

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
Wednesday, August 16, 2017

I. CALL TO ORDER/ROLL CALL (6:05pm)

Commissioners Present: Johnson, Braziel, Stockness
Commissioners Absent: None
Staff: Parker, Gunderson

II. APPROVAL OF MINUTES

May 17, 2017

No comments. No quorum remaining on the Planning Commission to approve the minutes.

June 21, 2017

Motion (Stockness/Braziel) to approve the June 21, 2017 minutes as submitted.

Passed unanimously (3-0).

III. APPROVAL OF AGENDA

Motion (Johnson/Braziel) to approve the agenda.

Passed unanimously (3-0).

IV. ITEMS FROM THE FLOOR

Chair Johnson opened the floor, requesting that statements and comments be held to three minutes.

Do. Cox (436 Ocean Ave.) discussed an incident that occurred at the Paloma Creek Lodge STR. Several violations/nuisances occurred over a weekend and the neighbor filed a complaint on July 25. That neighbor has not been shown the proper respect nor received the response he should have. The City Manager expressed a lack of concern for Mr. Beaupre and then did not investigate or communicate further with him. Her issue is with the process by which complaints are handled. She noted that the flowchart the Planning Commission developed is not consistent with the new ordinance or policies

V. AGENDA ITEMS

1. CAL FIRE 2016-06: 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 one mile to the north of the City, under a separate, future application. Planning Commission action will be a recommendation to the City Council. *Continued from the July meeting.*

Planner Parker provided background for this project and summarized the staff report. The water source used by the Cal Fire Trinidad Station has become polluted, and after exploring various options, they requested and received approval from the City Council for a service extension from the City of Trinidad water system. They also received approval for the connection from the Humboldt Local Agency Formation Commission (LAFCo) in 2009; this was required because the Cal Fire Station is outside City limits. Later, it was determined that the extension would not be consistent with the City's or County's Local Coastal Programs. Therefore, the City has been working with Coastal Commission and Humboldt County staff to develop this amendment to allow a limited exception for the Cal Fire station to receive City water outside of the service area. She explained that the Zoning Ordinance requires the Planning Commission to hold a public hearing on any amendments. However, the City Council will be the body actually adopting the amendment, so the Planning Commission action will be a recommendation to the City Council.

Parker explains that the amendment was limited in scope so that it will only apply to the Cal Fire station. In addition, the LAFCo approval limited the size of the water line so it could only serve the Cal Fire station. Parker notes that water supply has become a significant issue in recent years during the drought, and there has been an uptick in requests for City water from properties outside the City. However, State law and LAFCo policies strictly limit the circumstances under which the City may extend water service outside its boundaries. The City did recently receive approval for a grant from the Coastal Commission to complete a comprehensive water supply assessment, which will help the City determine if its Service Area and/or Sphere of Influence boundaries should be modified in order to potentially serve areas currently outside the City.

Once the amendment is approved by the City Council, it will be submitted to the Coastal Commission for certification. Then Cal Fire can apply for the permits necessary (e.g. CDP) to actually construct the water line. As Conditions of Approval, Cal Fire will be responsible for reimbursing the City for all costs associated with processing the application and 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.

Commissioner Comments

Commissioner Johnson clarified that with the Moss Subdivision, it was the capacity of Luffenholtz Creek that was at issue, but the City water system has plenty of capacity to serve the Cal Fire station. Commissioner Braziel confirms that the final plans and design for the water line will come before the Planning Commission for approval in the future. Commissioner Stockness noted that there are other properties outside City limits that would like to connect to the City's water system, but this is a special case, because it is a public health issue, and the Cal Fire station provides a public service. The Commissioners also discussed the rates of the water to be purchased, chlorination

process, storage tanks, and the installation and maintenance of the new transmission line.

Public Comment

None

Action

Motion (Johnson/Stockness) to adopt the information and findings in the staff report and recommend approval of the LCP Amendment to the City Council as submitted and conditioned.

Passed unanimously (3-0).

2. City of Trinidad 2017-02: Coastal Development Permit and Grading Permit for work that has already been completed under an emergency permit to mitigate and repair damage that occurred from a landslide. Work included: (1) removal of a concrete walkway, fencing, benches and a portion of the parking area; (2) regrading and smoothing of the disturbed area; (3) construction of a new curb and restriping of the parking area to provide parallel spaces; (4) erosion control and hydroseeding of disturbed areas; and (5) installation of inclinometers to gather more information about the slide. Located at: Trinidad Memorial Lighthouse overlook and parking area; APN 042-091-05 and Edwards Street right-of-way.

Planner Parker explained that the work performed was not related to moving the Lighthouse or protecting Edwards Street. The Permit before the Planning Commission is the follow-up permit for an emergency permit granted for work that has already been completed to mitigate damage from a slide. The work was done pursuant to the recommendations of a geologic assessment by SHN Engineers and Geologists. She presented the Staff Report to the Planning Commission. Parker added that the work that was done is only preliminary. She stated that the slide is still active and more studies, planning and structural work will be needed in the future.

Parker notes that there were a couple of changes from the plans included in the packet. The fencing proposed in the plans was not installed in order to minimize ground disturbance, and signs were installed instead. In addition, the permanent plantings were not installed; this was to minimize ground disturbance, and because the earth is still moving. The striping of the reconfigured parking area is pending.

Cultural monitors were onsite during the work performed and the Tribes were notified of the work and this permit, and City has not received any objections to the work that was done.

Commissioner Comments

Commissioner Stockness states that Edwards Street needs better signage, with parking time limits and enforcement. The Commissioners discussed signage on Edwards Street.

Planner Parker added that signage will be part of the upcoming Van Wycke Trail repair and pedestrian access project. Commissioner Braziel opines that the hydro-seeding mix should have been native; “regreen” would have been a better option.

Public Comment

Do. Cox (436 Ocean) stated that the Van Wyk Trail project is years away from completion, but better signage is needed now. She commended Gary Simpson of SHN Engineers & Geologists for his very understandable presentation to the City Council regarding the slide and geologic conditions.

Action

Motion (Johnson/Stockness) based on the application material, information, and findings included in the staff report and the geologic report, and public testimony, I move to find that the project as submitted and as described herein are consistent with the City’s LCP and other applicable regulations, and approve the Grading and Coastal Development Permits.

Passed unanimously (3-0).

3. 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. *Continued from the July meeting.*

Planner Parker explained that the City Council asked the Planning Commission to provide policy recommendations regarding permitting and regulating detached living spaces. She stated that the City has allowed living space to be created in detached structures in the past, but doesn’t want them to become second units, or Accessory Dwelling Units (ADUs), without City approval due to impacts to parking, septic capacity, water supply, etc. She added that the State law changed this year to make it easier to create ADUs. However, because Trinidad is in the Coastal Zone, the new law does not change the requirements or limitations of the City’s LCP; septic requirements are also a limiting factor. The use of detached living spaces has been difficult to define and ultimately enforce. The goal for this Agenda Item is to start the discussion on what is allowable in terms of use of and improvements to detached living spaces, and when do they cross the line to become an ADU.

Commissioner Comments

The Commissioners discussed the difficulty in defining kitchens and bedrooms and putting limits on them. They also discussed using septic capacity as a basis for regulating these spaces. Commissioner Johnson expressed a preference to regulate the use(s) as opposed to the improvements. Commissioners Johnson and Braziel supported performance based regulations (e.g. septic and water use). A recurring comment related to making the policy simple and enforceable. Parker stated that regulating what

improvements can be included in detached living spaces is generally simpler to enforce than how they are being used. Parker added that the City cannot regulate the number of people that live in a home or how many cars they have, for example.

Public Comment

M. McHenry (407 Ocean) is a new resident to Trinidad, and bought a home with a VDU license; she is mainly here at the meeting to learn. She stated that she appreciated the work of the Planning Commission noting that it is a big job. She hopes a compromise can be found that benefits the community.

Do. Cox (436 Ocean) indicated her preference for these spaces to remain single-family use. She notes that there is a strong incentive for people to convert spaces into ADUs, so the City needs to step up enforcement. She stated that inspections are not happening, because City staff doesn't follow through. Inspections by the appropriate City staff need to be a part of regulating detached living spaces. The City should keep a binder of illegal uses.

Commissioner Comments

Commissioner Stockness stated that the Planning Commission needs to track conditions of approval, and Commissioner Braziel requested an inspection checklist with responsibilities. Planner Parker responded that the City already uses a conditions checklist that outlines timing and responsibilities.

Planner Parker then requested that for further direction, the Commissioners review the case examples provided in the Staff Report and make comments. A discussion of each example followed. In particular, the complexities of defining a kitchen or bedroom were discussed. Potential performance based criteria were also discussed.

Commissioner Braziel pointed out that rental housing opportunities in Trinidad are limited, and ADUs would help alleviate that. The possibility of allowing people to use their detached living spaces in whatever way they wanted to as long as the water use did not exceed the design capacity of the septic system was discussed. Parker noted that most residences used well below their design capacity, so letting people go up to the maximum and create ADUs would be an intensification of the use of property and could negatively impact the City's water supply, groundwater, etc. The Coastal Commission would have to certify any new regulations that would allow ADUs. In general, the Planning Commission expressed a preference for performance based criteria. Planner Parker stated that she would research that option.

VI. CITY COUNCIL REPORT

None.

VII. STAFF REPORT

Planner Parker stated that the City's recent LCP grant application was approved. It will fund a comprehensive water supply study as well as planning and developing

policies for dealing with slides and other coastal hazards using the current Edwards Street slide as a case example.

The City has extended the current VDU licenses through September 30, and staff are working on transferring them over to STR licenses.

Sandra is leaving September 1 which will put additional burden on City staff until a replacement can be found.

Planner Parker is working with Becky on a process for streamlining OWTS permits.

The City is working on obtaining a federal match to move forward on the stormwater grant project.

Parker is starting to work on the CEQA analysis for the Van Wycke trail repair and pedestrian access project.

VIII. FUTURE AGENDA ITEMS

- Detached Living Spaces
- General Plan Update
- Lighthouse relocation?

IX. ADJOURNMENT

Motion (Stockness/Braziel) to adjourn the meeting.

Passed unanimously (3-0).

Submitted by:

Cheryl Gunderson

Interim Secretary to Planning Commission

Approved by:

Diane Stockness

Acting Planning Commission Chair