

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

## **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present: Chair Mark Hannon, Commissioners Scott Deitz, Becky Ellis, and Milt Kuhl.  
Absent: Commissioner Georgia Lucas.  
Staff Present: Marie Jones, Community Development Director; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Ellis, seconded by Deitz, to approve the January 13, 2010, Regular Meeting minutes as written.

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

Moved by Ellis, seconded by Deitz, to approve the January 14, 2010, Special Meeting minutes as written.

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

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

None.

### **CONDUCT OF BUSINESS**

#### **1. Election of Officers**

The meeting was turned over to Philips, who called for nominations for Chair. **Deitz nominated Hannon, which was seconded by Ellis.** There were no other nominations for Chair.

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

Chair Hannon called for nominations for Vice Chair. **Ellis nominated Deitz, which was seconded by Kuhl.** There were no other nominations for Vice Chair.

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

### **PUBLIC HEARINGS**

- DR 9-09; October 13, 2009; City of Fort Bragg (owner/applicant); Dave Goble, Director, Public Works (agent); Otis Johnson Wilderness Park, 831 Cedar Street; APN 008-250-27/48-00; Design Review to allow removal of culvert and installation of: two stream crossings, interpretive signage, gate features, retaining walls, and picnic tables. Project also includes improvements to trails, stairs, and other amenities on site to restore habitat, enhance recreational activities, and improve public access.**

Community Development Director Jones reviewed the staff report for this item. Responding to a number of questions from the Commission, she noted that: 1) removing non-native acacia trees is quite expensive, and the number of acacia trees that are removed will depend on the bid; 2) carnauba wax will be used to coat interpretive signs so graffiti can be scraped off when it occurs; 3) Parlin Forks

will construct the picnic tables and they will be made of wood.

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

1. Dave Goble, Public Works Director, explained that this project's improvements take place below and downstream of the property referenced in the letter that Linda Hockett wrote the Commission. The rebuilt retaining wall should help convey seepage from her property and reduce erosion. The project will not go out to bid until the City has obtained permits from the Department of Fish & Game and the Army Corps of Engineers. It is likely that construction will begin in June.
2. Jeff Davis, neighbor, stated that he had three concerns. There are trails on the northeast corner of the Park that lead to his property. The fence should be extended to make his property inaccessible from the Park. Second, signage should be added that says something like "Park Boundary, Do not Trespass." Finally, he said that he hoped there would not be a picnic bench at the Pudding Creek Beach overlook as it would increase the amount of litter currently found there.
3. Bob Shoptaw, neighbor, agreed with Davis that the fence on the eastern boundary should be improved. Limbs have fallen on it, and he and his wife have tried to repair the fence as best they can.
4. John Cissne, neighbor, recommended that the park be kept natural and be a positive space. Keep Otis Johnson's vision of the community. Cissne added that he is happy that the picnic tables will be replaced as they attract kid parties to the park.
5. Frank Hartzell, caretaker, said that this was a great plan because repairs were needed. Hartzell agreed with Cissne that people will respond to a positive place and that it would draw more people. Homeless people come up from the encampment at Pudding Creek. The Park is a lot better than it used to be.

**Chair Hannon closed the public hearing at 6:43 p.m.**

Discussion: Chair Hannon inquired whether the bridge would be made of a non-slip finish. Jones responded that the stairs would be non-slip and agreed that the bridge should be non-slip as well. There may be money for replacing part, but not all, of the fence on the east side. The City may be able to offer matching funds if neighbors fund a portion of the fencing too. The City will add park boundary signs to the project. Volunteer trails can be closed in two ways: by installing signage that the trail is closed for restoration and by physically blocking the trail.

**Moved by Deitz, seconded by Kuhl, to approve Design Review 9-09 (DR 9-09) based on the following findings and subject to the conditions cited below:**

**GENERAL FINDINGS**

1. **The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Land Use and Development Code (LUDC) and the Fort Bragg Municipal Code;**
2. **The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**
3. **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;**
4. **The project complies with Specific Use Regulations established for the project**

5. For the purposes of the environmental determination, the project is considered exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15333 – Small Habitat restoration Projects.

#### **DESIGN REVIEW FINDINGS**

1. The project complies with the purpose and requirements of LUDC Section 18.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the General Plan; and
7. The project complies and is consistent with the Citywide Design Guidelines.

#### **SPECIAL CONDITIONS**

1. Eliminate the Otis Johnson Park wording on top of the arbor and replace with a smaller carved wood sign located above the small CMU/stone veneer wall. The applicant will submit a revised signage plan to the Community Development Director prior to approval of a building permit.
2. If a reduction in the scope of the project is required for funding and budgetary constraints, the applicant will submit a revised scope that removes the following items from the project in order of funding criteria: 1) the gate posts and park sign; 2) repair and replacement of the lower retaining wall; 3) replacement of the upper crossing with a bridge and substitute instead a larger dimension culvert and stormwater dissipater; and 4) other components of the project as necessary.

#### **STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Land Use and Development Code (LUDC) 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 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 the 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 Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all

further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.

7. 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.
8. Unless a condition of approval or other provision of the Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with LUDC Subsection 18.76.070 (B).

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

### **CONDUCT OF BUSINESS (CONTINUED)**

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

- A. Director Jones reminded the Commission that Coastal Trail walks will take place on Friday, February 12, and Saturday, February 13. Following the Saturday trail walk the City will hold a three-hour workshop and Open House at the Fire Department. Jones encouraged the Commission and the public to attend.

### **ADJOURNMENT**

Chair Hannon adjourned the meeting at 6:50 p.m.

\_\_\_\_\_  
Mark Hannon, Chair

ATTEST:

\_\_\_\_\_  
Nancy Philips  
Administrative Secretary

INDEXED: \_\_\_\_\_(\_\_\_\_)

IMAGED: \_\_\_\_\_(\_\_\_\_)