



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, January 10, 2018

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 5 - Commissioner Stan Miklose, Chair Teresa Rodriguez, Commissioner Curtis Bruchler, Commissioner Nancy Swithenbank, and Vice Chair Mark Hannon

### 1. APPROVAL OF MINUTES

1A. [17-665](#) Approve Minutes of November 8, 2017

Commissioner Miklose made a motion, seconded by Commissioner Bruchler, that the Minutes of November 8, 2017 be approved.

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

None.

### 3. PUBLIC HEARINGS

3A. [17-661](#) Receive Report, Hold Public Hearing and Consider Coastal Development Permit 11-12/17 to Demolish Dry Shed 4

Community Development Director Jones began her report by briefly describing the history of Coastal Development Permit 11-12/17 to demolish Dry Shed 4. Jones then presented the mitigating measures and Special Conditions in place to make findings for approval that are consistent with the Coastal General Plan, consistent with Coastal Development Policies and Regulations and allow agencies such as Mendocino County Air Quality Management, Fort Bragg Fire Department and the City of Fort Bragg to weigh in.

**Chair Rodriguez opened the Public Hearing at 6:12PM**

#### Public Comment:

Mike Hart - CEO of skunk train is interested in maintaining Dry Shed 4 as a future home to Skunk Train railroad cars and equipment

Rex Gresset - spoke in favor of protecting Dry Shed 4

Scott Chapman - spoke in favor of protecting Dry Shed 4

Jacob Patterson - stated there are options available to the city to bring Dry Shed 4 into safety compliance and recommended the planning commission to not approve permit

Robert Pinole - spoke in favor of protecting Dry Shed 4 for future use

Lynn Baumgartner - spoke in favor of protecting Dry Shed 4  
Eric Dwyer - suggested city council make the decision

### **Chair Rodriguez closed the Public Hearing at 6:27 PM**

Commissioners inquired about varying stories between Skunk Train and Georgia Pacific in negotiating buying the land Dry Shed 4 is located, deliberated before making a motion to approve permit.

Vice Chair Hannon made a motion, seconded by Commissioner Miklose, to certify the addendum to Mitigated Negative Declaration for Georgia Pacific Mill Site Demolition Permit, and approval of Coastal Development Permit 11-12/17 for the demolition of Dry Shed 4 based on the findings and subject to the conditions cited below:

#### **FINDINGS**

1. The demolition of Dry Shed 4 is necessary to eliminate safety concerns stemming from the lack of a functional fire suppression system on the Mill Site and the dilapidated state of many of the buildings, which make them susceptible to storm damage. The demolition will also remove conditions of blight and improve the visual character in an area of scenic importance;
2. The proposed project is consistent with the purpose and intent of the Timber Resources Industrial (IT), as well as all other applicable provisions of Title 17 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;
3. The proposed project is in conformity with the certified Local Coastal Program (LCP);
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;
5. As proposed, the development will not have any unmitigated adverse impacts to any known historical, archaeological or paleontological resource;
6. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act as provided by a Mitigated Negative Declaration and a MND Addendum that have been prepared for the project; and
7. The proposed development is in conformity with the public access and public recreation policies of the LCP and Chapter 3 of the California Coastal Act.

#### **COASTAL DEVELOPMENT PERMIT FINDINGS**

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect

- coastal resources;
2. The project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
  3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
  4. The proposed use is consistent with the purposes of the zone in which the site is located;
  5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
  6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
  7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;
  8. Supplemental findings for projects involving geologic, flood, and fire hazards:
    - i. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons; and
    - ii. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping or other conditions; and
    - iii. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.
  9. Supplemental findings for projects located within Environmentally Sensitive Habitat Areas:
    - i. The resource as identified will not be significantly degraded by the proposed development; and
    - ii. There is no feasible less environmentally damaging alternative; and
    - iii. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.
  10. Supplemental findings for projects located between the first public road and the sea required by Section 17.56.070 of this Development Code.

#### **SPECIAL CONDITIONS**

1. All wooden timbers shall be segregated from other demolition debris. GP's contractor will ensure maximum participation in local timber recycling by opening the site up for a one weekend "yard sale" that is well advertised and allows locals to purchase materials for reuse on site.
2. GP shall offer to donate the Dry Shed 4 sign to the City of Fort Bragg or the Historical Society for possible reuse on the site at a later date. If neither entity accepts the sign, the sign may be recycled.
3. In the event prehistoric archaeological resources (marked by shellfish remains, flaked and ground stone tools, fire affected rock, human bone, or other related materials) are unearthed accidentally during demolition, all work in the vicinity of the site shall cease immediately, the Community Development Department shall be notified, and the proper disposition of resources shall be accomplished as required by LUDC Section 18.50.030(D).
4. The following Best Management Practices to control, reduce or prevent discharge of pollutants from demolition and material handling activities shall be utilized throughout project implementation:

- a. Material and products will be stored in manufacturer's original containers.
  - b. Storage areas will be neat and orderly to facilitate inspection.
  - c. Check all equipment for leaks and repair leaking equipment promptly.
  - d. Perform major maintenance, repairs, and washing of equipment away from demolition site.
  - e. Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
  - f. Clean up all spills and leaks using dry methods (absorbent materials/rags).
  - g. Dry sweep dirt from paved surfaces for general clean-up.
  - h. Train employees in using these BMPs.
  - i. Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
  - j. Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
  - k. Shovel or vacuum saw-cut slurry and remove from the site.
  - l. Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
  - m. Schedule demolition work for dry weather periods.
  - n. Avoid over-application by water trucks for dust control.
  - o. Cover stockpiles and other construction materials with heavy duty plastic secured and weighted on all sides to maintain cover from wind and rain even in high wind conditions. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms.
5. Demolition activity shall cease if actual wind speeds reach or exceed 25 mph.
6. Prior to issuance of demolition permits, the applicant shall secure a Facility Wide Dust Control Permit from the Mendocino County Air Quality Management District. All demolition activities shall be conducted in accordance with the requirements of the permit. Particles generated in the demolition process will be minimized via dust suppression control. A Dust Suppression Officer will be assigned to the facility during the dismantling process.
7. Georgia-Pacific shall designate a person to be the fire prevention program superintendent, who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program superintendent shall have the authority to enforce the provisions of CH 14 C.F.C and other provisions as necessary to secure the intent of CH 14 C.F.C. Where guard service is provided the fire prevention program superintendent shall be responsible for the guard service.
8. Approved vehicle access for firefighting shall be provided to the demolition site. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be provided from the Redwood Gate during demolition activities. Such access may be secured by providing the Fire Department with keys to the gate. Access roads shall be kept clear of obstructions to provide for rapid fire response during demolition activities. Upon completion of demolition activities, fire access shall be maintained on the site until permanent fire apparatus access roads are available.
9. One approved portable fire extinguisher shall be on site throughout the demolition process in accordance with section 906 and sized for locations where combustible materials have accumulated and the demolition materials storage area.
10. The applicant is required by Part 61, Chapter 1 Title 40 of the Code of Federal Register to submit proof of asbestos inspection and an Asbestos Notification Form to the Air Quality Management District prior to issuance of a demolition permit.
11. All work involving structures with asbestos and lead containing paint will be

performed in general accordance with local, state, and federal rules and regulations. A certified and trained contractor will be utilized to secure the necessary permits and conduct the required abatement activities. All of the work involving asbestos is associated with aboveground structure removal and shall conform with the requirements outlined in APPENDIX A: ASBESTOS ABATEMENT TECHNICAL SPECIFICATIONS, AMEC, February, 2013, submitted by the applicant as part of the Coastal Development permit application. All of the work involving lead-based paint is associated with aboveground structure removal and shall conform with the requirements outlined in APPENDIX B: HAZARDOUS AND REGULATED MATERIALS TECHNICAL SPECIFICATIONS AMEC, February, 2013

12. Stockpiles of concrete without stains or evidence of hazardous waste will be transported offsite to a recycling waste disposal facility.

13. Wherever possible, broken concrete and other demolition debris will be stockpiled on areas with improved asphalt or concrete surface. Potentially hazardous waste will be stored in a Potentially Hazardous Waste Storage Area.

14. The applicant will follow the submitted Transportation Plan that describes the protocol and procedures to protect human health and the environment during transportation activities to remove debris with hazardous materials.

#### STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the Coastal Commission's receipt of the Notice of Final Action unless an appeal to the Coastal Commission is filed pursuant to Chapter 17.61.063 17.92.040. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
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 Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

The motion was carried by the following vote:

**Aye:** 4 - Commissioner Miklose, Commissioner Bruchler, Commissioner Swithenbank and Vice Chair Hannon

**No:** 1 - Chair Rodriguez

#### **4. CONDUCT OF BUSINESS**

**4A. [17-673](#)** Receive Report and Provide Direction Regarding Mill Site Reuse Land Use Plan, Sustainability Policies and Design Guidelines

Community Development Director Jones informed Commissioners that the proposed LCP Amendment approach will include changes to all three components of the Land Use and Development Code: Land Use Zoning, Land Use Policies, and Land Use Regulations. It is a complicated and timely endeavor that the Planning Commission, City Council and Community will participate in over the next year. Jones requested feedback from Commissioners regarding Vision Statement, Guiding Principles, Sustainability Policies and Regulations, and provided Land Use Maps for comments.

Commissioners asked clarifying questions of Staff and provided feedback and comments as requested.

**Public Comment:**

Mike Hart - spoke about importance of tourism as a component in designing reuse of Mill Site  
Eric Dwyer - supports expanding the CBD and expense to City in operating parks  
Jacob Patterson - in favor of expanding the CBD and creation of central square, and supports protecting the forested area near Cypress Street

**4B. [17-672](#)** Election of 2018 Planning Commission Chair and Vice-Chair

Chair Rodriguez called for nominations of Chair. A motion was made by Commissioner Miklose, seconded by Commissioner Swithenbank to nominate Rodriguez for Planning Commission Chair. Rodriguez accepted position. Motion passed unanimously. A motion was made by Commissioner Miklose, seconded by Commissioner Rodriguez to nominate Hannon for Planning Commission Vice-Chair. Motion passed unanimously.

Chair Rodriguez and Vice-Chair Hannon will serve for 2018 term.

#### **5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF**

Staff announced Community Development Department promotions of Associate Planner Perkins to Special Projects Manager, Planning Technician McCormick to Assistant Planner and the current job opening for Administrative Assistant.

#### **ADJOURNMENT**

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TERESA RODRIGUEZ, Chair

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Sarah Million McCormick, Planning Technician

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