

Filed: August 25, 2015
Staff: Trever Parker
Staff Report: July 6, 2017
Hearing Date: July 19, 2017
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2016-06

APPLICANT (S): CAL FIRE

AGENT: Stein Coriell, SHN

PROJECT LOCATION: NA

PROJECT DESCRIPTION: Amendment to the Land Use Plan (General Plan) portion of the City's Local Coastal Program to allow a limited exception to restrictions on providing water service outside of the City's Service Area in order to allow CAL FIRE to apply to the City to provide potable water to the Trinidad Station, 923 Patrick's Point Drive, approximately 1 mile to the north of the City, under a separate, future application.

ASSESSOR'S PARCEL NUMBER: NA

ZONING: NA

GENERAL PLAN DESIGNATION: NA

ENVIRONMENTAL REVIEW: Statutorily Exempt from CEQA per §15265 of the CEQA Guidelines exempting adoption of coastal plans and programs.

APPEAL STATUS:

Planning Commission action on an LCP Amendment is in the form of a recommendation to the City Council. The City Council must adopt the amendment by Resolution. Then the amendment is submitted to the Coastal Commission for certification prior to it going into effect. Therefore, the Planning Commission action is not final and not appealable.

BACKGROUND:

The history of this project goes back several years. The CAL FIRE Trinidad Station previously obtained its potable water through a collection and treatment system on Martin Creek. However, possibly due to upstream development, that source has become polluted and unreliable. CAL FIRE attempted several solutions, including expansion of the collection cistern, improvements to the filtration system and even digging a new well. None of these actions worked, and the station has had to rely on trucked and bottled water for domestic use ever since.

Therefore, CAL FIRE applied to the Humboldt Local Agency Formation Commission (LAFCo) in 2009 for a service extension from the City of Trinidad water system. LAFCo is the agency responsible for determining changes in jurisdictional boundaries of local agencies, including Cities and Service Districts. Normally out of agency service extensions are not allowed without annexation. However, an exception was allowed in this case because CAL FIRE is a public agency and because the current water situation is a health and safety issue. Winzler and Kelly, Consulting Engineers, prepared a preliminary feasibility report for LAFCo, which showed that the CAL FIRE demand would use approximately 1% of the City's available capacity and that a 1" line would be adequate to serve the station. LAFCo approved a 1.5" water line in order to allow some room for error. LAFCo's approval was conditioned on CAL FIRE negotiating an agreement with the City, assuming all financial responsibility, and completing all the required environmental and permit compliance.

CAL FIRE then approached the City for approval of the water line extension. The City Council considered the request at their October 2012 meeting. The minutes do not reflect that there was much discussion, and there were no objections. A CAL FIRE representative noted that once they received approval from the City, they would have to work on securing funding and applying for the appropriate permits. I was not involved in the request at this time or in the LAFCo process.

After obtaining their funding authorization, CAL FIRE again approached the City in 2014 to start discussions about the required design, engineering, environmental analysis and permitting. This is when I got involved, and I also ran the proposal by Coastal Commission staff. They pointed out that the Trinidad Fire Station is outside the City's approved and mapped Water Service Area. Both the City and County LCPs include language that would prohibit extension of City water outside of the service area. City staff met with Coastal Commission staff, County staff and the applicant representatives in July 2015 and September 2015 to discuss the next steps to move the project forward. It was determined that amendments to both the County and City LCPs would be required. It was also determined that language allowing a specific exception for the CAL FIRE station would be the best approach. This is as opposed to amending the Service Area Map, which would

have required a much more comprehensive water supply analysis and would have opened up a much broader water service discussion.

NEED FOR THE PROJECT:

There is a clear, documented need for potable water service at the Fire Station. CAL FIRE has documented the water quality problems with their existing system, including sedimentation and contamination related to homeless encampments nearby. Water conservation measures are already in place. Three test borings for wells were drilled onsite in 2007 but came up dry. Sand filtration and other water treatment options have been attempted with unsatisfactory results (see September 28, 2016 letter from CAL FIRE for more information). Currently, bottled water is used for drinking and the existing, questionable water is used for everything else, including showers.

The CAL FIRE Trinidad Station provides an essential public service. The Station has an initial attack direct protection area of over 375,000 acres and interfaces with numerous state, federal and local agencies. The Trinidad State Fire Station is the only “Amador” station in the Humboldt Del Norte Unit, which requires it to be open year round. The station is contracted to serve as the primary fire department for Humboldt County Service Area 4. The station also provides emergency services to the City of Trinidad and the Trinidad Rancheria properties at no cost. In the last five years to date (September 28, 2016) the Cal Fire Trinidad Station has responded into the City of Trinidad a total of 227 times for a variety of call types, 88 of those calls were since January 1st of 2015. The Cal Fire Engine is routinely first to the scene to calls in the City of Trinidad, often by several minutes, due to its close proximity and being professionally staffed 24 hours per day.

WATER AVAILABILITY:

In addition to the feasibility study conducted by Winzler and Kelly in 2009 for LAFCo, GHD (formerly Winzler and Kelly) prepared an updated report in March 2017. That report included current City water use and supply information as well as accounted for the increased staffing at the Trinidad Fire Station. The station will continue to use their existing water source for irrigation, fire suppression and truck maintenance; the City’s water will only be used for domestic, indoor use.

GHD’s water assessment shows that the City has ample capacity to serve the Trinidad Fire Station. The small percent of water that will be used by the Station will not impact the City’s ability to supply water to vacant lots in the City when they are developed in the future. It will also not affect the City’s storage capacity or ability to fight fires. The GHD report concluded the following:

“A comparison of the fire station water demand (Table 1) to the available Trinidad water system capacity (Table 2) shows that the fire station’s estimated average demand during periods of high facility use are less than 1% of the available capacity. During a peak day the Cal Fire facility’s demand is approximately 1.5% of the available system capacity. The per hourly demand is 1.6% of the City’s treatment system production capacity of 175 gallons per minute. Thus, the City has the capacity to provide potable water to the fire station.” See the GHD March 30, 2017 water availability assessment for the Tables and more detailed information.

There are larger issues of water supply and the City’s Water Service Area that may come up at this meeting. Water supply in the Trinidad area is limited, and can hinder development. This has been an issue for a long time, but became more apparent with the drought over the previous few years. The City has seen an uptick in requests for water hook-ups for properties outside City limits. However, as mentioned above, LAFCo policies and regulations do not allow hook-ups outside of jurisdictional boundaries except in very limited circumstances; generally annexation of the property is required. In addition, the City’s water plant, and Luffenholtz Creek have limited capacity. Before allowing additional hook-ups outside of City limits, the City needs to complete a comprehensive water supply assessment and evaluate potential future water demand considering build-out of the City and the Water Service Area. This will be something the City will be developing as part of its current LCP update. The City recently applied for another round of LCP grant funding from the Coastal Commission to complete an in depth water supply and demand analysis, and to develop and assess alternatives for the Water Service Area, Sphere of Influence and potential annexation. Staff did not want to delay this important project for that long-range planning effort. And the service extension to the Trinidad Fire Station should be considered separately from these larger issues.

LCP AMENDMENT PROCESS

City staff have worked closely with Coastal Commission staff to draft the proposed LCP amendment language. We have also worked similarly with County staff to ensure that the two amendments are consistent. That does not mean that the proposed language can not be changed at this point. But if there are any changes, those should be run by Coastal Commission staff to ensure they will still support the amendment. The intent was to ensure that the exception was narrow and specific enough that it would not set a precedent for allowing additional connections. The language also includes findings to ensure that the future Coastal Development Permit application for the physical construction of the water line can be found to be consistent with both LCPs and the Coastal Act.

SB 18 (Chapter 905, Statutes of 2004) requires the City to consult with local Tribes when amending the General Plan. A letter was sent to the contacts for the Tribes identified by the Native American Heritage Commission and known to the City on April 4, 2017 offering the

opportunity for Intergovernmental Consultation. The Tribes have 90 days to respond requesting consultation; none did.

The project is subject to CEQA. However, LCP amendments are Statutorily Exempt from CEQA per §15265 of the CEQA Guidelines exempting adoption of coastal plans and programs. CEQA compliance will again be addressed as part of the permit process for the physical construction of the water line.

The Zoning Ordinance requires the Planning Commission to hold a public hearing on any amendments. However, it is the City Council that actually adopts the amendment, so the Planning Commission action will be in the form of a recommendation to the City Council. If the City Council adopts the amendment, then it will be submitted to the Coastal Commission for certification. The County is currently processing a similar amendment to the Trinidad Area Plan, which will be considered by the Coastal Commission at the same time and Trinidad's LCP amendment.

Once the LCP amendment is certified, the next step will be for CAL FIRE to apply to both the City and the County for the necessary permits to install the line. This will include CDPs and encroachment permits from both agencies at a minimum. Environmental review and CEQA compliance will occur at that time based on the specific design and location of the proposed water line.

LCP/ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

I have provided you with the entire Water Service section of the General Plan for context. This section was updated in 1987, but is still quite out of date. However, that is being updated as part of the current General Plan amendment. The City does have a water ordinance (Chapter 13.04), which is not a part of the certified LCP, but it will dictate aspects such as design, construction and management of the future water service connection. County regulations will also apply to construction of the portion of the water line within County jurisdiction.

The amendment has been narrowly crafted in order to not set precedent for other water service connection requests and so that it would not conflict with other provisions of the LCP. It also does not change any of the resource protection policies of the LCP. And it does not allow any new physical changes, other than the water line extension to the Trinidad Fire Station. Once the amendment is certified by the Coastal Commission, CAL FIRE can then apply to the City for the Coastal Development Permits needed from both the County and the City to physically install the water line. That will require a separate hearing process and approval by the Planning Commission.

STAFF RECOMMEDATION:

Based on the above analysis, the amendment can be found to be consistent with the City's Zoning Ordinance and General Plan and other policies and regulations of the LCP. The amendment will serve to support an important public need and will not negatively impact the City's ability to provide water to users within the City. If the Planning Commission agrees with staff's analysis the amendment may be recommended to the City Council with the following motion:

Based on application materials, information included in this Staff Report, and based on public testimony, I move to adopt the information in this staff report and recommend approval of the LCP Amendment as submitted and as conditioned below:

ATTACHMENTS

- Proposed LCP Amendment
- GHD Water Supply Assessment
- CAL FIRE Application
- CAL FIRE Supplemental Materials

CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to permit application for construction of the water line.*
2. The applicant is responsible for negotiating a services agreement with the City, payment of any permit and hook-up fees and assumption of financial responsibility, and for securing all necessary approvals and permits needed to construct the water line. *Responsibility: Applicants throughout design and permit process.*

CHAPTER III

DEVELOPMENT OPTIONS & PREFERENCES

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WATER SERVICE

The City withdraws all municipal water entirely from Luffenholtz Creek. A large trunk line, located along Westhaven Drive, carries the water into the City. All development in the City is connected to the system. Because some of the residences along Westhaven Drive had inadequate wells, the City allowed them to connect to the system.

Prior to improvements in 1987, the Trinidad water system had a storage capacity of 150,000 gallons in a single storage tank. Average monthly raw water production in 1985 was 2,279,000 gallons, with higher demands in the summer months and lower demands during the winter. The total City population in 1985 was 430. At that time, the water system served 268 connections; 176 were within the city limits and 92 were outside the City.

Following system improvements in 1987 under the California Safe Drinking Water Bond Law Program of 1984, the City water system was upgraded in terms of pumping, treatment and storage capacities. With the addition of a second storage tank, storage capacity is currently 300,000 gallons. Production capacity at the pumping station is 150,000 gallons per day, averaged. Maximum "peak period" capacity is 288,000 gallons per day or 200 gallons per minute.

Capacity of the City water system to adequately serve the existing and projected needs of the community has historically been a concern of the City. With the improved system, the City now has the ability to adequately serve existing users.

The California Safe Drinking Water Bond Law Program provided funding for bringing local water systems into compliance with state waterworks standards, but did not provide funding for future capacity. Consequently, the system is designed to adequately service the City, with only a slight capacity margin.

The relationship between the number of new services that can be connected and the

capacity of the system is complex and can only be evaluated relative to specific hookup requests. Any proposals for significant increase in water usage should be viewed with caution.

An additional limitation of the system is the available quantity of water from Luffenholtz Creek. Available water is less than total stream flow due to water rights issues, downstream users and environmental considerations. The 1980 Citizen's Committee found that the theoretical capacity of the Creek is approximately 650 service connections. The Committee recommended that the City allow no more than 400-450 service connections without performing specific watershed studies to verify additional capacity.

Water quality of the finished water within the system is currently tested on a regular basis by the City staff, including tests for coliform and turbidity. Results of water testing indicate that City water is in full compliance for bacteriological standards and marginally acceptable for turbidity.

The water system was also substantially upgraded in 1976. However, portions of the system existing before that time are still in use, well beyond their useful life. This points up a problem for the City of Trinidad - the upkeep and timely replacement of water system components. The value of Trinidad's water system is so great that, on an annual replacement system, the annual cost is greater than the City's financial capability.

To begin to resolve this problem, the City must 1) efficiently manage the system; 2) provide efficient operation and maintenance; and 3) have a well-conceived annual repair-replacement program.

Repair and replacement will contribute to water conservation now hampered by leakages from the system. Water conservation can be further promoted by educating users in water conservation practices.

Service Options

Among the options for the City in providing water services to the community are the following: 1) the City could choose to limit the number of new water service

connections; 2) not limit the number of new water connections; or 3) selectively allow new connections based on specified guidelines.

For any service option, the City should consider: how and where the development is to occur; the physical operation of the water system and ultimate capacity of the watershed; the effect of the City's Sphere of Influence; and whether prospective users are within the city limits or outside the limits.

Service Preference

The City chooses to allow connections on a selective basis with preference given first to users within city limits. The City desires to maintain and upgrade its water system as necessary to provide domestic water and fire flows for routine as well as peak demands. Major expansions of trunk lines should be carefully reviewed.

Recommended Policies

22. The City should promote an active, on-going water conservation program to help keep user charges as low as possible. The City conservation program should extend to upgrading outdated portions of the system to eliminate leakage.
23. The City shall continue to monitor water consumption. In addition, the City should pursue a program to monitor water quality and quantity both within the City system and in Luffenholtz Creek. The City shall implement well-defined, quality programs of operation and maintenance.
 - 23a. Users within city limits should be given preference for service connections.
 - 23b. The City shall plan on regular maintenance and occasional upgrading of the water system, as feasible. The City shall develop a program to periodically upgrade existing distribution lines to current standards. To keep the City up to date on the condition of the water system, need for improvements and level of uses, an annual water report shall be prepared and presented to the City Council.
24. In the event of a proposal to expand the City water system, prospective customers shall provide by agreement with the City the necessary funds in whole or in part

to defer the cost of system improvements. This policy shall be implemented by provisions of the City Water Ordinance.

- 24a. The City should monitor land use activities and development projects within the Luffenholtz Creek watershed and oppose those activities and projects which may have adverse impacts on creek water quality. The City should develop and maintain an on-going and open relationship with landowners within the watershed.
- 25. The area of the east and southeast of the City on either side of the freeway, where some properties are already connected to the system, should be included in the City service area to allow for additional connections as the system allows.
- 25a. The City should, from time to time, revise its Sphere of Influence to be consistent with the City's water service connections.

In North Trinidad, the unincorporated area north of the City, several commercial developments, visitor accommodations, and residences could benefit from connecting to the City water system. Visitor accommodations have not been able to meet the growing demand because of limited water supplies. If the water system is expanded and a trunk line extended to the north, this development constraint would be altered or removed.

Many residential property owners in North Trinidad recognize that insufficient water supply has preserved the low density rural residential character of the area and they prefer it that way. They see the extension of the City water service into the area as an action that would trigger commercial and residential expansion and destroy the rural character of the area.

There is also concern that additional water would overburden septic tanks and increase ground and surface water pollution. Proposals to form a water district to pay for a water service extension have been defeated by a sizeable majority on several occasions.

Service Options

If the water system is expanded, the City could: 1) allow the extension of a major

truck line into the North Trinidad area; 2) not allow any extension of water service into North Trinidad; or 3) allow a limited extension.

Service Preference

The continuation, modernization and expansion of visitor services are important to the economy of the area. The City supports the preference of the residents of North Trinidad that the area west of Patrick's Point Drive north of Anderson Lane remain rural residential in character. Therefore, if water service is extended into North Trinidad it should be confined to: (1) the visitor service area east of Patrick's Point Drive; (2) the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive; and (3) the commercial area on the west side of Patrick's Point Drive south of Anderson Lane.

Recommended Policies

26. The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive south of the Division of Forestry property should be included in the City service limits to allow for future consideration of water service.

26a. Water service should not be provided within the North Trinidad service area until the City system has sufficient capacity. The size of the trunk line into the North Trinidad service area should only be large enough to serve the projected needs of development in the service area.

26b. Water service may be extended to the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive if the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and (v) is found to be in conformance with the resource protection policies of this plan.

The City must also consider the conditions under which it will provide water service to

areas outside the City. Section 30254 of the Coastal Act states in part that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Most cities require that those wishing to connect to City services annex their property. Annexation of residential areas increases property tax revenue and State subventions (such as gas taxes). Annexation of commercial establishments, in addition to high property tax revenue, also entitles the City to a share of the State sales tax revenues generated by the annexed businesses.

The City has allowed the connection of about ninety residences outside the City along the main trunk line. These customers are charged a higher rate than in-city customers. In very low density residential areas the extra revenue from water service is approximately equivalent to the net City revenue that would be realized if the property were annexed and the City provided police protection, street maintenance and other services. Therefore, annexation in this situation is not of net revenue benefit to the City.

As residential density and the value of housing increases, and particularly when commercial enterprises are included, annexation could be of net revenue benefit to the City.

Service Options

If the water system is expanded the City could: 1) change the existing policy and require that all property to be provided water service be annexed to the City; or 2) allow water service without annexation in low density residential areas but require annexation where water service is desired for commercial property and residential subdivisions that will represent a net benefit to the City; or 3) provide service to adjacent areas without requiring annexation.

Service Preference

Making annexation a prerequisite could limit interest in connecting to the City

water system since the level of services provided by the City is, except for water, essentially the same as those available from the County at less cost. If the water system is expanded, the following policy should be used to determine whether annexation should be a prerequisite to water service.

Recommended Policy

27. Applications for water service for property outside the City should be reviewed to determine whether annexation would be advantageous to the City. If there is reasonable doubt as to the economic advantages, the hookup should be allowed without annexation so that the City can benefit from the extra water revenue, provided that there is substantial compliance with all other policies in this plan and with the City Water Ordinance.



Memorandum

30 March 2017

To	Dan Berman, Trinidad City Manager		
Copy to	Trever Parker, City Planner, Streamline Planning Consultants		
From	Rebecca Crow, PE	Tel	707-267-2244
Subject	Waterline Extension to CalFire	Job no.	01063/07001/11054

Introduction

The purpose of this memo is to provide an update on the feasibility of connecting the Cal Fire Trinidad Station (fire station) to the City of Trinidad's water system. The existing Cal Fire station water supply has routinely failed water quality tests, and has been determined to be not safe for human consumption, according to testing done by Cal Fire. This memo evaluates the potential demand from the fire station, available water supply from the City of Trinidad, and the ability for the City to meet the demands at the Cal Fire Station.

Estimated Fire Station Water Demand

Fire station water use is not metered. However, station personnel estimate water use during peak summertime staffing of the station ranges between 700 and 1000 gallons per day (gpd). Additionally, water use was calculated based on literature values for additional support for water demands from the station. The facility consists of a 2,500 square foot operations building, a 1,500 square foot foresters building, and a 2,100 square foot engine bay. Altogether there are 2 bathrooms, 1 shower facility, and 1 washing machine (used weekly for linens) located at the site.

Peak summer staffing includes 10 to 14 fire staff who are onsite 24 hours per day 7 days per week. There are also 4 foresters that staff the forester building for 8 hrs per day 5 days per week. Visitors to the facility are rare. If potable water can be extended to the site, the station would continue to use the existing water supply for irrigation, fire suppression, and fire truck tank fill-up and truck maintenance, thus limiting the potable water demand to indoor water use.

Table 1 below shows the estimated water demand of the fire station under average conditions and peak demand conditions expected to occur during the summer months. Water use estimates were taken from published literature as cited below.

The total average daily water demand was estimated at 1,000 gallons per day, at peak staffing with high fire activity levels and all 40-hour staff present. The water demand varies during the day with peaks in the morning and evening and lows during the middle of the night. For calculating the instantaneous hourly water demand, a peaking factor of 4 was applied to the average day demand, which is common for small facilities.

This results in a peak hourly demand of 164 gallons per hour or approximately 2.75 gallons per minute (gpm) for a period of one-hour. These figures will be compared to the available Trinidad Water Supply in the last section of this memo to determine if the City can supply the fire station demand. The next section presents the City of Trinidad’s available supply.

Table 1 Cal Fire Average and Peak Water Demands

Description	Number of Persons	Estimated Demand (gallon per capita per day) ²	Estimated Average Daily Demand (gallons per day)	Daily Peak Demand (gallons per day) ³	Peak Hour Demand (gallons per hour) ⁴
Forestry Staff 40-hr/ week staff ¹	4	16.25	65	130	10.8
Maximum Cal Fire 24/7 staff ¹	14	66.25	927.5	1855	154.6
Total	-	-	992.5	1985	165.4
TOTAL Rounded			1000	2000	1685

¹ Staffing estimated from Department of Forestry and Fire Protection Memo, Dated September 28, 2016. Forestry staffing updated based on personal communications with Cal Fire Battalion Chief Trinidad, Joshua Bennett

² Per capita demand estimated from Wastewater Engineering Treatment and Reuse, Metcalf & Eddy Inc., 2003, typical office employee for 40-hr/week staff and 4 person household for 24/7 staff. Wastewater flow rate assumed to be 80% of water demand.

³ Peak Daily demand equals average daily demand time the peaking factor of 2 to account for increased daily use during warm dry summer months

⁴ Peak hourly demand equals average daily demand times the peaking factor of 4 to account for increased daily use during warm dry summer months and hourly variations in water use during the day

City of Trinidad Water Supply System

The City’s water system consists of an infiltration gallery located 10 feet below Luffenholtz Creek connected to a wet well. Pumps in the wet well supply pressure to move water from the creek through, a rapid settler to remove sediment is the raw water. From the rapid settler a second set of pumps supplies pressure to move water through three parallel sets of roughing and polishing filters then after chlorination onto the City’s two 150,000 redwood water storage tanks.

The City completed a water system upgrade project in 2014, which included a new raw water pumps, rapid settling filtration system, new intermediate pumps, new chlorine contract system, and upgrades to the backwash system. The City maintains two wet well pumps capable of delivering 175 gallons per minute individually. The system is designed to operate with one pump running and both pumps have variable frequency drives to reduce flows if needed. With one pump running the City can produce 252,000 gallons per day (gpd).

Current City Water Use

The City of Trinidad has supplied an average of 68,400 gallons of potable water per day over the last 4 years to meet the demands of the City’s water service area. The peak month demand during the summer period reaches an average of approximately 90,600 gpd, and typically occurs in the month of August. Peak monthly demand was estimated from 2013-2016 monthly data. Peak day demand of 123,100 gpd and peak hour demand of 7,700 gallon per hour were estimated using peaking factors of 1.8 times average day use and 2.5 times maximum day use respectively.

Water Storage

The City currently operates two 150,000 gallon storage tanks, for a total of 300,000 gallons of storage. Out of the total storage, approximately 180,000 gallons is reserved for fire flows (estimated as 2 hours of supply at 1500 gpm). Ideally, this volume would be kept in storage for availability during a fire.

During peak water use in the summer, demands can be met by the maximum feed rate supplied by the pumps. It is not anticipated that storage would be a limiting factor to connection of the fire station to the City's water system.

Luffenholtz Creek Supply

The City sole raw water supply is Luffenholtz Creek. The City is allowed to extract a maximum of 0.56 cubic feet per second (cfs) (251 gallons per minute) from Luffenholtz Creek. The City's water right permit stipulates that when the flow in Luffenholtz Creek is lower than 0.86 cfs, the City must leave at least 0.15 cubic feet per second in the creek, including enough for the 0.0054 cfs worth of water rights downstream from the City, resulting in a total of 0.1554 cfs or approximately 70 gpm that must bypass the City's water intake.

During the drought period of 1977, the flow in Luffenholtz Creek was recorded to drop to 0.62 cfs (278 gpm). This is considered the lowest recorded flow conditions for Luffenholtz Creek. At this flow the City could still divert up to 208 gpm or 299,520 gpd, which is significantly more than the City's current peak day demand. The City is currently working to install flow monitoring on Luffenholtz Creek to track water right bypass compliance.

Trinidad Water Supply Summary

Table 2 below presents a summary of the City of Trinidad's water system capacity and estimate of available capacity beyond existing demands.

Table 2 Summary of City Water Demands and Availability

Conditions	Flows	Comments
Current City Treatment System Capacity	252,000 gpd	Current Maximum Production Capacity
Raw Water Available (worst case drought conditions)	299,520 gpd	Maximum Diversion under Existing Water Rights and 1977 drought conditions
2014-2016 City Peak Day Demand	123,100 gpd	Current Peak Day Demand
Available System Capacity	128,900 gpd	Available capacity equals treatment capacity minus peak day demand

Conclusions

A comparison of the fire station water demand (Table 1) to the available Trinidad water system capacity (Table 2) shows that the fire station's estimated average demand during periods of high facility use are less than 1% of the available capacity. During a peak day the Cal Fiore facility's demand is approximately 1.5% of the available system capacity. The peak hourly demand is 1.6% of the City's treatment system production capacity of 175 gallons per minute. Thus, the City has the capacity to provide potable water to the fire station.

References

Department of Forestry and Fire Protection Memo, Dated September 28, 2016

Metcalf and Eddy, Inc. (2003) Wastewater Engineering: Treatment and Reuse, 4th ed., McGraw-Hill, New York.

Personnel Communication Trinidad Water Plant Operator, Bryan Buckman, March 31, 2017 for Updated City Water Use Data

Personnel Communication Cal Fire Battalion Chief Trinidad, Joshua Bennett, April 4, 2017

Winzler & Kelly (2003) City of Trinidad Proposition 204 Water Supply Feasibility Study, Winzler & Kelly, Eureka, CA.

Proposed Extension of City of Trinidad Water Service to CAL FIRE Trinidad Station

Project Description

Introduction

On behalf of CAL FIRE, SHN Engineers & Geologists has prepared this project description for the CAL FIRE Humboldt-Del Norte Unit Trinidad Fire Station, located at 923 Patrick's Point Drive (Assessor's parcel number 515-241-011), in the community of Trinidad, in Humboldt County, California (Figure 1). The fire station is located approximately 1 mile beyond (north of) the City of Trinidad sphere of influence (SOI). It is within County Service Area Number Four (CSA4), which provides year-round fire protection service from McKinleyville to Orick. The proposed project is located within the California Coastal Zone and requires coastal development permits (CDPs) from both the City of Trinidad and the County of Humboldt.

SHN has prepared this project description to provide the California Coastal Commission (CCC), Humboldt County Planning and Building Department, and the City of Trinidad's Department of Planning and Building Services with information regarding the proposed extension of the City of Trinidad's water service to the CAL FIRE Trinidad Fire Station.

Background

CAL FIRE staffs the fire station year-round and responds to the City of Trinidad for all medical, traffic accident, structural and wildland fire dispatches at the same time the Trinidad Volunteer Fire Department is dispatched. Because the fire station is very close to the City of Trinidad and is staffed, CAL FIRE's engine is usually on-scene faster than the Volunteer response. CAL FIRE is and has been providing this service at no cost to the City, clearly demonstrating a public service and public good to the City, as well as surrounding areas.

Existing site features at the CAL FIRE Trinidad Station (fire station) are shown on Figures 2a and 2b. Currently, the fire station uses nearby surface water from Martin Creek to supply water for drinking, equipment cleaning, irrigation, and fire suppression. CAL FIRE has documented evidence that this water supply is unreliable and potentially unsafe and therefore the fire station is looking for an alternative potable water supply.

The proposed extension of City of Trinidad water service to the fire station was initiated as early as 2009, with a preliminary feasibility evaluation, conducted by Trinidad City Engineer Winzler & Kelly, and submitted to Humboldt Local Agency Formation Commission (LAFCo). The evaluation was to determine the potential water demand from the fire station, the available water supply from the City of Trinidad, and the infrastructure necessary to make the connection. Results found that the fire station's estimated peak demand of 800 gallons per day is less than 1% of the City of Trinidad's available capacity and that the City has available water supply and could provide the fire station with potable water.

In May 2010, Humboldt LAFCo determined that a Cortese-Knox-Hertzberg Act, Section 56133 exemption was applicable for the water service extension, given that the service in question involves a public service provider. Consequently, on May 19, 2010, Humboldt LAFCo approved CAL FIRE's application, and passed and adopted Resolution 10-07 determining that a LAFCo exemption applies for the water service extension from the City of Trinidad to serve the fire station; therefore the proposed service extension does not require LAFCo approval.

However, in response to a CAL FIRE request, the CCC indicated in a summary email on July 11, 2014, that any such extension of water service would be inconsistent with the current Local Coastal Programs (LCP) of both the City of Trinidad and Humboldt County. The project parcel is outside of (directly adjacent to, on the north side of) the City of Trinidad's City service area/City service limit line (Figures 3 and 4). Therefore, amendments to the Trinidad General Plan and the Trinidad Area Plan would first need to be locally adopted and then certified by the CCC before CDPs for the proposed project could be found to be LCP-consistent and approved.

Proposed Project

The proposed water line will serve only the fire station. Once potable water has been extended to the site from City of Trinidad, the station will continue to use the existing surface water supply for equipment cleaning, irrigation, and fire suppression, thus limiting the potable water demand to indoor water use. Engineering design is required for the installation of a 1.5-inch water line along Patrick's Point Drive (PPD; approximately 5,400 linear feet), and the connection to the existing 10,000-gallon tank at the facility (approximately 600 linear feet). It is anticipated that the water line along PPD will be installed using horizontal directional drilling (HDD) to a meter at the station, and the connection from the meter at PPD to the existing facility water tank will be installed using open trenching. The project also includes the installation of a new 20,000-gallon concrete water tank for utility water/fire suppression storage; a geotechnical investigation will be needed for design purposes. The existing water supply system will be retrofitted to supply partially-treated utility water. The existing storage building will be demolished and a new building will be constructed to house the water treatment systems and pump components. New piping from the existing 10,000-gallon potable water tank to the buildings will be installed.

Design requirements for upgrading the water system at the site are expected to include design plan and profile drawings for the installation of the potable and utility water lines, including connections to the new and existing water storage tanks, the new water treatment system, and existing buildings and hose bibs. Plans will include a chlorination dosing system for the new potable water system and an evaluation of system hydraulics for the selection of adequate booster pumps.

Plans will include subsurface characterization and geotechnical investigations to provide geotechnical analysis and conclusions to aid in the design of the waterline alignment and present recommendations and design criteria. SHN will prepare initial permitting documents for review by the City of Trinidad and the County of Humboldt, including grading and encroachment permits.

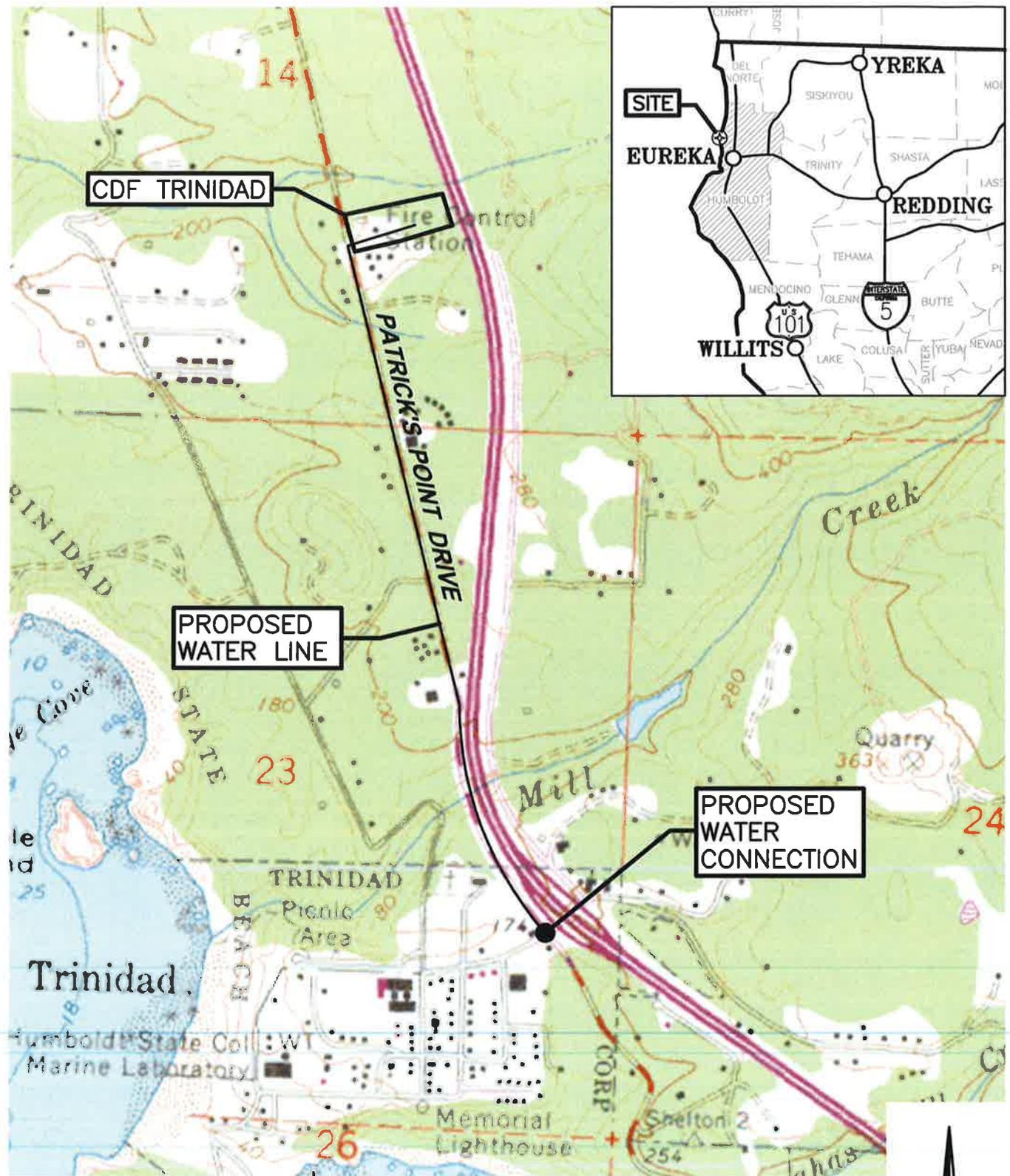
CAL FIRE would like to explore the possibility of amending the LCPs to allow the extension of water service to just this project, potentially a targeted exception for this project without extending the service area boundary. With the right conditions incorporated into the LCP amendment to

prevent growth inducement concerns, this could limit the scope of necessary special studies. Potential controversy might also be lessened because the fire station is an essential public service facility and the proposed water line will serve only the fire station.

Attachments: Figure 1: Site Location Map
Figures 2a and 2b: Trinidad FFS: Topographic Survey
Figure 3: Trinidad General Plan Land Use
Figure 4: Trinidad Area Plan Land Use Designations

1

Figures



SOURCE: TRINIDAD
USGS 7.5 MINUTE QUADRANGLE



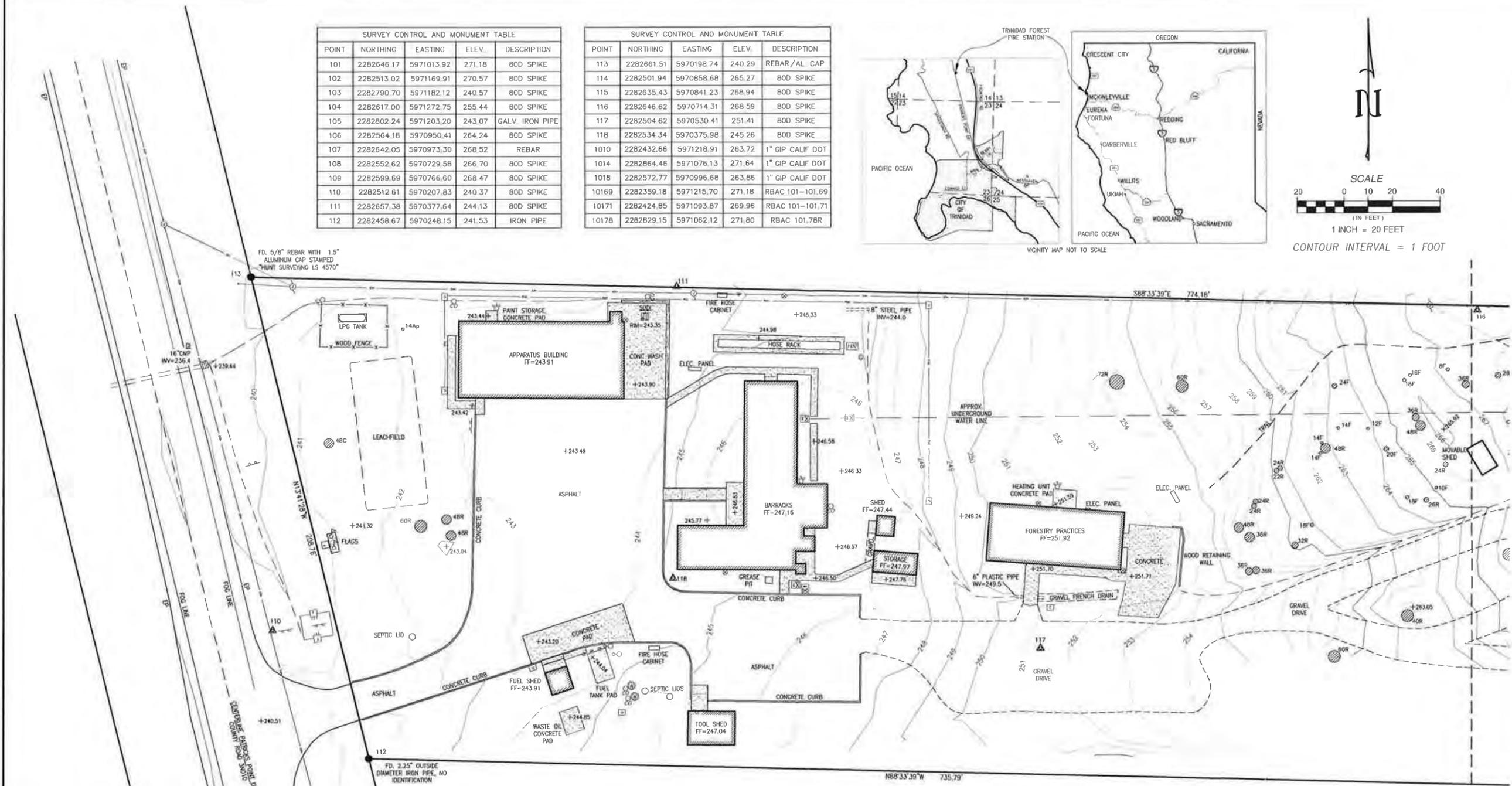
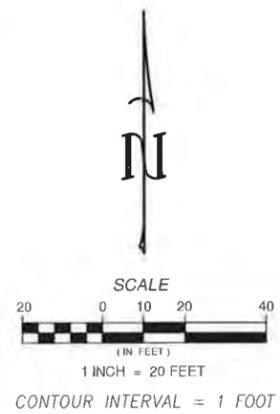
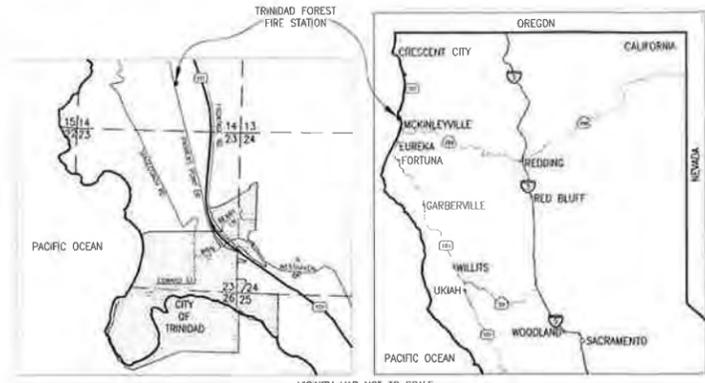
\\Eureka\Projects\2015\015070-CDF-Trinidad\Drawings\8/18/2015 8:20 AM RRUEBER, PLOTTED: 8/25/2015 3:38 PM, NATHAN DOWNEY

	CDF Trinidad Fire Station Trinidad, California		Site Location Map	
	August 2015	015070-LCTN	SHN 015070 Figure 1	



SURVEY CONTROL AND MONUMENT TABLE				
POINT	NORTHING	EASTING	ELEV.	DESCRIPTION
101	2282646.17	5971013.92	271.18	80D SPIKE
102	2282513.02	5971169.91	270.57	80D SPIKE
103	2282790.70	5971182.12	240.57	80D SPIKE
104	2282617.00	5971272.75	255.44	80D SPIKE
105	2282802.24	5971203.20	243.07	GALV. IRON PIPE
106	2282564.18	5970950.41	264.24	80D SPIKE
107	2282642.05	5970973.30	268.52	REBAR
108	2282552.62	5970729.58	266.70	80D SPIKE
109	2282599.69	5970766.60	268.47	80D SPIKE
110	2282512.61	5970207.83	240.37	80D SPIKE
111	2282657.38	5970377.64	244.13	80D SPIKE
112	2282458.67	5970248.15	241.53	IRON PIPE

SURVEY CONTROL AND MONUMENT TABLE				
POINT	NORTHING	EASTING	ELEV.	DESCRIPTION
113	2282661.51	5970198.74	240.29	REBAR/AL CAP
114	2282501.94	5970858.68	265.27	80D SPIKE
115	2282635.43	5970841.23	268.94	80D SPIKE
116	2282646.62	5970714.31	268.59	80D SPIKE
117	2282504.62	5970530.41	251.41	80D SPIKE
118	2282534.34	5970375.98	245.26	80D SPIKE
1010	2282432.66	5971218.91	263.72	1" GIP CALIF DOT
1014	2282864.46	5971076.13	271.64	1" GIP CALIF DOT
1018	2282572.77	5970996.68	263.86	1" GIP CALIF DOT
10169	2282359.18	5971215.70	271.18	RBAC 101-101.69
10171	2282424.85	5971093.87	269.96	RBAC 101-101.71
10178	2282829.15	5971062.12	271.80	RBAC 101.78R



NOTES

- A) THIS PROPERTY IS LOCATED WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 1 WEST, HUMBOLDT BASELINE AND MERIDIAN. IT IS DESCRIBED IN THE GRANT DEED RECORDED IN BOOK 53 OF OFFICIAL RECORDS AT PAGE 308.
- B) BOUNDARY SHOWN HEREON IS APPROXIMATE AND BASED ON RECOVERED MONUMENTS SHOWN AND MANY DEEDS AND SURVEY RECORDS. IT IS UNRESOLVED AT THIS TIME AS THE DESCRIPTION DOES NOT CLOSE AND ALL CORNERS WERE NOT RECOVERED AND MAY NEVER HAVE BEEN SET.
- C) BEARINGS AND DISTANCES SHOWN HEREON ARE GRID, BASED ON FOUND CALTRANS SURVEY CONTROL ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, EPOCH 2004.69, ZONE 1, AS SHOWN ON SHEET 4 OF 14 OF THE "RECORD OF SURVEY, CONTROL MONUMENT MAP" AS FILED IN BOOK 67 OF SURVEYS AT PAGE 30 ON OCTOBER 2, 2009 IN THE RECORDS OF HUMBOLDT COUNTY.
- D) TO OBTAIN GROUND DISTANCES, MULTIPLY DISTANCES SHOWN HEREON BY 1.000104741. TO OBTAIN GEODETIC BEARINGS ROTATE BEARINGS SHOWN COUNTER-CLOCKWISE BY 01°24'31".
- E) ELEVATIONS SHOWN HEREON ARE BASED ON A BENCHMARK SHOWN ON MASTER SITE PLAN OF TRINIDAD F.F.S. DATED 02-16-1969, FILE 43-7L.
- F) NUMEROUS TREES NOT LOCATED THIS SURVEY EXIST NEAR AND ALONG SOUTH PROPERTY LINE.

LEGEND

- ▲ SURVEY CONTROL POINT, 80D SPIKE
- FOUND MONUMENT AS NOTED
- CALCULATED POINT
- ⊕ JOINT, POWER POLE
- ⊙ GUY ANCHOR
- ⊗ HOSE BIB
- ⊚ HOSE REEL
- ⊛ FLAG POLE
- ⊜ NATURAL GAS RISER
- ⊝ FLOOD LIGHT
- ⊞ STORM DRAIN
- ⊟ LIGHT POLE
- ⊠ ROUND WATER UTILITY BOX
- ⊡ WATER VALVE BOX
- ⊢ GAS SHUT OFF
- ⊣ SIGN
- BOLLARD
- ⊕ APPARENT CLEAN-OUT
- ⊙ UTILITY BOX
- ⊞ COMMUNICATION PULL BOX
- C20 ⊙ TREE, TYPE AND DIAMETER AT BREAST HEIGHT IN INCHES
A = ALDER F = FIR
Ap = APPLE P = REDWOOD
C = CEDAR S = SPRUCE
- ▭ CONCRETE
- EOH — ELECTRICAL OVERHEAD
- PUG — POSSIBLE UNDERGROUND
- FLOWLINE
- EP EDGE OF PAVEMENT
- + 241.28 SPOT ELEVATION
- 250 MAJOR CONTOUR ELEVATION

Figure 2a

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY
AND FIRE PROTECTION
TECHNICAL SERVICES SECTION

DESIGNED BY:
DRAWN BY:
REVIEWED BY:
JOB NO.:

G. JACKSON
J. GAWRONSKI

PORTION OF THE
SOUTHEAST QUARTER
OF SECTION 14,
TOWNSHIP 8 NORTH,
RANGE 1 WEST,
HUMBOLDT BASELINE AND
MERIDIAN

TRINIDAD FFS
TOPOGRAPHIC SURVEY

SHEET NUMBER
1
OF 2 SHEETS

PROJECT PATH: F:\data\Tech Services\Survey Data\Trinidad FS\TrinidadFFS.dwg
DATE: 10/16/2014
PLOT DATE: Oct 16, 2014 - 2:07PM

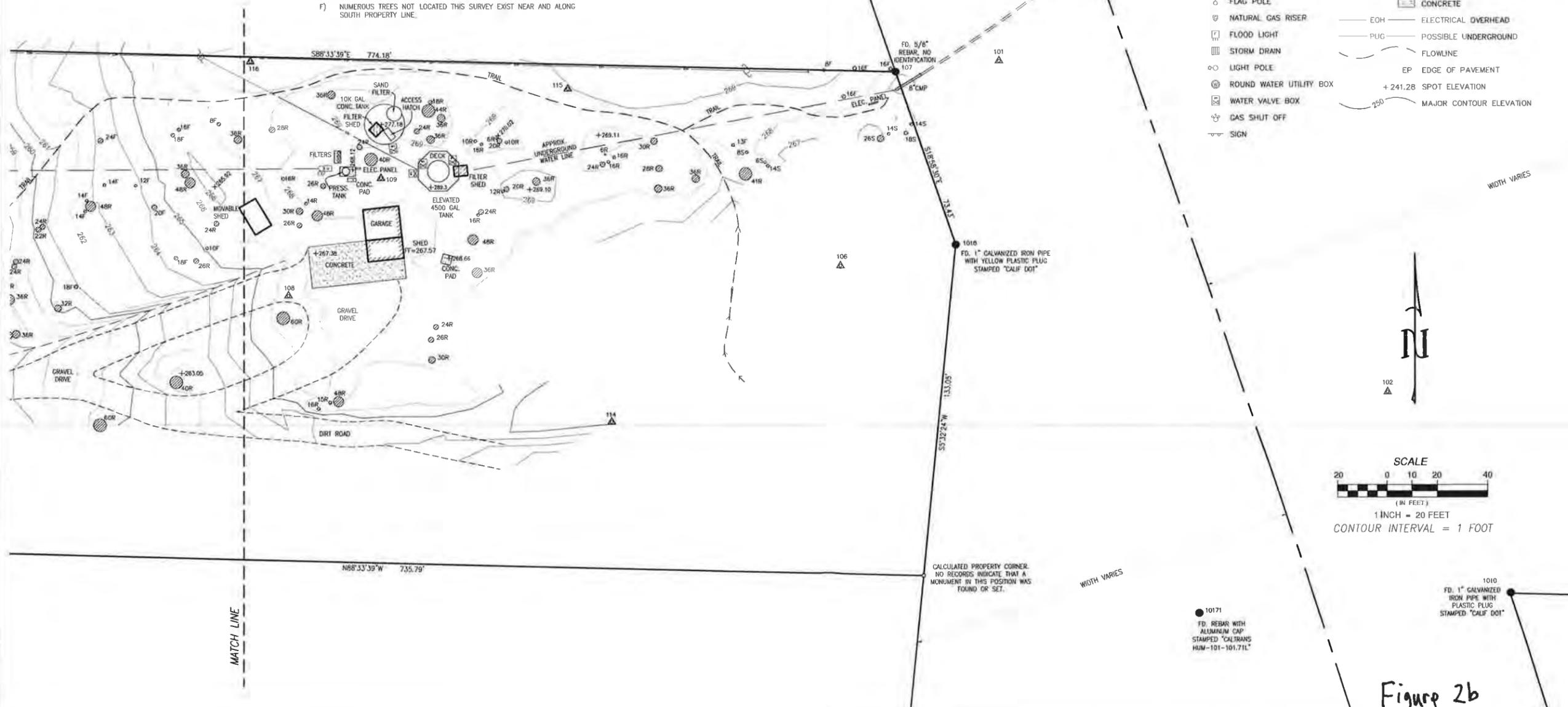
DO NOT SCALE DIMENSIONS FROM THESE PLANS. DIMENSIONS OR OTHER DIMENSIONS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. IT IS THE RESPONSIBILITY OF THE USER TO VERIFY THE ACCURACY OF THE DIMENSIONS SHOWN ON THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

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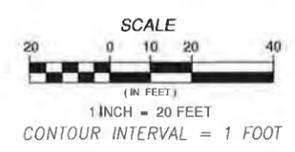


Figure 2b



NO.	DATE	BY	DESCRIPTION

DO NOT SCALE DIMENSIONS FROM THESE PLANS. DIMENSIONS SHOWN ON THESE PLANS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHOWN ON THESE PLANS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHOWN ON THESE PLANS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHOWN ON THESE PLANS SHALL BE USED FOR CONSTRUCTION.

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
TECHNICAL SERVICES SECTION

DESIGNED BY: GJACKSON
DRAWN BY: GJACKSON
REVIEWED BY: JGAWRONSKI
JOB NO.:

PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 1 WEST, HUMBOLDT BASELINE AND MERIDIAN.

PROJECT TITLE: TRINIDAD FFS TOPOGRAPHIC SURVEY

DATE: 10/16/2014
APPROVED:

SHEET NUMBER: 2 OF 2 SHEETS

project parcel



Trinidad General Plan LAND USE

PLATE 18

LAND USE CATEGORIES

- Open Space
- Resource Production
- Rural Residential
- Suburban Residential
- Urban Residential
- Visitor Services
- Commercial
- Public & Religious
- Planned Unit Development
- Special Environment

- Intensive Growth Area
(AVERAGE DENSITY-LESS THAN 2 UNITS PER DWELLING)
- City Service Limit
- Trinidad City Limit
- Harbor Study Area
(Area of deferred certification)
- Rural Study Area
- Proposed Street
- Trails

100' from stream

Figure 3

MAP 4

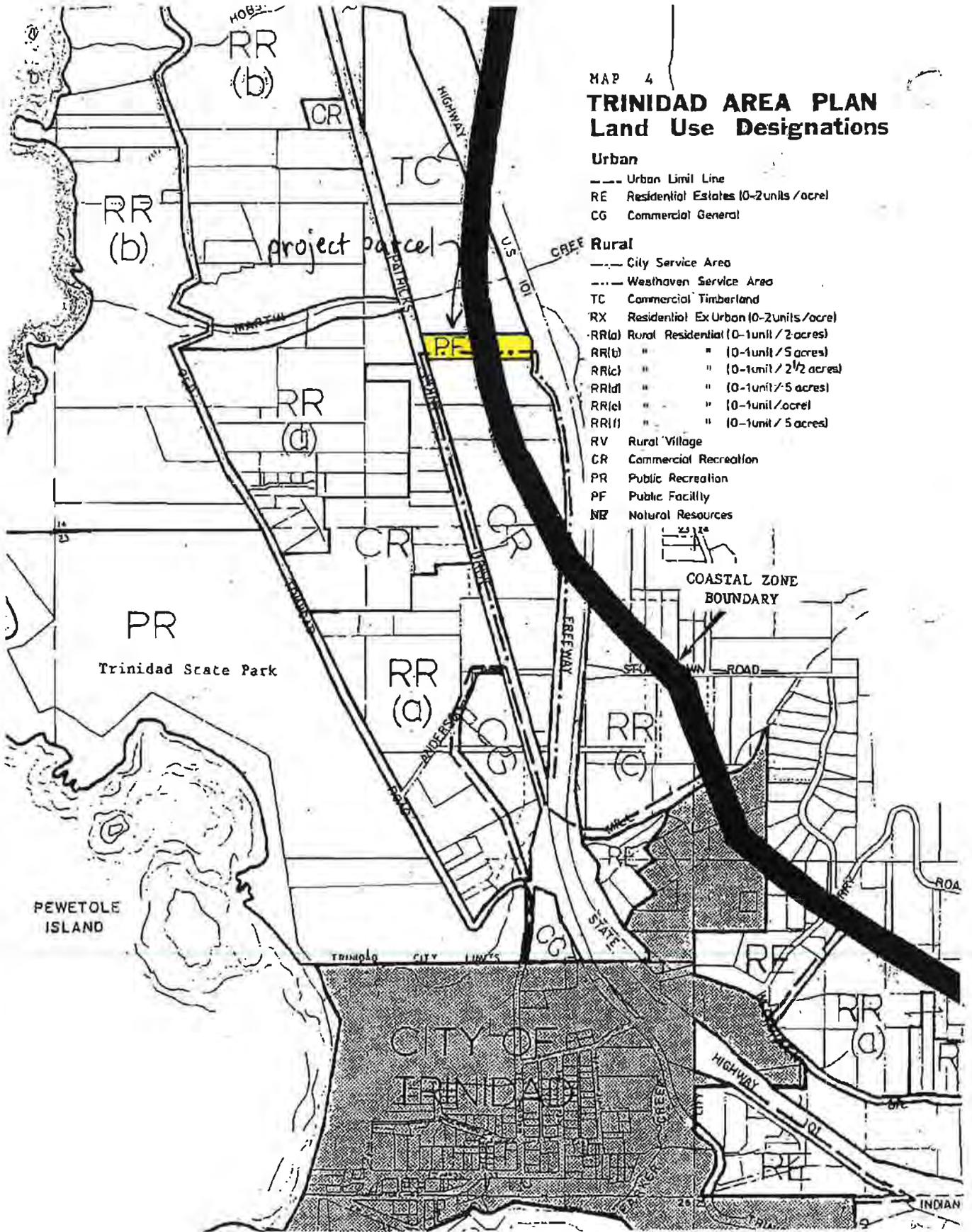
TRINIDAD AREA PLAN Land Use Designations

Urban

- Urban Limit Line
- RE Residential Estates (0-2units/acre)
- CG Commercial General

Rural

- City Service Area
- Westhaven Service Area
- TC Commercial Timberland
- RX Residential Ex Urban (0-2units/acre)
- RR(a) Rural Residential (0-1unit/2 acres)
- RR(b) " " (0-1unit/5 acres)
- RR(c) " " (0-1unit/2 1/2 acres)
- RR(d) " " (0-1unit/5 acres)
- RR(e) " " (0-1unit/acre)
- RR(f) " " (0-1unit/5 acres)
- RV Rural Village
- CR Commercial Recreation
- PR Public Recreation
- PF Public Facility
- NR Natural Resources



SAVED: 9/23/2015 11:36 AM CNEWELL, PLOTTED: 9/23/2015 11:36 AM CHRIS D. NEWELL
 \\Zona\Projects\2015\015070-CDF-Trinidad\Draws\015070-ENLARG-SITE.dwg



PRELIMINARY

VERIFY SCALES
 BAR IS ONE INCH ON ORIGINAL DRAWING
 0 1"
 IF NOT ONE INCH ON SHEET, INDUSTRIAL SCALES ASSUMED

CONSULTING ENGINEERS & GEOLOGISTS, INC.
 WWW.SHN-ENGR.COM
 812 W. WABASH AVE.
 EUREKA, CA. 95501
 707-441-8855



NO.	DATE	REVISION	BY

DSGN	JSO
DR	CON
CHK	KAN
APPD	

CAL FIRE
 TRINIDAD FIRE STATION WATER SYSTEM UPGRADES
 TRINIDAD, CALIFORNIA
ENLARGED SITE PLAN

SHEET	C-7
SEQ	10
DATE	08/2015
PROJ. NO.	015070

CALCULATED PROPERTY
 NO RECORDS INDICATE
 MONUMENT IN THIS POS
 FOUND OR SE

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P. O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website: www.fire.ca.gov



September 28th, 2016

In regards to the information requested by the City of Trinidad,

The Trinidad State Fire Station is considered an essential services building per the California Health and Safety Code Section 16007 which states "Essential services building" means any building, including buildings designed and constructed, for public agencies used, or designed to be used, or any building a portion of which is used or designed to be used, as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff's office, or emergency communication dispatch center. The Trinidad State Fire Station has an initial attack direct protection area of over 375,000 acres and interfaces with three national forests, one national park, a California State Park District, The Bureau of Land Management Area Office, the United States Fish and Wildlife Service Area Office, United States Coast Guard Group Humboldt Bay and McKinleyville Air Station, Humboldt State University, several Native American Tribes including Hoopa Valley Indian reservation, Yurok Indian Reservation, Trinidad Rancheria, Karuk Indian Reservation, Big Lagoon Rancheria, Blue Lake Rancheria and numerous local government fire departments. The Trinidad State Fire Station is the only "Amador" station in the Humboldt Del Norte Unit, which requires it to be open year round. The station is contracted to serve as the primary fire department for Humboldt County Service Area 4, the station also provides emergency services to the City of Trinidad and the Trinidad Rancheria properties at no cost. In the last five years to date the Cal Fire Trinidad Station has responded into the City of Trinidad a total of 227 times for a variety of call types, 88 of those calls have been since January 1st of 2015. The Trinidad area has experienced a large increase to its transient and homeless population which has been a factor in the spike in calls for service. The CSA4 contract has produced 918 calls in those five years and the Trinidad Rancheria has produced 87, for a combined total of 1196 calls for service between the three areas in the five year span which equates to approximately 240 calls a year. This does not take into account any responses out of the immediate CSA, City of Trinidad or Rancheria area which increases the requests for service dramatically. The Cal Fire Engine is routinely at scene first, often by several minutes to calls in the City of Trinidad due to its close proximity and being staffed. The facility has 3 staff members working Monday-Friday on a 40 hour/week schedule. In addition, there are 6-8 staff members working 24 hours/day, 7 days/week. Several times through the summer the 24/7 staff increases to 10-14 members due to fire activity levels. The water system has had several upgrades in the last several years in an attempt to make the water potable and sustainable and remove the heavy silt. In 2009 attempts were made to drill for water on the state

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

property at 923 Patrick's Point Drive but were unsuccessful. The location of our cistern in Martin Creek on property we do not physically own went through an in-depth overhaul. This included a complete dig out of the area with expansion to the water gathering area, extension of the culverts utilized to capture the water allowing for greater storage capacity and additional gravel to assist with natural filtration. An extensive filtration system was implemented with two commercial woven pre filters and a sand filter in place prior to the water entering the main concrete storage tank, this tank allows some of the silt to settle to the bottom before the water is pumped through three additional filters. These three filters are 5, 1 and .35 microns, despite all of the efforts the water still retains a brown tint to it similar to weak tea. An automatic liquid chlorinator (bactacide) was added on top of the concrete storage tank to replace an old pellet style one. The chlorinator has had a variety of issues, it has occasionally dispensed a large volume into the tank causing a heavy "chlorine" smell and some irritated skin. One of the largest challenges with the system is the complexity of its operation, this makes it very difficult to maintain continuity of its maintenance especially during the summer months when the normal crews are gone on assignment. The lack of knowledge of the system by covering resources was a direct factor in the failure of the main creek pump this last summer. The station had to use a portable pump to supply water to the station for just over a week while a new one was in transit. We also have an increasing issue with the cleanliness of where our water is collected due to a large increase in transient and homeless population camping in that area. We have located large piles of trash and human excrement in the very spot we draw water from, numerous times drug making paraphernalia has been found including expended butane canisters and needles. The water has routinely failed testing to determine if it is potable with the most recent tests attached which determined it is currently not safe for human consumption. Through rudimentary testing by the station personnel our rough estimate of daily summertime water use when we are at peak staffing ranged between 700 to 1000 gallons on average.

Respectfully,

Joshua Bennett
Battalion Chief Trinidad
Cal Fire
Cell 707-599-4704
Office 707-677-9502
Humboldt Del Norte
josh.bennett@fire.ca.gov



Drinking / Dining
TV Room

Hoff

"SELF SEALING"

WIDE MOUTH
MASON



WIDE MOUTH



120ml

100ml

EXX

NO STATE RESULTS



NORTH COAST LABORATORIES LTD

5680 West End Rd, Arcata, California 95521 (707)822-4649

CP

Please complete the following sample information:

POTABLE WATER SOURCE WATER WASTEWATER

System # N/A Sampling Time 0830

Location TANK Sampled By LL

Sampling Date 8-22-16 Phone # 499-2955

Routine Sample Repeat Replacement Special

Payment is due at time of service. We are pleased to accept the following (please check one):

Check \$ _____ # _____ Cash \$ _____

Visa Mastercard Am. Express Discover \$ _____

If you are paying by credit card and are not submitting samples in person please use the enclosed form to provide credit card information

Attn:/email: lonnie.levi@fire.ca.gov

Name CAL FIRE TRINIDAD

Address PO BOX 749

City/State/Zip TRINIDAD, CA 95570

For Office Use Only

SAMPLE TEMP (°C) <u>0.8</u>	ON ICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	#/I <u>1</u>
REC'D BY <u>AD</u>	TIME REC'D <u>9:15</u>	
DATE REC'D <u>8-22-16</u>	INOC <u>1159</u>	<u>8/22/16 MT</u>
SAMPLE # <u>11008437-1</u>	READ <u>1151</u>	<u>8/24/16 MT</u>

TESTS REQUESTED:

- Presence / Absence
- QUANTI-TRAY
- 3 X 5 MTF
- HPC
- 1x10

RESULTS: (MPN/100mL)

- Total Coliform 223.0
- Fecal Coliform 223.0
- E.coli 223.0
- _____

Analyst Notes:

MTS 8/24/16

Quanti-Tray/2000: Total coliform _____ / (large/small) E. coli _____ / (large/small)

Bacterial Examination Report

All microbiology data will be destroyed after 6 years

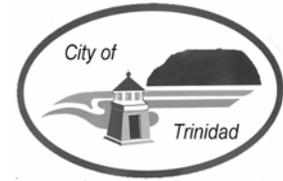
Hrs	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24	+	+	+	+	+	+	+	+	+	+					
48															
24	+	+	+	+	+	+	+	+	+	+					
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DISCUSSION / ACTION AGENDA ITEM



Wednesday, July 19, 2017

Item: Policies for Detached Living Spaces: As directed by the City Council, an initial discussion to develop clear policy recommendations about permitting detached living space to minimize the potential for these spaces to be utilized as separate dwelling units and add enforcement fines and / or fees for violators.

At their meeting of March 22, 2017, the City Council directed the Planning Commission and staff to develop recommended policies for permitting detached living spaces. This issue has come to the forefront of the City's attention due to a violation that recently occurred at 407 Ocean Avenue. The violation and potential revocation of the permit to convert a portion of a detached garage into living space were discussed at the April and May Planning Commission meetings.

Background (from my April 10, 2017 memo to the Planning Commission)

For the City as a whole, the 407 Ocean Avenue episode reflects the challenges that exist in allowing living spaces within detached structures, while trying to prevent them from being used as full accessory dwelling units. Secondary units are being encouraged by the State as a way to provide additional, and often affordable, housing stock. New state laws have made it more and more difficult for local governments to restrict accessory dwelling units, generally requiring ministerial approvals with no public hearings (like a building permit). In Trinidad the situation is unusual in that secondary units are limited not just by our zoning regulations (which the state housing law overrides) but also by our reliance on Onsite Wastewater Treatment Systems (OWTS or septic systems). Most residential OWTS are not sized to support two separate dwelling units, which generally produce more and stronger wastewater than simply another bedroom in a single residence. In addition, most lots are not large enough to accommodate a septic system that is big enough for two separate dwellings.

As a kind of compromise, and for the convenience of residents, the City has a history of allowing existing, detached structures to be converted into living space as an economical alternative to an addition. These spaces can and have been used for a variety of legitimate, single-family, residential uses. However, there are powerful financial incentives, as well as reasons of simple personal convenience, for owners or residents to convert a detached bedroom/living space into its own complete dwelling unit. Staff, citizens, the Planning Commission, and the Council have spent quite a bit of time in recent years over concerns and disagreements about the difference between a second dwelling unit and a detached living space, and whether any secondary cooking facilities should be allowed on a property that is only authorized to have one dwelling unit.

To reduce the likelihood of future incidents, the City Council has directed the Planning Commission and Planning Staff to develop clear policy recommendations about permitting detached living spaces. The policies should address the potential for these spaces to be utilized as separate dwelling units in violation of permit requirements, and the challenges for the City in identifying such violations. This could include some or all of the following concepts: a) not allowing them; b) requiring periodic walk-throughs by the Building Inspector; c) creating a more explicit list of exactly what utilities and appliances mark the boundary between a second dwelling unit, and a detached living space associated with a single main dwelling unit; and d) developing specific policies for how these spaces can be used. An example from Sonoma County is attached to this report.

Relevant Trinidad Code Sections

"Dwelling unit" (17.08.250) *"means one room, or a suite of two or more rooms in a building designed for, intended for, or used by one family, which family lives, sleeps and cooks therein and which unit has one kitchen or kitchenette."*

"Single-family dwelling" (17.08.230): *"means a freestanding building designed for and / or occupied exclusively by one family to include mobilehomes on a foundation which conform to..."*

The new STR regulations include a definition of "dwelling" on order to clarify what can and can not be an STR. *"'Dwelling' means a single-family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park."* (17.56.190.D.2)

"'Short Term Rental' (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment." (17.56.190.D.12)

Section 17.54.020 of the City's adopted (but not certified by the Coastal Commission, so not in effect) ADU ordinance includes the following definitions.

- A. *"Accessory dwelling unit" or ADU means any residential dwelling unit which provides complete independent living facilities on the same building site as a legal single-family residence, including permanent provisions for living, sleeping, cooking, eating, and sanitation, as defined in Government Code Section 65852.2(i)(4).*
- B. *"Primary unit" means the primary, existing legal single-family residential dwelling unit which provides complete independent living facilities for one or more persons."*

There is nothing in Trinidad's codes (or the State's) that prohibits a single-family dwelling from having two kitchens. The purpose of defining a 'dwelling unit' as having a kitchen is not to limit the number of kitchens in a dwelling unit, or to define the number of dwelling units by the number of kitchens alone, but to avoid someone being able to rent out substandard housing as a separate dwelling unit. So the building code has minimum

standards for what kinds of food preparation facilities must be in dwelling.

A "family" (17.08.270): "*means one person; or two or more persons; or a group not in excess of five persons living together as a single housekeeping unit.*"

However more recent (than 1980) court cases and state and federal fair housing laws (e.g. Fair Housing Amendments Act of 1988) generally do not allow jurisdictions to define families as related or to put a maximum number on them. Therefore larger families and unrelated groups of people can still fit within a "single-family" use.

Determination of a Kitchen and Second Unit

The presence or absence of a kitchen is often used by jurisdictions to determine whether a second unit exists. The City's code does not have a definition of kitchen, and the building code definition is pretty generic. The building code requires a dwelling unit to have food preparation facilities, but does not define what those are. Presence of a stove and/or oven is often used by jurisdictions as defining a kitchen. That is typically what Trinidad has used, and it is also consistent with County practice according to City Building Inspector, John Roberts. These distinctions become particularly important when approving living space in detached accessory structures. I have provided an example, which you have seen before, from Sonoma County on how they define a kitchen and therefore determine a dwelling unit.

There are a number of reasons that one dwelling may have multiple kitchens though. Full outdoor kitchens, for example, have become popular. Sometimes an upper or lower story or a recreation/game room will have a partial kitchen or wet bar installation for convenience. Some people may want separate cooking facilities if someone has allergies or religious restrictions on what they can eat or how food is prepared. Also, a second kitchen or supplemental cooking facilities could be important for someone who does a lot of food prep such as smoking, canning and other types of preserving, such as hunters for example. The Building Inspector suggested a process whereby a second kitchen may be allowed subject to special approval.

In addition to kitchen facilities, the following is a list of other limitations that have been discussed in terms of ensuring detached bedrooms do not become second units (but may not be exhaustive).

- Shower: This is a restriction that the County uses along with the no stove policy in detached structures. However, that requirement has generally been rejected in Trinidad because many people want showers in garages or otherwise outside the main house for use after surfing, fishing, hunting, etc. Also, if a detached structure will be a bedroom, then a shower makes sense in that context.
- 220 volt power hook-ups: This would prevent certain appliances from being installed. However, this is also a common feature of workshops and garages, and many detached structures already have them.

- Counters / Cabinets: I have seen some jurisdictions prohibit installation of kitchen type counters and cabinets, but again, this is a common storage / workshop feature that some of these structures already have.
- Sinks: This limitation is used by other jurisdictions. However, this has not generally been required in Trinidad because a utility sink in a workshop, or a wetbar in a game room, make a lot of sense.
- Separate entrance: In the case of a single structure, individual entrances can, and are, used to help determine whether separate units exist.

Since kitchen is not defined in the City's code, determinations can focus on how a building is being used. But kitchen facilities, and others in the list above, are still an important component as to what defines a secondary living unit. Therefore, I think it would be beneficial for the City to have a cohesive and consistent policy as to how second units are defined. In addition to the Sonoma County kitchen policy, I have provided some other related policy guidance from that jurisdiction, including Definition of a Bedroom, Detached Residential Accessory Structures, and Guidelines for Remodeling and Additions with Respect to Septic Systems. I think these documents provide some good ideas for how to define and regulate these things as well as help to frame the issues that are involved.

Case Examples

The issue of detached living space and how to define a second unit become even more problematic when the property is used as an STR. This is especially true if the STR has a host or any long-term tenants. Last year there was an appeal of staff's issuance of several VDU licenses over this. The appeal highlighted a number of properties where these issues occur, and they present a diverse study of some of the situations that can and have occurred in Trinidad. As part of this discussion, the Planning Commission should try to address as many of these and other potential scenarios as possible.

381 Ocean Ave.

This property has a detached bedroom that was approved by the City back in 1992 as a garage conversion. That approval included several conditions to ensure that it would not be used as a second unit. These included that the space could not have a kitchen and that the space could not be used or rented separately from the main structure (this was before the City used deed restrictions). The owner has tried several times to get the space permitted as a second unit under the State second unit law, but can not for several reasons, including septic capacity.

The City has received complaints that the detached living space has been converted to a separate dwelling unit, and it has been inspected on more than one occasion. Most recently, on August 31, 2016, City Building Inspector John Roberts found that: *"The back*

unit is a detached bedroom with a full bath, small sitting room with a sink and counter. A small fridge exists. No cooking facilities exist."

The space has been used by a caretaker of the property owner in the past, which seems reasonable and consistent with the allowed use. It is currently rented to an individual person. The rental agreement states that the tenant has access to the kitchen in the main structure. That also seems reasonable, and consistent with someone renting out a bedroom in their home. However, ensuring that the tenant actually has free access to the kitchen in practice is difficult to verify or enforce. However, as long as no kitchen facilities exist in the back space, that may not matter. More recently though, the owner has converted her VDU license from inactive to active. The VDU is for the primary structure. Although the VDU rental agreement notes that the tenant of the detached structure has access to the kitchen in the primary structure, the situation seems problematic. With the two separate living spaces and rental contracts, it feels like these are de facto separate units. There could be more lenient restrictions for owner-occupied properties, or those that are occupied by long-term tenants under one rental contract than what may be allowable for STRs.

652 Underwood

This property also has a bedroom within a portion of a detached garage. The property is currently owner-occupied, but also has a VDU license. When it is rented as a VDU/STR, the owners move into the detached bedroom and either eat out or do limited cooking on their barbeque. This seems like it could be reasonable if done on a limited basis, which it is currently. But how much time could the owners spend in that detached bedroom before it would have to be considered a separate dwelling unit? One suggestion would be less than 60 days, which would qualify the use as a Resident STR under the new regulations.

789 Underwood Dr.

This example addresses the issue of the number of kitchens allowed in a single-family residence rather than detached living space, but the issues are related. The house was built in 1986 with an illegal mother-in-law unit downstairs. However, in 2006 as part of a permit application for a small addition, the City first became aware of the illegal unit. The owners were not using the second unit, nor were they aware of its illegality. Rather than require the kitchen to be removed or other alterations made to the downstairs space, the Planning Commission required the owners to sign and record a deed restriction limiting the property to 3 bedrooms and a single dwelling unit (which is what the septic was designed for). Part of the reason that the second unit was not required to be removed was because the City was starting to discuss developing a second unit ordinance at that time.

The deed restriction on this property also applies to the current owner and the VDU license. So the downstairs unit is part of the VDU, but can not be rented separately. The entire residence is rented as part of the VDU, and there are no long-term residents. The VDU is rented under a single contract, which means it is occupied by one group of people, and still qualifies as 'single-family' use. Another way to think of this is if the house had an outdoor kitchen - some of the group may want to cook outside and enjoy the view, while

others may think it's too cold and windy and prefer to cook inside. Just because some people are cooking outside while others in the group are cooking inside at the same time, does not necessarily mean there are two dwelling units.

88 Van Wycke St.

This is an example that shows that living space does not have to be detached for it to be effectively converted into separate living units. As a result of a complaint, the City was made aware that the home, which was approved for construction as a single family residence, had apparently been converted into a duplex. There was a long-term tenant upstairs, and the downstairs was being rented separately as a VDU. The VDU license was issued for the entire 2-bedroom house. The occupancy of the VDU had been lowered on the booking site to reflect only one bedroom, since one was being utilized by the upstairs tenant. But a kitchenette and additional laundry facilities had been added downstairs at an unknown date. The City Building Inspector required a number of corrections to be made (including removal of the downstairs kitchenette and laundry). The downstairs is now rented as a one-bedroom VDU with no kitchen or laundry facilities. Although the upstairs tenant is not technically a VDU "host," the intensity of use is no more (in fact almost certainly less) than if the entire house was rented as a VDU, and the upstairs provides housing for a long-term resident. So in many ways, this can be seen as a beneficial situation. However, it is also very similar to the first example, 381 Ocean, but there is no detached space, and VDU is rented without a kitchen, which is probably more reasonable than a long-term tenant not having a kitchen.

Staff Recommendation

I do not expect any decisions to be made at this meeting, but I wanted to get the discussion started with this report by identifying some of the issues and providing some examples to think about. The Planning Commission should consider giving direction to staff to provide additional information and/or start drafting some policies.

Attachments

Sonoma County Permit and Resource Management Department Policies and Procedures:

- Number 1-4-1: Definition of a Bedroom
- Number 1-4-5: Definition of a Kitchen and Determination of a Dwelling Unit
- (Administrative Manual) Number 1-4-6: Detached Residential Accessory Structures
- Number 9-2-12: Guidelines for Remodeling and Additions with Respect to Septic Systems

Definition of Bedroom

PURPOSE

This policy is intended to provide guidance to PRMD staff when reviewing permit applications, checking plans, investigating complaints and inspecting buildings as to the approved intended use of a room. These guidelines will be used by all staff in determining whether a room will be considered a bedroom (sleeping room).

GENERAL

The Zoning Ordinance, the California Building Code and PRMD regulations relating to septic systems contain various definitions of bedrooms. This policy will provide a uniform interpretation for all of these codes.

AUTHORITY

Chapter 7, Sonoma County Code
California Building Code

FORMS

- A. Conditional Statement Acknowledgment
- B. Notice of Use Restrictions

PROCEDURE

A. Definitions

1. Attached room: Rooms will be considered to be attached to and part of a dwelling unit if they are connected by a common wall, or by a common roof, covered walkway, carport or garage, not more than twenty feet (20') wide.
2. Bathroom (full bathroom): A room equipped with a toilet, sink and shower or bathtub.
3. Half bath: a bathroom which contains a toilet and sink but does not contain a bath tub or shower.
4. Bedroom: any space in a dwelling unit or accessory structure which is 70 square feet or greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; living room (maximum of one per dwelling unit); dining room (in proximity to kitchen, maximum of one per dwelling unit); family room (maximum of one per dwelling unit), laundry room, closet/dressing room opening off of a bedroom.

The Director of PRMD or his/her designee may grant exceptions if a room, by its design, cannot function as a bedroom. Sewing rooms, dens, studios, lofts, game rooms, and any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be bedrooms unless the room is specifically exempted. If a home office, library

or similar room is proposed, it may be exempted from being considered a bedroom if there is no closet and at least one of the following is present: a) permanently built-in bookcases, desks and other feature that encumber the room in such a way that it cannot be used as a bedroom; b) a minimum 4 foot opening, without doors, into another room; or c) a half wall (4 foot maximum height) between the room and another room. A detached building which contains only a half bath will not routinely be considered as having a bedroom unless it is specifically identified and permitted as a guest house.

When an exception is made per the above, it shall be documented in Permits Plus in the comments section so that all staff are aware of the determination. A conditional statement may be required to be signed by the property owner if the permit is for an outbuilding which has been determined to be a use other than a bedroom or other living space. This statement may be recorded as necessary to inform future property owners of restrictions on use of the building.

5. Conditioned space: An area, room or space normally occupied and being heated or cooled by any equipment for human habitation.

B. Applicability

1. All PRMD staff shall use the above guidelines in the course of their work. Any differences in interpretation shall be brought to the attention of the Director or designated supervisory staff, who will render a decision as to interpretation.
2. If an applicant desires to convert a structure from one use to another, the above guidelines shall be used as appropriate. Any modifications needed to the structure to effect a change of use shall be permanent and shall effectively remove any infrastructure associated with the original use of the structure.
3. In most cases, an accessory structure with a full bathroom will be considered as having a bedroom or bedrooms. The Director of PRMD or his/her designee may approve a full bath if necessary for agricultural or other purposes. Sufficient sewage disposal capacity must be available for the bathroom. If a full bath is approved, a conditional statement will be required to be signed by the property owner stating that the accessory structure is not approved as a dwelling unit and any use other than the approved use may constitute a violation of County Code. The conditional statement shall be recorded with the property deed.

ATTACHMENTS: None

Approved by:

/s/ Tennis Wick
Tennis Wick, Director

Lead Author: Rich Holmer, Ben Neuman, Patrick Mullin

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Definition of a Kitchen and Determination of a Dwelling Unit

PURPOSE

This policy provides guidance to PRMD staff as to the allowable design and use of an accessory structure and in determining the number of kitchens within a dwelling unit. It shall be used when reviewing permit applications, checking plans, investigating complaints and inspecting buildings. The provision of a kitchen is one of the primary factors used to determine whether a structure is considered to be a dwelling unit and for determining the number of units within a structure or allowed on a given site. These guidelines shall be used by all staff in determining whether a building contains a kitchen and is an allowable dwelling unit.

GENERAL

The Sonoma County General Plan and Zoning Ordinance limits allowable residential densities (units per acre) in all zoning districts and allows additional dwelling units, such as second units, agricultural employee units, and farm family units, in some areas. Dwelling units are defined in the zoning code as “*a permanent building or portion thereof including manufactured and mobile homes designated or used exclusively as the residence, sleeping room or quarters with kitchen facilities which constitutes an independent housekeeping unit, for one (1) or more persons*”. Efficiency dwelling units can be as small as 220 square feet. Similarly, the Building Code defines a dwelling unit as “*A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation*”.

This policy should be used in conjunction with Policy 1-4-1, *Definition of a Bedroom* in determining whether a structure or portion of a structure is considered a *dwelling unit* that must conform with the allowable density under the General Plan and Zoning Code or other applicable zoning requirements (e.g., second units). A *dwelling unit* must also conform to applicable septic system standards.

A non-commercial structure, or portion thereof, shall be considered a *dwelling unit* if it contains a kitchen as defined herein, and an area that constitutes a bedroom as defined in Policy 1-4-1. In most cases, a structure with a full bathroom will be considered as having a bedroom pursuant to Policy 1-4-1. Structures that meet this definition will be considered a *dwelling unit* regardless of how they are labeled on the plans (e.g., pool house, cabana, recreation room, guest house, studio, etc.). Where an additional dwelling unit cannot be allowed, the design of an accessory structure can be modified to eliminate the bedroom or kitchen facilities that constitute a dwelling unit.

AUTHORITY

Chapter 26, Sonoma County Code. Currently, the Sonoma County Code does not include a definition of a kitchen, but a kitchen is one of the determining features in the definition of a dwelling unit. Since dwelling units are limited by the allowable density and zoning standards, the definition of a kitchen is important in making the determination about whether a structure is a *dwelling unit* under the code.

Chapter 2 of the Sonoma County Code authorizes staff to record the conditions of approval of an issued permit.

PROCEDURE

PRMD staff shall determine whether an area is a kitchen and whether the structure is a *dwelling unit*. This determination shall be based on the design of the physical facilities rather than the proposed use or how the area is labeled on the plans. Staff shall use the following criteria.

DEFINITIONS

- A. **Kitchen.** A kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:
1. Cooking appliances or rough in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 240 volt electrical outlets or any gas lines.
- OR
2. A sink less than 18 inches in depth with a waste line drain 1-1/2 inches or greater in diameter AND a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.
- B. An approved kitchen may have more than one sink, stove, oven or refrigerator in the same room.
- C. **Wet Bar.** A single sink with a waste drain line no greater than 1-1/2 inches in diameter and an under counter refrigerator no greater than 5 cubic feet in size with cabinets and/or counter top area not exceeding 6 lineal feet. A wet bar shall not include a refrigerator in excess of 5 cubic feet in size or a kitchen sink greater than 2 square feet in size or a gas or electric range, stove top and/or oven (but may include a microwave oven).

EXCEPTIONS

Notwithstanding the criteria above, the following shall not be considered to be a kitchen:

- A. Gas lines and/or electrical outlets of 240 volts in a residential garage, barn, workshop or similar structure, if an operable garage door is provided and the space is unconditioned as defined in the adopted model codes. A garage may contain a refrigerator or freezer but cannot contain any cooking appliances.
- B. One laundry room in a dwelling unit. The laundry room may include utility hook-ups for gas or electric laundry appliances and may include a utility sink with a sink depth 18 inches (18") or greater and/or a full size refrigerator or freezer. A laundry room shall not contain cooking appliances.
- C. An "outdoor kitchen" that is placed in an unenclosed area that may be roofed but is open on at least two sides and exposed to weather.
- D. Any room where the director of PRMD or his/her designee determines that the room, by its design, clearly cannot reasonably be used as a kitchen. In considering whether a room is a kitchen that would designate a structure as a dwelling unit, the director may also consider but not be limited to, whether or not the structure has a full bathroom and/or potential sleeping area pursuant to Policy 1-4-1. When an exception is made per #4 above, it shall be documented by a Zoning Permit application and a "Notice" on the subject parcel shall be placed in PRMD's permitting computer system so that anyone researching the parcel is aware of the determination. A Deed Restriction and/or an Agreement may be required to be signed by the property owner and recorded to inform future property owners of restrictions on the use of a building and future permit requirements for any change in use.

An electrical outlet of 240 volts in capacity or a gas outlet including "rough-in" openings that provide for future installation of any kitchen facilities described in Section "A" above must receive planning approval/clearance prior to building permit issuance or final inspection. The criteria noted above shall be used to determine if the structure is an allowable use, if it constitutes a dwelling unit, and/or if it requires a deed restriction and agreement. Kitchen facilities described in Section "A" above, including "rough ins" may be allowed in structures that meet the criteria for a second unit and are designated and permitted as such, even though the structure is not used as a dwelling (i.e. allowing a gas line, refrigerator and sink in a workshop or artist studio or allowing a stove, refrigerator and sink in a pool house). The deed restriction/agreement will be binding on all successors in interest and will limit the use of the structure as permitted.

ATTACHMENTS

Sample Deed Restriction and Agreement

Approved by: /s/
Tennis Wick, Director

Lead Authors: Jennifer Barrett, Dean Parsons
DeWayne Starnes, Ben Neuman

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Detached Residential Accessory Structures

PURPOSE

Detached structures accessory to single family dwellings can contribute to the use and enjoyment of residential properties. These structures come in many variations ranging from one story detached garages, workshops, art studios, pool house, to barns, two story structures with a garage on the bottom floor, large vehicle storage buildings, etc. This wide variety of proposed uses can raise many questions in the review and approval process in terms of use and occupancy. The purpose of this policy and procedure is to clarify the applicable building, zoning and septic requirements based on the physical features of the structure and its highest and best use, regardless of the labeling or intended use of the structure when applying for a permit for such structures.

GENERAL

1. It is critical to be aware that building, zoning and septic regulations classify uses and structures using similar nomenclature, but not always with the same exact meaning. This policy references building occupancy classifications as defined in the California Building Code, zoning terms as defined in the Zoning Code and septic terms as defined in PRMD Septic Policies.
2. The type and occupancy classification of residential accessory structure shall be determined by staff based on the physical features of the structure and highest and best use of the building as described in the attached Table *Types of Detached Residential Accessory Structures*. The Type of accessory structure as determined by staff shall be properly labeled on the plans and in any permit issued by PRMD. Staff shall take into consideration any zoning or use permit issued to a property that allows for public uses when determining the highest and best use of a building.
3. Building codes require that all habitable spaces within a dwelling be conditioned (heated and/or cooled). Accessory structures may contain living space, but conditioning is not required for these structures except for second dwelling units and guest houses. Conditioning of accessory structures may be included at the option of the owner. All conditioned and unconditioned spaces are required to meet the requirements of the California Energy Code. All plans shall indicate whether or not the structure is conditioned. Whether an accessory structure is conditioned or not does not determine the occupancy of the structure.
4. Separate electric meter service is not allowed for residential accessory structures with exceptions for second dwelling units, and garages with a dedicated service for electric vehicle charging stations (max. 100 amps).
5. Zoning Code regulations include limitations on the number, type and size of accessory structures both conditioned and unconditioned.

- a. Any accessory structure with a kitchen, as defined in Policy 1-4-5, is considered a dwelling unit and must either be classified as a second unit limited to 840 sq. ft. in size or meet the allowable density under zoning for another dwelling.
 - b. Any accessory structure with a bedroom and no kitchen is considered a guest house limited to 640 sq. ft. and must meet the zoning requirements for a guest house. (See definition below)
 - i. A detached structure with a full bathroom that is accessible from the interior is considered a bedroom/guest house, unless specifically exempted under Policy 1-4-1.
 - ii. A detached structure with a ½ bath and more than one other room (2 or more) will be considered a bedroom/guest house, unless specifically exempted under Policy 1-4-1.
 - iii. A detached structure with a ½ bath and an open floor area (1 room) will not generally be considered a bedroom/guest house and will be classified by the criteria below and the accompanying Table 1.
6. Required upgrades or expansion of septic systems may be required for any proposed residential accessory structure.
(See PRMD Policy 9-2-12 *Guidelines for Remodeling and Additions*)
7. Rough-in for future improvements include wood stove flues, mechanical ducts, electrical circuits, gas lines, and water and waste lines. (See definition of rough-in below.)
- a. Rough-ins shall only be allowed if the type of structure, inclusive of any future appliance or fixture supported by such rough-in, is allowed under zoning regulations.
 - b. When an appliance or a fixture supported by the rough-in is installed, a permit shall be required.
 - c. Rough-ins shall not be permitted if the installation will trigger another building use which is not allowed on the property under review. For example, a rough-in for a kitchen in a guest house would not be permitted when the property under review does not qualify for a second dwelling unit.
 - d. Plans submitted for permits that include rough-ins shall label the rough-ins on the floor plan. Staff must note approval of any rough-ins in the approval section for the permit.

DEFINITIONS

Accessory structure is a structure not greater than 3,000 square feet (sq. ft.) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot. (Cal Res Code Section R202). Accessory structures containing a full bathroom accessed from the interior of the structure will be considered as having a bedroom(s). Further size limitations are detailed by this policy on some types of structures (see below).

Bathroom, Full bath A full bath contains a toilet, sink and shower and/or bathtub.

Bathroom, Half bath A half bath contains a toilet and a sink (See PRMD Policy 1-4-1, Definition of a Bedroom) Note: Half baths that are designed with enough floor area (greater than 45 sq. ft.) to easily accommodate a bathtub and/or shower is considered as having a “Rough-in” for a full bath. Half baths, accessed from the interior with an exterior door leading to a shower, are considered a full bath.

Bedroom is any room in a dwelling or accessory structure that can be used for sleeping purposes. For purposes of sizing the on-site sewage disposal system, habitable rooms with a floor area equal to or greater than 70 square feet and designed to provide privacy to the occupant will typically be considered bedrooms. Such rooms include, but are not limited to, those designated on plans as bedrooms, lofts, sewing rooms, dens, offices, recreation rooms, hobby rooms, gyms, and game rooms. A closet, or lack thereof, shall not determine whether a room is considered a bedroom. Kitchens, bathrooms, laundry rooms, rooms with large entry ways lacking doors and designed such that the installation of a door would require a building permit and rooms not meeting the Uniform Housing Code are not bedrooms. (See PRMD Policy 1-4-1, Definition of a Bedroom)

Class I System is a non-conforming system that does not meet all of the current standards, but is the best available system that is most effective, economically achievable and state of the art technology currently in use for controlling the pollution that will result in reasonable progress toward improving the discharge to the environment given the site conditions. (See PRMD Policy 9-2-12 *Guidelines for Remodeling and Additions*)

Class III Septic System is a non-conforming system that does not meet current standards, but is functioning properly with a concrete or fiberglass septic tank and some leaching field or seepage pit. (See PRMD Policy 9-2-12 *Guidelines for Remodeling and Additions*)

Conditioned space is any area, room or space in a building being heated exceeding 10 Btu/hr-ft² or cooled exceeding 5 Btu/hr-ft² directly or indirectly by any equipment or passive design feature for the comfort of occupants or for other reasons such as preserving temperature-sensitive goods. (Building Science)

Guest house is an accessory building which consists of a detached living area of a permanent type of construction with no provisions for appliances or fixtures for the storage and/or preparation of food, including, but not limited to; wet bars, refrigeration, dishwashers or cooking facilities. The building shall not be leased, subleased, rented or sub-rented separately from the primary dwelling. The floor area of a guest house shall be a maximum of six hundred forty (640) square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest house and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purpose of calculating the maximum size of a guest house, any storage area attached to the guest house, excluding garage, shall be included. A guest house shall be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot. The guest house shall not be located more than one hundred feet (100') from the primary dwelling on the subject

lot, except where the planning director determines that a greater setback is appropriate in light of topography, vegetation or unique physical characteristics. (See Section 26-02-140 of Sonoma County Code)

Living Area- living area, for the purpose of this policy, includes all areas of residential dwellings and residential accessory structures including: bathrooms, kitchens, closets, utility rooms, hallways and any other area in a building that is designed for human use. New residential rooms above garages and/or other new residential accessory structures on the property will be considered living area. Areas such as unfinished attic space, unfinished basements, and garages are not considered living area.

Kitchen is any area designed or used for preparation or cooking of food, with either cooking appliances/rough-ins; OR sink and refrigerator > 5 cu ft or space w/outlet (See PRMD Policy 1-4-5, *Definition of a Kitchen*)

Occupancy is the classification of a structure as defined in the California Building Code (CBC), which is given based on the intended use and/or designed use of such structure. See CBC chp 3.

Residential is any structure or room labeled “R-” occupancy as defined by the California Building Code.

Rough-in means to install the preliminary (rough) plumbing, electrical and/or mechanical building materials without making the final connections.

Unfinished is any structure, or any part of a structure, with exposed studs, and no insulation or sheet rock covering the walls. Unfinished rooms in a primary dwelling and/or residential accessory structure shall have exterior access doors only with no direct access to the interior of a primary dwelling and/or residential accessory structure.

Wet bar is limited to 2 sq. ft. sink with a drain ≤ 1.5 in diameter; 5 cu ft under counter refrigerator; and, ≤ 6 lineal ft of counter and cabinets (See PRMD Policy 1-4-5, *Definition of a Kitchen*)

TYPES OF STRUCTURES AND ALLOWED FEATURES

The following summarizes the building classifications, septic and zoning requirements for various types of accessory structures based on their physical features as shown in the attached Table. Accessory structures must meet all code requirements for the type of structure including but not limited to the California Building Codes (CBC & CRC) and Chapter 26 Zoning of the Sonoma County Code. Refer to the relevant code sections for the detailed requirements.

1. Second Dwelling Unit

- a. A second dwelling unit shall be classified as R-3 Occupancy.
- b. A second dwelling unit is an accessory structure with a kitchen and full bathroom.

- c. A second dwelling unit must be conditioned to meet state Energy Code.
- d. A second dwelling unit is limited to 840 sq. ft. in size.
- e. A second dwelling unit must meet zoning setbacks per Chapter 26, section 88-060.
- f. A code compliant septic system is required. However a bedroom swap with the primary dwelling is allowed with a Class I Best Available septic system. A second dwelling unit is considered a rental unit per Chapter 26, Article 89 of the Sonoma County Code if a waiver of affordable housing fees is granted and a covenant is recorded requiring that the unit be made available for rent to another household.
- g. See handout <http://www.sonoma-county.org/prmd/docs/handouts/pjr-032.pdf>

2. Guest house

- a. A guest house shall be classified as an R-3 Occupancy per the CBC.
- b. A guest house is a detached accessory structure with living/bedroom area.
- c. A guest house shall have no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food.
- d. A guest house may or may not have a full or half bathroom.
- e. A guest house is considered a bedroom for septic purposes and a Class I (Best Available) septic system for the primary dwelling is required. However a bedroom swap with the primary dwelling is allowed with a Class III septic system. Septic reserve area is required.
- f. A guest house is limited to 640 sq. ft. in size.
- g. A guest house must be located within 100-feet of the primary dwelling (exceptions for unique characteristics or topography are allowed) and must be closer to the primary dwelling than to a primary dwelling on any adjacent lot.
- h. A guest house shall not be considered an affordable housing unit per Chapter 26, Article 89 of the Sonoma County Code and may not be rented separate from the primary dwelling.
- i. Affordable Housing Fees do not apply unless constructed as part of a larger addition with total combined floor area greater than 1,000 sq. ft.
- j. See handout <http://www.sonoma-county.org/prmd/docs/handouts/pjr-012.pdf>

3. Miscellaneous Residential Occupancies (i.e. Gym, Office, Dance, Hobby or Art Studio, Recreation or Media Room etc.)

- a. Miscellaneous residential occupancies or any other accessory structure with Living Space shall be classified as a Group R Occupancy per the CBC. If a zoning or use permit has been issued that allows events and public use, then the accessory building shall be classified for highest possible use, regardless of the building size.
- b. Miscellaneous residential occupancies have no bedroom, kitchen or full bathroom as defined by Policy 1-4-1 or 1-4-5, unless permitted as a second unit or guest house as defined above.
- c. Miscellaneous residential occupancies structures must be secondary and incidental to the primary residence and shall have an open floor plan with no partitions other than a ½ bath.
- d. Miscellaneous residential occupancies shall not exceed 3,000 sf.

- e. Miscellaneous residential occupancies < 640 sq. ft. require a class 3 septic system for the primary dwelling; > 640 sq. ft. require a class 1 septic system for the primary dwelling. Septic reserve area is required.
- f. Miscellaneous residential occupancies may have either one of the following: 1) a ½ bath only accessible from interior, optional shower with exterior access only or 2) a full bath with exterior access only.

4. Room Above a Garage

These rooms come in various configurations, from a typical attic to a finished room indistinguishable from the interior of a dwelling. For purposes of this policy a room above a garage refers to a detached garage with a room above. A room above a garage will be classified by the physical features as described in this policy and shown in the attached Table *Summary of requirements for Detached Residential Accessory Structures*.

- a. A room above a garage that contains both a floor and a ceiling with a height of at least 7 feet or with sloped ceilings in compliance with §1208.2 of the California Building Code it shall be classified as an accessory to Group R Occupancy.
- b. If a room above a detached garage contains only one of the provisions in “a” above, and is unfinished it may be considered an attic and shall be classified as a Group U occupancy.
- c. A room above a garage classified as Group R occupancy, or as a mezzanine, must have a code compliant exit to grade level.
- d. A partial floor (less than 33% of the lower floor area) which meets the CBC definition of an unenclosed mezzanine is not considered a story and may be classified as part of the Group U Occupancy.
- e. Some areas which meet the definition of a mezzanine are quite small in area. Such areas may be classified as a shelf when the floor is less than 3 feet wide in one dimension. If the floor has more than one level, the levels must be separated by at least 2 feet vertically to be considered different levels.
- f. A room above a garage may have ½ bath only, unless permitted as a second dwelling unit or guest house in which a full bath is allowed.
- g. A room above a garage shall have no kitchen, bedroom or full bathroom as defined by Policy 1-4-1 or 1-4-5 unless permitted as a second unit or guest house as defined above with a Code Compliant septic system.
- h. A room above a garage shall have an open floor plan with no partitions other than a ½ bath.
- i. A room above a garage, along with the garage below shall not exceed 3,000 sq.ft.
- j. A room above a garage ≤640 sq. ft. must have a Class III septic system for the primary dwelling; a room above a garage >640 sq. ft. must have a Class I system for the primary dwelling. Septic reserve area is required.
- k. A room above a garage may be conditioned to meet state Energy Code.

5. Pool House

- a. A pool house shall be classified as a Group R-3 Occupancy per the CBC.
- b. A pool house shall not have a kitchen, but may have a wet bar or an outdoor kitchen area.

- c. A pool house must be secondary and incidental to the primary residence and shall have an open floor plan with no partitions other than a ½ bath. An equipment room is allowed with exterior access only.
- d. A pool house shall not exceed 3,000 sq.ft.
- e. A pool house may have either one of the following: 1) a ½ bath only accessible from interior, optional shower with exterior access only, or 2) a full bath with exterior access only.
- f. A pool house less than or equal to 640 sq. ft. requires a Class III septic system for the primary dwelling; a pool house greater than 640 sq. ft. requires a Class I septic system for the primary dwelling per Policy 9-2-12. Septic reserve area is required.

6. Detached Private Garage

- a. A detached private garage shall be classified as a Group U Occupancy.
- b. A detached private garage is an unconditioned accessory structure.
- c. A detached private garage shall not have a kitchen, bedroom or full bathroom as defined by Policy 1-4-1 and 1-4-5.
- d. A detached private garage may have either one of the following, 1) a ½ bath only accessible from the interior and a shower with exterior access only or; 2) a full bath with exterior access only provided that the on-site septic system meets Class III (septic tank and disposal field) as defined in Policy 9-2-12. Septic reserve area is required.
- e. A detached private garage has a minimum 8-foot wide nominal exterior door or opening through which a motor vehicle can be driven and a way of approaching the door with a motor vehicle from the public way.
- f. A detached private garage shall have a vehicle parking area at least 10 feet wide by 20 feet long is provided within the structure.
- g. A detached private garage greater than 1000 sq. ft. shall be for the parking of vehicles only.
- h. A garage must have a solid non-absorbent floor in compliance with CBC Section 406.
- i. A detached garage is limited to 3000 sq. ft. per CBC 406.3 and CRC definition of accessory structure. The exception in CBC 406.3 allowing area separation walls does not apply to detached residential accessory structures including garages.

7. Workshops

- a. A workshop accessory to a residence shall be classified as a group U occupancy.
- b. A workshop has an open floor plan with no partitions and is limited to 1000 sq. ft.
- c. A workshop shall have no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food. No bedroom or full bathroom as defined by Policy 1-4-1 or 1-4-5 is allowed.
- d. A workshop may have either one of the following; 1) a ½ bath only accessible from interior, optional shower with exterior access only or; 2) a full bath with exterior access only provided that the on-site septic system meets Class III (septic tank and disposal field) as defined in Policy 9-2-12. Septic reserve area is required.
- e. Provision for a kiln, welder or other heat producing appliance is allowed.
- f. A workshop shall not be allowed to fulfill covered off street parking in compliance with Article 26-86 of the Sonoma County Code.

8. Storage Building

- a. A storage building accessory to a residence shall be classified as Group U occupancy.
- b. A storage building has no exterior door through which a motor vehicle can be driven.
- c. A storage building has an essentially open floor plan with no more than two rooms, minimum partitions and no waste plumbing.
- d. A storage building shall have no more than 40 amp electrical sub-panel.
- e. A storage building has no bedroom, no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food, or a bathroom as defined by Policy 1-4-1 or 1-4-5.

9. Agricultural Structure

- a. An agricultural structure accessory to a residence shall be classified as a Group U Occupancy.
- b. An agricultural structure is an unconditioned accessory structure for agricultural use commonly referred to as a barn.
- c. An agricultural structure shall have no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food. No bedroom and no full bathroom as defined by PRMD policy 1-4-5 and 1-4-1.
- d. An agricultural structure may have either one of the following; 1) a ½ bath accessible from the interior, optional shower with exterior access only or; 2) a full bath with exterior access only provided that the on-site septic system meets Class III (septic tank and disposal field) as defined in Policy 9-2-12. Septic reserve area is required.
- e. An agricultural structure must have a minimum 8-foot wide exterior barn/garage door or an opening (no door) through which a motor vehicle can be driven and a way of approaching the door/opening with a vehicle.
- f. An agricultural structure must have stalls or other provisions for animal care OR is essentially an open floor plan (maximum partitioned areas totaling 25% of the floor area) intended and designed for storage of farm machinery, tack, hay, feed, etc
- g. Agricultural structures are not subject to the 3000 sq. ft. maximum of U occupancy when accessory to an agricultural operation in the zones which allow for agricultural uses (DA, LEA, LIA, RR, AR and RRD). An agricultural building permit exemption is only allowed for an agricultural structure in zones on parcels 5 acres or larger with an existing agricultural use. Refer to public handout CNI-030.
- h. Barns or other similarly labeled structures that are accessory to a residence are subject to the 3,000 sq. ft. maximum limit.

PROCEDURE

- 1. Permit Technicians shall make the initial determination of the type of structure at the time of application based on the Detailed Requirements noted above and the attached *Table Summary of Requirements for Detached Residential Accessory Structures*. Planning, Building and Septic staff shall be responsible to verify that permit applications and construction complies with the Detailed Requirements noted above and the attached *Table*

Summary of Requirements for Detached Residential Accessory Structures. In cases where the determination of the type of structure is appealed due to difficulty in making a determination on staff's part, the director of PRMD shall make the final determination.

2. Staff shall be diligent in the issuance of the minor improvement permits and have authority to require departmental approvals and reviews not normally associated with such permits if the improvement may change the use or character of the structure.
3. Inspection staff shall require plan revision or permit description revision of issued building permits if rough-ins are installed and not noted on the approved plans or permit description.
4. Staff shall have the authority to deny minor improvement permits if the permit changes the use or building character to a use that is not allowed.
5. Where a detached residential accessory structure is approved subject to limitations on the use, the restrictions shall be clearly stated on Conditions, Covenants and Restrictions in the form provided as Attachment B. The CCR's shall be executed by the owner and recorded by the owner at the County Clerk's office prior to issuance of building or zoning permits. The owner shall provide a certified copy of the fully executed and recorded form to PRMD prior to permit issuance.
6. Valuations for permit fees shall be based on the features, occupancies and uses determined by this policy.

ATTACHMENTS

1. TABLE 1: Summary of Requirements for Detached Residential Accessory Structures
2. Sample Form Conditions, Covenants and Restrictions Form

AUTHORITY

- 1. California Building Code, Section 1134b**
- 2. California Building Code, Section 106.3**
- 3. Section 26-92-210 Sonoma County Code**

Approved by:

Tennis Wick, Director

Lead Authors: Ben Neuman, Patrick Mullin, Dean Parsons, Jennifer Barrett, Nathan Quarles
07/01/15
07/22/15
08/03/15

Permit and Resource Management Department
ADMINISTRATIVE MANUAL

Number 1-4-6

03/18/16

03/30/16

Make available on Intranet only

Make available on Intranet and Internet

Guidelines for Remodeling and Additions with Respect to On-Site Wastewater Treatment Systems

PURPOSE

The Sonoma County Permit and Resource Management Department (PRMD) Well and Septic Division strives to provide the highest level of protection of public health and the environment, while at the same time accommodating the public's needs and desires to modify existing structures served by On-Site Wastewater Treatment Systems (OWTS, commonly referred to as septic systems). The primary objective is to ensure that wastewater is treated properly to protect the health of the public. Protecting public health also preserves our environment and the area in which we live. Although all new residential and commercial projects are required to meet current regulatory OWTS requirements, there is also a need to evaluate and, as appropriate, improve existing residential and commercial septic systems whenever significant remodeling, additions, and/or change of use is proposed.

Sonoma County Code Section 7-5 recognizes that alteration or modification of an existing structure "...such as, but not limited to, the addition of rooms or the modification of floor plans for potential additional occupancy" may impose additional burdens upon an existing septic system "...in excess of its capacity to absorb sewage effluent." Therefore, significant improvements to existing residential and/or commercial structures may require an improvement to the existing septic system as well. The previous policy involved combinations of the calculated percentage of remodel improvements (Lineal Footage of Altered Walls Method) plus the percentage of new square footage (habitable area) to determine septic system requirements. The previous policy failed to produce the desired outcome of fair, consistent, efficient and easily understandable guidelines to determine when a septic system upgrade is appropriate for a remodel improvement. This new policy is meant to provide uniform, consistent, less onerous and easier to understand guidelines for PRMD staff and the public to follow when considering remodels, rebuilds, additions or changes in use to structures.

GENERAL

This policy supercedes and replaces PRMD policies 9-2-12 *Guidelines for Remodeling and Additions with Respect to Septic Systems* (effective date 07/01/06) and 9-2-29 *Percentage of Remodel Improvement Determination* (effective date 06/28/07).

AUTHORITY

- Sonoma County Code, Chapter 7, Section 5
- California Building Code
- California Plumbing Code

- PRMD Policy 9-2-15, *Policy for Reutilization of Existing Onsite Sewage Disposal Systems*

DEFINITIONS

For purposes of interpretation and implementation of this policy, the following definitions shall apply:

"A-BLD" means a remodel project that does not require construction plans and plan review and which can include alteration of up to 40 linear feet of bearing or non-bearing walls, but which does not include relocation of walls (bearing or non-bearing) or additional square footage. Refer to PRMD Policy and Procedure 4-0-7 *A-BLD Permits* for further information.

"Addition" means an increase in habitable space square footage to the residential dwelling or commercial structure and/or any and all ancillary structure(s) either through an expansion of the footprint of the dwelling(s) or structure(s), a second floor addition, a basement addition or the conversion of non-habitable space to habitable use.

"Advanced Treatment Measure" means an approved measure that utilizes special designs and/or additional technology to treat the effluent to a much higher level than a conventional system. An approved Advanced Treatment Measure shall reduce BOD and Suspended Solids to less than 10 mg/l and provide at least 50% nitrogen removal, as verified by an approved independent testing laboratory. Advanced Treatment Measures may be required to address a critical factor of concern, as specified in PRMD Policy Number 9-2-13 *Approval Criteria for Issuance of Septic System Repair Permits* (e.g. setbacks to sensitive receptors, depth to groundwater and/or soil conditions).

"Bedroom" means any space in a conditioned area of a dwelling unit or accessory structure which is 70 square feet and greater in size and which is located along an exterior wall, but not including the following: hall, bathroom, kitchen, living room (maximum of one per dwelling unit), family room (maximum of one per dwelling unit), laundry room, closet/dressing room opening off of a bedroom. Refer to PRMD Policy and Procedure Number 1-4-1 *Definition of Bedroom* for further information.

"B-BLD" means a building permit for new additions, remodeling and/or new buildings that requires construction plans and plan review. A B-BLD is any building permit that does not meet the definition of an A-BLD permit.

"Cesspool" means an excavation in the ground designed to retain the organic matter and solids while allowing the liquids to seep through the bottom and sides.

"Class I OWTS" means the best available system, as determined by PRMD, based upon the specific site conditions and constraints of a particular parcel that serves an existing structure, when a code compliant OWTS is not possible. A Class I system can be either a new (replacement) system with a waiver and may include incorporation of an approved advanced treatment measure, or an existing system with a valid permit on record and meeting all current standards for sewage disposal, with waiver, under the Reutilization Policy. Sufficient area of 100% expansion must exist, which meets the same minimum requirements as the proposed primary system.

"Class III OWTS" means a system that is functioning properly with a concrete or fiberglass septic tank and some leaching field or seepage pits. The system may be undersized or not in compliance with setbacks for code compliant systems. However, a Class III system must comply with the minimum setback requirements, as specified in the *Approval Criteria for Issuance of Septic System Repair Permits* (PRMD Policy Number 9-2-13). Reserve area may be limited. There may be no records on file at PRMD.

"Code Compliant OWTS" means a system that meets all current State and County OWTS standards and requirements. Code Compliant systems include OWTS with waivers issued to allow new construction on vacant lots.

"Existing" means a structure that has been in recent and continuous service. Any structure not in use for twenty-four (24) consecutive months must meet the standards for a new on-site wastewater treatment system that would apply to a vacant lot. Proof of recent and continuous service means providing pertinent documentation that substantiates the use of the property during the period in question. These documents may include, but are not limited to receipts (e.g. PG&E, garbage, water), business records, County or State licenses and permits, deeds, notarized affidavits and dated photographs.

"Field Clearance" means a site visit required when PRMD's file information is not sufficient to show that the proposed work will not adversely impact the septic system. A field clearance is more often needed when an older septic system predates PRMD's record keeping system. In addition, when there is a lack of information on file for the septic system, a site visit is necessary to verify that an approved septic system exists on the property.

"Findings Report" means an analysis of the OWTS which includes review of PRMD septic file information and a visual inspection of an existing OWTS and/or well for the purpose of providing potential buyers or interested parties with information regarding a particular septic system or well. A Findings Report may be prepared by PRMD staff, an RCE or REHS.

"Habitable Space" means habitable or occupied space as defined by the 2007 California Building Code (CBC). CBC 1208.2 requires ceiling heights of 7'6" in all habitable rooms. Kitchens, bathrooms, storage rooms and laundry rooms may have ceiling heights of 7'. All rooms more than 70 square feet shall be considered to be habitable or occupied (CBC 1208.3). Furred ceiling heights must comply with CBC 1208.2.1. New rooms above garages or other new ancillary structures on the property will be considered habitable. Areas such as unfinished attic space, unfinished basements, unfinished storage rooms with only exterior access, unfinished ancillary structures and garages are considered nonhabitable.

"Major addition" means the addition of more than 500 square feet of habitable space to any main structure and/or ancillary structure (cumulative from the effective date of this policy and combined for all structures served by the same OWTS).

"Minor addition" means the addition of up to 500 square feet of habitable space to any main structure and/or ancillary structure (cumulative from the effective date of this policy and combined for all structures).

"Modification" means a remodel or addition of habitable space to an existing structure.

"Office Clearance" means a review of PRMD files and application documents in the office to determine that the proposed work will not impact the existing septic system.

"Rebuild" means the removal and/or replacement of the existing construction that goes beyond the limits set forth in this policy for a "Remodel." It does not change the building's square footage or footprint, the footprint of any habitable accessory structures, or result in any change in the anticipated sewage flow (as measured by the number of bedrooms or change of use). The removal and replacement of 50% or more of the exterior walls is considered to be a rebuild. The percentage of removal and replacement of exterior walls is cumulative from the effective date of this policy.

"Remodel" means the alteration of a structure that does not change the building's square footage or footprint, the footprint of any habitable accessory structures, or result in any change in the anticipated sewage flow (as measured by the number of bedrooms or change of use). The removal and replacement of less than 50% of the exterior walls is considered to be a remodel. The percentage of removal and replacement of exterior walls is cumulative from the effective date of this policy.

PROCEDURE

1. An Office Clearance for Minor Addition B-BLDs and/or Remodel B-BLDs shall be accepted when there are file records that provide documentation that the proposed work does not affect the OWTS or potential reserve expansion area, the OWTS was finalized less than 20 years before the date of Minor Addition and/or Remodel B-BLD application, and the septic system is not subject to Code Enforcement action.
2. Either a Findings Report or Field Clearance shall be required for the following:
 - a. Minor Addition B-BLDs and/or Remodel B-BLDs of permitted systems that received OWTS permit final construction approval more than 20 years before the date of the Minor Addition and/or Remodel B-BLD application.
 - b. Major Addition B-BLDs and Rebuild BLDs of permitted systems that received OWTS permit final construction approval less than 20 years before the date of the Major Addition and/or Rebuild B-BLD application and the septic system is not subject to Code Enforcement action.
3. A Field Clearance shall be required for the following:
 - a. Minor Addition B-BLDs and/or Remodel B-BLDS whenever there is insufficient file information to document the OWTS size and location (un-permitted systems) or when the septic system is subject to Code Enforcement action.
 - b. Major Addition B-BLDs and/or Rebuild BLDs whenever there is insufficient file information to document the OWTS size and location (un-permitted systems) or a permitted system received OWTS permit final construction approval more than 20 years before the date of the Major Addition or Rebuild B-BLD application or the septic system is subject to Code Enforcement action.
4. The Field Clearance and/or Findings Report shall include, at a minimum, the following information:
 - a layout diagram of the existing system;
 - evaluation of system performance (may include uncovering distribution boxes to insure that the system is functioning adequately);
 - age of system and expected life expectancy;
 - sizing of system;
 - replacement area availability;
 - inspection of all tanks and recent pumpers report (within last 5 years);
 - classification of system (code compliant, Class I or Class III).

5. PRMD shall determine if a waiver request to Basin Plan requirements is required for those existing OWTS that are required to meet Class I status for a Major Addition and/or Rebuild.
6. Any B-BLD clearance involving a retail food facility must be approved by the Department of Health Services, Division of Environmental Health.
7. Additional requirements may apply to properties located within waiver prohibition or septic system ban areas.
8. The provisions of this policy do not apply to properties damaged as a result of events of a local, state or federally declared state of emergency (e.g. earthquake, flood, fire, storm).

STANDARDS

The criteria established below shall be followed for all Well & Septic Division clearances on Building permit applications which result in a rebuild, remodel and/or addition to existing structures.

A. STANDARD MAINTENANCE AND REPAIR

A-BLDs do not require Well & Septic Division clearances. If the scope of work is exceeded to the point that the work no longer qualifies as an A-BLD, a Well & Septic Division Clearance is required. B-BLDs for foundation repair and re-roofing with limited framing replacement (see PRMD Policy 4-0-7 *A-BLD Permits*), disability accessibility improvements, FEMA flood elevations and seismic safety improvements do require Well & Septic clearance, but are not considered a remodel or rebuild for purposes of triggering a septic system upgrade, unless the structure is on a cesspool or the septic system is in failure.

B. RESIDENTIAL BEDROOM ADDITIONS AND CHANGES IN USE

Any change in use (e.g. change from residential to commercial or changes in the nature of commercial use) that results in an increase in wastewater flow and/or wastewater characteristics, and/or any additional bedroom beyond the design capacity of the system shall require a Code Compliant OWTS.

C. MINOR ADDITIONS AND REMODELS

Minor Additions and remodels, not including additional bedrooms and/or change in use, shall be allowed with a Class III OWTS (or better), provided the following conditions are met:

1. Verifiable information on the location, construction, integrity and function of the existing system is available.

2. An addition may not encumber any potential reserve expansion area.
3. If reserve expansion area is limited, the property owner shall sign and notarize a Conditional Statement in acknowledgment that the structure(s) is served by a Class III OWTS with limited reserve expansion area.

D. MAJOR ADDITIONS AND REBUILDS

Major Additions and Rebuilds, not including additional bedrooms and/or change in use, require a Class I OWTS, provided the following conditions are met:

1. Verifiable information on the location, construction, integrity and function of the existing system is available.
2. An addition may not encumber any potential reserve expansion area.
3. Expansions of the existing footprint are not allowed if a replacement system cannot be adequately sized due to site constraints. A system where only a seepage pit reserve expansion area is available is not considered to be adequately sized.

E. COMMERCIAL BUILDINGS

1. The same criteria and requirements that apply to Residential "Additions", "Rebuilds" and "Remodels" apply to Commercial construction activities subject to Well and Septic clearances for B-BLD permit issuance.
2. Any clearance involving a retail food facility must be approved by the Department of Health Services, Division of Environmental Health.
3. If the addition, rebuild, remodel or change in use has the potential for increasing or changing the volume and/or strength of the wastewater discharged to the OWTS beyond the design flow, the following is required:
 - a. The applicant's consulting Registered Civil Engineer (RCE) or Registered Environmental Health Specialist (REHS) must evaluate the proposed sewage flows, characteristics and the adequacy of the existing OWTS.
 - b. Any necessary modifications to the system shall be designed by an RCE or REHS in accordance with current standards. The California Plumbing Code (CPC), EPA Design Manual or other approved source shall be used as guides for sizing commercial OWTS if actual water use information is not available. Actual water use data should be used whenever possible with a factor of safety incorporated.

- c. Other sewage flow estimates may be considered by PRMD if supported by technical documentation such as a comparative study of at least three similar type establishments. Projected wastewater loading shall be fully substantiated with estimated number of patrons, employees, etc.
- d. A code compliant OWTS is required if there is an increase in the volume or strength of the wastewater generated.

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

Lead Author: Bob Swift

Previously:

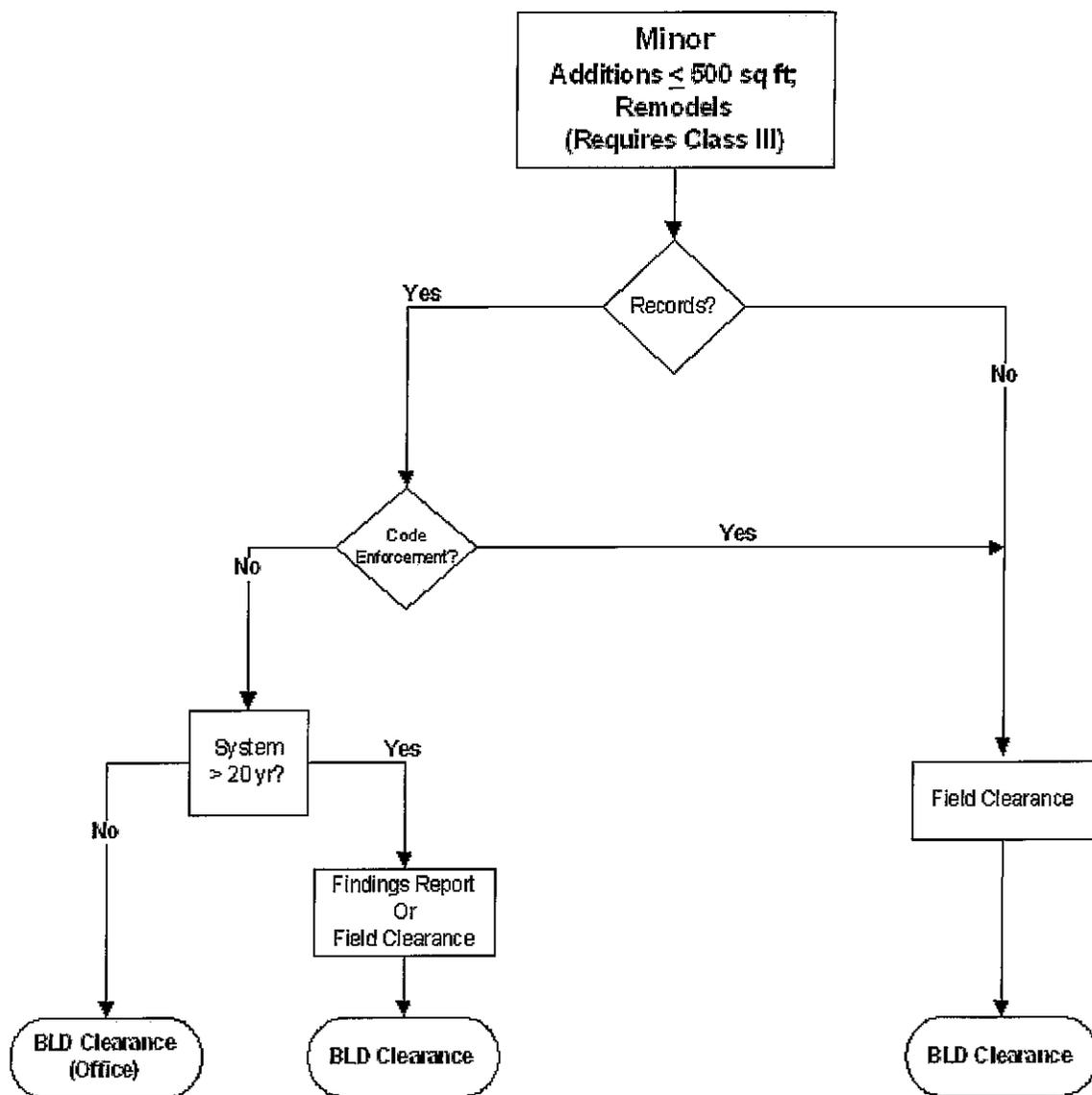
9-2-12 Guidelines for Remodeling and Additions with Respect to Septic Systems (effective date 07/01/06)

and

9-2-29 Percentage of Remodel Improvement Determination (effective date 06/28/07)

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**RESIDENTIAL AND COMMERCIAL
MINOR ADDITIONS AND REMODELS**



**RESIDENTIAL AND COMMERCIAL
 MAJOR ADDITIONS AND REBUILDS**

