



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Special City Council

**THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR
AGENCY**

Thursday, June 26, 2025

5:30 PM

Cotton Auditorium, 500 N. Harold Street

**MILL SITE WORKSHOP - IN PERSON - LIVE STREAM ON CITY WEBSITE AND
FACEBOOK**

CALL TO ORDER

ROLL CALL

COUNCILMEMBERS PLEASE TAKE NOTICE

Councilmembers are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.

1. CONDUCT OF BUSINESS

- 1A. [25-266](#) Engaging the Community in Shaping the Direction and Content of the Mill Site Memorandum of Understanding (MOU) Through a Collaborative, Transparent Process Focused on Land Use Planning

Attachments: [Staff Report](#)

[Workshop Agenda](#)

[Attachment 1- MOU- Land Use Context and Approach](#)

[Attachment 2 - Mill Site Entitlement Process](#)

[Attachment 3 - Illustrative Plan Maps Cover Sheet](#)

[Illustrative Plan Update](#)

[Land Use Plan Update](#)

[Open Space Network Update](#)

[Attachment 4 - Conformance with Coastal Act Priorities and City's LCP Final 6-1](#)

[Attachment 5 - Rail-Related Land Use Regulations](#)

[Attachment 6 - Mill Site Development Strategy Report](#)

[Attachment 7 - Press Release](#)

[Attachment 8 - RESO 4932-2025 Mill Site Phase 2 Development](#)

[Public Comment](#)

[Public Meeting Powerpoint 6-26-2025](#)

ADJOURNMENT

The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council 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 June 20, 2025.

Diana Paoli
City Clerk

NOTICE TO THE PUBLIC:

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.
- Such documents are also available on the City of Fort Bragg's website at <https://city.fortbragg.com> subject to staff's ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

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



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 25-266

Agenda Date: 6/26/2025

Version: 1

Status: Business

In Control: Special City Council

File Type: Staff Report

Agenda Number: 1A.

Engaging the Community in Shaping the Direction and Content of the Mill Site Memorandum of Understanding (MOU) Through a Collaborative, Transparent Process Focused on Land Use Planning



CITY COUNCIL STAFF REPORT

TO: City Council

DATE: June 26, 2025

DEPARTMENT: Administration

PREPARED BY: Isaac Whippy, City Manager & Walter Kieser, EPS

PRESENTER: Isaac Whippy, City Manager & Walter Kieser, EPS & Marie Jones

AGENDA TITLE: Engaging the community in shaping the direction and content of the Mill Site Memorandum of Understanding (MOU) through a collaborative, transparent process focused on land use planning.

RECOMMENDATION

Receive an update, receive public comment, and provide feedback:

(i) On the implementation of Phase 2 of the Mill Site Master Development Agreement (MDA) Planning Program, and note the upcoming City Council Study Workshop scheduled for Thursday, June 26, 2025, at 5:30 PM at Cotton Auditorium.

(ii) Set a date for the second Public Workshop regarding the MOU Process in July to receive community feedback.

BACKGROUND

In October 2024, the City Council evaluated and supported pursuing a cooperative planning strategy for the Mill Site redevelopment through the negotiation of a Master Development Agreement (MDA) and preparation of a Local Coastal Program (LCP) amendment. This strategic shift offered a collaborative alternative to the City's costly and protracted litigation with Mendocino Railway (MR) and aimed to advance meaningful redevelopment outcomes through shared goals, community engagement, and transparent planning.

Phase 1 of the planning program—initiated shortly after the litigation Stay was approved in November 2024—focused on integrating decades of prior Mill Site planning with new technical work completed by Economic & Planning Systems (EPS). That phase culminated in the Mill Site Draft Development Strategy Report, which was presented to the community during a public workshop on February 25, 2025, and subsequently accepted by Council in June 2025. Public feedback from the February workshop, as well as from City Council meetings on October 15, 2024, and March 10, 2025, has provided key guidance for shaping the next phases of the MDA Planning Program.

DISCUSSION:

Phase 2 – Preparation of a Memorandum of Understanding (MOU)

With the Council's direction and under the terms of the litigation Stay, the City has advanced into Phase 2, which centers on the development of a non-binding Memorandum of Understanding (MOU) between the City and MR. This MOU will outline the foundational framework for future planning, entitlement, and development of the Mill Site. It is intended to Clarify key development and regulatory issues:

- Identify terms and feasibility conditions for a future MDA
- Establish the roles and responsibilities of all parties
- Inform the scope of CEQA review and LCP amendment submittal
- Prevent costly misalignment on policy, land use, or infrastructure

Phase 2 also includes refined planning and coordination with regulatory partners, particularly the California Coastal Commission. Additional work has been undertaken to distinguish rail-related jurisdictional boundaries and integrate conceptual rail-related uses—such as a proposed electric trolley—into the broader Illustrative Plan.

MOU Public Workshop #1 – Land Use Planning Context and Approach

Tonight's public workshop represents the first formal step in community engagement for the MOU. The workshop is designed to provide an overview of the MOU process and gather feedback on five key topic areas that will shape the structure of the future development agreement and planning framework:

1. Land Use Planning Context
2. Key Factors Influencing Development
3. Infrastructure Requirements and Financing
4. Special Real Estate Transactions
5. Master Development Agreement Framework

These topics will be explored in a facilitated, interactive format to ensure active community participation. An updated Illustrative Plan—reflecting input from the February workshop and Council direction—will also be presented, with a focus on the North Mill Site and rail-related land use designations.

Next Steps

Following Workshop #1, City staff and consultants will:

- Compile public feedback and incorporate it into the MOU drafting process
- Refine and update the MOU Work Program and Schedule that will involve continuing technical work by the Planning Team and several more Public Workshops extending into early fall.
- Continue engagement with MR, Coastal Commission and regulatory agencies
- Prepare for the next workshop in late July regarding the next set of MOU Topics

When the MOU Topics have been fully addressed a public review draft will be prepared and presented at the City Council. If approved, the MOU would launch Phase 3—the negotiation of a binding Master Development Agreement, initiation of CEQA review, submittal of the LCP Amendment, and development of infrastructure and financing strategies.

ATTACHMENTS:

1. MOU Topics and Process Overview
2. Proposed Approach for Entitlement Documents
3. Illustrative Plan Maps (3)
4. Conformance with Coastal Act Priorities and City's LCP
5. Rail-Related Land Use Regulations

CITY COUNCIL WORKSHOP

Thursday, 26, 2025 – 5:30 pm

Cotton Auditorium
500 N. Harold Street
Fort Bragg, CA 95437

Engaging the community in shaping the direction and content of the Mill Site Memorandum of Understanding (MOU) through a collaborative, transparent process focused on land use planning.

WORKSHOP PURPOSE

This community workshop is the first in a series designed to shape the Memorandum of Understanding (MOU) between the City of Fort Bragg and Mendocino Railway. Your input will help guide long-term planning and development on the Mill Site.

AGENDA

1. Welcome & Opening Remarks

- Introduction by Mayor & City Manager
- Importance of Community Participation

2. Overview of MOU Process

- What is the MOU?
- How it fits into the Mill Site Master Development Program
- What is the purpose of this workshop?
- What is the Public Process in Shaping the MOU?
- Goals of the MOU Process
- Schedule and decision-making milestones

3. MOU TOPICS FOR COMMUNITY INPUT

MOU Topic #1: Land Use Planning Context

What types of uses do you want to see prioritized on the Mill Site?

MOU Topic #2: Key Factors Influencing Land Use and Development

What challenges or opportunities should shape the land use strategy?

MOU Topic #3: Infrastructure Needs & Financing Strategy

How can infrastructure serve both the site and the broader community, and Costs?

MOU Topic 4: Identifying Special Real Estate Land Transactions

What principles should guide land ownership and transfers?

MOU Topic 5: Articulating the Functions and Terms of the Master Development Agreement

What guarantees or public benefits should be included in the agreement?

4. Entitlement Strategy & Coastal Policy Alignment

Overview of how land use entitlements will be structured:

- Local Coastal Program Amendment
- Zoning and CEQA (Programmatic EIR)
- Coastal Act Policy Alignment

► **Community & City Council Feedback on how the plan can support priority uses such as open space, access, and visitor services**

5. Illustrative Plan Update – Mendocino Railway

Presentation of the revised draft plan based on community and Council feedback, with focus on:

- Rail-related uses on the North Mill Site
- Updates to proposed land use areas

► **Community & City Council feedback on the updated plan**

6. Rail-Related Zoning Proposal

New zoning district approach for rail-related land use:

- Objective standards and permitted uses
- Framework for mixed-use or future transitions

► **Community & City Council feedback on clarity, appropriateness, and community safeguards**

7. Summary & Next Steps

- Recap of community feedback received
- Direction & Feedback from the City Council
- Upcoming Council Study Session
- Opportunities for ongoing participation

Thank You for Attending.

MOU Public Workshop #1—Land Use Planning Context and Approach

1. *MOU Topics – Definition, Scope, Agreement Sought, & Schedule*

The Phase 2 MOU process will be conducted by addressing a series of key topics as needed to clarify and guide the preparation of the ‘Entitlement Documents’ during the subsequent Phase 3 of the Master Development Program. Five sub-topics have been identified and will be the focus of City staff work, discussions with MR, coordination with the Coastal Commission, and Public Workshop review.

- 1) *MOU Topic #1: Components of Land Use Planning Context*
- 2) *MOU Topic #2: Key Factors Influencing the Land Use and Development*
- 3) *MOU Topic #3: Clarifying and Documenting Infrastructure Requirements and Financing Strategy*
- 4) *MOU Topic #4: Identifying Special Real Estate Land Transactions*
- 5) *MOU Topic #5: Articulating the Functions and Terms of the Master Development Agreement*

2. *Illustrative Plan Update*

The *Illustrative Plan* contained in the Development Strategy Report has and will be refined and revised during the MOU process. This effort is underway, reflecting public comments and direction of the City Council. The recent update focused on the North Mill Site rail-related uses and refinement of the proposed land use designations.

3. *Establishing an Optimal Approach to the Entitlement Documents*

An agreement should be reached regarding the approach to establishing land use approvals and related environmental review including the appropriate mix and timing of an LCP amendment and applicable zoning districts and rezoning, policy language, CEQA (Programmatic EIR), Financing Plan, Development Agreement, Master Vesting Tentative Map.

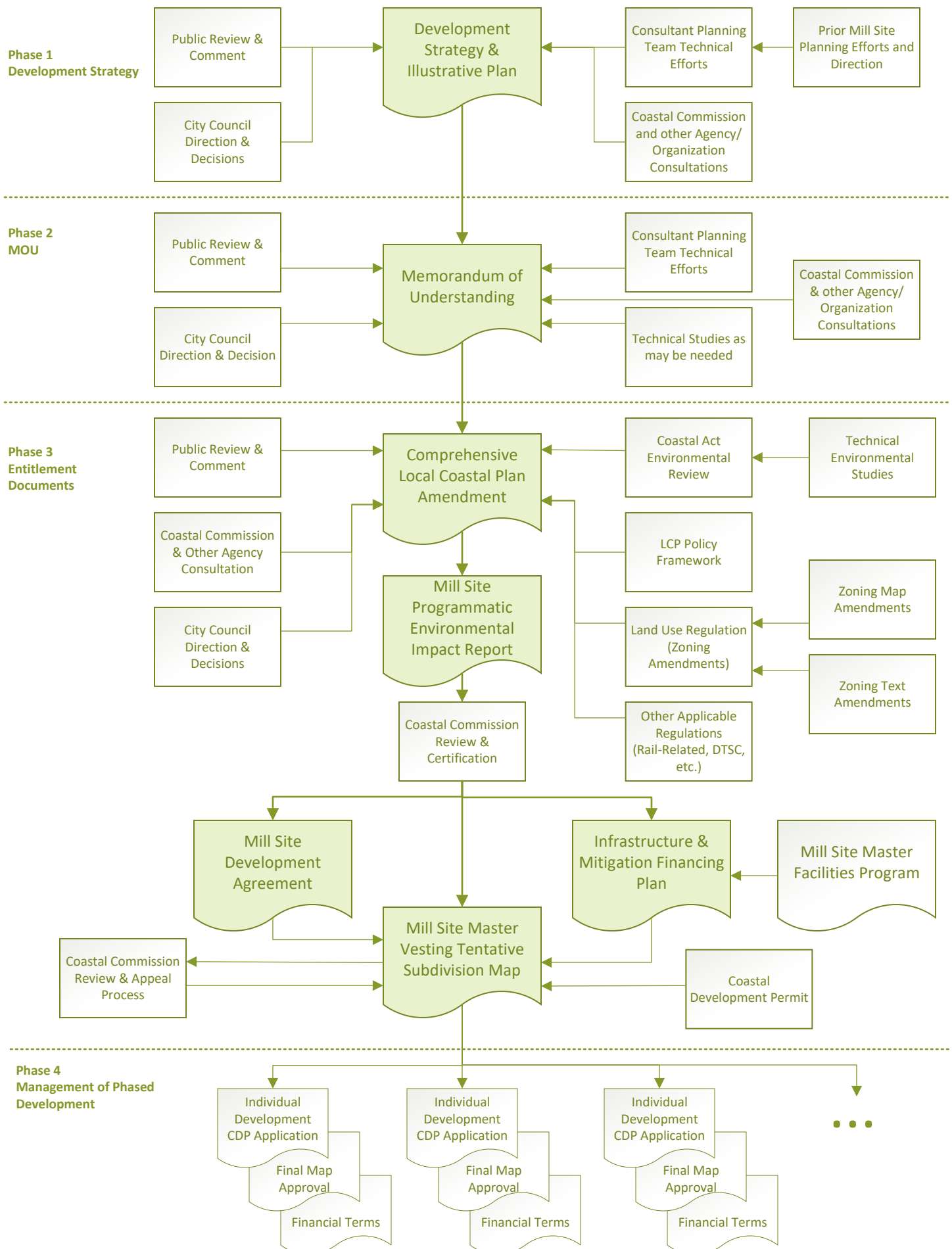
4. *Further Clarifying and Conforming to Coastal Commission Policies*

The Coastal Act favors development projects in the Coastal Zone that serve priority uses as defined by the Coastal Act which include visitor serving uses, open space, parks, coastal access, and coastal dependent uses. The Coastal Act also includes policies to protect open space and natural communities, ensuring adequate City services to support priority uses.

5. *Rail-Related Land Use Regulations*

It is necessary as part of the broader land use planning and regulation effort, to resolve the nature of land use regulations (zoning and CDP procedures) as applied to the spatial areas designated ‘rail-related’. An innovative approach to such regulations has been developed involving the creation of a new base ‘rail-related’ zoning district, that provides use by right, objective standards, and a process for collaboration with any federal or state regulating agencies involved). The new zoning district would also specify how ‘mixed uses’ (rail and commercial) or change of use from rail-related to other permitted uses would occur, all in the context of Coastal Act Policy and CDP procedures.

Mill Site Master Development Agreement Entitlement Process Flow

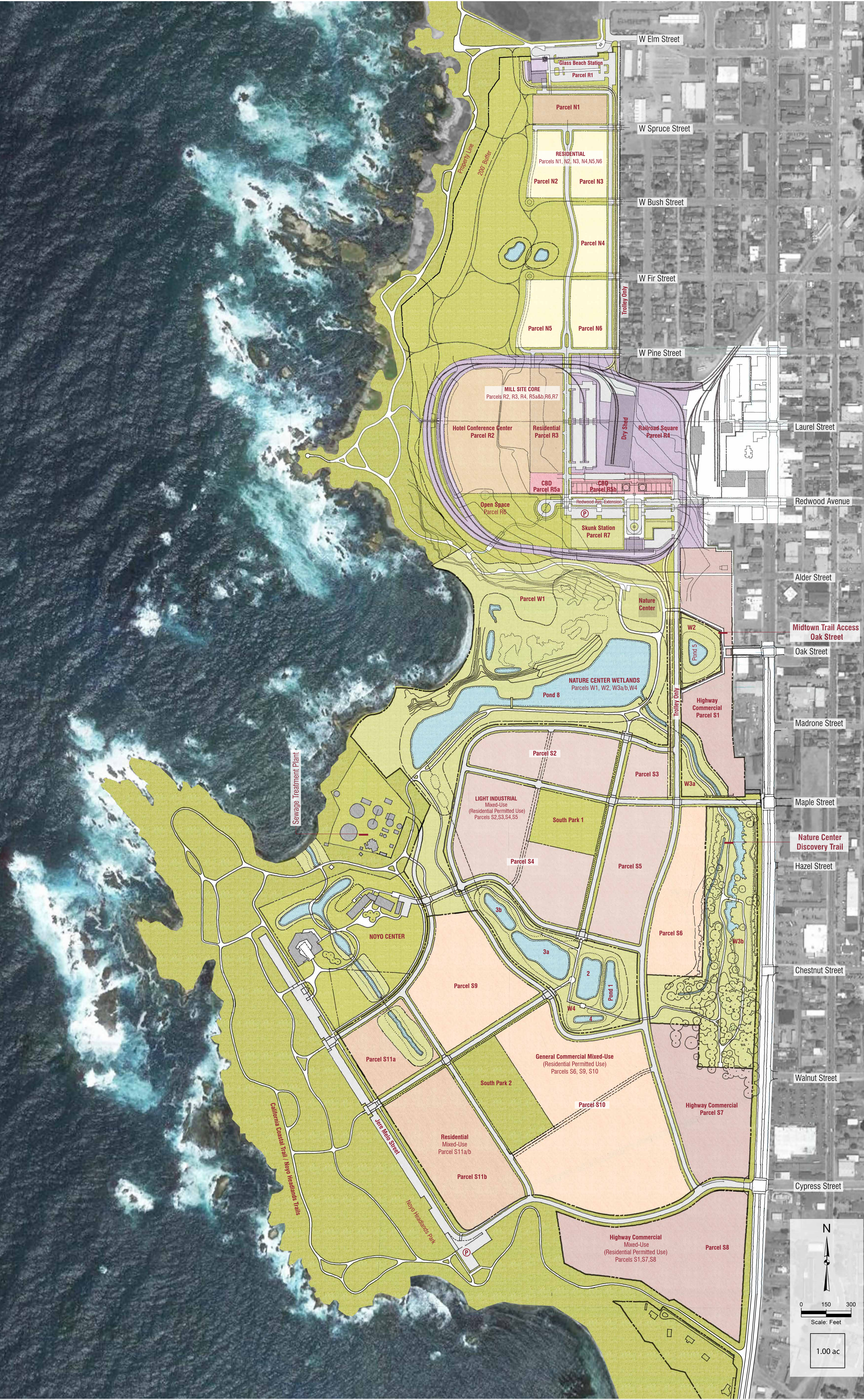


Illustrative Plan Maps

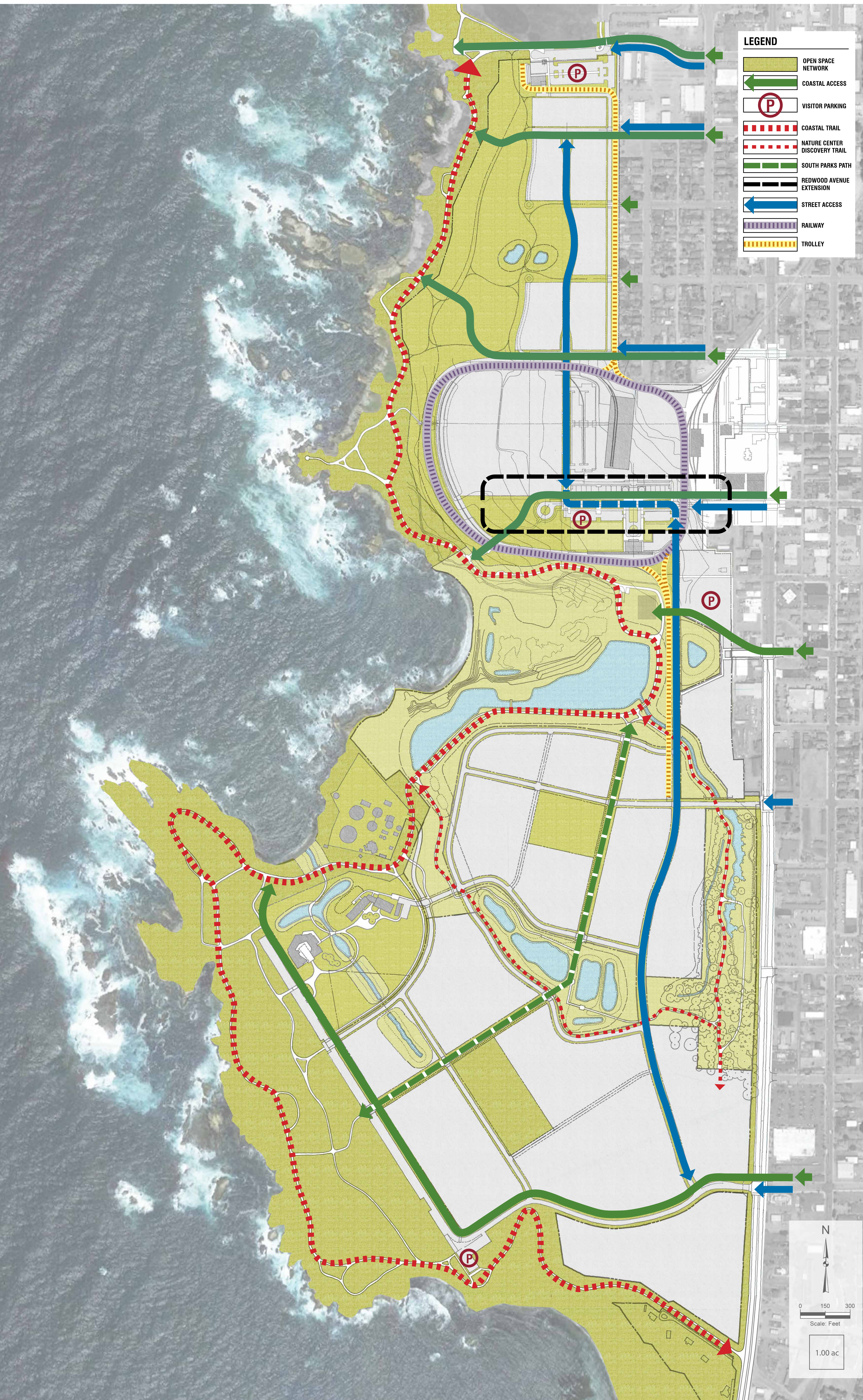
3.1 – Mill Site Illustrative Plan

3.2 – Mill Site Land Use Designation Map

3.3 – Mill Site Open Space Network Map







LEGEND

OPEN SPACE NETWORK

COASTAL ACCESS

P

VISITOR PARKING

COASTAL TRAIL

NATURE CENTER DISCOVERY TRAIL

SOUTH PARKS PATH

REDWOOD AVENUE EXTENSION

STREET ACCESS

RAILWAY

TROLLEY

N

0150300

Scale: Feet

1.00 ac

CONFORMANCE WITH COASTAL ACT PRIORITIES & CITY'S LCP

This is a high-level “fly-over” analysis of the conformance of the proposed Land Use Plan with Coastal Act priorities and specific policies of the City’s Coastal General Plan. Both the City and the Coastal Commission will complete a more comprehensive analysis during the LCP Amendment submittal and review process. The purpose of this brief fly-over is to identify where the plan effectively implements Coastal Act priorities and LCP policies and where it may need additional refinement for conformance.

Coastal Act Priorities

- **Coastal Access.** The proposed Land Use Plan includes multiple connections to Noyo Headlands Park.
 - Three connections are illustrated north of Pine Street, one connection is illustrated between Pine Street and Oak Street, and four new connections are illustrated south of the Mill Pond.
 - The process for financing and developing these coastal access routes will be defined in both the LCP amendment and the Development Agreement.
 - The Mill Pond area is the only location without connections to the coast/beach. It is likely that the City and/or the Coastal Commission will require coastal access to the beach at Fort Bragg Landing (west of the mill pond area) as part of the Mill Pond Remediation project and/or this LCP amendment.
- **Open Space & Parks.** The Land Use Plan designates sufficient area (104 acres or 35% of MR’s property) as open space and parks.
 - The draft Land Use Plan includes significant open space (26 acres) north of Redwood Avenue east of the Coastal Trail. This is consistent with previous Land Use Plans prepared through previous community planning processes.
 - Also consistent with previous planning processes the plan designates the Mill Pond area, Ponds 1-4 and the forested areas as open space. This open space area is 72 acres or about 24% of MR’s property.
 - The project illustrates the daylighting of the culvert between Maple Street and Pond 8 which has also been discussed in previous iterations of the Land Use Plan.
 - The Land Use Plan also includes two new public parks (6.6 acres) on the southern portion of the site.
- **Coastal Dependent Uses** (visitor serving, coastal related industries, coastal recreation, etc.)
 - The Land Use plan includes 43 acres (14.6%) of MR’s property designated for Highway Commercial and a hotel conference center, which are coastal dependent uses.
 - Additionally, the Land Use Plan includes the Noyo Center property (11 acres) as a coastal dependent use, however that site is not part of this LCP amendment as it has already been rezoned for the Noyo Center.

- **Protection of Wetlands and Environmentally Sensitive Habitat Area.** The Land Use Plan designates known wetlands in the central open space configuration which is 72 acres or 24% of MR's site. However, the site has not been surveyed for Coastal Act wetlands and based on aerial imagery there are likely other Coastal Act wetlands on the site that will further constrain development within some proposed parcels. Specifically parcels S9, S10, S6, and S1 likely have Coastal Act wetland features over a portion of each parcel. Additionally, the area between Pond 5 and Pond 8 may also contain Coastal Act wetlands which may constrain the north-south road and trolley track or require wetland mitigation/creation somewhere else on the site.
- **Protection of Cultural Resources.** The relocation of the trolley line will protect known cultural resource sites. However, much of the site has not been surveyed for cultural resources and the City will require cultural resource surveys prior to approving development on the site as part of the Coastal Development Permit process. In addition, tribal consultation will be conducted during the LCP amendment process in accordance with State and federal laws.
- **Protection of Public Views to and Along the Ocean.** The site will be analyzed for impacts to ocean views as part of the LCP amendment process. The Coastal Act protects public views from street corridors and public parks. Potential views which could be blocked with future development include views from Alder Street, Madrone Street and Maple Street. Views will also likely be blocked by future development from Main Street between Walnut and South Street. The LCP amendment will include a visual impact analysis to potentially establish some view corridors from these public vantage points.
- **Protection of Water Quality.** All projects will need to comply with the City's LCP which includes multiple protections for water quality.
- **Retention of Infrastructure Capacity (water, sewer, road capacity) for Priority Coastal Uses.** The City's capacity to provide all City services (water, sewer, road capacity, stormwater management, police and fire services) will be analyzed as part of the LCP amendment process. This analysis may require further changes in the Land Use Plan.

Relevant Fort Bragg LCP Policies

The City's Coastal General Plan includes the following policies which are specifically relevant to the evaluation of the draft Land Use Plan:

Policy LU-7.1 Changes in Industrial Land Use. *Require that any Local Coastal Program (LCP) amendments and rezoning of lands which are designated Timber Resources Industrial: 1) be subject to a comprehensive planning process consistent with Policy LU-7.2; and 2) be submitted to, and effectively certified by, the Coastal Commission as an LCP amendment.*

The City is currently engaged with the community and the property owner in the beginning of a comprehensive planning process, which will continue with multiple community workshops for the coming year(s). The consistency of the draft Land Use Plan with Policy LU-7.2 is analyzed below.

Policy LU-7.2: Comprehensive Planning Process Required. *LCP amendments that propose to redesignate lands designated Timber Resources Industrial must be developed*

through a comprehensive community-based planning process that addresses at a minimum an area including one or more of the subareas as shown on Map LU-4. Community participation shall be solicited throughout the planning process in accordance with established City practices and CLUDC requirements. The LCP amendment shall:

- a) Designate new land use classifications, and include development policies and standards that establish the kinds, locations and intensity of land uses;*
- b) Identify adequate connections for existing and future infrastructure such as roads, utilities, and coastal access to surrounding developed and undeveloped areas, including ensuring adequate public vehicular, bicycle, and pedestrian access is provided from Highway One to the coastal trail within each of the subareas shown on Map LU-4;*
- c) Establish orderly phasing for development and future rezoning activities, including ensuring that adequate public services are available for new development;*
- d) Include other measures as needed to protect the health, safety, and well-being of the community;*
- e) Map land uses and transportation facilities, including coastal access; and*
- f) Be consistent with the all policies of the Coastal Act and Fort Bragg's LCP.*

It is too early in the process to evaluate conformity with the entirety of policy LU-7.2, However some progress has been made towards achieving a), b) and e). A development phasing plan c) will be developed as part of the LCP amendment.

Policy C-2.10 Continue Grid System onto Mill Site: *Planning Areas A and B shown on Map LU-4 shall include the extension of the City's street grid and a north/south arterial, as feasible. Transportation facilities within Planning Areas A and B shall serve local traffic, pedestrian, and bicycle circulation and provide public vehicular, bicycle, and pedestrian access from Highway One to the coastal trail at multiple locations. The trail system in Planning Areas A and B shall provide maximum public access to the coast.*

The Land Use Plan does not yet implement this policy. Specifically, the grid onto the Mill Site is not continued at Fir and Bush streets. The grid on the southern portion of the site is discontinuous with the City circulation system due to the strand of trees and wetlands between Maple and Walnut streets. City Council should consider if Oak Street should be continued onto the site.

Policy C-2.7: Consider Impacts to Roads for LCP Amendments. *Direct, indirect, and cumulative adverse impacts to Highway 1 capacity in the rural areas surrounding Fort Bragg shall be considered during the review of proposed LCP amendments that would increase density or change land use classifications to ensure that Highway 1 in rural areas outside the Mendocino County urban/rural boundary remains a scenic two-lane road consistent with Section 30254 of the Coastal Act.*

The level of development intensity and density has not yet been determined for the proposed Land Use Plan and, therefore, compliance with this policy will need to occur once that has been determined and technical studies have been completed for the proposed LCP amendment.

There are many other policies in the City's Coastal General Plan which will further shape the LCP amendment as this process progresses, which are not discussed here as the project is still in its early stages.

ADDRESSING RAILROAD-RELATED USES IN THE MOU, DA & LCP AMENDMENT

Defining the Geographic Extent of Railroad-Related Uses

The *Illustrative Plan* (see **Attachment 3.1**) illustrates the geographical extent of MR's proposed Railroad-Related Uses. These areas are shown in purple and include the following:

- Parcel R4 "Railroad Square." This area is immediately west of the existing Skunk Train station, railyard and roundhouse. It includes the Dry Shed building from the former Mill operation. MR envisions this area to be used for future rail-related uses including equipment storage in the Dry Shed, and possibly some retail and other uses that are not railroad-related.
- Parcel R7 "Skunk Station." MR has a vision of relocating the Skunk Train station to a portion of this parcel, south of Redwood Avenue. This would allow for a larger, more functional station with sufficient space for administrative offices, storage, etc. Convenient and central parking would be provided to allow passengers to "park once" to ride on the train and visit businesses in the downtown area.
- A dual loop of tracks is proposed in the central area, encompassing the Railroad Square and Skunk Station areas as well as areas zoned for commercial, visitor serving, residential and open space. The railway loop would improve MRs operations by eliminating the current "dead end" track that requires a series of push-pulls to turn trains around. The track would also allow MR to park the train south of the developed areas on an east/west alignment parallel to Redwood Avenue, where it would not interfere with pedestrian and vehicular traffic between downtown and the site. MR has also expressed a long-range vision for their "Iron Sherpa" project that would offer visitors a 5-day hiking experience from Willits to Fort Bragg with retrofitted train cars providing lodging along the trail each night, culminating with a last night's stay in the retrofitted train cars parked on the outer track, facing the ocean.
- A "Trolley Only" track is envisioned by MR for an all-electric trolley that would travel to a "Glass Beach Station" on the north end of the mill site. The track would be located adjacent to (and east of) a new north-south street along the West Street alley. The "Trolley Only" track could also extend south from the new Skunk Station to a location just south of the Mill Pond. MR has indicated that they would not extend track elsewhere on the south end of the Mill Site unless the City supports an extension.
- Parcel R1 "Glass Beach Station" on the north end of the site is envisioned as a secondary station for the proposed on-site trolley and would include a second story ocean view restaurant.

Defining Railroad-Related Uses

In an effort to provide clarity regarding Railroad-Related Uses, MR prepared the following list of uses and activities:

- 1) **Development and operations related to railroad tracks, signals, and crossings:** This includes construction, maintenance, and improvements of railroad infrastructure such as ties, rail, other track materials, switches, and crossings. Street/lane closures are coordinated with the City.
- 2) **Development and operations related to railroad facilities:** This includes the construction, maintenance, and improvement of stations, yards, shops, transloading facilities, and ancillary facilities.
- 3) **Construction, maintenance, and operation of railroad equipment:** This includes the construction, maintenance, repair, and operation of railroad equipment such as freight/passenger equipment, maintenance of way equipment, transloading equipment, as well as any noise, horns, and emissions relating thereto.

Defining Non-Railroad-Related Uses

The following list identifies the types of uses for which MR proposes that the City's Local Coastal Program (LCP) policies, regulations and building codes would apply. As part of the MOU, the City and MR will work to clearly define the term "unrelated to railroad operations."

- 1) **Construction and maintenance of non-railroad facilities.** This includes the development, renovation, and maintenance of buildings such as hotels, restaurants, bars, retail stores, residential housing, and other commercial or public facilities that are unrelated to railroad operations.
- 2) **Installation, maintenance, and improvement of non-railroad utilities:** This includes all work related to above- and below-ground utilities (such as electricity, water, sewage, gas, and telecommunications) that are unrelated to railroad operations.
- 3) **Installation, maintenance, and improvement of non-railroad roadways:** This includes all work related to City streets, sidewalks, and public roadways that are unrelated to railroad operations.
- 4) **Parks, greenspace, and non-railroad landscaping:** This encompasses the design, creation, and maintenance of public parks, gardens, open spaces, and landscaping that are unrelated to railroad operations.
- 5) **Events within City limits that are unrelated to railroad operations:** This refers to the permitting and regulation of public or private events such as festivals, markets, parades, and community gatherings that occur within City boundaries and that are not related to railroad operations.
- 6) **Activities of non-railroad millsite tenants:** This encompasses the regulation of residential and business tenants on the millsite that are not involved in railroad operations.
- 7) **Environmental compliance outside railroad operations:** This encompasses all state and local environmental regulations (including waste management, pollution controls, habitat preservation, and water quality) that are unrelated to railroad operations.

The City and MR are working to establish an agreement (which will be outlined in an MOU and codified in an LCP amendment and a Development Agreement) to define Railroad-Related Uses, Non-Railroad-Related Uses and the regulatory framework for those activities. A description of the potential approach follows.

Potential Framework For Regulating Railroad-Related Uses & Activities

Premise

- For Railroad-Related Uses only, MR and the City have discussed a process whereby MR would comply with State and local regulations (such as building codes, development standards in the City's zoning ordinance, and resource protection policies in the City's LCP), while maintaining its exemption from requirements to obtain permits from local (City) and State (Coastal Commission).
- The City and MR would agree that all Non-Railroad-Related Uses would be subject to City permitting, including for mixed-use projects (such as a train station with a restaurant), wherein the station would not require a permit, but the restaurant would be subject to all permitting.

The City and MR could potentially achieve the above outcome as described below.

City's Permitting Process

As background, the City currently administers the following permits for development in the Coastal Zone. This list helps illustrate the range of permits that the City currently administers for other development.

- **Coastal Development Permit.** A coastal development permit protects coastal resources (biological, wetland, cultural, public views, public access, water quality, storm water quality, etc.) while prioritizing visitor serving uses.
- **Use Permit.** A use permit ensures compatibility between a new use and existing neighboring uses where there is the potential for conflict between uses (noise, glare, traffic, odors, etc.).
- **Design Review Permit.** The intent of design review is to ensure that new development follows the City's design guidelines with regard to materials, finishes, colors and other architectural details.
- **Variance.** A variance allows a project to proceed without compliance with one or more development standards of the code under narrow, legally prescribed circumstances.
- **Sign Permit.** Signs are regulated for size, location, height, color, lighting and appearance.
- **Limited Term Permit.** Limited term permits regulate special events and other short-term activities, which are not otherwise permissible within a zoning district.
- **Zoning Clearance.** This is not a permit per se. For all projects, including those which don't require planning permits, City staff conducts an administrative review to ensure that a proposed project complies with the zoning code prior to issuance of a building permit for construction.

- **Building Permit.** This permit ensures that new development complies with applicable building, plumbing, mechanical and electrical codes. Building permits are enforced through a series of building inspections that culminate in a certificate of occupancy.

There are two alternative mechanisms by which the above premise (permit exemption with compliance) can be achieved.

Alternative A – Establish Permit Exemptions in the LCP Amendment

- a. The City could designate Railroad-Related Uses as a “permitted use” by right in the use tables in Chapter 2 of the Coastal Land Use and Development Code (CLUDC). This would exempt such uses from the requirement for a Use Permit.
- b. The City could include a specific exemption for Railroad-Related Uses under CDP exemptions in Chapter 7 of the CLUDC. There are already limited specific project types which are exempt from CDPs (maintenance and repair, public utilities, improvements to a single-family residence, temporary events). It may be easiest to exempt Railroad-Related Uses as a type of public utility.
- c. The City could exempt Railroad-Related Uses from the requirement to obtain Design Review in Chapter 7 of the CLUDC.
- d. The City could exempt railroad activities from the requirement for a Sign Permit in Chapter 3 of the CLUDC.
- e. The LCP amendment could include a map overlay illustrating the agreed to area of exemption and a General Plan policy which describes the purpose and extent of the exemption.

Zoning compliance could be secured as follows:

- a. MR would submit a set of project plans (site plan, floor plans, elevations, grading plan, landscaping plan, etc.) and any necessary background studies to demonstrate project compliance with State and local regulations. Background studies could include one or more of the following as relevant to the proposed project: biological/wetland analysis, archaeological analysis, traffic study, soils analysis, visual analysis, stormwater management plan, SWIPP, soils management plan for DTSC, etc.
- b. City staff would prepare a zoning letter for the project in consultation with relevant State and local agencies. The zoning letter may identify requirements that the proposed project does not address (i.e., items that would be special conditions in a normal permitting process) and recommend steps for the project to achieve compliance.
- c. MR would submit a set of building plans to the County Building Department or a third-party firm, for a plan-check review and sign-off.
- d. MR would construct their project with periodic inspections by City, County and/or third-party inspectors to ensure that the project is constructed in conformance with State and local regulations.

- e. If the project does not comply with the Building Code or the recommendations in the zoning letter, the City or County staff would provide MR with a correction letter. If the noncompliance results in a health or safety concern, either a stop work order would be issued or the CPUC would be requested to assist with enforcement.

Alternative B – Permit Exemptions through Specific Use Regulations in the Zoning Amendment (LCP)

This alternative is much like Alternative A, as explained above, but would include an additional step.

Through the LCP amendment process, the City, MR and the Coastal Commission would establish specific regulations for Railroad-Related Uses. This would give the City and MR an opportunity to establish procedures in the LCP for ensuring compliance with regulations, without issuance of permits, and to identify and define specific use-related issues for Railroad-Related Uses which might require additional regulations.

Once these standards are developed, the Use Tables would include an S (Standards) next to all railroad-related facilities, instead of a P (for Permitted) and a new chapter would be added to the City's zoning code which outlines the required steps for compliance with the City's certified LCP. This process would not require permits but would provide a clear roadmap for a modified compliance process for Railroad-Related Uses.

Mixed Projects (railroad/commercial)

All non-railroad components, of a mixed project which includes both a Railroad-Related Uses (such as a train station) and Non-Railroad-Related Uses (such as a restaurant, or other commercial components), would be required to get all necessary permits from the City and a building permit from the County. As these mixed projects could also include shared facilities (parking lots, landscaping, elevators, bathrooms, foundations, walls, roofs, etc.), the City would regulate the Non-Railroad-Related components of the shared facilities. One way to accomplish this would be for the LCP Amendment and DA to require that:

- a. The Non-Railroad-Related Uses would be regulated along with signage, required parking and a proportional share of landscaping (per SF) through the required permitting (CDP, Use Permit, Design Review) process.
- b. The components of a shared structure (shell) that impact structural safety of the non-railroad components of the mixed project would be regulated through a building permit.

Enforcement

The City and MR are in discussions regarding enforcement mechanisms. Methods of enforcement will be addressed in the Development Agreement and codified elsewhere.

California Environmental Quality Act

It is worth noting that projects that are ministerial and don't require permits, including those on the above list of Railroad-Related Uses, may be exempt from the California

Environmental Quality Act (CEQA). However, during the LCP amendment process an EIR will be prepared which would examine the potential environmental impacts of projects that could be permitted by right. The normal course of action is to make an LCP amendment "self-mitigating" through this process. In other words, the LCP would include regulations to mitigate potential environmental impacts to a less than significant level. As MR's projects would comply with the LCP amendment, presumably potential significant environmental impacts would be addressed in the development plans.

DRAFT



**Economic & Planning
Systems, Inc.**
The Economics of Land Use

MILL SITE DEVELOPMENT STRATEGY

DRAFT REPORT



Prepared for:
City of Fort Bragg

Prepared by:
Economic & Planning Systems, Inc.

April 2025

Table of Contents

Introduction	1
Overview of the Master Development Agreement and Planning Program	1
Phase 1 Development Strategy Key Issues Addressed.....	3
Phase 1 Development Strategy Preparation	5
Coordination with Mendocino Railway	5
The Planning Team	5
Coordination with California Coastal Commission.....	5
Summary of Consultation with Other Agencies and Tribal Interests.....	6
Guiding Principles & Policies	7
Assembly of the Illustrative Plan Maps.....	7
Mendocino Railway Rail-Related Area	9
Community Workshop and Council Meeting Public Input	13
February 25th Community Meeting Public Comments.....	13
March 10 th City Council Meeting.....	14
Phase 2 Memorandum of Understanding	15
Linkage to the Lawsuit Settlement	15
Memorandum of Understanding Process	15
Phase 3 Master Development Agreement and Planning and Development Approvals	21
Appendices	23

THIS PAGE INTENTIONALLY LEFT BLANK

Introduction

On October 15, 2024, the Fort Bragg City Council considered a proposal from the City Manager to pursue a master development agreement and planning program for the Mill Site in lieu of continuing with the ongoing litigation¹. Mendocino Railway (MR) had suggested this approach as part of a proposed litigation settlement agreement. At the request of the City Manager, a proposal describing such a development agreement-based planning program was prepared for the City of Fort Bragg (City) by Economic & Planning Systems, Inc. This collaborative and comprehensive approach was recommended by the consultant given current circumstances and the body of earlier planning efforts and the desire of the City and MR to establish a renewed planning effort needed to mobilize redevelopment of the Mill Site. This Report presents the results of the first phase of this effort and provides a recommended approach for the second phase of the Master Development Agreement Program. Supporting Attachments are included in the **Report Appendix**.

Overview of the Master Development Agreement and Planning Program

Assembling a development agreement-based planning program will build upon many years of planning, environmental review, remediation, infrastructure improvement, and development that has occurred as well as the current aspirations of MR and land use and policy objectives of the City.

The master development agreement approach recommended has been successfully used in numerous complex development projects in California for decades. Development agreements (see Cal. Gov't Code § 65864 et seq.) are contractual agreements between a city or county and a developer(s) regarding a particular development planning area or project. Development agreements overlay standard planning and development regulations (zoning, etc.) adding a 'vesting' of development approvals (entitlement) and other considerations (public investments, etc.) by the local jurisdiction in trade for considerations and contributions benefiting the public from the developer that cannot be imposed through normal 'police power' development regulations or financing methods (see **Attachment 1**).

¹ The City's interest in settling the litigation with a durable agreement pertains to clarifying land use authority for development on the Mill Site, as needed to move forward with a multi-year planning and development process.

The proposed Mill Site Master Development Agreement, given the complexities involved, would need a phased approach allowing planning and technical analyses, community engagement, negotiations, cooperation with other landowners in or adjacent to the Mill Site, and consultations with the regulating agencies in the mix including the California Coastal Commission, the Department of Toxic Substances Control (DTSC), tribal interests, federal rail regulators, etc.

The Mill Site Master Development Agreement would encompass four key elements:

- Land Use Approvals. Development of the Mill Site will require a range of planning approvals including an amendment to the Local Coastal Program and related CEQA clearance, creation of a master subdivision map, Coastal Development Permits (for individual development projects) and other City approvals (use permits, design review, etc.). These plans and regulatory efforts would occur in parallel with the Development Agreement. The key link being the ‘vesting’ of entitlements, i.e., making the approved plans and development regulations durable (not subject to future change by the City) for a specified, typically long-term period.
- Other Regulatory Clearances. A variety of permits would be required by third party agencies. The Development Agreement can, in cooperation with these agencies, specify how and when activities needed to achieve these clearances occur and how they would be funded.
- Infrastructure Financing Plan. The Development Agreement would include terms related to the provision of infrastructure, including phasing and reference to improvement programs, and how infrastructure would be funded. Through the Development Agreement, the City can agree to form land secured financing districts (assessment districts, Community Facility Districts, etc.), and cooperative financing including the use of tax increment financing through an Enhanced Infrastructure Financing District, pursuing state and federal grants, etc. Formation of such financing districts is often specified in the Development Agreement and linked to completion of Land Use Approvals.
- Supporting Real Estate Transactions. It is likely that Mill Site development would involve the purchase, sale, or exchange of real property among the parties to the Development Agreement. The Development Agreement can set forth the terms surrounding any sale, lease, exchange, or disposal of real property. Examples of such transactions on the Mill Site include lot line adjustments, dedications of rights-of-way and easements, as needed to conform to the land use designation boundaries and road network, open space parcels, and Pond area parcels.

The City Council started consideration of the proposed Master Development Agreement and Planning Program at its meeting on October 15, 2024. At this meeting, in addition to a general presentation and discussion of the Program, the City Council approved seeking a stay of the litigation and moving forward with the Consultant work program and contract for the Phase 1 Development Strategy effort. At the meeting, public comments were received regarding the Program and the Council's pending decisions.

Following consultations with representatives of MR and California Coastal Commission staff, the City and MR agreed to seek a stay of the pending litigation from the Court allowing time to complete the first phase of the work program. The Court agreed to stay the litigation for a period of 90 days beginning on November 28, 2024, and concluding on March 4, 2025.

The City then entered into a contract with Economic & Planning Systems, Inc. (Consultant) to complete the first phase (Phase 1) of the proposed Master Development Agreement and Planning Program (see **Attachment 2**) which was intended to assemble and further develop an 'illustrative plan and planning framework' for the Mill Site through a process of collaboration with MR, coordination with the Coastal Commission, consultations with other agencies and entities, and active public engagement. During January, February, and March of 2025, the planning team members worked independently on given tasks, including consultations with affected agencies and organizations, and met regularly to share information and further develop the *Illustrative Plan* and planning framework. During this time, several iterations of a working draft *Illustrative Plan* were prepared for continued review and refinement purposes.

Phase 1 Development Strategy Key Issues Addressed

In addition to reflecting prior planning efforts for the Mill Site the planning team focused on resolving *four* key issues, including:

1. The configuration of the proposed natural area that will encompass the Mill Pond and related wetland area, and the delineation of two new parks in the southern district for active and passive recreation;
2. More precise delineation of the locations and definition of rail-related facilities;
3. The circulation network of roadways, and multiuse trails connecting to the rest of the city and the open space, parks, and the Coastal Trail corridor; and
4. Detailing the potential future uses in the southern district and focusing on mixed-use zoning opportunities to meet both housing and employment needs.

This work was completed in anticipation of a community workshop where the resulting draft *Illustrative Plan*, along with supporting materials, could be presented and public comments and questions received. The community workshop was held in Fort Bragg on February 25, 2025. The meeting was well attended by more than 100 residents and livestreamed on the City's website. The public comments that were received and documented provide substantial input for the subsequent phases of the Master Development Agreement and Planning Program. Additional community input was received as public comment at two City Council meetings, held on October 15, 2024, and March 10, 2025.

Phase 1 Development Strategy Preparation

Coordination with Mendocino Railway

The coordination with MR began with an agreement to pursue a stay in the litigation and to jointly participate and fund needed consultant support. In addition to supporting the City's efforts, MR engaged its urban design and planning consultant in the effort. The City and MR agreed to the overall scope of work proposed and provided technical guidance as the effort unfolded.

The Planning Team

At the inception of the Phase 1 effort, following the initial agreement between the City and MR to seek a planning alternative to the pending litigation and proceed with the Phase 1 effort, a planning team was assembled that included City Manager Whippy, EPS staff (Walter Kieser) and sub-consultants (Marie Jones, Linda Ruffing, and Vanessa Blodgett), and MR (Chris Hart) and their planning and design consultant (Burton Miller). A City Council Ad Hoc Committee (Mayor Godeke, Councilmember Peters) was provided regular updates regarding the ongoing technical efforts as guided by the Phase 1 Work Program.

Members of the planning team were assigned specific tasks as defined in the Phase 1 Work Program and then collaborated informally and met as a group regularly to review the assigned work products. This collaborative effort was technical, focusing on the assembly of the *Illustrative Plan* and supporting documentation and preparing materials for the consultation process and public workshop.

Coordination with California Coastal Commission

During the preparation of the *Illustrative Plan* and as part of the broader effort to consult with affected agencies and entities, the planning team has been in contact with Coastal Commission staff informing them about the Master Development Agreement and Planning Process, and sharing documents, including versions of the *Illustrative Plan* as it evolved over the past several months. Comments received from Commission staff were considered by the planning team as the *Illustrative Plan* and the planning framework was further developed, in general. While there has been an effort to conform with Coastal Act and General Plan requirements and obtain informal guidance from Commission staff, formal review by the Coastal Commission will only occur when proposed a Local Coastal Program (LCP) Amendment is prepared and submitted and in response to individual Coastal Development Permit applications.

Summary of Consultation with Other Agencies and Tribal Interests

Consultation with agencies and tribes is still in the early stages and will continue throughout the Master Development Agreement and Planning Process.

- Tribal Interests. Given the deep history of the Mill Site as part of Pomo culture, it is particularly important to respect, reflect, and celebrate this history and the interests of living descendants. The following includes a brief synopsis of agency and tribal consultation activities to date. The initial *Illustrative Plan* and circulation plan were shared with Sherwood Valley Band of Pomo Indians (SVBP) Tribal Preservation Officer, who brought the plan forward to SVBP Tribal Council for discussion. The team is working with SVBP to set up a formal consultation process, which would extend throughout the development of a formal project description for CEQA and the CEQA process. The potential for a Pomo Cultural Center on the Mill Site will be further discussed as the planning efforts continue.
- Caltrans (State Department of Transportation). The initial *Illustrative Plan* and circulation plan were shared with Caltrans. Caltrans is assembling an internal team to discuss the plan and provide formal feedback which may include a scheduled meeting to discuss the project and a formal letter at a later time. At this time the representative of Caltrans expressed some concern about the Maple Street access onto the Mill Site.
- State Department of Fish and Wildlife. The *Illustrative Plan* was shared with the California Department of Fish and Wildlife (CDFW) whose staff asked initial questions and made comments. CDFW staff will continue to listen in on workshops and will collect comments from the community about the project. They will provide formal comments once the site land use plan and program are more fully defined through a complete project description as part of any CEQA process.
- State Department of Toxic Substances Control (DTSC). Consultation was initiated with DTSC's project manager for the Mill Site remediation to provide an overview of the Master Development Agreement and Planning Program, to discuss the interface of it and DTSC's ongoing planning process for the Operable Unit-E Remedial Action Plan (i.e., clean-up of the Mill Pond and other on-site ponds), and to discuss the potential for creek daylighting in conjunction with Mill Pond remediation. Consultation with DTSC would continue throughout the process and more formal directions would be sought in future phases.
- Regional Water Quality Control Board (RWQCB). Consultation was initiated with North Coast RWQCB staff to provide an overview of the Master Development Agreement and Planning Program and to discuss the scope of the agency's regulatory oversight regarding environmental remediation, stormwater management, wetlands protection and creek daylighting. Additional

consultation with the RWQCB would occur at appropriate points throughout the planning process.

- Noyo Center for Marine Science. The City and the Noyo Center are actively engaged in discussions regarding various aspects of Noyo Center's proposed Ocean Science Center campus on its 11.6-acre parcel (adjacent to MR's property in the south part of the Mill Site). An LCP amendment for the Noyo Center parcel (as well as the Noyo Headlands Park parcel, and the Native American residential parcel) was recently approved by the Coastal Commission. Noyo Center's La-bone-atory project on the Ocean Science Center property is expected to break ground later this year. As neighbors on the Mill Site, Noyo Center and MR have identified opportunities to work together for positive outcomes. Continued engagement with the Noyo Center would occur as plans for the Mill Site evolve.
- Federal and State agencies regulating railways. Rail-related facilities proposed by MR that fall under jurisdiction of federal and state agencies such as the Federal Railroad Administration, Surface Transportation Board and the California Public Utilities Commission would necessitate consultation during the planning process to ensure consistency with their regulations.

Guiding Principles & Policies

As a companion to the *Illustrative Plan* and to create a planning framework for subsequent planning efforts, the Guiding Principles originally prepared in 2019 were updated and detailed. These new Guiding Principles & Policies have been derived from the earlier planning effort in 2017 through 2019 and include new considerations resulting from ongoing consultations with other agencies, consideration of new site-specific topics, and, most recently, public comments from the February 25th Public Workshop (see **Attachment 3**).

Assembly of the Illustrative Plan Maps

The *Illustrative Plan*, which shows a preliminary and general distribution of potential future land uses on the Mill Site, has been derived from over 20 years of planning efforts for the Mill Site primarily relying on work by the City involving public meetings, supporting consulting efforts and most recently, interactions with MR and its planning and design consultants. Key underpinnings and components of the *Illustrative Plan* include:

- Planning Legacy and Foundation. The current "in-progress" *Illustrative Plan* is underpinned by, and builds upon, the extensive heritage of prior planning efforts; a range of technical studies and site constraints and opportunities analysis; stakeholder mission statements; and MR's visioning concepts, first expressed and presented in a Special Joint Session of the City Council and Planning Commission, September 21, 2019.

MR then participated in an Ad Hoc Committee process 2020-2021, to refine North Mill Site land use designations and boundaries, and a Coastal Trail “buffer”. A next-iteration Plan was prepared to illustrate proposed refinements consistent with Ad Hoc Committee direction. Planning resource documents included:

- *Mill Site Specific Plan Preliminary Draft* January 2012 City and Georgia-Pacific
 - Plan Revision prepared by City staff in 2018 in a community process, including a presentation to the California Coastal Commission
 - Stakeholder Proposals
 - MR’s prior plan iterations for North Mill Site
 - Technical studies for Mill Pond improvements
 - Creek Daylighting Concepts
- *Constraints and Opportunities Analysis.* As noted above, research, analysis and a resultant understanding of known constraints has informed planning efforts to date. The *Illustrative Plan* incorporates and reflects careful responses to those constraints. Additional study of site constraints, including detailed site-specific archeological resources, coastal wetlands, and remediation would continue and be completed as part of the Master Development Agreement and Planning processes.
 - *Mill Site Planning Formative Elements.* As part of developing the *Illustrative Plan*, a series of seven ‘formative elements’ were identified. These formative elements reflect key factors to be considered as a part of Mill Site planning and development (see **Attachment 4**).
 - *Illustrative Plan Framework Elements.* The *Illustrative Plan* is the product of an in-depth, broad-based collaborative coordination process with MR and its Planning Consultant, and City staff/City consultant team. The *Illustrative Plan*’s purpose is to serve as an example or explanation, designed to clarify, demonstrate, and to provide visual features intended to explain. It is a long-term vision that serves to inform/guide decisions and actions, while adhering to defined principles (e.g., Mill Site Reuse Guiding Principles) by using a structure of interconnected elements, a long-term vision in which future options are not foreclosed, and in which every move builds toward a greater goal (see **Attachment 5.1**).

Several of the “interconnected elements” are illustrated in the Open Space Network | Access and Circulation diagram: development parcels and land use; open space; coastal access, Coastal Trail; Nature Center Discovery Trail; South Parks Path (multi-use); Redwood Avenue Extension; street access; railway and trolley (see **Attachment 5.2**).

Mendocino Railway Rail-Related Area

The *Illustrative Plan* illustrates the extent of MR's proposed Railroad Related Uses, which would be areas where MR is generally expected to engage in activities and uses to which it claims preemption from State and local review authority.

Affected Parcels and Corridors

The rail-related parcels and corridors are proposed as follows:

- Parcel R4 "Railroad Square." This area is immediately west of the existing Skunk Train station, railyard and roundhouse. It includes the Dry Shed building from the former Mill operation. MR envisions this area to be used for future rail-related uses including equipment storage in the Dry Shed.
- Parcel R7 "Skunk Station." MR has a vision of relocating the Skunk Train Station on this parcel, south of Redwood Avenue. This would allow for a larger, more functional station with sufficient space for administrative offices, storage, etc. Convenient and central parking would be provided to allow passengers to "park once" to ride on the train and visit other uses in the downtown area.
- A loop of tracks is proposed in the central area, encompassing the Railroad Square and Skunk Station areas as well as land for non-rail-related commercial and visitor serving uses. The railway loop would improve MR's operations by eliminating the current "dead end" track that requires a lot of push-pulls to turn trains around. The tracks would also allow MR to park the train in an east/west location parallel to Redwood Avenue where it would not interfere with pedestrian traffic between downtown and the site.
- Track for only trolleys is envisioned by MR, extending from the loop to a "Glass Beach Station" on the north end of the site. The track would be setback from Noyo Headlands Park.
- Track for only trolleys is also planned to extend south from the Skunk Train Station. MR has indicated that they are willing to commit to only building this track with approval by the City and agreement on the location.
- Parcel R1 "Glass Beach Station" on the north end of the site is envisioned as a secondary station for the proposed on-site trolley and would include boarding platform, ticket booth, offices, restrooms, and a second story ocean view restaurant.

To provide clarity regarding Rail-Related Uses and Claimed Preempted Railroad Activities, MR prepared the following list of State and Local-regulated activities and claimed federally pre-empted railroad activities:

State and Local-Regulated Activities:

- 1) **Construction and maintenance of non-rail facilities:** This includes the development, renovation, and maintenance of buildings such as hotels, restaurants, bars, retail stores, residential housing, and other commercial or public facilities that are unrelated to rail operations.
- 2) **Installation, maintenance, and improvement of non-rail utilities:** This includes all work related to above- and below-ground utilities (such as electricity, water, sewage, gas, and telecommunications) that are unrelated to rail operations.
- 3) **Installation, maintenance, and improvement of non-rail roadways:** This includes all work related to City streets, sidewalks, and public roadways that are unrelated to rail operations.
- 4) **Parks, greenspace, and non-rail landscaping:** This encompasses the design, creation, and maintenance of public parks, gardens, open spaces, and landscaping that are unrelated to rail operations.
- 5) **Environmental compliance outside rail operations:** This encompasses all state and local environmental regulations (including waste management, pollution controls, habitat preservation, and water quality) that are unrelated to rail operations.
- 6) **Events within City limits that are unrelated to rail operations:** This refers to the permitting and regulation of public or private events such as festivals, markets, parades, and community gatherings that occur within City boundaries and that are not related to rail operations.
- 7) **Activities of non-rail Mill Site tenants:** This encompasses the regulation of residential and business tenants on the Mill Site that are not involved in rail operations.
- 8) **Compliance with building and zoning codes:** This encompasses construction projects, renovations, and land uses to ensure compliance with local building codes, zoning laws, and safety regulations. While federally preempted railroads are, with certain exceptions, required to comply with building codes and are subject to local inspection, such railroads are not subject to preconstruction reviews or permit requirements.

Claimed Federally Preempted Railroad Activities:

- 1) **Development and operations related to railroad tracks, signals, and crossings:** This includes construction, maintenance, and improvements of railroad infrastructure such as ties, rail, other track materials, switches, and crossings. Street/lane closures are coordinated with the City.
- 2) **Development and operations related to railroad facilities:** This includes the construction, maintenance, and improvement of stations, yards, workshops, transloading facilities, and ancillary facilities.
- 3) **Construction, maintenance, and operation of railroad equipment:** This includes the construction, maintenance, repair, and operation of railroad equipment such as freight/passenger equipment, maintenance of way equipment, transloading equipment, as well as any noise, horns, and emissions relating thereto.

THIS PAGE INTENTIONALLY LEFT BLANK

Community Workshop and Council Meeting Public Input

A key objective of the Development Strategy was to solicit active community input regarding the proposed Master Development Agreement and Planning Program and specifically to provide comments on the draft *Illustrative Plan*. While many aspects of the *Illustrative Plan* were derived from earlier planning efforts, a community workshop provided a current opportunity to react and provide recommendations regarding the *Illustrative Plan* and supporting materials, with more community input to be gathered in subsequent planning efforts.

February 25th Community Meeting Public Comments

The City of Fort Bragg held a public workshop on February 25, 2025, to present the draft *Illustrative Plan* and Framework and to receive public comments and questions regarding the ongoing collaborative planning effort and the resulting *Illustrative Plan*.

- Mayor Jason Godeke and City Manager Isaac Whippy provided a brief overview of this collaborative planning process as a framework for decision-making regarding future reuse of the Mill Site, which parties are pursuing in lieu of continued litigation between the City and MR.
- Chris Hart and Burton Miller (MR team) summarized MR's vision as a bold, long-term plan including the following key components: North side would be an extension of town. Future uses on the south side are less specific. Consolidation of rail-related uses (Railroad Square), railway loop, new Skunk station, extension of CBD and hotel uses in central area. Nature Center concept is reflective of the desire to create integrated open space connecting wetlands, ponds, and daylighted creeks with Discovery Trail loop. In the south, a mix of uses is contemplated including industrial, commercial, mixed use and residential. The trolley is envisioned as an electric, low impact alternative to rail, connecting development.
- Walter Kieser (consultant) discussed the complexity of Mill Site development process, long timeframes, infrastructure requirements, and costs. He explained the master development agreement strategy. There will be community involvement for each decision point.

The workshop included an opportunity for informal conversations with the planning team, adding 'post-it' comments on the wall maps and materials presented, and formal comments and questions. During the three-hour workshop, there was lively discussion and interaction between the assembled public, the planning team, the City Council and MR representatives. A transcript of the Public Comments has been prepared (see **Attachment 6**). A summary of the 'post-it' notes, placed on the wall maps and other displays, was also prepared (see **Attachment 7**).

March 10th City Council Meeting

The City Council held a noticed public meeting on March 10, 2025, to receive a presentation of the Illustrative Plan and Development Strategy Report. The meeting was well attended and following a staff presentation and comments from MR representatives, public comments were received. Approximately 25 members of the public provided comments with testimony taking two hours. A summary of these public comments was prepared (see **Attachment 8**). Following the public comments, the City Council made individual comments and asked questions of staff and MR representatives.

Based on the Phase 1 efforts, and given the end of the stay period, the Council was faced with deciding how to proceed, i.e., whether to continue with the proposed Master Development Agreement and Planning Program or to allow the litigation process to resume. Following this discussion, the Council majority agreed to seek an extension of the litigation stay and to proceed with the proposed Phase 2 effort.

In parallel with the City's deliberations, there was continuing coordination with MR and the Coastal Commission, as their concurrence was needed to seek Court action to stay the litigation for three additional months or longer, in order to provide the parties with the opportunity to negotiate a potential settlement agreement in parallel with the proposed Phase 2 planning effort Memorandum of Understanding (MOU).

If the Council opts to continue forward with the Master Development Agreement and Planning Program, the *Illustrative Plan*, Guiding Principles, and other results of the Phase 1 Development Strategy would serve as a starting point for the subsequent phases of the process, beginning with Phase 2, which would be to create a MOU.

Phase 2 Memorandum of Understanding

The *Illustrative Plan*, Guiding Principles, and other data and information assembled as part of the Phase 1 Development Strategy would provide a foundation for negotiation of a Memorandum of Understanding (MOU) in Phase 2. The proposed MOU would establish a general framework, analysis, and agreements needed to proceed with the proposed Master Development Agreement and Planning Program. The proposed MOU would be a non-binding agreement between the City and MR and may reference and incorporate related agreements with other agencies and entities, all geared toward identifying key terms and conditions, testing feasibility, identifying roles and responsibilities, and resolving the general structure and approach of the subsequent Master Development Agreement (a binding contractual agreement) and its related planning components.

Linkage to the Lawsuit Settlement

The effort to settle pending litigation, based on the Development Strategy *Illustrative Plan* and Guiding Principles, would occur in parallel with the preparation of the MOU. It is presumed that such a settlement, involving the City, MR, and the Coastal Commission, would occur during the Phase 2 MOU negotiations. Proceeding with the Phase 3 Master Development Agreement and Planning Components effort would likely be dependent on settling the City vs. MR lawsuit.

The parallel settlement of the lawsuit and subsequent completion and approval of the MOU would lead to the formal initiation of the Phase 3 Master Development Agreement Planning Process, when actual planning approvals would be processed, involving the full round of review by affected agencies, community engagement, environmental review, and formal adoption by the City.

Memorandum of Understanding Process

The preparation and negotiation of the MOU would include ongoing Council oversight and community engagement. The technical preparation of the MOU components would occur as a cooperative effort between the City (with assembled consultants and legal advisors) and MR, along with its planning and legal team, and augmented, as may be necessary, by input from the involved regulating agencies and affected entities. It is expected that the City Council Ad Hoc Committee would continue to provide oversight and that there would be regular updates to the entire Council and public throughout the agreed upon duration of the stay and any additional time needed to complete, review, and adopt the MOU.

The MOU would focus on a variety of topics that address the overall feasibility of Mill Site development from a physical, regulatory, and financial perspective. It is designed to flush out any ‘fatal flaws’ limitations and constraints to achieving the vision presented in the *Illustrative Plan*, prior to launching the substantial, time-consuming, and costly effort of developing a Master Development Agreement, land use plan and related regulations and requirements.

Once assembled in draft form, the resulting MOU would be formally presented and reviewed in a public hearing by the City Council and following public comments, and would be approved, or rejected at the Council’s discretion. Adoption of the MOU would set in motion the formal preparation of the Master Development Agreement and its four constituent technical components (planning and entitlement, regulatory clearances, infrastructure financing, and real property transactions).

The MOU process would be pursued as a set of five serial topics, as presented below. Each topic would be structured to include formal staff and applicant working meetings, related technical efforts, preparation of draft documents, and throughgoing public and Council review, step-by-step.

MOU Topic #1: MOU Initiating Actions

1. *Negotiating a Settlement Agreement for the Pending Lawsuit*

The purpose of the Phase 1 effort was to create an *Illustrative Plan* and planning framework that provides a planning-based approach as an alternative to and incentive for settling the pending legal action. The planning team would support the legal team regarding technical aspects and planning references for the settlement, as noted above, including:

- A conceptual agreement regarding the regulation of claimed rail related properties/uses/buildings and the claimed preemption of local jurisdiction and a process to ensure that applicable public health and safety standards will be applied.
- The supporting terms, conditions, and timeline for settlement of the pending lawsuit(s) that can evolve from settlement agreement negotiations between the City, MR, and the Coastal Commission.

It is presumed that the legal team would work in parallel with other technical aspects of the MOU with the goal of reaching a settlement within the 90-day extended stay that ends on July 1, 2025. It is likely that the MOU may require more time than this 90-day period.

2. *Accepting the Illustrative Plan and Planning Framework*

The *Illustrative Plan*, Guiding Principles, and planning framework prepared during Phase 1 should be accepted by the City Council and MR as a general guideline for future planning efforts while recognizing that changes will likely occur as new information becomes available, additional community input is received, and the planning process continues. This action should include any related input from the Coastal Commission and the affected agencies and organizations that have been and will continue to be consulted as a part of the process.

3. *Agreeing to the Scope and Budget for the Memorandum of Understanding*

The MOU is designed and intended to proactively address the key decisions and terms that are involved with the proposed Development Agreement, the planning approvals, infrastructure requirements, phasing, and funding, completing remediation of the Pond Areas (and other locations that require additional remediation) and identifying any land transactions between the City and MR that are part of achieving the desired pattern of development. The City and MR would need to assemble and approve a formal scope of work for the MOU that describes the process and serves as a basis for retaining needed consultant support and technical cooperation between the City and MR.

The preparation of the MOU would require a range of technical efforts that can be assigned to City staff, City consultants, or MR representative and their consultants, in parallel with the legal matters involved, including those related to settlement of the litigation and the structure of the development agreement. The tasks listed above provide a basis for the development of a MOU Work Program, a related budget, and an agreement regarding funding of the MOU preparation effort.

MOU Topic #2: Land Use Planning Context and Approach

The core of the MOU would address aspects of the land use planning and regulation on the Mill Site. The matter is complex given the large scale and varied factors affecting development potential and constraints affecting different portions of the Mill Site. These planning factors influence when something is built, what gets built, where it is built, how it is built, what it looks like and who it will serve. While the *Illustrative Plan* is the starting point for community discussions/ decisions (that includes the community, the City, property owners, and the Coastal Commission) it is an LCP amendment that over the longer term must be designed and sited according to City regulations and procedures to receive development permits.

1. *Establishing an Optimal Approach to the Land Use Designations*

An agreement should be reached regarding the approach to establishing land use approvals and related environmental review including the appropriate mix and timing of an LCP amendment, CEQA and/or NEPA review, applicable zoning districts and rezoning, LCP amendment policy language, Development Agreement terms, master tentative map and final map terms, fees, etc.

2. *Creating Value and Responding to Market Opportunities*

The key to a successful Master Development Agreement involving a large swath of developable land and lacking a fully developed market such as the Mill Site is 'creating value'. Value is created through good planning, establishing development entitlements and permits, improving existing amenities, and other development readiness investments as needed to attract investors and builders to the site. Value creation begins with removing or managing constraints such as the remediation requirements, infrastructure capacity or service deficiencies, and creating amenities. The initial development entitlements and related environmental clearances also create value as they render the site 'development ready'. As example, early completion of the proposed Skunk Train and other rail related elements could provide a catalyst for new development and enhance destination image and identity.

3. *Further Clarifying and Conforming to Coastal Commission Policies*

The Coastal Act favors development projects in the Coastal Zone that serve priority uses as defined by the Coastal Act which include visitor serving uses, open space, parks, coastal access, and coastal dependent uses. The Coastal Act also includes policies to protect open space and natural communities, ensuring adequate City services to support proposed uses.

4. *Precedent Images and Concept Studies to Better Communicate Planning and Design Opportunities and Intent*

Building upon Guiding Principles & Policies; Planning Legacy and Foundation; Constraints and Opportunities Analysis; Formative and Framework Elements; and Stakeholder Input (Agency and Public), studies and exhibits will be developed to illustrate opportunities and planning and design intent, to catalogue proposed open space components, building elements (type, character, scale), and Railroad Core features. Precedent images will explore and illustrate a range of proposed and candidate uses to better communicate intended qualities and attributes. Concept-level site-planning and design studies will illustrate the composition and organization, of buildings, public space and landscape. Studies may include the proposed Open Space Network/ Public Amenities; Nature Center; Pomo Indian Cultural Center; Railroad Core; Residential Prototypes/Densities; and potential Specialty Commercial,

Industrial, and Institutional uses. The Precedent Images and Concept Studies will serve to illustrate how proposed land uses and facilities might appear and to inform planning and design policy.

5. *Continued Cooperation with Other Regulating Agencies*

Continuing coordination is needed with other regulating agencies to achieve a more precise definition for achieving regulatory permits, remediation requirements for the Mill Pond and related wetland areas, and possible upgrades in remediation as necessary to support future uses. The liaison and discussions that have occurred during Phase 1 would be continued and enhanced as may be appropriate.

6. *Linking the Pace and Scale of 'Development Readiness' to Realistic Market Demand-Driven Development Opportunities*

It will be valuable to conduct a long-range market forecast for the Mill Site development given known conditions and identification of potential 'anchor' institutional, commercial, and industrial uses, particularly those related to the unique circumstances and opportunities created by the Mill Site development opportunities. Continued market research, industry innovation sectors, and direct marketing to desired end-users should all be in the mix. For any project to proceed, there must be sufficient market demand to cover the cost of development and make a return on investment(s) in land, pre-development planning and entitlement, and marketing. On-site and City infrastructure is needed to develop the site including streets, sidewalks, storm drain systems, water and sewer lines. Improvements to the City's capacity to provide water and sewer services are needed to fund- the costs to complete environmental remediation and other site-specific mitigation measures, as well as the cost of vertical construction and related site improvements.

7. *Further Resolving Site-Specific Development Constraints*

Some areas of the Mill Site may be undevelopable due to site-specific constraints that will need to be more precisely mapped. Wetlands, rare plants and rare plant communities, and archaeological resources all pose development constraints. Indeed, the City's Coastal General Plan restricts new development within a 50- to 100-foot perimeter of any area with environmentally sensitive resources, cultural resources or wetlands. Also, development may be prohibited or constrained in coastal view corridors. Not all wetlands have been mapped, and the location of protected plant populations can change over time, so while some areas of the *Illustrative Plan* show potential for development, that potential may not be fully realized if wetlands or rare plants or cultural resources are found on a specific location during the development review process.

8. *Conforming and Where Appropriate Modifying the City's Zoning Ordinance and Related Regulations*

City land use planning designations applied to the Mill Site set development standards such as height limits, setbacks, building mass (FAR), and other use-related conditions, including maximum and minimum density (units per acre), maximum building size, and requirements for landscaping, lighting, parking, etc. The application of existing standards will likely result in development that is similar in scale and scope to existing development within the city, which typically utilizes 20% to 40% of a parcel for the building footprint. The zoning code also generally determines allowable land uses in each zoning district and whether a use permit is required. The City's design guidelines set minimum and preferred design criteria for buildings, accessory structures, parking areas, landscaping, signage and more. Most new developments require design review approval from the Planning Commission to proceed.

MOU Topic #3: Clarifying and Documenting Infrastructure Requirements and Financing Strategy

Building upon prior engineering evaluation and infrastructure needs assessments, it would be necessary to document, to the degree possible at this early stage of planning, the infrastructure and related facilities needed to serve Mill Site development. The following items would be included in this effort:

1. *A Preliminary Site Improvement Program*

The Mill Site's basic public infrastructure needed to support planned development should be identified, building upon prior evaluations of the site's infrastructure needs, including location and phasing, and identification of financing sources as needed to pay for improvements.

2. *Framework for an Agreement Regarding Private and Public Funding Mechanisms*

This may include the use of special tax supported bonds (CFD), and grant sources that may be available. It is typical that substantial private equity investment will be necessary, especially in the early stages of 'value creation' on the Mill Site as needed to improve the land value or special tax capacity for debt financing.

3. *A Financial Feasibility Study*

Building upon the foundational technical efforts, a financial feasibility study should be prepared that links new development and related increases in property value to the phased program of needed site preparation and infrastructure and related private and public sources and investment. Meeting basic development feasibility criteria would be necessary prior to moving on to Phase 3, the formal planning process, as described above.

MOU Topic #4: Mapping out the Functions and Terms of the Master Development Agreement

The Master Development Agreement and Planning Program envisions a primary role for negotiating and adopting a development agreement for the Mill Site. The fundamental purpose of the Development Agreement would be to strengthen assurances needed to accomplish the beneficial redevelopment of the Mill Site in conformance with the land use plan. These assurances include ‘vesting’ of development rights for the entire site, providing long term certainty for the landowners and developers that they would be able to build what has been approved. The development agreement can also include the City’s willingness to create various land/real estate-based financing mechanisms such as the Mello Roos Community Facility District. As an exchange for these benefits, the Developer would offer various concessions toward public benefits that cannot otherwise be required through the normal land use regulatory process.

The development agreement envisioned would be a ‘master’ agreement, i.e., it would cover the entire Mill Site and encompass all the various aspects of the development approval, investment, and management process going forward.

MOU Topic #5: Identifying Special Real Estate Land Transactions

This topic involves identification of any large land transactions between the City, MR, or other landowners that underpin and define future development including ownership of parklands and open space, ownership of the Pond and surrounding natural area, and lot line adjustments needed to precisely align parcel boundaries to infrastructure locations (e.g., roadway alignments) and related irrevocable offers of dedication. This effort should be completed in coordination with the preparation of a Subdivision Map Act compliant Master Tentative Map for the Mill Site that will, as proposed, divide the Mill Site into a set of large sub-areas that conform to the emerging land use plan use designations and phasing.

Phase 3 Master Development Agreement and Planning and Development Approvals

Following public review of the MOU a decision can be taken by the City Council regarding proceeding with the next Phase of the Master Development Agreement Program, as described in the original Program Proposal (see **Attachment 1**). Phase 3 is where the substantial efforts required for successful reuse and redevelopment of the Mill Site will occur, including: 1) determining and creating the needed land use approvals (and related environmental review); 2) achieving other regulatory approvals including those related to hazardous materials remediation; 3) completing an infrastructure facilities and financing plan, and 4) establishing agreements regarding any real property transactions that are needed to support the overall reuse and redevelopment effort.

THIS PAGE INTENTIONALLY LEFT BLANK

Appendices

Mill Site Master Development Agreement Program Proposal

The City of Fort Bragg (City) and the Mendocino Railway (MR) have tentatively agreed that a formal and cooperative ‘master planning and development agreement’ approach to further development of the Mill Site is in the interest of both parties, other property owners, and the City as a whole. As a part of pursuing this cooperative approach the parties have agreed to stay the pending litigation between them, to pursue settlement discussions, including with the California Coastal Commission, which is also an intervening party in the action.

Assembling such a cooperative approach will build upon the many years of planning, environmental review, remediation, infrastructure improvement, and development that has occurred as well as the current aspirations of MR and land use and policy objectives of the City. The master ‘development agreement’ approach recommended has been used successfully in complex development projects in California for decades. Development agreements (see Cal. Gov’t Code § 65864 et seq.) are contractual agreements between a local jurisdiction and a developer(s) regarding a particular development project. Development agreements overlay standard planning and development regulations (zoning, etc.) adding a ‘vesting’ of development approvals (entitlement) and other considerations (public investments, etc.) by the local jurisdiction in trade for considerations and contributions from the developer that cannot be imposed through normal ‘police power’ development regulations or financing methods.

The proposed Mill Site Development Agreement -- given the complexities involved, will need to be approached in sequentially phased approach allowing planning and technical analyses, community engagement, negotiations, cooperation with other landowners in or adjacent to the Mill Site, and consultations with the regulating agencies in the mix including the California Coastal Commission, the Department of Toxic Substances Control (DTSC), tribal interests, etc.

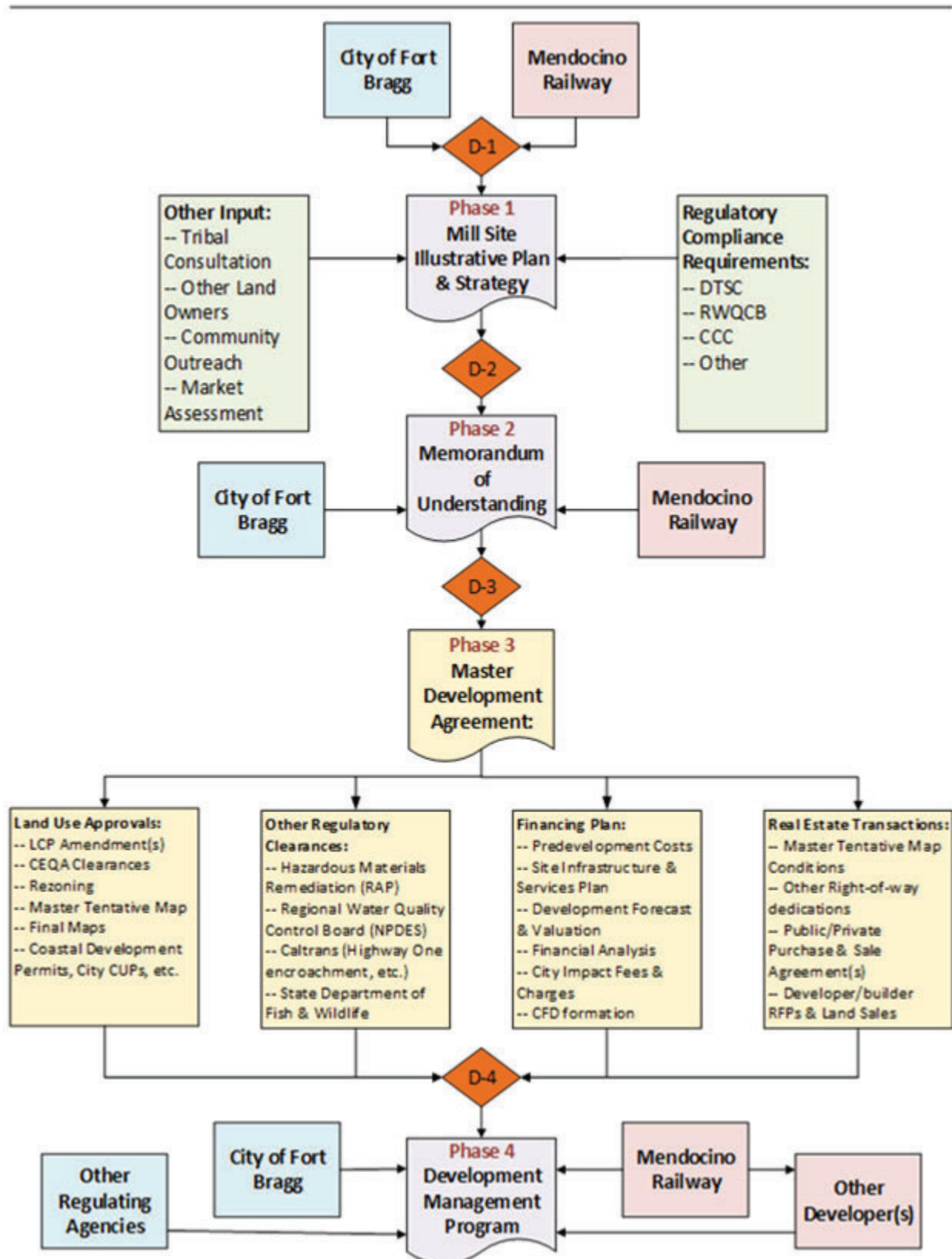
A conceptual illustration of such a phased approach to creating a Mill Site Development Agreement is shown on **Figure 1**. Our consultant, Walter Kieser, Senior Principal with the firm Economic & Planning Systems, has assembled this approach drawing upon his own and the firm’s experience with such agreements for management of large-scale development projects and development financing. Mr. Kieser also brings his historical knowledge of the Mill Site stretching back now 20 years working for the City of Fort Bragg. The illustration remains a ‘sketch’ but provides an overall sense of how such a process could be structured.

The illustration shows four major phases of activity and agreement, each punctuated with a ‘decision point’ (D-1, D-2, etc.) where the parties would complete their respective tasks and obligations and agree to proceed to the next phase. Key to this approach is a ‘stair-step’ procedure that keeps efforts in their proper subordinated order, allowing the resolution of issues, building of confidence and certainty, and providing a milestone-based off-ramp if agreement is not reached.

Decision Point 1 – Agree to pursue a development agreement and stay pending litigation.

The proposed approach will require agreement between the parties to pursue a potential development agreement (as can be further detailed) in good faith and agree to stay pending litigation. This provisional agreement would authorize and further define the first phase of work.
Time frame: 14 days.

Figure 1 – Master Development Agreement Illustrative Flow Diagram



Phase 1 – Millsite Development Strategy. It will be necessary to ‘get on paper’ a generalized illustration of proposed land uses, existing and future ownership of land, and the location of the basic infrastructure serving the Site (and City), including any rail-related improvements. This high-level illustrative plan, building on prior analysis and planning proposals for the Mill Site, would generally describe the development program envisioned, the actions needed to achieve the development program, including needed outreach and agency consultations, meeting all regulatory requirements, public and private infrastructure investments required, and how, given all of this, sufficient public and private values can be created. This information, and supporting definition of terms, rights, and responsibilities, will serve as the basis of a Memorandum of Understanding (MOU) between the two parties developed in Phase 2. Time frame: 90 days.

Decision Point 2 – Agree to Prepare a Memorandum of Understanding

The Development Strategy will disclose and determine how the interests of MR and the City, as well as the California Coastal Commission (CCC), can be met and a general reckoning of all the regulatory requirements, permitting, and investments that will be required. On the basis of this information, resolution of issues, and agreement, the basic terms of a potential DA can be outlined in a MOU.

Phase 2 – Memorandum of Understanding. The terms derived from the Development Strategy (and other sources) will be structured in a non-binding document that will allow formalization of terms, related evaluation (cost and feasibility analysis, etc.) and a wholistic view of the development program, its benefits (value creation, etc.) City actions and investments, landowner and developer actions and investments, and the necessary third-party regulatory requirements and how they will be met as part of the development process will be evaluated. An overall work plan and schedule for preparation of the DA and its referenced technical components would be developed and attached to the MOU, along with a funding agreement to pay for the process. Time frame 60 days.

Decision Point 3 – Agree to Proceed with the DA and its Related Planning, Review, Financing, and Real Property Transactions

A Draft DA would be prepared early in Phase 3 based upon the MOU terms and related negotiations. Meanwhile, the substantive activities would be fully mobilized along with an agreement and commitment of funding to pay for preparation of the DA and its technical components. Settlement of the pending legal actions are proposed to occur as a component of the final approval of the DA.

Phase 3 – Development Agreement and preparation of land use approvals, other regulatory requirements, financing plan, and real estate transaction agreement. Assuming the MOU process yields an agreement to proceed with the more expansive planning, engineering, financing, and transactions, a formal DA can be initiated. It is during Phase 3 that the substantive components encompassed by the DA will be completed, building on the full breadth and depth of prior efforts. A full and detailed work program will be needed at this point as well as assembling the consultants and legal advisors needed to complete the respective plans, review, and analysis as needed to complete the four major components of the DA – 1) Land Use Approvals; 2) Regulatory Clearances; 3) Infrastructure Financing; and 4) any Real Estate Transactions (P&SA).

It is difficult at the outset to estimate the timeframe required to complete the DA and its four technical components, particularly given the requirements and influence of the regulatory agencies in the mix. However, the overall program, during each phase, will be structured to reveal and scope the various components and related regulatory actions, thus clarifying and expediting the schedule needed to complete the work. Estimated time frame 18 months.

Decision Point 4 – Finalize and Adopt any DA

Following completion of the technical components and agreement to DA terms reflecting the technical work, regulatory requirements, feasibility testing, and execution of related agreements, a DA can be adopted, following the full public hearing process, by the City in a bundle with the development approvals, regulatory permitting, funding agreement and mechanisms, and related land transactions.

Phase 4 – Development Management Program. The terms of the DA will be played out over time including completing needed land use approvals, regulatory compliance clearances, assembling financing and related financing districts, if any, and crafting and completing any land purchases and sales, as infrastructure improvements, subdivision, and development proceeds. All of this will require creation of a project management team and a sustained, cooperative working relationship between the City, MR, landowners, the CCC and other regulatory agencies, and ‘vertical’ developers that may purchase developable land in the Mill Site, all as guided by the DA and the land use approvals. While it is difficult to forecast the vertical development stage, it will likely take many years to complete.

Mill Site Master Development Agreement & Planning Program Phase 1 Work Program: Development Strategy Preparation

Introduction

The ‘Overview of the Proposed Master Development Agreement Process’ describes a multi-pronged, cooperative approach to achieving the desired development of the Mill Site that has been the subject of previous planning, environmental remediation, and development efforts over the past 20 years. The first phase of this process is proposed to be the assembly of a ‘Development Strategy’. This Strategy will, over a compressed time frame of 90 days, assemble and articulate the desired ‘high-level’ outcomes of the proposed cooperative planning, financing, and development efforts to be completed in subsequent components and phases of the process. At the heart of this Development Strategy will be an ‘*Illustrative Plan*’, a visual representation of the Mill Site in its envisioned future form, showing the general location of land uses, major roads and access points, public infrastructure, open spaces and recreational facilities, and identifying the land transactions that are envisioned as may be proposed.

An initial working version of the *Illustrative Plan* will be assembled by the City and its consultants in an expedient manner based on prior planning efforts, proposals by MR or other entities for future development of the Mill Site and vetted with MR, and in consultation with the California Coastal Commission, all of which will be done in a cooperative effort predicated on the goal toward potentially resolving (settling) pending litigation through the proposed Master Development Agreement Program. The initial *Illustrative Plan* will then be subjected to a geographically based constraints analysis. The resulting *Illustrative Plan* and constraints analysis will then be reviewed in a workshop format by other affected landowners, the key regulating agencies (California Coastal Commission, DTSC, RWQCB), and tribal representatives, seeking concurrence and recommending agreeable changes. The resulting public review *Illustrative Plan* will then be presented in a formal public engagement process and subsequently guide the more detailed, multi-pronged Master Development Agreement Program.

The *Illustrative Plan* will take advantage of the full range of existing and prior planning efforts conducted and completed by the City and reflect proposals made by MR and the other affected landowners and incorporate the input and concerns of the Coastal Commission and other regulating agencies in the mix. It is further proposed that a generalized market assessment be conducted that may include the preparation of a developer solicitation (RFQ). This outreach and market reference will be designed to test and modify the *Illustrative Plan* as may be appropriate. The resulting *Illustrative Plan* will become the reference point and guide for creating the Development Strategy – that will specify the more detailed land use planning, zoning regulations, remediation actions, environmental review, infrastructure investments and financing strategies, and identification and evaluation of the land transactions that may be involved, i.e., the four structural components of a Mill Site Development Agreement.

Guiding Principles

The preparation of the Millsite Development Strategy will be guided by the following principles:

1. Maximize Use of Existing Information, Plans, & Decisions. The prior planning and regulatory efforts by the City and landowner proposals will provide a sound basis for assembling the *Illustrative Plan*. A GIS-based composite map will be prepared as a graphic illustration and measuring tool for documenting the sources assembled.
2. Consultations with Other Regulating Agencies. It is recognized that the development of the Mill Site must ultimately meet with planning and regulatory approval of the Coastal Commission and the agencies regulating hazardous materials remediation. At the preliminary stage, the City will be seeking preliminary comments and input that can help shape the plan that will ultimately be submitted for approval. Also, the Coastal Commission is a party to the pending litigation with MR and the City, and so the Coastal Commission's early input and participation is necessary to any potential successful resolution of issues in the action.
3. Engagement of Affected Property Owners and Interests. MR and other affected property owners, including tribal interests, will be engaged and consulted as the *Illustrative Plan* is assembled. This process may result in the formulation of several development scenarios, reflecting the various interests.
4. Ongoing Public Information & Engagement. The assembly of the *Illustrative Plan* and its review will include ongoing public information (through updates at each City Council meeting, regular Website posts, etc.) as well as two public workshops, including an initial workshop that presents the proposed Master Development Agreement Program and the process for assembling the *Illustrative Plan*. The resulting draft *Illustrative Plan* will be presented in a City Council Study Session with full public participation invited.
5. The City Council direction and discussions. It is proposed that the City Council will be regularly briefed regarding the ongoing effort through formation of a Council Ad Hoc Committee. Additionally, it is proposed that a standing Mill Site update be provided at each City Council meeting. Finally, it is proposed that the Council will accept the resulting Development Strategy Report as a guide for the next Phase of the Master Development Agreement Program.
6. Negotiation Confidentiality and Integrity. While the development of the *Illustrative Plan* will be an entirely public process, the pending litigation, resolving various regulatory challenges, and negotiations over possible real estate transactions, will require appropriate confidentiality and discipline throughout the process.

Phase 1 Work Tasks

Task 1 – Preliminary Review of Proposed Master DA Planning Process

The Development Strategy (and the proposed Development Agreement (DA) Process will be initiated by assembling the appropriate documents and conducting a preliminary meeting between representatives of the City and Mendocino Railway (MR) representatives, also with the anticipated participation of the California Coastal Commission. This meeting will provide for a discussion about the proposed process and in particular the actions needed to initiate and conduct the Process. The Consultant (Walter Kieser) with the firm EPS, will facilitate the meeting and recommend any resulting changes to the Work Program.

Outcome sought: Agreement to proceed with the Master DA Planning Process and specifically the Phase 1 Work Program (as may be modified as a result of the meeting). It is assumed that the stay on pending litigation will be in place by the time this meeting occurs. Specifically, the Phase 1 Work Program, as agreed upon, will be converted to an task-oriented identification of ‘resources’ (personnel) and their initial respective commitment of time, and a related task budget adding up to a Phase 1 budget estimate.

Task 2 – Scope of Proposed Development Strategy & Commitment of Resources

Once the Process has tentatively been agreed upon, an effort to more fully scope the preparation of the proposed Development Strategy can occur along with assembling the resources (staff, consultants, agency advisors, etc.). A first-round assembly of adopted or proposed archival plans and documents, regulatory orders, agreements, etc.) will occur as a reference point and as needed to initiate preparation of the *Illustrative Plan*. City and MR will review and agree upon the Work Program, budget, timeframe, and the responsibilities of the respective parties, with the anticipated participation of the Coastal Commission.

Outcome sought: Detailed Work Program, formal assembly, commitment, and engagement of resources, and a funding agreement for the Phase 1 Development Strategy preparation.

Task 3 – Preparation of the Illustrative Plan & Development Strategy

3.1: Overview

The ‘overview’ will describe the purpose of the Development Strategy and its component elements and how it will influence the subsequent phases of the DA Process. Specifically, the scope of each element will be developed in a manner that can lead to the necessary technical and engagement efforts.

3.2: Assembly and Review of Planning and Regulatory Document Archive.

As noted above, the *Illustrative Plan* and Development Strategy will be fully informed by the body of existing adopted plans and regulations and archival proposed plans and regulations, prior MR submittals, all in the context of the existing circumstances. These efforts include:

- The original draft City/GP Specific Plan that followed four years of work and was shelved in 2012 when the cost-recovery litigation for the remediation became GP's primary focus;
- A revision of City/GP Specific Plan that was prepared by Marie Jones in 2018 and went through a community process (including a presentation to the Coastal Commission when they met here in Fort Bragg. This plan was 'shelved' when MR purchased the north half of the Mill Site;
- MR's prior draft land use plan for the north half of the Mill Site;
- Plans submitted by members of the Fort Bragg community over time (Noyo Headlands Unified Design Group, John Gallo, Grassroots Institute, etc.); and
- Plans/alternatives for the Mill Pond area, including work done to evaluate the feasibility of restoring the Maple Creek and Alder Creek drainages/wetlands.

3.3: *Base Mapping and Constraints Analysis*

A GIS-based mapping system will be assembled that includes a working scale base map of the Mill Site, identification of and mapping of recognized development constraints including natural features, remediation-related constraints, resource conservation areas, etc. A map layer that spatially documents the adopted and archival proposed plans and regulations will also be prepared. As an example, constraints will include a map layer showing areas on the Mill Site that are subject to deed covenants that restrict future uses, require ongoing groundwater monitoring, etc.

3.4: *Draft Illustrative Plan & Vision for the Mill Site*

At the highest level, the City, MR, the Coastal Commissions and the other affected landowners and the public will be encouraged to express their ideal vision for the Mill Site including specific goals and related objectives in full view of adopted plans and regulations, archival plans and regulations and the development constraints as presently documented. These goals and objectives will be drafted and reviewed in stakeholder consultations, a series of formal 'workshop' style meetings where each party brings forth their respective goals and objectives towards achieving an integrated single Vision. Once the documentation is compiled, the EPS team can analyze it and clarify where there is alignment and where there are potentially conflicting components.

Following this effort, an informal meeting of City representatives (ad-hoc Council committee and City Manager), MR representatives (preferably without respective legal representation) can be convened, with anticipated participation from the Coastal Commission, to work through the areas where there may be a lack of alignment. While ideally, a single integrated vision could be achieved, there may be some components of the preliminary *Illustrative Plan* where "alternative scenarios" are prepared for subsequent community input, as may be directed by the ad hoc committee.

3.5 *Initial Regulating Agency Consultation*

This early consultation with the DTSC, CCC and RWQCB will be conducted between the consultant team and the individual agencies to present and review the *Illustrative Plan* and to gain insights regarding related review and regulatory procedures and requirements. At this point we are only trying to gain clarity about the regulatory issues, requirements and procedures to accurately reflect and present them at the first community workshop.

3.6 Landowner Consultations

The other landowners will be engaged in a consultant-led workshop format to present and discuss the *Illustrative Plan*. The other landowners include:

- The Native American housing parcel and engagement of broader tribal interests. (Given the government-to-government aspects of the tribal consultations, the ad hoc committee should lead this effort.);
- The City properties (Wastewater Treatment Facility and the Noyo Headlands Park).
- The Noyo Center for Marine Science (11.6-acre undeveloped parcel with big plans for a marine science education and research campus (the “Ocean Science Center”). The Noyo Center has been engaged in an in-depth conceptual planning process for its Ocean Science Center facility for the past year. Its planning efforts have occurred in consultation with the City and an environmental review and permitting process will begin in early 2025.

3.7 Public Engagement Process

The broader public of Fort Bragg will be engaged and consulted regarding the *Illustrative Plan* and the Vision, as they have been initially articulated through cooperation of the City, MR, the Coastal Commission, other regulatory agencies, and other affected landowners and tribal interests. General public information regarding the process will begin immediately (press release, Council agenda item, website announcement, etc.). At least one formal, facilitated community workshop will be conducted to introduce the proposed DA Process and in particular the proposed *Illustrative Plan* and vision for the Mill Site. The resulting input will be taken into account and a revised *Illustrative Plan* and vision will be prepared for a presentation at a City Council Study Session where public testimony will be received.

Task 4 Specifications for the MOU and Development Agreement

Completion and review of the *Illustrative Plan* and Development Strategy will lead to preparation of a summary *Development Strategy Report* that will provide the technical basis for scoping and initiating the subsequent technical phases of the DA Process. The Report will be a descriptive of and review relevant documents and information, subject to review and refinement as the process proceeds into the Phase 2 effort where general agreement and direction will be documented in int proposed Memorandum of Understanding, including but not limited to the following topics.

4.1 Specification of Land Use Plans & Regulations

The *Illustrative Plan* will be evaluated to determine the planning regulatory actions necessary to convert it into a formal land use plan and related ‘project description’ as needed for the environmental review process. The resulting Land Use Plan will be the basis for the required amendment to the Local Coastal Program and related regulatory actions by the City including rezoning, master tentative map, etc., all building on prior efforts, as may be applicable.

4.2 Remediation Requirements

The earlier consultations with DTSC, CCC and RWQCB and any other regulatory agencies, and continued dialogue between the City, MR and CCC, will hopefully lead to a proposed action plan for resolving outstanding issues regarding the final clean-up of the Mill Pond and for reaching necessary solutions regarding how needed remediation will be funded, including alternatives for funding. It will be important to accurately identify the status of the remediation and the necessary steps to complete RAP approved for OU-E (Operable Unit E - the Mill Pond area). The public will need to be assured that there will be plenty of community process during the environmental review process.

4.3 Infrastructure Requirements and Financing Strategy

Substantial infrastructure improvements will be required to achieve the *Illustrative Plan* and vision. This task will define the components of infrastructure and assemble prior efforts to define and evaluate infrastructure needs in the context of the *Illustrative Plan*. While cost estimates will be the result of subsequent design and engineering efforts, a general sense of costs can be estimated at this point that can lead to identification of funding options, including the proposed land-secured financing (Mello-Roos Community Facilities District), existing City impact fee programs, grant sources, etc. The first City/GP Specific Plan process (2012) included civil engineering work to define the necessary infrastructure to support redevelopment of the Mill Site that can serve as a reference point for this work.

4.4 Real Property Transactions

The *Illustrative Plan* will also identify the tentatively agreed upon 'end state' for property ownership in the Mill Site, reflecting any land trades, purchase and sales, and dedications that derive from the master tentative map. It is recognized that there presently exists no agreement regarding various transaction proposals; in this task, an effort will be made to resolve an agreeable plan for potential real property transactions (and the related conditions, covenants, and restrictions that may need to be applied). Existing examples of potential real property transactions include:

- Transfer of Mill Pond/central park area (i.e., OU-E) to City of Fort Bragg, after remediation.
- Transfer of Maple Creek and Alder Creek corridors for open space/habitat purposes.
- Transfer of a wildlife corridor connecting forested/wetland areas along Main Street to the coast.
- The Noyo Center has expressed interest in acquiring a small parcel that adjoins the Noyo Center property and would accommodate an alternative road access around the southeast boundary of their parcel.

4.5. Project Description & CEQA Process

The foregoing tasks, as assembled, can lead to the preparation of a provisional ‘project description’ as commonly understood and required as part of CEQA review (preparation of an EIR). In this instance it is appropriate and recommended that a ‘programmatic’ EIR be prepared that encompasses all the aspects of the Development Strategy that would likely require CEQA clearance. There will also be an evaluation of the need for NEPA clearance; if so, it would make sense to consolidate the environmental review for the OU-E RAP with the environmental review for the initial Mill Site entitlements. NEPA clearance might be needed as well.

4.6. Proposed DA Procedural Steps

The proposed Development Agreement is a contractual form built upon statutory authority and numerous examples of how master development plans are achieved through a cooperative ‘public-private’ approach to development. This task would review and refine the proposed procedural steps and the specific content of each step.

4.7. Anticipated Roles and Responsibilities of the Parties

The final task of the Development Strategy, building upon all the tasks described above, will be to describe the anticipated roles and responsibilities of the parties in completing the four elements of the DA including the land use approvals, the regulatory clearances, any financing plan, and any real estate transactions.

Mill Site Master Development Agreement Program Guiding Principles and Policies

Connections, Views, Open Space and Access

- Extend the City street grid into the site. (2019)
- Create multiuse trail connections to Noyo Headland park and other new parks.
- Retain public view corridors to the ocean through the Mill Site. (2019)
- Allow for daylighting of Maple Creek. (2019)
- Maximize Public Access and Recreation (CCC Goal 1)
- Protect and Enhance Coastal Resources (Wetlands, Archaeological Resources, Environmentally Sensitive Habitat, etc.). (CCC Goal 2)
- Enhance coastal access and recreational opportunities through access points, visitor attractions, parks and recreational facilities, and visitor parking as needed.

Pomo Culture and History

- Engage in formal tribal consultation during master development agreement process.
- Celebrate Pomo Cultural History in planning and design
- Pursue creating a Pomo Indian Heritage Village/Visitor Center and/or Cultural Center.

Expand Downtown and Economic Vitality

- Extend the downtown commercial district into the Mill Site. (2017)
- Provide visitor-serving uses and compact mixed-use residential development within the extension of the Central Business District. (2017)
- Extend Redwood Avenue to integrate Downtown and the Mill Site to include uses complementary to the CBD, Skunk Train experience, and Coastal Trail - not to compete with the CBD.

Housing Needs and Opportunities

- Establish zoning for residential and visitor-serving uses in the Northern District. (2019)
- Provide a range of housing types, unit sizes, affordability, and densities to serve Fort Bragg's housing needs.
- Housing densities and form (height, bulk and mass) should be sensitive to, and compatible with, the fabric of the City.

Economic Development

- Create new living-wage job opportunities on the Mill Site. (2019)
- North Mill Site – extend and enhance the City's existing downtown urban form focusing on housing and visitor-serving uses with near-term development potential.
South Mill Site – provide sites that are suitable for a mix of commercial, institutional, industrial and residential uses.
- Establish zoning for jobs and a more diversified economy in the Southern District (light industrial, education, visitor-serving, R&D, and office space). (2019)
- Create economic diversity – consider science/biomedical, technology, education, remote-work, Blue Economy – “big idea” uses.
- Allow residential use in the Southern District in conjunction with job growth on the site.

Sustainable, Resilient, and Beautiful Development

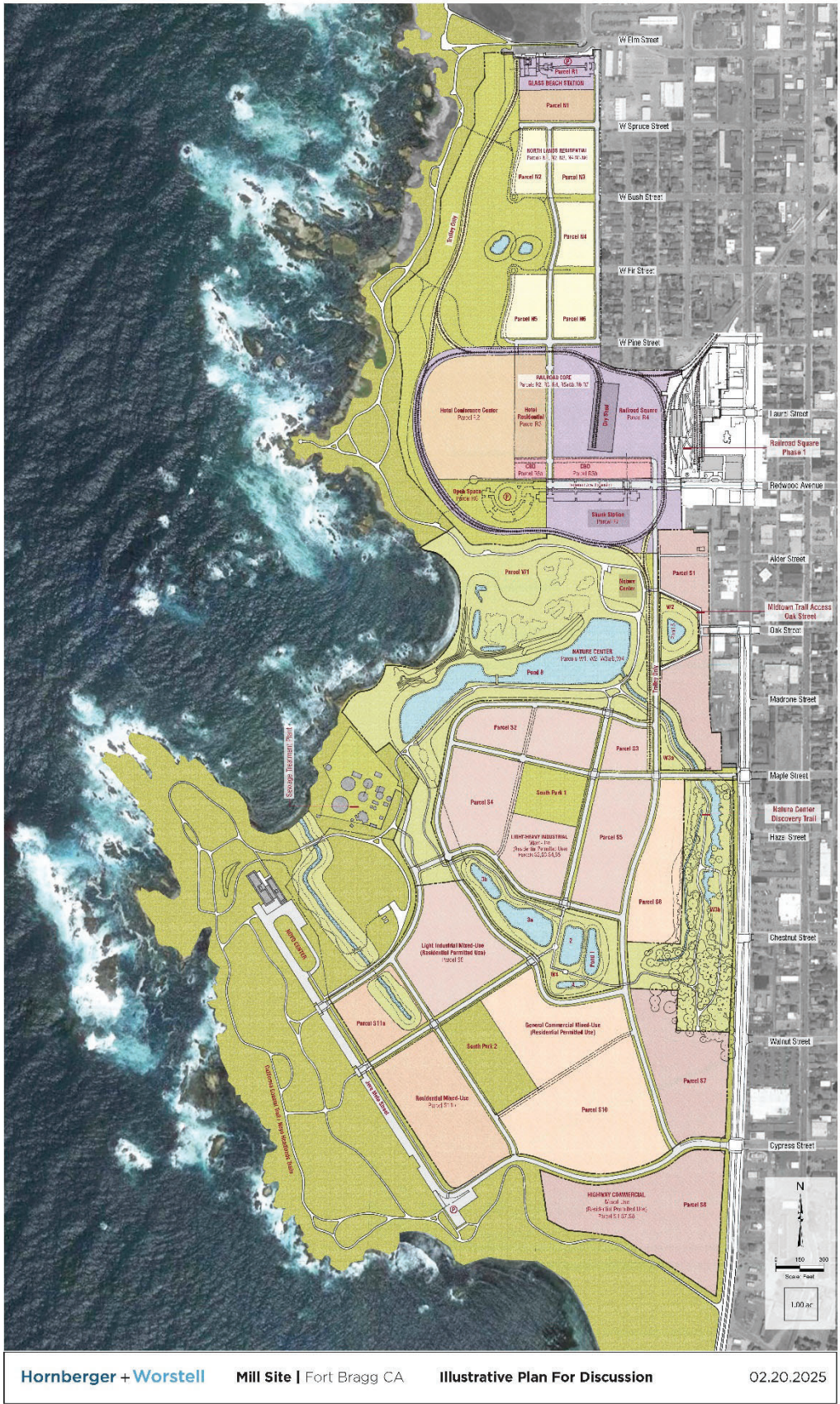
- Incorporate smart growth practices, such as compact design, mixed-use development, and higher density residential development adjacent to the City's Central Business District. (2019)
- Require sustainable development practices, such as low-impact development and green building. (2019)
- Require high quality design for all development. (2019)

Mill Site Master Development Agreement Program

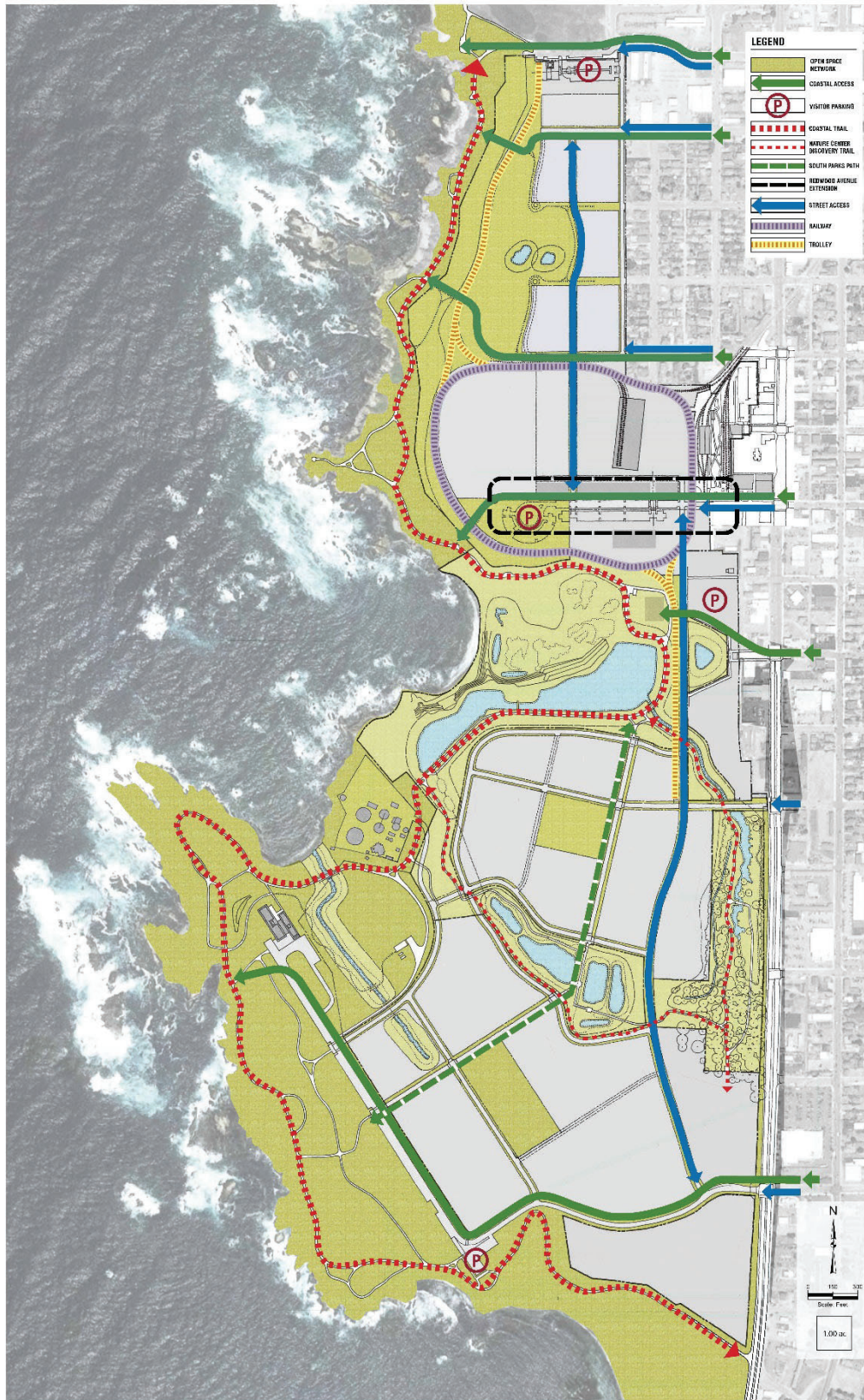
Mill Site Planning Formative Elements

1. **Establish Land Use Sub-Areas** -- The essence of a land use plan is the spatial expression, a mosaic, of sub-areas where various land uses will be located and will interact with each other internally and with surrounding existing land uses.
2. **Distinguish the North Mill Site Area from the South Mill Site Area** -- The North Mill Site area is best thought of as an extension and enhancement to the City's existing downtown urban form, focusing on housing and visitor-serving uses with near-term development potential while the expansive South Mill Site Area has longer range potential for a variety of uses including larger format commercial, industrial, and institutional uses along with visitor-serving and residential uses.
3. **Determine Individual Land Use Types & Mix** -- Planning for the Mill Site has always assumed a mix of residential, commercial, visitor serving, and industrial areas in addition to coastal access uses (e.g., parking), and conservation uses. While the Plan can envision a desired mix of use types, development densities and quantities, the market will always determine what gets built. Lacking a 'ready market', flexibility and strategy are necessary, taking advantage of current market conditions while creating value and incentivizing development for which there may not be a current market.
4. **Resolve and Reflect Development Constraints.** A range of site-specific and area-wide development constraints will affect the location and scale of new development. While some of these constraints have been reflected in the Illustrative Plan, others will be revealed during the formal planning process.
5. **Create Community and Real Estate Value** -- The key to successful development of the Mill Site given its large swath of development land and lacking a fully developed market demands 'creating value'. Such value begins with public investments (e.g., the coastal trail) and through good planning, establishing development entitlements and permits, improving existing amenities, investment in needed infrastructure, and other development readiness investments as needed to attract investors and builders.
6. **Enhance Coastal Access** -- The Coastal Trail and adjacent parks and open spaces will remain the central amenity of the Mill Site. The Land Use Plan for the Mill Site will further improve the Coastal Trail and other existing public access facilities by providing additional access points, visitor attractions, and expanding parking where and if needed.
7. **Infrastructure Needs & Capacity** -- Development of the Mill Site will require a full range of urban infrastructure that will shape and be constructed concurrent with development activity. This infrastructure includes roadways, water, sewer, drainage, and power utilities. This infrastructure will be 'tuned' to the precise needs determined in the formal planning process. Infrastructure funding will be derived from private equity, development fees and charges, land secured special taxes and assessments. Potential City sources include grant funding, utility rates, property tax increments, and bonds.

Mill Site Illustrative Plan Map



Mill Site Illustrative Plan Open Space and Circulation Network



Mill Site Master Development Agreement & Planning Program Public Comments from February 25th Public Workshop

The City of Fort Bragg held a fully noticed (as a City Council meeting) public workshop on February 25, 2025 to receive public comment and questions regarding the Master Development Agreement Program and the results of the Phase 1 Development Strategy.

PUBLIC COMMENTS:

- Concerns about MR having equal standing with City; does low price MR paid for property result in property tax fraud. City should report to Assessor, State Board of Equalization, Attorney General, Grand Jury, IRS.
- With regard to process, drop previous assumptions, opinions, prejudices. Join together to be stewards of this place. How much, what kind of growth? What we do now will have permanent effect on community. Do this to build a sense of community, not adversarial.
- Previously, Planning Commission and City Council unanimously accepted a land use map for future development of Mill Site. In DA, developer should acknowledge that they will allow local/state regulation for health and safety and if they will be subject to local and state regulatory agencies.
- Excited about curtain being pulled back on headlands. Opportunity to make something very special. Love the idea of bikes, trolleys, walking pedestrians. Great testimony to reducing the carbon footprint that community can embrace.
- What we are seeing is not an alternative vision. Whole site is not cleaned up to residential standards. Mill Pond has not been adequately characterized. Dam is in danger of collapse. Consider earthquakes, tsunami, sea level rise. Runoff is polluting area. Great vision: coastal Pomo cultural center.
- Who is on City Council ad hoc committee? Tess knows a lot about CEQA. Important to clean-up Mill Site completely.

Responses:

- Mayor Godeke: Mill Site ad hoc committee is comprised of Councilmember Peters, Mayor Godeke. Committee previously was Councilmember Rafanen and Godeke.
- Torgny Nilsson (MR): Purchase price for mill site included land for liability swap. Costs for remediation of Mill Pond could be well over \$60M. Purchase was approved by the court as reflecting fair market value of property. MR has never wavered from saying that it will follow all applicable laws. Railroads are the most regulated entity in the nation. Only areas MR wants preemption for are shown in purple on Illustrative Plan plus the trolley.
- Robert Pinoli (MR): State Board of Equalization regulates taxation of railroad property, not County assessor. There was a reassessment, but value was not escalated exponentially because there are no improvements.

PUBLIC COMMENTS:

- Like acknowledgment of Native American history. MR should donate profits to Pomo because they were forced off of the land. They have a spiritual connection. We owe it to them to give a percentage of profit. Concept should go to ocean and allow for ceremonial participation, sacred space. Need more affordable housing for young families, housing should allow children and pets.
- Appreciation for openness to moving forward. The plans need to start from the ground up. Need to understand are limitations of land. For example, hat further remediation is necessary to remediate to residential standards? What about habitat areas, creek daylighting, stormwater runoff? Support giving land back to native folks. What ratio of uses best serves our needs? Tourism is unstable choice upon which to base an economy. Discretionary spending is the first to go. Need jobs, good incomes in order for younger generation to return and stay. Tourism is unstable, we need to diversify the coast economy and bring jobs for families.
- Question re: buildings in purple zones, and the Stations at Glass Beach and the Dry Sheds. Is MR willing to agree that they will follow City, State, County permitting and inspection requirements for these areas. If so, would that be different from non-purple zoned areas on site? If so, how would it be different and why? When property was purchased by MR, you agreed that there would be substantial clean-up. How long will that take? Interest in making it beautiful now.
- People have different priorities. As community, not clear about what we want to get out of the Mill Site. My #1 priority is to replace the economic engine that we lost when the Mill closed. How do we do it, what do we care about, what's important to us? Fort Bragg is on very shaky economic grounds. Tourism is one leg of a 3 legged stool. Create a bullet point list of things that matter to us. How do we preserve the land, how do we create community. Most of what people say are values that we all share. Not a conflict. It's a matter of prioritizing.
- Area has so much history, natives, railroad, chopping down old growth forests. Lots that we can learn from. We could be the Redwood Riviera. The opportunity to develop this property is amazing. Want beautiful buildings, not cookie-cutter. Support protecting the train system. We can manifest something truly wonderful. This is a beautiful area. Think about the future: emergencies, keeping the runway, the economy. Botanical drugs. Natural pharmaceuticals.

Responses:

- Marie Jones (consultant): With regard to remediation: Mill Site was cleaned up to accommodate future uses envisioned at the time the clean-up was approved. Big piece that isn't done is remediation of Mill Pond complex. There is community interest in daylighting creeks. A Remedial Action Plan has been prepared and submitted to DTSC. DTSC will consider community acceptance. The Coastal Commission, Dept. of Fish & Wildlife and Water Quality Control Board will all have a role in regulating clean-up of the Mill Pond. MR is required to get a Coastal Development Permit through the City for the project.
- Tgorny Nilsson (MR): Federal pre-emption for railroads. OSHA, FRA, DOT, CPUC, STB. Railroads are required to follow local building codes but are not subject to local authority. We welcome local inspectors to come see what we are doing.
- Robert Pinoli (MR): Clean-up plans and other documentation related to remediation is available on DTSC's digital document repository - Envirostor.

- Chris Hart (MR): Need to support existing tourism economy and diversify existing economy. Plan provides space for light, heavy industrial. MR has had a lot of meetings with the Sherwood Valley Band of Pomo. Housing needed at all income-levels. Plan will provide for a range of housing prices. MR has bought 3 different buildings for employee housing. Community can't just be Bay Area retirement home. Need homes for young people.
- Walter Kieser (consultant): Question about replacing economic engine. Need a space for people to invest and build things. If people can't afford to live here, there will be no workers for that industry. Where are we going to build, and where are my employees going to live.

PUBLIC COMMENTS:

- Commentor worked on remediation in Sacto. GeoTracker website has info for remediation areas across the state. Mill Site was economic engine for decades. Clean-up requirements are different for commercial vs residential uses. Mind-boggling how much money goes into clean-up.
- Does MR own the property? Attorney said that they paid \$60M but only \$1.23M is documented. MR claims to be public utility and exempt from City and Coastal Commission permitting requirements. Clearly, they are not, they are an excursion/entertainment train not a public utility. MR and the City are in court over this issue, it's been put on hold. It is premature to be making plans. The plans are clearly MR plans, not those of the community.
- Mill Site has great potential. This coast deserves the best. Inspiring to be here. Education is a way to show how we love the coast. Give back to community. Exploratorium. Surrounding that with community, retirement community, daycare, parks. Focus on taking care of people here. Show how we love this community. Bring nature back. Educate kids. Raise the standard of living. When you build, use quality products. Make development outstanding and inspire others to be in community. History of community. Let's rebuild that in a more beautiful and respectful way.
- Economy really needs help. The headlands is the future. Tourism economy is important. Diversifying the economy is important. Remote workers have huge potential to boost economy. One way to attract, is to have it be a world-class destination. Need to do it right on the Mill Site.
- Alternatives for Mill Pond remediation include transferring sediments to Kettleman City. Or leaving it there. Treat sediments with latest technologies. Consider hybrid model for clean-up.
- If there is ability for people to work together, there will be more concessions on both sides. Trusting City and MR to be wise and responsible. I have 15 things to be changed about illustrated plan. All for the better.

Responses:

- Tgorny Nilsson (MR): Purchase involved cash and land for taking on the cleanup liability. Clean-up could be as much as \$60M. GP offered same purchase terms to anybody. No one else willing to clean up the Mill Pond. Approved by local court. MR has tourist, freight, commuter components, including new contract for freight. We have wanted to open tunnel for years- Coastal Commission has prevented us. City has submitted documents claiming that we are a public utility.

PUBLIC COMMENTS:

- With humility, grace, politeness- we will get through this. Coastal Trail is magnificent. Have vision folks. Come together. Bend, but don't break. Done with fighting. I pray for this community all the time. To quote my father: "Fort Braggers are tough. They were raised on fish head soup."
- This is a world class stretch of Pacific Ocean. Tremendous opportunity. Pleading that we might do something beautiful. Be a model for the world. Develop with highest quality materials. Include open space and wild space. Also okay with doing ecological restoration. Appreciate the opportunity that we have to make decisions.
- Have opinion, a voice. Opening of Coastal Trail provided a safe place to walk. Has opened up a whole new world to this community. When was last time a City had the opportunity to do the things that you have an opportunity to do. Vision of the Noyo Center. Go on their website. Local College. Arcata Marsh; Petaluma - wetlands adjacent to wastewater treatment area.
- Where is water coming from. Don't see anything for solar, wind. Electricity should be underground. Smell shadow at WWTF - something has to be done. Amazing opportunity. Do it in a positive, generous manner.
- Consider having an area that's like a sports complex, race track. Race cars on 1/4 mile track. Or pump track for kids. Recreation facility zoning.
- Proud of City. Evolving, moving forward. If you work with nature, things that need to be done can be done inexpensively. Need more parking at Glass Beach (where nature turns trash to treasure).
- We have to meet the needs of the future. Need to work very closely with the Sherwood Valley Band and the coastal Pomo community at Noyo. They are the foundation of this community. They will put you on the road to greatness.
- Do not overbuild. Tell the story. Want to be a magnet, need hotels, need creeks daylighted.
- Cultural Center for Pomos could be center stone of Mill Site - real draw. Different from something like Disneyland.

Responses:

- John Smith (City Public Works Director): City is currently undertaking \$72 Million in water projects. With water meter project, expect to find savings of about 20 million gallons per year. New potential sources. Recycled water feasibility study - \$500k to see if we can reuse treated wastewater. Desal buoy (12 month pilot project; in water in June). Scalable. Water Plant - \$12M project for efficiencies. Reservoirs, additional 135 AF of water storage. Will help with dilution requirements for recycled water project. Can discharge water from reservoirs to reduce impacts on river. Largest rain capture device around. Will have a challenge discharging all that water. Also looking into stormwater reuse.
- Marie Jones (consultant): The planning process will involve the tribes; formal government to government consultation. Have contacted Sherwood Valley Tribal Historic Preservation Officer Valerie Stanley. Tribal Council will likely ask for consultation. Process is multi-pronged and will include Caltrans, CDFW, CCC, DTSC... bring everybody along together.
- Councilmember Albin-Smith: Reminder to put your suggestions on the plans on the wall.

- Councilmember Peters: Federal Railroad Act was passed in 1882 to give railroads power of eminent domain to take whatever land they wanted, with devastating consequences to native tribes.

PUBLIC COMMENTS:

- Should have net zero energy buildings. Be very ambitious, do something very special. Where is focus on science and education. Build on that idea. No one has mentioned climate change. Wake up. We can be sequesters of carbon. Build with thoughts about what climate change will bring us. Droughts, atmospheric rivers. There is too much development. There should be much left for nature. Pomo community supports creek daylighting, traditional cultural practices.
- Concern about federal pre-emption. Purple area on map. Diesel locomotives, 100 decibel train horn. Comfortable with trolley. Climate change issue, when stuff changes - then all the rules go out the window. Population of Mendocino County could more than double with climate refugees in coming decades. Plan for influx of large numbers of people.
- Gratitude to city government. This is the most beautiful place on earth. Sacred coast. Local zoning is extremely important.
- Skunk Train is not a common carrier. Purple areas should not be exempted from compliance. Cannot rely on federal government to regulate.
- Need more of this kind of process. Every couple of months. Let's make Fort Bragg continually be amazing forever.
- Can somebody on Skunk address Tier 3, 4 engines. Is Sierra Railroad developing hydrogen engines? Could be educational opportunity.
- Vision of having Mill Site be fantastic place for visitors and community. Economy to attract with remote workers. Vision for it to still be quiet and peaceful. To remain beautiful as bluffs recede. Hotel should be moved back 200'. Or transfer development rights elsewhere in City or County. Skunk station, events venue. Not having north-south corridor would reduce traffic, increase serenity. Think outside of box for south parcel. Intentionally kept things vague for big idea. Do south parcel later? Do transfer of development rights with Noyo Center, move that back. Eventually move WWTF back too.
- Should abide by rules of decorum. Lindy's comments to Tgorny were not appropriate. Maybe someone else needs to be appointed to Mill Site committee
- Be sure to thank GP for selling us coastal trail. Very generous. Should be plaque thanking them for having that opportunity.

Responses:

- Robert Pinoli (MR): MR has grant to replace 3 tier zero diesel locomotives with 3 tier 4 low emission locomotives here in Fort Bragg. Sister Company, Sierra Northern Railway has 36 tier 4 locomotives. Also building one fuel cell locomotive in Sacramento area. Federal Railroad Commission inspects 3-4 times a year with California Public Utilities Commission and Transportation Safety Administration. MR was first railway in nation to use 100% biodiesel. Only one in entire nation building a hydrogen locomotive.

- Chris Hart (MR): In response to comments about leaving open space: 44% of land in north area is planned for open space. Trying to make it a welcoming environment for people to visit. Needs to be beautiful. Spent a lot of time in 2019/2020 working with the Council's ad hoc committee.
- Marie Jones (consultant): In previous plan, identified urban reserve on south end - an area for the big idea. Coastal Commission feedback was that area will need a land use classification. If we leave it with Current zoning (Timber Resources Industrial) a lumber mill would be a permitted use which might not be compatible.

PUBLIC COMMENTS:

- West Street/Weller District. Concerned about impacts on views from neighborhood. Grass along GP fence needs to be mowed. Fire danger.
- Need local jurisdiction over the entire Mill Site. We voted for the City Council. We trust them. Lobbying for local jurisdiction.
- Support concept of small mill, targeted micro-mill on south end of Mill Site.

Responses:

- Chris Hart (MR): City staff doesn't have expertise to know how railroads run. Local regulation of railroad uses is ambitious, doesn't exist. Simple noble idea; it's hard.
- Isaac Whippy (City Manager): Thank community for participation/feedback. On March 10, City Council study session is scheduled. Can email comments to City Manager, Mayor.

Fort Bragg Mill Site Master Development Agreement - Phase I
February 25, 2025 Community Workshop

POST-IT NOTES SUMMARY

WHAT DO YOU LIKE ABOUT THE PLAN?

Residential above the commercial buildings is perfect	At least we're here, talking, tonight.
Integrating our Noyo Center into the main area plan- not set only aside - integration of our treasures. History, botanical gardens, mushrooms, whales, native American history, small educational pavilions can be incorporated into some designated development areas.	I like that you offered to take the trolley off the plan- this hopefully will not be a Knotts Berry Farm on sacred land.
There are more coast access points	An electric jitney is a good idea.
#1. Very excited about the Noyo Center. 2. Nature center. 3. Discovery trail loop. 4. Daylighting creeks	We need to be known for something, do it.

WHAT WOULD YOU CHANGE?

No train to Glass Beach. I'd like to see a trolley that travels further south along Highway 1 and is free to locals	No trolleys and trains
No train. Too noisy, too much pollution. No one would use convention center or hotel w/ train circling.	No trolleys, no light industry, no housing. Leave it to nature, coastal trails, Noyo Center, Pomo Center
No mini city	No trolley
The proposed trains will have a negative impact on coastal areas	More Open Space
More open space	Trolley to go further south, paralleling Safeway.
The train sounds like an amusement park. Why here on the ocean bluffs?	No Railroad circle activity
More environmental preservation	A lot more open space, lower density building
No hotel/convention center. Focus instead on opportunities for young adults- marine science, a culinary school with ocean view student-operated restaurants, etc.	I can see an advantage to expanding the railroad to a "Railroad Square" but not the railroad loop. Too noisy and impactful for the coastal environment. An electric trolley may be valuable depending on cost and where it is located.
It is too much.	Housing density is too much for such a small town
All buildings must be 100% green. We can be a model for CA and the world.	Historical Indigenous Pomo site(s) should be at the forefront of new developed land and not be pushed out of sight, to be enveloped around.
Save half for Nature	World class coast; no idea why we'd overdevelop with such ho-hum buildings?!

Maintaining a quiet, unrestricted walkway along the ocean without any tram or train is vital. The distractions of a trolley will be detrimental to experiencing our coastal retreat walk.	Did we forget about sea level changes and big weather? This is too much coastal development.
No new railroad tracks. The citizens want quiet zones for the tracks that exist.	

WHAT WOULD YOU LIKE TO SEE ON THE MILL SITE?

Would like to see convention space identified	High density, affordable housing is a must.
Local Zoning compliance for all parts	Workforce housing
How about an aquarium? Educational, aspirational? Retirement community development. Small spaces than large community areas: gardening, dancing/exercise space.	Daylight streams, create riparian park
PG&E/Sonoma Clean Power involvement in development of a larger grid to support development of the property.	A Pomo museum and area for sacred Pomo celebrations is vital. This was the land they were forced off of. This area designated for honoring the Pomo will help heal the land.
More cost-effective alternatives to energy resources: wind turbine, seawater turbine, solar.	Emphasis on broadly-useful, well-paved trail with sufficient access points, including parking. Concern for aquatic pollution and clean up. Restoration of native vegetation should be well thought-out.
New (fireproof) building construction materials	Coastal Pomo Cultural Center. from Branden Roscoe. Information provided to City Council.
Solar-powered lighting and emergency phone stations along the nature paths	A beautiful example of functional beauty. Pulling the curtain back to a vista of the Pacific with living and active use.
Do not dismiss events venue so quickly. Look at Newport, OR performing arts center. There are already 5 major events based in Mendo which bring hundreds of thousands of dollars and bring people from all over west coast. Build it and they will come. Especially when it is 110 degrees inland. Suggestion: hotel site to include event center.	Rails around the whole site. Civic center for big events. hotel, housing for low income, less building on the north side. Work with the Pomo to take over contaminated land (ask them). City helps get clean up for land given to Pomo in return - a cultural center.
Retirement Community (progressive: independent to assisted living. full service)	Indigenous sites should be at least commemorated/better yet, restored for use of first people of the area.
Retirement/senior living homes; childcare; family homes; park space; coastal agriculture. Quantum Exploratorium	Importance of new economic development. Marine research; coastal alternative energy systems; redwood/wildlife research education facility; cannabis research
Science education	Plan might include emergency medical station: nurse/paramedic, etc.
More, not less open space for everyone around developments. Small dwellings, not McMansions. More space along the headlands because the ocean will keep eroding the slopes	Start filing permits, change the zoning.

Will the workers who build this make a living wage. Healthcare, or an apprenticeship program for the workforce	We need more housing
Multi-level retirement facility offering robust independent living, assisted living, rehabilitation services and memory care.	

COMMENTS ON PLANS & DOCUMENTS

Should have events venue that you can see over from CBD. Station should be NE of here.	Moving hotel back 200 feet, allows us to move tracks back 200 feet.
Daylight Alder Creek as well	What moderate to heavy industries--not! There are needs for these?? Not on these treasured acres. Job creation does not require mod-heavy industry.
No tracks! Low impact roads	Given what Nilsson said, does this whole purple area qualify for federal preemption? If so, no train on the mill site!
No train tracks	How much would new retail development west of Hwy 1 affect current downtown businesses? I don't think we have population base to support a large new development
100 decibel train horn next to Coastal Trail, diesel soot?	What agencies will permit and regulated "rail related" development such as proposed Glass Beach Station and MR's reuse of the existing mill buildings for rail-related activity. Is this different from other development?
No tracks anywhere. Electric jitney sure.	What agencies will permit and inspect all of the map areas colored in purple? Is that any different from permitting and inspections in other areas? why?
More Open Space - away from toxic pond	Will the City and the railway create a review board for all future development of the property, or will developers have control of the parcels they purchase for development
Remove high density housing east of hotel and move hotel back	

GENERAL COMMENTS

Why develop in the first place? Why housing (other than as a profitable money grab?)	Has there been any thoughts of letting Pomo elders see to the environmental aspects? What would it look like for them to decide and dictate where things should be?
I'm wondering just why we need this huge infringement on our coast?	The current jobs advertised by the Skunk Train pay \$18.75/hr- not nearly a living wage here. Will jobs at this new coastal disneyland be any better? Who is this really for?
It's our coast (said every osprey, hawk, shorebird, snake, and human kind)	Adding housing=adding population. Our recreation fields are already at capacity. Where will our kids play sports and recreate?

When someone shows you who they are, believe them the first time	How much would the overall labor cost? How would we integrate the architecture from old to new to not have a classism-fueled architecture wall?
I appreciate you want to be successful in a way that includes your community. It has been a long journey-less is always more. I appreciate you are asking. I will be hopeful that you can listen and take action with respect.	I am a 25-year old local that volunteers with ALRFD as an EMT. My whole generation works 2+ jobs and we still can't afford to live. New workers can't support our communities. EMS is dying out and we can't afford to take care of you or ourselves.
Given local population trends, how much new housing?	In case of an emergency (medical, fire, shooting) what would be the evacuation route for this future housing? Will there be more EMS jobs on site? Example: on-site basic first aid, helicopter pad, nature guards?
Good ideas, good intentions. Thinking about what can benefit the people who live here full-time. Need more Gen Z perspective.	What is your plan for all the pine trees that line the Hwy 1 into town? They obstruct our view of our coastline - that is a beautiful thing - But not with so much development.
Are we creating San Diego or are we looking at why people come to Ft Bragg? They come to get away from "so much development" Simplify- look at Denmark for housing concepts.	I am a climate refugee. I own a finance agency and want to live here. My business is 100% digital. A huge crowd is right behind me. You need a sense of urgency!
Skunk train should fix the tunnel to make it easier for people to get here	

Fort Bragg Mill Site Master Development Agreement - Phase 1
March 10, 2025 Fort Bragg City Council Meeting Summary

1. PUBLIC COMMENTS

RE: Continuance of Stay of Litigation

- Only thing on table tonight is to ask for a continuance of the stay. Process that invites early/quick solution. Demographic and market analysis needs to be redone. Wants process to go forward slowly and mindfully with lots of study and due diligence. Discussion about what the decision points are on the diagram.
- Supports continuing effort, extending the stay - even if we have to go to court later. A negotiated agreement is a more flexible way to address these issues. Might win, might lose. It's all about the details. Have to get it right; have to be super thorough. Not harmed by another month or too. Concerned about how the City is pursuing the litigation. Won't reverse the eminent domain. Federal courts are not bound by State court decisions.
- Thank you for having the grace to do a stay. Appreciate seeing people working together on this. Fighting it out will poison the well. Empower our citizens instead of trying to disempower.
- CCC filed an opposition to the initial stay. City filed its complaint in 2021. MR has delayed discovery, etc. Extending stay would prejudice City and CCCs duty to protect the coast.
- We're not ready to proceed past Phase 1. MOU formalizing development plan. So much more analysis that needs to be done. Don't know what we're doing on the southern half. Big idea: figure out what we are going to do and phase it. What is the vision. What are the jobs. Have a slew of ideas on how to work together to meet mutual goals. Don't know where Coastal Commission stands. Delay decision D1 for 90 days while we work together.

RE: Settlement of Litigation

- MR does not connect to the interstate rail system; therefore they have no federal preemption.
- At beginning of litigation, issue was whether the City has authority to enforce State and local laws pertaining to the RR. Not a planning issue. CCC has intervened as a party. Question of law- who has jurisdiction over the RR. Any attempt to go forward with planning is a failed and doomed option. It is courts job to define what is the law, how is it applied. If you move forward on presumption of what that law means, then you are acting on shifting sands. Whatever you negotiate will have no meaning b/c MR can simply reassert that you are preempted. Can only regulate if you have ability to enforce.

- MOU Phase 2 is fraught with problems. Will you resolve a pending lawsuit with this MOU. Can be no federal preemption for these people. This is not a federally controlled railroad.
- If you were a railroad, would you reach out to City and CCC for permits if you didn't have to?
- Duty to citizens to weigh development proposals independently and not as a co-proponent of those proposals. MR involved in determining what happens on Mill site. Outsize influence because of litigation. Not a fair process to the citizens. Principled stand in filing/pursuing lawsuit. If abandoned, that money is for naught. If you think you are going to make a settlement, put it on a public agenda, let public weigh in on whether suit should be settled.
- Lawsuit is about MR submitting to jurisdiction of City and CCC. Move forward with lawsuit. Do not ask for continuance of stay.
- Arguing about whether the Skunk can do what it wants without us having any say. Like the plan for development. See lots of rooms for comments, shaping it. Lawsuit is about what if? what if something bad happens? what if we agree on something, but they back out? I haven't seen any of that. Arguing about who has power, not what they want to do. We have to have some economic development out of that property. How are we going to do it? There's nothing that prevents us from legal action in the future. How long will this go on? Suspect that reason to go on is to prevent property from being developed. Opposed to that.
- Question of preemption. MDA is best way to deal with it. We can negotiate all of those things. We can decide where the tracks go. Reasonable investment backed expectation. A lot of flexibility in MDA. Need more education, public participation. Negotiate details in agreement.
- Process has potential of MR getting something that they want before the City gets what they want in return. Not the usual MDA process.
- Concern about underlying assumption, one set of rules under jurisdictions of State/City; and another set of rules that would not be under the jurisdiction of the city or state.
- Don't understand why MR doesn't want to get permits on 10% of the property. Lawsuit gives you opportunity to do discovery. Will have facts to base decision on. That is important. Put process of development planning on hold. CCC is not on board. Put planning process on hold

RE: Master Development Agreement (MDA)

- Is MOU legally binding? No. MDA is legally binding and enforceable.
- MDA should pro-actively think about full range of potential uses.
- Have the Skunk's vision of an illustrative plan. Not the community vision. More community input required to achieve that. Have a fantastic opportunity.

- No mention of inspections relating to building permits, what about noisy events? would a second floor restaurant need health department permits?
- Put egos aside and get things done. Buffer zone of railway. Set it back. Interpret it. Need convention center, like Asilomar. Bring jobs/people here. Talk to Pomo.
- Support MDA. Support electric trolley.
- Illustrative Plan is different from previous versions. Can RR continue to designate more property as exempt? Zoning for south end; allowing for different uses. Concerned that there will be too much residential and not enough job creation.
- MDA process seems like the way to go. Concern that entire process is premature. Council needs additional information. Support skunk train going forward in compliance with all applicable local, state and federal requirements. Gather full information from court proceedings. Settlement agreement can happen at any time.
- Stipulation; should not use train horn on Mill Site. 100 db train horn. Plume coming out from Skunk Train area. Should show restricted area on the map.
- Agree with concept of buffer. Support local jurisdiction. Should go slowly. Workshops. More post-it notes, community input. Strongly disagree with any exemption from Coastal Commission. Community land trust should be included in housing out there. Grade separation; different gauge for trolley.
- NorCal Carpenters Union. Labor standards on MDA. Prevailing wages, health care benefits, apprenticeship programs.
- Enthusiastically support this process. We can work these things out. City needs to take a leadership role. Lawsuit is being treated in an unfair way. Do not back down. Importance of getting all of the work that property owner wants to do permitted, should not be sloughed aside. Education, science, Asilomar, not luxury housing. Should daylight creeks. Conciliatory tone is where we have to go as a community.
- 15-minute city. walking, cycling, public transport. Set an example. Can be adapted to rural areas.

RE: Community Participation

- Marry in haste; repent it in leisure. Process needs to be transparent and inclusive. One meeting does not constitute meaningful public input. Devil is in the details. More than proforma public participation is essential. How is the public to have meaningful input going forward. Involvement is needed as it takes place, not after it has been negotiated and agreed upon. Public input is essential. Add the public as a stakeholder. Create a CAC.
- Division, demonization, fighting. Need to transcend that and hold ourselves, each other, institutions accountable. Continue the process. Make sure that what we're doing is creative. Difference between fusion and fission. Move forward in good faith.
- Need to come together as community to find right solution for headlands. Would like to work with all interested parties towards those ends. See wisdom on every side. Idea= to recognize that we are suddenly at the end of Phase 1; agree on conceptual

plan. Way too prematurely. Propose to ask judge for 90 day delay. I don't think we have time or money to see this out. Need to start making decisions. Develop collaborative relationships.

- Process should include first reading of action items, with action at following meeting. Gives people more time. Would make a difference in terms of community input.
- Suggest more information about when meetings around mill site are coming up. Newsletter. Mail as part of public outreach. Wants more community involvement.

2. STAFF REPORT

Noted receipt of emails, letters, public comments. Have begun consultation with tribes, agencies, nearby property owners. Still building trust; lots of additional study needed including market analysis, infrastructure. Illustrative Plan is a starting point to draw comments, critique.

The first Decision Point (D1) in this process was to seek a 3-month stay of the litigation and to initiate a planning process.

We're now at D2 - is it worth exploring a planning-based solution at a higher level of detail? If so, a stay of 6 months is recommended. During this phase, a Memorandum of Understanding (MOU) will be prepared with ongoing public dialogue. Contents of MOU are detailed in Phase 1 report. Phase 2 will provide some time to get into details

- further development of the plan
- how infrastructure gets paid for
- what markets are driving these types of uses
- Is development feasible; is it adequate to support infrastructure
- regulatory framework; LCP Amendment; how does this work conceptually

D3 - would be a decision on whether to move forward with Master Development Agreement (MDA) which is at least a 2 year process. The mDA would address planning, land use entitlements, remediation, financing, plan-related land transactions

D4 - sets in motion Development Management program. Don't have ready market. This would be a function of the City for many years to be manage various aspects of Mill Site development.

Staff's recommendation is to seek an additional stay of the litigation, to move forward with Phase 2, and to continue to explore a planning based-approach.

3. COMMENTS FROM MENDOCINO RAILWAY

May 1, 2004 - MR reopened Skunk Train. Have participated in planning process for Mill Site in past and support current process. No agreements on contents of land use plan. Lots of education; conversation; comparing notes. Far from done. Will take time to resolve details. City/community need to have confidence in MR and vice versa.

MR has made concessions. Of the 300 acres of land, 7.5% would be used for railroad specific projects. Remaining 270 acres would be developed under City's normal processes. Illustrative Plan shows locations of where rail facilities would be located. Rather than trains, electric trolleys. Would only extend trolley track on south Mill Site if city agrees to it.

In response to questions regarding oversight agencies for railways:

Federal Railroad Administration (FRA):

- inspections (3-4x/year)
- records; compliance certification documents
- locomotives, passenger, freight - equipment
- tracks and supporting infrastructure
- steam locomotives
- bridges- all railways required to have a bridge program - annual independent 3rd party inspection

State CPUC:

- track and infrastructure
- motive power
- operating practices
- crossings/signals

CalFire:

- clean spark arrestors
- compliant on vegetation management

Transportation Security Administration:

- comes to Fort Bragg on regular basis
- Look for credible reports; signalized crossings within FB. If crossing gates were down for any reason other than a train coming through
- Safety/security training
- Work with local jurisdictions, police, sheriff, highway patrol
- have a map that represents 300 acres; less than 10% purple

4. Q&A BY CITY COUNCILMEMBERS

- What sort of assurances do we have from Coastal Commission? Are they okay with what we are doing? Response from staff: Have been in dialogue with staff; legal team has had conversations as well. Renewed engagement with CCC as a result of this process. Material conversations are happening. CCC will be meeting in closed session.
- How legally binding is MDA? Response from staff: MDA is a contractual agreement. Performance measures will be baked into it. Enforcement remedies included in MDA.

- Are we putting cart before the horse? Zone it, then they come with permits and they build it? Response from staff: Timber Resources Industrial is current zoning. Going forward, need to rezone before development occurs.
- What is an excursion railroad and do excursion railways have the same level of oversight? Response from MR: There are examples of scenic railways that don't submit to same inspections as us.
- Who regulates permitting for buildings? Response from MR: for rail operations, have state and federal oversight for buildings. Contractors are not exempt from what the law is. Have to be knowledgeable on building codes. Need to be built to those standards. Exempted from getting permits. Not exempted from the laws. Would be fine to have City come in and see what is going on; advise us. Can do that moving forward. Have offered it.
- Concerns about certain aspects of the map. Is MR willing to work with community and Council and alter that map or is that map the final map? Response from MR: Map is far from finished. There are some things that are important to MR.



MEDIA CONTACT

City Manager's Office

(707) 961 2829

iwhippy@fortbraggca.gov

PRESS RELEASE

FOR IMMEDIATE RELEASE

City of Fort Bragg to Host Community Workshop on Memorandum of Understanding (MOU) with Mendocino Railway

June 16 2025; Fort Bragg, CA - The City of Fort Bragg invites community members to attend a public workshop on Thursday, June 26, 2025, at 5:30 PM at the Cotton Auditorium (500 N. Harold St.) to provide input on the next phase of the Mill Site Master Development Agreement Planning Program, as authorized by the City Council's June 9, 2025, Resolution.

This workshop marks a key step in Phase 2 of the program, which involves the negotiation of a non-binding MOU between the City and Mendocino Railway. The goal is to collaboratively resolve long-standing disputes and create a framework for the long-term redevelopment of the Mill Site.

As directed by the Council, the MOU will address several core topics:

- Settlement of the pending legal action
- Clarification of land use and facility locations
- Infrastructure needs and funding responsibilities
- Regulatory procedures to guide future development
- Coordination with the California Coastal Commission, tribal representatives, and other stakeholders
- Identification of any necessary real estate transactions
- Public transparency and community input throughout the process

Phase 2 also includes a regulatory mapping initiative to distinguish between areas of the Mill Site intended for rail-dedicated operations (where Mendocino Railway has asserted federal preemption), non-rail development subject to local control, and potential mixed-use areas. This mapping process will be shared publicly and refined based on community input.

The June 26 workshop will feature a presentation of the refined Illustrative Plan, updated based on feedback from the City's two prior community meetings. Attendees will have the opportunity to review revised concepts, ask questions, and offer input that will help shape the next steps.



(707) 961 2823



www.city.fortbragg.com



416 N. Franklin Street,
Fort Bragg, CA 95437



MEDIA CONTACT

City Manager's Office

(707) 961 2829

iwhippy@fortbraggca.gov

PRESS RELEASE

FOR IMMEDIATE RELEASE

City of Fort Bragg to Host Community Workshop on Memorandum of Understanding (MOU) with Mendocino Railway

"This is a pivotal moment for our community," said City Manager Isaac Whippy. "The future of the Mill Site will shape Fort Bragg for generations to come, and we want to make sure that future is guided by the people who live, work, and raise their families here. Your voice matters, and this workshop is your opportunity to be part of the solution—one that reflects our values, protects what we love about Fort Bragg, and creates opportunities for the next chapter of our City's story."

A second public workshop is scheduled for July (exact date to be announced), continuing the City's commitment to transparency and inclusive decision-making as the MOU takes shape.

City staff, representatives from the EPS consulting team, and Mendocino Railway will be on hand to facilitate the discussion and gather additional community input.

For more information, visit www.city.fortbragg.com or contact the City Manager's Office at (707) 961-2829.



(707) 961 2823



www.city.fortbragg.com



416 N. Franklin Street,
Fort Bragg, CA 95437



CONTACTO CON LOS MEDIOS

Oficina del Administrador de la Ciudad
(707) 961 2829

iwhippy@fortbraggca.gov

COMUNICADO DE PRENSA

PARA PUBLICACIÓN INMEDIATA

La ciudad de Fort Bragg organizará un taller comunitario sobre el memorando de entendimiento (MOU) con Mendocino Railway

16 de junio 2025; Fort Bragg, CA - La Ciudad de Fort Bragg invita a los miembros de la comunidad a asistir a un taller público el jueves 26 de junio de 2025 a las 5:30 p.m. en el Auditorio Cotton (500 N. Harold St.) para brindar información sobre la próxima fase del Programa de Planificación del Acuerdo Maestro de Desarrollo del Sitio del Molino, según lo autorizado por la Resolución del Concejo Municipal del 9 de junio de 2025.

Este taller marca un paso clave en la Fase 2 del programa, que implica la negociación de un memorando de entendimiento no vinculante entre la Ciudad y el Ferrocarril de Mendocino. El objetivo es resolver de forma colaborativa disputas de larga data y crear un marco para la reurbanización a largo plazo del sitio de la fábrica.

Según lo dispuesto por el Consejo, el MOU abordará varios temas fundamentales:

- Solución de la acción judicial pendiente
- Aclaración del uso del suelo y la ubicación de las instalaciones
- Necesidades de infraestructura y responsabilidades de financiación
- Procedimientos reglamentarios para orientar el desarrollo futuro
- Coordinación con la Comisión Costera de California, representantes tribales y otras partes interesadas
- Identificación de cualquier transacción inmobiliaria necesaria
- Transparencia pública y participación de la comunidad durante todo el proceso

La Fase 2 también incluye una iniciativa de mapeo regulatorio para distinguir entre las áreas del Sitio de la Planta destinadas a operaciones ferroviarias (donde el Ferrocarril de Mendocino ha ejercido prelación federal), desarrollo no ferroviario sujeto a control local y posibles áreas de uso mixto. Este proceso de mapeo se compartirá públicamente y se perfeccionará con base en las aportaciones de la comunidad.

El taller del 26 de junio incluirá una presentación del Plan Ilustrativo mejorado, actualizado con base en los comentarios de las dos reuniones comunitarias previas de la Ciudad. Los asistentes tendrán la oportunidad de revisar los conceptos revisados, hacer preguntas y aportar ideas que ayudarán a definir los próximos pasos.



(707) 961 2823



www.ciudad.fortbragg.com



416 N. Franklin Street,
Fort Bragg, CA 95437



CONTACTO CON LOS MEDIOS

Oficina del Administrador de la Ciudad
(707) 961 2829

iwhippy@fortbraggca.gov

COMUNICADO DE PRENSA

PARA PUBLICACIÓN INMEDIATA

La ciudad de Fort Bragg organizará un taller comunitario sobre el memorando de entendimiento (MOU) con Mendocino Railway

“Este es un momento crucial para nuestra comunidad”, dijo el administrador municipal Isaac Whippy. “El futuro del Molino moldeará Fort Bragg para las generaciones venideras, y queremos asegurarnos de que ese futuro esté guiado por las personas que viven, trabajan y crían a sus familias aquí. Su voz importa, y este taller es su oportunidad de ser parte de la solución: una que refleje nuestros valores, proteja lo que amamos de Fort Bragg y cree oportunidades para el próximo capítulo de la historia de nuestra ciudad”.

Se ha programado un segundo taller público para julio (la fecha exacta se anunciará), continuando el compromiso de la Ciudad con la transparencia y la toma de decisiones inclusiva a medida que el MOU toma forma.

El personal de la ciudad, representantes del equipo consultor de EPS y Mendocino Railway estarán presentes para facilitar el debate y recopilar información adicional de la comunidad.

Para obtener más información, visite www.city.fortbragg.com o comuníquese con la Oficina del Administrador de la Ciudad al (707) 961-2829.



(707) 961 2823



www.ciudad.fortbragg.com



416 N. Franklin Street,
Fort Bragg, CA 95437

RESOLUTION No. 4932-2025

RESOLUTION OF THE FORT BRAGG CITY COUNCIL DIRECTING STAFF TO INITIATE PHASE 2 OF THE MILL SITE MASTER DEVELOPMENT AGREEMENT PLANNING PROGRAM

WHEREAS, the City of Fort Bragg has over the past 20 years pursued coastal access and recreational improvements, remediation of hazardous materials, and a range of new urban uses including visitor-serving commercial, recreational, and lodging uses; new housing meeting the needs of residents, expansion and revitalization of the downtown area, and job-creating industrial and service businesses; and

WHEREAS, in November of 2024, the City of Fort Bragg initiated the first phase of a new planning and development program titled the Master Development Agreement Program to resolve existing legal disputes and to collaboratively plan for the development of the Mill Site; and

WHEREAS, the City participated in a cooperative planning effort with Mendocino Rail (MR) and its design and planning consultants that included extensive reference to earlier Mill Site planning efforts for the Mill Site conducted by the City; and

WHEREAS, the City Council, a Council Ad Hoc Committee, and the public at large have participated, reviewed, and helped shape the Illustrative Plan and related recommendations; and

WHEREAS, over the past six months, the City of Fort Bragg, assisted by a consulting team and in cooperation with MR, has prepared a *Development Strategy Report*, which outlines a decision-making process for future planning and entitlements related to the reuse of the Mill Site property in Fort Bragg; and

WHEREAS, the *Development Strategy Report* includes an 'Illustrative Plan', a graphic representation of the Mill Site showing a conceptual plan for its revitalization and redevelopment, which include extensive open space, improvements to the Coastal Trail and related coastal access, and areas designated for residential, commercial, institutional, and industrial (job-generating) development.

WHEREAS, a *Development Strategy Report* has been prepared and circulated that documents the Phase 1 planning process and provides guidance for subsequent phases of the Master Development Agreement Program.

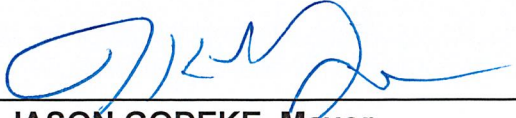
WHEREAS, acceptance of the Development Strategy Report is exempt from CEQA pursuant to 14 CCR 15262 "Feasibility and Planning Studies. The Report provides a non-binding guideline for the parties to continue their discussions to resolve their dispute and acceptance of the report does not commit the City or Mendocino Railroad to any development of the property. Appropriate environmental studies will be completed when the binding Development Agreement is presented to the Council at a future public hearing. In addition, this project is exempt pursuant to 15061(b)(3) which provides that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED THAT:

1. The Recitals set forth above are true and correct and incorporated herein as findings and determinations.
2. The City Council accepts the *Development Strategy Report* as a reference and guide for subsequent phases of planning for the reuse of the Mill Site.
3. The City Council directs staff to initiate Phase 2 of the Master Development Agreement Program that involves negotiation of a non-binding Memorandum of Understanding (MOU) with the property owner, Mendocino Railway, as specified in the *Development Strategy Report*.
4. Preparation of the MOU will provide additional data, analysis, coordination and collaboration with the California Coastal Commission and other affected agencies and organizations, including tribal interests.
5. The MOU will address a series of topics that ideally can be resolved prior to initiation of a process to amend the City's Local Coastal Program and enter into a Master Development Agreement. These topics include: settling the pending legal action, further resolving key land use and facility locations, articulating the planning and regulatory procedures to be followed, further documenting needed infrastructure improvements and how such improvements will be paid for, outlining the topics and terms to be included in the proposed Master Development Agreement, and lastly, identifying any significant real estate transactions needed to support plan implementation.
6. Opportunities for continued public review and participation regarding Mill Site planning and development will be provided at scheduled City Council meetings or at other special meetings as may be appropriate.
7. Every effort will be made to shape the agreements reached in the MOU in a manner that contributes to the resolution of the pending legal action.

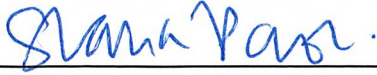
The above and foregoing Resolution was introduced by Vice Mayor Rafanan, seconded by Councilmember Hockett, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on June 9, 2025, by the following vote:

AYES: Councilmembers Hockett, Rafanan and Mayor Godeke.
NOES: Councilmember Albin-Smith.
ABSENT: Councilmember Peters.
ABSTAIN: None.
RECUSED: None.



JASON GODEKE, Mayor

ATTEST:



Diana Paoli
City Clerk

From: [Jacob Patterson](#)
To: [City Clerk](#)
Subject: Public Comment -- 6/26/25 Special Mill Site Meeting
Date: Friday, June 20, 2025 4:35:03 PM

City Council,

Although I still support moving forward with this process, I must reiterate my objections to several of the documents that are being provided as part of the agenda materials, including the Illustrative Plan Update and the Land Use Plan Update. It is almost like the team working on this is going out of their way to drum up opposition by including objectionable details that I believe are contrary to what most of the community will want. Why do you keep doing this? In no scenario do I think the updated version of these documents will gain wide support for a variety of reasons.

One significant concern I have is the Noyo Center having an outsized influence on this process through one of the sub-consultants being an officer. That is totally inappropriate, in my opinion, and what appears to be undue influence is reflected in the updated illustrative and land use plans that include what I expect to be a controversial proposal for a land swap and lot line adjustments as well as proximity to the air strip, which still appears to be encroached upon and shortened. Why are those aspects included as well as having a specific site plan that hasn't even been applied for let alone approved. The rest of the map doesn't include building locations for buildings that don't already exist and this site shouldn't either.

Another significant concern is how the still-contaminated OUE is depicted as already having the large mill pond subdivided into two. That proposal has received a lot of objections and push-back and it is presumptuous to include it in this illustrative plan that should, at most, show the current conditions for OUE or a note that the pond subdivision is only a proposal by the land-owner, not anything we are proactively and prematurely agreeing to as part of this process. Personally, I think the people objecting to modest additional train and trolley tracks (or restoration of use) are off-base but I agree with many concerns raised about the proposal to subdivide the pond into two, which would also remove the dam from current levels of state oversight.

I didn't hear a lot of support for that proposal just as I didn't hear a lot of support for a land swap that endangers our air strip. It is as if the consulting team hasn't been listening to the public and is proceeding with whatever they think is best. I do not appreciate this approach and I expect many others feel the same.

Regards,

--Jacob

Paoli, Diana

From: Kathy Westfall <westfallservices@gmail.com>
Sent: Friday, June 13, 2025 12:34 PM
To: City Clerk
Subject: Hello friends

I respectfully want to let you know that they're about 100 + people that I know of that are the silent majority that would like you to do the following. I know you are doing your best, but these are our requests : Please finalize negotiations on Part Two of the MOU (Memorandum of Understanding). We also ask that this comes with a development plan that prioritizes housing that is affordable and the creation of local jobs. We also urge swift action to remove the remaining barriers to tunnel clearing and begin long-overdue restoration. This bottleneck has already cost us valuable time and taxpayer dollars.

If we don't make a change now, the economic failure of our town is inevitable. It's time to wake up and allow growth to happen here .

Kathy Westfall

Paoli, Diana

From: Marc Tager <marcatager@gmail.com>
Sent: Friday, June 13, 2025 1:53 PM
To: City Clerk
Subject: City Council

Dear Council Members

I am writing you this letter to ask you to continue the stay of the lawsuit hopefully at least until the end of the year. I also would like you to continue pushing forward on the MOU setting the parameters of an enforceable deal.

If we consider the above 1a, allowing the tunnel to be cleared is 1b.

With Respect,

Marc
Sent as if by magic from my iPhone

Paoli, Diana

From: johnrmredding@gmail.com
Sent: Friday, June 13, 2025 3:18 PM
To: City Clerk
Cc: Norcalmom4@gmail.com
Subject: Millsite Development

Greetings,

I was pleased to read that the City of Fort Bragg and the owners of the millsite have resumed deliberations. I write to support this effort which I hope will culminate in a development from which all segments of our community take benefit.

I was on the hospital Board when I first realized that the Coastal economy was, to use a popular term, in a Doom Loop that threatened the viability of the hospital. There are many intertwined reasons for this but the most fundamental is what we call the Payor Mix. Of all the patients, 85% use Medicare or Medi-Cal and only 15% use private insurance. In a time when Medicare and Med-Cal are facing budget cuts, a hospital like ours can only survive if that Payor Mix starts to include more private insurance. Which of course translates to new, better paying jobs. (I was told that the hospital was flush with cash when the fishing and lumber industries were strong.)

For this and other reasons, we must focus on economic development in our community. There are competing needs, such as the environment and new development, but previous decisions have not taken the latter into serious consideration. Those residents who prioritize preserving our coastal character have had significant influence on these decisions but there are an equal number who see economic development as critical for our future.

I am optimistic that this will be the case. The present City Council seems to have a better perspective on these matters. I wish you the best when it comes time to make the tough decisions.

Best Regards,

John Redding
Mendocino
Former Treasurer
Mendocino Coast Health Care District

From: Kathy Westfall <westfallservices@gmail.com>
Sent: Monday, June 16, 2025 1:49 PM
To: City Clerk
Subject: Skunk Train Property Extension of MOU

To: Isaac Whippy, City Manager and City Council Members

I would like to express my support to extend part 2 of the MOU for the Skunk Train. I agree with Council members Rafanan, Hockett and Godeke to continue with the negotiations. This issue has been studied and re-examined long enough. Hiring more consultants is not going to change the issue. I think there is general knowledge of a certain level of pollution on the property, there is no amount of studying the issue that will make it go away. There have been many proposals to mitigate the problem, I think the best one is to fence off the area and Move on!

The mill closed 2002, since then this community has suffered through a severe economic slowdown. Lack of effective leadership has left it struggling for economic survival. We need to have a balanced vision of viable, sustainable and well paying jobs that provide a future for our younger generations so they do not have to move out of the area. We can maintain the natural beauty of the area and create a robust housing and job market. Both are possible at the same time.

Housing is a critical issue that has plagued this area for many years. Again due lack of leadership, indecisiveness and the constipated building and planning process, many local people have had to move out of the area for better opportunity and affordability.

Please move forward to provide affordable housing to those who would like to stay here.

The Skunk Train has been an asset to this community, we should support it. I just rode the Skunk last week and they provide a narrative for local knowledge and historical facts. I was quite impressed.

I urge the city council and mayor to support the Skunk Train business and move forward with a vision of our community that provides jobs and housing while maintaining our natural beauty.

Thank you,

Jeanette Colombi

Paoli, Diana

From: City of Fort Bragg <granicus@fortbragg.com>
Sent: Tuesday, June 17, 2025 5:54 AM
To: Paoli, Diana
Subject: Skunk Train matters

Message submitted from the <Fort Bragg, CA> website.

Site Visitor Name: Stephen Dunlap
Site Visitor Email: sdunlap@mcn.org

I just an email to the City Clerk but it did not go thru I think ? so here you go :

I think the single most important matter the city can do right now to bring tourist traffic to Fort Bragg is to get the Skunk Train tunnel open & the tracks open for the train to connect to Willits.

Period.

The Skunk Train is clearly a unique offering we can offer as a draw to our town in addition to many other reasons folks come to visit us here.

Of course affordable housing is an ongoing concern, including my 25+ employees who need a place to live.

Please move all efforts forward to help the train get fully operational once again.

You can discuss Mill Site matters later. There will never be any unanimous community support for ANY Mill Site plan. Get the train line open to Willits ASAP !

thank you 

From: Jerry C <jerryfchilds@gmail.com>
Sent: Tuesday, June 17, 2025 5:00 PM
To: City Clerk
Subject: Skunk Train

Skunk Train

Dear City of Fort Bragg:

I am writing to provide some input from a member of the community regarding the lengthy impasse between the City of Fort Bragg and the Skunk Train.

My understanding is that the the City of Fort Bragg has had persistent issues regarding: (1) lack of housing; (2) lack of jobs.

I request the City consider the following: (1) request to continue the stay of the lawsuit while the matter is being negotiated; (2) allow the tunnel restoration to resume forthwith; and (3) continue to negotiate in good faith with Skunk Train and involve a mediator as opposed to collaborating.

I see from my review of recent history that the Skunk Train operated for generations between Fort Bragg and Willits. During that time it transported passengers, lumber and other cargo. With the death of the lumber industry the Skunk Train became more of a tourist attraction.

Following the collapse of a Tunnel at about the 3.5 mile mark in 2016, the Skunk Train is now a purely local thing. In the meantime, the Skunk Train has secured a loan to reconstruct and reopen the tunnel to restore service between Willits and Fort Bragg.

Also, Skunk Train purchased the old mill site and took on liability for remediation of environmental issues from its prior use. Skunk Train seeks to develop the old Mill site into what looks to be a resort of sorts, with a hotel.

Fort. Bragg has been clear about its needs. It wants the revenue base. Skunk Train is also in the business of making money. People wanting jobs want money and want more housing that is less expensive.

This can be accomplished by working with Skunk Train. It will add revenues to the City coffers and provide a further boost for all who support the tourists coming in.

Because let us keep it real: tourism is the only industry keeping this wonderful area alive and viable. Fort Bragg can either work with what it has or it can continue on the road to becoming the next Cayucos.

Regards:

The Childs Family

From: Adele Horne <adelehorne@gmail.com>
Sent: Thursday, June 19, 2025 12:24 PM
To: City Clerk; Jason Godeke; Albin-Smith, Tess; Peters, Lindy; noyofish@gmail.com; Rafanan, Marcia
Cc: northcoast@coastal.ca.gov
Subject: Public Comment on proposed MOU between City of Fort Bragg and the Skunk Train

June 19, 2025

To: Fort Bragg City Council
cc: California Coastal Commission

RE: June 26, 2025 Public Comment Meeting on proposed MOU between City of Fort Bragg and the Skunk Train

It's apparent to a casual observer, by common sense, that The Skunk Train is a tourist excursion train. They have claimed to be a public utility and common carrier, in order to circumvent local control and oversight. They do not want to be bound by local zoning rules or to be subject to Coastal Act review. So far, the courts have agreed with the City of Fort Bragg that the train is not a public utility or common carrier. The railroad continues to make legal appeals, costing the citizens of Fort Bragg money. In addition, the reason for the original City Council and Coastal commission lawsuit was that the Skunk Train repeatedly refused to comply with local permit and oversight rules. Why would the City of Fort Bragg want to enter into any agreement with an entity that has already demonstrated a consistent pattern of flouting the law?

Now is not the time for the city to abandon its principled stance on this matter. By moving forward with the current Memorandum of Understanding, it appears that the city is conceding that the train is a public utility or common carrier. Why are we giving up, when we are winning the legal battle so far? The future of our city is too important to abandon now. The Skunk Train wants to turn the headlands into a tourist hub that will benefit their bottom line and that of the parent corporation, Sierra Energy. The community wants it to be an educational, environmental, and marine biology magnet and hub that will provide sustainable jobs, be inclusive of the indigenous community, and benefit the City of Fort Bragg and our children and future residents. The city must retain local control and oversight of the Noyo Headlands area, working to represent the public interest on these major issues:

1. A full and thorough remediation of the site, that will withstand the test of time, including projections of sea-level rise. For example, Millpond 8 should not just be capped. It needs full remediation. Follow through with what was already initiated. Finish the job.
2. No train or trolley on this beautiful expanse of land—this should be a space for pedestrians and bicycles only.
3. Create a solid plan for daylighting creeks and creating an adequate wildlife corridor.
4. The site should have a significant portion devoted to Pomo cultural purposes.
5. Create an ongoing public planning committee to provide input on how the public would like to see this land used.
6. The railroad is not a public utility or common carrier. It is a tourist excursion train, and must be subject to city and Coastal Act zoning rules and inspections.

The city has engaged in extensive public engagement projects about the Noyo Headlands in the past. A survey conducted by the city revealed that respondents prioritized restoration of open space which also creates jobs and is compatible with a 'higher' vision of development. Still, several years have elapsed, with many new residents arriving in the city. Circumstances have also changed substantially, now that the railroad holds the title to the land and has engaged in lawsuits with the city. The people of Fort Bragg want to be heard and to have a stronger voice in planning the future of the front 1/3 of our city. We strongly urge the City Council to represent our interests. We will not be railroaded!

Sincerely,
Adele Horne
resident of Fort Bragg

From: mdouglas@mcn.org
Sent: Thursday, June 19, 2025 4:19 PM
To: City Clerk
Cc: tagwestfb@gmail.com
Subject: Yes, it's the same letter but I added my two cents as well

----- Original Message -----

Subject: Yes, it's the same letter but I added my two cents as well

Date: 2025-06-19 4:10 pm

From: mdouglas@mcn.org

To: cityclerk@fortbragg.gov

Hello, members of the FB City Council,

My friend, Kathy Westfall, encouraged me to write a letter to support the current members to move forward for the future for our community.

But I want to add my involvement in Ft. Bragg for my whole life, from age 6 when I moved here from Nebraska and five years in college. I returned to Ft. Bragg in 1974 and have lived here ever since. I taught kindergarten, first grade, art/music, and second during 34 years so I am very familiar with Ft. Bragg traditions, culture, activities and economy.

I was raised during a time prosperity - the lumber industry was booming, fishermen were making a good living, towns and shops were occupied and thriving, families were building a stable future for themselves and their offspring, and crime was rare. My dad was the local, trusted banker and my mom was an Avon lady and homemaker. Those were the good ol' days.

It breaks my heart to see our town slowly disintegrate - empty storefronts, few jobs or a hopeful future for children and adults alike, the population dwindling as workers can't make it anymore. Something **MUST BE DONE** to reinvigorate our area for new businesses, more growth, shops filling up again, innovation and new possibilities.

Please consider the great responsibility you have in your hands - make **YOUR** time on the board beneficial to **ALL**. **OUR FUTURE DEPENDS ON YOU**.

Thank you sincerely,
Marcia Douglas, a Ft. Bragg resident for 65 years

"Greetings! We are writing this letter to ask for your help and make a dynamic impact on our town for the better. The future of the Mill Property and tunnel have for too long been extended by lawsuits, delays and endless personal congestion. Currently, we see an opportunity with this new incarnation of our City Council. They have shown a renewed potential to move forward, together, with a shared commitment to Fort Bragg's future. We know we don't all agree on everything, though I'm asking that we put aside our divisions and come together to help shape the next chapter of our town.

How we can make a change is two-fold: First, we ask that all of us please email the Fort Bragg City Clerk. The good news is that we will be bringing a copy of every email to the meeting, assuring that the entire City Council will also see so it cannot be ignored or swept under the rug. The purpose of the email is to tell the board that we support a continued stay of the current lawsuit to allow time for meaningful negotiations. Second, please finalize negotiations on Part Two of the

MOU (Memorandum of Understanding). We also ask that this comes with a development plan that prioritizes affordable housing and the creation of local jobs. We also urge swift action to remove the remaining barriers to tunnel clearing and begin long-overdue restoration. This bottleneck has already cost us valuable time and taxpayer dollars.

As you know, tourism is all we have to sustain our economy at this point. Hundreds of thousands of tourists come through our town annually and we must shift with this change. Almost half come for the Skunk Train, making it a cornerstone of our economy. Moving forward on the development will provide benefits to our entire community, so let us let our voices be heard. This isn't just a tourist attraction; it's a cornerstone of our identity.

We will be attending the meeting on the 26th of June, feel free to join us, in fact, we strongly encourage it. The last meeting held was disappointing and only had 20 people show up and all of them opposed to growth. It will be held at 6:00 pm and these letters need to be in by the 25th, no later.

Let's ensure Fort Bragg's future is shaped by unity, inclusivity, vision, and primarily action for the benefit of all residents, not just a select few.

Regards,
Marcia Douglas, retired RW Elementary School teacher

From: Susana hennessey lavery <shennesseylavery@gmail.com>
Sent: Thursday, June 19, 2025 6:43 PM
To: City Clerk; Jason Godeke; Albin-Smith, Tess; Peters, Lindy; noyofish@gmail.com; Rafanan, Marcia
Cc: northcoast@coastal.ca.gov
Subject: Public Comment on proposed MOU between City of Fort Bragg and the Skunk Train

June 19, 2025

To: Fort Bragg City Council
cc: California Coastal Commission

RE: June 26, 2025 Public Comment Meeting on proposed MOU between City of Fort Bragg and the Skunk Train

It's apparent to a casual observer, by common sense, that The Skunk Train is a tourist excursion train. They have claimed to be a public utility and common carrier, in order to circumvent local control and oversight. They do not want to be bound by local zoning rules or to be subject to Coastal Act review. So far, the courts have agreed with the City of Fort Bragg that the train is not a public utility or common carrier. The railroad continues to make legal appeals, costing the citizens of Fort Bragg money. In addition, the reason for the original City Council and Coastal commission lawsuit was that the Skunk Train repeatedly refused to comply with local permit and oversight rules. Why would the City of Fort Bragg want to enter into any agreement with an entity that has already demonstrated a consistent pattern of flouting the law?

Now is not the time for the city to abandon its principled stance on this matter. By moving forward with the current Memorandum of Understanding, it appears that the city is conceding that the train is a public utility or common carrier. Why are we giving up, when we are winning the legal battle so far? The future of our city is too important to abandon now. The Skunk Train wants to turn the headlands into a tourist hub that will benefit their bottom line and that of the parent corporation, Sierra Energy. The community wants it to be an educational, environmental, and marine biology magnet and hub that will provide sustainable jobs, be inclusive of the indigenous community, and benefit the City of Fort Bragg and our children and future residents. The city must retain local control and oversight of the Noyo Headlands area, working to represent the public interest on these major issues:

1. A full and thorough remediation of the site, that will withstand the test of time, including projections of sea-level rise. For example, Millpond 8 should not just be capped. It needs full remediation. Follow through with what was already initiated. Finish the job.
2. No train or trolley on this beautiful expanse of land—this should be a space for pedestrians and bicycles only.
3. Create a solid plan for daylighting creeks and creating an adequate wildlife corridor.
4. The site should have a significant portion devoted to Pomo cultural purposes.
5. Create an ongoing public planning committee to provide input on how the public would like to see this land used.
6. The railroad is not a public utility or common carrier. It is a tourist excursion train, and must be subject to city and Coastal Act zoning rules and inspections.

The city has engaged in extensive public engagement projects about the Noyo Headlands in the past. A survey conducted by the city revealed that respondents prioritized restoration of open space which also creates jobs and is compatible with a 'higher' vision of development. Still, several years have elapsed, with many new residents arriving in the city. Circumstances have also changed substantially, now that the railroad holds the title to the land and has engaged in lawsuits with the city. The people of Fort Bragg want to be heard and to have a stronger voice in planning the future of the front 1/3 of our city. We strongly urge the City Council to represent our interests. We will not be railroaded!

Sincerely,
Susana Hennessey Lavery
Fort Bragg resident

Paoli, Diana

From: Hannah-Leigh Bull <llamadeara@gmail.com>
Sent: Friday, June 20, 2025 6:34 AM
To: City Clerk; Jason Godeke; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy, Isaac
Subject: Item 8A of Agenda for City Council Meeting 6/23/25: 25-245 Progress Update on the Mill Site Planning Program
Attachments: Noyo-Harbor-SLRRS-VRA-2025_Admin-Draft-5.20.25.pdf

Dear Fort Bragg City Council Members, City Clerk, and City Manager:

Thank you for the dedicated service you give our community. I apologize for being unable to attend City Council meetings in recent times, now that my work schedule is extending into evening hours.

The Mendocino Voice published an article on 6/11/25 stating that the Council voted to move ahead with preparation of a memorandum of understanding (MOU) between the City of Fort Bragg and Mendocino Railway about the development of the Noyo Headlands.

The Economic & Planning Systems, Inc. Mill Site Development Strategy document intended to support the creation of an MOU does not seem to address environmental and health impacts of expanding train business onto the headlands. This may be planned for future documents. Perhaps the concern about toxic impact I voice in this comment can be addressed in those future documents or announcements to the public.

As a healthcare provider, I monitor many factors that may be impacting the health and wellbeing of my Fort Bragg patients. In the last few years, I have written a couple of letters to the California Coastal Commission describing my concerns about the toxic contamination that the mill ponds provide and will not go into the detail of my letters to the CCC. Arsenic above allowable levels, polychlorinated biphenyls (PCBs), dioxins, and other contaminants have been discovered in the mill pond area.

These toxins can result in liver damage, endocrine disruption, and immune disorders. Auto-immune disorders are especially harmful to the physical body, as most people know. However, mental health is also substantially impacted, as seen in the generalized fear and anxiety of individuals presenting with toxic exposure symptoms and immune disorders, with the attendant repercussions on families, work, and society. Endocrine disruption can result in depression and swings in energy levels, as well.

In addition to the mill ponds, the Environmental Science Associates in its attached draft report of Harbor Sea Level Rise states:

“The two census tracts in the City of Fort Bragg have a moderate environmental justice burden, with CalEnviroScreen percentiles in the 47th and 49th percentiles. These two tracts, as well as the tract bordering the city on the north and the east, all have higher incidences of asthma—in the 79th percentile. Low birth weight is in the 80th percentile for the southern tract within the city.”

It mentions other factors and percentiles, but I want to focus on asthma and low birth rate. People who develop airway inflammation from asthma and air pollution exposure during their formative years are at three times increased risk to develop mental disorders, such as anxiety and depression, than those without such conditions as they are developing.

Additionally, babies born with low birth weight are at risk for physical problems, developmental delays, and are more likely to experience mental illness later in life, according to an American Psychological Association analysis of research conducted over nearly 30 years.

Any agreement about how to proceed with development of the headlands must not only explicitly address how and when the toxic contamination of the existing mill ponds will be eliminated, but must also study why these high-percentile occurrences of asthma and low birth weight are occurring in our city and how to mitigate them before we pursue new development.

Also, the disposal of any waste from the creation of the industrial enterprises expected to provide jobs to the anticipated influx of humans to Fort Bragg must be addressed. A nightmare scenario could unfold if the City of Fort Bragg dives into new development with Mendocino Railway without first ensuring that Mendocino Railway has eliminated the toxic contamination from its former operations.

Thank you so much for your attention to my concerns and for your continued service to our communities.

Hannah-Leigh Bull, LMFT

Attachment:

--
Hannah-Leigh Bull, LMFT
llamadeara@gmail.com
505-901-1476

This email and any files transmitted with it are confidential and intended solely
for the use of the individual or entity to whom they are addressed. If you have
received this email in error, please notify the sender by email, and delete and
destroy this message and its attachments.

Clients: Email is not a secure form of communication. Transmitted information
cannot be guaranteed to remain confidential. If you communicate private data
by responding to this email, you consent to these risks.

Draft

SEA LEVEL RISE, TSUNAMI HAZARDS, AND EROSION RESILIENCE STRATEGY FOR NOYO HARBOR Vulnerability and Risk Assessment

Prepared for
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

May 2025



Paoli, Diana

From: Row Boats <rowboats@gmail.com>
Sent: Friday, June 20, 2025 7:13 AM
To: City Clerk; Jason Godeke; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy, Isaac
Subject: Mill site concerns

Dear City Council:

What ever happened to all the input from community members? I remember attending those events to gather input and it feels so disappointing to not have our input listened to. Also, how do the local Tribes feel about these plans involving the Skunk train and trolley line? Has there been adequate communication with the Tribes and process to get their input and approval? This is very concerning.

I've been interested in the plans for the former mill site here in Fort Bragg. I have also followed the news about the Skunk Train claiming that they are a public utility and therefore didn't have to follow local zoning/planning rules in developing the land, and an ensuing lawsuit where they were ruled against. I recently learned that the City Council is currently negotiating with the Skunk Train and is about to vote on whether to sign a Memorandum of Understanding with them about moving forward with plans to develop the site. My concern is that the current map shows an electric trolley going parallel to the Coastal Trail, and the Railroad doing a circle around a Hotel/Conference Center on the headlands. Looking at the public comments that have been logged over the years, most people want to preserve as much open space as possible, and most people at the March 2025 meeting objected to the train and trolley they saw on the map of the headlands. Why is that map showing the rail and trolley line still part of the planning document?

I feel strongly that we need to ensure that a full remediation of the site occurs, to make sure that the dioxins in the mill ponds don't harm current and future generations as the sea level rises. I am concerned that in readying the site for development, the City will be pressured to accept a scenario with minimal remediation. The community is very clear that we want a full cleanup of the toxins in the millpond. I urge you to vote "no" on moving ahead with the Memorandum of Understanding as it currently stands. It doesn't incorporate the public's concerns, and it cedes too much power to the railroad.

Respectfully,

Leu Leung

June 19, 2025

Dear Jason,

I have attached a copy of the City of Fort Bragg lawsuit with Mendocino / Sierra Northern Railway, it is the basis for the “Stay” of the lawsuit . It is a less than a six page read.

I am sending it to all City Council members, and the mayor as the deliberations regarding the lawsuit have been hijacked away from the specific issues stated in the suit.

I know teaching, being a family member, mayor and so much civic involvement takes more than 24 hours a day! I am a big fan of actually having paper copies in hand, is more convenient to read carry home and digest than spending hours on the computer or a miniature phone screen.

The lawsuit is short and spells out very clearly what the legal and development issues are, I think it’s important to know the specific issues in the law suit and then ask oneself what is the stay, and resolution of the suit really about?

This is legal question they can only be resolved with knowledge of the legal issues. I will email this letter and a PDF of the complaint/lawsuit as well as bring a hard copy to the city for each one of you.

Thank you for your time and your service to the citizens and the future of Fort Bragg.

Sincerely,

Patrice Opatz

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

MENDOCINO RAILWAY AND DOES 1-10, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CITY OF FORT BRAGG, a California municipal corporation

ELECTRONICALLY FILED
10/28/2021 3:14 PM
Superior Court of California
County of Mendocino

By: *Dorothy Jee*
D. Jess
Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO - TEN MILE BRANCH
700 South Franklin Street, Fort Bragg, CA 95437

CASE NUMBER: (Número del Caso):
21CV00850

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Russel A. Hildebrand (SBN 191892)

Krista MacNevin Jee (SBN 198650) JONES MAYER - 3777 N. Harbor Boulevard, Fullerton, CA 92835; 714-446-1400

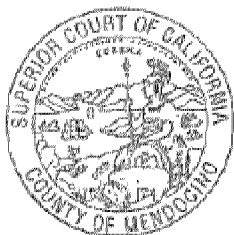
DATE: 10/28/2021
(Fecha)

Clerk, by Kim Turner, Deputy
(Secretario) *Dorothy Jee* (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)). D. Jess

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

By: 
D. Jess
Deputy Clerk

JONES & MAYER
Russell A. Hildebrand (SBN 191892)
rah@jones-mayer.com
Krista MacNevin Jee, Esq. (SBN 198650)
kmj@jones-mayer.com
3777 North Harbor Boulevard
Fullerton, CA 92835
Telephone: (714) 446-1400
Facsimile: (714) 446-1448

Attorneys for Plaintiff
CITY OF FORT BRAGG

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MENDOCINO

CITY OF FORT BRAGG, a
California municipal corporation,

Plaintiff,

vs.

MENDOCINO RAILWAY AND
DOES 1-10, inclusive

Defendants.

Case No. 21CV00850

**VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(GOV. CODE, § 11350; CODE CIV. PROC., §
1060)

JUDGE: CLAYTON BRENNAN
DEPT.: TEN MILE

Plaintiff CITY OF FORT BRAGG, CA (“City” or “Plaintiff”) files this action seeking judicial declaration regarding the validity of the Mendocino Railway’s status as a public utility pursuant to Code of Civil Procedure section 1060 and/or injunctive relief, alleging as follows:

1. The operations of the Mendocino Railway have been reduced over time and now consist of only the operation of out and back excursion trips starting in either Fort Bragg, California or Willits, California and therefore the Mendocino Railway is no longer entitled to status as a public utility, is in fact an excursion only railroad, and therefore is subject to the jurisdiction of the City of Fort Bragg and all ordinances, codes and regulations set forth in the City of Fort Bragg Municipal Code.

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE SECTION 6103

1 **PARTIES**

2 2. At all relevant times herein, Plaintiff City of Fort Bragg was and is a
3 municipal corporation organized and existing under and by virtue of the laws of the State
4 of California.

5 3. Defendant Mendocino Railway is currently listed as a class III railroad by
6 the California Public Utilities Commission ("CPUC"), and as such is subject to CPUC
7 jurisdiction and has all legal rights of a public utility. At all relevant times herein, it has
8 and does own and operate the "Skunk Train," as described herein, within the City of Fort
9 Bragg, as well as owning and thus having maintenance and other responsibilities for real
10 property relating thereto and also situated within the City of Fort Bragg.

11 4. Plaintiff is currently unaware of the true names and capacities of Does 1
12 through 10, inclusive, and therefore sues those parties by such fictitious names. Does 1
13 through 10, inclusive, are responsible in some manner for the conduct described in this
14 complaint, or other persons or entities presently unknown to the Plaintiff who claim some
15 legal or equitable interest in regulations that are the subject of this action. Plaintiff will
16 amend this complaint to show the true names and capacities of Does 1 through 10 when
17 such names and capacities become known.

18 **BACKGROUND FACTS**

19 5. The Mendocino Railway, aka the "Skunk Train," does in fact have a long
20 and storied history of operations between Fort Bragg and Willits. Since the 1980s,
21 Defendant's rail operations consisted primarily of an excursion train between Fort Bragg
22 and Willits.

23 6. In 1998, the Public Utilities Commission issued an opinion that the
24 predecessor owner of the Skunk Train, California Western Railroad ("CWRR"), was not
25 operating a service qualifying as "transportation" under the Public Utilities Code because
26 in providing this "excursion service, CWRR is not functioning as a public utility."
27 (CPUC Decision 98-01-050, Filed January 21, 1998.)
28

1 7. Although the rail lines of the Mendocino Railway and/or the trains it was
2 operating thereafter apparently did or may have had the capacity to carry freight and
3 passengers from point-to-point, no rail lines presently have any such capacity. Moreover,
4 the excursion train, even when it was running previously between Fort Bragg and Willits
5 was exclusively a sightseeing excursion, was not transportation, was not essential, and did
6 not otherwise constitute a public utility function or purpose.

7 8. On April 11, 2013, Defendant's operations were disrupted following the
8 partial collapse of Tunnel No. 1, which buried nearly 50 feet of its 1,200 feet of track
9 under rocks and soil, the third major collapse in the over 100-year-old tunnel's history.
10 The collapse of the tunnel eliminated the ability of rail operations temporarily to continue
11 between Fort Bragg and Willits. On June 19, Save the Redwoods League announced an
12 offer to pay the amount required to meet the fundraising goal for repair work, in exchange
13 for a conservation easement along the track's 40-mile (64 km) right-of-way. The
14 acceptance of the offer allowed the railroad to resume full service of the whole sightseeing
15 line in August 2013.

16 9. Tunnel No. 1 was once again closed in 2016 after sustaining damage from
17 the 2015–16 El Niño, but Defendant had equipment at the Willits depot to allow the
18 running of half-routes to the Northspur Junction and back (which had not been the case
19 during the 2013 crisis), as well as trains running loops from Fort Bragg to the Glen Blair
20 Junction and back.

21 10. Plaintiff is informed and believes the estimates for the repair to reopen the
22 tunnel are in the area of \$5 Million, and that Defendant has stated the tunnel repair will
23 happen in 2022, but there are currently no construction contracts in place for that repair.

24 11. Current operations of the Defendant consist of a 3.5 mile excursion out and
25 back trip from Fort Bragg to Glen Blair Junction, and a 16 mile out and back trip
26 originating in Willits to Northspur Junction – both of which are closed loop sightseeing
27 excursions.
28

1 12. In June, 2017, City staff deemed the roundhouse as so dilapidated that it
2 may be necessary to demolish the building and rebuild instead of repairing. The City even
3 offered to assist with funding to assist with those costs. Attempts to inspect the
4 roundhouse by the County Building Inspector were refused and rebutted with a message
5 from the Defendant that the City has no authority over a railroad. In 2019, when the City
6 red tagged Defendant's work on a storage shed on the Skunk Train's property for failure
7 to obtain a City building permit, the Defendant removed the tag and proceeded with the
8 work. More recently in August, the City sent an email to Defendant to inform them that
9 they needed a Limited Term Permit for a special event after 10pm that would create
10 additional noise in the neighborhood surrounding the Defendant's property. Defendant's
11 response was that they are "outside the City's jurisdictional boundaries and thus not
12 subject to a permit".

13 13. Defendant is directly responsible for the activities occurring as set forth
14 herein in connection with operation of the Skunk Train and the condition of real property
15 in violation of law as alleged herein. Defendant is thus responsible for continuing
16 violations of the laws and public policy of the State of California and/or local codes,
17 regulations and/or requirements applicable to such operations and activities and/or have
18 permitted, allowed, caused, or indirectly furthered such activities/operations in a manner
19 in violation of law, and Defendant's use of and activities in connection with the Skunk
20 Train and the condition of real property relating thereto, including the allowance or
21 maintenance of such activities, operations and conditions in violation of law are inimical
22 to the rights and interests of the general public and constitute a public nuisance and/or
23 violations of law.

24 **FIRST CAUSE OF ACTION**

25 **Declaratory and/or Injunctive Relief**

26 **[Cal. Civil Proc. Code §§ 1060, 526]**

27 14. Plaintiff realleges and incorporates by reference the allegations in
28 paragraphs 1 through 13 as if fully set forth herein.

1 15. An actual controversy has arisen and now exists between Plaintiff and
2 Defendant. Defendant has failed to comply with City's code enforcement efforts to have
3 Defendant repair a dangerous building on their property. Defendant also claims its status
4 as a public utility preempts local jurisdiction and provides immunity from the City's Land
5 Use and Development Codes. City disagrees and maintains that, as an excursion-only
6 railroad, Defendant is not a public utility, is not a common carrier, and/or does not provide
7 transportation, and therefore Defendant is subject to the City's ordinances, regulations,
8 codes, local jurisdiction, local control and local police power and other City authority.
9 City is entitled to a declaration of its rights and authority to exercise local
10 control/regulation over the property and Defendant and Plaintiff City has the present right,
11 obligation and need to exercise such control, power and authority for the public interest,
12 benefit and safety.

13 16. A judicial determination of these issues and of the respective duties of
14 Plaintiff and Defendant is necessary and appropriate at this time under the circumstances
15 because the Defendant continues to resist compliance with City directives to repair and
16 make safe the dangerous building on its property, and to comply with the City Land Use
17 and Development Codes, and/or other valid exercise of City governing authority.

18 17. No other adequate remedy exists by which the rights and duties at issue
19 herein between the parties can be determined.

20 18. The City and the public will suffer irreparable injury if the nature of
21 Defendant's conduct, as alleged herein, is not determined by the Court and/or enjoined.

22 19. Plaintiff City also, or in the alternative, seeks injunctive relief against
23 Defendant and thus brings this action pursuant to California Civil Code Section 526 in
24 order to enjoin or require Defendant to refrain from engaging in the conduct alleged here,
25 cease violations of law, and/or to require Defendant to bring its property and operations
26 into compliance with the law, as applicable.

27 20. Unless and until restrained and enjoined by this Court's issuance of
28 injunctive relief as requested herein, Defendant will continue to maintain nuisance

1 conditions and violations of law as alleged, to the substantial harm and risk to the health,
2 safety and welfare of the public, and directly contrary to the lawful and valid authority of
3 Plaintiff City to regulate such nuisance and dangerous conditions, and to compel
4 compliance with applicable law.

5 21. Unless and until the activities alleged herein are restrained and enjoined by
6 this Court, as requested herein, they will continue to cause great and irreparable injury to
7 Plaintiff City's lawful exercise of jurisdiction and authority over Defendant's operations,
8 activities, and its real property, and the conditions thereof, as well as allowing the
9 continuation of injury and risk to the public.

10 **PRAYER**


11 WHEREFORE, Plaintiff prays for relief as follows:

- 12 1. For a declaration that the Mendocino Railway is not subject to regulation as
13 a public utility because it does not qualify as a common carrier providing
14 "transportation.";
- 15 2. For a stay, temporary restraining order, preliminary injunction, and
16 permanent injunction commanding the Mendocino Railway to comply with
17 all City ordinances, regulations, and lawfully adopted codes, jurisdiction and
18 authority, as applicable;
- 19 3. For costs of the suit; and
- 20 4. For such other and further relief as the Court deems just and proper.
- 21
- 22

23 Dated: October 28, 2021

JONES & MAYER

24

25 By: 
26 Russell A. Hildebrand
27 Krista MacNevin Jee
28 Attorneys for Plaintiff
CITY OF FORT BRAGG

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Russell A. Hildebrand, SBN 191892; Krista MacNevin Jee, SBN 198650
JONES MAYER - 3777 N. Harbor Boulevard, Fullerton, CA 92835

TELEPHONE NO.: 714-446-1400

FAX NO. (Optional): 714-446-1448

E-MAIL ADDRESS: rah@jones-mayer.com; kmi@jones-mayer.com

ATTORNEY FOR (Name): CITY OF FORT BRAGG

FOR COURT USE ONLY

ELECTRONICALLY FILED
10/28/2021 3:14 PM
Superior Court of California
County of Mendocino

By: 
D. Jess
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

STREET ADDRESS: 700 South Franklin Street

MAILING ADDRESS: Same

CITY AND ZIP CODE: Fort Bragg, 95437

BRANCH NAME: Ten Mile Branch

CASE NAME:

CITY OF FORT BRAGG v. MENDOCINO RAILWAY

CIVIL CASE COVER SHEET

☒ **Unlimited** ☐ **Limited**
(Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder
Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

21CV00850

JUDGE: CLAYTON BRENNAN

DEPT.: TEN MILE BRANCH

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400–3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☒ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 28, 2021

Russell A. Hildebrand

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Paoli, Diana

From: Lavender Ranch <info@lavenderranch.com>
Sent: Monday, June 23, 2025 2:50 PM
To: City Clerk
Cc: Kathy Westfall; Donna B
Subject: Skunk Train Property Extension of MOU
Attachments: Skunk Train Letter.pdf

I would like to express my support to extend part 2 of the MOU for the Skunk Train by the attached letter.

Thank you!

Donna Bayles

BAYLISS RANCH

To: Isaac Whippy, City Manager and City Council Members

I would like to express my support to extend part 2 of the MOU for the Skunk Train. I agree with Council members Rafanan, Hockett and Godeke to continue with the negotiations. This issue has been studied and re-examined long enough. Hiring more consultants is not going to change the issue. I think there is general knowledge of a certain level of pollution on the property, there is no amount of studying the issue that will make it go away. There have been many proposals to mitigate the problem, I think the best one is to fence off the area and MOVE on!

The mill closed 2002, since then this community has suffered through a severe economic slowdown. Lack of effective leadership has left it struggling for economic survival. We need to have a balanced vision of viable, sustainable and well-paying jobs that provide a future for our younger generations, so they do not have to move out of the area. We can maintain the natural beauty of the area and create a robust housing and job market. Both are possible at the same time.

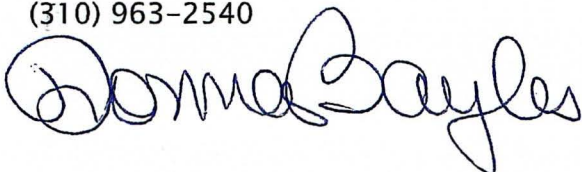
Housing is a critical issue that has plagued this area for many years. Again, due lack of leadership, indecisiveness and the constipated building and planning process, many local people have had to move out of the area for better opportunity and affordability.

Please move forward to provide affordable housing to those who would like to stay here.

The Skunk Train has been an asset to this community, we should support it. I just rode the Skunk last week and they provide a narrative for local knowledge and historical facts. I was quite impressed.

I urge the city council and mayor to support the Skunk Train business and move forward with a vision of our community that provides jobs and housing while maintaining our natural beauty.

Thank you,
Donna Bayles
(310) 963-2540



Mendocino Resident

Paoli, Diana

From: Kathy Westfall <westfallservices@gmail.com>
Sent: Monday, June 23, 2025 5:24 PM
To: Lavender Ranch
Cc: City Clerk; Donna B
Subject: Re: Skunk Train Property Extension of MOU

Thank you for your support!

On Mon, Jun 23, 2025 at 2:49 PM Lavender Ranch <info@lavenderranch.com> wrote:

I would like to express my support to extend part 2 of the MOU for the Skunk Train by the attached letter.

Thank you!

Donna Bayles

From: max@mcn.org
Sent: Monday, June 23, 2025 8:35 PM
To: Lemos, June; Godeke, Jason; Rafanan, Marcia; Peters, Lindy; Albin-Smith, Tess; Hockett, Scott; Ahulani McAdam
Subject: Fort Bragg Headlands comments

To The Fort Bragg City Council, and to the community,

I've lived here for 40 years and watched as Georgia Pacific closed the mill and the smoke-spewing chimneys stopped sending that plume up Oak Street...

lo and behold, we had blue skies!

We also had 400 toxic acres which took many years to remediate somewhat, and still there is a toxic brownfield left behind.

It is unthinkable that the people of Fort Bragg might lose control of this land again.

It was taken from the indigenous who cared for it for many years,
and now with community planning and cooperation we can bring it back into harmony with its beautiful environs.

Fort Bragg does not need a tourist train outfit occupying and developing our headlands for their profit and by their design. The community needs to be involved and to be provided with an area clean of all remaining contaminants, with planning to preserve the natural beauty and environmental values. we will attract more long term value by staying environmentally focussed and non-commercial. The Skunk train is pulling a fast one on us and we can't let them get away with it. Their attempt to portray themselves as a public utility is ludicrous.

Planning for the development of the Fort Bragg Headlands **MUST** must include community input, review of proposals, and stakeholder participation whose voice is heard and considered.

Thank you,

Merry Winslow

From: Lezlie Kookenboo <lkookenboo@gmail.com>
Sent: Tuesday, June 24, 2025 9:25 PM
To: City Clerk
Cc: tagwestfb@gmail.com
Subject: Long Time Resident & Skunk Train Supporter

To Whom it may concern,

I am writing the city prior to the the meeting regarding the Millsite this coming Thursday June 26 at the cotton auditorium. I'm hoping for better collaboration and mediation when the same tired blustering individuals occupy the podium longer than their time allowed to spew misinformation that is incorrect. It is my observation that these meetings seem to allow the same negative minority to bluster their misinformation that has been corrected over and over again as false, yet they repeat this misinformation again and again. Ie. that the Skunk Train stole the sale away from city pennies on the dollar, or that the skunk train has done nothing to begin clean up on the old mill property, ect, ect, ect. I'm hoping maybe when these same repeat offenders attempt to occupy the podium with the same false allocations that perhaps they can be redirected to the facts and that their time is kept to what is allowed for all.

I have lived on this coast since 1972 and I'm very much looking forward to witnessing the city and the Skunk Train to work together to create a more vibrant, alive, visually appealing Fort Bragg. I have observed a new refreshing since of professionalism and fair civility with-in city management and its board members. I feel with the correct collaboration with the Skunk Train the opportunity for more housing, more jobs opportunities and a city that would attract doctors to want to live and work here at our hospital. For the first time ever, I am excited that I might be able to experience Fort Bragg to be a quaint, thriving business community with plenty of housing and lots of job opportunities.

I'd like to thank the city for finding it's way to hearing us all and not just the loud, negative few that are against growth or progress. I respect their desire for no growth, but feel if everyones needs and desires are taken into consideration that perfect plan can incorporate a little of every individuals needs.

Again, Thank you for the new refreshing attitude to hear us all. I'm very hopeful a plan can be agree upon and progress can begin.

Gratefully,
Lezlie Kookenboo
415 706 1562

Paoli, Diana

From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Wednesday, June 25, 2025 8:33 AM
To: City Clerk
Cc: Whippy, Isaac; Paul Clark
Subject: FW: Support of the Skunk Train

To anyone concerned for the Skunk Train

I for one and certainly happy that there seems to be some positive movement for the skunk train as we know it locally it's been an important part of my family, and I know for thousands of other families. It has been through the decades, for freight for mail service and yes, for tourism. It is probably the first and most important producer of bed, tax, and other income to this community. And as mentioned before, by many, could in time of a disaster be the salvation we may need if all the roads were closed due to landslides or other disasters.

I don't really understand the opposition by some to keep this tremendous asset to the community muzzled. The city council in the past has supported the railroad financially and more recently they have gone out of their way to prohibit or make their efforts to reopen the tunnel, more difficult. It's time to end this petty squabbling and waste of money on attorneys, both city and state, and for the railroad. I look forward to the day when my great grandchildren can begin ride the skunk train and take the trip to North spur and maybe on to Willits. Who would possibly have anything against that? I question that person's sanity. Thank you and thank you for doing this workshop things are moving forward, and I would love to see the city do a survey of all the people visiting the coast if possible (the motels could help facilitate) do a quick survey on the importance of the skunk train to the visitors and also to the local community. Thank you.

Paoli, Diana

From: Rhoda Teplow <rteplow@mcn.org>
Sent: Wednesday, June 25, 2025 1:14 PM
To: Godeke, Jason
Cc: Lemos, June; Peters, Lindy; talbinsmithr@fortbragg.com; schoett@fortbragg.com
Subject: Mill site development

Dear council members,

I would love the mill site to be cleaned up so it is no longer toxic.

After the cleanup I would propose that the land be used for housing for workers and working class families who live in Fort Bragg and on the coast.

Thank you for accepting our ideas and options.

Sincerely,

Rhoda Teplow

Room 107

707 Elm Street

San Carlos, CA 94070

707 964 2787

Munoz, Cristal

From: Paoli, Diana
Sent: Thursday, June 26, 2025 6:26 AM
To: City Clerk
Subject: FW: Mill Site Workshop 6/26/25

From: City of Fort Bragg <granicus@fortbragg.com>
Sent: Wednesday, June 25, 2025 9:06 PM
To: Paoli, Diana <DPaoli@fortbraggca.gov>
Subject: Mill Site Workshop 6/26/25

Message submitted from the <Fort Bragg, CA> website.

Site Visitor Name: Peter McNamee
Site Visitor Email: Peter_mcnamee@hotmail.com

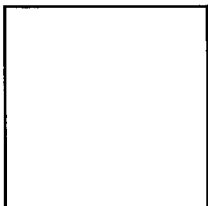
What the City/Railway's proposal fails to address is cleanup of the toxic contamination which are the legacy of George Pacific's lumber mill and the Railway's continuing operations.

Development means tens, maybe hundreds, of millions in taxpayer financed streets, sidewalks, parking, sewage, water, street lighting, policing, etc, etc, expenses the City taxpayers will have to assume. Yet, there is not even ballpark estimates of how much would be required and how it would be financed.

Meanwhile, if the City moves forward toward approving the Railways proposal it will also spend hundreds of thousands of dollars for legal and planning consultants with no assurance approvals from the Coastal Commission or the State Department of Toxic Substance Control can be obtained.

Bottom line - the City is not prepared or equipped to succeed carrying out a Master Development project of this magnitude and when it fails the City's residents will be left holding the financial liabilities and the headlands environment will be ruined.

The alternative is bunch less risky and will produce better outcomes. Go to trial and finish the lawsuit. When the court rules Mendocino Railway has no legal preemption from state and local regulation, the City can proceed to develop a development plan for the headlands on its terms applying the same methods and procedures as any other developer would need to comply with. What the City is doing is trying to invent a new solution to a problem that has already been solved. That is foolish and will end badly for the City.



Munoz, Cristal

From: shana JusticeWallace <shana.jwallace@gmail.com>
Sent: Thursday, June 26, 2025 12:15 PM
To: City Clerk
Subject: Millsite

Dear council members,

I support the city of Fort Bragg and train working together in the recently approved MOU. It is well past time for us all to work together for a viable future for our families and community.

Thank you for choosing to work together with the public input to make the millsite truly a part of our communities future. The division and arguments have went on for far too long wasting money that could be better spent benefiting our community.

LeShaundra Justice Wallace
Sent from my iPhone

Munoz, Cristal

From: Concepcion Sanchez <cmonkai@icloud.com>
Sent: Thursday, June 26, 2025 1:32 PM
To: City Clerk
Subject: Skunk train

Dear,

As a lifelong resident of Fort Bragg, I have witnessed firsthand the significant impact the Skunk Train has had on our community. The sound of its whistle evokes a sense of hometown pride and nostalgia. However, I have come to realize that not everyone may share the same sentiment, and it's essential to consider the diverse perspectives within our community.

Fort Bragg has always been a working-class town, and as a parent, I want to ensure that our community can support the next generation of young adults. With the changing landscape of our town, it's crucial that we prioritize economic growth and job opportunities for local residents who are rooted in our community.

The Skunk Train is an integral part of our town's identity, attracting tourists and generating revenue for local businesses. Its presence is not only a nostalgic reminder of the past but also a catalyst for growth and progress. I firmly believe that the Skunk Train's development on the old mill site presents a significant opportunity for our community.

The proposed development, which includes retail, housing, and railroad-focused initiatives, has the potential to revitalize our local economy and create new opportunities for working-class families. While there may be concerns about the impact on our community, I believe that the benefits of this development would far outweigh the drawbacks. The Skunk Train already brings an estimated \$12 million annually in spending, supporting local businesses and jobs.

I support the Skunk Train's efforts to revitalize our community and look forward to seeing the positive impact it will bring. By working together, we can create a thriving community that benefits everyone.

Sincerely,

Concepcion Sanchez
Sent from my iPhone

From: John Gallo <gallo.ja@gmail.com>
Sent: Thursday, June 26, 2025 1:43 PM
To: Godeke, Jason; Rafanan, Marcia; Peters, Lindy; Albin-Smith, Tess; Hockett, Scott; City Clerk; Godeke, Jason
Cc: Paoli, Diana
Subject: Re: Take 2: Letter and Slides for Fort Bragg Headlands Planning Meeting Tonight
Attachments: Mill Pond Cleanup, Third Pathway, 2025-02-28.pdf

(With the attachment that was on the first version)

Please use this slightly revised letter compared to the one from a few minutes ago:

Hello City Council and City Clerk,

In my comments tonight I intend to refer to the letter I sent you in February, attached again for your convenience and to make sure it is in the public record. And I will refer to the following four slides, that are complementary.

There are 100's of beaches on our coast, but only one that you can easily stroll to from downtown. Imagine a tourist being here for a sunny lunch, having a few drinks, then wantint to walk to the beach. Unfortunately, that beach has been reduced to a small sliver of its natural self due to a rockpile berm keeping the summer sand away. The current plan is actually or essentially for that sliver of a beach to die, and to be inaccessible to the public. It is essential that any vision of the future of our town includes having that beach accessible to the public, and unpolluted by rock barriers that make it miniscule.

It is up to you to make sure this happens.

The bureaucratic process is losing sight of this simple truth.

This goes against common sense and what is best for the community.

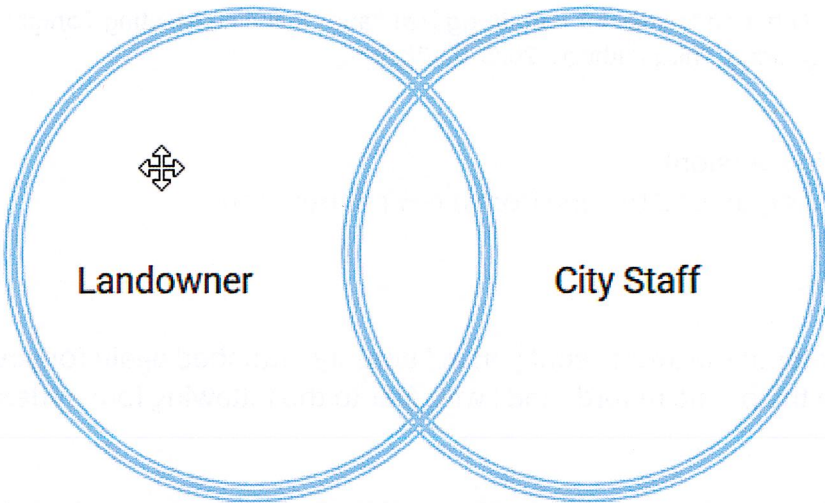
Fortunately, there is hope. The previous discussions only considered a single, highly infeasible option that would have allowed for the beach. There is now a much more viable and feasible Alternative for action, it just needs to be added to the list of options to consider regarding the Mill Pond Mitigation. Details attached.

My understanding is that it is currently not an alternative under consideration of the Mill Pond Draft Feasibility Study and Addendum, despite the request to the Landowner to add this new Alternative to the Plan.

Please do all you can to speed that public comment and review timeline along and make sure this alternative gets added to the study as part of the MOU agreement.

Thank you,

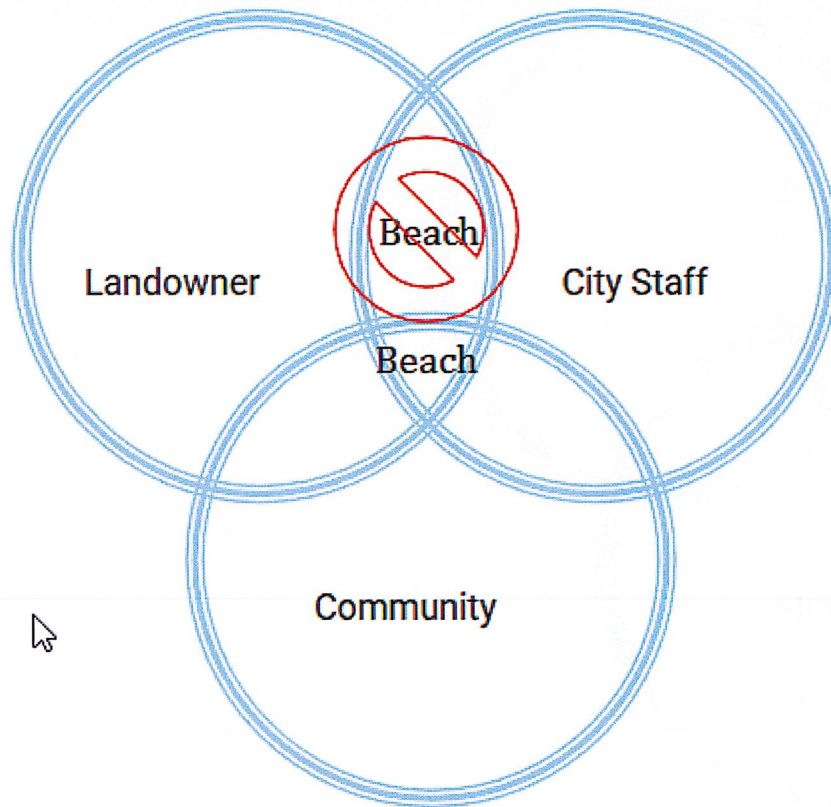
Slide 1:



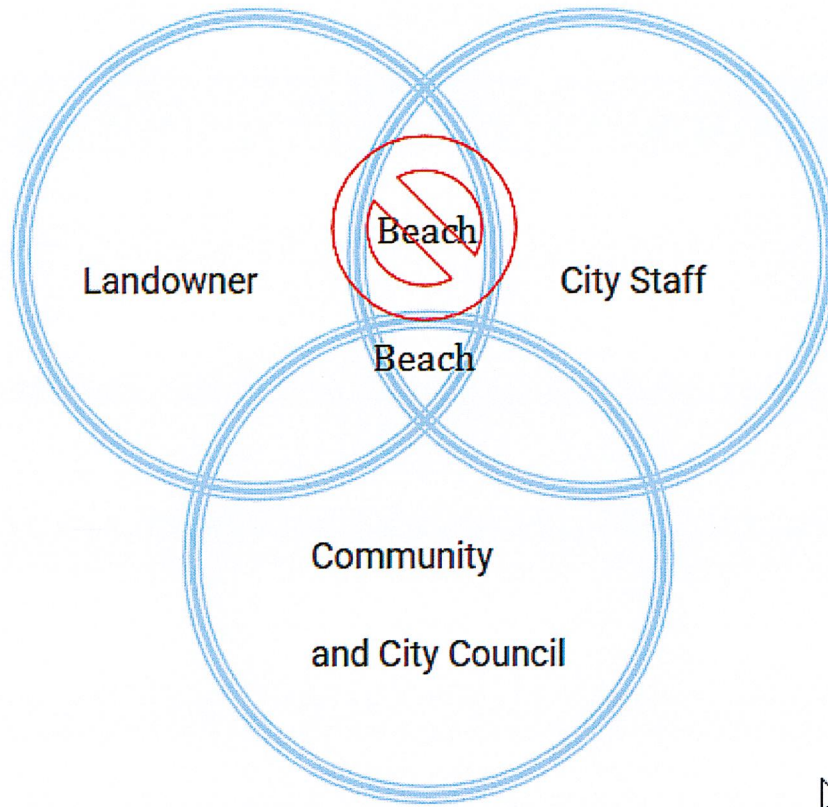
Slide 2:



Slide 3:



Slide 4:



--
John A. Gallo, Ph.D.
Life Scientist and Geographer



John A. Gallo, Ph.D.

136 SW Washington Ave., Suite 202
Corvallis, OR 973331
Remote Office: Fort Bragg, CA
john.gallo@consbio.org

February 28, 2025

To: To the individuals listed on the last page, from Sierra Railway Company, Mendocino Railway, Fort Bragg City Staff and Council, Sherwood Valley Band of Pomo Indians, Department of Toxic Substances and Control, California Coastal Commission Staff, Division of Safety of Dams, California Department of Fish and Wildlife, and Water Control Board

Subject: Adding a "Third Pathway" for Mill Pond clean-up on the Fort Bragg Headlands

This letter is towards the mission of a robust Fort Bragg economy via smart growth on the Headlands. Smart growth requires smart decisions. In practice it means maximizing the economic, aesthetic, recreational, and ecological opportunities of the Fort Bragg Headlands while yielding a sizable profit for the investors. It is the proverbial win-win scenario.

As of the latest public notification in August 2024 of the draft plan for studying the clean-up of the old Mill Pond (Pond 8),¹ there are essentially two proposed pathways.

One pathway is to truck the entire sediment load to Kettleman City in the Central Valley, then remove the dam, berm, and rock rip rap. The beach, lowland, and estuary could then return to its natural state, which would be great for the economy. But this is very costly, and an ethical grey-zone.

The other pathway has 7 alternatives within it, and is to leave the pond infrastructure in place, in one form or another. Leaving in place is costly, risky in the long run with sea level rise, storm waves, and earthquakes; and makes the public access options of the sliver of an ugly beach and rock rip-rap barrier quite underwhelming (See Figure 1). Some of the alternatives do not allow for any public

¹ The 2019 Draft Feasibility Study is here:

https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=23240008&doc_id=60416830, and the August 2024 Draft Addendum has a table with the latest proposed alternatives to study: https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/6596363663/24_corr-out_OUE%20FS%20Add_Draft%20Alt%20List_20240830.pdf

access due to safety concerns. This on its own seems untenable and a violation of the Coastal Act and the California Coastal Commission mandate, but that debate is beyond the scope of this letter.

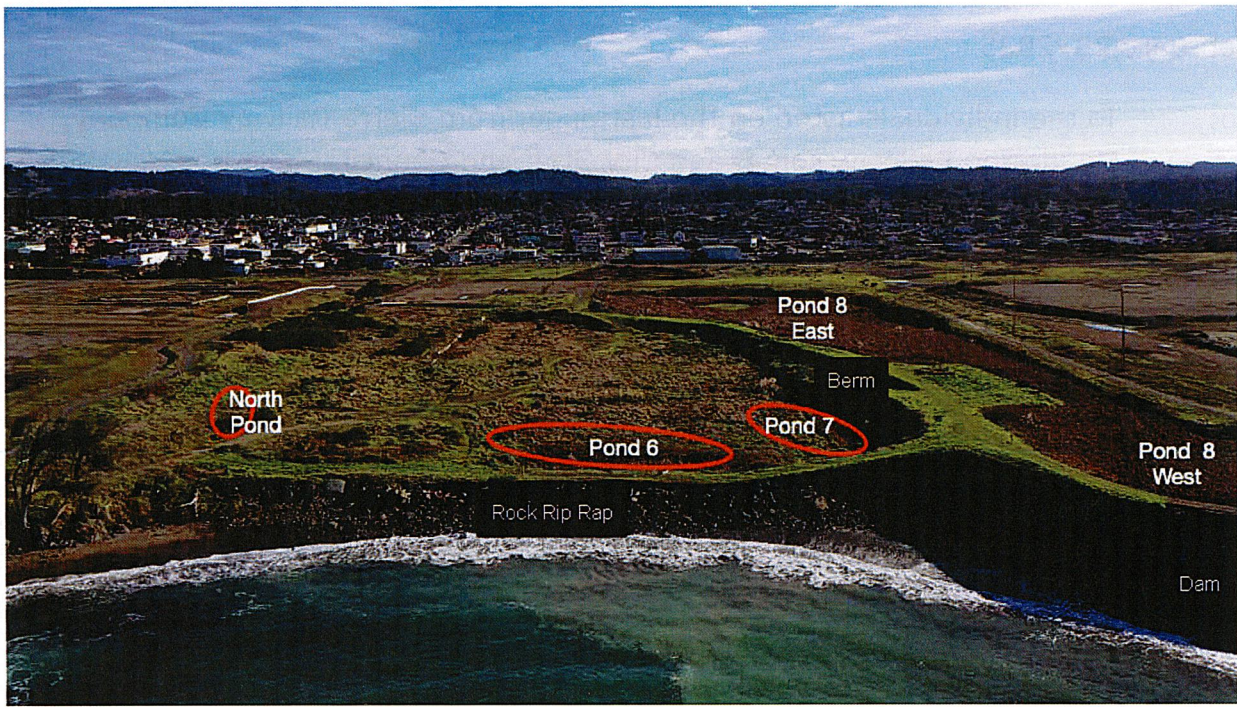


Figure 1. Picture of the area in question from above Soldier Bay. The old Mill Pond (Pond 8) is on the right, held in place by the dam and the earthen berm. Pond 7 is the most toxic but cannot be excavated without compromising the berm. The rock rip-rap armours Pond 7 and the berm from storm waves. The proposed alternative herein would remove all of this infrastructure and allow for a natural restoration of the beach and lowlands.

Leaving the infrastructure in place misses huge opportunities for increasing property values via improved recreational and public access, and, given new information, it appears to have a lower return on investment (ROI) than the third, not yet studied, pathway.

This Third Pathway is a hybrid between the two existing pathways. **It is to move the entire Mill Pond, and the infrastructure, and the lowland ponds, but only truck a very small percentage of the contents to Kettleman City (e.g. less than 10%, and ideally ~1%), not all the contents.** Details of how this could be possible are below.



Removal of the dam, berm, and rock rip-rap constraining the beach would in turn allow for the removal of the sediments from the most hazardous remaining pond, Pond 7, that is below the berm and hence cannot be fully removed currently.

All this would allow for a clean slate, allowing for a much larger beach, a natural estuary, and a great place for people to go!

This place being so close to Downtown and the proposed development of the rest of the Headlands will dramatically increase the property values and draw of the whole city, and especially the Headlands developments. It will make the Headlands truly world class and have a cascade of beneficial impacts. And of course it is better for us all and the ecosystem in the long run. Further, there are many federal and state funding streams that could fund this pathway.

Yes, there are unknowns that need to be resolved, but that is the point of a feasibility study; to examine the unknowns and to get some dollar figures to the required actions. Hence, please add this pathway to the list of alternatives in the Draft Feasibility Study Addendum now before the April 3 deadline for the revised addendum. This would be via one, two, or three alternatives detailed below.

Introduction

For those of you that do not know me, and hence the context of this letter, here is an introduction. I grew up here on the Coast, left for college, started my career, went to graduate school, then to a post-doc on the other side of the world. In 2013 I got a career job where I could work remotely. At this point, with options galore, my wife and I chose to move here to the Mendocino Coast to raise our family. Hence, I love this place and am vested in its long term sustainability. As such, I co-founded and am Chair of the Fort Bragg Headlands Consortium (FBHC), a science-based group of organizations and individuals leveraging its technical expertise to promote informed and engaged communication within the community about the redevelopment of the Fort Bragg Headlands. Among other contributions, we have made this [map gallery](https://databasin.org/galleries/e3cfe7329ba04dbfb7434618daa919ab)², including the map of OU-E with elevation levels and sea level rise indications. I am also Senior Conservation Scientist at Conservation Biology Institute, the organization that created the mapping platform for the above gallery. In a nutshell, we provide data-driven land-use solutions for meeting the needs of society and the environment at the same time. My CV is

² <https://databasin.org/galleries/e3cfe7329ba04dbfb7434618daa919ab>



linked from my [staff page](#)³. In short, I strive to be a jack of all trades, master of some, and so I can help with the initial vision and research of this pathway, below.

How would the Sediments be treated?

The soils and sediments could be treated via a workflow that could be determined during the revised feasibility study. Step 1 would be the initial, onsite treatment of the materials utilizing new technologies and discoveries that are in process compared to those around in the 2000s when this was last discussed. Ideally the cost, feasibility, and efficacy of each is determined. It may be that a combination or sequence of treatments is recommended and/or treating sediment and soil differently.

These potential treatments include:

- a. new technology like
 - i. ecospears (ecospears.com),
 - ii. HALT (aquagga.com/ourtech),
 - iii. Plasma (onvector.us/technology),
 - iv. and others,
- b. [bacterial remediation](#)⁴, and
- c. [fungal remediation](#)⁵

See the webpages, footnotes and the Addendum ("Can fungal and bacterial approaches address dioxins and furans?") for more on this.

Step 2 would be the distribution of the treated materials to a variety of locations, depending on how many types of materials the load could be separated into. If three groupings, then the most hazardous remains could be shipped to Kettleman City, the less hazardous remains could be put in a Consolidation Fill on site, and the safe materials could be deposited in an alternate location nearby that is permitted such as an existing or new landfill in Mendocino County. Further, the cleanest group of the soils/sediment, if it meets adequate standards and gets the required permits,

³ <https://consbio.org/people/john-gallo/>

⁴ A starting point: Use of immobilized bacteria for environmental bioremediation: A review.
<https://www.sciencedirect.com/science/article/abs/pii/S2213343721008976>

⁵ A starting point: Fungal bioremediation: An overview of the mechanisms, applications and future perspectives
<https://www.sciencedirect.com/science/article/pii/S2590182624000237>



could be deposited in the ocean.⁶ The number of groups and the percentages of each waste type could be estimated during the Feasibility Study.

It is worth noting that the current sediments and soil load, untreated, are not hazardous waste. Hence the draft feasibility study says the load would need to go to a “non-hazardous waste disposal facility” if disposed of. It is estimated that the nearest facility that is guaranteed to accept this sediment is 400 miles away, which is the distance to the Kettleman City, which has a hazardous waste facility.

It is either unknown or unstated if one or more northern California, possibly Mendocino County landfills would accept this “non-hazardous” soil, especially in knowing how good it would be for the county economy. *This should be addressed in the feasibility study of this option, namely, knowing the characteristics of the soil/sediment that would be accepted by the various local, northwestern CA landfills*, and estimating what percentage of the soil/sediment load would meet that/those standards. It may be that only a small percentage of the load would be required to go to Kettleman city unless treated. If this is the case, the costs and the greenhouse gas emission estimates of the “truck to kettleman city” alternative could be updated accordingly.

Some of you may remember that we tried a Consolidation Fill for the ash from OU-A. But that failed. It did not fail in principle, but in engineering. It was engineered incorrectly and started gathering water so needed to be trucked away. This incarnation of the onsite Consolidation Fill can be engineered properly to allow adequate drainage. It could be on one of the higher locations on the property, well away from the threats of sea level rise.

Some of you may also remember that GP studied the possibility of fungal remediation sometime around 2010. The fungi studied were not able to solve the problems of dioxin and furans, but that does not mean this whole line of thinking should be off the table. Maybe the right fungus or approach was not studied. Maybe there is much better science on this in the last 15 years. Maybe the fungi can treat the other contaminants like the PCBs. See the above linked studies which are more current and comprehensive, and see the appendices. Regarding the new technologies, it could be that some have the option of consolidating the toxins, such as the indication that the plasma approach can treat the soil but results in dioxin

⁶ Waste introduced to the ocean is allowed to be settleable material as long as it meets standards, such as being tested and not being over any of the thresholds for degrading benthic communities or other aquatic life. My initial inquiries with the Water Board indicate you would want to talk with Mona Dougherty who is in charge of the NPDES permitting unit, Craig Hunt who is the case manager for the RWB for the cleanup site and to Gil Falcone CWA section 401 permitting lead. Email addresses available upon request. Details are in the CALIFORNIA OCEAN PLAN Revised 2019. https://www.waterboards.ca.gov/water_issues/programs/ocean/docs/oceanplan2019.pdf



and furan byproducts. If these could be contained and separated safely then that could be a promising workflow.

What about Stormwater Polishing?

Removing the Old Mill Pond means that we will need to adjust to the new stormwater polishing requirements the same way that all the other coastal California cities that do not have a Mill Pond adjust. many are constructing ponds and/or bioswales for stormwater polishing. In this proposed pathway, we'll likely need to make at least one pond and/or a bioswale in the eastern portion of OU-E. Again, federal and state grants are available for this, and the long term benefits of this proposed pathway greatly outweigh this additional task.

How does this affect the vision for Creek Daylighting?

Creek Daylighting can occur for all three pathways discussed above. In the case of this proposed Third Pathway, there should be two alternatives studied (one with creek daylighting and one without), and ideally three alternatives. The best but most expensive version would be a pond and/or bioswale at the headwaters of Alder Creek on the site, near Alder Street, and a pond and/or bioswale at the headwaters of Maple Creek on the site, near Maple Street. This would yield the most length of cleaned up daylighted creek. The intermediate version could have one pond/bioswale that is lower in elevation and treats both creeks at once. In either case, the daylighted creek(s) downstream of the stormwater polishing station(s), would be much much longer and more aesthetically pleasing than the one very small creek downstream of the eastern edge of the pond in one of the alternatives in the "keep in place" pathway.

Summary of Benefits of the Proposed Pathway:

1. The proposed pathway will allow for removal of the dam/spillway, the earthen berm/dam that also holds the pond, and the beach rock berm that protects the lowlands below the pond.
2. This will allow for the removal of Pond 7, the most hazardous of all ponds, and one that could not be fully mitigated because it is under the earthen berm/dam.
3. This will allow for the public access to the lowland open space which will re-emerge
 - a. the ocean and tides will reclaim and shape the area.
 - i. it may or may not be a beach versus an estuary/beach hybrid.



4. This will be a much larger and easier to manage area of open space compared to the alternatives that include retaining some or all of the Mill Pond 8 (e.g., won't require continued monitoring and armoring in perpetuity).
5. This will be great for the local economy, ecology, quality of life, etc., and better in all these aspects than if even half the pond is still present and the lowlands need to be heavily managed and/or fortified.
6. For the funding sources that all alternatives are eligible for, this alternative is most ecologically and community beneficial and will be much more competitive and likely to get awarded than the other alternatives which involve continuation of a problematic structure. There are a variety of funding sources only available to this alternative.
 - a. These grants, which are for both feasibility studies and on-the-ground implementation, can dramatically offset the costs, making this alternative as expensive or less expensive for the city and Mendocino Railway than the alternatives, especially when looking at the long term.

In conclusion, all of this links back to the original premise of maximizing the economic, aesthetic, recreational, and ecological opportunities of the Headlands while yielding a sizable profit for the investors. This is the only alternative that does this.

I'd like to stress that I feel like this alternative appears to be the only one that would be a win for the landowner as well as a win for the government agencies, a win for the local economy, a win for public quality of life, and a win for the ecosystem.

Thank you.

Sincerely,

John A. Gallo

ADDENDUM:

Can fungal and bacterial approaches address dioxins and furans?

My understanding is that the core challenge of this proposal is going to be to remove the dioxins and the furans. As a second round of exploration beyond the above letter, I had a conversation with Chat GPT to produce the below. As such, the statements are mostly accurate but not necessarily 100% so would need to be verified by the consultant. This is just a start.



PART I: “Hey Chat GPT: Are there proven fungal or bacterial approaches to removing dioxins or furans from the soil?”

Yes, there are several **fungal and bacterial bioremediation approaches** that have shown promise in breaking down dioxins and furans in soil. These compounds are highly persistent, but some microorganisms have demonstrated the ability to degrade them or enhance their breakdown under the right conditions.

Fungal Approaches

1. **White-Rot Fungi (e.g., *Phanerochaete chrysosporium*, *Trametes versicolor*)**
 - These fungi produce extracellular enzymes like **lignin peroxidase, manganese peroxidase, and laccase**, which can oxidize and break down dioxins and furans.
 - White-rot fungi have been shown to degrade polychlorinated dioxins (PCDDs) and furans (PCDFs) by **oxidation and cometabolism** with lignin.
2. **Ascomycetes Fungi (e.g., *Aspergillus niger*, *Penicillium sp.*)**
 - Some filamentous fungi can help in breaking down chlorinated hydrocarbons through enzyme-mediated pathways.

Bacterial Approaches

1. **Dehalorespiring Bacteria (e.g., *Dehalococcoides spp.*, *Desulfitobacterium spp.*)**
 - These bacteria use **reductive dechlorination** to remove chlorine atoms from dioxin and furan molecules, making them more susceptible to further degradation.
 - This process works well under **anaerobic** conditions.
2. **Aerobic Bacteria (e.g., *Pseudomonas spp.*, *Sphingomonas spp.*, *Rhodococcus spp.*)**
 - These bacteria can **oxidize** lower-chlorinated dioxins and furans, breaking them down into less toxic byproducts.
 - Some strains have been found to use dioxins as a carbon source under controlled conditions.
3. **Co-Metabolic Degradation (e.g., *Burkholderia*, *Mycobacterium*)**
 - Certain bacteria do not directly use dioxins for growth but can degrade them in the presence of other organic compounds (e.g., phenolics or biphenyls).

Enhanced Bioremediation Strategies

- **Bioaugmentation:** Introducing specific bacterial or fungal strains into contaminated soil to speed up degradation.
- **Biostimulation:** Adding nutrients, electron donors, or oxygen to enhance native microbial activity.
- **Phytoremediation:** Using plant-microbe interactions (e.g., willow trees with rhizosphere bacteria) to degrade dioxins.



- **Composting with Fungi:** Some studies suggest composting with **ligninolytic fungi** enhances dioxin breakdown.

Challenges & Considerations

- Dioxins and furans are **highly hydrophobic** and tend to bind tightly to organic matter, making bioavailability a limiting factor.
- Degradation rates are often **slow** and require optimized environmental conditions.
- Combining **fungal and bacterial approaches** in a **sequential anaerobic-aerobic system** has shown promise in maximizing degradation efficiency.

PART II: Chat GPT: Would you like specific studies or case examples related to these approaches?"

Me: "Yes"

Certainly, here are some notable case studies and research findings demonstrating the application of fungal and bacterial bioremediation techniques for removing dioxins and furans from contaminated soils:

1. Phytoremediation and Fungal Degradation in Vietnam

In Vietnam, soils contaminated with dioxins due to historical military activities have been a significant concern. A study explored the use of **aided phytoremediation**, combining plants with fungal inoculants, to remediate these soils. The research found that this approach effectively reduced dioxin concentrations, leveraging the synergistic actions of plant roots and fungi to degrade the contaminants. This method was highlighted as an eco-friendly and feasible solution for dioxin-contaminated sites. <https://pmc.ncbi.nlm.nih.gov/articles/PMC6920798/>

2. Aerobic Bacterial Degradation in Contaminated Soils

Research has identified specific aerobic bacteria capable of degrading dioxins in contaminated soils. These bacteria utilize oxygen-dependent pathways to break down dioxin molecules, leading to less toxic byproducts. Studies have demonstrated that certain strains can effectively transform and reduce dioxin concentrations under controlled conditions, offering potential for in-situ bioremediation strategies.

<https://bioresourcesbioprocessing.springeropen.com/articles/10.1186/s40643-020-0294-0?>

3. Application of Dehalococcoides in Reductive Dechlorination

The bacterium **Dehalococcoides** has been extensively studied for its unique ability to reductively dechlorinate highly chlorinated dioxins and furans under anaerobic conditions. Field applications have shown that introducing Dehalococcoides-containing cultures into contaminated sites can significantly accelerate the breakdown of these persistent pollutants,



transforming them into less harmful compounds. This approach has been successfully implemented in various remediation projects, highlighting its practical applicability.

<https://en.wikipedia.org/wiki/Dehalococcoides?>

4. Comprehensive Bioremediation Studies by the U.S. Department of Energy

The U.S. Department of Energy conducted extensive studies on bioremediation techniques to address soil contamination, including dioxins and furans, at the Santa Susana Field Laboratory in California. These studies evaluated various biological treatments, such as fungal and bacterial applications, to reduce contaminant levels. The findings indicated that certain bioremediation methods could effectively decrease the concentration of dioxins and furans in soils, offering a potential alternative to traditional excavation and disposal methods. citeturn0search1

These case studies underscore the potential of fungal and bacterial approaches in the bioremediation of dioxin and furan-contaminated soils. While results are promising, the effectiveness of these methods can vary based on site-specific conditions, and further research is ongoing to optimize and validate these bioremediation strategies.

https://www.energy.gov/sites/default/files/2023-09/Bioremediation%20Study%20Final%20Report%20May%2C%202015.pdf?utm_source=chatgpt.com

~ ~ ~

Sent to:

Christopher Hart
Vice President Business Development
Sierra Railroad Company

Robert Pinoli
President
Mendocino Railway

Isaac Whippy
City Manager
City of Fort Bragg

Jason Godeke
Mayor and Mill Site Ad Hoc Committee Member
City of Fort Bragg

Lindy Peters
Councilmember and Mill Site Ad Hoc Committee Member
City of Fort Bragg



Fort Bragg City Council, and Public Record, % Diana Paoli
City Clerk
City of Fort Bragg

Valerie Stanley
Tribal Historic Preservation Office
Sherwood Valley Band of Pomo Indians

Morgan Bigelow
Project Manager
Department of Toxic Substances Control

Asha Setty
Public Participation Specialist
Department of Toxic Substances Control

Melissa Kraemer
North Coast District Manager
California Coastal Commission

Daniel Harrington
California Department of Fish and Wildlife
Department of Fish and Wildlife
Northern Region

Nicole Castillo, PE
Water Resources Engineer
Division of Safety of Dams

Sharon K. Tapia, P.E.
Division Manager
Division of Safety of Dams
% Nicole Castillo, PE

Gil Falcone
Supervisor Southern 401 Certification Unit
Water Control Board

6/26/25

To The Fort Bragg City Council, and to the community,

I've lived here for 40 years and watched as the smoke-spewing chimneys left town when the mill closed up shop, and suddenly, we had blue skies!

No more plume drifting up Oak Street!

We also had a toxic brownfield left behind. The absence of the corporate owner meant the community could begin to restore and heal this treasured land. It is unthinkable that the people might lose control of the headlands again.

It was taken from the indigenous inhabitants who cared for it for many years, and now with community planning and cooperation we can bring it back into harmony with its beautiful environs.

It has been proven in court that Mendocino Railroad is not a public utility. They have been evading environmental oversight blatantly in their railyard operations for years, claiming exemption from rules that protect soil, water, and air quality.

We might choose to use this land for model environmental and residential projects that can make the best use of its' unique potential. Wetlands, Environmental education opportunities, new technologies, scientific study, wildlife habitat. But first it must be restored. A promise of ongoing planning with the community is an empty promise that has no enforcement or guarantees.

Planning for the development of the Fort Bragg Headlands MUST must include community input, review of proposals, and stakeholder participation whose voice is heard and considered.

Please, do not surrender this land under duress.

Thank you ,

Merry Winslow

3. MEMORANDUM OF UNDERSTANDING TOPICS & COMMUNITY INPUT

OVERVIEW

- MOU is a non-binding agreement between two or more parties that establishes policy objectives, business terms, roles and responsibilities, and procedures for a subsequent agreement or program.
- The Mill Site MOU contains the key factors involved in the preparation, review, and adoption of the planning & permitting needed to proceed with redevelopment of the Mill Site
- The MOU approach assures, prior to initiating the costly and time-consuming formal planning process, that the proposed plan (*Illustrative Plan*) can be meet City policy objectives, address constraints, and attract the necessary private investment.
- On June 9th the City Council by Resolution initiated moving forward with the MOU.
- It is intended that the MOU process will also provide the basis of a settlement of the pending lawsuit

MOU TOPIC #1: KEY COMPONENTS OF LAND USE PLANNING CONTEXT

Land Use Sub-Topics: (tonight's topics)

1. Establishing an Optimal Approach to the Entitlement Documents (Local Coastal Plan Amendment, EIR, Financing Plan, and Development Agreement)
2. Illustrative Plan Update
3. Conformance with Coastal Act Priorities and City's Local Coastal Plan
4. Rail-Related Land Use Regulations

MOU TOPIC #2: KEY FACTORS INFLUENCING LAND USE & DEVELOPMENT

Exploration of the key factors influencing Mill Site land use

1. Precedent Images and Concept Studies to Define Planning and Design Opportunities and Intent
2. Further Resolving Site-Specific Development Constraints
3. Continued Cooperation with Other Regulating Agencies (e.g., DTSC, tribal interests, and RWQCB)
4. Linking the Pace and Scale of 'Development Readiness' to Realistic Market Demand-Driven Development Opportunities
5. Creating Public Benefits and Market Value by Responding to Market Opportunities

MOU TOPIC #3 DOCUMENTING MILL SITE INFRASTRUCTURE REQUIREMENTS AND FINANCING STRATEGY

1. A Preliminary Site Improvement Program
2. A listing and evaluation of potential funding sources and related financing strategies
3. Framework for an Agreement Regarding Private and Public Funding Mechanisms
4. A Financial Feasibility Study

MOU TOPIC #4: IDENTIFYING SPECIAL REAL ESTATE LAND TRANSACTIONS

1. These land transactions (sales, purchases, exchanges) are above and beyond the normal subdivision-related dedications of rights-of-way
2. These transactions would be completed to:
 - Adjust parcel boundaries to land use designations
 - Provide for additional open space and parkland
 - Implement the best solution for meeting hazardous materials remediation
 - Provide for mitigation of for various constraints
 - Establish ownership of lands for Pomo Culture legacy

MOU TOPIC #5: ARTICULATING THE FUNCTIONS AND TERMS OF THE MASTER DEVELOPMENT AGREEMENT

- The Master Development Agreement is the overarching agreement between the City and the developer(s) that secures public benefits through ‘vesting’ of development rights (consistent with the Plan) and offering public financing mechanisms
- The Development Agreement underpins but does not overrule adopted plans, policies, and regulations
- The Development Agreement will establish financial obligations of the developer and create remedies for failure to meet terms of the Agreement.
- The Development Agreement is a durable document that ‘runs with the land’ (is a feature of title) adopted following completion of the Plan (LCP) and environmental review

MOU PROCESS & SCHEDULE

MOU Process was approved and budgeted by City Council on June 9th.

Each 'Topic' will be addressed in order involving:

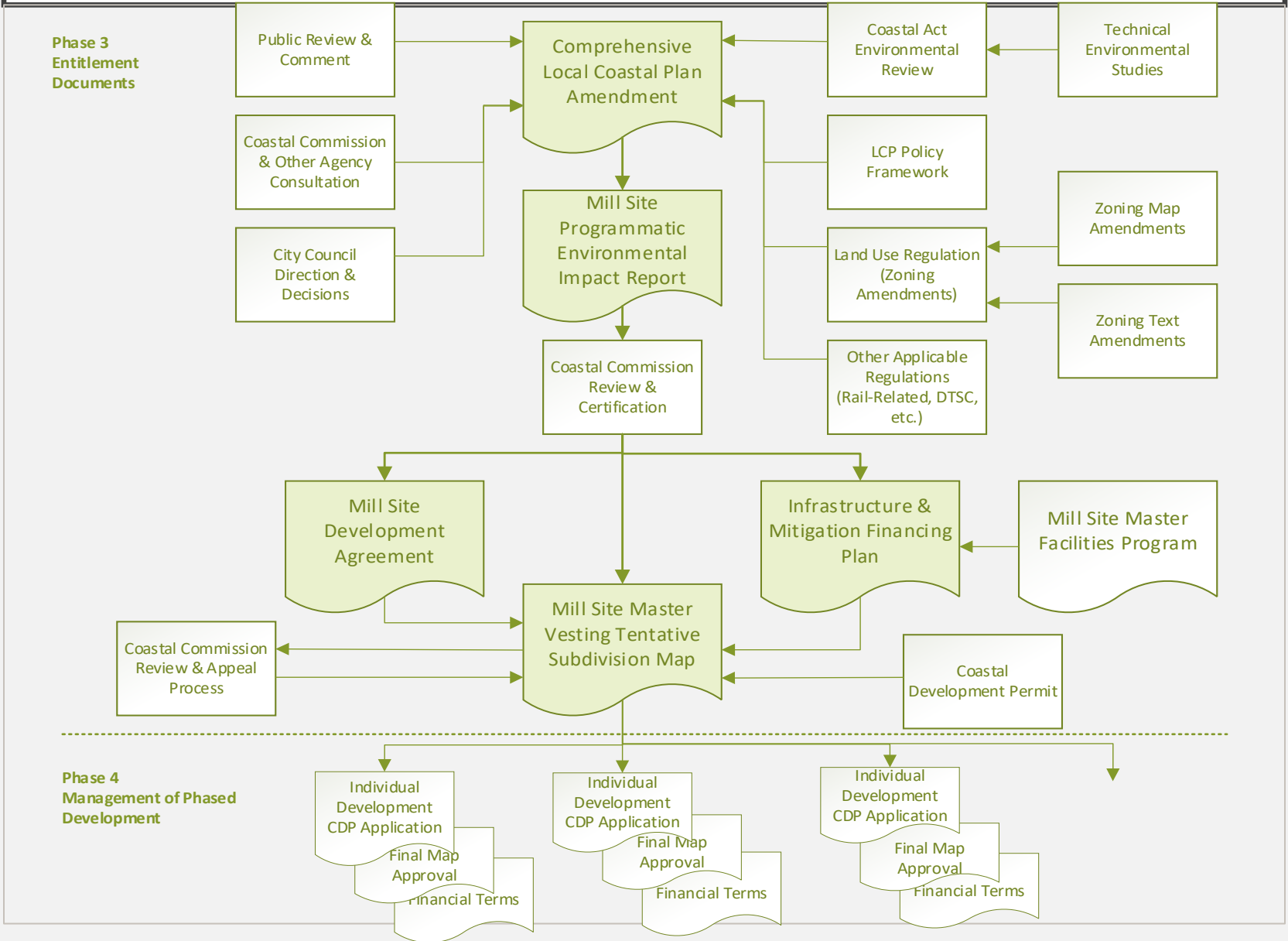
- Technical efforts by Planning Team
- Negotiation with Mendocino Railways
- Consultations with affected agencies and organizations
- Subsequent review by City Council and public

Following completion of the Topics a complete MOU will be assembled, reviewed, and considered for adoption by the City Council; acceptance will trigger formal application for LCP Amendment, environmental review, and other components.

The MOU Process will take several months to complete, at the least. A detailed schedule will be prepared in the coming month

4. ENTITLEMENT STRATEGY & COASTAL POLICY ALIGNMENT

4. ENTITLEMENT STRATEGY & TIMEFRAME



Rough Timeframe

2025-2026

2026-2027

2027-2028

2026-2027

2028

2028-2058

Coastal Policy Alignment

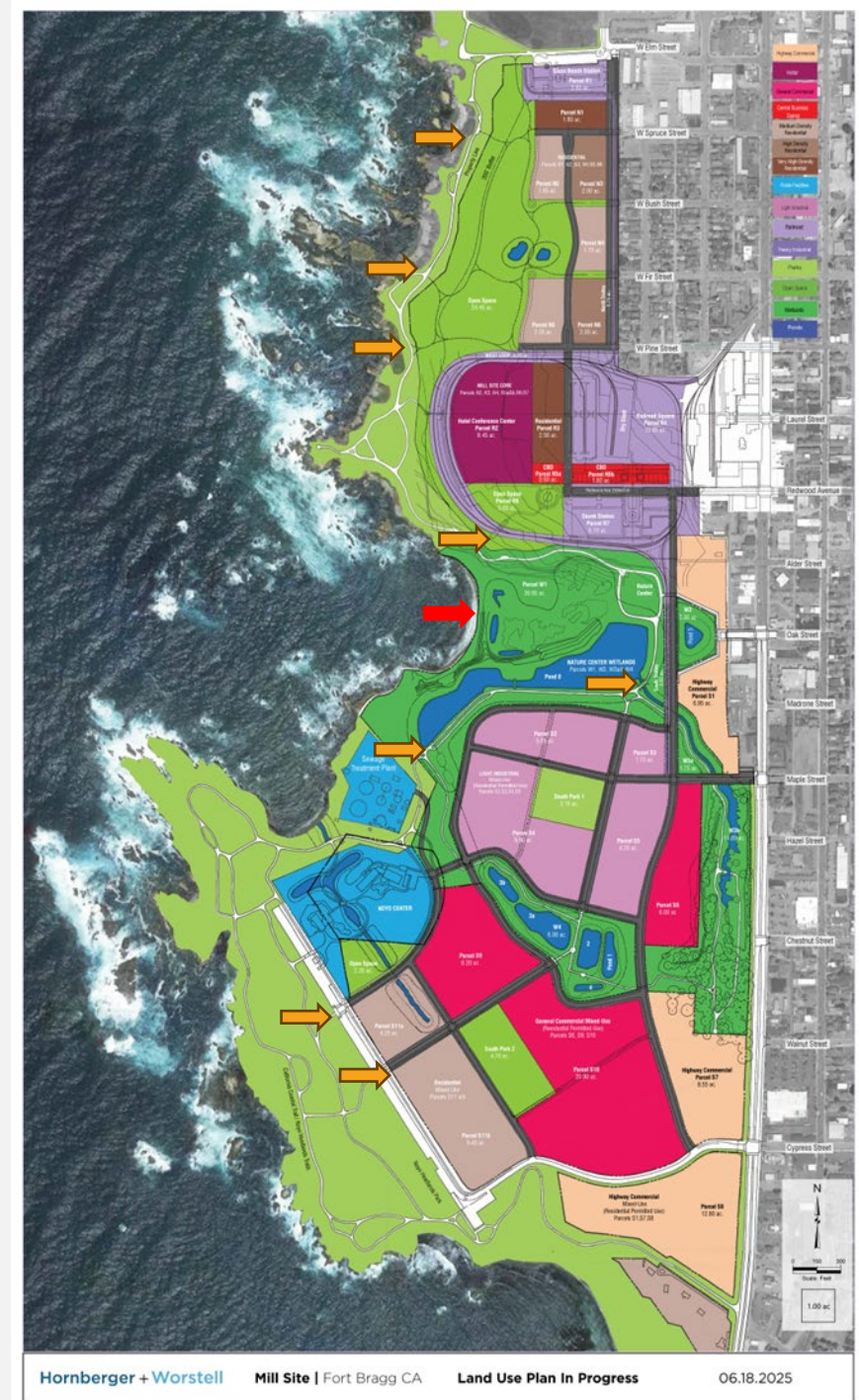
Coastal Act Priorities

- Coastal Access
- Open Space and Recreation
- Coastal Dependent Uses
- Resource Protection
- Protection of views

COASTAL ACCESS.

Multiple connections to Noyo Headlands Park.

- 3 connections north of Pine Street
- One connection between Pine Street and Oak Street
- 4 connections south of the Mill Pond.
- Process for financing and developing the coastal access routes will be defined in both the LCP amendment and the Development Agreement.
- The Mill Pond area has no connection to the coast/beach. Coastal access to the beach could be required as part of the Mill Pond Remediation project.



OPEN SPACE & PARKS.

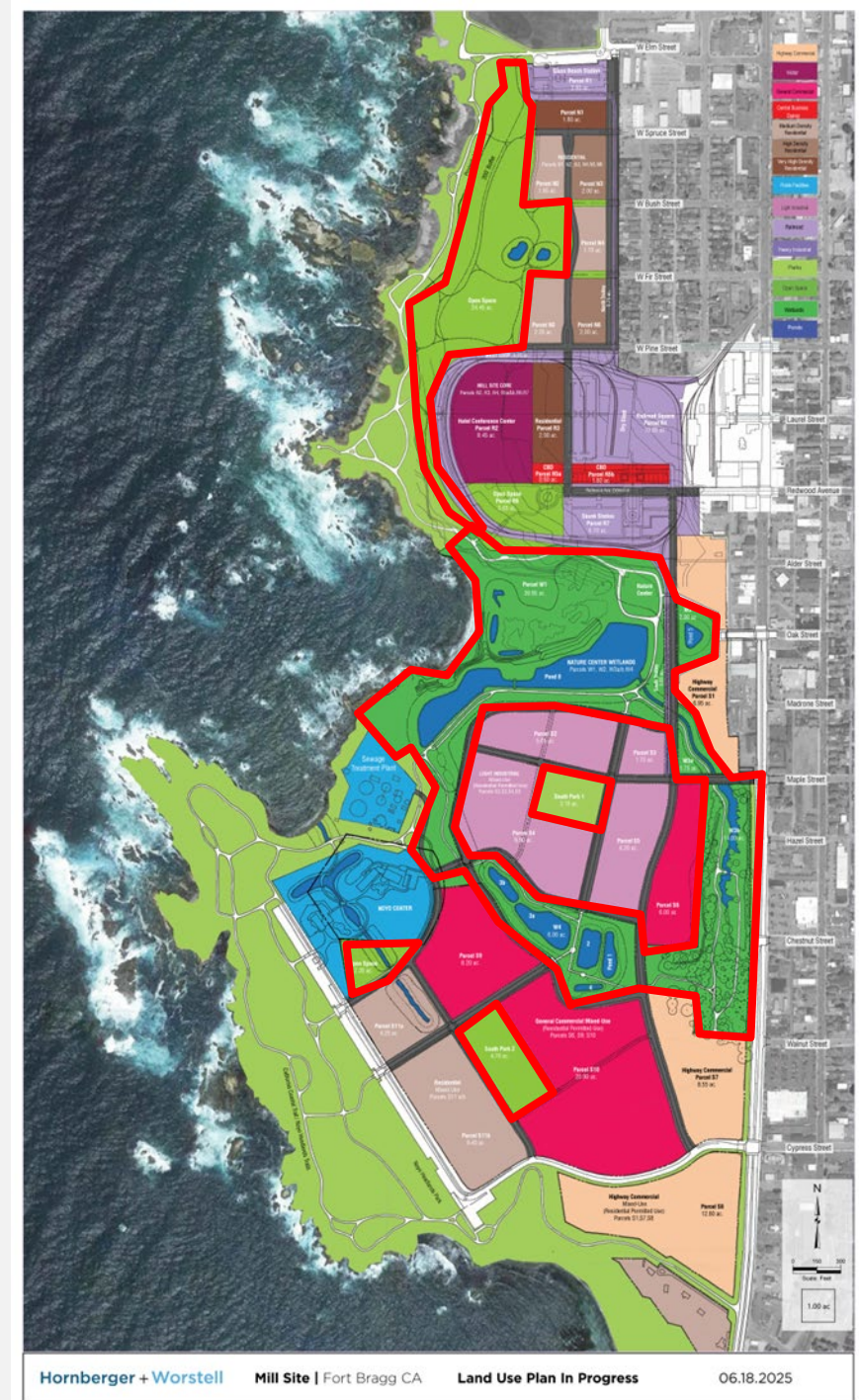
106 acres (35% of mr's property) as open space & parks.

Consistent with previous Land Use Plans prepared through previous community planning processes:

- 26 acres of open space north of Redwood Avenue east of the Coastal Trail.
- Mill Pond area, Ponds 1-4 and the forested areas are open space (72 acres or 24% of MR's property).
- Daylighting of the creek between Maple Street and Pond 8.

New Open Space

Three new public parks (8.6 acres) on the southern portion of the site.



COASTAL DEPENDENT USES

Visitor serving, coastal related industries, coastal recreation

Consistent with previous Land Use Plans prepared through previous community planning processes:

- 43 acres (14.6% of MR's property) designated for Highway Commercial and a hotel conference center, which are coastal dependent uses.
- Noyo Center property (11 acres) is a coastal dependent use, however that site is not part of this LCP amendment as it has already been rezoned.



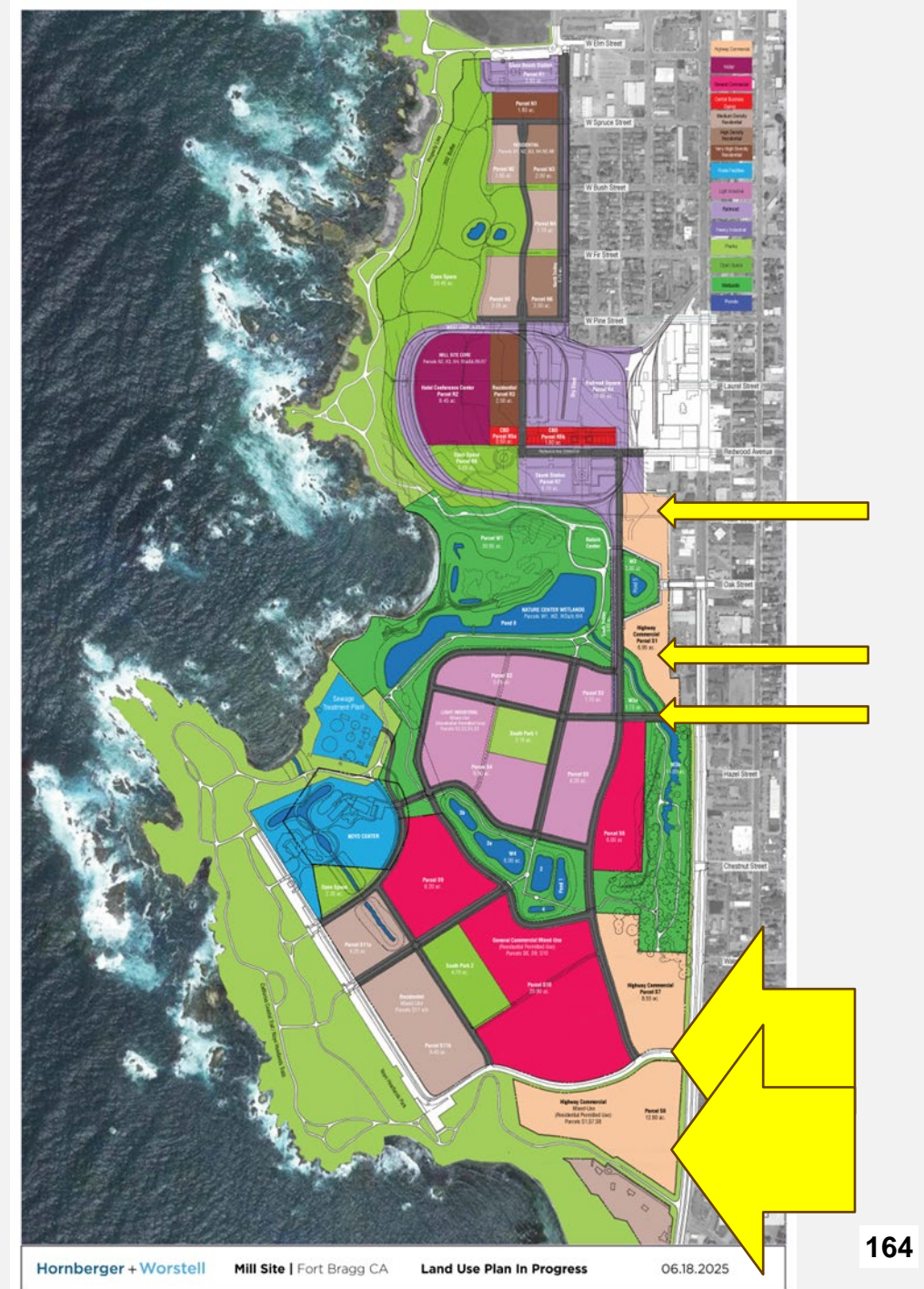
PROTECTION OF WETLANDS & RARE PLANTS.

- Land Use Plan designates known wetlands in the central open space configuration which is 72 acres or 24% of MR's site.
- Site not surveyed for Coastal Act wetlands.
- Based on aerial imagery parcels S9, S10, S6, and S1 might have Coastal Act wetland over a portion of each parcel. ★
- No rare plant survey to date.



PROTECTION OF PUBLIC VIEWS to and along the ocean.

- The Coastal Act protects public views from street corridors and public parks.
- The site will be analyzed for impacts to ocean views as part of the LCP amendment process.
- Potential views could be blocked with future development from Alder, Madrone, and Maple Streets and between Walnut and South Street.
- The LCP amendment will establish view corridors from public vantage points.

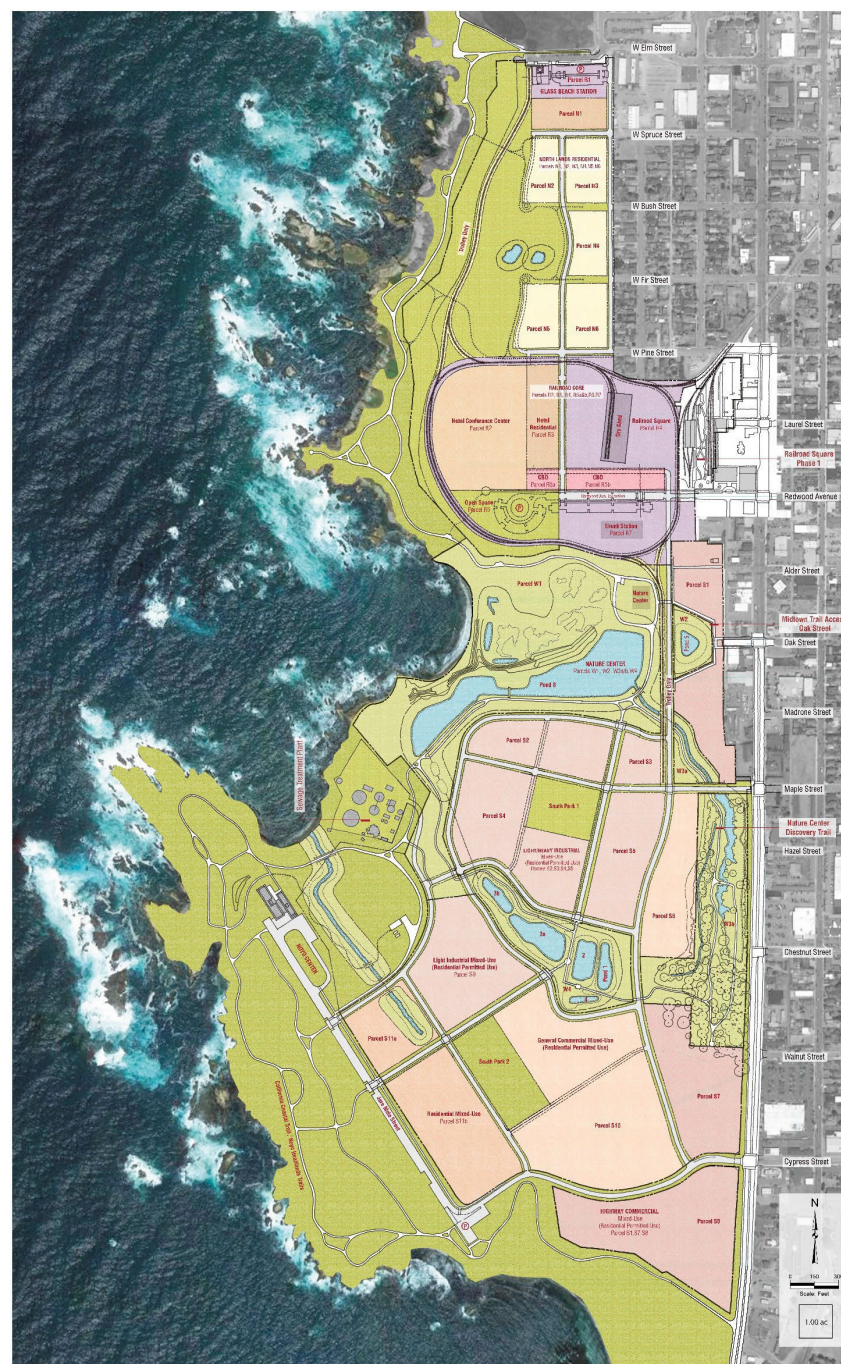


OTHER ITEMS

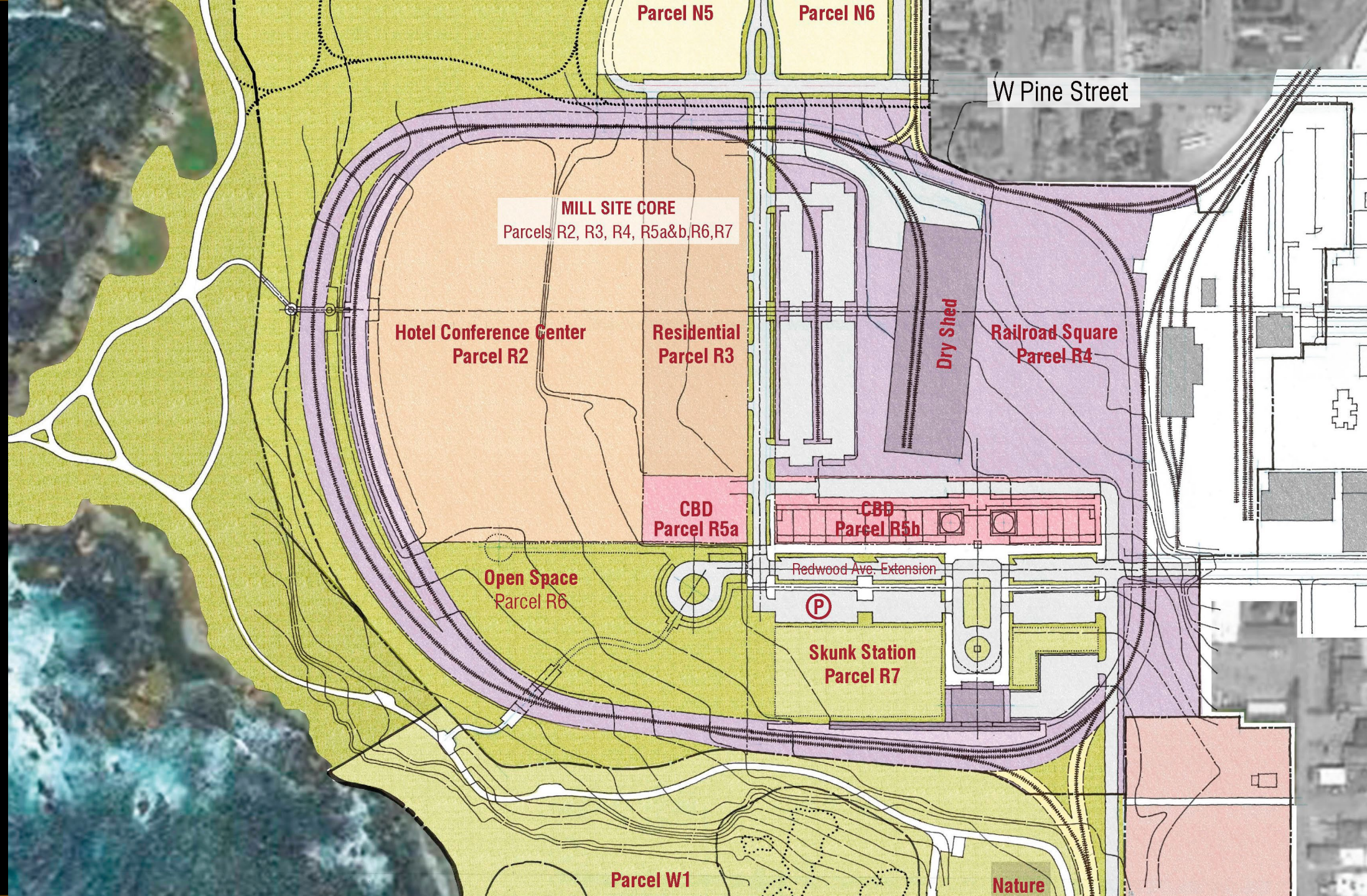
- Protection of Cultural Resources.
- Protection of Water Quality.
- Retention of Infrastructure Capacity (water, sewer, road capacity) for Priority Coastal Uses.
- Continue grid on to the Mill Site.
- Plan does not preclude creek daylighting.



5. ILLUSTRATIVE PLAN UPDATE







Parcel N5

Parcel N6

W Pine Street

MILL SITE CORE
Parcels R2, R3, R4, R5a&b, R6, R7

Hotel Conference Center
Parcel R2

Residential
Parcel R3

Dry Shed

Railroad Square
Parcel R4

CBD
Parcel R5a

CBD
Parcel R5b

Open Space
Parcel R6

Redwood Ave. Extension

(P)

Skunk Station
Parcel R7

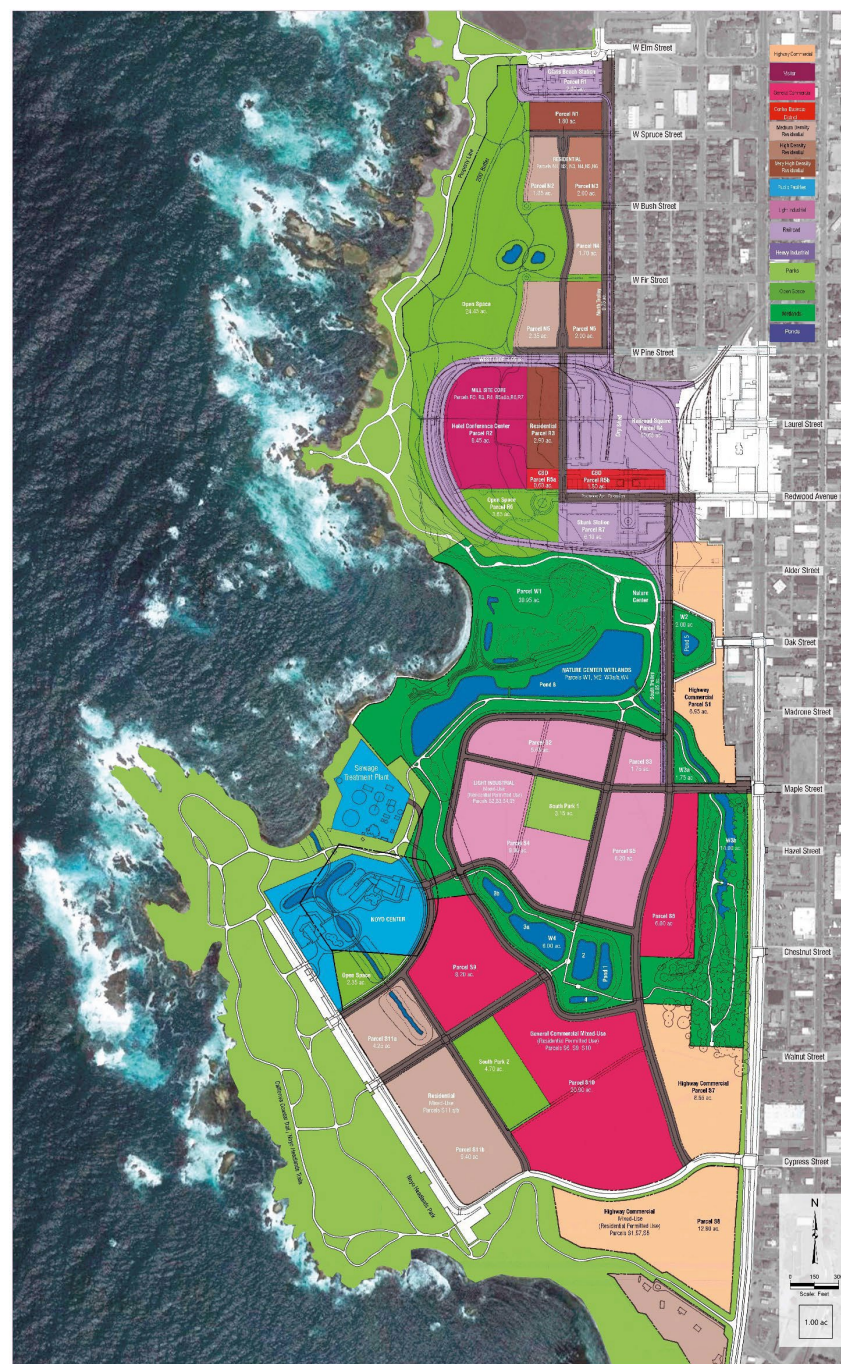
Parcel W1

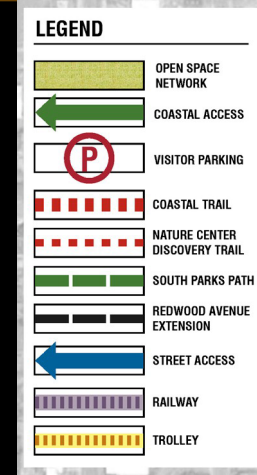
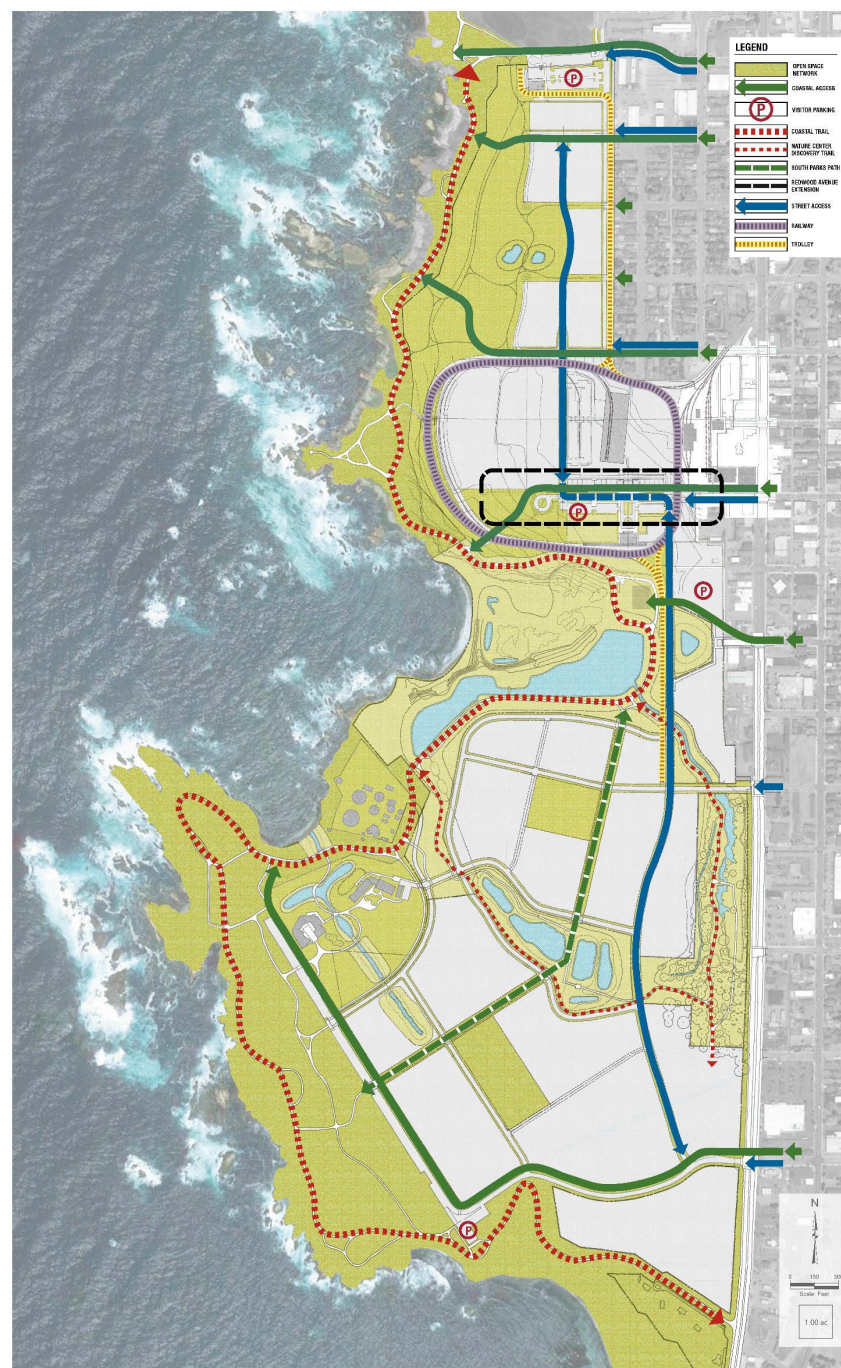
Nature











6. ADDRESSING RAILROAD-RELATED USES

POTENTIAL FRAMEWORK FOR REGULATING RAIL-RELATED AND NON-RAIL-RELATED USES & ACTIVITIES ON THE MILL SITE

Rail Related: Compliance without Permits

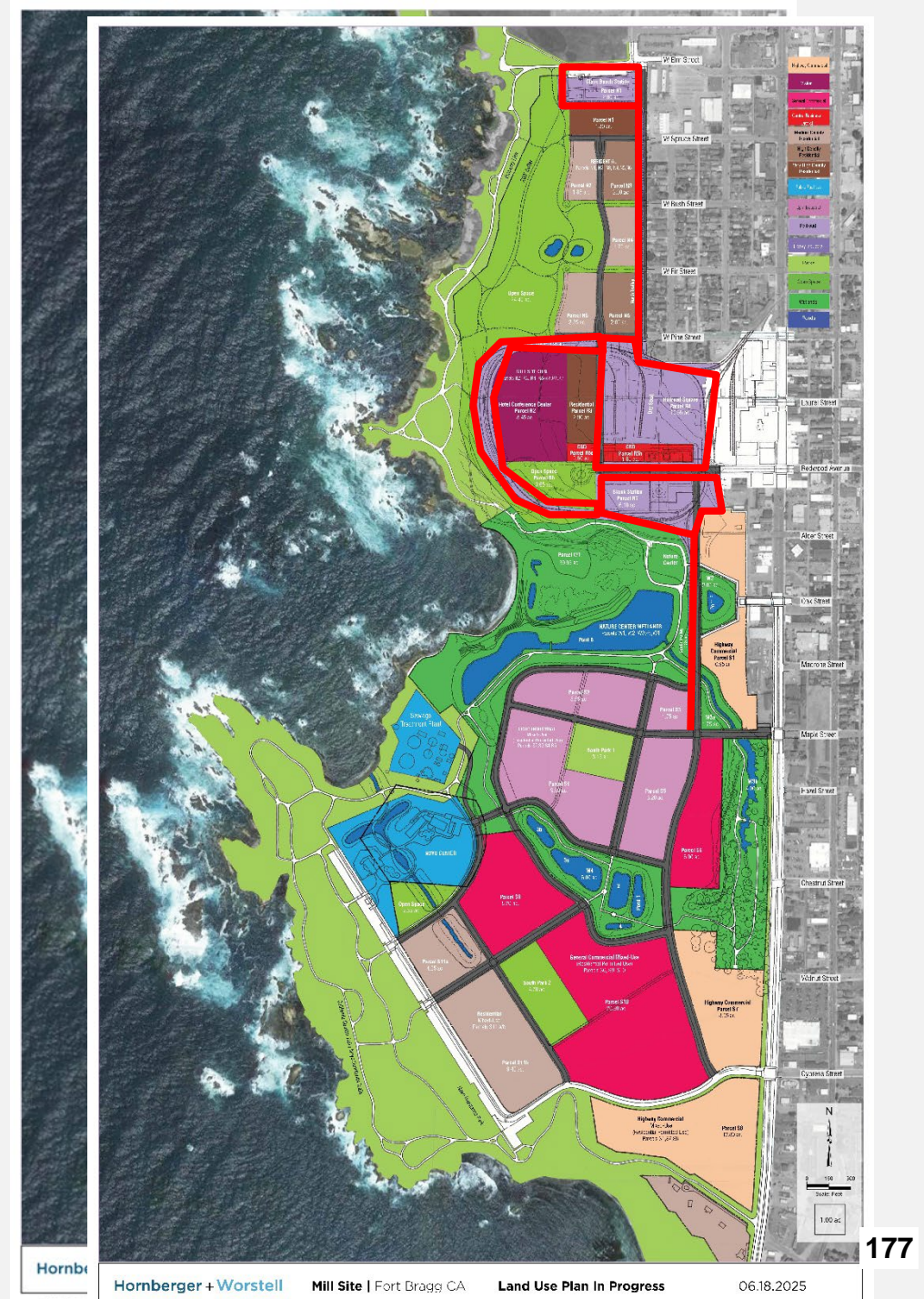
- MR has tentatively agreed to comply with State and local regulations (building zoning codes) without obtaining permits.
- MR agrees it's permit exemption is for Railroad Uses **only**.

Non-Rail: Permits Required

- MR agrees that all Non-Railroad-Related Uses would be subject to City permitting.
- for mixed projects (train station with a restaurant), the restaurant would require a permit.

POTENTIAL GEOGRAPHIC EXTENT OF RAILROAD-RELATED USES

- Parcel R4 "Railroad Square."
- Parcel R7 "Skunk Station." MR wants to relocate the Skunk Train Station to this parcel.
- A dual loop of tracks.
- A "Trolley Only" track for an all-electric trolley from "Glass Beach Station" to the south side of the site.
- "Glass Beach Station" would be a secondary station and would include a second story ocean view restaurant.



RAILROAD USES, NO PERMITS

1. **Development and operations related to railroad tracks, signals, and crossings**
Construction of railroad infrastructure such as ties, rail, other track materials, switches, and crossings.
2. **Development and operations related to railroad facilities** Construction and improvement of stations, yards, shops, transloading facilities, and ancillary facilities.
3. **Construction and operation of railroad equipment** freight/passenger equipment, maintenance of way equipment, transloading equipment, as well as any noise, horns, and emissions.

NON-RAILROAD USES, PERMITS REQUIRED

1. **Facilities.** Construction, renovation, and maintenance of buildings, such as hotels, restaurants, bars, retail stores, residential housing, and other commercial or public facilities Installation, maintenance.
2. **Utilities:** installation of electrical water, sewage, stormwater, gas, and telecommunications utilities.
3. **Roads.** City streets, sidewalks, and public trails.
4. **Parks, greenspace, and landscaping:** This encompasses the design, creation, and maintenance of public parks, gardens, open spaces, and landscaping.
5. **Events:** public or private events such as festivals, markets, parades, and community gatherings
6. **Uses.** Regulation of residential and business uses on the millsite.
7. **Events.**

CITY'S PERMITTING PROCESS

- **Coastal Development Permit.** Protects coastal resources (biological, wetlands, cultural, public views, public access, water quality...) while prioritizing visitor serving uses.
- **Use Permit.** Ensures compatibility between uses where there is the potential for conflict (noise, glare, traffic, odors, etc.).
- **Design Review Permit.** Ensures that new development follows the City's design guidelines.
- **Variance.** A variance allows a project to proceed without compliance with one or more development standards of the code under narrow, legally prescribed circumstances.
- **Sign Permit.** Signs are regulated for size, location, height, color, lighting and appearance.
- **Limited Term Permit.** Limited term permits regulate special events and other short-term activities.
- **Zoning Clearance.** For all projects, including those which don't require planning permits. City staff review to ensure that a project complies with the zoning code prior.
- **Building Permit.** Ensures that new construction complies with building, plumbing, mechanical and electrical codes.

ESTABLISH PERMIT EXEMPTIONS IN THE LCP AMENDMENT

The City Could:

- **Use Permits.** Designate Railroad Uses as a “permitted use” by right in the use tables in Chapter 2 of the Coastal Land Use and Development Code.
- **CDPs.** Apply to the Coastal Commission for approval of a “CDP Categorical Exclusion Area” for Railroad uses in the purple zoning area.
- **Design Review.** Exempt Railroad Uses from Design Review in Chapter 7 of the CLUDC.
- **Sign Permit.** Exempt railroad from Sign Permit requirements in Chapter 3 of the CLUDC.
- The LCP amendment could include a map overlay illustrating the agreed to area of exemption and a General Plan policy which describes the purpose and extent of the exemption.
- Through the LCP amendment process, the City/Coastal Commission would add a new chapter to the City’s zoning code to outline the required steps for railroad compliance with the City’s certified LCP.
- Establish procedures in the LCP for ensuring compliance with regulations, without issuance of permits.
- Develop specific use-related regulations.

CDP OPTIONS CONSIDERED AND DISCARDED

- Coastal Development Permit's processed under protest.
- Add an exemption from applying for a Coastal Development Permit to the City's Zoning Ordinance.

Not acceptable to MR

Not acceptable to Coastal
Commission's Attorneys or staff.

REMAINING CDP OPTION CATEGORICAL EXCLUSION AREAS

Regulatory Adoption Process

- “Categorical Exclusion Areas” are
 - Allowed under the Coastal Act.
 - Apply only to specified uses types located in a specified area.
- The City would apply for the categorical exclusion area with an analysis that must show rail projects would have no impact on coastal resources.
 - Need detailed plan of all potential rail activities.
 - Complete all background studies.
 - This process will likely take a year to complete.
- Coastal Commission can adopt a “Categorical Exclusion Area Order” with a 2/3 majority vote of the Coastal Commission.
- To approve the order, the Coastal Commission must have to make findings that no coastal act resources would be impacted by new development in the Categorical exclusion area.

REMAINING CDP OPTION CATEGORICAL EXCLUSION AREAS

Application

- Projects within a CDP Categorical Exclusion Area can proceed without getting a CDP. (e.g. Todd's Point is a CDP Categorical Exclusion Area).
- Projects must comply with all exclusion area requirements:
 - Submit an application, project plans, resource studies, etc.
 - City completes CEQA if required.
 - Categorical exclusion notification sent to Coastal Commission.
 - Coastal commission can challenge (appeal) the exclusion, if it does not meet all requirements.

PERMITTING MIXED PROJECTS
(RAILROAD & COMMERCIAL)
FOR USE PERMIT, DESIGN REVIEW (NOT
CDPs)

- **All non-railroad components**, of a mixed project would be required to get all required permits from the City and a building permit from the County.
- Mixed projects could include shared facilities: parking lots, landscaping, elevators, bathrooms, foundations, walls, roofs, etc. which would be regulated through the permitting process
- The components of a shared structure (shell) that impact structural safety of the non-railroad components of the mixed project would be regulated through a building permit.

OTHER KEY ISSUES

Enforcement

- Through the Development Agreement
- Letter of Credit
- Performance Bond

Appeals

- Coastal Commission can accept an appeal of a Categorical Exclusion project.

CEQA

- The environmental impacts of all permitted uses (including railroad) must be analyzed in the EIR for the LCP Amendment.

OTHER LITIGATION ISSUES

- Noise from train horn
 - Can request a Quiet Zone
 - Install additional signalized rail crossing
- Events – subject to Limited Term Permits
- Rail of transport of hazardous materials -
- Health & safety – Compliance with the Building Code

REMEDIATION TOPICS

GROUND WATER STATUS

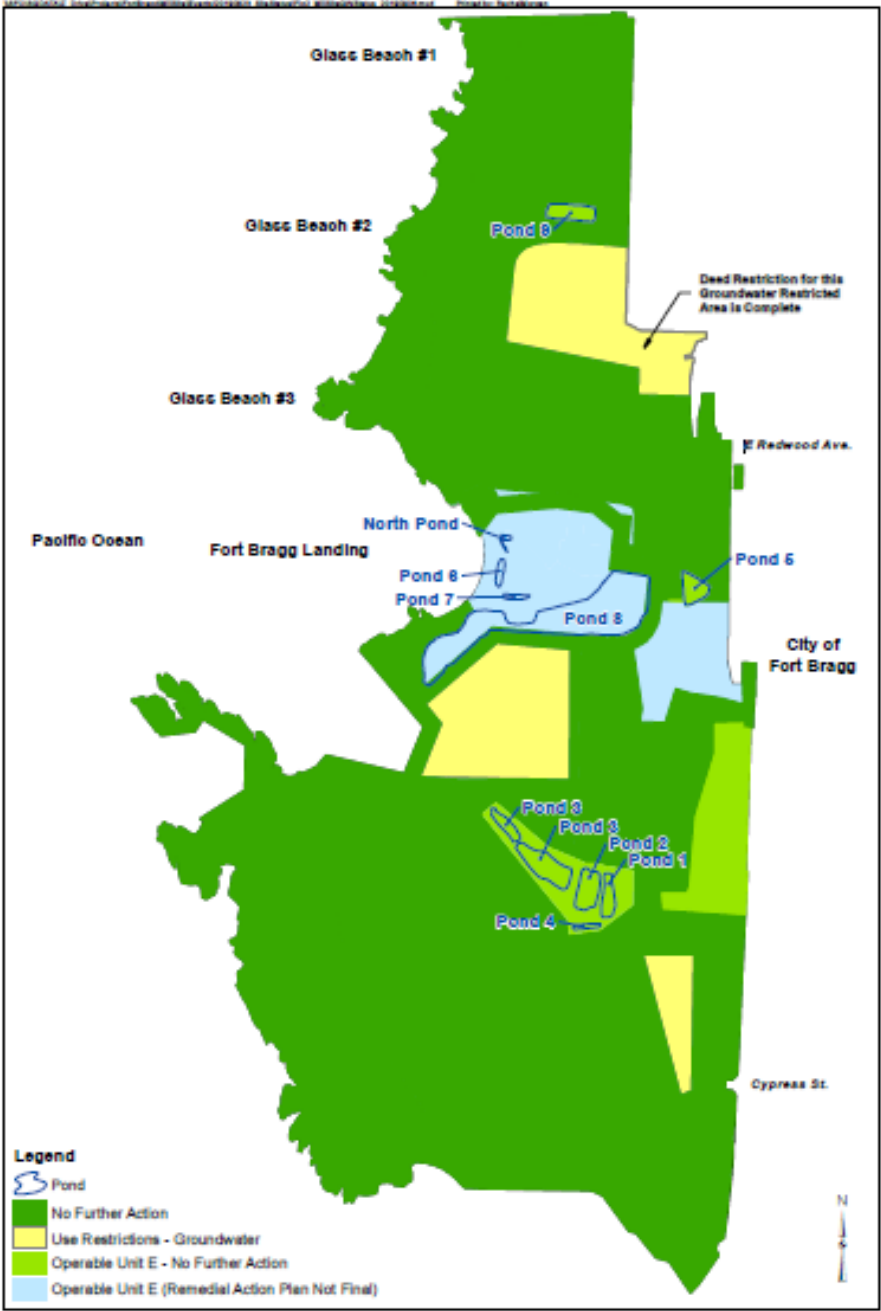


Figure: Mill Site Groundwater Status
September 2019

SOIL & SEDIMENT STATUS

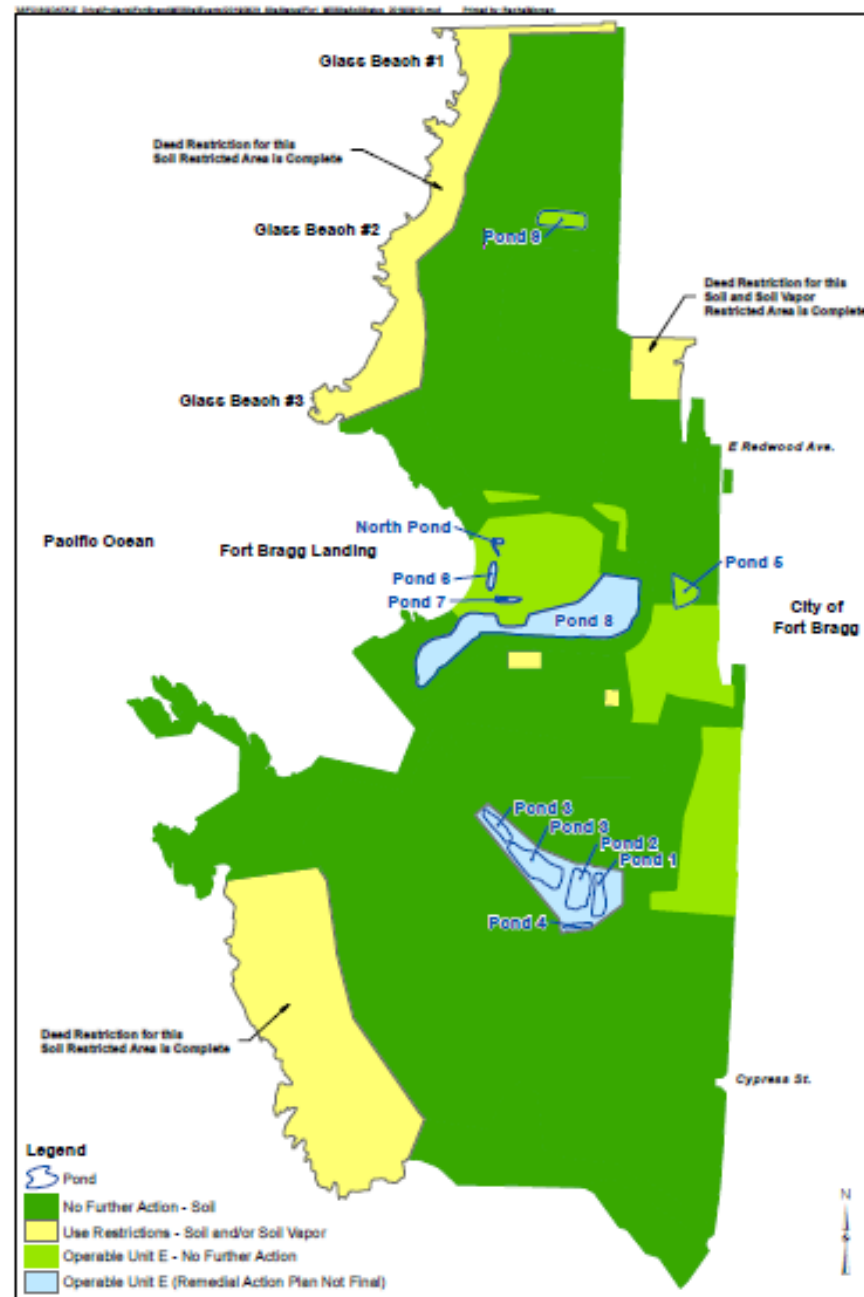


Figure: Mill Site Soil and Sediment Status
September 2019

COMMUNITY UPDATE

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Former Georgia-Pacific Mill Site Updates on Cleanup Progress and Feasibility Study

The California Department of Toxic Substances Control (DTSC) wants to update you on the cleanup progress at the former Georgia-Pacific Mill Site. The Mill Site is located west of Highway 1 in the City of Fort Bragg, Mendocino County.

To help organize investigation and cleanup, DTSC divided the Mill Site into five geographic areas (A, B, C, D, E) called operable units (OUs). The OUs are shown on the figure located on the last page. This update focuses on recent cleanup actions (in OUs C, D, and E) and on the revised draft OU-E Feasibility Study (FS).

DTSC's oversight of the Georgia-Pacific Mill Site cleanup began in 2006, with cleanup efforts initially focused on the removal of contaminated soil and fly ash. In 2007, fuel pipelines and soil contaminated with petroleum from OU-E were removed, as was the pile of fly ash located near the South Ponds (Ponds 1-4). In 2009, over 14,000 cubic yards of soil [contaminated with polychlorinated biphenyls (PCBs), lead, and dioxin] were removed from OU-A, prior to the development of Noyo Headlands Park and Coastal Trail. In 2008 and 2009, over 1,000 cubic yards of soil contaminated with lead and PCBs were removed from OUs C and E. This work included bioremediation (using microbes for cleanup) of approximately 40,000 cubic yards of soil contaminated with petroleum. This cleanup achieved residential cleanup goals.

2017 Cleanup Summary

In 2017, Georgia-Pacific implemented two DTSC approved cleanup plans, a Remedial Action Plan (RAP) for OUs C and D and a Removal Action Workplan (RAW) for OU-E. These cleanup actions disposed of approximately 3,218 combined cubic yards of contaminated soil and sediment to a permitted disposal facility. OUs C and D soil excavation achieved residential cleanup standards for pentachlorophenol (a wood preservative), dioxin, petroleum, and benzo(a)pyrene. OU-E soil excavation also met residential standards for dioxin, lead, and benzo(a)pyrene. The draft Completion Report for the 2017 work is available at the Information Repositories listed at the end of this document and on DTSC's EnviroStor website.

Public Comment Period



Community Meeting:
Thursday May 24, 2018
6:30 pm - 8:30 pm

Town Hall
363 N. Main Street
Fort Bragg, CA 95437

Format will be half hour
presentation by DTSC,
followed by opportunity for
questions and discussion.

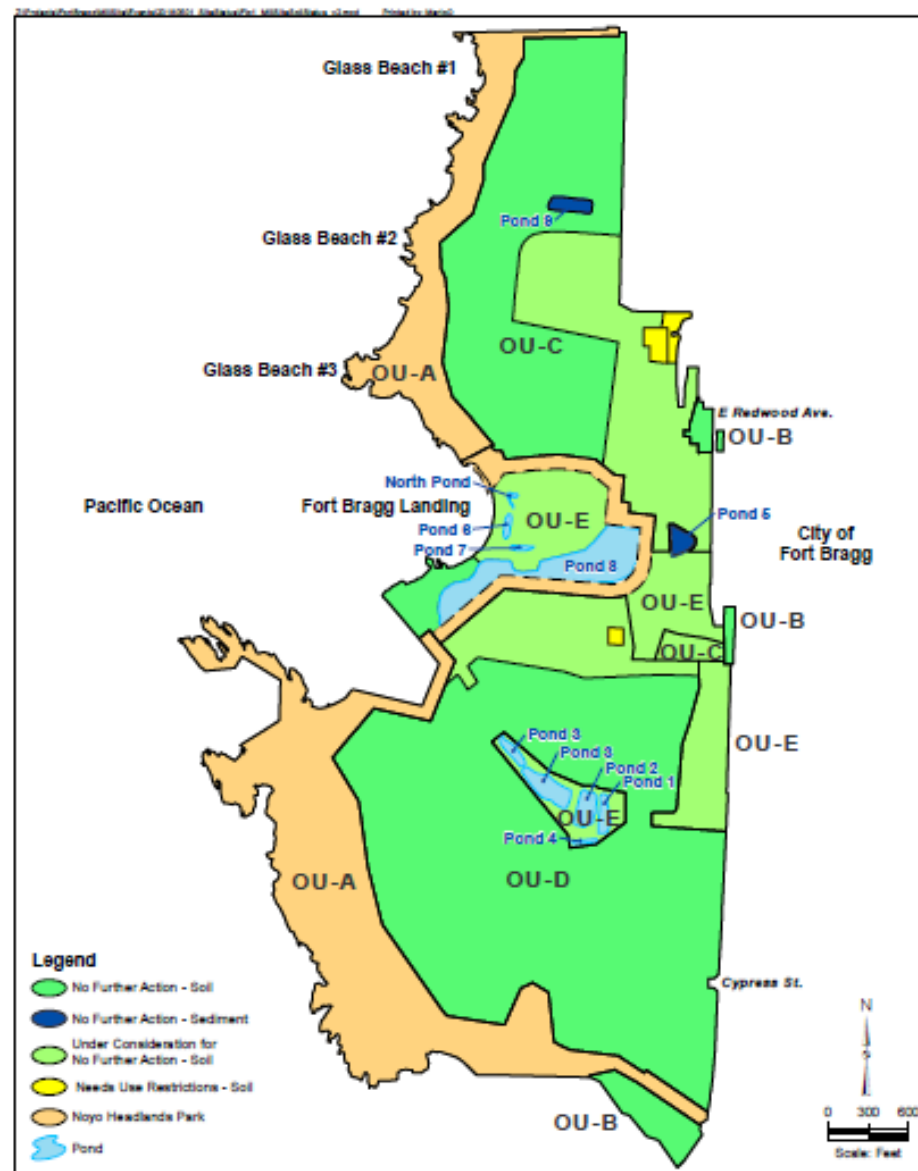


Figure: Mill Site Soil and Sediment Status
May 2018

