

MEETING DATE: October 19, 2022
PREPARED BY: M Jones of
Marie Jones Consulting
PRESENTED BY: M Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION: Use Permit, Zoning Determination, Mitigated Negative Declaration

FILE NUMBER(S): Use Permit 4-22; Zoning Determination 1-22

APPLICANT: C&S Waste

OWNER: Robert Rossi

AGENT: Kristyn Byrne, C&S Waste

PROJECT: Use Permit (UP 4-22) and Mitigated Negative Declaration (MND) to construct and operate fleet parking on a previously developed vacant portion of a vacant parcel; Zoning Determination to construct and operate a direct transfer station on a previously developed vacant portion of a vacant parcel; and associated site improvements including security fencing, lighting and stormwater improvements. The project would be accessed via an existing road encroachment onto N Main Street.

LOCATION: 1280 N. Main St., Fort Bragg, California

APN: 069-231-21

LOT SIZE: 6.9 acres

ZONING: Light Industrial (IL), Inland Zone

ENVIRONMENTAL DETERMINATION: An MND has been prepared for this project (Attachment 3 and 4).

SURROUNDING LAND USES: NORTH: Various Industrial uses – motorcycle repair, etc.
EAST: Industrial, residential, open space
SOUTH: Storage facility, Industrial
WEST: Nonconforming Residential Use, vacant parcel, State Parks

APPEALABLE PROJECT: **Can be appealed to City Council**

PREVIOUS PERMITS

- **UP 1-94 for Construction of Concrete Batch Plant.**
- **UP 1-94/00 Amendment for Construction of New Concrete Batch Plant.** This permit was for a short-term batch plant to construct the Noyo Bridge.
- **UP 1-94/00/05 Bath Plant Operation.** In 2005, the City issues a Use Permit for a five-year extension to operate a previously approved batch concrete plant. Granite Construction operated the plant.
- **LTP 4-12 for Operation of Construction Storage.** The City issued a Limited Term Permit in 2012 for the storage of construction materials by Caltrans for various Caltrans maintenance projects.
- **DIV 4-06 of Parcel into Three Parcels.** In 2006, the City processed a subdivision of the Rossi Property as part of an option to lease or purchase a portion in order to operate a transfer station, self-haul transfer station, green waste, C&D waste recycling facility, and recycling buy back center on the site. The application was withdrawn by the City when the biological study revealed that proposed parcel would likely be undevelopable due to the concentration of special status plants and plant populations on site.

PROJECT BACKGROUND

For many years, Waste Management Collection and Recycling operated the Fort Bragg Disposal Transfer Station at 219 Pudding Creek Road. In 2021, the County of Mendocino and City of Fort Bragg offered a joint competitive bidding opportunity for the waste management franchise award for both county and city services. C&S Waste was selected as the qualified low-cost bidder. C&S Waste currently provides waste management services to a variety of small cities throughout Lake, Lassen, Mendocino and Sonoma Counties.

C&S Waste initially sought to purchase the 219 Pudding Creek Road location and to continue providing waste management services from that location; however, Waste Management is unwilling to sell the site.

Initially C&S Waste sought to include a recycling buy back center at the proposed project site, as well as the transfer station, however Caltrans would have required significant frontage improvements for the buy-back center including a north bound right turn pocket and a southbound turnout. These improvements made the project financially infeasible for the applicant. Consequently, the applicant revised the project to include only the following:

1. **The direct transfer of waste from waste collection trucks to transport trucks.** The system utilizes a fleet of eject-body route trucks, which use a ramp to elevate the route truck to the same level as a walking floor transfer trailer. A walking floor transfer trailer (Wilkins trailer) is equipped with a conveyor-like floor, which moves material from the back of the trailer to the front. Loaded route trucks reverse up the ramp and positioned back to back with the Wilkins trailers. The route trucks slowly “eject” or release the solid waste into the

Wilkins trailer. As the solid waste is “ejected” into the Wilkins trailer, the trailer utilizes the walking floor to move material released from the route trucks to the front of the trailer. It takes approximately 10 to 20 minutes for one route truck to transfer a load of material into the Wilkins trailer.

2. **Truck and employee parking.** A ten (10) space truck parking area, a thirteen (13) space parking lot for employees, and a storage area for forklift, bins and carts.

No longer does the proposed project include recycling buy-back, waste processing or self-haul waste drop off, nor does the proposed project include the relocation of the Road 409 transfer station. The County and City have been looking for a new location for the Road 409 self-haul facility for 15+ years, however the proposed project site is not well suited for such activity. It could not be relocated to the proposed site, as the site is not large enough to accommodate any development beyond what is proposed as part of this project due to rare plant communities. Therefore, the self-haul Road 409 transfer station is not part of the proposed project.

PROJECT DESCRIPTION

Site Design & Project Description

The applicant is seeking: 1) a Use Permit for vehicle storage; and 2) a zoning determination to construct a direct transfer operation on a vacant and previously developed site at 1280 N Main Street. The site is currently characterized by: 1) an informal gravel/earth parking area (13,000 SF) used for coastal access to MacKerricher State Park; 2) an undeveloped area providing habitat to a variety of plant communities (207,000 SF); 3) a paved area at the back of the property, which historically has been used for materials storage and other industrial activities (64,000 SF); and 4) an access road (10,000 SF). See photos below of the project site.



Photo 1: Project Site – View from Main Street



Photo 2: Project Site, Aerial View

The proposed project consists of the following components:

Direct Transfer Operation. The direct transfer operation and associated vehicle parking would occur on the rear of the site and would occupy 78,000 SF. This area would be restricted to employees of the operation and would not be open to the public. Site improvements to support the direct transfer operation would include:

- a. Resurfacing the existing developed areas (back of site) with asphalt, improvements to these surfaces would require the removal of pampas grass on the back of the site.
- b. Installation of a 90-foot by 80-foot (7,200 SF) ramp and loading platform, comprised of interlocking blocks with compacted gravel fill, for truck-to-truck transfer. The ramp and loading platform would be approximately four feet high to allow for a smooth transition from loading platform to transfer trailer, and would be able to accommodate up to four (4) collection trucks, if needed.
- c. Installation of a 10-space truck parking area, a 13-space parking lot for employees, and a storage area for forklift, bins and carts.

Associated Site Improvements. The following site improvements are proposed:

- a. Improvements to existing driveway, which would be accessed via an existing encroachment onto N. Main Street, located at the northwest end of the site. The existing driveway would remain one way and thirteen (13) feet wide.
- b. Upgrade the encroachment to N. Main Street per Caltrans specification. Improvements to the encroachment would be designed and constructed to Caltrans' standards per an encroachment permit from Caltrans;
- c. Installation of six (6) foot high open weave livestock fencing (similar to coastal trail fencing) along the west property line, and installation of a security gate.
- d. Construction of Low Impact Development (LID) features on the back of the site.
- e. Installation of site signage.
- f. Installation of or improvements to existing well, if necessary.

Landscape Design

The proposed project does not include landscaping, nor is landscaping warranted as the project site includes a wide array of native endemic and rare plants, and beach sand dunes. This habitat would provide visual screening of the site. Perimeter fencing and interior fencing are proposed to protect the site facilities and biological resources from the impacts of existing and future unauthorized human/vehicle encroachment.

Days/Hours of Operation

The days and hours of operation for waste transfer hours are from 4:30 a.m. to 5:00 p.m., Monday – Saturday.

Facility Operations & Activities

Direct Transfer Operation. Daily operations consist of seven collection trucks operating along established routes to pick up materials throughout the surrounding area. Hours of operation for curbside collection are consistent with previous waste hauling operations within the City and County. Materials consist of recycling and solid waste streams. After collecting materials, collection trucks would return to the site to transfer collected materials directly into staged transfer trailers. The truck-to-truck transfer would occur via the proposed ramp and loading platform located at the rear of the site. All material transfers would remain fully contained within an enclosed transfer trailer, and would be moved on a truck-to-truck basis only. Full transfer trailers would transport collected materials off-site to existing end-processing locations in Willits and/or Ukiah. The business would employ 10 people.

Parking. When not in use, the following industry-specific equipment, vehicles, inventory and materials would be parked at the site:

- Up to seven collection trucks for collecting commercial and residential waste and haul-offs;
- Up to four transfer trailers for on-site receiving of collected waste and transferring it to permitted facilities for processing and disposal.

In addition to compliance with the City of Fort Bragg zoning regulations, the project also complies with the State Minimum Standards for solid waste facilities including obtaining a registration level permit from the Local Enforcement Agency (LEA), which is the Mendocino County Environmental Health Department, with concurrence from the California Department of Resources Recycling and Recovery (CalRecycle). The Facility will be limited to receiving no more than 99 tons of refuse per day, and subject to monthly inspections by the LEA.

CONSISTENCY WITH LAND USE AND DEVELOPMENT CODE

Zoning Determination

Zoning District

The proposed site is zoned Light Industrial. The purpose of the light industrial zoning district (18.24.020A) is as follows:

IL (Light Industrial) zoning district. The IL zoning district is applied to areas of the City that are appropriate for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses that do not generate significant customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Allowable manufacturing uses and activities must be entirely within enclosed structures. The maximum floor area ratio (FAR) is 0.40. The IL zoning district implements and is consistent with the IL land use designation of the General Plan.

The proposed project, as conditioned below, would not result in high levels of noise, dust, odors or other off site nuisance conditions. The proposed project would generate no customer traffic and would have similar employee traffic as other typical light industrial uses in the area. While the purpose of the zoning district notes that all manufacturing uses must be within entirely enclosed structures, the proposed project is not a manufacturing use. Additionally, the surrounding area includes many comparable uses: vehicle storage, lumber storage and milling, and outdoor materials storage. As such, the proposed project is consistent with the purpose of this zoning district.

Land Use Analysis

The proposed business would be classified under two different uses for the various activities on the site, namely:

- 1) The truck parking area is categorized as a Vehicle Storage and requires a Use Permit (UP); and
- 2) The Direct Transfer Station is categorized as a Freight Terminal and is Permitted (P) by right.

While it may be tempting to consider this facility as a Recycling – Heavy Processing Facility, the proposed use does not include any processing activities, defined in the ordinance as:

“the collection and processing of recyclable materials for shipment, or to an end-user’s specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding.”

Given that none of these processing activities will take place on site, and given that there is no definition for a transfer station or a freight terminal in the ILUDC, the City used standard Wikipedia definitions for a freight terminal, defined as “a processing node for freight which may include trucking terminals”. Staff has determined that the Direct Transfer operations are most similar to the Freight Terminal land use because it involves the transfer of materials from one type of truck to another with no onsite storage or processing.

The ILUDC also does not include specific land use standards for the parking lot; however, there is a definition for Vehicle Storage:

Vehicle Storage. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Does not include public or private parking lots; or dismantling yards (classified in “Recycling - Scrap and Dismantling Yards”).

There are no specific land use standards for a Freight Terminal or Vehicle Storage to apply.

Performance Standards

All projects must comply with the ILUDC generic performance standards (18.30.080), which include the following relevant standards to the proposed activities:

18.30.080(D). Dust. Please see requirements related to dust control and grading in Chapter [18.62](#). The proposed project includes re-graveling of an existing gravel road leading to the rear of the property. While the proposed project would generate limited traffic, large vehicles are prone to stir up dust. Therefore, the special conditions below are recommended by the Department of Public Works, to control dust on site.

Special Condition 1: Applicant shall pave the existing driveway from the entrance to the proposed transfer area to minimize tracking of sediment, per City Standard 209.

Special Condition 2: The operator shall take measures to minimize the creation, emission, or accumulation of excessive dust and particulates. Measures to control dust should be implemented as needed or at the direction of the Community Development Director and may include, but are not limited to, reduced transferring during periods of high winds, daily sweeping and cleaning, and watering systems.

18.30.080(F). Hazardous materials. As required by the Safety Element of the General Plan, an applicant for a proposed nonresidential project that will involve the generation, use, transportation, and/or storage of hazardous substances shall comply with the following requirements:

1. The applicant shall notify the fire protection authority of all hazardous substances that are to be transported, stored, treated, or that could be accidentally released into the environment on the site.
2. The planning permit application for the project shall include detailed information on hazardous waste reduction, recycling, transportation, and storage, and a plan for emergency response to a release or threatened release of a hazardous material.
3. The site shall be provided with secondary containment facilities and a buffer zone adequate to protect public health and safety on a site with hazardous materials storage and/or processing activities, as required by the review authority.

The proposed project would not include storage of any hazardous materials. It is against the law to place hazardous substances in the regular waste stream, however some households will undoubtedly, whether accidently or purposefully, do so. Special Condition 4 is recommended to ensure best practices are in place to minimize the potential impacts of accidental spills.

Special Condition 3: All equipment that holds or transfers waste shall be rain-tight and leak tight. The operator shall maintain all surface water management facilities in good operating condition. This includes periodic cleaning and removal of silt and debris from drainage structures and bioswales. Operator shall respond immediately to all exterior spills to prevent waste materials from entering the surface water system, by cleaning up all liquid spills with absorbent material rather than hosing them into the stormwater system (absorbing materials shall be kept on site in a watertight container).

18.30.080(G) Light and Glare. Outdoor lighting shall comply with the requirements of § [18.30.070](#) (Outdoor Lighting). Staff recommends adoption of Special Condition 3 to ensure compliance with this standard.

Special Condition 4: The applicant shall install all onsite lighting to comply with the requirement of 18.30.070 including: the new outdoor light fixture shall be limited to a maximum height of 18 feet in height, use energy-efficient fixtures and lamps, be shielded and directed downward and away from adjoining properties, light source shall not be visible from off the site.

18.30.080(H) Liquid waste. No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the North Coast Regional Water Quality Control Board.

See Special Condition 3.

18.30.080(I). Noise. Noise emanating from the site shall comply with the City's noise standards in Chapter [9.44](#) (Noise). Noise compliance with Chapter 9.44 and the Inland General Plan was comprehensively analyzed in the attached MND. Sources of noise include truck and trailer movement, transfer operations, and back-up beeping. Staff recommends the following special conditions to minimize noise issues from the site that are also included in the MND as Mitigation Measure NOI-1. With these Special Conditions, the project complies with the City's noise standards.

Special Condition 5: To minimize noise transmission, the operator shall utilize the best available OSHA-compliant technology for all backup alarms for both route trucks and transfer trailers.

Special Condition 6: Trucks shall be parked facing exit roads in the evenings, so that they can be driven from the site in the morning without requiring backing and the consequent backing beeping.

18.30.080(J). Odor. No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site. The project has some potential to result in odors therefore Staff recommends the following Special Conditions to minimize odor issues from the site.

Special Condition 7: No solid waste odors shall be detectable beyond the facility's boundaries. In the event that odors are detectable beyond the immediate vicinity of the transfer trailers and re-load area, the operator shall take immediate action to prevent the further spread of the odor by either hauling the transfer trailer to an appropriate disposal site, sealing the transfer trailer, applying deodorizer, or utilizing other prevention or abatement measures.

Special Condition 8: No recyclables or solid waste will remain on-site in the collection trucks or transfer trailers longer than 24 hours. The purpose of the special condition is to reduce odors and associated vector issues (crows, rats, etc.) and compliance with State law.

Special Condition 9: Solid waste and compostable materials shall never be stored on the ground or in an unclosed container.

Special Condition 10: At the close of each operating day, all transfer trailers containing solid waste shall have the on-board tarp closed and covering the roof of the trailer and the rear doors shall be securely closed.

18.30.080(L). Sediment Control and Stormwater Management. All projects shall comply with Chapters [18.62](#) and [18.64](#) with regard to erosion and sediment control and stormwater runoff management. The Department of Public Works is requiring conformance with the following Special Conditions to ensure conformance with the sedimentation and stormwater control requirements of the ILUDC.

Special Condition 11: A City of Fort Bragg grading permit shall be obtained prior to any ground disturbance per Municipal Code Section 18.60 [Grading Permit Requirements and Procedures]. An engineered grading plan shall be submitted to the City at time of Building Permit application. All grading shall be performed in compliance with Municipal Code Section 18.62 [Grading, Erosion and Sediment Control Standards].

Special Condition 12: All runoff from impervious areas shall be directed to proposed bioretention features.

Special Condition 13: A Drainage Fee shall be collected at the time of building permit. The drainage fee will be based on the proposed increase in impervious surface at an estimated \$0.15 per square foot. Actual fee will be calculated and collected at the time of grading permit submittal.

Operating Standards

Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels. The direct transfer operation has the potential to generate nuisance conditions if not operated professionally. The following special conditions are recommended to minimize nuisance conditions:

Special Condition 14: The facility shall be operated and maintained to prevent the creation of any nuisance conditions. Measures to control nuisances shall be implemented as needed, or at the direction of the Community Development Director, and may include, but are not limited to regular maintenance and cleaning of the transfer area, vector control devices, and other measures necessary to control vectors.

Special Condition 15: The operator shall utilize portable litter fences around the direct transfer area to prevent and capture all windblown litter.

Special Condition 16: The operator shall install a large sign in the Transfer Station area that is fully legible with the following facility rules:

- 1) Back all trucks into parking spaces at the end of the day.
- 2) Immediately clean up all spills and all trash that falls to the ground or gets caught in the trash fences.
- 3) At the end of your shift, close the on-board roof tarp and the rear doors of your trailer.
- 4) Solid waste and compostables may never be stored on site.
- 5) Trucks and trailers with trash or compostables on board must be removed from the facility within 24 hours of arrival.

Development Standards (18.24.050 Table 2-12)

The proposed project must conform to ILUDC development standards for the Light Industrial zoning district regarding lot coverage, setbacks and height limits. The Table below illustrates the proposed project’s compliance with development standards for the district:

Standard	Proposed Project	Conformance
Lot Coverage Ratio 0.40	(Direct Transfer Facility 49,000 SF + Circulation 15,000 SF)/ 303,177 SF = 0.21	Yes
Front Setback: 30 feet	660 feet	Yes
Side 10 Ft	75 feet	Yes
Rear Setback: none	82 feet	Yes
Height Limit 35 feet	4 feet for Transfer Ramp, 6 feet for fencing	Yes

Table 2-12, ILUDC 18.24.050

Site Planning & Design Standards

The following section analyzes the proposed project’s compliance with specific relevant site planning and design requirements.

Fencing (18.30.050). The applicant had originally proposed a 6-foot-high chain link fence around the perimeter of the property. However, chain link is prohibited along the frontage of all parcels in all zoning districts (see 18.30.050E2 Prohibited Materials). Therefore, the

applicant revised design to include livestock fencing along the front property line of the parcel. This complies with the requirements of the ILUDC.

Parking (18.36.040). The proposed project includes 23 parking spaces in total: 13 for employee parking and 10 for trucks engaged in the transfer operation. Non-residential projects are required to include bicycle parking at a rate of 10% of the parking requirement (see 18.36.060). The applicant has submitted plans do not include bicycle parking. In addition, one ADA parking space is also required, which is also not included. Therefore, Special Condition 17 has been drafted to ensure parking requirements are met.

Special Condition 17: The Grading Permit Application shall include an ADA space and at least two bicycle spaces.

The ILUDC requires effective stormwater infiltration and retention areas for all paved surfaces and development. The proposed project includes two stormwater retention areas. Because a significant portion of the site is currently paved, the pre and post construction stormwater flows are identical (see Appendix E of the MND) and further discussion under stormwater management.

The ILUDC section 18.36.100 requires a minimum of 50 feet of separation between driveways that are adjacent to each other. The proposed project's driveway would be 107 feet from the nearest neighboring driveway and complies with this section.

Public Improvements (18.30.090). The ILUDC section 18.30.090 requires public improvements for proposed development project as follows:

The development of an approved project shall include the construction of improvements to each public street frontage of the site as required by the review authority, the subdivision improvement requirements in Chapter 18.88 (Subdivision Design and Improvement Requirements), and/or the City's public improvement standards, as applicable. These improvements may include the widening of an existing street, and/or the installation of bike lanes, reinstallation of curb, gutter, and sidewalk; the installation of street trees and other landscaping within the public right-of-way; the installation of drainage facilities as required by the Director, Public Works, and/or other improvements determined by the review authority to be reasonably related to the needs for pedestrian and vehicle circulation, and community infrastructure demands created by the project.

The proposed encroachment on Highway 1 must meet Caltrans's standards. Upon project redesign a revised set of plans were circulated to Caltrans again in early July. Caltrans submitted a final comment letter regarding the project on July 21, 2022 and a final comment letter regarding the MND on October 6, 2022 (see Attachments). Consequently, the Special Condition below is proposed to address outstanding Caltrans concerns.

Special Condition 18: Prior to issue of Building Permit the applicant shall submit plans for a Caltrans's approved encroachment onto Highway 1. To streamline the permit approval process, Caltrans requires the applicant to schedule and participate in a pre-submittal meeting with the Caltrans encroachment permits staff

in Ukiah, prior to submitting a permit application. For more information or to request an encroachment permit, please contact the Ukiah permits office at 707-463-4743, and refer to the guidance found in the following website: <<https://dot.ca.gov/programs/traffic-operations/ep>>. The encroachment shall be constructed prior to issuance of the certificate of occupancy.

Caltrans has not requested sidewalk, curb, or gutter due to a lack of connectivity, and has left this decision to the City. The area north of Pudding Creek largely does not include sidewalks curb and gutter. The City's General Plan includes the following policy with regard to sidewalk installation:

Policy C-11.1 Continuous Sidewalks: Require an uninterrupted pedestrian network of sidewalks, with continuous sidewalks along both sides of streets. New development shall provide sidewalks along project frontages to close gaps in the City's sidewalk network.

The Planning Commission has had a history of not requiring sidewalk, curb and gutter improvements in this area of town, primarily because the existing "Haul Road" is considered the preferred sidewalk and bikeway through this area, and because there is no sidewalk network in this area. For context, the following projects north of Pudding Creek were not required to install sidewalk curb and gutter during their permitting process: the Waste Management's Transfer Station, the concrete recycling facility at GeoAggregates, the CDP for Thompson's Portaseptic and the parking lot improvements at California State Park's Silvergate parking lot. It should be noted that Caltrans is planning to install sidewalks along the entirety of Highway 1 north of Pudding Creek and within City limits as part of the Pudding Creek Bridge project.

The Planning Commission could require the applicant to develop sidewalks on this site if it interprets the policy to apply throughout the City. Alternatively, it could interpret this policy to apply as written to "close gaps in the City's sidewalk network" and continue to determine that the Haul Road is the preferred pedestrian and bicycle facility north of Pudding. The Optional Special Condition below could be adopted should Planning Commission decide to require sidewalks, curbs and gutters.

Optional Special Condition A: The applicant shall install sidewalks along the western edge of the project site, per Caltrans specifications.

As part of Caltrans review of this project, the risk of vehicular and pedestrian accidents was considered. Caltrans did not find a concern with the revised project regarding either type of accident. Finally, a records request was submitted to Caltrans for all vehicular crashes reported in and around the project for the past ten years, in which during this time period there were no vehicle-pedestrian accidents.

A traffic study was prepared by W-Trans for the initial project, which included the buy-back center. This report was reviewed and accepted by Caltrans. The study included the following conclusions:

- The study intersection of SR 1/Pudding Creek Road operates acceptably under Existing Conditions and would be expected to continue doing so upon adding project-generated trips.
- The proposed project would result in a less-than-significant impact on VMT (vehicle miles traveled).
- Adequate sight lines are available on and along SR 1 at and from the project driveway.
- A left-turn lane is not warranted on SR 1 at the project driveway during the critical peak hour evaluated.
- The project driveway would be expected to experience queuing of no more than one vehicle for inbound and outbound project trips, thereby having a nominal effect on through traffic and operating acceptably.

Given that the final project had significantly fewer trips, as analyzed in the MND, the proposed project would have a less than significant impact on traffic. Out of an abundance of caution, Staff recommends the following special condition to further minimize any potential impacts associated with traffic:

Special Condition 19: Prior to issuance of Certificate of Occupancy, the applicant shall install a stop sign and stop bar at the exit from the driveway onto Main Street.

Site Landscaping (18.34) The proposed project does not include a landscaping plan. The proposed development will not be visible from the public right of way and the existing natural and wild appearance of the project is proposed to be retained. Given the relatively minor amount of development and the attractive appearance of the existing wild native plants, a formal landscaping plan would detract from the natural appearance of the site.



Photo 3: Existing Landscape

The proposed project, as condition below, complies with the following requirements of the ILUDC:

Requirement	Analysis
18.34.050 C4b. Adjacent to side or rear property lines. Parking areas for nonresidential uses shall	This requirement has not been met, see special condition 20.

<p>provide a perimeter landscape strip at least 5 feet wide (inside dimension) where the parking area adjoins a side or rear property line. Trees shall be provided at the rate of 1 for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.</p>	
<p>18.34.050C6a. Interior parking lot landscaping. Amount of landscaping. Multifamily, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10% of the gross area of the parking lot. The review authority may grant an exception for small, infill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces. Trees not less than 5 feet in height and 15-gallon container in size shall be planted throughout the parcel and along any street frontage as required by the review authority.</p>	<p>The parking lots measure 5,603 square feet. The landscaped areas measure 1,447 SF square feet. The project complies with this requirement as 25% of the gross parking lot area is landscaped.</p>
<p>ii) The landscaping shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches, but shall not exceed any applicable height limit for landscaping within a setback. iii) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices, which meet the intent of this requirement.</p>	<p>Parking will be screened from view by the existing native vegetation and perched dunes.</p>
<p>iv) Shade trees shall be provided at a minimum rate of 1 for every 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.</p>	<p>See Special Condition 20.</p>
<p>v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with § 18.30.060(E) (Height limit at street corners).</p>	<p>No plants are proposed in the traffic safety sight area.</p>
<p>C5.a. Amount of landscaping. Multifamily, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10% of the gross area of the parking lot. The review authority may grant an exception for small, infill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces. Trees not less than 5 feet in height and 15-gallon container in size shall be planted throughout the</p>	<p>The proposed project exceeds the minimum ratio for landscaping to parking area.</p>

parcel and along any street frontage as required by the review authority.	
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Special Condition 20: The 5 foot wide planting and bioswale areas located between all parking lots and adjacent property lines shall be planted with native local drought tolerant plants, with trees installed every 25 feet. The Landscaping Plan species for the parking areas that were submitted for the earlier version of this project will suffice and include: 250 of #1 Amelanchier Alnifolia Spp. Semiintegrifolia (Western Serviceberry), and 17 #5 Lithocarpus Densiflora (TAN OAK); additionally the bioswale area shall be planted with a Matrix Planting 8" On Center With Equal Species Distribution: Carex Obnupta (Torrent Sedge) - Salvaged From Site; Juncus Brewerii (Brewer's Rush) - Salvaged From Site; Carex Barbarae (Valley Sedge); Juncus Effusus (Common Bog Rush). Designer to be present at time of plant layout.

Lighting (18.30.70). The proposed project includes use of an existing lighting stand and one additional 18-foot lighting stand adjacent to the proposed maintenance building. The proposed plans do not include details about the proposed lighting and based on the location of the lighting it appears that the light could be close enough to the neighboring property to result in light spill over, which is not permissible per 18.30.70C. Special condition 3 addresses this issue.

Stormwater Management (18.62 & 18.64)

Stormwater Management (18.62.100). Lawrence & Associates completed a Drainage Report for the proposed project that included the calculation of pre and post construction storm water runoff flows. The report concluded as follows:

“The predictive modeling shows that the 3,000 square foot infiltration area is adequate for the above-average precipitation event period. Figure 4 shows a graph of infiltration area volume during the modeling period, for the model run using the most conservative assumptions – lower permeability (1×10^{-5} cm/sec) and higher runoff coefficient (0.7) for pervious areas. This illustrates that the infiltration area would have sufficient capacity to contain runoff from a period of higher historical precipitation without overtopping.”

The stormwater retention facilities would ensure that the project result in the same volume of runoff as the current site condition, as required by the code. The project includes the following improvements to achieve this outcome:

- Inclusion of two stormwater infiltration basins and vegetated swales totaling 4,195 SF.
- Preservation of the existing on-site trees, and 80% of the site as native vegetation with special ecological communities.
- The applicant proposes to undertake weekly parking area sweeping.

The Department of Public Works has reviewed the stormwater reports and recommends the following special conditions to ensure compliance with all stormwater regulations:

Special Condition 21: A City of Fort Bragg grading permit shall be obtained prior to any ground disturbance per Municipal Code Section 18.60 [Grading Permit Requirements and Procedures]. An engineered grading plan shall be submitted to the City at time of Building Permit application. All grading shall be performed in compliance with Municipal Code Section 18.62 [Grading, Erosion and Sediment Control Standards].

Special Condition 22: Applicant to ensure that there is no increase in runoff to Highway 1/North Main Street or adjacent properties due to site development.

Pollution Prevention. Waste materials are not anticipated to come into contact with storm water, as the route trucks are enclosed, and the transfer trailers will be covered during rain events.

Special Condition 23: All transfer trailer tarps shall be closed during any rain events to prevent the generation of any stormwater leachate.

To further to comply with sections 18.64.030A (site development and maintenance standards), the Public Works staff recommends the following Special Conditions.

Special Condition 24. If more than one acre of disturbance is proposed, the applicant will be required to submit a construction Stormwater Pollution Prevention Plan (SWPPP) to the State Water Board to obtain a Construction General Permit. If required, submit draft SWPPP to demonstrate the project meets the requirements established by local, state and federal regulations and to ensure the project is in compliance prior to filing for a Notice of Intent (NOI) with the state.

Special Condition 25: All runoff from impervious areas shall be directed to proposed bioretention features.

Special Condition 26: Applicant shall execute an agreement with the City for the long-term maintenance of the post-construction BMP's identified in the plans, which shall remain functional in perpetuity. The responsibilities shall be set forth in an Operations and Maintenance plan to be approved by the Public Works Department. A Notice of Intent to Preserve Bio Retention Facility, or equivalent document, shall be recorded with the County Recorder. Submit draft agreement, and operations and maintenance plan to the Department for approval. Documents shall be recorded/executed prior to final of the building permit.

Special Condition 27: If any construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and

additional construction BMP's will be required.

Special Condition 28: All construction debris/soil shall be properly disposed.

Special Condition 29: A Drainage Fee shall be collected at the time of building permit. The drainage fee will be based on the proposed increase in impervious surface at an estimated \$0.15 per square foot. Actual fee will be calculated and collected at the time of building permit submittal.

Archaeological Resources

Cultural resources are protected from disturbance and State and Federal law. A confidential archaeological report was prepared for the project that involved extensive shovel pit test across site. A cultural resource site was identified through this process. The project was designed to avoid impacts to identified cultural resources. As analyzed in the MND and recommended in the archaeological study, the site and a 25-foot buffer will not be disturbed by any construction or use activities. In addition, City staff has been in consultation with the Sherwood Band of Pomo Indians, which requested the following special condition:

Special Condition 30: Prior to commencement of grading/construction, the applicant shall hire a qualified tribal monitor to assist in implementation of all cultural resources mitigation measures. To protect cultural resources, prior to construction, the tribal monitor shall flag the extent of the cultural resources site and 25 buffer. The tribal monitor will be notified at least three weeks in advance of grading/construction and provide a construction schedule detailing when excavations will occur three weeks before such activities begin. The monitor will be notified when construction begins and will inspect the construction area as necessary during excavation work to ensure that the site is protected and to monitor for any new site discoveries. The monitor will notify the City of Fort Bragg and the State Historic Preservation Officer within 48 hours of any ESA violation or unanticipated discovery to determine how it will be addressed. After Construction, the monitor shall supervise removal of the temporary fencing.

CONSISTENCY WITH GENERAL PLAN POLICIES

This section analyzes the proposed project's compliance with relevant policies of the General Plan.

Land Use Element

Land Use Goal LU-5 Support industrial development, which is consistent with the protection, enhancement, and restoration of natural and scenic resources.

The City of Fort Bragg has few vacant industrial sites. Development of this site is constrained by extensive Environmentally Sensitive Habitat Area (ESHA). The proposed project would use portions of the site that are previously developed, paved and or graded. Overall, the project would preserve and protect areas of fen, bishop pine trees, and native

grasslands. Additionally the project proposes to protect these natural resources from further degradation by installing habitat protective fencing (livestock fencing).

LU-5.1 Siting New Industrial Development: Site new industrial development so that it is contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects on natural and scenic resources, either individually or cumulatively.

The proposed project would be located contiguous to three existing industrial uses (a building supply store, a log yard and mill and a ministorage facility). The project site is not currently served by water and sewer. However, the proposed project has limited water needs for an industrial use; water would be used for dust control. Water will be supplied from an onsite well that is adequate to this need. The applicant has proposed to use a portable toilet because this site is located over 1,000 feet from the nearest sewer line and the site is not adequate to support a leach field due to the need to protect the extensive natural resources on site. Additionally, the project proposes to retain and preserve those areas of the site with natural and scenic resources. Thus, the Planning Commission can find that the project complies with this policy.

Land Use Policy LU-5.2 - Industrial Land Use Standards: Require that industrial development avoid or minimize creating substantial pollution, noise, glare, dust, odor, or other significant adverse impacts.

As conditions and mitigated in this staff report and the MND. The proposed project would not have a significant impact on pollution, noise, glare, dust odor or other adverse impacts.

Community Design Element

Policy CD-1.3 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from public rights-of-way.

The proposed project, located on the east side of Highway 1 between two existing industrial uses, will preserve the existing scenic views as all project activities will occur on the back of the property and will be shielded from the highway by existing vegetation.

Circulation Element

Policy C-11.1 Continuous Sidewalks: Require an uninterrupted pedestrian network of sidewalks, with continuous sidewalks along both sides of streets. New development shall provide sidewalks along project frontages to close gaps in the City's sidewalk network.

The proposed project is located on the edge of town on a stretch of Highway 1 that is not connected to the City's sidewalk network. The Planning Commission may decide to require sidewalk development of this project. Staff has reviewed the site plan and would note that a sidewalk could interfere with the informal parking area that provides access to

Virgin Creek and therefore sidewalks may not make sense in this area. See previous discussion.

Policy C-12.3 Require new development to provide on-site connections to existing and proposed bikeways, as appropriate.

The proposed project is located on a section of Highway 1/Main St. that does not have bike lanes. Caltrans has not required the installation of a bicycle lane for this project as the Haul Road/Coastal Trail is the preferred Class 1 bicycle access through this area. The proposed use does not allow for public access and staff has determined that requiring on-site bikeways is not appropriate.

Program C-7.1.2: Continue to encourage developers to locate parking facilities behind buildings and landscaped areas to reduce the visual impacts to the street and improve pedestrian access.

Proposed parking areas are at the back of the site and native vegetation is proposed between public right of way and any parking areas.

Noise Element

There are a number of noise policies that have a bearing on this project. Please see the MND pages 63-70 to see a complete discussion of noise and the required mitigation measure in the MND to ensure that the project complies with the City's ILUDC. Some of the salient points from that discussion are excerpted below:

Policy N-1.2 Reduce Noise Impacts: Avoid or reduce noise impacts first through site planning and project design. Barriers and structural changes may be used as mitigation techniques only when planning and design prove insufficient.

The proposed project would place the transfer activities at the rear of the property and surround it with a fence, which will minimize noise impacts to the nearest residences that are more than 300 feet away in the County. The vegetative buffer and surrounding uses will provide an additional noise buffer.

Truck back up noise will be 74 to 75 dBA at the property line. Therefore, Special Condition 6 has been added to require that trucks park facing the exit in the evening so that no backup noises occur in the early morning hours.

The direct truck-to-truck transfer will produce a noise level that is below the threshold limits in the General Plan.

Open Space Element

Policy OS-1.2 Preserve Natural Resources: Require that sensitive natural resources in Special Review Areas be preserved and protected to the maximum degree feasible.

The proposed project will fence 80% of the site to protect sensitive natural resources on the site, to help reduce impacts to these plant communities from campers and off-road vehicles, which are currently affecting this site.

Policy OS-1.4 Maintain Open Space: Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.

The proposed project does not act as a wildlife corridor as it is surrounded on three sides by industrial development and on the fourth side by highway 1.

Policy OS-2.2 Prohibit Invasive Species: Condition development projects requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.

The project site includes a variety of invasive plants. Pampas grass and scotch broom both produce prolific seed banks and have been sighted on the property, so removal will require a long-term maintenance effort. Staff recommends the Special Condition below.

Special Condition 31: The applicant shall engage in a five-year long weed abatement program that includes hand and mechanical pulling of pampas grass and other invasive plants (sea fig) on an annual basis. Herbicide use is prohibited due to the sensitive and rare plants located on the site. The bond will be returned at the end of five years upon inspection by the City that the invasive plants have been eliminated from the site.

Policy OS-2.3 Preserve Native Vegetation and Trees: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

The proposed project preserves the healthy trees and vegetation of the site.

Policy OS-4.1 Preserve Archaeological Resources: New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

An archaeological site was identified and analyzed in a confidential report. The proposed project design ensures that all project features are located well outside of the archaeological site and its 25-foot buffer. As redesigned and conditioned the proposed project will not have an impact on cultural resources.

Policy OS-5.4 Protect Aquifers: Protect groundwater aquifers.

The proposed project would retain eighty percent (80%) of the site as natural open space that will contribute to rainwater infiltration and recharge of the aquifer. The pre and post project impervious surface would remain the same. However onsite bioswales will result in ground water infiltration of all runoff from the project development, resulting in improved aquifer recharge.

Policy OS-6.1 Pollution in Runoff: Ensure protection of water resources from pollution and sedimentation.

As designed and conditioned the project will protect water resources from pollution and sedimentation.

Policy OS-6.3 Minimize Increases in Stormwater Runoff: Development shall be designed and managed to minimize post project increases in stormwater runoff volume and peak runoff rate, to the extent feasible.

As designed and conditioned the project includes bioswales to infiltrate stormwater such that the project will not experience an increase in stormwater runoff volume or peak rates.

Policy OS-8.2 Protect and Restore Open Space: During the development review process, protect and restore open space areas such as wildlife habitats, view corridors, and watercourses as open and natural.

The proposed project would retain eight percent (80%) of the site as natural open space, which will contribute to rainwater infiltration and recharge of the acquirer.

Public Facilities Element

Policy PF-1.1 Ensure Adequate Services and Infrastructure for New Development: Review new development proposals to ensure that the development can be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal.

The proposed project would operate a waste transfer station at a less intensity than the previous waste transfer station, located just 0.5 miles from the prospective site. Consequently, all non-location dependent services will experience no change in demand based on the new facility and these include: fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal. Furthermore, City water or sewer will not serve the project site and therefore the project impact would be nearly non-existent related to potable water. The project site includes infiltration basins to infiltrate storm water on site and so the project will not affect storm drainage.

The nearest City water main is about 1700 feet away, and the nearest sewer main is about 2000 feet away. Applicant may use the existing well in compliance with Municipal Code Section 14.04.127 [Wells for Nondomestic Use], as well as Section 14.04.125 [Wells for Domestic Use], if applicable. Applicant is also allowed to use a portable toilet. The City plans to extend their utilities to the vicinity of this project. The following Special Condition is recommended:

Special Condition 32: The applicant may be obliged to pay their “fair share” of future improvements to the system at the time of any extension that benefits the property. The applicant shall connect to City services once they become available and shall pay all required capacity and connection fees in place at the time of connection. Connection to City water will require installation of an approved backflow device.

Sustainability Element

Policy S-3.4 Drought Tolerant Landscaping: New development shall include drought tolerant landscaping for landscaped areas in commercial and multi-family residential uses.

The proposed project does not include landscaping. Instead, the applicant proposes to retain 80% of the site as an open space with drought tolerant native vegetation.

Policy S-4.2 Recycling and Reuse of Solid Waste: Comply with State requirements to reduce the volume of solid waste through recycling and reduction of solid waste

This project would help to implement this policy, as it would provide for the transportation of recyclable materials.

USE PERMIT ANALYSIS

The Inland Land Use and Development Code (ILUDC) allows for the proposed use through a Use Permit approval by the Planning Commission. In order for the Planning Commission to approve a Use Permit, the following findings must be made [ILUDC Section 18.71.060(F)].

F. **Findings and decision.** An application for a Use Permit may be approved subject to conditions, or disapproved by the Review Authority. The Review Authority shall approve a Use Permit only after first finding all of the following:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

The proposed project has been analyzed below in relation to each of the required findings.

1. *The proposed use is consistent with the General Plan and any applicable specific plan;*

The Inland General Plan defines the Light Industrial zoning intent as follows:

This designation is intended for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses, which do not generate a significant amount of on-site customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Manufacturing uses are permitted provided they occur within an enclosed structure. Other uses permitted in this designation include offices ancillary to permitted uses, agricultural sales and services, construction yards, and automobile repair shops.

The proposed facility would engage in solid waste and recycling truck transfer operation within the IL district. Special conditions are recommended and included that would minimize the potential for off-site impacts including dust, odors, light, and noise. This use

would be consistent with the General Plan, and the Planning Commission can make this finding. The proposed project would result in no on-site customer traffic. The Planning Commission can make this finding.

2. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;*

The proposed land uses are allowed within the Light Industrial zoning district with the approval of a Use Permit. The project has been analyzed with regard to compliance with the Inland Land Use and Development Code and evidence of the project's compliance is described and conditioned in this report. The Planning Commission can make this finding.

3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

The proposed project would relocate an existing use already located in the Light Industrial zoning district. Existing land uses within the vicinity include industrial, storage, residential and open space. As conditioned, the project would be compatible with existing and future uses. The Planning Commission can make this finding.

4. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.*

The site is physically suitable for the direct transfer operation and has been used for intermittent industrial activities for many years with no complaints from adjoining parcels. The project, as analyzed and conditioned in this report, will minimize impacts to adjacent properties. The Planning Commission can make this finding.

Environmental Determination

For the purposes of environmental determination, staff finds that although the proposed project could have a significant effect on the environment, but there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent and that a MITIGATED NEGATIVE DECLARATION was prepared in compliance with CEQA, pursuant to the California Environmental Quality Act (CEQA).

RECOMMENDED ACTION

1. Open Public Hearing, Receive Report, Take Public Comment, Adopt Mitigated Negative Declaration for Use Permit 4-22, and Adopt Resolution Approving Zoning Determination 1-22 and Use Permit 4-22.

ALTERNATIVE ACTION

2. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. Hold the hearing and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC), and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of environmental determination, the Planning Commission finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent and that a MITIGATED NEGATIVE DECLARATION was prepared in compliance with CEQA, pursuant to the California Environmental Quality Act (CEQA).

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density,

and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

SPECIAL CONDITIONS

1. Applicant shall pave the existing driveway from the entrance to the proposed transfer area to minimize tracking of sediment, per City Standard 209.
2. The operator shall take measures to minimize the creation, emission, or accumulation of excessive dust and particulates. Measures to control dust should be implemented as needed or at the direction of the Community Development Director and may include, but are not limited to, reduced transferring during periods of high winds, daily sweeping and cleaning, and watering systems.
3. The applicant shall install all onsite lighting to comply with the requirement of 18.30.070 including: the new outdoor light fixture shall be limited to a maximum height of 18 feet in height, use energy-efficient fixtures and lamps, be shielded and directed downward and away from adjoining properties, light source shall not be visible from off the site.
4. All equipment that holds or transfers waste shall be rain-tight and leak tight. The operator shall maintain all surface water management facilities in good operating condition. This includes periodic cleaning and removal of silt and debris from drainage structures and bioswales. Operator shall respond immediately to all exterior spills to prevent waste materials from entering the surface water system, by cleaning up all liquid spills with absorbent material rather than hosing them into the stormwater system (absorbing materials shall be kept on site in a watertight container).
5. To minimize noise transmission, the operator shall utilize the best available OSHA-compliant technology for all backup alarms for both route trucks and transfer trailers.
6. Trucks shall be parked facing exit roads in the evenings, so that they can be driven from the site in the morning without requiring backing and the consequent backing beeping.
7. No solid waste odors shall be detectable beyond the facility's boundaries. In the event that odors are detectable beyond the immediate vicinity of the transfer trailers and re-load area, the operator shall take immediate action to prevent the further spread of the odor either by hauling the transfer trailer to an appropriate disposal site, sealing the transfer trailer, applying deodorizer, or utilizing other prevention or abatement measures.
8. No recyclables or solid waste will remain on-site in the collection trucks or transfer trailers longer than 24 hours. The purpose of the special condition is to reduce odors and associated vector issues (crows, rats, etc.).
9. Solid waste and compostable materials shall never be stored on the ground or in an unclosed container.

10. At the close of each operating day, all transfer trailers containing solid waste shall have the on-board tarp closed and covering the roof of the trailer and the rear doors shall be securely closed.
11. City of Fort Bragg grading permit shall be obtained prior to any ground disturbance per Municipal Code Section 18.60 [Grading Permit Requirements and Procedures]. An engineered grading plan shall be submitted to the City at time of Building Permit application. All grading shall be performed in compliance with Municipal Code Section 18.62 [Grading, Erosion and Sediment Control Standards].
12. All runoff from impervious areas shall be directed to proposed bioretention features.
13. A Drainage Fee shall be collected at the time of building permit. The drainage fee will be based on the proposed increase in impervious surface at an estimated \$0.15 per square foot. Actual fee will be calculated and collected at the time of grading permit submittal.
14. The facility shall be operated and maintained to prevent the creation of any nuisance conditions. Measures to control nuisances shall be implemented as needed, or at the direction of the Community Development Director, and may include, but are not limited to regular maintenance and cleaning of the transfer area, vector control devices, and other measures necessary to control vectors.
15. The operator shall utilize portable litter fences around the direct transfer area to prevent and capture all windblown litter.
16. The operator shall install a large sign in the Transfer Station area that is fully legible with the following facility rules:
 - a. Back all trucks into parking spaces at the end of the day.
 - b. Immediately clean up all spills and all trash that falls to the ground or get caught in the trash fences.
 - c. At the end of your shift, close the on-board roof tarp and the rear doors of your trailer.
 - d. Solid waste and compostables may never be stored on site.
 - e. Trucks and trailers with trash or compostables on board must be removed from the facility within 24 hours of arrival.
17. The Grading Permit Application shall include an ADA space and at least two bicycle spaces.
18. Prior to issue of Building Permit the applicant shall submit plans for a Caltrans approved encroachment onto Highway 1. To streamline the permit approval process, Caltrans requires the applicant to schedule and participate in a pre-submittal meeting with the Caltrans encroachment permits staff in Ukiah, prior to submitting a permit application. For more information or to request an encroachment permit, please contact the Ukiah permits office at 707-463-4743, and refer to the guidance found in the following website: <<https://dot.ca.gov/programs/traffic-operations/ep>>. The encroachment shall be constructed prior to issuance of the certificate of occupancy.
19. Prior to issuance of Certificate of Occupancy, the applicant shall install a stop sign and stop bar at the exit from the driveway onto Main Street.
20. The 5 foot wide planting and bioswale areas located between all parking lots and adjacent property lines shall be planted with native local drought tolerant plants, with trees installed every 25 feet. The Landscaping Plan species for the parking areas that were submitted for the earlier version of this project will suffice and include: 250 of

- #1 Amelanchier Alnifolia Spp. Semiintegrifolia (Western Serviceberry), And 17 #5 Lithocarpus Densiflora (TAN OAK); additionally the bioswale area shall be planted with a Matrix Planting 8" On Center With Equal Species Distribution: Carex Obnupta (Torrent Sedge) - Salvaged From Site; Juncus Brewerii (Brewer's Rush) - Salvaged From Site; Carex Barbarae (Valley Sedge); Juncus Effusus (Common Bog Rush) Designer To Be Present At Time Of Plant Layout.
21. A City of Fort Bragg grading permit shall be obtained prior to any ground disturbance per Municipal Code Section 18.60 [Grading Permit Requirements and Procedures]. An engineered grading plan shall be submitted to the City at time of Building Permit application. All grading shall be performed in compliance with Municipal Code Section 18.62 [Grading, Erosion and Sediment Control Standards].
 22. Applicant to ensure that there is no increase in runoff to Highway 1/North Main Street or adjacent properties due to site development.
 23. All transfer trailer tarps shall be closed during any rain events to prevent the generation of any stormwater leachate.
 24. If more than one acre of disturbance is proposed, the applicant will be required to submit a construction Stormwater Pollution Prevention Plan (SWPPP) to the State Water Board to obtain a Construction General Permit. If required, submit draft SWPPP to demonstrate the project meets the requirements established by local, state and federal regulations and to ensure the project is in compliance prior to filing for a Notice of Intent (NOI) with the state.
 25. All runoff from impervious areas shall be directed to proposed bioretention features.
 26. Applicant shall execute an agreement with the City for the long-term maintenance of the post-construction BMP's identified in the plans, which shall remain functional in perpetuity. The responsibilities shall be set forth in an Operations and Maintenance plan to be approved by the Public Works Department. A Notice of Intent to Preserve Bio Retention Facility, or equivalent document, shall be recorded with the County Recorder. Submit draft agreement and operations and maintenance plan to the Department for approval. Documents shall be recorded/executed prior to final of the building permit.
 27. If any construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.
 28. All construction debris/soil shall be properly disposed.
 29. A Drainage Fee shall be collected at the time of building permit. The drainage fee will be based on the proposed increase in impervious surface at an estimated \$0.15 per square foot. Actual fee will be calculated and collected at the time of building permit submittal.
 30. Prior to commencement of grading/construction, the applicant shall hire a qualified tribal monitor to assist in implementation of all cultural resources mitigation measures. To protect cultural resources, prior to construction, the tribal monitor shall flag the extent of the cultural resources site and 25 buffer. The tribal monitor will be notified at least three weeks in advance of grading/construction and provide a construction schedule detailing when excavations will occur three weeks before such activities begin. The monitor will be notified when construction begins and will inspect the construction area as necessary during excavation work to ensure that the site is

protected and to monitor for any new site discoveries. The monitor will notify the City of Fort Bragg and the State Historic Preservation Officer within 48 hours of any ESA violation or unanticipated discovery to determine how it will be addressed. After Construction, the monitor shall supervise removal of the temporary fencing.

31. The applicant shall engage in a five year long weed abatement program that includes hand and mechanical pulling of pampas grass and other invasive plants (sea fig) on an annual basis. Herbicide use is prohibited due to the sensitive and rare plants located on the site. The bond will be returned at the end of five years upon inspection by the City that the invasive plants have been eliminated from the site.
32. The applicant may be obliged to pay their "fair share" of future improvements to the system at the time of any extension that benefits the property. The applicant shall connect to City services once they become available and shall pay all required capacity and connection fees in place at the time of connection. Connection to City water will require installation of an approved backflow device.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.

- (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070(B).

ATTACHMENTS

1. Site Map
2. Site Plan
3. IS/MND
4. IS/MND Appendices
5. Mitigation Monitoring & Reporting Program
6. Caltrans Letter dated 10-6-2022
7. Caltrans Letter dated 8-22-2022
8. CDFW Letter dated 10-14-2022
9. City Response to CDFW Letter dated 10-14-2022
10. Public Work's Comment Letter 10-11-2022
11. MND Adoption Resolution
12. Project Approval Resolution