

RESOLUTION NO. PC XX-2025

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING THE TENTATIVE MAP FOR MINOR SUBDIVISION DIV 1-24 FOR THE DIVISION OF 104 DANA ST. (APN: 020-490-53)

WHEREAS, Shannon Underhill and Linda Jo Stern (“Applicant”) submitted an application on December 23, 2024 for a minor subdivision of a 0.275 acre parcel (APN: 020-490-53) located at 104 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, the Planning Commission held a duly noticed public hearing on April 16, 2025 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 April 16, 2025, 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 two parcels on less than one acre of land within the City limits of Fort Bragg. There is access to the resulting parcels to City water and sewer. 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 1-24 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 as the project is not located on a scenic highway, is not a hazardous waste site, has no historic

resources and development of these parcels will not have a significant effect on the environment. The parcel was created through a subdivision permitted on April 26, 2011, for which a deed restricted wetland mitigation project was created on an adjoining parcel that fully mitigated the removal of all wetlands from this parcel. 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 ILUDC §18.81.070(C) can be made.*

The proposed project is consistent with the General Plan because:

- a. 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 does not propose any dwelling units at this time. Per State law the resulting parcels would be eligible for: 1) 1 dwelling unit or 1 duplex per parcel; or 2) 1 dwelling unit and 1 second unit and 1 JADU where allowed by ILUDC 18.42.170; or 3) 2 to 4 units, where allowed, by ILUDC 18.42.200, and as such complies with General Plan Program LU-7.1.1. Per State Law ADUs and Urban Unit Developments are not considered when calculating maximum density.
- b. New dwelling units will be subject to both capacity and connection fees in compliance with Policy PF-2.1.
- c. As conditioned, upon development, the project will be 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.
- d. The project complies with Program OS-7.2.4 because it will not create any new unpaved roads or driveways.
- e. There are no applicable goals, policies, or programs in the Circulation Element, Community Design Element, nor Sustainability Element.
- f. 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.*
- g. 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 0.275 acre parcel that is substantially surrounded by existing development into two developable lots.

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 Additional Supportive Findings

- a. *The site is physically suitable for the type or proposed density of development;*

The site is zoned Low Density Residential and will accommodate two lots that are similar in size to surrounding lots with similar uses. Therefore, the site is physically suitable and this finding can be made.

- b. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat;*

The Project is on a site that is substantially surrounded by other development. There are no special status biological or botanical resources or habitat on the site. While there is a wetland on the adjacent parcel to the east, any future development project will comply with City zoning and environmental review requirements at the time of development to ensure the project will not damage the wetland. Therefore, the project will not cause environmental damage or injure fish or wildlife or their habitat, and this finding can be made.

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

The density and intensity of use is the same as existing surrounding uses. Future development will comply with the allowable density of the ILUDC. There are no activities planned that would cause serious public health or safety problems and this finding can be made.

- d. *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.*

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

- e. *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;*

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 can be made.

- f. *A preliminary soils report or geological hazard report does not indicate adverse soil or geological conditions and the subdivider has not 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. A Geotechnical investigation report was conducted in 2009 for the Pryor subdivision. That report concluded that the site is geotechnically suitable for the proposed development. It provided an analysis of some geotechnical considerations affecting construction and their possible mitigation measures. Additionally, Special Condition 3 requires that prior to approval of the final parcel map, applicant shall submit a new soils report from a licensed engineer,

indicating if the soil requires any specific measures to support structure(s). Thus, as conditioned, this finding can be made.

- g. *The proposed subdivision is 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 April 16, 2025, 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. Therefore, this finding can be made.

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 1-24 (DIV 1-24) subject to the following conditions of approval:

STANDARD CONDITIONS:

1. This action shall become final on the 11th calendar 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. The applicant shall comply with the following wetland mitigation measures contained in the **Wetland Management and Mitigation Plan** (page numbers in parentheses) for the construction of all new development on the resulting parcels:
- a. **Stormwater Run-off** (page 19). All roof water for each house will be collected into gutters and downspouts and then directed into gravel/rock energy dissipaters. From the energy dissipaters, subsurface water would flow into the wetlands. The landscaped areas on the wetland side of future residential development would also be directed into the wetlands as subsurface water. The water directed into the wetlands will be subtle to prevent channelization and the creation of concentrated erosion.
 - b. **Landscape Run-off** (page 20). Water from landscaped areas on the street sides of any future residential development on proposed Parcels 1 and 2 would be directed away from the wetlands and towards the street.
 - c. **Permeable Pavers** (page 20): Although at this time, there is no specific driveway construction proposed, we recommend a permeable driveway system that reduces runoff and increase onsite infiltration for any potential future development.
 - d. **Bioswales** (page 20) Bioswales or rain gardens on the property and adjacent to the driveway or the building pads could further collect water that other wise may be directed off site.
 - e. **Roof Leader- (Downspout)** (page 20). Disconnection and Energy Dissipaters: As discussed, stormwater that will be directed into the wetlands will be diffused to prevent a concentrated channel that would create an erosion point. From the downspouts of the roofs the water will hit a rocked energy dissipater. From the energy dissipater, water will be diffused to prevent a concentrated channel that would create an erosion point. Through subsurface water flow this water will recharge the water table.
 - f. **Fencing** (page 21) Permanent fencing will be placed and maintained along the entire edge of the parcel abutting the wetland to contain the entire wetland management area. The purpose of the fencing is to prevent public access into the wetlands that may

contribute to the degradation of the habitat. Along the wetland side of the fence dormant willow stakes will be placed and maintained. Willow stakes will help stabilize the slope and act as transitional plant along the edge of development.

2. Applicant shall comply with all requirements in the memorandum prepared by Public Works on March 24, 2025.
3. 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.
4. Frontage improvements shall be completed at the time of development of parcels. The driveway shall be constructed at least 100 feet north of the northern edge of Oak Street's northern-most travel lane. Power and telecommunications utility lines shall run underground from existing power poles to each parcel. If a main line extension is necessary, then such extension shall be constructed underground.
5. Prior to approval of the final parcel map, the applicant shall submit a soils report from a licensed engineer, verifying that the soil is adequate to support structure(s) on both resulting parcels and indicating if the soil requires any specific measures to support such structures.
6. *This subdivision is subject to Municipal Code Section 12.14.02, requiring a site design that can accommodate 100 year-frequency storm events.*
7. *The applicant shall evaluate the site conditions, such as soils, vegetation, and flow paths and submit stormwater calculations to the City Engineering Department assuming full build out of the subdivision. Refer to Mendocino County Low Impact Development (LID) Design Standards Manual v2.1 for guidance. It can be reviewed at: <https://www.mendocinocounty.org/home/showdocument?id=27635>.*
8. Storm water runoff shall be minimized by incorporation of LID strategies and site design measures that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff so as to recharge groundwater and minimize runoff.
9. Low Impact development strategies are required and sized based on the area of impervious surface at the time of building permit submittal. LID design shall be submitted with building permits for construction.
 - i. *The subdivider shall implement site design measures to reduce runoff as outlined in the Pryor Subdivision documents. The Site Assessment, layout and design measures shall be shown on a drainage site plan.*
 - ii. *The drainage site plan shall divide each developed portion of the project site into discrete Drainage Management Areas (DMA's).*
 - iii. *Any remaining runoff from DMA's expected shall be collected at treatment control BMP's (vegetated swales, permeable pavements, rain gardens, or other bio retention facilities).*

- iv. *Treatment Control BMPs shall be sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (0.83" in 24-hours).*
 - v. *Treatment control BMPs require O&M plan; a maintenance and operation plan shall be submitted for the upkeep of this facility. The plan shall include provision(s) demonstrating adequate on-going operations and maintenance.*
 - vi. Drainage fees shall be paid prior to the issuance of each parcels' respective building permit for dwelling units.
10. All proposed drainage features shall be reflected on a final utility, grading and storm drainage plan, which reflects all proposed easements and site improvements.
11. All recommendations contained within the BACE Geotechnical Investigation (#12169.1, dated September 10, 2009), Section 6.0 Recommendations (6.1 through 6.5), shall be implemented during the development of the parcels, recorded on the subdivision map, and added to building and other permit conditions as appropriate to ensure their implementation over time.
12. Prior to recordation of the tentative map, the applicant to add restrictive covenants to the new residential parcels that prohibit hobbyist, home businesses and commercial uses, such as automobile storage, collecting and vehicle maintenance/repairing, and other activities involving potentially polluting chemicals and substances which could have a negative effect on water quality. Specific thresholds and performance standards will be developed in cooperation with the applicant and Community Development Department.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission approves the Tentative Map for Minor Subdivision (DIV 1-24).

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____ and passed and adopted at a special meeting of the Planning Commission of the City of Fort Bragg held on the 16th day of April 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

David Jensen, Chair

ATTEST:

**Maria Flynn, Administrative Assistant
Community Development Department**