



AGENCY: Planning Commission
MEETING DATE: March 22, 2023
DEPARTMENT: Community Development
PRESENTED BY: Marie Jones
EMAIL ADDRESS: jsmith@fortbragg.com

AGENDA ITEM SUMMARY

TITLE: Receive Report and Adopt a Resolution Finding that the City of Fort Bragg's Acquisition of Six Parcels of Real Property (Assessor's Parcel Nos. 019-070-07-00, 019-070-010-00, 019-070-11-00, 019-080-14-00, 019-080-16-00 and 019-080-23-00) is Consistent with the City's General Plan

ISSUE:

City staff has been engaged in discussions with the Mendocino Coast Park and Recreation District (the "District") to acquire six parcels (the "Property") located adjacent to Hwy 20 that could potentially be developed for one or more water reservoirs and for open space, habitat preservation and recreational uses. The Fort Bragg Planning Commission must make a finding that the Property's acquisition by the City is in conformance with the City's General Plan, before the City Council can make a decision regarding property acquisition.

ANALYSIS:

The City has been exploring various water supply and storage options since the 1990's; including various well options, storage locations and transportation methods. Even with recently completed water projects, the City's existing water sources continue to be impacted by climate change and sever weather, so the City is seeking new water storage to secure safe drinking water for existing and future customers and fire protection.

Several potential water storage properties have been reviewed over the years, and the Mendocino Coast Recreation and Park District (MCRPD) property is the best fit for the project, because:

- The property consists of 582 acres (six parcels) that are primarily zoned Timber Production/Forest Land.
- At just shy of one square mile, the property provides enough space for construction of three 45-acre foot reservoirs, which is a similar size to the Summers Lane Reservoir. Three reservoirs would require approximately 30 acres of the 582-acre site, leaving significant property for habitat conservation and passive recreation uses.
- The site provides convenient connections to infrastructure allowing gravity flow to our raw water line, conveying water to our treatment plant.
- The site is close to high power PG&E transmission lines, which would facilitate the installation of floating solar panels on the new reservoirs to generate roughly 3 to 3.5 Mega Watts of electricity.

GENERAL PLAN CONSISTENCY ANALYSIS

The proposed project is under the jurisdiction of the Inland General Plan as the project is not located within the Coastal Zone. This section explores **relevant** policies from each Element of the General Plan. The proposed acquisition does not constitute a development project itself

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and is exempt from CEQA review. Additionally, as an acquisition project, with no proposed development at this time, most of the policies of the General Plan are not applicable to the acquisition because general plan policies are focused on regulating development. Nevertheless, if the City pursues one or more reservoirs or other projects in the future after acquiring the property, the City would have to comply with all policies of the General Plan as well as all regulations of the Land Use and Development Code and the Muni Code.

This analysis provides a general overview of compliance with relevant General Plan policies. It also includes, for information only, a general analysis of general plan compliance with the potential contemplated future uses of the site by the City, which include:

- Water storage,
- Recreational facilities,
- Open space and habitat conservation, and
- Solar energy production.

Element 3- Public Facilities

The acquisition has the potential to allow the City to implement a number of General Policy Goals through future development projects with regard to Public Facilities policies as follows.

Policy PF-1.1 Ensure Adequate Services and Infrastructure for New Development: Review new development proposals to ensure that the development can be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal.

The proposed acquisition could facilitate the construction of water storage which would allow the City to provide adequate water storage and services for existing and future development.

Policy PF-2.2 Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies.

The proposed acquisition may allow the City to address all long-term water storage needs of existing and future development.

Policy PF-2.3 Emergency Water Supply: Develop an emergency water supply for disaster preparedness.

Potential water storage facilities would be gravity feed and therefore assist in disaster preparedness as water flow would not depend on electrical supply.

Policy PF-2.4: Potable Water Quality: Maintain the safety of the water supply.

Potential water storage may be located adjacent to existing water storage and would allow the City to more easily secure these facilities.

Element 4- Conservation, Open Space, Energy, and Parks

The acquisition has the potential to allow the City to implement a number of General Policy Goals with regard to the Conservation Element's policies as follows.

Policy OS-1.2 Preserve Natural Resources: Require that sensitive natural resources in Special Review Areas be preserved and protected to the maximum degree feasible.

While the proposed project site is not currently mapped as a Special Review Area in the City's General Plan, because the property is located outside of the City Limits, the property will likely qualify for inclusion into the sensitive Review Area as the property is largely Pygmy Forest which is considered a rare plant community by the California Department of Wildlife. The proposed acquisition, would likely result in preservation of a significant portion of this project site because only a small portion of the site would be developed for water storage, leaving a much larger area for habitat and watershed protection.

Program OS-1.2.1: Review projects requesting discretionary approvals to determine whether the project is located in an area with potentially sensitive natural resources.

If the City acquires the property, any future projects would require CEQA review and the identification and mapping of all sensitive natural resources.

Policy OS-1.3 Biological Report Required for Special Review Areas: Permit applications for development within or adjacent to Special Review Areas which have the possibility of containing sensitive habitat shall include a biological report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of CEQA, the Department of Fish and Wildlife, and the City of Fort Bragg's Inland General Plan are fully met. The required content of the biological report is specified in the Inland Land Use and Development Code.

See analysis for OS-2.1.1 above.

Policy OS-1.4 Maintain Open Space: Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.

If acquired, the project site would provide significant open space which would be more than adequate to provide an effective wildlife corridor. Even if all three potential reservoirs are eventually permitted and constructed, more than 90% of the site would be retained as open space, which would allow the property to continue to provide wildlife habitat and corridors.

Policy OS-2.3 Preserve Native Vegetation and Trees: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

If the property is purchased, the City will comply with Policy OS-2.3 by identifying and preserving native vegetation and trees to the maximum extent feasible. Furthermore, the CEQA analysis for any future project would require mitigation for the removal of any special status trees, vegetation or plant communities for any future construction projects.

Policy OS-2.4 Forested Areas: Maintain existing forested areas and reforest parks and streetscapes with new trees as needed. Projects proposed in forested areas are required to meet the requirements of the Special Review Areas.

See analysis for Policy OS-2.3 above.

Policy OS-3.1 Soil Erosion: Minimize soil erosion to prevent loss of productive soils, prevent flooding and landslides, and maintain infiltration capacity and soil structure.

All future proposed projects that might occur on the project site would have to comply with this policy. The property is currently subject to unauthorized off-road vehicular use which has resulted in areas of considerable soil compaction, erosion and degradation. The proposed acquisition has the potential to limit such activities and potentially result in restoration of impacted areas through mitigation associated with a possible future reservoir construction projects.

Policy OS-4.1 Preserve Archaeological Resources: New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

The proposed property acquisition will not result in any impacts to archaeological or cultural resources. Any future development project would comply with this policy.

Policy OS-5.2 Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent. Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.

If the City acquires the property, any future projects would require CEQA review and protection of riparian habitat. Portions of the property will qualify as riparian habitat, however these areas are not mapped. All future development siting efforts would begin with a botanical and wetland delineation to identify areas without riparian habitat in order to ensure to the maximum extent feasible avoidance of such resources.

Policy OS-5.3 No Net Loss of Wetlands: Ensure no net loss of wetlands, as defined by the U.S. Army Corps of Engineers.

See response to OS-5.2 above.

Policy OS-5.4 Protect Aquifers: Protect groundwater aquifers.

The property includes extensive productive aquifers, which may have been impacted by the network of informal roads and off-road vehicular activities that have occurred on the site. Acquisition by the City would allow the city to protect these aquifers from future disturbance by these activities. A future reservoir project would result in cutting of the recharge ability for 30 acres out of the 582 acre site for a 5% reduction in permeability. This would have a minor impact on ground water recharge

and would be analyzed as part of a CEQA analysis for any future development projects.

Policy OS-6.1 Pollution in Runoff: Ensure protection of water resources from pollution and sedimentation.

See analysis of Policy OS-5.4 above.

Policy OS-6.2 Minimize Introduction of Pollutants: Development shall be designed and managed to minimize the introduction of pollutants into estuaries, wetlands, rivers and streams to the extent feasible.

This is an acquisition project and no development is proposed at this time. If the City pursues a reservoir at this location it will comply with Policy OS-6.2.

Policy OS-6.3 Minimize Increases in Stormwater Runoff: Development shall be designed and managed to minimize post- project increases in stormwater runoff volume and peak runoff rate, to the extent feasible.

This is an acquisition and no development is proposed at this time. If the City pursues a reservoir or other development at this location it will comply with Policy OS-6.3.

Policy OS-6.4 Maintain and Restore Biological Productivity and Water Quality: Development shall maintain and, where feasible, restore the biological productivity and the quality of streams and wetlands to maintain optimum populations of aquatic organisms and for the protection of human health.

This is an acquisition and no development is proposed at this time. If the City pursues a reservoir or other development at this location it will comply with Policy OS-6.2.

Policy OS-6.5 Municipal Activities to Protect and Restore Water Quality: The City shall promote both the protection and restoration of water quality. Water quality degradation can result from a variety of factors, including but not limited to the introduction of pollutants, increases in runoff volume and rate, generation of non-stormwater runoff, and alteration of physical, chemical, or biological features of the landscape.

As previously mentioned, this project could help to improve water quality at the property by improving control of illegal activities on the property.

Policy OS-8.2 Protect and Restore Open Space: During the development review process, protect and restore open space areas such as wildlife habitats, view corridors, and watercourses as open and natural.

As previously mentioned, this acquisition could result in improved wildlife habitat quality.

Policy OS-8.3 Trails in Open Space: Wherever feasible, plan and construct trails through the greenbelts and open space that connect to the City's trail system with those of State Parks and MCRPD.

This project is not located adjacent to existing City' open space or parks facilities, however this policy does not require trial connections. This is the only feasible location for a potential reservoir system for the City's raw water system, and consequently compliance with this policy is not required.

Policy OS-9.3 Recreational Facilities: Provide recreational facilities to meet the needs of all Fort Bragg citizens, especially children and teenagers.

This acquisition project has the potential to provide a variety of recreational facilities. However, no recreational facilities are planned at this time. The large site has the potential to provide both passive and active recreation facilities that will meet the needs of families, children and teenagers.

Policy OS-9.6 Prioritize Park Acquisitions: Use the following criteria to prioritize acquisition of parkland and open space:

- a) **distribution of neighborhood parks/playground facilities and ballfields on a neighborhood basis;**
- b) **scenic beauty;**
- c) **relationship to the existing and proposed trail systems and parks;**
- d) **natural resource protection; and**
- e) **appropriateness (physical characteristics) of the site to meet specific recreational needs.**

The proposed project is an acquisition intended primarily for water storage and habitat conservation, not for use as a recreational park. Thus arguably this policy does not apply to the project. Nevertheless, the proposed acquisition does meet criteria b) scenic beauty and d) natural resource protection.

Policy OS-10.1 Coordinate with Other Agencies: Coordinate with other governmental entities to procure and develop additional park and recreational facilities.

This acquisition is occurring in coordination with MCRPD, as they are selling the parcel to the City of Fort Bragg. As previously stated as the parcel acquisition is primarily for water storage, this policy may not apply to the acquisition. Ever the less some of the site may eventually be used for passive or active recreation, at which time the City will coordinate with a variety of governmental agencies on the siting and development of the project(s) as required by the General Plan.

Policy OS-10.4 Public Participation: Actively solicit public participation in the selection, design, and facilities planning for existing and future park sites.

As previously stated, the parcel acquisition is primarily for water storage and this policy does not apply to this acquisition. Nevertheless, this parcel was initially purchased by MCRPD for a recreational golf course and active recreational uses that included a long public participation process. Furthermore, if the City Council decides to develop any recreational facilities on the site in the future, it would be obligated to include an extensive public participations process for the site selection (within the 600 acre site), design and planning.

Element 7- Safety

The acquisition has the potential to allow the City to implement a number of General Policy Goals with regard to the Safety Element policies as follows.

Policy SF-1.1 Minimize Hazards: New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

While this policy does not apply to this project because it is not a development project, it is listed here to make clear that any future development projects, including a water storage reservoir would need to be designed to minimize risks to life and property and ensure structural stability. These are significant community concerns which would be addressed in the siting and design of any future reservoirs.

Policy SF-1.2 Geotechnical report required: Applications for development located in or near an area subject to geologic hazards, including but not limited to areas of geologic hazard shown on Map SF-1, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such study shall be conducted by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE). Refer to Map SF-1: Geologic Hazards. Refer to the General Plan Glossary for definitions of these terms.

Please see the analysis in SF-1.1 above. A geotechnical report would be prepared for any future projects on the site proposed for acquisition.

Policy SF-1.3 Alterations to Landforms: Minimize, to the maximum feasible extent, alterations to cliffs, bluff tops, faces or bases, and other natural land forms. Permit alteration in landforms only if erosion/runoff is controlled and either there exists no other feasible environmentally superior alternative or where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities.

While this policy does not apply to this project because it is not a development project, it is listed here to make clear that any future development projects, including a water storage reservoir would need to be designed to minimize alterations to landforms.

Policy SF-1.4 Identify Potential Hazards: Identify potential hazards relating to geologic and soils conditions during review of development applications.

Please see the analysis in SF-1.1 above. A geotechnical and soils report would be prepared for any future projects on the site.

Policy SF-2.5: Require, as determined by City staff, analysis of the cumulative effects of development upon runoff, discharge into natural watercourses, and increased volumes and velocities in watercourses and their impacts on downstream properties. Include clear and

comprehensive mitigation measures as part of project approvals to ensure that new development does not cause downstream flooding of other properties.

While this policy does not apply to this project because it is not a development project, it is listed here to make clear that any future development projects, including a water storage reservoir, would be analyzed for the cumulative effects of the development on runoff and discharges on water volumes and velocities on downstream properties.

Policy SF-5.1 Demand for Police Services: Review development proposals for their demand for police services and implement measures to maintain adequate police services.

While this policy does not apply to this project because it is not a development project, it is likely that the acquisition of the property would result in a slight increase in demand for police services to control the currently uncontrolled access on the property. However, this additional demand for services will not impact the department's ability to provide adequate police services.

Element 9- Sustainability

There is only one sustainability policy that has bearing on this acquisition project.

Policy S-2.2. Encourage the Development and use of alternative sources of energy such as wind, solar and biomass to meet Fort Bragg's energy needs.

The proposed acquisition could help the City further implement this policy because any future Reservoirs would have solar (PV) collectors for their covers which would generate significant alternative energy to offset City energy needs.

RECOMMENDED ACTION(S):

1. Adopt the attached resolution that includes findings that the proposed acquisition of the MRCPD property on Highway 20 in in compliance with the City's General Plan.
- Or
2. Direct staff to complete additional analysis about the acquisition and its consistency with the general plan.

CEQA

This item is not a "project" subject to CEQA under 14 CCR 15378(a) because approval of the Agreement has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment because the purchase will result only in a change of property ownership, with no reasonably foreseeable changes to the Property or the environment in the foreseeable future for the following reasons:

- (1) All potential uses of the Property are preliminary and not binding commitments;
and

- (2) The City Council has not adopted a resolution or otherwise formally selected the site for any specific use; and
- (3) The City Council has not appropriated or otherwise authorized any expenditures toward developing or using the property for any purpose; and
- (4) Even though it may be reasonably foreseeable that the city may someday approve plans to use the property for a reservoir or recreational purposes, nothing in the Agreement commits the City to a definite course of action since there are no development plans in existence.
- (5) Any proposed future development of the Property would be subject to legally required CEQA review by the lead agency.

Additionally, 14 CCR 15004(b)(2)(A) provides that the City may “designate a preferred site for CEQA review and may enter into land acquisition agreements when the agency has conditioned the agency's future use of the site on CEQA compliance.”

ATTACHMENTS:

1. Resolution Finding that the Proposed Acquisition for Real Property (Assessor’s Parcel Nos. 019-070-07-00, 019-070-010-00, 019-070-11-00, 019-080-14-00, 019-080-16-00 and 019-080-23-00) is consistent with the City’s General Plan.

NOTIFICATION:

1. MCRPD