

## **Attachment 8 - Discussion of the LCP Amendment's relationship to and effect on the other sections of the Certified LCP.**

Staff has reviewed the Certified LCP and determined that the proposed amendment will not conflict with other sections of the Certified LCP. Further staff has described the relationship to and effect of the LCP amendment on all relevant Elements of the General Plan and all relevant Sections of the Coastal Land Use and Development Code, as described below.

### **1. Coastal General Plan**

**Land Use Chapter.** The Land Use Chapter of the Coastal General Plan establishes policies and programs to maintain the existing pattern of land uses within the City while anticipating and providing for future growth and development. The Land Use Element of the Coastal General Plan, certified in 2008, established the newly created Timber Resources Industrial land use to support the continued use of the area for timber processing activities and to establish a clear planning process for transitioning this land to other uses. Staff reviewed the Land Use Element and determined that the proposed policy changes do not conflict with any of the other policies or programs of the Land Use Element. The purpose section of the Land Use Plan includes the following language regarding properties zoned Timber Resources Industrial:

The most significant policy change in the Land Use Element is the reclassification of the Industrial Lands which lie west of Highway One between Noyo River and Elm Street. The newly-created Timber Resource Industrial land use designation is intended to support the continued use of this area for timber processing activities and to establish a clear planning process for the transition of this land to other uses, as initiated by the property owners.

The proposed changes to Policy LU 7.1 and LU 7.2 will not conflict with this “purpose” language, rather it provides a different mechanism to achieve the same goals.

The proposed changes to Policy LU 7.1 and 7.2 has the potential to conflict with some descriptive language on page 2-16, as noted below.

#### **Industrial Land**

The lumber and fishing industries have played an important role in the formation and growth of Fort Bragg. Both of these industries are in transition, and the local economy is evolving from a natural resource-based economy to a more service-oriented economy. Fort Bragg is the commercial, educational, medical, and professional service center for a large portion of the Mendocino coast. Future growth in the local economy is projected to occur in the retail, tourism, and service sectors.

The Coastal General Plan is intended to support the growth and vitality of existing industries while ensuring that the community is prepared to actively participate in the decision-making process as new industries develop in Fort Bragg and as current industrial lands transition to other uses. This Coastal General Plan requires that ~~specific plans~~ comprehensive planning process be completed ~~prepared~~ when different land uses ~~zoning districts~~ are proposed for large areas of industrial land. This offers the community the opportunity to: plan for its future, engage in consensus building, and develop comprehensive land use and economic development strategies.

This language will need to be revised, as shown above, as part of the LCP Amendment to eliminate this potential conflict.

Chapter 2 also includes policies regulating the establishment of aquaculture facilities in Timber Resources Industrial zoning districts and various requirements for Timber Resources Industrial Zoning, as the proposed policy changes do not change Mill Site zoning; these policies will be retained and will have the force of law until an LCP Amendment is certified to rezone the Mill Site.

The proposed changes to Policy LU 7.1 and 7.2 will not result in new development or new zoning for the site. Additionally when and if new zoning is proposed for the site under the revised Policy LU 7.1 and 7.2, the new zoning and associated regulations and policies will have to comply with the Certified LCP and the Coastal Act. The proposed changes to Policy LU 7.2 require that the comprehensive planning process and mill site rezoning be “consistent with the all policies of the Coastal Act and Fort Bragg’s LCP.”

All policies of the Land Use Element will continue to apply to use of the Mill Site.

### **3. PUBLIC FACILITIES ELEMENT**

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There are no policies in the Public Facilities Element that conflict with the proposed changes to Policy LU 7.1 and 7.2. However, a number of policies will guide the future reuse of the Mill Site such that many of the requirements that are part of a Specific Plan process will be required instead as part of the permitting process for future development. Key policies from the Public Facilities Element that will heavily influence the design and financing of infrastructure on the site include the following:

Policy PF-1.1: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.

Program PF-1.1.1: New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development.

Policy PF-1.2: Ensure Adequate Services and Infrastructure for New Development. No permit for development shall be approved unless it can be demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal; as applicable to the proposed development.

- a. Demonstration of adequate water and sewer facilities shall include evidence that adequate capacity will be available within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development;
- b. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies; and (ii) that the traffic generated by the proposed development, and all other known and foreseeable development, will not cause Levels of Service (LOS) of roads, streets, and intersections

within the City to reduce below LOS standards contained in Policy C-1.1 of the Circulation Element of the Coastal General Plan.

Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.

Program PF-2.1.1: Maintain development impact and mitigation fees at a level adequate to finance infrastructure costs. Periodically review the City's fee structure to ensure that it accurately reflects the actual cost of providing services.

Program PF-2.1.2: Consider revising the Coastal LUDC to require property owners seeking annexation approval to enter into a pre-annexation agreement stating that they will not oppose assessment districts, including lighting and street maintenance districts.

Policy PF-2.2: Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies. In addition to providing capacity for potential build-out under the City General Plan outside the coastal zone, any expansion of capacity of water facilities shall be designed to serve no more than the maximum level of development in the coastal zone allowed by the certified LCP that is consistent with all other policies of the LCP and Coastal General Plan. The City shall identify and implement water system improvements or changes in service areas that are designed to ensure adequate service capacity to accommodate existing, authorized, and projected probable future coastal dependent priority uses. Such uses include, but are not limited to, industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts.

All policies of the Public Utilities Element will apply to future use of the Mill Site.

## **4. CONSERVATION, OPEN SPACE, ENERGY, AND PARKS ELEMENT**

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There are no policies in the Conservation Element that conflict with the proposed changes to Policy LU 7.1 and 7.2. All policies of the Conservation Element will apply to future use of the Mill Site.

## **5. CIRCULATION ELEMENT**

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The proposed changes to Policy LU 7.1 and 7.2 will not conflict with any policies of the Circulation Element. Only Policy C-2.10 of the Circulation Element specifically addresses the reuse of the Mill Site.

Policy C-2.10 Continue Grid System onto Mill Site: Ensure that the grid street system and a north/south arterial on the Mill Site be designed, as feasible, to ensure the maximum benefit to local traffic, pedestrian, and bicycle circulation and to provide maximum public access to the coast.

As currently written policy C-2.10 may be difficult to implement given locations of existing wetlands and required wetland buffers. It may be difficult to accommodate a north south arterial through the area between Oak Street, Pond 5 and Pond 8 on the Mill Site. Staff recommends revising this policy as portions of a north and south arterial may be feasible north of Alder Street and South of Maple Street but the entire north-south route may not be feasible.

A number of Circulation Element policies will guide the future reuse of the Mill Site such that many of the requirements that are part of a Specific Plan process will be met as part of the permitting process for future development. Key Circulation Element policies include the following:

Policy C-1.2: Coordinate Land Use and Transportation: Ensure that the amount and phasing of development can be adequately served by transportation facilities.

Program C-1.2.1: Review development proposals for their direct and cumulative effects on roadway Level of Service standards. During the development review process, City staff will determine whether traffic studies need to be carried out and the scope of such studies.

Policy C-1.3: Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met:

- a) Revisions are incorporated in the proposed development project which prevent the Level of Service from deteriorating below the adopted Level of Service standards; or
- b) Funding of prorata share of the cost of circulation improvements and/or the construction of roadway improvements needed to maintain the established Level of Service is included as a condition or development standard of project approval.

Policy C-1.4: Include specific time frames for the funding and completion of roadway improvements for projects which cause adopted roadway and intersection Level of Service standards to be exceeded. Require security, bonding or other means acceptable to the City to ensure the timely implementation of roadway mitigations.

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.

Policy C-9.1: Provide Continuous Sidewalks: Provide a continuous system of sidewalks throughout the City.

Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.

Policy C-10.2: Require Bikeways. Require new development to provide on-site connections to existing and proposed bikeways, as appropriate.

All policies of the Circulation Element will apply to future use of the Mill Site.

## **6. COMMUNITY DESIGN ELEMENT**

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The proposed changes to Policy LU 7.1 and 7.2 will not conflict with any policies of the Community Design Element. All policies of the Community Design Element will apply to future use of the Mill Site.

## **7. SAFETY ELEMENT**

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The proposed changes to Policy LU 7.1 and 7.2 will not conflict with any policies of the Safety Element. All policies of the Safety Element will apply to future use of the Mill Site.

## **8. NOISE ELEMENT**

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The proposed changes to Policy LU 7.1 and 7.2 will not conflict with any policies of the Noise Element. All policies of the Noise Element will apply to future use of the Mill Site.

## **9. HOUSING ELEMENT**

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The proposed changes to Policy LU 7.1 and 7.2 will not conflict with any policies of the Housing Element. All policies of the Housing Element will apply to future use of the Mill Site.

## **10. GLOSSARY**

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The proposed changes to Policy LU 7.1 and 7.2 will not conflict with any definitions in the glossary.

## **2. Coastal Land Use and Development Code**

Staff completed a comprehensive review of the Coastal land Use and Development Code and determined that the proposed revisions to Policy 7.1 and 7.2 will not conflict with any section of the Coastal land Use and Development Code.

Generally for all development permits (Use Permit, Design review, and Coastal Development Permit), all subdivisions (Lot Split, Minor and Major) and all Local Coastal Program Amendments, the following findings must be made by the Planning Commission, and the City Council upon appeal prior, to an approval of an individual permit, subdivision or LCP amendment.

“The [use, design, subdivision, project, LCP Amendment etc.] will be consistent with the Coastal General Plan, Local Coastal Program, and any applicable specific plan.”

If the Mill Site is rezoned without a specific plan, any development or subdivision approval would have to make the consistency finding with the Coastal General Plan and Local Coastal Program, which would be amended through the rezoning process for the LCP. The lack of preparation of a Specific Plan for the Mill Site rezoning will not relieve a project from complying with the amended Local Coastal Program. Likewise the LCP Amendment to rezone the Mill Site will also have to be consistent with the City’s Certified LCP and the Coastal Act.

Further the Coastal Land Use and Development Code includes the following definition for Timber Resources Industrial uses and this definition and the land use regulations regarding allowable uses in the IT zone will continue to stand until such time as the City Council submits

and the Coastal Commission approves an LCP amendment to rezone the site. At that time the LCP amendment will need to be found compatible with the LCP and the Coastal Act.

#### **17.24.020 - Purposes of Industrial Zoning Districts**

IT (Timber Resources Industrial) zoning district. The IT zoning district is applied to areas appropriate for timber resource and forest products related manufacturing, including a variety of related industrial uses, as well as related support activities including railroad lines, truck shipping facilities, power generation, and related uses; and aquaculture. The maximum floor area ratio (FAR) is 0.40. The IT zoning district implements and is consistent with the IT land use designation of the Coastal General Plan.

The CLUDC includes Chapter 17.78 geared entirely towards the adoption, preparation and processing of a Specific Plan. This chapter will continue to apply to any property for which a Specific Plan is prepared for redevelopment of a parcel that is 5 acres or more anywhere within the Coastal Zone of the City of Fort Bragg. The proposed amendment will not conflict with this chapter as it does not foreclose any property owner or the City of Fort Bragg from initiating and completing a Specific Plan for any development project of more than 5 acres either on or off the Mill Site. Staff has reviewed Chapter 17.78 and the City Council may decide to include some of the required components of a Specific Plan into an LCP Amendment to rezone the Mill Site. Per the revised policy 7.1 and 7.2 the City would have to implement many of the components of a Specific Plan, including: A1, A3, A5 and A6 described below. The Council can require most of A2 under various policies of the Coastal General Plan including: Policy PF 1.1, Policy PF 1.2, Policy PF 2.1, Policy PF 2.2, Policy C-2.10, Policy C-1.2, Policy C-1.3, Policy C-1.4, Policy C-2.7, Policy C-9.1, Policy C-9.2, Policy C-10.2

The City can accomplish many of the items listed in A.4 through development agreement(s) with developers of the site.

#### **17.78.050 - Preparation and Content**

The draft specific plan shall include detailed information in the form of text and diagram(s), organized in compliance with State law (Government Code Section 65451).

- A. Required information.** At a minimum, the following information shall be provided:
- 1. Proposed land uses.** The distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas;
  - 2. Infrastructure.** The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, potable water, sewers, solid waste disposal, utilities, coastal access to surrounding developed and undeveloped areas, and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;
  - 3. Land use and development standards.** Standards, criteria, and design guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
  - 4. Implementation measures.** A program of implementation measures, including financing, methods, programs, regulations, and public works projects, necessary to carry out and provide:
    - a. Development and conservation standards and criteria, infrastructure, and land uses;
    - b. Public services, facilities and utilities, based on a nexus between development exactions being imposed and the development-induced needs being met by those exactions;
    - c. Orderly phasing of the development; and
    - d. Other measures needed to protect the health, safety, and well-being of the community.
  - 5. Relationship to General Plan.** A discussion of the relationship of the specific plan to the goals, policies, and objectives of the General Plan;

6. **Conformance to the Local Coastal Program.** A discussion of the conformance of the specific plan to the policies of the certified Local Coastal Program, including but not limited to policies regarding the protection of environmentally sensitive habitat areas, public access, geologic hazards, and visual resources; and
  7. **Additional information.** The specific plan shall contain additional information deemed to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable goals, policies, and objectives of the General Plan and Local Coastal Program, or any other issue(s) determined by the Director to be relevant.
- B. **Costs to be borne by the applicant.** The specific plan, and all environmental studies required as a result of the specific plan, shall be paid for by the applicant who may be repaid by future developers of other portions of the specific plan area on a pro rata basis.

## CLUDC Chapter 9

Section 17.94.030 includes the following language which would conflict with the proposed changes to Policy 7.1 and 7.2,

### 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).

Staff recommends that the wording for this section be revised as follows in order to eliminate the conflict:

### 17.94.030 - Processing, Notice, and Hearing

- C. **Comprehensive Planning Process Required.** 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.