

RESOLUTION NO. PC -2024

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION
APPROVING THE TENTATIVE MAP FOR MINOR SUBDIVISION DIV 1-23
FOR THE DIVISION OF 145 DANA ST. (APN:008-312-18)**

WHEREAS, Carlos and Heather Franco (“Applicant”) submitted an application on November 2, 2023 for a minor subdivision of a 0.7 acre parcel (APN: 008-312-18) located at 145 Dana St. (“Project”); and

WHEREAS, the Project is in the Low Density Residential District and subject to the Fort Bragg Inland General Plan and Inland Land Use and Development Code (ILUDC); and

WHEREAS, ILUDC §18.21.040 and §18.21.050 require subdivisions to comply with the subdivision standards and site planning and building standards; and

WHEREAS, ILUDC Article 8 provides the procedures and regulates Subdivisions; and

WHEREAS, ILUDC §18.81.070(A) requires that the Review Authority find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan, and that none of the findings for denial in ILUDC §18.81.070(C) can be made and shall apply to each proposed parcel as well as the entire subdivision; and

WHEREAS, ILUDC §18.81.070(C) requires that the Review Authority deny a project if any of the following findings are made:

1. The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable Specific Plan;
2. The site is not physically suitable for the type or proposed density of development;
3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;
5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby

granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;

6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;

7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the Director of Public Works or other applicable Review Authority that the conditions can be corrected in the plan for the development; or

8. The proposed subdivision is not consistent with all applicable provisions of this Development Code, any other applicable provisions of the Municipal Code, or with the Subdivision Map Act; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 13, 2024, continued from February 14, 2024, to consider the Project and take public testimony.

NOW THEREFORE BE IT RESOLVED, that based on the entirety of the record before it, which includes without limitation, the CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15301, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission's meeting of March 13, 2024, and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg hereby finds as follows:

1. The Recitals set forth above are true and correct and are incorporated herein as findings.
2. California Environmental Quality Act Findings
 - a. The proposed project would create three parcels on less than one acre of land within the City limits of Fort Bragg. The site is connected to water and sewer and access is available for two new connections. As analyzed, the project complies with the Inland Land Use and Development Code and conforms to the General Plan. No variances or exceptions are required. The parcel has not been divided within the last two years and is not on a slope greater than 20 percent. Therefore, DIV 1-23 is eligible for a categorical exemption from CEQA under Section 15315 of the CEQA Guidelines for Minor Land Divisions. There are no applicable exceptions to the proposed CEQA Exemption Class 15 for Minor Divisions. Therefore, it is recommended that the project is categorically exempt from the requirement for the preparation of environmental documents; and

3. Tentative Map Approval Findings

- a. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan, and that none of the findings for denial in Subsection C. can be made.*

The proposed project is consistent with the General Plan because:

- The project site has a General Plan Land Use Designation of Low Density Residential which has an allowable density of 3 to 6 dwelling units per acre. The Tentative Map proposes 3 dwelling units on 0.7 acres of land (or 4 units per acre, which is within the allowable density) and as such complies with Program LU-7.1.1.
- The Project is subject to both capacity and connection fees for the two new dwelling units in compliance with Policy PF-2.1.
- As conditioned, the project is required to comply with Policy OS-2.1 and will plant 50% of all plantings using native landscaping and no plantings that include invasive species or noxious weeds.
- The project complies with Program OS-7.2.4 because it will not create any new unpaved roads or driveways.
- There are no applicable goals, policies, or programs in the Circulation Element, Community Design Element, nor Sustainability Element.
- Through the implementation of uniform standards in the California Building Code and the California Fire Code the project complies with Policy SF-1.1 *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- The Project is consistent with the City's 2019 Housing Element Goal H-1 and Policy H-1.6 because it will divide an existing 0.7 acre parcel that is substantially surrounded by existing development into three lots, and retain one existing single-family residential unit.

The Project Does not conflict with any policies of the Inland General Plan or the City's 2019 Housing Element and complies with all applicable policies. Therefore, the project is consistent with the Inland General Plan.

4. Tentative Map Denial Required Findings

- a. *The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable Specific Plan;*

As analyzed above, the Project is consistent with the General Plan and this finding is not made.

- b. *The site is not physically suitable for the type or proposed density of development;*

The site is zoned Low Density Residential and will accommodate three lots that are similar in size to surrounding lots with similar uses. Therefore, the site is physically suitable and this finding is not made.

- c. *The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat;*

The Project is on an existing developed site and substantially surrounded by other development. The project is required by State law to comply with stormwater management which ensures the project will not result in additional stormwater run-off. Therefore, the project will not cause environmental damage or injure fish or wildlife or their habitat and this finding cannot be made.

- d. *The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;*

The density and intensity of use is the same as existing surrounding uses. The increase in density on the existing site is within the allowable density of the ILUDC. There are no activities planned that would cause serious public health or safety problems and this finding cannot be made.

- e. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision.*

The project has been reviewed by the City Engineering department and the Project will not conflict with any easements and this finding cannot be made.

- f. *The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;*

The Project will result in two new single-family residential parcels and will not result in an increase in intensity of use of the community sewer that would result in a violation of existing requirements. Therefore, this finding cannot be made.

- g. *A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the Director of Public Works or other applicable Review Authority that the conditions can be corrected in the plan for the development;*

The site is not located in a geologically hazardous area, has existing development and a preliminary soils report or geological hazard report was not deemed necessary by the Director of Public Works. Therefore, this finding cannot be made.

- h. *The proposed subdivision is not consistent with all applicable provisions of this*

Development Code, any other applicable provisions of the Municipal Code, or with the Subdivision Map Act.

As analyzed and conditioned in the Staff Report dated February 14, 2024, the subdivision complies with all applicable standards and provisions in the Inland Land Use and Development Code, Municipal Code, and complies with the Subdivision Map Act.

The findings requiring denial cannot be made therefore the project can be approved.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby adopt the findings contained in this Resolution and approves the Tentative Map for Minor Subdivision 1-23 (DIV 1-23) subject to the following conditions of approval:

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. 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 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
6. 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.
7. 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).

SPECIAL CONDITIONS:

1. Applicant shall comply with all requirements in the memorandum prepared by Public Works on January 10, 2024.
2. Prior to occupancy of any residential unit in this subdivision, address numbers shall be placed in such a manner as to be visible from Dana St. and shall be placed on each residential unit in such a manner as to be visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background.
3. Prior to approval of the final parcel map, the applicant shall submit a Final Stormwater Control Plan, along with associated calculations and worksheets, to be approved by the Public Works Director or his/her designee.
4. Stormwater runoff shall be minimized via the incorporation of the selected site design measures in accordance with the approved Final Stormwater Control Plan.
5. Private Maintenance Agreements for the on-site storm water facilities shall be recorded as part of the Deed for each parcel. Drafts of these documents shall be submitted and approved prior to approval of the Parcel Map.
6. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan where 50% of all plantings are native plants and that does not contain any plant species that are (a) listed as problematic and/or invasive by the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.

7. A Parcel Map, together with all data, information and materials required by Section 18.81.020 shall be submitted to the Director of Public Works. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act. After determining that the Parcel Map is in compliance and is technically correct in compliance with Section 18.82.040, the Director of Public Works shall forward the Parcel Map to the Council for approval. If Council approves a Parcel Map, the map shall be transmitted by the Director of Public Works to the County Recorder for filing in compliance with Map Act Section 66450.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission approves the Tentative Map for Minor Subdivision (DIV 1-23).

The above and foregoing Resolution was introduced by _____, seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 13th day of March 2024, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

Scott Deitz, Chair

ATTEST:

Maria Flynn, Administrative Assistant