

RESOLUTION NO. 3577-2012

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) ADDENDUM FOR THE INLAND GENERAL PLAN AND ADOPTING THE INLAND GENERAL PLAN (GENERAL PLAN AMENDMENT 1-10; GPA 1-10)

WHEREAS, California Government Code Section 65300 requires each city to adopt a comprehensive, long-term general plan for the physical development of the City and any lands outside its boundary which bears relation to its planning; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in December 2002 ("2002 General Plan") which establishes policies for all land within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the 2002 General Plan subsequently was amended by the City Council on November 22, 2004; and

WHEREAS, on September 11, 2006, the City transmitted a Local Coastal Program (LCP) amendment to the California Coastal Commission for certification and the LCP amendment included the 2002 General Plan, as amended.

WHEREAS, following Coastal Commission approval of the LCP Amendment on January 11, 2008, the City Council accepted the Commission's "suggested modifications" and adopted the "Fort Bragg Coastal General Plan on May 12, 2008; and

WHEREAS, in August 2008, the California Coastal Commission certified the City's Local Coastal Program which includes the Coastal General Plan; and

WHEREAS, adoption of the Coastal General Plan has necessitated additional revisions to the 2002 General Plan to eliminate goals, policies and programs that applied only to properties located within the coastal zone; and

WHEREAS, in compliance with State requirements, on August 24, 2009, the City Council adopted an updated General Plan Housing Element; and

WHEREAS, State law encourages jurisdictions to keep their general plans current through regular updates; and

WHEREAS, the proposed Fort Bragg Inland General Plan ("Inland General Plan") is comprised of the following elements:

- Land Use Element
- Public Facilities Element
- Conservation, Open Space, Energy, and Parks Element
- Circulation Element
- Community Design Element
- Safety Element
- Noise Element
- Sustainability Element
- Housing Element

WHEREAS, on February 23, 2009, December 16, 2009, February 8, 2010, August 13, 2012, the Fort Bragg City Council conducted public workshops and provided input that was duly incorporated into the Inland General Plan; and

WHEREAS, an Environmental Impact Report (EIR) Addendum for the Inland General Plan was prepared pursuant to CEQA which shows that the policies and programs contained in the proposed Inland General Plan will cause no new significant environmental impacts; and

WHEREAS, on September 26, 2012, the Fort Bragg Planning Commission opened a public hearing, received public comment on the EIR Addendum for the Inland General Plan and the Inland General Plan, and continued the public hearing to October 10, 2012; and

WHEREAS, on October 10, 2012, the Planning Commission reopened the public hearing, received additional public comment, and adopted a resolution recommending that City Council certify the EIR Addendum and adopt the Inland General Plan; and

WHEREAS, on November 13, 2012, the Fort Bragg City Council opened a public hearing, received public comment on the EIR Addendum for the Inland General Plan and the Inland General Plan, and continued the public hearing; and

WHEREAS, the proposed changes to the Inland General Plan that were requested by the City Council at the November 13, 2012, public hearing do not constitute a "substantial" modification under Gov. Code section 65356 for the reasons set forth in the accompanying staff report and therefore do not require Planning Commission review of the proposed changes

; and

WHEREAS, on November 26, 2012, the Fort Bragg City Council reopened the continued public hearing and received public comment on the EIR Addendum for the Inland General Plan and the Inland General Plan and then closed the public hearing; and

WHEREAS, based on all the evidence presented, which includes the staff report, the documents referenced and incorporated into the EIR Addendum, and oral presentations made at the time of the hearing, the City Council finds as follows:

1. The foregoing recitals are true and correct and are made a part of this resolution.
2. On November 13, 2012, the Fort Bragg City Council held a properly noticed public hearing (wherein it considered all written and oral comments received and proposed text amendments) to consider the Inland General Plan for adoption.
3. The Inland General Plan: (1) advances the orderly growth and development of the City; (2) designates land for housing, business, industry, open space and other uses; (3) plans for a balanced and multi-modal circulation system; (4) responds to current environmental and infrastructure constraints; (5) is not detrimental to the public interest, health, safety, convenience or welfare of the City of Fort Bragg; (7) incorporates sustainability into the development process so that Fort Bragg's resources and amenities are preserved for future generations; and (8) promotes fiscally responsible development.
4. The policies and programs of the Inland General Plan are internally consistent and compatible.

5. The policies and programs of the Inland General Plan comply with section 65300 of the Government Code by providing a comprehensive, long-term plan for the physical development of the City.
6. The Inland General Plan includes plans for integrated multi-modal transportation networks of streets that are designed for the needs of all users regardless of age or ability or whether they are driving, walking, bicycling, or taking transit.
7. The Inland General Plan identifies all rivers, creeks, streams, flood corridors, riparian habitats and land that can accommodate floodwater for purposes of groundwater recharge and storm water management.
8. The Inland General Plan includes information regarding flood hazards and establishes a set of goals and policies and objectives for the protection of the community from unreasonable risks of flooding.
9. The changes to the Inland General Plan that were requested by the City Council do not require a referral to the Planning Commission for the reasons described in the accompanying staff report.
10. No Supplemental or Subsequent EIR is needed pursuant to Public Resources Code Section 21166, or California Code of Regulations, Title 14, Sections 15162 or 15163, because since certification of the EIR:
 - a) There have been no substantial changes proposed in the project that require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
 - b) There have been no substantial changes with respect to circumstances under which the project will be undertaken that would required major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - c) There has been no new information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified, showing any of the following:
 - i. The project would have one or more significant effects not discussed in the previous EIR;
 - ii. Significant effects previously examined would be substantially more severe than identified in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives; or
 - iv. Mitigation measures or alternatives that were considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby certify the 2002 General Plan Environmental Impact Report (EIR) Addendum; and

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the Fort Bragg Inland General Plan.


The above and foregoing Resolution was introduced by Councilmember Courtney, seconded by Councilmember Gjerde, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 26th day of November, 2012, by the following vote:

AYES: Councilmembers Courtney, Deitz, Gjerde, and Mayor Turner.
NOES: None.
ABSENT: Councilmember Hammerstrom.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, CMC
City Clerk