

## RESOLUTION NO. PC -2025

### RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING A COASTAL DEVELOPMENT PERMIT 3-25 (CDP 3-25) FOR A PROPOSED CULVERT REPLACEMENT AT 190 RIVERVIEW (APN 018-310-21-00), SUBJECT TO THE FINDINGS AND ALL STANDARD AND SPECIAL CONDITIONS.

**WHEREAS**, The City of Fort Bragg ("Applicant") submitted an applicant for: Coastal Development Permit 3-25 (CDP 3-25) to replace a culvert at 190 Riverview Drive (APN 018-310-21-00).

**WHEREAS**, 190 Riverview Drive, Fort Bragg, California is in the Low Density Residential (RH) Zone, Coastal Zone and no changes to the site's current zoning designation are proposed under the Project; and

**WHEREAS**, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

**WHEREAS**, the Planning Commission held a public meeting on June 25, 2025 to consider the Project, accept public testimony and consider making a recommendation to City Council; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) Section 15332 (class 32) of the CEQA Guidelines the project is exempt from CEQA pursuant to §15302c (replacement or reconstruction of existing structures and facilities), §15304a (grading on land with a slope of less than 10 percent) and §15304a (minor trenching and backfilling where the surface is restored); and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission meeting of June 25, 2025 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg hereby recommend, *per the analysis incorporated herein by reference to the project staff report, dated June 25, 2025, that the City Council* approve Coastal Development Permit 3-25 (CDP 3-25), subject to the findings, standard conditions and special conditions below:

#### A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;
3. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC), and the Fort Bragg Municipal

Code in general.

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg Planning Commission makes the following findings and determinations for Coastal Development Permit 1-25 to allow for the proposed culvert replacement at 190 Riverview Drive *per analysis incorporated herein by reference to the project staff report, dated June 25, 2025.*

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections [30200](#) of the Public Resources Code);
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;
8. Supplemental findings for projects located within Environmentally Sensitive Habitat Areas:
  - I. The resource as identified will not be significantly degraded by the proposed development; and
  - II. There is no feasible less environmentally damaging alternative; and
  - III. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby approve Coastal Development Permit 3-25 (CDP 3-25) for a proposed culvert replacement at 190 Riverview Dr. subject to the following standard and special conditions:

#### **SPECIAL CONDITIONS**

1. If cultural resources are encountered during construction, work on-site shall be temporarily halted within 50 feet and marked off of the discovered materials, and workers shall avoid altering the materials and their context until a qualified professional archaeologist and tribal monitor has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect or move cultural resources. No social media posting.
2. If human remains or burial materials are discovered during project construction, work within 50 feet of the discovery location, and within any nearby area reasonably suspected to overlie human remains, will cease (Public Resources Code, Section 7050.5). The Mendocino County coroner will be contacted. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws regarding the disposition of Native American remains

(Public Resources Code, Section 5097).

3. Construction Avoidance Measures Pre-Construction
  - a. All land disturbance activities shall occur during the dry season (June 15 through October 15) and shall be suspended during unseasonable rainfalls of greater than one-half inch over 24-hour period, all activities shall cease for 24 hours after perceptible rain ceases.
  - b. The extent of the limit of disturbance shall be delineated and demarcated with high-visible construction fencing or flagging. All construction staff shall be made aware of the purpose of the fencing and will limit entry to the greatest extent feasible.
  - c. All vehicles and equipment scheduled for use in construction on the site should be clean and free of mud or vegetation that could introduce plant pathogens or propagules of non-native plants. This includes equipment hauled into the site.
4. Construction Avoidance Measures During Construction
  - a. Construction staff should avoid entering the stream channel to the greatest extent possible.
  - b. No construction work should occur if water is present in channel.
  - c. Vegetation removal shall be limited to the minimum amount necessary.
  - d. No equipment or materials should be laid down within the construction barrier. All materials should be stored on existing hardscaped areas or, if laid down on existing vegetation, will only be laid down in those areas scheduled for excavation.
5. Construction Avoidance Measures Post-Construction
  - a. The applicant shall seed (regionally appropriate natives) and mulch all graded areas upon completion of land disturbance.
  - b. The applicant shall install wet season erosion control measures and seed areas of bare ground prior to October 15 (or the onset of the rainy season), and remove all temporary erosion control measures prior to October 15 (or the onset of the rainy season).
6. Wildlife Avoidance Measures Pre-Construction
  - a. Work should be done between June 15 and October 15, when surface water will be absent.
  - b. The applicant shall not undertake work or operate equipment within the stream where surface water is present.
  - c. If construction, grading, and/or vegetation removal are scheduled to be initiated during the nesting bird season (February 1 through August 31), the applicant shall hire a biologist to complete a focused survey for active nests within the project area and surrounding 500-foot buffer within 7 days prior to the beginning of land disturbance or vegetation removal. If an active nest is found, a no-disturbance buffer should be implemented, appropriate for the species. No work should occur in that buffer until the nest is deemed inactive. If work lapses for more than 7 continuous days within the nesting season, an additional survey would be recommended. If construction related activities are initiated outside the nesting season, no nesting surveys are required.
7. Wildlife Avoidance Measures During Construction

- a. If any wildlife is encountered during the course of construction, all work in the immediate area should cease and wildlife should be allowed to leave the construction area unharmed.
  - b. At the end of each workday, all trenches and holes greater than 1-foot deep should be completely covered with a material flush with the ground to prevent wildlife from entering. If cannot be completely covered, an escape ramp should be placed at each end to allow any wildlife that may have become entrapped in the trench to climb out. The ramp angle should be no greater than 30 degrees.
8. Post Construction Revegetation and Invasive Species Management
  - a. Based on the site assessment, one red elderberry and one sword fern are likely to be removed during land disturbance. Within one year of completion of construction, the area around the stream should be planted with native species suitable for the site. Planting two red elderberry and four sword fern in the area of land disturbance is recommended to replace native vegetation that may be impacted. The plants should be of local genetic stock<sup>10</sup> (from Mendocino coast). If it is not feasible to get local stock, plants should be from the north coast floristic province (coastal area from Oregon state line through Marin County). Plants should be monitored for 5 years to ensure establishment.
  - b. Land disturbance at the culvert outlet will likely encourage the growth of the invasive veldt grass, crocosmia, Himalayan blackberry, white flowered onion (*Allium triquetrum*), and English ivy. Hand removal of these species should occur annually for 5 years following installation of the culvert to allow for establishment of native plantings and discourage re-growth. Removal should occur prior to flowering to reduce potential for seed set. No weed block/landscape fabric should be used. Removed vegetation should be taken off site and disposed of properly.
9. The applicant shall prepare an erosion and sediment control plan which includes the following measures:
  - a. Prior to initiation of land disturbance, sediment migration and erosion control measures shall be deployed between the land to be disturbed and the stream to protect the stream and shall be located as close to the construction barrier as possible (i.e., as far away from the stream as possible). Such barriers may include weed-free hay bales, weed-free straw waddles, silt fencing, and/or a combination of these materials. Regular inspection of the barriers should be deployed and immediate remedies of damaged or compromised areas of the barriers. No materials containing monofilament can be used.
  - b. Spill prevention devices should be readily available during construction and utilized for all toxic liquids/materials including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides. These materials should be stored 100 feet or greater from the stream.
  - c. All vehicles and equipment used on site should be well maintained and checked upon site entry for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.
  - d. Drip pans and absorbent materials for equipment will be used and an

adequate supply of these items will be available in the event they are needed for a spill cleanup.

### **STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the Planning Commission decision.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and passed and adopted at a regular meeting of the  
Planning Commission of the City of Fort Bragg held on the 25<sup>th</sup> day of June 2025  
by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**

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**David Jensen, Chair**

**ATTEST:**

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**Diana Paoli**  
**City Clerk**