

**Fort Bragg, California**  
**February 27, 2008 (Special Joint Meeting)**  
**Town Hall**

The City Council of the City of Fort Bragg and the Fort Bragg Planning Commission met in special session on the above date at the hour of 7:00 p.m. in the Town Hall, southwest corner of N. Main and Laurel Streets (363 N. Main Street), Fort Bragg, with Mayor Doug Hammerstrom presiding.

**ROLL CALL as acknowledged by Mayor/Chair Hammerstrom.**

**Present:** Council members Meg Courtney, Dan Gjerde, Jere Melo, Dave Turner, and Mayor Doug Hammerstrom, Commissioners Burley Cox, Becky Ellis, Georgia Lucas, and Chair Mark Hannon.

**Absent:** Commissioner David Linkhart.

**1. CONDUCT OF BUSINESS**

**A. Conduct Joint City Council/Planning Commission Workshop on City's Comprehensive Local Coastal Program Amendment and Provide Direction to Staff**

Community Development Director Jones began by reviewing the process that led to this meeting. In 2006 the City submitted an application to the California Coastal Commission (CCC) for an update to our Local Coastal Program (LCP). The existing certified LCP dates back to 1983. The comprehensive LCP amendment includes all the changes from the 2004 Land Use & Development Code (LUDC) and General Plan as amended in 2004. CCC staff reviewed the document, made modifications, and provided a copy with over 800 changes to the City one month before the Coastal Commission held its December 2007 LCP hearing. The LCP hearing was continued to CCC's meeting in January. In the meantime, City and CCC staff spent a lot of time negotiating and came to an agreement on most of the changes. Council held a workshop in January 7 of this year to make a recommendation on the 11 remaining outstanding issues before the continued CCC hearing. At the January hearing, CCC approved the LCP with recommended changes and directed its staff to continue to work with the City to find common ground on the remaining outstanding issues as long as they are consistent with the Coastal Act. Tonight staff needs direction as to whether the negotiated changes are acceptable and how the City should proceed with the LCP.

Public comment on the below matters was received from: Char Flum, Amy Wynn, and Vince Benedetti.

**A. LCP Policies to Implement Measure C**

Items noted during discussion of this matter included:

- The LCP must comply with the Coastal Act. Measure C conflicts with Coastal Act policies.
- The General Plan documents the City's support of Measure C by not allowing any onshore facilities related to the exploration and development of offshore oil and gas.
- If the LCP included wording to prohibit such facilities, it would have to include wording saying how they could be approved. The City's decision to deny an application could be challenged in court.
- It is vital that the City maintain a paper trail of its decisions so that there is documentation if a matter goes to court.

**It was decided to remain silent on Measure C in the LCP since its applicability is already included in the General Plan. Staff was directed to carefully craft a letter to the CCC Executive Director affirming the City's support for Measure C and the reason Measure C language is withdrawn from the LCP.**

**B. Reserving Service Capacity for Priority Uses – New Development**

Items noted during discussion of this matter included:

- Service capacity is determined based on when a development is completed, not when an application is filed.
- It would be beneficial if LCP wording were phrased in a more positive manner whenever possible.

It was agreed that “upon completion of proposed development” should be added to clarify when the City reserves service capacity for a given project.

**C. Reserving Service Capacity for Priority Uses – Water Supply**

Items noted during discussion of this matter included:

- Proposed wording allows the City to identify and implement improvements to the water system as we are able to make them rather than having to expand the system to accommodate potential future services.

**It was agreed that staff’s recommended wording is appropriate.**

**D. Reserving Service Capacity for Priority Uses – Wastewater Facilities**

**It was agreed that staff’s recommended wording is appropriate.**

**E. Environmentally Sensitive Habitat Areas (ESHAs)**

Items noted during discussion of this matter included:

- The Coastal Act prohibits pipelines and utilities in ESHA. According to the CCC Executive Director, this provision would not apply to all riparian habitats, only threatened or endangered species and rare plants.
- Directional or slant drilling would be allowed by the CCC since, technically, it is not done in ESHA. However the State Water Board objects to drilling under Pudding Creek because mud and drilling lubricants may surface.
- Discharge of drilling mud could destabilize a bluff.
- If ocean water is needed for a marine center, a pipeline could be installed over the bluffs to avoid having to slant drill through soft, fractured rocks.
- Buffers are 30’ to 100’ as determined by a botanist or biologist.
- Protecting ESHA can have unintended consequences because people fill wetlands and mow or eradicate rare species to avoid restrictions on their development.

**It was agreed that staff’s recommended wording is appropriate.**

**F. Modifications to Stormwater Management Requirements**

Items noted during discussion of this matter included:

- The goal of stormwater management is to minimize pollution, not mitigate it.
- A preliminary Runoff Mitigation Plan (RMP) should be done by a “qualified” professional rather than a “licensed” professional. This would save the developer money on a plan that would have to be redesigned anyway as the project evolves.
- It would benefit the City to not define in the LCP what constitutes a preliminary plan. The City has the discretion to approve and define a procedure as part of its process.
- Stormwater requirements are new and should be referenced in coastal development permit brochures.
- CCC staff has been unable to provide the City with a methodology of the 85th percentile design standard for treatment control best management practices. Staff needs the methodology to be able to assess the impacts of this new provision.
- The 85<sup>th</sup> percentile in Fort Bragg is .8” in 24 hours; this definition should be included in the LCP.

**It was agreed that staff: negotiate adding “prior to the issuance of grading or building permits,” not define a preliminary plan; include a definition of the 85<sup>th</sup> percentile standard; contact CCC staff again for methodology; and assess the effect of this provision.**

Director Jones presented options for proceeding with the LCP application:

- 1) Accept modifications as submitted with all compromises agreed to by staff and CCC, hold public hearings, and reformat document so the LCP can be presented at the July 11 CCC meeting;
- 2) Hold joint City Council/Planning Commission workshops (or give Commissioners the responsibility

to do the workshops) over the next three Planning Commission meeting dates to go through the entire LCP. This would give the public and joint reviewing bodies the opportunity to understand documents; however, any substantive changes would have to be a resubmission or LCP amendment which would take three months to a year. It may also subject us to conditions agreed to by other cities in the interim;

- 3) Live with the LCP we have from 1983 that does not comply with the General Plan; or
- 4) Get the LCP certified and go for amendments later.

**It was agreed that unless an onerous condition surfaces in the review process, hold joint public workshops March 12, 26, and April 9 to have the LCP certified, and go back for an amendment later if needed. In the interim, staff is to continue to negotiate with CCC staff as needed during the workshop process.**

Noting the time was approaching 9:00 p.m., Mayor Hammerstrom asked the Commission if they wanted to continue the meeting. **Commissioners agreed to continue with the meeting past 9:00 p.m.**

Items noted during discussion of this topic included:

- The March 12 joint workshop would address the Coastal General Plan, and the following two workshops would review Coastal Land Use & Development Code (CLUDC). Prior to those meetings, staff will consider the best means to show proposed changes in the least confusing manner.
- Staff to prepare cheat sheets of policy changes and Coastal Act policies.
- Copies of LCP documents to be available at City Hall and the library.
- There is a legal requirement for General Plan and zoning requirements to be consistent.
- The LCP is exempt from California Environmental Quality Act (CEQA).
- It is helpful to have many eyes review the LCP to consider development scenarios and how the conditions apply.

**Mayor/Chair Hammerstrom adjourned the meeting at 9:13 p.m.**

\_\_\_\_\_  
**DOUG HAMMERSTROM, Mayor**

**ATTEST:**

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

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

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