# City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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## Meeting Agenda

## Planning Commission

**Wednesday, August 13, 2014** | **6:00 PM** | **Town Hall, 363 N.Main Street**

## MEETING CALLED TO ORDER

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## APPROVAL OF MINUTES

**14-267** Approve Minutes of July 23, 2014

***Attachments:*** PCM_07232014

## PUBLIC COMMENTS ON NON-AGENDA ITEMS

## A. PUBLIC HEARINGS

**1. 14-251** Receive Report, Conduct Public Hearing and Consider Approval of a Design Review Permit, Conditional Use Permit and Variance to Demolish Existing Residential Structures and Construct a New 15 Space Off-site Parking Lot for the Mendo Lake Credit Union and Associated Landscaping and Signage

***Attachments:*** 20140813 MLCU Parking Lot DR 5-14

Attachment 1 - Site Map

Attachment 2 - Site PLan

Attachment 3 - Proposed Parking Lot Plan

Attachment 4 - Existing Parking Lot

## B. CONDUCT OF BUSINESS

**1. 14-258** Receive Report and Consider Adoption of Resolution Approving Mitigated Negative Declaration and Approving Grading Permit 2013-08 for the Summers Lane Reservoir Project

***Attachments:*** 8132014 PC Memo re Summers Lane Reservoir
Exhibit 1- Fish and Game Letter (GTL 7 21 14NR)
Exhibit 2 - RESO Adopting MND & GP
Exhibit 3 - Summers Lane Reservoir Staff Report GP 2013-08
ATTACHMENT 1
ATTACHMENT 2
ATTACHMENT 3
ATTACHMENT 4
ATTACHMENT 5
ATTACHMENT 6
ATTACHMENT 7
ATTACHMENT 8
ATTACHMENT 9
ATTACHMENT 10

## MATTERS FROM CHAIR/COMMISSION/STAFF

## ADJOURNMENT

*The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.*

STATE OF CALIFORNIA )
) ss.
COUNTY OF MENDOCINO )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on August 8, 2014.

_____

June Lemos
Administrative Assistant
Community Development

## NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at www.fortbragg.com subject to staff's ability to post the documents before the meeting.

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This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).

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# City of Fort Bragg

## Meeting Minutes - Draft
## Planning Commission

**Wednesday, July 23, 2014** | **6:00 PM** | **Town Hall, 363 N.Main Street**

## MEETING CALLED TO ORDER

**Chair Hoyle called the meeting to order at 6:01 PM.**

## PLEDGE OF ALLEGIANCE

## ROLL CALL

**Present** 5 - Chair Derek Hoyle, Commissioner Mark Hannon, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Sage Statham

## APPROVAL OF MINUTES

Approve Minutes of July 9, 2014

**A motion was made by Commissioner Miklose, seconded by Chair Hoyle, that the Minutes be approved. The motion carried by the following vote:**

**Aye:** 3 - Chair Hoyle, Commissioner Hannon and Commissioner Miklose

**Abstain:** 2 - Vice Chair Rodriguez and Commissioner Statham

## PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

## PUBLIC HEARINGS

**1.** Receive Report, Conduct Public Hearing, and Consider Adoption of the Mitigated Negative Declaration (MND) for the Summers Lane Reservoir; and Adoption of a Resolution for the Approval of Grading Permit (GP 2013-08) for Construction of the Summers Lane Reservoir

Community Development Director Marie Jones stated she had received a letter from the California Department of Fish and Wildlife (CDFW) on the morning of the hearing which raised a number of substantial issues. After consultation with the City Attorney's office, Jones recommended that the Commission receive the staff report, hold the public hearing, and continue the matter to August 13 to allow time for staff to respond to the questions and concerns raised by CDFW.

Jones summarized her staff report, going over the recent inundation report and responding to the concerns regarding the reservoir from the last public hearing on October 23, 2013.

**Chair Hoyle opened the public hearing at 6:20 PM.**

Jim Celeri, the nearest neighbor to the project area, thanked the City for having a breach inundation study conducted. He maintains that the study is incomplete because it does not address the problem of water rushing into Brush Creek, if the dam were to break on the southwest corner of the reservoir. He stated that he hopes the City will look into this matter as he felt this is a potential problem that needs to be addressed.

Sue Boecker posed several questions concerning the construction of the reservoir's liner. She wanted to know whether or not a potential trash transfer station and area traffic were being considered by the City in relation to the project.

David Gurney stated that the concerns of the Department of Fish and Wildlife need to be addressed, as well as the safety of people living downstream from the project. He requested that the public comment period be extended.

Ann Rennacker also wanted the comment period extended and requested that a public tour of the project site be given.

**Chair Hoyle closed the public hearing at 6:31 PM.**

The Planning Commissioners decided to return this matter to staff to examine the issues raised by CDFW and will make a decision at the next Planning Commission meeting on August 13, 2014. Jones stated that she would address any questions regarding the project in her next report, if the public would submit their questions by email prior to August 5, 2014. Questions and concerns can be sent to her via the City's website or by emailing Jones directly at mjones@fortbragg.com.

**This Planning Staff Report was referred to staff.**

**2.** Receive Report, Conduct Public Hearing, and Consider Adoption of an MND and Approval of Major Subdivision 4-02/14 (DIV 4-02/14); Coastal Development Permit 9-02/14 (CDP 9-02/14) for the Riverview Subdivision

Jones gave a report on the major subdivision of a 7.13 acre parcel into four separate parcels. She itemized the development standards, setback requirements, and special conditions for the project. Discussion was held regarding the offer to dedicate a trail from the northeast portion of the parcel into Noyo Harbor.

**Chair Hoyle opened the public hearing at 6:44 PM.**

Sean Hogan, trustee of the Cummings Trust, a member of the applicant Riverview Building LLC, clarified that the access on the trails into Noyo Harbor has been by permission and it is not a prescriptive easement. He stated that he would be happy to make an offer of dedication and offered to answer any questions the Commissioners had regarding the project.

Neil Zeiger, owner of Parcel 4, urged the Commissioners to vote in favor of the subdivision map.

**Chair Hoyle closed the public hearing at 6:47 PM.**

**A motion was made by Commissioner Statham, seconded by Commissioner Miklose, that the Initial Study/Mitigated Negative Declaration be adopted.**

**The motion carried by the following vote:**

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Statham

**A motion was made by Commissioner Statham, seconded by Commissioner Hannon, that Major Subdivision DIV 4-02/14 and Coastal Development Permit CDP 9-02/14 be approved, subject to the following findings and conditions:**

**CEQA FINDINGS**
**The Planning Commission of the City of Fort Bragg finds, determines, and certifies as follows for the purpose of adopting the MND for this project:**
**1. The above recitals are true and correct, and are incorporated herein by reference.**
**2. The MND was prepared in compliance with the requirements of CEQA.**
**3. The MND was presented to the Planning Commission, a decision-making body for the City, the lead agency for the Project, and the Planning Commission has reviewed and considered the information contained in the MND.**
**4. The MND reflects the Planning Commission's independent judgment and analysis as to the environmental effects of the Project.**
**5. After mitigation, all project impacts are less than significant.**
**6. The Planning Commission has, by its review of the evidence and analysis presented in the MND and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions on these important issues.**
**7. The location of the documents or other material that constitute the record of proceedings upon which the decision is based is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg CA 95437; the official custodian of said records is the City Clerk of the City of Fort Bragg.**

**GENERAL FINDINGS**
**1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;**
**2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**
**3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and**
**4. For the purposes of the environmental determination, a Mitigated Negative Declaration has been prepared for conformance with the California Environmental Quality Act (CEQA). As mitigated, the project will not result in significant or potentially significant environmental impacts.**

**COASTAL DEVELOPMENT PERMIT FINDINGS**
**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. 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. The resource as identified will not be significantly degraded by the proposed development;**

**9. There is no feasible less environmentally damaging alternative;**

**10. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted; and**

**11. Findings in support of a requirement for an Offer to Dedicate a Public Access Easement for an existing public access trail on the property are as follows:**

**a. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects that right of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.**

**b. Development of property over time has the potential to result in a cumulative loss of public access opportunities and rights. For the subject property, an existing public access is present that is recognized in the Coastal General Plan. The present vertical access provides pedestrian access from Highway One at the south end of the Noyo River, across the property and down the forested hillside to the south bank of the Noyo River. At the time of subdivision, the existing public access needs to be recognized and identified as such so that best and highest use of the land when it is developed identifies that use as a part of the definition of what is present and where potential lies.**

**c. The Mendocino Coast is a destination for outdoor recreation. The Pacific Ocean and redwood forest attract visitors worldwide. State parks are present along the Mendocino coastline, including Jug Handle State Reserve, Point Cabrillo Light Station State Historic Park, Russian Gulch State Park, and Mendocino Headlands State Park within 7 miles of the City of Fort Bragg to the south, and Glass Beach and MacKerricher State Park within 7 miles of Fort Bragg to the north. Within the City Limits, public access to the ocean is present at Hare Creek Beach, the Noyo Harbor, and Glass Beach. Additional public access is available along the GP Haul Road. Public access trails are planned for construction at the GP Mill Site within the next year.**

**The project would result in the creation of new commercial parcels with the potential to provide for support services for visitors. An existing public access trail is present on the property and evidence of current and historic use is verified in the field and by GoogleEarth imagery.**

**The property is located along the south bank of the Noyo River within the harbor. The existing access trail provides public access to the river, where it links to a proposed lateral access along the river. The project does not include**

**development of structures or uses that would physically conflict with the access trail, however subdivision of the property is likely to result in the sale of individual parcels which may in turn be developed to a highest and best use. Recognition of the public access trail at this time is therefore important in assuring public access is not lost to future development.**

**d. Imposition of the access requirement for an Offer of Dedication of a 25 foot easement for the vertical access is required to protect the common law rights of the public that have been using the property for public access and also to further the governmental interest in providing for safe, orderly development of property within the City, consistent with the Coastal General Plan.**

**e. The recommended Offer to Dedicate approach allows for the management responsibility for the access trail to be placed with a management agency that is willing and able to take on that responsibility. The public access easement extent is limited to the actual location on the ground of the access trail and is limited to the minimum width required by the City's Local Coastal Program.**

**SUBDIVISION FINDINGS**

**1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Local Coastal Program, General Plan, and any applicable Specific Plan;**

**2. The site is physically suitable for the type or proposed density of development;**

**3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat;**

**4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;**

**5. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision;**

**6. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;**

**7. There are no indications of adverse soil or geological conditions and the subdivider has provided sufficient information to the satisfaction of the City Engineer or other applicable review authority that the site is appropriate for the proposed development; and**

**8. The proposed subdivision is consistent with all applicable provisions of the Local Coastal Program, the Coastal Land Use and Development Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.**

**SPECIAL CONDITIONS**

**1. Prior to approval of the Final Map, the applicant shall submit a revised Driveway Reciprocal Agreement that includes driveway maintenance standards and access rights for owners' invitees.**

**2. Prior to approval of the Final Map, the map shall show 22 foot wide driveway easements that encompass the existing access driveways providing access from Highway One on Parcel 1 to Parcel 2, and from the Boatyard Drive on Parcel 3 to Parcel 2. A Driveway Reciprocal Agreement shall be recorded to the satisfaction of the Public Works Director which outlines maintenance and standards for maintenance of the shared driveways.**

**3. The Final Map shall include a note that, subject to the determination of the Public Works Director, a right turn only sign may be required for the northernmost driveway upon additional site development.**

**4. The Final Map shall name the street that bisects the subdivision Boatyard**

**Drive.**

**5. Prior to approval of the Final Map, applicant shall either: 1) install frontage improvements (curb, gutter, sidewalk, drainage inlets, and bicycle lane striping) along Main Street and Ocean View Drive/Boatyard Drive where these improvements are adjacent to Parcels 1, 2, 3 and 4; or 2) the applicant shall bond the required improvements with a Performance Bond (by one or more corporate sureties) equal to 100% of the value of the required frontage improvements (in the form required by section 66499.1 of the Subdivision Map Act) and a Materials and Labor Bond equal to 50% of the value of the required frontage improvements (in the form required by section 66499.2 of the Subdivision Map Act). Work within rights-of-way shall require encroachment permits from Caltrans and the City of Fort Bragg as applicable and shall be approved by these agencies prior to commencement of work.**

**6. The Final Map shall show Public Utility Easements with widths and locations as shown in the Proposed Easement Utility Map (Attachment 4).**

**7. The Final Map shall show all easements affecting the property, including any necessary Caltrans easements.**

**8. Prior to approval of the Final Map, monuments shall be installed in compliance with the requirements of the City Engineer and Map Act.**

**9. The Final Map shall include a note that requires: 1) a minimum Environmentally Sensitive Habitat Area buffer area of 50 feet wide associated with the Northern Bishop Pine Forest ESHA on proposed Parcel 1 and Parcel 2; and that the ESHA buffer extends over the entire eastern portion of Parcel 3 west to the driveway. The note shall also clarify that this buffer is conceptual and that future development proposals will need to include a resource study to set an appropriate buffer for that development given resources that may be located on the parcel at that time.**

**10. The Final Map shall include a note that ground disturbance in Parcel 3 shall require the presence of a Native American Monitor. A Native American Monitor shall be required during ground disturbing activities associated with installation of frontage improvements on Parcel 3.**

**11. Prior to the issuance of the Coastal Development Permit, the landowner shall execute and record a document in a form and content acceptable to the City of Fort Bragg, and approved by the Executive Director of the Coastal Commission, consistent with provisions of Chapter 17.56 of this Development Code, irrevocably offering to dedicate to a public agency or private nonprofit association approved by the City of Fort Bragg an easement for vertical access and passive recreational use (Offer to Dedicate).**

**The recorded Offer to Dedicate shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.**

**The recorded Offer to Dedicate shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the City of Fort Bragg determines may affect the interest being conveyed, as evidenced by a clean title report. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable.**

**12. The applicant shall implement all Mitigation Measures (Mitigation Measures 1, 2 and 3) from the MND as included below.**

**Mitigation Measure 1: Prior to issuance of the grading permit, the applicant shall submit for approval by City Public Works Department, a Dust Management, Grading, and Erosion Control Plan in compliance with pertinent portions of**

**Sections 17.62.020 and 17.62.030 of the Coastal Land Use and Development Code.**
**Mitigation Measure 2: The Environmentally Sensitive Habitat Area and its approved buffer zone shall be clearly shown on the recorded map. (Note: compliance with Special Condition 9 will satisfy this Mitigation Measure.)**
**Mitigation Measure 3: As a condition of project approval, the applicant shall install frontage improvements including but not limited to sidewalks, curb, gutter, drainage facilities, and bicycle lane striping, to the satisfaction of the City Engineer and consistent with Caltrans requirements and the City of Fort Bragg's South Main Street Access and Beautification Plan.**

**STANDARD CONDITIONS**
**1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.**
**2. 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.**
**3. 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 required permit applications shall be consistent with this approval.**
**4. 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.**
**5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.**
**6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a Final Map examined and approved by the City Engineer is approved by the City Council and recorded or an extension is requested and obtained.**
**7. This Minor Subdivision approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a Final Map examined and approved by the City Engineer is approved by the City Council or an extension is requested and granted.**

**The motion carried by the following vote:**

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Statham

**3.** Receive Report, Conduct Public Hearing, and Consider Approval of Coastal Development Permit Amendment (CDP 8-11/12/13/14) for the

Noyo Harbor Inn

Jones reviewed the amendment to Coastal Development Permit for the Noyo Harbor Inn project, and stated that she agreed with the applicant that the Environmentally Sensitive Habitat Area (ESHA) buffer requirements were too stringent and should be modified. She stated that the California Department of Fish and Wildlife concurred with her determination. Special Condition 9 has therefore been modified to state that the ESHA buffer area is for this project only and future development of the parcel will need to include a resource study.

**Chair Hoyle opened the public hearing at 6:52 PM; seeing no one wishing to speak, the public hearing was immediately closed.**

**A motion was made by Commissioner Statham, seconded by Commissioner Rodriguez, that Coastal Development Permit Amendment CDP 8-11/12/13/14 be approved, subject to the following findings and conditions:**

**GENERAL FINDINGS**

**1. 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.**

**2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.**

**3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.**

**4. The project complies with Specific Use Regulations established for the project.**

**5. For the purposes of the environmental determination, a Mitigated Negative Declaration has been prepared for conformance with the California Environmental Quality Act (CEQA). As mitigated, the project will not result in significant environmental impacts.**

**COASTAL DEVELOPMENT PERMIT FINDINGS**

**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. 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.**

**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. Adequate service capacity, including water supply, remains to accommodate the existing, authorized, and probable priority uses in the Coastal Zone, including but not limited to coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses.**

**8. The development is located in an Environmentally Sensitive Habitat Area and the following findings can be made:**

**a. The resource as identified will not be significantly degraded by the proposed development;**

**b. There is no feasible less environmentally damaging alternative; and**

**c. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.**

**9. The proposed restaurant and bar expansion occurs on an existing historic structure, the Noyo Harbor Inn, in the proximity of the proposed Noyo River Trail, a lateral access, described in Table OS-1 of the General Plan as "Access Point J," located along the north bank of the Noyo River. The property provides a key link to the harbor for this lateral trail, and failure to require this portion of access would substantially reduce future public recreation and coastal access opportunities. Further, failure to protect the existing historic access would deny the public an established right of access, and would result in substantially decreased safety for pedestrians and bicyclists traveling to and from the harbor in this vicinity.**

**10. The site is in the Noyo Harbor and contains an historic pedestrian and bicycle accessway extending from town into the harbor. Evidence of use by the public for a continuous five-year period has been established in the approval of CDP 8-**

**11. No alternative trails exist in the vicinity to provide the public with access along this section of the Noyo River, except for the historic trail on the subject property. The project will significantly impact public access because improvements are proposed in the vicinity of the Noyo Trail near the end which connects the trail to the harbor. The connection trail will allow the Noyo Trail to connect to and traverse the property along the existing historic accessway.**

**11. Due to the proximity of the proposed improvements to the public accessway and the potential for misunderstandings now and when the property is sold in the future, it is necessary to protect this historic access by recording a restriction on the property deed which clarifies the responsibility of the property owner to maintain open public access in perpetuity. The deed restriction requirement for the historic trail will promote a continuance of public safety, allowing pedestrians and bicyclists to continue to access the harbor without risking detriment along a narrow and sight restricted stretch of road (North Harbor Drive) to the west of the property. The offer to dedicate for the connector trail ensures a public access connection from the harbor to easements acquired along the Noyo River in the future.**

**12. The deed restriction requirement for the existing historic access will assure the existing access will be protected and maintained in perpetuity. It is reasonably related to the subject development project because substantial new development is proposed to justify recordation at this time. The proposed offer to dedicate a trail to connect the existing historic access to future trails along the Noyo River to the north of the project is justified due to infeasibility of the trail to run through the subject development area, as outlined in the General Plan and**

**Coastal Land Use and Development Code, due to the existing structure and additions, and steep slope.**

**SPECIAL CONDITIONS**

**9. Prior to final of the building permit, the applicant shall submit a revised site plan, showing a minimum buffer designated as Environmentally Sensitive Habitat Area Buffer adjacent to the Noyo River that follows the 30 foot elevation along the eastern edge of the parcel. This buffer is for this project only. Future development proposals for this parcel will need to include a resource study to set an appropriate buffer for that development given resources that may be located on the parcel and in the river at that time.**

**STANDARD CONDITIONS**

**1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.**

**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 certified LCP.**

**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 required permit applications shall be consistent with this approval.**

**5. The applicant shall secure all required building permits for the proposed project as required by the Building Department.**

**6. 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.**

**7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.**

**8. This Coastal Development Permit approval shall lapse and become null and void two (2) years from the date of approval unless prior to the expiration of two (2) years, construction is commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with CLUDC Section 17.76.070.**

**The motion carried by the following vote:**

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Statham

**4.** Receive Report, Conduct Public Hearing, and Consider Approval of Design Review 3-14 (DR 3-14), Use Permit 4-14 (USP 4-14) and Coastal Development Permit 4-14 (CDP 4-14) for a New 43 Foot Tall, 198 Square Foot Attached Milling Tower on the West Side of the North Coast Brewery Building at 455 N Main Street

Jones described the project and stated that staff is recommending that the Planning Commission address design issues by choosing between two Special Conditions (1 and 1A as outlined in the Summary Report). The main goal is to make sure that the milling tower is attractive in design.

**Chair Hoyle opened the public hearing at 6:59 PM.**

George Reinhardt spoke, stating that the tower will be a very tall and overriding structure and he appreciates that staff is taking the design seriously, as he feels the aesthetics of the community need to be improved and protected. He stated that the applicant has done an extremely good job using as much alternative energy as possible in their building, and hopes that the look of the tower as well as the mural will enhance the aesthetics of the City.

**Chair Hoyle closed the public hearing at 7:03 PM.**

Commissioner Statham asked questions about the mural on the tower. Much discussion was held regarding the subject of the mural, with all agreeing that something original and representative of the coast would be preferable to an image that is too cliched, such as a whale. Commissioner Miklose opined that the height of the tower will be very obvious to persons entering the City, and everything should be done to make it as attractive as possible. He said that the Brewery's logos are very attractive images and might make acceptable murals if the words were removed. He also thought a large City clock on one face of the tower might benefit the entire community. The Commissioners agreed that Special Condition 1 should be utilized rather than Special Condition 1A.

**A motion was made by Commissioner Statham, seconded by Commissioner Rodriguez, to approve Design Review DR 3-14, Use Permit USP 4-14 and Coastal Development Permit CDP 4-14, subject to the following findings and conditions:**

**GENERAL FINDINGS**

**1. 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;**

**2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**

**3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and**

**4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15301.**

**5. Finding for Central Business District (CBD) zoning district: The use**

**complements the intense, pedestrian and regionally oriented shopping areas of the CBD, and will not detract physically from the basically pedestrian nature of the CBD.**

**USE PERMIT FINDINGS**

**1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;**

**2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;**

**3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**

**4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.**

**COASTAL DEVELOPMENT PERMIT FINDINGS**

**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. 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;**

**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. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;**

**9. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;**

**10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;**

**11. The resource as identified will not be significantly degraded by the proposed development;**

**12. There is no feasible less environmentally damaging alternative; and**
**13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.**

**DESIGN REVIEW FINDINGS**
**1. The project complies with the purpose and requirements of CLUDC Section 17.71.050 Design Review;**
**2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;**
**3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;**
**4. The project provides efficient and safe public access, circulation, and parking;**
**5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;**
**6. The project is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program; and**
**7. The project complies and is consistent with the Citywide Design Guidelines.**

**SPECIAL CONDITIONS**
**1. Prior to issuance of the building permit the applicant shall submit project plans for approval by the Community Development Director that: 1) include placement of windows in two rows on the Mill Tower of the same size and style as those on the second story of the existing building; 2) include a false front on the east side of the Mill Tower of a similar design to the false front of the existing building and 3) a design for a mural for the upper half of the north and/or east sides of the tower. The mural shall be finished prior to final of the building permit.**

**STANDARD CONDITIONS**
**1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 - Appeals.**
**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 17.76.070B.**

**The motion carried by the following vote:**

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Statham

**5.** Receive Report, Conduct Public Hearing, and Consider Approval of a Variance (VAR 1-14) to Set Back Requirements to Construct a Single Family Home at 836 E. Laurel Street

Jones summarized her staff report regarding setbacks and variances requested by the applicant. Because of the configuration of the parcel, it is difficult to build anything on it unless a variance is granted. She restated the special conditions and made a note that Special Condition 2 should be amended to say "...recorded maintenance agreement..." instead of "...recorded maintenance easement..."

**Chair Hoyle opened the public hearing at 7:15 PM.**

Applicant David Gidley stated that he and his wife have contacted all the neighbors about the project and they are all in support of it and very enthusiastic that his development is small and environmentally friendly. He thanked the Commissioners for their consideration.

**Chair Hoyle closed the public hearing at 7:16 PM.**

**A motion was made by Commissioner Miklose, seconded by Commissioner Statham, to approve as amended Variance VAR 1-14, subject to the following findings and conditions:**

**GENERAL FINDINGS**
**1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general.**
**2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.**
**3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not**

**endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.**

**4. The project complies with Specific Use Regulations established for the project.**

**5. For the purposes of the environmental determination, this project is exempt from CEQA under Section 15303a - new construction of a single family residence in a residential zone in accordance with the Environmental Quality Act (CEQA).**

**VARIANCE FINDINGS**

**1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district.**

**2. The approval of the Variance or Administrative Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.**

**3. The Variance or Administrative Variance is consistent with the General Plan, any applicable specific plan.**

**SPECIAL CONDITIONS**

**1. The applicant's building permit shall illustrate a deck of less than 18 inches above grade, if the deck extends into the back yard setback.**

**2. Prior to issuance of the Building Permit the applicant shall provide a recorded maintenance agreement with the owner of the adjoining parcel indicating that the owner will allow the applicant to undertake required maintenance and repair of the carport. Prior to issuance of the Building Permit the applicant shall submit a new site plan with the carport located at least eight feet back of the front property line.**

**3. Prior to issuance of the building permit, the applicant shall submit a comprehensive grading and drainage plan, prepared by and bearing the seal of a civil engineer, which illustrates: 1) the methods by which stormwater runoff will be handled on the site in conformance with Inland Land Use and Development Code sections 18.62.100 and 18.61.030; and 2) all proposed grading for the site in conformance with Section 18.62.040. The plan shall be reviewed and approved by the City Engineer prior to issuance of the building permit.**

**STANDARD CONDITIONS**

**1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Inland Land Use & Development Code (ILUDC) Chapter 18.92 - Appeals.**

**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 ILUDC.**

**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 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.**

**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 Inland 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 ILUDC Subsection 17/18.76.070 (B).**

**The motion carried by the following vote:**

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Statham

**6.** Receive Report, Conduct Public Hearing, and Consider Approval of Use Permit 2-14 (USP 2-14), Coastal Development Permit 3-14 (CDP 3-14), and Design Review (DR 2-14) for Installation of 6 Telecommunication Antennas on an Existing Monopole at 310 Walnut Street

Commissioner Statham recused himself from hearing this agenda item, as he does business with the applicant AT&T Telecommunications. He left the meeting at 7:20 PM.

Jones stated that the antenna installation project is consistent with Public Facility use. She reviewed signage issues, a radiation level study, and fencing.

**Chair Hoyle opened the public hearing at 7:26 PM. Seeing no one wishing to speak, he immediately closed the public hearing.**

Chair Hoyle stated that he believes the impact of the antennas to the community will be insignificant and does not foresee any problems with the project.

**A motion was made by Commissioner Hannon, seconded by Commissioner Miklose, to approve Coastal Development Permit CDP 3-14, Use Permit USP 2-14, and Design Review Permit DR 2-14, subject to the following findings and**

**conditions:**

**GENERAL FINDINGS**

**1. 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;**

**2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**

**3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;**

**4. The project complies with Specific Use Regulations established for the project; and**

**5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under section 15301(b) Existing Facilities for Utility Services.**

**COASTAL DEVELOPMENT PERMIT FINDINGS**

**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. 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;**

**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. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;**

**9. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;**

**10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;**

**11. The resource as identified will not be significantly degraded by the proposed development;**
**12. There is no feasible less environmentally damaging alternative;**
**13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted;**
**14. The Project is consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development;**
**15. The project minimizes energy consumption and vehicle miles traveled;**
**16. The project will not impact special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses;**
**17. The approval of a Coastal Development Permit for a communication facility shall require that the review authority find that the communication facility complies with Section 17.71.045 (Coastal Development Permit) and that the communication facility complies with all requirements of this Chapter applicable to coastal development permits identified in Section 17.44.030 (Applicability);**
**18. The proposed communication facility shall comply with Sections 17.71.045 and Section 17.44.030 only to the extent necessary to find the development consistent with the policies of the certified LCP and consistent with the limitations imposed by Federal law; and**
**19. Any decision to deny a permit for a communication facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision and the evidence that led to the decision.**

**USE PERMIT FINDINGS**
**1. The proposed use is consistent with the Coastal General Plan, any applicable specific plan, and the Local Coastal Program;**
**2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;**
**3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**
**4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;**
**5. The expansion of the number of antennas on the existing monopole is compatible with neighboring uses and would not adversely impact neighboring properties;**
**6. The proposed use complies with any findings required by Section 17.44.040 Permit Requirements for Telecommunications Facilities;**
**7. The communication facility complies with all applicable requirements of Section 17.44 in the CLUDC; and**
**8. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.**

**DESIGN REVIEW FINDINGS**

**1. Complies with the purpose and requirements of this Section;**
**2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;**
**3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;**
**4. Provides efficient and safe public access, circulation, and parking;**
**5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;**
**6. Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program; and**
**7. Complies with and is consistent with the City's Design Guidelines.**

**SPECIAL CONDITIONS**
**1. The applicant shall install the green INFO sign on the access gate and the yellow Caution – Tower sign at the base of the monopole climbing ladder as recommended in the EBI RF-EMC Compliance Report.**
**2. Applicant shall install wood slats in the cyclone fence along the length of the western edge of the parcel prior to the final on the building permit.**

**STANDARD CONDITIONS**
**1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 - Appeals.**
**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 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.**
**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).**

**The motion carried by the following vote:**

**Aye:** 4 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose and Vice Chair Rodriguez

**Abstain:** 1 - Commissioner Statham

## CONDUCT OF BUSINESS

None.

## MATTERS FROM CHAIR/COMMISSION/STAFF

Community Development Director Jones informed the Commissioners that work will start on the Coastal Trail on August 4, and the entire north portion of the trail from the trestle to Soldier Bay will be completed by mid-November. She stated that the park may not open until the parking lot and restrooms are completed, which might not be until next year. Access to Glass Beach will be prohibited from August 15 to the end of November.

Jones gave a gentle reminder to the Commissioners regarding the proper way to make motions for the record.

## ADJOURNMENT

**Chair Hoyle adjourned the meeting at 7:32 PM.**

_____
DEREK HOYLE, Chair

_____
June Lemos, Administrative Assistant

IMAGED (_____)

| | |
|---|---|
| **MEETING DATE:** | **August 13, 2014** |
| **PREPARED BY:** | **Marie Jones** |
| **PRESENTED BY:** | **Marie Jones** |

# AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Design Review 5-14 (DR 5-14), Use Permit 9-14 (USP 9-14), Variance 2-14 (VAR 2-14)

**OWNER/APPLICANT:** Cindy Jo /Richard Cooper, Mendo Lake Credit Union

**AGENT:** Lee Welty

**REQUEST:** Receive report, conduct a Public Hearing and consider approval of a Design Review Permit and Conditional Use Permit to demolish existing residential structures and construct a new 15 space off-site parking lot for the Mendo Lake Credit Union and associated landscaping and signage.

**LOCATION:** 136 N Franklin Street

**APN:** 008-164-38

**ZONING:** Central Business District

**ENVIRONMENTAL DETERMINATION:** Project is Categorically Exempt from CEQA, per Section 15303 Class 3 (c, e), new structures of less than 2,500 SF and accessory structures such as parking lots.

**SURROUNDING LAND USES:**
NORTH: Retail – Central Business District (CBD)
EAST: Residence - CBD
SOUTH: Retail Grocery/Restaurant – CBD
WEST: Retail Video Rental – CBD

**APPEALABLE PROJECT:** ☒ **Can be appealed to City Council**

☐ **Can be appealed to California Coastal Commission**

## PREVIOUS PERMITS

- SCR 15-89. Scenic Corridor Review to allow for the addition of approximately 1,000 square feet to the original Credit Union building. Approved.
- SCR/SA 4-00. Scenic Corridor and Site and Architectural Review to allow for the construction of an 11-space paved parking lot for use by the Credit Union. The property is located at 105 North McPherson Street (across the alley to the southeast). The permit was applied for in anticipation of an approximately 5,000 square foot addition to the existing Credit Union building. Approved.
- SCR/SA 22-02. Scenic Corridor and Site and Architectural Review to authorize the addition of 4,096 square feet to the existing Credit Union building. Approved.
- DR 4-07. Design Review to add an ATM and ATM shelter to the Credit Union. Approved.

## PROJECT BACKGROUND

The Fort Bragg Credit Union and Mendo Lake Credit Union merged in 2013. The merger resulted in a consolidation of the operations of both banks at the 120 N Franklin (Credit Union) building. The merged operation has been a success and Mendo Lake Credit Union has hired additional staff and has many more customers than the previous Fort Bragg Credit Union. The bank is seeking to develop an additional parking lot to serve the larger customer base and the additional employees.

## PROJECT DESCRIPTION

The applicant would like to: 1) demolish an existing residence and associated accessory structure (shed) and 2) construct a new 15 space off-site parking lot for the Mendo Lake Credit Union with associated landscaping and signage.

## CONSISTENCY WITH PLANNING POLICIES

**Land Use.** Banks and accessory parking for banks are principally permitted in the Central Business District. The applicant has proposed to provide parking for bank customers on a different parcel than the existing bank.

**Parking Space Requirements**. The Inland Land Use and Development Code (ILUDC) discourages more parking than the maximum required for a specific use. The Mendo Lake Credit Union (MLCU) is 4,715 square feet of floor area. The ILUDC allows a maximum of 1 parking space for each 150 SF of floor area and a minimum of 1 space per 200 SF. The Mendo Lake Credit Union can therefore provide up to 31 parking spaces for customers and employees and should provide a minimum of 15 spaces. The Mendo Lake Credit Union currently operates a parking lot between McPherson Street and the Alley, behind the Credit Union. This existing parking lot includes 11 parking spaces, and the proposed parking lot at 136 N Franklin Street would offer 15 spaces for a total 26 spaces, which is less than the maximum allowable and more than the minimum parking for the credit union. Thus the proposed parking lot would allow the Mendo Lake Credit Union to comply with the ILUDC's parking requirements (See Table 3-7, page 3-48).

Disabled Parking - Section 18.36.050 ILUDC outlines requirements for numbers of disabled parking spaces, indicating that one parking space is required within a parking lot with less than 26 spaces. One ADA parking space is already present directly behind the MLCU back door. This is an appropriate location for disabled parking.

Bicycle Parking - Section 18.36.060 indicates that bicycle spaces to equal 5% of vehicle spaces are required. One bicycle parking space is required and is currently provided in front of the MLCU's front door.

Further, Section 18.36.090 A2 of the ILUDC allows off-site (off parcel) parking as shown below:

18.36.090 – Parking Design and Development Standards

Required parking areas shall be designed, constructed, and properly maintained in compliance with the following requirements. Except where noted, the Director may modify the requirements of this Section through Minor Use Permit approval (Section 18.71.060).

A. Location of parking. Parking areas shall be located as follows:
   1. Residential. Residential parking shall be located on the same parcel as the uses served. Temporary (overnight) parking is allowed within required setback areas only on a paved driveway.
   2. Nonresidential. Nonresidential parking shall be located on the same parcel as the uses served *or within 300 feet of the parcel if shared parking or public parking facilities are used to meet parking requirements.*
      *a. Nonresidential parking shall not be located within a required front setback.*
      *b. Parking may be located within a required side or rear setback; provided that it is separated from the side or rear property line by a minimum five-foot wide landscaped area.*
      *c. Parking between the primary structure and the fronting street should be avoided.*

The applicant was apprised of the requirement that the proposed off-site parking must be a shared parking facility and they are aware that the proposed parking lot cannot be signed to exclude non-bank customers or non-bank employees from utilizing the lot. **Special Condition 1** has been added to ensure that this requirement is met.

> **Special Condition 1:** The lot shall not be signed in such a way as to prohibit or exclude the general public from parking in the lot. No signs that limit parking to Mendo Lake Credit union customers or employees are permitted.

However the applicant has objected to this restriction and requested a Variance as the Mendo Lake Credit Union's current lot is built out and it is not feasible to add new parking to the parcel with the business building. Additionally Mendo Lake Credit Union researched the feasibility of developing parking on all parcels within 300 feet of their existing business and this was the largest available parcel. Finally, Mendo Lake Credit Union has noted that they are entitled to all 26 spaces under the City's ILUDC parking requirements, as this is less than the maximum allowable parking for the size of their facility. In order to grant a Variance from this requirement the Planning Commission must first make the following findings:

> 1. General findings. The review authority may approve a Variance or Administrative Variance only after first making all of the following findings.
>
> a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
>
> b. The approval of the Variance or Administrative Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
>
> c. The Variance or Administrative Variance is consistent with the General Plan, any applicable specific plan.

2. Findings for off-site parking Variance. The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off-site, or to allow in-lieu fees or facilities instead of the required on-site parking spaces, shall require that the review authority first make both of the following findings in compliance with Government Code Section 65906.5, instead of those required by Subsection F.1 above.

a. The Variance will be an incentive to, and a benefit for, the nonresidential development; and

b. The Variance will facilitate access to the nonresidential development by patrons of public transit facilities.

These findings to allow off-site parking (2 above) can be made for the project as the parking lot will be a benefit to this non-residential development and can be visited by patrons of public transit. However the applicant is also looking for a variance to the off-site parking requirement that the off-site parking be open to the public in general. Therefore the Variance requirements in 1 above must still be made. The subject parking lot is located adjacent to a number of other private parking lots that limit public access, and all of these parking lots are located on the same parcel as the related businesses. This applicant cannot establish additional parking on the business parcel and is required to have at least 15 parking spaces (which it does not currently provide), therefore the applicant is seeking a variance and one could argue that the existing MLCU parcel is so built out that the parcel is deprived of privileges enjoyed by other property owners in the vicinity. If the Planning Commission is comfortable with this interpretation, then a variance can be granted and Special Condition 1 is not required.

**Zoning Standards.** The proposed project complies with all but two of the required standards for parking lots as noted in Table 1 below.

**Table 1: Development Standards for Proposed Parking Lot**

| Development Standards | Requirements | Proposal |
|---|---|---|
| Parking Space Dimensions | 60 degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 20 feet. | The proposed parking lot offers 10 foot wide spaces and a space depth of 20 feet. |
| Driveway width and depth | The minimum driveway width for 60 degree angle parking is 19 feet. | The proposed parking lot driveway width is 19 feet. |
| Front street landscaping setback 15 feet minimum | Section 18.34.050C4ai requires a planted landscaping strip of at least 15 feet of depth between the sidewalk and the parking area. | The proposed parking lot includes a landscaping strip of 24+ feet. |
| Side and rear yard landscaping strip - 8 feet minimum | Section 18.34.050C4b requires a planted landscaping strip of at least 8 feet of depth between adjoining property lines and the parking lot. However the requirement for the landscaping strip may also be "satisfied by a setback or buffer area that is otherwise required." The side setback in the CBD is 5 feet at the alley and a zero side yard setback. Additionally, 18.36.090A2b requires only a five-foot wide setback for rear and side-yard setbacks from the property line for nonresidential parking. | The north side of the proposed project does comply with 18.36.090A2b, which is the most appropriate regulation for parking in the CBD. However parking spaces 15, 10 and 9 do not comply with the setback requirements. Therefore staff recommends Special Condition 2 requiring the deletion of these parking spaces from the plan. |
| Landscaping Plan | Section 18.34.050Cav of the ILUDC requires trees be placed in the | The proposed landscaping plan does not include sufficient tree |

| | | |
|---|---|---|
| | landscaping strips every 25 feet. | placement. Staff recommends Special Condition 3 to address this. |

> **Special Condition 2:** Prior to approval of the Grading Permit the applicant shall resubmit the parking lot design, for approval by the Community Development Director, changing: 1) the configuration of parking spaces 9, 10, 13 and 14 such that the triangle shaped paved area past the wheel stop is reconfigured as landscaped area; and 2) the configuration of space 15 into a 45 degree angled parking space so that the parking space is located outside of the required 5 foot setback. Additionally, bollards shall be added to the landscaped area to the south of spaces 13, 14 and 15.

Implementation of **Special Condition 2** would result in a parking lot with 12 spaces instead of the proposed 15.

> **Special Condition 3:** Prior to approval of the Grading Permit the applicant shall resubmit the parking lot design, for approval by the Community Development Director, to illustrate trees placed at 25 feet intervals along the landscaped strips, except for areas that will be used as bioswales.

**Landscaping & Lighting**

The site plans show five new lighting standards to illuminate the parking lot at 136 North Franklin Street and three new lighting standards on the 105 North McPherson lot (an existing lot). The applicant has not submitted specifications for the lighting and so **Special Condition 4** has been added to allow the Community Development Director to review and approve their design.

> **Special Condition 4.** Prior to approval of the Grading Permit the applicant shall provide specifications for the proposed outdoor lighting that complies with 18.30.070 Outdoor Lighting standards that require energy efficient, shielded lighting to prevent light spill.

**Stormwater Management**

The project design includes a curb-less parking lot that will allow stormwater runoff to sheet flow into a bioswale on the northern edge of the property line that flows into a rain garden for bio-retention and filtration of stormwater. This design complies with the City's requirements regarding stormwater management requirements for parking lots (see section 18.36.100I3c and 18.36.100I6). However it should be noted that trees placed within the landscaped bioswales may limit its effectiveness, and Special Condition 3 has been modified to reflect this.

The proposed parking lot will result in a net increase in stormwater runoff resulting from the addition of significant impermeable surfaces. The project will be required to pay drainage fees as part of the grading permit process. **Special Condition 5** has been added to ensure that drainage fees are paid.

> **Special Condition 5:** The applicant shall pay drainage fees prior to submission of the Grading Permit.

**Storm Drain Easement**

The City holds an easement over this property for a 48 or 36 inch storm drain that traverses the property from east to west. This storm drain houses the old Alder Creek drainage. The condition

of this storm drain is unknown. The house slated for demolition is located outside of the storm drain easement. As the applicant has proposed to construct an improvement on top of the City's storm drain easement, and as the City must have access to this easement should it need to repair or replace the storm drain in the future, staff recommends **Special Condition 6** to ensure that any damage that the City may do to the proposed improvements in order to gain access would be the responsibility of the applicant/property owner to repair and not the City's responsibility.

> **Special Condition 6.** In the event that the City requires access to the City owned utility easement, the City can access the storm drain or easement at its own cost by demolition of the parking lot throughout the length and width of the easement, as needed. The applicant/property-owner shall hold the City harmless and free from liability for any destruction and resulting damage to the parking lot and will not pursue a legal or other remedy to cover any costs associated with demolition or reconstruction of the parking lot or associated improvements.

**Air Quality.** The project includes demolition of commercial structures and is subject to Air Quality notification requirements for asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements. Notification is required as a part of the building permit process.

## USE PERMIT ANALYSIS

The ILUDC requires an applicant to obtain a Use Permit in order to complete a new curb cut across a sidewalk on a primary street (section 18.36.090B6).

> 6. Curb cuts for purposes of providing street access to on-site parking spaces on primary commercial streets (see definitions) shall be permitted only by Conditional Use Permit.

Additionally this Section 18.36.090B7 includes conditions which must be met in order for the curb cut to be permitted and these include:

> 7. Curb cuts to provide street access to on-site parking spaces on non-primary commercial and residential streets shall be permitted only where a project site meets at least one of the following conditions:
>
> a. The site has no adjacent side or rear alley having a minimum right-of-way of fifteen feet;
>
> b. The topography or configuration of this site or placement of buildings on the site precludes reasonable alley access to a sufficient number of parking spaces;
>
> c. The average slope of the parcel is at least five percent; or
>
> d. The Director, Public Works determines that a curb cut is appropriate due to traffic, circulation or safety concerns.

Staff has reviewed the site plan and determined that the site's topography and shape would make a parking lot with an alley entrance/exit only significantly smaller and therefore unfeasible (condition b above). Specifically an alley entrance/exit only lot would require 90 degree angle parking instead of the proposed 60 degree angle parking. This configuration would result in the elimination of: 1) spaces 8, 9 10 and 11 because the ILUDC requires a 24 foot long queuing area at the entrance to the lot; and 2) spaces 12-15, because a 23 foot driveway is required for 90 degree parking and the lot is not wide enough to accommodate parking on both sides of the lot and a 23 foot driveway. Thus a lot with only alley access would provide just seven parking

spaces instead of the requested 15, which is not a feasible outcome for the MLCU parking needs.

**Sidewalk Furniture.** A City street tree and trash can are located on the sidewalk in front of 136 N Franklin Street. The street tree is located adjacent to the north property line and will not be impacted by the proposed project. The trash can is located directly in front of the proposed driveway and will need to be relocated. The City's Public Works department will move the trash can. **Special Condition 7** will ensure that the applicant covers the cost to move the trash can.

> **Special Condition 7:** The applicant will reimburse the City for the cost to relocate the trash can prior to issuance of the Grading Permit.

## DESIGN REVIEW ANALYSIS

The project includes a commercial parking lot and associated landscaping and therefore requires Design Review per Section 18.71.050 of the ILUDC. The proposed project meets all of the following review criteria.

**Project Review Criteria.** The review authority shall evaluate each application to ensure that the project:

1. **Complies with the purpose and requirements of this Section.**
   As conditioned, the project complies with Design Review project review criteria.

2. **Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.**
   The proposed parking lot would add needed parking to the Central Business District (CBD). The lot design, as conditioned, is compatible with other parking lots in the CBD and the neighboring development. The landscaping at the front of the lot will screen the parked cars from view by passing pedestrians.

3. **Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.**
   The project proposes to install a rain garden, landscaping, lighting and a sign. All are desirable and attractive.

4. **Provides efficient and safe public access, circulation, and parking.**
   The project provides efficient one-way circulation which will ensure that cars will exit the lot via the alley, thereby increasing pedestrian safety. The proposed parking will

help the MLCU meet the parking needs of its larger customer base after the merger with the Fort Bragg Credit Union.

**5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.**

The project provides appropriate landscaping and open space. Plants have not been specified for the project, and staff recommends **Special Condition 8** to ensure that the landscaping is water efficient.

**Special Condition 8:** The applicant shall install drought tolerant landscaping in areas that are not part of the bioswales and rain garden.

**6. Is consistent with the General Plan.**

The project is consistent with the General Plan.

**7. Complies and is consistent with the City's Design Guidelines.**

The project, as conditioned, is consistent with the City's Design Guidelines, except that the design guidelines require "patterned concrete or pavers at the primary entrance to differentiate it from the sidewalk" (see page 2-7 of the Citywide Design Guidelines). Thus staff recommends **Special Condition 9**.

**Special Condition 9:** Prior to approval of the Grading Permit the applicant shall resubmit the parking lot design, for approval by the Community Development Director, with either patterned concrete or pavers at the parking lot entrance.

### SIGN PERMIT

The applicant proposes to place a sign at the proposed parking lot. The proposed signage would be similar to the existing signage, however staff recommends that a more permanent sign be installed at both locations, as banner signs are only permitted as temporary signs. The Community Development Director will review the signage application when it is submitted by the applicant.

**Environmental Determination.** The project is Categorically Exempt from the California Environmental Quality Act (CEQA), meeting the 15303 Class 3c&e exemptions for new structures of less than 2,500 SF and accessory structures such as parking lots.

## PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate, and make a decision regarding the permits at this Planning Commission meeting.

### ALTERNATIVE ACTION

2. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.

3. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Commission may then deliberate and make a decision.

# RECOMMENDATION

Staff recommends approval of **Design Review 5-14 (DR 5-14), Use Permit 9-14 (USP 9-14)** and **Variance 2-14 (VAR 2-14)** for the project based on the following findings and subject to the conditions cited below:

### GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15301.

### DESIGN REVIEW FINDINGS

1. The project complies with the purpose and requirements of ILUDC Section 18.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the General Plan; and
7. The project complies and is consistent with the Citywide Design Guidelines.

### USE PERMIT FINDINGS

1. The topography and configuration of the site precludes reasonable alley access to a sufficient number of parking spaces.

### VARIANCE FINDINGS

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
2. The approval of the Variance or Administrative Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special

privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district;
3. The Variance or Administrative Variance is consistent with the General Plan, any applicable specific plan;
4. The Variance will be an incentive to, and a benefit for, the nonresidential development; and
5. The Variance will facilitate access to the nonresidential development by patrons of public transit facilities.

**SPECIAL CONDITIONS**

1. The lot shall not be signed in such a way as to prohibit or exclude the general public from parking in the lot. No signs that limit parking to Mendo Lake Credit union customers or employees are permitted.
2. Prior to approval of the Grading Permit the applicant shall resubmit the parking lot design, for approval by the Community Development Director, changing: 1) the configuration of parking spaces 9, 10, 13 and 14 such that the triangle shaped paved area past the wheel stop is reconfigured as landscaped area; and 2) the configuration of space 15 into a 45 degree angled parking space so that the parking space is located outside of the required 5 foot setback. Additionally, bollards shall be added to the landscaped area to the south of spaces 13, 14 and 15.
3. Prior to approval of the Grading Permit the applicant shall resubmit the parking lot design, for approval by the Community Development Director, to illustrate trees placed at 25 feet intervals along the landscaped strips, except for areas that will be used as bioswales.
4. Prior to approval of the Grading Permit the applicant shall provide specifications for the proposed outdoor lighting that complies with 18.30.070 Outdoor Lighting standards that require energy efficient, shielded lighting to prevent light spill.
5. The applicant shall pay drainage fees prior to submission of the Grading Permit.
6. In the event that the City requires access to the City owned utility easement, the City can access the storm drain or easement at its own cost by demolition of the parking lot throughout the length and width of the easement, as needed. The applicant/property-owner shall hold the City harmless and free from liability for any destruction and resulting damage to the parking lot and will not pursue a legal or other remedy to cover any costs associated with demolition or reconstruction of the parking lot or associated improvements.
7. The applicant will reimburse the City for the cost to relocate the trash can prior to issuance of the Grading Permit.
8. The applicant shall install drought tolerant landscaping in areas that are not part of the bioswales and rain garden.
9. Prior to approval of the Grading Permit the applicant shall resubmit the parking lot design, for approval by the Community Development Director, with either patterned concrete or pavers at the parking lot entrance.

**STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
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 ILUDC.
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 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 ILUDC Subsection 18.76.070B.

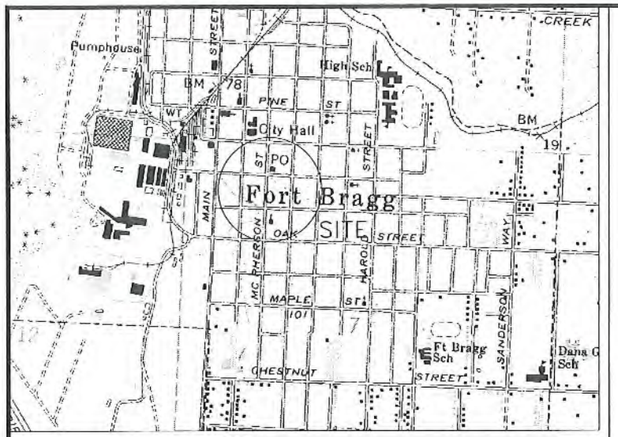
**ATTACHMENTS**

1. Site Location Map
2. Site Plan
3. Proposed Lot Parking Plan
4. Existing Parking Lot – Proposed Improvements

Feature and boundary locations depicted are approximate only.

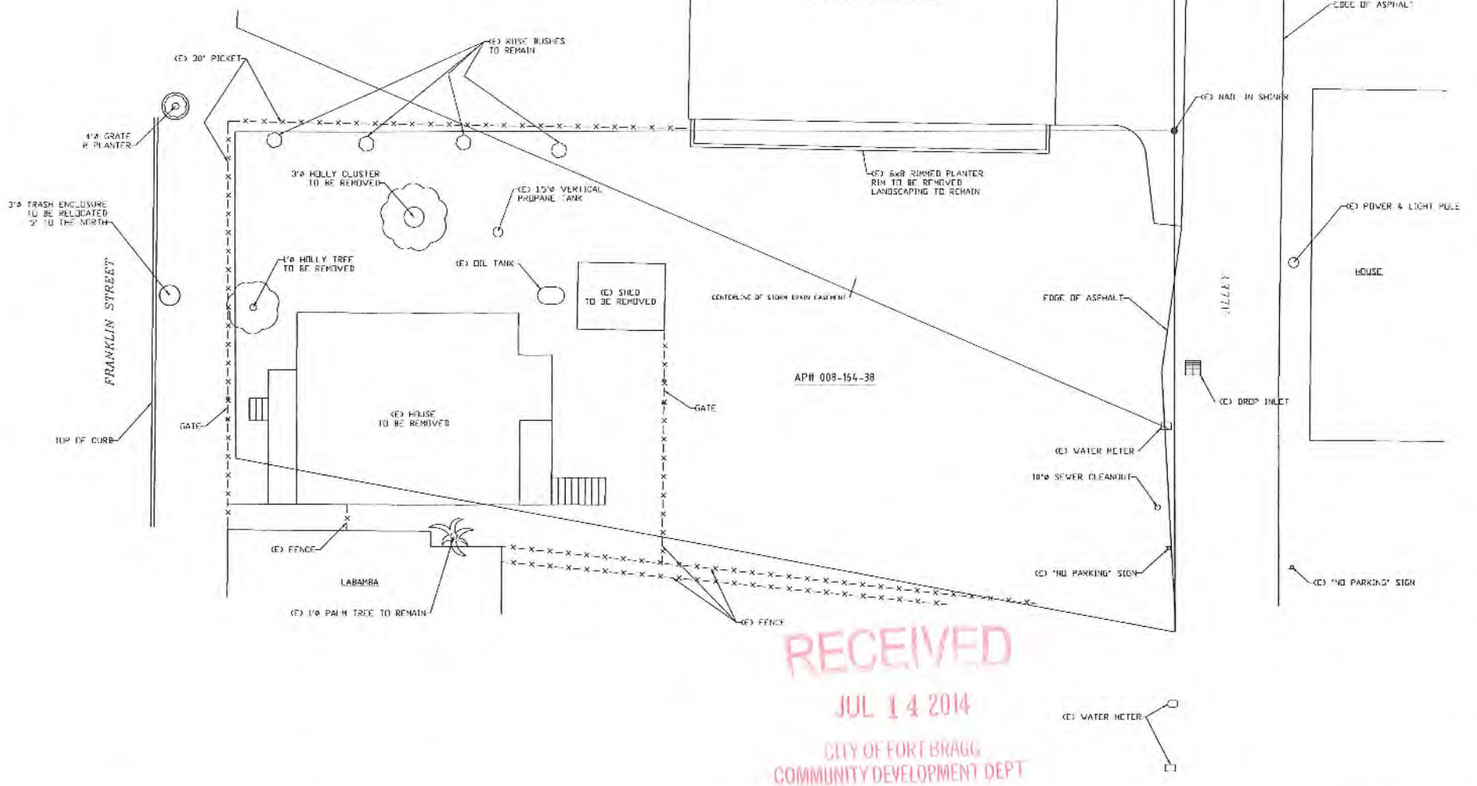
# City of Fort Bragg

Site Map - 136 N. Franklin Street




VICINITY MAP NO SCALE

0' 10' 30' 40'

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CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

TOPOGRAPHIC MAP & DEMOLITION PLAN | 1" = 10' | 1

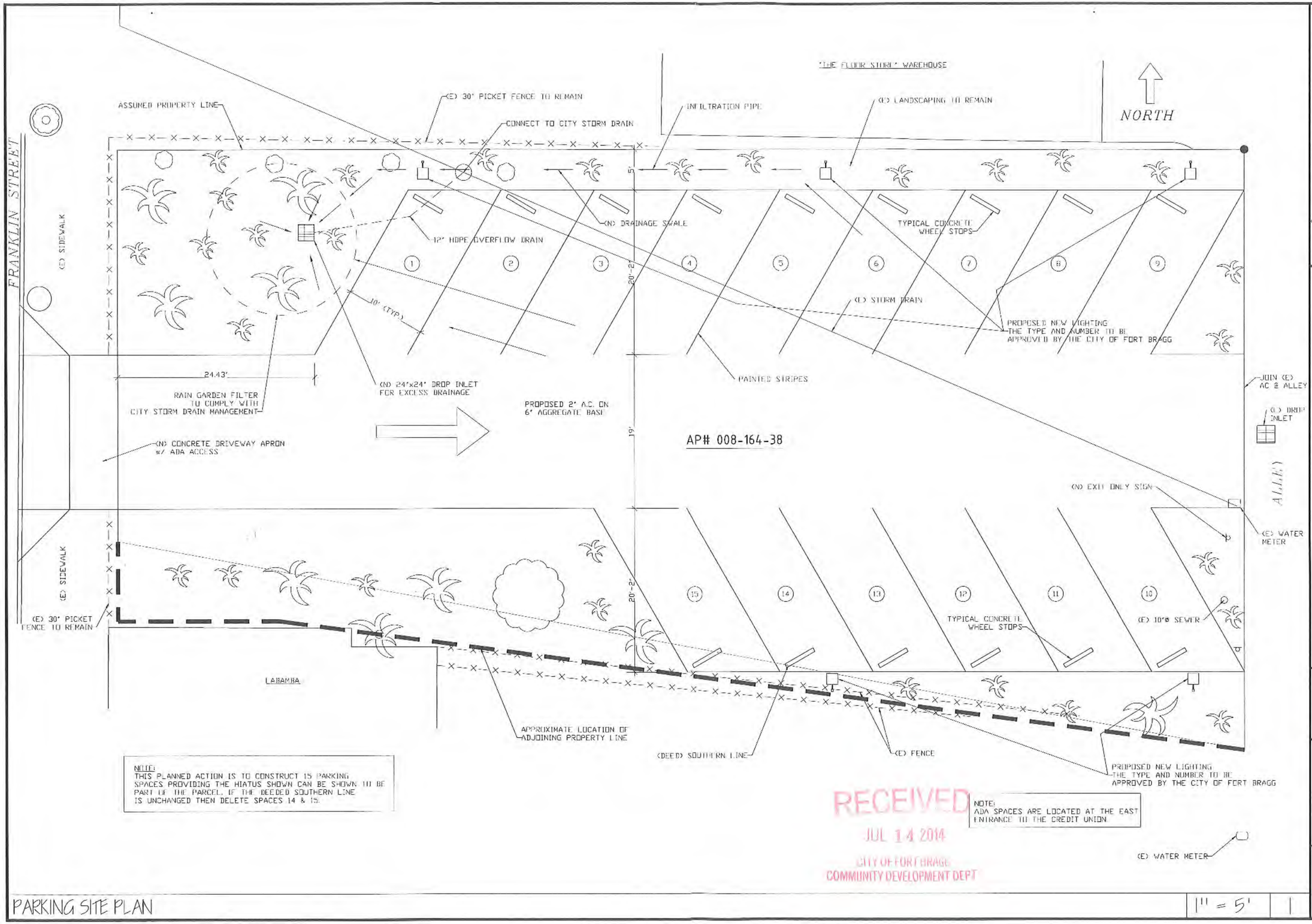
I.L. Welty & Associates
703 North Main Street
Fort Bragg, California 95437
(707) 964-8865 (707) 964-5920 Fax
www.ilwelty.com

TOPOGRAPHIC MAP & DEMOLITION PLAN
LANDS OF MENDO LAKE CREDIT UNION
136 N. FRANKLIN STREET
FORT BRAGG, CA 95437

JOB #14013
DRAWN TH
DATE 6/2014
SCALE AS SHOWN
APPROVED
R.C.E. 19461

REGISTERED PROFESSIONAL ENGINEER
IVAN LEE WELTY
No. 19461
EXP. 9/30/15
CIVIL
STATE OF CALIFORNIA

SHEET 1 OF 3 SHEETS




NOTE:
THIS PLANNED ACTION IS TO CONSTRUCT 15 PARKING SPACES PROVIDING THE HIATUS SHOWN CAN BE SHOWN TO BE PART OF THE PARCEL. IF THE DEEDED SOUTHERN LINE IS UNCHANGED THEN DELETE SPACES 14 & 15.

NOTE:
ADA SPACES ARE LOCATED AT THE EAST ENTRANCE TO THE CREDIT UNION

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PARKING SITE PLAN

1" = 5'

I.L. Welty & Associates
703 North Main Street
Fort Bragg, California 95437
(707) 964-8865 (707) 964-5920 Fax
www.ilwelty.com

PARKING SITE PLAN

LANDS OF MENDO LAKE CREDIT UNION
136 N. FRANKLIN STREET
FORT BRAGG, CA 95437

JOB #1403
DRAWN TH
DATE 6/2014
SCALE AS SHOWN
APPROVED
R.C.E. 19461

REGISTERED PROFESSIONAL ENGINEER
IVAN LEE WELTY
No. 19461
EXP. 9/30/15
CIVIL
STATE OF CALIFORNIA

SHEET 2 OF 3 SHEETS

PROPOSED NEW LIGHTING
THE TYPE AND NUMBER TO BE
APPROVED BY THE CITY OF FORT BRAGG

(E) 'CUSTOMER PARKING' SIGN

POWER POLE w/ TRANSFORMER

(E) LANDSCAPING

(E) 6'± FENCE

(E) WOOD BOX

(E) DROP INLET

(E) 'CUSTOMER PARKING' SIGN

(E) 'CUSTOMER PARKING' SIGN

ALLEY

(E) CURB

'EXIT ONLY' SIGN

AP# 008-164-36

(E) LANDSCAPING

MCPHERSON STREET

(E) AC PAVEMENT ON AGGREGATE BASE

(E) LANDSCAPING

'EXIT ONLY' SIGN

(E) FENCE

BUILDING

(E) 6'± FENCE

NOTE:
ALL TOPOGRAPHY SHOWN
IS A SKETCH AND SHOULD NOT BE SCALED

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EXISTING PARKING & PROPOSED LIGHTING

1" = 5'

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703 North Main Street
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EXISTING LIGHTING & PROPOSED LIGHTING

LANDS OF MENDO LAKE CREDIT UNION
105 NORTH MCPHERSON STREET
FORT BRAGG, CA 95437

JOB #14013
DRAWN TH
DATE 5/2014
SCALE AS SHOWN
APPROVED
R.C.E. 19461

REGISTERED PROFESSIONAL ENGINEER
IVAN LEE WELTY
No. 19461
EXP. 9/30/15
CIVIL
STATE OF CALIFORNIA

SHEET 3 OF 3 SHEETS

**CITY OF FORT BRAGG**
416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

| | |
|---|---|
| **MEETING DATE:** | August 13, 2014 |
| **TO:** | Planning Commission |
| **FROM:** | Marie Jones |
| **AGENDA ITEM TITLE:** | **Receive Report and Consider Adoption of Mitigated Negative Declaration and Grading Permit 2013-08 for the Summers Lane Reservoir Project** |

On July 23, 2014, this item was brought to the Planning Commission for presentation of the staff report and a public hearing. Deliberation and action on the item was postponed to the August 13, 2014 Planning Commission meeting to allow for preparation of a response to the comments received at the public hearing and in two letters. A Response to Comments analysis is presented in Table 1 below. It summarizes and responds to comments received.

**Project Description.** The proposed project is to construct a 45 acre-foot reservoir to store raw water from the City's Waterfall Gulch diversion to help meet drought-related water storage needs. Water from the new reservoir will be transported via an existing gravity-fed pipeline to the City of Fort Bragg's water treatment plant for the provision of potable water for the Fort Bragg water service area. The City has a licensed water right to divert water from Waterfall Gulch, a tributary to Hare Creek, and that water is presently piped to the City's Newman Gulch property and on to the treatment plant. The point of diversion will remain the same, as will the amount of water drawn from Waterfall Gulch. The City has filed a Petition for Change with the State Water Resources Control Board to request that water right License 12171 be changed to allow for storage of water from Waterfall Gulch in the new Summers Lane Reservoir. The reservoir will be constructed down the pipeline, between Waterfall Gulch (point of diversion) and the point at which the pipeline currently ties in to Newman Gulch Reservoir (current point of re-diversion) and heads to the water treatment plant. Storage of Waterfall Gulch water in the Summers Lane Reservoir (proposed new point of re-diversion) will allow the City to use the stored water when it needs it most, in the late summer months when demands are high and supply is limited.

**Environmental Review.** Mitigated Negative Declaration (SCH #2013092035)

## Table 1: Public and Agency Comments Received Regarding the Summers Lane Reservoir MND (SCH #2013092035) and Staff's Response to Comments

| Public Comments Regarding Summers Lane Reservoir MND | Staff Response to Comment |
|---|---|
| **Comments Received At Public Hearing** | |
| Jim Celeri stated that the inundation study shows what would happen to his residence if the dam breaks on the western side, but if it breaks near the southwest corner, there are numerous people who live downstream on Brush Creek who would be affected by it. He hopes the City will look into that. His written comments state, "I have concerns for safety of people living in Brush Creek." | Brush Creek is upstream from the proposed reservoir site. Water released (from a highly unlikely breach at the southwest corner of the reservoir) would flow north to the Noyo River basin not southwest to Brush Creek. As shown in the MND on page 2, the topography in this area would result in flows north towards the Noyo River and not south and east to Brush Creek Road. |
| Sue Boecker questioned whether a transfer station would be near the reservoir and what effect that and the resultant truck traffic would have on the environment.<br><br>She asked if the Army Corps of Engineers had been consulted.<br><br>She asked if the liner were state of the art and what it was made of. | The County of Mendocino may consider a permit for a solid waste transfer station on Highway 20 to the southeast and approximately 1.3 miles away (as the crow flies) from the proposed Summers Lane Reservoir location. Truck traffic associated with the proposed Solid Waste Transfer Station would be analyzed in a CEQA document for that project. The proposed Summers Lane Reservoir will not have a significant impact on truck traffic, even during construction, because the grading plan is balanced, so no appreciable quantities of soil will be removed from the site. Post construction, the project will be visited by Public Works staff on a daily basis.<br><br>A copy of the MND was circulated to the Army Corps of Engineers and they did not comment on the project. The reservoir berm and embankment fall below the height of a dam that is regulated by the Division of Safety of Dams.<br><br>The liner is state of the art 60mill HDPE. |
| David Gurney wanted the public comment period extended.<br><br>Mr. Gurney wants the concerns of Fish & Game to be addressed.<br><br>He also was concerned about the people living on Brush Creek Road.<br><br>He asked, "How many weeks of water does Fort Bragg have if something were to happen?" | The public comment period for the MND complies with CEQA Guidelines Section 15105b, which requires a 30 day review period. The public and agency review period for the MND was 33 days.<br><br>Please see the response to comments below regarding issues raised by the Department of Fish and Wildlife.<br><br>Please see the comments above regarding the people living upstream at Brush Creek Road.<br><br>The City has sufficient water to serve the City of Fort Bragg, except during extreme drought conditions. The proposed reservoir would address that deficit. |

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| Ann Rennacker asked if a public tour could be given.<br><br>Ms. Rennacker wanted the public comment period extended.<br><br>She also submitted written comments as follows: "72 pygmy trees will be removed and replanted. These are rare and endangered trees which grow nowhere else in the world require dense and acid soil.<br><br>"My greatest concern regards the proposed $5 million dollar waste transfer plant on Highway 20 only a few miles away from the reservoir, which would pollute and cause horrible traffic problems." | The Planning Commissioners have the opportunity to view the site at any time. A public tour is not planned.<br><br>The public comment period for the project complies with CEQA regulations.<br><br>The removal of pygmy cypress trees will be mitigated with a 3 to 1 replacement ratio as required by the MND, if the Planning Commission approves the MND and the project.<br><br>The Solid Waste Transfer Station is not a subject of this permit. |
| **Letter dated July 21, 2014 from the State of California Department of Fish and Wildlife** (Please see attached letter) | |
| Ongoing diversion of water without notification pursuant to Fish and Game Code section 1602. | As noted in the comment letter, this comment addresses the ongoing water diversion made by the City at Waterfall Gulch pursuant to License 12171. This comment does not address the project, which involves only construction of the new off-stream reservoir and storage of water under the License in that new reservoir. The MND addresses only construction of the new reservoir and the petition for change in License 12171. |
| Operation of Waterfall Gulch Reservoir without provisions of sufficient water for fish existing below the dam as required pursuant to Fish and Game Code section 5937. | See response to comment above. |
| There are potential impacts to and mitigation for special status fish and wildlife species. | The MND has concluded that there is no potential for impact to special status fish and wildlife species after mitigation measures. The comments from the Department of Fish and Wildlife do not contain any information contrary to this conclusion. |
| While the Summers Lane Reservoir site is not within a streambed, project-related activities including connecting to the existing pipeline in Newman Gulch and/or the construction and operation of the Reservoir's overflow device may affect the bed, bank, and/or channel of a stream, and thus require separate notification pursuant to FGC section 1602. | Measures have been incorporated into the project to ensure that construction of the reservoir does not result in sedimentation or other water quality impacts to Newman Gulch. The MND includes mitigation measures regarding potential construction-related "discharges." As stated in the MND, the existing stream will not be altered in its course, and the project will be designed and stabilized to prevent erosion and siltation during and following conversion and construction. Additionally the construction site is a significant distance from any body of water or stream bed (at least 400 feet) making construction-related discharges extremely unlikely. As noted in the MND:<br><br>Erosion control measures are also included in the |

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| | Mitigation Measures outlined in Section IV of this report: Biological Resources. Those measures include: 1) Mitigation Measure 5, for potential impacts to wetlands and other waters, which outlines seasonal restrictions on ground disturbance, grading permit requirements, and BMP requirements, 2) Mitigation Measure 7.D.3, requiring a Regional Water Quality Control Board (RWQCB) Storm Water Pollution Prevention Plan, and 3) Mitigation Measure 7.E.1, requiring Best Management Practices to assure impacts to fish will be less than significant. Additionally, erosion control measures are included in the recommendations outlined by Holdrege and Kull in the Geotechnical Engineering Investigation Report dated October 2009. The erosion control recommendations are outlined in Section 8.8: Erosion Controls, on page 31, as shown in Attachment 5. The recommendations by Holdrege and Kull are required measures per Mitigation Measure 9, which is described under Section VI of this report (Geology and Soils).<br><br>The existing mitigation measures include:<br><br>Mitigation Measure 3 requires the City to obtain all necessary permits for the project from all applicable federal, state and local agencies.<br><br>Mitigation Measure 5: For Potential Impacts to Wetlands and Other Waters. All work involving or associated with soil movement and or digging should occur during the dry season. A grading permit will be obtained and construction Best Management Practices will be implemented, including silt fencing and straw wattles to control erosion and sediment transport that may flow into surrounding natural habitats, particularly along the north end of the unit nearest to Newman Gulch. Best Management Practices shall be utilized along existing roads as their location provides an existing buffer to the Newman Gulch stream and associated wetland areas. The natural topography surrounding the proposed reservoir shall be left intact as much as is feasible, such that runoff to the surrounding landscape is minimized.<br><br>Mitigation Measure 7:<br><br>For Potential Disturbance to Wildlife Species 7.D.6 - STORMWATER TREATMENT. An SWPPP will be implemented to control sediment and pollutants during construction and prevent construction activities from having a negative effect on water quality and quantities in preserved portions of the Study Area. Through implementation of the SWPPP, project stormwater will be treated to meet state and federal stormwater requirements, including treatment |

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| | of stormwater quality and quantity so that they are not substantially altered from existing conditions.<br><br>7.E.1 - CONSTRUCTION BMPs. Appropriate BMPs during construction activities, such as the use of a silt fence or other erosion control measures to prevent sediment from entering the water column, will protect in-migrating adults and out-migrating smolts from potential disturbance from increased turbidity. Erosion control devices should not contain monofilament as this may pose a potential entanglement hazard to sensitive amphibian species that may occur in the area. Potential discharge of the reservoir into Newman Gulch should be done with the consultation of the National Marine Fisheries Service (NMFS) to ensure there are no potential impacts to migrating salmonid species.<br><br>Mitigation Measure 9: Site grading associated with the construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summers Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), Section 8, Earthwork Grading Recommendations, which is included as Attachment 5 of this report. |
| The MND's February 2013 Biological Assessment by WRA Environmental Consultants, states ". . . impacts may include construction–related discharge of sediment or other pollutants into surface waters or aquatic habitats. In addition, potential discharge of the proposed reservoir into Newman Gulch has the potential to alter the hydrology of this feature." FGC section 1602 requires notification for any and all project work which will change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into a river, stream or lake. | The mitigation measures recommended in the referenced biological assessment were incorporated into the MND.<br><br>None of the potential impacts involve the change or use of any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into a river, stream or lake. |
| **E-mail request from Sherwood Valley Rancheria received July 24, 2014** | |
| On Thursday July 24th the City received a request from the Sherwood Valley Band of Pomo (SVBP) requesting that a Native American monitor be on hand during ground-disturbing activities at the Summers Lane Reservoir. | While three archaeological surveys where completed for this project that did not identify any archaeological deposits, the City has developed a special relationship with the SVBP by entering into a Memorandum of Understanding regarding cultural resource protections. Therefore, staff recommends approval of Special Condition 4 to address the tribe's request. |

Staff recommends Special Condition 4 in response to the comments received.

**Special Condition 4**: A Native American Monitor shall be required during ground disturbing activities associated with installation of the Summers Lane Reservoir and associated pipes (not located within an already disturbed public right-of-way).

## PLANNING COMMISSION ACTION

1. Receive staff report, deliberate, and move to adopt the Mitigated Negative Declaration; and
2. Adopt a resolution adopting the Mitigated Negative Declaration and approving the grading permit at this Planning Commission meeting.

### ALTERNATIVE ACTIONS

1. Deliberate without adopting the Mitigated Negative Declaration or resolution, and revisit the application at the next scheduled meeting for a decision and the addition of any new information and/or findings.

## RECOMMENDATION

Should the Commission find the project to be consistent with the Inland General Plan, staff recommends two actions that should occur in the following sequence:

1. Receive staff report, deliberate, and move to adopt the Mitigated Negative Declaration; and
2. Adopt a resolution adopting the Mitigated Negative Declaration and approving the grading permit at this Planning Commission meeting.

## ATTACHMENTS

- Exhibit 1: Letter dated July 21, 2014 from the State of California Department of Fish and Wildlife.
- Exhibit 2: Resolution of the Fort Bragg Planning Commission Adopting the Mitigated Negative Declaration (MND) for the Summers Lane Reservoir and Approving the Grading Permit (GP 2013-08) for the Construction of the Project.
- Exhibit 3: Staff report dated July 23, 2014 regarding Summers Lane Reservoir Grading Permit (GP 2013-08) and all attachments (except for the original resolution which has been replaced by Exhibit 2 above).

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

*EDMUND G. BROWN JR., Governor*
*CHARLTON H. BONHAM, Director*

July 21, 2014

City of Fort Bragg
Public Works Department
416 North Franklin Street
Fort Bragg, CA 95437

**Subject: Notice of Public Hearing and Notice of Intent to Adopt Mitigated Negative Declaration (SCH #2013092035), Mendocino County**

To Whom It May Concern:

On June 18, 2014, the California Department of Fish and Wildlife (CDFW) received from the State Clearinghouse a revised Mitigated Negative Declaration (MND) for the proposed Summers Lane Reservoir Project (Project) east of Fort Bragg, Mendocino County. CDFW staff visited the Project site on October 29, 2013, as attendees on the Pre-harvest Inspection for the proposed Timber Harvesting Plan (THP) No. 1-13-096 MEN. CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW's primary concerns involving the proposed Project include: (a) ongoing diversion of water without notification pursuant to FGC section1602, (b) operation of a dam (i.e., Waterfall Gulch Reservoir) without provision of sufficient water for fish existing below the dam as required pursuant to FGC section 5937, and (c) impacts to and mitigation for special status fish and wildlife species.

CDFW provides the following feasible and Project-specific recommendations in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code §21000 *et seq.*).

**Project Description and Current Conditions**

Currently, the City of Fort Bragg (City) diverts water from Newman Gulch (a tributary to the Noyo River), and re-diverts water from Waterfall Gulch (a tributary to Hare Creek) into the Newman Gulch Reservoir for municipal use. The Project site is located entirely within the Noyo River watershed.

According to the MND, the existing Newman Gulch Reservoir has a capacity of approximately 4 acre-feet and is located 200 linear feet north of the Project site. The proposed Project would construct a second reservoir with a capacity of 45 acre-feet to store raw water from Waterfall Gulch. To accommodate reservoir construction, the City proposes to harvest eight forested acres, and has submitted THP No. 1-13-096 MEN, which is currently under review by the California Department of Forestry and Fire

Protection. The MND describes the area to be harvested as consisting of "redwood dominated coastal mixed coniferous forest." The MND further discloses that 72 Mendocino pygmy cypress trees (*Hesperocyparis pygmaea*) (State rank S2, imperiled) are present in the Project area, "constituting approximately 1/7$^{th}$ of the canopy cover."

Additional Project elements include grading of approximately 43,000 cubic-yards of soil; installing a pipeline to transport water by gravity-feed from the reservoir to the City's water treatment plant; connecting to the existing pipeline within Newman Gulch; and construction and operation of an overflow spillway.

**Ongoing water diversion**

The Noyo River supports coho salmon (*Oncorhynchus kisutch*) (State endangered, federal threatened), Chinook salmon (*O. tshawytscha*) (federal threatened) and steelhead trout (*O. mykiss*) (federal threatened). Hare Creek supports coho salmon and steelhead trout. Populations of these salmonid fishes have undergone a substantial decline in abundance in previous decades. Coho salmon, for instance, has undergone at least a 70-percent decline in abundance since the 1960s, and is currently at 6 percent to 15 percent of its abundance during the 1940s. These species have been impacted by loss and degradation of habitat, including lack of adequate in-stream flow, high water temperatures due to a lack of streamside vegetation, siltation of spawning gravels, and lack of in-stream shelter and pools.

Over the past three years, CDFW has requested the City to enter into a Lake or Streambed Alteration Agreement (LSAA) pursuant to FGC section 1602 for its water diversions at Waterfall Gulch, Newman Gulch, and the Noyo River. Agreements are required for projects, new and ongoing, that "substantially divert or obstruct the natural flow" of any river, stream, or lake.

In a July 13, 2011 cover letter for LSAA 1600-2011-0084-R1, CDFW advised the City that the Waterfall Gulch diversion was substantial, and required notification pursuant to FGC section 1602. Subsequently, in a November 25, 2013 Pre-harvest Inspection Report for THP 1-13-096 MEN, CDFW requested the City provide notification for the diversion from Waterfall Gulch. A March 3, 2014 letter to the City from CDFW requested notification pursuant to FGC section 1602 and reiterated the potential impacts to public trust resources from ongoing water diversion. To date, notification has not been received by CDFW.

While the Summers Lane Reservoir site is not within a streambed, Project-related activities including connecting to the existing pipeline in Newman Gulch and/or the construction and operation of the Reservoir's overflow device may affect the bed, bank, and/or channel of a stream, and thus require separate notification pursuant to FGC section 1602.

The MND's February 2013 Biological Assessment by WRA Environmental Consultants, states "...impacts may include construction-related discharge of sediment or other

pollutants into surface waters or aquatic habitats. In addition, potential discharge of the proposed reservoir into Newman Gulch has the potential to alter the hydrology of this feature." FGC section 1602 requires notification for any and all project work which will change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.

**Operation of a dam without provision of sufficient water for fish**

Waterfall Gulch contributes valuable flow to Hare Creek and provides habitat for sensitive amphibian species, coho salmon, and steelhead trout.

FGC section 5937 requires that the owner of a dam "shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that...exist below the dam." CDFW has inspected the Waterfall Gulch diversion on multiple occasions and have observed the City diverting up to 95 percent of the flow without bypassing sufficient water to maintain public trust resources downstream. Without appropriate bypass flows, impacts to listed and sensitive species, including take of listed salmonids, may occur.

In light of the City's potential impacts to listed species, current non-compliance with FGC sections 1602 and 5937, and potential impacts associated with construction of the proposed reservoir, a measurable conservation strategy to reduce water demand is advisable. The City currently lacks a comprehensive plan to address water use and water shortage concerns, especially during dry-year periods. CDFW generally supports the establishment of additional water storage by the City. However, CDFW must ensure water diversions occur in a manner that does not adversely impact fish and wildlife resources.

Conservation can provide an immediate and positive impact on water supply. The California Water Action Plan states that "in the future, most new water will come from a combination of improved conservation and water use efficiency." The first item on the Action list in this plan is to "Make conservation a California way of life." In 2009, the State adopted the Water Conservation Act through the passage of Senate Bill X7-7, requiring that California achieve a 20 percent reduction in urban per-capita water use by the end of December 2020. Some municipalities, such as the Sonoma County Water Agency, have implemented voluntary, but specific and quantifiable water conservation goals. The City should develop a long-term water plan, including measurable conservation goals.

**Recommendations**

1. Pursuant to Fish and Game Code section1602, the City of Fort Bragg shall enter into a Lake or Streambed Alteration Agreement (LSAA) for ongoing and future

water diversion from all pertinent stream and river sources including Waterfall Gulch.

2. Pursuant to Fish and Game Code section 1602, the City of Fort Bragg shall enter into an LSAA for any and all Project-related activities that will change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.

3. Pursuant to Fish and Game Code section 5937, the City of Fort Bragg shall allow sufficient water bypass below the Waterfall Gulch dam to keep in good condition any fish that may exist downstream.

4. In order to reduce or avoid impacts to listed salmonids and other sensitive aquatic species, the City of Fort Bragg shall consult with the California Department of Fish and Wildlife to determine appropriate protective measures for immediate implementation at the Waterfall Gulch diversion.

5. The City of Fort Bragg should develop a long-term, comprehensive plan to address water use and water shortage concerns, including measurable conservation goals and strategies.

If you have questions or comments regarding this matter, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or 619 Second Street, Eureka, CA 95501.

Sincerely,

Gordon Leppig for:

**Curt Babcock**
Habitat Conservation Program Manager

cc: Ms. Linda Ruffing
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437
lruffing@fortbragg.com

Fort Bragg Planning Commission
416 N. Franklin Street
Fort Bragg, CA 95437

ec: Page 5

ec: Curt Babcock, Angela Liebenberg, Rick Macedo, Jane Arnold, Wes Stokes, Scott Koller, Gordon Leppig, Michael van Hattem, Brad Valentine, and Laurie Harnsberger
California Department of Fish and Wildlife
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# RESOLUTION NO. _____*-2014*

## A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION ADOPTING MITIGATED NEGATIVE DECLARATION AND APPROVING GRADING PERMIT (GP 2013-08) FOR CONSTRUCTION OF THE SUMMERS LANE RESERVOIR PROJECT

**WHEREAS,** the City of Fort Bragg ("City") proposes to develop an approximately eight acre site on its Newman Gulch property, APN 019-070-13 ("Project Site") for the Summers Lane Reservoir. The Project Site is bordered on the north by forest land, on the west by rural residential development and a nursery, and on the east and south by undeveloped land owned by the Mendocino Coast Recreation and Park District; and

**WHEREAS,** the project ("Project") is proposed to consist of the following: conversion of approximately eight acres of timberland and construction of a 45-acre foot storage reservoir and associated waterlines, stormwater infiltration and conveyance systems, fencing and revegetation of portions of the site; and

**WHEREAS,** the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. ("CEQA"), requires that the City consider the environmental effects of the Project prior to approving any entitlements for the Project; and

**WHEREAS,** on October 23, 2013, the Planning Commission held a public hearing regarding the Mitigated Negative Declaration ("MND") and the grading permit application for the Project pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"); and the City's CEQA Implementation Procedures; and

**WHEREAS,** during the October 23, 2013 public hearing, concerns were raised regarding the possibility of a berm breach in a significant seismic event and the potential for flooding on the adjacent property; and

**WHEREAS,** the Planning Commission requested that a breach inundation study be prepared; and

**WHEREAS,** the consulting firm, Lawrence and Associates, completed a breach inundation study and determined that there was minimal risk of flooding in the unlikely event of a berm breach; and

**WHEREAS,** the City revised and recirculated the MND pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"); and the City's CEQA Implementation Procedures; and

**WHEREAS,** pursuant to Public Resources Code Section 21092.5, on June 19, 2014, the City provided notice regarding the availability of the MND; and

**WHEREAS,** on July 23, 2014 the Planning Commission held a noticed public hearing, received public testimony and considered all information related to the Summers Lane Reservoir MND; and

**WHEREAS,** the staff report analyzes the project's consistency with the required findings from the Inland Land Use and Development Code ("ILUDC") for a grading permit and the staff

report was presented to the Planning Commission on July 23, 2014 and is incorporated herein by reference; and

**WHEREAS,** in accordance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq. ["CEQA"]) and the CEQA Guidelines, the City prepared and circulated for public review and recirculated, an MND which analyzed the environmental impacts of the Project, and concluded that any potential impacts from the proposed Project could be mitigated to have a less than significant effect on the environment, as more fully described and set forth therein; and,

**WHEREAS,** on July 23, 2014 the Planning Commission held a noticed public hearing, received public testimony and considered all information related to the Grading Permit for the Summers Lane Reservoir; and

**WHEREAS,** on August 13, 2014 the Planning Commission reviewed a memorandum prepared by City staff which addresses comments and letters received before and at the July 23, 2014 public hearing; and

**WHEREAS,** the Planning Commission has considered all information related to the MND and Grading Permit for the Summers Lane Reservoir, and deliberated on the project.

**NOW, THEREFORE, BE IT RESOLVED** that based on the entirety of the record before it, which includes without limitation, the California Environmental Quality Act, Public Resources Code §§ 21000, et seq. ("CEQA") and the CEQA Guidelines, 14 California Code of Regulations § 15000, et seq.; the Fort Bragg General Plan; the Fort Bragg Municipal Code, including the ILUDC; the Initial Study and Mitigated Negative Declaration prepared for the Project, including all written comments received; all reports, minutes, and public testimony submitted as part of the Planning Commission's duly noticed public hearings on October 13, 2013 and July 23, 2014; 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 finds, determines and certifies as follows for the purpose of adopting the MND for this project:

1. The above recitals are true and correct, and are incorporated herein by reference.
2. The MND, hereby incorporated by reference as part of this Resolution, was prepared in compliance with the requirements of CEQA and the Fort Bragg Municipal Code.
3. The MND was presented to the Planning Commission, a decision-making body for the City, the lead agency for the Project, and the Planning Commission has reviewed and considered the information contained in the MND.
4. The MND reflects the Planning Commission's independent judgment and analysis as to the environmental effects of the Project.
5. After incorporation of all mitigation measures identified in the MND, all Project impacts are less than significant.
6. The Planning Commission has, by its review of the evidence and analysis presented in the MND and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions on these important issues.

7. The location of the documents or other material that constitute the record of proceedings upon which the decision is based is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg CA 95437; the official custodian of said records is the City Clerk of the City of Fort Bragg.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby adopts the MND based on the findings set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the Planning Commission finds, determines and certifies as follows for the purposes of approving the Grading Permit for this project:

1. The project for which the grading is intended shall first be authorized with a planning permit as required for the proposed use by Article 2 (Zoning Districts and Allowable Land Uses).
2. The proposed grading conforms to all applicable provisions of the General Plan, any applicable specific plan, and the Inland Land Use and Development Code;
3. The proposed grading shall comply with all applicable provisions of Chapter 18.62 (Grading, Erosion, and Sediment Control Standards), 18.64 (Urban Runoff Pollution Control), and all other applicable provisions of the Development Code.
4. Any permits required by State or Federal agencies for the proposed grading have been obtained (including streambed alteration permits from the California Department of Fish and Game and "Section 404" permits for grading within wetlands and certain watercourses from the U.S. Army Corps of Engineers), or are required by conditions of approval to be obtained before grading work is started.
5. The proposed grading either will not adversely impact an existing public or private easement, or the applicant has obtained the written consent of the easement holder to perform the grading within the easement.
6. Proposed grading that will disturb a surface area of one acre or more of soil shall require the filing of a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State NPDES Construction General Permit. A copy of the NOI and the receipt of notice from the State with a Waste Discharge Identification Number (WDID) shall be filed with the Community Development Department.
7. The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;
8. Proposed grading will not result in erosion, stream sediment, or other adverse off-site effects or hazards to life or property; and
9. The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Grading Permit for the Project, based on the findings set forth in this Resolution, and subject to the Special and General Conditions, attached hereto as Exhibit A, and incorporated herein.

**BE IT FURTHER RESOLVED** that the Resolution shall become effective immediately upon its passage and adoption.

**The above and foregoing Resolution was introduced by Planning Commissioner _____ seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 13th day of August, 2014, by the following vote:**

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**

**Derek Hoyle**
**Chair**

**ATTEST:**

**June Lemos**

## EXHIBIT A

## PROJECT CONDITIONS

**Special Condition 1:** To ensure public safety, the reservoir shall be fully fenced and the gate secured to prevent access into the reservoir. ***Slats shall be placed in the chain link fencing to eliminate fence climbing.*** Additionally, ropes shall be secured in at least four places around the top of the berm and hung over the inner edge of the reservoir to accommodate exit from the reservoir should someone accidentally fall in, and at least two life preserver rings shall be located in accessible locations from the reservoir berm.

**Special Condition 2:** prior to issuance of the grading permit, the applicant shall secure the following permits: National Pollutant Discharge and Elimination System (NPDES) permit; CALFIRE Timberland Conversion and Timber Harvest Plan; State Water Resources Control Board Petition for Change; and Air Quality Grading Permit and Burn Permit.

**Special Condition 3:** The City shall comply with all mitigation measures (MM1 through MM20) from the MND as restated below:

**Mitigation Measure 1:** Native, drought resistant trees and shrubs shall be retained per the recommendations of the Licensed Timber Operator, or planted 10 feet apart (at least one every 100 square feet, after the conversion) along the entire west side of the reservoir within the 10 foot wide visual buffer area between the proposed berm and the western property boundary. At least half of the native vegetation shall be of a species which is expected to reach a height of at least 20 feet at maturity.

**Mitigation Measure 2:** In order to minimize dust and keep dust from leaving the project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the Storm Water Pollution Prevention Plan (SWPPP). The dust prevention and control plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

2.A - The plan shall address site conditions during construction operations, after normal working hours, and during various phases of construction.

2.B - The plan shall include the name and the 24 hour phone number of a responsible party in case of emergency.

2.C - If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.

2.D - When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system.

2.E - Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.

2.F - The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.

2.G - All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions. Dust emissions shall be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding, etc.).

2.H - All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour.

2.I - Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

2.J - Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts.

2.K - All earthmoving activities shall cease when sustained winds exceed 15 miles per hour. Wind speed shall be measured on-site by the City inspector with a hand-held anemometer.

2.L - The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.

2.M - The operator shall keep a daily log of activities to control fugitive dust.

2.N - Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained; and

2.O - Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer.

**Mitigation Measure 3:** The City shall secure all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this analysis.

**Mitigation Measure 4: For Loss of 72 Rare Pygmy Cypress Trees in Project Area**. Topsoil to be disturbed or removed by project construction will be stockpiled temporarily. Once the project has been completed the topsoil will be spread over the 0.54-acre mitigation area. The size of the mitigation area was selected to allow for establishment of over 216 mature trees, with each tree occupying a 100-square foot area (**see Attachment 4 of Staff Report, Pygmy Cypress Mitigation Planting Area and Plan**). It is expected that pygmy cypress will germinate naturally from the existing seed bank in the topsoil, due to relatively exposed conditions of bare soil and location next to the newly-constructed reservoir.

In case of inadequate existing seed bank in the topsoil, seedling and cone collection shall occur prior to vegetation removal for the project. 100-200 seed cones shall be collected and 50 or more seedlings shall be salvaged and transplanted to containers and stored at a local nursery.

Three years after construction activities, the mitigation area (**Attachment 4 of Staff Report**) will be surveyed for number of trees per acre. If the number of trees per acre is equal to or greater than the 3:1 ratio, then no more visits shall be required.

If after year three the densities are below the designated ratio, then the area shall be replanted back to the mitigated ratio with seedlings, either germinated from seed or collected from site, then at year five, the area shall be re-surveyed. Seedlings will be planted by hand in native topsoil, in a hole deep enough to allow roots to be positioned downward and not curved over. Seedlings will be planted in the late fall or early winter to increase survival rates. As soon as stocking or replanting goals have been achieved, no more surveys shall be required. If the density is below, then replanting of dead and dying trees back to the mitigated ratio shall occur, and no more monitoring shall be required.

During the initial visit at three years (and at year 5 if required) all competing conifer seedlings and invasive species in the mitigation area shall be removed in an effort to reduce competition and the potential spread of invasive species.

At year three and year five monitoring, a short summary report of conditions will be documented and placed in the project file at City Hall. The summary reports will contain information on the number of cypress trees established, dimensions, and any actions taken including weeding and planting. Photographs will be taken and included with the summary reports.

**Mitigation Measure 5: For Potential Impacts to Wetlands and Other Waters.** All work involving or associated with soil movement and or digging should occur during the dry season. A grading permit will be obtained and construction Best Management Practices will be implemented, including silt fencing and straw wattles to control erosion and sediment transport that may flow into surrounding natural habitats, particularly along the north end of the unit nearest to Newman Gulch. Best Management Practices shall be utilized along existing roads as their location provides an existing buffer to the Newman Gulch stream and associated wetland areas. The natural topography surrounding the proposed reservoir shall be left intact as much as is feasible, such that runoff to the surrounding landscape is minimized.

**Mitigation Measure 6: For Potential Impacts from Invasive Species Caused by the Project.** Heavy equipment shall be washed prior to initial use on the site in order to remove any potential invasive seed contamination sources. After the completion of all construction-related activities, all areas of bare soil around the reservoir will be replanted with native vegetation appropriate to the site, and wetland vegetation where appropriate. Vegetation planted around the perimeter of the reservoir shall be locally-native species from local propagule sources if feasible, and should be planted during the wet season or whenever soils are moist, in order to achieve the highest feasible survival rate. Areas of disturbed soil shall be mulched, seeded, or planted and covered with native vegetation as soon as possible after clearing. No exotic plants shall be planted during or following site development. Plant species listed as invasive (High, Moderate, or Limited) on the California Invasive Plant Inventory (Cal-IPC 2006) shall not be installed anywhere in the Project Area as they would pose a risk to the surrounding plant community. All reasonable efforts should be made to control and remove existing or newly established populations of exotic species. Some examples of invasive plants likely to be found that should be monitored and controlled are English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), French broom (*Genista monspessulana*), pampas grass (*Cortaderia* spp.), and forget-me-not (*Myosotis latifolia*).

**Mitigation Measure 7: For Potential Disturbance to Wildlife Species**

7.A – Potential Disturbance of Special Status Bat Species

7.A.1 - WORK WINDOWS. Removal of potential bat roost habitat (large trees or snags) or construction activities near potential bat roost habitat will take place in September and October to avoid impacts to bat maternity or hibernation roosts.

7.A.2 - ROOST SURVEYS. If this work window is not feasible, prior to construction, bat roost surveys will be conducted in the Project Area to determine if bats are occupying roosts. If bats are present, a suitable buffer around the roost site will be instated or bats will be excluded from the roost using methods recommended by a qualified biologist.

7.A.3 - MANAGE LIGHTING. Installation of outdoor artificial lighting in or adjacent to the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to bats such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.B - Potential Disturbance of Sonoma Tree Vole

7.B.1 - PRECONSTRUCTION SURVEYS. Preconstruction surveys for the Sonoma Tree Vole will be performed prior to construction activities. Tree vole survey methodology should follow the Survey protocol for the Red Tree Vole (*Arborimus longicaudus*) in the Record of Decision of the Northwest Forest Plan, Version 2.1, Revision, October 2002 or any subsequent revision.

7.B.2 - CONSULTATION. Occupied trees will be avoided to the fullest extent possible. If disturbance of occupied trees is unavoidable, consultation with CDFW will be initiated to determine the appropriate mitigation measures. Measures may include the preservation or avoidance of suitable habitat.

7.C - Potential Disturbance of Nesting Special Status Bird Species and Other Breeding Birds

7.C.1 - WORK WINDOWS. Conduct as much ground disturbance and vegetation (tree and shrub) removal as is feasible between September 1 and January 15, outside of the breeding season for most bird species.

7.C.2 - PRECONSTRUCTION SURVEYS. If ground disturbance or removal of vegetation occurs between January 16 and August 31, preconstruction surveys will be performed prior to such disturbance to determine the presence and location of nesting bird species.

7.C.3 - BUFFERS. If nests are present, establishment of temporary protective breeding season buffers will avoid direct mortality of these birds. The appropriate buffer distance is species specific and will be determined by a qualified biologist as appropriate to prevent nest abandonment and direct mortality during construction.

7.C.4 - MANAGE LIGHTING. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to avian species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.D - Potential Disturbance to Special Status Herpetofauna

7.D.1 – PRE-HARVEST/PRECONSTRUCTION SURVEY. A biologist or other qualified professional shall conduct a survey for coastal tailed frogs, northern red legged frogs foothill yellow–legged frogs, and southern torrent salamanders within one week of commencing project activities. The survey may occur during day or night. For night surveys, the surveyor shall use a portable light for use in detecting frog's eye shine. Surveys shall include the project site and an area that extends 30 feet up and downstream of the project site.

7.D.2 – PREHARVEST/PRECONSTRUCTION TRAINING. Before starting project activities, the biologist or qualified professional shall conduct a coastal tailed frog, northern red legged frog, foothill yellow–legged frog, and southern torrent salamander awareness training for all on-site workers involved in the project. This training will

include photos and/or drawings of each species, a discourse on key physical features and general life history of each species and an overview of herpetofauna protection measures to follow to minimize loss of each species during project activities. A copy of the training materials shall be kept at the project site at all times during project activities, and be available to all on-site workers for reference.

7.D.3 – HERPETOFAUNA PROTECTION MEASURES. At the beginning of each work day, trained on-site workers shall survey the project area for coastal tailed frogs, northern red-legged frogs, foothill yellow-legged frogs, and southern torrent salamanders. If at any point during surveys or project activities one of these species is identified within 30 feet of the project area, the individuals shall be carefully removed and placed well outside (at least 300 feet away) the project area.

7.D.4 – HERBICIDE USE AND PILE BURNING RESTRICTION. No herbicide use or pile burning shall occur within 300 feet of the watercourse.

7.D.5 – WATER DRAFTING. If water drafting from the watercourse is to occur for dust abatement purposes, drafting must be done with a hose placed in a bucket in a deep pool. The bucket must be covered by <1 inch mesh, and the mouth of the hose must be covered by ¼ inch mesh.

7.D.6 - STORMWATER TREATMENT. An SWPPP will be implemented to control sediment and pollutants during construction and prevent construction activities from having a negative effect on water quality and quantities in preserved portions of the Study Area. Through implementation of the SWPPP, project stormwater will be treated to meet state and federal stormwater requirements, including treatment of stormwater quality and quantity so that they are not substantially altered from existing conditions.

7.D.7 - MANAGE LIGHTING. Installation of artificial lighting in the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to frog species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.E.1 - CONSTRUCTION BMPs. Appropriate BMPs during construction activities, such as the use of a silt fence or other erosion control measures to prevent sediment from entering the water column, will protect in-migrating adults and out-migrating smolts from potential disturbance from increased turbidity. Erosion control devices should not contain monofilament as this may pose a potential entanglement hazard to sensitive amphibian species that may occur in the area. Potential discharge of the reservoir into Newman Gulch should be done with the consultation of the National Marine Fisheries Service (NMFS) to ensure there are no potential impacts to migrating salmonid species.

**Mitigation Measure 8:** 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 Public Works Department within 24 hours of discovery; and 3) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.

**Mitigation Measure 9:** Site grading associated with the construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summers Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), Section 8, Earthwork Grading Recommendations, which is included as **Attachment 5** of Staff Report.

**Mitigation Measure 10**: Construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summers Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), including the requirement that any rigid structures that are constructed across the toe of the earthen levee slopes shall have articulated connections that can accommodate up to at least 25 inches of displacement.

**Mitigation Measure 11:** Any topsoil or other soil materials excavated to accommodate the reservoir and not used onsite shall be temporarily stored on the property until such time as the materials can be used locally for City projects.

**Mitigation Measure 12:** To the extent feasible gasoline and oil conservation measures shall be incorporated into the project. Heavy equipment used at the project site shall be in good working condition and inspected regularly. Equipment shall be turned off immediately when not in use unless warm-up of equipment would use more gas than leaving equipment running.

**Mitigation Measure 13:** Any chipped wood not utilized on site shall be temporarily stored on the property until such time as it can be used locally for other City projects, or used for fuel either locally or at a nearby (Scotia or Eureka) cogeneration plant.

**Mitigation Measure 14:** The Storm Water Pollution Prevention Plan shall include measures for prevention of gasoline, oil and lubricant spills, and an action plan for clean-up of any accidental fluids or other contaminants spilled or encountered during conversion and construction activities.

**Mitigation Measure 15:** Should the public be allowed to cut firewood on the property after timber harvest is complete, a full sized shovel shall be visible in each vehicle accessing the property, to be used to cover any fire with dirt. A fire truck or water truck shall be kept at the site during firewood removal activities, and at least one person shall be assigned at the site to oversee firewood cutting efforts and operate water equipment if needed.

**Mitigation Measure 16:** If burning of vegetation is required for removal, permission shall be obtained from the Fort Bragg Fire Department prior to burning, and all safety measures required by the Fort Bragg Fire Department shall be adhered to in order to minimize wildfire risk.

**Mitigation Measure 17:** On a regular basis, the valves will be inspected to ensure functionality and the low flow spillway will be inspected for clogging. As feasible, the reservoir shall be maintained, in fair weather when water quality is clear, such that water is constantly flowing to prevent stagnation.

**Mitigation Measure 18:** All timber harvest activities and reservoir construction activities shall occur between the hours of 8:00am and 5:00pm during weekdays.

**Mitigation Measure 19:** Prior to initiation of project construction, the City shall meet with a representative of County Department of Transportation, and assess and record the current surface conditions of the County maintained portion of Summers Lane. Prior to completion of the project, any damage caused by the project to the County road shall be repaired to a condition equaling or exceeding the condition of the County road prior to the project.

**Mitigation Measure 20:** To ensure public safety, the reservoir shall be fully fenced and the gate shall be kept secure to prevent access into the reservoir. Additionally, ropes shall be secured in at least four places around the top of the berm and hung over the inner edge of the reservoir to accommodate exit from the reservoir should someone accidentally fall in.

**Special Condition 4:** A Native American Monitor shall be required during ground disturbing activities associated with installation of the Summers Lane Reservoir and associated pipes (not located within an already disturbed public right-of-way).

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| **MEETING DATE:** | **July 23, 2014** |
| **PREPARED BY:** | **M Jones** |
| **PRESENTED BY:** | **M Jones** |

# AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Grading Permit 2013-08 (GP 2013-08); Sept. 12, 2013

**APPLICANT:** Public Works Department

**OWNER/AGENT:** City of Fort Bragg

**REQUEST:** Development of a 45 acre-foot raw water reservoir with a maximum depth of 24 feet, and area of 6.5 acres. Approximately 8 acres of timberland would be converted to accommodate the development. The new reservoir would draw water from an existing water line which currently runs from Waterfall Gulch to Newman Gulch, and would tie in to the existing water line at its intersection with Brush Creek Road. The reservoir will store raw water that is currently drawn from Waterfall Gulch for City potable water use.

**LOCATION:** On a City owned 35.8 acre parcel located approximately 2.5 miles inland at the north end of Summers Lane, at 19701 Summers Lane (APN 019-070-13).

**APN:** 019-070-13

**ZONING:** Public Facilities (PF)

**ENVIRONMENTAL DETERMINATION:** A Mitigated Negative Declaration (MND) has been prepared and was circulated on September 19, 2013, continuing through July 23, 2014. The MND has State Clearinghouse Number 2013092035. The project was updated and recirculated starting on June 19, 2014 after a breach inundation study was prepared for the environmental analysis in the MND.

**SURROUNDING LAND USES:** NORTH: Forest Land, PG&E Access Road & Power Line
WEST: Rural Residential Development and Nursery
EAST and SOUTH: Mendocino Coast Recreation and Park District

**APPEALABLE PROJECT:** ☒ **Can be appealed to City Council**

# PROJECT DESCRIPTION

## PROJECT HISTORY

The proposed Summers Lane Reservoir project was first considered by the Planning Commission at the October 23, 2013 Planning Commission public hearing. The summary report and minutes to that meeting are included as attachments to this report. At that meeting, the Planning Commission requested that a reservoir breach inundation study be conducted to respond to concerns from the public regarding the potential for flooding if there is ever a breach in the reservoir wall. A study was completed and is included as **Attachment 7** to this report. The concerns expressed by the public at the October 2013 hearing, and written concerns submitted by the public prior to and after the October 2013 hearing are summarized in Table 1.

**Table 1: Concerns Regarding the Summers Lane Reservoir**

| Public Concern | Response |
|---|---|
| Potential for a flood from a possible reservoir breach to damage the neighboring residence. | A breach inundation study was prepared to analyze the validity of this concern. The study shows that a breach of the reservoir wall is highly improbable. In the worst case scenario, in the unlikely event of a breach, the residence on the adjacent property to the west would experience 20 minutes of flooding with a peak water depth of 0.98 feet and a peak flood wave velocity of 2.62 feet per second. |
| If children and animals fall in, can they get out? | The reservoir will be fully fenced and locked. A reservoir exit is included in the design, to allow people and animals to climb out of the reservoir if they scale the fence. The project engineer suggested that: 1) safety ropes that extend into the water be secured to the berm with stakes in several locations; and that at least two life preserver rings be accessibly located at the reservoir. The Planning Commission supported these additional safety measures at the October 23 Planning Commission hearing, and they are included as a condition of approval (Special Condition 3, Mitigation Measure 20). |
| Will the project impact neighboring wells? | At the October 23 Planning Commission hearing, the project engineer indicated that surface water from Waterfall Gulch would be stored in the reservoir, which will not impact neighboring wells. Additionally, the reservoir design includes underdrains and thick plastic sheeting to prevent groundwater from entering the reservoir. |
| Will the project create mosquito breeding habitat? | To prevent stagnation (which allows mosquitoes to breed) the water will be kept in constant flow through the reservoir and will be regularly maintained to prevent outfall clogs. Special Condition 3, Mitigation Measure 17, has been included in order to prevent stagnation. |
| Will the project result in damage to the private road due to vehicles and equipment associated with the timber harvest and construction? | Language has been added to Special Condition 3 requiring the City to repair any damage to the private portion of Summers Lane resulting from timber harvest and construction traffic. |

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| Will the public be able to access the reservoir, and will this result in traffic impacts? | The public will not be allowed to access the reservoir. During construction, traffic to the Project Site will be limited to timber harvest and construction traffic. After construction, traffic to the Project Site will be limited to regular inspections by Public Works employees. |
| Will the soil be tested for toxins before the project starts? | Soil testing was completed as part of the engineering studies. No potential for hazardous materials has been identified. In the unlikely event that an underground storage tank or other potential contamination source is discovered during ground disturbing activities, a clean-up plan designed to ensure public and environmental safety will be developed and carried out under the authority of any oversight agencies. |
| The Planning Commission expressed concern that the fence should be difficult to scale. | Staff recommends the addition of slats in the proposed chain link fencing to discourage climbing. Language has been added to Special Condition 1 to require slats. |
| A concern was expressed regarding the possibility of marijuana growers siphoning off water. | Dave Goble, Public Works Director, stated that City staff will be checking the site on a daily basis, and that the chance of anyone siphoning water from the reservoir was very unlikely. |

**PROJECT PURPOSE**

The purpose of the proposed project is to develop a 45 acre foot raw water reservoir to store raw water from Waterfall Gulch to meet drought-related water storage needs and water quality needs of the Fort Bragg Water Service District. This water will be transported via a gravity fed pipeline to the City of Fort Bragg's water treatment plant for the provision of potable water for Fort Bragg water customers.

The City currently has the ability to store 6,300,000 gallons of water, including two raw water storage ponds at the Water Treatment Plant, two tanks at the Corporation Yard, and a smaller tank at the Highway 20 Fire Station. Additional water storage is accommodated within the Newman Reservoir, Waterfall Gulch, and water within the distribution system. The proposed reservoir would hold approximately 14,700,000 gallons of raw water. Fort Bragg water customers use from 600,000 to a million gallons of water per day in the summer.

The City has a licensed water right to divert water from Waterfall Gulch[1], a tributary to Hare Creek, and that water is piped to the City's Newman Reservoir property and on to the treatment plant. The point of diversion will remain the same, as will the amount of water drawn from Waterfall Gulch. The City has filed a Change Petition with the State Water Resources Control Board to request that water right License 12171 allow water from Waterfall Gulch to be stored in the proposed Summers Lane Reservoir. The reservoir will be constructed down the pipeline, between Waterfall Gulch (point of diversion) and the point at which the pipeline currently ties in to Newman Gulch (current point of re-diversion) and heads to the water treatment plant. Storage of Waterfall Gulch water in a reservoir (proposed new point of re-diversion) will allow the City to

[1] License 12171 for Diversion and Use of Water from the State Water Resources Control Board allows the City of Fort Bragg a maximum of 475 acre feet per year to be diverted from Waterfall Gulch at a rate of diversion not to exceed 0.668 cfs.

use the stored water when it needs it most, in the late summer months when demands are high and supply is limited.

Water supply analyses indicate that although the City has sufficient water supply to serve the projected buildout of the City of Fort Bragg as currently zoned within the existing City Limits through 2040, it does not have sufficient water storage or a right that allows for storage to serve buildout in a drought year. However the new water storage facility will ensure that sufficient water is available in extended drought conditions, such as the 1977 drought, to serve existing development.

**PROJECT DESCRIPTION**

Project components consist of a timber harvest, reservoir construction (including pipe replacement, new pipe installation, and new fencing), and long-term maintenance of the project. Each is described in detail below.

## Timber Harvest

The Timber harvest will occur over approximately eight acres to accommodate the project. The project site consists of redwood dominated coastal mixed coniferous forest which was last logged in 1993. There are no watercourses or wetlands within the timber harvest area. Approximately 72 pygmy cypress (*Hesperocyparis pygmaea*) trees are present in the project area, constituting approximately one seventh of the canopy cover. Pygmy cypress is considered a rare plant by the California Native Plant Society (CNPS) and it is listed as a 1B2 ranked species. This plant is not included on any Federal or State lists. The pygmy cypress specimens in the project area are not in their native habitat, which is the Pygmy Cypress Forest. The project includes measures to ensure that impacts to pygmy cypress are less than significant, including replacement at a ratio of at least 3:1 and invasive plant removal. A pygmy cypress mitigation and monitoring plan has been developed (**Attachment 4**).

## Construction

**Grading**. Construction of the pond will consist of clearing and grubbing, grading and compaction of soils, creation of a geotextile reinforced berm, installation of safety and access systems, liner placement, erosion control, construction of an overflow spillway, installation of new pipe and connection to existing pipe, and installation of a gravel perimeter road and chain link fence and gate. Preliminary design details are as follows:

1. Approximately 43,000 cubic yards (cy) of soil will be graded to provide the 45 acre feet of water storage. Approximately 7,000 cy of topsoil will be temporarily stored at the site and used for planting the mitigation cypress trees around the perimeter of the new reservoir. An additional 34,000 cy will be cut, moved, and then compacted to create the embankment for the reservoir. Any topsoil or other soil materials not used at the project site will be temporarily stored onsite until they can be utilized for other City projects. The reservoir will cover approximately 6.5 acres. An additional 1.5 acres will be cleared for access, construction staging, the outlet basin, and reservoir piping.
2. Two-to-one (2 horizontal:1 vertical) outside (opposite impounded water), and three-to-one (3:1) inside slopes are planned for the reservoir embankment. The berm height will be at grade (southeast corner) to about 13 feet above grade (southwest corner) on the south side, at grade on the east side, about 13 to 22 feet above grade on the north side, and 14 to 18 feet above grade on the west side. The berm will be reinforced with a geotextile material for added stability.

A total of three feet of freeboard is provided for the reservoir. Freeboard is additional embankment height that is provided above a water surface level to assure that failure of the dam will not result from overtopping because of factors that may permanently or temporarily increase the water surface elevation in the reservoir. Freeboard also provides a safety factor to account for uncertainties in operational procedures and the function of the facility in critical situations. The total amount of freeboard may increase or decrease depending on calculations to be performed during the final design phase of the project.

**Diversion/Waterlines.** The water source piping (from Waterfall Gulch) for the reservoir will tie into the existing pipeline to the existing Newman Gulch Reservoir approximately 280 feet west of the intersection of Brush Creek Road and Summers Lane. The existing pipeline that continues north to the Newman Gulch Reservoir will be disconnected and abandoned in place. All water from Waterfall Gulch, which presently flows either directly to the Water Treatment Plant or to Newman Reservoir, will be diverted to the new Summers Lane Reservoir. Newman Reservoir will continue to store water from the City's Newman Gulch water source and serves as a point of diversion for that water source to the City's Water Treatment Plant.

The new water line from Waterfall Gulch will be placed along the north side of Brush Creek Road (a private road) in an existing 60 foot wide utility easement, heading eastward approximately 280 feet from the tie in point to the intersection of Brush Creek Road and Summers Lane. At the intersection of Brush Creek Road and Summers Lane, the water line will then head north along Summers Lane (CR 415D) within the privately maintained portion of the road. Beyond Summers Lane, the piping would extend to the City's property. The water line will then head in a northeasterly direction along the existing access road, around the new reservoir, to the east side, where it will enter the new reservoir (see **Attachment 1,** Engineered Plans). A water line will also head around the new reservoir, where it ties in to the Reservoir outlet pipe to the water treatment plant. Water lines leaving the new reservoir include two bottom outlet lines and one "pond full" line, which converge at a three way valve system before tying into the outlet water line to the Water Treatment Plant.

The inlet into the new reservoir will be 62-feet higher than the current discharge location, and the flow is expected to occur via gravity flow at a rate of between 135 gallons per minute (gpm) and 225 gpm. At 135 gpm, the reservoir would fill in approximately 70 days; at 225 gpm, the reservoir would fill in 40 days.

**Overflow (Spillway).** An overflow path on reservoirs, commonly referred to as a spillway, is designed to provide for safe release when inflow exceeds outflow and the reservoir is full. The pond outlet is designed for the maximum anticipated inflow, which includes the rainfall from a 100-year storm event, and an additional safety factor (1.5). The spillway will provide a controlled overflow for larger storms, and will be designed for the peak design flow of 31 cubic feet per second (cfs).

The "pond overflow" is shown in attached drawing C5.0 (**Attachment 1**, Engineered Plans), and would be located on the northwest corner of the reservoir. The overflow heads out of the reservoir through a 36" pipe booted two feet below the top of the berm. A concrete pad with elevated sides accommodates the overflow pipe across the top of the berm and the pipe heads down the berm in a northerly direction to an energy dissipater. The overflow is then piped towards an existing swale in a northeasterly direction to Newman Gulch and subsequently into the Noyo River. The peak flow from the existing area occupied by the proposed reservoir footprint into the existing drainage swale is 4.9 cfs. The peak flow from this area will be less (1

cfs) after the reservoir is constructed. There are no buildings between the reservoir spillway and the Noyo River.

**Underdrain and Liner.** A liner, placed along the bottom of the proposed reservoir, will retain reservoir water and minimize soil accumulation. The 60-mil (about 1/16"), UV resistant HDPE liner will last 30 years. To prevent groundwater from saturating the soil beneath the embankment and to prevent groundwater from accumulating beneath the liner, an underdrain will be installed in the native soil beneath the liner. The underdrain would gravity drain downhill to an erosion-protected discharge point. An anchoring trench will hold the liner in place. Emergency egress ladders or textured HDPE will be placed on each side of the pond to allow for access out of the pond should people or wildlife fall in.

**Fencing.** A six foot tall chain link fence is proposed around the new reservoir just outside of the berm to prevent unauthorized access.

**Long Term Maintenance.** Black plastic food grade vapor containment/pollution control balls, aka "bird balls," will float on the surface of the reservoir to minimize evaporation and minimize organic growth. The reservoir will be drained once after approximately five years, inspected and cleaned using fire hoses that wash the sediment to the low end. Larger branches will be picked up by hand and smaller sediment will be hosed through the cleanout drain and into the cleanout basin to be collected and transported to a disposal site.

## GRADING PERMIT

The applicant has submitted a request for grading permit approval, the only City permit required for the project. Typically grading permits are subject to ministerial review and approval by the Director of Public Works. However, due to the scope of the project, the preparation of a Mitigated Negative Declaration, and the public interest in the project, staff has referred the decision to the Planning Commission for a Public Hearing and for its decision. In order to approve a grading permit, the Planning Commission must make the following findings:

1. The project for which the grading is intended shall first be authorized with a planning permit as required for the proposed use by Article 2 (Zoning Districts and Allowable Land Uses).
2. The proposed grading conforms to all applicable provisions of the General Plan, any applicable specific plan, and the Inland Land Use and Development Code.
3. The proposed grading shall comply with all applicable provisions of Chapter 18.62 (Grading, Erosion, and Sediment Control Standards), 18.64 (Urban Runoff Pollution Control), and all other applicable provisions of the Development Code.
4. Any permits required by State or Federal agencies for the proposed grading have been obtained (including streambed alteration permits from the California Department of Fish and Game and "Section 404" permits for grading within wetlands and certain watercourses from the U.S. Army Corps of Engineers), or are required by conditions of approval to be obtained before grading work is started.
5. The proposed grading either will not adversely impact an existing public or private easement, or the applicant has obtained the written consent of the easement holder to perform the grading within the easement.
6. Proposed grading that will disturb a surface area of one acre or more of soil shall require the filing of a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State NPDES Construction General Permit. A copy of the NOI and the receipt of

notice from the State with a Waste Discharge Identification Number (WDID) shall be filed with the Community Development Department.

7. The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use.
8. Proposed grading will not result in erosion, stream sediment, or other adverse off-site effects or hazards to life or property.
9. The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

Information and analysis is included below so that the Planning Commission can make each of these findings. Findings 2 & 3 are combined because the same information and analysis is necessary to make both of these findings.

**Finding 1. The project for which the grading is intended shall first be authorized with a planning permit as required for the proposed use by Article 2 (Zoning Districts and Allowable Land Uses).**

The project site is located within the Public Facility (PF) zoning district. The project meets the description for a Utility Facility, which is principally permitted in the Public Facility (PF) zoning district. The project is subject to the applicable development standards outlined in Article 3 of the Inland Land Use and Development Code, including parking, fencing, screening, and performance standards as analyzed below. The project is not subject to Design Review requirements as it is not visible from any public view area, and is exempt per Section 18.71.050.B.3.b of the ILUDC. The only City permit required for this project is a grading permit. This finding can be made.

**Finding 2. The proposed grading conforms to all applicable provisions of the General Plan, any applicable specific plan, and the Development Code.**

**And**

**Finding 3. The proposed grading shall comply with all applicable provisions of Chapter 18.62 (Grading, Erosion, and Sediment Control Standards), 18.64 (Urban Runoff Pollution Control), and all other applicable provisions of this Development Code.**

The project is consistent with the following goals and policies of the Inland General Plan:

> **Goal PF-1** Ensure that new development is served by adequate public services and infrastructure.
>
> **Goal PF-2** Assure that the City's infrastructure is maintained and expanded to meet the needs of the City's residents and growing population.
>
> > **Policy PF 2.2** Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies.
> >
> > **Policy PF-2.3** Emergency Water Supply: Develop an emergency water supply for disaster preparedness.
> >
> > **Policy PF-2.4** Potable Water Quality: Maintain the safety of the water supply.

> **Program PF-2.4.2:** Provide security and protection for the watersheds and water storage and treatment facilities with monitoring, appropriate notices, physical barriers, and protective devices as well as land use policies and controls.

The proposed project would provide added water storage to meet City needs during summer months. The proposed fencing would help to secure the water supply. No goals, policies or programs were identified that would conflict with the proposed project. The project is consistent with General Plan goals, policies and programs.

## ILUDC - Site Development Standards

### Setbacks & Height Limitations

The Public Facilities zoning district does not have regulations that limit height, nor are there setback requirements in this zoning district. The proposed project will be located 10 feet from the nearest property line and will sit a maximum of 25 feet above grade (NW corner).

### FAR

The maximum Floor Area Ratio (FAR) for this zoning district is 0.75. The proposed project will cover 8 acres of a 38.6 acre site for a total FAR of 0.20, which is well below the maximum FAR.

### Parking and Circulation

There is currently no formal parking at the Newman Gulch Reservoir. The existing and proposed reservoir would be occasionally visited by City personnel for repairs and maintenance. The ILUDC does not include a parking requirement for reservoirs or public facilities. As the site will receive very limited visitation and the City code includes a preference for permeable paving and Low Impact Development techniques the existing informal rocked parking area is sufficient to serve the new reservoir.

### Fences

A six foot high security fence is proposed around the perimeter of the new reservoir (**Attachment 1**, C7.0). The fence would not be located in setbacks and the proposed height conforms to the maximum allowable height of eight feet.

Section 18.30.050.E.3 of the ILUDC prohibits chain link fencing within the front and street side yards in all zoning districts. However as this parcel is not abutted by streets, this prohibition does not apply to this parcel. Additionally, Section 18.30.050.E, provides for approval of chain link fencing by the Director for special security needs, which is warranted, as a safe secure water source is a public health priority.

At the October 2013 hearing, the Planning Commissioners expressed concern that the fence should be difficult to scale. Staff recommends the addition of slats in the proposed chain link fencing to discourage climbing. Language has been added to **Special Condition 1** to require slats:

> **Special Condition 1:** To ensure public safety, the reservoir shall be fully fenced and the gate secured to prevent access into the reservoir. ***Slats shall be placed in the chain link fencing to eliminate fence climbing.*** Additionally, ropes shall be secured in at least four places around the top of the berm and hung over the inner edge of the reservoir to accommodate exit from the reservoir should someone accidentally fall in, and at least two life preserver rings shall be located in accessible locations from the reservoir berm.

## Screening

Section 18.30.050.F of the Land Use and Development Code establishes standards for screening between different land uses, indicating that:

> "Commercial or industrial uses adjacent to a residential use must provide screening at the parcel boundary. Other non-residential uses adjacent to a residential use may also be required by an applicable review authority to comply with these requirements."

As the proposed reservoir will have banks that rise to 14 to 18 feet above grade on the west side approximately 10 feet from the neighboring residential property, screening is warranted along the west property line. Screening requirements outlined in 18.30.050.F.1 are as follows:

> **Screening between different land uses.** A commercial or industrial land use proposed on a site adjacent to a residential zoning district shall provide screening at the parcel boundary as follows. Other nonresidential uses adjacent to a residential use may also be required by the applicable review authority to comply with these requirements.
>
> a. The screen shall consist of plant materials and a solid, decorative wall of masonry or similar durable material, a minimum of six feet in height.
>
> b. The maximum height of the wall shall comply with the provisions of Subsection B (Height limits).
>
> c. The decorative wall shall be architecturally treated on both sides, subject to the approval of the review authority.
>
> d. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that 10 feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Section 18.34.050.C (Landscape Location Requirements - Parking Lots).
>
> e. The review authority may waive or approve a substitute for this requirement if the review authority first determines that:
>
> (1) The relationship of the proposed uses makes the required screening unnecessary;
>
> (2) The intent of this Section can be successfully met by means of alternative screening methods;
>
> (3) Physical constraints on the site make the required screening infeasible; or
>
> (4) The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

As the structure to be screened is a vegetated earthen berm in a rural setting, a decorative wall is not appropriate. A vegetative buffer is appropriate. During construction all healthy trees and brush in this area will be retained. Additionally, native pygmy cypress trees will be planted here as part of the mitigation requirements for this project. The pygmy cypress trees would be planted at estimated 10 foot intervals where gaps allow, and at maturity would be 14 to 18 foot high, effectively screening the berm. The MND includes **Mitigation Measure 1** to require vegetative buffering

> **Mitigation Measure 1:** Native, drought resistant trees and shrubs shall be retained per the recommendations of the Licensed Timber Operator, and/or native pygmy cypress trees shall be established or planted 10 feet apart (an average of at least one every 100 square feet, after the conversion) along the entire west side of the reservoir within the 10

foot wide visual buffer area between the proposed berm and the western property boundary. At least half of the native vegetation shall be of a species which is expected to reach a height of at least 20 feet at maturity.

**Signage**
No signage is proposed for the site.

## ILUDC - Resource Protection

**Cultural Resources**
Three archaeological studies were completed for the project; two in association with Timber Harvest Plans and a third study specifically for the CEQA analysis. The studies are located in the project file. All three survey reports indicate that no sites were identified. There is always a potential to encounter buried archaeological resources, and the City's standard condition is sufficient to address this potentiality.

**Natural Resources**
The project area consists of a coastal mixed coniferous forest, approximately 8 acres of which will be logged under a Timber Harvest Plan and converted under a Timber Conversion to accommodate the proposed development. The project site consists of redwood dominated coastal mixed coniferous forest which was most recently logged in 1993. The environmental impacts to natural resources have been thoroughly analyzed in the CEQA document, the Mitigated Negative Declaration (MND), for this project. All impacts to natural resources will be completely mitigated for the project through the mitigation measures included in the MND.

## ILUDC Site Development Regulations (18.62 & 18.64)

**Dust Prevention & Control (18.62.020)**
The City of Fort Bragg is located in the North Coast Air Basin and is within the jurisdiction of the Mendocino County Air Quality Management District. Mendocino County is designated attainment or unclassified for all air quality standards except the state standards for Particulate Matter less than 10 microns in size (PM-10). Development within Mendocino County is required to comply with all applicable provisions of the Particulate Matter Attainment Plan adopted by the Mendocino County Air Quality Management District on March 15, 2005.

Temporary construction impacts are subject to Air Quality Management District Regulation 1 Rule 430 which requires dust control during construction activities. Section 18.30.080.D of the Land Use and Development Code outlines municipal standards for dust management and will be followed in the construction of the project.

Additionally, Section 18.62.020 of the Land Use and Development Code requires a Dust Prevention and Control Plan to be submitted in conjunction with the grading plan. The required plan content is outlined in Section 18.62.020.B of the Land Use and Development Code. **Mitigation Measure 2** of the MND will assure that construction activities do not result in significant impacts resulting from a non-attainment pollutant (particulate matter) and includes language to assure that the requirements of the Land Use Development Code pertaining to dust control, as outlined above, are addressed.

An Air Quality Management District grading permit will be needed, since the project area of disturbance is greater than one acre. Additionally, after the timber harvest, some of the vegetation remaining in the project area may be burned. A burn permit will be required from the Air Quality Management District for any burning.

**Erosion & Sediment Control (18.62.030)**
The project will be constructed according to best management practices as required by the ILUDC and the MND. Specifically the project will minimize runoff from the site as post construction runoff will actually be less than pre-construction runoff (18.62.030A1). Proper placement of excavation soils (18.62.030A4) and effective slope stabilization (18.62.030A2) will be ensured through the implementation of Mitigation Measure 4 of the MND. Removal of off-site sedimentation (18.62.030A5) and prohibition against washing construction vehicles (18.62.030A5) shall be achieved through Mitigation Measure 2 of the MND. Erosion control devices (18.62.030A7) shall be installed as required by the Water Quality Control Board per the SWIPP. The project has been designed to minimize land disturbance (18.62.040A8) and the disturbance of natural vegetation (18.62.040A9). Finally the project will be completed during the dry season and so shall comply with section 18.62.030B. The project will also be in conformance with the erosion controls outlined in the Holdrege and Kull Report (8.8 Erosion Controls) which include many additional requirements to minimize erosion from the project. As conditioned, the project complies with section 18.62.030.

**Excavation and Fills (18.62.040)**
The project is designed to comply with section 18.62.040 Excavation and Fills. Specifically, grading is limited to the "minimum amount necessary" for the proposed project (18.62.040A1). Grading has also been designed to retain natural features to the degree feasible, as most of the 38 acre site will remain undisturbed (18.62.040A2). The project's final contours do not blend with the adjacent natural terrain as required by section 18.62.040A3, however the reservoir slope will be heavily vegetated which will help to screen the reservoir embankment from the neighboring property. It is not feasible to provide a "variety of slope ratios to the cut and fill slopes" due to the nearness of the reservoir to the west property line. However this is the only feasible location for the reservoir given the property contours and the need to ensure that water flowing into and out of the reservoir is gravity fed. Given the special condition to require the revegetation of this slope, the intent of this section has been met.

The ILUDC standards for fill, drainage, and terracing have been achieved for the project through implementation of Mitigation Measures 9 and 10 of the MND, which include recommendations to ensure that the project is constructed with a fill slope of 2H:1V (18.62.040C1); that the ground will be prepared as required (18.62.040C2); that fill materials will conform to appropriate specifications for a project of this type (18.62.040C3); that fill will be placed in 8 inch layers (18.62.040C4) and compacted as appropriate for this type of project (18.62.040C6); and that the slope of fill and drainage and terracing shall be completed in compliance with the ILUDC (18.62.040C7 and 8).

**Removal of Native Vegetation (18.62.060)**
The native vegetation of the proposed construction site will be removed through a timber harvest plan. The limits of grading will be clearly marked by the project surveyor and trees to be retained shall be marked with construction fencing to prevent damage to the trees.

**Revegetation and Slope Surface Stabilization (18.62.070)**
The project proposes to store top soil removed from the site for the project and for other City projects requiring topsoil. The proposed method of revegetation for the project is hydroseeding

and the revegetation will occur within 30 days of the completion of the project as required by section 18.62.070C.

**Protection of Watercourses (18.62.080)**
The project will not impact watercourses and so does not require a 1601 or a 404 permit. The project will not alter the flood carrying capacity of a watercourse in a negative manner. The reservoir will capture water from a watercourse during high rain events and therefore has the potential to improve the flood carrying capacity of the tributary from which water is obtained. The project does not propose to place fills within watercourses nor will grading equipment cross or disturb watercourses. Additionally Mitigation Measure 5 of the MND will reduce all impacts to wetlands and other waters to less than significant.

**Setbacks for Cut and Fill Slopes (18.62.090)**
The ILUDC requires that the top of cut slope "shall be set back from the adjacent property lines a distance of at least 1/5 of the vertical height of the cut with a minimum of two feet and a maximum of 10 feet." Likewise the ILUDC requires that the toe of fill be set back a maximum of 10 feet from the adjacent property line. The bottom of slope of the proposed project would be a minimum of 10 feet from the adjacent property line, while the top of slope would be approximately 70 feet from the property line, so the project conforms with section 18.62.090A & B.

**Storm Drainage and Runoff (18.62.100)**
The proposed project's storm drain and runoff facilities have been designed in compliance with good engineering practices and incorporate Low Impact Development design techniques to infiltrate stormwater. The project minimizes runoff by capturing rainwater into the reservoir and harvesting it for City potable water use. The Project also minimizes erosion through the minimization of impervious surfaces, no new parking spaces, and development of appropriate rocked outfalls, energy dissipaters and the use of bioswales to manage stormwater. The requirements of section 18.62.100 have been met.

**Urban Runoff Pollution Control (18.64)**
This section of the ILUDC applies to projects wherein stormwater enters the City's storm drain system. By and large this section does not apply to this project because it is not connected to the City's storm drain system. Additionally the project will not contribute to pollution or an increase in stormwater runoff from the site, so the regulations of this section do not apply to this project.

Findings 2 and 3 for the grading permit can be made.

**Finding 4. Any permits required by State or Federal agencies for the proposed grading have been obtained (including streambed alteration permits from the California Department of Fish and Game and "Section 404" permits for grading within wetlands and certain watercourses from the U.S. Army Corps of Engineers), or are required by conditions of approval to be obtained before grading work is started.**

Completion of the project requires the following State and Federal agency permits:

1. National Pollutant Discharge and Elimination System (NPDES) permit
2. CALFIRE Timberland Conversion and Timber Harvest Plan
3. State Water Resources Control Board Petition for Change

4. Air Quality Grading Permit and Burn Permit

**Special Condition 2** is included to ensure that these permits are obtained before grading work is started.

> **Special Condition 2**: Prior to issuance of the grading permit, the applicant shall secure the following permits: National Pollutant Discharge and Elimination System (NPDES) permit; CALFIRE Timberland Conversion and Timber Harvest Plan; State Water Resources Control Board Petition for Change; and Air Quality Grading Permit and Burn Permit.

Based on the inclusion of Special Condition 2, this finding can be made.

**Finding 5. The proposed grading either will not adversely impact an existing public or private easement, or the applicant has obtained the written consent of the easement holder to perform the grading within the easement.**

There are no easements on the property which will be impacted by the project. This finding can be made.

**Finding 6. Proposed grading that will disturb a surface area of one acre or more of soil shall require the filing of a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State NPDES Construction General Permit. A copy of the NOI and the receipt of notice from the State with a Waste Discharge Identification Number (WDID) shall be filed with the Department.**

The project requires removal of vegetation over an 8 acre area currently forested with mixed coniferous trees and associated understory. After the timber is harvested, smaller trees, stumps and understory plants will be grinded, chipped and burned. The site will be graded, with topsoil removed and stockpiled on site, and the reservoir will be constructed. During grading and construction, Best Management Practices (BMPs) will be implemented to minimize erosion and prevent sedimentation of Newman Gulch. After construction, additional BMPs will be implemented to stabilize the banks of the reservoir, and all other disturbed areas of soil. Topsoil will be placed around the perimeter of the reservoir, consistent with the pygmy cypress mitigation planting plan.

Because more than an acre of soil disturbance will occur, a National Pollutant Discharge and Elimination System (NPDES) permit will be required to assure the project is consistent with the Clean Water Act. The North Coast Regional Water Quality Control Board is the permitting agency for the NPDES permit. A Storm Water Pollution Prevention Plan (SWPPP) is a sediment and erosion control plan specific to the project which describes the pollution prevention activities and practices that will be implemented on the site. The SWPPP includes a description of the site and of each major phase of the plan, the roles and responsibilities of contractors and subcontractors, and the inspection schedules and logs. It is also where changes and modifications to the construction plan and the associated pollution prevention activities are documented. An SWPPP is required for the NPDES permit. An NPDES permit will be obtained by the City prior to commencement of the project.

**Finding 7. The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use.**

The proposed grading footprint is approximately eight acres and this extent of grading is required to construct the reservoir. The site will also be disturbed to install water lines to and from the reservoir. However all disturbance is required in order to construct the reservoir and make it functional for the raw water storage. The extent of the proposed grading is appropriate for the project.

**Finding 8. Proposed grading will not result in erosion, stream sediment, or other adverse off-site effects or hazards to life or property.**

For the discussion regarding erosion and stream sediment, please see the analysis for Findings 2 and 3. The remaining hazards (earthquake, flood, and fire) are discussed below.

**Earthquake Hazards**
According to the 2007 Geotechnical Report by CGI Technical Services, Inc., located in the project file, there are no faults known to run through the project site (page 6).

However, as the City of Fort Bragg is in an area known for seismic activity, the project could be subject to strong seismic ground shaking. A Geotechnical Engineering Investigation Report was conducted by Holdrege & Kull, Consulting Engineers and Geologists, in October of 2009, and is located in the project file. Holdrege & Kull performed a probabilistic seismicity analysis of the proposed reservoir site using the methodologies presented in the 2007 California Building Code (CBC), Section 1613 (Earthquake Loads) and the American Society of Civil Engineers publication ASCE 7.05 Chapter 11 (Seismic Design Criteria), Chapter 20 (Site Classification Procedures for Seismic Design) and Chapter 21 (Site-Specific Ground Motion Procedures for Seismic Design).

As shown on the Site Plan (drawing C1.0 of **Attachment 1**), the exterior (outside) slope of the reservoir is proposed as 2H:1V, and the interior (inside) slope of the reservoir is proposed as 3H:1V. The Holdrege & Kull probabilistic seismicity analysis indicates that given the proposed height, soils, seismic hazard parameters, etc., the interior slopes would be seismically stable, however the proposed exterior slopes would be unstable when subjected to the maximum considered earthquake (MCE) maximum horizontal acceleration (Holdrege & Kull, page 16). Holdrege & Kull recommend geotextile reinforcements be added to the exterior slope to assure the reservoir will be seismically stable. According to Holdrege & Kull, the geotextile reinforcements will need to be placed at maximum 2-foot vertical intervals and will need to extend a minimum of 25 feet into the slope (Holdrege & Kull, page 16).

The **MND Mitigation Measure 9** requires that site grading conform to the recommendations outlined in the Holdrege and Kull report, to assure the reservoir will be constructed in a seismically safe manner. Section 8 of the Holdrege & Kull report is included as **Attachment 5**.

Holdrege & Kull performed a liquefaction analysis for the site based in California Division of Mines and Geology Special Publication 117 and the Guidelines for Analyzing and Mitigating Liquefaction in California prepared by the Southern California Earthquake Center. The analysis is included as Section 6 of the Summers Lane Reservoir, Fort Bragg, California Geotechnical Engineering Investigation Report, dated October 2009, located in the project file.

Holdrege & Kull found a relatively high potential for seismically induced liquefaction to occur at the site, because of the loose to medium dense and saturated sandy and silty sand soils that underlie the site (Holdrege & Kull, page 20), however they also found that there is a relatively low potential for damage to on-site structures (including the proposed reservoir) resulting from seismically induced liquefaction differential settlement and lateral spreading (Holdrege & Kull, page 18). In the low probability event that liquefaction induced settlement and/or lateral spreading occurs, Holdrege & Kull indicate that very limited displacement could occur at the toe of the earthen levee slopes, where the transition from a confined to a free field condition occurs (Holdrege & Kull, page 19). Holdrege & Kull therefore recommend that any rigid structures that are constructed across the toe of the earthen levee slopes should have articulated connections that can accommodate up to at least 25 inches of displacement (Holdrege & Kull, page 19). The **MND Mitigation Measure 10** assures that any potential impacts resulting from liquefaction of soils will be less than significant.

**Flood Hazards**

In response to public concerns regarding flooding, a Screening Level Breach Inundation Report (Breach Inundation Study) was conducted by the project engineering firm, Lawrence and Associates. The Breach Inundation Study, dated March 17, 2014, is located in the project file and included as **Attachment 7**.

The study concluded that a breach of the dam is highly unlikely. However it considered how the worst case scenario dam breach would affect the property immediately west of the reservoir (the closest and only “downslope” residence). The worst case breach analysis assumed 1) the reservoir would be full to the top of the embankment and 2) the breach would occur at the southwest corner, where water from a breach would have the greatest chance of reaching the adjacent residence. The proposed reservoir would be constructed with a plastic lining and the embankments would be constructed with a geo-grid reinforcement. However, existing flood formation equations and models do not allow for these factors, which would act to limit the rate of down-cutting. As the analysis does not include these factors, it is considered conservative. An actual breach would likely have a longer and more staggered breach formation due to the drag caused by the plastic lining and the geo-grid reinforcement, leading to a lower peak discharge, with lower flood depths and velocities.

The conclusion of the study was that the worst case scenario breach would cause approximately 20 minutes of flooding, with a peak water depth of 0.98 feet and a peak flood wave velocity of 2.62 cubic feet per second in the vicinity of the neighboring residence. This is within the “low” danger zone. The report indicates that an adult should be able to wade in this depth and velocity of water without losing his or her footing.

It is important to note that such a breach is highly unlikely, and that the calculations used did not account for the geo-grid enforcement proposed within the embankment or the reservoir lining, which would reduce the rate of down-cutting by providing a physical barrier. These factors were not considered because available breach formation equations and models do not allow for these factors. An actual breach may have a longer and more staggered breach formation than the analysis provided because these factors were not included in the analysis, and this would lead to a lower peak discharge, resulting in lower flood depths and velocities.

**Fire Hazards**

After timber harvest occurs, the remaining vegetation will be removed from the reservoir site. The City may consider allowing the public to cut firewood from the remaining downed and stacked wood. The potential exists for a fire to occur from sparks created during firewood

cutting. Additionally, the City intends to burn wood and vegetation that cannot be or is not grinded or chipped. The MND includes **Mitigation Measures 15 and 16** to assure that the risk of wildland fire during conversion activities is minimized to a level of less than significant.

### Finding 9. The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

The project will include the removal of trees in a forested area and construction of a berm with a maximum height of 22 feet above grade (on the north side). The west side of the reservoir berm would be visible from the adjacent residential property to the west. The berm height on that side would vary from 14 to 18 feet. Additionally, a six foot tall chain link fence is proposed around the perimeter of the reservoir. A ten foot buffer area exists between the berm and the adjacent property to the west. Existing healthy mature vegetation (except for trees that are damaged or would be prone to windfall after harvest and conversion occur) is to be retained, and additional trees are proposed to be planted within the 10 foot buffer area (one per 100 sq. foot area) which would help to buffer the view of the berm from the adjacent property. The berm will be stabilized with native grass seed mix which will also help with buffering the visual impact.

**Mitigation Measure 1** from the MND will ensure the visual impact of the berm will be softened with vegetative planting on the west side, where the berm will be visible from the neighboring property.

**Environmental Determination.** A Mitigated Negative Declaration has been prepared for this project for conformance with the California Environmental Quality Act (CEQA). Special Conditions with an asterisk (*) before them are conditions that are included as mitigation measures in the CEQA MND for the project. As conditioned, the project is not expected to result in significant detrimental impacts to the environment. As part of the CEQA circulation process, the Air Quality Management District requested that the City identify the standard they will be using to identify wind speed and incorporate this information in the dust management measure, in order to ensure that day to day measurements are easily obtained, traceable, and consistent throughout the project. Language has been added to Special Condition 12 to address this concern.

**Special Condition 3** incorporates Mitigation Measures 1 through 20 from the MND into this grading permit as a special condition.

## PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate, and move to adopt the Mitigated Negative Declaration; and

2. Adopt a resolution adopting the Mitigated Negative Declaration and approving the grading permit at this Planning Commission meeting.

### ALTERNATIVE ACTIONS

1. Hold a hearing, close the hearing, deliberate without adopting the Mitigated Negative Declaration or resolution, and revisit the application at the next scheduled meeting for a decision and the addition of any new information and/or findings.

2. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Commission may then adopt the Mitigated Negative Declaration and resolution.

## RECOMMENDATION

Should the Commission find the project to be consistent with the Inland General Plan, staff recommends two actions that should occur in the following sequence:

1. Adopt the Mitigated Negative Declaration.

2. Adopt the resolution for Grading Permit 2013-08.

### GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Inland General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of the environmental determination, a Mitigated Negative Declaration has been prepared for conformance with the California Environmental Quality Act (CEQA). As mitigated, the project will not result in significant or potentially significant environmental impacts.

## Grading Permit Findings

1. The project for which the grading is intended shall first be authorized with a planning permit as required for the proposed use by Article 2 (Zoning Districts and Allowable Land Uses).
2. The proposed grading conforms to all applicable provisions of the General Plan, any applicable specific plan, and the Inland Land Use and Development Code;
3. The proposed grading shall comply with all applicable provisions of Chapter 18.62 (Grading, Erosion, and Sediment Control Standards), 18.64 (Urban Runoff Pollution Control), and all other applicable provisions of the Development Code.
4. Any permits required by State or Federal agencies for the proposed grading have been obtained (including streambed alteration permits from the California Department of Fish and Game and "Section 404" permits for grading within wetlands and certain watercourses from the U.S. Army Corps of Engineers), or are required by conditions of approval to be obtained before grading work is started.
5. The proposed grading either will not adversely impact an existing public or private easement, or the applicant has obtained the written consent of the easement holder to perform the grading within the easement.
6. Proposed grading that will disturb a surface area of one acre or more of soil shall require the filing of a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State NPDES Construction General Permit. A copy of the NOI and the receipt of notice from the State with a Waste Discharge Identification Number (WDID) shall be filed with the Community Development Department.
7. The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use.
8. Proposed grading will not result in erosion, stream sediment, or other adverse off-site effects or hazards to life or property.
9. The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

## SPECIAL CONDITIONS

1. To ensure public safety, the reservoir shall be fully fenced and the gate secured to prevent access into the reservoir. ***Slats shall be placed in the chain link fencing to eliminate fence climbing.*** Additionally, ropes shall be secured in at least four places around the top of the berm and hung over the inner edge of the reservoir to accommodate exit from the reservoir should someone accidentally fall in, and at least two life preserver rings shall be located in accessible locations from the reservoir berm.

2. Prior to issuance of the grading permit, the applicant shall secure the following permits: National Pollutant Discharge and Elimination System (NPDES) permit; CALFIRE Timberland Conversion and Timber Harvest Plan; State Water Resources Control Board Petition for Change; and Air Quality Grading Permit and Burn Permit.

3. The City shall comply with all mitigation measures (MM1 through MM20) from the MND as restated below:

   **Mitigation Measure 1:** Native, drought resistant trees and shrubs shall be retained per the recommendations of the Licensed Timber Operator, or planted 10 feet apart (at least one every 100 square feet, after the conversion) along the entire west side of the reservoir within the 10 foot wide visual buffer area between the proposed berm and the western property boundary. At least half of the native vegetation shall be of a species which is expected to reach a height of at least 20 feet at maturity.

**Mitigation Measure 2:** In order to minimize dust and keep dust from leaving the project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the Storm Water Pollution Prevention Plan (SWPPP). The dust prevention and control plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

2.A - The plan shall address site conditions during construction operations, after normal working hours, and during various phases of construction.

2.B - The plan shall include the name and the 24 hour phone number of a responsible party in case of emergency.

2.C - If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.

2.D - When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system.

2.E - Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.

2.F - The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.

2.G - All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions. Dust emissions shall be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding, etc.).

2.H - All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour.

2.I - Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

2.J - Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts.

2.K - All earthmoving activities shall cease when sustained winds exceed 15 miles per hour. Wind speed shall be measured on-site by the City inspector with a hand-held anemometer.

2.L - The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.

2.M - The operator shall keep a daily log of activities to control fugitive dust.

2.N - Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained; and

2.O - Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer.

**Mitigation Measure 3:** The City shall secure all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this analysis.

**Mitigation Measure 4: For Loss of 72 Rare Pygmy Cypress Trees in Project Area**. Topsoil to be disturbed or removed by project construction will be stockpiled temporarily. Once the project has been completed the topsoil will be spread over the 0.54-acre mitigation area. The size of the mitigation area was selected to allow for establishment of over 216 mature trees, with each tree occupying a 100-square foot area (**see Attachment 4, Pygmy Cypress Mitigation Planting Area and Plan**). It is expected that pygmy cypress will germinate naturally from the existing seed bank in the topsoil, due to relatively exposed conditions of bare soil and location next to the newly-constructed reservoir.

In case of inadequate existing seed bank in the topsoil, seedling and cone collection shall occur prior to vegetation removal for the project. 100-200 seed cones shall be collected and 50 or more seedlings shall be salvaged and transplanted to containers and stored at a local nursery.

Three years after construction activities, the mitigation area (**Attachment 4**) will be surveyed for number of trees per acre. If the number of trees per acre is equal to or greater than the 3:1 ratio, then no more visits shall be required.

If after year three the densities are below the designated ratio, then the area shall be replanted back to the mitigated ratio with seedlings, either germinated from seed or collected from site, then at year five, the area shall be re-surveyed. Seedlings will be planted by hand in native topsoil, in a hole deep enough to allow roots to be positioned downward and not curved over. Seedlings will be planted in the late fall or early winter to increase survival rates. As soon as stocking or replanting goals have been achieved, no more surveys shall be required. If the density is below, then replanting of dead and dying trees back to the mitigated ratio shall occur, and no more monitoring shall be required.

During the initial visit at three years (and at year 5 if required) all competing conifer seedlings and invasive species in the mitigation area shall be removed in an effort to reduce competition and the potential spread of invasive species.

At year three and year five monitoring, a short summary report of conditions will be documented and placed in the project file at City Hall. The summary reports will contain information on the number of cypress trees established, dimensions, and any actions taken including weeding and planting. Photographs will be taken and included with the summary reports.

**Mitigation Measure 5: For Potential Impacts to Wetlands and Other Waters.** All work involving or associated with soil movement and or digging should occur during the dry season. A grading permit will be obtained and construction Best Management Practices will be implemented, including silt fencing and straw wattles to control erosion and sediment transport that may flow into surrounding natural habitats, particularly along the north end of the unit nearest to Newman Gulch. Best Management Practices shall be utilized along existing roads as their location provides an existing buffer to the Newman Gulch stream and associated wetland areas. The natural topography surrounding the proposed reservoir shall be left intact as much as is feasible, such that runoff to the surrounding landscape is minimized.

**Mitigation Measure 6: For Potential Impacts from Invasive Species Caused by the Project.** Heavy equipment shall be washed prior to initial use on the site in order to remove any potential invasive seed contamination sources. After the completion of all construction-related activities, all areas of bare soil around the reservoir will be replanted with native vegetation appropriate to the site, and wetland vegetation where appropriate. Vegetation planted around the perimeter of the reservoir shall be locally-native species from local propagule sources if feasible, and should be planted during the wet season or whenever soils are moist, in order to achieve the highest feasible survival rate. Areas of disturbed soil shall be mulched, seeded, or planted and covered with native vegetation as soon as possible after clearing. No exotic plants shall be planted during or following site development. Plant species listed as invasive (High, Moderate, or Limited) on the California Invasive Plant Inventory (Cal-IPC 2006) shall not be installed anywhere in the Project Area as they would pose a risk to the surrounding plant community. All reasonable efforts should be made to control and remove existing or newly established populations of exotic species. Some examples of invasive plants likely to be found that should be monitored and controlled are English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), French broom (*Genista monspessulana*), pampas grass (*Cortaderia* spp.), and forget-me-not (*Myosotis latifolia*).

**Mitigation Measure 7: For Potential Disturbance to Wildlife Species**

7.A – Potential Disturbance of Special Status Bat Species

7.A.1 - WORK WINDOWS. Removal of potential bat roost habitat (large trees or snags) or construction activities near potential bat roost habitat will take place in September and October to avoid impacts to bat maternity or hibernation roosts.

7.A.2 - ROOST SURVEYS. If this work window is not feasible, prior to construction, bat roost surveys will be conducted in the Project Area to determine if bats are occupying roosts. If bats are present, a suitable buffer around the roost site will be instated or bats will be excluded from the roost using methods recommended by a qualified biologist.

7.A.3 - MANAGE LIGHTING. Installation of outdoor artificial lighting in or adjacent to the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to bats such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.B - Potential Disturbance of Sonoma Tree Vole

7.B.1 - PRECONSTRUCTION SURVEYS. Preconstruction surveys for the Sonoma Tree Vole will be performed prior to construction activities. Tree vole survey methodology should follow the Survey protocol for the Red Tree Vole

(*Arborimus longicaudus*) in the Record of Decision of the Northwest Forest Plan, Version 2.1, Revision, October 2002 or any subsequent revision.

7.B.2 - CONSULTATION. Occupied trees will be avoided to the fullest extent possible. If disturbance of occupied trees is unavoidable, consultation with CDFW will be initiated to determine the appropriate mitigation measures. Measures may include the preservation or avoidance of suitable habitat.

7.C - Potential Disturbance of Nesting Special Status Bird Species and Other Breeding Birds

7.C.1 - WORK WINDOWS. Conduct as much ground disturbance and vegetation (tree and shrub) removal as is feasible between September 1 and January 15, outside of the breeding season for most bird species.

7.C.2 - PRECONSTRUCTION SURVEYS. If ground disturbance or removal of vegetation occurs between January 16 and August 31, preconstruction surveys will be performed prior to such disturbance to determine the presence and location of nesting bird species.

7.C.3 - BUFFERS. If nests are present, establishment of temporary protective breeding season buffers will avoid direct mortality of these birds. The appropriate buffer distance is species specific and will be determined by a qualified biologist as appropriate to prevent nest abandonment and direct mortality during construction.

7.C.4 - MANAGE LIGHTING. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to avian species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.D - Potential Disturbance to Special Status Herpetofauna

7.D.1 – PRE-HARVEST/PRECONSTRUCTION SURVEY. A biologist or other qualified professional shall conduct a survey for coastal tailed frogs, northern red legged frogs foothill yellow–legged frogs, and southern torrent salamanders within one week of commencing project activities. The survey may occur during day or night. For night surveys, the surveyor shall use a portable light for use in detecting frog's eye shine. Surveys shall include the project site and an area that extends 30 feet up and downstream of the project site.

7.D.2 – PREHARVEST/PRECONSTRUCTION TRAINING. Before starting project activities, the biologist or qualified professional shall conduct a coastal tailed frog, northern red legged frog, foothill yellow–legged frog, and southern torrent salamander awareness training for all on-site workers involved in the project. This training will include photos and/or drawings of each species, a discourse on key physical features and general life history of each species and an overview of herpetofauna protection measures to follow to minimize loss of each species during project activities. A copy of the training materials shall be kept at the project site at all times during project activities, and be available to all on-site workers for reference.

7.D.3 – HERPETOFAUNA PROTECTION MEASURES. At the beginning of each work day, trained on-site workers shall survey the project area for coastal tailed frogs, northern red-legged frogs, foothill yellow-legged frogs, and southern torrent salamanders. If at any point during surveys or project activities one of these species is identified within 30 feet of the project area, the individuals shall be carefully removed and placed well outside (at least 300 feet away) the project area.

7.D.4 – HERBICIDE USE AND PILE BURNING RESTRICTION. No herbicide use or pile burning shall occur within 300 feet of the watercourse.

7.D.5 – WATER DRAFTING. If water drafting from the watercourse is to occur for dust abatement purposes, drafting must be done with a hose placed in a bucket in a deep pool. The bucket must be covered by <1 inch mesh, and the mouth of the hose must be covered by ¼ inch mesh.

7.D.6 - STORMWATER TREATMENT. An SWPPP will be implemented to control sediment and pollutants during construction and prevent construction activities from having a negative effect on water quality and quantities in preserved portions of the Study Area. Through implementation of the SWPPP, project stormwater will be treated to meet state and federal stormwater requirements, including treatment of stormwater quality and quantity so that they are not substantially altered from existing conditions.

7.D.7 - MANAGE LIGHTING. Installation of artificial lighting in the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to frog species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.E.1 - CONSTRUCTION BMPs.

Appropriate BMPs during construction activities, such as the use of a silt fence or other erosion control measures to prevent sediment from entering the water column, will protect in-migrating adults and out-migrating smolts from potential disturbance from increased turbidity. Erosion control devices should not contain monofilament as this may pose a potential entanglement hazard to sensitive amphibian species that may occur in the area. Potential discharge of the reservoir into Newman Gulch should be done with the consultation of the National Marine Fisheries Service (NMFS) to ensure there are no potential impacts to migrating salmonid species.

**Mitigation Measure 8:** 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 Public Works Department within 24 hours of discovery; and 3) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.

**Mitigation Measure 9:** Site grading associated with the construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summers Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), Section 8, Earthwork Grading Recommendations, which is included as **Attachment 5** of this report.

**Mitigation Measure 10**: Construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summers Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), including the requirement that any rigid structures that are constructed across the toe of the earthen levee slopes shall have articulated connections that can accommodate up to at least 25 inches of displacement.

**Mitigation Measure 11:** Any topsoil or other soil materials excavated to accommodate the reservoir and not used onsite shall be temporarily stored on the property until such time as the materials can be used locally for City projects.

**Mitigation Measure 12:** To the extent feasible gasoline and oil conservation measures shall be incorporated into the project. Heavy equipment used at the project site shall be in good working condition and inspected regularly. Equipment shall be turned off immediately when not in use unless warm-up of equipment would use more gas than leaving equipment running.

**Mitigation Measure 13:** Any chipped wood not utilized on site shall be temporarily stored on the property until such time as it can be used locally for other City projects, or used for fuel either locally or at a nearby (Scotia or Eureka) cogeneration plant.

**Mitigation Measure 14:** The Storm Water Pollution Prevention Plan shall include measures for prevention of gasoline, oil and lubricant spills, and an action plan for clean-up of any accidental fluids or other contaminants spilled or encountered during conversion and construction activities.

**Mitigation Measure 15:** Should the public be allowed to cut firewood on the property after timber harvest is complete, a full sized shovel shall be visible in each vehicle accessing the property, to be used to cover any fire with dirt. A fire truck or water truck shall be kept at the site during firewood removal activities, and at least one person shall be assigned at the site to oversee firewood cutting efforts and operate water equipment if needed.

**Mitigation Measure 16:** If burning of vegetation is required for removal, permission shall be obtained from the Fort Bragg Fire Department prior to burning, and all safety measures required by the Fort Bragg Fire Department shall be adhered to in order to minimize wildfire risk.

**Mitigation Measure 17:** On a regular basis, the valves will be inspected to ensure functionality and the low flow spillway will be inspected for clogging. As feasible, the reservoir shall be maintained, in fair weather when water quality is clear, such that water is constantly flowing to prevent stagnation.

**Mitigation Measure 18:** All timber harvest activities and reservoir construction activities shall occur between the hours of 8:00am and 5:00pm during weekdays.

**Mitigation Measure 19:** Prior to initiation of project construction, the City shall meet with a representative of County Department of Transportation, and assess and record the current surface conditions of the County maintained portion of Summers Lane. Prior to completion of the project, any damage caused by the project to the County road shall be repaired to a condition equaling or exceeding the condition of the County road prior to the project.

**Mitigation Measure 20:** To ensure public safety, the reservoir shall be fully fenced and the gate shall be kept secure to prevent access into the reservoir. Additionally, ropes shall be secured in at least four places around the top of the berm and hung over the inner edge of the reservoir to accommodate exit from the reservoir should someone accidentally fall in.

## STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
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 ILUDC.
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 Inland 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 ILUDC Subsection 18.76.070B.

## ATTACHMENTS

1. Engineered Plans
2. County Map 41
3. Biological Assessment, Summers Lane Reservoir, WRA Consultants, February 2013
4. Pygmy Cypress Mitigation Planting Area and Plan
5. Holdrege & Kull Report: Summers Lane Reservoir, Fort Bragg, CA Geotechnical Investigation Report, October 2, 2009, Section 8
6. Lawrence and Associates Technical Memo
7. Lawrence and Associates Screening Level Reservoir Breach Inundation Report for the Proposed Summers Lane 45 Acre-Foot Reservoir, City of Fort Bragg, March 17, 2014
8. Mitigated Negative Declaration
9. October 2013 Planning Commission Summary Report
10. October 2013 Planning Commission Minutes

11. Resolution Adopting the Mitigated Negative Declaration (MND) for the Summers Lane Reservoir; and B) Approving the Grading Permit (GP 2013-08) for the Construction of the Reservoir

# Summers Lane Reservoir Pygmy Cypress Mitigation Planting Area and Plan

19701 Summers Lane Fort Bragg, CA 95437 APN 019-070-13

City of Fort Bragg

## BACKGROUND INFORMATION

PROJECT SUMMARY: The City of Fort Bragg plans to develop a new 45 acre-feet raw water reservoir to store raw water from Waterfall Gulch to meet drought-related water storage needs of the Fort Bragg water service area. In order to facilitate this development, approximately eight acres of second and third growth redwood dominated mixed coniferous forest would need to be cleared. The project area was most recently logged in 1993.

The project area was surveyed for protected and sensitive plant and animal species in 2008 and 2009 by Redwood Coast Associates and WRA, Inc. The project area was surveyed again in 2013 by Darcy Mahoney. Measures have been developed to avoid where possible, and otherwise minimize impacts to protected and sensitive plant and animal species as outlined in the Timber Harvest Plan and CEQA Mitigated Negative Declaration for the project. An estimated 72 pygmy cypress (*Hesperocyparis pygmaea*) trees are currently present in the project area, constituting approximately $1/7^{th}$ of the canopy cover, and will need to be removed to accommodate the project. Because pygmy cypress is a rare tree that only occurs within Mendocino and Sonoma Counties, this mitigation and monitoring plan has been designed to assure that a sufficient number of pygmy cypress trees are replanted in the project area (3:1 ratio) that at least the number of trees that must be removed will eventually grow back and reach maturity within the project area.

BIOLOGICAL IMPORTANCE OF PLANTS TO BE IMPACTED: Pygmy cypress (*Hesperocyparis pygmaea)* is an evergreen perennial tree native to the pygmy forests of Mendocino and Northern Sonoma Counties, and is naturally found nowhere else in the world. The pygmy forest plant community is located on coastal terraces generally found from two to five miles east of the ocean. The soil on pygmy terraces is highly leached of nutrients and acidic. For this reason, vegetative growth is slow, causing stunting, and a limited number of plant species have adapted to and are present within this habitat type.

Pygmy cypress can and do grow outside of these nutrient poor, acidic conditions, and when they take root in nutrient rich soil they grow much taller than the cypress found within the pygmy forest. In more nutrient rich habitats, however, other tree species are able to outcompete pygmy cypress for sunlight, and they can become overshaded and eventually die out.

Pygmy cypress is not currently listed as a Federally Endangered Species or State Endangered Species, however it is listed by the California Native Plant Society as a 1B.2 species, which indicates that pygmy cypress is endemic to and considered fairly endangered in California.

The individuals found at the project site have taken root in the nutrient rich soils of the redwood dominated mixed coniferous forest. They are taller than the cypress found in the pygmy forest, and it is likely cleared areas resulting from during past logging efforts accommodated establishment within the project area.

## EXISTING CONDITIONS

The project area is typical of a marine terrace soil with a second growth redwood forest. This area is adjacent to the Celeri & Sons Rhododendron Nursery, and was logged as recently as 1993. As a result, the stand here supports a relatively young age class with 90 percent of the stand at a diameter at breast height (DBH) of 24 inches or smaller. The forest stand supports redwood (*Sequoia sempervirens*), Douglas fir (*Pseudotsuga menziesii*), pygmy cypress, Bishop pine (*Pinus muricata*), grand fir (*Abies grandis*), and tan oak (*Lithocarpus densiflorus*). The project area is a forest edge area subject to the affect westerly winds. Vigor and health is declining in the Douglas fir, pygmy cypress, and Bishop pine trees. A number of trees have been blown over and it is anticipated that blow down will continue as some species decline and gap areas increase.

Pygmy cypress now occurs as a minor component of the forest canopy, composing approximately 10 percent of the total basal area of the project area. The diameter at breast height (DBH) ranges from seedlings (less than 1/4 inch) to 24 inches. Approximately 68 percent of the pygmy cypress trees in the project area have a DBH of 16 inches or smaller. Seedlings are sparse and restricted to canopy gaps along the roads.

In Blacklock or aboriginal soils pygmy cypress typically dominates the canopy but is limited in height to less than two meters, and is the climax community. However in deeper, well-drained soils, like those in the project area, pygmy cypress typically persists as a mid-successional species and is usually outcompeted by faster growing and taller conifers including redwood and Douglas fir.

Prior to logging, the area was likely dominated by redwood and Douglas fir and supported an occasional pygmy cypress in gaps created from natural processes. Over time the shade-intolerant cypress species likely declined until another gap or disturbance provided an opportunity for germination or release of suppressed seedlings and saplings. Logging activities and road building created gaps in the canopy and disturbance to the understory and soils. Species such as pygmy cypress benefited from the disturbance and germination of these species was likely stimulated by opening of the canopy.

The shade-intolerant pioneer species pygmy cypress and Bishop pine are declining in both the overstory and understory. Absent disturbance, shade-tolerant species will outcompete the pioneer components of the stand over time.

## PLANTING AND MONITORING PLAN

The proposed reservoir project will permanently remove approximately 72 special status pygmy cypress trees with an average diameter at breast height (DBH) of 18 inches from the project area. As mitigation for these impacts, planting areas have been established (the “mitigation area”) to replace the trees at a 3:1 ratio. The size of the mitigation area was selected to allow for establishment of over 216 mature trees, with each tree occupying an estimated 100-square foot area (Figure A), although it is not expected that trees will grow in a uniform manner. To allow for immediate visual buffering of the project on the west side, where the reservoir will be visible from the neighboring residential property, some trees and brush will remain after the timber harvest and conversion. Approximately 56 cypress would be planted within this visual buffer area, which is 10 feet wide and approximately 560 feet long. The number of cypress that will establish within this buffer area will depend on how many adequately sized clearings are created during the timber harvest and clearing operations, and how much healthy mature

vegetation can safely remain. Additional planting areas will be created as needed if inadequate rooms exists in the visual buffer area for cypress establishment and growth.

Methods for establishing and maintaining 216 pygmy cypress are described as follows. Topsoil to be disturbed or removed by project construction will be stockpiled temporarily onsite. Once the project has been completed the topsoil will be spread over the 0.54-acre mitigation area. It is expected that pygmy cypress will germinate naturally from the existing seed bank in the topsoil, due to relatively exposed conditions of bare soil and location next to the newly-constructed reservoir. In case of inadequate existing seed bank in the topsoil, seedling and cone collection shall occur prior to vegetation removal for the project. 100-200 seed cones shall be collected and 50 or more seedlings shall be salvaged and transplanted to containers and stored at a local nursery.

Three years after construction activities the mitigation area (Figure A) will be surveyed for number of trees per acre. If the number of trees per acre is equal to or greater than the 3:1 ratio, then no more visits shall be required. If after year three, the densities are below the designated ratio, then the area should be replanted back to the mitigated ratio with seedlings, either germinated from seed or collected from site. Seedlings will be planted by hand in native topsoil, in a hole deep enough to allow roots to be positioned downward and not curved over. Seedlings will be planted in the late fall or early winter to increase survival rates. At year 5, the area should be re-surveyed. If stocking or replanting goals have been achieved then no more surveys shall be required. If the density is below, then replanting of dead and dying trees back to the mitigated ratio shall occur, and no more monitoring shall be required.

During the initial visit at three years (and at year 5) all competing conifer seedlings and invasive species in the mitigation area shall be removed in an effort to reduce competition and the potential spread of invasive species.

At year three and year five monitoring, a short summary report of conditions will be documented and placed in the project file at City Hall. The summary reports will contain information on the number of cypress trees established, dimensions, and any actions taken including weeding and planting. Photographs will be taken and included with the summary reports.

The pygmy cypress which will occur onsite after construction are expected to have a higher lifespan than the pre-project cypress would have since competition for sunlight will be reduced, particularly in areas outside of the westerly visual buffer area. If no project were to occur in the conversion area, the existing pygmy cypress trees would likely diminish as the forest canopy matures. The mitigation area along the roads and near the reservoir will create a permanent gap in the canopy, pygmy cypress will be able to persist for longer duration than if it were in a forested environment absent of disturbance.

## CONCLUSION

The loss of approximately 72 pygmy cypress trees will be temporary. Once construction of the reservoir is complete, the planting area will be covered with topsoil that was removed prior to construction, in an effort to minimize the replanting effort. The goal is to achieve a 3 to 1 replacement within five years for pygmy cypress tress impacted by the construction. It will likely take 10-20 years before a similar age class or diameter distribution to the one being lost will be achieved.

# ATTACHMENT 6

# LAWRENCE & ASSOCIATES TECHNICAL MEMORANDUM

LAWRENCE
& ASSOCIATES
ENGINEERS & GEOLOGISTS

# Technical Memo

**To:** Mr. Jesse Solorio

**From:** Ms. Bonnie Lampley

**CC:** Ms. Katryna Baker, City of Fort Bragg

**Date:** October 5, 2009

**Re:** Evaluation of separation between groundwater and bottom of reservoir

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## Introduction

This memo presents the results of my evaluation of the separation between the groundwater table and the bottom of the proposed Summers Lane Reservoir (Reservoir). The question regarding the separation arose as a result of an inquiry by the neighbor immediately to the west of the site (Mr. Celeri, Rhododendron Nursery) whether the Reservoir's subdrain would alter groundwater levels, thereby adversely affecting water levels in his well.

## Summary

To address the question of separation, we measured the depth to water in several wells on the adjacent Mendocino Coast Recreation and Parks District (MCRPD) site and in the Nursery Well. The depth to water measurements then were used to calculate the groundwater elevation, which in turn was compared to the proposed base elevation of the reservoir. Then, the distance (separation) between the groundwater and reservoir elevation was calculated.

Currently, there is between approximately 20 and 30 feet of separation between the groundwater table and the proposed base elevation of the reservoir. Past measurements, taken during wetter periods when the groundwater table was higher, show that the separation during wetter periods could be between about five and 15 feet.

Thus, it is unlikely that the reservoir will intercept shallow groundwater under either dry or wet conditions. Additionally, the Nursery well is not directly downgradient from the Reservoir, and it is unlikely that the Reservoir sub-drain, if it ever collected groundwater, would intercept water that would have moved towards the Nursery well. Therefore, water level in the Nursery well will not be affected by the Reservoir sub-drain.

## Discussion

On September 18, 2009, Mr. Dan Jensen of Lawrence & Associates (L&A) measured depth to water in the MCRPD wells that could be located. The wells that were measured were installed at various times in the past (between 1995 and 2004) to evaluate groundwater conditions at the MCRPD site. Depth to water was measured with a two-wire electric sounder; depth was measured from the top of the casing. The difference between the top of the casing and ground surface also was measured.

The ground-surface elevation at each well location was taken from topographic maps previously prepared for MCRPD work. The groundwater elevation was calculated by subtracting the depth to water value (accounting for the top of casing level) from the ground-surface elevation.

**Table 1** shows the results and **Figure 1** shows a map of the groundwater elevation contours based on that data.

**Table 1: Summary of Groundwater-Level Measurements & Calculations**

| Well | Ground-Surface Elevation | Depth to Water | Groundwater Elevation |
|---|---|---|---|
| | feet MSL | feet bgs | feet MSL |
| MW-1 | 322 | 7.21 | 315 |
| MW-5 | 300 | 6.16 | 294 |
| MW-6 | 295 | 5.80 | 289 |
| MW-7 | 293 | 7.72 | 285 |
| MW-8 | 292 | 8.42 | 284 |
| MW-9 | 375 | 11.66 | 363 |
| OB-6 | 442 | 60.38 | 382 |
| PW-1 | 295 | 11.59 | 283 |
| PW-4 | 295 | 13.40 | 282 |
| NURSERY WELL | 285 | 23.60 | 261 |

The current groundwater contours and gradient are similar to those previously calculated, although current water levels are about 5 to 13 feet lower than in 2004 (the last time levels were measured).

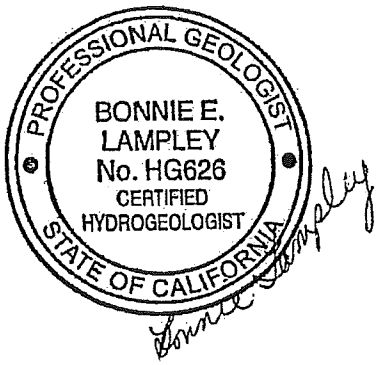
The groundwater-elevation contours then were compared to the proposed base-grade elevation for the Reservoir. **Figure 2** shows a detail of the proposed Reservoir in relation to the Nursery well and current groundwater elevations.

To calculate the separation between the base of the Reservoir and groundwater, the groundwater elevation was subtracted from the base-grade elevations. Currently, there would be between 20 and 30 feet of separation between the base grade and groundwater. In wetter years, the separation would decrease to about 5 to 15 feet.

Thus, it is unlikely that the Reservoir sub-drain will collect groundwater, thereby having no effect on groundwater level at the Nursery well. Also, the Nursery well is not directly downgradient from the Reservoir; that is, water moving towards the Nursery well does not pass directly beneath the Reservoir. Therefore, it is unlikely that the Reservoir sub-drain, if it ever collected groundwater, would intercept water that would have moved towards the Nursery well.

Bonnie E. Lampley

Bonnie Lampley
Principal Hydrogeologist




enc.: Figure 1. Groundwater elevation contour map, September 2009
Figure 2. Current separation between groundwater and proposed bottom of reservoir

CITY OF FORT BRAGG
*Incorporated August 5, 1889*
416 N. Franklin Street
Fort Bragg, California 95437
tel. 707.961.2823
fax. 707.961.2802
www.fortbragg.com

**PROJECT TITLE:** **Grading Permit (GP) 2013-08; SUMMERS LANE RESERVOIR**

**APPLICATIONS:** CALFIRE Timberland Conversion and Timber Harvest Plan;
SWRCB Petition for Change
NCRWQCB NPDES Permit
Air Quality Grading Permit and Burn Permit

**LEAD AGENCY:** City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

**CONTACT:** Teresa R Spade, AICP
Assistant Planner
Community Development Department
(707) 961-2827

**LOCATION:** On a City of Fort Bragg owned and incorporated 35.8 acre parcel located approximately 2.5 miles inland at the north end of Summers Lane, at 19701 Summers Lane (APN 019-070-13).

**OWNER/APPLICANT:** City of Fort Bragg

**GENERAL PLAN DESIGNATION:** Public Facilities and Services (PF)

**ZONING:** Public Facilities Zoning District

# Summers Lane Reservoir Project

## PROJECT LOCATION

The proposed project site is located within the Noyo River Basin in western Mendocino County, 2.5 miles east of the main portion of the Fort Bragg City limits at the northeast terminus of Summers Lane as illustrated in **Figure 1**. The proposed reservoir site is located above Newman Gulch, approximately 200 linear feet above the existing Newman Reservoir on a 35.8-acre parcel owned by the City of Fort Bragg and within City jurisdiction (the property is separated from the main portion of the City however it is an annexed part of the City). The parcel address is 19701 Summers Lane, the Assessor's Parcel Number (APN) is 019-070-13 and the site is located outside of the coastal zone. An associated water pipeline, proposed for replacement, is located within the Summers Lane (private portion) right of way (APN 019-690-RW and 019-070-RW) and within the Brush Creek Road (a private road[1]) right of way on parcels 019-700-25 and 019-700-24).

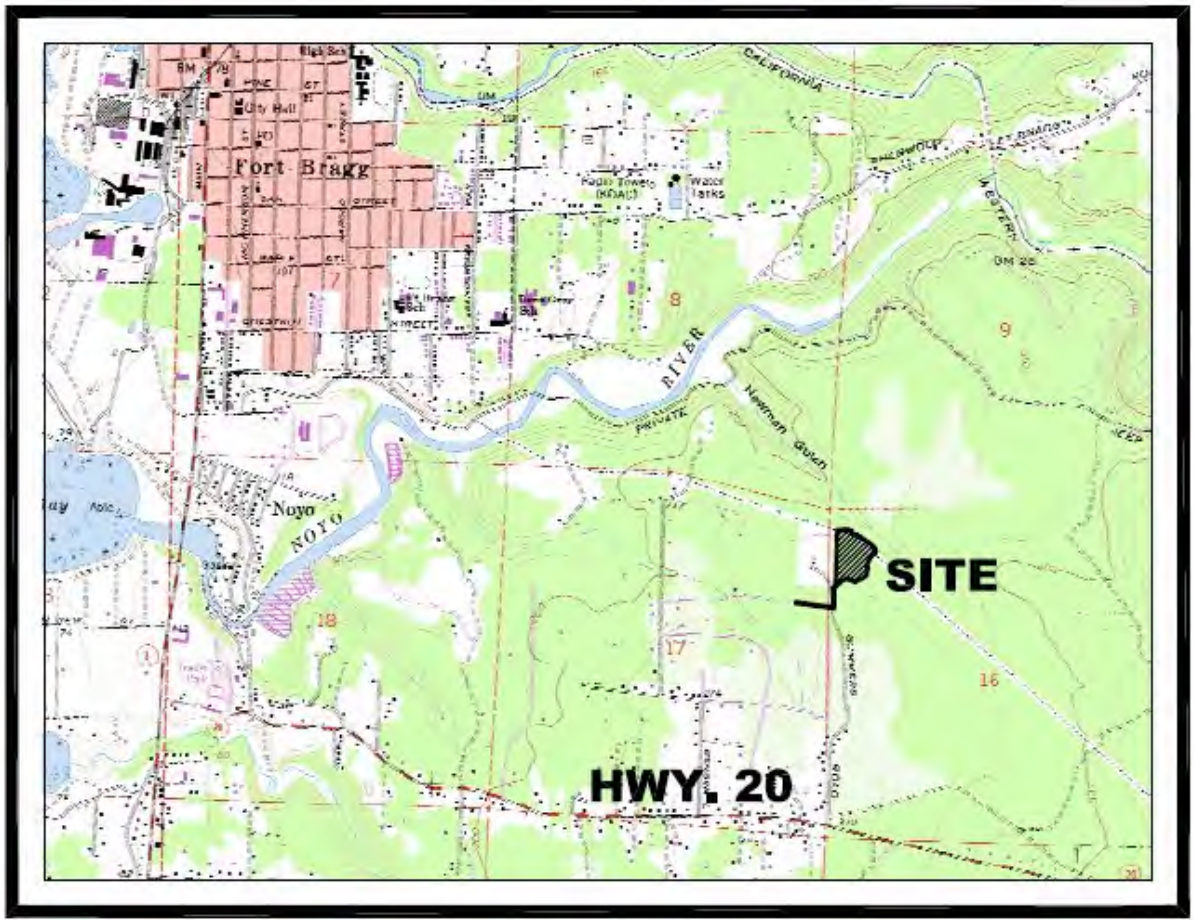



Figure 1. Project site.

[1] There is an existing public utility easement on Brush Creek Road to accommodate the pipe relocation, according to the subdivision map recorded in 1983 in Map Case 2, Drawer 41, Page 68.

According to the U.S. Geological Survey 7.5 minute Fort Bragg Quad topographic map, the project site is located in the NW ¼ of NW ¼ of Section 16, Township 18N, Range 17W and the project coordinates are approximately 39° 25' 31" N (39.4252°) latitude and 123° 46' 04" W (123.7678°) longitude.

An approximately 600 acre property owned by Mendocino Coast Recreation and Park District surrounds the property to the east and south. A graveled access road and the Mendocino Coast Humane Society and Mendocino County Animal Control facilities are to the south of the proposed development area. The northern edge of the site is bounded by a Pacific Gas and Electric (PG&E) access road and northwest-trending power line corridor. A poorly maintained barbed wire fence extends roughly along the western property margin and defines the approximate western margin of the proposed development area. Property to the west includes rural residential development and a rhododendron nursery. The southern and eastern margins of the development area are currently lined with large concrete rubble to deter unauthorized "off road" vehicular access onto the property.

The overall footprint of the project includes a total of 7.5 acres. Upon development, approximately 6.5 acres of the site would be covered by the reservoir (see site plan **Figure 2)**.

## PROJECT PARAMETERS AND PURPOSE

The purpose of the proposed project is to develop a 45 acre-foot raw water reservoir to store raw water from Waterfall Gulch to meet drought-related water storage needs of the Fort Bragg water service area. This water will be transported via gravity fed pipeline to the City of Fort Bragg's water treatment plant for the provision of potable water for the Fort Bragg water service area.

The City currently has the ability to store 6,300,000 gallons of water, including two raw water storage ponds at the Water Treatment Plant, two tanks at the Corporation Yard, and a smaller tank at the Highway 20 Fire Station. Additional water storage is accommodated within the Newman Reservoir, Waterfall Gulch, and water within the distribution system. The proposed reservoir would hold approximately 14,700,000 gallons of raw water. For perspective, Fort Bragg uses over a million gallons of water a day in the summer.

The City has a licensed water right to divert water from Waterfall Gulch[2], a tributary to Hare Creek, and that water is piped to the City's Newman Reservoir property and on to the treatment plant. The point of diversion will remain the same, as will the amount of water drawn from Waterfall Gulch. The City has filed a Petition for Change with the State Water Resources Control Board to request that water right License 12171 be changed to allow for water from Waterfall Gulch to be stored in the proposed Summers Lane Reservoir. The reservoir will be constructed down the pipeline, between Waterfall Gulch (point of diversion) and the point at which the pipeline currently ties in to Newman Gulch (current point of re-diversion) and heads to the water treatment plant. Storage of Waterfall Gulch water in a reservoir (proposed new point of re-diversion) will allow the City to use the stored water when it needs it most, in the late summer months when demands are high and supply is limited.

[2] License 12171 for Diversion and Use of Water from the State Water Resources Control Board allows the City of Fort Bragg a maximum of 475 acre feet per year to be diverted from Waterfall Gulch at a rate of diversion not to exceed 0.668 cfs.

Water supply analyses indicate that although the City has sufficient water to serve the projected build out of the City of Fort Bragg as currently zoned within the existing City Limits through 2040, it does not have sufficient water storage or a right that allows for storage. A new storage facility is necessary to ensure that sufficient water will be available in extended drought conditions. In extreme drought conditions, such as conditions in 1977, the new storage facility would provide adequate water to serve existing development.

## PROJECT CHARACTERISTICS

Project components consist of a timber harvest, reservoir construction (including pipe replacement/ new pipe installation and new fencing), and long-term maintenance of the project.

### TIMBER HARVEST

Timber harvest will occur over approximately eight acres to accommodate the project. The area selected for the reservoir is already impacted by past logging. The project site consists of redwood dominated coastal mixed coniferous forest which was most recently logged in 1993. There are no watercourses or wet areas within the timber harvest area.

An estimated 72 pygmy cypress (*Hesperocyparis pygmaea*) trees are currently present in the project area, constituting approximately 1/7$^{th}$ of the canopy cover. Pygmy cypress is considered a rare plant by the California Native Plant Society (CNPS) and it is listed as a 1B2 ranked species. This plant is not included on any Federal or State lists, however. It is also to be noted that the pygmy cypress specimens in the project area are not in their native habitat, which is the Pygmy Cypress Forest.

The project includes measures to ensure that impacts to pygmy cypress are less than significant, including replacement at a ratio of at least 3:1 and invasive plant removal. A pygmy cypress mitigation and monitoring plan has been developed and is included as Attachment 4.

### CONSTRUCTION

#### *Grading*

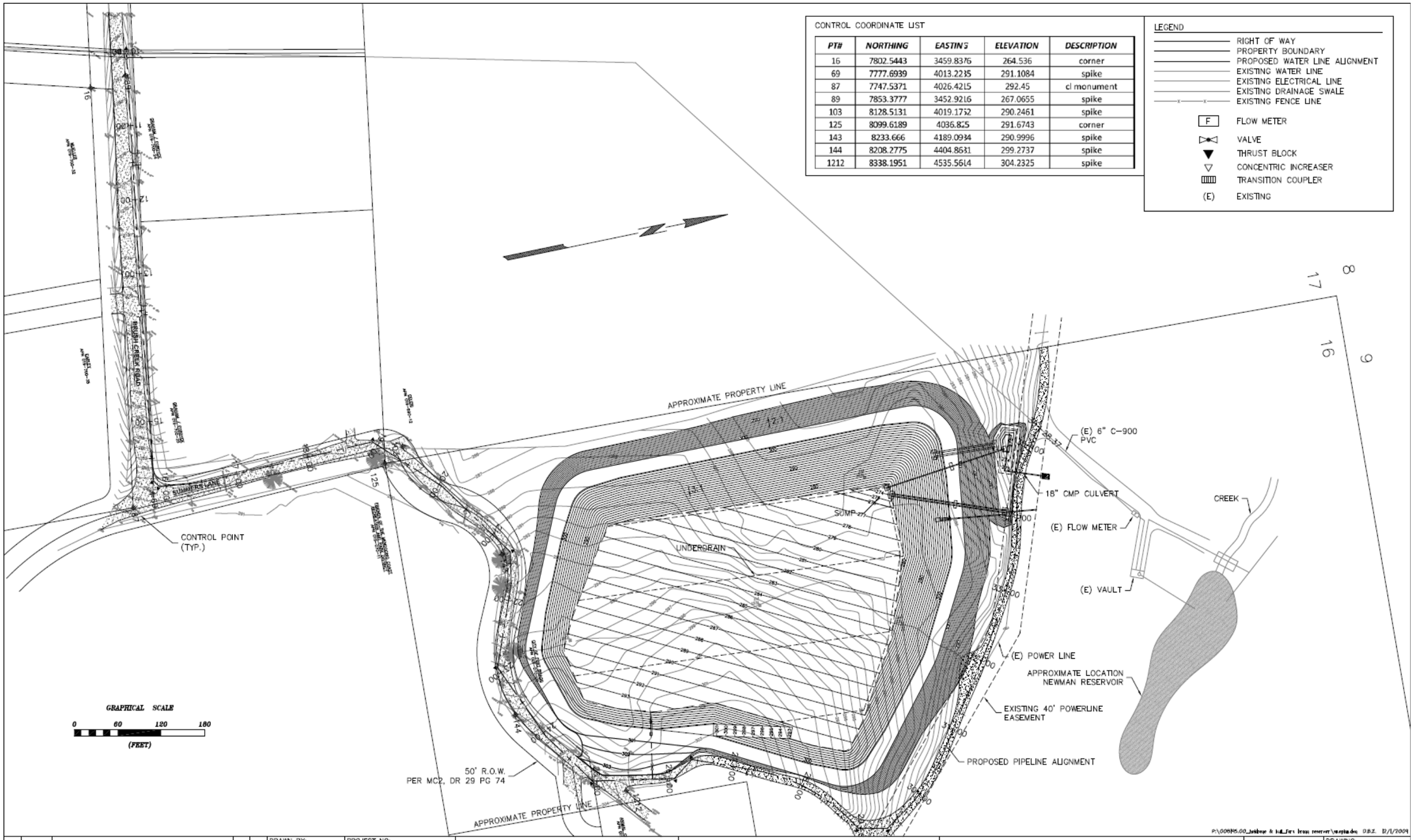
Construction of the pond will consist of clearing and grubbing, grading and compaction of soils, creation of a geotextile reinforced berm, installation of safety and access systems, liner placement, erosion control, construction of an overflow spillway, installation of new pipe and connection to existing pipe, and installation of a gravel perimeter road and chain link fence and gate. Preliminary design details are as follows:

CONTROL COORDINATE LIST

| PT# | NORTHING | EASTING | ELEVATION | DESCRIPTION |
|---|---|---|---|---|
| 16 | 7802.5443 | 3459.8376 | 264.536 | corner |
| 69 | 7777.6939 | 4013.2235 | 291.1084 | spike |
| 87 | 7747.5371 | 4026.4215 | 292.45 | cl monument |
| 89 | 7853.3777 | 3452.9216 | 267.0655 | spike |
| 103 | 8128.5131 | 4019.1752 | 290.2461 | spike |
| 125 | 8099.6189 | 4036.825 | 291.6743 | corner |
| 143 | 8233.666 | 4189.0934 | 290.9996 | spike |
| 144 | 8208.2775 | 4404.8631 | 299.2737 | spike |
| 1212 | 8338.1951 | 4535.5614 | 304.2325 | spike |

LEGEND

- RIGHT OF WAY
- PROPERTY BOUNDARY
- PROPOSED WATER LINE ALIGNMENT
- EXISTING WATER LINE
- EXISTING ELECTRICAL LINE
- EXISTING DRAINAGE SWALE
- EXISTING FENCE LINE
- F — FLOW METER
- VALVE
- THRUST BLOCK
- CONCENTRIC INCREASER
- TRANSITION COUPLER
- (E) EXISTING




| NO. | DATE | REVISIONS | BY | CHK |
|---|---|---|---|---|
| 1 | 7/2/09 | PRELIMINARY | JS | CC |

DRAWN BY: D. ZAITZ
ENGINEER: J. SOLORIO
CHECKED BY:
DATE:
PROJECT NO: 008195.00
SCALE: 1"=60'
APPROVED BY:
DATE:

LAWRENCE & ASSOCIATES
ENGINEERING GEOLOGY
3590 IRON CT. SHASTA LAKE, CA 96019
(530) 275-4800
(530) 275-7970 FAX

NEWMAN RESERVOIR

CITY OF FORT BRAGG
416 NORTH FRANKLIN ST.
FORT BRAGG, CA 95437

SITE PLAN

DRAWING: C1.0
SHEET: OF
REVISION NO: REVISION 0
DATE: 12/1/09

Figure 2. Site Plan.

Approximately 43,000 cubic yards (cy) of soil will be graded to provide the 45-acre feet of water storage. Approximately 7,000-cy of topsoil will be temporarily stored at the site and used for mitigation planting around the perimeter of the new reservoir. An additional 34,000-cy will be cut, moved, and then compacted to create the embankment for the reservoir. Any topsoil or other soil materials not used at the project site will be temporarily stored on-site until they can be utilized for other local City projects. The reservoir will cover approximately 6.5-acres. An additional 1.5 acres will be cleared for access, construction staging, the outlet basin, and reservoir piping.

Two-to-one (2 horizontal: 1 vertical) outside (opposite impounded water), and three-to-one (3:1) inside slopes are planned for the reservoir embankment. The berm height will be at grade (southeast corner) to about 13 feet above grade (southwest corner) on the south side, at grade on the east side, about 13 to 22 feet above grade on the north side, and 14 to 18 feet above grade on the west side. The berm will be reinforced with a geotextile material for added stability.

A total of three feet of freeboard is provided for the reservoir. Freeboard is additional embankment height that is provided above a water surface level to assure that failure of the dam will not result from overtopping because of factors that may permanently or temporarily increase the water surface elevation in the reservoir. Freeboard also provides a safety factor to account for uncertainties in operational procedures and the function of the facility in critical situations. The total amount of freeboard may increase or decrease depending on calculations to be performed during the final design phase of the project.

***Diversion/Piping***

The source piping (from Waterfall Gulch) for the reservoir will tie into the existing pipeline to Newman Gulch Reservoir approximately 280-feet west of the intersection of Brush Creek Road and Summers Lane. The existing pipeline that continues north to Newman Gulch will be disconnected and abandoned in place. All water from Waterfall Gulch, which presently flows either directly to the Water Treatment Plant or to Newman Reservoir, will be diverted to the new Summers Lane Reservoir. Newman Reservoir will be retained to hold water from the City's Newman Gulch water source.

The new piping from Waterfall Gulch will be placed along the north side of Brush Creek Road (a private road) in an existing 60 foot wide utility easement, heading eastward approximately 280 feet from the tie in point to the intersection of Brush Creek Road and Summers Lane. At the intersection of Brush Creek Road and Summers Lane, the new piping will then head north along Summer's Lane (CR 415D) within the privately maintained portion of the road. Beyond Summers Lane, the piping would extend to the City owned property. The new piping will head in a northeasterly direction along the existing access road, around the new reservoir, to the east side, where it will enter the new reservoir. Additional pipe heads northward and then westward around the new reservoir, where it ties in to the outlet pipe to the water treatment plant.

Piping leaving the new reservoir is accommodated by two bottom outlet pipes and one "pond full" pipe, which converge at a three way valve system before tying into the outlet pipe to the Water Treatment Plant. Additionally a reservoir cleanout pipe and reservoir overflow pipes run from the reservoir just west of the three-way valve system to the overflow system in the northwest corner of the new reservoir.

The piping system will use approximately 10,560-feet of existing piping. Of this total, approximately 3,178-feet were replaced in or around the year 1990. **Table 1** below lists the assumed pipeline characteristics based on historical data provided by the City on April 14, 2009. An additional 5400 linear feet of raw water line is expected to be replaced between State Route 20 and Brush Creek Road as part of the Waterfall Gulch Pipeline Replacement Project.

**Table 1**
***Existing Diversion Piping***

| STATION (STARTING AT WATERFALL INLET) | PIPE MATERIAL | APPROXIMATE YEAR INSTALLED |
|---|---|---|
| 0 – 0+43 | 12" C150 PVC | 1990 |
| 0+43 – 3+40 | 8" ASBESTOS CEMENT (AC) | UNKNOWN |
| 3+40 – 34+75 | 10" C150 PVC | 1990 |
| 34+75 – 105+60 | 6" AC | UNKNOWN |
| 105+60 – 121+44 | 6" SPIRAL STEEL/6" AC/6" C300 PVC | UNKNOWN/1990 |

Notes: PVC: polyvinyl chloride. The 6" spiral steel section will be abandoned in place.

The current outlet from Waterfall Gulch consists of an embankment, less than 10-feet tall, through which a discharge pipe and an overflow culvert pass. The inlet to the discharge pipe is fitted with a stainless-steel debris grate. A gate valve is used to regulate the amount of water entering the pipeline. A vacuum relief valve is located on top of the embankment to prevent a vacuum from forming inside the pipe.

The inlet into the new reservoir will be 62-feet higher than the current discharge location, and the flow is expected to occur via gravity flow at a rate of between 132 gallons per minute (gpm) and 225 gpm. A larger 10-inch diameter C-900 PVC pipe is assumed for the 1,373-feet of pipe from the point of connection on Summers Lane to the new reservoir (the existing pipe is 6-inch diameter steel). Assuming 135-gpm flows, it would take approximately 70 days to fill the reservoir. Assuming 225-gpm flow rates, it would take approximately 40 days.

### *Overflow (Spillway)*

An overflow path, commonly referred to as a spillway, is provided on reservoirs to provide a safe release in the event that inflow exceeds outflow during a condition when the water surface elevation is at full pool. The design of the overflow is driven by factors such as inlet flows, tributary area, rainfall rates, and safety. In the case of the proposed reservoir, surrounding surface drainage will be routed around the reservoir; therefore, the only tributary will be the pond surface. The outlet is designed for the maximum anticipated inflow, which is rainfall from a 100-year storm event, and additional factor of safety (in this case, a factor of safety of 1.5 is recommended). The spillway will provide a controlled overflow for larger storms, and will be designed for the peak design flow of 31 cubic feet per second (cfs).

The "pond overflow" is shown in attached drawing C5.0 (**Attachment 1**, Engineered Plans), and is to be located on the north side of the reservoir in the northwest corner. The overflow heads out of the reservoir through a 36"pipe booted two feet below the top of the berm. A concrete pad with elevated sides accommodates the overflow pipe across the top of the berm and the pipe heads down the berm in a northerly direction to an energy dissipater. The overflow is then piped towards an existing swale in a northeasterly direction. An additional energy dissipater is located at the second outlet. The water then flows through the existing swale downstream. The swale travels northeast to Newman Gulch and subsequently into the Noyo River. The current peak

flow from the reservoir footprint into the existing drainage swale is calculated to be 4.9 cfs. Using the low-flow orifice, the peak flow will be less after the reservoir is constructed.

There are no buildings between the reservoir spillway and the Noyo River. At the design discharge of 1 cfs, the flow into Newman Reservoir and the Noyo River will be less than pre-project flow and will not contribute to flooding. Any discharge from the spillway is likely to last only the duration of the 100-year design storm for peak flow of 5 minutes. It is expected that this short term flow would not result in downstream flooding.

### *Underdrain and Liner*

A liner would be placed along the bottom of the proposed reservoir to retain the water and minimize soil accumulation. The liner would be composed of white 60-mil (about 1/16") thick high-density polyethylene (HDPE). The UV resistant HDPE liner is expected to last longer and have better seam durability than other liner types suitable for drinking water. The lifespan is expected to be greater than 30 years for the proposed liner. The white color is proposed to reduce the potential for water heating.

To prevent groundwater from saturating the soil beneath the embankment, and to prevent groundwater from accumulating beneath the liner, an underdrain such as a 2- to 3-inch perforated schedule 40 PVC pipe bedded in gravel, and filter fabric, will be installed in the native soil beneath the proposed liner. The underdrain would gravity drain downhill to an erosion-protected discharge point.

An anchoring trench will hold the liner in place. Emergency egress ladders or textured HDPE will be placed on each side of the pond to allow for access out of the pond should people or wildlife fall in. A fence will additionally be installed around the pond to prevent access.

### *Fencing*

A six foot tall chain link fence is proposed around the new reservoir just outside of the berm to prevent unauthorized access.

## LONG TERM MAINTENANCE

Black plastic food grade vapor containment /pollution control balls, aka “bird balls,” would float on the surface of the reservoir to minimize evaporation and minimize organic growth.

Site maintenance will include: weed removal, upkeep of fencing, and general site maintenance. The site will be regularly inspected for vandalism, signs of leakage, clogging of the low flow spillway, and inspection of the valves to ensure functionality.

The reservoir will be drained once after approximately five years, inspected and cleaned using fire hoses that wash the sediment to the low end. Larger branches will be picked up by hand and smaller sediment will be hosed through the cleanout drain and into the cleanout basin to be collected and transported to a disposal site.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The following environmental factors listed below would be affected by this project, as discussed in the checklist on the following pages:

| | | |
|---|---|---|
| X Aesthetics | ☐ Agricultural Resources | X Air Quality |
| X Biological Resources | X Cultural Resources | X Geology/Soils |
| X Hazards & Hazardous Materials | X Hydrology/Water Quality | X Land Use/Planning |
| ☐ Mineral Resources | ☐ Noise | ☐ Population/Housing |
| ☐ Public Services | ☐ Recreation | X Transportation/Traffic |
| X Utilities/Service Systems | X Mandatory Findings of Significance | X Greenhouse Gas Emissions |

**DETERMINATION**

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

X I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

*Signature* *Date*

Teresa R Spade, AICP City of Fort Bragg

*Printed Name*

# ENVIRONMENTAL ISSUES

## I. Aesthetics

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Have a substantial adverse effect on a scenic vista?* | | | | X |
| *b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* | | | | X |
| *c. Substantially degrade the existing visual character or quality of the site and its surroundings?* | | X | | |
| *d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* | | | | X |

DISCUSSION OF IMPACTS

a) *Would the project have a substantial adverse effect on a scenic vista?*

A scenic vista can be defined as the view of an area that is visually or aesthetically pleasing. Aesthetic components of a scenic vista include: 1) scenic quality, 2) sensitivity level, and 3) view access. A scenic vista often includes natural visual elements that can be seen from a distance. A development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or "vista" of the scenic resource. The proposed development is not located in a mapped scenic view area, as shown on Map CD-1, "Potential Scenic Views Toward the Ocean or the Noyo River" (**Figure 3**), or on County Maps 13 and 14, included as **Attachment 2**. As the development of a new reservoir, including the reservoir's proposed height, mass, and location relative to surrounding land uses and travel corridors, will not block views of the existing forested tree-line, the project would have **no impact** to scenic vistas.

*b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project is not visible from any State Scenic Highway, as neither Highway 20 or Highway 1 are designated State Scenic Highways.

*c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

The proposed project site is located in an area that has been previously logged, with second and third growth forest occurring over large portions of the site. A portion of the project footprint area includes a paved access road leading to the Mendocino Coast Humane Society shelter and former Mendocino County Animal Shelter (now abandoned), a denuded swath of vegetation along a northwest-trending power line corridor, a Pacific Gas and Electric (PG&E) access road, and a poorly maintained barbed wire fence along the western border. The southern and eastern margins of the proposed project area are currently lined with large concrete rubble to deter

unauthorized vehicular access onto the property. Illegal dumping and off-road vehicle use have left the site in less-than-pristine condition.

The project will include the removal of trees in a forested area and construction of a berm with a maximum height of 22 feet above grade (on the north side). The west side of the reservoir berm would be visible from the adjacent residential property to the west. The berm height on that side would vary from 14 to 18 feet. Additionally, a six foot tall chain link fence is proposed around the perimeter of the reservoir. A ten foot buffer area exists between the berm and the adjacent property to the west. Existing healthy mature vegetation (except for trees that are damaged or would be prone to windfall after harvest and conversion occur) is to be retained, and additional trees are proposed to be planted within the 10 foot buffer area (one per 100 sq. foot area) which would help to buffer the view of the berm from the adjacent property. The berm will be stabilized with native grass seed mix which will also help with buffering the visual impact.

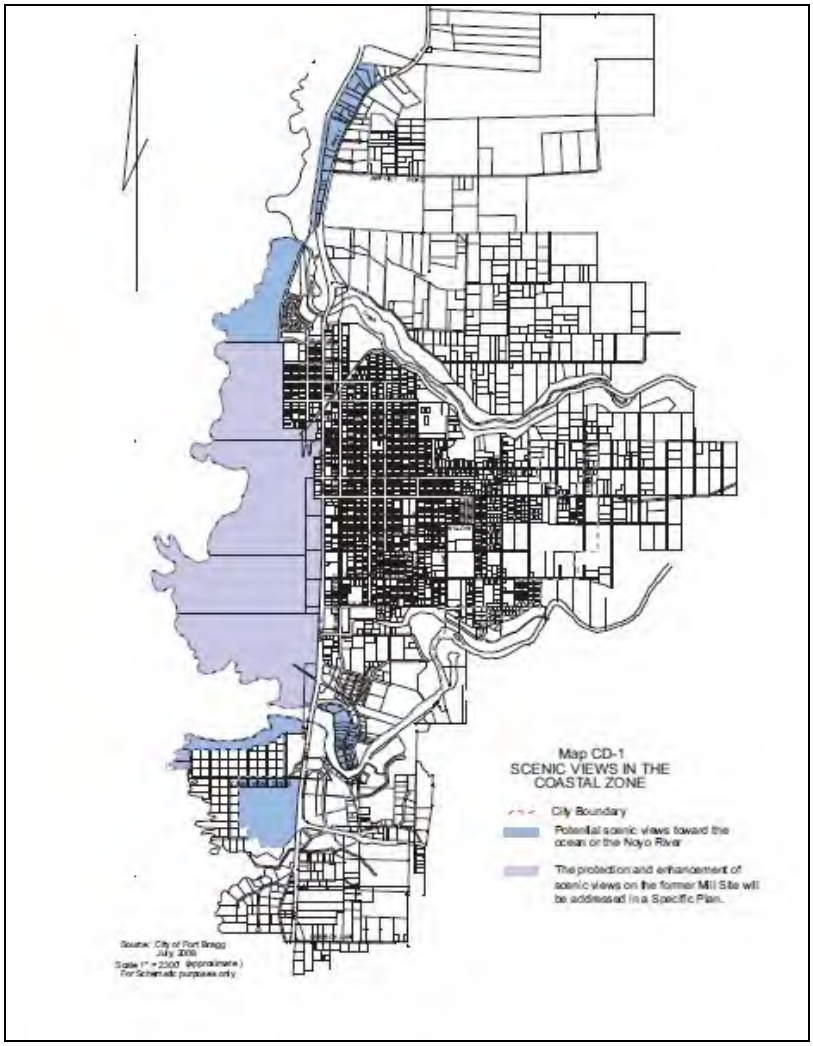



**Figure 3.** Potential scenic views toward the ocean or Noyo River.

The following mitigation measure is included to ensure the visual impact of the berm will be softened with vegetative planting on the west side, where the berm will be visible from the neighboring property:

**Mitigation Measure 1:** Native, drought resistant trees and shrubs shall be retained per the recommendation of the Licensed Timber Operator, and/or native pygmy cypress trees shall be established or planted 10 feet apart (an average of at least one every 100 square feet, after the conversion) along the entire west side of the reservoir within the 10 foot wide visual buffer area between the proposed berm and the western property boundary. At least half of the native vegetation shall be of a species which is expected to reach a height of at least 20 feet at maturity.

*d) Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

The project does not include outdoor lighting or other sources of light or glare that would be visible from neighboring properties. No visual impact is expected as a result of new light or glare sources.

## II. Agricultural Resources

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?* | | | | X |
| *b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?* | | | | X |
| *c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?* | | | | X |

DISCUSSION OF IMPACTS

a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

According to the California Department of Conservation Important Farmland Map (January 2009), farmland throughout Mendocino County is primarily mapped as grazing land. Prime Farmland, Unique Farmland, and Farmland of Statewide are concentrated around the Eel, Russian, and Navarro Rivers. The proposed project is located predominately within a parcel designated as Public Facilities and Services (PF) in the Fort Bragg General Plan and zoned as Public Facility (PF). The project area has been logged, with second and third growth occurring over large portions of the site. While crop production, horticulture, orchards, and vineyards are permitted uses within the PF zoning district, the parcel has not been used for and is not considered prime farmland, unique farmland, or farmland of statewide importance per the Farmland Mapping and Monitoring Program. As implementation of the project will not result in

the conversion of any farmland to non-agricultural uses, the project is considered to have **no impact** to farmland.

b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The proposed project is located predominately within a parcel zoned as Public Facility (PF). No agricultural uses currently exist or are planned on the site. The project would not infringe upon any lands with Williamson Act contracts. Therefore, the project is considered to have no impact with agricultural zoning or Williamson Act contracts.

c) *Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

Surrounding land is primarily rural and includes a paved access road leading to the Mendocino County Animal Control and Animal Shelter facilities as well as a PG&E access road and northwest-trending power line corridor. Property to the west includes rural residential development and a rhododendron nursery. Surrounding the property to the east and south is an approximately 600 acre parcel owned by the Mendocino Coast Recreation and Park District. Although the project will create changes to the existing environment, the proposed project will not prevent the neighboring rhododendron nursery or any other parcel from continuing agricultural uses. As such, the proposed project is considered to have no impact to the conversion of farmland to non-agricultural use.

## III. Air Quality

| *Where available, the significance criteria by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Conflict with or obstruct implementation of the applicable air quality plan?* | | | | X |
| *b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* | | | | X |
| *c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* | | X | | |
| *d. Expose sensitive receptors to substantial pollutant concentrations?* | | | | X |
| *e. Create objectionable odors affecting a substantial number of people?* | | | | X |

DISCUSSION OF IMPACTS

c) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air*

*quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

The City of Fort Bragg is located in the North Coast Air Basin and is within the jurisdiction of the Mendocino County Air Quality Management District. Mendocino County is designated attainment or unclassified for all air quality standards except the state standards for Particulate Matter less than 10 microns in size (PM-10). Development within Mendocino County is required to comply with all applicable provisions of the Particulate Matter Attainment Plan adopted by the Mendocino County Air Quality Management District on March 15, 2005.

Temporary construction impacts are subject to Air Quality Management District Regulation 1 Rule 430 which requires dust control during construction activities.

Section 18.30.080.D of the Land Use and Development Code outlines municipal standards for dust management as follows:

> **Dust**. Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management shall include the following, subject to approval by the City Engineer.
>
> 1. **Scheduling.** Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.
>
> 2. **Operations during high winds.** Clearing, earth-moving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
>
> 3. **Limiting the area of disturbance.** The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.
>
> 4. **Dust control.** Dust emissions shall be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding, etc.).
>
> 5. **Revegetation.** Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained; and
>
> 6. **Containment.** Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer.

Additionally, Section 18.62.020 of the Land Use and Development Code requires a Dust Prevention and Control Plan to be submitted in conjunction with the grading plan. The required plan content is outlined in Section 18.62.020.B of the Land Use and Development Code as follows:

> **Dust prevention and control plan.** A Dust Prevention and Control Plan shall be submitted in conjunction with a grading plan or other plan involving the movement of dirt. The City Engineer may also require the submittal of a Dust Prevention and Control Plan for other development deemed necessary.

**Plan content.** The plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances.

a. The plan shall address site conditions during construction operations, after normal working hours, and during various phases of construction.

b. The plan shall include the name and the 24 hour phone number of a responsible party in case of emergency.

c. If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.

d. When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system.

e. All phased projects shall submit a plan demonstrating that dust will not be generated from future phase areas.

Mitigation Measure 2 is included to ensure construction activities do not result in significant impacts resulting from a non-attainment pollutant (particulate matter) and includes language to ensure that the requirements of the Land Use and Development Code pertaining to dust control, as outlined above, are addressed:

**Mitigation Measure 2:** In order to minimize dust and keep dust from leaving the project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the Storm Water Pollution Prevention Plan (SWPPP). The dust prevention and control plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

2.A - The plan shall address site conditions during construction operations, after normal working hours, and during various phases of construction.

2.B - The plan shall include the name and the 24 hour phone number of a responsible party in case of emergency.

2.C - If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.

2.D - When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system.

2.E - Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.

2.F - The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.

2.G - All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions. Dust emissions shall be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding, etc.).

2.H - All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour.

2.I - Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

2.J - Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts.

2.K - All earthmoving activities shall cease when sustained winds exceed 15 miles per hour. Wind speed shall be measured on-site by the City inspector with a hand-held anemometer.

2.L - The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.

2.M - The operator shall keep a daily log of activities to control fugitive dust.

2.N - Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained; and

2.O - Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer.

An Air Quality Management District grading permit will be needed, since the project area of disturbance is greater than one acre. Additionally, after the timber harvest, some of the vegetation remaining in the project area may be burned. A burn permit will be required from the Air Quality Management District for any burning. Compliance with the permit process will assure impacts to air quality are less than significant. **Mitigation Measure 3** is included to ensure the necessary permits are obtained for the project.

**Mitigation Measure 3:** The City shall secure all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction.

## IV. Biological Resources

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?* | | X | | |
| *b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?* | | X | | |
| *c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?* | | X | | |
| *d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?* | | X | | |
| *e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?* | | | | X |
| *f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?* | | | | X |

DISCUSSION OF IMPACTS

a) *Would the project have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*
b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*
c) *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project area consists of a coastal mixed coniferous forest, approximately 8 acres of which will be logged under a Timber Harvest Plan and converted under a Timber Conversion to accommodate the proposed development. The project site consists of redwood dominated coastal mixed coniferous forest which was most recently logged in 1993.

Botanical, biological and wetland surveys were conducted by Redwood Coast Associates and WRA Environmental Consultants in 2008 and 2009, as documented in two environmental documents: Botanical Survey of the Newman Gulch Timber Harvest Plan, Mendocino County, CA, dated August 13, 2008, and Biological Assessment, Summers Lane Reservoir, Fort Bragg, Mendocino County, California, dated February 2013. Additional surveys occurred in 2013 by Darcy Mahoney to update past work.

A study of potential project impacts and reduction of impacts to a level of less than significant per the California Environmental Quality Act (CEQA) is included in the Biological Assessment, Summers Lane Reservoir, by WRA Environmental Consultants, dated February 2013. This is included as **Attachment 3**. The assessment is briefly summarized as follows:

The reports indicate that the project has the potential to impact special status plants, fish and wildlife as follows:

1. Direct impacts to special status plant species
2. Disturbance to nesting special status birds and other breeding birds
3. Disturbance to special status mammals
4. Disturbance to sensitive herpetofauna (frogs and salamanders)
5. Disturbance to migratory fish

Table two outlines the special status plant species identified within the project area.

Table 2. Special status plant species found in the project area.

| Common Name | Latin Name | Special Status | # |
|---|---|---|---|
| Pygmy Cypress | *Callitropsis pygmaea* | CNPS 1B.2 | 72 |
| Bolander's Reed Grass | *Calamagrostis bolanderi* | CNPS 4.2 | 30 |

An estimated 72 pygmy cypress (*Hesperocyparis pygmaea*) trees are present in the project area, constituting approximately 1/7$^{th}$ of the canopy cover. Pygmy cypress is considered a rare plant by the California Native Plant Society (CNPS), and it is listed as a 1B2 ranked species. This plant is not included on any Federal or State lists, however. The pygmy cypress specimens in the project area are also not in their native habitat, which is the Pygmy Cypress Forest.

Approximately 30 individual Bolander's reed grass plants are located in the project area, divided into two populations. Bolander's reed grass is a CNPS 4.3 ranked species, which is essentially a watch list. This species is not considered to be sensitive or regionally significant, and is not included on any Federal or State lists. No mitigation is warranted under CEQA for the loss of these 30 individuals as a result of the project.

The project includes measures to assure the loss of approximately 72 pygmy cypress trees is mitigated to a level of less than significant. A mitigation plan has been developed which features planting of pygmy cypress trees at a ratio of 3:1 around the perimeter of the new reservoir. The Pygmy Cypress Mitigation Planting Area and Monitoring Plan is included as **Attachment 4**. Mitigation measures have been developed in conjunction with the mitigation and monitoring

plan. The measure associated with the removal of pygmy cypress trees in the project area is as follows:

> **Mitigation Measure 4: For Loss of 72 Rare Pygmy Cypress Trees in Project Area**. Topsoil to be disturbed or removed by project construction will be stockpiled temporarily. Once the project has been completed the topsoil will be spread over the 0.54-acre mitigation area. The size of the mitigation area was selected to allow for establishment of over 216 mature trees, with each tree occupying a 100-square foot area (**see Attachment 4, Pygmy Cypress Mitigation Planting Area and Plan**). It is expected that pygmy cypress will germinate naturally from the existing seed bank in the topsoil, due to relatively exposed conditions of bare soil and location next to the newly-constructed reservoir.
>
> In case of inadequate existing seed bank in the topsoil, seedling and cone collection shall occur prior to vegetation removal for the project. 100-200 seed cones shall be collected and 50 or more seedlings shall be salvaged and transplanted to containers and stored at a local nursery.
>
> Three years after construction activities, the mitigation area (**Attachment 4**) will be surveyed for number of trees per acre. If the number of trees per acre is equal to or greater than the 3:1 ratio, then no more visits shall be required.
>
> If after year three the densities are below the designated ratio, then the area shall be replanted back to the mitigated ratio with seedlings, germinated from local seed, then at year five, the area shall be re-surveyed. Seedlings will be planted by hand in native topsoil, in a hole deep enough to allow roots to be positioned downward and not curved over. Seedlings will be planted in the late fall or early winter to increase survival rates. As soon as stocking or replanting goals have been achieved, no more surveys shall be required. If the density is below, then replanting of dead and dying trees back to the mitigated ratio shall occur, and no more monitoring shall be required.
>
> During the initial visit at three years (and at year 5 if required) all competing conifer seedlings and invasive species in the mitigation area shall be removed in an effort to reduce competition and the potential spread of invasive species.
>
> At year three and year five monitoring, a short summary report of conditions will be documented and placed in the project file at City Hall. The summary reports will contain information on the number of cypress trees established, dimensions, and any actions taken including weeding and planting. Photographs will be taken and included with the summary reports.

The project also has the potential for impacts to wetlands and other waters, and impacts from the spread of invasive species resulting from the project. Measures are proposed to reduce any potential impacts to wetlands or other waters, or from invasive species, to a level of less than significant. These measures are included as Mitigation Measures 5 and 6 as outlined below:

> **Mitigation Measure 5: For Potential Impacts to Wetlands and Other Waters.** All work involving or associated with soil movement and or digging should occur during the dry season. A grading permit will be obtained and construction Best Management Practices will be implemented, including silt fencing and straw wattles to control

erosion and sediment transport that may flow into surrounding natural habitats, particularly along the north end of the unit nearest to Newman Gulch. Best Management Practices shall be utilized along existing roads as their location provides an existing buffer to the Newman Gulch stream and associated wetland areas. The natural topography surrounding the proposed reservoir shall be left intact as much as is feasible, such that runoff to the surrounding landscape is minimized.

**Mitigation Measure 6: For Potential Impacts from Invasive Species Caused by the Project.** Heavy equipment shall be washed prior to initial use on the site in order to remove any potential invasive seed contamination sources. After the completion of the all construction-related activities, all areas of bare soil around the reservoir will be replanted with native vegetation appropriate to the site, and wetland vegetation where appropriate. Vegetation planted around the perimeter of the reservoir shall be locally-native species from local propagule sources if feasible, and should be planted during the wet season or whenever soils are moist, in order to achieve the highest feasible survival rate. Areas of disturbed soil shall be mulched, seeded, or planted and covered with native vegetation as soon as possible after clearing. No exotic plants shall be planted during or following site development. Plant species listed as invasive (High, Moderate, or Limited) on the California Invasive Plant Inventory (Cal-IPC 2006) shall not be installed anywhere in the Project Area as they would pose a risk to the surrounding plant community. All reasonable efforts will be made to control and remove existing or newly established populations of exotic species. Some examples of invasive plants likely to be found that should be monitored and controlled are English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), French broom (*Genista monspessulana*), pampas grass (*Cortaderia* spp.), and forget-me-not (*Myosotis latifolia*).

The wildlife species outlined in **Table 3** have a potential for impacts from the proposed development. Measures are proposed to reduce any potential project impacts to wildlife species of concern to a level of less than significant. These measures are included as **Mitigation Measure 7**[3]:

**Mitigation Measure 7: For Potential Disturbance to Wildlife Species**

7.A – Potential Disturbance of Special Status Bat Species

7.A.1 WORK WINDOWS. Removal of potential bat roost habitat (large trees or snags) or construction activities near potential bat roost habitat will take place in September and October to avoid impacts to bat maternity or hibernation roosts.

7.A.2 - ROOST SURVEYS. If this work window is not feasible, prior to construction, bat roost surveys will be conducted in the Project Area to determine if bats are occupying roosts. If bats are present, a suitable buffer around the roost site will be installed or bats will be excluded from the roost using methods recommended by a qualified biologist.

7.A.3 - MANAGE LIGHTING. Installation of outdoor artificial lighting in or adjacent to the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, measures will be incorporated to lessen potential impacts to bats such as: prismatic glass

[3] Measure 7.D was redefined after the publishing of the biological assessment (Attachment 3) through consultation with Department of Fish and Wildlife. The conditions outlined here differ from those in the biological assessment for this reason.

coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.B - Potential Disturbance of Sonoma Tree Vole

7.B.1 - PRECONSTRUCTION SURVEYS. Preconstruction surveys for the Sonoma Tee Vole will be performed prior to construction activities. Tree vole survey methodology will follow the Survey protocol for the Red Tree Vole (*Arborimus longicaudus*) in the Record of Decision of the Northwest Forest Plan), Version 2.1, Revision, October 2002 or any subsequent revision.

7.B.2 - CONSULTATION. Occupied trees will be avoided to the fullest extent possible. If disturbance of occupied trees is unavoidable, consultation with CDFW will be initiated to determine the appropriate mitigation measures. Measures may include the preservation or avoidance of suitable habitat.

7.C - Potential Disturbance of Nesting Special Status Bird Species and Other Breeding Birds

7.C.1 - WORK WINDOWS. Conduct as much ground disturbance and vegetation (tree and shrub) removal as is feasible between September 1 and January 15, outside of the breeding season for most bird species.

7.C.2 - PRECONSTRUCTION SURVEYS. If ground disturbance or removal of vegetation occurs between January 16 and August 31, preconstruction surveys will be performed prior to such disturbance to determine the presence and location of nesting bird species.

7.C.3 - BUFFERS. If nests are present, establishment of temporary protective breeding season buffers will avoid direct mortality of these birds. The appropriate buffer distance is species specific and will be determined by a qualified biologist as appropriate to prevent nest abandonment and direct mortality during construction.

7.C.4 - MANAGE LIGHTING. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to avian species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.D - Potential Disturbance to Special Status Herpetofauna

7.D.1 – PRE-HARVEST/PRECONSTRUCTION SURVEY. A biologist or other qualified professional shall conduct a survey for coastal tailed frogs, northern red legged frogs, foothill yellow–legged frogs, and southern torrent salamanders within one week of commencing project activities. The survey may occur during day or night. For night surveys, the surveyor shall use a portable light for use in detecting frog's eye shine. Surveys shall include the project site and an area that extends 30 feet up and downstream of the project site.

7.D.2 – PREHARVEST/PRECONSTRUCTION TRAINING. Before starting project activities, the biologist or qualified professional shall conduct a coastal tailed frog, northern red legged frog, foothill yellow–legged frogs, and southern torrent salamander awareness training for all on-site workers involved in the project. This training will include photos and/or drawings of each species, a discourse on key physical features and general life history of each species and an overview of herpetofauna protection measures to follow to minimize loss of each species during project activities. A copy of the training materials shall be kept at the project site at all times during project activities, and available to all on-site workers for reference.

7.D.3 – HERPETOFAUNA PROTECTION MEASURES. At the beginning of each work day, trained on-site workers shall survey the project area for

coastal tailed frogs, northern red-legged frogs, foothill yellow–legged frogs, and southern torrent salamanders. If at any point during surveys or project activities one of these species is identified within 30 feet of the project area, the individuals shall be carefully removed and placed well outside (at least 300 feet away) the project area.

7.D.4 – HERBICIDE USE AND PILE BURNING RESTRICTION. No herbicide use or pile burning shall occur within 300 feet of the watercourse.

7.D.5 – WATER DRAFTING. If water drafting from the watercourse is to occur for dust abatement purposes, drafting must be done with a hose placed in a bucket in a deep pool. The bucket must be covered by <1 inch mesh, and the mouth of the hose must be covered by ¼ inch mesh.

7.D.6 - STORMWATER TREATMENT. A SWPPP will be implemented to control sediment and pollutants during construction and prevent construction activities from having a negative effect on water quality and quantities in preserved portions of the Study Area. Through implementation of the SWPPP, project stormwater will be treated to meet state and federal stormwater requirements, including treatment of stormwater quality and quantity so that they are not substantially altered from existing conditions.

7.D.7 - MANAGE LIGHTING. Installation of artificial lighting in the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to frog species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.E - Potential Disturbance to Special Status Migratory Fish

7.E.1 - CONSTRUCTION BMPs. Appropriate BMPs during construction activities, such as the use of a silt fence or other erosion control measures to prevent sediment from entering the water column, will protect in-migrating adults and out-migrating smolts from potential disturbance from increased turbidity. Erosion control devices should not contain monofilament as this may pose a potential entanglement hazard to sensitive amphibian species that may occur in the area. Potential discharge of the reservoir into Newman Gulch should be done with the consultation of the National Marine Fisheries Service (NMFS) to ensure there are no potential impacts to migrating salmonid species.

**Table 3.** Special status wildlife species with potential to occur in or near the project area.

| Common Name | Latin Name | Special Status | Associated Habitat | Potential for Presence |
|---|---|---|---|---|
| Long-eared Myotis Bat | *Myotis evotis* | WBWG High Priority | Mature Trees/Snags | Moderate to High |
| Fringed Myotis Bat | *Myotis thysanodes* | WBWG High Priority | Mature Trees/Snags | Moderate to High |
| Long-legged Myotis Bat | *Myotis volans* | WBWG High Priority | Mature Trees/Snags | Moderate to High |
| Silver-haired Bat | *Lasionycteris noctivagans* | WBWG Medium Priority | Mature Trees/Snags | Moderate to High |
| Western Red Bat | *Lasiurus blossevillii* | WBWG High Priority | Mature Trees/Snags | Moderate to High |
| Hoary Bat | *Lasiurus cinereus* | WBWG Medium Priority | Mature Trees | Moderate to High |
| Pallid Bat | *Antrozous pallidus* | CDFW Species of Special Concern; WBWG High Priority | Mature Trees/Snags | Moderate to High |
| Sonoma Tree Vole | *Arborimus pomo* | CDFW Species of Special Concern | Fir and Pine Trees | Moderate |
| Ring-tailed Cat | *Bassariscus astutus* | CDFW Fully Protected Species | Forest | Moderate |
| Vaux's Swift | *Chaetura vauxi* | CDFW Species of Special Concern | Mature Trees/Snags | Moderate |
| Rufous Hummingbird | *Selasphorus rufus* | USFWS Bird of Conservation Concern | Habitats with a varie | Moderate |
| Olive Sided Flycatcher | *Contopus cooperi* | CDFW Species of Special Concern | Coniferous Trees | Observed |
| Purple Martin | *Progne subis* | CDFW Species of Special Concern | Mature Trees/Snags | Moderate |
| Coastal Tailed Frog | *Ascaphus truei* | CDFW Species of Special Concern | Newman Reservoir | Moderate |
| Northern Red Legged Frog | *Rana aurora* | CDFW Species of Special Concern | Newman Reservoir | Moderate |
| Southern Torrent Salamander | *Rhyacotriton variegatus* | CDFW Species of Special Concern | Newman Reservoir | Moderate |
| Coho Salmon | *Oncorhynchus kisutch* | Federal & State Endangered | Noyo River | Observed in Noyo River |
| Steelhead | *Oncorhynchus mykiss* | Federal Threatened; CDFW Species of Special Concern | Noyo River | Observed in Noyo River |
| Chinook Salmon | *Oncorhynchus tshawytscha* | Federal Threatened; State Threatened | Noyo River | Observed in Noyo River |

## V. Cultural Resources

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?* | | | | X |
| *b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?* | | | | X |
| *c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?* | | | | X |
| *d. Disturb any human remains, including those interred outside of formal cemeteries?* | | | | X |

DISCUSSION OF IMPACTS

Three archaeological studies were performed for the project; two in association with Timber Harvest Plans and a third study specifically for the CEQA analysis. The studies are located in the project file. The first study for the Timber Harvest Plan was undertaken in 2008 by Registered Professional Forester Tom Kisliuk, and is entitled "An Archaeological Survey Report for the Newman Gulch Timber Harvest Plan, Mendocino County, California." The second Timber Harvest Plan study was undertaken by Register Professional Forester Lee Susan and is entitled Section 6 Archaeological Survey Report, City of Fort Bragg 2013. The third study was performed in 2009 by Registered Professional Archaeologist Thad M. Van Bueren, M.A. and is entitled "Historic Properties Survey for the Newman Gulch Reservoir Project near Fort Bragg, CA."[4]

The Kisliuk survey included a records check by the Northwest Information Center on January 22, 2008, which indicated that no previous surveys had been conducted on the property and no resources identified in or adjacent to the project area. Additionally, area specific literature was reviewed, and a neighbor, Jim Celeri, was interviewed. A high intensity six hour survey of the area was conducted.

The Susan survey also included a records check by the Northwest Information Center, which occurred on March 25, 2013. The check indicated there are no recorded sites within the project area. Mr. Susan additionally contacted local tribes by mail. A four hour survey of the entire project area was conducted. No sites were found.

Mr. Van Bueren also reviewed information filed at the Northwest Information Center (all information available through the end of 2009), and examined the California Office of Historic Preservation's historic property directory. Mr. Van Bueren additionally reviewed applicable ethnographic publications, published stories, and historical maps.

[4] The project was initially called the Newman Gulch Reservoir project. The project name was changed to provide clarity between the existing Newman Gulch Reservoir and the subject proposed reservoir, which are both located on the same property.

Mr. Van Bueren also contacted local tribes by mail, inquiring about information pertaining to known resources on this property. Letters were sent to the Noyo Pomo Community, Sherwood Tribe, Coyote Valley Band, and Dina Bowen-Welsh of the She Bel Na Band of Pomo Indians. No responses were received.

Mr. Van Bueren performed an intensive and systematic survey of the entire property.

The Kisliuk survey report indicates that no sites were identified. The Van Bueren survey report states that "No archaeological resources or other types of historic properties were identified within this APE (Area of Potential Effect)." The Susan survey report also indicates that no sites were found.

Mr. Van Bueren indicates there is always still a potential to encounter buried archaeological resources, and recommends the following condition to be included in the event that archaeological resources are unearthed as a result of project ground disturbance:

> **Mitigation Measure 8:** 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 Public Works Department within 24 hours of discovery; and 3) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.

## VI. Geology and Soils

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:* | | | | |
| *i. Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.* | | | | X |
| *ii. Strong seismic ground shaking?* | | X | | |
| *iii. Seismic-related ground failure, including liquefaction?* | | X | | |
| *iv. Landslides?* | | X | | |
| *b. Result in substantial soil erosion or the loss of topsoil?* | | X | | |

| | | | | | |
|---|---|---|---|---|---|
| *c.* | *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?* | | X | | |
| *d.* | *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?* | | | | X |
| *e.* | *Have soils incapable of adequately supporting the use of septic tanks or alternative water disposal systems where sewers are not available for the disposal of waste water?* | | | | X |

DISCUSSION OF IMPACTS

*a) i. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

The City of Fort Bragg is located along the central Mendocino coast, an area that is known for its seismic activity. Based on published fault maps, there are no active or potentially active faults known to traverse the City. There are four active or potentially active faults that are located within a 60 mile radius of the City. These include: the San Andreas Fault approximately 6 miles offshore of Fort Bragg and the most likely source of earthshaking; the Maacama Fault zone approximately 21 miles to the east of the City which has the potential to generate strong shaking in the City; the Mendocino Fault zone approximately 60 miles to the northwest which is an extremely active structure; and the Pacific Star Fault which is located between the towns of Fort Bragg and Westport and is currently under study. According to the 2007 Geotechnical Report by CGi Technical Services, Inc., located in the project file, there are no faults known to project through the project site (page 6).

*a) ii. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

As the City of Fort Bragg is in an area known for seismic activity, the project could be subject to strong seismic ground shaking. A Geotechnical Engineering Investigation Report was conducted by Holdrege & Kull, Consulting Engineers and Geologists, in October of 2009, and is located in the project file. Holdrege & Kull performed a probabilistic seismicity analysis of the proposed reservoir site using the methodologies presented in the 2007 California Building Code (CBC), Section 1613 (Earthquake Loads) and the American Society of Civil Engineers publication ASCE 7.05 Chapter 11 (Seismic Design Criteria), Chapter 20 (Site Classification Procedures for Seismic Design) and Chapter 21 (Site-Specific Ground Motion Procedures for Seismic Design).

As shown on the Site Plan (**Figure 2**), the exterior (outside) slope of the reservoir is proposed as 2H:1V, and the interior (inside) slope of the reservoir is proposed as 3H:1V. The Holdrege and Kull probabilistic seismicity analysis indicates that given the proposed height, soils, seismic hazard parameters, etc., the interior slopes would be seismically stable, however the proposed exterior slopes would be unstable when subjected to the maximum considered earthquake (MCE) maximum horizontal acceleration (Holdrege & Kull, page 16). Holdrege & Kull recommend geotextile reinforcements be added to the exterior slope to assure the reservoir will be seismically stable. According to Holdrege & Kull, the geotextile reinforcements will need to

be placed a maximum 2-foot vertical intervals and will need to extend a minimum of 25 feet into the slope (Holdrege & Kull, page 16).

Earthwork Grading Recommendations are outlined in Section 8 of the Holdrege & Kull report (pages 22-37), and include recommendations Section 8.4, Engineered Fill with Geotextile Reinforcements. **Mitigation Measure 9** requires that site grading conform to the recommendations outlined in Section 8 of the Holdrege and Kull report, to assure the reservoir will be constructed in a seismically safe manner, and will not result in exposure to people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Section 8 of the Holdrege and Kull report is included in this CEQA document as **Attachment 5**.

> **Mitigation Measure 9:** Site grading associated with the construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summer's Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), Section 8, Earthwork Grading Recommendations, which is included as **Attachment 5** of this report.

a) *iii. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

Holdrege & Kull performed a liquefaction analysis for the site based in California Division of Mines and Geology Special Publication 117 and the Guidelines for Analyzing and Mitigating Liquefaction in California prepared by the Southern California Earthquake Center. The analysis is included as Section 6 of the Summers Lane Reservoir, Fort Bragg, California Geotechnical Engineering Investigation Report, dated October 2009, located in the project file.

Holdrege and Kull found a relatively high potential for seismically induced liquefaction to occur at the site, because of the loose to medium dense and saturated sandy and silty sand soils that underlie the site (Holdrege & Kull, page 20), however they also found that there is a relatively low potential for damage to on-site structures resulting from seismically induced liquefaction differential settlement and lateral spreading (Holdrege & Kull, page 18). In the low probability event that liquefaction induced settlement and/or lateral spreading occurs, Holdrege and Kull indicate that very limited displacement could occur at the toe of the earthen levee slopes, where the transition from a confined to a free field condition occurs (Holdrege & Kull, page 19). Holdrege and Kull therefore recommend that any rigid structures that are constructed across the toe of the earthen levee slopes should have articulated connections that can accommodate up to at least 25 inches of displacement (Holdrege & Kull, page 19). **Mitigation Measure 10** is included to ensure any potential impacts resulting from liquefaction of soils will be less than significant.

> **Mitigation Measure 10**: Construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summer's Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), including the requirement that any rigid structures that are constructed across the toe of the earthen levee slopes shall have articulated connections that can accommodate up to at least 25 inches of displacement.

*a) iv. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

As shown on the Site Plan (**Figure 2**), the exterior (outside) slope of the reservoir is proposed as 2H:1V, and the interior (inside) slope of the reservoir is proposed as 3H:1V. The Holdrege and Kull probabilistic seismicity analysis indicates that given the proposed height, soils, seismic hazard parameters, etc., the interior slopes would be seismically stable, however the proposed exterior slopes would be unstable when subjected to the maximum considered earthquake (MCE) maximum horizontal acceleration (Holdrege & Kull, page 16). Holdrege & Kull recommend geotextile reinforcements be added to the exterior slope to assure the reservoir will be seismically stable. According to Holdrege & Kull, the geotextile reinforcements will need to be placed a maximum 2-foot vertical intervals and will need to extend a minimum of 25 feet into the slope (Holdrege & Kull, page 16).

Earthwork Grading Recommendations are outlined in Section 8 of the Holdrege & Kull report (pages 22-37), and include recommendations Section 8.4, Engineered Fill with Geotextile Reinforcements. **Mitigation Measure 9** requires that site grading conform to the recommendations outlined in Section 8 of the Holdrege and Kull report, to assure the reservoir will be constructed in a seismically safe manner, and will not result in exposure to people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Section 8 of the Holdrege and Kull report is included in this CEQA document as **Attachment 5**.

> **Mitigation Measure 9:** Site grading associated with the construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summer's Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), Section 8, Earthwork Grading Recommendations, which is included as **Attachment 5** of this report.

*b) Would the project result in substantial soil erosion or the loss of topsoil?*

The project requires removal of vegetation over an eight acre area currently forested with mixed coniferous trees and associated understory. After the timber is harvested, smaller trees, stumps and understory plants will be grinded, chipped and burned. The site will be graded, with topsoil removed and stockpiled onsite, and the reservoir will be constructed. During grading and construction, Best Management Practices (BMPs) will be implemented to minimize erosion and prevent sedimentation of Newman Gulch. After construction, additional BMPs will be implemented to stabilize the banks of the reservoir, and all other disturbed areas of soil. Topsoil will be placed around the perimeter of the reservoir, consistent with the pygmy cypress mitigation planting plan, and planted.

Because more than an acre of soil disturbance will occur, a National Pollutant Discharge and Elimination System (NPDES) permit will be required to assure the project is consistent with the Clean Water Act. The North Coast Regional Water Quality Control Board is the permitting agency for the NPDES permit. A Storm Water Pollution Prevention Plan (SWPPP), is a sediment and erosion control plan specific to the project, which describes the pollution prevention activities and practices that will be implemented on the site. The SWPPP includes a description of the site, and of each major phase of the plan, the roles and responsibilities of

contractors and subcontractors, and the inspection schedules and logs. It is also where changes and modifications to the construction plan and the associated pollution prevention activities are documented. A SWPPP is required for the NPDES permit. An NPDES permit will be obtained by the City prior to commencement of the project. **Mitigation Measure 3** requires the City to obtain all necessary permits for the project from all applicable federal, state and local agencies.

Erosion control measures are also included in the Mitigation Measures outlined in Section IV of this report: Biological Resources. Those measures include: 1) **Mitigation Measure 5**, for potential impacts to wetlands and other waters, which outlines seasonal restrictions on ground disturbance, grading permit requirements, and BMP requirements, 2) **Mitigation Measure 7.D.3**, requiring a Regional Water Quality Control Board (RWQCB) Storm Water Pollution Prevention Plan, and 3) **Mitigation Measure 7.E.1**, requiring Best Management Practices to assure impacts to fish will be less than significant. Additionally, erosion control measures are included in the recommendations outlined by Holdrege and Kull in the Geotechnical Engineering Investigation Report dated October 2009. The erosion control recommendations are outlined in Section 8.8: Erosion Controls, on page 31, as shown in **Attachment 5**. The recommendations by Holdrege and Kull are required measures per **Mitigation Measure 9**, which is described under Section VI of this report (Geology and Soils).

The project as conditioned is not expected to result in substantial soil erosion or loss of topsoil.

c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

According to the geotechnical report by CGi Technical Services, dated January 12, 2007 (located in the project file), the project site is located on the Fern Creek terrace, an emergent marine terrace that is locally covered with older dune sands (CGi, page 5).

According to the slope stability analysis conducted by Holdrege & Kull, as summarized in their October 2009 Geotechnical Engineering Investigation Report (located in the project file), the levee slopes would be statically stable. As discussed under a) ii of VI, Geology and Soils, (this report, above), the exterior slopes of the levee would need to be reinforced with geotextile reinforcements in order for the project to be stable in an earthquake (seismically stable) (Holdrege & Kull, page 16). With the inclusion of **Mitigation Measure 9**, the project levee would not collapse under earthquake conditions.

As discussed under a) iii of VI, Geology and Soils (this report, above), there is potential for liquefaction induced settlement or lateral spreading resulting from an earthquake. **Mitigation Measure 10** is included to assure any liquefaction induced settlement or lateral spreading caused by an earthquake does not result in significant detrimental impacts.

d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Expansive soils are those that expand when water is added, and shrink when they dry out. Since the soils at the site are predominantly sandy, expansion is not an issue.

e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative water disposal systems where sewers are not available for the disposal of waste water?*

The project does not require a water disposal system. No septic or sewage system is included or needed for the project.

## VII. Greenhouse Gas Emissions

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* | | X | | |
| *b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* | | | | X |

DISCUSSION OF IMPACTS

*a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The Global Warming Solutions Act (AB-32), which passed on August 31, 2006, requires that the state's greenhouse gas (GHG) emissions be reduced by 10% below the 1990 GHG level by 2020. The California Environmental Quality Act (CEQA) guidelines were amended in December of 2009 to require GHG impacts to be considered. The Mendocino County Air Quality Management District defers to the Bay Area Air Quality Management District (BAAQMD) CEQA thresholds as an interim measure until the Mendocino County Air Quality Management District (AQMD) develops their own thresholds. A 2010 Air Quality memorandum clarifies how the thresholds differ for our area based on local air quality, and how the thresholds are actually recommended guidance rather than requirements.

The District does not have an adopted Threshold of Significance for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG emissions that would occur during construction, and make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals, as required by the Public Resources Code, Section 21082.2. The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable (BAAQMD).

The aspects of the proposed development that would contribute toward greenhouse gas emissions include conversion of timberland to a non-timber use (including permanent loss of carbon sequestering trees, and burning, grinding and chipping of vegetation associated with conversion), vehicle transportation of materials used in conversion and construction, and heavy equipment used at the site during conversion and construction.

This proposed reservoir project minimizes GHG impact by locating the reservoir on marginal timberland where carbon sequestration occurs at a slower rate and minimizing the overall project foot print to approximately 25% of the property. Carbon from trees harvested will be sequestered for decades or longer in the form of the wood products cut from the logs.

Additional carbon will be sequestered in the remaining forested area, and in the proposed pygmy cypress and visual impact planting areas (Susan THP).

Additionally the proposed reservoir project location will minimize GHG emissions from reservoir operation as the water entering the reservoir will flow by gravity feed and the water leaving the reservoir will flow by gravity feed to the City's water treatment plant. As an entirely gravity fed raw water supply system, the reservoir will reduce current GHG associated with raw water supply specifically some water that is currently pumped from the Noyo River to the City's water treatment plant, will instead flow by gravity feed, especially during summer months when electricity demand in the state is high and high carbon sources of electricity would otherwise be used to transmit this water.

The following Best Management Practices (BMPs) will be incorporated into the project to reduce greenhouse gasses:

> **Mitigation Measure 11:** Any topsoil or other soil materials excavated to accommodate the reservoir and not used onsite shall be temporarily stored on the property until such time as the materials can be used locally for City projects.
>
> **Mitigation Measure 12:** To the extent feasible, gasoline and oil conservation measures shall be incorporated into the project. Heavy equipment used at the project site shall be in good working condition and inspected regularly. Equipment shall be turned off immediately when not in use unless warm-up of equipment would use more gas than leaving equipment running.
>
> **Mitigation Measure 13:** Any chipped wood not utilized on site shall be temporarily stored on the property until such time as it can be used locally for other City projects, or used for fuel either locally or at a nearby (Scotia or Eureka) cogeneration plant.

*b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The City of Fort Bragg adopted a Climate Action Plan in 2012. The plan sets greenhouse gas reduction goals including a 30% reduction in greenhouse gasses for the municipality by 2020, and a 7% reduction goal for the community by 2020.

Municipal carbon sequestration will be reduced due to the conversion of forest land to a non-sequestering land use. This is minimized by designing the project size to minimize removal and by locating the project on marginally productive soils where carbon sequestering capabilities are less than that of the more fertile forest soils. Additionally, trees are to be planted around the perimeter of the reservoir.

The proposed reservoir would not require any new water pumps or other power operated machinery to operate. With the exception of minimal impacts associated with repairs and maintenance, greenhouse gas impacts will be temporary in nature and limited to timber harvest, timber conversion, and construction activities. Additionally, as previously noted the project would replace some water supply pumped with electricity from the Noyo River in summer months with this gravity source of raw water, thereby reducing GHG emissions.

The project is not expected to result in greenhouse gas impacts that would conflict with the 2012 City of Fort Bragg Climate Action Plan.

## VIII. Hazards and Hazardous Materials

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* | | X | | |
| *b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?* | | X | | |
| *c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* | | | | X |
| *d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?* | | | | X |
| *e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, would the project result in a safety hazard for people residing or working in the project area.* | | | | X |
| *f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?* | | | | X |
| *g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?* | | | | X |
| *h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?* | | | | X |

DISCUSSION OF IMPACTS

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project does not require routine transport, use or disposal of hazardous materials for operations or maintenance.

Hazardous materials such as asbestos pipe may be encountered during construction, and would need to be handled and disposed of properly. Additionally, heavy equipment utilizes fuels, lubricants and oils with the potential for soil contamination during conversion and construction activities. A hazardous materials management plan will be required as a part of the Storm Water Pollution Prevention Plan. This requirement is outlined in Mitigation Measure 14:

**Mitigation Measure 14:** The Storm Water Pollution Prevention Plan shall include measures for prevention of gasoline, oil and lubricant spills, and an action plan for clean-up of any accidental fluids or other contaminants spilled or encountered during conversion and construction activities.

*b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

There are no reasonably foreseeable upset or accident conditions involving release of hazardous materials into the environment in association with this project, with the exception of potential accidental contamination of soils from fuels, oils or lubricants from heavy equipment operation or maintenance in association with conversion of the property or construction of the project. **Mitigation Measure 14** would reduce the potential and effect of such hazards to a level of less than significant.

*c) Would the project omit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The project site is not located within ¼ mile of any existing or proposed school.

*d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

According to the Waterboard's GeoTracker system, there are no hazardous materials sites located within 1000 feet of the project area.

*e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, would the project result in a safety hazard for people residing or working in the project area?*

The project is not located within an airport land use plan or within two miles of a public airport.

*f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

There are no private airstrips in the project vicinity. There is a private helipad located on Highway 20 approximately 1.15 miles from the site and a private helipad located approximately 1.5 miles from the site at the local hospital. However the project does not include any new residential or commercial development and so it would not result in a safety hazard for people residing or working in the project area.

*g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project would not block any evacuation paths.

*h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

After timber harvest occurs, the remaining vegetation will be removed from the reservoir site. The City may consider allowing the public to cut firewood from the downed and stacked wood. The potential exists for a fire to occur from sparks created during firewood cutting. Additionally, the City intends to burn wood and vegetation that cannot be or is not grinded or chipped. The following measures are included to assure that the risk of wildland fire during conversion activities is minimized to a level of less than significant:

**Mitigation Measure 15:** Should the public be allowed to cut firewood on the property after timber harvest is complete, a full sized shovel shall be visible in each vehicle accessing the property, to be used to cover any fire with dirt. A fire truck or water truck shall be kept at the site during firewood removal activities, and at least one City staff person shall be assigned at the site to oversee fire cutting efforts and operate water equipment if needed.

**Mitigation Measure 16:** If vegetation is burned for disposal, permission shall be obtained from the Fort Bragg Fire Department prior to burning, and all safety measures required by the Fort Bragg Fire Department shall be adhered to in order to minimize wildfire risk.

## IX. Hydrology and Water Quality

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Violate any water quality standards or waste discharge requirements?* | | X | | |
| *b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?* | | | X | |
| *c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?* | | X | | |
| *d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?* | | | X | |
| *e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?* | | | | X |

| | | | | | |
|---|---|---|---|---|---|
| *f.* | *Otherwise substantially degrade water quality?* | | | | X |
| *g.* | *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?* | | | | X |
| *h.* | *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?* | | | | X |
| *i.* | *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* | | X | | |
| *j.* | *Inundation by seiche, tsunami, or mudflow?* | | | | X |

DISCUSSION OF IMPACTS

*a) Would the project violate any water quality standards or waste discharge requirements?*

The project is subject to permits from the North Coast Regional Water Quality Control Board (NCRWQCB) and State Water Resources Control Board (SWRCB). A National Pollution Discharge Elimination System (NPDES) permit will be needed from the NCRWQCB to ensure the project does not result in pollution to streams, and a Point of Re-Diversion permit will be needed from SWRCB because water from Waterfall Gulch will be re-diverted.

Compliance with permit requirements of the NCRWQCB, SWRCB, and City of Fort Bragg Land Use and Development Code will assure the project does not violate water quality standards or waste discharge requirements. **Mitigation Measure 3** is included to ensure all necessary permits are secured as required for the project. Additionally **Mitigation Measure 5** places seasonal restrictions on grading and requires Best Management Practices (BMPs) to protect water quality, **Mitigation Measure 7.D.3** requires a Storm Water Pollution Prevention Plan (SWPPP), **Mitigation Measure 7.E** requires BMPs to protect fish, **Mitigation Measure 9** includes erosion control measures to protect water quality, and **Mitigation Measure 11** requires the SWPPP to include measures to prevent pollutants from entering the stream. With the included mitigation measures, the project is not expected to result in significant impacts to water quality.

*b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

An analysis of the subdrain was conducted by Lawrence & Associates to determine if the subdrain of the reservoir has the potential to interfere with groundwater levels. According to the Technical Memo, dated October 5, 2009, (**Attachment 6**), it is unlikely that the reservoir will intercept shallow groundwater under either dry or wet conditions.

*c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

The project is not expected to result in substantial erosion or siltation on- or off-site as a result of a drainage pattern alteration. The existing stream will not be altered in its course, and the

project will be designed and stabilized to prevent erosion and siltation during and following conversion and construction.

d) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

According to the Preliminary Design Report by Lawrence & Associates, dated July 2, 2009 (located in the project file), the project is designed with safety mechanisms to reduce the potential for flooding. The outer berm is to be engineered with geotextile material to ensure performance of the berm during a severe earthquake. A bypass pipe will be installed to allow water to optionally route around the reservoir.

An overflow path, or spillway, is included in the design to provide a safe release in the event that inflow exceeds outflow during a condition when the water surface elevation is at full pool. An overflow path, commonly referred to as a spillway, is provided on reservoirs to provide a safe release in the event that inflow exceeds outflow during a condition when the water surface elevation is at full pool. The design of the overflow is driven by factors such as inlet flows, tributary area, rainfall rates, and safety. In the case of the proposed reservoir, surrounding surface drainage will be routed around the reservoir; therefore, the only tributary will be the pond surface. The outlet is designed for the maximum anticipated inflow, which is rainfall from a 100-year storm event, and additional factor of safety (in this case, a factor of safety of 1.5 is recommended). The spillway will provide a controlled overflow for larger storms, and will be designed for the peak design flow of 31 cubic feet per second (cfs).

The “pond overflow” is shown in attached drawing C5.0, and is to be located on the north side of the reservoir in the northwest corner. The overflow heads out of the reservoir through a 36”pipe booted two feet below the top of the berm. A concrete pad with elevated sides accommodates the overflow pipe across the top of the berm and the pipe heads down the berm in a northerly direction to an energy dissipater. The overflow is then piped towards an existing swale in a northeasterly direction. An additional energy dissipater is located at the second outlet. The water then flows through the existing swale downstream. The swale travels northeast to Newman Gulch and subsequently in the existing streambed into the Noyo River. The current peak flow from the reservoir footprint into the existing drainage swale is calculated to be 4.9 cfs. Using the low-flow orifice, the peak flow will be less after the reservoir is constructed (pages 7-8).

There are no buildings between the reservoir spillway and the Noyo River. At the design discharge of 1 cfs, the flow into Newman Gulch Reservoir and the Noyo River will be less than pre-project flow and will not contribute to flooding. Any discharge from the spillway is likely to last only the duration of the 100-year design storm for peak flow of 5 minutes. It is anticipated that this short term flow would not result in downstream flooding.

A Reservoir Breach Inundation Study was conducted by Lawrence and Associates in January of 2014 in response to concerns expressed by the closest residential neighbor at the October 23, 2013 Planning Commission Hearing. The intent of the study was to consider potential risks to the safety of the public and of damage to structures in the unlikely event of a breach in the embankment of the proposed reservoir. The study looked specifically at the worst case scenario of a breach in the direction of the closest neighbor, located immediately to the west. This neighboring property contains a plant nursery and single family residence.

The analysis done for the Breach Inundation Study was a very conservative screening type analysis, a type of study used to determine if further analysis is warranted. The study included a dam breach hydrograph, showing the flow through the dam breach over time, the location of the dam breach on the embankment, and the routing of the inundation over the area of interest. This routing includes peak velocities and maximum flow depths.

The results of the study indicate that the neighboring residence would be in a "low" danger zone in the unlikely event of flooding. This means there would be no "lives in jeopardy" hazard associated with worst case scenario flooding in the vicinity of the residence. The residence would experience approximately 20 minutes of flooding with a peak water depth of 0.98 feet and a flood wave velocity of 2.62 feet per second. An adult should be able to wade in water of this depth and velocity without losing footing.

It is important to note that such a breach is highly unlikely, and also note that the calculations used did not account for the geo-grid enforcement proposed within the embankment or the reservoir lining, which would be expected to reduce the rate of downcutting by providing a physical barrier. These factors were not considered because available breach formation equations and models do not allow for these factors, however an actual breach may have a longer and more staggered breach formation leading to a lower peak discharge, resulting in lower flood depths and velocities.

e) *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The project will not result in creation of new impervious surfaces that would create or contribute to runoff water. No stormwater runoff, polluted or otherwise, is expected as a result of the project.

f) *Would the project otherwise substantially degrade water quality?*

The City has a licensed water right to divert water from Waterfall Gulch[5], and that water is drawn and piped to the City's Newman Reservoir property and on to the treatment plant. The point of diversion will remain the same, as will the amount of water drawn from Waterfall Gulch. The City has filed a Petition for Change with the State Water Resources Control Board to request that water right license 12171 be changed to allow for water from Waterfall Gulch to be stored in the proposed Summers Lane Reservoir. The reservoir will be constructed down the pipeline, between Waterfall Gulch (point of diversion) and the point at which the pipeline currently ties in to Newman Gulch (current point of re-diversion) and heads to the water treatment plant. Storage of Waterfall Gulch water in a reservoir (proposed new point of re-diversion) will allow the City to use the water when it needs it most, in a drought condition. Holding of water in the new reservoir will not result in additional impacts to Waterfall Gulch, the surface water source.

Measures have also been incorporated into the project to ensure that construction of the reservoir does not result in sedimentation or other water quality impacts to Newman Gulch.

[5] License 12171 for Diversion and Use of Water from the State Water Resources Control Board allows the City of Fort Bragg a maximum of 475 acre feet per year to be diverted from Waterfall Gulch at a rate of diversion not to exceed 0.668 cfs.

*g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

The project does not include housing and is not located within a 100 year flood hazard area, per FEMA Flood Insurance Rate Map 06045C1017F, Effective Date June 2, 2011. See discussion under d above.

*h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

The project is not located within a 100 year flood hazard area, per FEMA Flood Insurance Rate Map 06045C1017F, Effective Date June 2, 2011.

*i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

According to the Preliminary Design Report by Lawrence & Associates, dated July 2, 2009 (located in the project file), the project is designed with safety mechanisms to prevent flooding. The outer berm is engineered with geotextile material to ensure performance of the berm during earthquakes. A bypass pipe will be installed to allow water to optionally route around the reservoir.

An overflow path is included in the design to provide a safe release in the event that inflow exceeds outflow during a condition when the water surface elevation is at full pool. An overflow path, commonly referred to as a spillway, is provided on reservoirs to provide a safe release in the event that inflow exceeds outflow during a condition when the water surface elevation is at full pool. The design of the overflow is driven by factors such as inlet flows, tributary area, rainfall rates, and safety. In the case of the proposed reservoir, surrounding surface drainage will be routed around the reservoir; therefore, the only tributary will be the pond surface. The outlet is designed for the maximum anticipated inflow, which is rainfall from a 100-year storm event, and additional factor of safety (in this case, a factor of safety of 1.5 is recommended). The spillway will provide a controlled overflow for larger storms, and will be designed for the peak design flow of 31 cubic feet per second (cfs).

The “pond overflow” is shown in attached drawing C5.0 (**Attachment 1**), and is to be located on the north side of the reservoir in the northwest corner. The overflow heads out of the reservoir through a 36”pipe booted two feet below the top of the berm. A concrete pad with elevated sides accommodates the overflow pipe across the top of the berm and the pipe heads down the berm in a northerly direction to an energy dissipater. The overflow is then piped towards an existing swale in a northeasterly direction. An additional energy dissipater is located at the second outlet. The water then flows through the existing swale downstream. The swale travels northeast to Newman Gulch and subsequently into the Noyo River. The current peak flow from the reservoir footprint into the existing drainage swale is calculated to be 4.9 cfs. Using the low-flow orifice, the peak flow will be less after the reservoir is constructed (Lawrence & Associates, pages 7-8).

There are no buildings between the reservoir spillway and the Noyo River. At the design discharge of 1 cfs, the flow into Newman reservoir and the Noyo River will be less than pre-project flow and will not contribute to flooding. Any discharge from the spillway is likely to last

only the duration of the 100-year design storm for peak flow of 5 minutes and this short term flow would not result in downstream flooding.

*j) Would the project result in inundation by seiche, tsunami, or mudflow?*

The project is not located in or near a tsunami zone, and would not result in mudflow. A seiche is a standing wave occurring in a bounded body of water such as a lake or reservoir, generally due to meteorological effects such as wind or earthquakes. A standing wave is the sum of two opposing waves. While seiches are almost always present on larger lakes, they are not likely to occur at an observable size in the proposed reservoir due to the small size of water body proposed. The project would not result in inundation by seiche, tsunami, or mudflow.

*k) Would the project substantially alter the existing drainage pattern of the site or area, or add water features that could increase habitat for mosquitos and other vectors as a potential for increased pesticide use?*

The project will result in the addition of a water feature, however as proposed with planned maintenance and circulation of water, the project is not expected to increase mosquito habitat or the potential for increased pesticide use.

Site maintenance will include: weed removal, upkeep of fencing, and general site maintenance. The site will be periodically inspected for vandalism, signs of leakage, and clogging of the low flow spillway, and inspection the valves to ensure functionality.

Generally water will be flowing and will not become stagnant. During storm events, the water will be shut off at Waterfall Gulch to keep muddy water from entering the reservoir, which will minimize sediment. Black floating balls will cover the reservoir to prevent organic growth.

The reservoir is expected to be drained after the first five years, inspected and cleaned using fire hoses that wash the sediment to the low end. Larger branches would be picked up by hand and smaller sediment would be hosed through the cleanout drain and into the cleanout basin where it is collected and transported to a disposal site. Public Works will use this initial cleanout as an evaluation process to determine an appropriate future cleanout regimen.

Mitigation Measure 17 is added to ensure that site maintenance and regular flow of water are required to prevent the creation of mosquito habitat:

> **Mitigation Measure 17:** On a regular basis, the valves will be inspected to ensure functionality and the low flow spillway will be inspected for clogging. As feasible, the water in the reservoir will be constantly flowing to prevent stagnation.

## X. Land Use and Planning

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Physically divide an established community?* | | | | X |
| *b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?* | | X | | |
| *c. Conflict with any applicable habitat conservation plan or natural community conservation plan?* | | | | X |

DISCUSSION OF IMPACTS

*a) Would the project physically divide an established community?*

The proposed reservoir site is located at the top of Newman Gulch, approximately 200 linear feet above the existing Newman Reservoir on a 40.5-acre parcel owned by the City of Fort Bragg and within City Limits and City jurisdiction. The 600 acre property to the east and south is owned by the Mendocino Coast Recreation and Park District and was slated for development of a regional park and golf course in the past. A graveled access road and the Mendocino Coast Humane Society shelter and former Mendocino County Animal Shelter facility are to the south of the proposed development area. The northern edge of the site is bounded by a Pacific Gas and Electric (PG&E) access road and northwest-trending power line corridor. A poorly maintained barbed wire fence extends roughly along the western property margin and defines the approximate western margin of the proposed development area. Property to the west includes rural residential and a rhododendron nursery. The southern and eastern margins of the development area are currently lined with large concrete rubble to deter unauthorized vehicular access onto the property. The project would not divide an established community.

*b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

The project is consistent with the following goals and policies of the Inland General Plan:

Goal PF-1 Ensure that new development is served by adequate public services and infrastructure.

Goal PF-2 Assure that the City's infrastructure is maintained and expanded to meet the needs of the City's residents and growing population.

Policy PF 2.2 Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies.

Policy PF-2.3 Emergency Water Supply: Develop an emergency water supply for disaster preparedness.

Policy PF-2.4 Potable Water Quality: Maintain the safety of the water supply.

Program PF-2.4.2: Provide security and protection for the watersheds and water storage and treatment facilities with monitoring, appropriate notices, physical barriers, and protective devices as well as land use policies and controls.

The proposed project would provide added water storage to meet City needs during drought conditions. The proposed fencing would help to secure the water supply. No goals, policies or programs were identified that would conflict with the proposed project. The project is consistent with General Plan goals, policies and programs.

The project site is located within the Public Facility (PF) zoning district. According to the Land Use and Development Code (LUDC), the project meets the description for a Utility Facility, which is principally permitted in the Public Facility (PF) zoning district. The project is subject to the applicable development standards outlined in Article 3 of the Land Use and Development Code, including parking, fencing, screening, and performance standards. The project is also subject to grading permit requirements and procedures outlined in Chapter 18.60 of the Land Use and Development Code. The project is not subject to Design Review requirements because the project would not be visible from any public view area, and is therefore exempt per Section 18.71.050.B.3.b of the Land Use and Development Code. Applicable development standard requirements are as follows:

Fences – A security fence is proposed around the perimeter of the new reservoir (**Attachment 1**, C7.0). As shown on drawing C7.1 of the Engineered Plans (**Attachment 1**), the proposed height of the fence would be six feet. The fence would not be located in setbacks as none apply to Public Facility zoned property, so the maximum allowable height is eight feet. The fence is proposed to be of chain link construction. Section 18.30.050.E.3 of the Land Use and Development Code prohibits chain link fencing within the front and street side yards in any zoning district. The property does not have a front or street side yard, however, as the property is located at the end of a private road, and does not adjoin any other roads. Additionally, per Section 18.30.050.E, chain link fencing can be approved by the Director for special security needs, and security of the water supply is listed as Program PF-2.4.2 of the Inland General Plan.

Screening – Section 18.30.050.F of the Land Use and Development Code establishes standards for screening between different land uses, indicating that commercial or industrial uses adjacent to a residential use must provide screening at the parcel boundary. Other non-residential uses adjacent to a residential use may also be required by an applicable review authority to comply with these requirements. The proposed reservoir will have banks that rise to a height of 14 to 18 feet above grade on the west side, and would be located approximately 10 feet from the neighboring residential property. For this reason, screening is warranted along the west property line adjacent to the proposed reservoir. Screening requirements outlined in 18.30.050.F.1 are as follows:

> **Screening between different land uses.** A commercial or industrial land use proposed on a site adjacent to a residential zoning district shall provide screening at the parcel boundary as follows.

Other nonresidential uses adjacent to a residential use may also be required by the applicable review authority to comply with these requirements.

a. The screen shall consist of plant materials and a solid, decorative wall of masonry or similar durable material, a minimum of six feet in height.

b. The maximum height of the wall shall comply with the provisions of Subsection B. (Height limits).

c. The decorative wall shall be architecturally treated on both sides, subject to the approval of the review authority.

d. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that 10 feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Section 18.34.050.C (Landscape Location Requirements - Parking Lots).

e. The review authority may waive or approve a substitute for this requirement if the review authority first determines that:

(1) The relationship of the proposed uses makes the required screening unnecessary;

(2) The intent of this Section can be successfully met by means of alternative screening methods;

(3) Physical constraints on the site make the required screening infeasible; or

(4) The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

Since the structure to be screened will be a vegetated earthen berm, a decorative wall would not be appropriate. A vegetative buffer is to be retained to the extent feasible within the 10 foot area between the property line and the reservoir berm on the west side. All healthy trees and brush that are not damaged or prone to windfall are to remain. Additionally, native pygmy cypress trees are to be planted in any gaps created from clearing. The pygmy cypress trees would be planted at estimated 10 foot intervals where gaps allow, and at maturity would rise above the 14 to 18 foot high berm, effectively screening the berm along the west property line. Mitigation Measure 1 is included to require vegetative buffering as a condition of approval of the project:

> **Mitigation Measure 1:** Native, drought resistant trees and shrubs shall be retained per the discretion of the Licensed Timber Operator, and/or native pygmy cypress trees shall be established or planted 10 feet apart (an average of at least one every 100 square feet, after the conversion) along the entire west side of the reservoir within the 10 foot wide visual buffer area between the proposed berm and the western property boundary. At least half of the native vegetation shall be of a species which is expected to reach a height of at least 20 feet at maturity.

Pygmy cypress are native trees that are currently present in the mixed coniferous forest at the site. Replanting around the perimeter of the berm is proposed as a mitigation measure to reduce the impacts of the initial removal during conversion activities to a level of less than significant. **Mitigation Measure 4** is outlined in the Natural Resources section of this report,

above, to assure the revegetation of the pygmy cypress trees is successful over the long term. The mitigation measure is reiterated as follows:

> **Mitigation Measure 4: For Loss of 72 Rare Pygmy Cypress Trees in Project Area**. Topsoil to be disturbed or removed by project construction will be stockpiled temporarily. Once the project has been completed the topsoil will be spread over the 0.54-acre mitigation area. The size of the mitigation area was selected to allow for establishment of over 216 mature trees, with each tree occupying a 100-square foot area (**see Attachment 4, Pygmy Cypress Mitigation Planting Area and Plan**). It is expected that pygmy cypress will germinate naturally from the existing seed bank in the topsoil, due to relatively exposed conditions of bare soil and location next to the newly-constructed reservoir.
>
> In case of inadequate existing seed bank in the topsoil, seedling and cone collection shall occur prior to vegetation removal for the project. 100-200 seed cones shall be collected and 50 or more seedlings shall be salvaged and transplanted to containers and stored at a local nursery.
>
> Three years after construction activities, the mitigation area (**Attachment 4**) will be surveyed for number of trees per acre. If the number of trees per acre is equal to or greater than the 3:1 ratio, then no more visits shall be required.
>
> If after year three the densities are below the designated ratio, then the area shall be replanted back to the mitigated ratio with seedlings, either germinated from seed or collected from site, then at year five, the area shall be re-surveyed. Seedlings will be planted by hand in native topsoil, in a hole deep enough to allow roots to be positioned downward and not curved over. Seedlings will be planted in the late fall or early winter to increase survival rates. As soon as stocking or replanting goals have been achieved, no more surveys shall be required. If the density is below, then replanting of dead and dying trees back to the mitigated ratio shall occur, and no more monitoring shall be required.
>
> During the initial visit at three years (and at year 5 if required) all competing conifer seedlings and invasive species in the mitigation area shall be removed in an effort to reduce competition and the potential spread of invasive species.
>
> At year three and year five monitoring, a short summary report of conditions will be documented and placed in the project file at City Hall. The summary reports will contain information on the number of cypress trees established, dimensions, and any actions taken including weeding and planting. Photographs will be taken and included with the summary reports.

As proposed, the reservoir berm will be adequately screened with vegetation, consistent with the intent of the screening requirements outlined in the Land Use and Development Code.

Performance Standards – Section 18.30.080 of the Land Use and Development Code outlines performance standards designed to minimize various potential operational impacts of land uses and development, promoting compatibility with adjoining areas and land uses. The section of code discusses standards for combustibles and explosives, dust, ground vibration, hazardous materials, light and glare, liquid waste, noise, odor, radioactivity, electrical disturbance, or

electromagnetic interference. Construction of the project has the potential for impacts associated with dust, ground vibration, and noise.

Dust performance standards are addressed in the Air Quality section of this report, which includes an analysis of the performance standards required by the zoning code. Ground vibration perceivable beyond the property lines has potential to occur during construction activities. Section 18.30.080.E Ground Vibration, allows for vibrations from temporary construction activities and from motor vehicle operations. Noise must comply with the City's noise standards as discussed in the Noise section of this report.

Parking – There is currently no formal parking at the Newman Gulch Reservoir. The existing and proposed reservoir would be accessed City personnel occasionally as needed for repairs and maintenance. There is currently no formalized parking and it is unlikely that a formal parking space would be utilized by City personnel during repair and maintenance activities. Section 18.36.020.A indicates that "Each land use and structure, including a change or expansion of a land use or structure, shall provide suitable off-street parking and loading facilities in compliance with this chapter." No parking spaces or loading spaces are proposed as none are warranted.

Site Development Regulations including grading permit requirements and procedures, grading, erosion, and sediment control standards, and urban runoff pollution control, as outlined in Article 6 of the Land Use and Development Code, are addressed in Section VI, Geology and Soils, and Section IX, Hydrology and Water Quality, of this report.

As conditioned, the project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

c) *Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?*

There are no habitat conservation plans or natural community conservation plans associated with this property or habitats or communities located upon this property. The project would not conflict with any habitat conservation plans or natural community conservation plans.

## XI. Mineral Resources

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?* | | | | X |
| b. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?* | | | | X |

DISCUSSION OF IMPACTS

The site does not contain any known mineral resources and construction of the project would not result in the loss of any locally important mineral resources delineated in the Fort Bragg General Plan or any other land use document.

## XII. Noise

| *Would the project result in:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* | | | | X |
| *b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?* | | | | X |
| *c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?* | | | | X |
| *d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* | | | X | |
| *e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?* | | | | X |
| *f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?* | | | | X |

DISCUSSION OF IMPACTS

a) *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?*

The proposed reservoir design does not include electric pumps or other equipment with a potential for creating loud noises. Water is to be transported via gravity feed. The local general plan indicates that normally acceptable noise levels in a residential neighborhood are levels at or below 60dB. The reservoir will not produce noise levels above 60dB.

b) *Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?*

The proposed reservoir design does not include equipment that would cause excessive ground borne vibration or ground borne noise levels. However implementation of the timber harvest plan and construction of the reservoir will result in temporary ground borne vibration and noise of more than 60 dB. In order to minimize impacts to neighbors to a less than significant level, mitigation measure 18 is proposed:

> Mitigation Measure 18: All timber harvest activities and reservoir construction activities shall occur between the hours of 8:00am and 5:00pm during weekdays.

c) *Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

The project is not expected to result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

d) *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Temporary noise impacts normally associated with construction projects are expected during project construction. Please see Mitigation Measure 18:

> Mitigation Measure 18: All timber harvest activities and reservoir construction activities shall occur between the hours of 8:00am and 5:00pm during weekdays.

e) *For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The proposed project would not be located in an airport land use plan area or within two miles of a public airport. As noted in Section VII, Hazards and Hazardous Materials, the project site is not located in an area that is influenced by an airport, the project site is not within an overflight zone and is not subject to noise from airport operations.

f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

There are no private airstrips within the vicinity of the project area and therefore there would be **no impact**.

## XIII. Population and Housing

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* | | | | X |
| *b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?* | | | | X |
| *c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* | | | | X |

DISCUSSION OF IMPACTS

a) *Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The purpose of the proposed project is to develop a 45 acre-feet raw water reservoir to store raw water from Waterfall Gulch to meet the water storage needs of the Fort Bragg water service area. Water will be transported via gravity fed pipeline to the City of Fort Bragg's water treatment plant for the provision of potable water for the Fort Bragg water service area.

The City currently has the ability to store 6,300,000 gallons of water. The two raw water storage ponds at the Water Treatment Plant hold a total of three million gallons. The two big tanks at the Corporation Yard hold a total of three million gallons, and a smaller tank on Highway 20 holds 300,000 gallons. The proposed reservoir would hold approximately 14,700,000 gallons of water. For perspective, Fort Bragg uses over a million gallons of water a day in the summer.

The City has a licensed water right to divert water from Waterfall Gulch[6], and that water is drawn and piped to Newman Gulch and the treatment plant. The point of diversion will remain the same, as will the amount of water drawn from Waterfall Gulch. The City has filed a Petition for Change with the State Water Resources Control Board to request that water right license 12171 be changed to allow for water from Waterfall Gulch to be stored in the proposed Summers Lane Reservoir. The pond will be constructed down the pipeline, between Waterfall Gulch (point of diversion) and the point at which the pipeline currently ties in to Newman Gulch (current point of re-diversion) and heads to the water treatment plant. Storage of Waterfall Gulch water in a reservoir (proposed new point of re-diversion) will allow the City to use the water when it needs it most, in the late summer months when demands are high and supply is limited.

Water supply analyses indicate that although the City has sufficient water to serve the projected build out of the City of Fort Bragg, as currently zoned within the existing City Limits through 2040 it does not have sufficient water storage or a water right that allows for storage. A new storage facility is necessary to ensure that sufficient water will be available in drought conditions, and to insure that substantial conservation measures will not be needed in severe drought conditions. Creation of the storage facility will allow the City to serve an increase in water demand of up to 12% over existing demand and to serve visitors and new development. In extreme drought conditions, such as conditions in 1977, the new storage facility would alleviate drought conditions for existing development; however some emergency water conservation measures may still be needed when the City is built out should an extreme drought occur.

b) *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

The project area is undeveloped. No houses will be impacted by the proposed project.

c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The project area is undeveloped and does not contain people. People will not be displaced.

## XIV. Public Services

| *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *Fire protection?* | | | | X |
| *Police protection?* | | | | X |
| *Schools?* | | | | X |
| *Parks?* | | | | X |
| *Other public facilities?* | | | | X |

DISCUSSION OF IMPACTS

The proposed modifications are not expected to result in a change in need of fire or police protection services, and will not have impacts to schools, parks or other public facilities.

## XV. Recreation

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* | | | | X |
| *b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?* | | | | X |

DISCUSSION OF IMPACTS

The project would not be open for public use as a recreational facility. The project would not result in an increase in use of existing parks or other recreational facilities.

## XVI. Transportation/Traffic

| *Would the project result in:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?* | | X | | |
| *b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?* | | | | X |
| *c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?* | | | | X |
| *d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?* | | | | X |
| *e. Result in inadequate emergency access?* | | | | X |
| *f. Result in inadequate parking capacity?* | | | | X |
| *g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?* | | | | X |

DISCUSSION OF IMPACTS

a) *Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?*

Temporary increases in traffic are expected during conversion and construction activities. The project was referred to the Mendocino County Department of Transportation, who expressed concerns regarding the temporary increase in traffic attributable to heavy equipment coming to and leaving the site. The County Department of Transportation suggests the road condition be assessed prior to project construction and any damage caused to the road surface caused by the project be repaired by the City at project completion. Mitigation Measure 19 is included to ensure impacts to transportation are minimized to a level of less than significant.

> **Mitigation Measure 19:** Prior to initiation of project construction, the applicant shall meet with a representative of County Department of Transportation, and assess and record the current surface conditions of the County maintained portion of Summers Lane. At the close of the construction period, any damage caused by the project to the County road shall be repaired to a condition equaling or exceeding the condition of the County road prior to the project.

*b) Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

The reservoir will not be open to the public and will only be accessed on occasion by city staff for repairs and maintenance. The project will not result in a significant increase in traffic.

*c) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The project does not include any components that would impact air traffic patterns.

*d) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The reservoir will be surrounded by a six foot tall chain link fence for safety and security, and will be adequately separated from the public road to prevent the possibility of any design feature interfering with traffic or causing traffic hazards.

*e) Would the project result in inadequate emergency access?*

The project was referred to the Fort Bragg Fire Department and no emergency access issues were identified.

*f) Would the project result in inadequate parking capacity?*

There is currently no formal parking at the Newman Reservoir. The existing and proposed reservoir would be accessed by City personnel occasionally as needed for repairs and maintenance. It is unlikely that a formal parking space would be utilized by City personnel during repair and maintenance activities. Section 18.36.020.A indicates that "Each land use and structure, including a change or expansion of a land use or structure, shall provide suitable off-street parking and loading facilities in compliance with this chapter." No parking spaces or loading spaces are proposed as none are warranted.

*g) Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

The project does not warrant alternative transportation systems consideration because the site will not be open to the public, and will be visited only on occasion by City staff for repairs and maintenance.

## XVII. Utilities and Service Systems

| *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| *a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?* | | | | X |

| | | | | | |
|---|---|---|---|---|---|
| *b.* | *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?* | | | | X |
| *c.* | *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?* | | | | X |
| *d.* | *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?* | | X | | |
| *e.* | *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?* | | | | X |
| *f.* | *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?* | | | | X |
| *g.* | *Comply with federal, state, and local statutes and regulations related to solid waste?* | | | | X |

DISCUSSION OF IMPACTS

*a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The project is a water storage facility and will have no effect on the City's wastewater treatment facility.

*b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project is a water storage facility. It will not require construction or expansion of the City's water treatment facilities.

*c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project will not result in a significant increase of impervious surfaces, and will not necessitate expansion or construction of new stormwater drainage facilities.

*d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The water source for the reservoir is the City's existing Waterfall Gulch diversion. The licensed water right allows the City of Fort Bragg to divert a maximum of 475 acre feet per year from Waterfall Gulch at a rate of diversion not to exceed 0.668 cubic feet per second. This project will not change the amount or rate of diversion, it will simply allow for additional storage of raw water prior to its treatment and distribution. The City will need to obtain a point of re-diversion permit

from the State Water Resources Control Board to allow for the Waterfall Gulch water to be diverted to the reservoir before heading to or the Water Treatment Plant.

*e) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The project will not result in any increase in demand on wastewater treatment facilities.

**f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

The project will not create or contribute to an increase in solid waste.

*g) Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

The project is in compliance with federal, state and local statutes and regulations related to solid waste.

## XVIII. Mandatory Findings of Significance

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* | | X | | |
| b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?* | | | X | |
| c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* | | | X | |

**DISCUSSION OF IMPACTS**

With incorporation of the following 20 mitigation measures into the project, all potential impacts would be reduced to a level of less than significant.

**Mitigation Measure 1:** Native, drought resistant trees and shrubs shall be retained per the recommendations of the Licensed Timber Operator, or planted 10 feet apart (at least one every 100 square feet, after the conversion) along the entire west side of the reservoir within the 10 foot wide visual buffer area between the proposed berm and the western property boundary. At least half of the native vegetation shall be of a species which is expected to reach a height of at least 20 feet at maturity.

**Mitigation Measure 2:** In order to minimize dust and keep dust from leaving the project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the Storm Water Pollution Prevention Plan (SWPPP). The dust prevention and control plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

2.A - The plan shall address site conditions during construction operations, after normal working hours, and during various phases of construction.

2.B - The plan shall include the name and the 24 hour phone number of a responsible party in case of emergency.

2.C - If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to

keep the public streets and private properties along the haul route free of dirt, dust, and other debris.

2.D - When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system.

2.E - Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.

2.F - The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.

2.G - All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions. Dust emissions shall be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding, etc.).

2.H - All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour.

2.I - Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

2.J - Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts.

2.K - All earthmoving activities shall cease when sustained winds exceed 15 miles per hour. Wind speed shall be measured on-site by the City inspector with a hand-held anemometer.

2.L - The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.

2.M - The operator shall keep a daily log of activities to control fugitive dust.

2.N - Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained; and

2.O - Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer.

**Mitigation Measure 3:** The City shall secure all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this analysis.

**Mitigation Measure 4: For Loss of 72 Rare Pygmy Cypress Trees in Project Area**. Topsoil to be disturbed or removed by project construction will be stockpiled temporarily. Once the project has been completed the topsoil will be spread over the 0.54-acre mitigation area. The size of the mitigation area was selected to allow for establishment of over 216 mature trees, with each tree occupying a 100-square foot area (**see Attachment 4, Pygmy Cypress Mitigation Planting Area and Plan**). It is expected that pygmy cypress will germinate naturally from the

existing seed bank in the topsoil, due to relatively exposed conditions of bare soil and location next to the newly-constructed reservoir.

In case of inadequate existing seed bank in the topsoil, seedling and cone collection shall occur prior to vegetation removal for the project. 100-200 seed cones shall be collected and 50 or more seedlings shall be salvaged and transplanted to containers and stored at a local nursery.

Three years after construction activities, the mitigation area (**Attachment 4**) will be surveyed for number of trees per acre. If the number of trees per acre is equal to or greater than the 3:1 ratio, then no more visits shall be required.

If after year three the densities are below the designated ratio, then the area shall be replanted back to the mitigated ratio with seedlings, either germinated from seed or collected from site, then at year five, the area shall be re-surveyed. Seedlings will be planted by hand in native topsoil, in a hole deep enough to allow roots to be positioned downward and not curved over. Seedlings will be planted in the late fall or early winter to increase survival rates. As soon as stocking or replanting goals have been achieved, no more surveys shall be required. If the density is below, then replanting of dead and dying trees back to the mitigated ratio shall occur, and no more monitoring shall be required.

During the initial visit at three years (and at year 5 if required) all competing conifer seedlings and invasive species in the mitigation area shall be removed in an effort to reduce competition and the potential spread of invasive species.

At year three and year five monitoring, a short summary report of conditions will be documented and placed in the project file at City Hall. The summary reports will contain information on the number of cypress trees established, dimensions, and any actions taken including weeding and planting. Photographs will be taken and included with the summary reports.

**Mitigation Measure 5: For Potential Impacts to Wetlands and Other Waters.** All work involving or associated with soil movement and or digging should occur during the dry season. A grading permit will be obtained and construction Best Management Practices will be implemented, including silt fencing and straw wattles to control erosion and sediment transport that may flow into surrounding natural habitats, particularly along the north end of the unit nearest to Newman Gulch. Best Management Practices shall be utilized along existing roads as their location provides an existing buffer to the Newman Gulch stream and associated wetland areas. The natural topography surrounding the proposed reservoir shall be left intact as much as is feasible, such that runoff to the surrounding landscape is minimized.

**Mitigation Measure 6: For Potential Impacts from Invasive Species Caused by the Project.** Heavy equipment shall be washed prior to initial use on the site in order to remove any potential invasive seed contamination sources. After the completion of the all construction-related activities, all areas of bare soil around the reservoir will be replanted with native vegetation appropriate to the site, and wetland vegetation where appropriate. Vegetation planted around the perimeter of the reservoir shall be locally-native species from local propagule sources if feasible, and should be planted during the wet season or whenever soils are moist, in order to achieve the highest feasible survival rate. Areas of disturbed soil shall be mulched, seeded, or planted and covered with native vegetation as soon as possible after clearing. No exotic plants shall be planted during or following site development. Plant species listed as invasive (High, Moderate, or Limited) on the California Invasive Plant Inventory (Cal-IPC 2006) shall not be installed anywhere in the Project Area as they would pose a risk to the surrounding plant

community. All reasonable efforts should be made to control and remove existing or newly established populations of exotic species. Some examples of invasive plants likely to be found that should be monitored and controlled are English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), French broom (*Genista monspessulana*), pampas grass (*Cortaderia* spp.), and forget-me-not (*Myosotis latifolia*).

**Mitigation Measure 7: For Potential Disturbance to Wildlife Species**

7.A – Potential Disturbance of Special Status Bat Species

7.A.1 WORK WINDOWS. Removal of potential bat roost habitat (large trees or snags) or construction activities near potential bat roost habitat will take place in September and October to avoid impacts to bat maternity or hibernation roosts.

7.A.2 - ROOST SURVEYS. If this work window is not feasible, prior to construction, bat roost surveys will be conducted in the Project Area to determine if bats are occupying roosts. If bats are present, a suitable buffer around the roost site will be instated or bats will be excluded from the roost using methods recommended by a qualified biologist.

7.A.3 - MANAGE LIGHTING. Installation of outdoor artificial lighting in or adjacent to the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to bats such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.B - Potential Disturbance of Sonoma Tree Vole

7.B.1 - PRECONSTRUCTION SURVEYS. Preconstruction surveys for the Sonoma Tee Vole will be performed prior to construction activities. Tree vole survey methodology should follow the Survey protocol for the Red Tree Vole (*Arborimus longicaudus*) in the Record of Decision of the Northwest Forest Plan), Version 2.1, Revision, October 2002 or any subsequent revision.

7.B.2 - CONSULTATION. Occupied trees will be avoided to the fullest extent possible. If disturbance of occupied trees is unavoidable, consultation with CDFW will be initiated to determine the appropriate mitigation measures. Measures may include the preservation or avoidance of suitable habitat.

7.C - Potential Disturbance of Nesting Special Status Bird Species and Other Breeding Birds

7.C.1 - WORK WINDOWS. Conduct as much ground disturbance and vegetation (tree and shrub) removal as is feasible between September 1 and January 15, outside of the breeding season for most bird species.

7.C.2 - PRECONSTRUCTION SURVEYS. If ground disturbance or removal of vegetation occurs between January 16 and August 31, preconstruction surveys will be performed prior to such disturbance to determine the presence and location of nesting bird species.

7.C.3 - BUFFERS. If nests are present, establishment of temporary protective breeding season buffers will avoid direct mortality of these birds. The appropriate buffer distance is species specific and will be determined by a qualified biologist as appropriate to prevent nest abandonment and direct mortality during construction.

7.C.4 - MANAGE LIGHTING. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to avian species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.D - Potential Disturbance to Special Status Herpetofauna

7.D.1 – PRE-HARVEST/PRECONSTRUCTION SURVEY. A biologist or other qualified professional shall conduct a survey for coastal tailed frogs, northern red legged frogs foothill yellow–legged frogs, and southern torrent salamanders within one week of commencing project activities. The survey may occur during day or night. For night

surveys, the surveyor shall use a portable light for use in detecting frog's eye shine. Surveys shall include the project site and an area that extends 30 feet up and downstream of the project site.

7.D.2 – PREHARVEST/PRECONSTRUCTION TRAINING. Before starting project activities, the biologist or qualified professional shall conduct a coastal tailed frog, northern red legged frog, foothill yellow–legged frog, and southern torrent salamander awareness training for all on-site workers involved in the project. This training will include photos and/or drawings of each species, a discourse on key physical features and general life history of each species and an overview of herpetofauna protection measures to follow to minimize loss of each species during project activities. A copy of the training materials shall be kept at the project site at all times during project activities, and available to all on-site workers for reference.

7.D.3 – HERPETOFAUNA PROTECTION MEASURES. At the beginning of each work day, trained on-site workers shall survey the project area for coastal tailed frogs, northern red-legged frogs, foothill yellow–legged frogs, and southern torrent salamanders. If at any point during surveys or project activities one of these species is identified within 30 feet of the project area, the individuals shall be carefully removed and placed well outside (at least 300 feet away) the project area.

7.D.4 – HERBICIDE USE AND PILE BURNING RESTRICTION. No herbicide use or pile burning shall occur within 300 feet of the watercourse.

7.D.5 – WATER DRAFTING. If water drafting from the watercourse is to occur for dust abatement purposes, drafting must be done with a hose placed in a bucket in a deep pool. The bucket must be covered by <1 inch mesh, and the mouth of the hose must be covered by ¼ inch mesh.

7.D.6 - STORMWATER TREATMENT. A SWPPP will be implemented to control sediment and pollutants during construction and prevent construction activities from having a negative effect on water quality and quantities in preserved portions of the Study Area. Through implementation of the SWPPP, project stormwater will be treated to meet state and federal stormwater requirements, including treatment of stormwater quality and quantity so that they are not substantially altered from existing conditions.

7.D.7 - MANAGE LIGHTING. Installation of artificial lighting in the Project Area will be avoided, unless required for public safety. If outdoor artificial lighting is placed within the Project Area, it will incorporate measures to lessen potential impacts to frog species such as: prismatic glass coverings, cutoff shields, embedded road lights, narrow spectrum bulbs, or other appropriate lighting technology.

7.E.1 - CONSTRUCTION BMPs. Appropriate BMPs during construction activities, such as the use of a silt fence or other erosion control measures to prevent sediment from entering the water column, will protect in-migrating adults and out-migrating smolts from potential disturbance from increased turbidity. Erosion control devices should not contain monofilament as this may pose a potential entanglement hazard to sensitive amphibian species that may occur in the area. Potential discharge of the reservoir into Newman Gulch should be done with the consultation of the National Marine Fisheries Service (NMFS) to ensure there are no potential impacts to migrating salmonid species.

**Mitigation Measure 8:** 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 Public Works Department within 24 hours of discovery; and 3) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.

**Mitigation Measure 9:** Site grading associated with the construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summer's Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), Section 8, Earthwork Grading Recommendations, which is included as **Attachment 5** of this report.

**Mitigation Measure 10**: Construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summer's Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), including the requirement that any rigid structures that are constructed across the toe of the earthen levee slopes shall have articulated connections that can accommodate up to at least 25 inches of displacement.

**Mitigation Measure 11:** Any topsoil or other soil materials excavated to accommodate the reservoir and not used onsite shall be temporarily stored on the property until such time as the materials can be used locally for City projects.

**Mitigation Measure 12:** To the extent feasible gasoline and oil conservation measures shall be incorporated into the project. Heavy equipment used at the project site shall be in good working condition and inspected regularly. Equipment shall be turned off immediately when not in use unless warm-up of equipment would use more gas than leaving equipment running.

**Mitigation Measure 13:** Any chipped wood not utilized on site shall be temporarily stored on the property until such time as it can be used locally for other City projects, or used for fuel either locally or at a nearby (Scotia or Eureka) cogeneration plant.

**Mitigation Measure 14:** The Storm Water Pollution Prevention Plan shall include measures for prevention of gasoline, oil and lubricant spills, and an action plan for clean-up of any accidental fluids or other contaminants spilled or encountered during conversion and construction activities.

**Mitigation Measure 15:** Should the public be allowed to cut firewood on the property after timber harvest is complete, a full sized shovel shall be visible in each vehicle accessing the property, to be used to cover any fire with dirt. A fire truck or water truck shall be kept at the site during firewood removal activities, and at least one person shall be assigned at the site to oversee firecutting efforts and operate water equipment if needed.

**Mitigation Measure 16:** If burning of vegetation is required for removal, permission shall be obtained from the Fort Bragg Fire Department prior to burning, and all safety measures required by the Fort Bragg Fire Department shall be adhered to in order to minimize wildfire risk.

**Mitigation Measure 17:** On a regular basis, the valves will be inspected to ensure functionality and the low flow spillway will be inspected for clogging. As feasible, the reservoir shall be maintained, in fair weather when water quality is clear, such that water is constantly flowing to prevent stagnation.

**Mitigation Measure 18:** All timber harvest activities and reservoir construction activities shall occur between the hours of 8:00am and 5:00pm during weekdays.

**Mitigation Measure 19:** Prior to initiation of project construction, the City shall meet with a representative of County Department of Transportation, and assess and record the current

surface conditions of the county maintained portion of Summers Lane. Prior to completion of the project, any damage caused by the project to the County road shall be repaired to a condition equaling or exceeding the condition of the County road prior to the project.

**Mitigation Measure 20:** To ensure public safety, the reservoir shall be fully fenced and the gate shall be kept secure to prevent access into the reservoir. Additionally, ropes shall be secured in at least four places around the top of the berm and hung over the inner edge of the reservoir to accommodate exit from the reservoir should someone accidentally fall in.

**Tables, Figures and Attachments**

| | |
|---|---|
| Table 1 | Existing Diversion Piping |
| Table 2 | Special Status Plant Species Found in the Project Area |
| Table 3 | Special Status Wildlife Species with Potential to Occur In or Near the Project Area |
| Figure 1 | Project Location |
| Figure 2 | Site Plan |
| Figure 3 | Potential Scenic Views toward the Ocean |
| Attachment 1 | Engineered Plans |
| Attachment 2 | County Maps 13 & 14 |
| Attachment 3 | Biological Assessment, Summers Lane Reservoir, WRA Consultants, February 2013 |
| Attachment 4 | Pygmy Cypress Mitigation Planting Area and Plan |
| Attachment 5 | Holdrege & Kull Report: Summers Lane Reservoir, Fort Bragg CA, Geotechnical Investigation Report, October 2, 2009, Section 8 |
| Attachment 6 | Lawrence & Associates Technical Memorandum |

Fort Bragg Planning Commission Minutes
October 23, 2013
Town Hall

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:00 p.m., in the Fort Bragg Town Hall, 363 North Main Street, Fort Bragg, and the following items were discussed in the order presented.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

Present: Chair Derek Hoyle, Commissioners Jamie Peters and Mark Hannon.
Absent: Commissioners Teresa Rodriguez and Sage Statham.
Staff Present: Marie Jones, Community Development Director; Teresa Spade, Assistant Planner; David Warner, City Attorney, Dave Goble, Director of Public Works, and Cindy VanWormer, City Clerk.

## APPROVAL OF MINUTES

**Moved by Peters, seconded by Hannon, to approve the October 9, 2013, regular meeting minutes as written.**

**VOTE: Ayes: Commissioners Peters, Hannon, and Chair Hoyle.**
**Absent: Commissioners Rodriguez and Statham.**

## PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

## PUBLIC HEARINGS

1. **Grading Plan 2013-08 and Mitigated Negative Declaration; City of Fort Bragg (owner); Public Works Department (Applicant); 19701 Summers Lane (APN 019-070-13); The project is for a new 45 acre-foot raw water reservoir with a maximum depth of 24 feet, to cover approximately 6.5 acres. Approximately 8 acres of timberland would be converted to accommodate the development. The new reservoir would draw water from the existing water line which currently runs from Waterfall Gulch to Newman Gulch, and would tie in to the existing water line at its intersection with Brush Creek Road. The intent of the project is to provide a new storage facility for the raw water currently drawn from Waterfall Gulch.**

Assistant Planner Spade reviewed the Agenda Item Summary Report prepared for this item with the Planning Commissioners. She corrected a comment on Page 6 regarding drainage of the reservoir once every five years; Public Works would like to completely drain the reservoir five years after construction to see how much sediment is present so they can ascertain the best schedule for routine maintenance in future years. Staff's recommendation is to hold the public hearing, close the hearing, deliberate without adopting the mitigated negative declaration or resolution, and revisit the application at a date certain for a decision and the addition of any new information and/or findings; this is to allow for additional input from interested parties.

Discussion: The following was noted during continued discussion of this item:

- Spade reviewed her response to concerns raised in Carole Peterson's letter of October 22, 2013.
- The pygmy cypress forest is a rare and endangered plant community and Mendocino County is the only location where it exists.
- Commissioners requested more information regarding the fence height and location. The concern was that the fence needs to be difficult for someone to scale.
- In response to a question regarding the possibility of marijuana growers siphoning off water, Director of Public Works Goble stated that City staff will be checking the site on a daily basis. He felt that the odds of anyone siphoning off water from the reservoir was very unlikely.

**Chair Hoyle opened the public hearing at 6:34 p.m.**

1. Director of Public Works Goble, applicant, stated that the reservoir has been something the City has been looking at for a number of years. The additional water storage will address drought conditions when there are low flows in the Noyo River. Additional water will not be diverted from Waterfall Gulch because the water diversion limit has already been reached. No funding has been identified for constructing the reservoir but it has been designed. Depending on the conditions/requirements imposed during the approval process there might be slight modifications to the plans. Goble noted that rainfall this year for this area is slightly behind that of the worse drought year (1977) so this reservoir would be something that could be used immediately.
2. Jim Celeri stated that his major concern with this project is that it will sit on a ridge between Newman Gulch and Brush Creek and if there is a break the water will flow down Brush Creek Road and many homes could be in peril. He suggested that a map be made of areas that would be affected if the reservoir failed. He also requested that an Emergency Action Plan be developed before the Commission approves the project. Celeri stated that his family came up with a proposal for a land swap in order to provide a safer place for the reservoir but the City has apparently decided to not pursue that deal even though it would be a better project than this one. He noted that the largest specimen of the pygmy cypress is on the proposed reservoir property near the current dam; when the reservoir is built it will open the tree up to wind blow and that could be a problem. The City will be creating a new floodplain by building the reservoir in this location and adjacent property owners will need insurance to cover their property. Celeri also noted that Summers Lane is a county road until it meets Brush Creek Road and then there is a "no-man's land" between Brush Creek and the Humane Society. Since there will be a lot of traffic during construction he suggested that the City maintain that part of the road.

**Chair Hoyle closed the public hearing at 6:42 p.m.**

Discussion: The following was noted during continued discussion of this item:

- Community Development Director Jones clarified that there will not be a public hearing when this item comes back so this is the time for people to speak.
- Jones noted that special conditions can be added directing that a map be prepared with elevations showing where water will flow if there is a reservoir failure, an Emergency Action Plan be prepared for the site prior to construction, and the City be required to rock and maintain that portion of the road between Brush Creek and the Humane Society.
- Celeri suggested doing the Emergency Action Plan before the Commission approves the project, not prior to construction. Jones noted that would delay action for some time and suggested that the map would be adequate in helping the Commission make their decision.
- Goble, in response to a question by Commissioner Peters, stated that he and an engineer walked the site proposed for the property swap with Mr. Celeri to make sure the water would flow in the direction necessary and it appeared that it would work. The biggest consideration with the swap was that the City had already spent $50,000 plus on the design, geotechnical work, and other surveys and all that work would have had to be scrapped and additional money spent to do this same work for the new location. The City did not have that funding so it didn't make sense to change locations at that point. The decision was made instead to use a high-density polyethylene liner which reduces the likelihood of failure.
- An engineer will need to be hired to review contours and develop a map. How long that will take will depend on whether it will require additional survey work.

**Moved by Peters, seconded by Hannon, to continue action to a future unspecified date.**

**VOTE: Ayes: Commissioners Hannon, Peters, and Chair Hoyle.**
**Absent: Commissioners Rodriguez and Statham.**

## CONDUCT OF BUSINESS

**2. Matters from Chair/Commission/Staff**

A. Community Development Director Jones noted that there will be another economic development strategy meeting tomorrow at 8:00 a.m. and another City Dialogue regarding the Main Street Merge on Friday at 8:00 a.m.

## ADJOURNMENT

**Chair Hoyle adjourned the meeting at 6:54 p.m.**

_____
**Derek Hoyle, Chair**

**ATTEST:**

_____
**Cynthia M. VanWormer, MMC**
**City Clerk**

**IMAGED: _____(_____)**