



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes - Draft Planning Commission

Wednesday, February 25, 2015

6:00 PM

C.V. Starr Community Center
300 S. Lincoln Street

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Chair Derek Hoyle, Commissioner Sage Statham, Commissioner Stan Miklose, and Vice Chair Teresa Rodriguez

Absent 1 - Commissioner Mark Hannon

1. APPROVAL OF MINUTES

Approve Minutes of January 28, 2015

A motion was made by Commissioner Statham, seconded by Vice Chair Rodriguez, that the Minutes be approved. The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Statham, Commissioner Miklose and Vice Chair Rodriguez

Absent: 1 - Commissioner Hannon

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Charlotte Thorbecke, property owner on Highway 20, stated that she wanted to speak as a champion for the pygmy forest. She is opposed to the solid waste transfer station proposed for State Route 20 near Fort Bragg and said she would rather see the land used as a park.

Ron White, a Glass Beach Drive resident of Fort Bragg, suggested that two additional interpretive signs be added to the Coastal Trail; one giving the story of Glass Beach, and the other the history of Soldier Bay.

3. PUBLIC HEARINGS

3A. Receive Report, Conduct Public Hearing, and Consider Approval of Coastal Development Permit CDP 1-15 to install four low-profile, National Park Service-style interpretive panels at the southern end of MacKerricher State Park (Glass Beach Headlands)

Associate Planner O'Rourke gave a brief summary of the staff report for this project, stating that

the proposed signage is a permitted use within the zoning district. He itemized the special conditions and advised the Commission that staff recommends approval of the Coastal Development Permit.

Chair Hoyle opened the public hearing at 6:06 PM.

California State Parks representative Fred Andrews gave a PowerPoint presentation to the Planning Commissioners, showing the location of the proposed signs, itemizing the content of each interpretive panel, and summarizing the approval process.

Ron White spoke in favor of the project, stating that the panels are made of materials that will not rust.

Chair Hoyle closed the public hearing at 6:14 PM.

Discussion: Chair Hoyle asked about the ease of cleaning the panels in the case of graffiti. Andrews responded that nothing is completely graffiti-proof, however they treat the fiberglass panels with a couple layers of heavy car wax which helps with the cleaning. Commissioner Miklose asked about maintenance of the signs. Andrews said they are guaranteed for ten years not to fade and will last even longer. He mentioned that other State Parks signs are more than eight years old and they have not faded at all. Vice Chair Rodriguez noted that the environmental data is from 2007 and 2008 and asked if any updated information would be obtained. O'Rourke pointed out that a complete survey of special status plants is required as a special condition of the permit. If, as a result of the survey, any special status or rare plants are found to exist in the areas planned for the signs, the signs would have to be relocated. The impacts to the ground are minimal, as there are only two posts per sign.

A motion was made by Commissioner Statham, seconded by Commissioner Miklose, that Coastal Development Permit CDP 1-15 be approved, subject to the following findings and conditions:

GENERAL FINDINGS

- 1. The proposed project is consistent with the purpose and intent of the Open Space and Parks and Recreation zoning districts, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code, 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, the project is considered exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA). The project has been found to be exempt from further environmental review pursuant to the CEQA Guidelines Sections 15303, 15304, and 15311 as the project consists of construction and location of a limited number of new small facilities. In addition, State Parks has defined the**

“installation of signs, placement of kiosks and portable toilets” as exempt activities in the Department of Parks and Recreation’s list of exempt activities in accordance with CCR §15300.4.

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 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. The proposed use is consistent with the purposes of the zone in which the site is located;
4. The proposed development is in conformance with the City of Fort Bragg’s Coastal General Plan;
5. 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;
6. 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;
7. 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;
8. 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
9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

SPECIAL CONDITIONS

1. Prior to installation of the proposed signs, a botanist shall complete a survey of each proposed sign installation location and flag any special status plants. If special status plants will be disturbed by the placement of the signs, the botanist shall designate an alternative nearby location for the placement of the sign, which will not impact special status plants.
2. The applicant shall provide archaeological or Native American monitoring during ground disturbing activities associated with the two southernmost interpretive panels.
3. Prior to issuance of the Coastal Development Permit, the applicant shall submit the artwork and final wording of the proposed interpretive panels to the Community Development Director for review and to ensure that the panels complement those of the Noyo Headland Park (Fort Bragg Coastal Trail).

STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Coastal LUDC Section 17.92.030. This action is appealable to the California Coastal Commission pursuant to Coastal LUDC Section 17.92.040.
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 certified LCP.
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 required permit applications shall be consistent with this approval.

5. 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.

6. 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.

7. This Coastal Development Permit approval shall lapse and become null and void two (2) years from the date of approval unless prior to the expiration of two (2) years, construction is commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with Coastal LUDC Section 17.76.070.

The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Statham, Commissioner Miklose and Vice Chair Rodriguez

Absent: 1 - Commissioner Hannon

3B. Receive Report, Conduct Public Hearing, and Consider Approval of Use Permit USP 7-13; Use Permit to Install and Operate a Direct Transfer System at an Existing Solid Waste Collection and Recycling Center at 219 Pudding Creek Road.

Associate Planner O'Rourke gave background on the project and summarized his staff report. The proposed direct transfer system for solid waste collection would eliminate the old pod transfer process and use a new ramp system so route trucks would go end-to-end with a Wilkins transfer trailer and eject trash into the transfer trailer. The waste would be stored onsite until transferred to Willits, but no longer than 48 hours (or 72 hours if necessary over a weekend). O'Rourke stated that the new system minimizes impacts to the surrounding area with respect to noise, odors and vectors, because of the special conditions placed on the use permit. Based on his analysis, he stated that the Commission can make all the findings for the project.

Chair Hoyle opened the public hearing at 6:27 PM.

John Warmerdam, owner of Ocean Lake Mobile Home Park to the north of the project area, said that the transfer station generates a lot of noise and asked that the masonry wall be made of sound-deadening materials to minimize sound, as he is concerned that the new technology might

be louder. He requested that if the project includes excavation of soils, they be used to build a berm that might deflect the noise.

David Holder, a resident of the Ocean Lake Mobile Home Park, said he is not in favor of the project because he believes it decreases the value of homes in the area and he is worried about the noise, dust and smell.

Waste Management representatives Perry Roles and Scott Germann spoke to the Commission, asserting that the new system would be much quieter than the old system because the metal pods would not be slamming onto concrete. They are also converting the backup alarms on their existing fleet of trucks and the new alarms are quieter. The new trucks are about half as loud as the old ones. They stressed that they want to be good stewards of the environment and these improvements will be much cleaner. In response to questions from Commissioner Miklose, Waste Management route manager Steve Shamblin stated that the larger trailers will make fewer trips to Willits so they will utilize less fuel with less impact on the highway, which will be better for the environment in the long run. Chair Hoyle asked what would happen to the ramp system if the Highway 20 transfer station is approved. Shamblin responded that the construction blocks are movable and they can easily be moved away.

Chair Hoyle closed the public hearing at 6:45 PM.

A motion was made by Commissioner Miklose, seconded by Commissioner Statham, that Use Permit USP 7-13 be approved, subject to the following findings and conditions:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC), 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 environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15301, because the project involves negligible expansion of an existing use.

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan and any applicable specific plan;
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;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
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.

SPECIAL CONDITIONS

1. No solid waste will remain on-site in the transfer trailers longer than 48 hours, except the operator may store transfer trailers containing solid waste on-site for 72 hours over weekends, as necessary, provided that odor transmission and vector issues does not result from the storage. The authorization to retain solid waste for up to 72 hours may be revoked by the Community Development Director, if the Director finds that the operator has not reliably prevented odor generation and/or vector issues associated with the extended storage period.
2. In the event that the Highway 20 Transfer Station is not constructed within five years and the direct transfer operation becomes permanent, the applicant shall install a solid masonry wall around the outdoor transfer operations to the satisfaction of the Community Development Director.
3. At the close of each operating day, all transfer trailers containing solid waste shall have the on-board tarp closed and covering the roof of the trailer and the rear doors shall be securely closed.
4. The operation and facility shall be conducted and maintained to prevent the creation of any nuisance conditions. Measures to control nuisances should be implemented as needed or at the direction of the Community Development Director and may include, but are not limited to: regular maintenance and cleaning of the transfer area, vector control devices, and other measures necessary to control vectors.
5. No solid waste odors shall be detectable beyond the facility's boundaries. In the event that odors are detectable beyond the immediate vicinity of the transfer trailers and re-load area, the operator shall take immediate action to prevent the further spread of the odor either by hauling the transfer trailer to an appropriate disposal site, sealing the transfer trailer, applying deodorizer, or utilizing other prevention or abatement measures.
6. To minimize noise transmission, the operator shall utilize the best available OSHA-compliant technology for all backup alarms for both route trucks and transfer trailers.
7. The operator shall utilize portable litter fences around the direct transfer area to prevent and capture any windblown litter.
8. The operator shall take measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during transfer to prevent the creation of excessive dust. Measures to control dust should be implemented as needed or at the direction of the Community Development Director and may include, but are not limited to: reduced transferring during periods of high winds, daily sweeping and cleaning, and misting systems.
9. New graded areas shall be designed to drain to the south into the existing storm drain infrastructure currently on-site. The operator shall install and maintain filtration device(s) at this storm drain and shall submit monitoring and maintenance reports to the Community Development Director on a quarterly

basis.

10. Applicant shall modify the facility's Storm Water Pollution Prevention Plan (SWPPP) to include the new activities. A copy of the revised SWPPP shall be submitted to the Public Works Department.

11. All transfer trailer tarps shall be closed during any rain events to prevent the generation of any stormwater leachate.

12. Upon emptying of the route trucks or transfer trailers, vehicles shall be swept clean of any loose material and all material shall be properly disposed. Any washing of transfer trailers shall occur in the facility's wash building.

13. The installation of any new exterior lighting shall be shielded and downcast to prevent any light from projecting off-site and will be subject to review by the Community Development Director.

14. Upon approval, this Use Permit shall be valid for two (2) years with the option to extend for an additional two (2) years upon approval of the Fort Bragg Planning Commission.

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. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.

6. 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 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.

7. 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.

8. 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).

The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Statham, Commissioner Miklose and Vice Chair Rodriguez

Absent: 1 - Commissioner Hannon

4. CONDUCT OF BUSINESS

4A. Discuss and Adopt a Work Schedule for the Year (Ord. 740 §1, 1992; Fort Bragg Municipal Code §2.20.070; PC Bylaws §III.C.)

Discussion was held regarding the date and time of Planning Commission meetings in 2015. It was unanimously agreed to keep the meetings on the second and fourth Wednesday of the month at 6:00 PM.

4B. Discuss and Prepare a Summary Report of Planning Commission Work for Calendar Year 2014 (Ord. 740 §1, 1992; Fort Bragg Municipal Code §2.20.010; PC Bylaws § III.D.)

A summary report of the Planning Commission actions for 2014 was reviewed by the Commission. It was unanimously agreed that the report could be passed on to City Council for their information.

4C. Receive Report and Consider Approval of Sign Permit SA 4-15 Granting an Exception to Height for a Nonconforming Freestanding Sign at Eel River Fuels Gas Station (105 South Main Street)

O'Rourke gave a short summary of the staff report on the Eel River Fuels gas station sign, saying that the permit will change the sign height from 18 to 12 feet which is still non-conforming, but more conforming than the present sign. Joe Brennfleck, manager of Eel River Fuels, requested that the commission approve the sign permit. He stated that neither he nor the contractor he hired to replace the sign were aware of the height requirement. He said he believes they can comply with the five year requirement to bring the sign into conformance with the 6 foot height limit. Brief discussion was held by the Commissioners regarding sign standards and signage in general.

A motion was made by Commissioner Miklose, seconded by Commissioner Statham, that Sign Permit SA 4-15 be approved, subject to the following findings:

- 1. The new proposed sign is significantly more conforming in height than the existing sign.**
- 2. By approving the new sign, the exception will eliminate the existing nonconforming sign.**
- 3. The non-conforming sign will be brought into conformance with the sign ordinance within five years of the application date.**

The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Statham, Commissioner Miklose and Vice Chair Rodriguez

Absent: 1 - Commissioner Hannon

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Administrative Assistant Lemos mentioned that all arrangements had been made for Vice Chair Rodriguez to go to the 2015 Planning Commissioners Academy March 4-6, 2015.

Planner O'Rourke noted that the Draft EIR on the Highway 20 solid waste transfer station is available for review at the Community Development Department. He will check to see if a digital copy is available as well.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 7:01 PM.