

From: [Jacob Patterson](#)
To: [City Clerk](#)
Cc: [Whippy, Isaac](#)
Subject: Another Public Comment About the Nexus Study (2/12/24 Item 7A)
Date: Monday, February 12, 2024 3:12:03 PM

City Council & Staff,

I want to highlight a concern of mine related to tonight's agenda item, which is General Plan Consistency, something that was omitted from the staff report even though we literally have a program that specifically addressed the agenda item at issue tonight in our Housing Element:

Goal H-4 Improve needed services to expand housing development opportunities.

Program H-4.1.2 Reduce Capacity Fees for Smaller Units: Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs.

Responsibility: Department of Public Works

Financing: Fort Bragg Municipal Improvement District 1

Scheduling: 2020 – 2021

Quantification: 5 units

Why are we ignoring this? We were able to make our new fees on a square footage basis but we are leaving our water and wastewater capacity fees on an EDU basis. This is the time to honor this mandatory program and at least consider the switch yet there is no discussion of this alternative. Because we have not addressed the only relevant General Plan Goal, Policy, or Program, you cannot claim that the recommended action tonight is consistent with our general plan. All City (including City Council) actions are legally required to be consistent with the applicable Goals, Policies, and Programs in our General Plans. Failing to implement this clearly applicable program at the only time it is relevant to do so is not consistent with the City's two General Plans and if you don't correct this concerning oversight and even fail to consider impact fees on a per 1000 square feet basis rather than an EDU basis like we are doing for the newly proposed impact fees, your actions would arguably constitute an abuse of discretion. Thus, I must object to the apparent disregard of our General Plan and recommend that the nexus study be revised to honor Program H-4.1.2 to charge water and wastewater/sewer capacity fees based on the size of the unit, which is the preference of the California legislature as well based on the Government Code I mentioned in my other public comment.

Regards,

--Jacob