

**MINUTES OF THE 19 SEPTEMBER 2007
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Mike Morgan called the meeting to order. Commissioners in attendance were Mike Morgan, Carol Rowe, Bryce Kenny, and Richard Johnson. Judy Lake and Council Liaison Kathy Bhardwaj were absent. Trever Parker, Kristen Martin, and Sam Tyrer represented staff in attendance.

II. APPROVAL OF MINUTES – August 15, 2007

Rowe asked if there were plans to put the City's solar initiative on the agenda; she would like to assist with the initiative and make it an agenda item in the future.

Rowe made a motion to approve the minutes as submitted. Kenny seconded. Motion carried 4-0.

III. APPROVAL OF AGENDA

Kenny made a motion to approve the agenda. Rowe seconded. Motion carried 4-0.

IV. ITEMS FROM THE FLOOR

Marilyn Sterling read a letter to the Commissioners outlining several concerns about the proposed Accessory Dwelling Unit (ADU) ordinance. She stated that other residents had concerns but could not attend tonight's meeting. Her primary concern is that the ordinance is too restrictive and will make it too difficult for people to have ADUs. Commissioners received copies of the letter, which listed the specific elements that she wishes to have removed from the ordinance.

Ms. Sterling had also submitted two letters to the Commissioners and Parker asking if certain conditions can be removed from her previously approved project. Commissioners said that they could not take action on that issue tonight.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. Discussion regarding Accessory Dwelling Units (ADUs) including a review of current City Zoning Ordinance requirements, State Law and a sample ordinance.

Parker summarized a memo that she had sent to Commissioners. She could not find a sample ADU ordinance that allows a discretionary review process. Under the currently proposed ordinance for Trinidad, discretionary review could occur only if a concerned neighbor appealed an ADU project to the Coastal Commission. She suggested that the Planning Commission could make certain findings, as required by State Law to establish areas within the City where ADUs would be allowed with ministerial approval, such as the region east of Highway

101, where private view protection is not such an important issue. Discretionary approval would be required in 'view areas.' The findings to prohibit ADUs should be based on health and safety concerns, since septic systems are also an issue.

Commissioners discussed the possibility of creating different zones for ADU approval. Johnson was concerned that two sets of rules may be unfair. Kenny asked if existing ADUs would be addressed by these zones; Morgan responded that all existing ADUs could be permitted, but approval would occur in two different ways. Morgan stated that ADU zones may be legitimate because the City already has a Views and Vegetation Overlay Zone. Parker pointed out that there have been past suggestions to exempt the region east of Hwy. 101 from Design Review.

Johnson recommended placing a moratorium on new ADUs until the OWTS ordinance becomes effective, because then the City will have more information on the current status of OWTS in the City and the impact ADUs may have on septic systems. Parker said that the State is currently enforcing its Ocean Plan and has ordered the City to stop discharging wastewater into Trinidad Bay. The City has applied for an exception from this requirement, but the status of that request is unknown. She also noted that these regulations may eventually prohibit septic discharge through seeps.

The floor was opened to public comment at this point. Accessory structures (not dwellings) were brought up, but Commissioners stated that they were not part of tonight's discussion. There was also concern about the limited area of town in which ADUs may be appealed to the Coastal Commission. Parker responded that since the Coastal Zone boundary is flexible, it may be possible to expand the City's appealable area or to use the existing Coastal Act regulations. Glenn Saunders said that he and Mayor Chi-Wei Lin have conducted a survey of existing ADUs and will share the results with the Planner.

Commissioners were generally in favor of considering Ms. Sterling's concerns about the strict provisions of the ordinance. They asked Parker for a copy of State regulations so they can determine how to follow those regulations without being too strict. For the next meeting they would also like to see a map of existing ADUs and a summary of the State's Ocean Plan discharge standards. Although some Commissioners supported a moratorium on new ADUs because of septic concerns, most felt it would be unnecessary, because ADUs are already illegal within the City according to the certified Local Coastal Program.

Motion: none.

2. Review, discussion, action on various public educational and informational documents relating to the OWTS Management Program.

Parker suggested postponing this item in favor of discussing the General Plan update, since that was being funded by a grant that would run out in March. The Commission asked whether those documents were holding up the City Council review of the OWTS ordinance. Parker stated that their discussions and approval are not contingent upon release of the public educational materials. The ordinance has already received Planning Commission approval. Parker said that she can send a memo to the Council letting them know that it should be acted upon soon.

Motion: Johnson made a motion to encourage the City Council to take up the OWTS ordinance as soon as possible. Rowe seconded. Motion carried 4-0.

3. Discussion regarding future strategies and committee formation for the upcoming General Plan update.

Parker reviewed the memo and packet materials that she had given to Commissioners. These included a list of General Plan issues that had arisen during past community brainstorming sessions, as well a list of newer issues that have been addressed in recent years or should be addressed in the current update process. Rowe mentioned that Mayor Lin had recently hosted a “town hall” meeting on the General Plan. Everybody agreed that the results of that meeting, as well as outcomes from past meetings, should be used in the current process. The most recent update process began in 1997, but most of the issues addressed then should still be relevant now.

Discussion turned to strategies for obtaining public input on the General Plan update process, including a community survey. Johnson asked if a facilitator would be needed at this point. Parker replied that it depends on the type of forum used; larger, more generally focused meetings may require facilitation, while smaller meetings probably would not. Rowe offered a suggestion for proceeding: have a series of public meetings each focused on a different element of the General Plan, and each headed by a member of the Commission. Morgan agreed and added that a survey should be sent to members of the public prior to any meetings, in order to get them thinking about the important issues.

Parker pointed out that dividing up the issues according to General Plan element may be problematic, since the majority of issues will fall under the Land Use Element and others may not clearly fall into designated categories. Johnson added that the community ought to look at larger issues, such as the City’s sphere of influence, as well as individual General Plan elements. He also noted that some people may not know what category their issues fit under, making a general meeting important. Parker said that she will draft a community survey and circulate it for comments from the Commissioners.

The floor was opened to public comment at this point. Brad Twoomy said that Commissioners should use caution when updating the General Plan by changing

existing policies or enacting more lenient policies. He noted that the existing General Plan has lots of good policies that should be incorporated into the update. He also emphasized the importance of the Design Review process.

Motion: none.

VI. **STAFF REPORT**

Rowe gave an update on the Citizens Lighting Committee. She said there had only been three sign-ups, but the committee will meet on October 1 to discuss a draft lighting ordinance for the City. Glenn Saunders said that he and his wife had signed up for the committee as well, bringing the total to five members.

Parker informed the Commissioners that the Knapp Subdivision had been continued at the last City Council meeting on the grounds that Council members had not received enough information about the project. The project was already approved by the Planning Commission. Parker suggested that one or two Commissioners may want to attend the next Council meeting to support their recommendation.

Items that will likely be on next month's agenda include Design Review and Coastal Development Permit / Use Permit for the Trinidad Pier reconstruction, and a Conditional Use Permit for the proposed City police facility at the clothing shop (463 Trinity St.). Rowe said that she would like to see views and vegetation addressed at next month's meeting, as she is currently pursuing nuisance abatement against a neighbor whose trees are blocking her view. The other Commissioners said that this issue is out of their hands unless she applies for a View Restoration Permit.

VII. **ADJOURNMENT**

Rowe made a motion to adjourn. Johnson seconded. Motion carried 4-0. The meeting was adjourned at 9:45 PM.

Respectfully submitted by: Kristen Martin, Assistant City Planner
Secretary to the Planning Commission
City of Trinidad