

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

Location:	City Hall	Date:	August 29, 2012
	834 Main Street	Time:	7:00 p.m. Regular Meeting
	Ferndale CA 95536	<i>Posted: 8/22/12</i>	

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 –July 18, 2012 .....	Page 2
4.0	Public Comment .....	Page 3
5.0	Public Hearing .....	None
6.0	Business	
6.1	Geological and Tsunami Hazards and Safety Presentation- Troy Nicolini.....	Page 5
6.2	Safety Element Update .....	Page 6
6.3	Revocable Easement-E-Street .....	Page 19
7.0	Correspondence and Oral Communications .....	None
8.0	City Planner’s and Deputy City Clerk’s Staff Reports .....	Page 29
9.0	Design Review Minutes .....	Page 30
10.0	Sign Committee Minutes .....	Page 34
11.0	Adjournment – Next regular meeting September 19, 2012 .....	Page 34

**City of Ferndale, Humboldt County, California USA**  
Minutes for Planning Commission Meeting of July 18, 2012

Chair Jorgen Von Frausing Borch called the study session at 6:30PM. Present were Commissioners Lino Mogni, Dan Brown, Uffe Christiansen and Trevor Harper along with staff Deputy City Clerk Brianna Smith and City Planner Melanie Rheaume. City Planner Rheaume gave an update on the Safety Element. She went over the formatting, table of contents, introduction and definitions.

Call to Order: Chair Jorgen Von Frausing-Borch called the Planning Commission meeting to order at 7:02pm. Commissioners Dan Brown, Uffe Christiansen, Trevor Harper, and Lino Mogni as well as staff Deputy City Clerk Brianna Smith, and City Planner Melanie Rheaume were present. Those in attendance pledged allegiance to the flag. MOTION: (Brown/Harper). The June 20, 2012 minutes were unanimously approved.

No Public Comment.

PUBLIC HEARING: Jimmy Fay-Beal-1101 Main Street- City Planner Melanie Rheaume gave an update on the lot line adjustment for 1101 Main Street. She let the Commissioners know that City Staff intends to approve the lot line adjustment as proposed, subject to the conditions of approval.

General Plan Update: There was a study session held regarding the Safety Element prior to the regular scheduled meeting.

The next regular meeting will be August 29 2012. The meeting was adjourned at 7:20PM.

Respectfully submitted,

Brianna Smith  
Deputy 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 Hearing**

## **Section 6: BUSINESS**

Meeting Date:	August 29, 2012	Agenda Item Number	6.1
Agenda Item Title:	Geological and Tsunami Hazards and Safety Presentation- Troy Nicolini		
Presented By:	Troy Nicolini, Warning Coordination Meteorologist		
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	No Action Required		

**BACKGROUND:**

Troy Nicolini is the Warning Coordination Meteorologist for the National Weather Service in Eureka California and is the tsunami program manager for northwestern California. He is also the co- chair of the Redwood Coast Tsunami Work Group – a multi-agency organization that promotes efforts to reduce North Coast earthquake and tsunami risks.

Meeting Date:	August 29, 2012	Agenda Item Number	6.2
Agenda Item Title:	Ferndale General Plan Safety Element Update: Chapters 3.0 Settings & Context and 4.0 Geologic & Seismic Hazards		
Presented By:	Melanie Rheaume, Contract City Planner		
Type of Item:	<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Review and file		

**RECOMMENDATION:** Review the attached draft Settings & Context and Geologic & Seismic Hazards chapters of the General Plan Safety Element Update; provide input, and direct staff to proceed with next chapters.

**BACKGROUND:**

On June 7<sup>th</sup>, the City Council concurred with the Planning Commission and approved the General Plan Safety Element Update Scope of Work. At the June 20<sup>th</sup> meeting the Planning Commission reviewed and approved the overall schedule outlining the tasks, meetings, deliverables, and coordination to accomplish the approved Scope. At the July 18<sup>th</sup> meeting, the Commission reviewed and provided input on the initial draft of the Safety Element Update including the overall element format, Table of Contents, Introduction, and Definitions.

**DISCUSSION:**

The initial draft of the Safety Element Update Settings & Context and Geologic & Seismic Hazards chapters are attached.

The Settings & Context section includes identification and overview of geologic, storm, flood, fire, and other potential hazards in the Ferndale Planning Area. Ferndale's location in and relationship to the greater Eel River Valley is also discussed.

The Geologic & Seismic Hazards section discusses topography and geology of Ferndale and the surrounding Planning Area, and includes maps showing the location and extent of known geologic hazards. The section addresses seismically induced surface rupture; ground shaking; ground failure; tsunamis; seiche; slope instability leading to mudslides and landslides; ground settlement; liquefaction; and other seismic or geologic hazards known to potentially occur within the Planning Area.

The rest of the Element Chapters will be prepared per the schedule and are listed in this attachment with scoping language. Note that since the draft is currently in progress future tense is used in regards to anticipated coordination, subsequent to Element adoption this will be changed.

**NEXT STEPS:**

The initial draft of the Flooding & Drainage chapter will be prepared for the September meeting.

### 3.0 Setting and Context

Much of Ferndale is situated on an alluvial plain created by Francis Creek as it leaves the steep terrain to the south and flows northerly across the Salt River and Eel River flood plains, Figure 1. This places the City just above the flood plain of the Eel River with prime agricultural lands to the west, north and east and steep forest lands to the south. Ferndale's location makes the city susceptible to geologic, flood and fire hazards, and risks associated with transportation and storage of hazardous materials. The combination of sound planning practices, continued public education, and community preparedness will minimize risks to the community and protect the health, safety, and welfare of Ferndale residents and visitors.

This element addresses safety issues for the Ferndale planning area, which extends approximately one half mile to the east and west of the city boundary, north to the Salt River, and includes the immediate steep slope areas to the south of town (City of Ferndale 1975). The following presents an overview of geologic, flood, fire, and other potential hazards in the Ferndale planning area.

#### Geologic & Seismic Hazards

The western portions of Humboldt County, and adjoining offshore areas, are regions of moderate to high seismicity. Cape Mendocino (southwest of Ferndale) experiences the highest concentration of earthquake events in the continental United States (Humboldt County 2012). The area near Cape Mendocino is a complex region where three crustal plates, the Pacific Plate, the Gorda Plate, and North American Plate intersect to form the Mendocino Triple Junction. Seismic hazards in the planning area include earthquake ground shaking, surface fault rupture, liquefaction, and tsunami potential. Geologic hazards in the planning area not specifically related to earthquakes include landslides and soil stability.



Valley Grocery after 1992 Cape Mendocino Earthquakes.  
Photo credit: Lindie Brewer, U.S. Geological Survey.

Historically, earthquakes have caused extensive damage to structures in Ferndale. The 1906 San Francisco Earthquake damaged more than 40 structures in Ferndale's downtown and toppled 98 percent of the town's chimneys (Dengler 2008). On January 22, 1923, a 7.2 earthquake, centered off Cape Mendocino, caused damage to Ferndale structures. On April 25 and 26, 1992, a series of three earthquakes (a 7.2-magnitude main shock and two strong aftershocks measuring magnitude 6.5 and 6.7) struck about 35 miles south of Eureka, causing the brick facade of Valley Grocery to

collapse and damage to an estimated 80 percent of the other downtown buildings (Christensen 2011). Damages in Ferndale were estimated at \$10.4 million (NOAA). On January 9, 2010 a magnitude 6.5 earthquake occurred about 25 miles offshore of Ferndale, it was the largest local earthquake since the 1992 Cape Mendocino Earthquakes.

#### **Flooding & Drainage Hazards**

Flood related hazards in the planning area include river and creek flooding and drainage system overflows. Francis Creek runs through the heart of the city and presents a periodic flooding problem in the business district and in the residential area along Main Street to the north. Flood prone areas have been mapped by the Federal Emergency Management Agency (FEMA). The maps provide the basis for regulating flood plains in conformance with the National Flood Insurance Program. The City has adopted flood plain regulations (Floodplain Management Ordinance 08-02) in order to continue participation in the federal flood insurance program. Drainage management becomes increasingly important as new development converts additional areas in a watershed to impermeable surfaces. These impervious surfaces reduce infiltration and convey stormwater faster, increasing peak flows. Increased peak flows can accelerate erosion or require the conversion of natural drainage ways into higher capacity conveyances that can more rapidly transport stormwater.

The Eel River has flooded a number of times. In 1955, 1964 and 1986 floods caused extensive damage in the region; although damage was catastrophic elsewhere, these floods did not affect Ferndale's business district (Schneider 1995). In January of 1995 Francis Creek burst out of its banks throughout downtown Ferndale causing flooding along Main Street, damaging businesses and homes, and killing livestock.

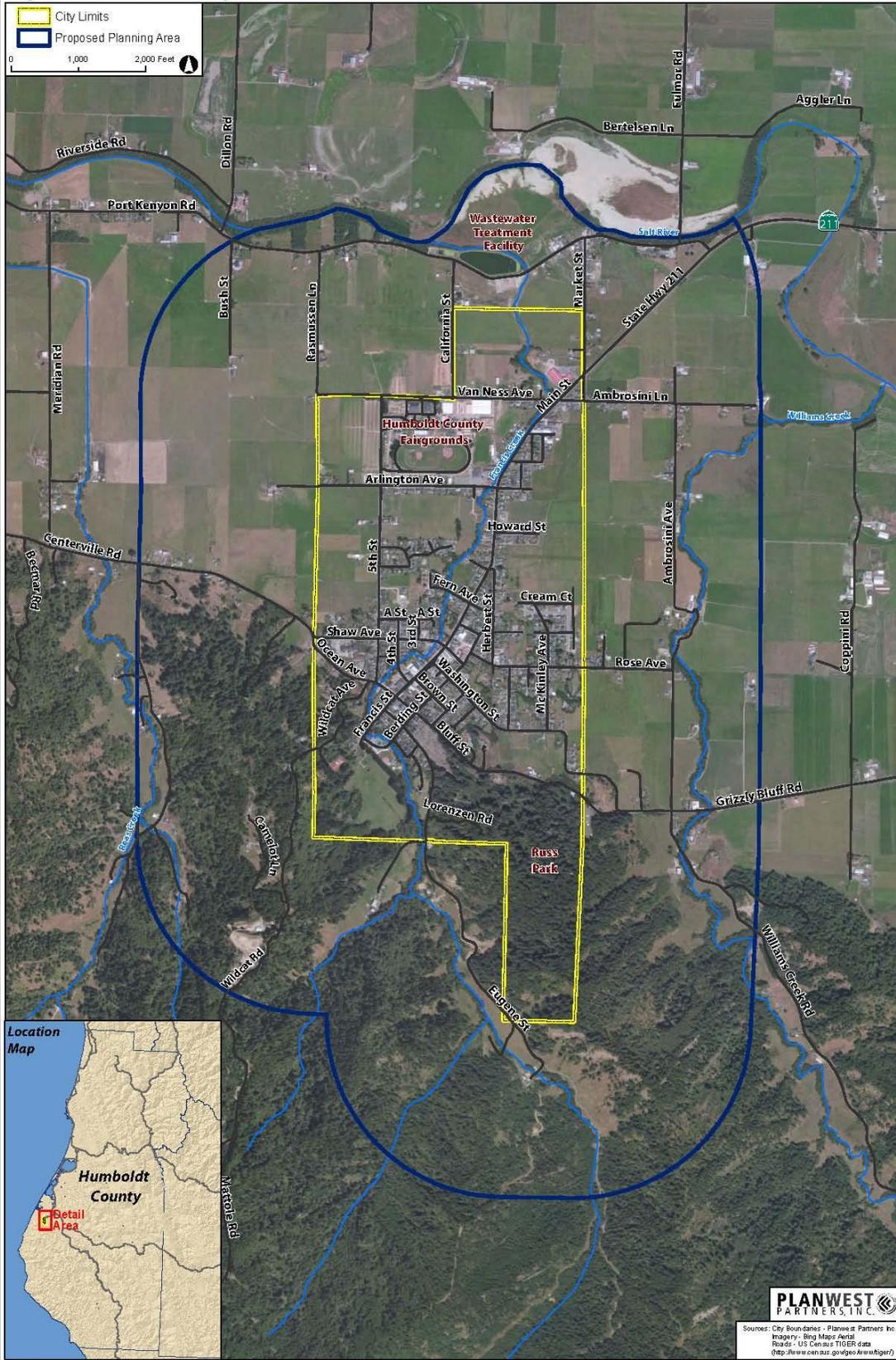
#### **Fire Hazards**

The City of Ferndale faces an ongoing threat from urban and wildland fire, caused by human activity and natural conditions. Fires in the historic district along Main Street pose a risk due to the proximity of the buildings to each other; many of the buildings share walls and are constructed of wood and other combustible materials. Wildland fire is a threat to the hillside areas in southern Ferndale where the wildland and residential areas intermix. The potential for wildland fires arises from the combination of ground cover and vegetation, the combustibility of building materials, ground slope, weather patterns, adequacy of access, water supply, and water pressure. Structures built with combustible materials, such as wood siding, shake roofs, and surrounded by flammable landscaping heighten the vulnerability of residents.

#### **Hazardous Materials**

Hazardous materials have the potential to cause injury, and can include flammable liquids and gases, poisons, corrosives, explosives, radioactive materials, and improperly used medical supplies and wastes. The clean-up (remediation) of hazardous waste is regulated by a series of federal, state and local agencies, including the U.S. Environmental Protection Agency, Cal EPA, the State Department of Toxic Substance Control and the Humboldt County Division of Environmental Health's Certified Unified Program Agency (CUPA). The State currently has no listed hazardous waste sites in Ferndale (California 2012). However, the State has identified nine contamination sites in Ferndale, most of which involve issues of leaking underground storage tanks (LUST's) typically associated with past automobile-related activities.

City of Ferndale General Plan Safety Element:  
Figure 1 - Location Map



Humboldt County Division of Environmental Health monitors facilities handling or producing hazardous materials in Ferndale. Because of a general lack of significant industrial operations, Ferndale does not currently experience a significant threat from hazardous materials use or storage. The transport of hazardous materials, particularly along the S.R. 211/ Main Street corridor, presents possible hazards in the event of a materials leak or if a transport truck experiences an accident.

#### 4.0 Geologic & Seismic Hazards

Primary seismic hazards in the planning area include earthquake ground shaking, surface fault rupture, liquefaction, and tsunami potential. Geologic hazards not specifically related to earthquakes include landslides and soil stability.

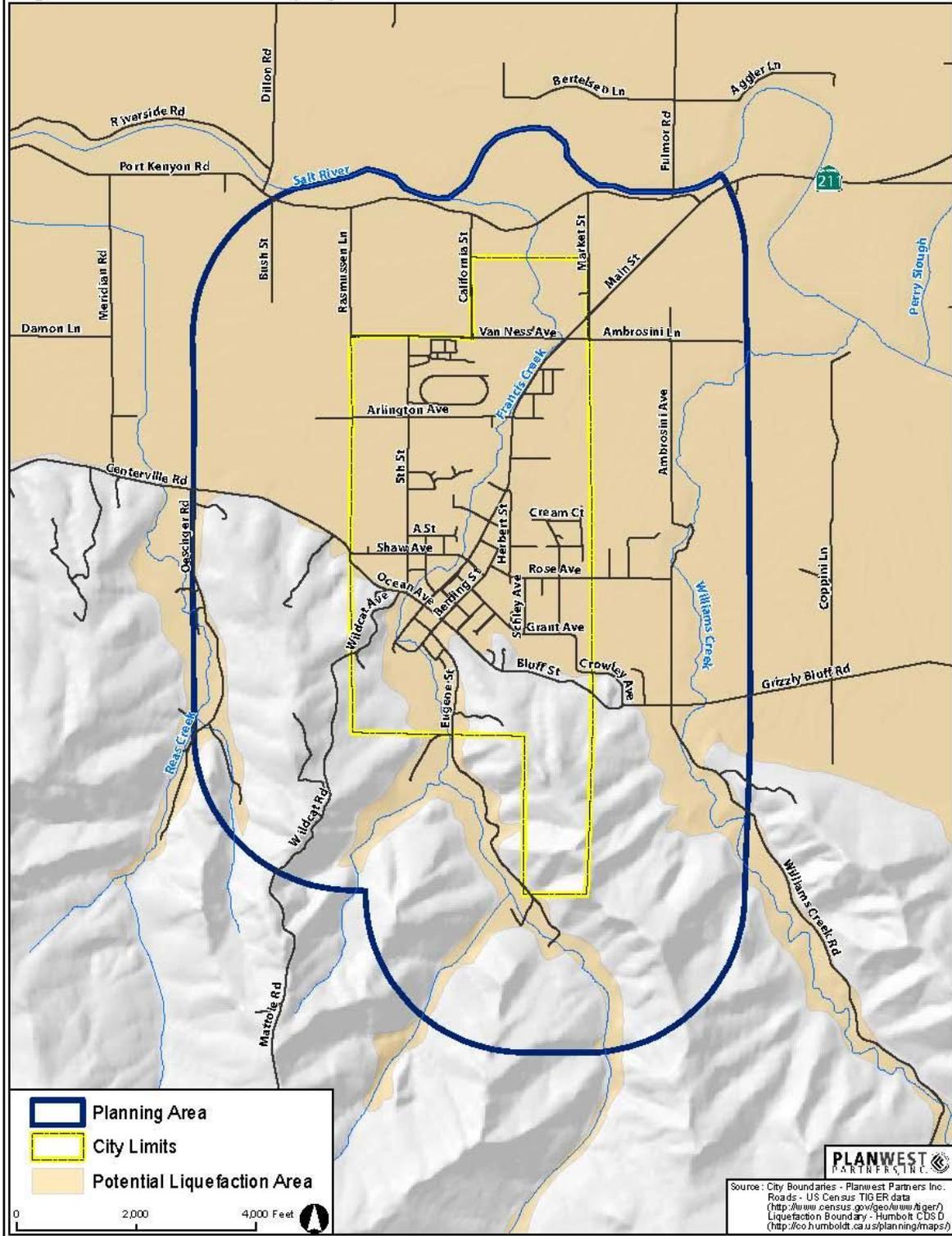
The severity of the impact of an earthquake on a community depends on the intensity and duration of **ground shaking** and on the occurrence of other seismically-induced phenomena. Factors related to severity include the magnitude of the seismic event, the distance between the community and the event fault, and on local geologic and soil conditions. The greatest source of earthquake damage is caused by ground shaking, particularly horizontal ground acceleration. The City is susceptible to ground shaking caused by multiple nearby earthquake fault zones including the Little Salmon, Russ, Bear River, and Mendocino fault zones.

The Alquist-Priolo Earthquake Fault Zoning Act (formerly the Alquist-Priolo Special Studies Zone Act), signed into law in December 1972, requires the delineation of zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near active fault traces to reduce the hazard of **surface fault rupture** and to prohibit the location of most structures for human occupancy across these traces. Cities and counties must regulate certain development projects within the zones, which includes the withholding of permits until geologic investigations demonstrate that development sites are not threatened by future surface displacement. Surface fault rupture is not necessarily restricted to the area within an Alquist-Priolo Zone. The City of Ferndale is not located within an Alquist-Priolo Fault Rupture Zone. The closest Alquist-Priolo Zone is the Little Salmon Fault Zone located approximately 6 miles northeast of Ferndale.

Some soils in the planning area may be subject to **liquefaction** as a result of seismic activity. Liquefaction occurs when earthquakes cause soils to become almost like quicksand and lose their ability to support structures. Fine unconsolidated sand or silt saturated with water is particularly subject to liquefaction; Ferndale's location on an alluvial plain means it may be underlain by layers of such materials and thus subject to potential liquefaction during a strong earthquake. Liquefaction may result in sinking, tilt, distortion, or destruction of buildings and bridges, rupture of underground utility lines, and ground surface cracking and spreading. A majority of the planning area is located in a potential liquefaction area (see Figure 2).

Soils in the planning area may also be subject to the sudden or gradual sinking of land, called **Ground settlement**. Ground settlement may be caused by water removal or by gradual settlement of unconsolidated alluvial deposits or artificial fill. Earthquakes may also cause ground settlement. Because the sedimentary materials underlying Ferndale may contain layers of unconsolidated material, there is potential in the planning area for ground settlement during strong seismic shaking. Ground settlement may lead to tilting of buildings or differential settlement of structures, and has been a major source of property damage in other areas of the world. Geologic information is not sufficient to determine whether or not the alluvial areas of Ferndale would be subject to substantial ground settlement in the event of an earthquake.

Figure 2 - Potential Liquefaction



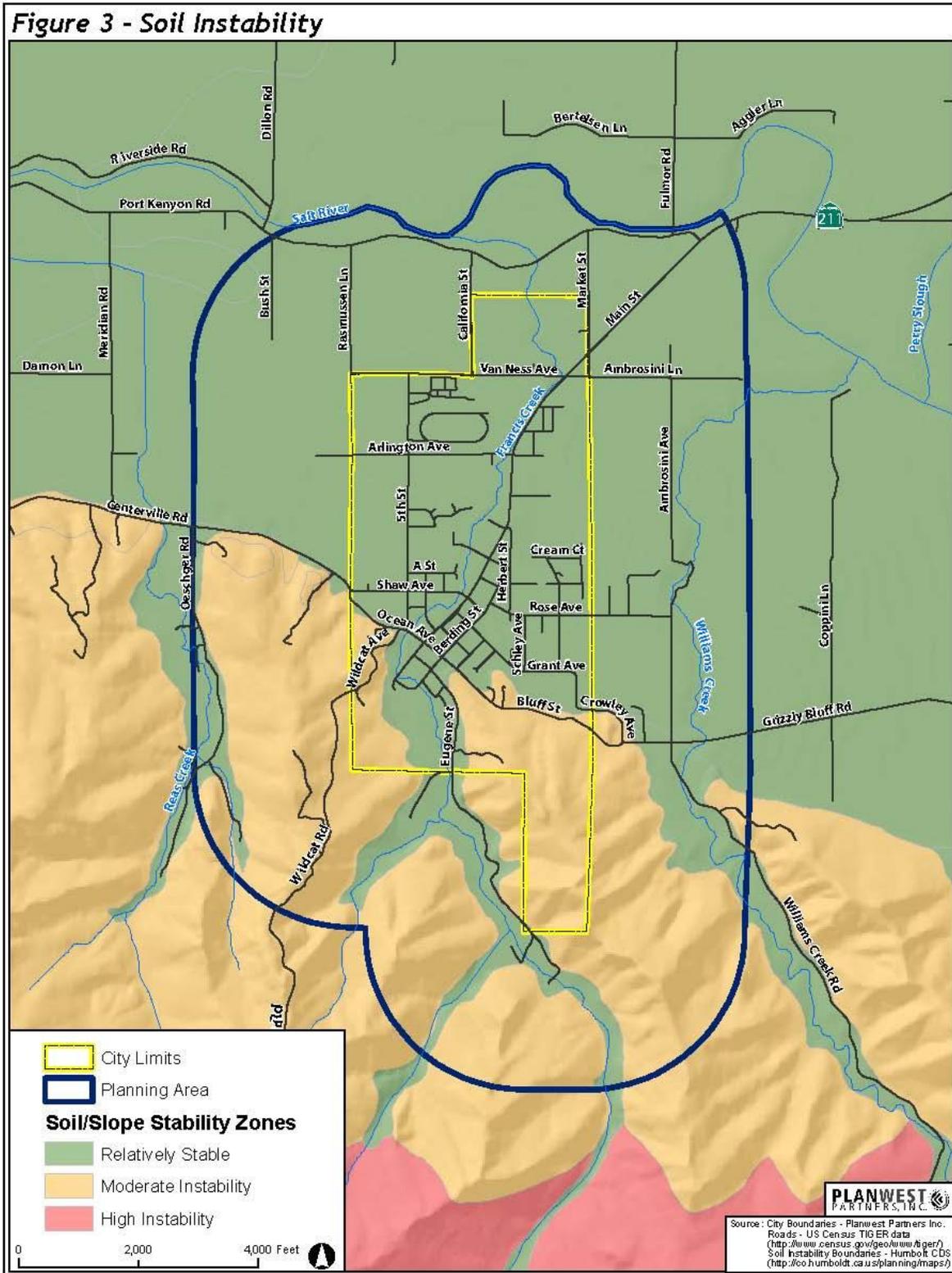
Earthquakes can trigger a sudden mass downslope movement of material, called a slope failure or **landslide**. Landslides may also be triggered by other, non-seismic events or conditions, and are most common on steep natural or artificial slopes with high water content. Landslides may be rapid, as in a rock-fall or debris flow, or very slow and gradual, as in a creep. Cutting away the toe of slope in grading for site development or road construction may trigger slope failure, as might adding weight to an area by fill, construction, or water from very heavy rain. In general, continued modification of the topography by further cut and fill would increase the landslide potential in areas such as the hilly southern end of the planning area. A landslide may cause rocks to fall onto roadways, buildings, utilities, and other developments below the slope, potentially causing both physical harm and property damage. In general, slopes steeper than about 15 degrees are less stable and thus more prone to landslides. A majority of the planning area is relatively flat and therefore not susceptible to landslides. The southern portion of the planning area contains steeper slopes with moderate instability (see Figure 3).

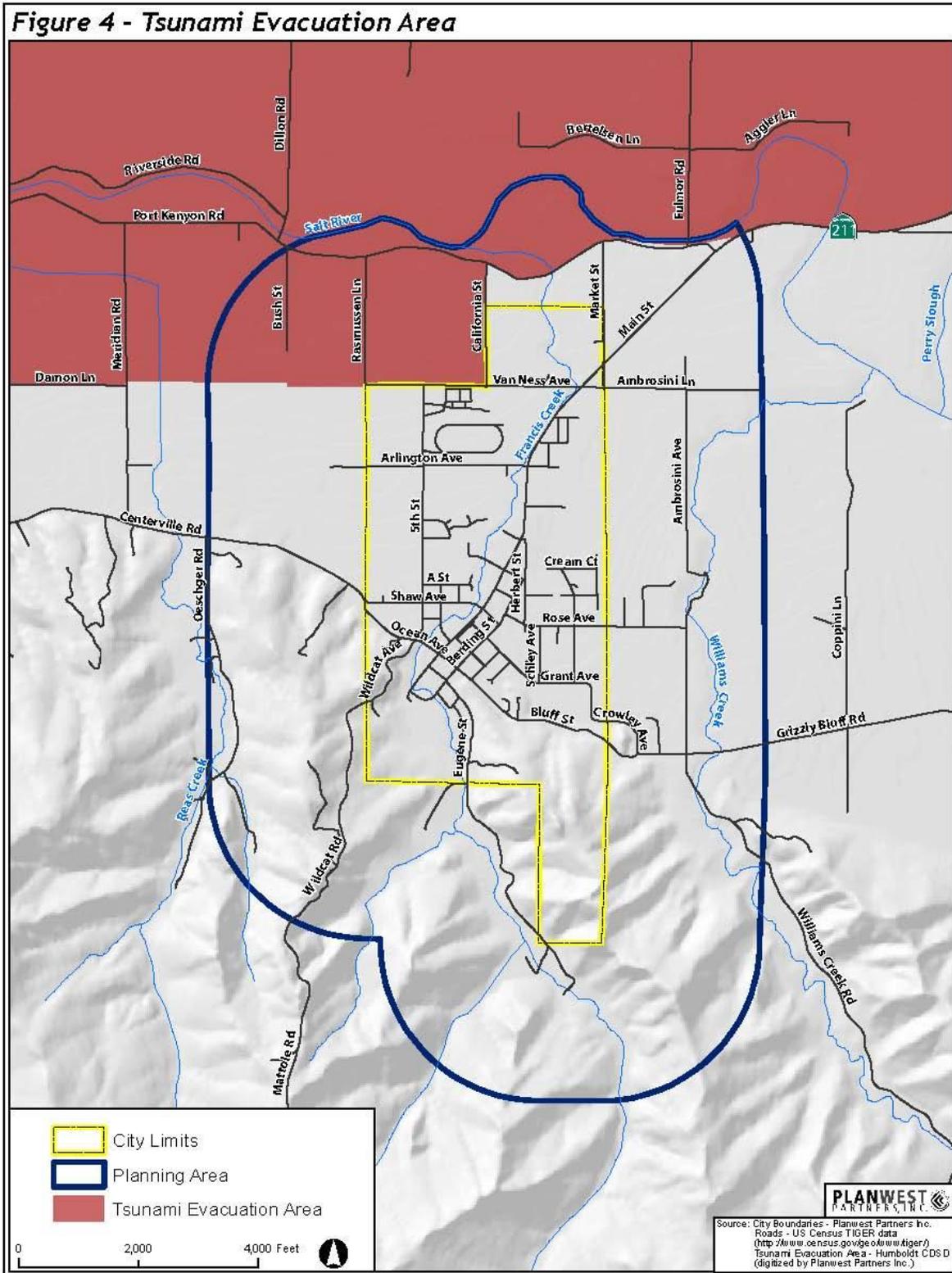


1992 Cape Mendocino Earthquake. Landslide on Mattole Road. Many small landslides occurred along Mattole Road between Ferndale and Petrolia. The slides hampered rescue and relief efforts. Photo credit: Lindie Brewer, U.S. Geological Survey

The oscillation produced by an earthquake may generate a wave, known as a **seiche**, within enclosed or restricted bodies of water such as lakes or reservoirs. There are no lakes or reservoirs within close enough proximity to the City of Ferndale to present a likely hazard.

A **Tsunami** is a large sea wave generated by any large-scale disturbance of the ocean floor that occurs in a short period of time, such as an earthquake, volcanic eruption, or coastal landslide, which can cause a sudden displacement of water. Though local earthquakes may cause tsunamis, most past tsunamis in California were associated with distant earthquakes that traveled great distances across the Pacific Ocean basin. The north western portion of the planning area is located in a tsunami inundation and evacuation area (see Figure 4).





**MINIMIZING RISKS**

To reduce the hazards associated with seismic activity, the City requires that all new development and significant renovations abide by the most recently adopted City and State seismic and geotechnical requirements to protect injury and structural damage due to geologic and seismic hazards.

Historically, the greatest structural damage from earthquakes has been to unreinforced masonry buildings, especially in areas of artificial fill or water soaked alluvium. Appropriate earthquake design for projects in Ferndale should be in accordance with the California Building Code seismic standards.

In areas of potential slope instability, appropriate geotechnical investigation and slope stability analyses should be performed for both static and dynamic (earthquake) conditions. For deeper slides, mitigation typically includes such measures as buttressing slopes or re-grading the slope to a different configuration. Protection from rock falls or surface slides can often be achieved by protective devices such as barriers, retaining structures, catchment areas, or a combination of these. The runout area of the slide at the base of the slope and the potential bouncing of rocks must also be considered. If it is not feasible to mitigate unstable slope conditions, building setbacks should be imposed.

A considerable part of the City is in a potential liquefaction area and is already built upon, mostly with residential and commercial development. A nearby moderate to strong earthquake could cause extensive damage to buildings and infrastructure and injury to occupants. Since retrofitting measures are generally not feasible due to cost, the City should be prepared to respond to damage and disruption in the event of an earthquake. Future construction of critical structures should be preceded by borings sufficient to assess liquefaction potential.

In the event of a large earthquake or tsunami warning, residents in the tsunami evacuation area located in the southern portion of the planning area should evacuate to higher ground as fast as possible. Due to the low population density and the multiple access routes in this area there is not a defined evacuation route or gathering site.

## 5.0 Flooding & Drainage Hazards

*NOTE: To be developed per schedule.*

*SCOPE:* This section will address the potential for flooding within the Planning Area, including a flooding and floodplain management overview, flooding conditions, historical conditions, and existing improvements. The Element will identify flood hazard areas and establish policies to avoid unreasonable flood risks. A comprehensive approach will include preparing a floodplain map from FEMA data or other sources; establishing general policies to keep new development out of floodplains or to mitigate and protect against flood impacts if development is to be located in such areas; minimizing impacts on existing development where possible; establishing policies regarding capital improvements or acquisitions necessary to ensure flood protection; and establishing flood management policies which may include both structural and non-structural approaches to flood control using a multi-objective watershed approach.

## 6.0 Fire Hazards

*NOTE: To be developed per schedule.*

*SCOPE:* This section and related policies and implementation strategies will be prepared in coordination with the Ferndale Volunteer Fire Department. Levels of service, including minimum road widths and clearances around structures will be addressed as well as fire safety of building construction and defensible space and its benefits balanced with City conservation goals.

## 7.0 Hazardous Materials

*NOTE: To be developed per schedule.*

*SCOPE :* This section will address those establishments identified within and near the Planning Area which store these materials and the potential for hazardous material spills.

## 8.0 Acceptable Risk

*NOTE: To be developed per schedule.*

*SCOPE :* This section will define the term ‘acceptable risk’ as the level of risk that a majority of citizens and insurance companies will accept without asking for governmental action to provide protection. Various structures and land uses will be classified according to how the population of Ferndale would be affected in the event of loss or failure of each facility, and a level of acceptable damage will be established for each facility type. This information will be used to identify best locations for the various land uses in relation to Ferndale’s hazard areas.

## 9.0 Emergency Preparedness

*NOTE: To be developed per schedule.*

*SCOPE :* This section will consider the steps that can be taken to cope with major emergencies such as a major earthquake, extensive flooding, or large scale threats to the public health and

safety. It will be consistent with the County Hazard Mitigation Plan and will discuss collaboration with the Regional Training Institute (RTI) - Community Disaster Preparedness. The Institute's mission is to offer a centralized system for conducting Community Emergency Response Team (CERT) training in addition to other preparedness classes.

## 10.0 Goals, Policies and Implementation Programs

*NOTE: To be developed per schedule.*

*SCOPE:* Goals, policies, and implementation programs will be developed to provide a policy basis for measures Ferndale can take to prevent loss of life, reduce injuries and property damage, and minimize economic and social dislocations which could result from earthquake, fire, or other natural and man-made disasters. The contract planner and City staff will work with the Planning Commission and City Council to craft policies and implementation strategies for reduction of risk and mitigation or abatement of those hazards and for emergency preparedness and disaster response through land use planning. Policies may address the intensity of development in hazardous areas, clearly define the scope of hazard mitigation measures by type of land use, requirements (if any) for geotechnical and geologic investigations to mitigate geologic hazards and clear procedures for geotechnical and geologic report review.

## 11.0 References

California Department of Toxic Substances Control. 2012. Hazardous Waste and Substances Site List. Available from: [http://www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm). Retrieved 8 August 2012.

Christensen, Arne. 2011 April 1. The April 1992 Mendocino Triple Junction Earthquakes. Chronicling the Nisqually Earthquake and Other Northwest Quakes. Nisqually Multimedia. Retrieved 14 January 2012.

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Dengler, Lori (2008). "The 1906 Earthquake on California's North Coast". Bulletin of the Seismological Society of America **98** (2): 918–930. doi:10.1785/0120060406. Retrieved 14 January 2011.

Humboldt County General Plan. (2012). Part 4 Chapter 14 Safety Element. Planning Commission Approved Draft.

NOAA. "Natural Hazards Images". Cape Mendocino, California Earthquakes, April 25 & 26, 1992. National Geophysical Data Center. Retrieved 6 August 2012.

Schneider, Kieth. 1995 January 16. A Flooded Town Asks, 'Why Us?' The New York Times. Available from: <http://www.nytimes.com/1995/01/16/us/a-flooded-town-asks-why-us.html?pagewanted=all&src=pm>. Retrieved 8 August 2012.

Meeting Date:	August 29, 2012	Agenda Item Number	6.3
Agenda Item Title:	Hooley Revocable Easement Request		
Presented By:	Melanie Rheaume, Contract City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Review and Consider Recommendation to City Council		

**RECOMMENDATION:** Review the attached request for a revocable easement for the fence spanning “E” St. between 1009 Main Street and 949 Main Street and the attached Revocable Easement.

**BACKGROUND:**

There is a fence spanning “E” St. between 1009 Main St. and 949 Main St. that was constructed around 10 years ago by Richard Hooley, resident and property owner at 1009 Main Street. The fence is within a City street right of way (ROW), which is not being used for public access at this time, but is dedicated for this purpose.

The City has received complaints about the fence. In response, the City sent Mr. Hooley a letter on July 11, 2012, informing him of two options to comply with Ferndale ordinances: (1) removing the fence and restoring ROW to original condition or (2) applying for an encroachment permit and paying associated fees. Mr. Hooley replied on August 1, 2012 with a letter requesting that the City grant him a revocable easement for the fence.

**DISCUSSION:**

The public ROW at “E” Street is not in use for public access. According to the attached letter the street is currently only used by Mr. Hooley, the Fosters, who own the property at 949 Main Street, and Mr. Smith, who owns the land starting at the west end of “E” St.

The easement would allow an existing use to continue, is not precedent setting, and according to the requestor has advantages for neighbors and their support. In addition to constructing the fence, Mr. Hooley has improved the driving surface of “E” Street by removing the weeds and over gravelling the old driving surface. The Fosters have maintained the grass area on the south side of “E” Street.

If the City were to grant a revocable easement, the fence would remain, but could be removed with a subsequent City Council action at their sole discretion of the City. The City would continue to save resources by not maintaining the street while retaining ownership for future development.

There is a processing cost incurred upon preparation of the Revocable Easement and presentation to the Commission. Despite the requestor’s statement in the letter, it is appropriate for this cost to be paid for by the applicant unless waived.

**NEXT STEPS:** After reviewing the request and hearing from the applicant, the Commission should consider recommending the request to the City Council.

Attachments: Revocable Easement Form  
Letter from Richard Hooley

***REVOCABLE EASEMENT - DRAFT***

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between THE CITY OF FERNDALE, hereinafter referred to as "Grantor", and RICHARD HOOLEY, hereinafter referred to as "Grantee".

WHEREAS, Grantee requests a revocable easement ("Easement") in a portion of Grantor's property commonly known as "E" Street between 1009 Main Street and 949 Main Street, (the "Land"), which easement is to allow for an existing fence to remain in public Right of Way.

NOW, THEREFORE,

1. Grantor hereby grants to Grantee a revocable easement for the Land where the fence is located. Grantor expressly reserves for itself the right to use the Easement Area or to grant other easements at the same location so long as such uses do not unreasonably interfere with the rights herein granted. This revocable easement is granted to Richard Hooley and is nontransferable.

2. Grantee shall maintain the Easement Area and fence improvements constructed or installed thereon by Grantee in a safe condition at Grantee's sole cost and expense.

3. This Easement is within a City right of way that may be needed for access at any time. The use of the word "grant" shall not imply any warranty on the part of the Grantor with respect to the Easement or the Easement Area.

4. Grantee shall comply with all applicable laws, ordinances and regulations, including but not limited to all applicable regulatory, environmental and safety requirements at Grantee's sole cost and expense. This easement shall remain in effect only so long as Richard Hooley owns adjacent property at 1009 Main Street.

5. Grantee shall not use, deposit or permit the use or deposit of any hazardous material or toxic waste or other harmful substances on the Land or on any other real property of Grantor adjacent to the Easement Area.

6. Grantor may revoke the Easement if in the opinion of Grantor it is needed for any present or future use by Grantor of Grantor's land.

7. This Revocable Easement is made on the express condition that Grantor is to be free from all liability to property from whatever cause arising out of Grantee's, its contractors', agents', officers', members', employees', invitees', or licensees' exercise of rights granted pursuant to this Easement or use of the Easement Area or of the improvements or personal property of Grantee thereto or thereon.

8. Grantor may terminate this Easement and all of the rights granted herein any time. In the event of such termination, the Easement shall be quitclaimed from Grantee to Grantor, without expense to Grantor, and any and all interest in Grantor's Land conveyed in this Easement shall automatically revert to Grantor or its assigns and successors, without the necessity of any further action to effect said reversion. On demand by Grantor, or at any time of sale of adjacent property, Grantee

shall promptly remove any and all improvements it installed in, on, under or above the Easement Area. At the option of Grantor, all such improvements shall become the personal property of Grantor at no cost to Grantor.

9. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect except in a subsequent modification in writing, signed by the party to be charged.

10. Prior to execution of this instrument, Grantee shall pay all applicable fees, deposits or charges associated with processing and finalizing this Revocable Easement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

**GRANTOR:** THE CITY OF FERNDALE

\_\_\_\_\_

\_\_\_\_\_

**GRANTEE:** Richard Hooley

\_\_\_\_\_

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA,  
COUNTY OF HUMBOLDT

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public in and for said County and State, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
(Signature of Notary Public)

STATE OF CALIFORNIA,  
COUNTY OF HUMBOLDT

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public in and for said County and State, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

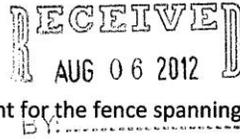
\_\_\_\_\_  
(Signature of Notary Public)

To: Ferndale City Manager

From: Richard Hooley

Subject: Request for a revocable easement for the fence spanning "E" St. between 1009 Main St. and 949 Main St.

Date: 8/1/12



The subject fence has been the topic of discussion between the city and some number of local citizens. In fact, as I understand it, at least one formal complaint has been submitted and several verbal complaints have followed. It seems that the original concern was that the Fire Department could not access the creek to draft water in an emergency. Other concerns seem to center around a thought that if the fence remains, a precedent will be set that would allow any street to be "taken over" by some property owner. As a matter of interest I believe the expressed concerns are being instigated by some in retaliation for my letter to the Fair Board addressing the unacceptable behavior, by some on the board, in trying to muzzle the local news paper. I would like to address these concerns but first I want to provide the city with a little background on why and how the fence came into being.

I purchased the property at 1009 Main St. in Sept. 1999 with the goal of returning it back to something that my wife and I, along with the rest of the community, could be proud of. I believe I have accomplished that goal. Of course the surrounding properties, "E" St. being one, can have a significant detrimental effect on the area if it is left untended and not maintained in a reasonable manner. When I moved here "E" St. was nothing more than a weed infested path that had been poorly graveled some time in the distant past. There was a large growth of blackberry bushes that covered the entire area, making it extremely difficult to access my garage. In short the city had not taken care of this street and unknown persons had used the area for a dumping ground for all sorts of "junk". In fact it appeared that the city had abandoned this street, which seemed reasonable since it dead ends approximately 25 feet short of the creek. The only use for this street is by myself and the Fosters, at 949 Main St., to access our garages and Mr. Smith, who owns the land starting at the west end of "E" St. In my continuing effort to enhance this community I talked with Mr. Taubitz in 2000/2001, who was a council member and acted as the Director of Public Works, and asked him if I needed to get permission from the city to clean up the area and install a fence between my property and the Fosters' property to "hide the unsightly area from Main St". His informal response was that he saw no need to get formal approval as long as I did not install any permanent structures and recognized that I would have to remove the fence if the city decided to extend "E" St. sometime in the future. In appreciation for my cleanup effort Mr. Taubitz had the public works crew haul away all the brush that I had cut down. I hauled approximately 1 ton of "hard" debris to the disposable site in Fortuna. The fence was later erected to further enhance the appearance of the area and has been in place since sometime in 2001/2002. I might add that the neighbors have repeatedly expressed their appreciation for the improvement and no one in the community has ever expressed any concern in all these years.

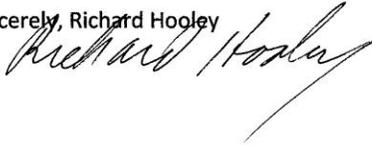
As you know "E" St. ends approximately twenty five feet from the creek. The city map also shows an alley that starts at Van Stone and runs north to end at "E" St. While shown on the map this alley does not exist and has been absorbed into the adjacent properties sometime in the distant past. While this alley remains City property I would not recommend that it be restored as an alley any more than I would expect the city to properly improve "E" St. with sidewalks and paved driving surface. I have improved the driving surface by removing the weeds and over graveled the old driving surface with crushed gravel and the Fosters have maintained the grass area on the south side. The "street" is maintained by myself and the Fosters' with no expectation of assistance from the City.

As we all know the fence has been in place over ten years and only after the letter to the Fair Board has any concern been expressed. I sincerely hope the city does not let itself become an instrument of this retaliation and evaluates the subject in an objective manner.

The facts are that "E" St. is only used by the two adjacent homes, the fence hides a less desirable view from Main St., the fence can be removed if and when a need exists, the city does not have to erect a barrier at the west end of the street, the city does not have to expend resources on maintenance of the street, and the city retains ownership of the property for any future development. This is a win- win for everyone. I believe this street is unique and leaving the fence in place does not set a precedent for other areas in the city.

In order to preserve all of the positive attributes listed above I request that the city issue a revocable easement, at no cost to the requester, allowing the fence to remain in place. This easement would be in the name of Richard Hooley 1009 Main St. It is understood that this easement would be revocable at anytime at the discretion of the city.

Sincerely, Richard Hooley



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## **Section 7: CORRESPONDENCE**

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

## **Section 8: REPORTS**

### **CITY PLANNER:**

#### **Meetings, Planning & Coordination**

- Coordinated with City Manager, City Clerk, and Deputy City Clerk on planning and development projects.
- Coordinated with HCAOG on Regional Housing Needs Allocation Process.
- Continued review of Sign Ordinance Update materials and progress.
- Researched nuisance abatement process to determine the potential for granting an extension for Victorian Inn signage compliance.
- Revised and consolidated the Historic District and Design Review Use Permit application processes. Attended 6/28 Design Review Committee meeting and presented staff report and revised application process. Prepared staff report for 7/26 meeting marking and explaining changes as directed by Committee.
- Prepared Design Review Manual Preparation Scope and Staff Report for July 26 Design Review meeting.
- Coordinated with City Engineer on Lot Line Adjustment application for 1101 Main Street. Sent correspondence informing applicant of hearing and noticing requirements. Coordinated with City Clerk to notice hearing and posted notice in newspaper. Conducted Public Hearing and presented staff report at July 18 Planning Commission meeting. Sent letter of LLA approval to applicant, City Engineer, City Clerk, and applicant's agent.
- Researched possibility of land swap between City of Ferndale and private land owner to alleviate issues stemming from Russ Park access.
- Researched options for remedying private encroachment in a public right of way. Drafted letter to Ferndale resident presenting options.
- Researched Sign Ordinance and business name/advertising requirements to determine whether shop owner may display sign with name other than that listed on Business License.
- Coordinated with City Manager and City Engineer on 5<sup>th</sup> and Arlington Tentative Map expiration. Drafted letter advising applicant of City's interpretation of expiration date.
- Attended 7/18 Planning Commission meeting to present staff report, initial draft Safety Element chapters and overall element format.
- Initiated Building Permit application review for stucco removal at 580 Main St.

#### **Projects**

General Plan Update—Prepared General Plan Safety Element format, Table of Contents, Introduction, and Definitions and presented at 7/18 Planning Commission study session.

**DEPUTY CITY CLERK:****Meetings:**

- Daily meetings with City Manager to discuss various office issues
- Coordinated with City Manager and City Planner on planning and developmental projects.
- Regular Design Review Meeting- June 28, 2012
- Planning Commission Meeting- July 18, 2012
- Special Design Review Meeting- July 19, 2012

**Projects:**

- Assembled Regular Design Review Agenda/Packet for June 28, 2012 Meeting.
- Assembled City Council Agenda/Packet for July 5, 2012 Meeting.
- Assembled Special Design Review Agenda/Packet for July 18, 2012 Meeting.
- Assembled Planning Commission Agenda/Packet for July 19, 2012 Meeting.
- Posted Regular Design Review Agenda; uptown/at city hall.
- Posted Special Design Review Agenda; uptown/at city hall.
- Posted Planning Commission Agenda; uptown/at city hall.
- Posted City Council Agenda; uptown/at city hall/online.
- Set up for Planning Commission Meeting,
- Set up for Sign Committee Meeting.
- Typed Minutes for the Regular Design Review Meeting- June 28, 2012.
- Typed Minutes for the Special Design Review Meeting- July 19, 2012.
- Typed Minutes for Planning Commission Meeting- July 18, 2012.
- Uploaded PC video.
- Business Licenses.
- Dog Licenses.
- City Hall Rental.
- Electronic Deposits.
- Cash Deposits.
- Field Observation Reports

**Land Use, Building and Encroachment Permits Issued**

<i>B1229</i>	<i>730 5<sup>th</sup> St</i>	<i>Water heater</i>
<i>B1230</i>	<i>1289 Madison</i>	<i>Windows/Replace Steps</i>
<i>B1231</i>	<i>927 Main</i>	<i>4 external light poles</i>
<i>B1232</i>	<i>1390 Rose</i>	<i>Re-roof</i>
<i>DR1217</i>	<i>1085 Main</i>	<i>Painting house</i>
<i>DR1218</i>	<i>820 Herbert</i>	<i>Re-roof</i>

## **Section 9: Design Review**

**City of Ferndale, Humboldt County, California USA**  
Design Review Minutes for the 06/28/12 8:30am meeting

Chairman Dan Brown opened the meeting at 8:34 a.m. Committee Members Michael Bailey, Michael Sweeney, Lino Mogni and Dane Cowan were present along with staff City Manager Jay Parrish, City Planner Melanie Rheaume and Deputy City Clerk Brianna Smith. Also present were applicant Jim Roberson and William Warren.

No public comment

Approval of the May 24, 2012 minutes: MOTION: (Cowan/Mogni). Approve minutes as presented. Unanimous.

Approval of the May 31, 2012 minutes: MOTION: (Brown/Cowan). Approve minutes as presented. Unanimous.

923 Main Street- MOTION: (Cowan/Bailey). Approve application as presented. Unanimous.

Design Review Procedure- City Planner Melanie Rheaume gave an update on the Design Review process and let the Committee know that Planwest is working to update the DR process to come into compliance with the Zoning Ordinance. She went over the draft changes made to the application explain that they have combined the Historic and DR application into one. The Demolition Process was also discussed, it was explained that we don't have a current process for demolition and that it is something that should be discussed. City Planner Rheaume also discussed a DR manual that will address the DR process, the Historic District as well as DR guidelines. Committee members asked for time to review the draft changes made to the DR application and this will be brought back at the next regular meeting to discuss further.

Final Procedure for DR Applications- Chairman Brown brought two applications forward that did not comply with what their applications had stated;

1. 1430 Main St, the pattern of the siding under the window is similar to how it was before, but it's not exactly the same as the applicant stated. It was decided that City Manager Jay Parrish, along with Committee members Dan Brown and Dane Cowan would meet with applicant Mitch Tonini to discuss the siding.
2. 777 Main Street, the application for a carport was denied and the applicant went ahead and put up a plastic carport without permission from the Committee. There was question to whether or not this was a temporary structure or a permanent structure. Staff will look into this and report back at the next meeting.

The meeting adjourned at 9:35AM. The next meeting regular meeting will be July 26, 2012.

Respectfully submitted,

Brianna Smith  
Deputy City Clerk

**City of Ferndale, Humboldt County, California USA**  
Design Review Minutes for the 07/19/12 8:30am meeting

Chairman Dan Brown opened the meeting at 8:32 a.m. Committee Members Michael Sweeney, Lino Mogni, Michael Bailey and Dane Cowan along with staff City Manager Jay Parrish and Deputy City Clerk Brianna Smith were present.

1085 Main Street- MOTION: (Cowan/Mogni). Approve color choices as presented. Unanimous.

820 Herbert- MOTION: (Mogni/Bailey). Approve application as presented. Unanimous.

Committee Comments. Committee member Dane Cowan and City Manager Jay Parrish gave an update on final approval of the siding at 1430 Main Street. Committee member Cowan and City Manager Parrish met with applicant, Mitch Tonini to discuss the siding under the window and how it is different from what was stated on the application, after some discussion with the applicant the problem was resolved to Committee member Cowan's satisfaction and was approved.

The meeting adjourned at 9:23AM. The next meeting regular meeting will be June 26, 2012

Respectfully submitted:

Brianna Smith  
Deputy City Clerk

**City of Ferndale, Humboldt County, California USA**  
Design Review Minutes for the 07/26/12 8:30am meeting

Vice Chairman Dane Cowan opened the meeting at 8:40 a.m. Committee Members Michael Bailey, Michael Sweeney, and Lino Mogni were present along with staff City Manager Jay Parrish, City Planner George Williamson and City Clerk Nancy Kaytis-Slocum. Chair Dan Brown was absent. Modifications: Committee member comments was moved in front of 5c.

MOTION: (Bailey/Sweeney). Approve minutes from the 6/21/12, 6/28/12 and 7/19/12 meetings as presented. Unanimous.

Design Review Process - City Planner George Williamson explained that language on page 6 of the packet came from the Zoning Ordinance. Michael Bailey had a concern with page 9, middle "Consult with City Staff to determine if your project requires a Design Review Use Permit application." He was also concerned about paint colors, the definition of an emergency repair. Planner Williamson made note of the changes. Also discussed is having a letter instead of a call to the applicant informing them of the acceptance of their application so that there is a paper trail. Staff pointed out the space at the bottom of the application where it provides a space to write the date the applicant was notified, as well as a space to mark when the project is finalized. There was more discussion about the notification process. Vice Chair Cowan suggested a disclaimer on the application that if the applicant changes the approved project, it will have to come back before the Design Review Committee. Also discussed were before and after photos; a list of some of the things the applicant may need to present with the application, not needed is the requirement of a plot plan when the footprint is not changing. Committee member Sweeney suggested wording that staff determines if CEQA is necessary, the project would go to Planwest, then to the Design Review Committee. He also thought check boxes on the application would be a good idea. There was further discussion on the CEQA process. Planner Williamson will make changes and bring back before the committee.

Design Review Manual: Planner Williamson discussed the preparation scope and noted that the preliminary work would be done by the Committee; Planwest would not become involved until Task 6. A user guide will be a "bible" for staff and the community. Williamson left a copy of the Samoa manual for review.

Committee Comments: Planner Williamson explained that the Historic and Cultural Resources Element was adopted by the City Council in February. The approved element should be online for reference on our web page.

Final Procedure for DR Applications- Committee member Bailey brought several applications forward that he wanted to discuss with the group;

1. 1238 Main Street; Bailey felt the contractor did a poor job of joining the new siding to the old, and that the paint does not match. Vice Chair Cowan asked if the applicant had done what was applied for, and if so, to sign off on it, as the committee has no control over the contractor that is chosen by the applicant. Bailey signed off.
2. 460 Main Street; replace awning signs. Bailey felt there were too many other signs, no street number noted on building, and a flashing neon open sign; however, he signed off on what had been requested by the applicant.

3. 393 Main Street; remove built on lean-to and eventually build a second exit from upstairs of house. The project has not been completed due to lack of money. He questioned if there is an expiration date on the application.
4. 1400C Main Street; landscaped sign had previously been approved, other signs not. Bailey remarked that the neon closed sign shines all night, neon open sign in window, other signs removed as stated, and signed off on it.
5. 358 Main Street – paint bare white spot above store. Never completed and won't be. Remove application from list.

In addition, the following applications were taken by the committee members: Dane Cowan: 1117 1103 1019 1102 1018; Lino Mogni: 1003 0916 0914; Michael Bailey: 0912 0910 0911 0909 1213 1214; Michael Sweeney: 1005 1009 1010 1013 1014.

The meeting adjourned at 10:10AM. The next meeting regular meeting will be August 23, 2012.

Respectfully submitted,

Nancy Kaytis-Slocum  
City Clerk

## **Section 10: Sign Committee**

City of Ferndale, Humboldt County, California USA  
Design Review Minutes for the 08/16/12 2:30pm meeting

**NO QUOROM**

## **Section 11: Adjourn**