



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, California 95437  
tel. 707.961.2827  
[www.fortbragg.com](http://www.fortbragg.com)

### AMENDED LIMITED TERM PERMIT

### ACTION NOTIFICATION

This document provides notification of the decision as indicated below. If you have any questions, please contact the Community Development Department at City Hall.

**APPLICATION NO.:** Limited Term Permit 23-0023 (LTP 23-23)

**PROPERTY OWNER:** City of Fort Bragg

**APPLICANT/AGENT:** Fort Bragg Unified School District (FBHS Cross County & Track Teams)

**REQUEST:** Limited Term Permit to authorize the Fort Bragg High School Cross Country meet along Noyo Point Road on Wednesday September 13, 2023; Wednesday September 27, 2023, from 2:15 to 5:30 PM with approximately 50 people; and Wednesday, October 25, 2023, from 2:00 to 5:00 PM; and to authorize the Fort Bragg High School Track Team to host the Turkey Trot along Noyo Point Road on Thursday November 23, 2023, from 9:00 to 10:00 am with approximately 50 people.

**LOCATION:** Generally along the headlands trail, starting from Noyo Headlands Park following Noyo Point Road and ending near West Alder Street behind the Fire Department.

**ASSESSOR'S PARCEL NO:** various

**DATE OF AMENDED ACTION:** October 6, 2023

**ACTION BY:** Community Development Director

**ACTION TAKEN:** Approved (See attached Findings and Conditions)

**EFFECTIVE DATE OF AMENDED ACTION:** October 17, 2023 unless a timely appeal is filed

**LOCAL APPEAL PROCESS AND FEE:** Decisions of the Community Development Director shall be final unless appealed to the Planning Commission in writing within 10 days of the decision date with a filing fee of \$1,000 to be filed with the Community Development Department.

**NOTIFICATION MAILED TO:** Fort Bragg High School, Att: Tara Larson  
312 South Lincoln Street  
Fort Bragg, CA 95437

**DATE OF MAILING AMENDED NOTIFICATION:** October 6, 2023

**CONDITIONS OF APPROVAL:** See attached findings and conditions

**Community Development Department Statement:** I hereby certify that conditions which must be met prior to issuance of this permit have been met and that this permit is deemed by the City of Fort Bragg Community Development Department to be a valid permit subject to all conditions of approval.

  
\_\_\_\_\_  
Juliana von Hacht Cherry,  
Community Development Director

October 6, 2023  
Date

**Statement of Responsible Party:** I am responsible for assuring the temporary event is carried out in compliance with all applicable regulatory requirements, and I hereby certify that I have reviewed the conditions of approval and the project will be carried out in conformance with the specified conditions as attached.

\_\_\_\_\_  
Responsible Party

\_\_\_\_\_  
Date

Notice: This permit must be signed and returned to the Community Development Department.  
Attachment: Findings and Conditions

**Amended LTP 23-23 has been approved based on the findings and conditions cited below:**

**FINDINGS**

1. The proposed short term activity as described in the application and supplemental materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's Coastal Land Use and Development Code (CLUDC), including but not limited to all applicable standards of Section 17.71.030 of the Coastal Land Use and Development Code, and the proposed short term activity will not adversely affect the environment; and
2. The proposed project is a temporary use for a limited term and is compatible with existing uses on the property; and
3. For the purposes of the environmental determination, this project has been determined to be exempt from further environmental review pursuant to the CEQA Guidelines, Section 15304(e), minor temporary use of land; and
4. 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.

**ENCROACHMENT PERMIT GENERAL PROVISIONS**

1. A permit is issued under the provisions of Chapter 5.5 of Division 2 of the Streets and Highways Code and Chapter 9.72 of the Fort Bragg Municipal Code. Except as otherwise

provided for public agencies and franchise holders, the permit is revocable on five (5) days notice.

2. It is understood and agreed by the applicant that the doing of any work under the permit shall constitute an acceptance of the provisions, terms, conditions and/or restrictions
3. The permit shall be kept at the site of the work and must be shown to any representative of the grantor or any law enforcement officer upon demand.
4. **PUBLIC CONVENIENCE** - Applicant shall so conduct operations as to offer the least possible obstruction and inconvenience to the public. Unless otherwise provided on the permit, all public traffic shall be permitted to pass through the work with as little inconvenience and delay as possible. Spillage resulting from hauling operations along or across any public traveled way shall be removed immediately by the permittee at his/her expense. If the spillage is hazardous, the Mendocino County Office of Environmental Health must be notified at 964-2714, as well as the Fort Bragg Police Department at 964-0200.
5. **PUBLIC SAFETY** - Should the Applicant's operations create a condition hazardous to the public, he/she shall furnish, erect, and maintain, at his/her expense, such fences, barricades, lights, signs, and other devices as are necessary. Applicant shall furnish at his/her expense, such flagmen and guards as are necessary to prevent accidents or damage or injury to the public. No material or equipment shall be stored where it will interfere with the free and safe passage of public traffic. Should the Applicant's operations create a condition hazardous to traffic, please see Special Conditions attached.
6. An encroachment permit does not relieve permittee from the responsibility of obtaining all applicable permits and/or licenses as may, in connection with the work or activity therein described, be required from other public agencies and/or commissions. Failure by applicant to secure all necessary and applicable permits and/or licenses shall nullify the permit.
7. **LIABILITY FOR DAMAGES** - Applicant is responsible for all liability for personal injury or property damage which may arise out of work herein permitted, or which may arise out of failure on the permittee's part to perform his/her obligations under the permit in respect to maintenance. In the event any claim of such liability is made against the City of Fort Bragg, or any department, officer, or employee, thereof, applicant shall defend, indemnify and hold them and each of them harmless from such claim.
8. **DUE CARE** shall be exercised to avoid injury to existing Highway improvements or facilities. City road surfacing shall be replaced by equal or better than the surfacing disturbed. The cost of all materials, labor, etc. necessary for installation of the encroachment shall be borne by the permittee. The cost of any labor and materials for repairs to the road by city forces, made necessary by the work done under the permit, shall be charged to the permittee at actual cost.

### **STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030;
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. The site occupied by the short term activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with this Development Code.

### **SPECIAL CONDITIONS**

1. This permit is granted for a limited term and is valid for Wednesday, September 13, 2023 and Wednesday, September 27, 2023 from 1:15 to 5:30 PM; Wednesday, October 25 from 2:00 to 5:00 PM; and Thursday, November 23, 2023 from 8:00 to 10:00 AM.
2. The site occupied by the short term activity shall be cleaned of litter, debris, or other evidence of the temporary activity on completion or removal of activity prior to 6:30 PM that day.
3. The applicant shall submit proof of liability insurance for the event with the City of Fort Bragg specifically named as “additionally insured” by policy endorsement to the City Clerk prior to issuance of the encroachment permit for the event. The amount of insurance required is a minimum of one million dollars. For clarification, contact Administrative Assistant, Diana Sanchez at 707-961-2823.
4. Parking will be permitted on Runway in designated spaces along the West side only.
5. There shall be no parking on the East side of Runway. No parking signs shall be obtained from the Public Works Department and placed on the eastern side of the Runway to prevent parallel parking. Please contact Ian Sanderson at (707) 357-0231.
6. Fire/Emergency lane shall not be blocked off
7. Applicant shall supply portable toilet facilities at a ratio of 1 portable toilet per 100 people in attendance, in addition to a hand washing station.
8. Applicant shall provide the Fort Bragg Police Department with the name and phone number of an on-site contact during all hours the event is open to the public.
9. The applicant shall not mark the trail with paint or chalk, instead use temporary identifying markers, such as flags or signs to be removed at the close of race.
10. Throwing or releasing confetti, grain, petals or similar effects is prohibited.
11. Event route shall not cross Johnson Rock. Signage shall be placed at base of Johnson Rock to redirect participants eastward.