

RESOLUTION NO. PC -2022

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL OF COASTAL DEVELOPMENT PERMIT 11-19 (CDP 11-19), USE PERMIT 2-19 (UP 2-19), DESIGN REVIEW 4-22 (DR 4-22) FOR OUTDOOR STORAGE OF PORTABLE TOILETS

WHEREAS, Thompson's Porta Septic Services ("Applicant") converted a vacant lot into a portable toilet storage lot without City approval; and

WHEREAS, the Project is located at 1241 North Main Street in the Heavy Industrial (IH) zoning district, and;

WHEREAS, Outdoor storage is permitted with a Use Permit within a Heavy Industrial Zone; and

WHEREAS, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 30, 2022, to consider the Project and take public testimony;

WHEREAS, pursuant to California Environmental Quality Act ("CEQA"), 14 California Code of Regulations §15303(c) – New Construction or Conversion of Small Structures the project is categorically exempt; and

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 §15303 (c), et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal 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 30, 2022, and Planning Commission deliberations; and any other evidence, the Planning Commission of the City of Fort Bragg hereby finds as follows:

A. General and Use Permit Findings

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;
3. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general;
The proposed project, as conditioned, would be consistent with the relevant policies of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated March 30, 2022.
4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
The Heavy Industrial zoning district is appropriate for a range heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require

locations removed from residential and visitor serving uses. The use would be compatible with the existing industrial that substantially surrounds the site.

5. 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;

The project site is a 0.70 acre, square parcel that can demonstrably accommodate the design characteristics and operations of the proposed outdoor storage. The project was evaluated by the Planning and Public Works Department, and, as conditioned, found to be physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities.

As such, the project 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.

6. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303(c) – New Construction or Conversion of Small Structures.

B. 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;

As conditioned, the project conforms with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources per analysis incorporated herein by reference to the project staff report, dated March 30, 2022.

2. If 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);

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated March 30, 2022

3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;

The proposed project will have minimal impacts on the environment, so no mitigation measures have been proposed. There is no construction or grading involved for this project. As well, on July 5, 2019 a botanical analysis was conducted for the site to determine if the project would have a significant adverse environmental impact to special status species. The result of the study found no California Native Plant Society (CNPS) 1A, 1B, 2A, or 2B species on site. Based on the fact that the botanical study did not find any special status plant species and the applicants are not proposing removal of any vegetation, therefore complying with this finding.

4. The proposed use is consistent with the purposes of the zone in which the site is located;
The Heavy Industrial zoning district is appropriate for a range heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. As this is the storage of materials, the proposed project complies with one of the listed purposes of the Heavy Industrial Zoning District.
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
As conditioned, the project conforms with the City of Fort Bragg's Coastal General Plan per analysis incorporated herein by reference to the project staff report, dated March 30, 2022.
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
The project site is a 0.70 acre, square parcel that can demonstrably accommodate the design characteristics and operations of the proposed outdoor storage. The project was evaluated by the Planning and Public Works Department, and, as conditioned, found to be physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities.
As such, the project 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.
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.
The proposed project was reviewed by the City of Fort Bragg Public Works and Planning Department. These departments reviewed the project for access to water, sewage disposal, solid waste, electricity, and public roadway capacity. The use proposed is minimal in scope and all services have been deemed available and capable of handling the new project.

Design Review

1. Complies with the purpose and requirements of this Section.
The project scope is minimal in nature and as conditioned, will be in conformance with the purpose and requirements of Design Review.
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.
The project does not involve the creation of permanent structures. However, the proposed use is minimal and will be smaller in scale compared to many of the uses in the area. The area is intended for industrial type uses, and as this use is industrial, will be compatible with the site surroundings and community.
3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting,

signs, etc.

The project will be properly screened from any public viewing points using a durable and high quality material based on Special Condition #1. The project will comply with the setbacks. The project does not propose any grading, landscaping, lighting, or signs. As conditioned, the project will comply with this finding.

4. Provides efficient and safe public access, circulation, and parking.

The project does not involve the creation of any new parking and is not intended for public access. The applicants will utilize existing parking spaces on an adjacent site. However, if necessary, optional special condition #2 would allow for further compliance with this finding.

5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;

No changes to the existing open space and landscaping are proposed. However, if necessary optional special condition one will allow for further compliance with this finding.

6. Is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone.

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 30, 2022.

7. Complies and is consistent with the City's Design Guidelines.

Due to the proposed project lacking permanent structures or public access, most of the guidelines are not applicable to this project. However, the project will comply with screening requirements necessary for outdoor storage.

Use Permit

1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated March 30, 2022.

2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;

The proposed use is allowed within the applicable Heavy Industrial (IH) zoning district with a Use Permit and the project meets this finding per analysis incorporated herein by reference to the project staff report, dated March 30, 2022.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The Heavy Industrial zoning district is appropriate for a range heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The use would be compatible with the existing industrial which substantially surrounds the site.

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; and

The project site is a 0.70 acre, square parcel that can demonstrably accommodate the design characteristics and operations of the proposed outdoor storage. The project was evaluated by the Planning and Public Works Department, and, as conditioned, found to be physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities.

As such, the project 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. Pursuant to CLUDC Section 17.22.030(C)(2), the use acts to support primary uses in the zone, or clients or visitors of allowable permitted uses.

This finding is not applicable to the project as it is not located in a Commercial Zone.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the findings contained in this Resolution and approves Coastal Development Permit 11-19 (CDP 11-19), Design Review 4-22 (DR 4-22) and Use Permit 2-19 (UP 2-19) for the Project 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 CLUDC Chapter 17.92 – 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 CLUDC;
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 Coastal 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 CLUDC Subsection 17.76.070(B).

Special Conditions

1. The applicant shall install a screening fence where determined by the reviewing authority consistent with Coastal Land Use & Development Code section 17.30.050 – Fences, Walls, and Screening.
2. Should the fence exceed 6 feet in height, the applicant shall apply for a building permit.
3. Outside of necessary business operations, the applicants shall park their vehicles at 1251 North Main Street.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

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 30th day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant