

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:00 p.m., in the Fort Bragg Town Hall, 363 N. Main Street, Fort Bragg, and the following items were discussed in the order presented.

## **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present: Chair Don Snyder, Commissioners Meg Courtney, and Mark Hannon.  
Absent: Vice Chair Georgia Lucas and Commissioner Jenny Catone.  
Staff Present: Linda Ruffing, Community Development Director; Jason Dose, Planner II; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Courtney, seconded by Hannon, to approve the February 9, 2005 minutes as written.

VOTE: Ayes: Commissioners Snyder, Courtney, and Hannon.

### **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

### **PUBLIC HEARINGS**

1. **DIV 2-04; Steve Baxman (owner); Origin Construction (applicant/agent); 1581 Oak Street (APN 020-490-26) Major subdivision of a 1.2 acre parcel to create six parcels of approximately 7,700 sq. ft each; installation of road improvements on Oak Street and Dennison Lane including curb, gutter, and sidewalks; dedication of 15' of additional right-of-way along the Dennison Lane frontage; and construction of drainage improvements.**

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Planner Dose.

Discussion: Responding to an inquiry from the Commission, staff indicated that the developer can wait until the inclusionary in lieu fee formula is established before deciding whether they want to build the affordable unit or pay the fee.

**Chair Snyder opened the public hearing at 6:10 p.m.**

Public comment on this agenda item was received from:

1. Ben Booth stated that he has lived here over 30 years and has seen affordable housing decrease. He supports this subdivision because it would contribute to affordable housing and is a comprehensive plan that includes infrastructure improvements.
2. Roy Mitchell, agent, said that Origin Construction will be coordinating with the property owners to the east who are putting in a similar subdivision with infrastructure requirements so that the improvements to Dennison Lane are done at one time.

**Chair Snyder closed the public hearing at 6:14 p.m.**

Discussion: The following items were noted during discussion of this issue:

- A. Ruffing noted that this is the first division to come before the City that is subject to the new inclusionary housing ordinance. Staff is collecting information from other jurisdictions and will bring fee calculation formulas to Council in the couple of months. The developer can make their decision at that time.

**Moved by Hannon, seconded by Courtney, to approve DIV 2-0-4 based on the following findings and conditions.**

## **FINDINGS**

1. The proposed project is in conformity with the Low Density Residential (RL) Land Use designation as described in the Land Use Element of the Fort Bragg General Plan.
2. The proposed project is consistent with the purpose and intent of the Low Density Residential (RL) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code.
3. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses.
4. The project site has no value as habitat for endangered, rare, or threatened species.
5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
6. The site can be adequately served by all required utilities and public services.
7. The following findings are made relative to the granting of an exception to subdivision standards for an increase in maximum lot depth:
  - There are exceptional or extraordinary circumstances or conditions applicable to the proposed subdivision, including size, shape, topography, location, or surroundings;
  - The exceptional or extraordinary circumstances or conditions are not due to any action of the subdivider subsequent to the enactment of this Article;
  - The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district which would otherwise be denied to the proposed subdivision;
  - Granting the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
  - The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable specific plan.
8. As conditioned, the project would not adversely impact the storm water runoff characteristics of the site or surrounding properties.

## **SPECIAL CONDITIONS**

1. The applicant shall provide for construction of at least one affordable dwelling unit or pay an in-lieu fee to meet the inclusionary housing requirement in accordance with a fee schedule established by the City Council. If construction of an affordable unit is chosen, the unit shall be established and maintained in accordance with the requirements established in the Land Use & Development Code. If the in-lieu fee option is chosen, the fee shall be paid prior to recordation of the Final Map.
2. The subdivision improvements shall include placement of a fire hydrant in the vicinity of the site. The location of the hydrant shall be approved by the Fort Bragg Fire Marshall and the City Engineer prior to installation.
3. A comprehensive grading and drainage plan, drawn by and bearing the seal of a licensed Civil Engineer, shall be submitted to the City Engineer for review and approval prior to issuance of a grading permit for the project. The resulting plan shall be consistent with the 2004 City of Fort Bragg Storm Drainage Master Plan.
4. Prior to recordation of the Final Map for the project, the applicant shall pay the required drainage fees for improvements to be constructed in the East Oak Street storm drain area.

5. Prior to recordation of the Final Map for the project, the applicant shall submit improvement drawings for the improvement of Dennison Lane and Oak Street frontages to the City Engineer for review and approval. The plans shall be drawn by, and bear the seal of, a licensed Civil Engineer.
6. Prior to recordation of the Final Map for the project, the applicant shall complete (at least) the "½ width" street width paving, curb, gutter, drainage facilities and street lighting or provide a bond to the City for the improvements to the satisfaction of the City Engineer, for the improvements to Dennison Lane and Oak Street.

### **STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> working day following the decision unless an appeal to the City Council is filed pursuant to Land Use & Development Code 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 Land Use & Development Code (LUDC).
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. The applicant shall secure all required building permits for the proposed project as required by the Building Department.
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. 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.
8. This approved Tentative Map is valid for 24 months after its effective date, except as otherwise may be allowed by the Subdivision Map Act. At the end of 24 months the approval shall expire and become void unless an extension of time has been granted pursuant to Section 18.81.140 of the LUDC.

**VOTE:**        **Ayes:**        Commissioners Snyder, Courtney, and Hannon.  
                  **Absent:**      Commissioners Lucas and Catone.

### **CONDUCT OF BUSINESS**

#### **3. Matters from Chair/Commission/Staff**

- A. Director Ruffing stated that the City Attorney has advised that the language the Commission added to a special condition of DIV 1-04 (Redwood Pacific Investments) at the last meeting is not enforceable. The wording required the adjoining property owner to the east to provide access easement improvements if their property is developed first. Since that parcel is not part of the applicant's subdivision, it cannot be made a condition of this development. Staff recommended that the Commission adopt a motion to reconsider their action, in order for the wording to be removed from the condition at the Commission's next meeting.

**Moved by Courtney, seconded by Hannon, to reconsider the language of Special Condition #3 in DIV 1-04 at the next regular meeting on March 9, 2005.**

**VOTE:           Ayes:       Commissioners Snyder, Courtney, and Hannon.  
                  Absent:     Commissioners Lucas and Catone.**

### **ADJOURNMENT**

**Chair Snyder adjourned the meeting at 6:21 p.m.**