

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:05 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 Mark Hannon, Commissioners Burley Cox, Becky Ellis, and Georgia Lucas.
Absent: Commissioner Milt Kuhl.
Staff Present: Marie Jones, Community Development Director; Virginia O'Rourke, Planner; and Nancy Philips, Administrative Secretary.

APPROVAL OF MINUTES

Moved by Cox, seconded by Lucas, to approve the minutes of the July 9, 2008, regular and special meetings as written. Philips noted that, though the minutes of the July 7, 2008, special meeting were distributed with the packet, they were not agendized and could not be approved at this meeting.

VOTE: Ayes: Commissioners Cox, Lucas, and Chair Hannon.
Absent: Commissioner Kuhl.
Abstain: Commissioner Ellis, who was not present at meetings.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARINGS

1. **CDP 6-08; Caltrans – Environmental Division (applicant); State of California (owner); Georgette Neale (agent); Located west of the intersection of North Main Street (SR 1) and the Pudding Creek Beach access road; Postmile 62.5; APN 008-010-15; Reline and replace damaged drainage culvert. Approximately 20' of corrugated steel pipe arch culvert (CSPA) will be replaced, and the remaining 88' of CSPA upstream will be relined with a high density polyethylene plastic liner. The property is located in the Coastal Zone.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner O'Rourke. Responding to a question from the Commission, O'Rourke referred to Caltrans representatives present: Georgette Neale and Kendall Schinke.

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

1. Georgette Neale, environmental planner for Caltrans, said that the plastic liner is commonly used for culvert projects, and it would not leak into the water source or damage Pudding Creek. She offered to research the matter further regarding the plastic's properties in an earthquake.
2. Robert Gloyd, manager of Ocean Lake Mobile Home Park, said that the east side of the culvert ends at a large hole which creates a hazard to pedestrians using the walkway. Gloyd said that he put spikes in to anchor the steel plate that covers it, and may have even hit the pipe, but wanted to know if Caltrans would fix the hole. Also, plants plug the culvert which causes the drain to overflow. Gloyd went on to say that he dug out the plants last year, but a high tide deposited two large logs which clogged the pipe. He contacted State Parks, but they would not help. He later found out that it was not their property.
1. Responding to Gloyd, Neale said that vegetation would be removed to replace the culvert. This project will replace the liner under the walkway which should get the water flowing so it does not block the inlet. Neale assured Gloyd that she would follow up and pass along his concerns.

Chair Hannon closed the public hearing at 6:23 p.m.

Discussion: Jones cautioned Gloyd that altering streambeds requires permits and recommended that next time he contact the Community Development Department or Caltrans so the City can work with the appropriate public agency to deal with the problem.

Moved by Lucas, seconded by Ellis, to approve CDP 6-08 based on the following findings and subject to the conditions cited below:

FINDINGS

- 1. The proposed project is in conformity with the certified Local Coastal Program and applicable regulations of the Fort Bragg Municipal Code;**
- 2. The proposed project is consistent with the purpose and intent of the Open Space (OS) and Highway Visitor Commercial (HVC) zoning districts, as well as all other applicable provisions of Title 18 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;**
- 3. The proposed use is necessary and an implied allowed use in the OS and HVC zoning districts in the Coastal Zone;**
- 4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**
- 5. 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;**
- 6. The proposed development will not have any adverse impacts to any known archaeological or paleontological resource;**
- 7. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and**
- 8. 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.**

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 Chapter 18.61.063. This action is appealable to the California Coastal Commission pursuant to Chapter 18.61.065.**
- 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 certified LCP.**
- 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 Coastal Development Permit approval shall lapse and become null and void two (2) years from the date of approval unless prior to the expiration of two (2) years, construction is commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with LUDC Section 18.71.050.

SPECIAL CONDITIONS

1. Prior to project construction activities, Caltrans shall submit a copy of the USACE 404 Permit, NCRWQCB 401 Water Quality Certificate, CDFG 1602 Streambed Alteration Agreement, as well as a copy of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) as provided to the NCRWQCB. All permit conditions specified by the regulatory agencies shall be implemented.
2. Special Condition # 2 - Temporary orange plastic fencing will be installed completely around cultural sites prior to staging and construction in order to keep construction activities out of the sensitive areas. An archaeological monitor also shall be present should any trenching occur within 50 feet of either archaeological site. If intact site deposits are encountered, work will be halted until a suitable strategy is developed in consultation with the local Native American tribes, City Public Works Department, Caltrans, and other parties of interest.

VOTE: Ayes: Commissioners Cox, Ellis, Lucas, and Chair Hannon.
Absent: Commissioner Kuhl.

2. USP 8-08; Consuelo Soria (applicant); Consuelo & Mariano Soria (property owners); 1055 Chestnut Street, APN 008-332-03-00; Use Permit to establish a Large Family Day Care operation at a residence.

Community Director Jones informed the Commission that Ms. Soria withdrew her application for a large family daycare due, in part, to opposition from neighbors. The owners will continue to operate a small family day care at the site.

CONDUCT OF BUSINESS

3. **Matters from Chair/Commission/Staff**
 - A. Director Jones announced that there are no items ready to go forward, and the August 13 Planning Commission meeting will be cancelled.
 - B. Director Jones informed the Commission that the City will hold a Global Warming Action Plan Workshop at the Fort Bragg Middle School Cafeteria from 6:00 – 9:00 p.m., on Thursday, July 31. She encouraged the Commission and public to attend.

ADJOURNMENT

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

Mark Hannon, Chair

ATTEST:

**Nancy Philips
Administrative Secretary**

INDEXED: _____(____)

IMAGED: _____(____)