



CITY OF FORT BRAGG

Incorporated August 5, 1889

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NOTICE OF FINAL ACTION on Coastal Development Permit

On November 5, 2021 final action was taken by the City on the installation of bio-solids dryer in an existing building with an attached exterior conveyor belt:

PERMIT TYPE & NO.: Coastal Development Permit CDP 3-21

APPLICANT/OWNER: CITY OF FORT BRAGG / CITY OF FORT BRAGG

LOCATION: 281 Jere Melo St

APN: 008-020-07

DESCRIPTION: Installation of bio-solids dryer in an existing building with an attached exterior conveyor belt


DATE OF ACTION: November 5, 2021

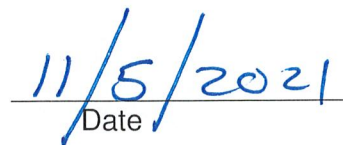
ACTION BY: Acting Director, Community Development Department

ACTION TAKEN: Approved (See attached Findings and Conditions)
 Denied (See attached Findings)

THIS PROJECT IS: Appealable to the City of Fort Bragg Planning Commission.
Decisions of the Director shall be final unless appealed to the Planning Commission within ten (10) days after the decision is rendered. An appeal shall be submitted in writing along with the appeal fee of \$375.00 to the Community Development Department, and shall specifically state the pertinent facts and the basis for the appeal. Appeals shall be limited to issues raised at the administrative public hearing, or in writing before the public hearing, or information that was not known at the time of the decision.

Appealable to the City of Fort Bragg City Council.
 Appealable to the California Coastal Commission.


John Smith
Acting Director, Community Development


Date

Permit Findings

- a. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources because the project will not have adverse effects on coastal programs and that the project is in conformity with the City of Fort Bragg's certified Local Coastal Program as concluded in the Staff Memorandum on the project from November 3, 2021.
- b. The project is located between the first public road and the sea, and is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code) because this project will not impact public access. The current site is a wastewater treatment facility. It has been so for more than 50 years. The City has provided ample recreational public access adjacent to the north and south of the site, and the existence of the WWTF does not inhibit coastal access.
- c. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment because the project in and of itself will substantially lessen the odor issues and greatly reduce greenhouse gas emissions related to the transport of biosolids and provide an opportunity for recycling of the biosolids.
- d. The proposed use is consistent with the purposes of the zone in which the site is located because the project is in a public facilities zone and is part of a public facility, the Wastewater Treatment Facility, which is consistent with the zone in which it is located.
- e. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan as concluded in the Staff Memorandum on the Project from November 3, 2021.
- f. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity because the proposed project will improve the health, safety, and welfare and properties around the site as the project is intended to remediate the odor caused by the wet biosolids stored on site.
- g. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development because the volume of biosolids will decrease when they are dried. Their cumulative weight and volume for shipping will also decrease. This reduces the number of trucks needed to transport of the biosolids and reduce large vehicle traffic on public roadways. It may also result in the biosolids potentially being recycled which reduces the solid waste.

J. The supplemental findings required by 17.56.070 for projects between the first public road can be made because this project will result in no change to public access, neither individually or cumulatively as part of the existing wastewater treatment facility. The site was traditionally part of the greater industrial timber mill site and in 1970-1971 it was acquired by the City and the wastewater treatment facility was constructed and began operation. This site is now bordered by parkland owned and operated by the City and which provides public access to the shoreline and connectivity with the California Coastal Trail. The site in question is not suitable for public access because it is not safe for the public to walk inside an active wastewater treatment facility. Therefore, the overall finding can be made, and is supported by the analysis in the Staff Memorandum from November 3, 2021.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to CLUDC Chapter 18.92 - Appeals.
1. 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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
2. 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.
3. 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.
4. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
5. 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.

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. Unless a condition of approval or other provision of the Inland 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 CLUDC Subsection 18.76.070 (B).
8. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at time of building permit application.
9. Applicant shall indemnify, hold harmless and defend the City of Fort Bragg against any claim brought against the City stemming from the City's approval of this project.

SPECIAL CONDITIONS

1. Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.
2. If the Municipal Improvement District changes its existing plan for sludge use and disposal practices, the District shall submit a biosolids management plan for review and acceptance by Regional Water Board and U.S. EPA staff. The biosolids management plan should describe the District's biosolids treatment process and include details to demonstrate compliance with federal biosolids regulations for the production of Class A biosolids in the Code of Federal Regulations – 40 CFR Par 503 and to describe how the biosolids will be used locally.