

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

Location:	City Hall	Date:	August 5, 2015
	834 Main Street	Time:	7:00 pm
	Ferndale CA 95536	Posted:	July 30, 2015

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 Call meeting to order / Flag salute / Roll call
- 2.0 Ceremonial - None
- 3.0 Modifications to the Agenda
- 4.0 Approval of previous minutes
  - 4.1 Minutes of July 1, 2015 Regular Meeting ..... Page 3
- 5.0 Public Comment
- 6.0 Business (Note: This is the time for commissioners to report any Ex Parte communications on this agenda item.)
  - 6.1 Noise and Air Quality Update Discussion ..... Page 7
  - 6.2 Discuss Recommendation to Vacate Craig Street Alley..... Page 9
  - 6.3 Design Review Committee Report & Minutes..... Page 12
- 7.0 Correspondence ..... None
- 8.0 Commissioner Comments
- 9.0 City Planners and Deputy City Clerk’s Staff Reports
- 10.0 Adjournment

**The next regular meeting of the Ferndale Planning Commission will be on  
September 2, 2015 at 7:00 pm.**

**Section 1: CALL MEETING TO ORDER**

**Section 2: CEREMONIAL**

**Section 3: MODIFICATION TO THE AGENDA**

**Section 4: APPROVAL OF PREVIOUS MINUTES**

**City of Ferndale, Humboldt County, California USA**  
Minutes for Planning Commission Meeting of July 1, 2015

Call to Order — Chair Jorgen von Frausing-Borch called the Planning Commission Meeting to order at 7:02pm. Commissioners Dean Nielsen, Paul Gregson, and Ellin Beltz were present along with staff Planner Stephen Avis and Deputy City Clerk Kristene Tavares. Commissioner Michael Warner was not present (excused absence). Those in attendance pledged allegiance to the flag.

2.0 Ceremonial – None

3.0 Modifications to the Agenda – None.

4.0 Approval of previous minutes – **Motion:** To approve the minutes of the June 3, 2015 Regular Meeting. **(Beltz/Gregson) 3-0-1 (Nielsen abstained due to his absence on June 3)**

5.0 Public Comment –

None 6.0 Public Hearing

6.1 161 Francis Street Use Permit for Vacation Rental: City Planner Stephen Avis presented the staff report for the proposed Use Permit. Staff explained the applicants were unable to attend the meeting tonight and there were no responses to the notices sent out. Chair von Frausing-Borch commented he would like to see the parcels better indicated on the map when applications are presented. Staff will comply with this request. Public hearing was closed. **Motion:** To adopt Resolution No. PC 2015-18 making the required findings of fact listed in Attachment A to approve the Use Permit, subject to the conditions of approval listed in Attachment B and allow for vacation rental use of a single-family residence.

**(Gregson/Nielsen) Unanimous**

7.0 Business

7.1 Noise and Air Quality Update Discussion: Planner Stephen Avis presented the Noise and Air Quality element to the Commissioners. Chair von Frausing-Borch opened up comments from the Commissioners. Commissioner Beltz commented on page 5-2 and the naval facility at Centerville Beach. This facility has been closed for 10 years. Beltz also commented on page 5-3 under the Climate Change Legislation. The International Council for Local Environment Initiatives (ICLEI) is not law and should be moved to a different area or needs to have a break there. Beltz also commented that ICLEI and RCEA are using reports from data collected from 2005 reports. They are too out of date to use and new data needs to be collected for a more accurate reading. Also recommendations from ICLEI are not realistic as they do not realize that Ferndale is a small community and ICLEI is extremely specific in their recommendations. Beltz also suggested on Page 5-4 the sentence beginning “Chapter 6” adding the phrase *in this document* would be helpful. Beltz suggested separating the Noise and Air Quality element so the Commission could come back to Air Quality and spend more time on making it more effective. Commissioner Gregson agreed with Beltz on moving the ICLEI section from the Climate Change Legislation. Gregson also commented on the out of date reporting stating the

Wastewater treatment plant had been replaced in 2005 and the data being used does not reflect that. Gregson questioned Planner Avis on the purpose of a General Plan. Avis explained the General Plan is not an enforced document. The General Plan is implemented through ordinances and sets a tone of where the city wants to go and the goals it wants to obtain. Gregson also questioned an application for an emergency generator and whether the noise level was a factor in the approval. Staff explained the decibels were reviewed before granting approval. Commissioner Gregson commented on Page 6-2 section 1.e should be changed to "The city should refer to". Commissioner Beltz added on Page 6-6 section 3.f the reference to micro-turbines should be removed. Commissioner Nielsen commented on the acceleration and deceleration zone on the north end of town being a significant noise problem and he would like to see this specific issue on the General Plan. Nielsen stated that moving the acceleration and deceleration zones out of city limits would help. Nielsen stated that he had spoken with a representative from Caltrans and reported that the data Caltrans was using was prior to the Nielsen building. Planner Avis pointed out Figure 4 in the element showing the area in which Nielsen is referring to does show an increased noise level. Nielsen stated the tire noise is less than the noise level of the acceleration and deceleration of vehicles entering and leaving town. Nielsen stated again he would like this issue better addressed in the element as to help encourage City Council to approach Caltrans in helping try to get the problem resolved by possibly moving speed limit signs. Nielsen also stated the fire whistles are a problem. Commissioner Beltz explained they are exempt. Nielsen explained he did not have a problem with them but had been approached by others. Commissioner Gregson stated the fire whistle issue is not of the General Plan and should be brought directly to City Council. Planner Avis pointed out Page 6-2 section 1.f regarding Highway Noise Contours and asked if the Commissioners would like this section more specific to areas. Avis also explained to Commissioners that the Element should be kept more vague as this is not an enforceable document. Commissioner Beltz commented on the pictures being used in the element and the relevance, as well as obtaining the proper permission on using these images. Commissioner Gregson commented on agriculture and the impact on the Air Quality. Planner Avis stated that the County of Humboldt includes agriculture in their General Plan. Chair von Frausing-Borch spoke on the Tsunami threat, sea rise and climate change. Planner Avis informed von-Frausing-Borch that this would be covered under the safety element in the General Plan. Planner Avis thanked the Commissioners for the input and comments. Avis also thanked the commissioners for bringing questions and comments in via e-mail to better give staff more time to bring answers to the meetings.

7.2 Building and Land Use Permits: Staff reported current permits. No Commissioner Comments.

7.3 Design Review Committee Report & Minutes: Commissioner Gregson reported on the Kaleidoscope Galleries signage. Commissioner Beltz reported on the 989 Milton Ave Microwave Dish being installed and also the repainting of 1059 Main Street. Commissioners discussed paint colors and the approval and denial of applications.

8.0 Correspondence- None

9.0 Commissioner Comments- Commissioners discussed the stain on the sidewalks. Caltrans

has given us the product name and colors used. Caltrans will also give the city any extra mixture they have left from Main Street but they do not expect to have much leftover.

10.0 City Planner's and City Clerk's Staff Report- Deputy City Clerk Tavares informed Commissioners that staff is working on an orientation the will involve City Council, Planning Commission and Design Review. The orientation will go over roles and responsibilities as well as other information. City Planner Stephen Avis informed commissioners they will receive another item at the next meeting regarding the vacation of an alley. City Council would like the commissioners to look at options and provide a recommendation.

Meeting was adjourned at 8:12 pm.

Respectfully Submitted

Kristene Tavares  
Deputy City Clerk

DRAFT

## **Section 5: 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 6: BUSINESS**

Meeting Date:	August 5, 2015	Agenda Item Number	7.1
Agenda Item Title	General Plan Draft Noise & Air Quality Element Update		
Presented By:	Contract City Planner		
Type of Item:	<input type="checkbox"/> Action	<input checked="" 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:** Discuss and Review the Draft Noise & Air Quality Element Update, provide input and direct Staff to hold a public hearing at the September 2, 2015 Planning Commission meeting to approve a recommendation to the City Council for the adoption of this element.

**BACKGROUND:** At the July meeting, Planning Commissioners requested that staff provide two workshop sessions to review the Noise and Air Quality Element. This is the second workshop. Presuming consensus by the Commission (absent formal votes on each), individual commissioners' comments and suggested modifications will be incorporated into a final draft that will be presented at the Public Hearing.

In October 2014, the Planning Commission conducted a public workshop to review a proposed draft of a Noise & Air Quality Element. At that meeting, Commissioners provided direction to staff for changes in the text. The results of that input are incorporated in the July 2015 Draft of the element now under review

Because the Commission now has two new members, staff is using the July and August meetings as a study session. At the Commission's direction, Staff will schedule a public hearing for the September meeting.

**DISCUSSION:** Per the State Office of Planning and Research (OPR) General Plan Guidelines, the Noise Element is one of seven required general plan elements. Air Quality is considered an optional element in the OPR Guidelines. This combined element is referred to as the Noise & Air Quality Element.

These two topics address quality of life issues for the community. The Noise & Air Quality Element will discuss ways to maintain or improve air quality and reduce noise, especially for sensitive receptors such as schools, medical facilities, and certain residential uses.

The Noise component of the Element defines types of noise including, but not limited to, mobile sources (primarily vehicle noise) and stationary sources (primarily commercial and industrial). The Noise & Air Quality Element includes a noise contour map for State Route 211 (Main Street) using available County and Caltrans trip volume and noise contour data.

The air quality data and analysis includes an Emissions Reduction Plan to minimize greenhouse gas emissions. Assembly Bill 32 calls for a rollback in emission rates that can be accomplished by reducing both stationary and mobile levels. While AB 32 does not require cities to complete either a Climate Action or Emissions Reduction Plan, the Attorney General's Office has confirmed that such plans constitute acceptable mitigation for cities conducting General Plan Updates. When prepared in conjunction with a General Plan Update and incorporated into each element, Climate Action or Emission Reduction Plans expedite CEQA review.

Consultation is an important part of element preparation. As required, the City contacted Native American governments and resource agencies. During preparation of the Noise & Air Quality Element, the city collaborated with agencies, districts, and organizations including but not limited to the North Coast Unified Air Quality Management District, Caltrans and the Redwood Coast Energy Authority (RCEA). The Element was reviewed for consistency with other relevant plans such as the North Coast Unified Air Quality Management District's (NCUAQMD) Particulate Matter Attainment Plan and Humboldt County Noise Element Update and Air Quality Element Update. The City also relied on existing studies and available data for the Element. The NCUAQMD may have funding opportunities for projects identified in this element. The element will make extensive use of web links and Internet source references to maximize the utility of the element while keeping the text version as concise as possible.

Public involvement is an integral part of the General Plan update process made available through Planning Commission and City Council study sessions and public hearings.

**ENVIRONMENTAL REVIEW:** An Environmental Impact Report (EIR) was prepared in 1986 for the Ferndale General Plan. This EIR will be supplemented in order to comply with the California Environmental Quality Act (CEQA). Environmental review for the Noise & Air Quality Element update may be done in conjunction with other General Plan Elements, including the Safety Element and/or other related discretionary actions of the City.

**FISCAL IMPACT:** Budgeted item.

**ATTACHMENTS (refer to your July Packet):**

(Noise & Air Quality Element Scope)

(Draft Noise & Air Quality Element)

Meeting Date:	August 5, 2015	Agenda Item Number	7.2
Agenda Item Title	Discussion on the Vacation of Craig Street Alley		
Presented By:	Contract City Planner		
Type of Item:	<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:** At the request of the City Council, discuss Craig Street Alley and a variety of options (not limited to the three listed here) including formal action to vacate a portion of the alley. No action is requested at this time. Staff will follow up based on direction from the Commissioners.

1. Recommend that the City retain the Craig Street Alley as a public alley and remove any vandalized, poisoned or dead trees and shrubs before they become a hazard and potential liability leaving the remaining shrubbery and the alley open (No formal action required by the Commission).
2. Following a public hearing, adopt a resolution recommending that the City:
  - a. Initiate the vacation (abandonment) of the southernmost  $\pm 100$  feet of Craig Street Alley;
  - b. Rezone the vacated portion of the alley per §4.05.4;
  - c. Divide and distribute one-half of the alley to adjacent parcels;
  - d. Conduct proper environmental review per CEQA;
  - e. Order a survey to establish new parcel lines and record the Record of Survey with the County; and
  - f. Allocate funds to cover the costs of an alley vacation.
3. Recommend that the City entertain applications from one or more adjacent property owners who may desire to purchase a portion of the Craig Street Alley and who fulfill all other required maps, CEQA, filings and recordings.

**BACKGROUND:** Craig Street Alley begins on Washington Street one-half block east of Craig Street and terminates just short of Ocean Avenue. The alley provides access to the rear of properties on the east side of Craig Street and the west side of Emerson Lane. Because of a significant elevation difference between the alley and Ocean Avenue, Craig Street Alley is not suitable as a through connection for cars and trucks. The alley does contain public utilities including power poles and telephone lines. For budgetary reasons, many communities, including Ferndale, do not to maintain the alley and rely on adjoining property owners to provide upkeep, keeping the alley free of debris, overgrown vines and weeds. In Ferndale, residents are required to keep personal property out of the alley.

Although it is a full width alley, the final  $\pm 100$  feet and the terminus was planted with shrubs and trees that predate the current property owners. One property owner at the end of Emerson Lane has maintained this greenbelt area. Other property owners share in the maintenance the rest of the alley.

Recently, an unknown assailant poisoned one of the alley's trees and cut remaining tree trunks in such a way that they are all dying. At the same time, shrubs at the end of the alley were cut to the ground. These plants are public property and the cost of removing the dead foliage will be borne by the City.

The property at the corner of Craig Street and Ocean Avenue backs up to the alley. The owner has approached the City requesting that the alley behind his property be vacated and converted to his private property.

The City Council is seeking a recommendation from the Planning Commission for this proposed land use decision.

**DISCUSSION:** Public streets and alleys play an important role in defining the makeup of a community and provide access to private property for public utilities, vehicular and pedestrian access. Alleys historically provide a place where dry utilities (e.g., electricity, telephone, garbage pickup) and carriage house or garage entrances are located.

Alleys contribute to the feel of a community that is characteristically different from modern subdivisions and form an important part of the grid street pattern that defines many older communities and neighborhoods.

As public property, alleys supply local government with greater flexibility for addressing transportation issues, connectivity, and future land use planning. To vacate or give up a public resource can limit future options.

Not all alleys are able to function in the manner conceived with they were platted during early subdivision of land. The Craig Street alley is an example of one that will never provide through vehicular access between Washington Street and Ocean Avenue. However, this alley could include a pedestrian access point from Ocean Avenue. It also contains power and telephone utility lines providing these services on both sides of the alley.

Abandoning (vacating) the end of the alley could be done without interfering with public utilities and without interrupting access to all of the properties currently benefiting from the alley's location.

**OPEN ACCESS:** As public property, alleys are used by members of the community, maintenance equipment, emergency vehicles and adjacent property owners. Deeded easements for access are not required to travel from one end an alley to the other as is the case for private roads or alleys and shared driveways. All property owners adjoining the alley have shared and equal access to the alley. The ally is not an extension of adjoining back yards and shall not be blocked in any way that impedes others from using the ally for its intended purposes.

**ZONING:** Craig Street Alley is the dividing line for two zoning districts. Parcels fronting Craig Street are zoned R-2 and those fronting Emerson Lane are zoned R-1-B-3.

The Fortuna Municipal Code addresses zoning of vacated streets and alleys as follows:

**FMC §4.05.4 Vacated street or alley:** In the event a dedicated street or alley shown on the zoning map is vacated by resolution or ordinance, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former centerline of the vacated street or alley.

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**ENVIRONMENTAL REVIEW:** Action taken by the City to vacate a portion of the alley would be categorically exempt (Class 12) from CEAQ Per §15312 Surplus Government Property Sales.

**FISCAL IMPACT:**

- Taking no formal action to vacate a portion of Craig Street Alley will still include the removal and disposal cost for vandalized tree and vegetation.
- A formal action to vacate a portion of the alley will trigger a number of costs associated with public hearing, surveys, map preparation, and legal and recording fees in addition to costs associated with the vandalized tree removal.

Meeting Date:	August 5, 2015	Agenda Item Number	7.3
Agenda Item Title	Design Review Committee Report & Minutes		
Presented By:	Kristene Tavares, Deputy City Clerk		
Type of Item:	<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Discussion	<input 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 report from Design Review Committee members.

**BACKGROUND:**

Chairman Von Frausing-Borch and staff have discussed having the two Design Review Committee members report on items of interest. This will be an on-going item on the agenda.

**ATTACHMENTS:**

1. Minutes of the 06/11/2015 Design Review Committee

**City of Ferndale, Humboldt County, California USA**

## Design Review Minutes for the 06/11/15 - 8:30am meeting

Chair Mark Giacomini opened the meeting at 8:30 a.m. Committee Members Paul Gregson, Marc Daniels and Ellin Beltz were present along with Deputy City Clerk Kristene Tavares. .

Approval of Previous Minutes: **MOTION to APPROVE** May 28, 2015 meeting minutes.  
**(Daniels/Beltz) 3-0-1 (Gregson abstained due to being absent for this meeting)**

There were no Modifications to the Agenda.

There were no Public Comments.

439 Berding Street: The Design Review Committee was presented with an application to replace two smaller garage doors with one larger door. Dennis Del Biaggio was present at the meeting to represent the property owners. Del Biaggio explained that the property site was not 439 Berding Street, the property is located at 551 Washington Street (located directly behind 439 Berding Street). Commissioners had no additional comments on this project. **MOTION to APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to replace two (2) small garage doors with one (1) large garage door. **(Gregson/Daniels) Unanimous**

607 Main Street: The Design Review Committee was presented with an application to replace the rear structure of the building with a new two story structure using the existing color scheme. Dennis Del Biaggio represented this property as well. Commissioner Beltz questioned Del Biaggio on the placement of the dumpsters since the building will be extended out. Del Biaggio stated they would not encroach on the sidewalk as there still should be room for the dumpsters. Beltz also asked if the upstairs was to be an office or living quarters. Del Biaggio stated that he believed it to be an office. Del Biaggio stated that they would possibly like to use Hardy Board. Commissioners questioned whether the building was considered a historical building or in the historical district. Staff will do research and determine if the building is considered historical. **MOTION to APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to replace the rear structure of the building with a new two story structure using the same color scheme. **(Daniels/Gregson) Unanimous**

There was no Correspondence.

Committee Member Comments: Committee Member Gregson asked if staff could provide information on the age of the building in the packet. Staff will start including this information, if available, in the packet.

Meeting adjourned at 9:00 am

Respectfully submitted,

Kristene Tavares, Deputy City Clerk  
City of Ferndale

## **Section 7: CORRESPONDENCE**

## **Section 8: COMMISSIONER COMMENTS**

## **Section 9: STAFF REPORTS**

## **Section 10: ADJOURNMENT**