

## RESOLUTION NO. 3019-2006

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING PROCEDURE FOR DETERMINING APPLICATION ACCEPTANCE DATE FOR PURPOSE OF FREEZING EXISTING DEVELOPMENT REGULATIONS

**WHEREAS**, on May 22, 2006, the Fort Bragg City Council discussed the review of development applications in the coastal zone prior to the Coastal Commission's certification of the City's comprehensive Local Coastal Program (LCP) update; and

**WHEREAS**, the City Council directed the Community Development Committee to discuss this issue in further detail and provide a recommendation to Council; and

**WHEREAS**, the Community Development Committee reviewed the item on June 19, 2006, and requested further clarification from staff on several issues, including when a project is "deemed submitted"; and

**WHEREAS**, staff provided additional information to the entire City Council on August 28, 2006, for discussion and direction and sought further direction from the City Council on September 11, 2006, regarding a city-wide policy to "freeze" development regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby establish the following policy regarding applications for development:

1. The term "development" as used herein shall have the same meaning as set forth in Government Code §§ 65927. The term "project" as used herein shall have the same meaning as set forth in Government Code §§ 65931. The term "deemed submitted" as used herein shall mean that all Submittal Requirements, as described in various development application pamphlets and materials maintained by the Community Development Department, have been satisfied. The term "deemed submitted" as used herein shall not be construed, interpreted or applied to mean "complete" or "deemed complete" as those terms are used in the Permit Streamlining Act (Government Code §§ 65920 et seq.)
2. Unless directed otherwise by City Council at a duly noticed public meeting, all applications for development shall be "deemed submitted" for the purpose of "freezing" development regulations that are in effect at the time that all of the primary submittal requirements (i.e., submittal of fees, site plan, elevations, floor plans, landscape plans, sign plans, lighting plans, tentative map) have been met.
3. While additional documentation may be required to make a development application complete (such as botanical or wetlands surveys, soils reports, traffic studies, archaeological investigations, grading and drainage plans, a certification of compliance with Government Code section 65962.5, etc.), delays in the submittal of such documents for a period of up to 180 days will not render an application subject to new or additional development regulations that may be adopted after an application is deemed submitted.

4. Delays in the submittal of additional necessary documentation (as described above) beyond a period of 180 days may result in the application being deemed “withdrawn” in the reasonable discretion of the Community Development Director.
5. Modifications to applications for development that have been deemed submitted but that result in substantial changes to a project will render an application “deemed withdrawn”.
6. The Community Development Director or any City Council member can request a determination by the City Council as to whether proposed modifications to a “deemed submitted” application actually result in substantial changes to a project. The determination of the City Council as to whether any such modification(s) result in substantial changes to a project shall be final.
7. This policy shall apply to applications for development in all incorporated areas of the City of Fort Bragg, including the coastal zone, but shall not apply to coastal development permits or applications for development outside of the incorporated area (but within the sphere of influence) of the City of Fort Bragg.
8. Nothing in this policy shall be applied or interpreted in a way that conflicts or creates inconsistencies with, supersedes, or otherwise grants additional rights, privileges or benefits that are greater than are otherwise available in, any of the following:
  - a. Subdivision Map Act (Gov. Code §§ 66400 et seq.)
  - b. Permit Streamlining Act (Gov. Code §§ 65920 et seq.)
  - c. Mitigation Fee Act (Gov. Code §§ 66000 et seq.)
  - d. California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) and associated CEQA Guidelines
  - e. California Coastal Act (Pub. Resources Code §§ 30000 et seq.)
  - f. Other applicable Planning and Zoning laws, including without limitation, Gov. Code §§ 65450 et seq. (Specific Plans), and Gov. Code §§ 65864 et seq. (Development Agreements)
  - g. City of Fort Bragg General Plan, Land Use and Development Code, Citywide Design Guidelines, the certified Local Coastal Program, or any applicable city ordinances.
9. To the extent that this policy, or any portion of it, is applied or interpreted in a way that conflicts or creates inconsistencies with, supersedes, or otherwise grants additional rights, privileges or benefits that are greater than are otherwise available in, any of the foregoing, said policy (or portion thereof) shall not be applicable. It is the intent of the City Council in adopting this policy that to the greatest extent feasible, conflicts or

inconsistencies with any of the foregoing should be avoided so that the rights, privileges and benefits conferred by said policy shall be applicable.

10. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council of the City of Fort Bragg hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**The above and foregoing Resolution was introduced by Councilmember Melo, seconded by Councilmember Baltierra, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25<sup>th</sup> day of September, 2006, by the following vote:**

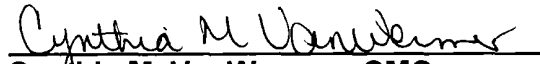
**AYES:** Councilmembers Gjerde, Baltierra, Hammerstrom, Melo, and Mayor Turner.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.



---

**DAVE TURNER,**  
**Mayor**

**ATTEST:**



---

**Cynthia M. VanWormer, CMC**  
**City Clerk**