

Posted: August 16, 2019



NOTICE AND CALL OF A MEETING OF THE
TRINIDAD PLANNING COMMISSION

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on
WEDNESDAY August 21th, 2019, AT 6:00 P.M.
in Town Hall at 409 Trinity Street.

The following items will be discussed:

- I. ROLL CALL
- II. APPROVAL OF MINUTES - July 17, 2019
- III. APPROVAL OF AGENDA
- IV. ITEMS FROM THE FLOOR
- V. AGENDA ITEMS

Discussion / Decision / Public Hearing / Action

- 1. General Plan Update: Discussion of (a) next steps and schedule, (b) Introduction chapter and vision statement (c) water service policies of the Circulation Element, (d) Service Area and Sphere of Influence policies and priorities (Land Use Element).

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

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING COMMISSION
WEDNESDAY, JULY 17, 2019

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

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

II. APPROVAL OF MINUTES

June 19, 2019

Motion (Stockness/Kelly) to approve as submitted. Passed (4-0, 1). Johnson abstained.

July 1, 2019

Motion (Johnson/Stockness) to approve as amended. Passed (4-0, 1). Lake abstained.

Correction on page 5 of 6: Moved "He also suggests that the City look into the possibility of constructing storage ponds in the upper Luffenholtz Creek watershed" to S. Madrone's public comment, not Shirley Laos'.

III. APPROVAL OF AGENDA

No formal motion to approve the agenda. Approval made by acclamation.

IV. ITEMS FROM THE FLOOR

V. Sackville (Trinidad) requested to schedule an agenda item for 363 Trinity St., due to changes made and a lack of information on the public notice for a change of ownership and liquor license.

V. AGENDA ITEMS

1. AT&T 2019-07: Coastal Development Permit, Use Permit, and Design Review to install new, temporary cellular infrastructure, including a 20-foot by 20-foot precast concrete foundation, a 75-foot tall monopole, antennas on the monopole and a walk-in equipment cabinet. The site will replace AT&T's Trinidad Head facilities until a suitable permanent site can be found (approx. 24 months). The Use Permit is required for the requested height. Located at: 12 Berry Road; APN: 515-331-016

Written communication was received from Kim Tays and Sheriff Honsal. Graves stated he notified Honsal that the cell tower was on the agenda. Staff received a prepared written comment from Jonna and Reid Kitchen and reference material on health impacts caused by cell towers from Jessie Dodd.

Staff report

Parker advised the project will be located at the existing church on the southeast side of Berry Road, which is zoned PR - Public and Religious. She confirmed the project will be adjacent to redwood trees, while also explaining that the surrounding properties are zoned SR - Suburban Residential, C - Commercial, and PD - Planned Development, but mostly consist of residential uses. She advised Public Works and the County Division of Environmental Health did not offer any comments in response to referrals, but the City Engineer and Building Inspector did. They commented on the type of plans, reports, calculations, etc. required for the building permit

process. She confirmed their comments were included in the conditions of approval. She explained the project does meet the requirements of the zoning ordinance, and that while there is a 25 ft. height limit in the PR zone, the Planning Commission can approve taller structures with a Use Permit. Parker confirmed the existing structures on the lot will not change; the cell tower will take up some of the existing parking, but parking requirements will still be met. Coastal views are not likely to be impacted, but it will be minimally visible from some locations in town, such as from the Main St., Patrick's Point, and Scenic intersection. She advised a story pole was not requested, due to the difficulty of securing something of that height. Parker confirms the cell tower will not require any excavation, as the tower is being placed in a flat location. Parker did confirm the location currently has services/utilities, but the cell tower will require an additional electrical connection.

Parker voiced how she understands neighbors may present conflicting information regarding the cell tower's necessity and impacts, but the findings have been written to allow approval. In regards to concerns about health and safety, she notes that federal law preempts local agencies from denying a project for health and safety reasons if the project meets FCC standards, which this one does. Parker stated maintenance will be once per month and will not be a noise and light nuisance. She confirmed the Church has not submitted their OWTS application, but that it has not been made as a condition of approval, because AT&T has no control over that and the project produces no wastewater. She also stressed that a condition of approval is that after a 24-month period, unless the Planning Commission grants an extension, AT&T must submit a demolition and restoration plan for the leased area.

Parker discussed how AT&T is one of the three providers currently located at the cellular site on Trinidad Head, further explaining that AT&T and Sprint sub-lease through Verizon. She reminded the Commission that the City their intent to terminate Verizon's lease in September 2019. However, Parker confirmed Verizon has indicated they will not be ready to remove their facilities by the expiration date, and they have not submitted the necessary permits to do so.

Parker reminds the Commission the cell tower on Berry Rd. will be temporary, during which time AT&T will be working to obtain a permanent location (possibly at the Trinidad Quarry). Initially the plan was to have the cell tower on a trailer at Berry Rd., but due to the Paradise fires in California, this was unrealistic as all are currently in use. Parker explained if AT&T seeks to make the Berry Rd. site permanent the project would come before the Planning Commission again.

Commissioner Questions/Comments

Commissioner Lake confirmed with Parker that any location zoned Public and Religious can be used for a cell tower. She opined that cell towers are different than utilities and expressed her concerned over site selection and lease management. She reminded the Commission and public that the City needs to be aware of how the lease is managed, because in 2012 Verizon threatened to sue the City regarding the lease on Trinidad Head, and the City Attorney stated the City should not fight the litigation due to the high expense. She opined there should not be an excuse of why AT&T could not obtain a portable tower, as they financially can afford it. Lake questioned why the applicant has not approached Green Diamond to find a new site. She further questioned how much parking would be removed, and how much light and noise would be produced. She opined there will be negative implications for homeowners/business owners, and the project is inconsistent with the City's Gateway project. While also stating a story pole is needed, she also stressed there is no concrete evidence the site will be temporary.

In response, Parker advised that the City does not have parking requirements for churches or noise standards, but that the project would meet standards used by other communities. Parker explained that lighting is not being proposed, but a condition has been added that if lighting is desired for safety, it would have to be minimal.

Commissioner Kelly questioned if the Verizon lease on Trinidad Head could be extended beyond their September 1, 2019 date, which would also allow AT&T more time. Thus, each carrier could find a permanent location in the meantime; thereby a temporary location would not be needed. City Manager Naffah advised currently there is no formal extension, but the current lease agreement indicates that Verizon has to pay 150% once the September 1 date passes. Kelly stated 24 months on a concrete slab doesn't seem temporary but agrees that a portable tower would be. Kelly opined that when the City decided to remove the Trinidad Head cell towers, they should have strategized where the new towers would be.

Commissioner Stockness stated that as Berry Rd. is a residential area, an AT&T cell tower doesn't seem appropriate. She advised it will be visible from City locations, including the Library and Saunder's Park. She stated that a cell tower, in such a visible location, is not in line with the Gateway project. Her largest concern is the visual impact, so she would like Green Diamond or the Quarry to take on the lease of the poles. She also advised that the church needs to submit an OWTS application. She further confirmed that she does understand that the sheriff wants the cell towers for safety, but visually it will be in poor location.

Commissioner Johnson advised the City has created another issue for itself, and it is clear that when a proposed change to a cell tower location occurs, it is with very little dialogue. He stated he wants to clarification from the applicant on what other sites were considered, what were the positives and negatives of each site, and why certain sites were not chosen. He advised it is not unknown that the community has strong feelings toward the location of cell towers, but he recognizes that cell phones are a part of our society, so we must find a balance. He further stated he is concerned with the proposed coverage site plans, which indicate there will be a large population segment along the southern 101 corridor that will not get coverage, including Westhaven and the Rancheria (which is an emergency Red Cross shelter).

Public Comment

G. Bell, J5 Infrastructure Partners (subcontractor for AT&T, Applicant) confirmed that in 2015 AT&T realized there were issues at the Trinidad Head site and that they would have to seek an alternative. In response to how a site is chosen, he stated there are three parameters that go into siting a facility, including coverage, land use/zoning, and ownership. Bell advised that AT&T identified seven sites in 2016. Four of the seven had unwilling landowners. There was not enough room at the cemetery. He stated the Quarry location met all the criteria, but a larger tower would be required to provide the necessary coverage. He stated the current problem is the owner is unresponsive. He did advise, however, the building permit is ready, pending some structural issues. He confirmed that in the interim, AT&T is decommissioning the Trinidad Head site on September 21st, 2019, so they are seeking a temporary site. They are hopeful that the Quarry site will move forward soon.

Bell addressed the community's concerns, but reassured the Commission and public the site will be hugging a large redwood tree, so it will be minimally visible. He stated that it would be painted

to match its surroundings. He also confirmed a generator will be on site but will only be used for emergency purposes and tested for a few minutes each month. Bell addressed Lake's statement regarding the accessibility of portable towers, and he confirmed the region only has so many. He advised there are currently three options: 1) extend the lease on Trinidad Head, 2) build a temporary site on Berry Rd, or 3) have no AT&T cellular coverage in the Trinidad area until the quarry site can be built.

Commissioner Questions/Comments:

Kelly requested a timeline on constructing a tower at the quarry. Applicant, Bell, confirmed that it takes two months once all the approvals are in place. Lake stated a correction needs to be made, as there wasn't a site analysis provided in the packet, but that there is one currently. Applicant, Bell, confirmed he only just received it.

Lake opined there are not enough photos depicting the visual impact on the neighborhood. Stockness questioned if AT&T is working with the County. Bell confirmed they are working with the County's Building Division. Graves questioned why AT&T hasn't been working with Verizon.

Public Comment:

M. Russo (Berry Rd. resident) stated she is in opposition of the project. She reminded the Commission that in addition to Sheriff Honsal's letter in favor of the cell tower, a letter from K. Tays in opposition to the cell tower was provided. She stated AT&T should contact Green Diamond. She read a letter signed by Neal Ewald the Senior Vice President of Green Diamond stating that cellular facilities can be consistent with their forestry practices.

C. Lindgren (Greater Trinidad resident) stated there is no such thing as a temporary cell tower, and it would be naïve to assume it would be temporary. She stated the City cannot discriminate between carries and the project is about real estate. She advised the City has a legal right to get the towers off Trinidad Head as the landowner, but it won't have the same leverage on Berry.

M. Swett (Berry Rd. resident) pointed out the large turnout from residents on Berry and Himalaya. He stated the cell tower will be a detriment to the owners' property values, and that while it may not impact his view from his house, it will impact his view when he is walking and driving by. He pointed out that a representative from the Church is not present. He expressed frustration that Berry Road would be treated differently from the rest of Trinidad.

J. Kitchen (Berry Rd. resident) stated the Church has been inactive for the past 10-12 years, is in disrepair, and is a blight for their neighborhood. She stated the church is not a good neighbor and is in favor of extending the lease on Trinidad Head (until a permanent site is found). She opined the City should take advantage of the revenue stream, while it is there. She stated research indicates there are negative impacts to property values and cells towers are hazards and nuisances. She further stated the cell tower will impact her view.

S. Rheinschmidt (Greater Trinidad resident) spoke on behalf of his father R. Rheinschmidt, whose property is across from the proposed cell tower site. He stated he agrees with the previous comments, and that he is in favor of extending the lease on Trinidad Head until a permanent location is obtained.

T. Weisend (Berry Rd. resident) stated the Quarry seems to be the optimal site. He stressed his concern for aesthetics, his health and property value. He is in favor of extending Trinidad Head lease, until the Quarry site is operational.

D. Callahan (Berry Rd. resident) stated it would be a major eye-sore for her as it would be in the view from her living room. She stated she has worked for Green Diamond, and verified they negotiate with companies seeking to install cell towers.

J. Dodd (Berry Rd. resident) stated he is concerned about his health and property value. He provided a packet of reference material, regarding health impacts caused by cell towers. He stated it doesn't make any sense for the tower to be in a residential area. He stated he is in support of extending the lease on Trinidad Head, and suggested that AT&T talk to Green Diamond.

L. Farrar (Trinidad resident) stated that the cellular companies have had plenty of time to find alternative sites. She stated the City should hold the cellular companies responsible and not renew the Trinidad Head lease.

M. Dodd (Berry Rd. resident) stated she shares everyone's concerns, especially regarding health. She wonders if 5G will even be compatible. She read a letter in opposition to the project from one of her neighbors, who have an 8-month old child.

R. Kitchen (Berry Rd. resident) stated he is in opposition, due to aesthetics and impacts to his property value. He advised that he doesn't want to be a naysayer, but has researched and thought about it, and the project doesn't seem to be the best fit in a residential neighborhood.

D. Kieselhorst (Greater Trinidad resident) stated that he owns property within 300 ft. of the proposed cell tower. He advised it has no place in a residential area, and his renters, with a young baby are concerned. He stated there are better alternatives and is in favor of extending the lease on the Head. He advised that temporary always becomes permanent.

M. Kieselhorst (Greater Trinidad resident) stated she is concerned about the implications on children's brain development. She advised the City should have been more forward thinking regarding the removal of the cell tower on Trinidad Head. She compared tobacco companies to cell phone carriers, indicating that both know their products cause cancer.

D. Callahan (Berry Rd. resident) stated it will be an eyesore and there will be health and property value implications. He questioned whether the City has requested legal counsel and stated AT&T should reach out to Green Diamond.

G. Rheinschmidt (Berry Rd.) pointed out that everyone that has spoken is in opposition, and he shares their sentiments.

Applicant representative, G. Bell confirmed the site may not be as visible as some are expressing, but he did indicate that residents will see it when passing the site on the road. He responded to the concern regarding decreased property values, countering that property values will also go down if cell service is lacking. He did agree that extending the lease on Trinidad Head would be the best option right now. He noted that Green Diamond may be an option, but distance away is a consideration. He suggests that the City could help encourage the quarry owner.

Commissioner Questions

Johnson confirms that there is a cell tower site currently at the Quarry location, but it is not tall enough. He asks why it isn't feasible to use smaller satellite antennas on existing utility poles. G. Bell responds that those distributed systems require lots of antennas and are designed for denser urban areas.

Applicant, Bell, confirmed that AT&T considered co-locating on the existing cell tower at the quarry, but determined that it is too short. He added AT&T considered building an extension but would still require additional lease area for the ground equipment. He stated that the Berry lessor does not want the cell tower for more than two years.

Graves acknowledged the community's concern and noted that alternatives exist. He stated the applicant does not have a well thought out plan, and he has qualms with some of the findings. Graves confirmed that he disagrees with the Design Review findings C and H and Use Permit findings A, B, and D.

Stockness advised that she is ready to make a motion. Lake thanked the public but acknowledged that, while she agrees with the public about not having the tower on Berry Rd., she does not share the same sentiment about extending the lease on Trinidad Head.

Johnson advised that as a former resident of Himalaya, he understands residents' concerns regarding the aesthetics, because while we tend to look out at the ocean, there are other views that are important as well. He advised he cannot make a motion due to a lack of information. He stated a viable plan for relocating the Trinidad Head facilities needs to be developed, which will allow everyone to do what they need to do. The City and cellular providers need to come up with a solution that would avoid the need for this temporary site.

Stockness stated she agrees with Johnson, but also opined that the summer season will impede individuals' drive to accomplish a viable plan. She further stated that based on public testimony, it is evident that residents do not want the cell tower on Berry Rd. She feels that enough information has been presented in order to deny the project. Graves explains the legal basis for the required findings and summarizes the ones that cannot be made.

Motion (Lake/Stockness) to deny the project because the Design Review criteria C and H, and Use Permit findings A, B, and D cannot be made based on the lack of alternative site analysis, lack of panoramic shots depicting the views from the properties. Motion passed unanimously (5-0).

Johnson suggested making a recommendation to the City Council that there must be viable solution, otherwise AT&T customers will lose coverage. Graves advised he is in agreeance with Johnson, further stating the City needs to put pressure on Verizon, as there has been a lack of communication. Kelly and Lake discussed making a recommendation to the City Council to have an individual reach out to the Quarry site owner. Kelly stated it should a potential action item. Lake has a tough time understanding why there's no solution yet; the cellular companies have had plenty of time.

2. General Plan Update: Discussion of status and next steps. Introduction and review of a revised draft Water Demand Assessment and discussion of water service policies and priorities.

Commissioner Lake has left the meeting. Commissioner Graves advised that he contacted County Supervisor Madrone and confirmed that the County is looking for illegal cannabis grows and water withdrawals in the Luffenholtz Creek watershed, and one may have been found.

Staff report

Parker presented a revised water demand report and additional information. She noted that the City's water plant cannot process the amount of water the City has rights to, and further explained the water plant is limited due to chlorine contact time and turbidity. She clarified the build out analysis provided is not expected within the next 10-30 years but noted that some properties are limited by water supply. Parker provided a comparison of water use per capita with Arcata, which indicated that the City's water use is higher than Arcata's; however, it is relatively in-line with the State of California. She also explained that she did a comparison for the month of December, and it appeared that the City and Arcata used nearly the same amount of water. She confirmed that while the City has a large water right, and there are flow analyses, the data is getting old and does not address climate change, which may result in lower low flows. Parker confirmed water rights will be analyzed on Luffenholtz Creek, so that if flows go below a certain amount; the City can determine enforce its water right as needed

Parker addressed previous inquiries regarding rain catchment. She confirmed she spoke with City Building Inspector, John Roberts, who advised rain catchment systems would require a building permit and engineered. She opined that 5,000 gallons of water would not sustain a household for an entire summer, but it would supplement low flow days. She stated the City could have pre-engineered rainwater catchment designs that would be easier for people to implement.

Referencing graph on page 3 of her memo, Parker explained that water loss in the range of 10%-20% is relatively normal but reminded the Commission that the City's water system is old. She also stated the Rancheria does not have plans for additional residential development but did confirm they do have plans for other types of development. She further addressed the question regarding tiered water rate structures, confirming that they are legal, but they must be well justified. She provided information from the EPA, supporting a tiered structure.

Commissioner Questions/Comments

Commissioner Graves questioned if the City received a formal request from the Rancheria for additional water. Parker confirmed the Rancheria has made a formal request, per a letter, but advised there is not a formal application process.

- S. Laos (Trinidad Rancheria) confirmed that the Rancheria is looking for alternative sources.

Commissioner Kelly stated the per capita water information was appreciated, and opined a stricter fee structure would be good. Graves advised the City Council would have to make a fee structure determination, and stated he wants guidance from the City Council regarding the water policy. Graves opined the City should incorporate conservation efforts in the water policy. Parker advised that regulations for water efficient landscaping is lacking, while the State's policy is extremely complex. She urged for requirements regarding drought tolerant plants, drip

irrigation, etc. Graves opined educating the public is extremely important as well. Commissioner Kelly advised a tiered system would be helpful for conservation.

Johnson questioned the 5,000-gallon rain catchment system, requesting to know why that size was used. Parker explained it was the size mentioned by Supervisor Madrone, and it seemed reasonable because it was large enough to provide a good supplemental source, but not overly large physically. Graves confirmed that 5,000 gallons is a standard size. Commissioner Stockness questioned if it could be written into the General Plan. Parker confirmed that yes, it can be incorporated, specially promoting that it be something that residents can do. Additionally, the City could put together an engineering packet, making it easier for residents. Graves voiced his support of the idea.

Parker advised the general plan policies themselves need to be discussed. Graves opined it would be helpful if the Planning Commission compose questions for the City Council before drafting the policies, or have a draft policy as a last resort, which would be revisited after the Council makes recommendations.

Parker confirmed Humboldt Bay MWD is looking for water users. Graves discussed how a hookup to the Humboldt Bay could be an excellent opportunity, and Kelly advised it could be potentially grant funded.

Johnson questioned the City's water service area. Parker and Johnson discussed the tables and information presented in her report. Parker explained that when she calculated potential demand, she averaged all of the water accounts outside City limits, except for the casino. Parker was able to calculate future demand, based on parcels' development potential, subdivision potential, etc. She then used a multiplier for the average of gallons per day, peaking at 166. Kelly recommended that a graph would be beneficial.

Commissioner Stockness opined a graph would be beneficial for the CCC hearing on the hotel and questioned who is going to discuss the water service area with the CCC. City Manager Naffah confirmed that he and Mayor Ladwig will be leading the discussion. Naffah explained, however, the City will not have enough information to present at the CCC meeting in August. Thus, the Rancheria is going to have to come up with their own information and sources.

Stockness voiced her concern regarding ADUs. Parker explained there are broad assumptions regarding ADUs in the report, but there are allowances for them in accordance with State law. She advised, based on the existing data, they do not use a substantial water. Additionally, Parker explained if one examines the water treatment plant's additional capacity for production, and the hotel is granted water, it would use up most of what the City has left. Stockness questioned the City's priorities, as the Rancheria and the City work on numerous projects together.

Commissioner Graves advised that Parker indicated the CCC never allowed the City to adopt the ADU ordinance, because they wanted more information regarding water. Parker explained they want this information for the LCP update. She advised the groundwater study shows vital information in regards to infiltration. Graves suggested that it might be worthwhile to reach out to Weber who is the lead staff for the CCC hearing on the hotel.

Public Comment

E. Weinreb (Greater Trinidad resident) questioned the parameters of the service area, and if the Rancheria is a part of the service area. She opined the City is not obligated to give water to the hotel.

VI. COUNCIL REPORT

City Manager Naffah advised that the Council is in favor of a joint meeting. The Commissioners agreed to a meeting on July 31st. Parker questioned whether the meeting will be focused on water or the General Plan more generally. The Commissioners confirmed it will discuss both. Johnson indicated the meeting is to ensure the City Council and Planning Commission are on the same page of how to review the General Plan and determine what the Council needs from the Commission and vice versa.

Johnson reminded the Commission that the City is waiting for several water analyses from GHD, suggesting they are needed prior to going into great detail on the water policies.

Parker reminded the Commission that the CCC's comments are throwing a wrench into the progress the Planning Commission has made on the general plan update. Parker advised they need to discuss how the City is going to approach the comments; does the Council or Commission review them first? Parker advised the CCC is starting to provide their comments. Johnson questioned if they could be reviewed at the joint meeting. Parker advised she is able to provide them, but unable incorporate them by then. She reminded the Commission that the elements that have been completed have been well reviewed, but should still have Council input.

VII. STAFF REPORT

Parker confirmed there has been an application submitted for a second story on East Street.

VIII. FUTURE AGENDA ITEMS

None listed.

IX. ADJOURNMENT

Next meeting regularly scheduled meeting is August 21, 2019. Meeting has been adjourned at 9:00 pm.

Submitted by:

**Angela Zetter
Administrative Assistant**

Approved by:

**John Graves
Planning Commission Chair**



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: August 15, 2019

RE: General Plan Update

The meeting with the City Council was productive. Below is a summary of some of the discussion and direction that came out of the meeting as well as some other topics that have come up and a guide to the materials provided for this meeting.

The Planning Commission requested guidance on the following questions. A summary of the response is provided after each:

- *Review of procedure to update the General Plan (PC will review individual elements, make changes, vote to approve, send to Council for review and vote to approve; substantial revisions may need to go back to the PC).* Response: The City Council concurred with this approach. It was also acknowledged that some things may need to be rearranged in order to meet grant obligations and to address current priorities.
- *Re-visit City water policy, e.g. possible hook up to HBMWD (revise current GP draft language).* Response: It was generally agreed that the language was flexible enough as currently written to assess that as an option, but that the connection should not be encouraged by relaxing the existing language. There was support for studying the possibility of hooking-up to HBMWD while they have excess water and before an emergency occurs. But strict development controls would have to part of any plan to import water.
- *Any direction re: water rates (tiered?)* No clear guidance was provided by the Council at the meeting.
- *Annexation: should the City be looking at expanding, and prioritizing potential expansion areas?* No clear guidance was provided by the Council at the meeting.
- *ADU: Does the City want to encourage ADUs where appropriate, consistent with State law?* No clear guidance was provided by the Council. There does seem to be some public sentiment that density should not be increased. However, that would not be consistent with State housing goals and law.
- *Any specific GP policies for review/revision?* There was some interest and discussion regarding climate change and energy policies (see more below).

Public outreach and participation

A desire for more public participation through better public outreach was expressed at the meeting. Staff is going to create a new box dedicated to the GP update on the Documents Library page of the City's website, which should make it easier to find documents specifically related to the update. The Planning Commission can provide some guidance as to what should be included in Documents Library box and how best to keep it updated. In addition, the meeting calendar will be updated with any special meetings that are scheduled for the general plan discussion. City staff are also going to coordinate with the Trinidad Library on how to best make documents available in that venue and how to keep them updated. Staff can also include a blurb in the email newsletter each time it goes out regarding upcoming general plan meetings and topics.

Finally, staff suggests mailing (and posting) an eye-catching flyer to property owners and water account holders to try to drum up some additional interest. The first one could include a request for photos or artwork to include on the general plan cover (see *Introduction and Vision Statement* below). Similar flyers with updated schedules and topics could be sent out quarterly (or some other time period) in order to keep interest up. Additional suggestions and input are welcome.

Climate Change Adaptation and Energy

Interest was expressed as to how the City is addressing climate change and greenhouse gas emissions. The City has been working on several things related to this topic. A Climate Change Adaptation and Response report was prepared, and the City is participating in the County's regional Climate Action Plan. In addition, a coastal hazards assessment will be prepared as part of the current LCP update grant and GHD is analyzing risks and responses related to Luffenholtz Creek water supply. The Circulation Element includes an Energy section. However, this topic will be discussed further at a later date.

Scheduling

A goal was set to have the water section and policies of the Circulation Element to the City Council by their October meeting. Between the water plant production capacity report and the water demand report, we have much of the information needed to finalize that. However, there is one big data gap, and that is the capacity of Luffenholtz Creek. That report will be available in a month or two, but the Planning Commission can continue reviewing the policies in the meantime.

The other goal set at the last meeting was to have the Introduction Chapter, or at least the Vision Statement, to the Council ASAP, preferable in September. That timeframe would also allow the Planning Commission to also discuss this at a special meeting prior to the next Council meeting, but I have included it as part of this agenda and packet to start that discussion.

It was suggested that a tentative schedule be made available on the City's website that could be updated as needed. This can be included in the new general plan update box that will be created on the City's documents library site. In addition, meetings will be placed on the City calendar on the website. Meeting descriptions could be updated to include general plan topics when they are known. I have spent a lot of time creating schedules over the years that are never followed, and that time may be better spent actually working on the general plan. So my suggestion would be to keep the schedule fairly general and subject to change.

Commissioner Graves suggested that the GP be discussed for 1 hour at the beginning of meetings, even with other items on the agenda, so it doesn't get brushed aside if the meeting is long. Another consideration for the remainder of this year is meeting the obligations under the current Coastal Commission grant contract, which may necessitate putting some steps that aren't grant funded on hold in order to produce the required deliverables, which include updates to the implementing ordinances.

Extra Staff Help

The City is interested in hiring or having SHN designate someone to perform dedicated work on the GP update in the neighborhood of ½ time for six months. Commissioner Kelly suggested that one of the first tasks should be a communication/public participation plan and a schedule. This is a task that Eli will be working on.

Change

There were a number of comments from people that they don't want Trinidad to change over the period of the next general plan. However, I have to point out that change is the one constant. The world is changing, and the population is growing; Trinidad can't isolate itself. The State expects jurisdictions to accommodate their fair share of growth and change, including housing and tourism. It is better to plan ahead for these things than to react to them as they happen. This is one of the reasons that general plans are important. However, "maintain Trinidad's small-town character" can still be part of the vision, goals and policies of the general plan.

Introduction and Vision Statement

I have recently updated the Introduction Chapter based on the Coastal Commission staff comments. In addition, the last time it was discussed in August 2018, there was a suggestion to add an executive or other type of summary as well as to update the Vision Statement and make it more succinct. Commissioner Kelly wrote up a summary of each element that she provided to me, which I edited and added into the Introduction. She also provided a revised Vision Statement, which I have provided separately, so you can easily compare it to the existing one.

She had the following to say about her reasoning for the changes that she made: "*The original Vision Statement was quite long and, in my humble opinion, mixed goals with vision. So, I shortened the Vision to a single paragraph and created a set of 10 Strategic Goals from the*

remaining items as well as from the feedback in the community survey. The Strategic Goals can then be referred to in the Summary and throughout the General Plan to reinforce the fact that they are aligned. To be more 'aspirational' in our vision, I added the goal of becoming Net Carbon Neutral and Zero Waste. This will need PC, CC and community input and feedback, but is definitely doable in a small community like ours." Another suggestion that Cheryl had was to reach out to the local community to solicit a photo or artwork to use for the cover of the General Plan, which is a great idea.

In terms of the Coastal Commission staff comments on the Introduction, in addition to the July 5 letter I provided in this packet, CCC staff also sent me a marked-up version of the Introduction Chapter with suggested changes and comments. I have incorporated most of those, but there are still a few remaining issues to address. Determining which policies to include as part of the certified LUP will be an ongoing effort. Coastal Commission staff recommended only including policies that pertain to the City's coastal zone jurisdiction, and not, for example, policies that apply to the City's Planning Area within County jurisdiction. CCC staff suggested that the City include any policies that *"indicate the kinds, location, and/or intensity of any allowable land uses in the coastal zone and all resource protection and development policies necessary to implement the Coastal Act."* In addition, they would like to see policies framed more rigidly, where many of the existing policies would be principles if general and programs if specific (and vice versa). (See *Water Policies* for specific examples from the Water Service section of the Circulation Element.)

CCC staff also suggested something called "other initiatives," which is a term used by Crescent City in their LCP that was certified in 2011. "Other initiatives" are included in a section after the "policies." I think this is a good suggestion, but I haven't tried to start implementing it without Planning Commission input, though I did add a description to the description of goals, policies, etc.

Another suggestion that CCC staff had was to cross-reference policies by only their number when they apply to multiple sections/topics rather than including the text multiple times. They used Crescent City again as an example. Crescent City repeated policy numbers within each policy section as applicable, but not the actual language. This would shorten the GP but would require people to flip around the document more to find what they are looking for. This may be something that the Planning Commission decides after reviewing some specific examples. In the case of the water service policies, instead of policies CIRC-12.1 and 12.2, there would be a note to "also see Policies LU-8.1 and LU-8.2."

Water Policies

I can't finish updating the narrative until the Luffenholtz Creek capacity study is completed, so don't worry too much about the text at this point. Policies could be worded to something like "if adequate capacity exists in Luffenholtz Creek..." I have provided you with the final Water Demand Assessment. Recall that at the joint PC-CC

meeting, support was expressed for incentives to encourage conservation, which may be built into some of the policies.

As mentioned above, one of the Coastal Commission staff's comments has to do with recategorizing policies and programs. For this section, they provided a few examples / suggestions, including that CIRC-12.1, 12.2, 12.3, 12.9 and 12.10 be categorized as programs. That is the only comment on this section from CCC staff thus far.

In addition to the water service policies in section 12 of the Circulation Element, there are also water related policies within section D of the Land Use Element, which I have also provided for discussion at this meeting. I have done some updating of the text since the last time it was reviewed by the Planning Commission in August 2018. Note that many of the policies overlap, and the same policies occur in both sections (Land Use and Circulation Elements). In terms of water service, the Sphere of Influence and Service Area policies are the most pertinent. This is also where annexation should be further discussed. To that end, I provided the annexation / Sphere of Influence policies from both Crescent City and Fort Bragg as examples.

The Planning Area section includes policies for watershed and water quality protections. Coastal Commission staff has commented that many of the policies addressing land outside of City limits should not be included as part of the LUP, particularly the policies regarding commenting on projects in the County within the Planning Area section. Other CCC staff comments have to do with categorization of the goals, policies and programs. From this section, suggested changes include changing Policy LU-8.1 to a goal or principle, and changing Policies LU-7.1, 7.2, 7.3, 8.2, 8.3 and 9.8 to programs. This is the extent of the CCC staff's comments on this section thus far.

Attachments

The following attachments have been included in order to provide some additional background pertinent to the questions being asked of the Council.

- General Plan Element Status
- Draft updated Introduction Chapter
- Commissioner Kelly's suggested Vision Statement
- "Water Service" section from the draft Circulation Element
- "Development Outside City Limits" section from the draft Land Use Element
- Sample annexation/Sphere of Influence policies from Fort Bragg and Crescent City
- Final Water Demand Assessment
- July 5 Coastal Commission staff comment letter.

Status of the Various Draft Trinidad General Plan Elements

Required Elements

Land Use

- Most current version: April 2018
- Reviewed by PC: Yes, September 2018
- Approved by PC: Yes, September 2009
- Reviewed by CC: Yes (September 2009 version)
- Reviewed by CCC staff: Preliminary comments received
- Current Status: Needs to be updated based on PC's September 2018 comments and CCC comments

Conservation and Open Space

- Most current version: April 2018
- Reviewed by PC: Yes, October 2018
- Approved by PC: Yes, December 2009
- Reviewed by CC: Yes, April 2010 (December 2009 version)
- Reviewed by CCC staff: Preliminary comments received
- Current Status: Needs to be updated based on PC's October 2018 comments and CCC comments

Circulation (includes Energy)

- Most current version: October 2018
- Reviewed by PC: Yes, October - January 2019
- Approved by PC: Yes, July 2012
- Reviewed by CC: Yes, January 2013 (July 2012 version)
- Reviewed by CCC staff: Preliminary comments received
- Current Status: Needs to be updated based on PC's October - January 2019 comments and CCC comments

Noise and Safety

- Most current version: December 2012
- Reviewed by PC: Not recently
- Approved by PC: Yes, December 2012
- Reviewed by CC: Yes, January 2013 (December 2012 version)
- Reviewed by CCC staff: No
- Current Status: Needs updating based on new information, including climate change report (done), and coastal hazards assessment (in progress).

Housing

- Most current version: December 2013
- Reviewed by PC: Not recently
- Approved by PC: Yes, December 20123
- Reviewed by CC: Yes, January 2014
- Reviewed by CCC staff: No
- Current Status: Needs to be updated with the most current data and submitted to the Dept. of Housing and Community Development for review.

Optional Elements

Community Design

- Most current version: February 2017
- Reviewed by PC: Yes, January 2017
- Approved by PC: No
- Reviewed by CC: No
- Reviewed by CCC staff: No
- Current Status: Needs updating and further review.

Cultural & Historic Resources

- Most current version: October 2018
- Reviewed by PC: No
- Approved by PC: No
- Reviewed by CC: No
- Reviewed by CCC staff: No
- Current Status: Ongoing informal consultation with interested tribal entities

CHAPTER 1: INTRODUCTION

A. What is a General Plan

- 1. Legislative Requirements**
- 2. CA Coastal Act**
- 3. Policies Not Part of the Certified Local Coastal Program**
- 4. Purpose**

B. Plan Administration

- 1. Organization**
- 2. Plan Interpretation**
 - i. Background Reports**
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C. Current General Plan 2010

- 1. Administering the Coastal General Plan**
- 2. General Plan Update Process and Public Input**
- 3. Vision Statement**
- 4. Planning Outside City Limits**
- 5. Relationship to County General Plan**
- 6. General Plan Amendment**

A. WHAT IS A GENERAL PLAN?

A General Plan is a legal document that serves as the Community's "constitution" for land, use, development and conservation. A General Plan must be comprehensive and long term, outlining proposals for the physical development of the City and any land outside its boundaries that, in the City's judgment, bears relation to its planning. The Trinidad General Plan is a legislative document that sets forth development constraints and preferences, and develops a program for the orderly development of public service facilities and private lands and identifies steps to implement the plan. The City of Trinidad General Plan 2020 is a comprehensive update of the 1978 Plan. This plan makes use of existing and new data, trends, and desires to provide a glimpse of what the community is and will be twenty years in the future.

1. Legislative Requirements

The State of California requires that each municipality to prepare and adopt a General Plan, generally with a 20 year planning horizon (Government Code 65300 et sec). The General Plan should comprise an integrated, internally consistent and compatible statement of policies for the adopting agency. General Plans are required to address at least seven elements: (1) land use; (2) circulation; (3) housing; (4) conservation; (5) open-space; (6) noise; and, (7) safety. The General Plan may include any other elements or address any other subjects, which, in the judgment of the legislative body, relate to the physical development of the county or city.

In addition to establishing requirements for the development of a General Plan, the Government Code stipulates that zoning and subdivision regulations and specific plans must conform to the adopted General Plan. Because Trinidad lies almost exclusively within the Coastal Zone, [portions of this General Plan](#) ~~also serves~~ as the Land Use Plan (LUP) portion of the Local Coastal Program (LCP) as required by the Coastal Act (see below). The General Plan consists of narrative text and maps, along with goals, [principles and policies](#), [and programs](#) to be used in making land use decisions. It is organized into the seven elements required by State law, and two optional elements dealing with Community Design and Cultural Historic Preservation.

The nine (**DRAFT**) elements of the Trinidad General Plan are summarized below:

1. *Land Use*: Establishes land use designations with types and intensities of land use, and policies and programs regarding development and redevelopment of land, including [coastal-dependent uses](#) [priority uses under the Coastal Act](#). The Land Use Element also discusses the City's relationship to lands outside City limits, including the [City's Planning Area](#), [Service Area](#), and Sphere of Influence.
2. *Conservation, Open Space, and Recreation*: Contains the State-mandated open space and conservation elements. Emphasis is placed on protecting the City's natural resources, protecting and enhancing environmentally sensitive areas, and providing open space and parks to meet the community's recreational needs. This element also includes specific policies and programs to ensure continued public access, preserve and enhance scenic views, protect Environmentally Sensitive Habitat Areas, water quality, the Trinidad Bay [Area of Special Biological Significance \(ASBS\)](#), and other natural resources.
3. *Circulation, Energy and Public Services*: Establishes the public facilities and services essential to ensure that the existing and future population of Trinidad is provided with the highest feasible and efficient level of public services. This element contains policies and standards for the roadway system, as well as policies for public transit, bicycle facilities, parking and transportation for the mobility impaired, taking into account the relationship between land use and transportation needs of the community. This element also addresses energy consumption and conservation.
4. *Noise and Safety*: Contains policies and programs to reduce the risk of injury, loss of life, and property damage resulting from natural disasters and hazardous conditions and materials. The element also contains policies and programs to reduce the community's exposure to excessive noise.
5. *Housing*: Includes policies and programs to meet the housing needs of all economic segments of the community. It evaluates existing and potential development in the context of community demographics and balances the need for housing the considerations of water supply, wastewater, environmental quality and social equality.

6. *Cultural and Historic Preservation*: An optional element that provides a framework for assessing, protecting and interpreting Trinidad's unique cultural and historic heritage.
7. *Community Design*: This optional element establishes policies and programs dealing with the appearance of the community. It includes design guidelines to ensure that development contributes to the community's identity and unique sense of place, and policies to preserve historic sites and buildings.

State law requires that all parts of the General Plan comprise an integrated, internally consistent and compatible statement of policies. This standard, as well as court cases which have interpreted it, implies that all elements of the General Plan have equal status, that all goals and policies must be internally consistent, and that implementation activities must follow logically from the Plan's goals and policies. This General Plan meets these standards.

2. California Coastal Act

The California Coastal Act of 1976 established a comprehensive plan to protect resources and regulate development along California's coast. The Coastal Act requires every city and county located partly or wholly within the designated Coastal Zone to prepare an Local Coastal Program (LCP), which is reviewed and certified by the California Coastal Commission. The Coastal Act defines an LCP as "a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of this division at the local level" (Public Resources Code (PRC) Section 30108.6). In other words, the purpose of the LCP is to meet the requirements of and implement the Coastal Act at the local level. The LCP zoning ordinance, district maps, and other implementing actions must be found to conform with and be adequate to carry out the LCP Land Use Plan (LUP).

The LCP consists of both an LUP and an Implementation Plan (IP). The IP consists of the zoning and other ordinances and regulations that implement the provisions of the certified LUP, and by extension, policies of the Coastal Act. The Coastal Commission, will certify an LUP if it finds that the LUP meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Though developed in 1976, the City's former Land Use Plan was the first in the State to be certified by the Coastal Commission in 1978. The implementation ordinances, which include zoning, building, grading and subdivision ordinances, were certified in 1980. The Coastal Act (per Public Resources Code (PRC), Section 30001.5), sets the following goals for LCPs in the Coastal Zone:

- Protect, maintain, and, where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state.

- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

~~This Portions of this~~ document establishes the ~~Land Use Plan (LUP) portion~~ of the City of Trinidad ~~Local Coastal Program (LCP)~~, and ~~was have been~~ prepared in accordance with the California Coastal Act. The LUP is defined as “*the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions*” (PRC Section 30108.5). ~~The policies contained within this document govern the use of land and water within the city limits of the City Trinidad. Once certified by the Coastal Commission, The portions of this~~ General Plan update constituting the LUP, following certification by the Coastal Commission, will supersede~~s~~ the City’s 1978 certified LUP.

3. Policies not part of the Certified Local Coastal Program

Because the City of Trinidad is almost entirely within the Coastal Zone, the City has not developed a separate General Plan for outside the Coastal Zone and a Land Use Plan for inside the Coastal Zone. However, not every General Plan policy is required as part of the LUP. Because the adoption and amendment of all LUP policies requires certification by the Coastal Commission, it makes sense to identify those policies that do not apply to the LUP. The policies demarcated with the City of Trinidad seal:  are not part of the certified LCP and do not govern the review and approval of coastal development permits. These policies are not part of the standard of review for coastal development permit purposes, as they are not relevant to indicate the “*kinds, location, and intensity of land uses*” as required of Coastal Land Use Plans (PRC Section 30108.5). However, the policies demarcated with the City seal are included in the General Plan document as the City will apply these policies under its own separate authority.

The following policies and associated programs herein, which are demarcated with the City seal within the General Plan, are not considered part of the City’s certified Local Coastal Program for purposes of the review and approval of coastal development permits (CDPs): The policies and associated programs herein, which are not demarcated with the City seal within the General Plan, are considered part of the City’s certified Local Coastal Program and govern the review and approval of CDPs within the City’s jurisdiction.

Note City staff is working with Coastal Commission staff to determine the best way to separate coastal from non-coastal policies in the General Plan. Therefore, this method and these policies have yet to be determined, and so have not yet been listed or demarcated.

4. Purpose

The Trinidad General Plan serves the following functions:

- Expresses the community's vision of the future physical development of the City of Trinidad
- Enables the Planning Commission and the City Council to establish long-range conservation and sustainable development policies in the City.
- Provides the basis for judging whether specific private development proposals and public projects are consistent with these policies in the City.
- Informs the residents, developers, decision makers, and other jurisdictions of the ground rules that will guide development and conservation in the City.
- Provides the framework for ordinances that implement the general plan policies through specific regulations.
- [Serves as the standard of review for CDPs in the City's delegated permit jurisdiction](#)

B. PLAN ADMINISTRATION

1. Organization

The Introduction chapter focuses on the legislative requirements and purposes of a general plan. It further describes past planning efforts by the City, the relationship of planning within City limits and those areas adjacent to and outside of the City, and opportunities for public input and future amendment. It also contains the City's vision statement and information on using and interpreting the various General Plan Elements.

The chapters following the Introduction constitute the various (9) elements contained with the General Plan. A Glossary is included as a final section. Figures are located at the end of each element, and a list of figures can be found within the Table of Contents. In addition, there are various background reports that are referenced in the General Plan and that were used to inform and shape the policies of each element. However, these background reports should **not** be considered part of this General Plan.

2. Plan Interpretation

Much of the background information and analysis that supports the policies in this General Plan is included in several background reports and other supporting documents described below. These documents are available for public review at City Hall. The narrative that precedes the General Plan policies should be considered part of the supporting information and was used in the development of the policies. While it is intended that the policies be fully respected and achieved, circumstances may occur that result in a change in how a specific policy is to be implemented. Decisions relating to the General Plan need not be entirely consistent with the narrative as long as adherence to the policies occurs.

The Land Use Map and the General Plan Policies are the core of the General Plan. Zoning regulations, subdivision decisions, and other City policy deliberations shall be consistent with these policies. If the General Plan is found to be inconsistent with community preferences, the General Plan should be amended accordingly rather than approving developments or actions inconsistent with the General Plan policies. Many policies apply to more than one element of the General Plan. For ease of use in finding applicable policies, **they have been repeated in each appropriate element and cross-referenced.**

i. Background Reports (DRAFT)

- *Sphere of Influence*
 - *Master Services Element*
 - *Municipal Service Review*
- Impervious Surfaces Study and LID Recommendations, April 2006
- Background Report: Geologic and Seismic Characteristics of Trinidad, CA, April 2007
- Trinidad-Westhaven Integrated Coastal Watershed Management Plan, May 2008
- Trinidad Walkability Study, May 2008
- Fundamentals of a Circulation Element for the City of Trinidad, May 2009
- Background Report: Biology and Environment of the Trinidad Area, October 2009
- Background Report: Soil Characteristics of Trinidad, CA, October 2009
- Trinidad Architectural Survey (incomplete), November 2009
- Draft Trinidad Climate Action Plan, April 2010
- Coastal Resilience Planning For the City of Trinidad, October 2014
- LCP Update Guide Land Use Plan Policy Compliance Analysis, December 2015
- LCP Update Guide Implementation Plan Needs Assessment, April 2016
- Climate Change Vulnerability Report and Adaption Response, April 2016

ii. Goals, Principles, Policies, and Programs, and Other Initiatives

The City's vision statement forms the foundation for the goals and policies included in each element of the General Plan. Goals, principles, policies and programs are the essence of the General Plan and are defined 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 policies, but are only explicitly stated when they help ~~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. Except for policies demarcated with the Trinidad City seal, which are not part of the certified LUP, policies govern the review and approval of CDPs. Policies are based on and help implement the City's goals and principles.
- **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.

34. Administering the Coastal ~~General Land Use~~ Plan

All development (as defined by §30106) in the City Coastal Zone requires a CDP-, unless otherwise exempt. All land use and development decisions in the Coastal Zone must be consistent with the Local Coastal Program (LCP). For the purposes of reviewing and processing CDPs, conformity with the standards set forth in Trinidad's certified LCP serves as the standard of review for all proposed development within the City's delegated permit jurisdiction. In authorizing Coastal Development Permits after LCP certification, the City must make the finding that the development conforms to the certified LCP as well as all other findings required by various sections regulating the issuance of permits of the Trinidad Zoning Ordinance. Any amendments to the certified LUP will require review and approval by the Coastal Commission prior to becoming effective. The following general policies shall provide the framework for the Coastal ~~Land Use Element~~ LUP and the Trinidad General Plan:

Policy 1-1: The policies of the Coastal Act (Coastal Act Sections 30210 through 30264) shall guide the interpretation of the Land Use Plan.

Policy 1-2: Where conflicts occur between the policies contained in the certified LUP and those contained in other local plans, policies and regulations, the policies of the LUP shall take precedence in the City's Coastal Zone.

Policy 1-~~32~~: Where policies within the ~~Coastal~~ General Plan overlap or conflict, the policy which is the most protective of coastal resources shall take precedence.

Policy 1-~~43~~: Prior to the ~~issuance~~ approval of any development permit required by this Plan, the City, or the Commission on appeal, shall make the finding that the development meets the standards set forth in all applicable Coastal LUP/General Plan policies.

Policy 1-~~54~~: The textual discussion is intended as elaboration of and justification for the Plan policies and map designations. Therefore, the text shall be considered as the findings justifying the specified policies and Land Use Maps.

Policy 1-6: Where a conflict exists between the enumerated policies of the LUP and the maps, the enumerated policies control.

Policy 1-7: When acting on a CDP, the issuing agency, or the Coastal Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the State. In all instances the standard of review for issuance of a CDP shall be the Coastal Act or certified LCP.

Policy 1-8: The City does not have the power to grant or deny a permit in a manner which will cause a physical or regulatory taking of private property, without the payment of just compensation. This policy is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

In addition, certain types of development, as well as development within certain geographic areas that are acted on by the City after certification of the LCP, are appealable to the Coastal Commission (PRC Section 30603). These include:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included in paragraph (1) that are located on tidelands, submerged lands, and public trust lands, within

100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

- (3) Developments approved by the local government not included with paragraphs (1) or (2) that are located in a sensitive coastal resource area.
- (4) Any development which constitutes a major public works project or a major energy facility (whether approved or denied by the local government).

The grounds for an appeal of an approval of a permit are limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program LCP or the public access policies of the Coastal Act. In addition, the grounds for appealing a denial of a permit for a major public works project or major energy facility, referenced in number (4) above, are limited to an allegation that the development conforms to the standards set forth in the certified Local Coastal Program LCP and the public access policies of the Coastal Act. The Coastal Commission retains coastal development permitting jurisdiction on submerged lands, tidelands, and public trust lands (PRC Section 30519). See Figure # for retained jurisdiction and appealable areas.

C. CURRENT GENERAL PLAN

This General Plan includes a revision of the previous General Plan/LUP's existing policies based on numerous background reports and other inputs, as referenced in each element, and is intended, based on current knowledge, to extend forward for a twenty-year period. It updates all the existing General Plan elements, including the 1976 Land Use, Conservation, Open Space and Circulation Elements, the 1975 Public Safety, Noise and Scenic highway Elements, and the 1998 Housing Element. The policies contained within this document govern the use of land and water within the City limits of the City of Trinidad and supersede those previous documents.

1. Plan Highlights

The City of Trinidad General Plan and LUP is intended to implement the community's vision for the future. The Plan is a comprehensive, long-range plan and identifies Trinidad's Land Use, Housing, Conservation, Open Space & Recreation, Circulation, Public Services & Energy, Noise & Public Safety, Community Design and Cultural & Historic Preservation goals and polices related to the conservation and development of land in Trinidad.

Land Use

The Land Use Chapter establishes policies and programs to create the general framework for the future pattern of growth, development and sustainability in Trinidad, CA. The element consists of the following components:

- Land Use Designations illustrate the pattern of conservation and development that the General Plan envisions. In this section, land uses are defined as Suburban Residential

(SR), Urban Residential (UR), Commercial (C), Visitor Services (VS), Mixed Use (MU), Open Space (OS), Special Environment (SE), Public and Community (PC) and the new Harbor (H) designation. Associated development constraints, maximum densities and land use policies are identified for each land use category and the land use areas are graphically depicted on the *Land Use Designations Map*. Land Use Goals align with the City's Vision and Strategic Goals by emphasizing zoning compliance, rational short-term rental planning, green building practices, low-impact development (LID), smart growth, maintenance of coastal views and access, adequate water treatment, alternative energy and protection of open space and, finally, the City's response to climate change.

- Development Outside the City Limits

This section covers Trinidad's *Sphere of Influence*, the *City Service Area* and the *Planning Area*. It begins with a brief review of the benefits and disadvantages of annexation of surrounding properties into the Trinidad City limits. Trinidad's current Sphere of Influence is defined as the properties to which the City can provide water service connections, those adjacent to the City's trunk line and/or those within the Luffenholtz and Mill Creek watersheds that are not zoned for timber production. The City Service Area refers to areas that receive all, or most, of the urban services (water, police protection, road maintenance, etc.) Finally, the Planning Area includes twelve critical coastal watersheds into the planning framework in support of the Strategic Goal to provide clean and pure water to Trinidad residents.

Conservation, Open Space and Recreation

This chapter focuses on two main elements: Conservation and Open Space. It also includes policies and programs that address Environmentally Sensitive Habitat Areas (ESHA), threatened and endangered species, water quality, public access and recreation. The principles for *water resource protection* and conservation outlined in this section support the strategic goal to reduce water pollution and ensure safe drinking water and the principles for *biological resource protection* focus on sensitive flora and fauna with limitations placed on development on or near areas where 'special status' species are located. *Open Space guidelines* in this section focus on preservation and management of natural resources, outdoor recreation opportunities, viewshed protection and public health and safety. Finally, *Public Recreation policies* are covered in this section including visitor services information, litter control, Town Hall availability for community events, trail maintenance and the provisioning of public restroom facilities with the overarching goal of providing maximum access to and along the coastline for the public.

Circulation, Public Services and Energy

As the California General Plan Guidelines state: "*The circulation element is not simply a transportation plan, but rather a strategy addressing infrastructure needs for the circulation of people, goods, energy, water, sewage, storm drainage, and communications.*"

This chapter highlights transportation related policies: Traffic and Parking, Public Transportation and other Alternate Modes of Transportation. Also, because CO2

emissions in Trinidad are largely tied to traffic patterns, this chapter includes sections on Energy Policy, Air Quality and Greenhouse Gases. Finally, Public Services such as water, solid waste and utilities are also included in this substantive chapter. It is important to note that, in support of the City's Strategic Goals, a Climate Action Plan has been developed to provide measures and recommendations for reducing Greenhouse Gas (GHG) to help achieve the goal of becoming Net Carbon Neutral and Solid Waste Reduction and Recycling supporting a Zero Waste mindset is addressed in the Public Services section.

Noise and Public Safety

The Noise section identifies and evaluates community noise sources and problems, with policies and programs keyed to ensuring that development is compatible with established noise standards, though Trinidad is generally a very quiet community. The Public Safety section focuses on the protection of the community from unreasonable risks associated with the effects of earthquake, ground shaking, tsunamis and seiches, slope instability, landslides, surface rupture, erosion and flooding. Other hazards or potential hazards such as fire hazards and hazardous materials are also covered in this chapter. The City's plans to mitigate the effects of disasters and emergencies begins with assessing and reducing risk. However, should an event occur, the City has adopted a City Emergency Plan. The purpose of this plan is to ensure that the City will be prepared to respond effectively in the event of emergencies to save lives, restore and protect property, repair and restore essential public services, and provide for the storage and distribution of medical, food, water, shelter sites, and other vital supplies to maintain the continuity of government.

Housing

The Housing Chapter is an extension of the Residential section of the Land Use element of the General Plan and focuses on neighborhood preservation and provision of housing for all segments of the community. The State requires communities to provide their fair share of housing based on a Regional Housing Needs Assessment, and the Housing Element is intended to help the State meet its housing goals. This is the one element where there are repercussions for the City if it is not in compliance with State goals and requirements. It is noted here, however, that there are constraints in Trinidad that limit provisioning of housing across segments due to the small city footprint, proximity to open space and areas of environmental and cultural sensitivity, lack of a municipal sewer system and relative high property values. The successful development of an Accessory Dwelling Units (ADUs) policy as part of the Housing five-year plan is a highlight.

Cultural and Historic Resources

Trinidad has a rich cultural history, and cultural and historic resources abound. This Element discusses the purpose and importance of preserving archeological and historical resources, describes methods for protecting these resources and provides local policies to guide the implementation of cultural resource preservation, beyond the projections afforded by applicable federal, State and local laws. The Cultural & Historic Resources Element identifies important local cultural, archaeological, and historic resources and establishes goals, policies, and actions for the protection and preservation of those

resources. Though this is not one of the seven elements required by state planning law, Trinidad has a rich history and contains significant cultural resources deserving of intentional on-going robust protections.

Community Design

The Community Design Element is primarily concerned with the aesthetic quality of the City, and what residents and visitors see. The City's appearance is essential to the quality of life in Trinidad. The Community Design Element establishes goals, policies, and programs to preserve and enhance Trinidad's authentic, small town, coastal character. The community is defined in part by its isolated location on the magnificent coastline of Humboldt County. As the economy evolves to a more tourism and service-based economy, the community has acknowledged the importance of maintaining the cultural and scenic identity of the town and the integrity of the residential neighborhoods, while enhancing views and access to the coastline and planning for managed growth and development. This element contains sections addressing design review, view protection, lighting, signs and other aspects that contribute to the aesthetic setting of the community.

2. General Plan Update Process and Public Input

The Trinidad General Plan update process has occurred over many years and involved several steps and iterations. As in the 1978 General Plan, steps were taken to ensure that property owners and residents would be involved in the planning process. This update originally started in the late 1990's with a series of Town Hall meetings. The update was suspended in 2002 due to a lack of funds, and was resumed again in 2007. And it has been put on hold several times since then to focus on other priorities. Therefore, this General Plan has been reviewed by several different Planning Commissions, City Councils and members public over those years.

The development of the update to the General Plan included several community "Visioning" meetings to obtain early public input. In October 1997, the Center for Economic Development (CEED) facilitated Town Hall Meeting #1 and created a verbatim record of participants' responses as well as a shared community vision statement. This document was given considerable weight in the efforts to determine appropriate recommendations for amending the General Plan. A second Town Hall meeting in October 1998 discussed a few of the issues of top concern from Meeting #1, including septic systems and community design. A third town hall meeting in November 1998 resulted in an action plan where several small groups were formed to implement the goals developed from the first meeting.

To include more recent community input, ideas, statements and issues from a community meeting sponsored by the City Council in November 2007 as well as from a community goals meeting and survey in spring 2015 were also incorporated into this update. In addition, public input from several other types of community and public meetings, such as those associated with the development of the Trinidad-Westhaven Coastal Watershed Management Plan between 2006 and 2008, was also included. Additional community

input was gathered from an information booth at the 2009 Trinidad Fish Festival. The update to this General Plan also included numerous public hearings before the City Planning Commission and the City Council where concerned parties were able to voice their concerns and opinions. Additional opportunities for public input were also provided during the California Coastal Commission's certification process for the City's LUP. The City approved General Plan will be forwarded to the California Coastal Commission for approval and certification of coastal related issues, which includes an additional public hearing process.

3. Vision Statement

The following Vision Statement was originally drafted by the Center for Environmental Economic Development (CEED), who facilitated Town Hall Meeting #1, using the input from the public as a guide. It has since been significantly revised and updated by the Planning Commission and City Council based on current knowledge and community sentiment. The Vision is a statement of what Trinidad looks and feels like 20 years in the future, and the General Plan is the road map to achieve this Vision. This vision statement should be considered when interpreting policies contained herein.

Trinidad is a coastal community nestled in the redwood forests overlooking the rugged Pacific Ocean coast. It is a small town with active community members. The entrance to Trinidad, town hall, school, local residences, surrounding beaches and trails are clean, well maintained, quiet and safe. The City honors and protects its cultural and historic heritage.

The citizens of Trinidad envision the future with clear views of the coastline enjoyed throughout the community. The view from the Memorial Lighthouse top of the bluff includes many boats in the harbor. There is a viable commercial and recreational fishing industry. In addition, there are small shops in a quaint mixed-use business district that includes locally made products, bookstores, restaurants, clothing and gift shops, and other local and visitor related businesses.

Trinidad intends to maintain the existing small town atmosphere. Scenic and environmental protection are essential to Trinidad's quality of life and economy. Town Hall is a vibrant center for community activities. We take pride in our City and community services including a community park, library, museum and convenient, safe and accessible transportation options. Trinidad Elementary School remains an anchor for both education and community-based gatherings. Citizens are enthusiastic and informed participants in City Government.

Sustainability is a keystone for all development and a hallmark for daily life and City functions in Trinidad. New environmental technologies are embraced that further protect Trinidad's scenic, natural and cultural resources. Trinidad's water resources, including the Bay and streams are unpolluted. Trinidad maintains a working relationship with the County of Humboldt to monitor and comment on activities within our watershed planning area.

4. Planning Outside City Limits

Land use activities outside the City limits affect the City in a variety of ways. Residents and visitors outside City limits may shop, eat, work or send their kids to school in Trinidad. This may affect traffic and City revenues among other things. Development adjacent to the City can affect City services and future annexation potential. Upstream activities also affect downstream resources, such as the coastal creeks that flow through town and the ocean. Development in the Luffenholtz Creek watershed can affect both the quantity and quality of the City's water supply.

There are a variety of mechanisms the City has to affect and plan for land use decisions outside City boundaries. The City has a Sphere of Influence, developed by the Local Agency Formation Commission (LAFCo) that represents the probable future annexation areas. The City's Service Area includes those areas where the City is currently providing water service, or may expand service in the future. An Urban Limit Line in Humboldt County's Trinidad Area Plan defines the intensive growth area near the City. Finally, the City's Planning Area is based on watersheds, and represents the area of interest to the City in land use decisions. All four of these areas outside City limits are within the jurisdiction of Humboldt County, with the exception of Trinidad Rancheria and some State-owned lands. Additional information regarding the status and development of these areas can be found in Section C of the Land Use Element.

5. Relationship to County General Plan

Sections of the Planning area that extend beyond the boundaries of the City will overlap areas covered by Humboldt County plans, including the Trinidad Area Coastal Plan (of the Humboldt County Local Coastal Program), and the County General Plan, which includes and the Trinidad-Westhaven Community Planning Area. County General Plan and zoning designations are to be considered the "real" designations for areas not incorporated into the City. Any designations in City documents that exist for areas outside the City boundaries are pre-designations—they serve to recommend changes in County zoning designations as well as suggest designations should the City ever annex the area. However, they are not part of the certified LUP and would only go into effect after an area has been annexed and after certification by the Coastal Commission.

The County recently updated its general plan for areas outside the Coastal Zone, which will, to some extent, change how surrounding lands should be managed. Policies have been included herein that should be used in commenting on referrals from the County since development on affected properties could impact the City. These policies are based on existing known information. To the extent that the County develops new data, more appropriate policies that address this information should be developed by the County. The City should be involved in any County General Plan or Zoning update process and shall encourage the County to adopt the policies herein within the City's Planning Area.

6. General Plan Amendment

An amendment to this General Plan may be initiated by motion of the City Council on its own initiative. The Planning Commission or individuals may submit requests for amendments to the General Plan specifying why such an amendment is necessary. Generally, local governments may not amend any one of the mandatory elements of the general plan more than four times in one calendar year (Government Code § 65358(b)).

Amendments to the General Plan Land Use Map may be initiated by the owner of the subject property or his authorized agent, or by either the Planning Commission or City Council. The filing of an amendment application, payment of fees, notice of hearing and procedural requirements shall follow the guidelines in the Trinidad Zoning Ordinance for amendments to the ~~Zoning Ordinance~~General Plan/LUP.

Amendments must follow the noticing and hearing requirements outlined in various sections of the Government Code (e.g. §65091, 65350, 65352) and the Coastal Act and associated regulations (e.g. §30503 and 14 CCR §13515). The County, Local Agency Formation Commission (LAFCO) and other affected agencies must be notified and provided a 45-day comment period. In addition, any amendments must include formal Tribal Consultation in accordance with SB18. Finally, any amendment to the City's Local Coastal Program requires application to and approval from the CA Coastal Commission, and shall only become effective following certification by the Coastal Commission.

VISION, GOALS and PLAN HIGHLIGHTS

A city is not gauged by its length and width,
but by the broadness of its vision and the height of its dreams.

Herb Caen

VISION

Our community is situated in an area of unique natural beauty among redwood forests and a magnificent coastal expanse. These natural riches, coupled with a quiet village atmosphere, engaged community, safe and family-friendly streets and trails, rich cultural and historical heritage and a sharp focus on environmental protection and sustainability makes Trinidad, California a welcoming, healthy and vibrant place to live.

STRATEGIC GOALS

The General Plan was developed through an extensive public participation process including a community survey and several public comment sessions at both Planning Commission and City Council meetings. Early public comments created a foundation for the following strategic goals adopted by the City Council. The goals are as follows:

1. Retain the small town character of Trinidad through sustainable development and the preservation of valuable cultural and historic assets.
2. Preserve, protect and enhance the natural setting and open spaces throughout the community providing recreational opportunities and clear views of coastline for all to enjoy.
3. Promote a strong sense of community identity and overall quality of life through continued community involvement in city government, Town Hall events and activities and the maintenance of community services including the community park, library, museum.
4. Provide for a variety of housing types to accommodate an economically and socially diverse population, while preserving the character of the community.
5. Develop strategies that help protect the citizens of Trinidad from natural disaster (including the effects of climate change) through emergency response planning and coordination.
6. Embrace the environmental practices and technologies necessary to help offset the negative impact of Climate Change working toward the goal of becoming a Zero Waste, Net Carbon Neutral community.

7. Extend resource preservation and conservation to Trinidad's water resources including the Bay and streams and overall watershed with a goal to eliminate water pollution and to ensure adequate community access to clean and pure drinking water.
8. Provide support for a mixed-use small business district (locally made products, bookstores, restaurants, clothing and gift shops) along with a vibrant fishing industry.
9. Maintain clean, quiet and safe streets, trails, residences, beaches and public properties and a welcoming entrance for visitors.
10. Offer safe and accessible transportation options, adequate parking, and sensible traffic rules to ensure public safety and minimize traffic congestion.

PLAN HIGHLIGHTS

The City of Trinidad General Plan is intended to implement the community's vision for the future. The Plan is a comprehensive, long-range plan and identifies Trinidad's Land Use, Housing, Conservation, Open Space & Recreation, Circulation, Public Services & Energy, and Noise & Public Safety goals and polices related to the conservation and development of land in Trinidad.

Land Use

The Land Use Chapter establishes policies and programs to create the general framework for the future pattern of growth, development and sustainability in Trinidad, CA. The element consists of the following components:

- Land Use Designations illustrate the pattern of conservation and development that the General Plan envisions. In this section, land uses are defined as Suburban Residential (SR), Urban Residential (UR), Commercial (C), Visitor Services (VS), Mixed Use (MU), Open Space (OS), Special Environment (SE), Public and Community (PC) and the new Harbor (H) designation. Associated development constraints, maximum densities and land use policies are identified for each land use category and the land use areas are graphically depicted on the *Land Use Designations Map*. Land Use Goals align with the City's Vision and Strategic Goals by emphasizing zoning compliance, rational short-term rental planning, green building practices, low-impact development (LID), smart growth, maintenance of coastal views and access, adequate water treatment, alternative energy and protection of open space and, finally, the City's response to climate change.
- Development Outside the City Limits

This section covers Trinidad's *Sphere of Influence*, the *City Service Area* and the *Planning Area*. It begins with a brief review of the benefits and disadvantages of annexation of

OWTS. Encourage Humboldt County to participate to the maximum extent possible, though projects within the City boundaries are the first priority. Project goals include determining what areas and which onsite wastewater treatment systems are contributing the most pollution and offering financial incentives or other assistance to help landowners fix problems. Consider the feasibility and desirability of forming a Septic Maintenance District with the County that encompasses the area from Trinidad to Moonstone. (LU-9.6.1)

CIRC-11.3 Ensure that development in the City does not exceed the treatment capacity of the soils and does not contribute to ground or surface water pollution.

5. Water Service

The City of Trinidad operates a municipal water supply system that services the occupied parcels within the City and a number of properties within the Service Area outside City limits. Potable water for the City system is currently supplied from Luffenholtz Creek. The water system includes an infiltration gallery, water treatment plant and several storage tanks. The City's water rights, dating from 197#, allow the City to divert up to 209 gallons per minute (gpm) from the creek, or a little over 300,000 gallons per day (gpd). However, the City's treatment plant only has the capacity to treat approximately 101 gpm (but not 24 hours per day), or approximately 138,000 gpd. The City also has some unused water rights on Mill Creek.

The City has designated water sService aArea (City Service Limit as designated in the previously certified Local Coastal Program (LCP)) that extends well outside of City limits (Figure 1). Prior to about the year 2000, the City provided water to users outside City limits, but within the service area, when requested, without much oversight or decision-making, in order to benefit from the increased revenue. However, around 2000, the policies of the Humboldt County Local Agency Formation Commission (LAFCo) changed, and they no longer allowed service extensions to properties outside the City without annexation into the City except in cases of emergencies. Therefore, the City stopped connecting users outside City limits. But the dynamics are again changing. During the recent drought, the number of requests for City water from property owners outside of the City increased substantially. In addition, LAFCo has recently relaxed its policy requiring annexation prior to providing water. On the other hand, water supply has also become a more important issue.

The Trinidad water system is now serving 3223 ~~near its maximum number of~~ metered connections, at 323 (as of 2011)- 221 both inside and 101 outside of City limits, including Trinidad Rancheria. Currently, demand is approximately 2/3 of treatment capacity. The flow rate and quality of water is highly dependent on the weather. In the winter the water can be difficult to treat at times due to the high turbidity, but that is when demand is lower; ~~the current filtration treatment system cannot meet the water quality requirements and occasionally shuts down, resulting in a significant drop in the storage tank levels.~~ Several water treatment issues, including, bacterial contamination, water turbidity and chlorine contact time are important issues that City staff at the treatment

~~plant must constantly balance the City needs to address in the near future. The City continues to monitor and upgrade the water plant as feasible. Recent improvements improved treatment for turbidity and chlorine contact time to meet current drinking water standards.~~

To address current water system needs, the City's engineering firm ~~recently~~ completed a ~~Water Treatment Plant Production Rate Test and Analysis (GHD Memo dated May 1, 2019). comprehensive water supply feasibility report in 2003 ("City of Trinidad Proposition 204 Water Supply Feasibility Study" by Winzler and Kelly – September 2003). The City continues to monitor and upgrade the water plant as feasible. Based on that report, which included limited testing and analysis, some~~ current characteristics of the City's water plant are as follows:

- ~~Turbidity is the primary limiting factor for water production. The highest turbidity tends to occur during early season storm events, which is not during the peak demand period of late summer.~~
- ~~Current demand, topping out at an average of 85,000 gpd, can be met with current staffing. Increasing production would necessitate additional staff and other increased costs.~~
- ~~Current storage capacity is limited, and may not meet today's standards for fire protection flows.~~
- ~~Changes in operations at the water plant can have unanticipated impacts on other operations at the water plant, and on other aspects of the supply and delivery system.~~
- ~~There may be some minor corrections / improvements that can be made to existing equipment to increase the efficiency of the water plant.~~
- ~~There is a theoretical surplus in production capacity of up to approximately 48,000 gpd.~~
- ~~There is a limited available water supply based on the flow in Luffenholtz Creek~~
- ~~Constant monitoring and adjustment of the current filtration system requires the oversight of an operator at all times (little automation.)~~
- ~~The treatment plant is not able to treat all water at all times due to turbidity. The plant is shut down when treatment requirements cannot be met and storage reserves may not be enough to handle additional hookups or emergency services.~~
- ~~The treatment system is currently limited by pump capacity. While there are 3 pumps each with a capacity of 120 gpm, only two are meant to be run at a time and the efficiency with two pumps running is less than one plus one. So the maximum capacity is 200 gpm with 2 pumps running.~~
- ~~The filtration unit is limited to an over-all flow rate of 175 gpm based on state regulations.~~

~~The City is currently working on developing plans and obtaining funding to improve the existing water system to address the concerns noted above, particularly because turbidity standards have increased. The City has received a grant to add new turbidity meters and other monitoring equipment along with system controls to meet these new turbidity requirements along with cryptosporidium standards. Other planned~~

~~improvements will include additional storage, which will provide water for fire suppression in the summer and allow additional settling time in the winter which will decrease the turbidity.~~

Demand for water is expected to increase due to new development in the Trinidad area in the upcoming years; hence, a plan needs to be developed for this increase in demand. ~~The City's planning firm recently completed a Water Demand Assessment (SHN, 2019) that looked at potential build-out within the City's Service Area, both within and outside of City limits and within the City's service area. The findings of that report can be summarized as follows:~~

- ~~• The City's water plant has the existing capacity to meet the demands of build-out within the City as well as additional ADUs.~~
- ~~• Even after accommodating build-out in the City, there is capacity to serve some areas of the Service Area outside of City limits, but not all.~~
- ~~•~~

~~Based on previous estimates of low flows (e.g. 100-year return low flow) on Luffenholtz Creek, the creek is almost fully allocated in terms of water rights. In fact, it may be over-allocated in a dry year. The City recently started monitoring flows on the creek just below the intake for the water plant to ensure that required bypass flows are met. Initial results indicate that the flows were less than would be anticipated in a non-drought year (2018). In addition, climate change is likely to alter rainfall patterns and affect flows in the creek. Therefore, two more studies...~~

There are several water supply concerns:

- If they have riparian water rights, many property owners in the area outside the City use coastal streams as a water source. ~~However, California Department of Fish and Game is already concerned about shortages in Mill Creek and Luffenholtz.~~
- ~~Expanding the current water supply at Luffenholtz Creek may be an option, though the the Luffenholtz Creek~~ watershed is located entirely outside of City limits. The City needs to coordinate with the County to ensure the creek is protected from development. ~~Commercial cannabis operations are of particular concern due to their high water demands.~~
- In several areas, groundwater supply is highly variable. Wells in the area do not produce enough volume of water to meet the demand. Other concerns include contamination of wells from failed septic systems and use of pesticides and other chemicals.
- Additional water use in the Planning Area may overburden soil capacity septic tanks and increase ground and surface water pollution.
- The Trinidad Rancheria has ~~proposed development~~ plans for ~~a~~ substantial ~~project development~~; they anticipate using the ~~Luffenholtz City's~~ water supply.
- The lack of water has acted as a development constraint along with the use of septic systems. ~~The City previously lost a large amount of its water, approximately 40%, through leaks or unmetered users. A large leak was recently~~

~~found along the main line in Scenic Drive, which gives the City somewhat more leeway for future water service.~~

~~In the past, the City had the ability to hook up users outside the City along the main water lines, with 101 properties being served outside City limits. However, more recent Local Agency Formation Commission (LAFCO) regulations, the agency in charge of boundary changes, prohibit expansion of services outside jurisdictional lines without requiring annexation. Exceptions may be made in the case of polluted wells or other emergency situations, and/or if the property owner is adjacent to the City and agrees to annexation. Additionally, because Luffenholtz Creek is near capacity, the City must retain water for additional connections and future uses inside the City~~

Goal CIRC-12: Ensure that the City's water system, supply, and demand are managed for sustainability and the health and needs of users.

Water Service Policies

CIRC-12.1 Periodically assess the capacity of Luffenholtz Creek to provide domestic water; include variables such as existing and potential riparian rights, groundwater wells, proposed developments, and impacts to water supply due to climactic change. (LU-8.1)

Program CIRC-12.1.1: Prepare an annual water report to be presented to the City Council to keep the City up to date on the condition of the water system, need for improvements, level of use and capacity of the system.

CIRC-12.2 Upgrade the City's water plant to improve efficiency, water quality and storage capacity as funding becomes available. (LU-8.2)

Program CIRC-12.2.1: Develop a program for periodically upgrading existing distribution lines, including fire hydrants to current standards. Top priorities are repairing leaking lines and improving storage capacity at the treatment plant and installing meters at currently unmetered public or other buildings.

CIRC-12.3 Promote an effective water conservation program to minimize water consumption. Extend the City's conservation program to properties outside the City that are hooked up to the City's water system. Encourage the County and/or Watershed Council to provide water education. Encourage the County to implement a similar program in the Trinidad-Westhaven area. (CONS-4.1)

Program CIRC-12.3.1: Pursue implementation of a progressive water rate structure to encourage water conservation. Periodically review and amend the water rate structure to ensure that it promotes water conservation. (CONS-1d.1.1)

Program CIRC-12.3.2: Adopt a water efficiency landscape ordinance in accordance with AB 1881 and Department of Water Resources (DWR) requirements. (CONS-

1d.1.2)

Program CIRC-12.3.3: Promote the use of rainwater collection and greywater systems. Encourage the County to update their regulations to improve opportunities for greywater reuse (CIRC-11.3)

CIRC-12.4 If capacity and / or storage is adequate, study the feasibility of forming a Water District that includes the area to the east and southeast of the City on either side of the freeway, where some properties are already connected to the system, to allow for additional connections outside the City, as the system allows. Eventual annexation should be considered. An 'annexation agreement' (agreeing not to object to future annexation) with the City is a minimum requirement for providing any new connections outside of City limits. Areas to the north of the City should be part of such a district if services are to be provided there in the future. (LU-8.2)

CIRC-12.5 The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive north to the CalFire (CDF) station, should be included in the City service area / water district to allow for future consideration of water service. Annexation, or an annexation agreement, is a requirement for water service expansion, unless it is already part of a services district. (LU-8.3)

CIRC-12.6 Depending on service capacity, the City's Sphere of Influence should be defined to include the City's water service connections, as well as all properties adjacent to the City's trunk line and those properties that are not zoned for timber production within the Luffenholtz and Mill Creek watersheds (refer to Fig. 4). The watersheds are to be included to provide directions and oversight on land use decisions that affect the City's Water Supply, including OWTS management. (LU-7.1)

CIRC-12.7 Consider expanding City services to areas outside City limits only if it can be done without 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-7.2)

Program CIRC-12.7.1: In the event of a proposal to expand the City water system, prospective customers shall provide the necessary funds in whole or in part to defer the cost of system improvements through an agreement with the City. This policy shall be implemented by provisions of the City Water System Service Ordinance.

CIRC-12.8 Do not allow connection to Humboldt Bay Municipal Water District unless there is a compelling public necessity and only when enforceable measures are included to assure that the general small-town community characteristic of the service area around the City does not adversely change.

CIRC-12.9 Assess the effects of proposed development, such as the Trinidad Rancheria plans and subdivisions, on the reduction flow in Luffenholtz Creek. Address negative impacts or threats to the City's water supply as soon as possible. (LU-9.2.4)

CIRC-12.10 Monitor land use activities and development projects within the Luffenholtz Creek watershed and oppose those activities and projects that may have adverse impacts on creek water quality and quantity (LU-9.2.3).

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

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

Goal LU-5: 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-5.1 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.

LU-5.2 Work with federal agencies owning and managing property within the City to ensure appropriate consultation and coordination with the City.

D. DEVELOPMENT OUTSIDE OF CITY LIMITS

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

~~(Framework Plan 1984 Humboldt 21st Century, October, 2017). Note that these land use designations may change as a result of the current update of the County General Plan. There are ~~four~~ three different areas outside the City that have been designated based on their relationship to City Planning.~~

The first and the smallest of these designations is the Sphere of Influence, which represents the area where ~~the it has been determined that the~~ City has the capacity to provide services and that is anticipated to possibly be annexed in the future. The next is the City's Service Area, which is defined as the area that the City currently does and potentially may provide water service. 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. ~~In addition, there is an Urban Limit Line that limits intensive growth, which some of the following policies are based upon.~~

1. Sphere of Influence

As ~~mandated defined~~ in Government Code § 56076425, ~~"the Local Agency Formation Commission (LAFCO) shall develop and determine the sphere of influence of each governmental agency within the county. the~~ Sphere of Influence (SOI) ~~"means a plan for the probable ultimate physical boundaries and services area of a local government agency." Spheres of Influence are determined by the Local Agency Formation Commission (LAFCo) based on various studies, including a Master Service Review (MSR). LAFCo also has responsibility for approving boundary changes and service connections 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 Sphere of Influence SOI, after adoption, shall be used by the commission LAFCo as a factor in making regular decisions on proposals over which it has jurisdiction." The Sphere of Influence boundary will be determined based on the City's "Master Service Element" that indicates capabilities and management of all services provided by the City (or district). A Municipal Service Review for the City of Trinidad was prepared by LAFCo in 2008 without City review. ~~These elements Both the MSR and SOI Report~~ need updating in order to be used to formulate ~~Sphere of Influence SOI~~ boundaries and dictate how and when land is developed around the City. ~~The Sphere of Influence report is to be updated every five years.~~~~

~~The purpose of the Sphere of Influence is to promote orderly, regulated growth that best represents the desires of the community. It is intended to represent the anticipated physical boundaries and service area of the City for the next twenty years.~~

~~Trinidad LAFCo adopted an SOI for Trinidad sphere of influence~~ in 1984, but only a very small portion has actually been annexed into City Limits since that time. There has been a strong indicated desire on the part of Trinidad residents to maintain the compact urban form of Trinidad. Some residents outside City limits have also expressed an aversion to being annexed into City limits. Benefits to the City from annexation include additional land use control, and potential increase in property tax revenue. In particular, annexation would allow the City to expand its OWTS 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. One of the main advantages to residents of being annexed would be the provision of City services, particularly water. At this time, Trinidad's ~~Sphere of Influence~~SOI is relatively small, only including a small portion of the water Service Area. A minimal population growth projected for the City and the adjacent areas as well as the restrictive nature of the land use policies contained in this Local Coastal Plan will helpThe policies contained herein are based on the most current data and are intended to preserve the community's character.

Goal LU-7: To provide and maintain clear boundaries and policies for considering the future expansion of Trinidad

Sphere of Influence Policies

LU-7.1 Depending on service capacity, define the City's Sphere of Influence to include the City's water service connections, as well as all properties adjacent to the City's trunk line and those properties that are not zoned for timber production within the Luffenholtz and Mill Creek watersheds. The watersheds are to be included to provide direction and oversight on land use decisions that affect the City's Water Supply, including OWTS management. (CIRC-12.6)

LU-7.2 Consider expanding City services to areas outside City limits only if it can be done without 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-7.3 Consider annexations if it can be proven that they are economically, environmentally, politically or otherwise advantageous to the City.

2. City Service Area

The "~~City-Service Area~~" refers to those areas that do, or may in the future, will receive ~~all, or a major portion of the urban services (water service, police protection, road maintenance, cemetery operation, fire protection, and planning and zoning) that are provided by~~from the City. ~~Of the aforesaid services, w~~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 ~~City~~Service Area. Luffenholtz Creek is small, and has only limited capacity to provide additional domestic water. The City's water plant also has limited storage and treatment capacity, but is continually being upgraded as funding allows. The Service Area boundary is based on the areas currently connected to City water. In addition, a commercial area to the north has been included based on potential future need of City water in order to support commercial uses to serve residents of and visitors to Trinidad. The Service Area could become a Service District in the future, with greater powers, and separate governing board. Please see the Public Services section of the Circulation Element for additional information.

Goal LU-8: Manage City services to the maximum efficiency and benefit for residents as well as those outside City limits where appropriate.**City Service Area Policies**

LU-8.1 The City is responsible for periodically assessing the capacity of Luffenholtz Creek to provide domestic water, including existing and potential riparian rights and groundwater wells. Upgrades to the City's water plant to improve efficiency, water quality and storage capacity will be completed as funding becomes available.

LU-8.2 If capacity and / or storage is adequate, study the feasibility of forming a Water District that includes the area to the east and southeast of the City on either side of the freeway, where some properties are already connected to the system, to allow for additional connections outside the City, as the system allows. Eventual annexation should be considered. An 'annexation agreement' (agreeing not to object to future annexation) with the City is a minimum requirement for providing any new connections outside of City limits. Areas to the north of the City should be part of such a district if services are to be provided there in the future. (CIRC-12.4)

LU-8.3 The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive north to the CalFire (CDF) station property should be included in the City service area / water district to allow for future consideration of water service. Annexation, or an annexation agreement, is a requirement for water service expansion, unless it is already part of a services district. (CIRC-12.6)

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 City of Trinidad has determined that activity affecting twelve coastal watersheds is the area of critical importance; therefore, 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; activities that occur in the upper watershed can affect downstream resources.

The designated Planning Area delineated in the previous General Plan defines an area in which the City has interests outside of its City limits and its Sphere of Influence boundary. The Planning Area might affect the City in ways such as increased circulation, impacts on water quality, or economic provisions. The designation of a planning area may be in the interest of establishing cooperation efforts with other surrounding jurisdictions, landowners or interest groups, including Humboldt County, State Parks, Trinidad Rancheria, Green Diamond Resource Co. Westhaven Community Services District, 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 3 shows the existing and proposed Planning Area.

The proposed Planning Area is more 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. The forest area east of the freeway is included to ensure consideration of the potential impacts of activities to these coastal watersheds. The entire Planning Area, outside of City limits, is within Humboldt County jurisdiction.

The County has recently revised its General Plan and a revision of the County Zoning Ordinance Map will follow. This will update the County's Framework Plan (1984). The Trinidad Area LCP will also need to be updated for the coastal zone. The current County General Plan provides for specific designations throughout the planning area. Most of the Trinidad General Plan land use recommendations are consistent with present county designations (1984 Framework Plan). 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-9: Ensure the protection of the coastal watersheds, natural and community resources and the quality of life in and around Trinidad.

Planning Area Policies

LU-9.1 Assess impacts of development within the entire planning area when considering large projects and regional issues

Program LU-9.1.1: Adopt a watershed based approach to land use planning that accounts for the impacts of development on an entire watershed, not only the individual parcel or activity. Respond to County application referrals based on watershed impacts and encourage the County to do the same for City projects. (CONS Principle A)

LU-9.2 Comment on relevant projects located within the Trinidad Planning Area that could impact the City based primarily on goals and policies found throughout this General Plan and any specific or unusual circumstances.

Program LU-9.2.1: Provide comments and input during any revisions of the County's General Plan that may affect the Planning Area any future adoption of implementing ordinances, and any other agency's or organization's long range plan for that includes land within the City's 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-9.2.2: Review development projects in the County, 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. Consider consistency with all relevant policies in the City's General Plan, particularly those found under Planning Area, Conservation and Water Quality, and the objectives of the Trinidad-Westhaven Integrated Coastal Watershed Plan.

Program LU-9.2.3: Monitor land use activities and development projects within the Luffenholtz Creek watershed and oppose those activities and projects that may have adverse impacts on creek water quality and quantity. (CIRC-12.10)

LU-9.3 Encourage coordination efforts between Trinidad officials and surrounding jurisdictions and landowners in order to address concerns about development projects that affect the Trinidad Planning Area and the Trinidad Head Area of Special Biological Significance / State Water Quality Protection Area.

Program LU-9.3.1: Request notification from responsible agencies (CDF 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-9.3.2: 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-9.4 The City designates both the Luffenholtz Creek and Mill Creek watersheds as "Critical Water Supply Areas," recognizing that these watersheds areas are primary water sources 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-9.4.1: Work with the County to ensure that the County designates Luffenholtz Creek and Mill Creek watersheds as "Critical Water Supply Areas" thereby providing increased scrutiny of and special protections from land use activities as defined in the Humboldt County Framework Plan and the Trinidad General Plan.

Program LU-9.4.2: Designate properties within a "Critical Water Supply Area" "Special Environment" to minimize further subdivision and reduce potential

adverse land use densities until such time that improvements are made to the water supply system so that it is not so sensitive to land use impacts. Existing lots within the watershed may be considered suitable for single-family residence provided the septic tank system is carefully designed and installed to preclude pollution of the stream, and requires periodic inspection by and fees paid to the County Environmental Health Department.

LU-9.5 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-9.5.1: Pursue adoption of a public education program regarding pesticides and other hazardous chemical, and when feasible, enter into a non-binding Memorandum of Understanding, or other agreement with property owners within the “Critical Water Supply Area” to minimize the use of these chemicals and reduce contamination of water supplies.

Program LU-9.5.2: 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-9.6 Encourage responsible septic system use and installation within the Planning Area.

Program LU-9.6.1: Pursue grant funding to monitor 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. Project goals include determining what areas and which onsite wastewater treatment systems are contributing the most pollution and offering financial incentives or other assistance to help landowners fix problems. 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)

LU-9.7 Preserve economically viable timber stands for use as commercial timber while protecting water quality, special status species and sensitive habitats (Goal CONS-8).

LU-9.8 Provide a geographically distributed inventory of mining sites protected from incompatible land uses, permitted and operated to prevent significant environmental impacts and to satisfy long-term demand for mineral resources and construction materials (Goal CONS-11).

current forms and densities, irrespective of their redesignation to Visitor Serving Commercial and Commercial Waterfront plan and zoning designations.

Other Initiatives

- The City and County should cooperate closely in the development of the unincorporated area surrounding the city and should allow for appropriate uses contiguous to the city.
- The City supports annexation as a positive means of city expansions but shall evaluate annexation proposals on a case-by-case basis. In reviewing these proposals, the City shall consider the questions listed in Table 1-3. The City shall support only those annexations that:
 - Promote orderly development and redevelopment of land within the Urban Boundary;
 - Promote efficiency in service delivery;
 - Are broadly supported by affected residents and property owners; and
 - Are beneficial to the City.

TABLE 1-3 ANNEXATION CONSIDERATIONS		
1.	Resident Support	What is the likelihood of gaining community support from property owners in the annexation area?
2.	Development and/or Redevelopment Potential	Will the annexation add vacant developable land to the city or is there potential for significant redevelopment?
3.	Strategic Importance	Will the annexation further city goals?
4.	Preemptive Action	Would the annexation help prevent unwanted or incompatible development on the city's periphery?
5.	Revenue Potential	What amount of revenue can be anticipated from property, sales, and other taxes; will the annexation result in a net revenue gain or a net loss to the city?
6.	Cost of Providing Ongoing Municipal Services	What will it cost to provide police services, fire services, road maintenance, parks and recreation, sewer service, and water service; can the city bear the cost of providing these ongoing services in the annexed area?
7.	Need for Upgrading Existing Infrastructure	To what degree do existing drainage systems, water delivery systems, sewer collection systems, streets and roads, and other infrastructure need to be brought up to city standards; can the city bear this cost?

8.	Potential for Improved Service Delivery	Is there potential for improved service delivery in the annexed area and/or the city as a whole or will some services be reduced?
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- The City further encourages the private development of visitor-serving facilities and supports private/public partnerships that build such facilities or that facilitate visitor activities.

1.B. VISITOR SERVING COMMERCIAL (VSC) AREA

Goals

- Goal 1.B.1:** To create a compact, pedestrian-oriented, economically-robust VSC area (see Figure 6) that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment.
- Goal 1.B.2:** To expand and enhance the VSC area as a tourist destination.

Policies

- 1.B.1.** The areas designated as Visitor Serving Commercial VSC shall be maintained as the City’s main visitor commercial activity center.
- 1.B.2.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- 1.B.3.** 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.1.B.3.
- 1.B.4.** If and when average annual occupancy rates at Del Norte County visitor accommodations exceed 70%, removal or conversion of existing lower cost visitor serving accommodations shall be prohibited unless: (1) the converted facility will be replaced with another facility offering the same or a greater number of lower cost visitor serving units, or (2) an in lieu fee in an amount necessary to off-set the cost to replace the lower cost visitor serving units in Del Norte County shall be imposed. Lower cost facilities shall be defined as any facility with room rates that are below 75% of the Statewide average room rate, and higher cost facilities shall be defined as any facility with room rates that are 125% above the State wide average room rate. Statewide average room rates can

driveways onto Ocean View Drive and includes design and site planning features to ensure compatibility with the surrounding single-family residential neighborhood.

Sphere of Influence



Policy LU-2.1 through Policy 2.5 and associated Programs are not part of the certified LCP and shall not govern the review and approval of Coastal Development Permits

Goal LU-2 Establish and maintain clear boundaries and guidelines for the future expansion of Fort Bragg.



Policy LU-2.1 Boundaries of the Sphere of Influence: Revise the existing Sphere of Influence boundaries, as submitted to Local Agency Formation Commission (LAFCO).



Policy LU-2.2 Annexations to the Municipal Improvement District Boundary: Require annexation approval prior to permitting new connections to the sanitary sewer system operated by the City's Municipal Improvement District in the Sphere of Influence. Out-of-area service agreements may be approved for new connections to the sanitary sewer system for development proposals that comply with the policy of the Municipal Improvement District regarding projects that provide affordable housing per Resolution No. ID 230-2003, adopted on December 8, 2003.



Policy LU-2.3 County Referrals: Review and comment on development projects in the City's Sphere of Influence which are under the jurisdiction of Mendocino County.

Program LU-2.3.1: Establish a Memorandum of Understanding between the City and Mendocino County regarding procedures for project review within the Fort Bragg Sphere of Influence.



Policy LU-2.4 Annexation Standards: Require annexations to the City to meet all of the following standards:

- Areas annexed must be able to be served by existing City facilities and by facilities provided by other agencies, or by environmentally and economically feasible improvements to these facilities. Prior to City approval of an annexation application, findings shall be made indicating that: necessary public and private infrastructure to support the development is available, or that a development plan for extending or upgrading the infrastructure has been adopted, and that the annexation would not result in a substantial reduction or deterioration of public services and facilities, including streets, water supply, wastewater treatment, storm drainage facilities, fire, police, schools, and other public services and facilities.
- Proposed annexations must be contiguous to existing developed areas. Annexation proposals that "leapfrog" over vacant and undeveloped land shall not be approved.

- Based on a cost-revenue analysis, annexations shall have a cumulative net positive fiscal effect on the City within fifteen years of approval. The fiscal analysis must demonstrate that annexed properties would generate sufficient City revenues to pay for ongoing services to the annexed area and infrastructure cost benefiting annexed area borne by City – such as public safety, road maintenance, street lighting, etc. To achieve this, property owner(s) may be required to establish Mello-Roos districts and/or other forms of benefit assessment districts as a condition of, and at the time of, annexation to the City.
- All annexation applications shall include an environmental review document which provides full disclosure of any potential adverse environmental impacts. To the maximum extent possible, annexations that would result in significant environmental impacts will not be approved.
- A development plan, including maps and text, showing how existing and proposed future development within the annexation area contributes to the attainment of Coastal General Plan goals and policies, shall be submitted with an annexation application.
- All proposed future development within an annexation area shall be consistent with the land use designations shown on the Land Use Designations Map and all other requirements of the Coastal General Plan and the Fort Bragg Municipal Code.
- A cost-revenue analysis is not required for parcels that are annexed by the City of Fort Bragg for public purposes.

Program LU-2.4.1: Require a fiscal impact analysis of proposed annexations, at the applicant's cost, as deemed appropriate by the City. The fiscal impact analysis shall include, at a minimum, the cost of providing City services on a per capita basis for residential projects, or per square foot of building for commercial and industrial projects, the impact on existing and future property owners, and a comparison of the potential revenues anticipated from the proposed annexation versus the cost to the City of providing services for a period of at least five years from the date of project completion.



Policy LU-2.5 Discourage Piecemeal Annexations: Discourage annexations of small, individual parcels of land in a piecemeal fashion.

Program LU-2.5.1: Consider revising the Coastal LUDC to establish a minimum area for an annexation request or a process for pre-approval of the annexation area by the City Council prior to accepting an annexation application as complete.

Program LU-2.5.2: Annexation applications should include, to the maximum feasible extent, the entire annexation area as shown in Map LU-3: Annexation Areas. Annexation applications for smaller subareas may be allowed for parcels that are annexed by the City of Fort Bragg for public purposes and for projects that provide affordable housing consistent with the criteria established in Resolution No. ID 230-2003, adopted on December 8, 2003.

Water Demand Assessment

Projections for Build-out Within the City's Service Area
City of Trinidad, California



Prepared for:

City of Trinidad



August 2019
016105

Reference: 016105

Water Demand Assessment

Projections for Build Out Within the City's Service Area City of Trinidad, California

Prepared for:
City of Trinidad

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August 2019

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Abbreviations and Acronyms

cu. ft.	cubic feet
gpd	gallons per day
sq. ft.	square foot
ADU	Accessory Dwelling Unit
CZ	Coastal Zone
LAFCo	Local Agency Formation Commission
LCP	Local Coastal Program
OS	Open Space
PD	Planned Development
PR	Public and Religious
RA	Rural Residential Agriculture
SE	Special Environment
SR	Suburban Residential
STR	short-term rental
TCLT	Trinidad Coastal Land Trust
UR	Urban Residential
VS	Visitor Services

Introduction

Background

The City has a designated water service area (City Service Limit as designated in the certified Local Coastal Program [LCP]) that extends outside of City limits (Appendix 1). While the City is generally obligated to provide water to users within City limits, provision of water connections within the service area outside of City limits is discretionary on the part of the City and requires approval by the Humboldt County Local Agency Formation Commission (LAFCo); the City is not allowed to serve users outside the service area. Prior to about the year 2000, the City provided water to users within the service area outside City limits when requested, without much oversight or decision-making, in order to benefit from the increased revenue. However, around 2000, the policies of LAFCo changed, and they no longer allowed service extensions to properties outside the City without annexation into the City, except in cases of emergencies. Therefore, the City stopped connecting users outside City limits. But the dynamics are again changing. During the recent drought, the number of requests for City water from property owners outside of the City increased substantially. In addition, LAFCo has recently relaxed its policy requiring annexation prior to providing water if certain conditions are met. On the other hand, water supply has also become a more important issue with Trinidad Rancheria's request for a substantial amount of water to serve a proposed hotel, as well as increased uncertainties and risks related to climate change.

Purpose

This report is being prepared by SHN in their role as the City's contracted planning staff. It is being funded in part by a Local Coastal Program Update grant from the California Coastal Commission. City staff requested grant funding for this water demand assessment for several reasons. As part of the comprehensive update of the General Plan, the City will assess the boundaries of the service area to ensure that they are still reasonable in the current context. In addition, the City may want to consider annexation of some of these areas in the future. Depending on the area, annexation could potentially provide additional tax revenue, or it could also be a revenue loss. But there are other potential benefits, such as land use control and increasing the City population and pool of people to serve on councils, commissions and committees. Further, LAFCo is in the process of updating the City's Sphere of Influence, which is also related to the potential for annexation and future service provisions.

With the Rancheria's request for City water to serve their proposed hotel, issues of water supply and future demand have become more critical. The City needs to develop policies by which they will evaluate and prioritize requests for water service from outside City limits and consider when annexation may be required or sought. In order to do that, the City needs to understand how much water is available and what the future demand for water may be within the service area, both inside and outside the City.

These are major, broad-scope issues that City staff are currently working towards addressing. The City's contracted engineering staff (GHD) recently completed a preliminary assessment of the production capacity of the City's water plant on Luffenholtz Creek. In addition, GHD will also be working on a flow assessment of Luffenholtz Creek with an emphasis on low-flows and the potential risks from future droughts and climate change. Planning staff (SHN) have prepared this build-out demand assessment that includes potential development within the service area, both within and outside of City limits. City staff will also be analyzing the storage and distribution characteristics and limitations of the physical water system, inventorying water rights on Luffenholtz Creek, and assessing potential alternative water sources. All of this information will take time to develop, but this build-out demand assessment, along with the water plant production capacity memo from engineering staff should provide a good starting point for General Plan policy discussions.

Water Demand Within City Limits

Methods

City staff exported monthly water use data for all the accounts in the City for the 12-month period from April 2018 to March 2019 and provided the data to SHN in a spreadsheet. Because the meters are read monthly, peak hourly or daily usage cannot be ascertained. However, the data does represent actual rather than assumed water use. The City's water accounting software presents water use in cubic feet, which was converted into gallons per day (gpd) to compare with the water system capacity information presented in GHD's May 1, 2019 'Water Treatment Plant Production Rate Test and Analysis' memo. The water accounts were then separated by rate code, or inside versus outside City limits; closed accounts (Rate 2) were eliminated. For the accounts within the City, the water use data was merged with APN and zoning data, and then further separated by zoning designation. The average annual and peak monthly (July) water use were calculated for each zone.

Very little clean-up or manipulation of the data occurred. When a property changed hands, and there were multiple accounts for the same address, the water usage from these accounts were combined into one line/account. There were accounts with no water use, which were assumed to be vacant. And there were accounts with large, noticeable water leaks. However, it was determined that this represented the most realistic picture of actual water use available. There was one exception where a leak was so large (60 to 70 times the normal water use) that it skewed the data and was therefore removed from the calculation of average water use in the SR zone.

The data was generally analyzed on a "per account" basis rather than per property. Many of the properties that contain multiple units or businesses have separate water accounts for each user, but not all (e.g. the 4-plex at 651 Parker Street). These multi-user accounts were not divided by the number of users (except when calculating the average water use for Accessory Dwelling Units [ADUs]), because it was determined to be better to overestimate the average water use per account for the purposes of this analysis. On the other hand, when there were multiple accounts on a single parcel, which tends to occur on larger parcels, the usage was not combined to determine the per-parcel water use. This situation primarily impacts the Commercial (C) Zone, of which there are no vacant parcels to calculate build-out. And for the Planned Development (PD) zone, build-out demand was estimated based on the potential number of units, not the number of parcels.

Existing Water Use

Water use varies substantially between users. However, the vast majority of accounts in the City (89.5%) use less than 300 gpd, which is considered the design flow for sizing a septic system for a two-bedroom house. The biggest users in town, using almost twice as much water as the next highest users, are the Harbor property and Hidden Creek RV Park (1,798 and 1,786 gpd respectively). The next highest users are Trinidad Union School (959 gpd), a mostly unoccupied vacation home (not a short-term rental [STR]; 956 gpd) and the Eatery (890 gpd). Murphy's Market (881 gpd) and the Lighthouse Grill (794 gpd) are also high users. The volume of use drops off substantially with the remaining accounts.

Although requiring water conservation and considering methods to limit water use are outside the scope of this particular report and discussion, evaluating the water data in detail brings attention to high water users and associated concerns. For example, three of the top 10 water users in town (the Eatery, 570 Trinity St., and the four-plex) are located in the same block behind the active slide on Edwards Street. In addition, there are several residences located near bluffs that use a significant amount of water. This information is

pertinent to the discussion of water policies. The City could benefit from adoption of a water rate structure that encourages conservation and requirements for drought tolerant or native landscaping, as just two examples of measures that can be used to reduce water use.

The month of peak metered water use in the City is July for the data set used in this analysis (July also had the peak metered water usage in 2017). The second highest month was September. The peak metered usage in July is slightly different than the peak production at the water plant, which occurs in August. July and September were the peak usage months outside of City limits as well. The reason for this discrepancy is unknown. However, for the purposes of this review, this discrepancy is not relevant.

For projecting build-out demand, water use by land use is the best predictor. Table 1 shows total and average water use (gpd) by zoning designation in the City. It should be noted that anomalous data, such as a large water leak, can skew the results for some zones or months. Other factors can also affect the results. For example, the highest water user in the Public and Religious (PR) zone is Trinidad Elementary School. Since school is not in session in the summer, their water use is lower than average during that time, and, the peak usage in the PR zone is in September (274 gpd) when the school year begins. Note that the average shown for the Visitor Services (VS) zone divides the total volume by two, because there are two RV parks. However, Trinidad Bay Trailer Courts has three accounts, so average water use by account would be much lower.

Table 1. Average and Peak (July) Daily Water Use by Land Use Zone.

Zone	Total gpd ¹ (annual avg.)	Avg. gpd (per account)	Total Peak gpd (July average)	Avg. Peak gpd (per account)
C	6,047	403	10,511	692
VS	2,717	1,358	3,145	1,572
PD	3,361	140 ²	5,643	235
PR	1,490	166	1,475	191
SR	6,045	163 ²	7,653	211
UR	16,665	128	29,364	226
Total	36,325		57,779	
1. gpd: gallons per day 2. Removing one anomalous water user or large leak would substantially change this average.				

Trends

Water data from 2017 and 2013 was compared to the 2018 data to determine if water use has been changing over time. In 2018, the total metered water use in the City was 1,788,162 cubic feet (cu. ft.), or an average of 36,645 gpd. In 2017, the total metered water use in the City was 1,722,263 cu. ft., or 35,295 gpd. In 2013, the total metered water use in the City was 1,786,244 cu. ft., or an average of 36,606 gpd. Based on that data, water use has remained fairly steady over the past few years. Previous water studies indicate that water use in Trinidad has been much higher in the past. However, increases in efficiency and awareness of conservation have resulted in less water use nationally and in California over the past 35 years, so the current data is appropriate for this analysis.

Build-out Demand

The City analyzed development potential of vacant lands in its draft Housing Element (December 2013), which was updated for this report. For the purposes of this study, the vacant, developable lots in the City fall into only three zoning designations, which are PD, Suburban Residential (SR), and Urban Residential (UR).

Other vacant lots are zoned Open Space (OS) and Special Environment (SE) and most are publicly-owned or held by the Trinidad Coastal Land Trust (TCLT), and so are not considered developable. One of the two privately-held SE parcels could potentially be developed but was considered too speculative to include in this analysis. There are no vacant C, PR, or VS zoned parcels in the City. Trinidad has no industrial or agricultural zoning designations.

Underdeveloped parcels that are large enough to be subdivided or accommodate additional development were also analyzed. For both vacant and developed parcels, the potential number of new units/parcels was calculated based on the gross parcel area and minimum lot size for the zone (assigning the primary zone to the whole parcel if it had two zoning designations). However, many parcels have limitations such as riparian corridors and steep slopes, which are areas that are generally zoned SE. Therefore, a conservative “net” development potential was estimated based on the approximate developable area. This net development potential likely overestimates the potential number of new units, because there will be other, unknown limitations. However, for this study, it is better to over-estimate future water demand than to under-estimate it. It should be noted that Trinidad has averaged less than one new house built per year over the last few decades, so build-out would be expected to occur over a long period of time. Over that same period of time, changes to the water plant, production capacity, and water availability are also likely to change.

Table 2 presents projected build-out demand under the current land use/zoning designations. Although the estimated potential number of units in the PD zone was reduced from the gross potential of one unit per 8,000 sq. ft. for these calculations, build-out potential is likely substantially less now, since the TCLT acquired two of those four parcels. In addition, there is one single-family residence that substantially affects the average water use in the PD zone (140 gpd versus 105 gpd annual average with and without the residence respectively, and 235 gpd versus 173 gpd in July). Using the lower average would likely be more realistic for estimating future demand, but as previously mentioned, it is better to be conservative in this analysis. In addition, the PD zone allows a mix of uses, some of which could have high water demands. The difference equates to approximately 1,000 gpd for the potential average annual daily demand and 2,000 gpd for the peak demand.

Table 2. Estimated Maximum Additional Water Use After Build-Out in Trinidad

Zoning	Potential Number of New Units After Build-out	Average Daily Water Use Per Unit (gpd ¹)	Potential Additional Average Daily Water Use (gpd)	Average Peak Daily Water Use Per Unit (gpd)	Potential Additional Peak Daily Water Use (gpd)
UR	20	128	2,560	226	4,520
SR	39	143 ²	5,577	211	8,229
PD	32	140	4,480	235	7,520
Total			12,617		20,269
<ol style="list-style-type: none"> 1. gpd: gallons per day 2. In general, leaks were not removed from the dataset, because they are a normal occurrence. However, there was one that was so large and obvious (8,300 gpd) that it substantially skewed the data, and therefore was not used in calculating the average for the SR zone. The leak did not affect the July average. 					

Accessory Dwelling Units

The State requires cities to provide their fair share of housing, and generally requires accessory dwelling units (ADUs) to be allowed by right in zones that allow single-family residences. However, because Trinidad is in the Coastal Zone, its land use ordinances are governed by the California Coastal Act and the Coastal Commission, and the requirements are more nuanced. In addition, development in Trinidad is limited by the use of septic systems and possibly, water availability. The City has expressed interest in allowing ADUs and passed an ADU ordinance, but it was not certified by the Coastal Commission. One of the reasons was because Coastal Commission staff requested significantly more information to substantiate that the City has the water available to serve potential ADUs, which the City did not have at the time. Therefore, the City withdrew the ordinance from consideration by the Coastal Commission, and it is not in effect.

It is difficult to find information from other jurisdictions related to how much water an ADU would be expected to use, due to the variability in regulations and site conditions. The City doesn't have a complete record of all the existing ADUs in town, and many don't have separate water meters. However, water use was evaluated for those ADUs that are known, and the use is generally very low. The highest per unit residential use in the City was the four-plex at 651 Parker St. at 140 gpd average per unit (one of the units operates as an STR, which may be part of the reason for the higher water use). 461 Ocean Ave. had a higher average water use due to an obvious leak one month, and 308 Ocean Ave, also had a higher per unit water use, but that unit operates as a day care. On average, multi-unit residential properties utilized approximately 80 gpd per unit and 138 gpd in July.

It is also difficult to estimate the development potential for ADUs, because the number, size and type vary significantly depending on market conditions and local regulations. Trinidad should carefully regulate the establishment of ADUs in order to minimize wastewater, groundwater, and water supply impacts. This was indicated in the 2019 Groundwater Model Addendum (Trinidad ASBS Stormwater Project) prepared by GHD. When the model was run with assumed build-out of the City, there was an increase in groundwater levels in the area of the horse pasture (that was based on the gross potential build-out, without correcting for known site limitations). GHD also ran the model infiltrating all stormwater onsite. That model indicated eventual saturated conditions and slope instability, showing that there is a limit to the amount of water that can be infiltrated within Trinidad.

At this time, it is unknown how ADUs will be regulated in Trinidad; currently, they are not allowed on most parcels due to regulations in the City's LCP and septic limitations. The ADU ordinance that was passed by the City in 2010 (but not certified by the Coastal Commission) does not include a minimum parcel size for ADUs, though it does require an OWTS built to current code, which necessarily limits the lot size that can accommodate an ADU. However, with better information regarding water, groundwater, and slope stability limitations, there is a basis to limit ADUs based on lot size and/or location (e.g. GHDs January 2019 Groundwater Model Addendum for LID Zoning).

As a starting point for estimating potential water demand from ADUs, SHN calculated the number of parcels that are large enough to meet the current minimum lot size for their zone. There are 87 UR zoned parcels that are at least 8,000 sq. ft., 44 SR zoned parcels that are at least 20,000 sq. ft., and 12 PD zoned parcels that are at least 8,000 sq. ft. If one quarter (generally, ADUs do not exceed 10% of the housing stock, so this is a high, but potentially plausible percentage) of those parcels meeting the minimum lot size constructed ADUs, that would result in 36 new ADUs. As noted above, parcels with ADUs use approximately 80 gpd of water on average, and 138 gpd in July. That equates to an additional 2,880 gpd of water use on average, or 4,968 gpd during the peak month of July. Again, that is a conservative estimate intended to overestimate potential water use, but a conservative approach is appropriate in this case due to uncertainties in the data

and the potential for droughts, illegal water diversions, and climate change that may reduce the available supply of water in Luffenholtz Creek. Adding the ADU demand to the build-out demand would equate to an additional average daily demand of 15,497 gpd and a peak demand of 25,237 gpd within City limits.

Water Demand Outside City Limits

In the sections below, a brief summary of the characteristics is provided for each area and subarea within the service area, outside of City limits, as shown in Appendix 1. This information is provided to aid in the discussion of which portions of the service area, if any, should be a priority for future service and annexation, and which areas could be eliminated from the service area. For example, some areas may have physical or geographical limitations that make them difficult to serve. In addition, the more development potential there is in an area, the more financial sense it would make for annexation, because a portion of the property tax revenue from existing development is retained by the County.

Methods

A spreadsheet of all the parcels within the existing service area outside of City limits (henceforth “service area” in this section) was created. Data from the County Assessor’s office and the County GIS was added to the spreadsheet. This information includes such things as the existing use, improvement value, lot size, zoning, and general plan designations. Whether the property is currently served by City water was also included in the spreadsheet.

The service area was then divided into smaller areas, designated by letters A-F, and some were broken into smaller subareas (e.g. B1 and B2). These divisions are areas that might make sense as future annexation units if the City wants to expand. In addition, it is not likely that the City will be able to provide water service to the entire service area. With this break-down, the characteristics of each area can be reviewed, and the merits of including it in the service area can be considered separately.

A few parcels that are within the existing service area were eliminated from the analysis due to several reasons. The parcels removed east of Area B and north of Area D are owned by the company that operates the quarry and/or are zoned or proposed to be zoned Agricultural Exclusive (AE) or Timber Production Zone (TPZ), which are very restrictive resource production zones that should not be provided community water so as not to encourage development. A couple of large parcels that stick out from the bulk of Area E were eliminated because they were not adjacent to a main line, and there were no other apparent reasons to include them. In Area F, the parcels seaward of Scenic Drive were eliminated from the analysis due to the substantial development limitations on those parcels.

Both existing zoning and the proposed zoning updates currently being discussed by the County were reviewed. Those zoning changes will only affect properties outside of the Coastal Zone (CZ). The development potential of each property was estimated based on the minimum lot size according to zoning and subdivision potential. There is minimal subdivision potential on properties within the service area. And it is likely that there are physical constraints and other factors that would limit the subdivision potential more than the minimum lot size, but again, this is a conservative estimate where it is better to overestimate potential demand. In addition, ADUs are allowed on almost every lot in the service area either by right or with Humboldt County approval of a special permit.

Water use data for accounts within the service area outside City limits was treated and analyzed similarly to the water use data for properties within City limits. The primary difference is that all the existing users are

residential except for some of the Rancheria connections. The Rancheria parcels were reviewed separately for the purposes of calculating average water use. This is because there are connections for commercial and office uses, mixed in with connections serving individual parcels and/or homes.

The service area property characteristics spreadsheet was not merged with the City’s water account spreadsheet, because the intent is to forecast potential future water use. Because owners, family characteristics, landscaping, number of bedrooms, etc. can all change in the future, an average water use is a better predictor than actual current water use.

Overall, average water use within the service area is substantially lower than residential water use (Table 3) in the City, with an average of 94 gpd, including the three accounts with zero water use (the average in the City also included accounts with zero water use), and 98 gpd excluding them. Average water use per account on the Rancheria is closer to the City residential account averages, at 144 gpd annual average and 172 gpd during July (without the casino). Therefore, all the accounts were averaged, including the Rancheria parcels, but excluding the casino, to use in the calculations for potential build-out demand for the service area outside City limits. This equated to an average of 109 gpd, with a peak of 166 gpd in July (not included in Table 3). See Table 3 for additional information regarding existing water use within the service area and Rancheria, outside City limits.

Table 3. Existing (2018) Water Use Outside City limits

Area	Annual Average Daily Water Use Per Account (gpd)	Annual Average Total Daily Water Use (gpd)	Average Peak (July) Daily Water Use Per Account (gpd)	Average Total Peak (July) Daily Water Use (gpd)
Rancheria (w/out Casino)	144	3,457	172	4,133
Casino	2,644	2,644	6,341 ¹	2,724
Service Area (not including Rancheria)	94.2	7,156	158	12,000
Water Truck	1,158	1,158	2,064 ¹	2,064
Total		14,328		20,921

1. Peak water use for both the casino and the water truck were actually in October. Therefore, the peak use shown in the table would not contribute to the usage in July, when most usage peaks. July usage for the casino and water truck was 2,724 gpd and 929 gpd respectively.

For potential ADUs in the service area, a multiplier of 0.25 was used to account for up to a quarter of properties constructing ADUs (not accounting for existing ones) for parcels where a special permit is required and 0.5 where they are allowed by right (another likely overestimate). The same average water demand was used for both primary residences and ADUs, since the average is already low. A multiplier was applied to each parcel based on whether they are already served by City water or not, whether the parcel has subdivision potential and whether an ADU is allowed by right or special permit. A potential average and peak water demand were calculated for each parcel and totaled for the subarea. The full potential for subdivision was included in the water demand calculations, though, as mentioned above, approval of all those subdivisions is unlikely.

For Area C, a different approach was necessary. The potential water demand for this area is difficult to estimate, because different commercial and recreational uses can vary significantly in their water requirements. For example, one parcel contains a mini-storage business, which likely uses very little water.

On the other hand, the RV parks use a significant amount of water, particularly in the summer. Restaurants use a lot of water, but a hardware store would not. Therefore, a simple average is not an adequate approach. However, for comparison purposes, the average water use from the RV parks in Trinidad were applied to the parcels in Area C, multiplying it based on lot size and subdivision potential. As expected, the resulting totals seemed unreasonably high.

For this reason, several of the businesses that operate within the area were contacted directly, including all three of the RV parks and Ocean Grove. The owners or operators of these businesses provided information regarding the amount of water they actually use. They primarily gave ranges of estimates from their highest to lowest daily use as well as an annual average. The stated highest peak day usage (e.g. 4th of July), which would be substantially more than the daily average over the entire month, was scaled back for estimating water demand over the entire month or year. Despite this, it became clear that to serve this entire area would require a significant amount of water (see more below). There is potential for using a combination of City water and existing onsite sources of water to serve this area, but that is outside the scope of this report.

A Note About Zoning

Areas A, B, D, E, and F include almost exclusively residential zoning designations, whereas Area C is exclusively commercial zoning. The vast majority of parcels within the service area are zoned RA (rural residential agriculture), or are proposed to be RA in the County's zoning update. Many are also zoned RS (residential single-family in the coastal zone). The number after the zoning designation (e.g. RA-2.5) indicates the minimum lot size, usually in acres, and an X means no additional subdivision is allowed. Although these zoning designations are primarily residential, they do allow a wide variety of uses with approval of a use permit. Such uses include neighborhood commercial, public and private recreation, bed and breakfasts, stables, agriculture, and timber production. However, City staff is not aware of many of these other types of uses having been established, likely because most of the lots are relatively small and would have septic limitations. There are also several combining zones (such as for wetlands, riparian areas, fault hazards, design review requirements, etc.) used in the area that limit development.

Trinidad Rancheria

Based on the Rancheria's Comprehensive Community-based Plan (Plan; June, 2011), there are not plans for additional residential development within the main Rancheria boundaries. Instead, the Rancheria has, and will continue to, purchase individual parcels to provide housing for Rancheria members. For example, the Rancheria has purchased several parcels on the east side of Hwy 101 along Westhaven Drive, as well as parcels in McKinleyville. In general, these parcels are already residential, and most have been, or eventually will be, transferred into Tribal Trust status. The Rancheria's community plan calls for additional commercial and institutional development, possibly replacing existing housing. The potential development envisioned in the Plan includes the hotel, an RV park, gas station, mini-mart, retail and incubator space, and a cultural/community center. However, most of the development is currently speculative, and it is outside the scope of this report to assess the potential water demand from the additional development proposed on the Rancheria. The currently proposed hotel has been estimated to have a peak demand of 14,184 gpd and an average demand of approximately 9,500 gpd.

Area A

Area A consists of 15 parcels covering an area of 24.1 acres, all within the Coastal Zone (CZ). The average parcel size is 1.61 acres, ranging from 0.44 acres to 6.21 acres. Nine of the parcels are currently served by City water, and six parcels are unserved. Four of the parcels are vacant, and one is minimally developed (< \$30,000 improvement value). All the parcels are residentially zoned; one parcel has a mobile home and one

has multiple units. The parcels are all zoned Residential Single-family, 20,000 square foot minimum lot size (RS-20). However, the County's minimum lot size when OWTS are used (and community water) is one acre. At that size (one acre), there is potential for four parcels to be subdivided into a total of 13 parcels. ADUs are allowed with a Special Permit. This area is estimated to have a maximum potential additional average annual demand of 2,226 gpd and a peak demand of 3,382 gpd during the month of July.

Area B

Area B consists of 43 parcels covering an area of 59.4 acres. The average parcel size is 1.41 acres, ranging from 0.19 acres (8,276 square feet) to 4.14 acres. Twenty-three of the parcels are outside the CZ, 15 are inside the CZ, and five are split. Twenty-two of the parcels are served by City water, and 21 are unserved. At least 13 parcels are vacant, with five more that have minimal improvement value (< \$30,000). All the parcels are zoned residential (RA-2.5 inland and RS/SM or RA-2 and RA-2.5 coastal). Three of the parcels could be subdivided into a total of six parcels. Twenty-four of the parcels can have an ADU by right, and the other 19 would require a special permit. This area is estimated to have a maximum potential additional average annual demand of 4,399 gpd and a peak demand of 6,682 gpd during the month of July.

Area B1 contains 28 parcels totaling 30.59 acres, averaging 1.13 acres, and ranging in size from 0.19 acres to 1.27 acres. There is no subdivision potential in this subarea. None of the parcels are in the CZ, but one is split by it. Eleven of the parcels are currently served by City water, and 17 are unserved. Eight of the parcels are vacant, and three have minimal improvement value. All 28 parcels can have an ADU by right. This subarea is estimated to have a maximum potential additional average annual demand of 2,624 gpd and a peak demand of 3,985 gpd during July.

Area B2 contains 15 parcels totaling 28.78 acres, averaging 1.92 acres, and ranging in size from 0.33 (14,375 sq. ft.) acres to 4.14 acres. Three of the parcels could be subdivided into a total of six parcels. Twelve of the parcels are in the CZ, two are outside, and one is split by the CZ boundary. Five of the parcels are currently served by City water, and 10 are unserved. Five of the parcels are vacant, and two have minimal improvement value. Two of parcels can have an ADU by right and 13 would require a special permit. This subarea is estimated to have a maximum potential additional average annual demand of 1,776 gpd and a peak demand of 2,697 gpd during July.

Area C

Area C consists of 12.5 parcels (one parcel is split by the service area boundary) covering an area of approximately 56 acres. The average parcel size is 4.54 acres, with a range of 0.73 acres to 11.23 acres. Ten of the parcels are within the CZ, and three are split by the CZ boundary. None of the parcels in this area are currently served with City water. Only one parcel is wholly vacant, but three other parcels are mostly vacant (either with minimal improvements or unused). All of the parcels have commercial land use designations; 4.5 are zoned Commercial General, and the other eight are zoned Commercial Recreation. However, three parcels are currently utilized for residential purposes. In addition, one of the three RV parks caters to long-term residents (minimum 30-day stay). As mentioned in the Methods section, estimating demand in this area is difficult, because it can be highly variable. The estimated maximum potential water demand of this area is estimated to be on the order of 15,000 to 20,000 gpd average during the low season and an average of 35,000 to 40,000 gpd during the peak season.

Area D

Area D consists of 49 parcels covering an area of 121.4 acres. The average parcel size is 2.48 acres, with parcels ranging from 0.23 acres (10,019 sq. ft.) to 11.74 acres. Thirty-six of the parcels are in the CZ, two are

outside the CZ, and 11 are split by the CZ boundary. Sixteen of the parcels are served by City water, and 33 are unserved. At least nine parcels are vacant, with six more that have minimal improvement value (< \$30,000). All the parcels are zoned residential (generally RA-2.5, RA-2 and RA-X). Six of the parcels could be subdivided into a total of 14 parcels. Only two of the parcels can have an ADU by right, and the other 47 would require a special permit. This area is estimated to have a maximum potential additional average annual demand of 5,910 gpd and a peak demand of 8,976 gpd during the month of July.

Area D1 contains 16 parcels totaling 35.19 acres, averaging 2.20 acres, and ranging in size from 0.25 acres to 6.89 acres. There is one parcel that could potentially be split into two parcels within this subarea. All of the parcels are in the CZ. Seven of the parcels are currently served by City water, and nine are unserved. Four of the parcels are vacant, and three have minimal improvement value. All 16 parcels can have an ADU with approval of a special permit. This subarea is estimated to have a maximum potential additional average annual demand of 1,511 gpd and a peak demand of 2,294 gpd during July.

Area D2 contains 17 parcels totaling 25.51 acres, averaging 1.50 acres, and ranging in size from 0.23 acres to 6.67 acres. There is one parcel that could potentially be split into two parcels within this subarea. Fifteen of the parcels are in the CZ and two are split. Seven of the parcels are currently served by City water, and 10 are unserved. Three of the parcels are vacant, and one has minimal improvement value. All 17 parcels can have an ADU with approval of a special permit. This subarea is estimated to have a maximum potential additional average annual demand of 1,643 gpd and a peak demand of 2,496 gpd during July.

Area D3 contains 16 parcels totaling 60.67 acres, averaging 3.79 acres, and ranging in size from 1.01 acres to 11.74 acres. There are four parcels that could potentially be split into 10 parcels within this subarea. Four of the parcels are in the CZ, three are outside and nine are split by the CZ boundary. Only two of the parcels are currently served by City water, and 14 are unserved. Two of the parcels are vacant, and one has minimal improvement value. Two of the parcels can have an ADU by right, and the other 14 would require approval of a special permit. This subarea is estimated to have a maximum potential additional average annual demand of 2,756 gpd and a peak demand of 4,186 gpd during July.

Area E

Area E consists of 36 parcels covering an area of 99.54 acres. The average parcel size is 2.77 acres, ranging from 0.14 acres (6,098 sq. ft.) to 6.64 acres. All 36 parcels are in the CZ. Eighteen of the parcels are served by City water, and 18 are unserved. At least five parcels are vacant, with three more that have minimal improvement value (< \$30,000). All the parcels are zoned residential (the vast majority are RA-2.5, with one RA-X and one RA-5). Six of the parcels could be subdivided into a total of 15 parcels. All of the parcels would require a special permit to have an ADU. This area is estimated to have a maximum potential additional average annual demand of 3,528 gpd and a peak demand of 5,360 gpd during the month of July.

Area F

Area F consists of 25 parcels covering 80.78 acres. The average parcel size is 3.51 acres, ranging from 0.47 acres to 15.8 acres. All 25 parcels are in the CZ. This area is not currently served with City water. There are three vacant parcels in this area. All the parcels are zoned residential (RA-2.5, with numerous special combining zones). Four of the parcels could be subdivided into a total of 11 parcels. All of the parcels would require a special permit to construct an ADU. This area is estimated to have a maximum potential additional average annual demand of 3,975 gpd and a peak demand of 6,038 gpd during the month of July. Because this area currently has no water lines, and it would be undesirable for the City to annex this area, staff is proposing that it be eliminated from the City's service area, regardless of whether the City has the capacity to serve that area.

Summary and Conclusions

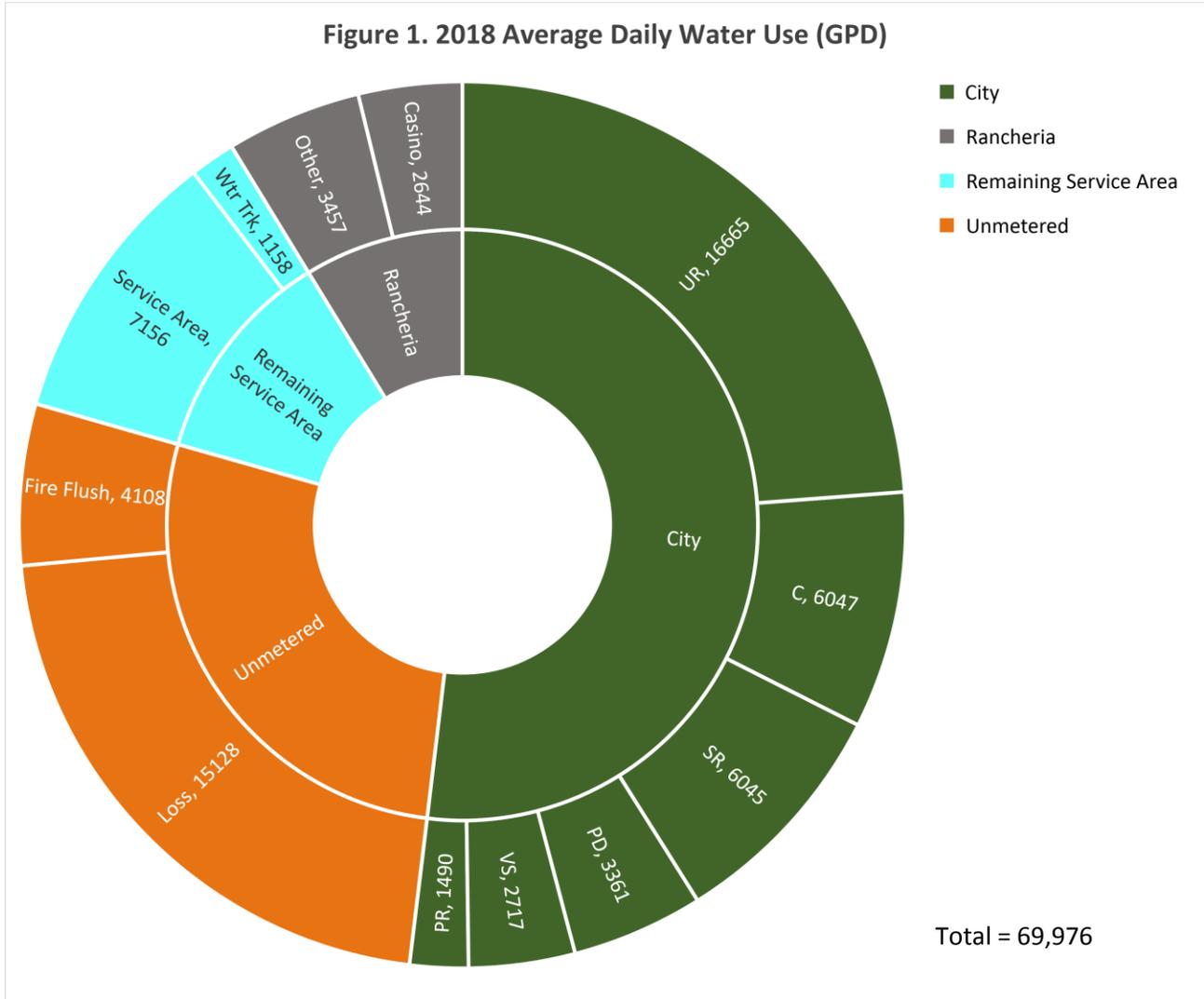
Table 4 provides a summary of additional potential build-out demand within various parts of the City's service area, including within City limits. Note that these numbers do not include the existing water use within the City or the service area. Therefore, the totals should be compared to the surplus production estimate in the GHD memo, which equate to the existing additional capacity of the water plant (approximately 48,000 gpd).

Table 4. Potential Additional Build-out Water Demand within the Entire City Service Area

Area	Average Demand (gpd ¹)	Peak Demand (gpd)
City build-out	12,617	20,269
ADUs w/in City	2,880	4,968
Area A	2,226	3,382
Area B1	2,624	3,985
Area B2	1,776	2,697
Area B	4,399	6,682
Area C	20,000	35,000
Area D1	1,511	2,294
Area D2	1,643	2,496
Area D3	2,756	4,186
Area D	5,910	8,976
Area E	3,528	5,360
Area F	3,975	6,038
Total	52,655	85,707
1. gpd: gallons per day		

Figure 1 shows a breakdown of the allocation of the water produced at the water plant per day on an average annual basis. It includes 36,325 gpd in the City, 6,101 gpd at the Rancheria, 8,314 gpd in the service area, and 19,236 gpd that is unmetered.

Figure 1. 2018 Average Daily Water Use (GPD)



Figures 2 and 3 present various service scenarios with peak and average daily demand, and how build-out in those areas would compare to the water plant's available capacity should the City decide to serve those areas. According to GHD's 'Water Treatment Plant Production Rate Test and Analysis' (memo dated May 1, 2019), there is approximately 48,000 gpd of unused capacity at the City's water plant in its current configuration. As can be seen in Table 4 and Figure 2, the City only has about half the capacity needed to serve build-out in the City and the remainder of the service area during peak usage, not including the Rancheria's hotel. Therefore, the City should prioritize future service and consider adjusting the service area boundaries. All of the scenarios in Figures 2 and 3 include build-out within City limits, since the City is obligated to serve users inside the City. Not every possible combination of service areas are included, and most were organized to stay within the remaining plant capacity, but it does provide a visual illustration of some potential options.

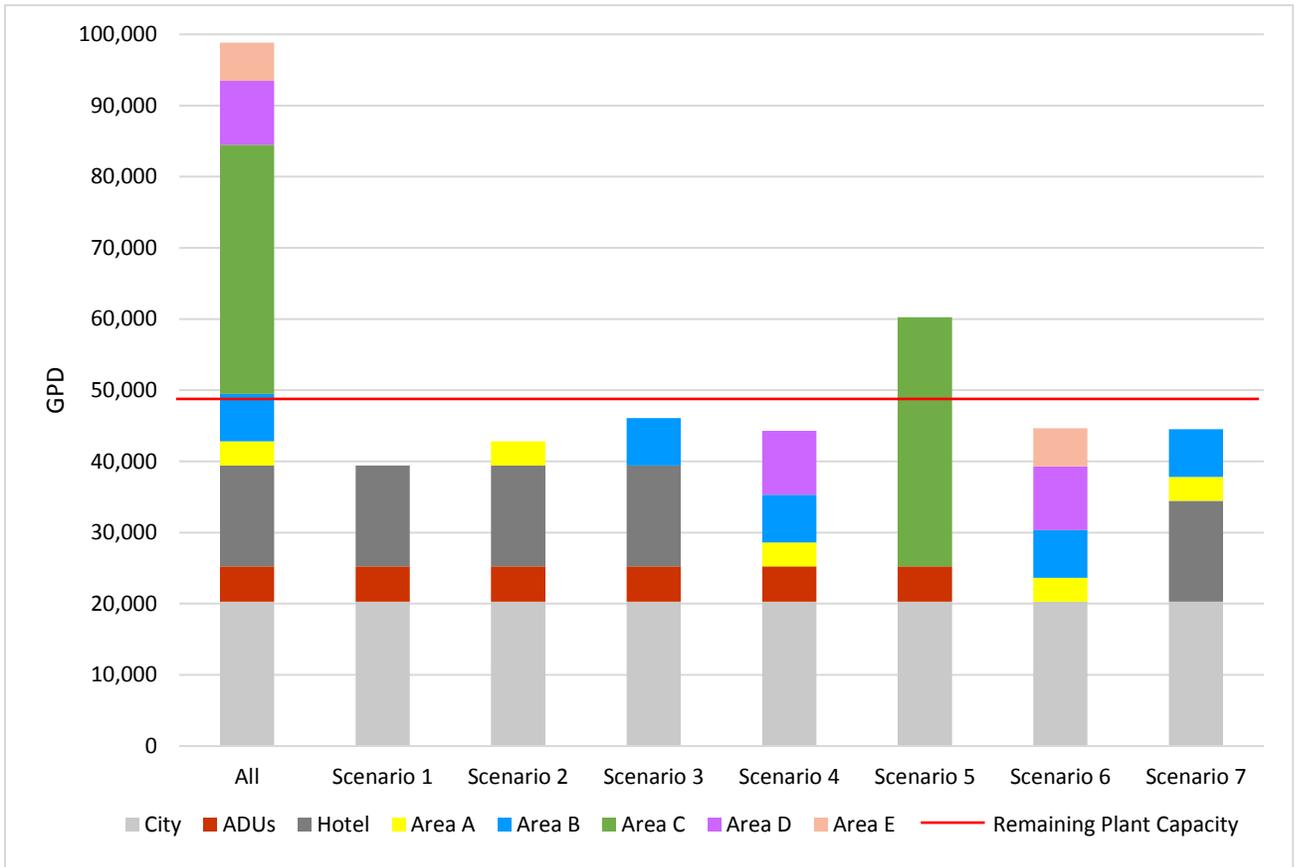


Figure 2. Additional July Demand Build-Out Scenarios

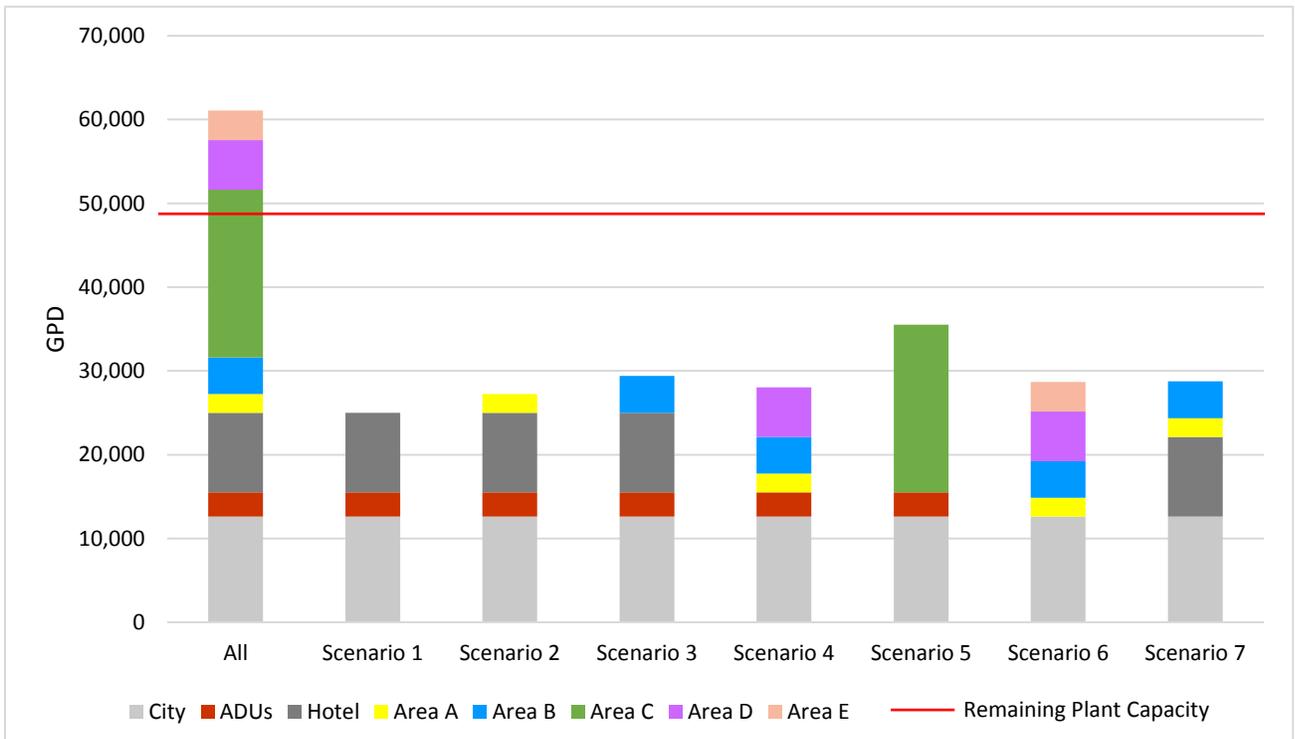


Figure 3. Additional Average Daily Demand Build-Out Scenarios

This report analyzes water demand of the City's service area under maximum potential build-out and compares that demand to the current capacity of the City's water plant to treat water. It should be recognized that build-out is not likely to occur inside or outside the City within the next 20 years, or the planning horizon of the updated General Plan. Trinidad has averaged about one new house every two years over the last 10 years. Allowing ADUs could spur development inside the City, and annexing and/or providing water service within the service area could also spur additional development on water-limited properties. But this is anticipated to be a minor increase in the rate of development. Consequently, this level of water demand would be expected to occur in the distant future, if ever.

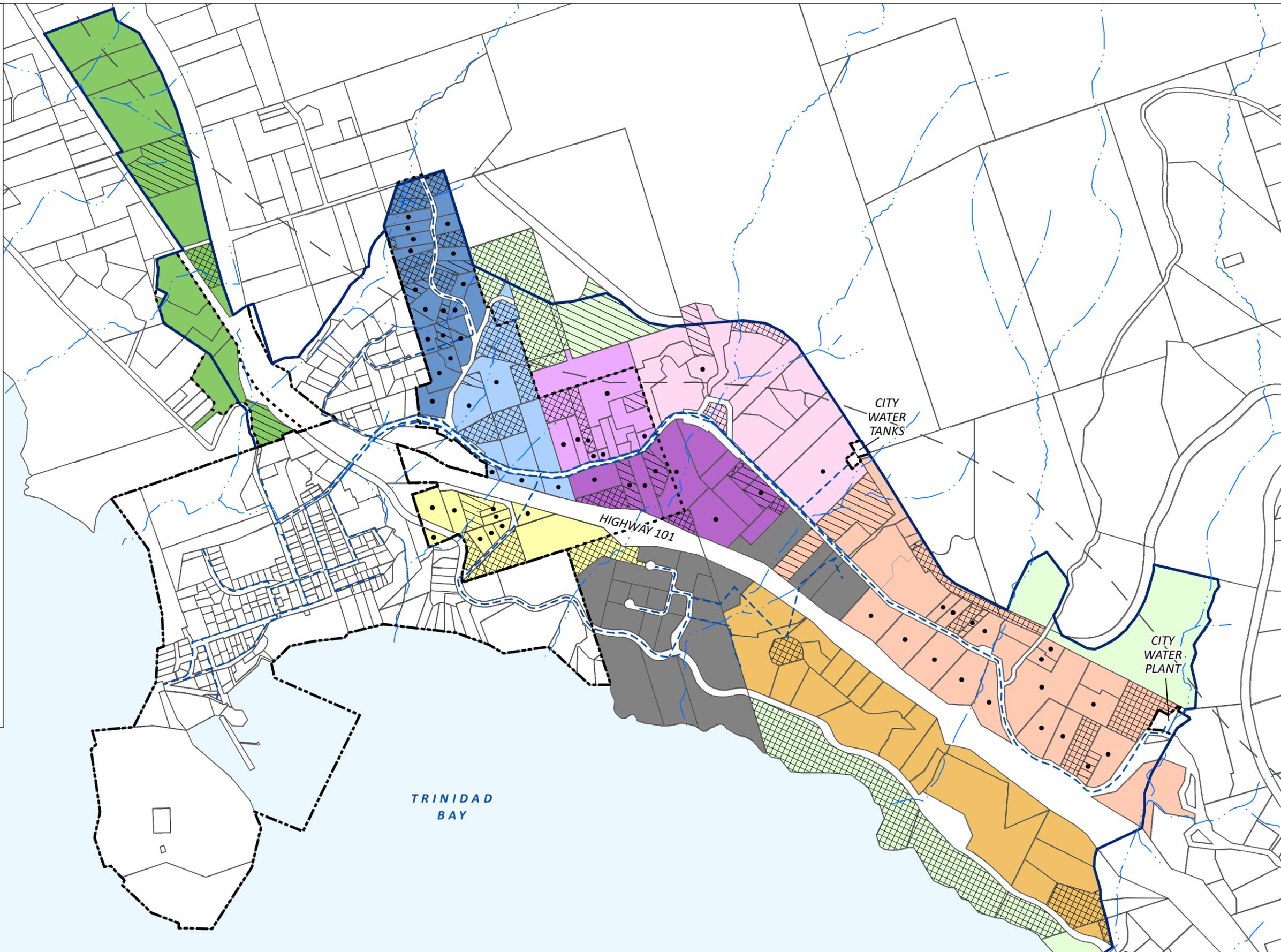
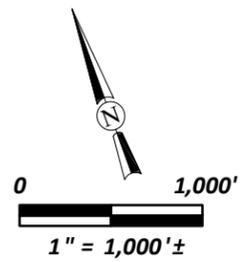
In addition, the current limiting factor for water supply is the treatment capacity of the water plant. The City's water right, as long as there is enough water in the creek, is more than double the existing treatment capacity of the water plant. Therefore, improvements could be made to the City's water plant to increase the production capacity and be planned to coincide with additional development as it occurs. Therefore, just because the existing treatment capacity cannot meet the maximum build-out demand, does not mean that the City cannot eventually serve those areas. However, that will depend on the amount of water available in Luffenholtz Creek, which City staff is currently studying.

**Water Service – Trinidad
General Plan (Draft)**

1

EXPLANATION

-  CITY WATER SERVICE AREA
-  HAS EXISTING WATER SERVICE
-  A
-  B1
-  B2
-  C
-  D1
-  D2
-  D3
-  E
-  F
-  EXCLUDED
-  VACANT
-  MINIMAL IMPROVEMENTS
-  TRINIDAD RANCHERIA (PUBLIC WATER SERVICE)
-  WATERLINES
-  CITY BOUNDARY
-  SPHERE OF INFLUENCE
-  COASTAL ZONE BOUNDARY
-  CREEKS



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PACIFIC OCEAN



City of Trinidad
Water Service Area Demand Assessment
Trinidad, California

Water Service
Trinidad General Plan (DRAFT)
SHN 018013.002

July 2019

Fig1_WaterServiceArea

Figure 1



Eureka, CA | Arcata, CA | Redding, CA | Willits, CA | Coos Bay, OR | Klamath Falls, OR

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CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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July 5, 2019

City of Trinidad
Attn: Trever Parker, City Planner
409 Trinity Street
Trinidad CA 95570

SUBJECT: Trinidad General Plan and Local Coastal Program (LCP) Update-
Preliminary (Pre-LCP Amendment Application) Comments on
Administrative Draft Documents

Dear Trever,

Thank you for the opportunity to comment on the administrative draft chapters completed thus far for the City of Trinidad's comprehensive update to the City's Land Use Plan (LUP), as part of its broader General Plan Update process. We understand that portions of this general plan serve as the LUP, and that the City is intending to exclude certain policies from the LUP. As the first Local Coastal Program (LCP) in the state to become effectively certified in 1980, we appreciate the City's stated intent to bring its plan forward and into the future with new data, trends and visions for its community.

We also appreciate the opportunity to collaborate with City staff on the development and review of the administrative draft LUP Update prior to local adoption and transmittal to the Commission to narrow any issues regarding conformance with the Coastal Act that might otherwise need to be addressed by the Commission during the Commission's hearings on certification of the proposed draft LUP Update. Pursuant to Coastal Act §30512, to certify a comprehensive update to the LUP, the Commission must find that the LUP meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

We understand from our telephone conference with you on June 10, 2019 that the City would appreciate our initial feedback on the following broader topics that affect the draft LUP Update: (1) evaluating the structure/organization of the document; (2) identifying any major Coastal Act information or policy gaps; (3) identifying policies or policy areas that do not need to be certified as part of the LCP; and (4) identifying necessary background studies.

To our knowledge, the City has thus far prepared the following draft general plan elements and related documents: Introduction Element; Land Use Element; Conservation, Open Space, and Recreation Element; Circulation, Public Services, and Energy Element; Cultural and Historic Preservation Element; General Plan Glossary; General Plan Update Figures 1 (Land Use), 2 (Government Facilities), 3 (Planning Area), and 4 (Land Use Outside City Limits); and Harbor Area Regulations (Implementation Plan Chapter 17).

City of Trinidad

July 5, 2019

Page 2

We realize the City is continuing to develop additional general plan element chapters and other supporting documents to be included in whole or in part with its LUP.

The purpose of this letter is to provide the preliminary input that we discussed such that any potential nonconformance with the policies of Chapter 3 of the California Coastal Act may be identified prior to formal submission of the amendment application for Commission review. In response to your invitation, Commission staff has conducted an initial review of and is currently providing initial general comments on the following chapters: Introduction; Land Use; Conservation, Open Space, and Recreation; and Circulation, Public Services, and Energy.

We have included a number of generally-applicable comments as an attachment to this letter (Attachment A). Please note that our comments are provided by Commission staff; the Commission itself has not reviewed the draft LUP Update. We expect to transmit a second round of more specific comments on these chapters shortly, and will coordinate with you to also provide comments on the other above-referenced documents soon.

Additionally, we realize that the Trinidad LCP Update process is an iterative one and we will continue to provide additional comments and recommendations at a later time on new and revised chapters, including the various implementation plan changes that we anticipate are also still forthcoming. Once we understand the content of the IP Update, we will need to revisit the draft LUP Update, and it is likely that our comments on the draft LUP Update will evolve in the context of our review of the IP Update.

Thank you again for the opportunity to provide feedback at this early stage in the planning process, and we look forward to meeting with you soon to discuss these comments further. If you have any questions, please don't hesitate to contact me at (707) 826-8950, extension 4.

Sincerely,



TAMARA L. GEDIK
Coastal Program Analyst

Enclosure: Attachment A

Cc: Gabriel Adams, City Clerk, City of Trinidad

CALIFORNIA COASTAL COMMISSION

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July 5, 2019

**Attachment A: Preliminary Coastal Commission Staff Comments on City of
Trinidad’s Draft Land Use Plan (LUP) Update¹**

General Comments

- 1. LCP Coverage.** As currently written, the draft General Plan Introduction indicates that the local coastal program (LCP) covers the portion of the City in the coastal zone, and does not make the distinction between City and Coastal Commission permit jurisdiction (e.g., the section on administering the Coastal General Plan begins on page 7 with the statement that “all land use and development decisions in the coastal zone must be consistent with the LCP”). We recommend clarifying that the provisions of the certified land use plan (LUP) and implementation plan (IP) govern the review and approval of coastal development permits (CDPs) within the City’s jurisdiction. Coastal Act Section 30500 requires that each local government lying, in whole or in part, within the coastal zone prepare an LCP “for that portion of the Coastal Zone within its jurisdiction,” as opposed to throughout the broader area encompassed by the coastal zone portion of the City. Therefore, the General Plan Introduction should clarify that in those areas where the Commission retains CDP authority on submerged lands, tidelands, and public trust lands (Public Resources Code Section 30519), the standard of review used by the Coastal Commission for proposed CDP applications is the Chapter 3 policies of the California Coastal Act. The LCP may be used as guidance.

Similarly, the Land Use Map includes designations on parcels fully within the Commission’s retained coastal development permitting jurisdiction. Please include a note on the map that in those areas where the Commission retains CDP authority on submerged lands, tidelands, and public trust lands (Public Resources Code Section 30519), the land use designations are not part of the standard of review for CDP applications but rather may be used as guidance by the Commission and may be used by the City for permitting decisions other than CDPs. In addition, any designation of parcels outside of the City boundaries should also not be included as part of the certified LCP [e.g., the Commission cannot pre-approve City-designated land uses on currently unincorporated County lands (i.e., “pre-designations” for land’s in the City’s sphere of influence)]. If portions of the Trinidad Harbor are transferred into Trust (and thus by extension no longer occur within the City’s jurisdiction), these areas should similarly be omitted from the LCP.

¹ As discussed in our July 5, 2019 letter, these comments do not cover the following draft documents: General Plan Update Figures 1-4; Harbor Area Regulations (IP Chapter 17.42); Cultural Resources and Historic Preservation Element; and General Plan Glossary.

Finally, the draft General Plan Introduction proposes to demarcate certain General Plan policies and associated programs as not being part of the City's certified LCP for purposes of the review and approval of CDPs (by adding a City seal next to the policies). We recommend only including policies as part of the certified LCP that apply specifically to the City's coastal zone jurisdiction. For example, there are a number of policies that apply to the City's broader Planning Area, including a number of policies intended to be used in commenting on referrals from the County for development in the unincorporated County. We recommend that the City identify these policies that apply outside of the City's coastal zone jurisdiction with the City seal as not part of the City's certified LCP.

In considering which General Plan policies to include in the LUP, we recommend the City include any General Plan policies that indicate the kinds, location, and/or intensity of allowable land uses in the coastal zone and all resource protection and development policies necessary to implement the Coastal Act.

- 2. Goals, Principles, Policies, and Programs.** The draft LUP chapters include goals, principles, policies, and programs; and these terms are defined in the draft General Plan Introduction. Because local CDPs are approved, and appeals of local permit actions are made, based on conformity of the approved development with the standards set forth in the certified LCP, it is vital that the City clarify which parts of the draft LUP Update are intended to be the standards governing both the review and approval of CDPs and the appeal of local permit actions to the Commission. Therefore, please update the proposed definitions of goals, principles, policies and programs to clarify which are intended to govern the approval of CDPs and serve as a basis for appealing local permit actions to the Commission. Given that the draft Introduction defines "policy" as 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," we recommend that policies act as the standard of review for CDPs and CDP appeals.²

Throughout the draft LUP chapters, there are a number of draft policies that are so broad that they would more accurately be categorized as goals and principles,³ and there are a number of draft policies that specify implementing actions and therefore would more accurately be categorized as programs⁴. We recommend

² The definition of policy could be expanded to clarify that the policies constitute the LUP portion of the City's LCP and govern the review and approval of CDPs, except policies demarcated with the Trinidad City seal which are not part of the certified LCP and do not govern the review and approval of CDPs.

³ See, for example, Policies LU-1b.1, LU-1b.2, LU-1d.3, LU-2.1, LU-8.1, CONS-1a.1, CONS-1a.2, CONS-1b.6, CONS-1b.8, CONS-1d.1, CONS-1e.1, CONS-1e.3, CONS-1e.4, CONS-8.6, and CIRC-3.2.

⁴ See, for example, Policies LU-1c.3, LU-1c.6, LU-1c.8, LU-1d.1, LU-1d.2, LU-2.2, LU-3.2, LU-3.3, LU-3.4, LU-4.6, LU-4.7, LU-4.9, LU-5.2, LU-7.1, LU-7.2, LU-7.3, LU-8.2, LU-8.3, LU-9.8, CONS-1b.3, CONS-1b.7, CONS-1b.13, CONS-1c.1, CONS-1c.4, CONS-1c.5, CONS-2a.5, CONS-3.2, CONS-3.3, CONS-3.4, CONS-3.7, CONS-3.8, CONS-3.9, CONS-3.11, CONS-4.2, CONS-4.3, CONS-4.4, CONS-4.5, CONS-8.8, CONS-9.1, CONS-9.2, CONS-9.3, CONS-9.4, CONS-9.5, CONS-9.6, CONS-9.7, CONS-9.10, CONS-9.11, CONS-10.1, CONS-10.12, CONS-10.14, CONS-10.15, CONS-10.16, CONS-10.17, CONS-

rewording these policies using language that binds the City in its review and approval of CDPs, or changing these statements to goals, principles, or programs depending on which term they most accurately reflect. Conversely, there are a number of programs that set clear standards for land use and development decisions that we recommend categorizing instead as policies⁵.

- 3. Policy Framing and Organization.** Certified LUP policies govern development (as defined by Coastal Act §30106) for the purposes of CDP review in the City’s coastal zone jurisdiction (§30600). Therefore, the policies in the LUP should be focused on addressing coastal development for the purposes of CDP review. Without policies directed at development, the LUP cannot effectively ensure that approved development will be protective of coastal resources consistent with the Chapter 3 policies of the Coastal Act. The draft LUP chapters include a number of policies that do not set forth standards applicable to development, and other policies whose application is unclear. We recommend revising the framing and organization of various policies as described below:
- a. Use of “the City” as subject: The draft LUP chapters include a number of policy statements written with “the City” identified as the grammatical subject.⁶ Some of these policies with “the City” as the subject are intended to regulate development, so the use of the City as the grammatical subject could create confusion as to the policy’s applicability (e.g., whether the policy only applies to City-initiated development projects)⁷. For policies intended to govern development, please reword the policies so that development is the grammatical subject (e.g., “development shall be sited and designed to...”)⁸.
 - b. Policies calling for the addition/revision/review of the zoning ordinance or other regulations: The draft LUP chapters include a number of policies that call for the development (or revision or review) of the zoning ordinance or other regulations or call for the development of policies instead of regulating development directly.⁹ While it may be appropriate to include programs that call for amending the zoning ordinance or other regulations to implement policies (as actions carried out in response to adopted policy to achieve a specific goal), LUP policies

10.20, CIRC-1.6, CIRC-1.7, CIRC-2.4, CIRC-2.5, CIRC-2.7, CIRC-3.1, CIRC-3.3, CIRC-6.1, CIRC-6.2, CIRC-6.3, CIRC-7.1, CIRC-7.2, CIRC-7.6, CIRC-11.1, CIRC-11.2, CIRC-12.1, CIRC-12.2, CIRC-12.3, CIRC-12.9, and CIRC-12.10.

⁵ See, for example, Programs LU-4.2.1, LU-4.2.2, LU-4.2.3, CONS-1b.6.1, CONS-1e.2.1, CONS-3.10.2, CIRC-4.1.2, CIRC-10.6.1, CIRC-10.6.2, CIRC-10.6.3, and CIRC-11.1.1.

⁶ See for example Policies CONS-1b.9 and CONS-1b.10

⁷ See, for example, Policies LU-1b.3, LU-1c.3, LU-1c.5, LU-1c.7, LU-1d.3, LU-3.1, LU-4.11, CONS-1b.9, CONS-1b.1 through CONS-1b.7, CONS-8.1, CONS-8.2, CONS-10.2.1, CONS-10.8, CIRC-1.1 through CIRC-1.3, CIRC-2.1 through CIRC-2.3, and CIRC-9.3.

⁸ Refer also to Policies LU-1d.3, LU-1d.4, LU-3.3, LU-3.4, LU-4.1, LU-4.8, CONS-1b.11, CONS-2a et seq., CONS-2b et seq., CONS-3.1, CONS-3.5, CONS-3.6, CONS-3.10, CONS-5.1 through CONS-5.5, CONS-6.1 through CONS-6.3, CIRC-9.1, and CIRC-11.3.

⁹ See for example Policies LU-1b.4, LU-1b.5, LU-1c.1, LU-1c.3, LU-1c.6, LU-1c.8, LU-1d.2 through LU-1d.6, LU-2.2, LU-2.4, CONS-1b.6, CONS-1c.1, CONS-1c.4, CONS-1e.2.1, CONS-3.11, CONS-5.6, CONS-8.4.1, CONS-10.14, CONS-10.1[7], CIRC-10.6, and CIRC-11.1.

themselves should govern the issuance of CDPs by directly setting development limitations, requirements, or prohibitions. Therefore, we recommend rewriting policies that call for specific regulations or new policies to instead directly regulate development, or otherwise changing these policies to programs.

Similarly, instead of including programs in the LUP calling for updates to the zoning ordinance to add certain standards, please directly update the zoning ordinance (the IP) where feasible and omit this direction from the LUP. For example, proposed Program CONS-2a.11.1 calls for revising the zoning ordinance to include specific requirements for the content of biological reports. Instead of including this program in the LUP, please add the required content of biological reports to the IP and include a reference to these IP requirements in Policy CONS-2a.11.

- c. Policies calling for the maintenance or preparation of additional plans or programs: The draft LUP chapters include a number of policies calling for the maintenance or development of City plans or programs, such as a shoreline management plan, the Onsite Wastewater Treatment System (OWTS) Management Program, and a comprehensive stormwater management program. Typically, a statement guiding the City to maintain or develop a plan or program is more accurately categorized as a program, as a strategy carried out in response to adopted policy to achieve a specific goal. If instead the intent of the policy is to require development to be carried out consistent with a plan or program, it needs to be clear whether that plan or program is also intended to be certified as part of the LCP. Incorporating other plans or programs by reference into the LCP is problematic because any changes to these documents that are incorporated by reference would require an amendment to the LCP. Therefore if the City wants a separate plan or program to be included as part of the LCP, we recommend including the applicable standards from the other plan or program directly in the LCP rather than including a plan or program by reference.

If the City does not intend a plan or program to be part of the certified LCP, we recommend demarcating these types of policies with a City seal and including parallel LCP provisions to cover applicable coastal resource protections as necessary. For example, the City's General Plan can call for adherence to uncertified regulations and guidelines in the City's OWTS Management Program under local authority, but should also include LCP policies as necessary ensuring development is limited to what can be accommodated by adequate septic capacity where there will not be significant adverse effects, either individually or cumulatively, on coastal resources consistent with Coastal Act §30250.

- d. Policies not intended to govern the issuance of CDPs: Many of the proposed policies are not intended to either: (a) directly govern the issuance of CDPs through the setting of development limitations, requirements, or prohibitions; or (b) provide a basis for reviewing plan consistency of a land use plan or zoning amendment. In contrast, these provisions call for outreach, education, and/or coordination; give endorsements to other parties' efforts; make pledges of support for certain outcomes or endeavors; and/or commit the City to continued or future

- actions and/or practices. To better highlight the specifications and qualifications which bear more directly on development from these other provisions, we recommend grouping these more aspirational, non-binding policies and separating them from policies governing development.
- e. Policies focused on intensification or additions to existing uses: Development as defined by Coastal Act §30106 includes changes in the density or intensity of use of land as well as the construction, reconstruction, demolition, or alteration of the size of any structure, among other activities. The draft LUP includes a number of policies directed at “any intensification or addition to existing uses.” As LCP policies should be focused on development (as discussed above), and the definition of development covers intensification of and additions to existing uses, we recommend replacing “any intensification or addition to existing uses” with “new development” (see Policies LU-1c.7, LU-4.2, LU-4.3, LU-4.9, and CONS-6.2).
 - f. Implied subjects: Most of the City’s draft policies are written as imperative sentences with implied subjects. The implied subject varies among policies and the subject is not always clear.¹⁰ We recommend clarifying the subject of the action to be undertaken by adding an explicit subject to each policy, and/or separately grouping policies directed at particular subjects (e.g., circulation policies directed at City infrastructure could be separated from circulation policies directed at new development).
- 4. Missing or Conflicting Coastal Resource Protections.** Section 30108.5 of the Coastal Act defines an LUP as the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions. Pursuant to this definition, in its review of an LUP update, the Commission must consider whether an LUP as amended contains all of the policies necessary to indicate the kinds, location, and intensity of allowable land uses, as well as all of the necessary resource protection and development policies that will implement the Coastal Act. The draft LUP elements that have been provided do not cover (or fully cover) all the coastal resource protections set forth in a number of Coastal Act policies. Additionally, some draft policies may conflict outright with Coastal Act requirements,¹¹ and we would like to discuss possible alternatives with you in more detail. In the meantime, please review the Chapter 3 policies of the Coastal Act and ensure that all relevant policies are fully covered by the City’s draft LUP. Based on our initial review, here are some initial thoughts on Coastal Act Chapter 3 policy coverage:

¹⁰ See for example Policies LU-1b.1, LU-1b.2, LU-1b.3, LU-1b.5, LU-1c.7, LU-2.4, LU-4.1, LU-4.2, LU-4.2.1, LU-4.2.2, LU-4.2.3, LU-4.3, LU-4.11,

¹¹ See, for example, Coastal Act Section 30260 and Trinidad Policy LU-4.10. We would like to discuss the City’s desire to ban onshore support facilities for off-shore energy development at our next coordination meeting.

- a. Locating new development and provision of services: Please revise the LUP to cover the relevant portions of Coastal Act §§30250 and 30254 (Proposed Policy LU-1c.4 covers some but not all of the necessary provisions). Please also ensure that policies calling for the extension of services beyond City limits or the formation of a new water district are consistent with Coastal Act §§30250 and 30254.
- b. Public access: Proposed Policies CONS-10.2 and CONS-10.3 largely cover Coastal Act §§30210 and 30211, although we recommend clarifying that maximum access shall be provided for all people and shall be conspicuously posted. Proposed Policies CONS-10.6 and CONS-10.10 include language from Coastal Act §30212, but proposed Policy CONS-10.6 should be broadened to apply to all new development projects, not just in areas shown on Figure 10. Coastal Act §§30212.5, 30214, and 30252 do not seem to be covered by any draft LUP policies.
- c. Visitor and recreational facilities, recreational boating, commercial fishing, aquaculture, and coastal-dependent development: Please add policy language to cover the applicable provisions of Coastal Act §§30213, 30220, 30221, 30222, 30223, 30224, 30234, 30234.5, 30222.5, and 30255. It may make sense to include a priority use section in the proposed Land Use Chapter to cover these topics.
- d. Natural resources: Please add policy language covering the water quality/aquatic habitat protection mandates of Coastal Act §§30230 and 30231. As for wetlands, proposed CONS-2a.1 limits diking, filling, and dredging consistent with Coastal Act §30233(a), except it does not limit the allowable uses; please add in the limitation on allowable uses of diking, filling, and dredging of coastal waters/wetlands. Please also add in the mandate to maintain or enhance the functional capacity of the wetland or estuary §30233(c), and include §30233(b) to the extent that any spoils disposal from dredging could potentially occur within the City's LCP jurisdiction¹². As for streams, please revise proposed Policy CONS-2a.2 consistent with Coastal Act §30236 (limiting substantial alterations of rivers and streams to the three allowable uses covered by §30236). Proposed Policies CONS-2b.1 and CONS-2a.3 cover Coastal Act §30240, except that these policies are directed at ESHA and §30240(b) also applies to development adjacent to parks and recreation areas. We also recommend moving the ESHA buffer provisions under Programs CONS-2b.1.1 through CONS-2b.1.3 and the definition of ESHA included in the "Principles of Biological Resource Protection" into policies to ensure these provisions are part of the standard of review for CDPs and appeals.
- e. Cultural resources, visual resources, and hazards: Presumably, the Cultural and Historic Preservation Element will cover Coastal Act §30244; the

¹² For example, if portions of the Trinidad Harbor are not transferred into Trust.

Community Design Element will cover Coastal Act §30251; and the Safety Element will cover Coastal Act §§30232, 30235, and 30253(a)-(b).

- 5. Referencing the Current Plan.** Since the proposed General Plan chapters will be used after local adoption and certification by the Commission, please write the chapters as if they have already been certified. For instance, reference this draft plan as the existing plan, and reference the 1978 plan as the previous plan.

Comments Specific to the Land Use Element

The following are some generalized comments specific to the Land Use Element; we will provide more detailed, content-specific comments in the near future.

- 1. General Organization.** Section B (“Land Use Designations”) of the Land Use Element currently includes a discussion of land use map and zoning designations along with a mix of policies affecting certain specified land use classifications (e.g., Residential Land, Commercial Land, and Harbor Area), use types (e.g., Aquaculture), and ownership types (e.g., Publicly-Owned Lands). We recommend splitting Section B to include in one section the general provisions guiding allowable uses and land use density within each land use classification, from another section that would include the goals, programs, and policies governing land use within the City. Under this scenario, Section B would: (1) present the land use map, (2) identify the established land use designations; and (3) within each land use classification as appropriate: (a) describe the range of permissible uses, including permitted and conditionally-permitted uses, and (b) identify minimum parcel size, dwelling density, and/or other specifics on the density and intensity of land use. We recommend moving the goals, policies, and programs currently included in Section B to a new section or sections.
- 2. Sustainability and Climate Change Policies.** The land use element contains a number of sustainability and climate change policies. We recommend moving hazard-related climate change policies to the forthcoming Noise and Safety Element as that element is intended to cover minimization of risk to life and property from hazards. The City might also consider creating a Sustainability Element as a more direct location for some of these policies.

Additionally, it appears that a number of the provisions presented in the Climate Change Planning Section have been directly adapted from the Sea Level Rise (SLR) Guidance adopted by the Coastal Commission on August 12, 2015¹³. The Commission’s adopted SLR guidance provides suggestions on the types of policies that should be developed, but does not explicitly contain policies for use. Thus, suggestions to “create policies that...” should not be included in the LCP outright, but instead the City should create policies that achieve the objectives outlined in the SLR guidance. Although the draft Residential Adaptation Policy Guidance has not yet been adopted by the Commission, the City may find the sample policies contained within Section 6 of this document helpful as a starting

¹³ A Science Update to the Commission’s SLR Guidance was unanimously adopted on November 7, 2018.

point in developing policies relevant to the City. The draft Residential Adaptation Policy Guidance may be accessed online at:

<https://documents.coastal.ca.gov/assets/climate/slr/vulnerability/residential/RevisedDraftResidentialAdaptationGuidance.pdf>.

Background Studies and Other Supporting Documents

In this section we identify information that would be important for the City to provide as part of a future transmittal of the LUP Update for certification by the Commission.

- 1. Clarification of Relationship Between Background Reports and LUP.** Several statements within the General Plan suggest reliance between background reports and policies. For example, Section B1 (“Organization”) of the Introduction (Chapter 1) states in part that “...there are various background reports that are referenced in the General Plan and that were used to inform and shape the policies of each element. These background reports should be considered part of this General Plan.” Section B2 (“Plan Interpretation”) states in part “Much of the background information and analysis that supports the policies in this General Plan is included in several background reports and other supporting documents described below...the narrative that precedes the General Plan policies should be considered part of the supporting information and was used in the development of the policies.” Other chapters, such as the draft Circulation, Public Services & Energy Element, reference regulations and guidelines in the City’s OWTS Management Program.

As described in General Comment 3c above, we need to understand whether background documents, plans, and/or programs are intended to be certified as part of the LCP, because any changes to documents that are incorporated by reference would require an amendment to the LCP. Therefore, please explain the City’s intent in incorporating each of the external documents, and specify whether the policies of these documents are intended to become part of the standard of review for CDP applications. As noted above, we recommend demarcating background reports, plans or programs not intended to be part of the certified LCP with a City seal and including parallel LCP provisions to cover applicable coastal resource protections as necessary. If the City’s intent is only to reference those documents that informed the creation of goals, programs, and policies, the City may wish to instead reference and include all background reports and studies in a bibliography section rather than in the body of the General Plan.

- 2. Copies of Referenced Reports and Figures.** The draft General Plan includes references to a number of reports and figures, and while we were able to locate some of the reports on the City’s website, we are uncertain whether the website contains the most current version of supporting documents, and not all supporting documents are included online. For example, we were unable to locate the following referenced reports and figures on the City’s website:

- a. Sphere of Influence documents (Master Services Element, Municipal Service Review)
- b. Background report: Soil Characteristics of Trinidad (Oct. 2009)
- c. Water Supply Feasibility Study (Sept. 2003)
- d. Trinidad Architectural survey (Nov. 2009)
- e. Coastal Resilience Planning for Trinidad (Oct. 2014)
- f. LCP Update Guide LUP compliance analysis (Dec. 2015)
- g. LCP Update Guide IP Needs Assessment (Apr. 2016)
- h. Figure 15 (Stormwater Drainage System)
- i. Figure X (Stormwater outfalls)

Therefore, please provide us with copies of the most current versions of any and all external documents and internal figures that are referenced in the General Plan.

3. Studies and Reports that Should be Updated. We recommend the City update the following reports to account for current conditions within the City:

- a. Geologic and seismic characteristics of Trinidad. The current geologic background report was prepared for the City in April 2007. Since that time, an increase in geologic activity has occurred in certain parts of the City, particularly around Edwards and Van Wycke Streets. Therefore, the City should update the geologic report to account for recent changes, describe current conditions and rates of erosion that could affect land use and circulation patterns within the City, and provide updated mapping depicting the location and extent of known active landslides.
- b. Biology and environment of the Trinidad area. The current background report accessed from the City's website is a draft version from October 2009. The report should be updated to include a current listing of rare, threatened, and endangered species (Table 2). Any other known changes to the environmental setting should be updated and the report finalized accordingly.
- c. Updated references to sea level rise projections. The draft General Plan references in a number of places a maximum projection in the rise of the sea level around Trinidad by about 30 cm by 2065. The projections appear to be from the IPCC fifth assessment report from 2013. Please update the projections to reflect current best available science. The Coastal Commission recommends using the projections provided in the 2018 OPC Sea-Level Rise Guidance (Table 3; Appendix G), in all relevant local coastal planning and coastal development permitting decisions.
- d. Revised water studies. To evaluate the consistency of the City's LUP update with the Coastal Act, we will need to receive certain updated information regarding adequacy of water supply and other services as part of the LCP amendment application. We understand that the City's

engineering firm completed a comprehensive water supply feasibility report in 2003 and the City is in the process of undertaking a number of studies to evaluate current and projected water supply and demand under various scenarios. Additionally, as you are aware, on August 9, 2017 the Coastal Commission awarded the City \$51,000 covering three Tasks to support its efforts in updating its LCP consistent with the California Coastal Act, with special emphasis on planning for sea-level rise and climate change (Agreement No. LCP-17-03). Task 2 supports development of a comprehensive water supply assessment, development of a planning area focus area and land use scenarios, updated LCP policies and regulations, and a final service area map.

As part of the City's current water studies, this information should include, but not be limited to: (1) the total capacity of the water basin; (2) an analysis of the buildout of the City, including the maximum allowable buildout associated with parcel zoning; (3) current information regarding the relative water demand of different types of uses such as visitor-serving uses; and (4) an analysis of future capacity relative to future demand, taking into account fluctuations that include seasonal, temporal, and long-range changes associated with climate change. The studies should also (1) consider the coastal resource implications of projected water demand and any necessary water supply infrastructure development, including whether (and if so, to what extent) wetlands and other environmentally sensitive habitat areas (ESHAs) may be affected by the draw-down of water resources both in the City and in source areas for water supplied outside City limits; and (2) analyze alternatives and recommend mitigation measures to minimize any coastal resource impacts.

As part of the LCP Update, we look forward to receiving copies of these grant-funded deliverables and the other supporting documentation described above as soon as they become available. Please also indicate how policies included in the draft LUP will be informed by these forthcoming efforts.

4. **Additional Recommended Studies and Reports.** Please provide our office with the following additional analyses and supporting documents:
 - a. Geologic risk assessment and hazard management plan. The Commission's funding through the above-described LCP grant (Agreement No. LCP-17-03) also supports development of a Coastal Erosion Hazard Management Plan under Task 1. This Task includes an assessment of "coastal hazards and risks and development of a range of options to address those risks based on existing geologic studies with a focus on Edwards and Van Wycke Streets," with deliverables that include preparation of "draft and final Edwards Street Coastal Erosion Hazard Management Plan/Recommendations" to be completed in 2019. Please

provide our office with a copy of the coastal hazard and risk assessment and the Coastal Erosion Hazard Management Plan prepared in association with this Task. Please also indicate how policies included in the draft LUP will be informed by this forthcoming study.

- b. Background study on City stormwater management system. The Land Use Element describes both known and unknown information about the City's stormwater drainage system, including general references to the routing of stormwater through a series of roadside ditches, drain inlets, and culverts to a storm drain outfall. Please provide details on the City's stormwater management system, including the location of any existing outfalls to help us better understand how stormwater management policies contained in the LUP as amended will ensure protection of marine and coastal water resources, including water quality, consistent Sections 30230 through 30236 of the Coastal Act.
- c. Analyses of buildout with respect to adequacy of services and impacts on coastal resources. Section 13552 of the Commission's Regulations and Section VI-6 of the Commission's LCP amendment application form require that for any proposed increases in the density of use, an analysis of the impacts of the increase in density on coastal resources and public access be submitted. Such information is very important for evaluating the consistency of proposed density increases with the Coastal Act. Several proposed changes to the LUP would affect the intensity, density, type, and range of allowable uses within the City. These changes include, but are not limited to: a) increasing the number of designated sites that could allow second dwelling units; b) expanding mixed use and non-transient housing sites; and c) changing allowance, location, and array of visitor-serving facilities within the City. Therefore, in addition to providing the water supply analysis described above, we need to understand how the LUP as amended will fully conform with Coastal Act policies¹⁴ that require protection of coastal resources by concentrating new development in existing developed areas able to accommodate it while avoiding significant individual and cumulative adverse effects on coastal resources.

In particular, please evaluate the adequacy of wastewater disposal, stormwater management, and vehicular off-street parking facilities that would be needed under maximum usage and buildout projections, taking into account current and projected population figures, and while ensuring that Coastal Act priority uses within the City would be adequately served. Please also address: a) what the maximum potential buildout of parcels would be if development at sites occurred at the maximum level allowed under each land use and zoning classification; and b) what the resulting impacts to service capacity would be under this scenario. The analysis

¹⁴ Including but not limited to Coastal Act Sections 30231, 30250, 30252, and 30254

should also take into consideration the demands on water resources and wastewater capacity to accommodate accessory uses such as but not limited to hot tubs and Jacuzzis, particularly on sites where short term rentals, motels, and hotels are allowable uses.

Additionally, for each LUP change that would increase the density of use, please submit an analysis of (1) whether there is adequate sewer, water, and traffic capacity to accommodate the increased density of use; and (2) whether the increased density of use would have significant adverse individual or cumulative impacts on public access, environmentally sensitive habitat, archaeological resources, visual resources, and other coastal resources.

- d. Analysis of adequacy of public parking facilities. The draft Circulation, Public Services, & Energy Element describes parking within the City as a topic that “comes and goes as a significant community issue.” The narrative contained in the Parking section describes the City’s occasional appointment of a Parking Committee to assess parking sufficiency, and indicates the most recent report prepared by the Committee is dated October 14, 1999 and focused on parking issues in and near properties zoned PD. The Parking section includes policies such as CIRC-2.3 that suggest imposing time limits on parking “when necessary” but it is unclear what threshold would trigger a parking limit as “necessary.”

The Coastal Act includes a number of provisions that address the need to provide adequate public facilities (including parking areas or facilities) that maintain and enhance public access (§§ 30210, 30211, 30213, 30252), and are well-distributed throughout an area so as to mitigate against impacts, social and otherwise, of overcrowding or overuse by the public of any single area (§ 30212.5).

The Coastal Act also requires development in areas adjacent to environmentally sensitive habitat areas *and parks and recreation areas* be sited and designed to prevent impacts which would significantly degrade those areas, and be compatible with the continuance of those habitat and recreation areas (§ 30240(b)). We will be providing more specific comments soon on the draft Circulation, Public Services & Energy Element, but it will be important to understand how the current parking needs of the City inform and affect not only the policies contained within the Circulation, Public Services & Energy Element, but also how other land uses under maximum buildout scenarios could affect parking demand in the area, such as, but not limited to, potential increases in intensity of uses resulting from development of short-term rentals, accessory dwelling units, and expansion of development on mixed-use-designated sites.

We also recognize that some parking spaces have been lost in the past few years along Edwards Street due to recent landslide activity. Therefore, please provide a current analysis of parking sufficiency and demand in the City, taking into account potential risk for additional loss of parking that could result from geologic hazards. The parking analysis should evaluate potential demand resulting from the range of potential land uses under maximum buildout scenarios.

e. Analyses of changes in LUP designations from priority uses to non-priority uses

The Coastal Act establishes certain priority uses which must be protected in favor of allowing other competing uses without such priority status. Generally, these priority land uses include uses that by their nature must be located on the coast to function, such as ports, and commercial fishing facilities, or uses that encourage the public's use of the coast, such as various kinds of visitor-serving facilities, and uses that protect existing coastal resources, such as wetlands and other sensitive habitat and coastal agriculture. The Coastal Act requires that adequate land be reserved for such uses in the LCPs adopted for each coastal city and county. For example, Section 30222 of the Coastal Act states:

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.

To evaluate the proposed amendment against the priority use policies of the Coastal Act, including Sections 30221, 30222, 30222.5, 30234, 30250, and 30255, it is necessary to determine whether any new uses proposed would potentially displace other priority uses. Therefore, for any such change that would displace or reduce the potential use of areas for a priority use, please submit an analysis that would address the extent and nature of priority uses that would be affected and whether the affected site is no longer needed to accommodate the affected priority use. In particular, the proposed changes in use that would displace or reduce the potential use of an area for a priority use that we request you analyze include, but are not limited to, lands planned for visitor-serving uses under the currently-certified LUP at the Trinidad Bay Trailer Courts that are now designated by the California Department of Housing and Community Development as a non-transient mobile home park. Please also indicate whether the City envisions reclassifying any PD/MU or other land use classifications to VS to re-establish visitor-serving uses that may have been lost to the mobile home park.

f. Short Term Rental Ordinance review status and consistency analysis

The Land Use Element describes the increase in short term rentals (STRs), or vacation rentals, in the community in relation to their effect on residential neighborhoods, acknowledging that the increase in STRs has prompted concerns over their impacts on the community. For example, Section B2 states in part the following:

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.

As you know, the City's short term rental (STR) ordinance was recently updated and certified as an amendment to its LCP that became effective on June 8, 2017. As part of the Commission's findings for certification of that amendment to the IP (zoning ordinance), the Commission evaluated the City's proposal to limit the number of STRs in the UR zone based in part on the City's determination that restricting the number of licenses to one per parcel rather than one per structure as under the former regulations would protect community character consistent with the LUP. The Commission further acknowledged the City's determination that it was necessary to impose a cap on the maximum number of non-hosted STRs allowed in the City to avoid impacts to community character, parking and public access. The Commission also emphasized that as proposed, the STR ordinance requires the City to evaluate the efficacy of the ordinance "within two years after its certification" to ensure that it is continuing to meet the needs of the community consistent with the certified LCP.

The two-year mark following certification of the STR occurred last month, and our office has not received any indication that the Planning Commission has reviewed its STR ordinance for efficacy as required by Section 17.56.190S (aka Section 6.26S). Please provide our office with an update on the status and outcome of the Planning Commission's required 2-year review.

g. Updated VSF occupancy information for the City and surrounding area.

The Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. As described above, the Coastal Act also gives priority to the use of land suitable for visitor serving recreational facilities over private residential, general industrial, or general commercial development, and requires that upland areas necessary to support coastal recreational uses be reserved for those uses where feasible (§§30213, 30221, 30222, and 30223).

To enable Commission staff to evaluate whether the City's LCP is consistent as amended with the visitor-serving policies of the Coastal Act, please submit as part of the LCP amendment application information on existing visitor-serving public and commercial recreational facilities within and in close proximity to the City's coastal zone, including information on lower-cost visitor and recreational facilities.

In particular, please provide: (1) an analysis of the existing surrounding available visitor-serving facilities, including the number of rooms available (likely available through the local Chamber of Commerce); (2) the current number of lower-cost VSFs in the City; (3) a cost analysis of the different VSFs in Trinidad, and especially the current lower-cost VSFs, including average nightly rates (and including peak season rates and overall price ranges); (4) occupancy rates (this might be obtained in part from transient occupancy tax records); (5) an analysis of how the proposed changes in the reduction of visitor-serving facilities resulting in part, for example, from the conversion of the Trinidad Bay Trailer Courts to non-transient housing has affected the availability of lower-cost VSFs in the City in recent years; and (6) an analysis of the current and foreseeable demand for lodging facilities.

- h. Additional supporting documents may be needed. In the interest of providing comments in a timely manner, Commission staff has provided a partial list of necessary background studies and other necessary LCP amendment submittal information. Please note that this list is not comprehensive and we may need to request additional analyses. As indicated above, we realize the City is continuing to develop additional general plan element chapters and other supporting documents to be included in whole or in part with its LUP, such as but not limited to a forthcoming Community Design Element. The content of these forthcoming policies and any potential changes to current land use designations may result in the need for additional analyses. For example, we may need to request a visual analysis of any areas where policies or land use changes could affect visual resources to understand how such changes would protect public views to and along the coast consistent with Section 30251 of the Coastal Act. We will continue to provide input on recommended studies as we continue to receive and review the City's draft LUP chapters.

- 5. Relationship Between Certified LUP Policies and New Policies.** Coastal Act Section 30510(b) provides that an LCP may be submitted to the Commission if it contains, in accordance with guidelines established by the Commission, materials sufficient for a thorough and complete review. The City's LCP amendment proposes to replace the existing certified LUP with an entirely new document organized around an entirely new format, containing new chapters, policies, and classification sections, among others. Although this new document looks entirely

different than the certified plan documents currently in use, the proposal is still an LCP amendment rather than a submittal for the first time of an LCP for a previously uncertified jurisdiction. Consequently, the Commission must review the LCP amendment in the context of how the certified policies and development standards would change under the amendment, evaluating the LUP as amended for its conformity with the Coastal Act, and the IP as amended for consistency with the amended LUP.

The Commission's administrative regulations describe in part that an LCP amendment shall include among other things "a discussion of the amendment's relationship to and effect on the other sections of the certified LCP¹⁵." Given the scope and quantity of the amendments being proposed, it is important that the City and the Commission have a common understanding as to precisely what amendments are occurring to the LCP.

Therefore, to facilitate our understanding of how policies in the certified LUP relate to the draft LUP amendment, please provide either a "crosswalk" or cross-referenced annotation¹⁶ depicting the relationship between certified LUP policies and how those policies have been incorporated, modified and/or replaced in the current draft LUP.

¹⁵ 14 CCR Section 13552(c)

¹⁶ For example, a matrix format could be presented that depicts the previously certified policies side-by-side with the corresponding proposed new and revised policies in separate columns organized under general subject headings (e.g., "coastal access," "marine and water resources," etc.). Under any format, the document should note the identifying number of each policy under the currently certified LCP (for policies and standards that already exist in some form), as well as the new identifying number under the LCP as amended or newly appended.