



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, March 25, 2015

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

Chair Hoyle called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Chair Derek Hoyle, Commissioner Mark Hannon, Commissioner Stan Miklose, and Vice Chair Teresa Rodriguez
Absent 1 - Commissioner Sage Statham

1. APPROVAL OF MINUTES

Approval of Minutes of February 25, 2015

Commissioner Miklose said he was not clear about the location of the noise barrier around the Pudding Creek transfer station, if required after two years. Community Development Director Jones said the sensitive noise receptors are on the north side of the parcel and that is where the barricade was proposed to be located. She suggested that this be specified in the special conditions of the permit.

Commissioner Hannon joined the meeting at 6:03 PM.

A motion was made by Commissioner Miklose, seconded by Vice Chair Rodriguez, that the Minutes be approved. The motion carried by the following vote:

Aye: 3 - Chair Hoyle, Commissioner Miklose and Vice Chair Rodriguez

Absent: 1 - Commissioner Statham

Abstain: 1 - Commissioner Hannon

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARINGS

3A. Receive Report, Conduct Public Hearing, and Consider Approval of Design Review 1-15 (DR 1-15); Design Review for the installation of a new 30,000 gallon propane storage tank at 635 N. Franklin Street

Associate Planner O'Rourke summarized his staff report regarding Design Review for installation

of a 30,000 gallon propane storage tank proposed by Eel River Fuels for 635 North Franklin Street. He reviewed the history and current use of the parcel and noted that the project is located in Heavy Industrial zone and this is a permitted use.

O'Rourke stated that the amount of fuel storage is being reduced by 100,000 gallons. The new tank would be located in the middle of the project site and comply with all setback requirements. One 3,000-gallon delivery vehicle would make one trip per day to refuel; the 30,000 gallon tank would be refilled by a transport vehicle, approximately 8,500 gallons per delivery, typically no more than twice per month.

Regarding safety issues, O'Rourke recommended adding an additional Special Condition to the development permit and read it into the record as follows:

Special Condition 4: Prior to issuance of the Building Permit, the applicant shall prepare and submit a Fire Safety Analysis as required by the State of California and/or the Fort Bragg Fire Department. Prior to issuance of the Building permit, the applicant shall provide evidence that this document has been submitted for review and received approval of all relevant agencies, such as: the Fort Bragg Fire Department, the State of California Department of Industrial Relations, and other regulatory agencies as needed.

Discussion was held amongst the Commissioners and staff regarding demolition. The old tanks will be decommissioned and cut up or otherwise demolished according to the requirements of the Environmental Health Department. Community Development Director Jones related that the applicant would need to obtain a demolition permit and comply with recycling requirements, adding that a special condition could be added that would designate the timeframe for when the demolition could occur. Vice Chair Rodriguez inquired about the possibility of spillage that would occur during the demolition process. O'Rourke responded that the tanks are empty and the applicant has been working with Environmental Health to be sure that they are decommissioned appropriately and that there is no spillage during removal. Commissioner Miklose asked if the 50-foot setback was a Fire Department requirement. O'Rourke responded that it was. Jones mentioned that they met with representatives from the Skunk Train and their setback requirement is only 25 feet, so the project's 50-foot setback is more than adequate to meet the train's requirements.

Chair Hoyle opened the public hearing at 6:14 PM.

Eel River Fuels Operations Manager Al Banta and Plant Manager Joe Brennfleck spoke on behalf of applicants. They stated they have a long-term lease and their goal is to use the property as a propane storage facility. Their storage is being cut by 75 percent. Banta said he wanted to state that this is not an abandoned fuel plant; they have not operated fuel out of the facility, but it still is a viable fuel facility. The existing fuel tanks have been decommissioned and are dry; they intend to have them triple rinsed, deemed clean by Environmental Health and then remove them from the property. The applicants offered to respond to any questions the Commissioners wished to pose.

Commissioner Miklose asked where the fuel tank would come from, how it would get to Fort Bragg, when it would arrive, how long it would take to install and how much pressure it is under. Banta responded that the tank comes from the state of Washington, could be trucked in upon approval, would take under 30 days to install, and depending on the weather, the pressure could go from 75 pounds to as high as 250, which he stated would be very rare.

Ann Medlin of 810 North Harrison Street said she was under the impression that the City would not allow propane stations within city limits. She is a close neighbor of the project site and is scared

about the volatility of the propane tank.

Janet Kabel of 309 East Bush Street thanked the Commissioners for considering her concerns. She stated the noticing regarding this project was inadequate and the plans are inadequate, as they fail to show safety of delivery and transfer points for propane storage tanks. Kabel said though propane is normally very safe, errors happen during the transfer, filling and handling of propane and it is volatile. She cited National Fire Protection Association (NFPA) regulations regarding propane storage bulk plants, setbacks and transfer points, stating that this project does not meet NFPA standards and asking that an engineered design be submitted to the Planning Commission before they approved the Design Review. She contended that the project description is flawed and the Design Review is in fact a request for a new use of the site, not a minor change of an existing facility. She requested that the project be sent back to Planning to request a full Environmental Impact Report (EIR) and more complete, detailed plans. Kabel wants the project to follow federal Environmental Protection Agency risk management standards and be reviewed by CalOSHA.

John Shannon of 860 North Harrison Street said other bulk plants have all moved north of town to get them out of the city. He contends that in case of a propane spill, there would need to be a one-mile evacuation, which would comprise the entire City of Fort Bragg. He is concerned about fugitive emissions every time a truck is unhooked. Shannon stated that he felt the applicant's statement that there would only be two bulk trucks a month was fraudulent, as Kemgas receives one bulk truck five days a week. He believes the applicant will not maintain the schedule of two trucks a month in the future. He stated that the applicant is dealing with a spill in Point Arena right now. Shannon is concerned about site contamination and asked who would monitor the site for contamination.

Robert Curti, resident of North Harrison Street two blocks from the project site, says that if the tank blows up, there will be no one around to see it. He said the site is four blocks from the junior high school and if a disaster happens, the children will be gone. Curti maintained that this is not the right place to put a tank in Fort Bragg, as there are bed and breakfasts, apartment buildings, and businesses close by which will be devastated by what he termed a "bomb in the middle of Fort Bragg" should the propane tank explode. He concluded by stating that he was deadly against the project and asked that the Commissioners not allow it to happen.

Jeffrey Stitt, who resides on the corner of Winifred and North Harrison, said that even if applicant puts forth best practices, accidents do happen and it would be a major destructive event. He stated that it is an odd situation that this is zoned Heavy Industrial when residential housing is located so nearby. Stitt said he hopes the project does not happen and wishes the applicant well in an alternate use of the property.

Chair Hoyle closed the public hearing at 6:38 PM.

Commissioner Miklose wanted to know what kind of oversight would be in place to assuage the concerns expressed by the public speakers. Director Jones replied that if the Planning Commission desired more information to make a more informed decision, they could direct staff to go back and make more findings. Miklose asked to hear from the Fort Bragg Fire Marshal.

Fort Bragg Fire Marshal Steve Wells gave his history with the project. He met with the applicant about the project, went out to the lot, took measurements, and reviewed the governing NFPA rules, California Fire Code and California Building Code which have been adopted by the City of Fort Bragg. He said there are some rules, laws and ordinances that he is unable to enforce because the City has not adopted them. He said the tank is well within the required 50-foot radius for

setbacks. He says he feels comfortable with the project because it is within the parameters of acceptable practice. Wells indicated that most BLEVEs (boiling liquid expanding vapor explosions) occur because the operators have failed to adhere to applicable ordinances and codes.

Chair Hoyle brought up concerns about evacuation plans. Commissioner Hannon would like to see a safety analysis from similar projects in other areas to use as a comparison with this project. Commissioner Miklose asked about a way to determine the risk factor. Jones presented some research she had done, but cautioned that rare events are difficult to categorize in an understandable way. She read some statistics from the Department of Energy.

Miklose wanted to know if digging in the ground would cause further contamination of the site. Al Banta, on behalf of applicant, responded that they do not believe they would have to excavate during construction, but if Environmental Health came up with something, they would support those findings and clean it up.

Janet Kabel stated she wanted to make additional public comments because the applicant was allowed to answer a question from the Commission.

Chair Hoyle reopened the public hearing at 6:55 PM.

Kabel said the Fire Safety Protection Plan instructions should be addressed and acknowledged before any decisions are made regarding the project and that problems can occur where the pipes connect to the propane storage tank.

Craig Rogers said there can be no evacuation plan because a blast would be instantaneous and there would be no time to evacuate, and an explosion cannot be controlled by the Fire Department.

Jeffrey Stitt reiterated that there is no time to evacuate in the event of a propane tank explosion.

Robert Curti stated that the property is too small for a transport truck and it will not be able to enter onto the site to fill the tank. He said if the train goes by and ignites the tank, that would be the end of the town.

Chair Hoyle closed the public hearing at 7:03 PM.

Community Development Director Jones provided guidance to the Planning Commissioners regarding the project and their decision-making process. She noted that the project before the Commission is a Design Review application, not a Use Permit application, and the considerations in Design Review are about how the project looks. She reminded the Commissioners that the project is located on a site that is zoned Heavy Industrial, that the project is a permitted use within that zone, and that staff determined it was exempt from California Environmental Quality Act (CEQA) review. However, she noted that if the Commission was concerned about health and safety issues, they could direct staff to perform a CEQA analysis for the project. She said the three options would be a negative declaration, a mitigated negative declaration or an environmental impact report (EIR). Jones doubted that an EIR would be required and the document would most likely be a negative declaration or mitigated negative declaration. Regarding a timeline for these studies, she estimated it would take approximately two months to prepare the document. Thereafter, there would be a 20-day mandatory public circulation period during which time a public hearing would be held. After the expiration of the 20-day period, the Design Review application would be returned to the Planning Commission for decision.

Commissioner Hannon asked if a CEQA analysis is the only process whereby safety can be evaluated or if the building permit process covered these issues. Jones responded that building permits look at safety issues, but in a much more minor way.

Commissioner Miklose said he was not comfortable with the project and thinks a CEQA analysis should be performed. Commissioners Rodriguez and Hoyle concurred. Commissioner Hannon said he was prepared to approve the plan as is, but is willing to wait to see what happens.

A motion was made by Commissioner Miklose, seconded by Chair Hoyle, that Design Review application DR 1-15 be referred to staff for CEQA analysis and to bring the project back to the Planning Commission for further consideration. The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose and Vice Chair Rodriguez

Absent: 1 - Commissioner Statham

4. CONDUCT OF BUSINESS

Quarterly Report to Commissioners on All Major Projects and Long-Range Planning Activities

Director Jones gave the Commissioners a report on all major Community Development Department projects undertaken in 2014 and itemized the City's current long-range planning projects.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Commissioner Miklose advised staff and the Commission that local resident Nancy Harris is now retired and is available to volunteer for City projects.

Administrative Assistant Lemos reminded Commissioners Statham, Miklose and Rodriguez to turn in their California Fair Political Practices Commission Form 700 documents. She also noted that Planning Commission meetings are now live streamed and video can be viewed on the City's website, city.fortbragg.com.

Vice Chair Rodriguez gave a report on her attendance at the 2015 Planning Commissioners Academy. The agenda focused on safety issues, permits, proposals and plans and she felt it was a well-organized and motivating conference. Rodriguez stated that if Commissioners have questions or concerns regarding a project, it would help them make better decisions if they meet with the planners or proposers prior to the hearings so they can be better informed when they get to the meeting. Jones cautioned the Commissioners about Brown Act violations, and added that they should feel free to talk to her, or to Associate Planner O'Rourke, if they have questions.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 7:31 PM.