

RESOLUTION NO. PC 22-2024

A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL SUBMIT LCP AMENDMENT 1-24 TO THE COASTAL COMMISSION TO: 1) AMEND MAP LU-4 OF THE COASTAL GENERAL PLAN TO ADD A THIRD PLAN AREA; AND 2) AMEND TABLE 2-10 OF THE CLUDC TO ALLOW A SCIENCE CENTER WITH A USE PERMIT IN THE PUBLIC FACILITIES ZONING DISTRICT; AND 3) AMEND THE ZONING MAP TO: A) REZONE THE NOYO CENTER PARCEL TO PUBLIC FACILITIES ZONING DISTRICT, AND B) REZONE THE COASTAL TRAIL PARCELS TO PARKS & RECREATION ZONING DISTRICT AND C) REZONE THE SHERWOOD VALLEY BAND OF POMO (SVBP) PARCEL AS RESIDENTIAL.

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

WHEREAS the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, the City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, on April 23, 2018, the City Council adopted a resolution to submit LCP Amendment 3-17 to the Coastal Commission to revise Policy LU-7.1 and Policy LU-7.2 and Map LU-4 to require a comprehensive planning process instead of a Specific Plan for any future LCP amendment impacting land zoned Timber Resources Industrial; and

WHEREAS, on September 12, 2018 the California Coastal Commission certified the City's LCP Amendment 3-17 submittal without making any changes; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City's Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort

Bragg's coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, Map LU-4 defines two Plan Areas for all future LCP amendments related to the Mill Site; and

WHEREAS, the City of Fort Bragg, the Noyo Center and the SVBP own significant property on the Mill Site, which has been through two comprehensive planning processes and these property owners are seeking to rezone their properties based on those comprehensive planning processes; and

WHEREAS, none of these property owners are financially able to undertake a comprehensive planning process for lands owned by Mendocino Railway; and

WHEREAS, the land owned by the City of Fort Bragg, the Noyo Center and SVBP total 126.3 acres or 36% of the Mill Site; and

WHEREAS the City, SVBP and the Noyo Center for Marine Science, seek to change the zoning of their respective properties to conform with current uses and proposed uses as follows: a) rezone the Noyo Center parcel to Public Facilities, and b) rezone the Coastal Trail parcels to Parks & Recreation, and c) rezone the SVBP parcel to Low-Density Residential; and

WHEREAS, The project is exempt from CEQA, as the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS the Planning Commission held a duly noticed public hearing on August 14, 2024, to consider the LCP amendment, accept public testimony and provided direction to the consultant to revise the resolution and ordinance language; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of August 14, 2024 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

SECTION 1: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, the Planning Commission makes the following findings for adoption of the proposed amendments to the Fort Bragg Coastal General Plan and Land Use and Development Code per the findings analysis

incorporated herein by reference to the project staff report, dated August 14, 2024:

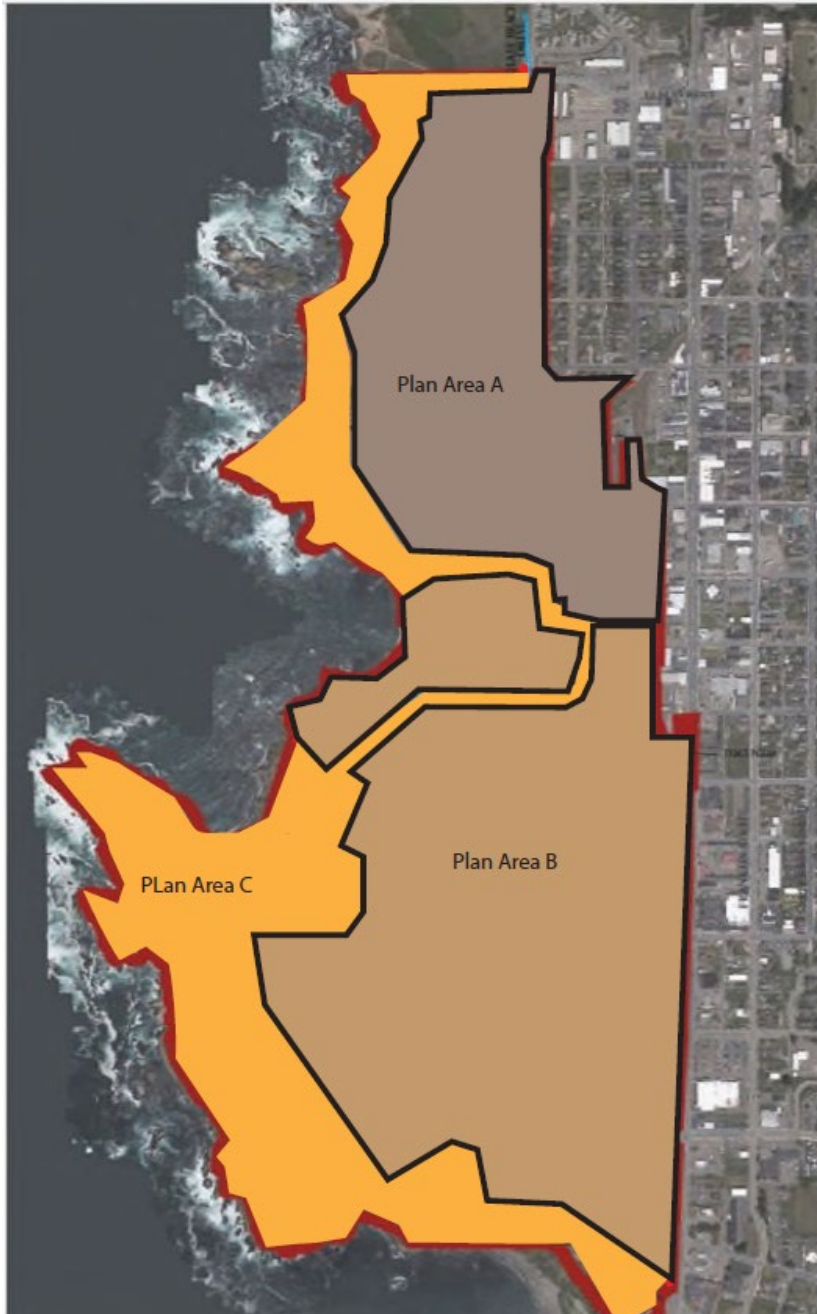
- A. Findings for General Plan amendments.
 1. The amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan;
 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
 3. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.
- B. Findings for Development Code and Zoning Map text amendments.
 1. Findings required for all Development Code and Zoning Map text amendments:
 - a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
 - b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 2. Additional finding for Development Code amendments: The proposed amendment is internally consistent with other applicable provisions of this Development Code.
 3. Additional finding for Zoning Map amendments: The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zoning designation and the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 2: GENERAL FINDINGS:

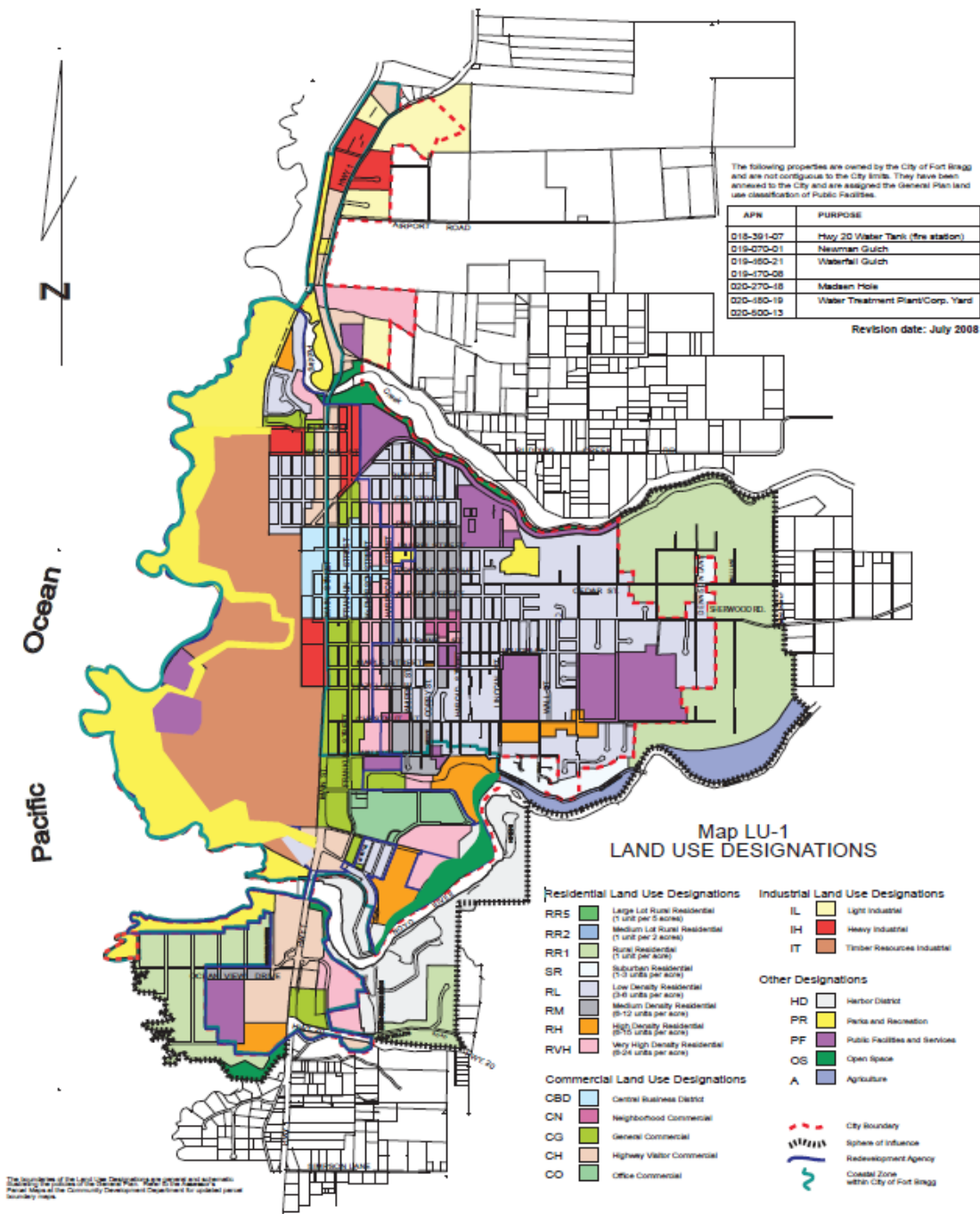
- a. The foregoing recitals are true and correct and made a part of this Resolution; and
- b. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

SECTION 3: *Based on the foregoing, the Planning Commission does hereby Recommend that the City Council submit LCP Amendment 1-24 to the Coastal Commission to amend Coastal General Plan Map LU-4 to add Plan Area C as follows:*

Map LU-4: Mill Site Plan Areas for Comprehensive Planning Processes



SECTION 4. Based on the foregoing, the Planning Commission does hereby Recommend that the City Council submit LCP Amendment 1-24 to the Coastal Commission to amend Coastal General Plan Map LU-1 as follows.

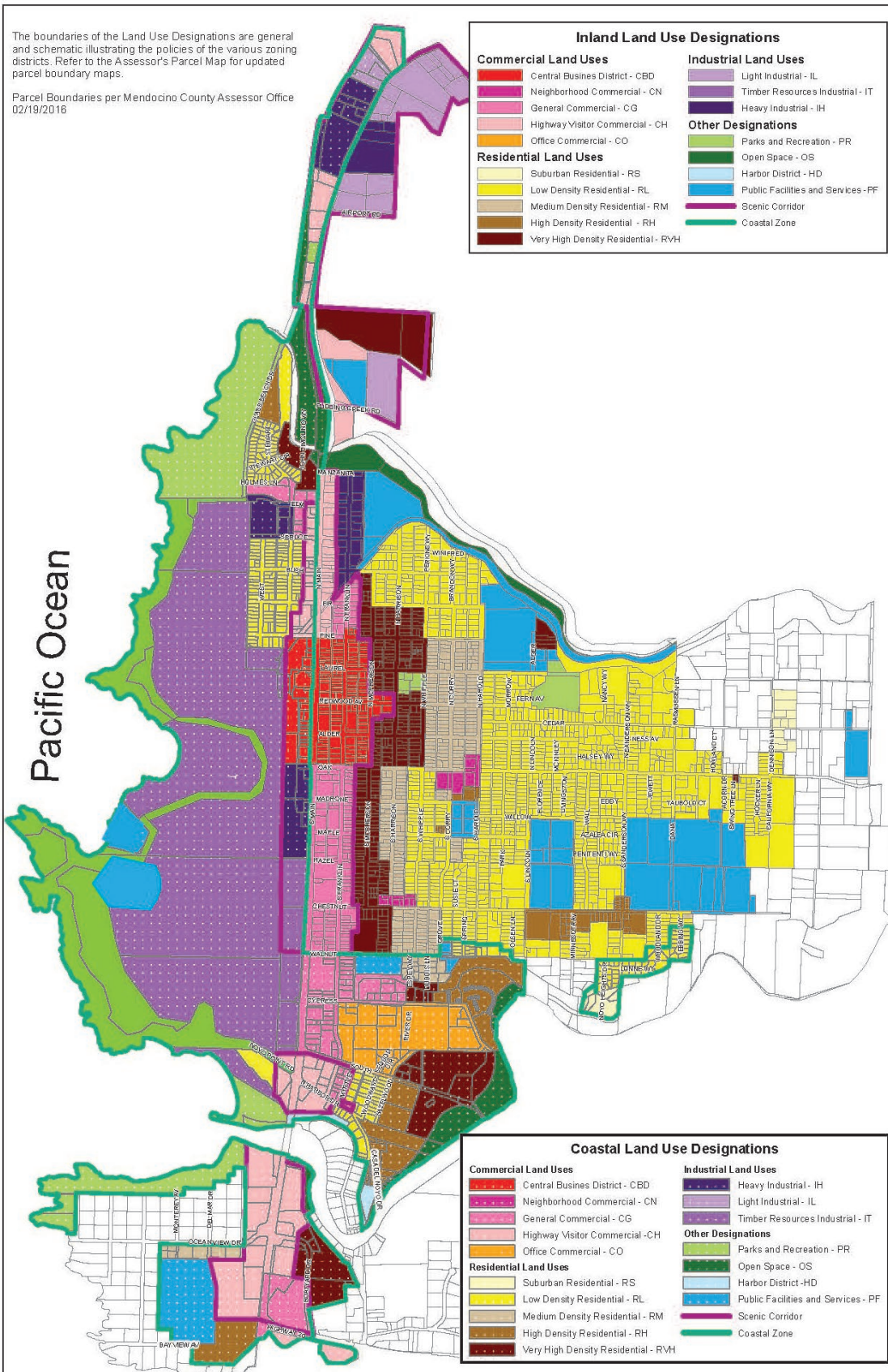


SECTION 5. *Based on the foregoing, the Planning Commission does hereby Recommend that the City Council submit an LCP Amendment 1-24 to the Coastal Commission to amend Table 2-14 of 17.26.030 to add Science Center to the Public Facilities zoning district as noted below:*

ABLE 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zoning Districts	Permitted Use, Zoning Clearance required P Minor Use Permit required (see Section 17.71.060) MUP Use Permit required (see Section 17.71.060) UP Permit requirement set by Specific Use Regulations S Use not allowed —			
	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
LAND USE (1)	OS	PR	PF	
Nature preserve	P	P	P	
Storage - Warehouse	-	-	UP	
Library, museum, science center	-	UP	UP	
Meeting facility, public or private	-	UP	UP	
School - Specialized education/training	-	-	P	
Caretaker quarters	MUP	MUP	MUP	
Accessory retail or services	-	P	P	

SECTION 6. Based on the foregoing, the Planning Commission does hereby recommend that the City Council submit LCP Amendment 1-24 to the Coastal Commission to amend the Coastal General Zoning Map as follows:

- Rezone the Noyo Center parcel to Public Facilities, and
- Rezone the Coastal Trail parcels to Parks & Recreation, and
- Rezone the SVBP parcel to Low-Density Residential.



BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council submit LCP Amendment 1-24 to the Coastal Commission to: 1) amend Map LU-4 of the Coastal General Plan to add Plan Area C; 2) amend Map LU-1 to add Land Use Designations for Plan Area C; 3) amend Table 2-10 of the CLUDC to allow a science center with a use permit, and 4) amend the Zoning Map as follows: a) rezone the Noyo Center parcel to Public Facilities, b) rezone the Coastal Trail parcels to Parks & Recreation, and c) rezone the SVBP parcel to Low-Density Residential.

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

The above and foregoing Resolution was introduced by Commissioner Neils seconded by Commissioner Turner, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 14th day of August 2024, by the following vote:

AYES: Turner, Neils, Stavely, Jensen, Deitz

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Signed by:

Scott Deitz

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Scott Deitz, Chair

ATTEST:

DocuSigned by:

Maria Flynn

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Maria Flynn, Administrative Assistant