

Community Column: Land use oversight

By [SUBMITTED](#) |

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The following is an Op-ed by the Fort Bragg City Council Communications Ad-Hoc Committee – Tess Albin-Smith and Lindy Peters.

Nothing says more about a community and its priorities than whether its limited land and natural resources are used carefully or carelessly.

Land use oversight and development review procedures exist for this good reason, and last week the Mendocino County Superior Court confirmed that the City's case to ensure its land-use authority over development can proceed.

Our City has an active lawsuit against Mendocino Railway because of its claims that the company is exempt from normal state and local rules for land development. As a "friend of the court," the County of Mendocino has filed documents with the court making similar claims. Sadly, the Railway is trying to get the lawsuit summarily dismissed without any argument or inquiry before the court. Last week, the court heard arguments on whether the City's case can continue. During the hearing, the court indicated a belief that some City regulation of the Railway is appropriate and asked thoughtful questions about the merits of the City's case. While the court has not yet issued a decision, we are optimistic that the court will rule in the City's favor and allow the case to move forward. This will allow the court to undertake a clear examination of how development rules apply to Mendocino Railway as it seeks to build on the former Mill Site in Fort Bragg.

No local government likes to be tangled up in litigation, but in this case, the City of Fort Bragg had no other choice. Why? Because Mendocino Railway was demonstrating a pattern of disregard for oversight from agencies seeking to regulate what was occurring on their property. And there is a LOT at stake as the company now owns a whopping 20 percent of the land within the City's jurisdiction.

What occurs on the Mill Site property is going to be hugely consequential for the future of our City. It represents an unparalleled opportunity to build diversity into the city's (now) mostly tourist economy. The Mill Site has the potential to attract light industry and associated good-paying jobs, marine, and other research facilities, enhanced recreation opportunities, and much-needed housing.

Local and state agencies oversee planning to protect the environment, enhance the quality of life, and meet the needs of its residents, including providing potable water and clean energy. Our City is also committed to preserving public access to the beautiful coast that makes Fort Bragg such a remarkable place to live and visit.

Make no mistake, we greatly value the important contribution of Mendocino Railway's Skunk Train tourist business to our local economy. And we're okay that the Mendocino Railway purchased and plans to develop the Mill Site, but not without government oversight. The problem is that Mendocino Railway has claimed the rare status of a "common carrier" public utility railroad and as such, they believe they are exempt from the State's California Environmental Quality Act, which is one of the main legal frameworks for evaluating development proposals. This stance is highly concerning as the Railway has simultaneously announced grand plans to try to pursue rail and hotel and housing business expansion on the Mill Site property.

There are many important issues that will need to be resolved as the property is developed. The City led years of public outreach to assess community priorities. There is still pollution on the property that needs to be cleaned up under the oversight of the Department of Toxic Substances Control. Public infrastructure must be built out to extend roads, power lines, sewer lines, and adequate water supply for whatever is planned. These are basic development considerations that are routinely addressed through the land use process – and that's why we simply urge Mendocino Railway to start engaging in this established system so we can all work together to efficiently address these needs.

The Timber Mill once provided 2,000 jobs, and Fort Bragg was a Mill Town with very little economic diversity. When the company left, the town all but collapsed economically— only tourism and the internet kept it afloat. That is why the City is fighting hard to do more with the land than offer sight-seeing and hotels. We want to ensure we don't fall prey to becoming a town owned by a single company that does whatever it wants again.

There is no other opportunity like this in our region. No matter who owns the land, our community has the chance to create something transformative on 272 acres – so let's get it right. To do that we need to work together as partners – not spend years in court arguing over the rules that exist for coastal development. Everything will move faster and smoother if Mendocino Railway simply recognizes that the Coastal Commission, the County, the State, and the City all have a valuable role in land use oversight and can help make their project successful. We're eager to get started and hope that Mendocino Railway is too.