



CITY OF FORT BRAGG

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REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS THAT LED TO THE ADOPTION OF ORDINANCE NO. 964-2021, AN INTERIM URGENCY ORDINANCE THAT PLACES A MORATORIUM ON THE APPROVAL OF APPLICATIONS AND PERMITS FOR FORMULA BUSINESSES IN THE INLAND ZONING AREA

MEETING DATE: MAY 10, 2021
TO: GENERAL PUBLIC
FROM: MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF FORT BRAGG

On April 12, 2021, the Fort Bragg City Council adopted Urgency Ordinance No. 964-2021 that placed a 45-day moratorium on the approval of applications and permits for formula businesses in the City's Inland Zoning Area. The moratorium was established to allow the City the opportunity to study and complete development of formula business regulations in order to address the unique health, safety and welfare impacts of such businesses.

Ordinance No. 964-2021 was adopted pursuant to California Government Code Section 65858 and provides that the ordinance shall expire 45 days from its date of adoption, unless the ordinance is extended by the Fort Bragg City Council after additional notice and a public hearing.

The noticed public hearing will be held on May 24, 2021, and the Fort Bragg City Council will be asked to consider extending the interim moratorium by adopting a new ordinance, as authorized by Government Code Section 65858. Staff will recommend an extension of the moratorium for a period of ten months and fifteen days, as provided for in Government Code Section 65858. However, staff anticipates that completion of and possible adoption of formula business regulations will take far less time than ten months and fifteen days. In which case, staff will request that the City Council terminate the temporary moratorium prior to its expiration date.

California Government Code Section 65858(d) requires that at least ten (10) days prior to the expiration (May 27, 2021) of the moratorium or any extension, the City Council issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. This memo serves as the required report.

Since the adoption of the moratorium, the City Manager's Office working with the City Attorney has continued to develop an ordinance to appropriately regulate formula

businesses in Fort Bragg in a manner that addresses the unique health, safety and welfare impacts of such businesses. The Planning Commission met on May 5, 2021 to review a draft ordinance that incorporates the input already provided by the Planning Commission at a series of prior meetings on: February 10, 2021; January 6, 2021; November 12, 2020 and October 14, 2020. A Planning Commission public hearing is expected for the first meeting in June 2021 and the Commission is expected to make a recommendation to the City Council to approve the formula business ordinance, to approve in a modified form or disapprove the proposed ordinance.

As set forth above, staff continues to work diligently on addressing the health, safety and welfare impacts of formula businesses but the work is not complete. Staff anticipates that the City Council will have an opportunity to review and consider a formula business ordinance before the end of the fiscal year (June 30, 2021) and it could be adopted and effective prior to the end of August 2021.

Respectfully submitted,

Mayor, Vice Mayor and City Council
Fort Bragg, California