



# City of Fort Bragg

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

## Meeting Minutes Planning Commission

---

Wednesday, May 23, 2018

6:00 PM

Town Hall, 363 N.Main Street

---

### MEETING CALLED TO ORDER

Chair Rodriguez called the meeting to order at 6:00 PM

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 4 - Commissioner Stan Miklose, Chair Teresa Rodriguez, Commissioner Curtis Bruchler, and Vice Chair Mark Hannon  
**Absent** 1 - Commissioner Nancy Swithenbank

### 1. APPROVAL OF MINUTES

1A. [18-174](#) Approve Minutes of April 11, 2018

The April 11, 2018 Minutes were approved. The May 9th minutes will be brought forward for approval at the next Planning Commission Meeting

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

None

### 3. PUBLIC HEARINGS

3A. [18-152](#) Receive Report, Conduct Public Hearing and Consider Coastal Development Permit 2-18 to Construct a Residential Dwelling and Detached Garage at 100 Snug Harbor Place

Assistant Planner McCormick presented the staff report on this agenda item.

Chair Rodriguez opened The Public Hearing at 6:13 PM seeing no one wishing to speak she immediately closed the Public Hearing at 6:13 PM

A motion was made by Vice Chair Hannon, seconded by Commissioner Bruchler, that Coastal Development Permit (CDP 2-18) be approved subject to the general findings and conditions:

1. The proposed project is consistent with the purpose and intent of the Medium Density Residential Zoning District, 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 has been found to be exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303(a), one single family residence in a residential zone.

#### **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;

9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; and

10. The resource as identified will not be significantly degraded by the proposed development.

#### **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 Coastal Land Use and Development Code Chapter 17.92 - Appeals;

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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely

responsible for satisfying each condition prior to issuance of the building permit;

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 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;

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

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; and

6. 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 City Engineer will approve a stormwater management system/plan prior to the approval of a building permit for the residence. The onsite stormwater management system shall maintain post-development peak runoff rate and average volume.

The motion carried by the following vote:

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

**Absent:** 1 - Commissioner Swithenbank

- 3B. [18-156](#)** Receive Report, Hold Public Hearing and Adopt Resolution Recommending City Council Adopt Amendments to Title 18 of the Municipal Code to Allow Bee Keeping in all Zoning Districts and Certify the Mitigated Negative Declaration

Director Jones began her staff report by thoroughly describing the proposed Amendment in detail. Planning Commissioners agreed with the proposed mitigation measures

**MM-1** Limit the placement of bee hives to areas that are more than one mile away from the McKerracher State Park's Glass Beach Headlands.

**MM-2** All parcels that establish non-native bee colonies shall also plant native flowering vegetation that is a known source of nectar, pollen and food for bees.

#### **Chair Rodriguez opened the Public Hearing at 6:30 PM.**

\* Eve Hautala was present to answer questions from a beekeepers point of view. Eve asked if there would be and exceptions to permit requirements for students enrolled in 4H or FFA. Director Jones clarified that in an amendment there are no special conditions specific to any person(s) and that if two children each wanted two hives then a Minor Use Permit would be required for the two excess

hives.

**Chair Rodriguez closed the Public Hearing at 6:43 PM.**

**A motion was made by Commissioner Miklose, seconded by Commissioner Bruchler, that this Planning Resolution be adopted. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Swithenbank

Enactment No: RES PC03-2018

**3C. [18-151](#)** Receive Report, Conduct Public Hearing and Consider Coastal Development Permit 3-18 and Lot Line Adjustment 2-17 to Create Two New Resulting Lots on Georgia Pacific Mill Site

Assistant Planner McCormick presented her report before the Planning Commission showing maps and explaining the end results of the proposed Coastal Development Permit 3-18 and Lot Line Adjustment LLA 2-17.

**Chair Rodriguez opened the Public Hearing at 6:54 PM. Seeing no one wishing to speak she immediatly closed the Public Hearing at 6:54 PM.**

**A motion was made by Commissioner Miklose, seconded by Commissioner Bruchler, that this Coastal Development Permit CDP 3-18 and Lot line Adjustment LLA 2-17 be approved subject to the general 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 Coastal General Plan, Coastal Land Use and Development Code (CLUDC) 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) 15303.

**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. 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;
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. 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;
9. 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;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative; and
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

#### 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. 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 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 17.76.070B.

#### **SPECIAL CONDITIONS**

1. Prior to recordation of the revised deeds, a description and plat of each parcel including the location and dimensions of the split zoning district shall be adjusted to create a square/linear configuration along the western boundary and then be submitted to the Public Works Director for review and approval. The new deed descriptions shall be prepared by, and bear the seal of, a Licensed Land Surveyor.

2. The owner of resulting of Resulting Lot "A" will submit an Address Listing Application to the City of Fort Bragg to assign a new address to the existing building currently

The motion carried by the following vote:

**Aye:** 3 - Commissioner Miklose, Chair Rodriguez and Commissioner Bruchler

**Absent:** 1 - Commissioner Swithenbank

**Recuse:** 1 - Vice Chair Hannon

## **4. CONDUCT OF BUSINESS**

### **4A. [18-167](#)**

Director Jones presented the Mill Site Reuse Report to the Planning Commission. Jones requested feedback regarding the proposed approved usages in the proposed zoning of the Mill Site Reuse Plan.

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

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

Director Jones announced that there will be a DTSC meeting Thursday May 24, 2018 at Town Hall. Director Jones also reported that the entire mill site will be cleaned to a residential standard.

## **ADJOURNMENT**

Chair Rodriguez adjourned the meeting at 6:43 PM

---

TERESA RODRIGUEZ, Chair

---

Joanna Gonzalez, Administrative Assistant

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