

MINUTES OF THE REGULARLY SCHEDULED MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, OCTOBER 19, 2011

I. CALL TO ORDER/ROLL CALL (6:02pm)

Commissioners Present: Becker, Johnson, Pinske, Rotwein

Commissioners Absent: Vanderpool

Staff: Planner Parker, Caldwell

II. APPROVAL OF MINUTES

September 21, 2011

Motion (Becker/Pinske) to approve the minutes as written.

Passed unanimously.

III. APPROVAL OF AGENDA

Motion (Pinske/Becker) to approve.

Passed unanimously.

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

1. **Rotwein 2011-05:** Design Review, Use Permit, Height Variance and Coastal Development Permit to construct a 2,992 sq. ft., 28 ft. tall pole barn / gear shed for a commercial fishing business on a 1.7 acre lot that is currently developed with 2 single-family residences. The Variance is required to exceed the zone's 25 ft. height limit. Located at 54 North Westhaven Drive; APN: 515-331-11.

Planner Parker introduces the project. Commissioner Rotwein recuses herself from the project because she lives on the property.

Commissioner Johnson opens the meeting up for a dialogue after Commissioner Becker asks if there is an expense for lowering the prefabricated structure three feet.

S. Rotwein (applicant) explains that they have owned the property for 20 years. The property doubles as a residence and also houses their commercial crabbing business. The engineer suggested adding three feet to the height of the project rather than taking out the redwood tree. It would be an expense to change the project to meet building requirements, but probably not a large one. The building will be supported by concrete pilings; more might have to be added if the structure is changed. Rotwein clarifies that the floor is not a weight bearing concrete floor, it is finished.

T. Parker explains that there isn't a requirement for poles unless the potential to block views exists. Rotwein states that J. Spiropolis & the Kiestlehorsts have been contacted re: views.

S. Rotwein responds to Commissioner Johnson's inquiry about the fence which is just delineates the properties and isn't exactly on the property line. Fence height can be up to 6' and if the fence is moved, Commissioner Johnson requests reducing the fence height part of the conditions.

Commissioner Becker ponders whether approving a 28' structure will set precedence.

Public Comments

None.

Commissioner Comments

Commissioner Johnson does not envision the project making an impact with the 3' height though the Commissioners are concerned about setting a precedence. Commissioner Johnson states that he has no objection if they can accommodate the height into the footprint to make the max height limitation. Commissioner Becker thinks it should be made part of the condition.

Motion (Johnson/Pinske) to deny the variance based on the information submitted in the application, included in the staff report and public testimony that indicates that variance findings B and D can not be made. Passed unanimously.

Motion (Pinske/Becker) to approve design review and view protection findings for the pole barn as proposed with the exception that the structure can have up to a 3,200 square foot footprint to offset the decreased height. Passed unanimously.

Motion (Johnson/Becker) to recommend the City Council accept the project as amended and approved by the Planning Commission and recommend acceptance of the Conditional Use Permit. Passed unanimously.

2. **Trinidad 2011-06:** Design Review, Coastal Development Permit and Conditional Use Permit to conduct regular vegetation maintenance activities on and along Trinidad Head roads and trails. Located on Trinidad Head; APN: 042-121-05.

T. Parker introduces the project and gives a detailed report of the addendum.

Commissioner Johnson notes that there are discrepancies between the City's LCP and the Coastal Act. T. Parker explains that in terms of Trinidad Head, exemptions from the Coastal Development Permit (CDP) are not clear. The Coastal Commission (CC) implied that established, historical maintenance, if consistent, does not need a CDP. However, Trinidad Head was not within City limits in the 1980 LCP and was not mapped or designated, which occurred later in the mid-1980's. Commissioner Johnson adds that sometimes the LCP and Coastal Act requirements are different. Generally staff uses the most strict of the laws if there is a discrepancy.

T. Parker states that the City is waiting for the Coastal Commission to talk to their legal department, but vegetation doesn't stop growing, so the need to move ahead with the project is evident. Jim Baskin sent another email today (10/19/2011) mentioning that 10 years ago the CC would have considered this project exempt but the system has been

abused, so they are more strict now. (This email is attached to the last page of the addendum.)

Public Comment

J. Cuthbertson thinks that trimming and mowing should start tomorrow.

K. Tays. (representative of Friends of Trinidad Head (FTH)) questions if the Planning Commission has read the email that was sent on October 19 at 1:19pm. She reads the email that details the discrepancies. She thinks that before a permit is approved, studies need to be done. The Coastal Commission believes it to be ESHA. The late arrival of the email has reduced the public's ability to assess all new information. To approve the project now and do studies after is dangerous. The FTH oppose the project and believe it to be too intensive and damaging to the habitat. The City cannot claim a categorical exemption as related to minor alterations to land—the CC deemed it major work. "Trimming and mowing three feet would affect the visual area of the Head" and the "vegetation is significant to the scenic nature of the Head." The City should adopt the less intensive requirements put forth by the CC. There is damage being done to native plants. Non-native bull thistle is coming up in cleared areas. Food sources and critter holes are exposed and nests have been destroyed. Trimming and mowing should be done non-intensively, as suggested. If the project is approved the way it is proposed, FTH will appeal the decision.

S. Binnie (487 View) states that the City Council appointed eight community members to the Trinidad Head Study Committee. If the application is approved tonight, this will usurp FTH input. The issue began over zealous vegetation removal. The Coastal Commission responded to this saying it was a violation. A CDP is needed for major vegetation removal. He suggests denying the application and choosing a less-invasive maintenance plan or delaying action to obtain further information. S. Binnie reads and submits a letter from the Tsurai Ancestral Society.

T. Odom doesn't see what the big deal is because they've always maintained the trail. New people in town want to change things. The County Sherriff's Department used to cut the trail. The trail is cut and it grows back—what is the big deal? There is poison oak on the Head and someone could sue the City over exposure to it. Not everyone is opposed to the application; there is a vocal minority and a silent majority.

B. Toomey (128 Himalaya) states that Native Americans were here longer. Was the trail cleared that much? Trinidad Head is not all zoned Open Space (OS). The federal government owns some. The land to the left of the road at the very top of the Head is the City's OS land. Twelve acres are not part of the entire OS designation. OS needs to be sensitively handled but maintained, and maintained as an enjoyable atmosphere.

B. Buckman (Director of Public Works) states that it's not City Staff's routine to remove vegetation. Some of the fall 2011 removal was during road reconstruction. They have done this before, but only when necessary. He measured 700 sq. ft. of vegetation was damaged. In the meantime, the City has stopped routine mowing out of consideration for the concerned public. They can't establish historic maintenance but they don't remove vegetation, it is trimmed, generally tapering from the trail 3 feet from the edge.

The Sherriff's program isn't available to the City anymore so Public Works has to maintain the Head. The Coastal Commission has suggested one foot off the road is historical maintenance, but there is no evidence.

K. Tayes says that the City was told to cut one foot on either side by the Coastal Commission.

B. Buckman states that that did not occur for the entire length of the road.

K. Tayes says that if this is not the case, then how do they know if the program works? The less intensive way was not given a chance.

S. Pinske (895 Underwood) states that basic trimming is not vegetation removal. Certain parts of the trail can go 3 feet on either side. Other areas that have nothing but grass can be extended 2 feet. Lack of adequate maintenance has made running difficult on the south side of the Head; there is not enough room to run and he's not always sure what he's jumping into when he has to move to the side. Not trimming makes it difficult to enjoy the Head.

V. Sackville (364 Ocean) has a comment clarified by Planner Parker. She states that the FTH will be walking on the Head with a Native Plant Society member. It will be a premature decision if the application is approved before getting all the information. It appears that guidelines of where to control vegetation to an adequate degree were not followed. Based on the issues, there should be a continuance.

J. Cuthbertson states that the maintenance allowed him to use his scooter to access the trail. It was cut back enough for handicapped accessability. Everyone should be able to use and enjoy the trail. The trail should be cut back so regulations don't come back and slap us in the face.

Zack Rotwein (154 N Westhaven Dr) was on the City Council from 1990-1994. He remembers Lindy Lindberg was concerned about handicapped access and accommodations were made. The meeting minutes should be looked up.

Commissioner Comments

Commissioner Pinske clarifies what they're voting for: to approve requesting a CDP for maintenance. He appreciates the comments. He wants to focus on public access of the trails. He notes that in the July 1 Coastal Commission letter, the Coastal Commission refers to the City's proposal and then incorporates the term "major vegetation removal," which was not proposed. The City was not proposing removal; the City just wants to make the trail passable. He can see concerns over the width of the trail, and though he agrees sensitive plants and reports should be given fair acknowledgement, the City has a responsibility to continue the maintenance program. He would like to act on the application but is concerned over the right wording. He also states that continuing the project would mean the City's hands are tied.

Commissioner Becker agrees that they should do something—this can't go on as it has. The longer it goes, the worse it looks and the more the City is going to have to fix. She

believes the City can be sensitive but practical, and reminds everyone that there is a budget. The City can't afford the weekly maintenance required to maintain a foot on either side of the trail.

Commissioner Rotwein thinks her concerns are covered.

B. Buckman, Public Works Director, responds to Commissioner Johnson, stating that maintenance has only occurred 2-3 times since the July 1 letter from the Coastal Commission. The City has made some attempts to abide by the 1 foot request by the Coastal Commission, but is really a waste of time.

Commissioner Johnson asks if there is intent to mow grassy areas not on the trail. Planner Parker responds that mowing is not vegetation removal. Part of the issue is that clarification is needed on what is proposed. The height to maintain views and vistas is not clarified. It is not clear and one foot is difficult to maintain. Fall is when the growing season slows. They are waiting on recommendations, but vegetation maintenance beyond one foot is going to have to occur. Plant surveys have to wait until the summer when the reproductive/blooming times occur, this is also why cutting vegetation in the winter is good. Something has to be done soon.

Commissioner Pinske asks if an expert is needed for detail. Planner Parker responds that it is difficult to generalize the Head. Mapping the vegetation is an option.

Commissioner Johnson muses if pampas grass removal needs a CDP. TFH removed this in OS areas and that was considered maintenance.

Planner Parker replies that the Coastal Commission hasn't specifically defined "major vegetation removal." The only fairly standard requirement is that removal of trees at 12 DBH are included, but other things include the amount of vegetation removed, and visual and environmental value of that vegetation.

Commissioner Johnson states that it's obvious that the same criteria cannot be applied to the entire trail. He took a tape measure out on the trail and measured where vegetation maintenance had been occurring. The historical vertical vegetation trim line was obvious and it varied on different parts of the trail. However, the discrepancies between policies need to be ironed out and the City's financial health should be taken into account. He is hesitant to request studies and doesn't have the authority to spend that money.

K. Tayes does not understand the scope of the dimensions. Guidelines are not as intensive then.

S. Binnie says that the FTH were given one year.

Commissioner Johnson requests that it may be useful for the FTH to present a task statement to the City Council so the public can understand their role.

Zack Rotwein asks if the federal easement and federal handicapped act trump all. Planner Parker responds that she doesn't know the applicability to all trails. All trails are in City jurisdiction, and the City historically mostly maintained them all.

Commissioner Pinske agrees to continue the issue, but makes the point that wants to vote in the downed period of growth so something is in place for the growing season.

Commissioner Johnson officially continues the issue until additional information is available, but before the end of the year. Aside from clarifications, he requests an estimate of the necessary studies as suggested by the City Council.

- 3. Election of Chair and Vice Chair:** Discussion / decision on the election of a Chair and Vice Chair for the Planning Commission

***Motion (Becker/Rotwein) to appoint Richard Johnson as Trinidad Planning Commission Chair and Michael Pinske as Vice Chair.
Passed unanimously.***

- 4. November meeting date:** Consideration of a possible change to the regular Planning Commission meeting date in November.

T. Parker suggests meeting times of November 30 or December 7 for a combined November and December meeting. Commissioner Rotwein suggests a Thursday meeting. The Circulation Element will be discussed on the 16th—the Wednesday regular meeting.

- VI. CITY COUNCIL REPORT BY A PLANNING COMMISSIONER**
None.
- VII. STAFF REPORT**
None.
- VIII. ADJOURNMENT**
Meeting adjourned at 8:40pm.

Submitted by:
Sarah Caldwell
Secretary to Planning Commission

Approved by:

Richard Johnson
Planning Commission Chair