

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING SECTION 17.94.030C OF CHAPTER 17.94 [LOCAL COASTAL PROGRAM AMENDMENTS] OF TITLE 17, THE COSTAL LAND USE AND DEVELOPMENT CODE, OF THE FORT BRAGG MUNICIPAL CODE TO REVISE NOTICING REQUIREMENTS FOR ZONING CHANGES TO PROPERTIES LOCATED IN THE TIMBER RESOURCES INDUSTRIAL ZONING DISTRICT

ORDINANCE NO. 937-2018

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 its sphere of influence; 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, 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, the City held two community workshops and three City Council meetings in 2017 to review, discuss and provide direction regarding changes to Policy LU-7.1 and Policy LU-7.2 the Coastal General Plan and provided direction to Staff to submit an LCP Amendment to revise Policy LU-7.1 and Policy LU-7.2; and

WHEREAS, the City Council has considered all public comments and a staff report dated April 23, 2018 regarding the proposed ordinance; the staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, the proposed minor modification to the Coastal Land Use and Development Code is set forth in its entirety in Section 2 below; and

WHEREAS, 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

WHEREAS, this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c));

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On April 11, 2018, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council’s adoption of the minor amendment to the CLUDC pursuant to Gov. Code Section 65355.
3. On April 23rd, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Coastal Land Use and Development Code.
4. The amendment is internally consistent with all other provisions of the Coastal General Plan and any applicable specific plan.
5. The LCP Amendment is consistent with the California Coastal Act.
6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
7. 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.
8. The California Environmental Quality Act ("CEQA") does not apply to activities and approvals of a local coastal program that are undertaken by a local government pursuant to Public Resources Code Section 21080.9) and CEQA Guidelines Section 15265(a).
9. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and

10. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

Section 2. Based on the foregoing, the City Council hereby repeals Section 17.94.030C of Title 17, entitled **LAND USE AND DEVELOPMENT CODE** which states:

17.94.030 - Processing, Notice, and Hearing

C. **Specific plan requirement.** Prior to the filing of a proposed LCP amendment for a site designated Timber Resources Industrial, a specific plan shall first be prepared in compliance with Chapter 17.78 (Specific Plans).

and replaces it in its entirety with the following:

17.94.030 - Processing, Notice, and Hearing

C. **Comprehensive plan requirement.** Prior to the filing of a proposed LCP amendment for a site designated Timber Resources Industrial, a comprehensive planning process shall first be completed in compliance with Coastal General Plan Land Use Policies LU 7.1 and LU 7.2.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on April 23, 2018, and adopted at a regular meeting of the City of Fort Bragg held on May 14, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

**Lindy Peters,
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**

PUBLISH: April 26, 2018 and May 18, 2018 (by Summary).
EFFECTIVE DATE: Upon Coastal Commission Approval and Certification.