

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, Mark Hannon, and Kathleen Johnson.
Absent: Vice Chair Georgia Lucas.
Staff Present: Jason Dose, Planner III, and Cynthia VanWormer, City Clerk.

APPROVAL OF MINUTES

Moved by Hannon, seconded by Courtney, to approve the September 28, 2005, minutes as written.

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARINGS

1. **DIV 2-05 & CDP 10-05; William E. Patton (owner/applicant); I.L. Welty & Associates (agent); 1250 Del Mar Drive (APN 018-450-39); Minor Subdivision and Coastal Development Permit to authorize the division of a 20.69+/- acre parcel into two parcels of 2.42 acres and 18.27 acres**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner III Dose. In response to a question by Commissioner Courtney, Dose stated that this property is just south of the new mini-golf course. Dose, in response to a question by Chair Snyder, stated that the Commission is being asked to approve the subdivision.

1. Lee Welty, representing Mr. Patton, stated he had no comments but is available to answer questions.

Chair Snyder opened the public hearing at 6:08 p.m.

2. Belinda Petrin-Burnett, representing a group of Todd's Point neighbors, read a brief letter into the record and requested that the list of persons in the letter be notified of any proposed development applications in the Todd's Point area.
3. Donna Kaminski, Todd's Point resident, stated that some of the residents have lived on Todd's Point for up to 40 years and they are concerned about things happening without people being notified. She stated that they want to be sure they know what is going on at Todd's Point as it affects their homes and environment. Kaminski asked the Commission to be strong and hear all the facts before they make a decision that will have a long-term effect on their lives.
4. Judy Kvinsland, Vice President of College of the Redwoods, Mendocino Coast, stated that they understand the action before the Commission tonight and recognize that it does not include any proposed development at this time. She noted that the college is west of the property before the Commission tonight and they are part of a parcel designated as Public Facilities. Kvinsland stated that she has no negative comments at this time but asks that the College of the Redwoods, Mendocino Coast be notified of all information before the Commission regarding this parcel in the future. She stated that the college and district look at Parcel 1 as potentially the gateway to the

community and ask the Commission to think very carefully about any further actions on this parcel. Also, as an immediate neighbor to the west, the college is very interested and will be vigilant about the density and nature of any kind of development that comes before the Planning Commission.

Discussion: Commissioner Hannon asked Dose to explain the public notice procedure for future projects. Dose stated that any future project would likely require a coastal development permit, design review, and/or use permit and the City notices those public hearings in the local newspaper, in the notice case in front of City Hall, and by mail to everyone who owns property within 300 feet of the subject property. The City will also mail notices to any interested parties placed on a notification list. He noted that the City has the same concerns as the residents on Todd's Point – groundwater recharge, traffic, aesthetics, and run-off that might impact Hare Creek. These items will be reviewed carefully for any future development.

5. In response to a question by Snyder, Lee Welty stated that his understanding is that the owner is requesting this subdivision at this time because he has someone interested in purchasing the commercially-zoned property along Highway One.

Discussion: Snyder noted that it is hard for the Commission to digest letters handed out at the meeting and suggested that future correspondence from the residents be given to the Community Development Department in time to be included in the agenda packet.

6. Cathy Newkirk asked for clarification on whether people on the list given to staff this evening would receive mailed notices. Planner III Dose stated that they would.

7. Guy Burnett noted that when Pomo Bluffs Park was being planned, he asked to have all residents on Todd's Point notified and was assured that they would be but only the properties within 300' of the park were originally notified. He noted that the only entrance on Todd's Point is at Ocean View Drive and any development affects everyone on Todd's Point. He asked that everyone on Todd's Point be added to the mailing list. Dose stated that, due to the cost of mailings, for residents beyond the 300' zone, only those who request notification will receive it in the mail.

Chair Snyder closed the public hearing at 6:20 p.m.

Discussion: Dose clarified, following a question by Courtney, that Harbor Road will be dedicated as part of the subdivision.

Moved by Johnson, seconded by Hannon, to adopt the Negative Declaration for the subdivision and approve DIV 2-05 and CDP 10-05 based on the following findings and subject to the conditions cited below:

FINDINGS

- 1. The proposed project is in conformity with the Highway Visitor Commercial (CH) Land Use designation as described in the Land Use Element of the Fort Bragg General Plan.**
- 2. The proposal is consistent with the purpose and intent of the Highway Visitor Commercial (CH) zoning district as well as other provisions of Title 18 of the Fort Bragg Municipal Code.**
- 3. The proposed project is in conformity with the certified Local Coastal Program including the policies of the LCP Manual and applicable regulations of the Fort Bragg Municipal Code.**
- 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, conflicts in land use, impacts on coastal resources or water quality, as demonstrated in the accompanying Initial Study and Negative Declaration, which was circulated for public review pursuant to the statutory time periods prescribed by the California Environmental Quality Act (CEQA).**
- 5. The coastal development permit for this project is appealable to the California Coastal Commission.**
- 6. The site can be adequately served by all required utilities and public services.**
- 7. The project is not located within an environmentally sensitive habitat area and the proposed**

- division would have not effect on environmentally sensitive habitat areas in the site vicinity.
8. The site is physically suitable for the proposed minor subdivision, the design of the subdivision will not cause serious public health or safety problems; and the subdivision will not conflict with any easements acquired by the public at large for access through, or use of, property within the proposed minor subdivision.
 9. The proposed subdivision is consistent with the applicable provisions of both the LUDC and the Subdivision Map Act.
 10. All future commercial development on Parcel 1 will be subject to the requirement to obtain a coastal development permit and to obtain design review approvals at which time project-specific impacts will be evaluated and site development requirements established.
 11. The creation of a new parcel has no potential adverse impacts to fish or wildlife habitat and therefore, the Planning Commission makes the “de minimus” finding waiving the Department of Fish & Game filing fees per Fish and Game Code Section 711.2.
 12. The information and analysis in the Negative Declaration demonstrates that the proposed project will not have a significant adverse effect on the environment, specifically pertaining to the following areas:
 - a. It does not have the potential to degrade the quality of the environment.
 - b. It will not achieve short-term, to the disadvantage of the long-term, environmental goals.
 - c. It will have no impacts which are individually limited but cumulatively considerable.
 13. The Mitigated Negative Declaration has been completed in compliance with CEQA and the CEQA Guidelines.
 14. The Mitigated Negative Declaration reflects the City’s independent judgment and analysis of the potential environmental effects associated with the project.
 15. The custodian of the documents and other materials which constitute the record of proceedings for this project is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg, CA 95437, Attn: Linda Ruffing.

SPECIAL CONDITIONS

1. Prior to recordation of the final map for the project, the applicant shall dedicate or make an irrevocable offer of dedication for the proposed roadway and public utility easements. A metes and bounds description of the right-of-way shall be submitted to the City Surveyor for review and approval.
2. Prior to recordation of the final map for the project, the applicant shall submit revised deed descriptions for the resulting parcels to the City Surveyor for review and approval.

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 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 Courtney, Hannon, Johnson, and Chair Snyder.
Absent: Commissioner Lucas.

CONDUCT OF BUSINESS

2. **Matters from Chair/Commission/Staff**
 - A. Chair Snyder asked that when an application or combination of applications calls for other action by the Commission, such as adopting a negative declaration or de minimum findings, wording get into the motion rather than them having to dig it out of the body of the text.
 - B. Planner III Dose requested that the Commissioners take a look at the poles behind 242 S. Franklin Street. These were placed there so that they can see the bulk of a structure that will be coming before the Commission next month. Commissioner Hannon recommended that the Commissioners also look at it from the alley as well as the street.

ADJOURNMENT

Chair Snyder adjourned the meeting at 6:25 p.m.