

MINUTES OF THE REGULARLY SCHEDULED MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, APRIL 20, 2011

I. CALL TO ORDER/ROLL CALL

Commissioners Present: Becker, Johnson, Vanderpool, Fraser
Commissioners Absent: none
Staff: Planner Parker, Caldwell

II. APPROVAL OF MINUTES

March 16, 2011

Page 3, 4th paragraph, 6th sentence - change "in" to "is."

Planner Parker clarifies for Commissioner Fraser that the last sentence of that same paragraph means that parking spaces on the street cannot qualify as spaces to fulfill the VDU parking requirement.

Motion (Becker/Vanderpool) to approve the March 16th minutes as corrected.

Passed unanimously.

March 30, 2011

Motion (Becker/Vanderpool) to approve.

Passed unanimously.

III. APPROVAL OF AGENDA

Motion (Vanderpool/Fraser) to approve.

Passed unanimously.

IV. ITEMS FROM THE FLOOR

Susan Golledge-Rotwein, representing the Commercial Fishermen's Wives of Humboldt, gives a presentation about Point of Origin Branding for locally caught, fresh products from sustainable fisheries. She displayed their logo and mock-ups of posters they would like to display in Trinidad on light poles to showcase the commercial fishing fleet. They are financially backed by several organizations including the City of Eureka, Headwaters, etc. She will be giving a similar presentation to the City Council. The Trinidad Rancheria is also on-board with this project. The Commercial Fishermen's Wives of Humboldt would like to see the signage up by the Fish Festival (June 19) and how long the posters stay up is up decided by the City Council in Trinidad and the Trinidad Rancheria down at the boat dock.

V. AGENDA ITEMS

- 1. Vacation Dwelling Unit (VDU) Ordinance:** Discussion / recommendation to the City Council on a Zoning Ordinance amendment to add a new chapter 17.54 which regulates vacation rentals in the City of Trinidad. *Continued from the March 16, 2011 meeting.*

Staff reviews the project and mentions the minor changes that were made. Planner Parker also asks the Commission to review the list of items she's compiled for consideration.

Commissioner Comments

Commissioner Becker questions striking the non-permitted uses such as weddings or parties, when the temporary events allowed include weddings; she doesn't think weddings should be barred. Planner Parker clarifies, stating that these can be owner-hosted events, but the owner cannot rent out the property for them. Other issues come in to play regarding large events such as parking, traffic and septic. Commercial venues have to have separate permits to host these types of events.

Commissioner Becker deliberates over other concerns such as trash, notifying the neighbors during the business license process, the appeal process, dispute resolution, and enforcement or accountability for violations.

Planner Parker notes that violations are punishable by fines currently, but if there numerous violations, the business license can be revoked.

The VDU Committee was made up of several people: Tom Davies, Gail Saunders, Jennifer Fraser, Pat Morales, Dean Heyenga, Mike Reinman, and Mary Wilbur, who submitted this draft.

Parker explains that the City Attorney needs to review any changes recommended by the Planning Commission before it goes to the Council. The City will also have to apply to the California Coastal Commission for an LCP amendment.

Commissioner Johnson noted that the use of parking 'place' and 'space' should be made consistent throughout the document.

Planner Parker likes the idea of an appeal process when applying for a business license—but business licenses are ministerially granted, so the City can't deny them.

Commissioner Johnson asks about the hold harmless. He feels the City Attorney needs to weigh in on this and the resolution, though he's worried about slowing the VDU Ordinance process down.

Planner Parker responds to Commissioner Becker's question about liability and the hold harmless, stating that these are questions for the City Attorney. Commissioner Johnson suggests putting a list of recommendations for the City Attorney.

The age of children as related to counting toward occupancy is examined.

Public Comment

A. King: worried about the number of cars allowed. Also, is the 300-ft notification process for the business license for the planning or zoning? Planner Parker responds that she does not think that a business license is an appealable type of permit, and therefore the notification only needs to be notification of the contact and emergency information.

A. King: Questions why a VDU business license costs \$100 rather than the usual \$45 and why propose a regulation outlining how to get rid of trash. Doesn't a health code already exist? Planner Parker stated that it was the recommendation of the VDU Committee to have a one-time additional charge on a VDU business license because it would be more work for the City to process than a normal business license.

M. Reinman responds that trash is already in the ordinance. The reason for license fees is because the City has to pay for the time-consuming paperwork. He would like to point out the

compromise included in the VDU Committee's recommendation that large houses or large lots could be allowed to have more than 2 people per bedroom as occupants. He also liked categorizing children as "under 12." He noted that one parking spot per bedroom is different from residential requirements. Not being able to park on the street is restrictive. He would like justification as to why only one VDU is allowed per parcel. Weddings need to be defined by the number of people. He asks what the process is for emergencies and talks about his septic system issues.

J. Kitchen wants language about temporary events and "parties" defined. She likes the idea of posting a disaster plan. Parking needs clarification and she thinks not being able to use public streets for parking is restrictive. She would like more information about auditing records. Planner Parker clarifies and says that if the City gets repeated complaints, the City gets access to the property to investigate. J. Kitchen continues, expressing that they can't police the rentals 24-7, but that they check in. If they prove they rented the property within the boundaries of the ordinance, shouldn't the tenant get the misdemeanor and fine if there is a violation? The manager may need sheriff back-up when for confronting clients. Trash is also an issue—it's a big job for managers to have to pay to get rid of it. Clarification is needed for the number of people/children. How much time is allowed to get into compliance and is there a grace period?

Planner Parker will add complaint process questions to the list for the City Attorney.

Septic systems are a concern—that is why there is a one VDU per property restriction. Everyone will have to conform to the performance-based OWTS Ordinance. The City will do public education so people know they have to get their systems rated.

Commissioner Comments

City attorney guidance is needed on several issues.

Commissioner Becker reiterates that the requirements in the Ordinance are not a reflection of the current state of VDUs; requirements are for anyone that wants to start a VDU. If people are taking care of it all ready, then it shouldn't be an issue.

Commissioner Fraser comments that more clarification is needed if combining parking and traffic in one paragraph. Size should be referenced when referring to cars.

The Commissioners and Planner Parker discuss public parking options and requirements.

Planner Parker describes the requirements and level of professionalism for required site plans. Scales should be defined and parking should not be over the leachfield.

Commissioner Johnson notes that parking place and space should be consistent. The tsunami siren should be addressed and parking and traffic should be combined.

Planner Parker states that traffic is also somewhat performance-based.

Commissioner Becker is interested in maintaining a trash standard.

Commissioner Johnson is hesitant to come up with a formula defining "parties" by the number of people. He would like to rely on property managers to handle issues as they come up. He recommends a strong statement in the "good neighbor brochure." Planner Parker agrees and thinks that because properties differ by size, location, etc., that a solid number is hard to define.

The Public, Commissioners, and Planner Parker discuss the practicalities of limiting the number of people. Commissioner Johnson comes to the conclusion that they cannot put together a formula to match every set of circumstances. The only way to patrol it is by complaints, which could be difficult. After further discussion, Commissioner Johnson suggests that as a provision of b.1., there should be a max number of occupants allowed at a VDU and that number is based on occupancy allowed for that VDU. Planner Parker adds that for a two-bedroom or less, the max could be 15, based on lot size or zoning. J. Kitchen thinks that a 20 person maximum is reasonable.

Commissioner Johnson continues the VDU discussion to 05/18/2011 and asks for a summary of what to add to the Ordinance or what needs to be further addressed:

Attorney guidance on:

- Liability insurance and hold harmless
- Dispute resolution agreements, complaints, appeals and permit revocation
- Parking limitations must be discussed and cleaned up. Can cars be limited on the street or in driveways?
- Who is responsible for violations, enforcement fines and penalties
- Why the additional square footage occupancy from the VDU Committee recommendations was not included
- Coastal Commission LCP amendment – is there a grace period, can the City implement prior to CCC approval?

Other issues to add to the ordinance:

- Definition of daytime visitors
- Good Neighbor brochure (produced with input and in a form approved by the City)
- Define the auditing procedure (does City Manager perform & check contracts?)
- Do two or more complaints revoke a business license?
- Trash standards
- >2 VDUs on property, Multifamily dwelling issue
- Children up to age 5 are not counted toward occupancy
- Grace period for compliance
- Requirements for a site plan
- Annual / periodic review of the ordinance

The Public and Commissioners debate the restricting parking verses restriction the number of cars. A. King expresses her concern about parking on private streets. Planner Parker relays that under the current regulations, the VDU must allow one onsite parking space per bedroom but she finds that limiting the number of cars instead of requiring parking spaces is a reasonable suggestion. Commissioner Johnson would like the City Attorney's feedback on what the City legally can and cannot do in regard to parking and what flexibility exists for street/public parking.

2. **General Plan Update:** Continued discussion of the Draft Circulation Element, Figures, Background Reports, General Plan Update

S. Madrone brought comments for the General Plan. He feels the Circulation Element is a good element for meeting the status quo, but that it doesn't change things or look to the future enough to provide for meaningful change. He believes the recommendations should be more specific and has suggestions for additions:

Traffic and Circulation

- An issue that needs to be addressed is the fact that 2/3 of the vehicle trips generated in Trinidad are only for a single traveler.
- Encouraging and supporting the GHG reduction measures
- Support the CA Coastal Trail implementation and improvements
- Public transportation as it relates to bicycles and how Highway 101 across Little River currently limits alternative options
- Advocating for a McKinleyville bus service to encourage a Trinidad express bus service
- An interchange for the Trinidad casino
- The Trinidad Bay Watershed Council should clean up the watershed
- Pull the box culvert for a foot, bike & horse bridge – look outside of Trinidad boundaries
- Address the winter landslides and one-way traffic on Scenic Dr.
- Discuss opportunities for community commuting

Water

- Promote rainwater collection and grey water reuse
- Address climate change, the limited water system and plan for a conservative approach for water consumption
- Suggest another water study (the Mill or Luffenholtz springs and gravity feeds were not previously adequately addressed and it should include an alternative water supply)

Planner Parker will receive a copy of S. Madrone’s comments.

VI. STAFF REPORT

There will be a special meeting to continue discussing the General Plan as it is getting late tonight. Planner Parker will send out an email of the possible dates.

VII. ADJOURNMENT

Meeting adjourned at 9:26pm.

Submitted by:

Approved by:

Sarah Caldwell

Secretary to Planning Commission

Richard Johnson

Planning Commission Chair