# RESOLUTION NO. PC -2024

**Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 18.42.175 "Tiny Homes", of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.**

**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 City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits; and

**WHEREAS,** the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum ("EIR Addendum") for the Inland General Plan on December 2, 2012; and

**WHEREAS,** the City of Fort Bragg ("City") adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS,** the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; 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**, In 2019, the City of Fort Bragg amended the Housing Element of the General Plan for conformance with State Housing Law. The 2019 Housing Element includes the following non-mandatory program regarding Tiny Homes. *Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residencies (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.)*; and

**WHEREAS,** On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law; and

**WHEREAS,** on May 17 of 2023, the Community Development Committee received a Tiny Home presentation from Marie Jones Consulting and discussed this item without providing recommendations regarding ordinance revisions; and

**WHEREAS,** pursuant to the California Environmental Quality Act ("CEQA") pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning amendment; and

**WHEREAS** the Planning Commission held a duly noticed public hearing on March 27, 2024, to consider the zoning amendment, accept public testimony and provided direction to the consultant to revise the resolution and ordinance language, and

**WHEREAS,** the Planning Commission continued the Public Hearing to April 10, 2024, to review and consider the final resolutions and ordinance language; and

**NOW, THEREFORE, BE IT 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 the 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; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of December 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 make the following findings and determinations:

## SECTION 1: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Inland Land Use and Development Code:

a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

   The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy C-9.2, Program H-1.3.5, Program H-2.3.2, Policy H-1.6, Program H-3.2

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

   The proposed amendment is in the public interest to permit alternative opportunities for housing, which will provide for better convenience and welfare for the residents of the City of Fort Bragg as it will result in additional housing. The proposed amendment requires conformance with applicable building and vehicle codes which will ensure healthy and safe housing.

c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

   The proposed amendment is consistent with ILUDC standards for setbacks, parking, height, lot coverage, and density limits as illustrated in the attached consistency analysis.

## SECTION 2: GENERAL FINDINGS:

a. The foregoing recitals are true and correct and made a part of this Resolution; and

b. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

**BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby recommend that the City Council amend Chapter 18.42.175 “Tiny Homes”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

**BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby recommend that the City Council update the Fee Schedule to either exempt Tiny Homes from the payment of capacity fees or that it requires the payment of capacity fees for Tiny Homes on a per square foot prorated share.

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

**The above and foregoing Resolution was introduced by _____ seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of April 2024, by the following vote:**

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**
**RECUSE:**

_____
**Scott Deitz, Chair**

**ATTEST:**

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

## Attachment 2 - Draft Ordinance

*Amends Title 18.21.030 & 18.21.050 Land Use Tables as follows:*

*Amends 18.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts:*

| **TABLE 2-1**<br>**Allowed Land Uses and Permit Requirements for Residential Zoning Districts** | **P**<br>**MUP**<br>**UP**<br>**S**<br>**—** | **Permitted Use, Zoning Clearance required**<br>**Minor Use Permit required (see Section 18.71.060)**<br>**Use Permit required (see Section 18.71.060)**<br>**Permit requirement set by Specific Use Regulations**<br>**Use not allowed** | | | | | |
|---|---|---|---|---|---|---|---|
| **LAND USE (1)** | **RR** | **PERMIT REQUIRED BY DISTRICT**<br>**RS** | **RL** | **RM** | **RH** | **RVH** | **Specific Use Regulations** |
| RESIDENTIAL USES | | | | | | | |
| Tiny Home | P | P | P | P | P | P | 18.42.175 |

*Amends 18.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts:*

| **TABLE 2-6**<br>**Allowed Land Uses and Permit Requirements for Commercial Zoning Districts** | **P**<br>**MUP**<br>**UP**<br>**S**<br>**—** | **Permitted Use, Zoning Clearance required**<br>**Minor Use Permit required (see Section 18.71.060)**<br>**Use Permit required (see Section 18.71.060)**<br>**Permit requirement set by Specific Use Regulations**<br>**Use not allowed** | | | | |
|---|---|---|---|---|---|---|
| **LAND USE (1)** | **CN** | **PERMIT REQUIRED BY DISTRICT**<br>**CO** | **CBD** | **CG** | **CH** | **Specific Use Regulations** |
| RESIDENTIAL USES | | | | | | |
| Primary Residential Unit | P(3) | -- | P(4) | P(4) | — | |
| Tiny Home | P(6) | - | - | P(6) | UP (6) | 18.42.175 |

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 18.42.175.

## 18.42.175 Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall comply with the standards of this section.

B. **Definitions.**

**Tiny Home.** A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

**Park Model RV (PMRV).** As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 400 square feet or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) and Section 18033; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It may only be transported upon public highways with a permit issued pursuant to Section 35780 of the Vehicle Code. Park Model RVs shall be licensed and registered with the California Department of Motor Vehicles.

A Park Model RV is not a self-propelled recreational vehicle.

**C. Tiny Home and Park Model RV Standards.** Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

**1. Limitations on Location & Timing**

**a.** A Tiny home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit.

i. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.

ii. If installed concurrently or after the primary residential unit, the Tiny Home or PMRV must be installed behind or to the side of the primary residential unit.

**b.** Tiny homes and Park Model RVs are permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 18.42.170 or as part of a Tiny Home Community under Section 18.42.110.

**2. Development Standards.** Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:

**a. Height**. The unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.

**b. Setbacks.** A unit shall comply with front and street side setbacks but may have a 4+ foot setback from the inside or rear parcel lines. The unit must be located a minimum distance of 10 feet from all other structures.

c. **Size.** Units shall be at least 150 square feet in compliance with the California Health & Safety Code, but no more than 400 square feet.
d. **Number of Units Allowed.** Units are allowed on a parcel in the following configurations:
    i. On a parcel with an existing primary unit, a maximum of one Tiny home or Park Model RV unit is permitted. One tiny home or Park Model RV is permitted in addition to one detached ADU on the property. Neither is permitted if there are four or more residential units on a low density residentially zoned parcel.
    ii. Tiny homes and Park Model RVs are permitted in Tiny Home Communities, and the maximum allowed is determined by Section 18.42.110.
e. **Permanent Foundation.** Tiny Homes may be placed on a temporary or permanent foundation only if the Tiny Home has been constructed in compliance with the Appendix Q Tiny Houses of the UBC. Park Model RVs may be placed on a permanent foundation.
f. **Fire Inspection.** Prior to occupancy, each Tiny home and Park Model RV shall be inspected by the Fire Marshal to ensure adequacy of the smoke alarm and fire extinguisher.

3. **Design Standards.** A Tiny Home and Park Model RV shall maintain a residential appearance through the following design standards.
    a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.
    b. **Paved Pad.** A paved parking pad shall be required, unless that Tiny Home or Park Model RV are placed on a permanent foundation (per C2e above), and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
    c. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).
    d. **Materials.** Materials for the exterior wall covering shall include wood, hardipanel or equivalent material as determined by the Community Development Director.
    e. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
    f. **Utility Connections.** The unit shall be connected to City water and sewer utilities through dedicated pipes. The unit shall be connected to electrical power in compliance with the Building Code.

4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.

5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

**D. Parking Requirements.**

1. **Parking Exemption.** No parking is required for a Tiny Home or Park Model RV.
2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a Tiny Home.