

Posted: August 28, 2020



NOTICE AND CALL OF A MEETING OF THE  
**TRINIDAD PLANNING COMMISSION**

The Trinidad Planning Commission will hold a specially scheduled meeting on  
**WEDNESDAY SEPTEMBER 2<sup>ND</sup>, 2020, AT 5:00 P.M.**  
in Town Hall at 409 Trinity Street.

**In accordance with Executive Order N-29-20 this meeting will be held via videoconference and will be hosted on the Cisco Webex Platform. Learn more about Webex here:**

<https://www.webex.com/>

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

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

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

The following items will be discussed:

- I. ROLL CALL
- II. APPROVAL OF AGENDA
- III. ITEMS FROM THE FLOOR
- IV. AGENDA ITEMS

**Discussion / Decision / Public Hearing / Action**

1. General Plan Update: Discussion of new draft Conservation, Open Space and Recreation Element revised based on Coastal Commission staff comments.

**V. STAFF REPORT**

**VI. ADJOURNMENT**

*The meeting packets can be accessed at the following link:*

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



## MEMORANDUM

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**TO:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** August 28, 2020

**RE:** General Plan Update – Conservation, Open Space and Recreation Element

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I have revised the Conservation, Open Space and Recreation Element based on the substantial comments made by Coastal Commission staff. Due to the volume and complexity of the changes, I have not been able to use track changes to show you the edits since the last time you saw this element (April 2018). But I did provide you with that previous version with the Coastal Commission's comments for some context. The only comments that I left in the document (I have other iterations with responses to the Coastal Commission comments, but I have had to accept edits and delete comments as I go along to keep the document workable), are some questions for the Planning Commission to consider. I also noted where policies are exact quotes from the Coastal Commission, because we will need to be careful of, or avoid, edits to those.

This is a long element covering some important and complex topics. So, I expect the review and discussion to take time. For this first meeting, I would suggest that you focus on any questions you have, or where you find the document unclear. Also, I would like you to think about the overall organization of the document. I want to make sure that the hierarchy, numbering and organization is consistent throughout the document, which currently, it is not. To that end I provided a basic outline of the document that might be helpful.

Finally, I provided you with the pages from the Introduction chapter than describe principles, goals, policies, etc. Much of the recent reorganization has been to make sure those descriptions are followed, and some of my remaining questions have to do with how to categorize some things.

### **Suggested Action(s)**

Review the revised Conservation, Open Space and Recreation element, ask questions, and provide any input and comments you may have.

**Attachments**

1. Revised Conservation, Open Space and Recreation Element (33 pages)
2. Basic outline of the Conservation, Open Space and Recreation Element (3 pages)
3. Pages from Introduction describing principals, goals, policies, etc. (2 pages)
4. April 2018 version of the Conservation, Open Space and Recreation Element with Coastal Commission staff comments in the document (35 pages)
5. September 10, 2019 Preliminary Coastal Commission Staff Comments Specific to the Conservation, Open Space and Recreation Element (5 pages)

## **CONSERVATION, OPEN SPACE & RECREATION ELEMENT**

- A. Introduction**
  - 1. Purpose
  - 2. Statutory Requirements
  - 3. Background
- B. Water Resources and Water Quality**
  - 1. Principles for Water Protection
  - 2. Goals and Policies
- C. Biological Resources**
  - 1. Principals for Biological Resource Protection
  - 2. Environmentally Sensitive Habitat Areas
  - 3. Plants and Animals
- D. Other Natural Resources**
  - 1. Timber
  - 2. Soils
  - 3. Minerals
- E. Open Space Resources**
- F. Recreation**
  - 1. Public Recreation
  - 2. Public Access

### **A. INTRODUCTION**

#### **1. Purpose**

The Conservation, Open Space and Recreation Element of the Coastal General Plan combines two State-mandated elements, Conservation and Open Space. It includes policies and programs addressing water quality and quantity, biological and other natural resources and protection of parks and open space. In addition, this element addresses public access and recreation.

#### **2. Statutory Requirements**

California Government Code § 65302 (d) states that the requirements of a Conservation Element are: *“for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations”*. Its requirements overlap those of the open-space, land use, safety, and circulation elements. The conservation element is distinguished by being primarily oriented toward natural resources.

The purpose of an Open Space Element is to develop a plan for comprehensive and long-range preservation and conservation of open-space land. Open-space land is

defined in statute as *any parcel or area of land or water that is devoted to open-space use.*" (Government Code §65560(h)) The Legislature found that preservation of open space land serves several important purposes and is a matter of public interest (Government Code §65561). Government Code §65560 requires the Open Space element to address the following categories of open space: (1) for the preservation of natural resources, (2) used for the managed production of resources, (3) for outdoor recreation, (4) for the public health and safety, (5) for military support, or (6) for tribal resources. The Open Space Element has specific statutory requirements, but is generally broad in scope and so is often combined with other elements, such as Conservation.

Recreation is not a required General Plan Element. Recreational and park facilities are appropriately discussed in the Land Use and Conservation Elements, and in particular, the Open Space Element (OPR General Plan Guidelines, 2017). Trinidad has included recreational facilities under its own heading due to its importance in Trinidad and the fundamental protection of public coastal access mandated by the Coastal Act. Coastal Act §30500 requires that each LCP contain a specific coastal access component to *"assure that the maximum public access to the coastal and public recreation areas is provided."* The recreation component of this element meets these requirements.

### 3. Background

The City of Trinidad and its Planning Area contain ample natural resources and open spaces. These include, but are not limited to, a beautiful coastline, scenic offshore rocks, sheltered Trinidad Bay and harbor, coastal streams, rugged headlands, bountiful trails, viable timber stands, and rare, threatened and endangered plants and animals (aka special status species). The kelp beds around Trinidad Head are designated as a State Water Quality Protection Area (SWQPA) – Area of Special Biological Significance (ASBS), and the watersheds draining into the ASBS are Critical Coastal Areas. The City has also been established as one of five California Coastal National Monument Gateways. The natural resources of the Trinidad area are described in more detail in Background Report: Biology and Environment of the Trinidad [Area dated October 2009](#). In 2008, the City prepared the Trinidad-Westhaven Integrated Coastal Watershed Management Plan that addresses a variety of water quality concerns and watershed management strategies. The following sections incorporate information and recommendations from these background reports among other sources.

The City wishes to create a sustainable environment by identifying and conserving natural resources. The City also wishes to preserve as much open space as feasible to provide habitat for native species of plants and wildlife, minimize sprawl, maintain the aesthetic benefits of undeveloped land, and provide its residents with a full range of recreational opportunities. The goals, policies and programs of this Element address these aims by establishing the framework for the protection and enhancement of natural resources, protection of water quality, enhancement of open space, and providing for coastal access and recreational opportunities for Trinidad residents and visitors.

## **B. WATER RESOURCES AND WATER QUALITY**

The Trinidad Planning Area is 15.5 square miles (9,924 acres) in area and contains the watersheds of 13 coastal streams (See Figure 7). The major coastal streams that flow through City boundaries are Mill Creek, McConnahas Mill Creek, and Parker Creek. Trinidad's Planning Area has always been watershed-based and includes several coastal watersheds to the north and south of Trinidad. In 2008, the City Completed the Trinidad-Westhaven Integrated Coastal Watershed Management Plan. That process included water quality testing and public outreach, resulting in the creation of the Trinidad Bay Watershed Council. Three primary threats to water were identified through that watershed planning effort, which are: sediment, onsite wastewater treatment systems (OWTS), and stormwater. The City has received several grants and implemented several projects to reduce these pollution sources. Efforts to reduce these threats are ongoing.

The State has listed several beaches in the Trinidad area as impaired under Clean Water Act §303(d) due to bacterial contamination, including Trinidad State Beach, Old Home Beach and Luffenholtz Beach. At least some of the contamination comes from old and malfunctioning OWTS, primarily septic systems. Both the City and the County have addressed this issue through projects to track bacterial sources and improve the condition of OWTS in the area. Clean Beaches Initiative funding was used to help property owners repair and replace problematic systems. The City has developed a regulatory OWTS Management Program that requires systems to be inspected and maintained, as well as upgraded or replaced with certain triggers. The County is implementing their Local Agency Management Program in accordance with the State OWTS Policy, which requires additional monitoring and oversight near impaired water bodies.

The largest watershed in the Planning Area is Luffenholtz Creek, which is the City's sole source of drinking water. The City's water treatment plant is particularly sensitive to high levels of sediment and turbidity, but fecal bacteria and pathogens are also a concern. Luffenholtz Creek is located entirely outside of City boundaries. Therefore, the City has developed policies to help guide regulatory agencies in protecting this watershed. Humboldt County has designated Luffenholtz and Creek as a "Critical Municipal Water Supply Area" in its general plan, which affords it more oversight for development projects. For more information regarding the City's water system, please see Section C— 'Planning Outside City Limits'—in the Land Use Element, and Section H— 'Public Services'—in the Circulation Element.

The water quality and quantity in the Luffenholtz Creek watershed above the City's water withdrawal point warrant strict protections. Through the analysis for the Moss subdivision (County File No. 515-131-32 and 515-291-46; Case No. PMS-03-14), it was determined that Luffenholtz Creek is at least 95% allocated in terms of water rights in a dry year. In order to protect its water supply, the City opposes any further subdivision in the Luffenholtz Creek watershed. According to the Trinidad GIS, almost eighty percent of the Luffenholtz watershed is in timber production. The City also opposes the use of

chemical herbicides and pesticides in timber management practice within this watershed area and supports improvements to roads to reduce sediment delivery. Commercial cannabis production has the potential to negatively impact both the water quality and quantity of coastal streams, and Luffenholtz is particularly sensitive due to its status as a Critical Water Supply. The City needs to work closely with the County to monitor and comment on projects within the Luffenholtz Creek Watershed. The City should also work with the State Water Resources Control Board (SWRCB) to monitor water rights on Luffenholtz.

Trinidad's fishing/crabbing, tourism/recreation industries and drinking water supplies are susceptible to non-point source (NPS) pollution. It is therefore in the best interest of the community to improve and safeguard its water resources in streams and the ocean. In addition to the statewide water quality standards of the CA Ocean Plan, the City must comply with additional requirements and prohibitions due to the presence of the Trinidad Kelp Beds SWQPA/ASBS. The CA Ocean Plan prohibits any discharges into a SWQPA/ASBS, including the City's stormwater outfall. The City has obtained an exception for the outfall but is working towards eliminating stormwater discharge through infiltration. Because Trinidad Bay is designated as an ASBS, the City is subject to the SWRCB's MS4 waste discharge requirements that regulate stormwater runoff. The water quality in streams and seeps within the City's planning area impact the ocean water quality as the streams and seeps empty into the ocean. Therefore, nearshore and offshore water quality issues are related.

According to the Climate Change Vulnerability Report and Adaption Response (GHD, 2016) prepared for the City, climate change modeling data suggests that total precipitation in the Trinidad area is likely to decrease slightly. However, the intensity of those events is predicted to increase, while the frequency may decrease. While uncertain, this has implications for both water supply and stormwater runoff. An increase in runoff volume during storm events can impact water quality and the capacity of the City's stormwater system. It can also reduce groundwater storage and therefore late summer streamflows. These issues need to be taken into account when planning infrastructure repairs and improvements.

Aquatic hazards, including floods and tsunamis, are discussed in the Noise and Safety Element.

### **1. Principles for Water Resource Protection**

When interpreting and implementing the policies and programs of this section, the following principals shall be adhered to.

Watershed approach: Because the water quality of a body of water impacts other water bodies in the planning region, the City has adopted a watershed-based approach for the protection of its water resources. The watershed approach accounts for the impacts of human activities to the water resources of the planning region, not just on an individual parcel. Because most of the watersheds in the City's Planning Area extend outside City

limits, it is important for the City to respond to County application referrals based on watershed impacts and to encourage the County to do the same when reviewing projects within the City's Planning Area. (LU-9.1.1)

**Pollution targets:** Three main types of pollutants have been identified that impact water resources in the City's Planning Area. These are sediment, bacteria from malfunctioning OWTS, and urban pollution in stormwater runoff. The City will take these into account in its planning processes and review of development applications and will encourage the County to do the same within the City's Planning Area.

**Education and Regulation:** Primary methods for protecting water resources are the implementation of public and industry education programs and the creation of ordinances to regulate activities that cause pollution.

**Water Conservation:** Efforts to conserve water will be focused on, but not limited to, improving infrastructure to increase water reserves, implementing a capital improvement program to reduce water leakage, adopting regulatory and pricing mechanisms to reduce consumption, exploring and encouraging alternatives such as grey water irrigation and rainwater catchment, and utilizing public education to encourage overall water conservation.

**Best Management Practices (BMPs) and Low Impact Development (LID)** Utilize accepted BMPs and LID principles to minimize the transport of pollutants in runoff from the development into coastal waters to and to minimize post-development changes in the site's runoff flow regime (i.e., volume, flow rate, timing, and duration), to preserve the pre-development hydrologic balance and prevent adverse changes in the hydrology of coastal waters (i.e., hydromodification). Select actions to minimize both construction-phase and post-construction impacts.

## 2. Goals and Policies for Water Resource Conservation

**Goal CONS-1: Actively protect and improve the quality and quantity of water in streams and seeps and the quality of ocean water within the City's planning area.**

a. **Public Outreach Policies:** Public education can be a very effective means of achieving the goals of reducing pollution, waste and disposal reduction and water conservation.



CONS-1a.1 Provide information, marketing, training, and education to support water efficiency, conservation, and water quality protection within the City's planning area.

*Program CONS-1a.1.1* Develop and implement an effective public outreach and education program for issues that impact the quality and quantity of the City's water resources. Coordinate this effort and seek participation with relevant local interest and industry groups and agencies, including the Trinidad Bay Watershed Council,

HSU Marine Lab, Trinidad Rancheria, Trinidad Chamber of Commerce Trinidad Elementary School, BLM, TCLT, State Parks, and the RWQCB.

*Program CONS-1a.1.2* Use public education programs to promote environmentally responsible building designs and construction practices, including, but not limited to: a) creation of permeable surfaces and more natural hydrology through the use of LID technologies and techniques; b) use of low-flow appliances and alternative landscaping methods to reduce water consumption and the use of chemical fertilizers and pesticides, c) sustainable materials and appropriate technology.

**b. Policies to eliminate/reduce aquatic pollution and hydrologic modification.**

*Sediment reduction:* In the Trinidad area, the main causes of sedimentation are land disturbance from activities such as construction, road work and timber harvest and transportation, removal of riparian vegetation, as well as naturally occurring erosion. Gravel roads, in particular, have been found to be a primary contributor to high turbidity levels.

*CONS-1b.1* Minimize land disturbance activities from construction (e.g., clearing, grading, soil compaction, and cut-and-fill), and avoid development on steep slopes, unstable areas, and highly erosive soils to the extent feasible in order to minimize erosion. (CONS-5.2)

*CONS-1b.2* Minimize disturbance of natural vegetation during construction, including preservation of mature trees and native vegetation. Where vegetation is removed, maintain the root structures, where appropriate, to prevent erosion and sedimentation.

*CONS-1b.3* In order to minimize erosion and discharge of sediment and other pollutants (e.g., paint, solvents, vehicle fluids, and debris) during construction, a construction-phase erosion and sediment/pollution control plan shall be required for development that has the potential to adversely affect water quality.



*Program CONS-1b.3.1* Develop an inventory system for construction projects to track sediment and erosion control plans in accordance with SWRCB Water Quality Order No. 2013-0001-DWQ and / or the City's current MS4 Permit requirements.

*CONS-1b.4* Prohibit grading during the rainy season (from October 15<sup>th</sup> through April 30<sup>th</sup>) in areas with slopes of 15% or greater (as indicated on Figure 9), except in response to emergencies. Grading on slopes less than 15% is discouraged during the rainy season, but may be allowed on a case-by-case basis as long as any areas that are disturbed incorporate appropriate BMPs and monitoring to prevent water quality impacts. (CONS-5.3)

*CONS-1b.5* Require stabilization of disturbed areas through revegetation or other appropriate means as soon as feasible. (CONS-5.5)

*OWTS management.* The entire City and surrounding community utilize OWTS for wastewater disposal, but dense development, older systems and some soil limitations warrant careful regulation and oversight of OWTS.



**CONS-1b.6** Develop and maintain an OWTS Management Program, consisting of an ordinance and guidelines, in compliance with the CA OWTS Guidelines and the North Coast Basin Plan, that includes requirements for regular monitoring, maintenance, and pumping to assure that State and federal water quality standards are met. (CIRC-11.1 / LU-1c.8)

**CONS-1b.6.a** Require accurate and current septic information as part of any development application, including subdivisions. Uses with large quantities or high strength discharges are subject to more stringent reviews and requirements.

*Program* **CONS-1b.6.1** Ensure adequacy of the OWTS design and capacity prior to approving any new development. Require upgrades as needed to provide adequate OWTS capacity.

**CONS-1b.7** Foundation, LID and OWTS design shall be consistent with the recommendations of any site-specific soils studies required to ensure that development will not create direct or cumulative adverse impacts on soil or water resources. (CONS-6.1.1)

**Commented [TP1]:** CCC suggests this is a program. But it doesn't implement either of the other policies. It is also broader than just OWTS.

*Stormwater management.* Stormwater runoff occurs when precipitation falls on impervious surfaces, so minimizing hydrologic modifications also reduces the volume of stormwater runoff. A number of pollution constituents can be mobilized in stormwater runoff. Of particular concern in Trinidad are sediment, bacteria, oils and heavy metals.

**CONS-1b.8** Minimize the area of impervious surfaces in new and existing development to the maximum extent practicable. Development shall be planned, sited, and designed to maintain or enhance onsite infiltration of runoff where appropriate and feasible.

**CONS-1b.8** Minimize the volume and loading of stormwater-related pollutants entering the creeks and ocean within the City's planning area and minimize changes in drainage patterns by requiring a post-construction stormwater management plan for all development that has the potential to adversely affect water quality or hydrology.

**CONS-1b.9** Require Low Impact Development techniques to manage stormwater, preserve hydrologic function, and maximize on-site infiltration of runoff to the extent practicable, except where it may negatively impact OWTS or slope stability. For development where infiltration is precluded by site conditions, implement appropriate treatment control BMPs, such as filtration to reduce the discharge of polluted runoff. (CIRC-9.2)

*Program CONS-1b.9.1* A site-specific infiltration rate evaluation may be required of an applicant to assist with the project's stormwater management design and to facilitate the City's review of the proposed development. (CIRC-9.4)



*Program CONS-1b.9.2* Develop incentives, regulations, design guidelines and/or educational materials that provide guidance to residents about LID methods for new and existing development that appropriately manage stormwater in a manner that does not negatively impact bluff stability or leachfields.



*Program CONS-1b.9.3* Utilize the most recent version of the Humboldt Low Impact Development Stormwater Manual to determine the most appropriate LID options for each site.



*CONS-1b.10* Limit the use of curb and street storm drains to avoid conveying runoff directly to the City's stormwater conveyance system. (CIRC-9.3)



*CONS-1b.13* Ensure City stormwater infrastructure can accommodate potential increases in rainfall frequency and intensity during storm events due to climate change.

*Program CONS-1b.13.1* Periodically reevaluate the capacity of the City's storm drainage system to ensure that capacity is adequate to accommodate potential increases in rainfall frequency and intensity during storm events due to climate change.

*Other policies to maintain hydrologic function and eliminate/reduce pollution.* The following policies address other types of pollution and hydromodification not included under sediment, OWTS or stormwater.

*CONS-1b.14* To help maintain, enhance and, where feasible, restore water quality and hydrologic function, plan, site and design development in order to:

- a. Preserve or improve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where infiltration is precluded, incorporate stormwater detention as feasible.
- b. Protect areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and/or that are susceptible to erosion and sediment loss.
- c. Minimize disturbance of natural areas and maintain and, where feasible, restore hydrologic features such as stream corridors, drainage swales, topographical depressions, groundwater recharge areas, floodplains, and wetlands.
- d. Convey drainage from the developed areas of a site in a non-erosive manner.
- e. Promote clustering of development on portions of a site that are least impactful,

**Commented [TP2]:** Need to ensure consistent numbering and formatting. Maybe Roman Numerals, since those aren't used yet.

taking into account geologic constraints, sensitive resources, and natural drainage features.

**CONS-1b.15** Incorporate storm water runoff, erosion and sediment control, and water quality considerations into the staff recommendations or implementation regulations for all Coastal Development or other discretionary permit application reviews. Applicants shall be responsible for any required monitoring. Specific water quality goals include, but are not limited to (CIRC-9.1):

- (1) Limit erosion and sediment loss resulting from construction.
- (2) Limit the extent and duration of land disturbing activities.
- (3) Limit removal of existing vegetation to only what is necessary to construct projects
- (4) Upon project completion, replace vegetation as soon as possible, preferably with native plants.
- (5) Maintain natural drainage conditions.
- (6) Conform, wherever possible, to the natural topography of the area.

**CONS-1b.16** The selection of appropriate BMPs to protect water quality and hydrology shall be guided by the most recent version of the California Stormwater Quality Association (CASQA) *Stormwater BMP Handbooks*, or an equivalent BMP manual, such as the Humboldt LID Manual, that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the constituents of concern generated by the development. (CIRC-9.4)

**CONS-1b.17** Development activity shall implement appropriate protocols to manage BMPs (including ongoing operation, maintenance, inspection and/or training, and installation and removal) in all development, to protect water quality for the life of the development.

**c. Water Conservation Policies:** Water quantity issues are more fully addressed in the Circulation Element (section #)



**CONS-1c.1** Promote an active, on-going water conservation program to minimize water consumption. Extend the City's conservation program to properties outside the City that are connected to the City's water system. (CIRC-12.3)

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

*Program CONS-1c.1.3* Adopt a water efficiency landscape ordinance in accordance with AB 1881 and Dept. of Water Resources requirements. (CIRC-12.3.2)

**CONS-1c.2** Develop a capital improvement program and pursue infrastructure

**Commented [TP3]:** If a policy is denoted with a City logo, does that automatically equate to all the programs too? May need to specify that in the Intro Chapter.

improvements to reduce water loss, increase storage capacity in the system and improve the ability to withdraw water during low flows. (CIRC-12.3.2)

CONS-1c.3 Review expected water use as part of development permit applications. Monitor water use to ensure increases in water use are subject to appropriate approval procedures, including CDPs, if applicable.

d. Policies dealing with areas and development of special concerns: Water resources of significant value require special protection. Similarly, development that has a greater potential impact to the City's water resources warrant special policies and additional requirements.

CONS-1d.1 The State Ocean Plan imposes special protection standards for the water quality in the ASBS and prohibits any discharge into this body of ocean water. The City shall continue to comply with this plan and any conditions of an exception to the discharge prohibition granted to the City by the State and shall review development proposals to ensure compliance as well.

**Commented [TP4]:** Not really a policy as worded. And not a strong policy as edited.

*Program CONS-1d.1.1* Implement a comprehensive program to reduce / eliminate discharges into the Trinidad Head ASBS that have been identified by the State Water Resource Control Board.

**Commented [TP5]:** This should be moot after the City's stormwater project is completed, unless additional discharges are identified.

*Program CONS-1d.1.2* As funding allows, or as required by law, implement a comprehensive water quality monitoring plan for the Trinidad Head ASBS and its tributary streams as necessary to assess and reduce nonpoint source pollution entering the Trinidad Head ASBS and track improvements over time (CIRC 8.3).

CONS-1d.2 The categories of development listed below have the potential for greater adverse coastal water quality impacts due to the extent of impervious surfaces, type of land use, and/or proximity to coastal waters. A development in one or more of the following categories shall be subject to the additional requirements set forth in CONS-1d.3. Developments of Special Water Quality Concern include the following:

- (1) any developments of five or more dwelling units;
- (2) any development that creates and/or replaces 5,000 sq. ft. or greater area of impervious surfaces;
- (3) hillside developments on slopes greater than 10% or located in unstable area as mapped...;
- (4) any development that produces high amounts or strengths of wastewater such as restaurants, laundromats, service stations, etc.
- (5) any development that results in direct discharges to a waterbody.
- (6) any development occurring within 125 feet of a coastal bluff, or in an area identified as inappropriate for infiltration LID techniques.
- (7) any other development determined by the Planning Commission to be a Development of Special Water Quality Concern.

CONS-1d.3 Applicants for any Development of Special Concern shall be required to provide the following:

- a. Submit a Water Quality Management Plan (WQMP), certified by a California Registered Civil Engineer, Certified Professional in Erosion and Sediment Control (CPESC), or Certified Professional in Stormwater Quality (CPSWQ);
- b. Estimate increases in pollutant loads and runoff flows resulting from the proposed development, if any, and;
- c. Detail the BMPs that will be implemented to minimize both construction and post-construction water quality impacts. Require, at a minimum, site Design and Source Control BMPs, and require treatment Control BMPs where appropriate to address the particular pollutants of concern based on the specific land use. Utilize 85th percentile design storm.

**Commented [TP6]:** Check with DEH for additional septic requirements for “high amount or strength” discharge.

#### Other Initiatives for Water Resources Protection

- Encourage the County to adopt an OWTS Management Program similar to the City’s in the Trinidad-Westhaven area.
- To reduce the use of chemical fertilizers and pesticides within City limits, develop regulations and/or public educational materials to discourage the use of chemical fertilizers and pesticides.
- As funding allows, continue to monitor water quality in and around Trinidad with an emphasis on the ASBS. Focus sampling efforts on identified constituents of concern in coastal streams, seeps and nearshore ocean waters. Ensure sampling meets applicable protocols, including quality control. Support similar efforts by others.
- Encourage the County and/or Watershed Council to provide education on and incentives for water conservation in the greater Trinidad-Westhaven area. (CIRC-12.3)

The City supports the County’s designation of Luffenholtz Creek as a Critical Municipal Water Supply Area and encourages the County to also designate Mill Creek as such, recognizing that these watersheds are primary and emergency water sources respectively for the City and limited in area such that the streams are susceptible to potential risks of pollution and over-withdrawal resulting from development activities. (see LU-11.2)

- Ensure the County maintains the status of Luffenholtz Creek as a Critical Water Supply Area pursuant to Humboldt County General Plan Policy WR-P4.
- Maintain and ongoing request for notification from the County for any development projects within the Luffenholtz Creek watershed.

- Review and comment on applications for new development within the Luffenholtz Creek watershed to ensure protection of both water quality and quantity.

### **C. BIOLOGICAL RESOURCES**

The Trinidad Planning Area, and even the small area of the City itself, has a relatively high diversity of habitat types. Habitats vary considerably from conifer and hardwood forests to coastal scrub and sandy beaches, to kelp beds and offshore rocks that include both intertidal and subtidal areas. There are a number of special status habitat types and plants and animals within the Planning Area (SHN, date). Riparian vegetation is located along portions of all thirteen of the coastal streams in the planning area. This vegetation protects the quality of the water, minimizes soil erosion and sedimentation, and provides valuable habitat for a wide variety of animals.

Kelp beds to the east and west of Trinidad Head, including Trinidad Bay, are a biological resource of import to the local fisheries and the State, as demonstrated by its CCA, ASBS, and SWQPA designations. Offshore rocks, inter-tidal areas, and beaches provide habitat for marine plankton and invertebrates, seabirds and marine mammals. Offshore rocks are now protected as part of the California Coastal National Monument, sections of the coast managed by the BLM. Management will coincide with the regulations enacted by the MLPA.

With respect to the land use regulations, the City's Open Space (OS) and Special Environment (SE) designations encompass the City's major EHSAs, including creeks, wetlands, riparian habitat, and shoreline areas. Because development in OS and SE areas is very restricted, land use designations help to protect these sensitive coastal resources. Smaller areas may not be specifically designated OS or SE or even identified on resource maps, but will be protected by policies contained in this section when identified during development proposals.

Plans for navigational aids and harbor improvements should take into consideration possible impacts to near-shore habitats. The Harbor Area is discussed more specifically in the Land Use Element.

#### **1. Principles for Biological Resource Protection**

Identify sensitive or important habitats and special status species. Figure 8 (a, b and c) serves to identify known occurrences of special status species; habitat for special status species is considered ESHA. The map is only intended to serve as a repository of collated data for use as a screening tool in the review of future development proposals and is not a comprehensive inventory of all special status species within the City, nor is it a delineation of sensitive habitat. Many areas that contain potential for ESHA (e.g. riparian corridors) are designated as Open Space or Special Environment on the Land Use Map (Figure 2). There is always the potential for ESHA's and special status species to exist that are not currently mapped, or for areas that are mapped as ESHA's to not

**Commented [TP7]:** Should principles be numbered (throughout document)?

actually contain any ESHA's. A biological report may be required, consistent with Policy **CONS-2a.11**, to substantiate the presence or absence of ESHAs prior to any development.

Limit development and habitat alteration within ESHAs, including where special status species are found. Most ESHA's and special status species are protected by various laws, and the policies found herein are intended to implement and comply with those laws and to provide additional specificity applicable to Trinidad.

Maintain appropriate buffers to protect ESHAs and special status species from impacts from adjacent development. Appropriate space between ESHA's and/or special status species and adjacent development helps to limit any impacts from development on these important resources.

Protect and improve native habitat and minimize impacts to native species. Native habitat and species are the ecological backbone of Trinidad and are afforded special considerations to protect and restore their natural form and function to create health ecosystems.

## **2. Environmentally Sensitive Habitat Areas (ESHAs)**

An **Environmentally Sensitive Habitat Area** is an "area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (PRC Division 20 CCA § 30107.5). Protection of ESHAs is one of the essential aspects of the Coastal Act. Trinidad has several ESHAs including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, streams, riparian habitats, and rare, threatened, or endangered plants or plant communities. The City will recognize and utilize ESHA definitions and designations in accordance with current Coastal Act regulations, CA Dept. of Fish and Wildlife requirements and CA Native Plant Society policies and recommendations.

Humboldt County is home to a variety of rare, threatened and endangered (RT&E) plant and animal species. The Background Report on Biology and Environment of the Trinidad Area describes the biological resources more thoroughly. The RT&E species list changes year to year, and an updated list from the California Department of Fish and Wildlife (DFW) California Natural Diversity Database (CNNDDB) should be generated and kept on file at City Hall. However, each developer or applicant is responsible for assuring they have the most current information. In addition to the CNDDDB, the California Native Plant Society has created five lists in an effort to categorize degrees of concern for plant species. Plants on lists 1 and 2 are considered "special status" species in California for the purposes of development reviews. As of \_\_\_\_\_, within the Trinidad Planning Area, there are a number of special status including plants, birds, amphibians, fish, and mammals with known occurrences (see Figure 8).

**Goal CONS-2: Preserve and Enhance the City’s Environmentally Sensitive Habitat Areas (ESHAs), including habitat for special status species.**

**a. Policies to limit development in ESHA’s and/or near special status species.**

**CONS-2a.1** Diking, Filling, and Dredging of open coastal waters, wetlands, estuaries, creeks and other bodies of water and shall maintain or enhance the functional capacity of any impacted wetland or estuary. In addition, these activities will only be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects and shall be limited to the following:

- (a) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (b) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (c) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (d) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (e) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (f) Restoration purposes.
- (g) Nature study, aquaculture, or similar resource-dependent activities.

**Commented [TP8]:** CCA § 30233(a)

**Commented [TP9]:** Make sure numbering/lettering hierarchy and formats are consistent.

**CONS-2a.2** Channelization, dams, or other substantial alterations of coastal streams, shall incorporate the best mitigation measures feasible for and be limited to:

- a. Necessary water supply projects, or
- b. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or
- c. Developments where the primary function is the improvement of fish and wildlife habitat.

**Commented [TP10]:** CCA § 30236

**Commented [TP11]:** We don’t have flood plains in Trinidad, so maybe this one isn’t necessary.

**CONS-2a.3** Protect ESHAs against any significant disruption of their habitat values, and allow only uses dependent on those resources within ESHAs.

**CONS-3.6:** The City shall require the establishment of open space or conservation easements for all ESHA and ESHA buffers as a condition of approval for development on properties containing ESHA..

**CONS-2a.4** Condition development located within ESHAs to require all plantings to be from locally native stock (not cultivars) to the extent feasible. At a minimum, prohibit the use of plants listed by **CNPS or DFW** to be invasive, problematic or noxious, and remove any existing such plants. Maintenance requirements may also be included.

**CONS-2a.6** Prohibit new land divisions creating new parcels located entirely within an ESHA or Buffer Areas unless the parcel to be created is restricted at the time of its creation solely for open space, public recreation, or conservation.

**CONS-2a.8** Require review of any changes in runoff volume, pollutant load, velocity, or duration for development that may affect sensitive plant and animal populations, ESHAs, or their Buffer Areas, by a qualified biologist to ensure that there will not be adverse hydrologic, erosion, nutrient, pollutant-based or sedimentation impacts on sensitive resources. Identify and adopt mitigation measures and compliance monitoring standards to minimize potential adverse runoff impacts.

**CONS-2a.9** Preserve, enhance and restore native vegetation within ESHAs, including riparian corridors. Locate allowable new structures and activities outside ESHAs whenever feasible to protect native vegetation. Ensure that areas that must temporarily be disturbed due to special circumstances be kept to a minimum, be carefully reviewed by the City, and be replanted with appropriate native vegetation.

**CONS-2a.10** Require permit applications for development in areas that may contain ESHAs to include a Biological Report prepared by a qualified biologist which identifies any resources and provides recommended measures to ensure that the requirements of the Coastal Act and LCP are fully met.

**b. Policies for development in ESHA buffer areas.**

**CONS-2b.1** Site and design development in areas adjacent to ESHAs and parks and recreation areas to prevent impacts that would significantly degrade such areas, and to be compatible with the continuance of such habitat areas through the use of appropriate buffers.

**Commented [TP12]:** CCA § 30240(b)

**CONS-2b.2** Limit development in Buffer Areas to certain compatible uses that prevent impacts which would significantly degrade the ESHA and which are compatible with the sustainable continuance of the adjacent ESHA.

**CONS-2b.1.2:** Require a setback separating development from identified ESHAs. In general, ESHA buffers shall be 100 feet unless the designated setback would eliminate all reasonable use of the property. A larger buffer width, adequate to protect the resource from degradation and allow for the continuance of the ESHA, shall be applied if information collected in an analysis of potential adverse impacts of development on adjacent ESHA shows one is necessary. Conversely, analysis by a qualified professional may justify a reduced setback based on specific findings that the

development would not significantly degrade the ESHA and would be compatible with the with the continuance of the ESHA.

**CONS-2b.2** Prohibit native vegetation removal in Buffer Areas except for the following activities, which are also subject to other applicable standards and policies and may be subject to additional standards or restrictions to protect ESHA.

- a. Vegetation removal authorized through coastal development permit approval to accommodate permissible development;
- b. Removal of trees that are diseased or pose a hazard to structures or people as documented by an arborist or other qualified professional;
- c. Vegetation removal for public safety purposes to abate a nuisance consistent with Coastal Act Section 30005;
- d. Removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute major vegetation removal as defined herein;
- e. Minor vegetation maintenance to preserve existing yards and viewsheds to the extent that such maintenance does not constitute major vegetation removal;
- f. Vegetation removal to restore or enhance habitat values as recommended by a qualified professional.

**CONS-2b.3** All exterior lighting shall be the minimum necessary for safety, and to the extent feasible, restricted to low intensity fixtures, directed downward (downcast), and shielded so that no light or glare shines beyond the boundary of the property or into an ESHA. (CD-5.1; CIRC-10.6.3)

**Commented [TP13]:** Does this apply to buffers, or should this be in the ESHA section.

#### Other Initiatives for ESHA

- Maintain up to date resource information regarding special status species and ESHA to the extent feasible.

### **3. Plants and Animals**

The Trinidad Planning Area has a relatively high diversity of habitat types. Habitats vary considerably from conifer and hardwood forests to coastal scrub and sandy beaches, to kelp beds and offshore rocks, that include both intertidal and subtidal areas. In terms of vegetation communities, Trinidad and the surrounding area are primarily composed of Northern (Franciscan) Coastal Scrub, Northern Coastal Bluff Scrub, Non-Native Grassland, Sitka Spruce-Douglas Fir Forest, Red Alder Riparian Forest and Riparian Scrub. ESHAs are discussed in more detail in the previous section.

Because of the varied habitat, wildlife is also varied. Within the limited area within City limits, wildlife generally consists of species that adapt well to human presence and

disturbance. However, there are exceptions, and rare, threatened and endangered species are further discussed in the pervious section. One of the best ways to preserve species health and diversity is by preserving native habitats.

Within City limits, there is a high proportion of non-native species, many of which are considered invasive. Some non-native species, such as pampas grass (*Cortaderia jubata*), Himalaya berry (*Rubus discolor*), Scotch broom (*Cytisus scoparius*), blue gum eucalyptus (*Eucalyptus globulus*), English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), and cotoneaster (*Cotoneaster sp.*), to name a few, are invasive exotics that can and do displace native species, reducing the area's natural diversity, biological integrity and aesthetics.

**Goal CONS-3: Identify and protect native plants, animals and their habitats in and around the City.**

a. Policies to protect and improve native habitat and minimize impacts to native species.

*CONS-3.1:* Preserve, protect, and to the extent feasible restore native habitat areas to their natural state.

*Program CONS-3.1.1:* Develop additional guidelines for the maintenance of watercourses to further assure that native vegetation is not unnecessarily removed and that maintenance minimizes disruption of wildlife breeding activities and wildlife movement. Incorporate these guidelines, where appropriate, into the City's maintenance procedures.

*Program CONS-3.1.2:* Seek Federal and State funding, as feasible, for the repair of stream bank erosion, planting of riparian vegetation to stabilize creek banks, and removal of debris obstructing water flow.

*Program CONS-3.1.3* Pursue development of a management plan for aquatic and marine recreation in and around Trinidad Bay to minimize the ecological impacts of those activities.

**Commented [TP14]:** Is this the City's responsibility? Or should this be an "other initiative" and reworded to "encourage" or "support."

*CONS-3.2* Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

**Commented [TP15]:** CCA §30230

*Program CONS-3.2.1* Consistent with other applicable policies, place and maintain signs prohibiting the collection of marine life from tide pools, inter-tidal rocks, or other near shore environments without the necessary permits or license, on all City

trails leading to and from the beach. This would allow only activities such as fishing for game fish with proper fishing licenses or authorized Native American use.

**CONS-3.3** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

**Commented [TP16]:** CCA § 30231

**CONS-3.4** Minimize disturbance of natural vegetation during site planning, construction and maintenance of development, including preservation of mature trees and native vegetation. (**CONS-1b.2 partial**)

**CONS-3.5** Outside of the urbanized area, require development to maintain adequate open space to permit effective plant and wildlife corridors for animal movement between open spaces.

**CONS-3.6:** Construction timing shall be limited as necessary to avoid impacts to sensitive species during nesting and breeding seasons.

**Commented [TP17]:** Should this be limited to (noise) sensitive species? And does that need a definition?

**CONS-3.7** Use only native species, or species demonstrated to be non-invasive, in public landscapes and strongly encourage their use in private landscapes. Condition development projects that require discretionary approval to prohibit the planting of any species of invasive non-native plants or native cultivars deemed undesirable by the City, including but not limited species rated as “high” or “moderate” on the Cal-IPC Inventory. Require maintenance of the property to prevent identified species from naturalizing or persisting on the project site.

*Program CONS-3.7.1:* Provide public information materials that explain why invasive species are problematic. Maintain a program that recommends effective but non-toxic eradication measures.

*Program CONS-3.7.2:* Eradicate non-native species where they are displacing native species on City-owned property. Work to remove and control plants rated as “high” or “moderate” on the California Invasive Plant Council’s *California Invasive Plant Inventory Database* from City-owned rights-of-way.

**CONS-3.8** Only permit major vegetation removal where both habitat values and viewsheds can be adequately protected.

**CONS-3.9** Ensure that major vegetation removal occurs outside the nesting season (March 1 – August 15) or that an appropriate survey occurs prior to vegetation removal if work occurs during the nesting season.

CONS-3.10 A planting plan shall be required for proposed development that requires plantings to mitigate adverse impacts, such as to protect the visual character or an area, address erosion and runoff control and/or protect adjacent ESHA from development impacts. Such planting plans shall prioritize native drought-tolerant plants and shall not include invasive plants. Maintenance provisions may also be required depending on the proposed development and related impacts.

Other initiatives to protect native habitat and species

- Work with organizations and private property owners to enhance, preserve and restore the City’s watercourses for habitat preservation and recreation.
- Support efforts to restore and improve salmonid habitat throughout the Planning Area.
- Request that Caltrans, PG&E, and the County of Humboldt remove pampas grass broom, and any other plants rated as “high” on the Cal-IPC Inventory from their rights-of-way.

Commented [TP18]: Or encourage?

**D. OTHER NATURAL RESOURCES**

**1. Timber**

Within Trinidad City Limits, there are no viable commercial timber stands. However, most of the upper areas of Trinidad’s Planning Area watersheds are commercial timberland. These timberlands, if appropriately and sustainably managed contribute to the City’s viewshed, provide habitat for native plants and animals and sequester carbon from the atmosphere. If improperly managed or overharvested, there are impacts to aesthetics, habitat, water quality and air quality. The County is encouraged to preserve economically viable timber stands for sustainable commercial use. Additional related policies can be found in section D.3 – Planning Area – of the Land Use Element.

Most of the trees within the town are within the State Park, Open Space lands or exist as private landscaping. Within the City, the balance of the value of trees is often in conflict with the important coastal views they may block. The City has adopted a Views and Vegetation ordinance that addresses these issues. The ordinance allows for the protection of important “heritage trees” if so designated by the City Council.

**Goal CONS-4: Preserve economically viable timber stands for use as sustainably harvested commercial timber while protecting water quality, special status species and sensitive habitats.**

Timber Policies

Because no commercial timber lands exist in the City, there are no binding timber related policies regulating development in the City.

Commented [TP19]: The City doesn’t have any timberland, but the text mentions views and heritage trees. Do we want a tree preservation policy? (It’s probably already covered under the native plants and animals section.)

### Other Initiatives for Timber

- The sustainable management of timber resources, and related uses, is encouraged, so that the long-term economic return from productive timber production will provide sufficient incentives to prevent urban conversions.
- In cooperation with California Department of Forestry, request review of all Timber Harvest Plans (THP) within the Planning Area. Review THPs for measures that protect water quality, control erosion, and preserve the City viewshed. Recommend that THPs which do not include these measures not be approved.
- Encourage the management of private timberlands to use current principles of sustainable forestry for all aspects of forest use and function: recreation; timber production; biodiversity; air and water quality; and carbon storage. Timber owners are encouraged to apply for conservation easements, certified forestry, or compensation for carbon storage.
- County Zoning Ordinances should require a use permit for timber operations (as defined by the Forest Practice Act) within or nearby unstable lands or lands of questionable stability. (SAF-1.8)
- Continue to work with Green Diamond, and other larger timber land holders, on protecting and restoring planning area watersheds from negative impacts of timber harvest past and present.

## 2. Soils

Soils are a resource essential to raising timber, crops and forage. There are few areas of prime soils for crops or forage in the planning area, but much of the land in the planning area is prime timberland. Some prime timber soils have been converted to residential development and others are located so near to development that they are no longer manageable timber sites. Because of the importance of the regional economy, prime timber soils in manageable units should be protected from development. Due to the small amount of prime soils for crops and forage, these areas should be protected as well.

Soils also act as constraints on development when they will not adequately support structures or other improvements including OWTS. For long range planning purposes, development may be able to occur in areas with soils limitations without degradation of water quality and public health if land divisions and developments are only allowed after thorough site investigations and necessary design and maintenance standards are enforced. Therefore, soil limitations are not in themselves a sufficient constraint to justify development prohibitions. In areas with soil limitations, more specific site analysis is needed to determine how a foundation or OWTS can be designed to work and how much land area is needed to accommodate the system and proposed development, and

**Commented [TP20]:** Should these be added to the Planning Area section of the LU Element?

to provide necessary protective buffers. Related factors such as hydrology, stability and topography must also be considered. It is expected that this site-specific evaluation process in areas with soils limitations will result in a lower average density of development than can be expected in areas with only slight soils limitations.

Refer to Figure 9 for existing soils limitations information. Because available soils information is much generalized, studies should be undertaken to confirm the degree of limitation in any area proposed for intensive development. Soils suitability for OWTS varies throughout the planning area. Since OWTS are to continue to serve as the long-range wastewater disposal system, each development and its wastewater disposal system will have to be conformed to the capabilities of the site. Regular maintenance monitoring and pumping is required by the City's OWTS Management Program in order to protect public health, water quality and property values.

Where developable areas have a high percentage of soils with OWTS limitations, the areas are designated Rural Residential, Resource Production (County designation), or Special Environment to allow development appropriate to the soil limitations of each development site. Areas with slight limitations are designated Suburban Residential or Urban Residential to allow higher density development consistent with the preference of neighborhood residents and the density constraints identified in soil suitability studies.

Note that soils are closely related to geology, but geology has its greatest implications in terms of public safety. Therefore, a discussion of Trinidad's geology and related limitations are included in the Public Safety Element.

#### Soil Conservation Principles

Minimize soil erosion to prevent loss of productive soils, preserve soil carbon stocks, prevent landslides, protect water quality, and maintain infiltration capacity and soil structure.

#### **Goal CONS-5: Protect and preserve soil as a natural resource.**

#### Soil Conservation Policies

**CONS-5.1** Minimize land disturbance activities from construction (e.g., clearing, grading, soil compaction and cut-and-fill), and avoid development on steep slopes, unstable areas, and highly erosive soils in order to minimize erosion. (CONS-1b.1)

**CONS-5.2** Prohibit grading during the rainy season (from October 15<sup>th</sup> through April 30<sup>th</sup>) in areas with slopes of 15 % or greater (as indicated on Figure 9), except in response to emergencies. Grading on slopes less than 15% is discouraged during the rainy season, but may be allowed on a case-by-case basis as long as any areas that are disturbed incorporate appropriate BMPs and monitoring to prevent water quality impacts. (CONS-1b.4)

CONS-5.3 Require stabilization of disturbed areas through revegetation or other appropriate means as soon as feasible. (CONS-1b.5)

CONS-5.4 The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Commented [TP21]: CCA § 30423

Other Initiatives to Conserve Soil

- Encourage the use of Best Management Practices (BMPs) for erosion and sediment control in construction and road maintenance throughout the Planning Area in order to reduce the impacts of erosion, sedimentation and stormwater runoff. Provide developers and other interested citizens with educational materials regarding BMPs as part of application materials or upon request.

**GOAL CONS-6: Protect landscapes and waterways based on necessary soil studies for development and landscape modification.**

Commented [TP22]: This is more specific than most of the other goals (and there are 2 for soils and not for other topics). And only 1 policy.

Soil Limitations Policies

CONS-6.1 Require detailed studies of soil characteristics and hydrology for developments in areas with soil limitations (such as instability, clay content or high groundwater) to ensure that the lot size, foundation requirements, stormwater control and OWTS design are adequate to prevent direct or cumulative adverse impacts on soil stability or water resources.

Commented [TP23]: Soil limitations also include stability I think. Should we bring that into this section. Or maybe this whole section is covered in other areas.

*Program CONS-6.1.1* Foundation, LID and OWTS design shall be consistent with the recommendations of any site-specific soils studies required to ensure that development will not create direct or cumulative adverse impacts on soil or water resources (CONS-1b.7)

**3. Mineral Resources**

The Conservation Element is “required to include policies to address the conservation and development of identified mineral deposits designated by the State as being of Statewide or regional significance.” Humboldt County has not yet been so designated by the State. There are no mining operations within the City limits. The only nearby activities include hard rock quarries: one exists off Quarry Road (Mercer, Fraser Co.); several others are located on Simpson Timber land to the East. These quarries provide a source of jetty-quality rock, which is in short supply along California’s coast. The Trinidad quarry has provided jetty materials from Fort Bragg to Crescent City and North to Oregon.

Land use conflicts can occur from these quarries particularly since they are operated on an intermittent basis. Years of inactivity may suddenly be followed by a season of

intense activity to meet a particular contract need. Such activity can produce noise (from both blasting and operations) and truck traffic. The surrounding neighborhood, particularly new residents, can grow accustomed to the inactive periods and can be frustrated by new activity. This activity subsides again after a period of time. Eventually these quarries diminish on-site supplies and are closed. State law requires that each mine site have a mining and reclamation plan identifying the final reclaimed use and requirements for achieving it. The City supports the County's designation of the majority of the quarry site as "Resource Production." Policies related to mineral resources near the City can be found in section D.3 – Planning Area – of the Land Use Element.

**Goal CONS-7: Ensure existing quarries within the Trinidad Planning Area are protected from incompatible land uses, and permitted and operated to prevent significant environmental impacts and to satisfy long-term demand for mineral resources and construction materials.**

#### Mineral Resource Policies

Because no mineral resources exist in the City, there are no binding mineral related policies regulating development in the City.

#### Other Initiatives for Mineral Resources

- Encourage the County and mine operators to minimize the impact of mineral extraction activities on the surrounding natural and built environment through the application of appropriate management practices including, but not limited to, minimizing surface disturbance, air pollution, water pollution, noise pollution, vibration, and traffic impacts.
- Discourage the County from approving incompatible development nearby existing quarries.

### **E. OPEN SPACE RESOURCES**

Trinidad's Open Space areas provide a variety of benefits such as: 1) preservation of natural resources; 2) managed production of natural resources; 3) outdoor recreation; 4) viewshed protection; and 5) public health and safety.

Open Space issues are addressed throughout this General Plan document, as well as being discussed in the various background documents. Open Space related policies are contained in the Land Use, Conservation, Noise & Safety, Circulation, Community Design and Historic and Cultural & Historic Resources Elements. The reader is referenced to discussion and policies in those sections for additional information.

The coastal bluffs behind the beaches are generally unstable and provide a scenic backdrop for the beachfront environment. Except for a few residences located on small benches or behind the bluff tops, these beachfront areas have been kept in a natural

state. Protection of open space areas and retention of scenic and natural characteristics along the Trinidad shoreline is a matter of continuing public concern. With few exceptions, these lands and unstable bluffs are unsuitable for intensive park development or intensive public recreational use.

Sea level rise, an increase in mean sea level (MSL), is the result of global climate change and is an important factor when considering the conservation of public open spaces. Currently, the best available science and climate modeling data suggests a range of between 0.6 ft. to 2.9 ft. (in the most extreme scenario) of sea level rise is possible in Trinidad by 2050 (SHN 2010) This could potentially affect beach widths and erosion on beaches and along bluffs. More intense management strategies to stabilize the coastline and maintain open space and public access may be necessary.

Government ownership is one means for protecting these natural hazard and scenic beachfront areas; this places the burden of management and maintenance within the public sector. There are other effective means of gaining the desired protection, such as open space easements, which would reduce public costs and still control the potential for inappropriate use..

Trinidad Bay and the bay bordering Trinidad on the west, including all their islands, offer two of the most uniquely beautiful views, combining ocean, islands, bay and rugged, timber shorelines that can be found nowhere else along the California coast. The islands provide habitats for marine organizations and serve as refuges or rookeries for birds and marine mammals, including sea lions and harbor seals. They are also protected as part of the California Coastal National Monument.

Areas in the City designated Open Space include: a portion of the Tsurai Study Area, Trinidad Head, Little Head, near-shore and off-shore rocks, beaches, Trinidad State Beach, Trinidad School playing field. Areas north of the City include Trinidad State Beach at College Cove/Elks Head, Simpson Demonstration Forest. South of the City includes Baker Beach, and County Parks (Houda Point, Luffenholtz Creek Parks). Cultural resources are discussed in the Cultural Resources Element.

#### **GOAL CONS-8: Protect the open space and its environment and natural resources of Trinidad, Trinidad Head and the surrounding areas**

##### Open Space Policies

**CONS-8.1** Preserve the beaches and sea cliffs which border the southern and western sides of the City (identified as Open Space) from development and allow them to remain in their essentially natural state. Passive recreation and vegetation management for habitat or scenic vistas are allowable uses.

**CONS-8.2** Keep development on Trinidad Head to a minimum to protect the resources located there. Passive recreation such as hiking trails and vista points are allowable uses. (CIRC-10.5)

*Program CONS-8.2.1* Develop and adopt a Management Plan for Trinidad Head that addresses trails, benches and interpretive elements and their maintenance, management of federally-owned parcels, reduction of impacts of existing uses, and eventual phase-out of commercial uses.

**CONS-8.3** Preserve Trinidad Bay and the bay bordering Trinidad on the west, including all their islands, in their essentially natural state. Encourage near shore developments to be unobtrusive and visually compatible with the bay vista.

**CONS-8.4** Require open space easements or similar agreement to protect the natural character of Open Space, Special Environment areas and ESHAs when approving permits for allowable development within or adjacent to these areas.

*Program CONS-8.4.1* If funds are available, obtain such agreements on already developed lots in the Special Environment area to obtain the degree of public control over lands designated as Open Space and Special Environment needed to protect scenic, cultural and natural resources.

**CONS-8.5** Ensure that the lands designated as Open Space lying seaward of Edwards and Van Wycke Streets remain undeveloped, except for appropriate resource-dependent uses, including trails and vista points, and managed such that the unparalleled views to the south are maintained and, where feasible, restored.

**CONS-8.6** Coastal bluffs shall be managed to address vegetation management, scenic vistas, trail maintenance, and to prevent unauthorized activities such as piped discharges of stormwater runoff, disposal of grass and yard wastes over the bank, carving into bluff faces and trespass onto sensitive areas. Public education in combination with ordinance provisions are the best methods for addressing these concerns.

**Commented [TP24]:** Even reworded, I'm still not sure this governs the review of CDPs and LCP amendments. Should it be an "other initiative" or maybe a principle (thought it doesn't really guide the other policies)?

**CONS-8.7** For the entire Planning Area including within City Limits, the areas generally within 100 feet of the centerline of perennial streams and 50 feet from the centerline of intermittent streams are placed in the Open Space or Special Environment designations and by definition are to be designated as a Riparian Corridor. These corridors may vary in width depending on site specific criteria and the existence/absence of naturally occurring (not artificially manipulated) riparian habitat.

**Commented [TP25]:** This doesn't seem to be written as a policy.

*Program CONS-8.7.1* Adopt a public education program that educates residents and visitors how and why to minimize impacts on Open Space resources. This includes, but is not limited to, landscaping and chemical use, water use, OWTS maintenance, tide pool etiquette, etc.

*Program CONS-8.7.2* Monitor beach and bluff erosion for impacts from sea level rise.

## **F. RECREATION AND PUBLIC ACCESS**

### **1. Public Recreation**

Activities available to local residents include recreational and educational programs at the elementary school, social events, sport fishing, hiking, beachcombing and a myriad of other activities. Tourists primarily come to Trinidad to enjoy the coastal resources and the local lifestyle. Visitors are able to enjoy sport fishing shopping, sightseeing, berry picking, eating out, beachcombing, hiking, picnicking, visiting the marine lab, whale or bird watching, and just relaxing at their lodgings or campsites.

Publicly accessible recreation areas, other than beaches and coastal trails (see Public Access section), include the Trinidad Elementary School and its playground and track areas, the Town Hall (which is used for social and fraternal functions), and the adjacent tennis court, Trinidad Cultural Center, which includes the Museum (the BLM has chosen to locate their Offshore Rocks National Monument information here), Library and Saunder's Park, the Memorial Lighthouse, the pier, Trinidad Head and the Harbor Area.

In addition, there are several areas nearby the City where people can enjoy coastal recreation. Luffenholtz Beach County Park, Houda Point, Baker Beach, Moonstone Beach, and Clam Beach County Park are located south of the City. The College Cove/Elk Head area is located a few miles to the North. Patrick's Point State Park is seven miles north of the City. Trinidad State Beach is located partially within City limits and continues north of the City.

Certain aspects of public safety and environmental protection are affected by public recreation. There are a number of hazards that can impact public recreation and access, including large wave events, tsunamis, steep slopes and unstable bluffs. In addition, public recreation can affect plants and animals and habitat, including riparian areas, coastal bluffs, bird and wildlife use/activities, rare plants and intertidal zones.

**Goal CONS-9: Provide a variety of quality public recreational opportunities for both residents and visitors.**

#### Public Recreation Policies



**CONS-9.1** Continue to provide adequate litter control programs, including dog waste stations in areas open to the public, particularly at the beach parking area(s).



**CONS-9.2** Maintain Town Hall as a center for community functions.

**CONS-9.3** Trinidad Head will be maintained with public hiking trails, benches and vista points. Public vehicular access will be controlled by a locked gate and vehicles will only be allowed on Trinidad Head with permission from the City or the Federal Government.

**CONS-9.4** Monitor and maintain parking at recreation areas to ensure maximum access. Maximize free, 24-hour parking to the extent feasible. Any new parking restrictions or fees

**CONS-9.5** Development shall be sited and designed to protect views to and along the coast and scenic coastal areas.

 **CONS-9.6** Ensure the safety of recreationalists by providing readily accessible information regarding the dangers of large waves, tsunamis and steep slopes in the form of signage, brochures, etc. as needed.

**CONS-9.7** Ensure that the impacts of public recreation on ESHAs is minimized by providing information to the community and the public about avoiding and protecting key resources.

**CONS-9.8** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. (LU-4.1)

Commented [TP26]: §30213

**CONS-9.9** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses. (LU-4.2)

Commented [TP27]: §30220

**CONS-9.10** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. (LU-4.3)

Commented [TP28]: §30221

**CONS-9.11** The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. (LU-4.4)

Commented [TP29]: §30222

**CONS-9.12** Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. (LU-4.6)

Commented [TP30]: §30223

**CONS-9.13** Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land. (LU-4.7)

Commented [TP31]: §30224

Other Initiatives for Public Recreation

- Public restrooms are encouraged to be available in the harbor area, Saunder's Shopping Center, near the Trinidad Cultural Center, and at Trinidad Town Hall.
- Continue to cooperate with the local Chamber of Commerce and the Humboldt County Convention & Visitors Bureau in providing visitor service information at City Hall and other appropriate locations.
- Encourage the State to improve the restrooms at the College Cove/ Elk's Head parking area.
- Connect State Park Trails (and related signs) to the City's Trail System.

## 2. Public Access

Public access to and along the shoreline is guaranteed by the California Constitution and is further defined by standards established by the Coastal Act to recognize the shoreline as a public resource which is available for viewing, recreation, and scientific research at the water's edge and along tidal rivers. Access to the shoreline is dependent on the right of the public to cross public and private land. Access across private land is generally obtained through purchase of an easement or obtained as a condition of development approval.

There are a variety of public access points in Trinidad (see Figure 10). A portion of the California Coastal Trail (CCT) runs along Scenic Drive and then through town to the Harbor Area and then up through Trinidad State Beach. The City is responsible for ensuring the connectivity and implementation of the section of the CCT within its jurisdiction. **The City has identified some potential deficiencies and additional connections** that, if resolved and implemented, would enhance accessibility and usability of the CCT.

Trinidad Beach State Park maintains a variety of trails, including some in City limits. Trinidad City trails include connections to the Trinidad State Beach trails from Underwood and the Harbor Area. The Trinidad Head Trail loop is accessed from the Harbor Area. The Galindo and Van Wycke Street trails connect Edwards Street and the Harbor Overlook to the Harbor Area. The Axel Lindgren Memorial Trail provides access to Old Home Beach (formally known as Indian Beach) Harbor Overlook and the CA Coastal Trail. The Parker Creek Trail provides access to Old Home Beach from behind the Saunders Shopping Center. The Old Wagon Road (Wagner Street) connects the CA Coastal Trail and Edwards Street to the Parker Creek Trail, and the Groth Lane Trail provides a connection to the Parker Creek Trail from Scenic Drive.

For the most part, there is ample public coastal access in Trinidad. Together these trails provide a variety of public access points to and from the coast, all within ¼ mile of each other. The one exception is the southeastern part of town; there is more than ½ mile between the southeastern City limits and the nearest trail access at Groth Lane. And the

nearest public access south of the City limits is at Baker Beach, another 0.7 miles to the south.. The City has proposed an additional access from Scenic Drive to the coast along McConnahas Mill Creek to help fill this gap. The Trinidad Coastal Land Trust has also expressed an interest in developing a trail from Scenic Drive that connects to the Parker Creek Trail between Groth Lane and Main Street through a parcel they own. These are the only additional accesses proposed at this time. There are no known informal, unmapped accesses currently being utilized; however, there could be prescriptive rights the City is unaware of.

In accordance with the Coastal Act, the City requires dedication of access easements along and adjacent to designated trails and beaches as a condition of approval of coastal development permits. These easements and other legal forms of land restrictions are granted in the form of Offers to Dedicate (OTDs), and the Trinidad Coastal Land Trust (TCLT) has been the entity that has accepted most of those easements, with the City holding a few as well. The TCLT has expressed a willingness to continue to accept these easements, and the City will continue to maintain the ones that are designated public trails.

The City also has a responsibility to ensure that public access is not impeded or discouraged by private development. There is not much potential for additional development along or near the shoreline in Trinidad, but impediments can also include discouraging signage, lack of signage, and vegetative growth. Trail signage has been a controversial topic in Trinidad in several locations due to concerns of private property owners as well as impacts to unstable slopes and cultural resources from pedestrian traffic.

The portion of Trinidad Head not needed by the Coast Guard was transferred to the City of Trinidad and annexed within the City limits in 1984. [Amended Ord. 166; 12-12-84]. Trinidad Head Trail provides a view to the Trinidad Harbor and the Pacific Ocean. The Trinidad Trails Plan is available with the City Clerk at City Hall. The U.S. Coast Guard recently transferred its ownership of 13 acres of the southern portion of Trinidad Head to the BLM. The land was added to the California Coastal National Monument in January 2017.

**Goal CONS-10: Maximize public access to and along the coast consistent with sound resource conservation principles and the constitutionally protected rights of property owners.**

#### Public Access Policies

*CONS-10.1* Provide conspicuously posted maximum access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

*Program CONS-10.1.1* Pursue opportunities to provide transportation corridor linkages for pedestrian trails and bike routes as well as scenic recreational routes. In particular, consider linkages to the California Coastal Trail, Hammond Trail and Pacific Coast Bicycle Route (CIRC-4.9)

*Program CONS-10.1.2* Acquire additional public access to the shoreline by:

- a) requiring public access as a condition of development consistent with the Coastal Act, the Coastal Commission's Statewide Interpretive Guidelines, and the findings required to support recorded Grants of Easements, Offer to Dedicate (OTD), or other comparable documents, as determined by the City;
- b) accepting, or facilitating acceptance of, Offers to Dedicate (OTDs) that will increase opportunities for public access and recreation; and
- c) creating partnerships with the community, agencies, and organizations to maintain and improve public access to and along the coast.

*Program CONS-10.1.3* Provide coastal access signage to direct visitors to public access parking, beaches, trails, coastal bluff access points and vista points, and identify segments of the CCT with the State Coastal Trail emblem.

*Program CONS-10.1.4* Advertise the trail system, including connections to State Park trails, in visitor information and current maps that will be kept on file at City Hall and made available to the public on the City's website and at any Visitor Information Center or kiosk.

*Program CONS-10.1.5* Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**CONS-10.2** The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

*Program CONS-10.2.1* It is the intent of the City that the public access policies of this element be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's

Commented [TP32]: §30214(a)

constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

*Program CONS-10.2.2* In carrying out the public access policies of this article, the City shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

**CONS-10.3** Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Protect public prescriptive accesses wherever they exist.

**CONS-10.4** Require public access easements or similar agreement to assure public access to both proposed and existing designated trails when approving permits for allowable development. Such agreements on beaches shall cover the area from the ambulatory mean high-tide line to either the ambulatory base of the bluff or to the first line of vegetation. Interior trail easements shall include enough area to provide for adequate public access over time accounting for expected sea level rise and bluff erosion, appropriate improvements and maintenance while minimizing the amount of private land encumbered.

**CONS-10.5** Require public access from the nearest public roadway to the shoreline and along the coast in all new development except where it is inconsistent with public safety, other LCP policies, or the protection of fragile coastal resources and environmentally sensitive habitat areas, or if adequate access is already provided nearby.

*Program CONS-10.5.1* Revise the Zoning Ordinance to provide specific regulations for public access easements, OTDs, direct dedications, and other legal mechanisms to protect and provide public access.

**CONS-10.6** Implement mitigation measures required for impacts to public access and recreational opportunities prior to or concurrent with construction of the approved development. Mitigation is not a substitute for implementation of a feasible project alternative that would avoid impacts to public access.

**CONS-10.7** Public accessways and trails to the shoreline and public parklands are a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer to Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g. parking), construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.

**Commented [TP33]:** Are these two subsections (b) and (c) of 30214 necessary?

**Commented [TP34]:** §30211

**CONS-10.8** Dedicated accesses are not required to open for public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access. Open the easement to the public as soon as is feasible and accept the responsibility for operation and maintenance of the accessway for easements to the City, or grant the easement to a private nonprofit association that is willing to accept, maintain and operate the accessway.

**CONS-10.9** For all grants of easement required by the City and accepted by a private non-profit association, the Executive Director of the Commission and the City Manager must review and approve a management plan submitted by the private non-profit association that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded grant of easement, and that the association will open the easement to the public as soon as is feasible.

*Program CONS-11.9.1* Work with the Trinidad Coastal Land Trust and other organizations and agencies to accept liability for and maintain public accesses.

*Program CONS-10.9.2* Facilitate the acceptance of Offers to Dedicate (OTDs) as a means of obtaining additional public access.

**CONS-10.10** Develop and promote a continuous interconnected trail system throughout the City which connects to and includes the California Coastal Trail system. Unobstructed access to all Trinidad Trails shall be maintained.

Commented [TP35]: Program?

*Program CONS-10.10.1* Develop ordinances and policies as necessary to ensure unobstructed public access to all Trinidad Trails, including restrictions on vehicles, signs, vegetation, or other obstructions so they aren't allowed to block or hinder pedestrian access to trails.

*Program CONS-10.10.2* Prohibit posting of misleading signs, markings and other structures that discourage appropriate use of legal public accessways. Identify and remove all unauthorized structures, including signs and fences, which inhibit public access.

*Program CONS-10.10.3* Pursue opportunities to provide transportation corridor linkages for pedestrian trails and bike routes as well as scenic recreational routes. In particular, consider linkages to the California Coastal Trail, Hammond Trail and Pacific Coast Bicycle Route (CIRC-4.9)

**CONS-10.11** The CCT within the City shall be maintained and enhanced to provide a continuous, non-motorized public trail along the City's coastline, connecting with contiguous trail links in adjacent, unincorporated Humboldt County.

**CONS-10.12** Require an amendment to the Local Coastal Program for the permanent closure of any existing public accessway. Temporary closures due to emergencies or to perform necessary maintenance and repairs shall be the minimum duration necessary,

and alternative access shall be provided where feasible. Temporary closures over two weeks in length require a coastal development permit.

CONS-10.16 Develop policies and requirements for temporary events to ensure that adequate public access, including parking, is maintained. Temporary events with the potential to adversely impact public access shall develop a public access management plan to identify and limit impacts to public access, including parking. Plans shall identify peak use times and measures to avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety.

CONS-10.17 Ensure public access easements are recorded as part of any street abandonment or property transfer where public access currently exists.

Other Initiatives for Public Access

- Encourage a shuttle system with a fixed route to the Trinidad Harbor. This would reduce individual vehicle use and provide easy access to the Harbor (CIRC-3.3).

## Conservation, Open Space and Recreation Element Basic Outline

### A. Introduction

1. Purpose
2. Statutory Requirements
3. Background

### B. Water Resources & Water Quality

#### 1. Principles

- Watershed approach
- Pollution targets
- Education and regulation
- Water conservation
- BMPs

#### 2. Goals and Policies

*Goal CONS-1: Actively protect and improve the quality and quantity of water in streams and seeps and the quality of ocean water within the City's planning area.*

- a. Public outreach policies
- b. Policies to eliminate/reduce aquatic pollution and hydrologic modification
  - Sediment reduction
  - OWTS management
  - Stormwater management
  - Other
- c. Water conservation policies
- d. Policies dealing with areas and development of special concerns

Other initiatives

### C. Biological Resources

#### 1. Principles

- Identify important or sensitive habitats and species
- Limit development and habitat alteration with ESHAs
- Maintain appropriate buffers
- Protect and improve native habitat and species

#### 2. ESHAs

*Goal CONS-2: Preserve and Enhance the City's Environmentally Sensitive Habitat Areas (ESHAs).*

a. Policies to limit development in ESHA's and/or near special status species.

b. Policies for development in ESHA buffers

Other initiatives

3. Plants and Animals

*Goal CONS-3: Identify and protect Special Status plants, animals and their habitats in and around the City.*

a. Policies to protect and improve native habitat and minimize impacts to native species.

Other initiatives

#### D. Other Natural Resources

1. Timber

*Goal CONS-4: Preserve economically viable timber stands for use as sustainably harvested commercial timber while protecting water quality, special status species and sensitive habitats.*

Timber Policies (none)

Other Initiatives

2. Soils

Principle

*Goal CONS-5: Protect and preserve soil as a natural resource*

Soil conservation policies

Other initiatives

*Goal CONS-6: Protect landscapes and waterways based on necessary soil studies for development and landscape modification*

Soil limitations policies

### 3. Mineral Resources

*Goal CONS-7: Ensure existing quarries within the Trinidad Planning Area are protected from incompatible land uses, and permitted and operated to prevent significant environmental impacts and to satisfy long-term demand for mineral resources and construction materials.*

Mineral resource policies (none)

Other initiatives

#### E. Open Space

*Goal CONS-8: Protect the open space and its environment and natural resources of Trinidad, Trinidad Head and the surrounding area*

Open Space Policies

#### F. Recreation and Public Access

##### 1. Public Recreation

*Goal CONS-9: Provide a variety of quality public recreational opportunities for both residents and visitors.*

Public recreation policies

Other initiatives

##### 2. Public Access

*Goal CONS-10: Maximize public access to an along the coast consistent with sound resource conservation principles and the constitutionally protected rights of property owners.*

Public access policies

Other initiatives

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, 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 frame and clarify the policies, generally for more complex topics such as water resources.

- **Policy:** A specific mandatory statement binding the City's action and establishing the standard of review to determine whether land use and development decisions, zoning changes or other City actions are consistent with the General Plan. Policies are based on and help implement the City's goals and principles. Policies also govern the review and approval of CDPs, except for those policies demarcated with the Trinidad City seal, which are not part of the certified LUP.
- **Program:** An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal.
- **Other Initiatives:** Nonbinding and/or advisory statements of intent, encouragement, or pledges of support for specific endeavors, programs, or outcomes. Other Initiatives may set guidelines and priorities for City actions, but are not intended for permit governance or to serve as regulatory standards by which development projects or zoning amendments are to be assessed for conformity and consistency, and are not a valid basis for appealing a permit action.

### 3. Administering the Coastal Land Use Plan

All development (as defined by §30106) in the Coastal Zone requires a CDP, unless otherwise exempt. 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 CDPs 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 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 LUP.

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 1-3: Where policies within the General Plan overlap or conflict, the policy which is the most protective of coastal resources shall take precedence.

## **CONSERVATION, OPEN SPACE & RECREATION ELEMENT**

- A. Introduction**
  - 1. Purpose
  - 2. Statutory Requirements
  - 3. Background
- B. Water Resources**
  - 1. Principles for Water Protection
  - 2. Goals and Policies
- C. Biological Resources**
  - 1. Principals for Biological Resource Protection
  - 2. Environmentally Sensitive Habitat Areas
  - 3. Plants and Animals
- D. Other Natural Resources**
  - 1. Timber
  - 2. Soils
  - 3. Minerals
- E. Open Space Resources**
- F. Recreation**
  - 1. Public Recreation
  - 2. Public Access

### **A. INTRODUCTION**

#### **1. Purpose**

The Conservation, Open Space and Recreation Element of the Coastal General Plan combines two State-mandated elements, Conservation and Open Space. It also includes policies and programs addressing Environmentally Sensitive Habitat Areas (ESHA), threatened and endangered species, water quality, public access and recreation.

#### **2. Statutory Requirements**

California Government Code § 65302 (d) states that the requirements of a Conservation Element is: *“for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations”*. Its requirements overlap those of the open-space, land use, safety, and circulation elements. The conservation element is distinguished by being primarily oriented toward natural resources.

The purpose of an Open Space Element is to develop a plan for comprehensive and long-range preservation and conservation of open-space land. Open-space land is

defined in statute as *any parcel or area of land or water that is devoted to open-space use.*" (Government Code §65560(h)) The Legislature found that preservation of open space land serves several important purposes and is a matter of public interest (Government Code §65561). Open space lands can be 'for the preservation of natural resources', 'used for the managed production of resources', 'for outdoor recreation', 'for the public health and safety', or for protection of cultural and historic resources. The Open Space Element has specific statutory requirements, but is generally broad in scope and so is often combined with other elements, such as Conservation.

Recreation is not a required General Plan Element. Recreational and park facilities are appropriately discussed in the Land Use and Conservation Elements, and in particular, the Open Space Element (OPR General Plan Guidelines, 2003). Trinidad has included recreational facilities under its own heading due to its importance in Trinidad and the fundamental protection of public coastal access **mandated** by the Coastal Act. Coastal Act §30500 requires that each LCP contain a specific coastal access component to "assure that the maximum public access to the coastal and public recreation areas is provided." The recreation component of this element meets these requirements.

### 3. Background

The City of Trinidad and its Planning Area contain ample natural resources and open spaces. These include, but are not limited to, a beautiful coastline, scenic offshore rocks, sheltered Trinidad Bay and harbor, coastal streams, rugged headlands, bountiful trails, viable timber stands, and rare, threatened and endangered plants and animals. The kelp beds around Trinidad Head are designated as a State Water Quality Protection Area (SWQPA) – Area of Special Biological Significance (ASBS) and **Critical Coastal Area**, and the City has been established as one of five California Coastal National Monument Gateways. The natural resources of the Trinidad area are described in more detail in Background Report: Biology and Environment of the Trinidad Area dated October 2009. In 2008, the City also prepared an Integrated Coastal Watershed Management Plan that addresses a variety of water quality concerns and watershed management strategies. The following sections incorporate information and recommendations from these background reports among other sources.

The City wishes to create a sustainable environment by identifying and conserving natural resources. The City also wishes to preserve as much open space as feasible to provide habitat for native species of plants and wildlife, minimize sprawl, maintain the aesthetic benefits of undeveloped land, and provide its residents with a full range of recreational opportunities. The goals, policies and programs of this Element address these aims by establishing the framework for the protection and enhancement of natural resources, protection of water quality, enhancement of open space, and providing for coastal access and recreational opportunities for Trinidad residents and visitors.

### **B. WATER RESOURCES AND WATER QUALITY**

The Trinidad Planning Area is 15.5 square miles (9,924 acres) in area and contains the

**Commented [KC1]:** The watersheds draining into the ASBS are Critical Coastal Areas (CCAs); the ASBS itself (which is in marine waters) is not a CCA. Please revise to reflect this fact.

**Commented [TG2]:** See "Background Studies..." Comment 3b in our July 5, 2019 letter to the City

watersheds of 13 coastal streams (See Figure 6). The major coastal streams that flow through City boundaries are Mill Creek, McConnahas Mill Creek, and Parker Creek. Trinidad's Planning Area has always been watershed-based, and includes several coastal watersheds to the north and south of Trinidad. In 2008, the City Completed the Trinidad-Westhaven Integrated Coastal Watershed Management Plan. That process included water quality testing and public outreach, resulting in the creation of the Trinidad Bay Watershed Council. Three primary threats to water were identified through that watershed planning effort, which are: sediment, OWTS, and stormwater. Trinidad State Beach, where Mill Creek empties, has been listed on the State's 303(d) list as impaired for indicator bacteria and the TMDL is scheduled for completion in 2019.

The most sensitive watershed in the Planning Area is Luffenholtz Creek as it is the City's sole source of drinking water. Luffenholtz Creek is located entirely outside of City boundaries. Therefore, the City has developed policies that should be utilized by regulatory agencies in protecting this watershed and has designated both Luffenholtz and Mill Creeks (the City's undeveloped secondary water supply) as "Critical Water Supply Areas". For more information please see Section C—"Development Outside City Limits"—in the Land Use Element, and Section H—"Public Services"—in the Circulation Element.

The water quality and quantity in the Luffenholtz Creek watershed above the City's water withdrawal point warrant strict protections. Through the analysis for the Moss subdivision (County File No. 515-131-32 and 515-291-46; Case No. PMS-03-14), it was determined that Luffenholtz Creek is at least 95% allocated in terms of water rights in a dry year. In order to protect its water supply, the City opposes any further subdivision in the Luffenholtz Creek watershed. According to the Trinidad GIS, almost eighty-percent of the Luffenholtz watershed is in timber production. The City also opposes the use of chemical herbicides and pesticides in timber management practice within this watershed area and supports improvements to roads to reduce sediment delivery. Commercial cannabis production has the potential to negatively impact both the water quality and quantity of coastal streams, and Luffenholtz is particularly sensitive due to its status as a Critical Water Supply. The City needs to work closely with the County to monitor and comment on projects within the Luffenholtz Creek Watershed. Trinidad's fishing/crabbing, tourism/recreation industries and drinking water supplies are susceptible to non-point source (NPS) pollution. It is therefore in the best interest of the community to improve and safeguard its water resources in streams and the ocean. Also, the City must adhere to the strict water quality standards of the CA Ocean Plan due to the presence of the Trinidad Kelp Beds SWQPA/ASBS. The CA Ocean Plan prohibits any discharges into a SWQPA/ASBS. The water quality in streams and seeps within the City's planning area impact the ocean water quality as the streams and seeps empty into the ocean. Therefore, nearshore and offshore water quality issues are related.

According to the Climate Change Vulnerability Report and Adaption Response (GHD, 2016) prepared for the City, climate change modeling data suggests that total precipitation in the Trinidad area are likely to decrease slightly. However, the intensity of

**Commented [KC3]:** Ocean Plan standards must be adhered to whether or not there is an ASBS. However, additional requirements apply to the ASBS. Please revise to reflect this fact.

**Commented [KL4]:** This may be true, but I'll just note that precipitation changes are the most uncertain when it comes to climate projections.

those events is predicted to increase, while the frequency may decrease. This has implications for both water supply and stormwater runoff. An increase in runoff volume during storm events can impact water quality and the capacity of the City’s stormwater system. This issue needs to be taken into account when planning infrastructure repairs and improvements. Because Trinidad Bay is designated as an ASBS (see next section), the City is subject to the State Water Resource Control Board MS4 waste discharge requirements that regulate stormwater runoff.

Aquatic hazards, including floods and tsunamis, are discussed in the Open Space and Safety Elements.

**1. Principles for Water Resource Protection**

When interpreting and implementing the policies and programs of this section, the following principals shall be adhered to.

Watershed approach: Because the water quality of a body of water impacts other water bodies in the planning region, the City has adopted a watershed based approach for the protection of its water resources. The watershed approach accounts for the impacts of human activities to the water resources of the planning region, not just on an individual parcel. Because most of the watersheds in the City’s Planning Area extend outside City limits, it is important for the City to respond to County application referrals based on watershed impacts and to encourage the County to do the same for City projects. (LU-9.1.1)

Pollution targets: Three main types of pollutants have been identified that impact water resources in the City’s Planning Area. These are sediment, OWTS pollution, and urban pollution in stormwater runoff. Other pollution concerns include runoff from forestry activities, harbor operations, and stream/riparian alteration.

Education and Regulation: Primary methods for protecting water resources are the implementation of public education programs and the creation of ordinances to regulate activities that cause pollution.

Water Conservation: Efforts to conserve water will be focused on, but not limited to, reviewing and implementing a progressive rate structure to reduce water consumption, improving infrastructure to increase water reserves, implementing a capital improvement program to reduce water leakage, adopting regulatory mechanisms to reduce consumption, exploring and encouraging alternatives such as grey water irrigation and rainwater catchment, and utilizing public education to encourage overall water conservation.

Best Management Practices Policies: Incorporate Site Design and Source Control Best Management Practices (BMPs) to the maximum extent practicable in all development. Select BMPs to mitigate both construction-phase and post-construction water quality impacts. Where appropriate, supplement Site Design and Source Control BMPs with

**Commented [KL5]**: It’s good to plan for this even if it does not actually happen.

**Commented [KC6]**: This is the Conservation, Open Space and Recreation Element and these hazards aren’t discussed in this chapter – please fix this reference.

**Commented [KC7]**: This lists the top pollutants of concern, but does not include a principle for addressing these pollutants. We recommend revising to make this better meet the definition of a principle contained in the Introduction (i.e., a fundamental rule or doctrine guiding general plan policies and programs).

**Commented [KL8]**: I concur with Cristin’s comment. Please include information on acceptable thresholds of the pollutants and strategies for preventing their entering the watershed. This may not be the right location in the document, but this should be addressed somewhere. Sedimentation seems like a different category to me – not really a pollutant, and would require ... [1]

**Commented [KL9]**: I would say education of the public, but also of specific local industries that generate these pollutants.

**Commented [TG10]**: Does the City view “reviewing and implementing a progressive rate structure to reduce water consumption” (included earlier in this sentence) as a t... [2]

**Commented [KC11]**: Details on BMP selection should be a policy rather than a principle (and Site Design, Source Control, and Treatment Control BMPs should be... [3]

**Commented [KC12]**: We recommend using “minimize” rather than “mitigate.” “Mitigate” is too vague, and connotes ... [4]

**Commented [KC13]**: Policies should address water quality impacts and hydrological impacts. Protection of water resources requires not only minimizing pollutants... [5]

structural Treatment Control BMPs, as necessary, to protect coastal water quality.

**2. Goals and Policies for Water Resource Conservation**

**Goal CONS-1: Actively protect and improve the quality and quantity of water in streams and seeps and the quality of ocean water within the City's planning area.**

Public Outreach Policies: Public education can be a very effective means of achieving the goals of reducing pollution, waste and disposal reduction and water conservation.

CONS-1a.1 Develop and implement an effective public outreach and education program for issues that impact the quality and quantity of the City's water resources. Coordinate this effort and seek participation with relevant local groups and agencies, including the Trinidad Bay Watershed Council, HSU Marine Lab, Trinidad Rancheria and Trinidad Elementary School, BLM, State Parks and the RWQCB.

**Commented [TG14]:** CONS-1a.1 and 1a.2 appear to be programs, not policies. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.  
**Commented [KL15]:** And relevant industry?

CONS-1a.2 Use public education programs to promote environmentally responsible building designs and construction practices, including, but not limited to: a) creation of permeable surfaces and more natural hydrology through the use of LID technologies and techniques; b) use of low-flow appliances and alternative landscaping methods to reduce water consumption and the use of chemical fertilizers and pesticides, c) sustainable materials and appropriate technology.

Policies to eliminate/reduce major pollution targets: Sediment, OWTS, and Stormwater runoff.

**Commented [KL16]:** Also removal of riparian vegetation and grazing if cattle are allowed to wander into streams...

Sediment reduction: The main causes of sediment formation are land disturbance from activities such as construction, road work and timber harvest and transportation, as well as man-made or naturally occurring erosion.

**Commented [KC17]:** Please add soil compaction to this list.

CONS-1b.1 Minimize land disturbance activities from construction (e.g., clearing, grading, and cut-and-fill), and design sites to mitigate development and avoid erosion, steep slopes, unstable areas, and highly erosive soils. (CONS-4.2)

**Commented [KC18]:** The meaning of "design sites to mitigate development" is unclear. Also, please clarify that the policy is to avoid development on steep slopes, unstable areas, and highly erosive soils in order to minimize erosion and sedimentation.

CONS-1b.2 Minimize disturbance of natural vegetation during construction, including preservation of mature trees and native vegetation; Where vegetation is removed, maintain the root structures, where possible, to prevent erosion and sedimentation.

**Commented [KC19]:** Instead of including an incomplete list of construction-phase BMPs here, include a more exhaustive list in the IP. Please add an LUP policy requirement for a construction-phase pollution prevention plan to minimize site runoff and erosion, and minimize the discharge of sediment and other pollutants. See General Comment 2 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

CONS-1b.3 Address erosion and sedimentation during construction, as well as other potential pollutants from construction sites (e.g., paint, solvents, vehicle fluids, and debris). Such measures include controls on timing of grading, BMPs for storage and disposal of construction materials, and/or design specifications for sedimentation basins.

*Program CONS-1b.3.1* Develop an inventory system for construction projects

to track sediment and erosion control plans in accordance with SWRCB Water Quality Order No. 2013-0001-DWQ and / or the City's current MS4 Permit requirements.

**CONS-1b.4** Prohibit grading during the rainy season (from October 15<sup>th</sup> through April 30<sup>th</sup>) in areas with slopes of 15 % or greater (as indicated on Figure 9), except in response to emergencies. Grading on slopes more than 15% is discouraged during the rainy season, but may be allowed on a case-by-case basis as long as any areas that are disturbed incorporate appropriate BMPs and monitoring to prevent water quality impacts. (CONS-4.3)

**CONS-1b.5** Incorporate non-toxic soil stabilization BMPs on disturbed areas as soon as feasible, including, but not limited to, re-vegetation of graded or disturbed areas. (CONS-4.5)

**OWTS management:** The entire City and surrounding community utilize OWTS for wastewater disposal, but dense development, older systems and some soil limitations warrant careful regulation and oversight of OWTS.

**CONS-1b.6** Develop and maintain an OWTS Management Program, consisting of an ordinance and guidelines, in compliance with the CA OWTS Guidelines and the North Coast Basin Plan, that includes requirements for regular monitoring, maintenance, and pumping to assure that State and federal water quality standards are met. (CIRC-11.1 / LU-1c.8)

**Program CONS-1b.6.1** Require accurate and current septic information as part of any development application, including subdivisions. OWTS upgrades may be required based on the proposed development. Uses with large quantities or high strength discharges are subject to more stringent reviews and requirements. Encourage the County to adopted a similar program in the Trinidad-Westhaven area.

**CONS-1b.7** Base foundation and OWTS requirements on site specific soils studies to ensure that development and sewage disposal systems will not create direct or cumulative adverse impacts on soil or water resources. (CONS-6.3)

**Stormwater management:** Stormwater runoff occurs when precipitation falls on impervious surfaces. A number of pollution constituents can be mobilized in stormwater runoff. Of particular concern in Trinidad are sediment, bacteria, oils and heavy metals.

**CONS-1b.8** Develop a comprehensive stormwater management program to minimize the volume and loading of stormwater-related constituents of concern entering Trinidad Bay. Drainage paths may be elongated to reduce erosion potential and decrease sediment carrying capacity. Pipes may be replaced with meandering open ditches to increase infiltration and to provide opportunities for pollutant attenuation and bioretention opportunities for constituents of concern. (CIRC-8.1)

**Commented [TG20]:** This policy should be internally consistent with CONS-5.3. It appears in one of the City's drafts that this sentence was changed from "less than" to "more than," but it's unclear why.

**Commented [KC21]:** This seems to contradict the first sentence which prohibits grading during the rainy season on slopes 15% or greater. Is this meant to say grading on slopes less than 15%?

**Commented [TG22]:** Do you mean to reference CONS-5.3 here?

**Commented [KL23]:** I don't think this should be a blanket policy. Soil stabilizers are still introducing a foreign substance into the ecosystem. I would reserve this BMP for steep slopes, or other areas with high erosion potential. Also, there are so many forms of possible disturbance, better to not mention specific disturbance activities than to mention but two.

**Commented [KC24]:** Please make this requirement for accurate and current septic information and system upgrades a policy so that it is clearly part of the standard of review for CDPs.

**Commented [KC25]:** Consider adding a policy to reduce/eliminate use of current stormwater outfalls and avoid construction of new stormwater outfalls. Until outfa... [6]

**Commented [TG26]:** As written this appears to be a program, not a policy. Refer to ... [7]

**Commented [KL27]:** This is a somewhat awkward phrase. How about "pollutants"?

**Commented [KC28]:** We recommend expanding to include creeks and the ocean.

**Commented [KL29]:** Is this right? Do you mean sediment transport?

**Commented [KC30]:** Clarify that this is referring to stormwater drainage paths ... [8]

CONS-1b.9 Encourage Low Impact Development techniques to preserve hydrologic function and maximize on-site infiltration of runoff to the extent practicable. In development where infiltration is precluded by site conditions, implement appropriate treatment control BMPs, such as filtration to reduce the discharge of polluted runoff. (CIRC-9.2)

**Commented [KC31]:** Please remove the word “encourage” and restructure this sentence to set clear development requirements. We recommend that LID techniques be given precedence in all development projects and be required for Developments of Special Concern (not j ... [9]

Program CONS-1b.9.1 Develop policies and educational materials that provide guidance to residents about appropriate LID that increases infiltration in a manner that does not negatively impact bluff stability or leachfields.

**Commented [KC32]:** There are also LID techniques that do not involve infiltration (such as evapotranspiration, harvestin ... [10]

Program CONS-1b.9.2 Utilize the most recent version of the Humboldt Low Impact Development Stormwater Manual to determine the most appropriate LID options for each site.

**Commented [KC33]:** This seems to contradict Policy CONS-1c.3 below which states that the CASQA Stormwater BM ... [11]

Program CONS-1b.9.3 Require the use of BMPs for construction projects that meet established parameters such as the size of the project, the distance to waterways, the season of construction and unique features of the site.

**Commented [TG34]:** This appears to be a policy, not a program. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

CONS-1b.10 Limit the use of curb and street storm drains to avoid conveying runoff directly to the City’s stormwater conveyance system. (CIRC-9.3)

**Commented [TG35]:** Where is this document accessed? See Comment 3c, page 4 of our 7/5/19 letter to the City.

CONS-1b.11 Minimize impervious surfaces in new and existing development to the maximum extent practicable.

**Commented [KC36]:** We recommend modifying this statement to say that an LID approach is required for Development ... [12]

CONS-1b.12 To help protect water quality, site development in order to:

- a. Preserve or improve the infiltration, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable.
- b. Protect areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and/or that are susceptible to erosion and sediment loss.
- c. Analyze the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development.

**Commented [KC37]:** We recommend adding policy language to specifically avoid ... [13]

**Commented [KC38]:** To ensure consistency with Coastal Act §30230 & 30231, we recommend using the terms “maintain ... [14]

**Commented [KC39]:** Please expand to include planning, siting, and designing development

**Commented [KC40]:** Detention/slowing of runoff is also important in addition to ... [15]

**Commented [TG41]:** Do you mean “hazards”?

**Commented [TG42]:** This subsection is not phrased in a way that logically connec ... [16]

**Commented [KL43]:** Will these areas be designated on a map of Trinidad? Will they be identified at the time of project init ... [17]

- d. Preserve and protect riparian corridors, creek channels, wetlands, and buffer zones.
- e. Minimize disturbance of natural areas, including significant trees, native vegetation, and root structures.
- f. Ensure adequate setbacks from creeks, wetlands, the Pacific Ocean, and other surface waters.
- g. Promote clustering of development on the most suitable portions of a site that are least impactful, taking into account geologic constraints, sensitive resources, and natural drainage features.

**CONS-1b-13** Periodically reevaluate the capacity of the City’s storm drainage system to ensure that capacity is adequate to accommodate potential increases in rainfall frequency and intensity during storm events due to climate change.

Policies to eliminate/reduce other or multiple pollution targets:

**CONS-1c.1** Incorporate fundamentals of low-impact-development (LID) technologies into the requirements of the City’s implementation plans and provide education and/or incentives to property owners to incorporate LID alternatives into new and existing development where it will not negatively impact any OWTS. (LU-1c.3)

**CONS-1c.2** Incorporate storm water runoff, erosion and sediment control, and water quality considerations into the staff recommendations or implementation regulations for all Coastal Development or other discretionary permit application reviews. Applicants shall be responsible for any required monitoring. Specific water quality goals include, but are not limited to (CIRC-9.1):

- (1) Limit erosion and sediment loss resulting from construction.
- (2) Limit the extent and duration of land disturbing activities.
- (3) Limit removal of existing vegetation to only what is necessary to construct projects
- (4) Upon project completion, replace non-native and invasive species as soon as possible, preferably with native plants.
- (5) Maintain natural drainage conditions.
- (6) Conform, wherever possible, to the natural topography of the area.

**CONS-1c.3** The selection of appropriate BMPs to protect water quality shall be guided by the most recent version of the California Stormwater Quality Association (CASQA) *Stormwater BMP Handbooks*, or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the constituents of concern generated by the development. A site specific infiltration rate may be required of the designer to assist with stormwater quality mitigation design and to facilitate the City’s review of the proposed development. (CIRC-9.4)

**Commented [KC44]:** We recommend modifying this language consistent with our model water quality policies: “maintain and, where feasible, restore hydrologic features such as stream corridors, drainage swales, topographical depressions, groundwater recharge areas, floodplains, and wetlands.”

**Commented [KL45]:** How will these be preserved? Through BMPs? Through buffer establishment?

**Commented [TG46]:** We recommend adding a definition in the glossary of what constitutes a “significant tree”

**Commented [KL47]:** Redundant with above policy CONS-1b-2

**Commented [KL48]:** What makes a setback adequate?

**Commented [TG49]:** CONS-1b-13 appears to be a program, not a policy. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**Commented [KC50]:** The following policies address not only water quality impacts but also hydrological impacts (volume, rate, timing, and duration) of stormwater runoff.

**Commented [KC51]:** This policy is more of an implementing program. We recommend an LUP policy requiring an LID approach to stormwater management (see comment ... [18])

**Commented [KC52]:** Please reword this policy so that it directly governs development with development as the ... [19]

**Commented [KC53]:** The following list seems redundant with other policies, including ... [20]

**Commented [KC54]:** Please also mention protection of hydrology – see comment ... [21]

**Commented [KC55]:** Please clarify that a site specific infiltration rate evaluation may be required of the project applicant to as ... [22]

**Program CONS-1c.3.1** Implement appropriate protocols to manage BMPs (including ongoing operation, maintenance, inspection and/or training) in all development, to protect water quality for the life of the development.

**Commented [KC56]:** Please make this a policy to ensure it is part of the standard of review for CDPs.

**CONS-1c.4** Develop regulations and/or public educational materials to discourage the use of chemical fertilizers and pesticides.

**Commented [KC57]:** Please also add "installation and removal" to this list.

**CONS-1c.5** Continue to support monitoring of Trinidad Head ASBS with a focus on constituents that have shown previously elevated levels.

**Commented [TG58]:** Policies CONS-1c.4, CONS-1c.5, CONS-1c.6, and CONS-1d.1 seem to be programs. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**CONS-1c.6** As funding allows, monitor water quality in and around Trinidad. Focus sampling efforts on identified constituents of concern in coastal streams, seeps and nearshore ocean waters. Ensure sampling meets applicable protocols, including quality control.

**Commented [KL59]:** This policy has a random feel to it. A plan should be developed with areas identified as at risk, requiring monitoring, as well as the pollutants that are of concern for each location.

Water Conservation Policies:

**CONS-1d.1** Promote an active, on-going water conservation program to minimize water consumption. Extend the City's conservation program to properties outside the City, ~~but within the city's watershed, that are connected to the City 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 (CIRC-12.3)

**Commented [KL60]:** This is very generic. Any details to provide?

**Program CONS-1d.1.1** 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. (CIRC-12.3.1)

**Program CONS-1d.1.2** Identify where losses are occurring in the City's water distribution system and pursue infrastructure improvement to reduce water leakage and ~~increase storage capacity in the system.~~ (CIRC-12.3.2)

**Commented [KL61]:** This seems like a separate and larger goal.

**Program CONS-1d.1.3** Adopt a water efficiency landscape ordinance in accordance with AB 1881 and Dept. of Water Resources requirements. (CIRC-12.3.2)

**Policies dealing with areas and development of special concerns:** Water resources of significant value require special protection. Similarly, development that has a greater potential impact to the City's water resources ~~needs special policies and additional requirements.~~

**Commented [KL62]:** What makes a water resource of significant value?

**Commented [KL63]:** This is very vague.

**CONS-1e.1** Area of Special Biological Significance: Ocean areas in and around Trinidad Head are designated by the State of California as an Area of Special Biological Significance (ASBS) / State Water Quality Protection Area (SWQPA) and a Critical Coastal Area (CCA). The State Ocean Plan imposes special protection standards for the water quality in this ocean area and prohibits any discharge into this body of ocean

**Commented [KC64]:** Please clarify that the coastal watersheds draining into the ASBS are a state CCA.

water, and the City must comply with this plan and any conditions of an exception to the discharge prohibition granted to the City by the State

*Program CONS-1e.1.1* Implement a comprehensive program to reduce / eliminate discharges into the Trinidad Head ASBS that have been identified by the State Water Resource Control Board.

*Program CONS-1e.1.2* Consistent with the California Ocean Plan and the City’s Discharge Exception, implement a comprehensive water quality monitoring plan for Trinidad Bay and its tributary streams as necessary to assess and reduce nonpoint source pollution entering the Trinidad Head ASBS and track improvements over time (CIRC 8.3).

*Program CONS-1e.1.3* Continue to comply with the National Pollution Discharge Elimination System MS4 Permit requirements.

*CONS-1e.2* Development of Special Concern: A development in one or more of the following categories is considered a Development of Special Concern. Specify additional requirements and standards for such projects in the City’s zoning and grading ordinances as necessary to protect water quality:

- (1) any development that results in 5,000 sq. ft. or greater impervious surfaces;
- (2) any development that will result in higher densities than called for in this General Plan;
- (3) any development that produces high amounts or strengths of wastewater such as restaurants, laundromats, service stations, etc.
- (4) any development that results in direct discharges to a waterbody.
- (5) any development occurring within ### feet of a coastal bluff (or in the area(s) identified as inappropriate for LID).

**Commented [KC65]:** There is a section of the ASBS on the ocean side of Trinidad Head, as well as a section within the bay. We therefore recommend including streams that flow to the ocean and the bay.

**Commented [KC66]:** The NPDES Permit addresses the City’s storm drainage system and is different than the ASBS Program. We therefore recommend moving this program under a policy on the City’s storm drain system.

**Commented [KC67]:** See the comment on Program CONS-1e.2.1 below.

**Commented [KC68]:** “Development that results in” is a little unclear. We recommend “development that creates and/or replaces” instead.

**Commented [KL69]:** Of people or development?

**Commented [TG70]:** How would a development with a higher density than called for in the LCP be approved consistent with the certified LCP?

**Commented [KL71]:** Does this mean high concentrations of pollutants?

**Commented [KC72]:** Please clarify that this applies to areas identified as inappropriate for LID infiltration techniques.

**Commented [KC73]:** We recommend adding any categories from our model LCP water quality guidance that are not covered by this list.

*Program CONS-1e.2.1* Adopt and implement grading / zoning ordinance standards that require applicants for any Development of Special Concern to provide the following:

- a. Submit a Water Quality Management Plan (WQMP), certified by a California Registered Civil Engineer, Certified Professional in Erosion and Sediment Control (CPESC), or Certified Professional in Stormwater Quality (CPSWQ);
- b. Estimate increases in pollutant loads and runoff flows resulting from the proposed development, if any, and;
- c. Detail the BMPs that will be implemented to minimize both construction and post-construction water quality impacts. Require, at a minimum, site Design and Source Control BMPs, and require treatment Control BMPs where appropriate to address the particular pollutants of concern based on the specific land use.

**Commented [KC74]:** Please change this program into a policy and reword so that the LUP directly regulates Development of Special Concern rather than directing the City to adopt future grading/ zoning ordinance standards to regulate Developments of Special Concern [e.g. "Developments of Special Concern shall (a) ...; (b)...; and (c)"]. See General Comment 3 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element for details on what standards should be incorporated directly into the LUP.

*CONS-1e.3* Critical Water Supply Areas: Protect Luffenholtz Creek as a Critical Water Supply Area. (see LU-9.4)

*Program CONS-1e.3.1* Ensure the County maintains the status of Luffenholtz Creek as a Critical Water Supply Area pursuant to Humboldt County General Plan Policy WR-P4.

*Program CONS-1e.3.2* Maintain and ongoing request for notification from the County for any development projects within the Luffenholtz Creek watershed.

*Program CONS-1e.3.3* Review and comment on applications for new development within the Luffenholtz Creek watershed to ensure protection of both water quality and quantity.

**Commented [KL75]:** This seems like it belongs somewhere else.

*CONS-1e.4* The City does not support commercial medical and recreational cannabis cultivation and production within the Trinidad Planning Area due to factors such as limited water supply, steep slopes and lack of agricultural land.

**Commented [TG76]:** Is this a policy, or a principle? Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**C. BIOLOGICAL RESOURCES**

The Trinidad Planning Area, and even the small area of the City itself, has a relatively high diversity of habitat types. Habitats vary considerably from conifer and hardwood forests to coastal scrub and sandy beaches, to kelp beds and offshore rocks that include both intertidal and subtidal areas. There are a number of special status habitat types and plants and animals within the Planning Area. Riparian vegetation is located along portions of all thirteen of the coastal streams in the planning area. This vegetation protects the quality of the water, minimizes soil erosion and sedimentation, and provides valuable habitat for a wide variety of animals.

Kelp beds to the east and west of Trinidad Head, including Trinidad Bay, are a biological resource of important to the local fisheries and the State, as demonstrated by

its CCA, ASBS, and SWQPA designations. Offshore rocks, inter-tidal areas, and beaches provide habitat for marine plankton and invertebrates, seabirds and marine mammals. Areas that are accessible during low tide are susceptible to predators and curious beachcombers. Offshore rocks are now protected as part of the California Coastal National Monument, sections of the coast managed by the BLM. Management will coincide with the regulations enacted by the MLPA.

With respect to the land use regulations, the City's Open Space (OS) and Special Environment (SE) designations encompass the City's major creeks, wetlands, riparian, shoreline, and other Environmentally Sensitive Habitat Areas (ESHAs). Because development in OS and SE areas is very restricted, land use designations help to protect these sensitive coastal resources. Smaller areas may not be specifically designated OS or SE or even identified on resource maps, but will be protected by policies contained in this section when identified during development proposals.

Plans for navigational aids and harbor improvements should take into consideration possible impacts to near-shore habitats. The Harbor Area is discussed further in the Land Use Element.

**1. Principles for Biological Resource Protection**

Identify sensitive or important habitats and special status species. Figure 7 (a and b) serves to identify those areas generally known to or that potentially contain ESHAs within the City and within the Planning Area respectively. There is always the potential for ESHA's to exist that are not currently mapped, or for areas that are mapped as ESHA's to not actually contain any ESHA's. A biological report may be required, consistent with Policy CONS-2a.11, to substantiate the presence or absence of ESHAs on prior to any development. The following areas are ESHAs that are known to occur in the Trinidad area:

- a. Creeks, drainages, sloughs, and associated riparian habitats including but not limited to: Mill, Parker and McConnahas Mill Creeks;
- b. Wetlands, estuaries, bays and associated riparian and / or shoreline habitat, including Trinidad Bay ASBS, beaches and the offshore rocks;
- c. Other unique habitat areas: rare or sensitive habitats, waterbird or marine mammal rookeries; shorebird concentration sites; habitat for all rare, threatened, or endangered species on federal, state lists or CA Native Plant Society; and vegetated bluffs and dunes;
- d. Public Trust lands such as beaches and tidelands.

Limit development and habitat alteration within ESHAs and where special status species are found. Most ESHA's and special status species are protected by various laws, and the policies found herein are intended to implement and comply with those laws.

**Commented [KL77]:** Please define.

**Commented [KL78]:** This sentence seems out of place here.

**Commented [TG79]:** It appears from Fig. 1 (Aug. 2018) that the area designated SE was reduced on a number of parcels. What was the basis for these changes and how do the changes align with this statement?

**Commented [KC80]:** See General Comment 1 on mapping resources in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Commented [KC81]:** Please clarify that the map is only intended to serve as a repository of collated data for use as a screening tool in the review of future development proposals and is not a comprehensive inventory of all ESHA within the City, nor is it a delineation of sensitive habitat. See General Comment 1 on mapping resources in our 9/10/19 cor... [23]

**Commented [TG82]:** This list identifies areas in the City that are ESHAs, and Section 2 below identifies other ESHAs in the Ci... [24]

**Commented [TG83]:** Would this also include nesting sites for migratory birds that aren't rare?

**Commented [KC84]:** CDFW uses the term sensitive "natural communities."

**Commented [KL85]:** CA Native Plant Society/ CDFW use the term "species of special concern" – this appears to be covered... [25]

**Commented [KC86]:** Please add to this list "any areas not specifically designated in the LCP that meet the definition of ESHA i... [26]

**Commented [KC87]:** Habitat for special status species is ESHA, therefore it is misleading to list as a separate category.

**Commented [KL88]:** The goal is not "limit", but to prohibit development where ES... [27]

Maintain appropriate buffers to protect ESHAs and special status species from impacts from adjacent development. Appropriate space between ESHA's or special status species and adjacent development helps to limit and mitigate any impacts from development on these important resources.

**Commented [KC89]:** A buffer is used to avoid and minimize impacts rather than mitigate impacts.

Protect and improve native habitat and minimize impacts to native species. Native habitat and species are the ecological backbone of Trinidad and are afforded special considerations to protect and restore their natural form and function.

**Commented [KL90]:** I'm assuming specific buffer distances will be outlined in an IP? If not, please specify those distances here.

**2. Environmentally Sensitive Habitat Areas (ESHAs)**

An Environmentally Sensitive Habitat Area is an "area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (PRC Division 20 CCA § 30107.5). Protection of ESHAs is one of the essential aspects of the Coastal Act. Trinidad has several ESHAs including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, streams, riparian habitats, and rare, threatened, or endangered plants or plant communities. The City will recognize and utilize ESHA definitions and designations in accordance with current Coastal Act regulations, CA Dept. of Fish and Wildlife requirements and CA Native Plant Society policies and recommendations.

**Commented [KC91]:** Add a year to indicate when mapping was done.

**Commented [KC92]:** See General Comment 1 on mapping resources in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

Areas that may contain ESHAs include, but are not limited to, areas indicated by Figure 7a and 7b: Open Space and ESHAs, a – inside the City, and b – in the City's Planning Area. The ESHAs shown on Figure 7 are based on the best information available at the time mapping was done. The boundaries of ESHAs identified this map are not intended to be definitive, but to identify the general location of known sensitive environmental resources. Detailed locations and boundaries of these resources shall be verified and refined by the preparation of Biological Reports for individual development projects.

**Commented [KC93]:** Please add the allowable use limitations of Coastal Act §30233(a) and the requirement in Coastal Act §30233(c) that diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

**Goal CONS-2: Preserve and Enhance the City's Environmentally Sensitive Habitat Areas (ESHAs).**

**Commented [TG94]:** Refer to Comment 4d, page 6, of our 7/5/19 letter to the City. The City may ultimately decide to address wetlands and water quality policies in a separate section.

a. Policies to limit development in ESHA's or near special status species.

CONS-2a.1 Only permit Diking, Filling, and Dredging of open coastal waters, wetlands, estuaries, creeks and other bodies of water where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

**Commented [KC95]:** Please modify the allowable uses to make this policy consistent with Coastal Act §30236 [i.e., remove (b) and (d)]. We can discuss how to find micro-hydro power consistent with the Chapter 3 policies of the Coastal Act.

*Program CONS-2a.1.1:* Ensure that Trinidad's Grading and / or Zoning ordinance contain provisions and standards regulating these types of activities and that they are limited to specific uses and situations.

**Commented [TG96]:** Refer to Comment 4d, page 6, of our 7/5/19 letter to the City. The City may ultimately decide to address wetlands and water quality policies in a separate section.

CONS-2a.2 Incorporate the best mitigation measures feasible for channelizations, dams, or other substantial alterations of coastal streams, and limit them to:

- a. Necessary water supply projects, or
- b. Alternative energy projects such as micro-hydro power, or
- c. Developments where the primary function is the improvement of fish and wildlife habitat, and
- d. Projects that are consistent with all applicable regulations and permit requirements of other agencies.

CONS-2a.3 Protect environmentally sensitive habitat areas (ESHA) against any significant disruption of their habitat values, and allow only uses dependent on ~~and compatible with maintaining~~ those resources, as defined in the City’s Zoning Ordinance, within ESHAs.

CONS-2a.4 Condition all development located within or adjacent to ESHAs to require all landscaping to be from native stock to the extent feasible. At a minimum, prohibit the use of plants listed by CNPS or DFG to be invasive, problematic or noxious, and remove any existing such plants. Maintenance requirements may also be included.

CONS-2a.5 Maintain up to date resource information regarding special status species. The General Plan defers to state and federal regulations associated with rare, threatened, and endangered species.

CONS-2a.6 Minimize development in areas where rare plants have been identified to protect the habitats located there. Require the identification and location of rare plants as part of the application for any major new developments or improvements.

CONS-2a.7 Prohibit new land divisions creating new parcels located entirely within an ESHA or Buffer Areas unless the parcel to be created is restricted at the time of its creation solely for open space, public recreation, or conservation.

CONS-2a.9 Require the preparation and approval of a drainage and erosion control plan for permissible development on all properties containing environmentally sensitive habitat, including but not limited to those areas identified as ESHAs on Figure 7.

*Program* CONS-2a.9.1 Require review of any changes in runoff volume, velocity, or duration that may affect sensitive plant and animal populations, habitats, or Buffer Areas for those populations or habitats, by a qualified biologist to ensure that there will not be adverse hydrologic, erosion, nutrient, pollutant-based or sedimentation impacts on sensitive species or habitats. Identify and adopt mitigation measures and compliance monitoring standards to minimize potential adverse runoff impacts.

CONS-2a.10 Preserve, enhance and restore vegetation within ESHAs, including riparian corridors. Locate new structures and activities outside ESHAs to protect rare vegetation, unless it would prevent the establishment of all permitted uses on the property. Ensure that areas that must be disturbed due to special circumstances be kept

**Commented [KC97]:** Please remove to ensure consistency with Coastal Act §30240.

**Commented [TG98]:** We also recommend including policy language disallowing the use of native cultivars (vs. locally native plants) to the extent feasible, due to problematic issues with native cultivars in the ecosystem.

**Commented [KL99]:** I’ll also add that we often allow non-native plants in landscaping (not ESHA) that are not invasive. Invasive species are all those on the CALIPC list

**Commented [KC100]:** Please change “landscaping” to “plantings.” The only development allowed in ESHA is resource-dependent, so there should be no ... [28]

**Commented [KC101]:** This statement is misleading because the certified LCP includes policy language that directly regulate ... [29]

**Commented [KC102]:** Rare plant habitat is ESHA, so standards for development in rare plant habitat are covered by CONS-2a. ... [30]

**Commented [KC103]:** We recommend requirements for separate (1) construction-phase erosion and sediment control p ... [31]

**Commented [KC104]:** We recommend making this program a policy so that it can be part of the standard of review for CDPs.

**Commented [KC105]:** We recommend also adding review of pollutant load.

**Commented [KC106]:** We recommend also adding pollutant impacts

**Commented [KC107]:** Consider whether this policy should just apply to native vegetation.

**Commented [KC108]:** This sentence appears to be prohibiting development in ESHA (unless such a prohibition results in th ... [32]

**Commented [KC109]:** This sentence is alluding to a takings of private property. Please see General Comment 2d in ou ... [33]

to a minimum, be carefully reviewed by the City, and be replanted with appropriate native vegetation.

CONS-2a.11 Require permit applications for development within or adjacent to ESHAs, including areas identified in Figure 7 or other sites identified by City staff, either through a site visit or other evidence, which have the possibility of containing environmentally sensitive habitat, to include a Biological Report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and LCP are fully met.

Program CONS-2a.11.1 Revise the zoning ordinance to include the specific requirements for the content of the Biological Report.

b. Policies for development in buffer areas.

CONS-2b.1 Site and design development in areas adjacent to ESHAs to prevent impacts that would significantly degrade such areas, and to be compatible with the continuance of such habitat areas.

Program CONS-2b.1.1: Limit development in buffer areas to certain compatible uses as defined in the City's Zoning Ordinance.

Program CONS-2b.1.2: Require a setback separating all permitted development from adjacent sensitive habitat areas and special status species. The minimum width of ESHA and special status species setbacks shall be at least 100 feet, unless otherwise defined in the City's Zoning Ordinance, and unless the designated setback would eliminate all reasonable use of the property.

Program CONS-2b.1.3: Analysis by a qualified professional may justify a reduced setback based on specific findings as long as it can be demonstrated that the ESHA quality and function will not be negatively impacted.

CONS-2b.2 Prohibit native vegetation removal in Buffer Areas except for:

- a. Vegetation removal authorized through coastal development permit approval to accommodate permissible development,
- b. Removal of trees for disease control,
- c. Vegetation removal for public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or
- d. Removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106.
- e. Minor vegetation maintenance to preserve existing yards and viewsheds.

**Commented [KC110]:** If disturbed areas are to be replanted, please clarify that this sentence applies to temporary disturbances. Also please refer back to the allowable use provisions of Coastal Act §§30233, 30236, and 30240 (proposed Policies CONS-2a.1, 2a.2, and 2a.3) to ensure this allowance for disturbance to ESHA in "special ... [34]

**Commented [KC111]:** Any application for development in an area where ESHA may be present must include a biological survey to identify and map potential ESHA, not just in areas identified on Figure 7 and areas ... [35]

**Commented [KC112]:** Please consistently use the term ESHA and please treat special status species as ESHA rather than a separate category.

**Commented [TG113]:** If the buffer is otherwise defined in the zoning ordinance it must at minimum conform to, and be adequate to carry out the minimum buffer requirements established in the LUP.

**Commented [KC114]:** This sentence is alluding to a takings of private property. Please see our 7/16/19 letter, General Comment 2d on addressing takings in the LCP.

**Commented [KC115]:** Please include buffer requirements in a policy rather than programs to ensure these requirements are part of the standard of review for LCPs. Please see General Comment 4 in our ... [36]

**Commented [KL116]:** This makes me nervous. I don't want applicants making the excuse after the fact that a particular tree was removed because of disease. I think this should be part of the approval process.

**Commented [KC117]:** Is the use of the word "minor" meant to indicate that vegetation maintenance is allowed that doesn't rise to the level of development pursuant to ... [37]

- f. Vegetation removal to restore or enhance habitat values as recommended by a qualified professional.
- g. Such activities may be subject to additional standards or restrictions to protect sensitive habitat.

CONS-2b.3 Ensure that exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) be minimized, restricted to low intensity fixtures, and shielded so that no light or glare shines beyond the boundary of the property or into Environmentally Sensitive Habitat Areas. (CD-5.1)

**3. Plants and Animals**

Humboldt County is home to a variety of rare, threatened and endangered (RT&E) plant and animal species. The Background Report on Biology and Environment of the Trinidad Area describes the biological resources more thoroughly. The RT&E species list changes year to year, and an updated list from the California Department of Fish and Wildlife (DFW) California Natural Diversity Database (CNNDDB) should be generated and kept on file at City Hall. However, each developer or applicant is responsible for assuring they have the most current information. In addition to the CNDDDB, the California Native Plant Society has created five lists in an effort to categorize degrees of concern for plant species. Plants on lists 1 and 2 are considered "special status" species in California for the purposes of development reviews. Within the Trinidad Planning Area there are a number of special status plants, several bird species, three amphibians, two fish and two mammals with known occurrences.

**Goal CONS-3: Identify and protect Special Status plants, animals and their habitats in and around the City.**

Policies to protect and improve native habitat and minimize impacts to native species.

CONS-3.1: To the extent feasible, preserve, protect, and restore streams and riparian areas to their natural state.

CONS-3.2: Work with organizations and private property owners to enhance, preserve and restore the City's watercourses for habitat preservation and recreation.

CONS-3.3: Develop additional guidelines for the maintenance of watercourses to further assure that native vegetation is not unnecessarily removed and that maintenance minimizes disruption of wildlife breeding activities and wildlife movement. Incorporate these guidelines, where appropriate, into the City's maintenance procedures.

CONS-3.4: Seek Federal and State funding for the repair of stream bank erosion, planting of riparian vegetation to stabilize creek banks, and removal of debris obstructing waterflow.

**Commented [TG118]:** This subsection is not phrased in a way that logically connects to the broader statement in CONS-2b.2 ("Prohibit native vegetation removal in Buffer Areas except for...")

**Commented [KC119]:** We recommend referencing back to the ESHA buffer standard contained in proposed Policy CONS-2b.1.

**Commented [TG120]:** We recommend including a requirement that lighting also shall be directed downward (downcast) to protect night skies.

**Commented [KC121]:** Please reword so that this policy directly governs development (e.g. "all exterior lighting shall be minimized..."). Please also ensure that this policy is consistent with proposed Policy CIRC-10.6 which also regulates exterior lighting. Consistent with proposed Policy CIRC-10.6, we recommend limiting exterior lighting to what is necessary for safety, rather than minimizing all exterior lighting except safety lighting. Even public safety lighting can be minimized to reduce light pollution (see proposed Program CIRC-10.6.3).

**Commented [TG122]:** We have not yet received the Community Design Element.

**Commented [KC123]:** Please add a year to indicate when this list of special status species was generated.

**Commented [KC124]:** Proposed Policy CONS-1b.12 calls for the preservation and protection of riparian corridors and creek channels and the minimization of disturbance of natural areas, and Proposed Policy CONS-1c.2 calls for the maintenance of natural drainage conditions. To maintain consistency, this policy should mandat[... [38]

**Commented [KC125]:** We recommend changing these policies into programs that implement Policy CONS-3.1.

**CONS-3.5** To the extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve trees and native vegetation on the site.

**CONS-3.6** Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.

**Program CONS-3.6.1:** Timing of construction may be limited by the wet season as well as nesting and breeding seasons of sensitive species.

**Program CONS-3.6.2:** The City may require open space or conservation easements to protect open space and ESHAs as a condition of development approval.

**CONS-3.7** Place and maintain signs prohibiting the collection of marine life from tide pools, inter-tidal rocks, or other near shore environments without the necessary permits or license, on all City trails leading to and from the beach. This would allow only activities such as fishing for game fish with proper fishing licenses or authorized Native American use.

**CONS-3.8** Pursue development of a management plan for aquatic and marine recreation throughout the watershed to minimize the ecological impacts of those activities.

**CONS-3.9** Support efforts to restore and improve salmonid habitat throughout the Planning Area.

**CONS-3.10** Some non-native species, such as pampas grass (*Cortaderia jubata*), Himalaya berry (*Rubus discolor*), Scotch broom (*Cytisus scoparius*), blue gum eucalyptus (*Eucalyptus globulus*), English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), and cotoneaster (*Cotoneaster sp.*), are invasive exotics that can and do displace native species, reducing the area's natural diversity, biological integrity and aesthetics. Use only native species, or species demonstrated to be non-invasive, in public landscapes and strongly encourage their use in private landscapes.

**Program CONS-3.10.1:** Provide public information materials that explain why invasive species are a problem. Maintain a program that recommends effective but non-toxic eradication measures, and eradicates non-native species on public lands where they are displacing native species.

**Program CONS-3.10.2:** Condition development projects that require discretionary approval to prohibit the planting of any species of broom, gorse, pampas grass, ivy, cotoneaster or other species of invasive non-native plants deemed undesirable by the City.

**Commented [KC126]:** This is similar to proposed Policy CONS-1b.2 and language included in proposed Policies CONS-1b.12 and CONS-1c.2.

**Commented [KL127]:** Consider adding migration corridors for protected plants and wildlife as well. These corridors are important avenues for migration in light of climate change. I believe these important migration corridors that connect areas of similar habitat should be considered ESHA.

**Commented [KC128]:** This does not seem to implement Policy CONS-3.6 which calls for maintenance of wildlife corridors. We recommend making this a policy and setting a clearer standard (e.g., timing limitations shall be required as necessary and feasible to minimize impacts to sensitive species).

**Commented [KC129]:** We recommend making this program a policy and setting a clearer standard for when an easement would be required (e.g., easements shall be established for all ESHA and ESHA buffers identified as a result of an approved project).

**Commented [KC130]:** Add clarification that such improvements must be consistent with all applicable policies of the LCP.

**Commented [TG131]:** Policies CONS-3.8, and CONS-3.9 seem to be programs. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**Commented [KL132]:** It would be helpful if this were better defined. This could mean a lot of different activities.

**Commented [KL133]:** May want to refer to the Cal-IPC list.

**Commented [KC134]:** We recommend making this a policy to ensure this requirement is part of the standard of review for CDPs. We recommend not only prohibiting planting, but requiring ... [39]

Program CONS-3.10.3: Request that Caltrans, PG&E, and the County of Humboldt remove pampas grass broom, and any other plants rated as “high” on the California Invasive Plant Council’s *California Invasive Plan Inventory Database* from their rights-of-way.

Program CONS-3.10.4: Work to remove plants rated as “high” or “medium” on the California Invasive Plant Council’s *California Invasive Plan Inventory Database* from City-owned rights-of-way.

CONS-3.11 Develop policies for permitting “major vegetation removal” that protect both habitat values and viewsheds.

Program CONS-3.11.1: Ensure that major vegetation removal occurs outside the nesting season (March 1 – August 15) or that an appropriate survey occurs prior to vegetation removal if work occurs during the nesting season.

D. OTHER NATURAL RESOURCES

1. Timber

Within Trinidad City Limits, there are no viable commercial timber stands. However, most of the upper areas of Trinidad’s Planning Area watersheds are commercial timberland. These timberlands, if appropriately and sustainably managed contribute to the City’s viewshed, provide habitat for native plants and animals and sequester carbon from the atmosphere. If improperly managed or overharvested, there are impacts to aesthetics, habitat, water quality and air quality. The County is encouraged to preserve economically viable timber stands for sustainable commercial use. Additional related policies can be found in section D.3 – Planning Area – of the Land Use Element.

Most of the trees within the town are within the State Park, Open Space lands or exist as private landscaping. Within the City, the balance of the value of trees is often in conflict with the important coastal views they may block. The City has adopted a Views and Vegetation ordinance that addresses these issues. The ordinance allows for the protection of important “heritage trees” if so designated by the City Council.

**Goal CONS-4: Preserve economically viable timber stands for use as sustainably harvested commercial timber while protecting water quality, special status species and sensitive habitats.**

Timber Policies

CONS-4.1 The sustainable management of timber resources, and related uses, is encouraged, so that the long term economic return from productive timber production will provide sufficient incentives to prevent urban conversions. Urban conversions are discouraged within the Urban Services Boundary.

**Commented [KL135]:** Is ‘request’ the right posture? Also removal does not ensure that reinvansion will not occur promptly – like, as soon as you turn your back. Without a very concerted, and well-financed effort, these species will remain in the right-of-ways and continue to spread along these routes.

**Commented [KL136]:** I believe the term used by the Council is “moderate”. Again, unless this is a coordinated and concerted effort and removal strategy, these plants will return.

**Commented [KC137]:** Reword so that this policy directly regulates major vegetation removal instead of calling for additional policies.

**Commented [KC138]:** We recommend making this a policy to ensure this requirement is part of the standard of review for CDPs.

**Commented [KL139]:** This policy would be more meaningful if distances between active nests and work were incorporated. We allow development to continue during the nesting season beyond 300’ for active nests for all birds and beyond 500’ for raptors’ nests.

**Commented [KL140]:** This is a tepid word. Is anything stronger possible?

**Commented [TG141]:** Where is the Urban Services Boundary, and does it extend outside City limits? If not, how does this policy relate to the first statement under Section 1 above? It would be helpful to depict the geographic extent of the Urban Services Boundary on at least one of the figures included in the LUP. Do any sta... [40]

**Commented [KC142]:** Why would urban conversions be discouraged within the urban services boundary but not outside of the urban boundary?

**CONS-4.2** In cooperation with California Department of Forestry, request review of all Timber Harvest Plans (THP) within the Planning Area. Review THPs for measures that protect plant and wildlife habitat, water quality, control erosion and flooding, and preserve the City viewshed. Recommend that THPs which do not include these measures not be approved.

**Commented [TG143]:** Policies CONS-4.2, CONS-4.3, CONS-4.[5], seem to be programs. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**CONS-4.3** Encourage the management of private timberlands to use current principles of sustainable forestry for all aspects of forest use and function: recreation; timber production; biodiversity; air and water quality; and carbon storage. Timber owners are encouraged to apply for conservation easements, certified forestry, or compensation for carbon storage.

**CONS-4.4** City and County Zoning Ordinances should require a use permit for timber harvesting (as defined by the Forest Practice Act) within or nearby unstable lands or lands of questionable stability. (SAF-1.8)

**Commented [TG144]:** Since permit requirements are referenced here, it may be helpful to include a policy indicating that timber removal and/or harvesting other than for timber operations (such as, but not limited to less-than-3-acre conversions) constitutes major vegetation removal and requires a CDP.

**CONS-4.4** Continue to work with Green Diamond, and other larger timber land holders, on protecting and restoring planning area watersheds from negative impacts of timber harvest past and present.

**2. Soils**

Soils are a resource essential to raising timber, crops and forage. There are few areas of prime soils for crops or forage in the planning area, but much of the land in the planning area is prime timberland. Some prime timber soils have been converted to residential development and others are located so near to development that they are no longer manageable timber sites. Because of the importance of the regional economy, prime timber soils in manageable units should be protected from development. Due to the small amount of prime soils for crops and forage, these areas should be protected as well.

**Commented [KC145]:** Timber operations and timberland are defined by the Forest Practices Act (PRC 4527 & 4526) and timber harvesting plans are described (PRC 4582), but there does not seem to be a clear definition for timber harvesting in the Forest Practices Act. Please clarify what is meant by timber harvesting.

Soils also act as constraints on development when they will not adequately support structures or other improvements including OWTS. For long range planning purposes, development may be able to occur in areas with soils limitations without degradation of water quality and public health if land divisions and developments are only allowed after thorough site investigations and necessary design and maintenance standards are enforced. Soil limitations are not in themselves a sufficient constraint to justify development prohibitions. In areas with soil limitations more specific site analysis is needed to determine how a foundation or OWTS can be designed to work and how much land area is needed to accommodate the system and proposed development, and to provide necessary protective buffers. Related factors such as hydrology, stability and topography must also be considered. It is expected that this site specific evaluation process in areas with soils limitations will result in a lower average density of development than can be expected in areas with only slight soils limitations.

**Commented [TG146]:** Does this refer to a Safety Element? We have not yet received this chapter for review.

**Commented [KL147]:** What constitutes prime timber soils and prime agriculture soils? Are these mapped? Are these specific soil classifications?

**Commented [KL148]:** When would this be? What soil characteristics are you referring to here?

**Commented [KL149]:** This whole paragraph needs more specificity to be consistent throughout and readily understandable.

Refer to Figure 9 for existing soils limitations information. Because available soils information is much generalized, studies should be undertaken to confirm the degree of limitation in any area proposed for intensive development. Soils suitability for OWTS varies throughout the planning area. Since OWTS are to continue to serve as the long-range wastewater disposal system, each development and its wastewater disposal system will have to be conformed to the capabilities of the site. Regular maintenance monitoring and pumping is required by the City's OWTS Management Program in order to protect public health, water quality and property values.

**Commented [KL150]:** I assume this refers to maintenance and monitoring of OWTS systems. Is this the right place for this call out?

Where developable areas have a high percentage of soils with OWTS limitations, the areas are designated Rural Residential, Resource Production (County designation), or Special Environment to allow development appropriate to the soil limitations of each development site. Areas with slight limitations are designated Suburban Residential or Urban Residential to allow higher density development consistent with the preference of neighborhood residents and the density constraints identified in soil suitability studies.

Note that soils are closely related to geology, but geology has its greatest impact in terms of public safety. Therefore, a discussion of Trinidad's geology and limitations are included in the Public Safety Element.

**Commented [KL151]:** What does this mean?

**Goal CONS-5 Protect and preserve soil as a natural resource.**

**Soil Conservation Policies**

**CONS-5.1** Minimize soil erosion to prevent loss of productive soils, prevent landslides, protect water quality, and maintain infiltration capacity and soil structure.

**Commented [KC152]:** Please add policy language mandating that the long-term productivity of soils shall be protected consistent with Coastal Act §30243.

**CONS-5.2** Minimize land disturbance activities from construction (e.g., clearing, grading, and cut-and-fill), and design sites to mitigate development and avoid erosion, steep slopes, unstable areas, and highly erosive soils. (CONS-1b.1)

**Commented [KL153]:** I would suggest adding: "to preserve soil carbon stocks".

**Commented [KC154]:** See comments on proposed Policy CONS-1b.1.

**CONS-5.3** Prohibit grading during the rainy season (from October 15<sup>th</sup> through April 30<sup>th</sup>) in areas with slopes of 15 % or greater (as indicated on Figure 9), except in response to emergencies. Grading on slopes less than 15% is discouraged during the rainy season, but may be allowed on a case-by-case basis as long as any areas that are disturbed incorporate appropriate BMPs and monitoring to prevent water quality impacts. (CONS-1b.4)

**CONS-5.4** Encourage the use of Best Management Practices (BMPs) for erosion and sediment control in construction and road maintenance throughout the Planning Area in order to reduce the impacts of erosion, sedimentation and stormwater runoff. Provide developers and other interested citizens with educational materials regarding BMPs as part of application materials or upon request.

**Commented [KC155]:** In addition to encouraging use of BMPs, we recommend adding a policy requiring development within the City's LCP jurisdiction to incorporate construction-phase BMPs to minimize runoff and erosion and the discharge of sediment and other pollutants (See comments on proposed Policies CONS-1b.3, CONS-1c.2 and General Comment 2 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element).

**CONS-5.5** Incorporate soil stabilization BMPs on disturbed areas as soon as

feasible, including, but not limited to, re-vegetation of graded or disturbed areas. (CONS-1b.5)

**CONS-5.6** Update the City’s Grading Ordinance as necessary to ensure that it incorporates the latest available Best Management Practices as recommended in the Trinidad-Westhaven Integrated Coastal Watershed Management Plan.

**Commented [TG156]:** This appears to be a program. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**GOAL CONS-6: Protect landscapes and waterways based on necessary soil studies for development and landscape modification.**

**Soil Limitations Policies**

**CONS-6.1** Require detailed studies of soil characteristics and hydrology for developments in areas with soil limitations (such as instability, clay content or high groundwater) to ensure that the lot size, foundation requirements and OWTS design are adequate to prevent direct or cumulative adverse impacts on soil stability or water resources.

**Commented [KC157]:** Proposed Policy CONS-6.1 requires soil studies for development in areas with soil limitations, while Policy CONS-6.3 seems to require soil studies for development that involves the construction of foundations or that affects OWTS requirements. Is this the full spectrum of projects that require soil studies?

**CONS-6.2** Specify OWTS design prior to any intensification or addition to existing uses.

**Commented [KC158]:** Please clarify what “specify OWTS design” means. Does this mean demonstrating adequate septic capacity?

**CONS-6.3** Base foundation and OWTS requirements on site specific soils studies to ensure that development and sewage disposal systems will not create direct or cumulative adverse impacts on soil or water resources.

**Commented [TG159]:** Please refer to Comment 3e, page 5 of our 7/5/19 letter to the City.

**3. Mineral Resources**

The Conservation Element is “required to include policies to address the conservation and development of identified mineral deposits designated by the State as being of Statewide or regional significance.” Humboldt County has not yet been so designated by the State. There are no mining operations within the City limits. The only nearby activities include hard rock quarries: one exists off Quarry Road (Mercer, Fraser Co.); several others are located on Simpson Timber land to the East. These quarries provide a source of jetty-quality rock, which is in short supply along California’s coast. The Trinidad quarry has provided jetty materials from Fort Bragg to Crescent City and North to Oregon.

**Commented [KC160]:** We recommend rewording with “development” as the subject (i.e., “foundation and OWTS design shall be consistent with the recommendations of a site-specific soils studies to ensure...”)

Land use conflicts can occur from these quarries particularly since they are operated on an intermittent basis. Years of inactivity may suddenly be followed by a season of intense activity to meet a particular contract need. Such activity can produce noise (from both blasting and operations) and truck traffic. The surrounding neighborhood, particularly new residents, can grow accustomed to the inactive periods and can be frustrated by new activity. This activity subsides again after a period of time. Eventually these quarries diminish on-site supplies and are closed. State law requires that each mine site have a mining and reclamation plan identifying the final reclaimed use and requirements for achieving it. The City supports the County’s designation of the majority

of the quarry site as "Resource Production." Policies related to mineral resources near the City can be found in section D.3 – Planning Area – of the Land Use Element.

**Goal CONS-7: Ensure existing quarries within the Trinidad Planning Area are 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.**

CONS-7.1 Encourage the County and mine operators to minimize the impact of mineral extraction activities on the surrounding natural and built environment through the application of appropriate management practices including, but not limited to, minimizing surface disturbance, air pollution, water pollution, noise pollution, vibration, and traffic impacts.

**E. OPEN SPACE RESOURCES**

Trinidad's Open Space areas provide a variety of benefits such as: 1) preservation of natural resources; 2) managed production of natural resources; 3) outdoor recreation; 4) viewshed protection; and 5) public health and safety.

Open Space issues are addressed throughout this General Plan document, as well as being discussed in the various background documents. Open Space related policies are contained in the Land Use, Conservation, Safety, Recreation, Community Design and Historic and Cultural resources Elements. The reader is referenced to discussion and policies in those sections for additional information.

The coastal bluffs behind the beaches are generally unstable and provide a scenic backdrop for the beachfront environment. Except for a few residences located on small benches or behind the bluff tops, these beachfront areas have been kept in a natural state. Protection of open space areas and retention of scenic and natural characteristics along the Trinidad shoreline is a matter of continuing public concern. With few exceptions, these lands and unstable bluffs are unsuitable for intensive park development or intensive public recreational use.

Sea level rise, an increase in mean sea level (MSL), is the result of global warming and is an important factor when considering the conservation of public open spaces. Current climate modeling data suggests a small to moderate amount, up to 30 cm, of sea level rise is possible in Trinidad in the next 50 years (GHD 2016). This could potentially affect beach widths and erosion on beaches and along bluffs. More intense management strategies to stabilize the coastline and maintain open space and public access may be necessary.

Government ownership is one means for protecting these natural hazard and scenic beachfront areas; this places the burden of management and maintenance within the public sector. There are other effective means of gaining the desired protection, such as

**Commented [TG161]:** Goal CONS-7 suggests that quarries are the object of protection from incompatible uses, whereas policy CONS-7.1 suggests the surrounding natural and built environment is the object of protection from mineral extraction activities.

**Commented [KC162]:** Please update with the currently proposed element names.

**Commented [KL163]:** I suggest you substitute "global climate change". It is the more comprehensive term, and is more accurate when referring to an area that will be directly affected by climate change-driven impacts such as increased wave action due to intensified storminess due to climate change.

**Commented [KC164]:** Please update consistent with current best available science.

open space easements, which would reduce public costs and eliminate the potential for inappropriate intensive public use.

**Commented [KC165]:** However, excluding the public may not be consistent with the Coastal Act mandate to maximize public access.

Trinidad Bay and the bay bordering Trinidad on the west, including all their islands, offer two of the most uniquely beautiful views, combining ocean, islands, bay and rugged, timber shorelines that can be found no where else along the California coast. The islands provide habitats for marine organizations and serve as refuges or rookeries for birds and marine mammals, including sea lions and harbor seals. They are also protected as part of the California Coastal National Monument.

Areas in the City designated Open Space include: a portion of the Tsurai Study Area, Trinidad Head, Little Head, near-shore and off-shore rocks, beaches, Trinidad State Beach, Trinidad School playing field,. Areas north of the City include Trinidad State Beach at College Cove/Elks Head, Simpson Demonstration Forest. South of the City includes Baker Beach, and County Parks (Houda Point, Luffenholtz Creek Parks). Cultural resources are discussed in the Cultural Resources Element.

**GOAL CONS-8: Protect the open space and its environment and natural resources of Trinidad, Trinidad Head and the surrounding areas**

Open Space Policies

**CONS-8.1** Preserve the beaches and sea cliffs which border the southern and western sides of the City (identified as Open Space) from development and allow them to remain in their essentially natural state. Passive recreation and vegetation management for habitat or scenic vistas are allowable uses.

**Commented [KC166]:** Proposed Policies CONS-8.1 and 8.2 describe allowable uses in particular locations designated Open Space. Is the intent to limit uses further in these locations than what is generally allowed in the Open Space Designation?

**CONS-8.2** Keep development on Trinidad Head to a minimum to protect the resources located there. Passive recreation such as hiking trails and vista points are allowable uses. (CIRC-10.5)

**Commented [KC167]:** This chapter defines beaches and sea cliffs as ESHA, and allowable uses in ESHA are limited to resource-dependent uses. We therefore need to consider whether maintenance of scenic vistas is a resource-dependent use.

*Program CONS-8.2.1* Develop and adopt a Management Plan for Trinidad Head that addresses trails, benches and interpretive elements and their maintenance, management of federally-owned parcels, reduction of impacts of existing uses, and eventual phase-out of commercial uses.

**CONS-8.3** Preserve Trinidad Bay and the bay bordering Trinidad on the west, including all their islands, in their essentially natural state. Encourage near shore developments to be unobtrusive and visually compatible with the bay vista.

**CONS-8.4** Require open space easements or similar agreement to protect the natural character of Open Space, Special Environment areas and ESHAs when approving permits for allowable development.

**Commented [KC168]:** When would development trigger the requirement for an open space easement?

*Program CONS-8.4.1* Revise the Zoning Ordinance to ensure that such agreements cover the portions of the lot that need not be disturbed by proposed structures and appurtenant uses or designated for protection in geologic reports.

**Commented [TG169]:** Do you mean “shall not”?

*Program CONS-8.4.2* If funds are available, obtain such agreements on already developed lots in the Special Environment area to obtain the degree of public control over lands designated as Open Space and Special Environment needed to protect scenic, cultural and natural resources.

*CONS-8.5* Ensure that the lands designated as Open Space lying seaward of Edwards and Van Wycke Streets remain entirely undeveloped and managed such that the unparalleled views to the south are restored and maintained.

**Commented [KC170]:** Aren’t there trails and public parking in this area?

*CONS-8.6* Coastal bluff management considerations address vegetation management, scenic vistas, trail maintenance, and unauthorized activities such as ‘piped discharges’ of stormwater runoff, disposal of grass and yard wastes over the bank, carving into bluff faces and trespass onto sensitive areas. Public education in combination with ordinance provisions are the best methods for addressing these concerns.

**Commented [KC171]:** We recommend rewording so that this meets the definition of a policy (a specific mandatory statement binding the City’s action and establishing the standard of review for land use and development decisions). For example, “Coastal bluffs shall be managed to prevent unauthorized activities such as...”

*CONS-8.7* For the entire Planning Area including within City Limits, the areas generally within 100 feet of the centerline of perennial streams and 50 feet from the centerline of intermittent streams are placed in the Open Space or Special Environment designations and by definition are to be designated as a Riparian Protection Zone. These zones may vary in width depending on site specific criteria and the existence/absence of naturally occurring (not artificially manipulated) riparian habitat. Similarly designate riparian habitat along streams in timber management areas.

**Commented [KC172]:** What does it mean to be in a Riparian Protection Zone? Are there additional limitations on development in this zone similar to areas designated ESHA or ESHA buffer?

*CONS-8.8* Adopt a public education program that educates residents and visitors how and why to minimize impacts on Open Space resources. This includes, but is not limited to, landscaping and chemical use, water use, OWTS maintenance, tide pool etiquette, etc.

**Commented [KL173]:** I think this policy would be much more consistent, more protective, and more in line with other LCPs, if it defined the riparian area either to encompass the full observed riparian vegetation, or set from edge of bank. Then riparian buffers (50’ is typical) could be established as starting at the edge of riparian vegetation, or at the edge of bank, where no vegetation is present.

*CONS-8.9* Monitor beach and bluff erosion for impacts from sea level rise...

**Commented [TG174]:** Policies CONS-8.8 and CONS-8.9 seem to be programs. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**F. RECREATION AND PUBLIC ACCESS**

**1. Public Recreation**

Activities available to local residents include recreational and educational programs at the elementary school, social events, sport fishing, hiking, beachcombing and a myriad of other activities. Tourists primarily come to Trinidad to enjoy the coastal resources and the local lifestyle. Visitors are able to enjoy sport fishing shopping, sightseeing, berry picking, eating out, beachcombing, hiking, picnicking, visiting the marine lab, whale or bird watching, and just relaxing at their lodgings or campsites.

Publicly accessible recreation areas, other than beaches and coastal trails (see Public Access section), include the Trinidad Elementary School and its playground and track areas, the Town Hall (which is used for social and fraternal functions), and the adjacent tennis court, Trinidad Cultural Center, which includes the Museum (the BLM has chosen to locate their Offshore Rocks National Monument information here), Library and Saunder's Park, the Memorial Lighthouse, the pier, Trinidad Head and the Harbor Area.

In addition, there are several areas nearby the City where people can enjoy coastal recreation. Luffenholtz Beach County Park, Houda Point, Baker Beach, Moonstone Beach, and Clam Beach County Park are located south of the City. The College Cove/ Elk Head area is located a few miles to the North. Patrick's Point State Park is seven miles north of the City. Trinidad State Beach is located partially within City limits and continues north of the City.

Certain aspects of public safety and environmental protection are affected by public recreation. There are a number of hazards that can impact public recreation and access, including large wave events, tsunamis, steep slopes and unstable bluffs. In addition, public recreation can affect plants and animals and habitat, including riparian areas, coastal bluffs, bird and wildlife use/activities, rare plants and intertidal zones.

**Goal CONS-9: Provide a variety of quality public recreational opportunities for both residents and visitors.**

Public Recreation Policies

**CONS-9.1** Public restrooms are encouraged to be available in the harbor area, Saunder's Shopping Center, near the Trinidad Cultural Center, and at Trinidad Town Hall.

**CONS-9.2** Continue to cooperate with the local Chamber of Commerce and the Humboldt County Convention & Visitors Bureau in providing visitor service information at City Hall and other appropriate locations.

**CONS-9.3** Continue to provide adequate litter control programs, including dog waste stations in areas open to the public, particularly at the beach parking area(s).

**CONS-8.4** Maintain Town Hall as a center for community functions.

**CONS-9.5** Trinidad Head will be maintained with hiking trails, benches and vista points. Public vehicular access will be controlled by a locked gate and vehicles will only be allowed on Trinidad Head with permission from the City or the Federal Government.

**CONS-9.6** Encourage the State to improve the restrooms at the College Cove/ Elk's Head parking area.

**CONS-9.7** Connect State Park Trails (and related signs) to the City's Trail System.

**Commented [KC175]:** Please add policy language to this section to regulate development consistent with the public recreational policies of Chapter 3 of the Coastal Act. See General Comment 7 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Commented [KC176]:** We recommend adding the modifier "public" to indicate that these are to be maintained as public amenities.

CONS-9.8 Monitor and maintain parking at recreation areas to ensure fair access.

CONS-9.9 Maintain public viewsheds in scenic areas.

CONS-9.10 Ensure the safety of recreationalists by providing readily accessible information regarding the dangers of large waves, tsunamis and steep slopes in the form of signage, brochures, etc. as needed.

CONS-9.11 Ensure that the impacts of public recreation on ESHAs is minimized by providing information to the community and the public about avoiding and protecting key resources.

2. Public Access

Public access to and along the shoreline is guaranteed by the California Constitution and is further defined by standards established by the Coastal Act to recognize the shoreline as a public resource which is available for viewing, recreation, and scientific research at the water's edge and along tidal rivers. Access to the shoreline is dependent on the right of the public to cross public and private land. Access across private land is generally obtained through purchase of an easement, or obtained as a condition of development approval.

There are a variety of public access points in Trinidad. A portion of the California Coastal Trail runs along Scenic Drive and then through town to the Harbor Area and then up through Trinidad State Beach. Trinidad Beach State Park maintains a variety of trails, including some in City limits. Trinidad City trails include connections to the Trinidad State Beach trails from Underwood and the Harbor Area. The Trinidad Head Trail loop is accessed from the Harbor Area. The Galindo and Van Wycke Street trails connect Edwards Street and the Memorial Lighthouse to the Harbor. The Axel Lindgren Memorial Trail provides access to Old Home Beach (formally known as Indian Beach) from the Memorial Lighthouse and CA Coastal Trail. The Parker Creek Trail provides access to Old Home Beach from behind the Saunders Shopping Center. The Old Wagon Road (Wagner Street) connects the CA Coastal Trail and Edwards Street to the Parker Creek Trail, and the Groth Lane Trail provides a connection to the Parker Creek Trail from Scenic Drive.

For the most part, here is ample public coastal access in Trinidad. Together these trails provide a variety of public access points to and from the coast, all within 1/4 mile of each other. The one exception is the southeastern part of town; there is more than 1/2 mile between the southeastern City limits and the nearest trail access at Groth Lane. And the nearest public access south of the City limits is at Baker Beach, another 0.7 miles to the south. Although Scenic Drive is not particularly safe for pedestrians due to very narrow stretches and sharp curves, is part of the officially designated CA Coastal Trail. The City has proposed an additional access from Scenic Drive to the coast along McConahas Mill Creek to help fill this gap. The Trinidad Coastal Land Trust has also expressed an

Commented [KC177]: We recommend a goal of "maximum access" consistent with Coastal Act §30210. We also recommend that the City include language calling for public access parking to be retained as a free resource open 24 hours a day. If any potential fees or restrictions on hours of use are contemplated in the future, we recommend that the LCP clearly indicate that CDP authorization is required and potentially include provisions that enable objective evaluation of these restrictions consistent with the public access policies of the Coastal Act.

Commented [KC178]: We recommend restructuring this policy with development as the clear subject consistent with Coastal Act §30251 (development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...").

Commented [KC179]: Are scenic areas mapped? If not, how is it determined that an area is scenic?

Commented [KC180]: Coastal Act §30001.5(c)

Commented [KC181]: We recommend referencing Figure 10 here.

Commented [KC182]: See General Comment 8 on the CCT in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

Commented [TG183]: Update reference

Commented [TG184]: Update reference

Commented [KC185]: See General Comment 8 on the CCT in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

interest in developing a trail from Scenic Drive that connects to the Parker Creek Trail between Groth Lane and Main Street through a parcel they own. These are the only additional accesses proposed at this time. There are no known informal, unmapped accesses currently being utilized.

In accordance with the Coastal Act, the City requires dedication of access easements along and adjacent to designated trails and beaches as a condition of approval of coastal development permits. These easements are granted in the form of Offers To Dedicate (OTDs), and the Trinidad Coastal Land Trust (TCLT) has been the entity that has accepted most of those easements, with the City holding a few as well. The TCLT has expressed a willingness to continue to accept these easements, and the City will continue to maintain the ones that are designated public trails.

The City also has a responsibility to ensure that public access is not impeded or discouraged by private development. There is not much potential for additional development along or near the shoreline in Trinidad, but impediments can also include discouraging signage, lack of signage, and vegetative growth. Trail signage has been a controversial topic in Trinidad in several locations due to concerns of private property owners as well as impacts to unstable slopes and cultural resources from pedestrian traffic.

The portion of Trinidad Head not needed by the Coast Guard was transferred to the City of Trinidad and annexed within the City limits in 1984. [Amended Ord. 166; 12-12-84]. Trinidad Head Trail provides a view to the Trinidad Harbor and the Pacific Ocean. The Trinidad Trails Plan is available with the City Clerk at City Hall. The U.S. Coast Guard recently transferred its ownership of 13 acres of the southern portion of Trinidad Head to the BLM. The land was added to the California Coastal National Monument in January 2017.

**Goal CONS-10: Maximize public access to and along the coast consistent with sound resource conservation principles and the constitutionally protected rights of property owners.**

**Public Access Policies**

**CONS-10.1** The public shall have access to trails and coastal resources; existing and proposed trails are shown on Figure 10. Advertise the trail system, including connections to State Park trails, in visitor information and current maps that will be kept on file at City Hall and made available to the public at a Visitor Information Center and / or the Chamber of Commerce kiosk.

**CONS-10.2** Provide maximum access and recreational opportunities consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Provide public open space and shoreline access in the Coastal Zone.

**Commented [KC186]:** Consider adding a caveat about prescriptive rights to ensure that this statement isn't used to deny prescriptive right access that the City is unaware of.

**Commented [TG187]:** What about undesignated public accessways acquired through use?

**Commented [KC188]:** Easements can be in other legal forms such as direct dedications, grants, etc.

**Commented [KC189]:** See General Comment 7 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element for comments on missing coverage of certain public access policies of the Coastal Act.

**Commented [KC190]:** Please see General Comment 6 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element on the City's inventory of existing and future public access.

**Commented [KC191]:** Can these also be made available on the internet?

**Commented [TG192]:** Does this still exist or will it be rebuilt? If no, please update accordingly.

**Program CONS-10.2.1** Provide shoreline access in the Coastal Zone along the vertical and lateral access routes as shown on Figure 10.

**Program CONS-10.2.2** Acquire additional public access to the shoreline by:

- a) requiring public access as a condition of development consistent with the Coastal Act, the Coastal Commission's Statewide Interpretive Guidelines, and the findings required to support an Offer to Dedicate (OTD);
- b) accepting, or facilitating acceptance of, Offers To Dedicate (OTDs) that will increase opportunities for public access and recreation; and
- c) create partnerships with the community, agencies, and organizations to maintain and improve public access to and along the coast.

**Program CONS-10.2.3** Acquisitions of coastal land and easements for public access purposes shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses.

**CONS-10.3** Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Protect public prescriptive accesses wherever they exist.

**CONS-10.4** Require formal access offers of dedication where necessary and feasible to assure continued public use of designated trails.

**CONS-10.5** Require public access easements or similar agreement to assure public use of both proposed and existing designated trails when approving permits for allowable development. Such agreements on beaches shall cover the area from the high-tide line to either the base of the bluff or to the first line of vegetation. Interior trail easements shall include enough area to provide for adequate public access, appropriate improvements and maintenance while minimizing the amount of private land encumbered.

**CONS-10.6** Require public access from the nearest public roadway to the shoreline and along the coast, as shown in Figure 10, in new development except where it is inconsistent with public safety, other LCP policies, or the protection of fragile coastal resources and environmentally sensitive habitat areas.

**CONS-10.7** Require access easements along designated trails, consistent with the California Coastal Act and the City's Zoning Ordinance, as a condition of approval of applicable development projects, in order to mitigate the project's impacts on public access.

**Program CONS-10.7.1** Revise the Zoning Ordinance to provide specific regulations for public access easements and OTDs.

**Commented [KC193]:** Or other legal documents. We recommend reframing to preference towards recorded grants of easement over offers to dedicate.

**Commented [KC194]:** These programs seem redundant with various policies included in this section (proposed Policies CONS-10.6, CONS-10.5, and CONS-10.10). We recommend including these requirements in policies to ensure they are part of the standard of review for CDPs.

**Commented [KC195]:** Coastal trails are themselves a coastal-dependent use. What is the intent of this program?

**Commented [KC196]:** We recommend covering the area from the ambulatory mean high-tide line to the ambulatory base of the bluff or first line of vegetation. For blufftop trails, we recommend that easements take into account bluff erosion over time.

**Commented [KC197]:** We recommend more broadly requiring consistency with the certified LCP.

**Commented [KC198]:** How do proposed Policies CONS-10.4, 10.5, 10.6, and 10.7 relate to one another? All four policies appear to be requiring public access in approval of new development – please address inconsistencies and redundancies among these policies. We recommend revising these policies so that public access mitigation is not limited solely to proposed and existing trails shown on Figure 10. For example, if a prescriptive right of access exists on a parcel, than avoidance or mitigation if avoidance isn't feasible should be required. We also recommend refr...

**Commented [KC199]:** Please also include direct dedications and other legal mechanisms to protect and provide public access.

**CONS-10.8** Implement mitigation measures required for impacts to public access and recreational opportunities prior to or concurrent with construction of the approved development. Mitigation is not a substitute for implementation of a feasible project alternative that would avoid impacts to public access.

**CONS-10.9** Public accessways and trails to the shoreline and public parklands are a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer to Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g. parking), construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.

**CONS-10.10** Dedicated accesses are not be required to be opened for public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access. Open the easement to the public as soon as is feasible and accept the responsibility for operation and maintenance of the accessway for easements to the City, or grant the easement to a private nonprofit association that is willing to accept, maintain and operate the accessway.

**CONS-10.11** For all grants of easement from the City to a private non-profit association, the Executive Director of the Commission must review and approve a management plan submitted by the private non-profit association that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded grant of easement, and that the association will open the easement to the public as soon as is feasible.

**Program CONS-11.11.1** Work with the Trinidad Coastal Land Trust and other organizations and agencies to accept liability for and maintain public accesses.

**Program CONS-10.11.2** Facilitate the acceptance of Offers to Dedicate (OTDs) as a means of obtaining additional public access.

**CONS-10.12** Develop and promote a continuous trail system throughout the City which connects to the California Coastal Trail system.

**CONS-10.13** Require an amendment to the Local Coastal Program for the permanent closure of any existing public accessway. Temporary closures due to emergencies or to perform necessary maintenance and repairs shall be the minimum duration necessary, and alternative access shall be provided where feasible.

**CONS-10.14** Develop ordinances and policies to ensure unobstructed public access to all Trinidad Trails, including restrictions on vehicles, vegetation, or other obstructions so they aren't allowed to block or hinder pedestrian access to trails.

**CONS-10.15** Pursue opportunities to provide transportation corridor linkages for pedestrian trails and bike routes as well as scenic recreational routes. In particular,

**Commented [KC200]:** We recommend revising to say "required by the City and accepted by a private non-profit association"

**Commented [KC201]:** Consider also requiring review and approval by the City.

**Commented [KC202]:** We recommend also adding the modifier "interconnected"

**Commented [KC203]:** The way this policy is written it indicates that the CA Coastal Trail (CCT) is separate from the City's trail system when really the City's system includes segments of the CCT. We recommend modifying this policy accordingly to clarify that the development of the City's trail system includes the CCT through the City. Please see General Comment 8 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Commented [KC204]:** Please also specify that closures over X number of days/weeks require a coastal development permit.

**Commented [KC205]:** We recommend rewording this policy so that it directly governs development (e.g., "unobstructed access to all Trinidad Trails shall be maintained").

**Commented [TG206]:** This appears to be a program, not a policy. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

consider linkages to the California Coastal Trail, Hammond Trail and Pacific Coast Bicycle Route (CIRC-4.9)

CONS-10.16 Support the Coastal Conservancy’s Completing the California Coastal Trail project (SB 908) and encourage trails and connectors (CIRC 4.8).

CONS-10.16 Develop policies and requirements for temporary events to ensure that adequate public access, including parking, is maintained.

CONS-10.17 Retain public access easements as part of any street abandonment or property transfer where public access currently exists.

CONS-10.18 Prohibit posting of misleading signs, markings and other structures that discourage appropriate use of legal public accessways.

CONS-10.20 Encourage a shuttle system with a fixed route to the Trinidad Harbor. This would reduce individual vehicle use and provide easy access to the Harbor (CIRC-3.3).

**Commented [KC207]:** Please add policy language directly regulating the development of the California Coastal Trail. See General Comment 8 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Commented [KC208]:** We recommend more broadly supporting the State’s goal of completing the CCT.

**Commented [KC209]:** We recommend rewording this policy to directly regulate temporary events. For policy guidance, please see the 1998 Commission staff letter to Planning Directors on the regulation of temporary events in the Coastal Zone (many temporary events do not raise issues and do not require a CDP). The City could require all development (including temporary events) with the potential to adversely impact public access, whether during construction or after, to develop a public access management plan to identify and limit impacts to public access. Plans could identify peak use times and measures to avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety. Strategies for temporary events could include use of shuttles to off-site parking locations.

**Commented [KC210]:** We recommend changing to “require” to ensure this is not misinterpreted to only apply in situations where there is already a public access easement in the public right of way.

**Commented [KC211]:** We also recommend a requirement to identify and remove all unauthorized structures, including signs and fences, which inhibit public access.

**Commented [KC212]:** Consider a policy that includes funding coastal access shuttles as potential mitigation for impacts of new development on low-cost access/recreation.

**Page 4: [1] Commented [KL8] Koteen, Laurie@Coastal 8/26/2019 3:12:00 PM**

I concur with Cristin's comment. Please include information on acceptable thresholds of the pollutants and strategies for preventing their entering the watershed. This may not be the right location in the document, but this should be addressed somewhere. Sedimentation seems like a different category to me – not really a pollutant, and would require different types of solutions. Consider discussing it separately.

**Page 4: [2] Commented [TG10] Tamara L. Gedik 8/12/2019 3:49:00 PM**

Does the City view "reviewing and implementing a progressive rate structure to reduce water consumption" (included earlier in this sentence) as a type of regulatory mechanism to reduce consumption? If so, this appears redundant. Otherwise organizationally, it might be clearer if the "consumption reduction measures" are grouped together.

**Page 4: [3] Commented [KC11] Kenyon, Cristin@Coastal 6/28/2019 9:23:00 AM**

Details on BMP selection should be a policy rather than a principle (and Site Design, Source Control, and Treatment Control BMPs should be defined in the LUP glossary). Consider a broader principle of minimizing impacts to water quality and hydrology from development. Please see our "Model LCP Water Quality Guidance" Principles 2-3 (<https://www.coastal.ca.gov/water-quality/local-gov/>).

**Page 4: [4] Commented [KC12] Kenyon, Cristin@Coastal 7/1/2019 12:43:00 PM**

We recommend using "minimize" rather than "mitigate." "Mitigate" is too vague, and connotes making up for an unavoidable adverse impact.

**Page 4: [5] Commented [KC13] Kenyon, Cristin@Coastal 6/28/2019 9:20:00 AM**

Policies should address water quality impacts and hydrological impacts. Protection of water resources requires not only minimizing pollutants in runoff, but also minimizing alterations in a site's pre-development hydrologic balance, measured in terms of the runoff volume, flow rate, timing, and duration.

**Page 6: [6] Commented [KC25] Kenyon, Cristin@Coastal 7/1/2019 1:20:00 PM**

Consider adding a policy to reduce/eliminate use of current stormwater outfalls and avoid construction of new stormwater outfalls. Until outfalls are eliminated, please also consider policy language to direct stormwater to existing facilities with appropriate treatment and filtration, where feasible.

**Page 6: [7] Commented [TG26] Tamara L. Gedik 8/12/2019 3:56:00 PM**

As written this appears to be a program, not a policy. Refer to Comment 2, page 2, of our 7/5/19 letter to the City.

**Page 6: [8] Commented [KC30] Kenyon, Cristin@Coastal 6/28/2019 10:23:00 AM**

Clarify that this is referring to stormwater drainage paths and pipes. Please also use "vegetated swales" instead of "ditches."

**Page 7: [9] Commented [KC31] Kenyon, Cristin@Coastal 6/28/2019 10:28:00 AM**

Please remove the word "encourage" and restructure this sentence to set clear development requirements. We recommend that LID techniques be given precedence in all development projects and be required for Developments of Special Concern (not just encouraged), to the

extent appropriate and feasible. We also recommend that development be required to be planned, sited, and designed to maintain or enhance onsite infiltration of runoff where appropriate and feasible. Please also clarify that these are techniques for stormwater management, and ensure that LID is defined in the LUP.

**Page 7: [10] Commented [KC32] Kenyon, Cristin@Coastal 6/28/2019 10:29:00 AM**

There are also LID techniques that do not involve infiltration (such as evapotranspiration, harvesting for later on-site use, detention, or retention of stormwater). Flow-through planter boxes and green roofs are examples.

**Page 7: [11] Commented [KC33] Kenyon, Cristin@Coastal 6/28/2019 10:30:00 AM**

This seems to contradict Policy CONS-1c.3 below which states that the CASQA Stormwater BMP Handbook should be used to select BMPs – consider combining and harmonizing Program CONS-1b.9.2 and Policy CONS-1c.3.

**Page 7: [12] Commented [KC36] Kenyon, Cristin@Coastal 9/10/2019 2:56:00 PM**

We recommend modifying this statement to say that an LID approach is required for Developments of Special Concern, and making this program a policy. We also recommend removing this incomplete list of example parameters that might indicate a project is a Development of Special Concern and instead rely on the comprehensive list included in proposed Policy CONS-1e.2. See General Comment 3 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Page 7: [13] Commented [KC37] Kenyon, Cristin@Coastal 7/1/2019 1:03:00 PM**

We recommend adding policy language to specifically avoid impervious areas directly connected to the storm drain system.

**Page 7: [14] Commented [KC38] Kenyon, Cristin@Coastal 6/28/2019 11:55:00 AM**

To ensure consistency with Coastal Act §30230 & 30231, we recommend using the terms “maintain, enhance and where feasible, restore” when discussing the protection of the biological productivity and quality of coastal waters, streams, and wetlands.

**Page 7: [15] Commented [KC40] Kenyon, Cristin@Coastal 6/28/2019 1:13:00 PM**

Detention/slowing of runoff is also important in addition to infiltration, treatment, and retention/storage.

**Page 7: [16] Commented [TG42] Tamara L. Gedik 8/12/2019 4:04:00 PM**

This subsection is not phrased in a way that logically connects to the broader statement in CONS-1b.12 (“site development in order to...”)

**Page 7: [17] Commented [KL43] Koteen, Laurie@Coastal 9/3/2019 11:00:00 AM**

Will these areas be designated on a map of Trinidad? Will they be identified at the time of project initiation? The statement is very generic and therefore provides little guidance.

**Page 8: [18] Commented [KC51] Kenyon, Cristin@Coastal 6/28/2019 1:05:00 PM**

This policy is more of an implementing program. We recommend an LUP policy requiring an LID approach to stormwater management (see comments on proposed Policy CONS-1b.9 and Program CONS-1b-9.3).

**Page 8: [19] Commented [KC52] Kenyon, Cristin@Coastal 9/10/2019 2:58:00 PM**

Please reword this policy so that it directly governs development with development as the subject – “development shall incorporate measures to...” We also recommend including separate policies for construction-phase measures and post-construction stormwater management. See General Comment 2 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Page 8: [20] Commented [KC53] Kenyon, Cristin@Coastal 6/28/2019 1:11:00 PM**

The following list seems redundant with other policies, including proposed Policies CONS-1b.1, 1b.2, 1b.3, 1b.5 and 1b.12.

**Page 8: [21] Commented [KC54] Kenyon, Cristin@Coastal 6/28/2019 1:22:00 PM**

Please also mention protection of hydrology – see comment in the principles section on the principle “Best Management Practices Policies.”

**Page 8: [22] Commented [KC55] Kenyon, Cristin@Coastal 6/28/2019 1:23:00 PM**

Please clarify that a site specific infiltration rate evaluation may be required of the project applicant to assist with the project’s stormwater management design (we also recommend restructuring this sentence with development as the subject).

**Page 12: [23] Commented [KC81] Kenyon, Cristin@Coastal 9/10/2019 3:01:00 PM**

Please clarify that the map is only intended to serve as a repository of collated data for use as a screening tool in the review of future development proposals and is not a comprehensive inventory of all ESHA within the City, nor is it a delineation of sensitive habitat. See General Comment 1 on mapping resources in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Page 12: [24] Commented [TG82] Tamara L. Gedik 8/12/2019 4:51:00 PM**

This list identifies areas in the City that are ESHAs, and Section 2 below identifies other ESHAs in the City. Consider adding a cross-reference in each section or rewording to ensure internal consistency.

**Page 12: [25] Commented [KL85] Koteen, Laurie@Coastal 9/3/2019 3:36:00 PM**

CA Native Plant Society/ CDFW use the term “species of special concern” – this appears to be covered by “rare species”, but greater specificity will clear up future confusion.

**Page 12: [26] Commented [KC86] Kenyon, Cristin@Coastal 6/28/2019 3:16:00 PM**

Please add to this list “any areas not specifically designated in the LCP that meet the definition of ESHA in Coastal Act §30107.5.” Also, just to note, this list of ESHAs is quite broad (e.g., the Commission does not consider all wetlands to be ESHA and does not apply 30240 to marine resources). However, it is perfectly acceptable for the City to define ESHA more broadly than the Commission.

**Page 12: [27] Commented [KL88] Koteen, Laurie@Coastal 9/3/2019 3:37:00 PM**

The goal is not “limit”, but to prohibit development where ESHAs are found, except for acceptable uses, or where there is a takings issue.

**Page 14: [28] Commented [KC100] Kenyon, Cristin@Coastal 9/10/2019 2:41:00 PM**

Please change “landscaping” to “plantings.” The only development allowed in ESHA is resource-dependent, so there should be no landscaping in ESHA, but there may be plantings, for example, as part of a restoration project. Also, please see General Comment 5 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element for recommendations on requirements for planting and vegetation maintenance in and adjacent to ESHA.

**Page 14: [29] Commented [KC101] Kenyon, Cristin@Coastal 7/1/2019 1:28:00 PM**

This statement is misleading because the certified LCP includes policy language that directly regulate development in ESHA consistent with Coastal Act §30240 (instead of just deferring to other state and federal regulations). Under the Coastal Act's legislative scheme, the certified LCP embodies state policy [Pratt v. California Coastal Commission (2008) 162 Ca. App.4th1068.].

**Page 14: [30] Commented [KC102] Kenyon, Cristin@Coastal 7/1/2019 1:48:00 PM**

Rare plant habitat is ESHA, so standards for development in rare plant habitat are covered by CONS-2a.3 and requirements for a rare plant survey are covered by CONS-2a.11. Please review to ensure that these rare plant requirements are consistent with the more general requirements of development in ESHA found in the aforementioned policies.

**Page 14: [31] Commented [KC103] Kenyon, Cristin@Coastal 9/10/2019 2:59:00 PM**

We recommend requirements for separate (1) construction-phase erosion and sediment control plans and (2) post-construction stormwater management plans for all development that has the potential for adverse water quality and/or hydrologic impacts (not just for development on properties containing ESHA). See General Comment 2 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Page 14: [32] Commented [KC108] Kenyon, Cristin@Coastal 7/1/2019 2:33:00 PM**

This sentence appears to be prohibiting development in ESHA (unless such a prohibition results in the taking of private property) – this conflicts with proposed Policies CONS-2a.1, 2a.2, and 2a.3 which allow certain types of development in wetlands, ESHAs, and streams. Consider instead avoiding development in ESHA if feasible; and if complete avoidance is not feasible, siting and designing allowable uses in ESHA to minimize impacts, including vegetation removal.

**Page 14: [33] Commented [KC109] Kenyon, Cristin@Coastal 8/12/2019 5:06:00 PM**

This sentence is alluding to a takings of private property. Please see General Comment 2d in our 7/16/19 letter on addressing takings in the LCP.

**Page 15: [34] Commented [KC110] Kenyon, Cristin@Coastal 7/1/2019 2:58:00 PM**

If disturbed areas are to be replanted, please clarify that this sentence applies to temporary disturbances. Also please refer back to the allowable use provisions of Coastal Act §§30233, 30236, and 30240 (proposed Policies CONS-2a.1, 2a.2, and 2a.3) to ensure this allowance for

disturbance to ESHA in “special circumstances” is not read as a caveat to the allowable use provisions of the aforementioned policies.

**Page 15: [35] Commented [KC111] Kenyon, Cristin@Coastal 7/1/2019 3:16:00 PM**

Any application for development in an area where ESHA may be present must include a biological survey to identify and map potential ESHA, not just in areas identified on Figure 7 and areas identified by City staff. We recommend modifying this policy accordingly (e.g., changing “including” to “including, but not limited to”).

**Page 15: [36] Commented [KC115] Kenyon, Cristin@Coastal 9/10/2019 3:03:00 PM**

Please include buffer requirements in a policy rather than programs to ensure these requirements are part of the standard of review for LCPs. Please see General Comment 4 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element for buffer standards to include in the LUP.

**Page 15: [37] Commented [KC117] Kenyon, Cristin@Coastal 9/6/2019 1:15:00 PM**

Is the use of the word “minor” meant to indicate that vegetation maintenance is allowed that doesn’t rise to the level of development pursuant to Coastal Act §c30106 (i.e., that doesn’t constitute major vegetation removal)?

**Page 16: [38] Commented [KC124] Kenyon, Cristin@Coastal 7/2/2019 9:05:00 AM**

Proposed Policy CONS-1b.12 calls for the preservation and protection of riparian corridors and creek channels and the minimization of disturbance of natural areas, and Proposed Policy CONS-1c.2 calls for the maintenance of natural drainage conditions. To maintain consistency, this policy should mandate preservation/protection (i.e., move “to the extent feasible” so that it only modifies the verb “restore”).

**Page 17: [39] Commented [KC134] Kenyon, Cristin@Coastal 9/10/2019 3:04:00 PM**

We recommend making this a policy to ensure this requirement is part of the standard of review for CDPs. We recommend not only prohibiting planting, but requiring maintenance of the property free of these highly-invasive plants (i.e., none of these species shall be planted or allowed to naturalize or persist on the project site). See General Comment 5 in our 9/10/19 comments specific to the Conservation, Open Space & Recreation Element.

**Page 18: [40] Commented [TG141] Tamara L. Gedik 8/13/2019 11:28:00 AM**

Where is the Urban Services Boundary, and does it extend outside City limits? If not, how does this policy relate to the first statement under Section 1 above? It would be helpful to depict the geographic extent of the Urban Services Boundary on at least one of the figures included in the LUP. Do any stands of commercial timber occur within the Urban Services Boundary?

**Page 28: [41] Commented [KC198] Kenyon, Cristin@Coastal 7/3/2019 11:01:00 AM**

How do proposed Policies CONS-10.4, 10.5, 10.6, and 10.7 relate to one another? All four policies appear to be requiring public access in approval of new development – please address inconsistencies and redundancies among these policies. We recommend revising these policies so that public access mitigation is not limited solely to proposed and existing trails shown on Figure 10. For example, if a prescriptive right of access exists on a parcel, than avoidance or

mitigation if avoidance isn't feasible should be required. We also recommend reframing these policies to preference recorded grants of easement over offers to dedicate (i.e., if an easement is not feasible, then implement access mitigation through an offer to dedicate an easement). OTDs are cumbersome and can create a many-year delay in the implementation of public access mitigation; it is preferred that the City would be willing to immediately take steps to open a trail.

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September 10, 2019

## **Preliminary Coastal Commission Staff Comments Specific to the Conservation, Open Space & Recreation Element**

### Overall

1. **Using Maps to Identify Coastal Resources and Constraints.** The City's proposed Conservation, Open Space, & Recreation Element includes maps showing existing and proposed trails, CNDDDB data on special status species, and soil conditions and constraints. Please note that maps are illustrative depictions only and that the text applicable to the maps control over the illustrative depictions. To the extent that these and other resource and constraint maps are referenced in LUP policies, please add a caveat that the maps are not necessarily a comprehensive inventory of resources/constraints, and that policies apply if resources/constraints are present in the field, regardless of whether they are mapped.

### Water Quality

2. **Construction-phase Erosion and Sediment Control Plan and Post-construction Stormwater Management Plan.** The LUP needs to contain detail and specificity sufficient to conform to the Chapter 3 policies of the Coastal Act and effectively guide the IP, as the standard of review for future IP amendments will be the LUP. To ensure that future development will be undertaken consistent with Coastal Act §§30230 and 30231, the water quality protection section of the LUP needs to contain clear requirements for construction-phase erosion and sediment control plans and post-construction stormwater management plans, including overarching guidance on the plans' application and content. We recommend including policy language that requires all development that has the potential for adverse water quality or hydrologic impacts to coastal waters during and/or post-construction to prepare a construction-phase erosion and sediment control plan and/or post-construction stormwater management plan accordingly. We also recommend stating the purpose of the plan (for construction-phase plans, the purpose would be to minimize erosion and the discharge of sediment during construction, and to minimize pollution of runoff and coastal waters by construction chemicals and materials; and for post-construction plans, the purpose would be to minimize stormwater pollution and adverse changes in runoff flows from the site for the life of the development). The LUP could also provide guidance on the level of detail needed in the plans (e.g., the level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the development, and the potential for adverse water quality impacts to coastal waters).
3. **Development of Water Quality Concern.** To allow for expedited permitting of less impactful development, the draft LUP identifies categories of "Development of Special Concern" that have a greater potential for adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, and/or proximity to coastal

waters; these categories of development require additional measures to ensure protection of water quality consistent with Coastal Act §§30230 and 30231. Although the draft LUP includes a policy (Policy CONS-1E.2.1) identifying categories of development that qualify as Developments of Special Concern, the draft LUP defers to the City's grading and zoning ordinances for requirements and standards for Developments of Special Concern without providing much overarching policy guidance. To address this issue, we recommend redrafting Program CONS-1e.2.1 as a policy that directly regulates Developments of Special Concern rather than directing the City to adopt future grading/zoning ordinance standards. Consistent with proposed Program CONS-1e.2.1, we recommend that additional requirements for Developments of Special Concern include requirements that (1) the stormwater management plan be prepared by a licensed professional expert; and (2) that the plan provide quantitative estimates of increases in pollutant loads and runoff flows resulting from proposed development. We additionally recommend:

- a. Requiring that BMPs selected to minimize water quality impacts be sized to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs; and
- b. Requiring that at a minimum, the runoff produced by the 85th percentile 24-hour design storm be retained on-site (by means of infiltration, evapotranspiration, or harvesting for later use), to the extent appropriate and feasible. If a proposed development will not retain on-site the runoff produced by the 85th percentile 24-hour design storm using an LID approach, require an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve runoff retention, and require that BMPs be implemented to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm that will not be retained on-site, or if additional pollutant removal is necessary to protect coastal waters.

#### ESHA and Other Natural Resources

4. **ESHA Buffers.** Proposed Programs CONS-2b.1.1 through CONS-2b.1.3 discuss buffer requirements for all ESHAs. We recommend including buffer requirements in a policy rather than programs to ensure these requirements are part of the standard of review for LCPs. We also offer the follow recommendations on information and requirements for buffers to be included in the LUP:
  - a. Definition of wetlands and streams: In order to identify where ESHA ends and the ESHA buffer begins, please provide clear definitions of wetlands and streams in the LUP (consistent with §30121 of the Coastal Act and §13577 of the Commission's implementing regulations).
  - b. Buffer width: Proposed Program CONS-2b.1.2 requires a minimum 100-foot buffer for all types of ESHA, unless otherwise defined in the City's Zoning Ordinance. Instead of referring to the City's Zoning Ordinance for exceptions to the minimum buffer requirement, we recommend including clear guidance for a reduced buffer in the LUP as the LUP needs to include enough detail and specificity to guide the standards of the IP. Proposed Program CONS-2b.1.3 contains a standard for a reduced buffer that could provide the necessary guidance if edited. Proposed Program CONS-2b.1.3 states that "an analysis by a qualified professional may justify a reduced setback based on specific findings as long as it can be demonstrated that the ESHA quality and function will not be negatively

impacted.” Please modify this standard consistent with the language of Coastal Act §30240 (i.e., a site-specific study must demonstrate that a reduced buffer width “would not result in the development significantly degrading the ESHA and would be compatible with the continuance of the ESHA”). Please also modify the buffer policies to indicate that if information collected in an analysis of potential adverse impacts of development on adjacent ESHA indicates the need for a buffer greater than 100 feet to adequately protect the resource, an enhanced buffer width adequate to protect the resource from degradation and allow for the continuance of the ESHA shall be applied.

- c. Allowable uses: Proposed Program CONS-2b.1.1 defers to the City’s Zoning Ordinance for allowable uses in ESHA buffers. The LUP need not define the types of development that are permissible in ESHA buffers; however, the LUP should at least generally provide that allowable uses in ESHA buffers are limited to those uses allowed in the adjacent ESHA [consistent with Coastal Act §§30240(a) (all ESHA), 30233(a) (wetlands), and 30236 (streams)], as well as any additional uses that prevent impacts which would significantly degrade the ESHA and are compatible with the continuance of the adjacent ESHA [pursuant to §30240(b)].

## 5. **Plantings.**

- a. Plantings in or adjacent to ESHA: Proposed Policy CONS-2a.4 requires that plantings located within or adjacent to ESHA be restricted to native stock and that plants listed as invasive, problematic or noxious be removed and prohibited from being planted. The draft policy also mentions that maintenance requirements may be included. To protect ESHA consistent with Coastal Act §30240, we recommend not only requiring development adjacent to ESHA to not plant highly-invasive plants and remove existing such plants, but also requiring maintenance of the property to be free of highly-invasive plants over the life of the development (i.e., not allowing these species to naturalize or persist on the project site). We also recommend that either the LUP or IP include more information on what constitutes “native stock,” with use of native vegetation obtained from local genetic stock within Humboldt County within 30 miles of the coast if feasible. If it can be demonstrated that native vegetation from local genetic stock is not available, we then recommend requiring vegetation from within the adjacent region of the floristic province, if feasible.
- b. Other landscaping requirements: In addition to proposed Policy CONS-2a.4 on planting vegetation in and adjacent to ESHA, we recommend the City include policy language on landscaping that is more broadly applicable, requiring planting plans when a proposed development requires plantings to mitigate adverse impacts, such as to protect the visual character of an area, address erosion and runoff control, and/or protect adjacent ESHA from development impacts, and we recommend requiring such plans to prohibit use or harboring of invasive plants and to prioritize planting of native drought-tolerant plants.

## Public Access

6. **Inventory of Existing and Future Public Access.** We appreciate that the City has incorporated a public access inventory into the draft LUP Update, including a map (Figure 10) showing the specific locations of existing and proposed public access to the coast. The City has also included a description of Trinidad public access trails in the introductory text of the public access subsection of the Conservation, Open Space &

Recreation Element. We would appreciate knowing what source the City used for delineating the California Coastal Trail (CCT) depicted on Figure 10 because it does not appear to match the CCT alignment in our records. Therefore, we recommend coordinating with our Public Access Program staff to ensure that the California Coastal Trail (CCT) alignment depicted on Figure 10 accurately reflects the CCT. We would also appreciate obtaining from you a copy of the public access GIS shape files and layers used in developing Figure 10.

Please also clarify the purpose of the trail markers numbering shown on the map. In addition, if there are any offers to dedicate public access easements or deed restrictions in the City's coastal zone that have not yet been developed for public access, please identify those areas on Figure 10. In the introductory text to the public access policy subsection of the draft LUP, we recommend referencing numbering on the map in the text description of the trail system so that the reader can easily locate the described access facilities on the map. We also recommend providing additional detail on the type of access available, status of planned access, and existing and proposed amenities such as seating, signage, parking, and public restrooms.

7. **Missing Coastal Act Coverage.** As detailed in our letter dated July 5, 2019, the draft public access and recreational policies submitted by the City do not fully cover all of the coastal resource protections set forth in a number of Coastal Act policies. 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 we recommend that proposed Policy CONS-10.6 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; we recommend adding policy language to cover these Coastal Act provisions. In terms of public recreation and other priority use policy coverage (visitor and recreational facilities, recreational boating, commercial fishing, aquaculture, and coastal-dependent development), please add policy language to cover the provisions of Coastal Act §§30213, 30220, 30221, 30222, 30223, 30224, 30234, 30234.5, 30222.5, and 30255.
8. **California Coastal Trail.** The State Legislature has adopted legislation calling for the ultimate development of a continuous California Coastal Trail (CCT) along the whole of the state's coastline. To ensure the segments of the CCT within City limits are protected and maintained and new trail segments are constructed as necessary, we make the following recommendations:
  - a. **Gaps:** The City trail system contains segments of the CCT. Figure 10 and the introductory text of the public access subsection of the LUP treat the City's portion of the CCT as complete, but there are gaps, including segments that are not accessible for all envisioned users. For instance, as acknowledged by the introductory text, Scenic Drive is not safe for pedestrians and therefore should be seen as a gap in the CCT. We recommend that the City identify gaps in the CCT within City limits and measures needed to fill these gaps.
  - b. **Guidance on the local segment of the CCT:** The draft LUP includes two policies that reference the CCT, one calling for connection of the City trail system to the CCT and one calling for support of the Coastal Conservancy in completing the CCT project. In addition to or in place of these policies, we recommend adding policy language and implementing standards that directly regulate development of

the local segment of the CCT, requiring the CCT within the City to be maintained and enhanced to provide a continuous non-motorized public trail along the City's coastline connecting with contiguous trail links in adjacent unincorporated Humboldt County. When drafting policies and standards, please consider how the CCT in Trinidad would be best maintained and enhanced (i.e., consider local context and issues), such as by including sufficient transportation access to encourage public use, adding accommodations or alternative routes to provide access for a greater variety of non-motorized users, taking into account bluff and beach erosion when designing trail segments, improving segments of trail along roadways to reduce potential conflicts with motorized vehicle traffic, and adding signage and interpretive facilities.

9. **Trail Signage.** Consistent with Coastal Act §30210 that calls for maximum access to be conspicuously posted, we recommend that the City add language to the LCP calling for the use of coastal access signage to direct visitors to public access parking, beach and coastal bluff access points, and to identify segments of the California Coastal Trail with the State Coastal Trail emblem.
10. **Public Access and Recreation Hours and Fees.** As part of the City's application for submittal of the subject LCP update, please provide additional information on any access restrictions that currently exist, including any existing access fees or limits on hours open to the public.