

SUPPLEMENTAL INFORMATION
No. 11

For Planning Commission Agenda of:
June 3, 2010

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|-------------------------------------|-------------------------------|---|-------|
| <input type="checkbox"/> | Administrative Agenda Item | } | |
| <input checked="" type="checkbox"/> | Continued Public Hearing Item | } | No. 6 |
| <input type="checkbox"/> | New Public Hearing Item | } | |
| <input type="checkbox"/> | Old Business Item | } | |
| <input type="checkbox"/> | New Business Item | } | |

Re: Applicant: John and Katrin Homan
Case Nos.: FMS-08-02
File No.: APN: 515-191-37

Attached is a letter from LACO Associates to the City of Trinidad dated May 11, 2010.



LACO ASSOCIATES
ENGINEERS • GEOLOGISTS • ENVIRONMENTAL CONSULTANTS

LEONARD M. OSBORNE • CE 38573
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May 11, 2010

6774.02

City of Trinidad
Post Office Box 390
Trinidad, California 95570

RECEIVED

Attention: Steve Albright, City Manager

MAY 20 2010

Subject: Homan Tentative Major Subdivision Map

PLANNING DIVISION

Dear Mr. Albright:

It is our understanding that the City Council of the City of Trinidad is scheduled to discuss the proposed Homan Tentative Major Subdivision Map at their meeting of May 12, 2010. We further understand that the purpose of the agenda item is to discuss the February 25, 2010 letter (attached), from Trever Parker, Trinidad City Planner to the Humboldt County Community Development Department on behalf of the Trinidad Planning Commission. That letter describes concerns raised at the Planning Commission's February 17, 2010, discussion of the proposed subdivision. Thank you very much for the courtesy of inviting us to participate in the City Council's review of this matter. We are happy to provide whatever assistance we can in the Council's effort to understand and respond to the proposed project.

The purpose of this letter is to provide additional information regarding the concerns raised by the Planning Commission in their letter. Our responses to each point are listed below.

1) Water Quality

The Planning Commission expressed concern that stormwater runoff and septic leach fields could degrade water quality in the on-site stream and wetlands and in the Trinidad Area of Special Biological Significance (ASBS).

Response:

There is an unnamed stream and adjacent riparian wetlands on the subject site. The stream runs to College Cove, approximately 0.2 miles to the west. The outlet of the stream is located approximately 0.3 miles north of the boundary of the Trinidad Head ASBS. In the 1970s, to preserve biologically unique and sensitive marine ecosystems, California designated 34 regions along the coast as Areas of Special Biological Significance (ASBS). Since 1983, the State Water Board's Ocean Plan has prohibited all point and non-point pollutant discharges into ASBS's unless an exception is granted. The Trinidad Head ASBS consists of approximately 300 acres located east and west of Trinidad Head. State agencies, the City of Trinidad and the Trinidad Rancheria have been cooperating for several years to characterize the pollutant sources that affect the ASBS and identify appropriate methods to reduce or eliminate those sources.

The primary regulating agency for water quality in the ASBS is the Regional Water Quality Control Board (RWQCB). That agency is also responsible for protecting water quality in the onsite wetlands and in the stream leading to College Cove. At the local level, the Humboldt County Department of Public Works regulates storm drainage flows and volumes for subdivision improvements, and the Division of Environmental Health regulates water quality issues related to septic systems.

During their reviews of the proposed Subdivision Map, both local agencies concurred that the design of the project, including storm drainage and septic systems met their adopted standards. In a letter to the Humboldt County Community Development Department on February 3, 2010 (attached), the RWQCB raised concerns and asked for additional information regarding stormwater drainage, septic system design and setbacks, and setbacks from a small onsite wetland. In response to that letter, and additional correspondence, the applicant proposed two project changes which the County and RWQCB accepted. The setback from the small wetland was increased from 50-feet to 100-feet and a new mitigation measure was proposed to add specific requirements and performance standards for Low Impact Development (LID) features intended to reduce the velocity and volume of stormwater runoff and to take advantage of bio-filtration to reduce pollutant levels. In addition, both the applicant and the Humboldt County Department of Environmental Health provided additional information (attached) to the RWQCB regarding onsite soils testing and the location and design of the proposed septic leach fields.

On March 4, 2010, RWQCB informed the County that the project changes and supplemental information were acceptable and that *"Given this, our concerns about the project's potential impacts to water quality have been addressed."*

Several other agencies have reviewed the potential of the project to have detrimental effects on wetlands and riparian habitats, including through the degradation of water quality. The California Department of Fish and Game, the US Army Corps of Engineers, the US Fish and Wildlife Service, and the National Marine Fisheries Service were all notified of the project. All of the concerns raised by those agencies have been addressed through project changes, mitigation measures, or conditions of approval. The agency comment letters are attached.

While we don't intend to minimize in any way the sensitive nature of the Trinidad ASBS and the importance of providing adequate protections to the onsite stream and to College Cove, we have recommended to the County that they accept the findings of the RWQCB, Division of Environmental Health, Department of Fish and Game, and others as sufficient to indicate that the project will not have a significant direct, indirect, or cumulative effect on water quality.

2) City Services

Emergency Response

Response:

The CalFire Trinidad Station on Patrick's Point Road, approximately 0.7 miles north of the subject site, will have primary responsibility to respond to onsite fires. Under the terms of a mutual aid agreement between CalFire, the Trinidad Fire Department may be requested to provide secondary service from their station located approximately 0.7 miles south of the subject site.

Primary law enforcement service for the project site will continue to be provided by the Humboldt County Sheriff's department, operating out of the McKinleyville substation approximately 9.5 miles south of the site. While the letter sent on behalf of the Planning Commission raises the concern of the effect of the project on law enforcement services, there is no effort to quantify the expected service demands. We requested supplemental information from the Trinidad Police Department and the Humboldt County Sheriff's Department which might assist in determining whether the project would substantially increase in the total number of residences served under the mutual aid agreement. Neither agency was able to respond prior to the City Council meeting on this matter.

It should also be noted that in order to find that the effect to be "potentially significant" for the purposes of CEQA analysis, the Planning Commission would need to find not just that there would be an increased level of service, but that the increase would be sufficient to have physical impacts, such as the need for an expansion to existing facilities.

3) City Services

Domestic Water Service

Response:

There is currently one active domestic well on the site serving the existing house on proposed Lot No. 8 as well one offsite residence on adjacent property to the north. The "*Interim Policy on Water Production Test Procedures*" issued by the Humboldt County Department of Environmental Health in July 1994, requires subdividers to demonstrate the availability of a minimum of 0.5 gpm/residence. At that rate, and including the offsite residence, and potential for second units, the total potential demand to be served by the on-site wells is 9.5 gpm. Seven monitoring well sites were developed and tested on the site in the dry-weather testing period in September and October 2008, as permitted by County of Humboldt CDP No. 07-64, approved on August 27, 2008, and County of Humboldt Environmental Health Permit Number 08-09-0205. The testing consisted of a 12-hour drawdown (pumping) period, followed by a minimum 12-hour recovery period in

accordance with HCDEH standards. The amount of stabilized drawdown measured at that time varied from a minimum of 3.40-feet to a maximum of 13.79-feet. Each well achieved 95 percent recovery of its original static water-level following a minimum of three minutes and maximum of six hours nine minutes. No effect was seen in the neighboring well, and a maximum of 0.01 feet of drawdown was observed in the three creek-side test wells. The testing indicated that the combined capacity of the existing well and four of the new wells is 14 gpm. The wells to be used for the proposed development were assigned as follows:

LOT AND WELL USE			
Well No.	Lots Served	Demand	Capacity
1	1, 4, 7, 9	4 gpm	7.5 gpm
2	2, 3	2 gpm	2.1 gpm
3 (Existing)	8, APN 515-191-41	1.5 gpm	1.5 gpm
4	5	1 gpm	1.4 gpm
5	6	1 gpm	1.5 gpm

With that distribution, each of the proposed lots meets County Standards.

The letter also indicates that the Planning Commission expressed concern that the wells may not be reliable in the future. The letter speculates that, in the event of a failure of the onsite wells, the City of Trinidad would be requested to provide service, and notes that the City may not be able to fulfill such a request, if it were made. The proposed project does not include any present or future reliance on City water service. The Planning Commission asked to have an alternative water supply identified to be used if the wells under-perform expectations. While there is no evidence to indicate that such extraordinary measures would become necessary, we note that water delivery is a relatively common service in the neighborhoods surrounding Trinidad and Westhaven and is more likely to be cost effective for the proposed residences than connection to the City's system. From the perspective of CEQA compliance, we believe the future failure of wells which have been tested to be adequate, and the replacement of those wells with an alternative water source is too speculative to analyze effectively.

4) Traffic Impacts to the Intersection of Patrick's Point Road, Main Street, and the US 101 Interchange

Response:

The Initial Study indicates that the project would generate approximately 134 trips per day, of which 10.5 trips would occur during the AM peak and 14.1 trips would occur in the PM peak. Even assuming 75 percent of the project's trips will use the intersection of Patrick's Point Road and Main Street, it would be expected to generate less than one trip every five minutes during the evening rush.

5) City Services
Recycling

Response:

The letter indicates that a concern was raised regarding the potential that future residents of the proposed subdivision would use the City's recycling center, but does not indicate the specific nature of the concern (e.g. capacity limitations, hauling costs, other). It is our understanding that the recycling center on Patrick's Point Drive is operated by Humboldt Sanitation and Recycling, in McKinleyville. The costs of operating the facility are offset in part by CRV reimbursements, and are funded jointly by the City of Trinidad (75%) and the Humboldt Waste Management Authority (25%). Humboldt Sanitation's charges are based on the number of pickups needed at the center, and average \$900-\$1,000 per month. The letter does not indicate whether any attempt has been made to quantify the relationship between the number of residences in the Trinidad/Westhaven service area and the number of pickups/month needed to serve the recycling facility.

It may be beneficial for the city to explore this concern in more detail, including the potential that increased usage of the recycling facility, if it occurs, may help the City to continue to meet its waste diversion goals.

6) Increased Enrollment at Trinidad Elementary School

Response:

Enrollment at the Trinidad Elementary School has been trending higher for several years, with the greatest increase in the last four years. Total enrollment in 2000 was 110 students. Total enrollment in 2010 is 160 students. A detailed analysis from the 2007-2008 School Accountability Report Card (most recent available), indicates an enrollment of 147 to 170 students, in seven classrooms. Only one of those classrooms (for grades 4-8) had a class size larger than 20 students. At an average enrollment of one elementary school student per parcel, the project would expect to add, on average eight students (or about one student per classroom) at any time. The Trinidad Unified Elementary School District was notified of the project and has not indicated that it expect the increased enrollment to require the construction of new facilities. In fact, the school is currently under capacity with room available for more students.

7) Aesthetic Impacts
College Cove

Response:

The letter mentions potential aesthetic effects to the College Cove recreational area. We note first that the topography of the area is such that the site (180-foot to 320-foot

elevation) is not visible from College Cove beach (0-foot elevation), the trails to College Cove beach (0-foot to 160-foot elevation), or the College Cove parking lot (160-foot elevation). As such, the concern appears to be whether the project will negatively affect the views of visitors driving to and from College Cove. The path from the City of Trinidad (at Main Street) to the College Cove entrance along Stagecoach Road is approximately 0.75 miles, of which the final 0.15 miles consists of the project frontage. Of the remaining 0.6 miles, approximately 0.3 miles consists of the frontage of existing cleared or developed land, including approximately seven residences and a variety of outbuildings, setback between 25-feet and 100-feet from the edge of Stagecoach Road. The project would add two or three residences along that frontage, each of which would be set back a minimum of 100-feet from Stagecoach Road, and would be sheltered by existing and proposed vegetation within a 50-foot buffer.

8) Aesthetic Impacts

Tree Removal

Response:

There are approximately 400 mature trees on the project site including Douglas fir, white fir, spruce, redwoods, and three cypress trees. Trees will be removed from the site in small numbers over many years. The applicant proposes to carry out the project in three phases. In each phase, trees will be removed sequentially for subdivision improvements such as roads, driveways and utilities, and residential construction, including building pads and primary septic leach fields. If necessary, additional trees may be removed in the future as secondary leach fields are developed. In total, we have identified 38 trees above 12-inches in diameter which would be removed for subdivision improvements, primary and secondary leach fields. Building pad locations may require the removal of additional trees, depending upon location and design. The applicant has proposed a condition of approval which would require 1:1 replacement onsite of all trees removed for the project for any purpose.

9) Aesthetic Impacts

Retaining Wall

Response:

As noted in the City's response letter, Humboldt County's Fire Safe regulations require the widening of an existing access road through the property. In order to widen the road, it will be necessary to construct a retaining wall approximately 260 feet in length and ranging from 2.0 to 5.0 feet in height. The wall will be setback from Stagecoach Drive a minimum of 380 feet. Most of the wall will be obscured from the road by trees and vegetation along Stagecoach Drive. The applicant has proposed a condition of approval which would require 100 percent vegetative screening of the retaining wall with native trees and shrubs.

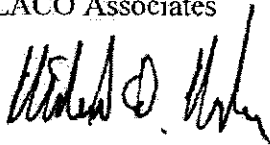
10) Recommendation to require an EIR

Response:

We understand that County Staff is actively reviewing the comments they have received which have suggested that an EIR should be prepared. CEQA case law establishes a standard that an EIR is required if a "fair argument," based on the facts in the record, can be made that the project will have a significant effect on the environment after all proposed mitigation measures are applied. We continue to believe the Initial Study provides adequate support for a Mitigated Negative Declaration.

Thank you again for the opportunity to participate in the City Council's consideration of the appropriate response to the County's request for comment on the proposed Initial Study. We expect to attend the meeting on May 12, 2010, and will be happy to answer any questions at that time.

Sincerely,
LACO Associates



Michael D. Nelson
Planning Director

RSR:tmc

Attachments

cc: John and Katrin Homan
Trevor Estlow, Senior Planner, Humboldt County
Trevor Parker, City Planner, City of Trinidad



February 25, 2010

Trevor Estlow, Senior Planner
County of Humboldt
3015 H Street
Eureka, CA 95501

Re: Homan Subdivision, Case No. FMS-08-02/CDP-08-25/SP-08-94

Dear Mr. Estlow,

Ref: City of Trinidad letter to T. Estlow, dated March 9, 2009;
North Coast Regional Water Quality Control Board letter to T. Estlow, dated February 3,
2010

Dear Mr. Estlow,

Thank you for the opportunity to comment on the draft Mitigated Negative Declaration (MND) for the Homan Major Subdivision Project. Previous comments submitted to you in the referenced City of Trinidad letter stated "this project falls within the City of Trinidad's Planning Area. The City of Trinidad is especially concerned about water quality related to septic systems, stormwater and sediment as well as domestic water availability." In an effort to be more specific about our initial concerns after reviewing the proposed Mitigated Negative Declaration and to obtain additional input and public comments, the Trinidad Planning Commission included this item on their public meeting agenda of February 17, 2010.

Several members of the public attended and spoke at that meeting, including residents from inside and outside City limits. The Planning Commission also had several concerns about this project, and directed staff to write this letter expressing our comments on this project. While our review of the draft MND provided additional information regarding our initial concerns, there are several points identified during the public meeting we wish to bring to your attention, which we feel need further treatment and analysis:

1. Proximity of the project to the Trinidad Head ASBS – This project is located in close proximity to the northern boundary of the Trinidad Head Area of Special Biological Significance / State Water Quality Protection Area, and this fact was not addressed in the MND. Significant concerns remain regarding potential impacts from polluted storm water runoff and on-site septic systems to the ASBS. The ASBS encompasses almost the entire City limits, and so a large part of the responsibility for protecting this important State

resource falls on the City of Trinidad. The City, along with Trinidad Rancheria as the owner of the harbor and pier area, and the HSU Marine Lab all received "Cease and Desist" (all discharge) orders from the State Water Resources Control Board. Trinidad has been required to undertake extensive monitoring of the ASBS and is responsible for developing plans to ensure "zero discharge" into the ASBS in accordance with the CA Ocean Plan or have an exception granted by the State. Ocean circulation patterns ensure that discharges outside but nearby the ASBS will affect water quality within the ASBS. The City and local stake holders need to fully understand the project's implications, and any impacts to the ASBS from nearby development need to be fully mitigated for direct, indirect and cumulative impacts.

2. Project density and City services – The potential for 18 new structures in this development raises concerns including but not limited to: (a) increased impervious surfaces with associated impact on storm water runoff quality and quantity; (b) domestic water quality and quantity; (c) impact on Trinidad's city services (including fire, police, traffic and re-cycling); (d) the ability to adequately protect on site riparian and wetland areas; and (e) would set an undesirable precedence for future development in this area of the county.

In particular, there was no analysis of the project's impacts to City services in the Mitigated Negative Declaration. The project is located only about 1/3 of a mile north of City limits, and because of the existing mutual aid agreements between the City and the Sherriff and CDF, the City would be the first responder to any emergencies that would occur there. In addition, being the closest community to the proposed development, new residents of this subdivision will utilize City commercial services, streets, recycling and the Trinidad Elementary School. Traffic flow and safety at the City's main intersection at the freeway interchange are already a problem.

Further, though the background studies for this project found that there is adequate water supply to serve the potential development on the new subdivision, there have been problems with water supply in the area in the past, both due to lack of adequate water and contaminated wells. With increased development, and possibly changing weather patterns resulting from climate change, the impact analysis should also address the future uncertainties in water supply and propose an alternative water source should the proposed wells fail in the future. Again, this could impact the City if the on-site water supply for the subdivision was affected, the City would likely be requested to provide water service as a substitute, and the City's water supply is currently limited.

3. Other issues were raised related to the aesthetics, recreational and economic impacts to the College Cove recreational area, located just west of the proposed development. The popularity of College Cove is primarily due to its pristine and natural appearance. There are concerns the proposed mitigation plans intended to minimize the visual impact to College Cove are inadequate. Issues were raised regarding the adequacy of the 50 foot vegetation buffer along Stage Coach Road and the possibility the proposed 350 feet long retaining wall, necessary to widen the access road, will be visible from the College Cove entrance/exit road. Aesthetic degradation of the popular College Cove recreational area could also affect recreation and tourism in the City, which in turn could indirectly affect the City's economy.

4. While there was no public comment requesting to deny the project, several requests and arguments were made for the completion of an EIR to fully understand the environmental effects, alternatives and mitigation measures. There are several outstanding questions regarding potential impacts that the City and residents believe have not been adequately addressed in the proposed MND. The Planning Commission feels that the proposed document is inadequate at this time, and that an EIR would more appropriately define the project by exploring additional alternatives and mitigation measures and that additional information collected as part of this process would provide answers to the outstanding questions.

Finally, the referenced letter from the California Regional Water Quality Control Board raises several issues that merit consideration and are similar to issues voiced in our public meeting. In light of the Regional Water Board's concerns, and issues raised during our public meeting, we concur with their comments and believe additional information or justification would be useful in determining the full extent of environmental impacts and opportunities of this development.

In closing, the City strongly urges the County not to approve the major subdivision in its existing form under the proposed Mitigated Negative Declaration. For the reasons stated above, the Planning Commission feels that additional information is needed to fully understand, analyze and mitigate the potential impacts resulting from this project. One option for addressing these concerns would be to require an EIR to be completed. This would not only provide additional background information and analysis, but would provide a formal method for exploring alternatives and mitigations that may reduce the potential impacts.

Thank you for the opportunity to review and comment on the draft MND. If you have questions or comments please contact the undersigned.

Sincerely,



Trevor Parker, City Planner
City of Trinidad

cc. North Coast Regional Water Quality Control Board
Atten: Cathleen Goodwin
State Water Resources Control Board
Atten: Dominic Gregorio

From: Estlow, Trevor [TEstlow@co.humboldt.ca.us]
Sent: Thursday, March 04, 2010 9:19 AM
To: Michael D. Nelson
Cc: Deirdre MacClelland; Randy Rouda
Subject: FW: Homan Subdivision CEQA review

-----Original Message-----

From: John Short [mailto:JShort@waterboards.ca.gov]
Sent: Thursday, March 04, 2010 8:03 AM
To: Estlow, Trevor
Cc: Clara Turner; Mona Dougherty
Subject: Homan Subdivision CEQA review

Trevor,

We have reviewed the additional information that you sent to us. It is our understanding is that the onsite wastewater treatment systems will fully comply with our Basin Plan requirements, the project has been updated to provide 100-foot setbacks to protect all stream and wetlands, and that the language in your previous email regarding storm water runoff treatment using Low Impact Development techniques will be added either to the MND or as a condition of approval for the project. Given this, our concerns about the project's potential impacts to *water quality* have been addressed. We very much appreciate your response to our comments and concerns.