City of Trinidad

Posted: Thursday, April 23, 2010

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a Special Meeting on

WEDNESDAY, APRIL 28, 2010 at 3:00 PM

In the Town Hall at 409 Trinity Street

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION

No Closed Session is scheduled for this meeting

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

There will be no Minutes provided at this meeting.

VI. COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS

VII. ORAL STAFF REPORTS

- City Manager
- Specific Department Reports

VIII. ITEMS FROM THE FLOOR

Three (3) minute limit per Speaker unless Council approves request for extended time.

IX. CONSENT AGENDA

There are no Consent Agenda items.

X. DISCUSSION/ACTION AGENDA ITEMS

1. Report on the Status of Law Enforcement Functions in Trinidad
2. Discussion of the draft Open Space, Conservation, and Recreation Elements of the General Plan

XI. COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS

XII. ADJOURNMENT

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DISCUSSION AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGE

1. Report on the Status of Law Enforcement Functions in Trinidad

DISCUSSION/ACTION AGENDA ITEM X.1
Date: April 18, 2010

Item: **REPORT ON THE STATUS OF LAW ENFORCEMENT FUNCTIONS IN TRINIDAD**

Background: At the April 14, 2010 regular meeting of the City Council, the Council requested that the staff prepare a progress report regarding the status of police functions in Trinidad.

The report will include a status report on the current situation of the Police Department and new information that has been learned about the options discussed at the last meeting. There will also be a review and a comparative analysis of the potential costs associated with the current department, the selection of a temporary Police Chief, and contracting with the Humboldt County Sheriff's office.

Recommended Action:

Receive and file the report, and take whatever other action is deemed appropriate by the members of the City Council.

Attachments: None.

The report will be presented at the Special Council Meeting and will be up-to-date to that time.

DISCUSSION AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 28 PAGES

2. Discussion of the draft Open Space, Conservation, and Recreation Elements of the General Plan

REFER TO THE CITY COUNCIL MEETING PACKET FROM FEBRUARY 24, 2010 FOR COLOR COPIES OF ATTACHED FIGURES 6-10.

DISCUSSION/ACTION AGENDA ITEM X.2
Date: April 18, 2010

Item: **DISCUSSION OF THE DRAFT OPEN SPACE, CONSERVATION, AND RECREATION ELEMENTS OF THE GENERAL PLAN**

Background: In March, the City Council completed its discussion of the draft Land Use Element revision to the Trinidad General Plan. The Council will be provided the revised draft of the "Vision Statement" and the Land Use Element.

The attached Open Space, Conservation and Recreation Elements have been reviewed in great detail by the Planning Commission. They are being forwarded for Council review and comment leading to a final draft for public consideration later this year.

PLEASE BRING ANY NOTES OR COMMENTS THAT YOU MAY HAVE HAD ON THESE DRAFT ELEMENTS SO THAT THEY CAN BE DISCUSSED A THIS MEETING.

Recommended Action:

Provide additional input and direction to the staff as deemed appropriate by the members of the City Council.

Attachments: Draft Open Space, Conservation, and Recreation Elements to the revised General Plan.

CONSERVATION, OPEN SPACE & RECREATION ELEMENT

A. Purpose
- **1. Statutory Requirements**
- **2. Background**

B. Water Resources
C. Biological Resources
- **1. Environmentally Sensitive Habitat Areas**
- **2. Plants and Animals**
- **3. Timber**

D. Soils and Mineral Resources
- **1. Soils**
- **2. Minerals**

E. Open Space Resources
F. Recreation
- **1. Public Recreation**
- **2. Public Access**

A. PURPOSE

1. Statutory Requirements

The Conservation, Open Space and Recreation Element of the Coastal General Plan combines two State-mandated elements, Conservation and Open Space. It also includes policies and programs addressing Environmentally Sensitive Habitat Areas (ESHA), threatened and endangered species, water quality, public access and recreation.

California Government Code § 65302 (d) states that the requirements of a Conservation Element is: *"for the conservation, development, and utilization of natural resources. Its requirements overlap those of the open-space, land use, safety, and circulation elements. The conservation element is distinguished by being primarily oriented toward natural resources."* Issues to be discussed in the Conservation Element include water, forests, soils, water bodies, harbors, fisheries, wildlife, minerals and other natural resources. Some of these topics are also addressed in other elements, including Land Use.

According to the Government Code § 65563, the purpose of an Open Space Element is to develop a plan for *"comprehensive and long-range preservation and conservation of open-space land. Open-space land is defined in statute as any parcel or area of land or water that is essentially unimproved and devoted to open-space use (§65560(b))."* Open space lands can be 'for the preservation of natural resources', 'used for the managed production of resources', 'for outdoor recreation' or 'for the public health and safety.' The Open Space Element has specific statutory requirements, but is generally broad in scope and so is often combined with other elements.

Recreation is not a required General Plan Element. Recreational and park facilities are appropriately discussed in the Land Use and Conservation Elements, and in particular, the Open Space Element (OPR General Plan Guidelines, 2003). Trinidad has included recreational facilities under its own heading due to its importance in Trinidad and the fundamental protection of public coastal access by the Coastal Act. Coastal Act §30500 requires that each LCP contain a specific coastal access component to *"assure that the maximum public access to the coastal and public recreation areas is provided."* The recreation component of this element meets these requirements.

2. Background / Setting

The City of Trinidad contains ample natural resources and open spaces in and around its borders. These include, but are not limited to, a beautiful coastline, offshore rocks, Trinidad Bay, coastal streams, rugged headlands, bountiful trails, viable timber stands, and rare, threatened and endangered plants and animals. Trinidad Bay is designated as a State Water Quality Protection Area (SWQPA) – Area of Special Biological Significance (ASBS) and Critical Coastal Area, and the City has been established as the 'Gateway' to the northern stretch of the California Coastal National Monument. These resources are described in more detail in Background Report: Biology and Environment of the Trinidad Area dated October 2009. In 2008, the City also prepared an Integrated Coastal Watershed Management Plan that addresses a variety of water quality concerns and watershed management strategies. The following sections incorporate information and recommendations from these background reports.

The City wishes to create a sustainable environment by identifying and conserving natural resources. The City also wishes to preserve as much open space as feasible to provide habitat for native species of plants and wildlife, reduce sprawl, maintain the aesthetic benefits of undeveloped land, and to provide its residents with a full range of recreational opportunities. The goals, policies and programs of this Element address these aims by establishing the framework for the protection and enhancement of natural resources, protection of water quality, enhancement of open space, and provide for coastal access and recreational opportunities for Trinidad residents and visitors.

B. WATER RESOURCES AND WATER QUALITY

The Trinidad Planning Area is 15.5 square miles (9,924 acres) in area and contains the watersheds of 13 coastal streams (See Figure 6). The major costal streams that flow through City boundaries are Mill Creek, McConnahas Mill Creek, and Parker Creek. The most sensitive watershed in the Planning Area is Luffenholtz Creek as it is the City's source of drinking water. Luffenholtz Creek is located entirely outside of City boundaries. Therefore, the City has developed policies that should be utilized by regulatory agencies in protecting this watershed and has designated both Luffenholtz and Mill Creeks (the City's secondary water supply) as "Critical Water Supply Areas". For more information please see Section D – Development Outside City Limits – in the Land Use Element and Section __ - Public Services – in the Circulation Element.

The water quality and quantity in the Luffenholtz Creek watershed above the City's water withdrawal point shall be protected. In order to protect its water supply, the City opposes any further subdivision in the Luffenholtz Creek watershed. Eighty-percent of the Luffenholtz watershed is in timber production. The City also opposes the use of chemical herbicides and pesticides in timber management practice within this watershed area. Similarly, the City shall protect the water quality of local streams and the Pacific Ocean within City limits.

Trinidad's fishing/crabbing,tourism industries and drinking water supplies are susceptible to non-point source (NPS) pollution. It is therefore in the best interest of the community to improve and safeguard its water resources in river, stream and ocean. Also, the City must adhere to the strict water quality standards of the CA Ocean Plan due to the presence of the Trinidad Kelp Beds SWQPA/ASBS in the area's ocean. The CA Ocean Plan prohibits any discharges into a SWQPA/ASBS.

Flood hazards, tsunamis, etc... are discussed in the Open Space and Safety Elements.

Goals for Water Resource Conservation

Goal CONS-1: Actively protect and improve the quality and quantity of water in streams and creeks within the City's planning watershed area.

Goal CONS-2: Actively protect and improve the quality of ocean water within and nearby areas which impact the ASBS/CCA.

The water quality in the streams and creeks within the planning watershed area impacts the ocean water quality as the steams and creeks empty into the ocean. Therefore these goals are interconnected.

Principles for Water Resource Protection

A. Watershed approach: Because the water quality of a body of water impacts other water bodies in the planning region, the City shall adopt a watershed based approach for the protection of its water resources. The watershed approach accounts for the impacts of human activities to the water resources of the planning region, not just on an individual parcel. Because most of the watersheds in the City's Planning Area extend outside City limits, the City shall respond to County application referrals based on watershed impacts and encourages the County to do the same for City projects.

B. Potential pollution targets: Three main types of pollutants have been identified that impact water resources in the City's Planning Area. These are sediment, OWTS pollution, and urban pollution in stormwater runoff. Other pollution concerns include runoff from forestry activities, harbor operations, OWTS and stream/riparian alteration.

C. Education and Regulation: The main efforts for protecting water resources are the implementation of public education programs and the creation of ordinances to regulate

activities that cause pollution.

D. Water Conservation: Efforts to conserve water will be focused on, but not limited to, implementing a progressive rate structure to reduce water consumption, improve infrastructure to increase water reserves, to implement a capital improvement program to reduce water leakage, regulatory mechanisms to reduce consumption, and public education to encourage overall water conservation.

E. Best Management Practices Policies: All development shall incorporate Site Design and Source Control Best Management Practices (BMPs) to the maximum extent practicable. BMPs shall be selected to mitigate both construction-phase and post-construction water quality impacts. Where appropriate, structural Treatment Control BMPs shall supplement Site Design and Source Control BMPS as necessary to protect coastal water quality.

Policies and Implementation:

a. Public Outreach Policies: Public education can be a very effective means of achieving the goals of reducing pollution, waste and disposal reduction and water conservation.

CONS-1.1. Develop and implement an effective public outreach and education program for issues that impact the quality and quantity of the City's water resources. The City should coordinate this effort and seek participation with relevant local groups and agencies, including the Trinidad-Westhaven Watershed Council, the HSU Marine Lab, the Trinidad Rancheria and the Trinidad Elementary School.

CONS-1.2 Use public education programs to promote environmentally responsible building designs and construction practices, including, but not limited to: a) creation of permeable surfaces and more natural hydrology through the use of LID technologies and techniques; b) use of low-flow appliances and alternative landscaping methods to reduce water consumption and the use of chemical fertilizers and pesticides, c) sustainable materials and appropriate technology.

b. Policies to eliminate/reduce major pollution targets--Sediment, OWTS, and Stormwater runoff.

i. Sediment reduction: The main causes of sediment formation are land disturbance from activities such as construction, road work and timber harvest and transportation, as well as man-made or naturally occurring erosion.

CONS-2.1 Minimize land disturbance activities from construction (e.g., clearing, grading, and cut-and-fill), and site, designed and mitigate development to avoid erosion; steep slopes, unstable areas, and highly erosive soils shall be avoided when possible.

CONS-2.2 Minimize disturbance of natural vegetation during construction, including

mature trees, native vegetation, and root structures, to prevent erosion and sedimentation.

CONS-2.3 Address erosion and sedimentation during construction, as well as other potential pollutants from construction sites (e.g., paint, solvents, vehicle fluids, and debris). Such measures include controls on timing of grading, BMPs for storage and disposal of construction materials, and/or design specifications for sedimentation basins.

CONS-2.4 Prohibited grading during the rainy season (from October 15th through April 30th) in areas with slopes of 15 % or greater (as indicated on Figure 9), except in response to emergencies. Grading on slopes less than 15% is discouraged during the rainy season. Any areas that are disturbed during this time shall incorporate appropriate BMPs and monitoring to prevent water quality impacts.

CONS-2.5 Incorporate soil stabilization BMPs on disturbed areas as soon as feasible, including, but not limited to, re-vegetation of graded or disturbed areas.

ii. OWTS: The entire City and surrounding community utilize OWTS for wastewater disposal, but dense development, older systems and some soil limitations warrant careful regulation and oversight of OWTS.

CONS-2.6 Develop and maintain an Onsite Wastewater Treatment System (OWTS) Management Program in compliance with the CA OWTS regulations that includes regular monitoring, maintenance, and pumping requirements to assure that State and federal water quality standards are met. (PUBL-13)

iii. Stormwater management

CONS-2.7 Develop a comprehensive stormwater management program to minimize the volume and loading of stormwater-related pollutants entering Trinidad Bay. Such improvements should include re-direction of drainage paths and installation of bio-retention systems with infiltration components.

CONS-2.8 Maximize on-site infiltration of runoff, to the extent practicable, except where site conditions preclude infiltration. In development where infiltration is precluded, implement appropriate treatment control BMPs, such as filtration to reduce the discharge of polluted runoff.

CONS-2.9 Limit the use of curb drains to avoid conveying runoff directly to the City's stormwater conveyance system.

CONS-2.10 To the maximum extent practicable, design and site development to preserve or improve the infiltration, purification, and retention functions of natural drainage systems that exist on the site.

CONS-2.11 To help protect water quality, development shall be sited to:

a. Preserve or improve the infiltration, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable.
b. Protect areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and/or that are susceptible to erosion and sediment loss.
c. Analyze the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development.
d. Preserve and protect riparian corridors, creek channels, wetlands, and buffer zones.
e. Minimize disturbance of natural areas, including significant trees, native vegetation, and root structures.
f. Ensure adequate setbacks from creeks, wetlands, the Pacific Ocean, and other surface waters.
g. Promote clustering of development on the most suitable portions of a site, taking into account geologic constraints, sensitive resources, and natural drainage features.

c. Policies to eliminate/reduce other pollution targets

Program CONS-3.2 Incorporate fundamentals of low-impact-development (LID) technologies into the requirements of the City's implementation plans and provide education and/or incentives to property owners to incorporate LID alternatives into new and existing development where it will not negatively impact any OWTS. (LU-1c.3)

d. Water Conservation Policies:

CONS-4.1 Promote an active, on-going water conservation program to minimize water consumption. Extend the City's conservation program to properties outside the City that are connected to the City water system. Encourage the County to implement a similar program in the Trinidad-Westhaven area (PUBL-3)

Program CONS-4.1.1 Implement a progressive water rate structure to encourage water conservation. Periodically review and amend the water rate structure to ensure that it promotes water conservation.

Program CONS-4.1.2 Identify where losses are occurring in the City's water distribution system and pursue infrastructure improvement to reduce water leakage and increase storage capacity in the system.
Program CONS-4.1.3 Adopt a water efficiency landscape ordinance in accordance with AB 1881 and Dept. of Water Resources requirements.

e. Policies dealing with areas and development of special concerns: Water resources of significant value require special protection. Similarly, development that has a greater potentail impact to the City's water resources needs special policies and additional requirements.

CONS-5.1 Area of Special Biological Significance: Ocean areas in and around Trinidad Head are designated by the State of California as an Area of Special Biological Significance (ASBS) / State Water Quality Protection Area (SWQPA) and a Critical Coastal Area (CCA). The State Ocean Plan imposes special protection standards for the water quality in this ocean area and prohibits any discharge into this body of ocean water, and the City must comply with this plan and any conditions of an exception to the discharge prohibition granted to the City by the State

Program CONS-5.1.1 Implement a comprehensive program to reduce / eliminate discharges into the Trinidad Head ASBS that have been identified by the State Water Resource Control Board.

Program CONS-5.1.2 Implement a comprehensive water quality monitoring plan for Trinidad Bay and its tributary streams to assess and reduce nonpoint source pollution entering the Trinidad Head ASBS.

CONS-5. 2 Development of Special Concern: A development in one or more of the following categories shall be considered a Development of Special Concern, and the City's zoning and grading ordinances shall specify additional requirements and standards for such projects to protect water quality:

(1) any development that results in 5,000 sq. ft. or greater impervious surfaces;

(2) any development that will result in higher densities than called for in this General Plan;

(3) any development that produces high amounts or strengths of wastewater such as restaurants, laundromats, service stations, etc.

(4) any development that results in direct discharges to a waterbody.

Program CONS-5.2.1 Adopt and implement grading / zoning ordinance standards that require the following:

a. The applicant for a Development of Special Concern shall be required to submit a Water Quality Management Plan (WQMP), certified by a California Registered Civil Engineer, Certified Professional in Erosion and Sediment Control (CPESC), or Certified Professional in Stormwater Quality (CPSWQ);

b. Estimate increases in pollutant loads and runoff flows resulting from the proposed development and;

c. Detail the BMPs that will be implemented to minimize both construction and post-construction water quality impacts. At a minimum, site Design and Source Control BMPs shall be required, and Treatment Control BMPs shall

be required where appropriate to address the particular pollutants of concern based on the specific land use.

C. BIOLOGICAL RESOURCES

The Trinidad Planning Area, and even the small area of the City itself, has a relatively high diversity of habitat types. Habitats vary considerably from conifer and hardwood forests to coastal scrub and sandy beaches, to kelp beds and offshore rocks, that include both intertidal and subtidal areas. Riparian vegetation is located along portions of all thirteen of the coastal streams in the planning area. This vegetation protects the quality of the water, minimizes soil erosion and sedimentation, and provides valuable habitat for a wide variety of animals.

Offshore rocks, inter-tidal areas, and beaches provide habitat for marine protists and invertebrates, seabirds and marine mammals. Areas that are accessible during low tide are susceptible to predators and curious beachcombers. Offshore rocks are now protected as part of the CA Coastal National Monument. Kelp beds to the south and west of Trinidad Head are a biological resource important to the local fisheries and the State, demonstrated by its CCA, ASBS, and SWQPA designations.

With respect to the land use regulations, the City's Open Space (OS) and Special Environment (SE) designations encompass the City's major creeks, wetland, riparian, shoreline, and other Environmentally Sensitive Habitat Areas (ESHAs). Because development in OS and SE areas is very restricted, land use designations help to protect these sensitive coastal resources. Smaller areas may not be specifically designated OS or SE or even identified on resource maps, but will be protected by policies contained in this section when identified during development proposals.

Plans for navigational aids and harbor improvements should take into consideration possible impacts to near-shore habitats. The Harbor Area is discussed further in the Land Use Element.

1. Environmentally Sensitive Habitat Areas (ESHAs)

Protection of ESHAs is one of the essential aspects of the Coastal Act. Trinidad has several ESHAs including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, streams, riparian habitats, and rare, threatened, or endangered plants or plant communities. The City will recognize and utilize ESHA definitions and designations in accordance with current Coastal Act regulations, Dept. of Fish and Game requirements and CA Native Plan Society policies / recommendations.

Areas that may contain ESHAs include, but are not limited to, areas indicated by Figure 7a and 7b: Open Space and ESHAs, a – inside the City, and b – in the City's Planning Area. The ESHAs shown on Figure 7 are based on the best information available at the time mapping was done. The boundaries of ESHAs identified this map are not intended to be definitive, but to identify the general location of sensitive environmental resources.

Detailed locations and boundaries of these resources shall be obtained by the preparation of Biological Reports described in Policy CONS-6.11.

2. Plants and Animals

Humboldt County is home to a variety of rare, threatened and endangered (RT&E) plant and animal species. The Background Report on Biology and Environment of the Trinidad Area describes the biological resources more thoroughly. RT&E species list change year to year, and an updated list should be generated and kept on file at City Hall. Development on sites where rare plants are known to exist should be situated and designed to minimize the impact on rare plants. On sites where rare plants or animals may occur based on existing conditions, the property shall be evaluated for such species prior to development. Riparian vegetation should be disturbed as little as possible. Adequate riparian protection zones should be established that limits uses and disturbances.

Goals for Biological Resource Protection

Goal CONS-6: Preserve and Enhance the City's Environmentally Sensitive Habitat Areas (ESHAs).

GOAL CONS-7: Identify and protect Special Status plants, animals and their habitats in and around the City.

Principles for Biological Resource Protection

A. Identify sensitive or important habitats and special status species: Figure 7 (a and b) serves to identify those areas generally known to or that potentially contain ESHAs within the City and within the Planning Area respectively. There is always the potential for ESHA's to exist that are not currently mapped, or for areas that are mapped as ESHA's to not actually contain ESHA's. A biological report may be required, consistent with Policy CONS-6.11, to substantiate the presence or absence of ESHAs on prior to any development. The following areas are ESHAs that are known to occur in the Trinidad area:

a. Creeks, drainages, sloughs, and associated riparian habitats including but not limited to: Mill, Parker and McConnahas Mill Creeks;

b. Wetlands, estuaries, bays and associated riparian and / or shoreline habitat, including Trinidad Bay ASBS, beaches and the offshore rocks;

c. Other unique habitat areas: rare or sensitive habitats, waterbird or marine mammal rookeries; shorebird concentration sites; habitat for all rare, threatened, or endangered species on federal, state lists or CA Native Plant Society; and vegetated bluffs and dunes;

d. Public Trust lands such as beaches and tidelands.

B. Limit development and habitat alteration within ESHAs and where special status species are found. Most ESHA's and special status species are protected by various laws, and the policies found herein are intended to implement and comply with those laws.

C. Maintain appropriate buffers to protect ESHAs and special status species from impacts from adjacent development. Appropriate space between ESHA's or special status species and adjacent development helps to limit and mitigate any impacts on these important resources from development.

D. Protect and improve native habitat and minimize impacts to native species. Native habitat and species are the ecological backbone of Trinidad and should be afforded special considerations to protect and restore their natural form and function.

Policies and Implementations

a. Policies to limit development in ESHA's or near special status species.

CONS-6.1 Only permit diking, Filling, and Dredging of open coastal waters, wetlands, estuaries, creeks and other bodies of water where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to specific uses as defined by Trinidad's Zoning Ordinance. Trinidad's Grading and / or Zoning ordinance shall contain provisions and standards regulating these types of activities.

CONS-6.2 Incorporate the best mitigation measures feasible for channelizations, dams, or other substantial alterations of coastal streams, and limit them to:

a. Necessary water supply projects,
b. Alternative energy projects such as micro-hydro power, or
c. Developments where the primary function is the improvement of fish and wildlife habitat.

CONS-6.3 Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of their habitat values, and only uses dependent on and compatible with maintaining those resources, as defined in the City's Zoning Ordinance, shall be allowed within ESHAs.

CONS-6.4 Condition all development located within or adjacent to ESHAs to require all landscaping to be from native stock to the extent feasible. At a minimum, no plants listed by CNPS or DFG to be invasive, problematic or noxious will be utilized, and any existing such plants shall be removed.

CONS-6.5 Maintain resource information regarding special status species up to date. The General Plan defers to state and federal regulations associated with rare, threatened, and endangered species.

CONS-6.6 Minimize development in areas where rare plants have been identified to protect the habitats located there. The identification and location of rare plants should be considered in the development of any major new developments or improvements.

CONS-6.7 Prohibit new land divisions creating new parcels located entirely within an ESHA or Buffer Areas unless the parcel to be created is restricted at the time of its creation solely for open space, public recreation, or conservation.

CONS-6.9 Permissible development on all properties containing environmentally sensitive habitat, including but not limited to those areas identified as ESHAs on Figure 7, shall prepare a drainage and erosion control plan for approval by the City.

> *Program CONS-6.9.1* Any changes in runoff volume, velocity, or duration that may affect sensitive plant and animal populations, habitats, or Buffer Areas for those populations or habitats, shall be reviewed by a qualified biologist to ensure that there will not be adverse hydrologic, erosion, or sedimentation impacts on sensitive species or habitats. Mitigation measures and compliance monitoring standards shall be identified and adopted to minimize potential adverse runoff impacts.

CONS-6.10 Vegetation, including riparian vegetation within ESHAs shall be protected. Structures and activities should be located outside ESHAs and buffer areas. Existing ESHA vegetation and riparian habitat in new development shall be preserved, enhanced, and restored unless the preservation will prevent the establishment of all permitted uses on the property. Areas that must be disturbed due to special circumstances shall be kept to a minimum and be replanted with appropriate native vegetation.

CONS-6.11 Permit applications for development within or adjacent to ESHAs, including areas identified in Figure 7 or other sites identified by City staff, either through a site visit or other evidence, which have the possibility of containing environmentally sensitive habitat, shall include a Biological Report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and LCP are fully met. The report shall be reviewed by the City and any other responsible or permitting agencies. The required content of the Biological Report is specified in the zoning ordinance.

b. Policies for development in buffer areas.

CONS-7.1 Site and design development in areas adjacent to ESHAs to prevent impacts which would significantly degrade such areas, and to be compatible with the continuance of such habitat areas. Development in buffer areas may be limited to certain compatible uses as defined in the City's Zoning Ordinance.

CONS-7.1.1: A setback separating all permitted development from adjacent sensitive habitat areas shall be required. The minimum width of ESHA and special status species setbacks shall be 100 feet, unless otherwise defined in the City's Zoning Ordinance, and unless the designated setback would eliminate all reasonable use of the property. Analysis by a qualified professional may justify a reduced setback based on specific findings as long as it can be demonstrated that the ESHA quality and function will not be negatively impacted.

CONS-7.2 Prohibit vegetation removal in ESHAs and Buffer Areas except for:

a. Vegetation removal authorized through coastal development permit approval to accommodate permissible development,
b. Removal of trees for disease control,
c. Vegetation removal for public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or
d. Removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106. Such activities may be subject to additional standards or restrictions to protect sensitive habitat.

c. Policies to protect and improve native habitat and minimize impacts to native species.

CONS-8.1: To the extent feasible, preserve, protect, and restore streams and riparian areas to their natural state.

CONS-8.2: Work with organizations and private property owners to enhance the City's watercourses for habitat preservation and recreation.

CONS-8.3: Develop additional guidelines for the maintenance of watercourses to further assure that native vegetation is not unnecessarily removed and that maintenance minimizes disruption of wildlife breeding activities and wildlife movement. Incorporate these guidelines, where appropriate, into the City's maintenance procedures.
CONS-8.4: Seek Federal and State funding for the repair of streambank erosion, planting of riparian vegetation to stabilize creek banks, and removal of debris obstructing waterflow.

CONS-8.5 To the extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve trees and native vegetation on the site.

CONS-8.6 Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces. Timing of construction may be limited by the wet season as well as nesting and breeding

seasons of sensitive species. The City may require open space or conservation easements to protect open space and ESHAs as a condition of development approval.

CONS-8.7 Place and maintain signs prohibiting the collection of marine life from tide pools, inter-tidal rocks, or other near shore environments without the necessary permits or license, on all City trails leading to and from the beach. This would allow only activities such as fishing for game fish with proper fishing licenses or authorized Native American use.

CONS-8.8 Pursue development of a management plan for aquatic and marine recreation throughout the watershed to minimize the ecological impacts of those activities.

CONS-8.9 Support efforts to restore and improve salmonid habitat throughout the Planning Area.

CONS-8.10 Some non-native species, such as pampas grass (Cortaderia jubata), Himalaya berry (Rubus discolor), Scotch broom (Cytisus scoparius), blue gum eucalyptus (Eucalyptus globulus), English ivy (Hedera helix), English holly (Ilex aquifolium), and cotoneaster (Cotoneaster franchetii), are invasive exotics that can and do displace native species. The presence of these non-native species reduces the area's natural diversity, biological integrity and aesthetics. Use only native species, or species demonstrated to be non-invasive, in public landscapes and strongly encourage their use in private landscapes. Provide public information materials that explain why invasive species are a problem. Maintain a program that recommends effective but non-toxic eradication measures, and eradicates non-native species on public lands where they are displacing native species.

> *Program CONS-8.10.1* Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, gorse, pampas grass, ivy, cotoneaster or other species of invasive non-native plants deemed undesirable by the City.
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> *Program CONS-8.10.2:* Request that Caltrans, PG&E, and the County of Humboldt remove pampas grass and broom from their rights-of-way. The City shall work to remove these plants from City-owned rights-of-way.

3. Timber

Within Trinidad City Limits, there are no viable commercial timber stands. The County is encouraged to preserve economically viable timber stands for commercial use. Related policies can be found in section D.3 – Planning Area – of the Land Use Element. Most of the trees within the town are within the State Park, Open Space lands or exist as private landscaping. Within the City, the balance of the value of trees is often in conflict with the important coastal views they may block. The City has adopted a Views and

Vegetation ordinance that addresses these issues. The ordinance allows for the protection of important "heritage trees" if so designated by the City Council.

Goal CONS-8: Preserve economically viable timber stands for use as commercial timber while protecting water quality, special status species and sensitive habitats.

D. SOILS AND MINERAL RESOURCES

1. Soils

Soils are a resource essential to raising timber, crops and forage. There are few areas of prime soils for crops or forage in the planning area, but much of the land in the planning area is prime timberland. Some prime timber soils have been converted to residential development and others are located so near to development that they are no longer manageable timber sites. Because of the importance of the regional economy, prime timber soils in manageable units should be protected from development. Due to the small amount of prime soils for crops and forage, these areas should be protected as well.

Soils also act as constraints on development when they will not adequately support structures or other improvements including OWTS. For long range planning purposes, development may be able to occur in areas with soils limitations without degradation of water quality and public health if land divisions and developments are only allowed after thorough site investigations and necessary design and maintenance standards are enforced. Soil limitations are not in themselves a sufficient constraint to justify development prohibitions. In areas with soil limitations more specific site analysis is needed to determine how a foundation or OWTS can be designed to work and how much land area is needed to accommodate the system and proposed development, and to provide necessary protective buffers. Related factors such as hydrology, stability and topography must also be considered. It is expected that this site specific evaluation process in areas with soils limitations will result in a lower average density of development than can be expected in areas with only slight soils limitations.

Refer to Figure 9 for existing soils limitations information. Because available soils information is very generalized, studies should be undertaken to confirm the degree of limitation in any area proposed for intensive development. Soils suitability for OWTS varies throughout the planning area. Since OWTS are to continue to serve as the long-range wastewater disposal system, each development and its wastewater disposal system will have to be conformed to the capabilities of the site. Regular maintenance monitoring and pumping is required by the City's OWTS Management Program in order to protect public health, water quality and property values.

Where developable areas have a high percentage of soils with OWTS limitations, the areas are designated Rural Residential, Resource Production (County designation), or Special Environment to allow development appropriate to the soil limitations of each

development site. Areas with slight limitations are designated Suburban Residential or Urban Residential to allow higher density development consistent with the preference of neighborhood residents and the density constraints identified in soil suitability studies.

Note that soils are closely related to geology, but geology has its greatest impact in terms of public safety. Therefore, a discussion of Trinidad's geology and limitations are included in the Public Safety Element.

Goal CONS-9 Protect and preserve soil as a natural resource.

Soil Conservation Policies

CONS-9.1 Minimize soil erosion to prevent loss of productive soils, prevent landslides, protect water quality, and maintain infiltration capacity and soil structure.

CONS-9.2 Encourage the use of Best Management Practices (BMPs) for erosion and sediment control in construction and road maintenance throughout the Planning Area in order to reduce the impacts of erosion, sedimentation and stormwater runoff. The City should provide developers and other interested citizens with educational materials regarding BMPs.

CONS-9.3 Update the City's Grading Ordinance as necessary to ensure that it incorporates the latest available Best Management Practices as recommended in the Trinidad-Westhaven Integrated Coastal Watershed Management Plan.

GOAL CONS-10: Protect landscapes and waterways based on necessary soil studies for development and landscape modification.

Soil Limitations Policies

CONS-10.1 Require detailed studies of soil characteristics and hydrology for developments in areas with soil limitations (such as instability, clay content or high groundwater) to ensure that the lot size, foundation requirements and OWTS design are adequate to prevent direct or cumulative adverse impacts on soil stability or water resources.

CONS-10.2 Specify OWTS design prior to any intensification or addition to existing uses in areas with soil limitations.

CONS-10.3 Base foundation and OWTS requirements on site specific soils studies to ensure that development and sewage disposal systems will not create direct or cumulative adverse impacts on soil or water resources.

2. Mineral Resources

The Conservation Element is "required to include policies to address the conservation and development of identified mineral deposits designated by the State as being of Statewide or regional significance." Humboldt County has not yet been so designated by the State. There are no mining operations within the City limits. The only nearby activities include hard rock quarries: one exists off Quarry Road (Mercer, Fraser Co.); several others are located on Simpson Timber land to the East. These quarries provide a source of jetty-quality rock, which is in short supply along California's coast. The Trinidad quarry has provided jetty materials from Fort Bragg to Crescent City and North to Oregon.

Land use conflicts can occur from these quarries particularly since they are operated on an intermittent basis. Years of inactivity may suddenly be followed by a season of intense activity to meet a particular contract need. Such activity can produce noise (from both blasting and operations) and truck traffic. The surrounding neighborhood, particularly new residents, can grow accustomed to the inactive periods and can be frustrated by new activity. This activity subsides again after a period of time. Eventually these quarries diminish on-site supplies and are closed. State law requires that each mine site have a mining and reclamation plan identifying the final reclaimed use and requirements for achieving it. The City supports the County's designation of the majority of the quarry site as "Resource Production." Policies related to mineral resources near the City can be found in section D.3 – Planning Area – of the Land Use Element.

Goal CONS-11: Provide a geographically distributed inventory of mining sites protected from incompatible land uses, permitted and operated to prevent significant environmental impacts and to satisfy long-term demand for mineral resources and construction materials.

E. OPEN SPACE RESOURCES

Trinidad's Open Space areas provide a variety of benefits such as: 1) preservation of natural resources; 2) managed production of natural resources; 3) outdoor recreation and; 4) public health and safety.

Open Space issues are contained throughout this General Plan document, as well as being discussed in the various background documents. Open Space policies are contained in the Land Use, Conservation, Safety, Recreation, Community Design and Historic and Cultural resources Elements. The reader is referenced to discussion and policies in those sections.

The coastal bluffs behind the beaches are generally unstable and provide a scenic backdrop for the beachfront environment. Except for a few residences located on small benches or behind the bluff tops, these beachfront areas have been kept in a natural state. Protection of open space areas and retention of scenic and natural characteristics along the Trinidad shoreline is a matter of continuing public concern. With few

exceptions, these lands and unstable bluffs are unsuitable for intensive park development or intensive public recreational use. Government ownership is one means for protecting these natural hazard and scenic beachfront areas; this places the burden of management and maintenance within the public sector. There are other effective means of gaining the desired protection, such as open space easements, which would reduce public costs and eliminate the potential for inappropriate intensive public use.

Areas in the City designated Open Space include: Tsurai Village Site, Trinidad Head, Little Head, near-shore and off-shore rocks, beaches, Trinidad State Beach, Trinidad School playing field,. Areas north of the City include Trinidad State Beach at College Cove/Elks Head, Simpson Demonstration Forest. South of the City includes Baker Beach, and County Parks (Houda Point, Luffenholtz Creek Parks). Cultural resources are discussed in the Cultural Resources Element.

GOAL CONS-14: Protect the open space and its environment and natural resources of Trinidad, Trinidad Head and the surrounding areas

Open Space

CONS-14.1 Preserve the beaches and sea cliffs which border the southern and western sides of the City (identified as Open Space) from development and allow them to remain in their essentially natural state. Passive recreation and vegetation management for habitat or scenic vistas are allowable uses.

CONS-14.2 kKeep development of Trinidad Head to a minimum to protect the resources located there. Passive recreation such as hiking trails and vista points are allowable uses.

> *Program CONS-14.2* Pursue adoption of a Management Plan for Trinidad Head. The management plan should address trails, benches and interpretive elements and their maintenance, management of federally-owned parcels, reduction of impacts of existing uses, and eventual phase-out of commercial uses.

CONS-14.3 Preserve Trinidad Bay and the bay bordering Trinidad on the west, including all their islands, in their essentially natural state. These marine areas offer two of the most uniquely beautiful views, combining ocean, islands, bay and rugged, timber shorelines that can be found no where else along the California coast. The islands provide habitats for marine organizations and serve as refuges or rookeries for birds and marine mammals, including sea lions and harbor seals. Any near shore developments should be unobtrusive and visually compatible with the bay vista.

CONS-14.4 Require open space easements or similar agreement to protect the natural character of Open Space, Special Environment areas and ESHAs when approving permits for allowable development. Such agreements shall cover the portions of the lot that need not be disturbed by proposed structures and appurtenant uses or designated for protection in geologic reports. If funds are available such agreements should be

obtained on already developed lots in the Special Environment area and should obtain the degree of public control over lands designated as Open Space and Special Environment needed to protect scenic, cultural and natural resources.

CONS-14.5 The lands designated as Open Space lying seaward of Edwards and Van Wycke Streets shall remain entirely undeveloped and managed such that the unparalleled view to the south is restored and maintained.

CONS-14.6 Coastal bluff management considerations address vegetation management, scenic vistas, trail maintenance, and unauthorized activities such as 'piped discharges' of stormwater runoff, disposal of grass and yard wastes over the bank, carving into bluff faces and trespass onto sensitive areas. Public education in combination ordinance provisions are the best methods for addressing these concerns.

CONS-14.7 For the entire Planning Area including within City Limits, the areas generally within 100 feet of the centerline of perennial streams and 50 feet from the centerline of intermittent streams outside of Resource Production (RP) designated lands are placed in the Open Space or Special Environment designations and by definition are to be designated as a Riparian Protection Zone. These zones may vary in width depending on site specific criteria and the existence/absence of naturally occurring (not artificially manipulated) riparian habitat. Riparian habitat along streams in timber management areas should be designated similarly.

CONS-14.8 Adopt a public education program that educates residents and visitors how and why to minimize impacts on Open Space resources. This includes, but is not limited to, landscaping and chemical use, water use, OWTS maintenance, tide pool etiquette, etc.

F. RECREATION

1. Public Recreation

Activities available to local residents include recreational and educational programs at the elementary school, social events, sport fishing, beachcombing and a myriad of other activities. Tourists primarily come to Trinidad to enjoy the coastal resources and the local lifestyle. Besides sport fishing, visitors are able to enjoy shopping, sightseeing, berry picking, eating out, beachcombing, hiking, picnicking, visiting the marine lab, whale or bird watching, and just relaxing at their lodgings or campsites.

Publicly accessible recreation areas include the Trinidad Elementary School and its playground and track areas, the Town Hall (which is used for social and fraternal functions), and the adjacent tennis court, Trinidad Cultural Center, which includes the Museum (the BLM has chosen to locate their Offshore Rocks National Monument information here), future Library and Saunder's Park, the Memorial Lighthouse, the pier, Trinidad Head, and trails to Old Home Beach (previously known as Indian beach), Trinidad Beach State Park and Beach.

In addition, there are several areas nearby the City where people can enjoy coastal recreation. Luffenholtz Beach County Park, Moonstone Beach, and Clam Beach County Park are located just south of the planning area. The College Cove/ Elk Head area is located a few miles to the North. Patrick's Point State Park is seven miles north of the City.

Goal CONS-15: Provide a variety of quality public recreational opportunities for both residents and visitors.

Public Recreation Policies

CONS-15.1 Public restrooms are encouraged to be available in the harbor area, Saunder's Shopping Center, near the Trinidad Cultural Center, and at Trinidad Town Hall.

CONS-15.2 The local Chamber of Commerce and the City should continue to cooperate in providing visitor service information at City Hall and the kiosk in Saunder's Shopping Center. The Trinidad Cultural Center is also an appropriate location.

CONS-15.3 Continue to provide adequate litter control programs in areas open to the public, particularly at the beach parking area(s).

CONS-15.4 Maintain Town Hall as a center for community functions.

CONS-15.5 Trinidad Head will be generally maintained with hiking trails, benches and vista points. Public vehicular access will be controlled by a locked gate and vehicles will only be allowed on Trinidad Head with permission from the City or the Federal Government.

CONS-15.6 Encourage the State to improve the restrooms at the College Cove/ Elk's Head parking area. Trails (and related signs) should connect to the City's Trail System.

2. Public Access

In addition to public access to the beaches within State and County parks, there is public access to the harbor and nearby beaches in Trinidad. Trinidad Trails include the Trinidad Head, Axel Lindgren Memorial, Harbor, Parker Creek, Underwood, State Park, Old Wagon Road (Wagner Street), and Groth Lane Trails. Some of these trails allow public access to Old Home Beach (previously know as Indian Beach) or Trinidad Beach. In accordance with the Coastal Act, the City requires dedication of access easements along and adjacent to designated trails and beaches as a condition of approval of coastal development permits. The City should develop a formal program to accept these offers. These easements should be held by the City, the North Coast Land Trust, or other similar entity.

The portion of Trinidad Head not needed by the Coast Guard was transferred to the City of Trinidad and annexed within the City limits in 1984. [Amended Ord. 166; 12-12-84]. Trinidad Head Trail provides a view to the Trinidad Harbor and the Pacific Ocean. The Trinidad Trails Plan is available with the City Clerk at City Hall. The City would like to acquire or co-manage any additional Federal land on Trinidad Head that may be relinquished in the future.

Goal CONS-20: Provide access to public areas and preserve and protect areas of scenic beauty for the enjoyment of the public and educational opportunities in the Coastal Zone consistent with sound resource conservation principles and the constitutionally protected rights of property owners.

Public Access Policies

CONS-20.1 The public shall have access to trails and coastal resources; existing and proposed trails are shown on Figure 10. A formal pedestrian trail system shall be marked out around Trinidad. The system includes the beaches, the existing Trinidad Beach State Park trails, and ascend the stairs to Galindo Street to provide convenient pedestrian access from Edwards Street to the harbor, the Old Wagon Road from Wagner Street to Parker Creek Trail, the private road extending from Scenic Drive along the east branch of Parker Creek to the beach, and the beach extending southeasterly from Parker Creek to the City limits. (Refer to the Circulation Plan map for delineation of the trail system.) The system shall be advertised in visitor information and current maps will be kept on file at City Hall and should be made available to the public at the Trinidad Center and / or Chamber of Commerce kiosk. Trail connections to the State Park should also be identified. (CIRC-)

CONS-20.2 Require formal access offers of dedication where necessary and feasible to assure continued public use of designated trails.

CONS-20.3 Develop ordinances and policies to ensure unobstructed public access to all Trinidad Trails. Vehicles, vegetation, or other obstructions shall not be allowed to block or hinder pedestrian access to trails.

CONS-20.4 Require public access easements or similar agreement to assure public use of both proposed and existing designated trails when approving permits for allowable development. Such agreements on beaches shall cover the area from the high-tide line to either the base of the bluff or to the first line of vegetation. Interior trail easements shall include enough area to provide for adequate public access, appropriate improvements and maintenance while minimizing the amount of private land encumbered.

CONS-20.5 Pursue opportunities to provide transportation corridor linkages for pedestrian trails and bike routes as well as scenic recreational routes. Linkages that should be considered include the Hammond Trail and Pacific Coast Bicycle Route (CIRC-

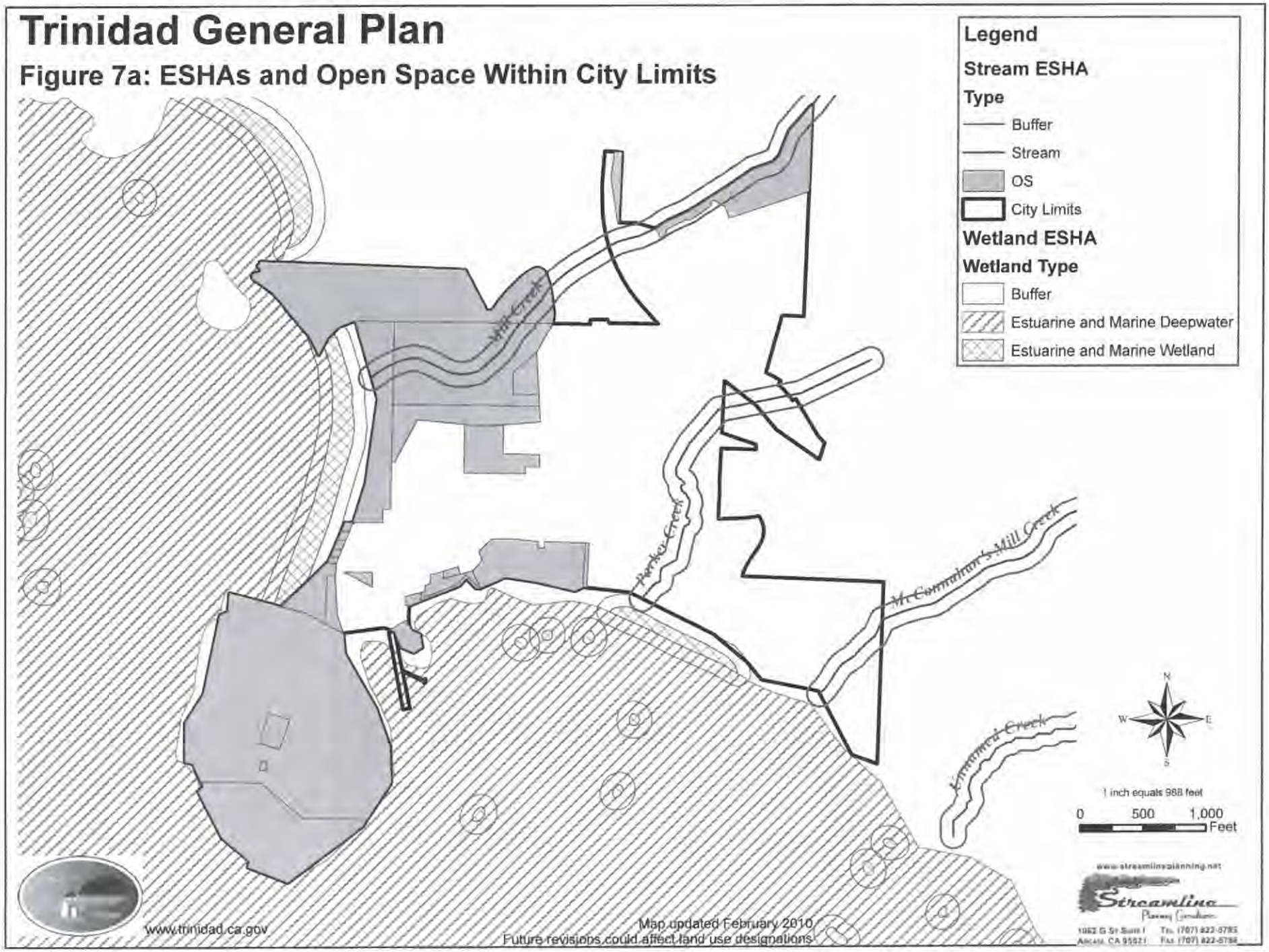
Trinidad General Plan

Figure 6 Watersheds (Draft 10-29-09)

Check the Humboldt County website for current information: http://gis.co.humboldt.ca.us/

Trinidad General Plan

Figure 7a: ESHAs and Open Space Within City Limits



Trinidad General Plan

Figure 7b: ESHAs and Open Space Outside of City Limits

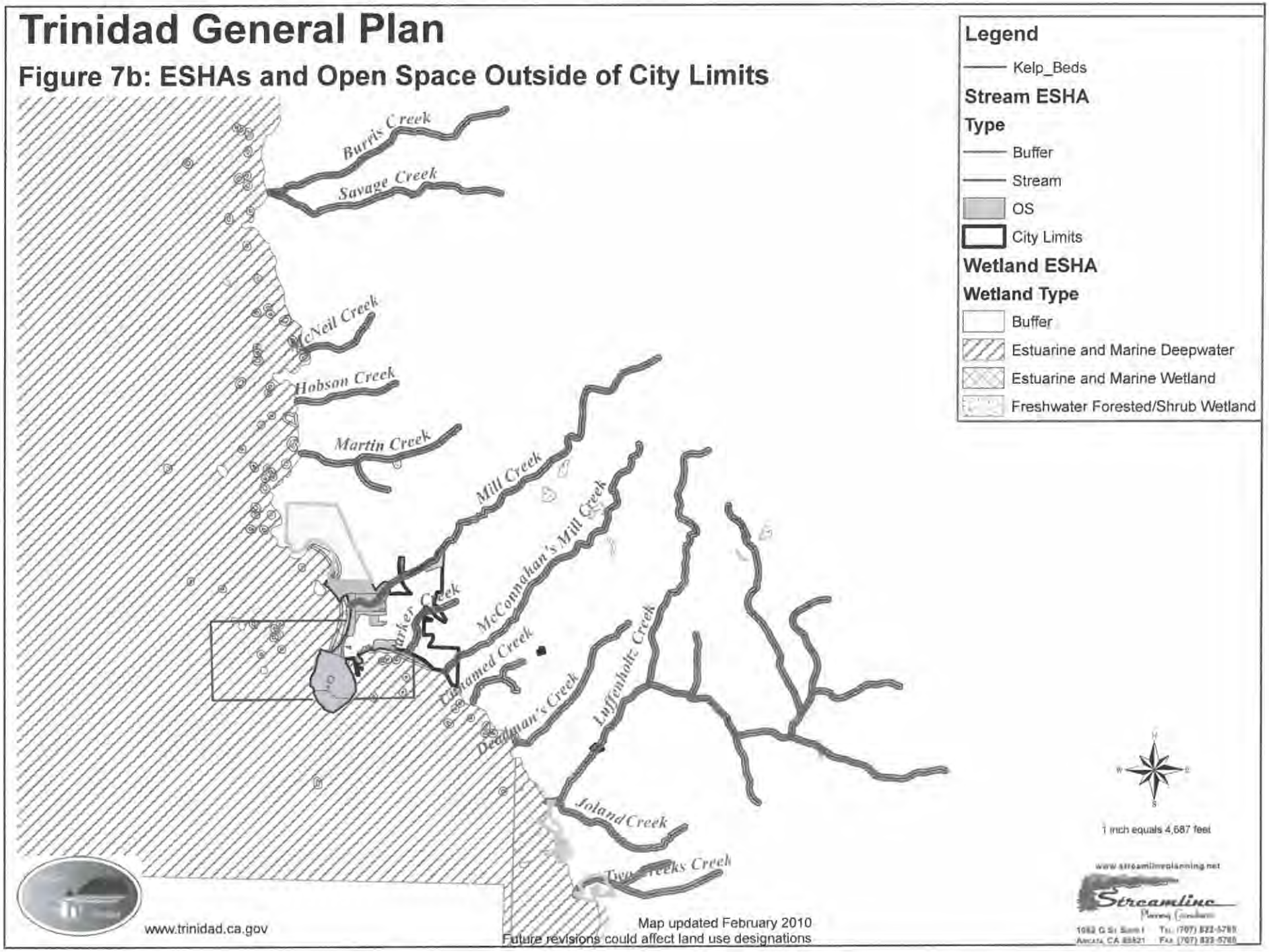


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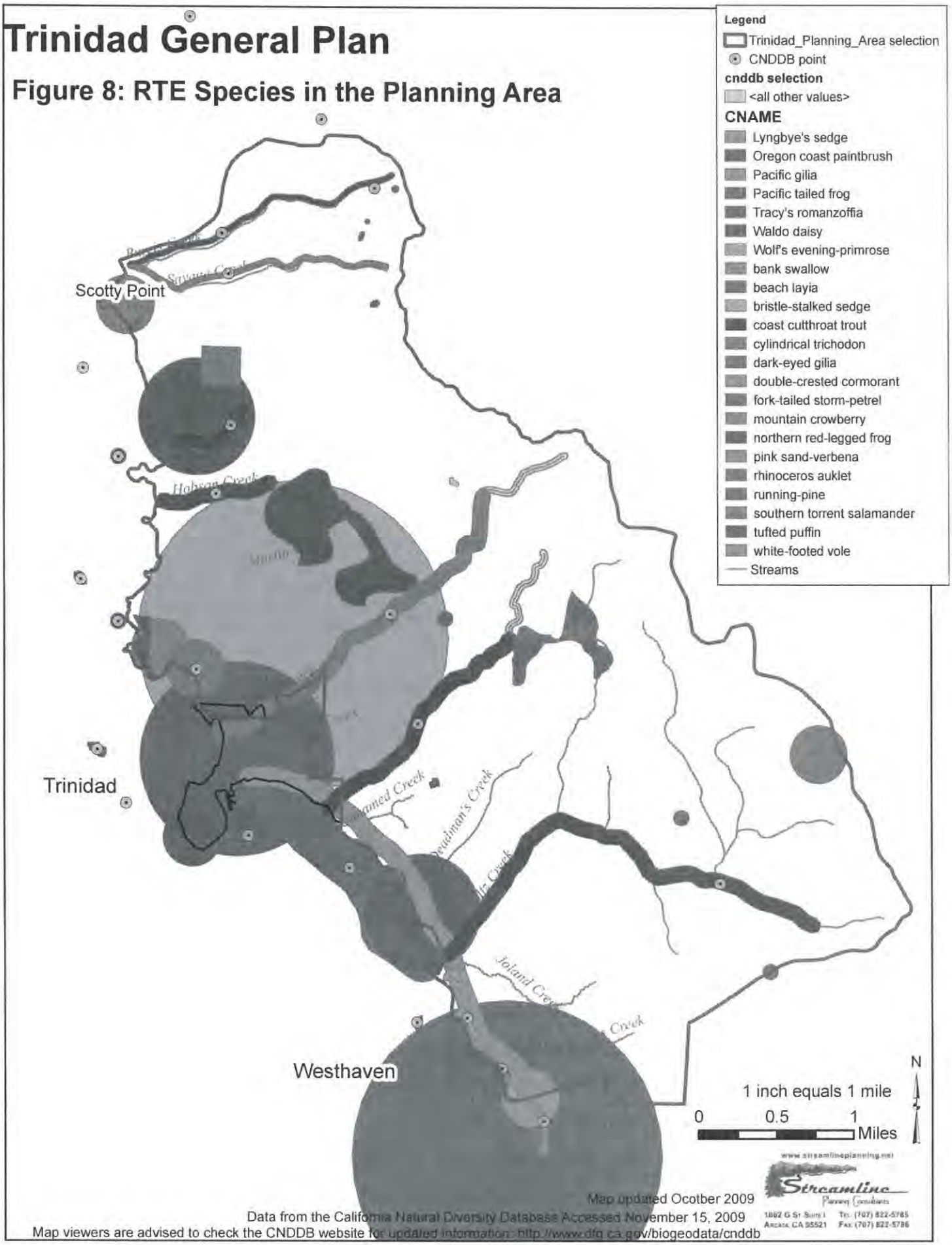
Figure 8: RTE Species in the Planning Area



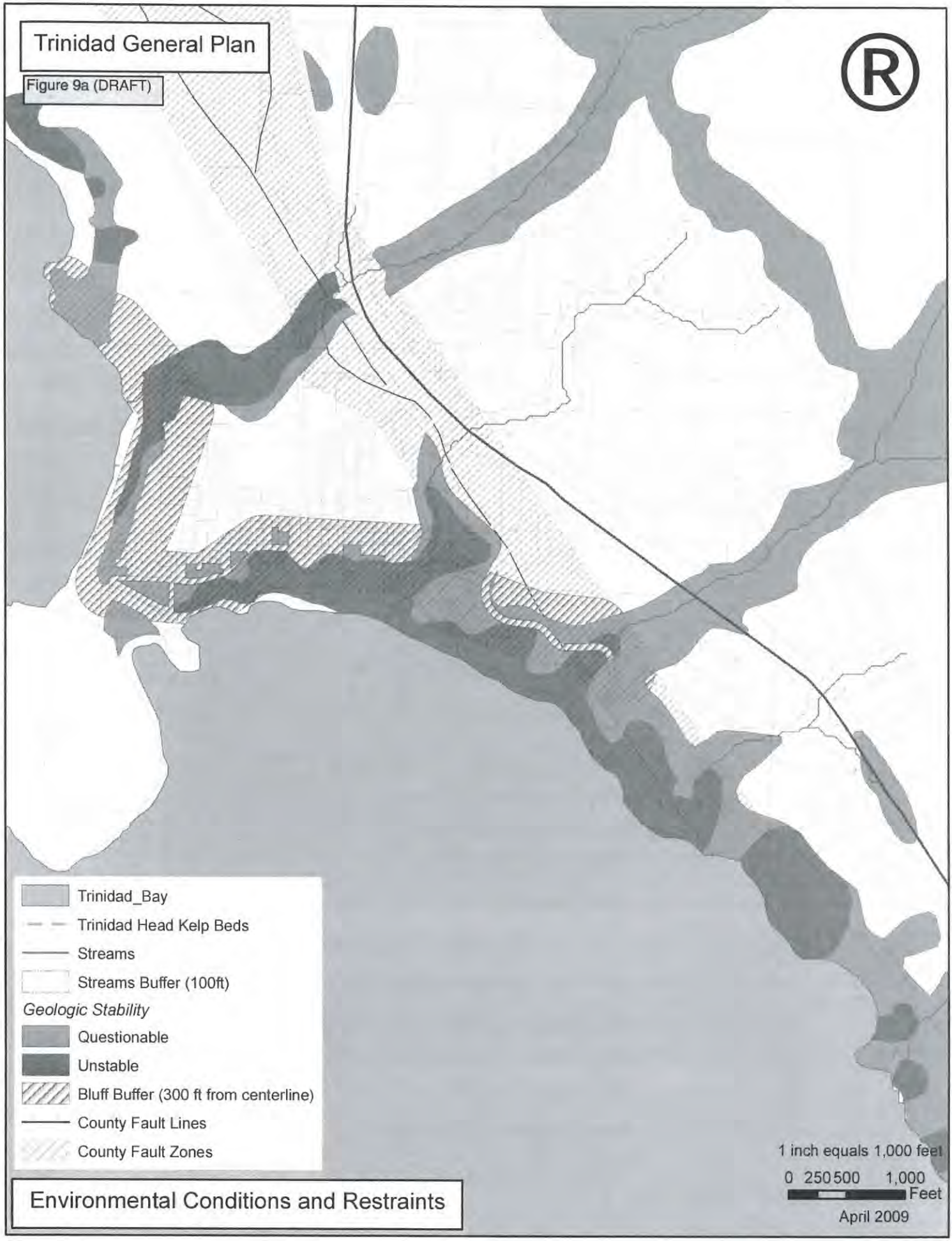

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Figure 9a (DRAFT)
Trinidad_Bay
Trinidad Head Kelp Beds
Streams
Streams Buffer (100ft)
Geologic Stability
Questionable
Unstable
Bluff Buffer (300 ft from centerline)
County Fault Lines
County Fault Zones
1 inch equals 1,000 feet
0 250 500 1,000
Feet
April 2009
Environmental Conditions and Restraints

Trinidad General Plan
Figure 9b Soil Limitations
Legend
Soil Limitations
MAPKEY
108E
155F
157B
162E
381B
384D
385S
Trinidad Planning Area
0 0.25 0.5 1
Miles
Updated December 2009
Future revisions could affect land use designations
Streamline

Trinidad General Plan
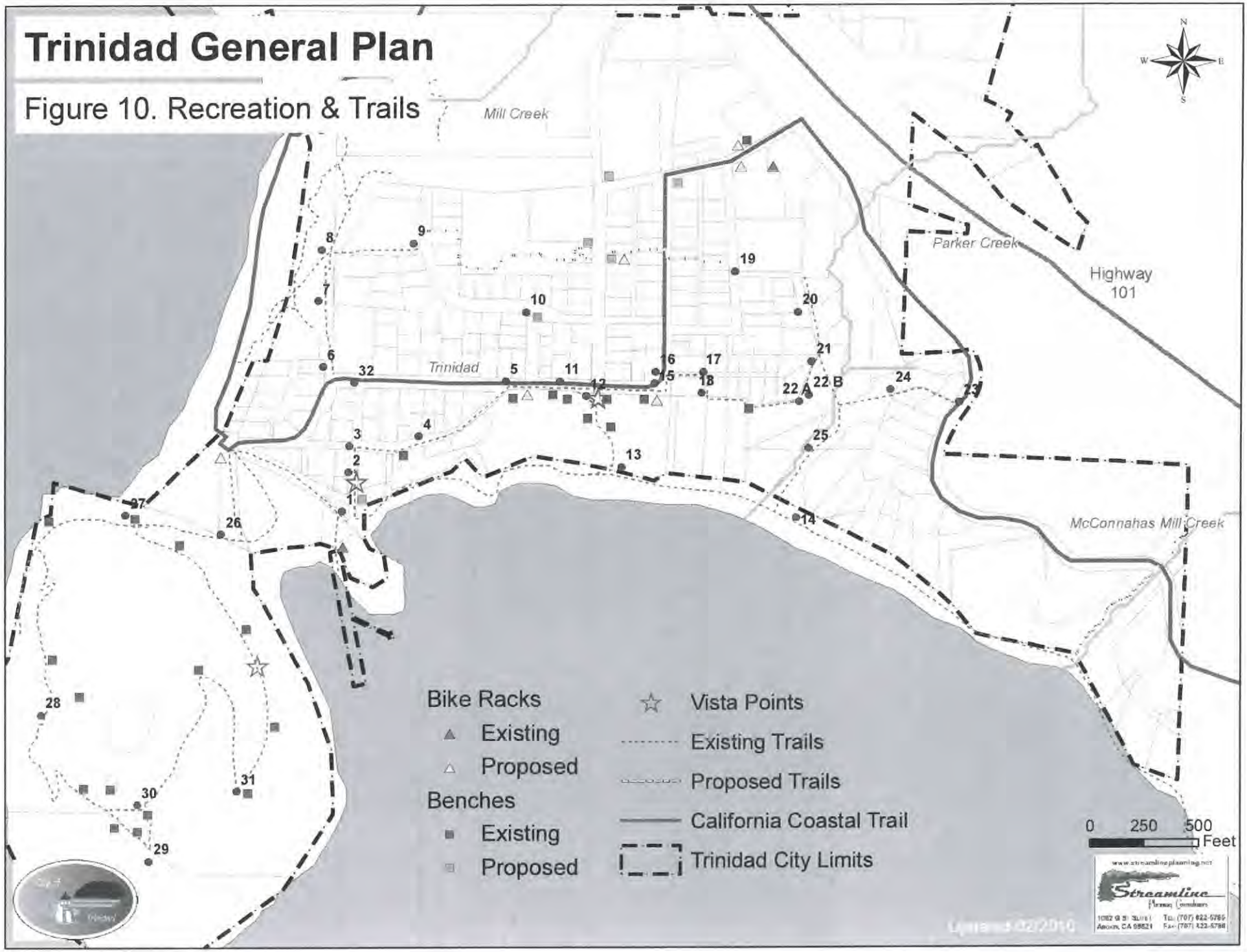
Figure 10. Recreation & Trails