

**AGENDA  
CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.  
REGULAR PLANNING COMMISSION MEETING**

Location:	City Hall	Date:	February 16, 2011
	834 Main Street	Time:	7:00 p.m. Regular Meeting
	Ferndale CA 95536	Posted: 2/10/11	

The City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility please call 786-4224 24 hours prior to the meeting.

1.0	Open meeting / flag salute / roll call	
2.0	Update Agenda	
2.1	Proposed changes, modifications to agenda items	
2.2	Commissioners comments	
3.0	Approval of previous minutes – January 26, 2011. ....	Page 2
4.0	Public Comment .....	Page 3
5.0	Public Hearing	
5.1	Exception to Development – Keith Power; 550 Eugene, Fence ..	Page 4
6.0	Correspondence and Oral Communications .....	Page 12
7.0	Business .....	
7.1	Sub Committee Report on Lighting and Signage	
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10.0	Adjournment – Next regular meeting March 16,2011 .....	Page 29

**City of Ferndale, Humboldt County, California USA**  
Minutes for Planning Commission Meeting of January 26, 2011

Call to Order: Chair Jorgen Von Frausing-Borch called the Planning Commission/Design Review Joint Special meeting to order at 7:00 p.m. Commissioners Trevor Harper, Dan Brown, Lino Moggi, Nancy Trujillo and Design Review Committee members Dane Cowan, Michael Bailey, Michael Sweeney as well as City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum and City Planner Vanessa Blodgett were present. Those in attendance pledged allegiance to the flag.

Under Changes the City Clerk asked that the Historic & Cultural Resources Element be heard first, then the Public Hearing for the exception to development application for Willis Hadley. The Chair approved.

The Chairman turned the meeting over to City Planner Vanessa Blodgett who explained the purpose of this portion of the meeting: Gather input for the Historic & Cultural Resources General Plan Element. She gave an introduction of the relationship of the Historic & Cultural Resources Element to the General Plan; the Historic Cultural Setting and context; the historic resources and design review; cultural resources and their relationship to the Eel River Valley; and goals, policies and implementation strategies.

She then called on Tony Smithers, the Executive Director of the Humboldt County Convention and Visitors Bureau who spoke on the importance of Ferndale's Historic and Cultural resources. Heritage Tourism brings people to Ferndale because we have an authentic streetscape. He gave a comparison of what an average person spends on a trip (about \$600), while a Heritage Tourist spends approximately \$994; an average person takes about four trips a year, while a Heritage Tourist takes about five. California is the biggest destination state.

Dane Cowan, Design Review Committee member and Qualified Historical Restoration Expert, spoke on maintaining materials and features of historic buildings. Historic buildings are a physical record of time and place. Changes are made to buildings and they should be included in the historic fabric of the town. When working on a structure, one should repair before replace, and a replacement should match the old in scale, mass and proportion. Chemical treatments should be avoided – use the gentlest means possible for cleaning. Additions and extensive alterations should not destroy the historic features of the building. It is important that additions be differentiated from the old part of the building. New additions should be removable without damage being done to the existing building. Changes that can affect the historic value of your building include windows, roofing, decks and porches. Planning is important so one can have an overall view of the project – how does your project affect the streetscape? Modern materials are acceptable if they are compatible with the rest of the building. A basic concept in maintaining historical structures is to keep a record, integrate with buildings around it and maintain cultural streetscape. Cowan spoke of promoting what we already have here and suggested a city-wide inventory of historic structures. Commissioner Trujillo had concerns about forcing people who have houses over 50 years old into new regulations. Cowan spoke of encouragement rather than coercion. An inventory would help simple promotion of our town.

The participants gave the City Planner ideas for goals. Blodgett relayed the next step would be to take ideas and come up with goals. A complete draft would be brought before the Planning Commission, where there would be at least two public hearings. Changes would be made based on comments, and then the draft would be brought back before the Planning Commission asking for a recommendation for acceptance from the City Council. There was a short break at 8:30 pm.

MOTION: (Trujillo/Harper): The November 17, 2010 minutes were unanimously approved.

Under correspondence, Commissioner Trujillo commented on a form letter sent to a Home Occupation Applicant and asked that the letter contain only restrictions that are in the ordinance, rather than including when the business will be open. The Clerk said she would change the form letter, and also inform the applicant.

PUBLIC HEARING: The Chair opened the Public Hearing for a Request for an Exception to Development Permit to allow an eight foot tall fence between the subject property, located near the south end of Francis Street (APN 031-051-015), and the City Public Works Yard. The project site is zoned Residential Single Family (R1) and Agriculture Exclusive (AE). There were no public comments. MOTION: (Brown/Mogni) Adopt Resolution No. PC 2011-01 making the required findings of fact listed in Attachment A, and approve the Exception to Development Standards Permit, subject to the conditions of approval listed in Attachment B to allow for a eight foot tall fence between the subject property, located near the south end of Francis Street (APN 031-051-015), and the City Public Works Yard. All in favor.

Historical Record of Architectural Changes. Design Review Chair Dan Brown explained that this was brought up by Dane Cowan during a Design Review meeting. It would be helpful to have before and after pictures to document changes. The photographs could be required as part of the building permit process. The Chair asked that Design Review come up with a process or method and bring it back as an action item to the Planning Commission for recommendation to send it to the City Council for approval.

Public Education: Commissioner and Design Review Chair Dan Brown talked about the excellent memo and research that committee member Michael Sweeney did on public education. Sweeney spoke on the subject to the Commission. The Commission would like to see this worked into something: how can we best use this information and expand, then finalize something.

Code Enforcement: Commissioner Brown explained that he and the City Manager were going to walk the Historic District and talk to the business owners about violations. The Planning Commission suggested that we have already warned people in the Design Review district about violations, and asked that staff send letters giving a certain amount of time to come into compliance instead of walking door to door.

Home Occupation Permits: Commissioner Trujillo asked questions of the City Planner and City Clerk regarding Home Occupation Permits. She will forward her 9/6/10 email to the City Manager to the Planner and Clerk.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted:

Nancy Kaytis-Slocum, City Clerk

## **Section 4: PUBLIC COMMENT**

**This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction.**

**Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3<sup>rd</sup> of the Commission (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.**

**This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.**

**Please state your name and address for the record. (This is optional.)**

## Section 5: PUBLIC HEARINGS

PC Meeting:	February 16, 2011	Case No.: ED-1104
Applicant:	Keith & Elizabeth Power	Agenda Items 5.1
Address:	550 Eugene Street (APN 031-103-003)	
Zoning:	Residential Single Family Design Review (R1D)	

**PROJECT DESCRIPTION:** Request for an Exception to Development Permit to allow for a six to nine foot tall fence at 550 Eugene Street (APN 031-103-003). The project site is zoned Residential Single Family Design Review (R1D).

NOTE: This fence was constructed approximately 3 years ago. It was brought to the City's attention by a neighbor who was concerned about the fence height.

**ENVIRONMENTAL REVIEW:** This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The proposed project qualifies for a CEQA Class 3, Section 15303(e) Categorical Exemption from preparation of environmental documents. This exemption allows for the construction and location of limited numbers of new, small facilities or structures including, but not limited accessory structures such as garages, carports and fences.

**CONTACT:** Planwest Partners, Contract City Planner. Phone: 707.825.8260; Fax, 707.825.9181 and Email: [vanessat@planwestpartners.com](mailto:vanessat@planwestpartners.com)

### **STAFF RECOMMENDATION:**

Staff has included findings of fact (Attachment A), necessary to take an action on the Exceptions to Development Standards Permit. If the Planning Commission accepts the findings of fact or makes comparable findings, then staff recommends the Planning Commission approve the Exceptions to Development Standards Permit, subject to the conditions of approval listed in Attachment B.

**Recommended Motion:** "Adopt Resolution No. PC 2011-10 making the required findings of fact listed in Attachment A, and approve the Exception to Development Standards Permit, subject to the conditions of approval listed in Attachment B to allow for a six to nine foot tall fence at 550 Eugene Street (APN 031-103-003)."

**APPLICABLE REGULATIONS:** The following sections are from Ferndale's Zoning Ordinance, 02-02.

§7.07 Exception to Development Standards – Exceptions to Height Standards Residential zones: Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in Residential Zones provided that a Special Permit is first obtained (Section 12.02). Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required.

§7.08 Fences, Hedges, Natural or Planted Growth and other Sight Obstructions: (This entire section Amended by Ordinance 05-02 on 5/7/05)

- 7.08.1 No structure, fence, art object, landscaping or other obstacle, impediment or hindrance shall obscure visibility within the sight visibility triangle for any street corner, alley intersection or driveway exit onto a street. The site visibility triangle includes the vertical area that is between three feet and ten feet above the sidewalk level, or street level if there is no sidewalk. For a corner lot, the horizontal legs of the visibility triangle are 20' long measured from the intersection of the two abutting property lines; the hypotenuse is drawn from the end points of the two legs. For an alley or driveway intersecting a street, the horizontal legs of the visibility triangle are 5' long measured from the intersection of the two abutting property lines; the hypotenuse is drawn from the end points of the two legs. The Non-Conforming Uses section (Article XII) shall apply to obstructions within the site visibility triangle existing on the effective date of the application of these regulations. Nothing in this Section shall limit the abatement of a public health and safety nuisance.
- 7.08.2 (This section amended by Ord. 07-01 on 2/12/07) Fences or walls used as a fence, located in the front yard of any lot, or the street side yard of a corner lot shall not exceed four feet in height. (End of section amended by Ordinance 07-01 on 2/12/07)
- 7.08.3 In addition, no fence, or wall used as a fence, shall exceed a height of six (6) feet on any portion of a City lot. In all situations, hedges or other natural or planted growth shall be maintained so as not to obstruct any public right-of-way.
- 7.08.4 The height of a fence, or a wall used as a fence, shall be measured from the higher finished grade adjoining the fence or wall. Any fence or wall used as a fence may be erected to a height greater than the maximum height limits described in Sections 7.08.2 and 7.08.3 provided that a Special Permit is first obtained (Section 12.02). (End of entire section Amended by Ordinance 05-02 on 5/7/05)

§12.02 Special permits may be granted by the Planning Commission for any use for which a special permit is permitted or required.

- 12.02.1 An owner or his agent may file an application for a special permit in the office of the Planning Department. The application shall be made upon a form prescribed by the Planning Department and shall be accompanied by a filing fee set by resolution of the City Council sufficient to cover the cost of handling the application.
- 12.02.2 Public Hearings are required for special permits.
- 12.02.3 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- 12.02.4 At the public hearing the Planning Commission shall hear any person affected by the proposed special permit. The hearing may be continued from time to time, but shall be concluded within 60 days of the commencement.

**ANALYSIS:**

The purpose of the Exception to Development Standards Permit is to provide an alternative to the Variance procedure for modifying standards related to heights of any structure, building or architectural feature to a height greater than the maximum height limits in Residential zones. The Zoning Ordinance (Z.O.) sets forth procedures allowing exceptions with a special permit in all Residential Zones. The Planning Commission can grant Exception to Development Standards with a special permit, as listed in Z.O. Section 12.02. Z.O. Section 7.08.4 states that any fence may be erected to a height greater than the maximum height limits provided that a special permit is first obtained.

The existing fence was constructed approximately three years ago and ranges from six to nine feet tall along the front, sides and rear of the property (see attached drawing). The front section of the fence runs adjacent to the house, is six feet tall, and is setback from the street approximately 30 feet. The front portion of the southeast side section of the fence is six feet tall; the rear portion of this side fence is 9 feet tall. The northwest side fence is nine feet tall and only runs along a portion of the side boundary line. The rear section of the fence is nine feet tall.

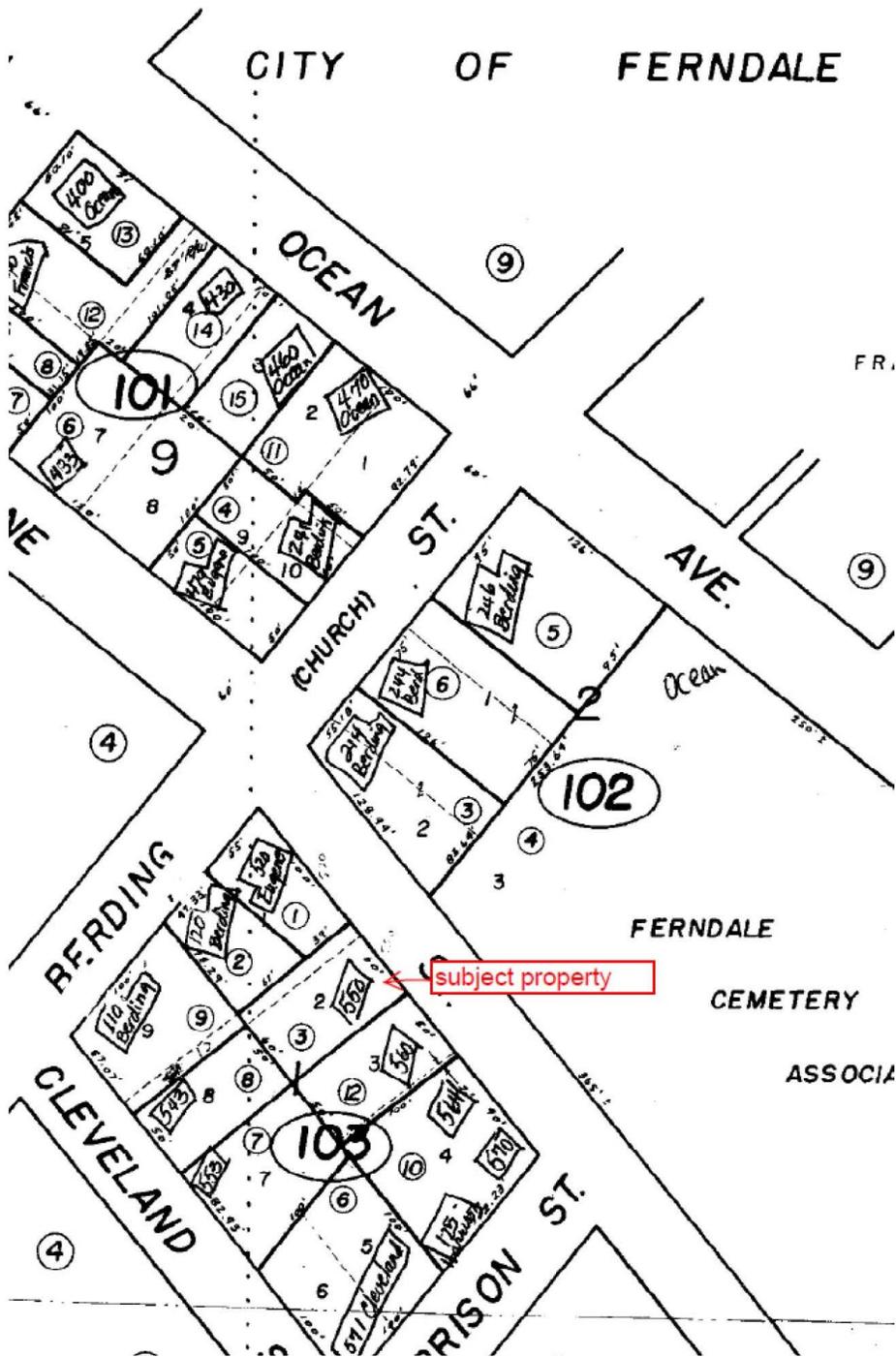
According to the applicant, the adjacent rear and southeast side property owners approve of the fence height along their respective property boundaries. Due to neighbor concerns, the applicant has agreed to reduce the height of the northwest side fence to six feet. Therefore, as long as the fence height is reduced to six feet along the northwest side boundary and the two other adjacent property owners express their consent in writing, the rear and southeast side sections of the fence can remain at nine feet tall.

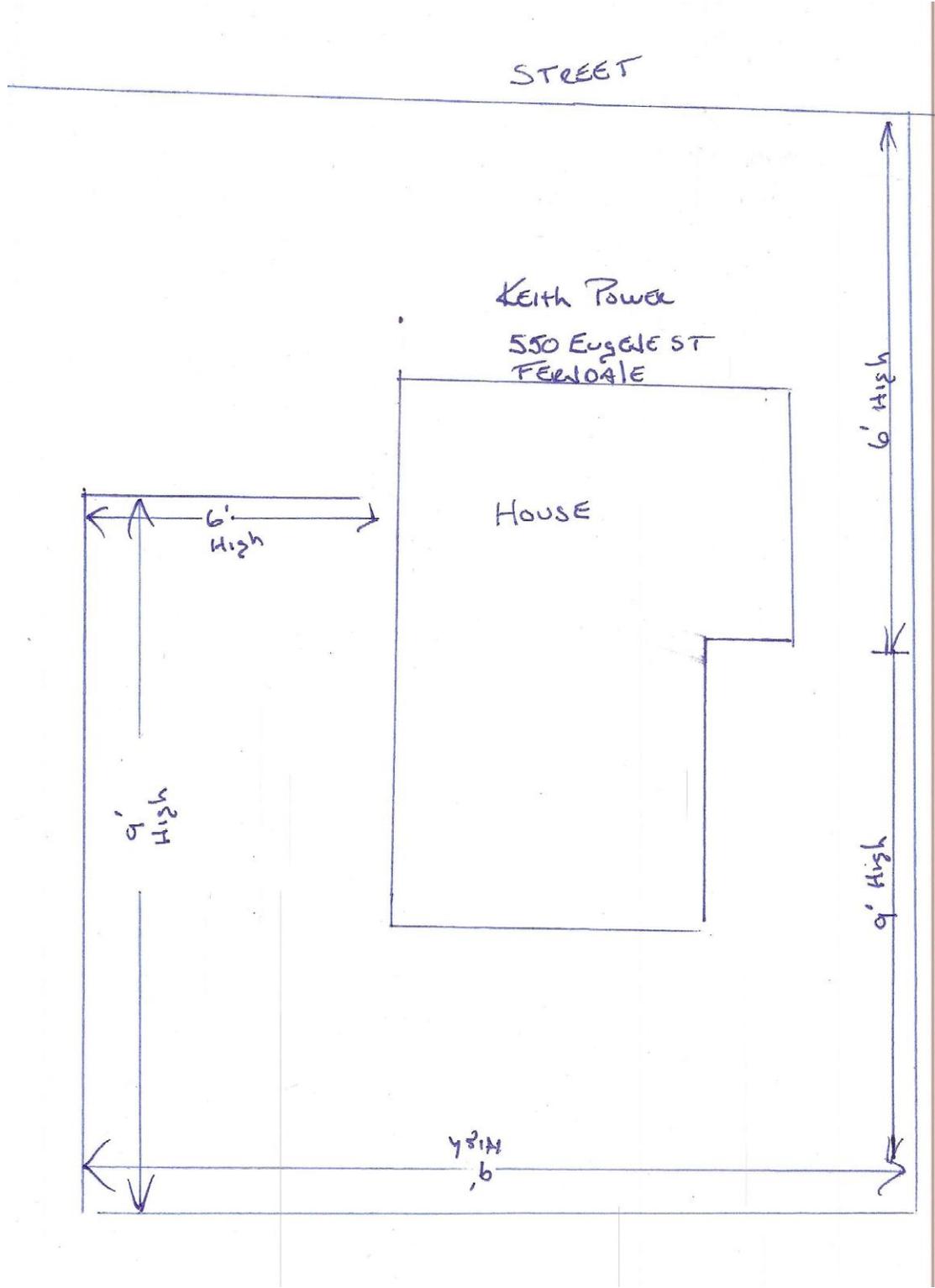
The applicant has also stated that an engineer evaluated the fence and recommended minor modifications for fence stability. If the above referenced fence sections are going to remain at nine feet tall, all engineer recommended modifications will be required.

**Surrounding Land Use, General Plan and Zoning Designations:**

The subject property is located at 550 Eugene Street in the R1D designation/zone. The adjacent surrounding lots are all single family residential lots designated/zoned R1D. Across Eugene Street to the east is the Ferndale Cemetery designated/zoned Public Facility.

In the past, the Planning Commission has approved exceptions to development standards for height limitations on various structures including fences. Therefore, this project is similar and compatible to other uses allowed in similar zones. Staff considers this fence to be an appropriate addition to this property. The project location and fence are shown on the following pages.





**Attachment A****FINDINGS OF FACT**

Staff feels the Planning Commission can make the following findings to allow for Exceptions to Development Standards Permit approval:

1. The Exceptions to Development Standards Permit for the project is a discretionary action of the City, and subject to the California Environmental Quality Act (CEQA). The proposed project qualifies for a CEQA Class 3, Section 15303(e) Categorical Exemption from preparation of environmental documents. This exemption allows for the construction and location of limited numbers of new, small facilities or structures including, but not limited accessory structures such as garages, carports and fences.
2. The project will approve a six to nine foot tall fence at 550 Eugene Street (APN 031-103-003). The project site is zoned Residential Single Family Design Review (R1D).
3. The existing project, as outlined and with conditions,
  - Is similar and compatible to other uses allowed in similar zones,
  - Maintains the integrity and character of the zone (or neighborhood),
  - Is not detrimental to the public health, safety, or welfare,
  - Is compatible with the maintenance of a healthful residential living environment and the predominantly residential character of the area,
  - Does not significantly impact the general peace, safety, comfort, health and welfare of the zone/residential communities, and,
  - Is compatible with and does not detract from the character and aesthetics of the adjacent zones.
4. The proposed project, as outlined and conditioned is consistent with the Ferndale General Plan and conforms to the Ferndale Zoning Ordinance as allowed in Sections 7.07, 7.08 and 12.02 dealing with fences, height limitations and special permits.

**Attachment B****CONDITIONS OF APPROVAL**

**Approval of the Exceptions to Development Standards Permit is conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit(s). Staff recommends Exceptions to Development Standards Permit approval shall be subject to the following conditions:**

1. The applicant shall be responsible to pay all applicable fees, deposits or charges associated with processing and finalizing this Exception to Development Standards Permit and/or otherwise owed to the City of Ferndale. All applicable or other required fees shall be paid to the satisfaction of the City of Ferndale before the Exception to Development Standards Permit is considered final and approved.
2. The effect of this Exception to Development Standards Permit is to approve a six to nine foot tall fence at 550 Eugene Street. The only fence sections that shall remain nine feet tall are along the rear and a portion of the southeast side of the lot.
3. The applicant shall comply with all engineer recommendations regarding fence structure and stability.
4. All proposed development improvements and construction authorized hereunder, shall be in conformance with the approved permit application and with the information and analysis contained in the associated staff report and conditions of approval on file with the City. Should the proposed site development deviate from that as allowed by this approval, then the applicant may be required to first receive Planning Commission approval for such changes.
5. That unless the Exception to Development Standards Permit, as made possible under this action, is granted by the City, and the use and development described herein and permitted by the action is initiated within twelve (12) months and completed within eighteen (18) months from the effective date of this action, then the approval granted here shall lapse; provided that the Planning Commission, upon written application prior to said date, may grant additional extension(s) for the initiation and/or completion of the development described and permitted herein, upon showing of good cause.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF FERNDALE  
Resolution Number PC 2011-10**

**MAKING THE REQUIRED FINDINGS FOR CONDITIONALLY APPROVING THE  
EXCEPTION TO DEVELOPMENT STANDARDS PERMIT FOR A SIX TO  
NINE FOOT TALL FENCE AT 550 EUGENE STREET,  
ASSESSOR PARCEL NUMBER: 031-103-003**

**WHEREAS**, Keith Power has submitted an application and evidence in support of approving the Exception to Development Standards Permit for a six to nine foot tall fence; and

**WHEREAS**, the project is exempt from California Environmental Quality Act per Section 15303(e) of Article 19 "Categorical Exemptions;" and

**WHEREAS**, the City has reviewed the submitted application and evidence for conformance with General Plan policy, goals and regulations and applicable Zoning Ordinance as required to allow for the Exception to Development Standards Permit; and

**WHEREAS**, the staff report includes evidence in support of making all of the required findings for approving the Exception to Development Standards Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Ferndale approves the Exception to Development Standards Permit for a six to nine foot tall fence at 550 Eugene Street, subject to the conditions contained in Attachment B.

**PASSED AND ADOPTED by the Planning Commission of the City of Ferndale this 16<sup>th</sup> day of February, 2011 by the following vote:**

The motion was made by COMMISSIONER \_\_\_\_\_ and seconded by COMMISSIONER \_\_\_\_\_.

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Jorgen Von Frausing-Borch, Chairman

**Attest:**

\_\_\_\_\_  
Nancy Kaytis-Slocum, City Clerk

## **Section 6: CORRESPONDENCE**

**Correspondence Files are available for review at City Hall during regular business hours,  
Monday through Thursday, 9am to 4pm.**

## Section 7: BUSINESS

Meeting Date:	February 16, 2011	Agenda Item Number	7.1
Agenda Item Title:	Sub Committee Report on Lighting and Signage		
Presented By:	Nancy Trujillo and Lino Mogni		
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

### RECOMMENDATION:

Receive and File.

### DISCUSSION

Commissioners Trujillo and Mogni have been tasked to look at Lighting and Signage to see if any changes need to be made to the Ordinance.

## **Section 8: REPORTS**

### **CITY PLANNER:**

#### ***Meetings & Planning Materials***

- Coordinated with City Manager and City Clerk on planning and development projects.
- Responded to subdivision questions from property owners.

#### ***Projects***

- South end of Francis Street (Hadley) - Exception to Development Standards Permit for an eight foot tall fence. Prepared public notice and Staff Report for 1/26 Planning Commission hearing.
- Housing Element Update - Completed responses to Dept. of Housing and Community Development (HCD) comments, completed tracking sheet of proposed Element revisions and submitted to HCD (12/29).
- General Plan Update - Historic & Cultural Resources Element - Continued preparation of new element. Prepared and distributed public notice materials for 1/26 PC & DRC meeting including newspaper advertisement and radio announcement. Coordinated with City Staff to confirm presenters and develop an agenda.

### **CITY CLERK:**

#### ***Meetings***

- City Council Meeting – 12/2/10 and 1/6/11
- Drainage Committee Meeting – No meeting in December or January
- Design Review Committee Meeting – 12/9/10 – transcribed minutes from acting recording secretary. 1/13/11 – attended meeting with Administrative Assistant to teach her how to take minutes.
- Planning Commission Meeting – No meeting in December; January meeting will be a joint meeting of the Planning Commission and the Design Review Committee on 1/26/11
- Meetings with City Manager regarding daily work schedule.

#### ***Council Meeting Follow Up***

- Filed Council minutes for November 4, November 18 and December 2, 2010
- Filed Resolution 2010-53 Approval of 4<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP
- Filed Resolution 2011-01 Certifying the November 2, 2010 Election
- Filed Resolution 2011-02 Approval of 5<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP
- Filed Resolution 2011-03 Establishing Meeting Schedule for 2011
- Filed Resolution 2011-04: Annual Parades and events street closures
- Made corrections to Ordinance 2011-01 Building Inspector – Construction Code Ordinance and set it for a 2<sup>nd</sup> reading and possible adoption during the February meeting.
- At the City Council's January 6<sup>th</sup> direction, prepared Resolution 2011-05: Appointment of the City Council as the Board of Directors for the Non-Profit Organization called Ferndale Housing.

**Projects**

- Continue to handle front-desk questions and customers; answering questions for and to assistant.
- Training Assistant
  - Building Permits
  - Daily and weekly duties
  - City Clerk duties
  - Design Review Committee: follow-up to minutes for Design Review, including adding new items to the Planning Commission agenda, as well as the next Design Review agenda; writing letters to applicants whose projects were before the Committee
  - City's Retention Schedule
- Collecting information from Building Permit holders who have not called for a final inspection.
- Wrote letter to home owner on Eugene Street regarding fencing over the 6' maximum allowed.
- Filed Monthly Report of Building or Zoning Permits issued for New Privately-Owned Housing Units
- Filed yearly California Department of Finance Housing Unit Change Form
- Filed Quarterly Construction Project Report to the Department of Commerce
- Reviewing files on which assistant has determined dates for retention.
- Completed and filed seismic hazard mapping fee report.
- Assemble the City Council Reference Book – review with City Manager
- Conferring with FPPC on Form 700's for city officials and staff
- Assembled Planning Commission packet for January 26, 2010 meeting
- Scanned and assembled Design Review Committee packet for January 26, 2010 meeting

**Building and Encroachment Permits Issued**

747	Van Ness	Cut sidewalk to install drainage pipes for roof drains
989	Milton	Standby Generator
1362	Main	Change Roofline, Add Bathroom
1238	Main	Residential rear, demo and rebuild
1060	Fifth Street	Second Dwelling Unit
950	Grant	Single Family Residence 3brm, 3car gar
404	Schley	Replace water heater with tankless propane heater
435	Brown	Sprinkler System
565	McKinley	Remodel kitchen, change bathroom fixtures
989	Milton	New equipment cabinet, 3 new antenna, replace 6 antenna
703	Main	Install new window

## **Section 9: DESIGN REVIEW**

**City of Ferndale, Humboldt County, California USA**  
Design Review Minutes for the 01/26 6:45pm meeting

Chair Dan Brown opened the meeting at 6:45pm. Committee Members Dane Cowan, Lino Mogni, Michael Sweeney and Michael Bailey, along with staff City Clerk Nancy Kaytis-Slocum were present. There were no modifications to the agenda.

There was no public comment.

627 Shaw #2, Change Logo on Sign. MOTION: (Cowan/Bailey) Approve Design Review application for sign change at 627 Shaw #2. All in favor.

447 Main Street, Theatre Marquee Removal – Demolition. Ginger Gene from the theatre and the contractor, Marc Daniels, were present to discuss the proposed work. They assured the committee that the new marquee will be a lighter version of the old one and it will not hang over the street. The Committee asked that the theatre photograph the marquee before it is removed for the record, and that the new marquee come back before the Design Review Committee for approval. MOTION: (Cowan/Bailey) Approve the Theatre Marquee removal. All in favor.

The next regular meeting will be February 24, 2011 at 8:30am. The meeting was adjourned at 7pm.

Respectfully submitted:

Nancy Kaytis-Slocum  
City Clerk

## **Section 10**

# **ADJOURNMENT**