



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, August 10, 2016

6:00 PM

Town Hall, 363 N.Main 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 Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Heidi Kraut

Absent 1 - Commissioner Mark Hannon

1. APPROVAL OF MINUTES

1A. Approve Minutes of June 08, 2016

A motion was made by Commissioner Miklose, seconded by Commissioner Kraut, that these Minutes be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Hannon

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. PUBLIC HEARINGS

3A. Recieve Report and Consider Certification of the SEIR Addendum and Approval of CDP 3-16 for the implementation of: 1) the Removal Action Workplan for Operable Unit E; 2) the Cultural Resources Coordination Plan; 3) the Wetland Mitigation and Monitoring Plan; and 4) the decommissioning of various monitoring wells and pits at the Georgia-Pacific Mill Site.

Community Development Director Jones presented and summarized the remedial actions, mitigation procedures, monitoring plan, and well decommissioning proposed in the Workplan. Tom Lanphar of the Department of Toxic Substances Control (DTSC) joined staff at the dais to provide expertise and answer questions of the Commissioners as they pertained to his continued work on the Removal Action Workplan (RAW).

Chair Hoyle opened the Public Hearing at 6:27

George Rinehart- Spoke in support of expediting the clean-up and the gravel trail around the Mill Pond.

Chari Hoyle closed public hearing at 6:33 PM.

Discussion-Commissioners asked for additional details about the following;

- Clarified changes to Special Condition 2 - striking the requirement for City Council approval
- Clarified changes to Special Condition 4 - adjusting the cumulative vegetation coverage percentage requirements
- Water source for recommissioning wetlands
- Excavation process for a wetland
- Size of pits being filled and fill material(s)
- History of using a RAW for mitigation measures
- If Coastal Trail construction is a factor in the timing of this decision
- Are clean up thresholds consistent with the intended future uses
- Length of time necessary to determine if secondary studies will be necessary
- Process for decommission the wells

Following the Discussion, City Staff, DTSC Staff, and Commissioners supported using the RAW.

A motion was made by Commissioner Kraut, seconded by Commissioner Miklose, that the SEIR be certified and CDP 3-16 be approved as amended, with the modifications of Special Condition 2 and 4, subject to the following findings and conditions:

FINDINGS

1. The remediation of OUE is necessary to eliminate safety concerns stemming from past contamination on the Mill Site. The remediation will remove a condition of blight on the property;
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 an SEIR Addendum (to the Fort Bragg Coastal Trail Phase II SEIR) that has 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; and
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. Special Condition 1: Georgia-Pacific shall record a deed restriction on the OU-E Lowlands (the area illustrated as "A OUE Lowland" in Figure 2-2 of Attachment 1) limiting use of this area to Open Space.
2. Special Condition 2: DTSC must approve the OUE RAW prior to City approval of the Grading Permit for the implementation of the OUE RAW.
3. Special Condition 3: Prior to removal or decommissioning of monitoring and injection wells, the applicant shall obtain approval from DTSC.
4. Special Condition 4: The applicant shall achieve native vegetation percent cover for the Seasonal/Seed Wetland (Wetland E-6 and Establishment Area) as follows: Year 1, 15% native plant cover; Year 2, 30% native plant cover; Year 3, 40%; Year 4 50%, and Year 5, 60% native plant cover. Additionally the applicant shall target the following invasive plants for targeted control from Wetland E-6 and the Establishment Area and insure that the total cover of these very invasive plants is less than 5% of these areas for each year of the five year monitoring period: *Carpobrotus chilensis* (sea fig), *Carpobrotus edulis* (iceplant), *Foeniculum vulgare* (fennel), *Carduus pycnocephalus* (Italian thistle), *Cirsium vulgare* (bull thistle), *Pseudognaphalium luteoalbum* (Jersey cudweed), *Sonchus asper* ssp. *Asper* (prickly sow thistle), *Sonchus oleraceus* (common sow thistle), *Brassica nigra* (black mustard), *Raphanus sativus* (wild radish), *Myriophyllum aquaticum* (parrot's feather), *Cortaderia jubata* (Pampas grass), *Cotoneaster*

pannosus (silver-leaf cotoneaster) and Rubus armeniacus (Himalayan blackberry)

5. Special Condition 5: The applicant shall implement, concurrently with the OUE RAW, the wetland restoration, creation and monitoring work tasks in the Operable Unit E Mitigation and Monitoring Plan and the SEIR Addendum.

6. Special Condition 6: Implement the requirements of the water board, which include:

1. If riparian trees are planted to replace removed trees greater than 4" diameter at breast height (dbh), than 85% of individual replacement trees must survive through the end of the 5 year monitoring period.

2. Conduct the final wetland re-delineation at the end of the spring growing season for optimal vegetation identification and to document optimal vegetative cover.

7. Special Condition 7: The applicant shall implement the Cultural Resources Coordination Plan and the Cultural Resources Mitigation Measures of the SEIR Addendum concurrently with the RAW.

8. Special Condition 8: The applicant shall obtain permission from the City Engineer to continue work into the rainy season and the applicant shall comply with the stormwater management mitigation measure from the SEIR Addendum.

9. Special Condition 9: Particles generated in the remediation process will be minimized via dust suppression control. The applicant shall comply with the air quality mitigation measures required in the SEIR Addendum.

10. Special Condition 10: All mitigation measures of the SEIR Addendum and the Mitigation and Monitoring Plan shall be implemented with the OUE RAW.

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 and 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 carried by the following vote:

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

Absent: 1 - Commissioner Hannon

4. CONDUCT OF BUSINESS

None.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Community Development Director Jones announced the upcoming Scoping Session for the Hare Creek Center on September 19, 2016 at 6 PM in Town Hall. Jones polled the Commissioners to determine if a quorum would be present at the scoping session.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 6:45 PM.

DEREK HOYLE, Chair

Chantell O'Neal, Administrative Assistant

IMAGED (_____)