

4. CONSERVATION, OPEN SPACE, AND PARKS ELEMENT

A. Purpose


The Conservation, Open Space, and Parks Element of the Coastal General Plan combines two State-mandated elements, Conservation and Open Space. It also includes policies and programs addressing Environmentally Sensitive Habitat Areas, water quality, public access, and recreation.

Open space is defined by Government Code Section 65561 as “any area of land or water which is essentially unimproved and devoted to open space use and which is designated on local, regional or a State open space plan for the preservation of natural resources, the managed production of resources, outdoor recreation, or for public health and safety.” Fort Bragg’s open space includes lands which are publicly-owned and operated for active or passive recreational use and land which is in private ownership but is either undeveloped or managed for the protection and enhancement of natural resources. Open space in Fort Bragg provides for coastal access, recreational uses, scenic and aesthetic resources, and habitat preservation.

The City wishes to preserve as much open space as feasible to provide habitat for native species of plants and wildlife, reduce sprawl, and maintain the aesthetic benefits of undeveloped land. The City also wishes to conserve natural resources and provide its residents with a full range of recreational opportunities. The goals, policies, and programs of this Element address these aims by establishing the framework for the protection and enhancement of natural resources, the environment, and open space and for the provision of recreational opportunities for Fort Bragg residents and visitors.

The EIR for the General Plan contains a full description of the natural resources, parks, trails, and recreational facilities existing within the Planning Area. The EIR also contains a full description of natural resources occurring within the Planning Area. See Map OS-1 for a depiction of Environmentally Sensitive Habitat Areas, Map OS-2 for a depiction of Special Review Areas, and MAP OS-3 for rivers, creeks, riparian habitats and land which can contribute to groundwater recharge and stormwater management. Map OS-3 is illustrative, as most areas of the City can accommodate ground water recharge and assist in storm water management. Please see Map OS-4 for a listing of existing trails, and Map OS-5 for a depiction of existing parks and recreational facilities.

B. Goals, Policies, and Programs

The following policies demarcated with the Fort Bragg City seal:  are not part of the certified LCP and do not govern the review and approval of coastal development permits: Policy OS-7.1, Policy OS-7.2, Policy OS-8.1, Policy OS-17.4, Policy OS-17.5, Policy OS-17.7, Policy OS-19.2, and Policy OS-19.3,

Environmentally Sensitive Habitat Areas, Conservation and Natural Resources

Goal OS-1 Preserve and Enhance the City's Environmentally Sensitive Habitat Areas

Policy OS-1.1: Definition of ESHA. "Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Protection of environmentally sensitive habitat areas is one of the essential aspects of the Coastal Act. Fort Bragg has several environmentally sensitive habitat areas including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, wetlands, riparian habitats, and rare, threatened, or endangered plants or plant communities.

Areas that may contain environmentally sensitive habitat areas include, but are not limited to, areas indicated by Map 0S-1: Open Space and Environmentally Sensitive Habitat Areas. The environmentally sensitive habitat areas shown on Map 0S-1 are based on the best information available at the time mapping was done. The boundaries of environmentally sensitive habitat areas identified in Map 0S-1 are not intended to be definitive, but to identify the general location of sensitive environmental resources. Detailed locations and boundaries of these resources shall be obtained by the preparation of biological reports described in Policy OS-1.7.

Policy OS-1.2: Determination of ESHA. The determination of what constitutes ESHA shall not be limited by what is mapped and not all parcels that are mapped necessarily contain ESHA. Map 0S-1 serves to identify those general areas known to potentially contain ESHA and for which a biological report is required consistent with Policy OS-1.7 to substantiate the presence or absence of ESHA on any particular parcel. Any area not designated on LUP Map 0S-1 that meets the ESHA definition is ESHA and shall be accorded all the protection provided for ESHA in the LCP. All habitat maps shall include a note that states that "the maps may be updated as appropriate and may not include all areas that constitute ESHA." The following areas shall be considered ESHA:

- Any habitat area that is rare or especially valuable because of their special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments.
- Any habitat area of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
- Any habitat area of species designated as Fully Protected or Species of Special Concern under State law or regulations.
- Any habitat area of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.

Program OS-1.2.1: Update the mapping of environmentally sensitive habitat areas as new information becomes available.

Policy OS-1.3: Development in ESHA Wetlands: Diking, Filling, and Dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following uses:

- a. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

- b. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- c. New or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- d. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipelines.
- e. Restoration purposes.
- f. Nature study, aquaculture, or similar resource dependent activities.

Policy OS-1.4: The more specific permissible use provisions for wetlands identified in Policy OS-1.3 shall control over the more general permissible use provisions for other types of ESHA identified in Policy OS-1.5 and Policy OS-1.6.

Policy OS-1.5: Development in Rivers and Streams with ESHA. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to:

- a. Necessary water supply projects,
- b. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or
- c. Developments where the primary function is the improvement of fish and wildlife habitat.

Policy OS-1.6: Development within Other Types of ESHA shall protect ESHA against any significant disruption of habitat values and shall be limited to the following uses:

- a. Resource Dependent Uses. Public nature trails within riparian ESHA are considered a resource dependent use provided that: (1) the length of the trail within the riparian corridor shall be minimized; (2) the trail crosses the stream at right angles to the maximum extent feasible; (3) the trail is kept as far up slope from the stream as possible; (4) trail development involves a minimum of slope disturbance and vegetation clearing; and (5) the trail is the minimum width necessary. Interpretive signage may be used along permissible nature trails accessible to the public to provide information about the value and need to protect sensitive resources.
- b. Restoration projects where the primary purpose is restoration of the habitat.
- c. Invasive plant eradication projects if they are designed to protect and enhance habitat values.
- d. Pipelines and utility lines installed underneath the ESHA using directional drilling techniques designed to avoid significant disruption of habitat values.

Policy OS-1.7 Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Policy OS-1.8: Development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, other relevant

resource agencies, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width.

Policy OS-1.9: Utilize the following criteria to establish buffer areas:

- a. **Biological Significance of Adjacent Lands.** Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).
Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.
- b. **Sensitivity of Species to Disturbance.** The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:
 - (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
 - (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;
 - (iii) An assessment of the impact and activity levels of the proposed development on the resource.
- c. **Erosion susceptibility.** The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.
- d. **Use natural topography.** Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.
- e. **Use existing man-made features.** Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.
- f. **Lot Configuration and Location of Existing Development.** Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.
- g. **Type and Scale of Development Proposed.** The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

Required buffer areas shall be measured from the following points as applicable:

- The outer edge of the canopy of riparian vegetation for riparian ESHA, or from the top of stream bank where no riparian vegetation exists.
- The upland edge of a wetland for a wetland ESHA.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA.

Policy OS-1.10: Permitted Uses within ESHA Buffers. Development within an Environmentally Sensitive Habitat Area buffer shall be limited to the following uses:

- a. Wetland Buffer.
 - i. Uses allowed within the adjacent Wetland ESHA pursuant to Policy OS-1.3.
 - ii. Nature trails and interpretive signage designed to provide information about the value and protection of the resources
 - iii. Invasive plant eradication projects if they are designed to protect and enhance habitat values.
- b. Riparian Buffer.
 - i. Uses allowed within the adjacent River and Stream ESHA pursuant to Policy OS-1.5.
 - ii. Uses allowed within the adjacent ESHA pursuant to Policy OS-1.6.
 - iii. Buried pipelines and utility lines.
 - iv. Bridges.
 - v. Drainage and flood control facilities.
- c. Other types of ESHA Buffer.
 - i. Uses allowed within the adjacent ESHA pursuant to Policy OS-1.6.
 - ii. Buried pipelines and utility lines.
 - iii. Bridges.
 - iv. Drainage and flood control facilities.

Policy OS-1.11: Land Divisions and ESHA. Prohibit new land divisions creating new parcels located entirely within an environmentally sensitive habitat area or buffer area unless the parcel to be created is restricted at the time of its creation solely for open space, public recreation, or conservation.

Policy OS-1.12: Drainage and Erosion Control Plan. Permissible development on all properties containing environmentally sensitive habitat, including but not limited to those areas identified as ESHA Habitat Areas on Map OS-1, shall prepare a drainage and erosion control plan for approval by the City. The plan shall include measures to minimize erosion during project construction, and to minimize erosive runoff from the site after the project is completed. Any changes in runoff volume, velocity, or duration that may affect sensitive plant and animal populations, habitats, or buffer areas for those populations or habitats, shall be reviewed by a qualified biologist to ensure that there will not be adverse hydrologic or erosion, or sedimentation impacts on sensitive species or habitats. Mitigation measures shall be identified and adopted to minimize potential adverse runoff impacts. All projects resulting in new runoff to any streams in the City or to the ocean shall be designed to minimize the transport of pollutants from roads, parking lots, and other impermeable surfaces of the project.

Policy OS-1.13: Landscaping Adjacent to ESHA. All development located within or adjacent to environmentally sensitive habitat areas shall be conditioned to:

- a) Require all proposed plantings be obtained from local genetic stocks within Mendocino County. If documentation is provided to the review authority that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used; and if local genetic stocks within the floristic province are unavailable, the Director may authorize use of a commercial native mix, provided it is clear of invasive seed. Director may also authorize use of a seed mix that is selected for rapid senescence and replacement with native stock; and
- b) Require an invasive plant monitoring and removal program; and
- c) Prohibit the planting of any plant species on the property that is (a) listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.

Policy OS-1.14: Vegetation Removal in ESHA. Prohibit vegetation removal in Environmentally Sensitive Habitat Areas and buffer areas except for:

- a) Vegetation removal authorized through coastal development permit approval to accommodate permissible development,
- b) Removal of trees for disease control,
- c) Vegetation removal for public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or
- d) Removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106.

Such activities shall be subject to restrictions to protect sensitive habitat values.

Policy OS-1.15: Implement the following measures when a project involves dredging, filling or diking of open coastal waters, wetlands, estuaries, or lakes:

- a) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and to water circulation to the maximum extent feasible. Avoiding significant disruption means, in part, that the functional capacity of the wetland is maintained to the maximum extent feasible.
- b) Limitations may be imposed, including but not limited to, limitations on the timing of the operation, the type of operation, the quantity of dredged material removed, and the location of the spoils site.
- c) Dredge spoils suitable for beach replenishment shall, where feasible, be transported to appropriate beaches or into suitable longshore current systems.
- d) Other mitigation measures may include opening areas to tidal action, removing dikes, improving tidal flushing, or other restoration measures.

Program OS-1.15.1: Consult with the Department of Fish and Game, California Coastal Commission, and U.S. Army Corps of Engineers, as applicable, on the review of dredging, filling and diking plans in, or adjacent to wetlands or estuaries to establish mitigating measures.

Policy OS-1.16: Biological Report Required.

- a) Permit applications for development within or adjacent to Environmentally Sensitive Habitat Areas including areas identified in Map OS-1 or other sites identified by City staff which have the possibility of containing environmentally

sensitive habitat shall include a biological report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and the City of Fort Bragg's Local Coastal Program are fully met. The required content of the biological report is specified in the Coastal Land Use and Development Code.

- b) Submittal of Biological Reports. These biological reports shall be reviewed by the City and approving agencies. The biological reports described above shall be submitted prior to filing as complete a coastal development permit application and may also be submitted as a part of any environmental documentation required pursuant to CEQA. The selection of the professional preparing the report shall be made or approved by the City or the agency approving the permit and paid for by the applicant.
- c) Biological reports shall contain mitigating measures meeting the following minimum standards:
 - i. They are specific, implementable, and, wherever feasible, quantifiable.
 - ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption.
 - iii. They are incorporated into a Mitigation Monitoring Program; and
 - iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

Goal OS-2 Preserve and enhance the City's other natural resources.

Policy OS-2.1 Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent. Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.

Program OS-2.1.1: To the maximum extent feasible, preserve, protect, and restore streams and creeks to their natural state.

Program OS-2.1.2: Work with organizations and private property owners to enhance the City's watercourses for habitat preservation and recreation.

Program OS-2.1.3: Develop additional guidelines for the maintenance of watercourses to further assure that native vegetation is not unnecessarily removed and that maintenance minimizes disruption of wildlife breeding activities and wildlife movement. Incorporate these guidelines, where appropriate, into the City's maintenance procedures.

Program OS-2.1.4: Seek Federal and State funding for the repair of streambank erosion, planting of riparian vegetation to stabilize creek banks, and removal of debris obstructing waterflow.

Policy OS-2.2: Protect Aquifers: Protect groundwater aquifers.

Program OS-2.2.1: Prior to consideration of any new development on the Todd Point aquifer, a project-specific hydrologic design analysis shall be prepared by the project applicant to recommend specific mitigation measures to minimize runoff from the site in

order to retain existing levels of groundwater recharge. (Examples of such measures include establishment of retention basins, establishment of percolation chambers, use of permeable paving materials, etc.)

If the design analysis concludes that the project will result in a net decrease in groundwater recharge from the project site, then a supplemental hydrologic analysis shall be prepared by the applicant which evaluates cumulative hydrologic impacts. The study shall establish a baseline of aquifer supply to existing residential wells on Todd Point and evaluate cumulative impacts to aquifer recharge from all projected development on Todd Point.

If the supplemental hydrologic analysis shows that the cumulative development would adversely impact existing Todd Point wells, then the study shall establish the nexus for new development, both in the City and in the County, to pay its pro rata share of the costs of extending City water service to the affected existing residences.

Prior to new development, the City will establish a program that identifies how fees will be collected to extend City water, what existing residences will be served, and when the water service would be extended.

The cost of preparing the cumulative hydrologic study will be borne by the first application received which triggers this requirement, and all future applicants for new development on Todd Point will be required to reimburse the original applicant their fair share of the hydrologic study.

Goal OS-3: Preserve areas with other biotic resources.

Policy OS-3.1 Native Species: Preserve native plant and animal species and their habitat.

Policy OS-3.2: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Policy OS-3.3: Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.

Policy OS-3.4: Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.

Program OS-3.4.1: Request that Caltrans, PG&E, and the County of Mendocino remove pampas grass and broom from their rights-of-way. The City shall strive to remove these plants from City-owned rights-of-way.

Policy OS-3.5. Trees for wind screening. Native trees shall be required in new development projects on the Mill Site, where necessary, to provide wind screening.

Goal OS-4 Encourage Native Plants and Discourage Non-Native Invasive Plants & Trees

Policy OS-4.1 Native Landscaping: All development shall be conditioned to require that 50% of all plantings are native plants and shall prohibit the planting of any plant species that is (a) listed

as problematic and/or invasive by the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.



Native Landscaping

Policy OS--4.2 Prohibit Invasive Species: Condition development projects requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.

Program OS-4.2.1: Require that Caltrans, PG&E, the County of Mendocino, and private property owners remove pampas grass and broom from their properties and rights-of-way. The City shall strive to remove these plants from City-owned property and rights-of-way.

Program OS-4.2.2: Encourage the removal of non-native invasive trees where feasible, such as Monterey Cypress, Monterey Pine and Eucalyptus, and prohibit planting of non-native invasive tree species in new development.

Policy OS-4.3 Preserve Native Vegetation and Trees: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Policy OS-4.4 Maintain Open Space: Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.

Policy OS-4.4 Forested Areas: Maintain existing forested areas and reforest parks and streetscapes with new trees as needed. Projects proposed in forested areas are required to meet the requirements of the Special Review Areas.

Program OS-2.4.1: Establish a tree planting and replacement program to assure continuing stands of trees throughout the City.

Program OS-2.4.2: Consider adopting a street tree program.

Goal OS-5 Protect and preserve soil as a natural resource.

Policy OS-5.1 Soil Erosion: Minimize soil erosion to prevent loss of productive soils, prevent flooding, landslides, and maintain infiltration capacity and soil structure.

Goal OS-6 Protect and Preserve Cultural Resources.

Policy OS-6.1 Preserve Archaeological Resources: New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

Policy OS-6.2 Resource Avoidance. Avoidance and non-disturbance measures are the preferred treatment of cultural resources where feasible. If avoidance is not feasible, the City shall consult with the Tribal Council to minimize and mitigate impacts of a potential undertaking to cultural resources. In cases where agreement cannot be reached within the statutorily required timeframe for the preparation of the CEQA document, as Lead Agency, the City shall define the avoidance/mitigation strategy.

Policy OS-6.3: Archaeological Resources Report Required.

- A) Development located within areas of known or potential archaeological or paleontological resources included in (i) – (iv) shall be required to submit a report consistent with the requirements of section B below prior to approval of a building, grading, or coastal development permit for the development.
 - i. Former Georgia Pacific timber mill. The entire property which comprises the former Georgia-Pacific timber mill site;
 - ii. Noyo Bay. The area located along the south side of Noyo Bay (e.g., Todd Point);
 - iii. Noyo River. All of the areas located adjacent to the north side of the Noyo River;
 - iv. North Fort Bragg Coast. All of the areas located west of Highway 1 and north of Pudding Creek;
 - v. Special Review Areas. All Special Review Areas identified on Map OS-2 in the Coastal General Plan; and
 - vi. Other areas identified by the Director. Other areas identified by the environmental review process (Chapter 18.72), or brought to the attention of the City through special studies performed after the enactment of this Section, as having the potential for containing archaeological or paleontological resources.
- B) Report required. A project specific report shall be prepared by a qualified archaeologist and shall be submitted prior to filing as complete a coastal development permit application. Archaeologists hired to conduct archaeological investigations must meet the Secretary of the Interior's Professional Qualifications Standards. The permit review authority may waive the requirement for a project specific report if the Director determines that an existing report satisfies the requirements of this section. The report shall be prepared consistent with the requirements of Section 18.50.030 of the Coastal Land Use & Development Code.

Policy OS-6.4 Native American Consultation. For sites where cultural resources are identified, the City shall engage in consultation with appropriate tribal councils as part of the CEQA review process. For project areas where cultural resources have the potential to be discovered/disturbed, either within or adjacent to the project area, the City shall engage in consultation with appropriate Tribes as part of the review process and project planning.

Policy OS-6.5 Tribal Monitoring. The Applicant shall allow the Tribe to monitor all ground disturbing activities on projects where cultural resources may be reasonably expected to be located and shall pay for Tribal Monitoring expenses.

Policy OS-6.6 Resource Discovery. If cultural resources are encountered, ground disturbing activities shall cease immediately in the discovery location and a buffer zone of fifty (50) feet radius. If the find is known or suspected human remains and/or associated cultural resources, ground disturbing activities shall cease in the discovery location and a one hundred (100) feet radius buffer area. The size of the buffer may be adjusted once the project archaeologist, in consultation with the tribal monitor, has had the opportunity to examine the site. No construction activities will take place within the buffer until an archaeological investigation has been completed.

Policy OS-6.7 Human Remains. In the event that human remains are discovered during the project, ALL job operations shall cease and the county sheriff and coroner shall be notified. In the event that the remains are Native American human remains, associated funerary objects, sacred objects, and/or objects of cultural patrimony are found during a project, the Parties understand that a determination of the Most Likely Descendant (MLD), as described in California Public Resources Code section 5097.98, will be made by the NAHC upon notification to the NAHC of discovery of any such remains at a project site.

Policy OS-6.8 Resource Ownership and Deposition. The Applicant shall transfer ownership of Native American cultural resources that are found through implementation of a Data Collection Plan or through monitoring of a construction project to the appropriate Native American Tribe for proper treatment and disposition, if requested by the Tribe, unless otherwise required by law.

Policy OS-6.9 Access to Sacred Sites. Pursuant to California Public Resources Code sections 5097.9, where feasible and appropriate, the City shall consult with the Tribe to include mitigation measures that provide for Tribal access to places of traditional, spiritual or social importance (such as prayer sites, ceremonial sites and shrines), areas important in folklore and legend, and areas attributed with special or unique powers of sacredness identified and located on the Mill Site.

~~Policy OS-6.10: Halt all work if archaeological resources are uncovered during construction. Require an evaluation by a qualified archaeologist before recommencing construction.~~

~~Policy OS-6.11: Locate and/or design new development to avoid archaeological resources where feasible.~~

Policy OS-6.12: Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.

Goal OS-7 Improve air quality.



Policy OS-7.1 Participate in Regional Planning to Improve Air Quality: Continue to cooperate with the Mendocino County Air Quality Management District (MCAQMD) in implementing the *Regional Clean Air Plan*.



Program OS-7.1.1: Add a City representative to the Board of MCAQMD.

Policy OS-7.2 Air Quality Standards: Seek to comply with State and Federal standards for air quality.

Program OS-7.2.1: Review new project proposals for consistency with MCAQMD regulations and guidelines.

Program OS-7.2.2: Work with the Mendocino County Air Quality Management District to ensure that all new industrial projects include Best Available Control Technologies (BACTs) to control emissions of air pollutants to the maximum extent permitted by law.

Program OS-7.2.3: Require that proposed new asphalt plants undergo an air quality analysis that includes analysis of emissions, dispersion modeling, risk analysis, and mitigation required to reduce pollution and risk.

Program OS-7.2.4: Prohibit unpaved driveways of more than 50 feet and unpaved roads in all new development.

C. Water Quality

Goal OS-9 Improve water quality.

Policy OS-9.1: Minimize Introduction of Pollutants. Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes) to the extent feasible.

Policy OS-9.2: Minimize Increases in Stormwater Runoff. Development shall be designed and managed to minimize post-project increases in stormwater runoff volume and peak runoff rate, to the extent feasible, to avoid adverse impacts to coastal waters.

Policy OS-9.3: Maintain Biological Productivity and Quality of Coastal Waters. Development shall be designed and managed to maintain, and restore where feasible, the biological productivity and quality of coastal waters, consistent with sections 30230, 30231, and other relevant sections of the California Coastal Act. The Coastal Act sections set forth below are incorporated herein as policies of the Land Use Plan:

Policy OS-9.4: Maintain, Enhance, and Restore Marine Resources. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Policy OS-9.5. Maintain and Restore Biological Productivity and Water Quality. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Goal OS-10 Improve water quality through the Selection and Design of Appropriate Best Management Practices (BMPs)

Policy OS-10.1: Construction-phase Stormwater Runoff Plan. All development that requires a grading permit shall submit a construction-phase erosion, sedimentation, and polluted runoff control plan. This plan shall evaluate potential construction-phase impacts to water quality and coastal waters, and shall specify temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials.

Policy OS-10.2: Post-Construction Stormwater Runoff Plan. All development that has the potential to adversely affect water quality shall submit a post-construction polluted runoff control plan ("Runoff Mitigation Plan"). This plan shall specify long-term Site Design, Source Control, and, if necessary, Treatment Control BMPs that will be implemented to minimize stormwater pollution and erosive runoff after construction, and shall include the monitoring and maintenance plans for these BMPs.

Policy OS-10.3: Emphasize Site Design and Source Control BMPs. Long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff flow shall be incorporated in the project design of development that has the potential to adversely impact water quality in the following order of emphasis:

- A) Site Design BMPs: Any project design feature that reduces the creation or severity of potential pollutant sources, or reduces the alteration of the project site's natural flow regime. Examples include minimizing impervious surfaces, and minimizing grading.
- B) Source Control BMPs: Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution. Examples include covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- C) Treatment Control BMPs: Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples include vegetated swales, and storm drain inserts.

Site Design BMPs may reduce a development's need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control BMPs. Therefore, all development that has the potential to adversely affect water quality shall incorporate effective post-construction Site Design and Source Control

BMPs, where applicable and feasible, to minimize adverse impacts to water quality and coastal waters resulting from the development. Site Design and Source Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program.

Policy OS-10.4: Incorporate Treatment Control BMPs if Necessary. If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policy OS-9.3, as determined by the review authority, development shall also incorporate post-construction Treatment Control BMPs. Projects of Special Water Quality Concern (see Policy OS-12.1) are presumed to require Treatment Control BMPs to meet the requirements of OS-9.3. Treatment Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program, including biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inserts, wet vaults, or hydrodynamic separator systems.

Policy OS-10.5: Guidance on BMP Selection and Design. Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Chapter 18.64.070, Tables 1-3, of the Land Use & Development Code, or equivalent tables which list pollutants of concern for each type of development or land use.

The design of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs.

Policy OS-10.6: Water Quality Checklist. A water quality checklist shall be developed and used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and proposed mitigation measures.

Goal OS-11 Improve water quality through Site Design and Source Control BMPs

Development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating BMPs designed to ensure the following:

Policy OS-11.1: Use Integrated Management Practices in Site Design. The city shall require, where appropriate and feasible, the use of small-scale integrated management practices (e.g., Low Impact Development techniques) designed to maintain the site's natural hydrology by minimizing impervious surfaces and infiltrating stormwater close to its source (e.g., vegetated swales, permeable pavements, and infiltration of rooftop runoff).

Policy OS-11.2: Preserve Functions of Natural Drainage Systems. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, where appropriate and feasible. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.

Policy OS-11.3: Minimize Impervious Surfaces. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, where feasible. Redevelopment shall reduce the impervious surface site coverage, where feasible. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

Policy OS-11.4: Infiltrate Stormwater Runoff. Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

Policy OS-11.5: Divert Stormwater Runoff into Permeable Areas. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.

Policy OS-11.6: Use Permeable Pavement Materials. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

Policy OS-11.7: Avoid Steep Slopes with Highly Erodible Soil. Where feasible, development shall be sited and designed to avoid areas on steep slopes (i.e., 12% or greater) with highly erodible soil. Developments on these hillside areas are considered Developments of Special Water Quality Concern, and are subject to additional requirements (see Policies OS-12.1 and OS-12.2).

Policy OS-11.8: Landscape with Native Plant Species. The City shall encourage development to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals (e.g., pesticides and fertilizers).

Policy OS-11.9: Provide Storm Drain Inlet Markers. Markers or stenciling shall be required for all storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

Policy OS-11.10: Continue Operation and Maintenance of Post-Construction BMPs. Permittees shall be required to continue the operation, inspection, and maintenance of all post-construction BMPs as necessary to ensure their effective operation for the life of the development.

Goal OS-12 Improve water quality through additional requirements for Developments of Special Water Quality Concern

Policy OS-12.1: Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts,

due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in one or more of the following categories shall be considered a "Development of Special Water Quality Concern," and shall be subject to additional requirements set forth in Policy OS-12.2 below to protect coastal water quality. Developments of Special Water Quality Concern include the following:

- a) Housing developments of ten or more dwelling units.
- b) Hillside developments on slopes greater than 12 percent, located in areas with highly erodible soil.
- c) Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
- d) Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
- e) Heavy industrial developments.
- f) Vehicle service facilities (including retail gasoline outlets, service stations, commercial car washes, and vehicle repair facilities).
- g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or waterbodies.
- h) All developments within 125 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area.
 - a. "Discharge directly to" the ocean or a waterbody means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
- i) Any other development determined by the review authority to be a Development of Special Water Quality Concern.

Policy OS-12.2: Additional Requirements for Developments of Special Water Quality Concern. All Developments of Special Water Quality Concern (as identified in Policy OS-12.1, above) shall be subject to the following four additional requirements to protect coastal water quality:

- 1) Water Quality Management Plan. The applicant for a Development of Special Water Quality Concern shall be required to submit for approval a Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.
- 2) Selection of Structural Treatment Control BMPs. As set forth in Policy OS-10.4, if the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.

- 3) 85th Percentile Design Standard for Treatment Control BMPs. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.
- 4) Goal for Runoff Reduction. In Developments of Special Water Quality Concern, the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

Goal OS-13 Improve water quality through Municipal Activities to Protect Water Quality

Policy OS-13.1: Municipal Activities to Protect and Restore Water Quality. The City shall promote both the protection and restoration of water quality and coastal waters. Water quality degradation can result from a variety of factors, including but not limited to the introduction of pollutants, increases in runoff volume and rate, generation of non-stormwater runoff, and alteration of physical, chemical, or biological features of the landscape.

Program OS-13.1.1: Water Quality Public Education and Outreach. The City shall continue to encourage public outreach and education about the water quality impacts of development. The City shall continue to coordinate with other agencies in the watershed area, as feasible, to develop public education programs on urban runoff issues and the appropriate roles of individuals, businesses, and government in the implementation of BMPs for pollution prevention.

Program OS-13.1.2: BMPS for Municipal Maintenance Activities. The City shall ensure that municipal maintenance activities and other public projects not requiring a Coastal Development Permit also integrate appropriate BMPs to protect water quality and coastal waters.

Goal OS-14 Improve water quality through Construction-Phase Pollution Control

Policy OS-14.1: Minimize Polluted Runoff and Pollution from Construction. All development shall minimize erosion, sedimentation, and the discharge of other polluted runoff (e.g., chemicals, vehicle fluids, concrete truck wash-out, and litter) from construction activities, to the extent feasible.

Policy OS-14.2: Minimize Land Disturbance During Construction. Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.

Policy OS-14.3: Minimize Disturbance of Natural Vegetation. Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which are important for preventing erosion and sedimentation.

Policy OS-14.4: Stabilize Soil Promptly. Development shall implement soil stabilization BMPs (including, but not limited to, re-vegetation) on graded or disturbed areas as soon as feasible.

Policy OS-14.5: Grading During Rainy Season. Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the review authority determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations.

D. Open Space

There are three categories of open space in the Fort Bragg Planning Area: 1) publicly-owned land, such as Noyo Headlands Park, Pomo Bluffs Park, and MacKerricher State Park; 2) dedicated land, which is privately-owned and maintained and has a recorded open space or conservation easement; and 3) land which has a prescriptive easement permitting public use.

Goal OS-15 Conserve and enhance a variety of open space features including creeks, wildlife habitats, scenic view corridors, and other amenities.

Policy OS-15.1: Open Space: Plan for and condition new development to implement the City's priorities for open space.

Program OS-15.1.1: Use conservation easements wherever possible to protect environmentally sensitive open space areas.

Program OS-15.1.2: Continue to work with local and regional agencies and interest groups, in conjunction with the Mendocino Coast Recreation and Park District Master Plan, to develop an open space preservation strategy.

Program OS-15.1.3: Develop additional standards in the Coastal LUDC for further public access to open space areas.

Program OS-15.1.4: Revise the CLUDC to make public open space and public access ways and trails to public parklands a permitted use in all land use and zoning designations.

Policy OS-15.2 Protect and Restore Open Space: During the development review process, protect and restore open space areas such as wildlife habitats, view corridors, coastal areas, and watercourses as open and natural.

Program OS-15.2.1: Require that projects on parcels five acres or larger requesting a rezoning to a higher density include dedications for open space or parkland.

Program OS-15.2.2: Maintain an inventory of vacant parcels that could potentially be purchased and developed as public open space (parks, community gardens, trails, etc.)

Policy OS-15.3 Trails in Open Space: Wherever feasible, plan and construct trails through the greenbelts and open space that connect to the City's trail system and that of Mendocino Coast Recreation Park District (MCRPD) and those of State Parks.

Policy OS-15.4. Mill Pond Restoration. The Mill Pond (or daylighted Maple Creek) and lowland area shall be offered in dedication to the City of Fort Bragg upon subdivision of this parcel. A Mill Pond restoration project may include, as feasible:

1. A multi-use trail that provides beach access at Fort Bragg Landing.
2. Drainage features that safely convey surface runoff from the Plan Area and the Alder and Maple Creek watersheds.
3. Daylighting of the maple creek drainage to Fort Bragg Landing.

Policy OS-15.5. Mill Site Pond 5 Enhancement. Pond 5 and surrounding open space shall be enhanced and offered in dedication to the City of Fort Bragg upon subdivision of this parcel.

Policy OS-15.6. Mill Site Pond 5 activities. The area around Pond 5 may be used for community events in conjunction with the Coastal Trail.

Policy OS-15.7. Daylighting of Maple and Alder Creeks. The day-lighting of Maple and Alder Creek are encouraged, as feasible, and may include:

1. A daylighted Maple Creek and riparian habitat extending from the Maple Creek drainage and Maple Street Riparian Area to the Mill Pond Complex; and
2. Restored natural habitat along the length and width of the creek; and
3. Other project components as required for the Coastal Development Permit and compliance with Policy PF8.4 and PF 8.5.

Policy OS-15.8. Mill Site Open Space Implementation. All asphalt located in the wildlife corridor shall be removed at the time that the creek is daylighted, and the upland portion of the corridor shall be restored with native plants and grasses.

Policy OS-15.9. Mill Ponds 1-4 Wild Life Corridor Transfer & Restoration. The Pond 1-4 and associated wildlife corridor shall be offered in dedication to the City of Fort Bragg upon subdivision of this parcel. An open space plan for the South Ponds shall be developed by the developer and approved by the City as part of the Southern District Tentative Subdivision Map and implemented prior to issuance of a Certificate of Occupancy for adjacent development projects in the Mill Site Industrial (IMS) zone and/or Timber Resources Industrial (IT). The plan shall include removal of all asphalt and concrete within the open space corridor, and revegetation with native seed.

Policy OS-15.10. Security and Safety on Undeveloped Mill Site Properties. The preferred method for dealing with security and safety issues is the removal of all hazards from vacant and undeveloped parcels by the property owner. Security fencing is discouraged for vacant and undeveloped properties.

Policy OS-15.11. Revegetation of Undeveloped Mill Site Properties. As each length of street infrastructure is developed, existing asphalt shall be removed from the adjacent blocks which shall be planted with native grass seed and graded to facilitate stormwater infiltration. Revegetation of these undeveloped areas with native plant communities shall not be construed to represent environmentally sensitive habitat subject to protection under the Coastal Act.

E. Public Access and Recreation

Public access to the shoreline is guaranteed by the California Constitution and is further defined by standards established by the Coastal Act to recognize the shoreline as a public resource

which is available for viewing, recreation, and scientific research at the water's edge and along tidal rivers.

As development in the Fort Bragg area and elsewhere increases, there will be an increased need for public access. Access to the coastline is dependent on the right of the public to cross public and private land. Access across private land generally is obtained through purchase of an easement, or obtained as a condition of development approval.

Goal OS-16 Maximize public access to and along the coast consistent with sound resources and conservation principles and constitutionally protected rights of private property owners.

Policy OS-16.1 Coastal Access: Maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Provide public open space and shoreline access in the Coastal Zone. Acquisitions for coastal access shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses.

Program OS-16.1.1: Provide shoreline access in the Coastal Zone along the vertical and lateral access routes as described in Table OS-2 and Map OS-3.

Program OS-16.1.2: Acquire additional public access to the shoreline by:

- a) accepting Offers To Dedicate (OTDs) that will increase opportunities for public access and recreation;
- b) actively seeking public agency, community non-profit, or other private offers of dedication and offers to assume the liability and maintenance responsibilities; and
- c) requiring public access as a condition of development consistent with the Coastal Act, the Coastal Commission's Statewide Interpretive Guidelines, and the findings required to support an Offer to Dedicate (OTD); and
- d) creating a partnership with the State Coastal Conservancy and other funding agencies to purchase and develop public access to and along the coast, with the City assuming responsibility for management and maintenance of the public open space.

Program OS-16.1.3: Work with the California Coastal Conservancy to assure that the proposed access improvements and public facilities identified in the Noyo Harbor Plan are provided on the banks of the Noyo River.

Program OS-16.1.4: Work with the appropriate State agencies to preserve and improve the existing coastal access north of Airport Road (i.e., Access "Q" on Map OS-3). Parking or recreational facilities shall not be required on the west side of Highway One in this area due to the fragile nature of the coastal terrace prairie habitat.

Program OS-16.1.5: Acquisitions of coastal land and easements for public access purposes shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses.

Policy OS-16.2 Right of Public Access: Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization,

including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Public prescriptive rights must be protected wherever they exist.

Policy OS-16.3: Proscriptive Rights. Unless a landowner chooses to adjudicate any existing prescriptive rights issue, where there is substantial evidence that prescriptive rights of access to the beach exist on a parcel, development on that parcel must be designed, or conditions must be imposed, to avoid interference with the prescriptive rights that may exist or to provide alternative, equivalent access.

Policy OS-16.4 New Development: Require public access from the nearest public roadway to the shoreline and along the coast in new development except where:

- a) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources;
- b) adequate access exists within 500 feet of the site; or
- c) access at the site would be inconsistent with other LCP policies, including but not limited to, expanded or new coastal-dependent industry or the protection of environmentally sensitive resources.

TABLE OS-1: COASTAL ZONE PUBLIC ACCESS

Map Key	Access Point/Area	Description of Proposed Access and Related Programs
A	Pudding Creek sand bar – Vertical Access	Existing access from Highway One to the sand bar located at the northern bank of Pudding Creek where it joins the ocean.
B	South Side of Noyo Bridge – Vertical Access	Vertical access shall be required as mapped as a condition of permit approval. Minor signing and path improvements shall be accomplished by a public agency or private association.
C	South Side of Noyo Bridge - Lateral Access	Lateral access along the south bank of the Noyo River within the City Limits shall be acquired. This access shall be connected to the trail system leading from the southern bluff of the Noyo Headlands to South Harbor Drive as indicated in Map OS-3.
D	North Harbor Drive – Vertical Access	A vertical access from the bottom of North Harbor Drive to the proposed lateral access along the north bank of the Noyo River shall be required as a condition of permit approval.

Note: The Map Key refers to the letter code indicating the general location of the public **ACCESS** on Map OS-3: Coastal Land Use and Environment.

Map Key	Access Point/Area	Description of Proposed Access and Related Programs
J	North Bank of the Noyo – Lateral Access	Require public access along the entire length of the City's frontage on the north bank of the Noyo River as a condition of permit approval, except where physical conditions make access infeasible due to topography and/or safety considerations.
K	South Street – Vertical Access	Require a vertical access from the end of South Street to the north bank of the Noyo River as a condition of permit approval. This access may be in conjunction with any street required for access to development. Public parking may be provided by a public agency or private association.
L		
M	North Shore of Noyo Bay	Rights for access and recreation shall be required as a condition of approval or through acquisition by a public or private organization for the north shore of the Noyo Bay, west of the Bridge, labeled “Open Space” as indicated on Map OS-3.
N	Cypress Street - Vertical Access	Require a vertical access from the end of Cypress Street to the north bank of the Noyo River as a condition of permit approval. This access may be in conjunction with any street required for access to development. If the area is developed, then public parking may be provided by a public agency or private association.
O	Highway One and MacKerricher State Park – Vertical Access	A vertical access between Highway One and MacKerricher State Park.
P	Todd Point	Recognize that prescriptive rights may exist on the portion of Todd Point labeled “PD” on Map OS-3. Require public access as a condition of permit approval in this area. Soil and vegetation restoration work shall be part of any acquisition and a paved parking area shall be developed.
Q	Airport Road/Highway One	Acquire and improve the current unimproved dirt trail to the coast. Major parking facilities and restrooms are not recommended due to the fragile nature of the coastal bluffs.
R		
S	Pine Street to Bluff edge	Proposed vertical access from Pine Street to Glass Beach

Note: The Map Key refers to the letter code indicating the general location of the public ACCESS on Map OS-3: Coastal Land Use and Environment.

Policy OS-16.5. [Pedestrian Connections to Coastal Trail](#). Development adjacent to the Coastal Trail shall provide pedestrian connections to the City's Coastal Trail as feasible and necessary to ensure coastal access per the policies of the Coastal General Plan and in compliance with Map OS-3.

Policy OS-16.X. [Coastal Access Parking](#). New development adjacent to the Coastal Trail shall include parking as necessary to facilitate coastal access under the Coastal Act.

Policy OS-16.6. Restoration of Areas Adjoining Coastal Drive. Development that is located within 100 feet of the Coastal Trail shall include, as feasible, the restoration of all areas between the development and the edge of the City's Coastal Trail property with native vegetation.

Policy OS-16.7. Stormwater Systems shall connect to Coastal Trail swales. Development projects shall include installation of stormwater infrastructure to effectively convey stormwater runoff from the development project to established City-owned Coastal Trail swales and culverts.

Policy OS-16.9: Easement Requirements. In order to avoid or offset a project's significant adverse impacts on public access, and consistent with the provisions of Section 18.56.070, the City shall require a 25-foot-wide easement along all trails designated on Map OS-3 "Coastal Zone, Coastal Access, and City Trail System," as a condition of approval to mitigate impacts of development that requires a coastal development permit where such impacts cannot be avoided. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the City. Offers of dedication shall last for a period of 21 years from the date of recordation of the offer.

Policy OS-16.10: Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.

Policy OS-16.11: Public Access as a Permitted Use. Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer to Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g. parking), construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.

Policy OS-16.12: Review new development to prevent siting of structures that encroach on coastal access routes where prescriptive easements may exist so as to provide the opportunity to acquire the access through a conservation easement, adjudication, or other means, as appropriate.

Policy OS-16.13: Require, as a condition of development for projects which create significant adverse impacts on public access and where discretionary approval by the City is required, lateral access along the bluffs of the Georgia-Pacific property and adjacent properties, north of the Noyo Harbor area to Pudding Creek as indicated in Map OS-3.

Policy OS-16.14 Use of Public Accesses: Dedicated accesses shall not be required to be opened for public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access.

Policy OS-16.15: Open the Easement. For all grants of easement to the City, the City shall open the easement to the public as soon as is feasible, and shall be responsible for operating and

maintaining the accessway, or the City shall grant the easement to a private nonprofit association that is willing to accept, maintain and operate the accessway.

Policy OS-16.16: Easements to Non Profits. For all grants of easement from the City to a private non-profit association, the Executive Director of the Commission must review and approve a management plan submitted by the private non-profit association that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded grant of easement, and that the association will open the easement to the public as soon as is feasible.

Program OS-16.16.1: Work with the Coastal Conservancy and other organizations to accept liability for and maintain public accesses.

Program OS-16.16.2: Facilitate the acceptance of Offers to Dedicate (OTDs) as a means of obtaining additional public access.

Policy OS-16.17: Offers to Dedicate. Any government agency may accept an offer to dedicate an easement if the agency is willing to operate and maintain the easement. For all offers to dedicate an easement that are required as conditions of Coastal Development Permits approved by the City, the Executive Director of the Commission must approve any private non-profit association that seeks to accept the offer. In order for the Executive Director of the Commission to approve any private association, the non-profit association must submit a management plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate the easement.

Policy OS-16.18: Acquire OTDs for access easements for all areas designated on Map OS-3 in conjunction with new development which will adversely impact public access, unless other sites exist within 500 feet which provide sufficient access, parking, and other related facilities.

Policy OS-16.19: In coordination with the Executive Director of the Coastal Commission, the City shall establish a procedure for acceptance of OTDs and management of public accesses prior to their expiration.

Policy OS-16.20 Priority to Beach Rather than Bluff Access North of Glass Beach: Where public access to both beach and blufftop areas is feasible, give a higher priority to public use of the beaches rather than to the bluffs in the design and development of accesses and the location and placement of directional signs. This policy applies to bluffs north of Glass Beach to the mouth of Pudding Creek and then easterly to the Pudding Creek Trestle.

Policy OS-16.21 Coastal Trails: Develop a continuous trail system throughout the City which connects to the California Coastal Trail system.

Program OS-16.21.1: Ensure that City trails connect with the California Coastal Trails system, as shown on Map OS-3. Acquire rights-of-way through Offers to Dedicate; easements; land transfers; and land acquisition, as appropriate.



Noyo Headlands Park – California Coastal Trail

~~Program OS 16.21.2. California Coastal Trail (CCT)~~

- ~~1. The City shall strive to complete the links in the California Coastal Trail (CCT) by participating and consulting with the National Park Service, the State Department of Parks & Recreation, the State Coastal Conservancy, Mendocino County, and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the Fort Bragg California Coastal Trail (CCT) segment, including opening trails for vertical access designated on Map OS-3, "Coastal Zone, Coastal Access, and City Trail System."~~
 - ~~a) The CCT shall be identified and defined as a continuous trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent Coastal jurisdictions (Mendocino County).~~
 - ~~b) The CCT shall be designed and implemented to achieve the following objectives:~~
 - ~~• Provide a continuous walking and hiking trail as close to the ocean as possible;~~
 - ~~• Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;~~
 - ~~• Maximize connections to existing and proposed local trail systems;~~
 - ~~• Ensure that all segments of the trail have vertical access connections at reasonable intervals;~~
 - ~~• Maximize ocean views and scenic coastal vistas;~~
 - ~~• Provide an educational experience where feasible through interpretive facilities.~~
 - ~~c) Ensure that shoreline and blufftop trail segments that may not be passable at all times provide inland alternative routes.~~

~~2. CCT Siting and Design Standards:~~

- ~~a) The trail should be sited and designed to be located along or as close to the shoreline where physically and aesthetically feasible. Where it is not feasible to locate the trail along the shoreline due to natural landforms or legally authorized development that prevents passage at all times, inland bypass trail segments located as close to the shoreline as possible should be utilized. Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.~~
- ~~b) Where gaps are identified in the trail, interim segments should be identified to ensure a continuous coastal trail. Interim segments should be noted as such, with provisions that as opportunities arise, the trail shall be realigned for ideal siting. Interim trail segments should meet as many of the CCT objectives and standards as possible.~~
- ~~c) The CCT should be designed and located to minimize impacts to environmentally sensitive habitat areas to the maximum extent feasible. Where appropriate, trail access should be limited to pass and repass. Where necessary to prevent disturbance of nesting birds, sections of the trail may be closed on a seasonal basis. Alternative trail segments shall be provided where feasible.~~
- ~~d) The CCT should be located to incorporate existing oceanfront trails and paths and support facilities of public shoreline parks and beaches to the maximum extent feasible.~~
- ~~e) To provide a continuously identifiable trail along the base and shoreline of Mendocino County, the trail should be integrated with the CCT in Mendocino County which borders the City.~~
- ~~f) The CCT should be designed to avoid being located on roads with motorized vehicle traffic where feasible. In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right of way, and separated from traffic by a safe distance. In locations where the trail must cross a roadway, appropriate directional and traffic warning signing should be provided.~~

~~3. CCT Acquisition and Management:~~

- ~~a) Trail easements should be obtained by encouraging private donation of land, by public purchase, or by dedication of trail easements. Trail easement dedications shall be required as a condition of approval of a Coastal Development Permit for development on property located on the CCT route or on designated vertical accessways to the route, when the dedication will mitigate adverse impacts on public access and/or recreation by the project.~~
- ~~b) The CCT plan should identify the appropriate management agency(s) to take responsibility for trail maintenance.~~

~~4. CCT Signage Program Standards:~~

- ~~a) The trail should provide adequate signage at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads which incorporate the CCT logo (to be designed).~~
- ~~b) The trail should provide adequate safety signage, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments. Where appropriate signs should be developed in coordination with Caltrans and/or City and County Public Works Departments and any other applicable public agencies.~~
- ~~c) Signs shall be posted in Spanish and in English.~~

~~5. CCT Support Facilities:~~

- ~~a) To maximize access to the CCT, adequate parking and trailhead facilities should be provided.~~

~~6. CCT Mapping:~~

- ~~a) The final CCT map shall identify all planned or secured segments, including existing segments, all access linkages and planned staging areas, public and private lands, existing easements, deed restricted sections and sections subject to an Offer to Dedicate (OTD). The map shall be updated on a regular basis.~~

- ~~b) The CCT shall be identified on all applicable City Trail Maps contained in the LCP Access Component.~~

~~7. Inclusion of CCT in LCP:~~

- ~~a) The LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City including the final mapped alignment.~~

Policy OS-16.22 General Standards: Require that all public access easements offered for dedication to public use be a minimum of 25 feet wide. The area where public access is allowed within the easement may be reduced to the minimum necessary to avoid:

- a) adverse impacts on sensitive environmental areas;
- b) encroachment closer than 20 feet from an existing residence; and/or
- c) hazardous topographic conditions.

Policy OS-16.23 Standards for Lateral Shoreline Access Easements: Lateral shoreline access easements shall extend landward 25 feet from mean high tide to the toe of the bluff or the first line of terrestrial vegetation if the width of the beach is greater than 25 feet. Lateral blufftop easements shall be at least 25 feet in width. The area where public access is allowed within the easement may be reduced consistent with Policy OS-16.18 above. The average annual bluff retreat (erosion) shall be taken into account when planning lateral accesses. Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.

Policy OS-16.24 Visitor Accommodations and Services: In order to avoid or offset a project's significant adverse impacts on public access and consistent with the provisions of Section 18.56.070, require public access to the blufftop and/or shoreline for visitor serving uses, as a condition of permit approval, or by other methods such as OTDs, specified by the City. Access shall be available to the public at large as well as to guests.

Policy OS-16.25 Safety and Environmental Protection: Permanent closure of any existing public accessway shall require an amendment to the Local Coastal Program.

Policy OS-16.26 City Owned Access Closure. Unless immediate action by a person or a public agency performing a public service is required to protect life and property from imminent danger, the City shall not permanently or temporarily close, abandon, or render unusable by the public any existing accessway which the City owns, operates, maintains, or is otherwise responsible for, without first obtaining a Coastal Development Permit. For temporary closures the City shall seek to limit the time and extent of closure as much as feasible. The City shall require temporary

alternative access if feasible. Any accessway which the City or any other managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the accessway for public use. If a coastal access is abandoned mitigation to ensure the maintenance of public access should be required as feasible.

Program OS-16.26.1: Request the California Department of Fish and Game monitor public accesses adjoining or near sensitive environmental resources such as wetlands, dunes, tide pools, and other sensitive wildlife habitats to determine whether they are being adversely impacted or degraded. Request that regulations governing use of accesses be implemented and posted as needed. Limit public use, as needed, to allow resource recovery and restoration.

Policy OS-16.27 Access Closure of Access Obtained through a Coastal Development Permit. No property owner shall permanently or temporarily close, abandon, or render unusable by the public any existing accessway which was obtained through Coastal Development Permit approval, without first obtaining a Coastal Development Permit Amendment. For temporary closures the time and extent of closure shall be limited as much as feasible. The City shall require temporary alternative access if feasible. If a coastal access is abandoned mitigation to ensure the maintenance of public access should be required as feasible.

G. PARKS AND RECREATION

Goal OS- 17 Provide an attractive system of parks and recreation facilities throughout the City to meet the needs of all age groups and capabilities.

Policy OS-17.1 Parkland Standard: Use the standard of three acres of parkland per 1,000 residents for the acquisition of additional parkland pursuant to the provisions of the Quimby Act (Government Code Section 66477).

Policy OS-17.2 Neighborhood Parks: Acquire and develop new neighborhood parks, in concert with other local recreation agencies, to meet the needs of the existing population and consistent with growth of the City's population.

Program OS-17.2.1: Acquire and develop additional neighborhood parks as shown on Map OS-4.

Policy OS-17.3 Recreational Facilities: Provide recreational facilities to meet the needs of all Fort Bragg citizens, especially children and teenagers.

Program OS-17.3.1: Consider teen recreation needs when planning new or redesigned parks.

Program OS-17.3.2: Work with other agencies to develop an inventory of recreational facilities and programs available to young people. Seek to implement joint programs and identify additional facilities that are necessary to meet the recreational needs of youth.

Policy OS-17.4 Playground Facilities: Add or upgrade playground facilities at existing neighborhood parks.

Program OS-17.4.1: Provide additional playground facilities and basketball courts at appropriate locations within neighborhoods.

Policy OS-17.5 Ballfields: Develop additional baseball, softball, and other ballfields.

Program OS-17.5.1: Work with the School District and other agencies to develop additional sports field facilities.

Policy OS-17.6 Prioritize Park Acquisitions: Use the following criteria to prioritize acquisition of parkland and open space:

- a) distribution of neighborhood parks/playground facilities and ballfields on a neighborhood basis;
- b) scenic beauty;
- c) relationship to the existing and proposed trail systems and parks;
- d) natural resource protection; and
- e) appropriateness (physical characteristics) of the site to meet specific recreational needs.

Program OS-9.6.1: Consider the acquisition of strategically located vacant lots for the development of neighborhood parks using the criteria listed in Policy OS-17.6.

Program OS-9.6.2: Adopt a management plan that analyzes geoseismic and other related potential hazards before City acceptance of dedications of land for park or open space. Identified hazards shall be fully repaired and/or financial protection provided to the City for liability before acceptance of land. The management plan shall also specify funding for ongoing maintenance.



Policy OS-17.7 Financing Parks: Consider methods of increasing revenues for the acquisition and development of parkland and open space areas and supporting recreational facilities.

Program OS-17.7.1: Consider the following potential funding sources for the acquisition of park and trails and development of recreation facilities:

- a) Establish a Park Improvement Fee pursuant to Government Code Section 66000;
- b) Place an advisory measure on the ballot for a tax proposal or assessment; and/or
- c) Pursue available grants.

Program OS-17.7.2: Include in the Capital Improvement Program the schedule and costs of expanding and improving the City's parks and recreation facilities as deemed appropriate by the City Council.

Goal OS-18 Provide an attractive system of parks and recreation facilities throughout the Mill Site to meet the needs of all age groups and capabilities.

DOWNTOWN PLAZA POLICIES:

Policy OS-18.1. Mill Site Downtown Plaza Amenities. The downtown park/plaza, illustrated in the Mill Site Land Use Map shall include the following amenities: sidewalks, walking paths, benches, picnic tables, native landscaping and low-water-use landscaping. Additional amenities such as the following, or comparable, are encouraged: a covered facility for the farmers' market and other community events and/ or a small amphitheater

Policy OS-18.2 Downtown Plaza Phasing. The downtown park/plaza shall be dedicated and phased according to the following general guidelines:

- 1) The Plaza will consist of the amenities defined in Policy OS-5.
- 2) The plaza implementation phasing and financing will be defined through the subdivision process and one or more of the following mechanisms with the approval of City Council: 1) Master Development Agreement; 2) reimbursement agreements; and/or 3) establishment of a Development Impact Fee.

Policy OS-18.3. Downtown Plaza Funding. Operation and maintenance of the downtown plaza shall be funded through a Mello-Roos district or other financing mechanism to be established during the subdivision stage of the Northern District.

NEIGHBORHOOD PARK POLICIES:

Policy OS-18.4. Mill Site Neighborhood Park Amenities. The minimum one-acre active recreation park in the Northern District shall include: a tot lot for small children; a ball field sufficient to accommodate a baseball diamond or a half court soccer field; and a public restroom.

Policy OS-18.5. Mill Site Neighborhood Park Phasing. The neighborhood park shall be dedicated and phased according to the following general guidelines:

1. The Plaza will consist of the amenities defined in Policy OS-12.
2. The plaza implementation phasing and financing will be defined through the subdivision process and one or more of the following mechanisms with the approval of City Council:
 - 1) Master Development Agreement; 2) reimbursement agreements; and/or 3) establishment of a Development Impact Fee.

Policy OS-18.6. Mill Site Neighborhood Park Funding. Operation and maintenance of the Northern District neighborhood park shall be funded through a Mello-Roos district or other financing mechanism formed during the subdivision stage of the Central District.

Goal OS-19 Develop park and recreation facilities with the coordination of other agencies and the public.

Policy OS-19.1 Coordinate with Other Agencies: Coordinate with other governmental entities to procure and develop additional park and recreational facilities.

Program OS-19.1.1: Consider establishing joint powers agreements with the Mendocino Coast Recreation and Parks District (MCRPD), Fort Bragg Unified School District (FBUSD), and Mendocino County to coordinate planning and development of recreation facilities.

Policy OS-19.1.2 Mackerricher State Park: Continue to coordinate with State Department of Parks and Recreation regarding development adjacent to Mackerricher State Park.

Program OS-19.1.3: In reviewing development applications adjacent to Mackerricher State Park, the City shall confer with the State Department of Parks and Recreation to determine if additional mitigation measures regarding access to the park, or protection of park resources, are warranted. If feasible, these additional measures will be required.

Program OS-19.1.4: Support public acquisition of land along the eastern boundary of Mackerricher State Park as indicated in Map OS-3: Coastal Zone, Coastal Access, and City Trail System which would be donated to the State Parks.



Policy OS-19.2 City/School/Recreation District Cooperation: Continue to encourage City/School/Recreation District cooperation in developing and maintaining park and recreation facilities.

Program OS-19.2.1: Develop joint use agreements with the School District.

Program OS-19.2.2: Continue to cooperate with the FBUSD, MCRPD, and Timberwolf Stadium to develop playfield improvements and maintenance programs.



Policy OS-19.3 Public Participation: Actively solicit public participation in the selection, design, and facilities planning for existing and future park sites.

Program OS-19.3.1: Utilize local volunteer efforts and fund-raising to cover the "match" costs needed to secure rehabilitation or purchase grants for public parks.

Goal OS-20 Provide a comprehensive trail system in Fort Bragg.

Policy OS-20.1 Multiple Use Trail System: Develop a multiple use trail system.

Program OS-20.1.1: Identify potential additions to the trail system which increase access to rivers and the coastline with cross linkages through to the eastern parts of Fort Bragg. Work with the MCRPD to seek funding and to acquire rights-of-way.

Program OS-20.1.2: Establish an integrated trail system serving both inland hiking and trail needs as well as the coastal trail programs as shown on Map OS-3 utilizing existing rights-of-way, City streets, and river front property.

Policy OS-20.2: Review development applications and require a trail easement dedication for locations where trails are shown on Map OS-3 where an appropriate nexus is established consistent with the provisions of Chapter 18.56 (Public Access) of the Coastal Land Use & Development Code.

Policy OS-20.3: Require new development to provide direct pedestrian connections, such as sidewalks, trails, and other rights-of-way to the existing and planned network of parks and trails wherever feasible.

Program OS-20.3.1: Consider the access needs of a variety of users, including school-age children, the elderly, and those with handicaps or disabilities when developing trails and recreation facilities.

Program OS-20.3.2: Support efforts to extend the existing trail from the end of Cypress Street east adjacent to the Georgia-Pacific haul road.



Noyo Headland Park