

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:01 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, Vice Chair Georgia Lucas, Commissioner Mark Hannon  
Absent: Commissioner Meg Courtney  
Staff Present: Linda Ruffing, Community Development Director; Jason Dose, Planner III; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Lucas, seconded by Hannon, to approve the May 25, 2005 minutes as written.

VOTE: Ayes: Commissioners Snyder, Lucas, and Hannon  
Absent: Commissioner Courtney

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

None.

### **PUBLIC HEARINGS**

- DIV 1-05; Paul & Barbara Clark (owner/applicants); David E. Paoli (agent); 111 Ness Avenue (APN 008-302-27) Minor subdivision to split a 12,550 (+/-) sq. ft. parcel into two parcels of 6,275 sq. ft. each.**
1. **Avenue (APN 008-302-27) Minor subdivision to split a 12,550 (+/-) sq. ft. parcel into two parcels of 6,275 sq. ft. each.**

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

Discussion: Responding to a question from the Commission, Dose replied that when the Ness Street neighborhood was originally developed, there was no requirement to put a bulb-out at the end of the street. Ruffing added that if the neighbors at the end of Ness want to create a turnaround they would need to dedicate the right-of-way to the City.

**Chair Snyder opened the public hearing at 6:11 p.m.**

Public comment on this agenda item was received from:

1. Ann Gallagher, neighbor, asked whether the two parcels at the corner of Ness and North Sanderson could be subdivided. Ness is a dead-end street with no turnaround. There are small children on Ness. Gallagher submitted photos of cars parked on Ness and stated that she is concerned about the number of cars on Ness and access for emergency vehicles.
2. Carla Leach, neighbor, agreed with Gallagher that safety is a concern and added that a garbage truck driver ripped out wires over the Clark's property when he tried to maneuver the street.
3. Bruce Johnson, neighbor, stated that he is concerned that further development on Ness could lead to restricting parking to one side of the street like on North Sanderson. While one more residence would not bring about that change, if Ness were extended to Dana or Cedar for another subdivision, it could increase traffic to the point that the City might consider on-street parking restrictions. The City should not grant subdivisions in areas that, because of the narrow width of the street, cannot accommodate additional residences.
4. Cheryl Johnson, neighbor, said that Ness should not be referred to as a cul-de-sac, but as a dead-end street. She is worried about the possibility that Rose Del Grosso's property at the end of Ness could be subdivided and result in increased traffic on Ness. The street sweeper does not come down Ness anymore because it is so narrow with dirt paths on either side.

5. Paul Clark, owner/applicant, informed the Commission that he has already had the fence removed that was in front of the existing house. If he puts in two parking spaces for the existing house there will be room to turn around.

**Chair Snyder closed the public hearing at 6:24 p.m.**

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

- A. Ruffing noted that the corner parcels on Ness/Sanderson are not large enough to be divided into two lots that meet the minimum lot size required by the Land Use & Development Code. Responding to a question from the Commission, Ruffing said that it is the City's policy to require sidewalks whenever possible, where they do not currently exist. The requirement is often triggered by the planning or building permit process.
- B. Commissioners agreed that the proposed lot configuration was acceptable because, unlike the previous submittal for this property, it would create two standard lots that meet the development standards established in the Code.

**Moved by Hannon, seconded by Lucas, to approve DIV 1-05 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 parcel configuration meets the standards found in the Fort Bragg Land Use and Development Code relative to the creation of new parcels within the RL zoning district.
3. The proposed demolition of the western portion of the existing residence which would be located on proposed parcel 2 is warranted in order to comply with the minimum setbacks required in the RL zone.
4. The provision of two on-site parking spaces on proposed parcel 2 is warranted to comply with the parking requirements for single family residences found in the Land Use and Development Code.
5. 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 Section 15315 – Class 15 – Minor Land Divisions.
6. The project site can be adequately served by all required utilities and public services.
7. As conditioned, the project would not adversely impact the storm water runoff characteristics of the site or surrounding properties.

## **SPECIAL CONDITIONS**

1. Prior to recordation of the final map for the project, the applicant shall prepare a comprehensive grading and drainage plan for the entire site, prepared by and bearing the seal of a licensed Civil Engineer, which illustrates the methods by which storm water will be conveyed from the site to the City's storm drain system.
2. Prior to recordation of the final map for the project, the applicant shall provide a driveway and two off-street parking spaces for the existing residence on Parcel 2 in compliance with City standards. The applicant shall also be required to install frontage improvements (curb, gutter and sidewalk) in compliance with City standards.
3. At the time of development of Parcel 1, the owner shall be required to install a driveway and off-street parking spaces for Parcel 1. The owner shall also be required to install frontage improvements (curb, gutter and sidewalk) in compliance with City standards.

## STANDARD CONDITIONS

1. This action shall become final on the 11<sup>th</sup> 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.
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. 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 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.

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

2. ZON 1-05; Amendment to Title 18 of the City of Fort Bragg Municipal Code to add a definition for medical marijuana dispensaries, add medical marijuana dispensaries as a conditional use in the light industrial (IL) and heavy industrial (IH) zones, and establish parking requirements for medical marijuana dispensaries. The Planning Commission will make a recommendation to the City Council on this matter.

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

Discussion: The Commission inquired as to what agency oversees the operation of dispensaries. Ruffing indicated that Council is considering an ordinance that establishes operational standards, such as hours of operation, and that the ordinance does not require the operator to disclose financial records to the City. Patient records are confidential.

**Chair Snyder opened the public hearing at 6:38 p.m.; seeing no one wishing to speak the public hearing was closed at 6:39 p.m.**

Discussion: None.

**Moved by Lucas, seconded by Hannon, to adopt Resolution #PC-01-2005 providing a written statement to the City Council recommending adoption of ZON 1-05, an ordinance amending Title 18 of the City of Fort Bragg Municipal Code adding medical marijuana dispensary as a**

**conditional use in Industrial zones, establishing parking requirements for medical marijuana dispensaries, and defining medical marijuana dispensary.**

**VOTE: Ayes: Commissioners Snyder, Lucas, and Hannon**

**Absent: Commissioner Courtney**

### **CONDUCT OF BUSINESS**

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

**3.**

- A. Snyder stated that there is a vacancy on the Planning Commission and another Commissioner is greatly needed. Currently the Commission cannot have a meeting if two members are absent due to illness or travel.
- B. Ruffing informed the Commission that the City recently purchased a book, "The Planning Commissioner and the California Dream." She encouraged Commissioners who might be interested in reading the book to contact staff, and it can be checked out.

### **ADJOURNMENT**

**Chair Snyder adjourned the meeting at 6:41 p.m.**