



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, July 21, 2021

6:00 PM

Via Video Conference

Special Meeting

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLEASE TAKE NOTICE

This Planning Commission meeting is presented virtually via Zoom. The Governor's executive Orders N-25-20, N-29-20, and N-08-21 suspend certain requirements of the Brown Act. Planning Commissioners and staff may choose to participate in person or by video conference.

The meeting will be live-streamed on the City's website at <https://city.fortbragg.com/> and on Channel 3. Public Comment regarding matters on the agenda may be made in person at Town Hall or by joining the Zoom video conference and using the Raise Hand feature when the Chair or Acting Chair calls for public comment. Any written public comments received after agenda publication will be forwarded to the Commissioners as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except those written comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to Sarah Peters, speters@fortbragg.com.

ZOOM WEBINAR INVITATION

*You are invited to a Zoom webinar.
When: Jul 21, 2021 6:00 PM Pacific Time
Topic: Planning Commission*

*Please click the link below to join the webinar:
<https://us06web.zoom.us/j/88077112681>*

*Or Telephone:
US: +1 720 707 2699 or +1 253 215 8782 (*6 mute/unmute, *9 raise hand)
Webinar ID: 880 7711 2681*

TO SPEAK DURING PUBLIC COMMENT PORTIONS OF THE AGENDA VIA ZOOM, PLEASE JOIN THE MEETING AND USE THE RAISE HAND FEATURE WHEN THE CHAIR OR ACTING CHAIR CALLS FOR PUBLIC COMMENT ON THE ITEM YOU WISH TO ADDRESS.

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

MANNER OF ADDRESSING THE PLANNING COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3) minutes per speaker.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.

2. STAFF COMMENTS

3. MATTERS FROM COMMISSIONERS

4. CONSENT CALENDAR

All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.

4A [21-380](#) Approve Minutes of the June 23, 2021 Planning Commission Meeting

Attachments: [Minutes of June 23, 2021](#)

4B [21-381](#) Approve Minutes of the July 14, 2021 Planning Commission Meeting

Attachments: [Minutes of July 14, 2021](#)

4C [21-379](#) Adopt Resolution Denying MUP 1-21 for Cannabis Dispensary at 144 N Franklin Street

Attachments: [Denial Resolution MUP 1-21](#)

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

6. PUBLIC HEARINGS

7. CONDUCT OF BUSINESS

ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is



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Text File

File Number: 21-380

Agenda Date: 7/21/2021

Version: 1

Status: Consent Agenda

In Control: Planning Commission

File Type: Minutes

Agenda Number: 4A

Approve Minutes of the June 23, 2021 Planning Commission Meeting

Planning Commission requested changes to minute text. Staff reviewed video recording and made minor changes, staff determined not all requested changes were consistent with the record. Staff modified minute text of item 6B. to further clarify and differentiate between what "notice of posting" was at issue.



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Meeting Minutes Planning Commission

Wednesday, June 23, 2021

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Chair Jeremy Logan, Vice Chair Jay Andreis, Commissioner Stan Miklose, Commissioner Michelle Roberts, and Commissioner Nancy Rogers

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

None.

2. STAFF COMMENTS

Assistant Director O'Neal summarized upcoming events: a Rural Recreation and Tourism grant scoping session on June 30, the Annual Fireworks event on July 3, and a Volunteer Clean-up event on July 4. She also gave updates on the former Grey Whale Inn code compliance status and the Formula Business ordinance.

3. MATTERS FROM COMMISSIONERS

Commissioner Roberts mentioned the Hospital's 50th Anniversary Celebration on June 27. Vice Chair Andreis requested and was provided the Street Safety Survey website address.

4. CONSENT CALENDAR

A motion was made by Commissioner Miklose, seconded by Commissioner Rogers, that the items on the Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Chair Logan, Vice Chair Andreis, Commissioner Miklose, Commissioner Roberts and Commissioner Rogers

4A. [21-311](#) June 2, 2021 Meeting Minutes

4B. [21-316](#) June 9, 2021 Minutes

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None

6. PUBLIC HEARINGS

- 6A. [21-294](#) Receive Report, Conduct Public Hearing and Consider Adoption of a Resolution Approving Application for Use Permit 2-21 to Change the Primary Use of 237 E. Alder to Single Family Residential.

Chair Logan opened the Public Hearing at 6:12 P.M.

Associate Planner Gurewitz presented the prepared report on the application to change the primary use of 237 E. Alder to Single Family Residential. There were no immediate questions for staff. Chair Logan called for public comment. There were none. Commissioners then asked clarifying questions related to the existing fence; setback requirements related to potential further property development; purpose of this process for the project; and differences in tax rates between commercial and residential properties.

Chair Logan closed the Public Hearing at 6:29 P.M.

DISCUSSION:

Under deliberation, Commissioners discussed a concern about Applicant's building being approved as Residential, while also qualifying for Central Business District requirements which have less stringent coverage and setback requirements.

A motion was made by Commissioner Rogers, seconded by Commissioner Roberts, that this Planning Resolution be adopted. The motion carried by the following vote:

Aye: 5 - Chair Logan, Vice Chair Andreis, Commissioner Miklose, Commissioner Roberts and Commissioner Rogers

Enactment No: RES PC09-2021

- 6B. [21-305](#) Receive Report, Conduct Public Hearing of Appeal and Consider Adoption of Resolution Affirming Approval of Minor Use Permit MUP 1-21 for Sunshine Cannabis Dispensary

Commissioner Andreis recused himself from the matter due to the proximity of his residence to the project. Commissioner Miklose recused himself due to the proximity of his business to the project. Commissioners Andreis and Miklose left the meeting and Chair Logan opened the Public Hearing at 6:37 P.M.

Associate Planner Gurewitz presented the prepared report on the appeal of the Minor Use Permit for Sunshine Cannabis Dispensary and Commissioners asked clarifying questions of Staff. Appellants addressed the Commission with arguments for why the project should not be permitted. Appellants who spoke were:

- *Gene Myrtle
- *Jay Koski
- *Patricia Bell
- *Jacob Patterson (on behalf of the appellants)
- *Jim Matson

Applicant Brandy Moulton addressed the Commission with responses to questions and concerns.

Public Comment:

- *Theresa Heitmeyer
- *Gabriel Quinn Maroney - via Zoom
- *Andrew Jordan - via Zoom
- *Simeon Evans - via Zoom

Appellant Jay Koski gave a rebuttal to applicants' statements. Jacob Patterson also gave a rebuttal on behalf of appellant group. Following that, Commissioners asked clarifying questions of Staff and Applicant.

Chair Logan closed the Public Hearing at 7:58 P.M.

Discussion:

Commissioners' deliberation included legality and uniqueness of cannabis as a retail business; incompatibility with character of mixed use neighborhood; potential for increase in traffic; safety concerns related to traffic and lighting; concerns about proximity to residences; neighbors' unhappiness with project in their neighborhood; concerns about potential for improper use of accessory buildings; and insufficient evidence that the required "notice of posting" for the Minor Use Permit (MUP) 1-21 and the Administrative Hearing for MUP 1-21 was properly posted at the property. There was discussion regarding the need for notice of posting on site for an appeal and City Attorney, Keith Collins clarified, that per code, no on-site posting is necessary during appeal.

This was referred to staff to draft a Planning Resolution Denying the Project and Upholding the Appeal.

Enactment No:

7. CONDUCT OF BUSINESS

None.

ADJOURNMENT

Chair Logan closed the meeting at 9:11 P.M.

Jeremy Logan, Chair

Sarah Peters, Administrative Assistant

IMAGED (_____)



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Text File

File Number: 21-381

Agenda Date: 7/21/2021

Version: 1

Status: Consent Agenda

In Control: Planning Commission

File Type: Minutes

Agenda Number: 4B

Approve Minutes of the July 14, 2021 Planning Commission Meeting



City of Fort Bragg

416 N Franklin Street
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Meeting Minutes Planning Commission

Wednesday, July 14, 2021

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:02 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Chair Jeremy Logan, Commissioner Stan Miklose, Commissioner Michelle Roberts, and Commissioner Nancy Rogers
Absent 1 - Vice Chair Jay Andreis

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

Public Comment:

Jacob Patterson

2. STAFF COMMENTS

None.

3. MATTERS FROM COMMISSIONERS

None.

4. CONSENT CALENDAR

A motion was made by Commissioner Roberts, seconded by Chair Logan, that Items 4A and 4B be pulled from the Consent Calendar and heard under Conduct of Business. The motion carried by the following vote:

Aye: 4 - Chair Logan, Commissioner Miklose, Commissioner Roberts and Commissioner Rogers

Absent: 1 - Vice Chair Andreis

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

6. PUBLIC HEARINGS

7. CONDUCT OF BUSINESS

4A [21-348](#) Receive and File Minutes of the June 23, 2021 Planning Commission Meeting

Commissioner Roberts asked that for clarification, the last part of the last sentence of the Discussion paragraph be changed to reflect that there were three notices for which there was not evidence of proper posting. She moved that the minutes be changed to read: "...insufficient evidence that the required notice for Minor Use Permit 1-21, the Administrative Hearing, and the Appeal was properly posted at the property."

These Minutes were referred back to staff for modifications.

4B [21-338](#) Adopt Resolution Denying MUP 1-21 for Cannabis Dispensary at 144 N Franklin Street

Commissioner Roberts stated her primary concerns with the Denial Resolution: that the Planning Commission made only two findings on Minor Use Permit 1-21. These included insufficient evidence that three required postings had been done by the Applicant and that the proposed use is not consistent with existing and future land uses. All other findings in the draft resolution were not made by the Commission.

Chair Logan and Commissioner Rogers inquired about form and common practice for Resolutions. Assistant Director O'Neal explained that staff routinely prepares resolutions for consideration that include standardized language to make the document more legally defensible, and as Planning Commission did not object specifically to the other findings, they were left in tact from the original Resolution on that agenda item.

There was further discussion regarding common practice about content in Resolutions. Commissioners discussed the pros and cons of either approach, ultimately agreeing that Resolutions should reflect only the Commission's findings.

A motion was made by Commissioner Roberts, seconded by Chair Logan, that City staff modify the Resolution to include only the two findings that the Planning Commission made during the meeting on June 23, 2021 and strike everything that was not part of the specific findings made during that meeting.

This Planning Resolution was referred back to staff for modifications.

ADJOURNMENT

Chair Logan adjourned the meeting at 6:35 P.M.

Jeremy Logan, Chair

Sarah Peters, Administrative Assistant

IMAGED (_____)



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Text File

File Number: 21-379

Agenda Date: 7/21/2021

Version: 1

Status: Consent Agenda

In Control: Planning Commission

File Type: Planning Resolution

Agenda Number: 4C

Adopt Resolution Denying MUP 1-21 for Cannabis Dispensary at 144 N Franklin Street

RESOLUTION NO. PC __-2021

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR DENIAL OF MINOR USE PERMIT 1-21 FOR THE ESTABLISHMENT OF A CANNABIS DISPENSARY AT 144 NORTH FRANKLIN STREET.

WHEREAS, there was filed with this Commission a verified application on the forms prescribed by the Commission requesting approval of a Minor Use Permit under the provisions of Chapter 18 Article 7 of the Inland Land Use Development Code to permit the following Use:

Establish a cannabis dispensary on the property located at Assessor's Parcel No. 008-164-39 as shown on the Fort Bragg Parcel Map and addressed as 144 N. Franklin Street.

WHEREAS, the Planning Commission upon holding the hearing on June 23, 2021 determined that there was not sufficient evidence that the required noticing for the Minor Use Permit and the Minor Use Permit Administrative Hearing were properly posted at the property; and

WHEREAS, the approval of a project requires that all findings for a Minor Use Permit be made; and

WHEREAS, at the public hearing Planning Commission established the following finding c. could not be made:

c. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The proposed use is not compatible with the existing and future land uses because testimony presented by the appellant and the neighbors provide evidence of a mixed-use neighborhood making it incompatible with the residential properties primarily adjacent to the site.

NOW, THEREFORE, BE IT RESOLVED that pursuant of all the evidence presented on June 23, 2021, both oral and documentary, and further based on the findings, Minor Use Permit 1-21 is denied subject to the provisions of the City of Fort Bragg Municipal Code Title 18 Inland Land Use Development Code.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 21st day of July 2021, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant