-  Timber
-  Trinidad Rancheria



City of Trinidad
General Plan
Trinidad, California

Land Use Outside City Limits
Trinidad General Plan (DRAFT)
SHN 016105.006



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: May 8, 2020

RE: Water Shortage Contingency Plan

As an introduction to this topic, I have provided you with some background information materials and links for further information. And in addition to individual research, I met with Patrick Sullivan, Steve McHaney and Steve Allen of GHD to discuss various steps and options for moving forward. The intention of this meeting will be to provide some background information and some options and suggestions for steps the City can take to move this effort forward and then to get some feedback from the Planning Commission to help prioritize the next steps.

Overview

At their April 14th meeting the City Council took action to direct the Planning Commission to work on a drought contingency plan. In my research, I kept running across Water Shortage Contingency Plans (WSCPs), which address emergency situations such as natural disasters and power outages in addition to drought situations. WSCPs are found within Urban Water Management Plans (UWMPs). The CA water code requires all urban water suppliers, defined as those that either provide over 3,000 acre-feet of water annually, or serve more than 3,000 urban connections, to prepare an UWMP every five years. These plans support the suppliers' long-term resource planning to ensure that adequate supplies are available to meet existing and future water needs.

Trinidad does not qualify as an urban water supplier but some of the same concepts and principals that are part of an UWMP and WSCP would be useful to apply to Trinidad's water system. I have provided you with a primer on WSCPs from the California Urban Water Conservation Council. As examples, I have provided you with a very simple WSCP from the Town of Windsor and a complex one from the Mendocino City Community Services District.

Because Trinidad's water source is a small creek with no reservoir, the City has essentially no long-term storage. The only water that enters the creek during periods of no or low precipitation is water that percolates from near surface groundwater. Therefore, the situation is different from most larger water systems that obtain water from a reservoir or groundwater storage. It means that water conservation early in the dry season, when flows on Luffenholtz Creek are normal, does not preserve water for future use when creek flows get low. There is a tipping point where the City can potentially go from pumping at normal capacity, to a very steep drop-off in pumping capacity once the creek reaches a critically low flow level that impacts the City's intake system.

Essentially, the amount of water the City can supply is a function of how much water it pumps each day. (See the [Water Treatment Plant Production Memo](#) dated May 1, 2019 by GHD for additional information.) Once flows in the creek drop to a certain level, the pump outpaces the rate at which the wet well infiltration gallery refills. Once the wet well drops to a certain level, the pump has to be turned off to allow it to refill again, limiting the amount of water that can be pumped into the treatment system each day. We do not know exactly what flow level starts to impact the wet well infiltration gallery, or what the relationship between flow and the amount of water that can be extracted is once it reaches that level. But it appears the City can go from full capacity to limited capacity pretty quickly.

There are both short-term and long-term steps the City can/should take moving forward. And there are both procedural/regulatory actions and infrastructure improvements that can be made. Many of the infrastructure improvements are long-term goals, because substantial funding may need to be secured, and there may be permitting and other steps that will need to occur prior to construction. Many of the procedural and regulatory actions could be implemented more quickly based on how they are prioritized.

Potential Procedural and Regulatory Actions

Rate Study: It has been a while since the City completed a rate study (under CA law (Prop 218), rates must be commensurate with the costs of providing the service). And anecdotal information indicates that rates are not keeping up with the costs of operating and maintaining the water plant. The City could use this opportunity to pursue implementation of some kind of tiered or progressive rate structure that encourages customers to minimize water use through progressively increasing water rates or other measures that penalize excessive water use. Various state agencies encourage this approach, but it is constrained by the requirements of Propositions 218 and 26 (Prop 26 governs imposition of taxes and exceptions to those requirements for things such as fees to implement regulatory programs and fines and penalties).

Water Waste Prohibition Ordinance: The City may want to consider an ordinance to prohibit wasteful use of water, such as using non-recirculating fountains, washing vehicles without a shut-off nozzle on the hose, or outdoor watering such that water runs offsite. These are often the first measures implemented during the early stages of a drought in a WSCP. But some municipalities have permanently prohibited such wasteful uses. Although it would not help preserve the City's water supply, it would be beneficial in minimizing the amount of water infiltrating into the bluffs or running off into coastal waters.

Public Education: The City should consider developing and implementing a public education program to inform community members and users on ways to conserve water and the importance of doing so. This could be something that is repeated each year at the start of the dry season for example. It could also be implemented as part of the first stage of a water shortage and should include limitations on the City's water plant, lack of storage capacity, and the WSCP. An education program could also include information on rainwater catchment, as has been discussed at previous meetings.

Water Shortage Stages: As part of planning for a water shortage, the City must determine stages, or triggers, for water conservation requirements based on the severity of the water shortage. The City Council would declare each stage as it occurs, which would then trigger implementation of certain conservation measures or actions (see more below). These measures would be implemented and enforced through adoption of an ordinance. An example of a possible tiering system follows:

- **Stage 1** – based on cumulative rainfall/water year type. This stage would be triggered early in the dry season based on the lack of rainfall over the previous wet season and/or the classification of the California Drought Early Warning System, NRCS WETS tables, or other similar measure. This stage indicates the potential for water shortages later in the dry season. Public outreach should occur to let users know about the potential for shortages; conservation is not necessarily required at this point.
- **Stage 2** – based on a low flow. A second stage could be triggered by a particular low flow rate on Luffenholtz Creek. This stage indicates that water shortages are likely to occur in the near future. Without doing additional studies, City staff could probably determine a reasonable flow rate for this stage based on past experience at the water plant. This stage should include education and some cutbacks to get people ready for more severe shortages.
- **Stage 3** – based on reduced pumping capacity from the wet well. This stage indicates a current water shortage and reduced pumping and treatment capacity at the water plant. Water conservation is required at this point, along with monitoring and enforcement.

- **Stage 4** – critical /emergency. This stage would indicate a critical shortage and potential emergency situation. This would likely be based on passing a minimum threshold for pumping capacity at the plant that would not be sufficient to supply enough water for basic sanitation and fire protection needs. Substantial cut-backs in water use are required; the water supply may need to be supplemented.
- **Stage 5?** – little to no water.

Responses to Stage Declarations: The City will need to figure out how to manage water conservation and cutbacks for each water shortage stage. Several examples are provided in the water shortage toolkit attached to this staff report and in the list below. Public outreach and education are also part of these measures but were already discussed above as a separate topic.

- **Across the board cutbacks.** All users would be required to reduce usage by a certain percentage. This method is simple, but does not prioritize certain uses, and punishes those who already use very little water.
- **By types of uses.** This would reduce or prohibit certain uses of water. It could include things like filling hot tubs, outdoor washing (cars, boats, driveways, etc.) watering during certain times of the day, providing water only upon request at restaurants, etc.
- **By user types.** Certain users (commercial v. residential) would be required to reduce use at different rates.
- **Focus on larger users.** It may make sense to focus on the largest users, because modest cutbacks by a few large users could save more water than all residences having to reduce their use by a certain percent, for example.
- **By baseline use.** It could be beneficial to further evaluate water use patterns over time and to determine baseline water use by land use type. In other words, determine a reasonable water use for a 3-bedroom house, possibly also including lot size (landscaping) in the equation, as an example. Water rates and required cutbacks could then be based on that pre-determined baseline. Those who are already below the baseline would not need to cut back, or would have to reduce less, and those above the baseline would need to reduce more. Water rates could also be based on this baseline and rates for use below the baseline would be less than rates for use above the baseline. The Humboldt County DEH has such estimates of water use for sizing septic systems, but those tend to be significantly higher than actual water use, even including landscaping. So, the baseline should be more based on actual use in Trinidad.
- **Rate increases.** Many WSCPs and implementing ordinances include rate increases in addition to requiring conservation based on drought stages. That can be justified, because if people are using less water, revenues go down, but many of the operating

costs for treating and delivering water stay the same. In addition, more education and enforcement may be needed, further increasing costs to the municipality.

- **Monitoring and enforcement of water rights on Luffenholtz Creek.** In order to keep more water in the creek, the City should actively monitor water rights and documented uses in the Luffenholtz Creek and work with the County investigate any potentially illegal diversion. In addition, the City should work with the State Water Resources Control Board to ensure any new water rights include requirements for forbearance and storage and recognize the City's more senior rights. Additional oversight may be triggered by one or more of the water shortage stages.
- **Emergency water supply.** In the short-term, there really aren't many options other than having water trucked in. But even that option is limited. Trucks that could transport potable water are very limited in number. With some relatively minor changes to the water plant, raw water could be introduced to the treatment system via truck. But most water trucks have a capacity of 3,000 gallons or less, so that can equate to a lot of truck trips. Both the Humboldt Bay Municipal Water District and McKinleyville Community Services District are amenable to providing water in an emergency, but a permit is likely needed to supply water outside of their district boundaries.

Potential Infrastructure Improvements

These are mostly focused on infrastructure improvements that could potentially provide additional water, or help the City manage conservation. Grant funding may be available for many of these options.

- **Develop a new summer intake system at the water plant.** This could consist of a shallower pipe in the infiltration gallery or a screened surface water intake. Turbidity is not a big problem in the summer, so shallow creekbed or surface water can be treated. This would avoid the issue of the infiltration gravels getting clogged and slowing the rate of refill of the wet well during low flows. This would be particularly useful during low periods when the flow is low, but still sufficient for the City to use the full allowable water right.
- **Reduce water loss.** Water loss from Trinidad's system is higher than average, at between 25% and 30%. Most of this loss is likely due to the old asbestos concrete (AC) water pipes. Some may also be due to a lack of performance of the flocculator, which increases the amount of flushing of the filters that is required.
 - Ensure flocculator is performing as designed. This could reduce water loss due to backflushing as well as pumping down time while the filters are flushed. This could be accomplished relatively quickly.

- Continuously/periodically replace A/C pipes. This could potentially reduce water loss by up to ~10%, but it is expensive and labor intensive, so it is a longer-term solution. But it does need to be done eventually anyway. The City is already doing this as funding allows, but efforts could be increased.
- **Replace water meters with radio read system.** This would entail replacing all the existing water meters with meters with radio/telemetry capability so the City can monitor individual, real time water use. This is important, because if creek flows get to the point that pumping has to be reduced, circumstances can change quickly, and the City can't wait a month to find out if people are conserving water and who is not conserving. Many of the water meters are decades old and need replacing anyway.
- **Increase storage.** This is something the City has discussed many times in the past and has pursued grant funding for. However, the purpose is more for emergencies such as a natural disaster temporarily shutting down the water plant, or to fight fires. Additional tank storage would provide more flexibility, such as by supplementing a daytime shortfall in pumping, while allowing pumping to continue at night to refill the tanks when demand is low. But it will not be enough to supplement long-term, severe drought situations when creek flow is low for an extended period of time. In the short-term, the City can create pre-approved engineered plans and policy guidelines for rainwater catchment tanks.
- **Take steps towards planning for connection to HBMWD.** GHD (Winzler & Kelly at the time) evaluated this option nearly 20 years ago as part of the Water Supply Feasibility Study. While connecting to the HBMWD system through a new transmission pipeline was found to be technically feasible, it was simply less expensive and less complex to continue with the existing Luffenholtz water supply at the time. However, much has changed since then and current conditions warrant having GHD reevaluate connecting Trinidad to the HBMWD system based on current conditions. The HBMWD system is supplied from Ruth Lake and hence this system has a long-term raw water supply that is better equipped to span droughts and is more resilient to the effects of climate change than Luffenholtz Creek. This more robust source of supply could provide a better long-term solution, particularly considering uncertainties regarding climate change and upstream users within the limited Luffenholtz Creek watershed.

Implementing supply from the HBMWD is a long-term project and it is recommended that the City take steps to plan for it now rather than wait for water shortages to become critical. If the City plans ahead and works with various stakeholders early on, then solutions may be found for some of the issues that make implementing a significant water transmission project challenging. For example, working closely with the County and Coastal Commission on land use controls and how a transmission pipeline to Trinidad could be used to supply water along its

route would be necessary to address potential concerns over growth and land use along the route. Some of the initial planning steps that should occur are listed below. The City should consider seeking grant funding and partnerships to defray the costs. As part of future water supply planning efforts, the City can also reevaluate other alternatives, such as groundwater recharge in the upper watershed to help to feed Luffenholtz Creek in the summer, and other sources of supply such as springs or wells.

- Form partnerships with other stakeholders, including Trinidad Rancheria, Westhaven Community Services District, Moonstone Heights, McKinleyville Community Services District, etc.
- Public outreach
- Update 2003 feasible study
- Work with the County and Coastal Commission to come up with land policies along the potential pipeline route use designations to limit growth inducement.
- Collaborate with HBMWD and evaluate future potential provision of service.
- Create permitting and implementation road map

Planning Commission Action

This meeting is intended primarily as an overview. This is a complex topic with many facets. Addressing potential droughts and water shortage in Trinidad will likely require a multi-pronged approach. The Planning Commission should consider what the short and long-term priorities should be and give staff additional direction as to what to focus on. The Planner will work with the City Engineer and City Manager to refine those priorities and map a path forward. The Planning Commission should also consider providing a recommendation to the City Council for some of the longer-term infrastructure improvements, because the City should start planning and seeking grant funding for some of those projects sooner rather than later.

Attachments and Additional Information

- Jumpstart Water Shortage Toolkit: Tool #1 Model Water Shortage Contingency Plan (18 pages)
 - The entire toolkit and other information can be found at the following link:
<https://calwep.org/resource/jumpstart-water-shortage-toolkit/>
- Town of Windsor WSCP (6 pages)
- [Mendocino Water Shortage Contingency Plan](#) (34 pages)
 - Additional information (including another copy of the WSCP) can be found at the following links:
 - http://www.co.mendocino.ca.us/planning/pdf/MCCSD_Groundwater_Management_Plan_and_Programs_2012.pdf
 - <https://www.mccsd.com/>

Jumpstart Water Shortage Toolkit



Photo credit – Department of Water Resources

Tool #1: Model Water Shortage Contingency Plans

www.cuwcc.org | 916.552.5885





Photo credit – Department of Water Resources

INTRODUCTION

Water shortage contingency plans (WSCP) have been required as part of the water contingency analysis specified by the California Water Code 10632 since the early 1980s for urban water suppliers.¹ Having a developed WSCP is an essential part of being prepared to respond to water shortages in a timely manner. This tool will provide an overview of WSCP development, reference resources and tools, and provide examples of WSCPs from around the state with the goal of helping agencies develop a WSCP quickly or refine an existing plan.² The DWR Urban Drought Guidebook (2008) and the (2011) AWWA M60: Drought Preparedness and Response Manual are key resources for developing and implementing a WSCP. This tool will refer to these key resources, but does not seek to duplicate them.

WATER SHORTAGE CONTINGENCY PLAN DEVELOPMENT OVERVIEW

The goal of developing a WSCP is to prepare in advance a response for various water shortage conditions. These shortages could be caused by dry years, natural forces, system interruptions or failure, chronic maintenance deferral, dropping groundwater levels, or regulatory action. The water contingency analysis specified in California Law is defined by six elements, as summarized by the DWR Urban Drought Guidebook:³

1. A description of the stages of action an agency will take in response to water shortages;
2. An estimate of supply for three consecutive dry years;
3. A plan for dealing with a catastrophic supply interruption;
4. A list of the prohibitions, penalties, and demand reduction methods to be used;
5. An analysis of expected revenue effects of reduced sales during shortages and proposed measures to overcome those effects; and
6. A description of how the water supplier will monitor and document water cutbacks.

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Tool #1: Model Water Shortage Contingency Plans

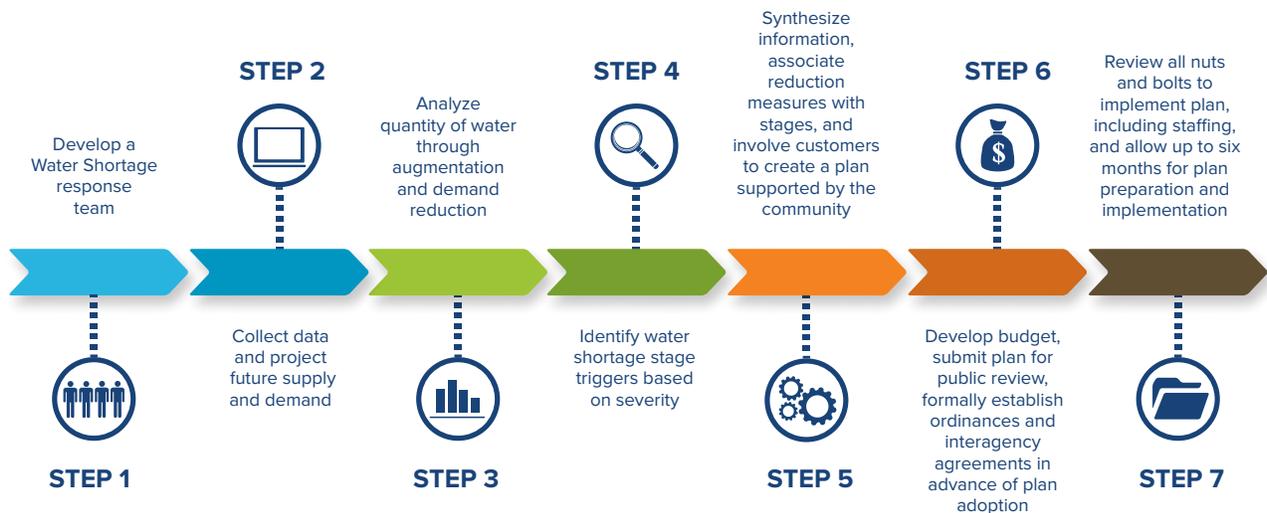
Both DWR's Drought Guidebook and AWWA's M60 outline seven steps to develop and implement a WSCP. Figure 1: Water Shortage Contingency Plan Development and Implementation Process summarizes these seven steps. For a WSCP development and implementation check list, see the additional resources sections below.

Water shortage restrictions will result in limiting specific water uses for some or all customer types. Before drafting the restrictions, identify both the uses to limit and those to give priority to for continued uses. The following are sample priorities listed in both the DWR and AWWA guidelines:

1. Health and Safety – interior residential and fire fighting;
2. Commercial, Industrial, and Institutional – maintain economic base, protect jobs;
3. Permanent Crops – takes 5 to 10 years to replace;
4. Annual Crops – protect jobs;
5. Landscaping – direct water to trees and shrubs; and
6. New Demand – generally, two years of construction projects are already approved.

Figure 1: Water Shortage Contingency Plan Development and Implementation Process

Water Shortage Contingency Plan Development and Implementation Process



Tool #1: Model Water Shortage Contingency Plans

WATER SHORTAGE STAGES

The California Water Code asks agencies to describe the stages and subsequent actions the agency will take to respond to the drought. These stages are a key framework for the WSCP. They typically include three to five increasing levels of water shortage with response actions. These stages may or may not include a ‘normal’ non-water shortage state. Developing the stages requires data collection and analysis to identify potential water availability during various water shortage scenarios. Key elements of a WSCP include:

- ▶ Triggers that signify when a stage will be entered;
- ▶ Demand reduction goals; and
- ▶ Water use restrictions.

The example below shows common descriptions and demand reduction goals for WSCP stages:

Normal: Typical water restrictions with local water waste ordinances or regulations. See Tool 2 for more information.

Stage 1: This stage is often used to raise awareness of emerging water shortage conditions and often relies on voluntary measures with demand reduction goals, commonly 10-15%.

Stages 2 and 3: Often begin or increase mandatory water restrictions with higher demand reduction goals, commonly 15-30%.

Stages 4 and/or 5: Often includes extensive restrictions on water use, and possible water rationing, and high demand reduction goals, commonly 35-50%.

Water Shortage Stage Triggers

Comparing forecasted water supply with demand forms the basis of determining when to intensify a water shortage emergency. While this comparison of supply and demand is the key factor in establishing water shortage triggers, triggers can include a variety of other factors, such as water quality conditions, supply interruptions, and regional agreements. Several of the WSCP tables from sample agencies show examples of stage reduction goals. See Table 2 on page 5.

Water shortage stages can include the declaration of a water shortage emergency. Several sections of the California Water Code apply to an agency’s initiation of a water shortage emergency.

Table 1: California Water Code Key Sections for Water Shortage Triggers

Section	Summary of Key Points for Initiating Water Shortage Emergency
350	Governing body of water supply distributor has authority to declare water shortage emergency condition. Defines water shortage emergency condition as when there would be “insufficient water for human consumption, sanitation, and fire protection.”
351	A public hearing is required prior to a water shortage emergency condition declaration.
352	Advertisement of the public hearing must follow certain notification and distribution procedures.
355	Regulations and restrictions are in effect until the emergency is over and the water supply has been replenished or augmented.

<http://www.leginfo.ca.gov/cgi-bin/isplaycode?section=wat&gro>

Tool #1: Model Water Shortage Contingency Plans

Demand Reduction Goals

Demand reduction goals help agencies provide a target for customers during the different stages of a water shortage. Smaller reduction goals during early stages may help agencies delay or avoid drastic reductions later. Table 2: Sample Demand Reduction Goals shows sample water reduction goals.

Table 2: Sample Demand Reduction Goals

	Santa Rosa ¹	Redding ²	Roseville ³	San Diego County WA ⁴
Stage 1	10 % V	15% V	10%	Up to 10% V
Stage 2	20% M	25% M	20%	Up to 20% M
Stage 3	30% M	35% M	30%	Up to 40% M
Stage 4	40% M	50% M	40%	Above 40% M
Stage 5	50%+ M		50%	

M = Mandatory V = Voluntary

1 <http://www.water.ca.gov/urbanwatermanagement/2010uwmps/Santa%20Rosa,%20City%20of/CityofSantaRosa2010%20UWMP.pdf>. Page 348.

2 <http://www.water.ca.gov/urbanwatermanagement/2010uwmps/Redding,%20City%20of/Redding%202010%20UWMP.pdf>. Page 59.

3 http://www.water.ca.gov/urbanwatermanagement/2010uwmps/Roseville,%20City%20of/UWMP%20SECTION%205%20Final%20draft_REV.pdf. Page 5-11.

4 http://www.water.ca.gov/urbanwatermanagement/2010uwmps/San%20Diego%20County%20Water%20Authority/11_ShortageContingency.pdf. Page 11.

The actual amount of demand reduction that can be achieved will vary from agency to agency and from year to year. Table 3: Requested and Actual Water Reduction during 1976-77 Drought illustrates requested and actual demand reductions during the 1976-77 drought for a sampling of California agencies. The percentage of reduction achieved for these agencies frequently met or exceeded the agency’s targets. Some factors that can affect this include: prior patterns of water use; prior experience with water shortages; length of time since the preceding water shortage; the saturation of water efficiency measures in the service area; the extent of agricultural and landscape areas; and the types of industries and businesses in the water service area. The effectiveness of each water use restriction should be periodically re-evaluated. The DWR Urban Drought Guidebook also notes that agencies may find that customers are more likely to exceed demand reduction goals in warmer months, whereas they may not achieve the demand reduction goal in cooler months.

Table 3: Requested and Actual Water Reduction during 1976-77 Drought

Supplier	Residential Rationing Program	Achievement Percent
Marin Municipal Water District	Mandatory 57% per capita	65%
East Bay Municipal Utility District	Mandatory 35% per household	40%
Contra Costa County Water District	Mandatory 30%	25%
San Francisco Water Department	Mandatory 25%	30%
Los Angeles DWP	Mandatory 10%	16%
Sunnyvale Water Department	Voluntary 25%	26%
Santa Clara Valley Water District	Voluntary 25%	30%
City of Pleasanton	No program	19%

Tool #1: Model Water Shortage Contingency Plans

Water Restrictions

Water restrictions complement demand reduction goals by limiting wasteful practices. During a water emergency, the California water code gives priority to domestic uses, sanitation, and fire protection. Water restrictions integrated in WSCPs typically limit specifically identified wasteful or lower priority water uses, such as frequent landscape irrigating, and outdoor surface washing. Table 4: Sample Water Use Restrictions and Earliest Implementation Stage lists restrictions common to at least three of the six example agencies. For more information on water restrictions, see the Appendix and Tool 2, Water Ordinances. This tool focuses on restrictions that produce short term demand reduction; for information on long term demand reduction, see additional resources on page 14 of this tool.

Photo credit – Rainbird



Table 4: Sample Water Use Restrictions and Earliest Implementation Stage

Water Use Restriction Type		Santa Rosa	Long Beach	Calaveras County WD	Redding	San Diego City	Roseville
Outdoor	Limit irrigation to specified times of day	1 M	N	3 M		2	
	Limit irrigation to specified days of week			3 M	3	2	
	Prohibit washing down of hardscapes	1 M	N	3 M		N	1
	Prohibit the use of potable water for street washing	1 M			2		1
	Require hose-end shut-off nozzles on all garden and utility hoses	1 M	N		2	N	N
	Irrigating landscape in a manner that results in unreasonable runoff, where (potable or reclaimed) water flows onto adjacent property, non-irrigated areas		N		2	N	N
	Prohibit operating a fountain or other water feature that does not re-circulate the water		N		2	N	N
CII	Require “Water-on-Request” programs at restaurants	1 M	1M			N	1
	Operate a conveyor type car wash system that does not re-circulate the wash and/or rinse water		N			N	4
Other	Quickly repair loss of water through breaks, leaks or other malfunctions in the water user’s plumbing.		N			N	N

Normal (N) refers to permanent restrictions, even with normal water availability.

M = Mandatory V = Voluntary # = Stage Numbers indicate the earliest water shortage stage that the restriction is active.

Tool #1: Model Water Shortage Contingency Plans

CPUC Drought Procedures Standard Practice U-40-W

Water providers operating under the regulations of the California Public Utilities Commission should refer to CPUC Drought Procedures Standard Practice U-40-W for typical water use restrictions under voluntary and mandatory rationing. The water use restrictions are similar to those available to non-regulated water providers.

- ▶ Standard Practice U-40-W specifies that notice of activation for “mandatory rationing and associated public hearing (if required) shall be provided to customers as a bill insert at the earliest billing cycle possible or through direct mailing, and shall include:
 - How penalties (or other instrument of compliance) will be assessed
 - What is the allocation
 - How the allocation was determined
- ▶ Fines for non-volumetric non-essential or unauthorized water use infractions (i.e. use of potable water to wash structures or driveways) may consist of flat fee fine; fines for exceeding the volumetric allotment shall consist of a penalty based upon a multiple of the authorized top tier quantity rate applied to all usage exceeding the allotment.”

Standard Practice U-40-W contains examples of a voluntary water conservation plan and staged mandatory rationing of water use. The examples state that “each utility/district shall propose its own unique amounts for each of these items.”⁴

Applicable sections of the California Water Code for water restrictions include:

Table 5: California Water Code Key Sections for Water Restrictions

Section	Summary of Key Sections for Water Restrictions
353	Governing body of water supply distributor must adopt regulations and restrictions to “conserve the water supply for the greatest public benefit.” Priority uses are domestic, sanitation, and fire protection.
354	Option given to governing body of water supply distributor to establish additional water allocation, distribution, and delivery priorities. Method of allocation cannot discriminate “between customers using water for the same purpose or purposes.”
355	Regulations and restrictions are in effect until the emergency is over and the water supply has been replenished or augmented.
356	Regulations and restrictions allow prohibiting new or additional service connections. Enforcement of regulations and restrictions may include discontinuing service to customers willfully violating them.
357	Regulations and restrictions must prevail over allocation provisions of laws pertaining to water rights of individual customers. Water distributors subject to regulation by the State Public Utilities Commission (PUC) need prior approval by the PUC before adopting regulations and restrictions of this type.
358	Review of an emergency declaration or adopted regulations and restrictions adopted by a court is not prohibited.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wat&group=00001-01000&file=350-359>

Tool #1: Model Water Shortage Contingency Plans

SAMPLE WATER SHORTAGE CONTINGENCY PLANS

The following examples provide excerpts from tables taken from various WSCPs around the state. These examples show a variety of approaches to stages, trigger conditions, demand reduction goals, restrictions, and

related plan elements. These tables are snapshots of each WSCP. A more complete understanding of statewide WSCP development and implementation will come from review of the hyperlinked full plans.

Retail Examples

City of Clovis

Service Area Population (2010): 99,519

2010 UWMP Water Shortage Contingency Plan. Section 6.2, page 55 (PDF page 67)

City of Clovis WSCP Stages

Stage	Conditions	Percentage Shortage
1 Minor (voluntary)	Groundwater in overdraft or available production within 10% of peak hour demands	10%
2 Moderate (mandatory)	Groundwater in overdraft in second consecutive year or available water production is 10% less than the peak hour demands	10% to 20%
3 Severe (mandatory)	Available water production is 20% less than peak hour demands	20% to 35%
4 Critical (mandatory)	Available water production is 35% less than peak hour demands or surface water supply is 50% of required.	35% to 50%

City of Clovis Mandatory Prohibitions by WSCP Stage

Examples of Prohibitions	Stage When Prohibition Becomes Mandatory
Using a hose without a nozzle	Stage 1
Outdoor water use on a non-watering day	Stage 2
Broken sprinklers or other leaks	Stage 1
Excessive runoff from property	Stage 1
Evaporative cooler overflowing	Stage 1

City of Clovis Water Shortage Stages and Reduction Objectives

Consumption Reduction Methods	Stage When Method Takes Effect	Projected Reduction (%)
Customer allotments/Rate Changes	Stage 3 and 4	25% to 40%
No refilling of pools	Stage 3 and 4	1%
Irrigation reduced to 2 or 1 day per week	Stage 3 and 4	18% to 35%
No new connections w/o offsets	Stage 3	None but no increase
No new connections	Stage 4	None but no increase
Main flushing only on complaint basis	Stage 3 and 4	50%

Tool #1: Model Water Shortage Contingency Plans

Marin Municipal Water District

Service Area Population (2010): 190,600

2010 UWMP Water Shortage Contingency Plan. See Section 5-1, pdf page 61

Stage	Water Supply Conditions	% Reduction
Alert Stage (Voluntary Rationing)	Total reservoir storage is less than 50,000 ac-ft on April 1	10%
Mandatory Rationing	Total reservoir storage is less than 40,000 ac-ft on April 1	25%
Water Shortage Emergency	Total reservoir storage on December 1 is projected to be in the vicinity of, or less than 30,000 ac-ft	up to 50%

Billing Codes	20% Rationing	25% Rationing	30% Rationing	40% Rationing	50% Rationing
Billing Code 1-5 (Residential)	25%	32%	32%	46%	55%
Billing Code 6 (Institutional)	20%	25%	30%	40%	50%
Billing Code 7 (Business)	15%	20%	25%	35%	45%
Billing Code 8 (Irrigation)	45%	50%	60%	75%	90%

Prohibitions	When Prohibition Becomes Mandatory
<p>No Non-Essential Uses:</p> <ul style="list-style-type: none"> Washing sidewalks, walkways, driveways, parking lots, and all other hard-surfaced areas by direct hosing, except to properly dispose of flammable or other dangerous liquids or substances or to prevent or eliminate materials dangerous to public health and safety. Escape of water through breaks or leaks within the consumer’s plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of forty-eight hours after the consumer discovers such a leak or break, or receives notice from the District of such leak or break, whichever occurs first, is a reasonable time within which to correct such leak or break. Non-recycling decorative water fountains. 	On-Going
<p>Restrictions on Irrigation: Irrigation shall not be conducted in a manner or to an extent that allows water to run off or overspray the areas being watered. Every consumer is required to have his/her water distribution lines and facilities under control at all times to avoid water waste.</p>	On-Going
<p>Restrictions on Reverse-Osmosis Units: The installation of reverse-osmosis water purifying systems not equipped with an automatic shutoff unit is prohibited.</p>	On-Going
<p>Prohibitions for New Connections:</p> <ul style="list-style-type: none"> Single-pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons; Non-recirculating systems for conveyor carwash applications. 	On-Going
<p>Twenty-five Percent or Greater Water Use Reduction Program: Every consumer shall eliminate water wastage and non-essential use of potable water from the District in an effort to aid the District in achieving a twenty-five percent reduction in the amount of water used by all consumers in the last year in which no restrictions in water use were required.</p>	Mandatory Rationing Stage
<p>Additional Prohibited Nonessential Uses Applicable to All Consumers: Use of potable water for: refilling or as make-up water for decorative fountains or pools; irrigation between the hours of 11 AM and 7 PM; irrigation of new turf areas; washing of cars, boats, airplanes with hose without a shut-off nozzle; or serving water to restaurant patrons, except on request.</p>	Mandatory Rationing Stage

Tool #1: Model Water Shortage Contingency Plans

City of Roseville

Service Area Population (2010): 114,078

2010 UWMP Water Shortage Contingency Plan. See Section 5-1

Table 5.5 | Water shortage contingency — penalties and charges – RMC 14.08.095

Penalties or Charges	Stage When Measure Takes Effect	Measure Description
Water Shortage Surcharge	Stage 2 - 5	A temporary increase in per unit water rates to stabilize water revenues when customers are successful in reducing water demands.
Excess Water Use Charge	Stage 3 - 5	A temporary increase in the top tiers of water use to provide further incentives for users in these categories to find ways of reducing demands.

Table 5.7 | Supply reliability — historic conditions

Folsom Reservoir Unimpaired Inflow Average Year = 1,886,210 AF Roseville Surface Water Available Average Year = 58,900 AF ²	Single Dry Water Year 1977 (AFY)	Multiple Dry Water Years (AFY)			
		1990	1991	1992	Average of 3 Years ¹
Unimpaired Inflow	289,740	822,331	1,185,926	604,927	871,061
Percent of UI Average Year	15.4%	43.6%	62.9%	32.1%	46.2%
Surface Water Allocation	39,800	54,466	58,900	46,917	56,159
Percent of Available Average Year Supply	67.6%	92.7%	100%	79.7%	95.3%

¹ Average available surface water for the 3 years is based upon the average of the unimpaired inflow value.

² Available surface water supplies are based upon the City’s Water Forum Agreement and the allocation of supplies are based on unimpaired inflow.

Table 5.8 | Water shortage contingency — rationing stages to address water supply shortages

Stage No.	Water Supply Conditions	% Shortage
Basic Stage	Full surface water supply allocation of 58,900 AF ¹	0%
Stage 1	Surface water supply availability of 53,000 AF	10%
Stage 2	Surface water supply availability of 47,120 AF	20%
Stage 3	Total water supply availability of 41,230 AF	30%
Stage 4	Total water supply availability of 35,340 AF ²	40%
Stage 5	Total water supply availability of 29,450 AF ²	50%

¹ Surface water availability consistent with Water Forum Agreement for water taken from the American River system.

² Based on water supply portfolio available it is not projected or anticipated that shortages would ever get to levels of 40 – 50% shortage. Measures are planned, however, to meet regulatory requirements or UWMP.

Tool #1: Model Water Shortage Contingency Plans

South Tahoe Public Utility District

Population (2010): 33,124

2010 UWMP Water Shortage Contingency Plan. See Section 5.4, pdf page 56

Water Shortage Contingency – Rationing Stages to Address Water Supply Shortages		
Stage No.	Water Supply Conditions	% Shortage
Continuous	Water Waste Prohibited	NA
1 Normal Conditions	Prohibition against runoff from site	10%
	Prohibition against irrigating non-landscaped property except to mitigate fire risk	
	Inspection/repair/adjustment of irrigation systems	
	Shutoff nozzle required on hoses used for vehicle washing	
	Encouragement to report water leaks/waste	
2 Minor Water Supply Shortage	All Stage 1 Restrictions	20%
	Designated irrigation days	
	Prohibition against washing hard surfaces except to mitigate fire or sanitation concerns	
	Restaurant water service on request	
3 Severe Water Supply Shortage	All Stage 1 and 2 Restrictions	30%
	Weekend irrigation prohibition	
	Prohibition against filling outdoor swimming pools	
	Prohibition against operating non-recirculating fountains and ornamental water features	
4 Critical Water Supply	All Stage 1, 2 and 3 Restrictions	40%
	Outdoor irrigation limited to once per week	
	Prohibition against water use for landscaping for new construction	
	Prohibition against hydrant use except for firefighting	
5 Water Emergency	All Stage 1, 2, 3 and 4 Restrictions	50%
	Prohibition against water use for other than domestic and commercial purposes (no irrigation)	
	Prohibition against water use for construction dust control	
	Prohibition against hydrant flushing	
	Prohibition against water use for air conditioning where an alternate source of fresh air is available	

^a One of the stages of action must be designed to address a 50 percent reduction in water supply.

Tool #1: Model Water Shortage Contingency Plans

Wholesale Examples

San Diego County Water Authority
Model Drought Response Ordinance

Service Area Population (2010): 3,200,000

Model Drought Response Ordinance: Drought Response Levels and Water-Use Restrictions.⁵

Drought Response Levels		Trigger	Voluntary or Mandatory Restrictions	Customer Conservation Targets	Water Authority DMP Stage
Level 1	Drought Watch	<ul style="list-style-type: none"> Level 1 applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability of supply shortages and that a consumer demand reduction of up to 10% is required in order ensure that sufficient supplies will be available to meet anticipated demands. The [AGENCY GENERAL MANAGER] shall declare the existence of Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance. 	Voluntary	Up to 10%	Stage 1 or Stage 2
Level 2	Drought Alert	<ul style="list-style-type: none"> Level 2 applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20% is required in order to have sufficient supplies available to meet anticipated demands. The [AGENCY BOARD OF DIRECTORS] shall declare the existence of Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance. 	Mandatory	Up to 20%	Stage 2 or Stage 3
Level 3	Drought Critical	<ul style="list-style-type: none"> Level 3 applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40% is required in order to have sufficient supplies available to meet anticipated demands. The [AGENCY BOARD OF DIRECTORS] shall declare the existence of a Level 3 condition and implement the Level 3 conservation measures identified in this ordinance. 	Mandatory	Up to 40%	Stage 3
Level 4	Drought Emergency	<ul style="list-style-type: none"> A Level 4 condition applies when the Water Authority Board declares a water shortage emergency pursuant to Water Code Section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40% in order for the [AGENCY] to have maximum supplies available to meet anticipated demands. [AGENCY] shall declare a Drought Emergency in the manner provided in Water Code Section 350. 	Mandatory	Above 40%	Stage 3

Tool #1: Model Water Shortage Contingency Plans

Santa Clara Valley Water District

Service Area Population (2010): 1,822,000

2010 UWMP Water Shortage Contingency Plan. See Section 6.3, pdf page 72

Santa Clara Valley Water District, Water Shortage Contingency Plan

URBAN WATER MANAGEMENT PLAN 2010					
Stage	Stage Title	Projected GW Reserves	Response	Suggested Reduction in Water Use(1)	Communication and outreach effort
Stage 1	Normal	Above 300,000 AF	Continue regular outreach activities in this stage to promote ongoing implementation of conservation and implementation of BMPs.		<ul style="list-style-type: none"> • Maintain public information and outreach focused on long term, ongoing conservation actions (e.g., water saving appliances, repairing leaks, and low-water use landscaping).
Stage 2	Alert	250,000 to 300,000 AF	This stage is meant to warn customers that current water use is tapping into groundwater reserves – a signal that groundwater levels are dropping to meet demands. Communications are needed to set the tone for the onset of shortages. Request water users to reduce water use by as much as 10%. Coordinate ordinances with cities and warn and prepare for a stage 3 situation.	0-10% demand reduction	<ul style="list-style-type: none"> • Expand on Stage 1 efforts • Intensify public information and advertising campaign • Focus messages on shortage situation and immediate behavioral changes
Stage 3	Severe	200,000 to 250,000 AF	Shortage conditions are worsening, requiring close coordination with retailers and cities to enact	10-20% demand reduction	<ul style="list-style-type: none"> • Expand and intensify Stage 2 activities • Further expand outreach efforts • Modify messages to reflect more severe shortage condition and need for immediate behavioral changes
Stage 4	Critical	150,000 to 200,000 AF	This is the most severe stage in a multiyear drought. Encourage retailers and cities to enforce their plans which could include fines for repeated violations.	20-40% demand reduction	<ul style="list-style-type: none"> • Strengthen and expand Stage 3 activities • Further expand outreach efforts • Open drought information center
Stage 5	Emergency	Below 150,000 AF	This last stage is meant to address a more immediate crisis such as a major infrastructure failure. Water supply would be available only to meet health and safety needs.	Up to 50% demand reduction	<ul style="list-style-type: none"> • Daily updates on water shortage emergency (media briefings, web update, social media outlets) • Activate EOC

Notes: (1) When the District Board calls for short-term water conservation, the cities and water retailers will consider the implementation of water contingency plan actions identified in their Urban Water Management Plans in order to achieve the necessary shortage response. The District works with the water retailers and cities to help coordinate these activities.

Tool #1: Model Water Shortage Contingency Plans

RESOURCES FOR WATER SHORTAGE PLANS

Foundational resources for developing a WSCP include the DWR Urban Drought Guidebook (2008) and the (2011) AWWA M60: Drought Preparedness and Response Manual. The AWWA M60, 72 pages, contains much of the same language as the DWR Guidebook, and also some new content. The DWR Guidebook, 207 pages, is available for free download below. Additional resources are listed below.

WSCP Development and Implementation:

AWWA M60: Drought Preparedness and Response (2011)

DWR Urban Drought Guidebook: 2008 Updated Edition

DWR WSCP excerpt from Urban Drought Guidebook, includes WSCP Development and Implementation Checklist

Related California Law:

Declaration of Water Shortage Emergencies

California Water Code Section 350-359

California Government Code, Section 8550-8551

Urban Water Management Planning, California Water Code Sections 10610-10656

UWMP staff contact at DWR: Gwen Huff, ghuff@water.ca.gov

Water Shortage Triggers:

Data Collection: DWR Urban Drought Guidebook, page 29. AWWA M60, page 8.

Data Analysis: DWR Urban Drought Guidebook, page 31. AWWA M60, page 10.

Establish Triggers: DWR Urban Drought Guidebook, page 65. AWWA M60, page 35.

Demand Reduction Goals

Demand Reduction: DWR Urban Drought Guidebook, pages 43, 73. AWWA M60 pages, 20, 41.

Pricing: Drought Tool Kit Tool 3. DWR Urban Drought Guidebook, page 51. AWWA M60 page 25.

AWE Financing Sustainable Water, Rates Handbook and Model

Example WSCPs

Review 2010 Urban Water Management Plans

Partnership Opportunities

Santa Ana watershed “**One Water, One Watershed**”

Regional Coordination: DWR Urban Drought Guidebook, page 27. AWWA M60, page 5.

Actions by Wholesalers: DWR Urban Drought Guidebook, page 35. AWWA M60, page 13.

PARTNERSHIP OPPORTUNITIES

Water provider partnerships allow local and regional organizations to work together to deliver water conservation messages and measures. If an agency does not already have a WSCP, it may want to consider reviewing WSCPs in neighboring communities. Alignment of stages, demand reduction goals, and restrictions allows for a consistent regional water shortage response messages. See the San Diego County Water Authority model drought response ordinance on page 12.

Tool #1: Model Water Shortage Contingency Plans

APPENDIX

Table 6: Sample Water Use Restrictions and Earliest Implementation Stages shows some water use restrictions and the associated stages from several utilities.

Table 7 shows water use restrictions by water shortage stage for San Juan Water District.

Table 6: Sample Water Use Restrictions and Earliest Implementation Stages

Water Use Restriction	Santa Rosa	Long Beach	Calaveras County WD	Redding	San Diego City	Roseville
Normal (N) or Basis (B) refers to permanent restrictions, even with normal water availability. M = Mandatory V = Voluntary # = Stage # = Stage Numbers indicate the earliest water shortage stage that the restriction is active.						
Outdoor irrigation to occur between specified times of day	1 M	N	3 M		2	
Restrict landscape irrigation to specified days			3 M	3	2	
Prohibit washing down of hardscapes	1 M	N	3 M		N	1
Reduce residential water use by X percent						2
Prohibit the use of potable water for street washing	1 M			2		1
Require the use of hose-end shut-off nozzles on all garden and utility hoses	1 M	N		2	N	B
Require "Water-on-request" programs at restaurants	1 M	1 M			N	1
Restrict irrigating landscape October – March with potable water to specified days of week.		1 M			2	
Filling residential swimming pools and spas with potable water		1 M	3 M			
Overfilling of swimming pools and spas is strictly prohibited					N	
Prohibit operating a fountain or other water feature that does not re-circulate the water		N		2	N	B
Stop operation of ornamental fountains, except to the extent needed for maintenance purposes.					2	3
Quickly repair loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system.		N			N	B
Irrigating landscape with potable water for specified time periods per authorized day if using sprinkler heads that emit ≥ 1 gpm or longer periods if more efficient emitters are used.		1 M				
City uses (except active sports fields) reduced by percent stages.						1
Irrigating commercial landscape, schools parks reduced by 30+ %			3 M			2
Golf course irrigation restricted to greens and tees if raw water is sole source.			3 M			
Except where recycled water is used, golf courses shall reduce irrigation by 30+ percent.						3
Golf course irrigation reduced by 35 % if treated effluent is used.			3 M			
Irrigating landscape in a manner that results in unreasonable runoff, where (potable or reclaimed) water flows onto adjacent property, non-irrigated areas, private and public walks, roadways, parking lots or structures		N		2	N	B

Tool #1: Model Water Shortage Contingency Plans

Table 6: Sample Water Use Restrictions and Earliest Implementation Stages, continued

Water Use Restriction	Santa Rosa	Long Beach	Calaveras County WD	Redding	San Diego City	Roseville
Normal (N) or Basis (B) refers to permanent restrictions, even with normal water availability. M = Mandatory V = Voluntary # = Stage # = Stage Numbers indicate the earliest water shortage stage that the restriction is active.						
Automobiles or equipment shall be washed only at commercial establishments that recycle their water or by equipment and means that separates debris and recycles wash water for continual use.						4
Irrigating landscape in a manner that is unreasonably water-inefficient, such as: excessive over spray, excessive misting, over pressurization, misalignment or tilted spray heads, or other malfunction or out-of-adjustment condition which results in unreasonable waste of potable water		N				
New or expanded landscaping is limited to drought-tolerant trees, shrubs, and ground-cover. No new turf shall be planted, hydroseeded, or laid.						3
Hotel or motel, failing to provide customers the option of choosing not to have towels and linens laundered daily.		N			NI	
Restaurants and all other commercial, industrial, institutional food preparation sites using pre-rinse heads having flow-rates greater than 1.5 gallons of water per minute		NI				
Operating a commercial laundry system installed after specified date that does not re-circulate wash and/or rinse water		N				
Operating a conveyor type car wash system that does not re-circulate the wash and/or rinse water		N			N	4
Installing a single-pass cooling system in a building requesting a water connection after specified date						
Using potable water, rather than reclaimed water, where reclaimed water is a cost-effective alternative to potable water and the customer has had a reasonable amount of time to make the conversion to reclaimed water		N				
Discontinue line flushing			3 M			
New building permits not issued						4

Tool #1: Model Water Shortage Contingency Plans



Table 7: San Juan Water District Water Restrictions

San Juan Water District Water Conservation Stages							
	Stage 1	Stage 2	Stage 3	Stage 4		Stage 5	
				ST	LT	ST	LT
Water shall be used for beneficial purposes only; all unnecessary and wasteful uses of water are prohibited.	✓	✓	✓	✓	✓	✓	✓
Water shall be confined to the customer's property and shall not be allowed to run-off to adjoining properties or to the roadside ditch or gutter. Care shall be taken not to water past the point of saturation.	✓	✓	✓	✓	✓	No outdoor watering	No outdoor watering
Free-flowing hoses for all uses are prohibited. Automatic shut-off devices shall be attached on any hose or filling apparatus in use.	✓	✓	✓	✓	✓	✓	✓
Customers shall repair all leaks within specified working days (see table at right) or less, if warranted by the severity of the problem. Water service will be suspended until repairs are made.	5 days or less	5 days or less	2 days or less	24 hrs. or less	24 hrs. or less	Immediately	Immediately
Washing streets, parking lots, driveways, sidewalks, or buildings, except as necessary for health, esthetic or sanitary purposes, is prohibited.	✓	✓	✓				
Washing streets, parking lots, driveways, sidewalks, or buildings, except as necessary for health or sanitary purposes, is prohibited.				✓	✓	✓	✓
Customers are encouraged to take advantage of the District's free conservation services and rebate programs.	✓	✓	✓	✓	✓	✓	✓
All pools, spas, and ornamental fountains/ponds shall be equipped with a recirculation pump and shall be constructed to be leak-proof.	✓	✓	✓	✓	✓	✓	✓
Pool draining and refilling shall be allowed only for health, maintenance, or structural considerations.	✓	✓	✓	✓	✓		
No potable water from the District's system shall be used to fill or refill swimming pools, artificial lakes, ponds or streams. Water use for ornamental ponds and fountains is prohibited.						✓	✓
Reduce indoor and outdoor water use by specified percentage as determined (see table at right). Contact the District or visit our website at www.sjwd.org for additional tips and techniques to reduce water use.		5-10%	25%	26-50%	26-50%	50% or more	50% or more
Customers with "smart" irrigation timers or controllers are asked to set their controllers to achieve specified percentage reduction (see table at right) of the evapotranspiration (ET) rate.		90-95%	75%	50-74%	50-74%		
Landscape and pasture irrigation is prohibited.						✓	✓
Restaurants shall serve water only upon request.			✓	✓	✓	✓	✓
Construction meters and fire hydrant meters will be monitored for efficient water use. Use of reclaimed water for construction purposes is encouraged.		✓	✓	✓	✓	✓	✓
Water Emergency tiered pricing will be implemented pursuant to requirements of Proposition 218 in accordance with California law.			✓		✓		✓
Flushing of sewers or fire hydrants is prohibited except in case of emergency and for essential operations.				✓	✓	✓	✓
Installation of new turf or landscaping is prohibited (Discourage at Stage 3).				✓	✓	✓	✓
Automobiles or equipment shall be washed only at commercial establishments that use recycled or reclaimed water.				✓	✓	✓	✓
No commitments will be made to provide service for new water service connections.					✓		✓
New connections to the District water distribution system will not be allowed.							✓

ST = Short Term (< 45 days) / LT = Long Term (> 45 days)

Tool #1: Model Water Shortage Contingency Plans

NOTES

1. Urban Water Suppliers with 3000 or more connections or that deliver 3000 or more acre feet of water.
2. This primer attempts to give readers a jump start on developing a WSCP, this is not a comprehensive resource for all legal and implementation issues.
3. DWR, *Urban Drought Guidebook*: 2008 Updated Edition. 2008
4. California Public Utilities Commission Drought Procedures Standard Practice U-40-W
5. Model Drought Response Ordinance: Drought Response Levels and Water-Use Restrictions

The complete **Jumpstart Water Shortage Toolkit** includes:

- #1 – Model Water Shortage Contingency Plans
- #2 – Water Waste Ordinances and Enforcement Primer
- #3 – Water Shortage Pricing Primer
- #4 – Water Loss and Supply Alternatives Primer
- #5 – Customer Programs and Communication/Outreach Primer
- #6 – Local Water Supply Fact Sheet
- #7 – Water Use and Loss Awareness Resources
- #8 – Water School Curriculum
- #9 – Water Resource Funding Primer

Tools are available to view or download at www.cuwcc.org

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Water Shortage Contingency Plan



Section 10632 of the California Water Code states that the Urban Water Management Plan shall provide an urban water shortage contingency analysis that includes information on the estimated three-year minimum water supply, actions in the event of a water shortage, water waste prohibitions, non-essential water uses during a water shortage, mechanisms for determining water use reductions, revenue and expenditure impacts and the emergency preparedness and plans for catastrophic events. The Town of Windsor (Windsor) draft water shortage contingency model ordinance to be enacted during a water shortage is provided in Attachment 1. Attachment 2 contains Section 12-3-361 from the Town’s Municipal Code regarding Regulations and Restrictions on Water Use.

Estimate of Minimum Water Supply for Next Three Years (Water Code §10632(b))

The minimum water supply available during the next few years during a multiple dry year drought, based on historical water supply data, is presented in Section 7 (Table 7-2, which is DWR Table 28) of the Town of Windsor’s 2010 Urban Water Management Plan.

Stages of Action to be Taken in Response to Water Supply Shortages (Water Code§10632(a))

The Town Manager shall be responsible for monitoring all potential water shortage conditions, and shall make recommendations to the Town Council regarding the implementation of the Water Shortage Contingency Plan stages 1, 2, or 3. It is the responsibility of the Town Council or its designee to declare a water shortage. The specific stages and triggers to activate each stage based on a percentage reduction in water supply will be determined in cooperation with the Sonoma County Water Agency and the other water contractors served by the Russian River aqueduct system. Table 1 summarizes the triggers and degree of water shortage for each stage of action based on the stages defined in the model ordinance (Attachment 1).

Stage No.	Rationing Stages	% Shortage
	Water Supply Conditions	
1	Disruptions to the Town’s water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and Sonoma County Water Agency has declared a Stage 1 water shortage	15
2	Disruptions to the Town’s water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and Sonoma County Water Agency has declared a Stage 2 water shortage.	15-25
3	Disruptions to the Town’s water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and Sonoma County Water Agency has declared a Stage 3 water shortage.	25-50

Water Shortage Contingency Plan

Stage 1 – Introductory Stage - Voluntary Reductions

During Stage 1, the Town shall implement a public information campaign to inform customers regarding the special need to conserve water due to drought conditions, or any other factor which would cause a reduction in the Town’s water supply. The public information campaign shall address certain water use restrictions which customers may implement on a voluntary basis. The list of voluntary restrictions is provided in the model ordinance (Attachment 1) and summarized in Table 3.

Stage 2 – Mandatory Rationing-Community Cooperation Method

In the event that further water conservation is necessary the Town will ask customers to reduce their water consumption by 15 to 25 percent dependent upon the specific water supply conditions. Water allotments may be recommended in a resolution or ordinance depending on alternative supplies and the Town’s needs. The Town shall inform its customers that water shortage conditions have reached a magnitude that requires the implementation of mandatory restrictions on the uses of water. The Town will implement water reductions by user class, in order of importance, for healthcare and public safety, non-residential use, irrigation use, and residential use – percent of water allotted to them.

In addition, further non-essential water use prohibitions are recommended to meet necessary water consumption reductions. For example, it is suggested that restaurants implement a “water on request” program. The list of restrictions on water use are defined as non-essential uses in the model ordinance (Attachment 1) and summarized in Tables 3 and 4.

Stage 3 – Mandatory Restrictions of Both the Uses of Water and the Amounts of Water Used

If it is determined that further water consumption reductions are necessary or that stage 2 reduction methods are not effective, it may be recommended that water customers implement a water allotment/penalty method. The necessary water consumption reduction will be 25 to 50 percent. Water allotments will be assigned for each water use class depending on the necessary water conservation percent reduction.

To further achieve water consumption reductions the Model Ordinance recommends limits on all new connections, excluding the exemptions listed in the Model Ordinance. Recommendations for construction offset programs are also included in the Model Ordinance. The list of additional nonessential uses for Stage 3 are defined in the Model Ordinance (Attachment 1) and summarized in Tables 3 and 4.

Catastrophic Supply Interruption Plan (Water Code §10632(c))

The Town of Windsor Water System Master Plan describes the mitigation strategies that may be implemented to limit the impact due to catastrophic events resulting in long-term and short-term interruptions of their water supplies, excluding water shortages and interruptions due to drought. Catastrophic events that have been addressed by the Town include toxic spills, earthquakes, floods, fires, and power outages. The preparation actions for these catastrophic events are summarized in Table 2.

Water Shortage Contingency Plan



In the event of an emergency, a designated Emergency Operations Center (EOC) may be activated to act as a coordination center for all of the District’s emergencies. Town personnel will be are required to inspect wells, storage tanks, and transmission lines and file a report with the EOC. The EOC would set an order of priority for repair and shut down projects.

Possible Catastrophe	Summary of Actions
Earthquake	Shut-off isolation valves and above ground use of flexible piping for ruptured mains
Floods	Use of the Aqueduct, Bluebird Facility, and storage while Russian River Well sites are interrupted
Toxic Spills	Use of the Aqueduct, Bluebird Facility, and storage while Russian River Well sites are interrupted
Fire	Storage supplies for fire flows
Power Outage or Grid Failure	Portable and emergency generators available for Town, Russian River Well Field, and Aqueduct facilities
Severe Winter Storms	Portable and emergency generators available for Town, Russian River Well Field, and Aqueduct facilities
How Weather	Portable and emergency generators available for Town, Russian River Well Field, and Aqueduct facilities

Prohibitions, Penalties, and Consumption Reduction (Water Code §10632(d)-(f))

Table 3 lists the suggested non-essential water uses and water waste prohibitions. For exceptions to prohibitions or non-essential water uses refer to the Town’s Municipal Code Section 12-3-361 which contains regulations and restrictions on water use (Attachment 2). Non-essential water use prohibitions in a subsequent stage include the prohibitions from the previous stage.

Water Shortage Contingency Plan



Table 3. Voluntary Restrictions and Mandatory Prohibitions (DWR Table 36)

Examples of Water Waste Prohibitions and Non-Essential Water Uses	Stage When Prohibition Becomes Mandatory
Washing of sidewalks, walkways, driveways, parking lots, and other hard surfaces	Water Waste Prohibition
Irrigation in a manner that causes run-off or unreasonable overspray	Water Waste Prohibition
Washing cars, boats, trailers, or other vehicles without a hose with a shutoff nozzle	Water Waste Prohibition
Water for non-recycling decorative water fountains	Water Waste Prohibition
Water for non-recycling car and industrial clothes wash systems	Water Waste Prohibition
Water for single pass evaporative cooling systems	Water Waste Prohibition
Un-repaired leaks	Water Waste Prohibition, Stage 1
Refilling a swimming pool	Stage 1
Non-commercial washing of motor vehicles, trailers, and boats except with a bucket and a hose with a shut-off nozzle for a rinse	Stage 1
Use of fire hydrants except for essential needs or by permit	Stage 2
Watering of any existing turf grass, ornamental plant, garden, landscaping or other plants, except using a hand-held container or drip irrigation	Stage 2
Watering of new turf grass or landscaping	Stage 2
Initial filling of a swimming pool	Stage 2
<i>Note: Refer to the Town of Windsor's Municipal Code Section 12-3-361 for their Water Waste Prohibition.</i>	

The actual percent reductions and the stage of action depend on the total water requirement necessary, available supply, and alternative sustainable local supplies. Consumption reduction methods are listed in Table 4.

Table 4. Consumption Reduction Methods (DWR Table 37)

Consumption Reduction Methods	Stage When Method Takes Effect	Projected Reduction (%)
Water waste prohibitions	At all times	
Reduce pressure in the water lines	Stage 1	15
Prohibit non-essential water use	Stage 1	15
Education and outreach program	Stage 1	15
Water conservation plumbing fixture replacement	Stage 1	15
Voluntary rationing	Stage 1	15
Water shortage pricing, rate adjustments	Stage 2	15-14
Mandatory rationing	Stage 2, 3	15-50
Restrict use for irrigation	Stage 2, 3	15-50
Restrict new water connections	Stage 2, 3	15-50
New construction offset programs	Stage 2, 3	15-50
Per capita allotment by customer type	Stage 3	25-50

Table 5 summarizes suggested penalties when the violation has not been remedied or is repeated. Depending on the extent of the water waste the Town may, after written notification to the customer and a reasonable time to correct the violation, as solely determined by the Town, take some or all of the actions in Table 5. The Stage when the penalties take effect is based on the model ordinance (Attachment 1).

Table 5. Penalties and Charges (DWR Table 38)

Penalties or Charges	Stage When Penalty Takes Effect
Termination of service	Stage 2
Flow restriction	Stage 2
Reconnection fee	Stage 2
Water waste fee	Stage 3

Note: Penalties and charges in this table are based on the Town of Windsor's Municipal Code Section 12-3-361, Regulations and Restrictions on Water Use.

Analysis of Revenue Impacts of Reduced Sales During Shortages (Water Code §10632(g))

Measures available to the Town to offset impacts during water shortages would include rate adjustments, or revision of the tier levels, and use of financial reserves including the general fund. Due to reduction in water sales the revenue obtained from water sales will be reduced, however much of the operations and maintenance expenses for the Town will remain the same. The Town may experience increased expenditures for public information and outreach campaigns and staffing. A “Revenue Impact Model – Step by Step Instructions” (Attachment 4)

Water Shortage Contingency Plan



was supplied to the Town by the Agency to assist the Town in analyzing the financial impacts during a water shortage and make decisions on actions to be taken. In the event of a water shortage, the Town would evaluate the financial impact for the needed percent water consumption reduction. Tables 6 and 7 list suggestions to overcome the revenue and expenditure impacts.

Table 6. Proposed Measures to Overcome Revenue Impacts	
Names of Measures	Summary of Effects
Rate adjustment	Offset loss in revenue
Use of financial reserves	Offset loss in revenue

Table 7. Proposed Measures to Overcome Expenditure Impacts	
Names of Measures	Summary of Effects
Reconnection fees	Support water conservation programs
Excessive use charges	Support water conservation programs
Construction offset programs	Support water conservation programs

Water Shortage Contingency Draft Ordinance and Use Monitoring Procedure (Water Code §10632(h) and (i))

As noted above, the Sonoma County Water Agency Board has approved an allocation methodology for use by the Town in the event of a water supply shortage. The draft model ordinance and allocation methodology are provided as Attachments 1 and 3, respectively. It is recommended by Sonoma County Water Agency that the Town utilize a chart depicting actual community water use compared to overall rationing goal and provide this information to the media and the public to encourage water conservation. Sonoma County Water Agency developed recommendations for the Town to monitor water use reductions as shown in Table 8.

Table 8. Water Use Monitoring Mechanisms	
Mechanisms for Determining Actual Reductions	Data Expected
Continuous system data collection	Normal water usage
Review of water use data	Percent reduction based on weather and growth normalized projected demand
Review of production data	Percent reduction based on historical usage normalized for growth and weather
Increased meter reading (Stage 3)	Regular water usage information during shortage
Agency supply meters	Quantity of delivered water