

RESOLUTION NO. ____-2018

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING A COASTAL GENERAL PLAN AMENDMENT TO REVISE POLICIES REQUIRING SPECIFIC PLAN(S) FOR ZONING CHANGES TO PROPERTIES LOCATED IN THE TIMBER RESOURCES INDUSTRIAL ZONING DISTRICT

WHEREAS, the City of Fort Bragg ("City") adopted an updated General Plan and certified an Environmental Impact Report ("EIR") for the General Plan on December 2, 2002; and

WHEREAS, the City Council adopted Resolution 3011-2006 on September 11, 2006 transmitting the LCP to the California Coastal Commission for certification; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 11, 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 11, 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 Planning Commission adopted a resolution on April 11, 2018 recommending that the City Council resubmit LCP amendment (LCP 3-17) to the Coastal Commission to further clarify policy language as requested by the Coastal Commission staff; and

WHEREAS, the Planning Commission adopted a resolution on April 11, 2018 recommending that the City Council adopt LCP 3-17 and that it take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Sections 30512, 30513, and 30519; and

WHEREAS, On April 23, 2018, the City Council held a properly noticed public hearing to consider resubmission of LCP Amendment 3-17 to the Coastal Commission for certification and adoption of LCP Amendment 3-17, to take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Sections 30512, 30513, and 30519; 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)); and

WHEREAS, the City Council concurs with the Planning Commission’s determination that the City’s action to submit an LCP Amendment is exempt from CEQA review by the City as outlined above;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fort Bragg does hereby find that the foregoing recitals are true and correct and made a part of this resolution; and the Planning Commission has reviewed and considered the proposed revision to the Coastal General Plan and hereby recommends that the City Council Submit LCP Amendment 3-2017 to the Coastal Commission for consideration based on the following findings as required by section 17.94.060(A):

1. The foregoing recitals are true and correct and are made a part of this resolution.
2. The City Council and Planning Commission conducted two duly noticed joint workshops with the Fort Bragg City Council in March and October of 2017 where public comment on the proposed Coastal General Plan Amendment was invited and received.
3. On April 11, 2018, the Planning Commission held a properly noticed public hearing to consider recommending LCP Amendment 3-17 Coastal to the Fort Bragg City Council for adoption, and at that hearing the Planning Commission provided a written recommendation to the City Council regarding the adoption of the Coastal General Plan pursuant to Gov. Code Sections 65353.
4. On April 23, 2018, the City Council held a properly noticed public hearing to consider adoption of LCP Amendment 3-17.
5. The City Council determines that the Coastal General Plan amendment: (1) advances the orderly growth and development of the City's Coastal Zone; (2) protects coastal resources; (3) incorporates sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) responds to current environmental and infrastructure constraints; (5) protects the public health, safety and welfare; and (6) promotes fiscally responsible development.
6. The amendment is internally consistent with all other provisions of the Coastal General Plan and any applicable specific plan.
7. The LCP Amendment is consistent with the California Coastal Act.
8. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

9. 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.
10. 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).
11. 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
12. 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.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 23rd day of April, 2018, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

LINDY PETERS
Mayor

ATTEST:

June Lemos, CMC
City Clerk

Exhibit A

LCP Amendment 3-17

Existing Policies & Policy Amendments

Industrial

Existing: 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 be prepared when different land uses 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.

Amended: 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 a comprehensive planning process be completed when different land uses are proposed in the lands designated Timber Resources Industrial than those currently allowed. This offers the community the opportunity to: plan for its future, engage in consensus building, and develop comprehensive land use and economic development strategies.

Policy LU-7.1

Existing: 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 be subject to a specific plan process. The portions of a Specific Plan that meet the definition of “Land Use Plan” as defined by Coastal Act Section 30108.5 and “Implementing Actions” as defined by Coastal Act Section 30108.4 shall be submitted to, and effectively certified by, the Coastal Commission as an LCP amendment before those portions of the Specific Plan become effective.

Amended: 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.

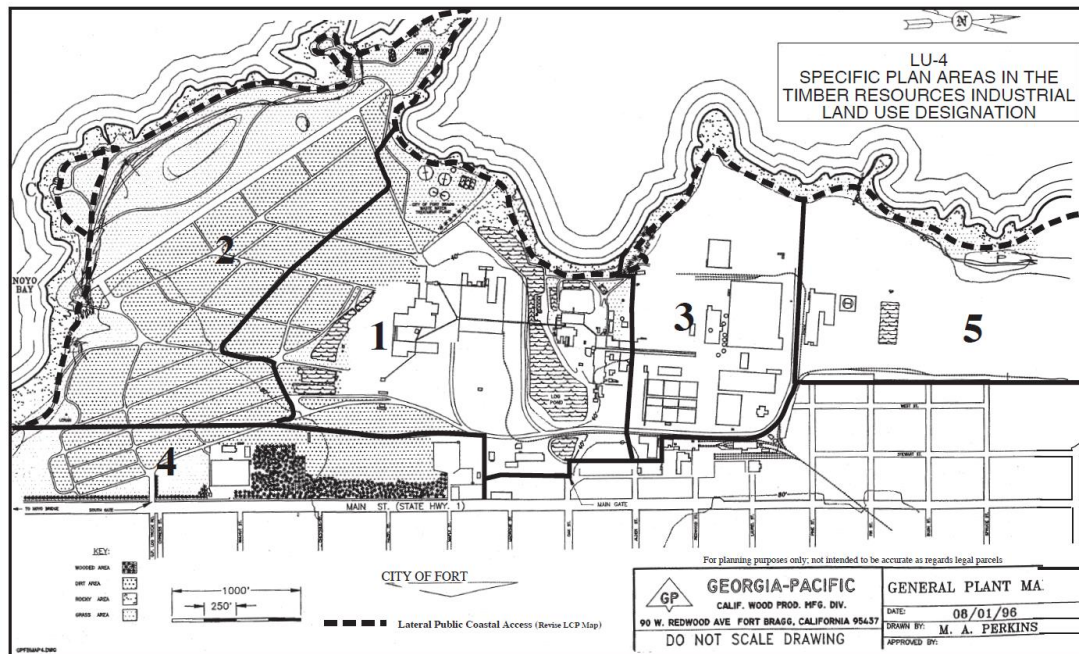
Policy LU-7.2

Existing: Policy LU-7.2: In order for LCP amendments and rezoning of lands designated Timber Resources Industrial to be considered, a specific plan shall be prepared which addresses, at a minimum, an area approximating one or more of the subareas as shown on Map LU-4: Specific Plan Areas in the Timber Resources Industrial Land Use Designation. Specific plans shall meet the following minimum criteria:

- a. The specific plan shall make provisions for existing and future infrastructure connections such as roads, utilities, and coastal access to surrounding developed and undeveloped areas.

- b. The specific plan shall contain financing methods to provide infrastructure and public amenities based on a nexus between development exactions being imposed and the development-induced needs being met by those exactions, establish an orderly phasing of development, and include other measures as needed to protect the health, safety, and well-being of the community.
- c. The specific plan, and environmental studies required for that 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.
- d. The specific plan shall be consistent with the Chapter 3 policies of the Coastal Act.

Map LU-4



Amended: 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.

Amended Map LU-4



3.2 Proposed Changes to the Circulation Element

Existing: 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 to ensure the maximum benefit to local traffic, pedestrian, and bicycle circulation and to provide maximum public access to the coast.

Amended: 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.

3.3 Proposed Changes to the Coastal Land Use and Development Code

The following change will be required to the CLUDC to ensure consistency with the proposed LCP amendment:

Existing

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).

Amended

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.