

RESOLUTION NO. PC 07-2023

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL AMEND DIVISION 18 OF THE
FORT BRAGG MUNICIPAL CODE (ZON 4-23) TO BE CONSISTENT WITH
STATE LAWS RELATING TO ACCESSORY DWELLING UNITS.**

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, Accessory Dwelling Units ("ADUs") offer lower cost housing to meet the needs of the existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the 2009, 2014 and 2019 Housing Element updates include policies and programs that support and create affordable housing, a diverse range of housing types and provisions for Accessory Dwelling Units; and

WHEREAS, the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

WHEREAS, Assembly Bills 68, 587, 671, 345 and 881 and Senate Bill 13 pertain to Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs"). These bills were approved by the California Legislature and signed by the Governor in 2019, and became effective on January 1, 2020. Codified primarily in California Government Code sections 65952.2 and 65952.22, this legislation requires local ADU ordinances to include specified requirements; and

WHEREAS, the City of Fort Bragg General Plan establishes zoning for a variety of housing types including Accessory Dwelling Units and General Plan

Table 6.2 lists Accessory Dwelling Units as permitted land uses in in all residential districts; and

WHEREAS, the City of Fort Bragg General Plan Policy H-1.3 facilitates the construction of secondary dwelling units on residential properties and this adopted policy includes six program goals (see Programs H-1.3.1 through H-1.3.6); and

WHEREAS, The project is exempt from CEQA, under Public Resources Code Section 21080.17 and State CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county; and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to receive a report regarding proposed changes to ADU and Tiny Home regulations in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 13, 2023, to consider the Zoning Amendment, accept public testimony; and

WHEREAS, Section 18.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendations, to the Council based on the findings identified in Section 18.94.060; and

NOW, THEREFORE, BE IT RESOLVED pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council amend the Fort Bragg Inland Land Use and Development Code as described in Appendix A; and

BE IT FURTHER RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; State law; all reports and public testimony submitted as part of the Planning Commission meeting of September 13, 2023 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby find:

- a. The proposed amendment is consistent with the General Plan Policies and

Programs, including Policy H-1.3 Secondary Dwelling Units; and any applicable specific plan; and

- b. The proposed ZON 4-23 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and
- c. The proposed amendment ZON 4-23 is internally consistent with other applicable provisions of the Inland Land Use Development Code, including its Chapters 18.42, 18.71, 18.100, and others; and
- d. The foregoing recitals are true and correct and made a part of this Resolution; and
- e. The documents and other material constituting the record for these proceedings are located at the Community Development Department.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council adopt Zoning Amendment 4-2023 to amend Division 18 to the Fort Bragg Municipal Code (as described in Appendix A) and modify Section 18.42.170 and Section 18.71.050 and Chapter 18.100 "Definitions" to establish regulations and standards for Accessory Dwelling Units consistent with State Law.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by Commissioner Jensen seconded by Chair Logan, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 13th day of September 2023, by the following vote:

AYES: Neils, Stavelly, Jensen, Logan

NOES: None

ABSENT: Deitz

ABSTAIN: None

RECUSE: None



Jeremy Logan, Chair

ATTEST:

Maria Flynn

**Maria Flynn, Administrative Assistant
Community Development Department**