

**MINUTES OF THE 21 FEBRUARY 2007  
TRINIDAD PLANNING COMMISSION MEETING**

**I. ROLL CALL**

Chairman Lake called the meeting to order at 7:30 p.m. Other Commissioners in attendance were Johnson, and Morgan. Commissioner Fulkerson and Kenny were absent. Council Liaison Bhardwaj was in attendance. Parker represented staff in attendance.

**II. APPROVAL OF MINUTES – January 17, 2007**

There were no comments on the Minutes. Johnson made the motion to approve the minutes as submitted. Lake seconded. Motion approved 3-0.

**III. APPROVAL OF AGENDA**

No changes were made to the agenda.

**IV. ITEMS FROM THE FLOOR**

1. Wendy Rowen, Executive Director of First 5 Humboldt, a Humboldt County Children and Families Commission. Wendy spoke on behalf of the Work Life Alliance, comprised of First 5 Humboldt, the Local Child Care Planning Council, and the Workforce Investment Board. She gave a brief presentation on the status of the child care industry in Humboldt County and presented the Commission with a report titled *The Economic Impact of the Child Care Industry in Humboldt County*. She stated that the Workforce Investment Board identified the lack of sufficient child care and the need for affordable and accessible child care as critical issues for the workforce. While there are a number of aspects involved in promoting child care facilities, a primary focus of the organization is working to encourage development of child care facilities in Humboldt County. The organization will be proposing General Plan amendments to the County General Plan and drafting language to Zoning Ordinance changes to essentially remove barriers for creating child care centers and family child care homes.
2. Kathleen Lake, a resident of Trinidad, came before the commission for a response as to why she has not received a reply to her letter to the City and the Planning Commission dated April 17, 2006, regarding information on second dwellings. Parker and the Commissioners reviewed a copy of the letter dated April 17, 2006. Parker stated that the requested information is available here at City Hall. Lake said that she has spoke to Gabe on several occasions and that Gabe has never been clear on how to get the information and had stated that Trever was working on a response. Lake stated that when one writes a letter they should get some sort of written response stating either that the information is not available or giving explanation as to how to obtain such information. Tonight she is formally requesting a written response to her letter as requested.

Discussion progressed as to whether the Planning Commission had ever received the letter and the efficiency of getting information to the Planning Commissioners. Lake stated that Gabe assured her back in May that every member of the Planning Commission and City Council had received a copy of the letter. Lake stated that she is formally requesting a written response to her letter as requested. Lake addressed the commission with concerns regarding the specific policies and procedures for developing a second dwelling; the discrepancy between regulations for California encouraging second dwellings and the City's regulations involving second dwellings; and lastly why have properties on both sides of her property been permitted to have second dwellings. Lake stated that both of these dwellings have become rentals since her request. She wants clarification as to why she has not been granted a request for a second dwelling and feels that this may be a civil rights issue.

Parker stated that the council has been discussing second dwellings and has directed the commission to look at second units and adopt a second unit ordinance. Some of the primary issues of concern involve septic systems, lot size, and parking. Parker stated that action is not taken on items from the floor, but that she would research the issue and prepare a written response. In regards to other possible second dwellings, Parker stated that Reinman was issued a stop work order and Fleschner had an existing non-conforming second unit which was in existence prior to the zoning ordinance.

## **V. AGENDA ITEMS**

### **PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS**

1. Reinschmidt 2005-02a: Modification of Design Review and Coastal Development Permit approval for a new residence to add an 8' x 20' solarium within the footprint of a previously approved deck and to modify the roofline of the previously approved garage. 15 Berry Road (at the intersection with Frontage Road); APN: 515-331-47.

Parker began by summarizing the project. This is a modification of a project approved two years ago and under construction since. The main alteration proposes the addition of a small solarium on the west side of the house which would add about 160 sq. ft. to the square footage. Additional modifications are proposed for the garage. The currently proposed garage is a detached structure of the same footprint, but located somewhat to the northeast of the original proposed location. Additional changes involved modifying the roof line and increasing the pitch of the roof for aesthetics purposes and as such these changes are subject to design review. The project meets all other zoning ordinance requirements. There are no changes regarding parking, landscaping, front yard setbacks, and septic.

The main issue with this project involves *the use* of accessory structures. If a garage is defined as an accessory structure then it is limited to 15 feet in height. The Zoning Ordinance defines accessory structures as a building or structure that is accessory to the main use of the lot. If the garage had remained attached it would be subject to the

main building height of 25 feet; if it's considered an accessory structure it would be limited to a building height of 15 feet. In a previous approval in 1999 the planning commission made the determination that garages are not considered accessory structures. A couple reasons for this include 1) it didn't seem consistent to allow a 25 foot garage if attached but only a 15 foot garage if it is detached and 2) an accessory structure of less than 500 square feet is exempt from design review requirements and would not need a permit. Therefore the Planning Commission made a determination that garages are not accessory structures but are part of the main dwelling although they are excluded from the main square footage. Commissioner Lake clarified whether an accessory structure, such as a shed, does not require a permit. Parker responded stating that the way the zoning ordinance is written, in most parts of town, includes an exemption for an accessory structure of 500 square feet or less and less than 15 feet in height. Accessory structures do have to meet front setbacks and must be at least 10 feet from any building. Parker stated that the Planning Commission does not have to follow the same interpretations that a previous Planning Commission made.

The project site is identified in the General Plan Environmental Conditions and Constraints document as an area of potentially containing a rare plant (*Dichondra donnelliana*). The General Plan policy states that *development should be reviewed to ensure that all reasonable means have been considered to protect any existing rare plants*. After reviewing the potential for rare plants on the site it is found that this plant is not listed as a rare plant and is no longer listed on the California Department of Fish and Game, the threatened or endangered species list, or the California Native Plant Society inventory of rare plants. The plant as described in the Jepson manual, which is the standard for plants in California, as occurring in on open slopes and moist fields, which don't occur on this property so the plant would not be expected.

The propane tank is shown on the site plan to be located behind the garage. Staff felt that when actually placing the propane tank that the company might advise them to move it to a more accessible location. Therefore staff included a condition that states if the propane tank is moved that the City Planner would need to approve the location, and if it is visible it would need to be screened. The design review and view protection findings are written in a manner to allow approval. There is no additionally grading needed; materials and colors will be the same; no changes in landscaping; no signs; the project includes underground utilities; the house is slightly under the 2,000 sq. ft. guidelines and well under the 10 percent floor-to-area ratio guideline. The project is not in a location where it could block views; it is visible in certain areas of town; and not within 100 ft of any of the protected properties. Staff provided a motion of approval for the project, but the Planning Commission has other alternatives, you may add or remove conditions of approval to address any concerns, you may delay action and continue the hearing to obtain further information, or you may deny the project.

Commissioner Lake stated that at the prior approval of the project the house was over 2,000 sq. ft. Parker stated that there was a separate work area in the garage approximately 266 sq. ft. and that is not separated anymore. The definition of the floor-to-area ratio excludes garages but not workshops. So when it was separately walled

off as a workshop it was included in the square footage of the main residence. Commissioner Morgan asked whether the applicants have seen the conditions of approval. Parker stated that they are mostly the same as in the previous staff report and a condition is included that states all the previous conditions still apply. Parker then reviewed aloud the conditions of approval for the public. Commissioner Lake asked when someone builds an attic space in the garage does that area have to be shown in the plan. Parker stated that it would have to be shown on the building plan and we don't have a floor plan for the attic space. Parker stated that as far as she is aware that it is only a storage space. The applicant confirmed that the space is indeed only a storage place and will have a pull down ladder. Commissioner Johnson asked staff to verify the meaning and interpretation in the 1999 staff report that states that garages are not accessory structures. His understanding that this is not an ordinance but an interpretation made at one time, and that again could be subject to interpretation any time in the future. Parker confirmed Commissioner Johnson's interpretation as correct. Commissioner Johnson inquired whether the current location of the propane tank meets all of the ordinances and safety considerations. Parker confirmed it meets the zoning requirements, which as an accessory structure is required to meet front setbacks and must be 10 feet away from any building. Planning staff looks at the location in the terms of aesthetics and states that is the reason for the condition of approval. Commissioner Johnson verified whether staff is happy with the current location. Parker stated yes, because it wouldn't be visible. Commissioner Johnson confirmed the location of the new solarium. There were no public comments.

**Motion:** Johnson made the following motion: *Based on the information submitted in the application included in the staff report and public testimony, I move to adopt the information and findings included in this Staff Report and recommend approval of the project as conditioned below.* Motion seconded by Lake. Motion passed 3-0.

## VI. STAFF REPORT

- 1) Parker asked the Planning Commission for clarification regarding the letter from Kathy Lake. The Planning Commission directed Parker to prepare a response letter for Kathy Lake.
- 2) Final review of the OWTS Ordinance is scheduled for March 21, 2007. Staff has not yet met with the director of the Health Department as he has been unavailable. Staff hopes to meet with him next week.
- 3) Parker asked for direction from the Planning Commission as to the best method to receive the packets in a timely fashion. Commission requests Parker to notify them by email a week in advance that there will be a scheduled meeting and to have the packets available the Thursday prior to the meeting. Each commissioner will know that they are available and make their arrangements to pick them up. The Next meeting is scheduled for March 21, 2007.
- 4) We performed our first round of water quality sampling under Prop 50 for the OWTS component. We went out the first day after .05 inch of rain, which was a

first flush event, and those results revealed some very high bacteria counts. After the second day of rain the results were much more normal.

## **VII. LIAISON REPORT**

- 1) The Council is collaborating with HSU Marine Lab and the Rancheria on an implementation grant to propose methods to reduce stormwater runoff and utilize Low Impact Development (LID) technologies to increase onsite infiltration. Some of the LID methods discussed included vegetation swales and underground storm chambers. An analysis will be done to assess ground water runoff patterns with special concerns at the Tsurai Village study area.
- 2) The Council confirmed the renewed Planning Commission seats for Richard Johnson, Judy Lake, and Mike Morgan. At the next meeting a new chair will be elected.
- 3) The Council determined that one Planning Commissioner may live in the greater Trinidad area. Previously all Planning Commissioners were required to live within the City limits. City Council members are required by law to live within the City limits. Commissioner Lake expressed interest as to why this subject was discussed at the Council rather than at the Commission. Lake expressed that if there were no persons in the City interested in serving on the Commission then it is acceptable to extend the invitation to someone residing in the greater Trinidad area; however she generally expressed opposition to having someone living outside of the City making decisions about what takes place in the City.
- 4) The Council came up with a process to fill the vacant council seat provided by Dean Heyenga's resignation. The process will involve applicants undergoing public interviews before the Council and the general public. There will be an opportunity for everyone to ask questions of the applicant, the public can give their input, and then the Council will vote.

## **VIII. ADJOURNMENT**

Lake adjourned the meeting at 8:35.

Respectfully Submitted by: Michelle Bedard, Assistant City Planner  
Secretary to the Planning Commission  
City of Trinidad