

**MINUTES OF THE 24 SEPTEMBER 2008
TRINIDAD PLANNING COMMISSION MEETING
7:07**

I. ROLL CALL

Commission Chair Mike Morgan called the meeting to order at 7:07pm. Commissioners in attendance were Judy Lake, Carol Rowe, Bryce Kenny, and Richard Johnson. Council Liaison Kathy Bhardwaj was present. Steve Albright, Trevor Parker and Robin Fraser represented staff in attendance.

II. APPROVAL OF MINUTES – June 18, 2008, July 16, 2008, and August 20, 2008.

Kenny inquired about the second of his motion from the June meeting. By process of elimination Commissioner Lake took credit. For the July 16th minutes, page 1, “interest would ...” should be rephrased to “existing budget.”

Motion (Johnson, Lake) to approve all minutes with the above amendments. Passed unanimously.

III. APPROVAL OF AGENDA

IV. ITEMS FROM THE FLOOR

V. AGENDA ITEMS

1. Trinidad 2007-09: Grading and Coastal Development Permit for drainage improvements along an existing driveway, consisting of installation of a drain inlet and pipe to route water away from the bluff and Tsurai Study Area and back into Parker Creek. 20 Scenic Drive, near the base of Parker Creek; APN: 042-131-07.

Parker presented background. The project does not require design review, but does require a coastal development permit because of its special location. Staff recommends approval. The only proposed condition is that the City Engineer oversee that the city grading ordinances be followed. Lake inquired about responsibility for payment. Albright gave information about City and grant money. \$34 thousand would come from the City, and about \$30 thousand from the Coastal conservancy. In return a historic sight would have protection.

The history of ownership of the property was discussed. Bhardwaj asked about bluff stability on this property. Morgan shared some history that Axel Lindgren's father had previously routed the water by hand all the way to Pepperwood Creek.

Johnson asked for clarification about the engineering diagram and if the new 8' pipe would join with the existing culvert, or empty separately but next to it. Albright responded that it would tie in to the current culvert, except that the culvert is close to failing. The pipe will run parallel, but be considered the same outlet for ASBS discharge requirements. The rules have not been published

yet. Rowe inquired about a less expensive way. Albright responded that there isn't one.

Johnson stated that if approved, work would begin and be completed before the rainy season. Parker said that an emergency permit had been issued so work could begin before the Planning Commission decision. Albright said work could start the first week of Oct, and without problems, could take as short as two weeks.

Motion (Kenny, Lake) to adopt as conditioned below. Passed Unanimously.

2. Chevron Station Issues: Review of previously approved project elements compared to work that has been completed and discussion of next steps.

Parker presented background. Work was done on a Sunday, some of which was approved, including taking down the large sign. The approval had been all or nothing. The summary in the packet included what had been approved and completed, approved but not completed, and completed but not approved. Existing unpermitted signs were either approved or have been removed. The design review period was for one year. The most recent approval to application 2008-04, gave 90 days to commence, and 180 to complete work.

Albright met with Peter Van Alyea. He reiterated the need for compliance with approval and fees. The Chevron owner has disagreed with levied fees. Albright offered to review the outstanding fees with the owner and hopes to build some trust with him.

Morgan pointed out that the owner's deadline has not passed, and that both parties were interested in the review of the decision. Rowe noted that the owner had not appealed the decision. Lake noted that the owner had a history of picking and choosing items in his compliance. Morgan noted that Parker knew of other recourses for responding to non-compliance.

Morgan directed Parker to draft a letter to Alyea with a status check, which will be signed by Morgan and Albright. Johnson expressed interest in having more of a two-way communication with the owner. Rowe suggested the letter go out as soon as possible.

Motion (Johnson/Kenny) to direct staff to take the memo and add an appropriate introduction to pass on to the City Manager and Chair to forward to the business owner. Passed unanimously.

3. General Plan Update: Discussion/report from staff.

Parker suggested that background information needed to be validated. A list of completed topics is needed as well as a timeline and schedule is needed for General Plan completion. Parker will continue formulating those. Background reports and final wording need to be completed before passing them on to Council. Johnson expressed concern that the commission doesn't know all of the pieces that need to be done.

Parker said they could put together a schedule, list of tasks and a draft of the completed policies to present to Council next month. Albright suggested having a complete section to present rather than a collection of elements. Parker asked for budgetary information from Albright. Albright said not to expect perfection, that the General Plan is a moment in time. Parker said small amendments every few years are better than complete revisions less often.

Morgan iterated that a General Plan is general, and public education is key. Parker said we'd have an online book of completed policies, a task list, and what background reports are needed. Johnson and Parker will work on task list and schedule for next month. What do we need to get land use element done.

VI. STAFF REPORT

Parker has been collecting water samples for the clean beaches initiative. She has also been preparing letters for priority properties with permit information from the health department for the most at-risk properties for free inspections. The water samples are looking for optical brighteners (laundry detergent) and bacteria in ankle deep water on the beaches and in the creeks and tributaries.

Morgan asked about a website with watershed quality monitoring information. It may be the County website.

Jim Cuthbertson asked if we are monitoring well on Van Wycke. Parker said we had been, and will be again with grant money from the ASBS program. He also asked about sedimentation due to gopher activity.

Albright said we would be doing a first reading at the October City Council meeting for onsite wastewater treatment ordinance. If all goes well it could get adopted first meeting in December. It is currently under legal review.

At the last City Council meeting Council discussed having a sales tax advisory committee if the tax passes. Council put out a plea for willing participants, and acknowledged need for new commissioner soon, too. Morgan said two people had expressed interest.

The FPCC dismissed the complaint they received regarding conflict of interest issues related to the Marshall project approval. The concern raised is about the Commission's ability to make decisions due to the size of Trinidad and the distance regulations. Legal council is reviewing an exception for small cities, and looking at the map to determine radii and voting ability of members. Morgan mentioned a rebuttal possibility to acknowledge a Commissioner's presence within the distance without conflict of interest and still participate. The complaint has no impact on the Marshall decision. The key is whether financial benefit from a decision is collective or individual. Cuthbertson asked about formalizing and putting in writing the guidelines for conflict of interest protocol.

Marshall has hired a new architect. If there are new plans by early next week it

will appear on the Oct. 8th agenda. Otherwise it would be delayed. Morgan reminded the Commission that one Council option is to send it back to the Commission. Albright said the City Council would decide if the new design needs new design review. Parker stated that a similar design on the same footprint with the same square footage would fall under the prior approval but include better drawings.

Albright reported on the trail signs to enforce the lawsuit settlement from Frame v. Trinidad. The required ordinance has been done, and Frame has signed off on the language. Sign placement requires a coastal development permit. The Planning Commission had approved sign locations in 2002, so with luck signs will be placed within a month: two sets for Parker Creek Trail, and one each for the Axel Lindgren Memorial trail, and the Wagner Street Trail.

Cuthbertson expressed frustration with the seeming discrepancy between City response to Frame and other citizens, particularly regarding two items: the lack of coastal development permit for the 4x4s, and cutting trees without permit. Rowe agreed that a double standard is inappropriate.

Parker noted that requirements for a coastal development permit suggest a revision of zoning ordinances coastal act regulations. Enforcement was discussed, highlighting the lack of clarity for enforcement responsibility. The coastal development permit process needs revision under the general plan revision.

Parker stated that at the time of post installation the city's ordinance was law, so the posts were exempt from permitting. Now special environments or open space zones any form of development needs a permit. Albright said the posts slow or stop bicycle traffic. Once the signs are up to regulate traffic, posts are not needed for that.

Morgan said the Planning Commission responds to formal, written public complaints for enforcement. Albright said City staff are not code enforcers except upon receipt of formal, written, public complaints. There are a variety of options at that point through department heads and up to legal action.

The Commission discussed fines for non-compliance and the cost of permits. The Commission will be reviewing all ordinances and making recommendations for fee revisions, particularly for tree removal. Bhardwaj mentioned that the tree-cutting controversy is long-standing.

VII. COUNCIL LIAISON

The City Manager and City Clerk are interviewing new candidates for the City's contracted CPA.

Trash removal in town is particularly difficult due to transient activity near the Freeway. The Trinidad Police Department is working with Arcata Endeavor to provide services for transients.

FOR NEXT AGENDA-

Rowe asked to add a redraft of the views and vegetation ordinance to next month's agenda. She has sent a draft to Parker.

VIII. ADJOURNMENT

Motion (Rowe, Kenny) to adjourn at 8:41pm.

Respectfully submitted by: Robin Fraser, Assistant City Clerk
A recording of the proceedings is available upon request at City Hall.