



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Thursday, November 12, 2020

6:00 PM

Via Video Conference

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### MEETING CALLED TO ORDER

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

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 4 - Commissioner Stan Miklose, Vice Chair Jay Andreis, Commissioner Michelle Roberts, and Chair Jeremy Logan

**Absent** 1 - Commissioner Nancy Rogers

### 1. APPROVAL OF MINUTES

**1A.** [20-907](#)

Approve the Planning Commission Minutes of October 14, 2020.

**A motion was made by Commissioner Roberts, seconded by Chair Logan, that these Minutes be approved. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Miklose, Vice Chair Andreis, Commissioner Roberts and Chair Logan

**Absent:** 1 - Commissioner Rogers

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

### 3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

### 4. PUBLIC HEARINGS

**4A.** [20-915](#)

Receive Report, Conduct Public Hearing, and Consider Adoption of a Mitigated Negative Declaration (MND) and Approval of Minor Subdivision 1-20 for 130 Halsey Way (DIV 1-20)

Assistant Director, O'Neal presented the prepared report to the Commission.

The Commission asked clarifying questions from staff.

**Chair Logan opened the Public Hearing at 6:56 PM.**

Applicant addressed the Commission via webinar. The Commission asked clarifying questions regarding driveway size and materials, tree placement and landscaping. Applicant states they are agreeable to the proposed special conditions.

**Public Comment** was received and read in to the record from:

\* Jenny Shattuck

\* Jamie Peters

**Chair Logan closed th Public Hearing at 7:07 PM.**

The Planning Commission briefly continued deliberation and agreed to adopt the Mitigated Negative Declaration as amended by removing special condition 13 and striking the phrase locally purchased from special condition 12.

A motion was made by Chair Logan, seconded by Vice Chair Andreis, that this MND be adopted and Planning Staff Report be approved as amended, based on the following findings and conditions.

**GENERAL FINDINGS**

- 1.The proposed project is consistent with 18.81.070(A) the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Land Use and Development Code (LUDC) 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 the environmental determination, a Mitigated Negative Declaration has been prepared for conformance with the California Environmental Quality Act (CEQA). As mitigated, the project will not result in significant or potentially significant environmental impacts.

**SUBDIVISION FINDINGS**

- 1.The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan;
- 2.The site is physically suitable for the type or proposed density of development;
- 3.The design of the subdivision or the proposed improvements are not 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 not likely to cause

serious public health or safety problems;

5. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for 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 not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. There are no indications of adverse soil or geological conditions and the subdivider has provided sufficient information to the satisfaction of the City Engineer or other applicable review authority that the site is appropriate for the proposed development; and
8. The proposed subdivision is consistent with all applicable provisions of the Inland Land Use and Development Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.

#### **SPECIAL CONDITIONS**

1. Prior to final of the building permit issued to relocate the existing residence, applicant shall install a fire hydrant at the end of Halsey Way, at a location to be approved by the Public Works Director.
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 Halsey Way, 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.
3. Prior to final of the building permit issued to relocate the existing residence, the applicant shall construct sidewalk across Halsey Way along the entire width of Halsey Way, as shown on the Tentative Map. An encroachment permit is required to construct the frontage improvements.
4. Prior to final of the building permit issued to relocate the existing residence, the applicant shall construct a permeable paved 22-foot driveway. An encroachment permit is required to construct the frontage improvements.
5. A private, non-exclusive easement for the shared driveway shall be shown on the recorded Parcel Map. Maintenance Agreements for the private driveway shall be recorded as part of the deed for each parcel.
6. Water, sewer, and drainage capacity fees (Municipal Code section 12.14.030) for each lot shall be paid prior to issuance of the first building permit for said lot, and a note stating such shall appear on the face of the Parcel Map for recordation.
7. Applicant shall pay all water and sewer connection fees in order to connect to the public utilities. Connection fees shall be paid and connections shall be made prior to finalization of the building permit issued to relocate the existing residence.
8. Private, non-exclusive utility easements for the private utilities shall be shown on the recorded Parcel Map. Maintenance Agreements for the private utilities shall be recorded as part of the deed for each parcel.
9. Prior to recordation of the Parcel Map, applicant must submit a Final Stormwater Control Plan, along with associated calculations and worksheets, to be approved by the Public Works Director or his/her designee.
10. Stormwater runoff shall be minimized via the incorporation of the selected site design measures in accordance with the approved Final Stormwater Control Plan.

11.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.

12.Prior to approval of a Final Map, the applicant shall submit a landscape plan for the approval of the Community Development Director that identifies an area for the planting of native, drought-tolerant trees or shrubs that will provide an equivalent quantity of habitat. The area of planting shall be based on the ultimate canopy/growth size of the specimens proposed. The area of planting may be split into multiple locations throughout the project site of no less than 300 SF each. Plantings proposed by the approved landscape plan shall be complete/installed prior to final inspection of a building permit on parcels where the plantings are proposed.

**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 Land Use & Development Code (LUDC) Chapter 18.92

2.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.

3.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 required permit applications shall be consistent with this approval.

4.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.

5.This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

6.This Tentative Map approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a unilateral agreement examined and approved by the City Engineer is recorded or an extension is requested and granted.

The motion carried by the following vote:

**Aye:** 3 - Vice Chair Andreis, Commissioner Roberts and Chair Logan

**No:** 1 - Commissioner Miklose

**Absent:** 1 - Commissioner Rogers

**5. CONDUCT OF BUSINESS**

**5A** [20-904](#) Receive Report and Make Recommendations on the Development of a Formula Business Ordinance

City Manager, Miller presented the prepared report to the Commission. The Commission asked clarifying questions. Miller answered the Commissions questions while Deputy City Attorney, Porter gave legal recommendations on how local jurisdictions can regulate formula business. The Planning Commission concurred that they would like Staff to come back with more information and examples categories for financial, hospitality, and retail. The Commission expressed the need for updating the City's Design Guidelines that were established in 2007. Miller stated that the Commission could elect an AD HOC committee comprised of two Council Members and two Planning Commissioners to work on updating the City Design Guidelines.

**Public Comment** was received and read in the record from

\* Annemarie Weibel

\* Jamie Peters

**Discussion:**

City Manager Miller presented a slide show of proposed special findings that staff would use when reviewing a proposed project. The Commission gave direction to staff on the wording of each finding and would like additional definition of "unmet needs" and "industries" and "standardized traits". The Commission would like proposed finding two (2) removed and more overall information added to finding three (3). The commission agrees that a limit of 10 business locations is appropriate in the definition and proposes a square footage threshold be used to trigger the need for an economic or fiscal analysis.

**This Planning Staff Report was referred to staff**

**6. MATTERS FROM CHAIR/COMMISSIONERS/STAFF**

Commissioner Miklose inquired on the status of 615 North Main Street Code Enforcement Violation. Staff reported that the property owner has an active building permit and is no longer in violation of any municipal codes.

Commissioner Roberts wanted to acknowledge a previous public comment pertaining to our water shortage, inquired on a release of water at Pudding Creek, and asked about plans for a water source study. O'Neal explained that the City Council will consider remanding our current water emergency status on November 23, 2020. O'Neal reported Pudding Creek is not currently a water source for the City and that the water being released was a result of the recent removal of the pedestrian bridge and City water main stabilization performed by a contractor of GP. GP's goal is to remove the dam. O'Neal indicated that a water source study report ,was coming to the next Public Works and Facilities Committee meeting.

**ADJOURNMENT**

Chair Logan adjourned the meeting at 9:14 PM.

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Jeremy Logan, Chair

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Joanna Gonzalez, Administrative Assistant

IMAGED (\_\_\_\_\_)