

**CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
CLOSED SESSION**

Location:	City Hall	Date:	May 1, 2014
	834 Main Street	Time:	6:30 PM
	Ferndale CA 95536	Posted:	April 24, 2014; amended April 28, 2014

1. CALL CLOSED SESSION TO ORDER – Mayor
2. City Manager Evaluation (Pursuant to Gov't Code 54954.5, Public Employee Performance Evaluation)
3. ADJOURN CLOSED SESSION

**CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
AGENDA - REGULAR CITY COUNCIL MEETING**

Location:	City Hall	Date:	May 1, 2014
	834 Main Street	Time:	7:00 pm
	Ferndale CA 95536	Posted:	April 24, 2014

We welcome you to the meeting. Members of the Public may be heard on any business item on this Agenda before or during the City Council consideration of the item. The public may also directly address the City Council on any item of interest to the public that is not on the Agenda during the public comment time; however, the City Council generally cannot take action on an item not on the agenda.

A person addressing the City Council will be limited to five (5) minutes unless the Mayor of the City Council grants a longer period of time. While not required, we would appreciate it if you would identify yourself with your name and address when addressing the Council.

This City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility, or a hearing amplification, please call 786-4224 24 hours prior to the meeting.

TO SPEAK ON ANY ISSUE, BE ACKNOWLEDGED BY THE MAYOR BEFORE PROCEEDING TO THE PODIUM, STATE YOUR NAME AND ADDRESS FOR THE RECORD (optional), AND DIRECT YOUR COMMENTS ONLY TO THE COUNCIL.

1. CALL MEETING TO ORDER – Mayor
2. PLEDGE ALLEGIANCE TO THE FLAG
3. ROLL CALL – City Clerk: John Maxwell; Ken Mierzwa; Michael Sweeney; Daniel Brown and Mayor Stuart Titus.
4. REPORT OUT OF CLOSED SESSION
5. CEREMONIAL –Kinetic Sculpture Race 45th Anniversary Proclamation
6. MODIFICATIONS TO THE AGENDA
7. STUDY SESSIONS
8. PUBLIC COMMENT. (This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3^{rds} of the Council that the item came up after the agenda was posted and is of an urgent nature requiring immediate

action. This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.)

9. CONSENT CALENDAR. (All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Council Member, staff or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately under "Call Items.")

a. Approval of Minutes of the April 3, 2014 Regular City Council Meeting Page 6

b. Acceptance of Printed Regular Checks and Checkbook Register for February 21 – March 20, 2014 Page 10

c. Adopt Ordinance No. 2014-04 Amending Building Inspector Construction Code Ordinance Page 19

10. CALL ITEMS

11. PRESENTATION / COMMUNITY FORUM

12. PUBLIC HEARING

a. Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance Page 24

b. Ordinance No. 2014-03 Density Bonus Ordinance Page 90

c. Ordinance 2014-05 Reasonable Accommodation Ordinance Page 96

13. BUSINESS

a. Planning Commission Appointments Page 104

b. Consider Request from Doug Brower re Sign Ordinance Enforcement Page 113

c. 580 Main Street Update Page 116

d. Update from Ad Hoc Committee on Old Nilsen Property Page 117

e. Ordinance No. 2014-01 Amending Nuisance Ordinance 06-04 Section 3.02 Page 118

f. Update on PG&E Undergrounding..... Page 141

g. City Auditor Contract Renewal Page 142

h. Consider Request to Amend Zoning Ordinance 02-02 from Ming Tree Realtors Page 150

i. Rose Ave Pedestrian Project Change Order Page 152

14. CORRESPONDENCE Page 155

15. REPORTS

a. City Manager Report Page 164

b. Reports from JPA's and other Agencies

i. Redwood Coast Energy Authority Page 174

ii. Redwood Region Economic Development Commission Page 175

16. ADJOURN

**This notice is posted in compliance with Government Code §54954.2.
The next Regular Meeting of the Ferndale City Council will be held on Thursday, June 5, 2014 in the City Hall at 7:00 p.m.**

Section 1

CALL MEETING TO ORDER

Section 2

PLEDGE ALLEGIANCE

Section 3

ROLL CALL

Section 4

CLOSED SESSION REPORT OUT

Section 5

CEREMONIAL

City of Ferndale

INCORPORATED 1893



Kinetic Sculpture Race 45th Anniversary Proclamation

Whereas, the Kinetic Grand Championship is a longstanding Humboldt tradition of unique Kinetic events occurring in Humboldt County since 1969, and finishing at the Ferndale Finish Line every Memorial Day; and

Whereas, Our Glorious Founder Hobart Brown founded the first Kinetic Sculpture Race, 45 years ago this year, where Kinetic Sculptures race 3-days from Arcata, through Eureka to Ferndale over land, sand, mud, and ocean water; and

Whereas, this year's Kinetic Grand Championship is a tribute to the rich history of Kinetic racing in Humboldt County; and

Whereas, Kinetic Universe, the non-profit administering the Kinetic Grand Championship, works to carry forth the tradition of Kinetic Sculpture racing in Humboldt County; and

Whereas, several other cities across the nation have started Kinetic Sculpture Races based on the "mother" race that originated on Ferndale's Main Street in 1969, Memorial Day weekend in Humboldt County; and

Whereas, this art event involves the whole family and community, while also promoting tourism, sustainability, bicycling, silliness and enhances our community image both nationally and internationally; and

Whereas, The Kinetic Grand Championship challenges creativity, provides a window for the artist and artistic discovery and lifts community spirit and pride; and

Whereas, the Kinetic Grand Championship encourages the recycling of junk via artistic re-purposing, athleticism and sustainable transportation alternatives; and

Whereas, the Kinetic Grand Championship discovers local sleeping geniuses and gives hope to those who have none;

Now, Therefore, be it Proclaimed that the City Council of the City of Ferndale recognizes the 45th Anniversary of the Kinetic Grand Championship, encourages everyone to come down to Main Street at Brown Street on Monday, Memorial Day, May 26th, from noon to 5pm to witness the Glorious Finish Line of the Kinetic Grand Championship.

Mayor Stuart Titus

Date

Section 6

MODIFICATIONS TO THE AGENDA

Section 7

STUDY SESSIONS

Section 8

PUBLIC COMMENT

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction.

Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rd of the Council (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.

This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes. Please state your name and address for the record. (This is optional.)

Section 9

CONSENT CALENDAR

All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion.

Is there anyone on the Council, Staff or the public that would like to pull an item off the Consent Agenda for scrutiny? Those items will be considered separately under "Call Items."

City of Ferndale, Humboldt County, California, U.S.A.
Minutes for City Council Meeting of for April 3, 2014

Mayor Stuart Titus called the Regular City Council Meeting to order at 7:05 pm. Those present pledged allegiance to the flag. The City Clerk called roll and present were Mayor Titus, Council Members Ken Mierzwa, John Maxwell, Michael Sweeney and Daniel Brown along with staff City Manager Jay Parrish, City Clerk Elizabeth Conner, Police Chief Bret Smith, Contract City Engineers Pray White and David Caisse, and Contract City Planner Melanie Rheaume.

Ceremonial: None

Modifications to the Agenda: In consideration of the schedules of those presenting items, City Manager Parrish requested that item 13. h. under Business be moved up to be after item 13.b. and it was consensually agreed.

Study Sessions: Mayor Titus reported that the Council had held a study session on the Nuisance Ordinance. He said the session was productive and some good alternatives were developed.

Public Comment: None.

Consent calendar: Item a. Minutes of the March 6, 2014 Regular City Council Meeting was called by Council Member Sweeney as he was not present at the meeting. **MOTION:** to approve the items on the Consent Calendar items except for Item a. Council Minutes of March 6, 2014. **(Mierzwa/Brown) 5-0.**

Call Items: Item a. Minutes of the March 6, 2014 Regular City Council Meeting was called by Council Member Sweeney as he was not present at the meeting. **MOTION:** to accept the minutes of the March 6, 2014 Regular City Council Meeting **(Titus/Maxwell) 4-0-1.**

Public Hearing:

a. Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance. City Manager Parrish reported that the Planning Commission had considered the proposed ordinance for a second time at their March 19th regular meeting and that the item is still continued at the Planning Commission. **MOTION:** to continue the public hearing until the next regular City Council meeting of May 1, 2014. **(Maxwell/Brown) 5-0.**

Business:

a. Design Review Committee Appointment: City Manager Parrish reported that the recommendation to appoint Michael Warner to the Design Review Committee was unanimous. Council Member Sweeney noted that Mr. Warner was very helpful and volunteered his time to help with the PG&E Undergrounding workshops and seems to have the appropriate background

and experience. **MOTION:** to appoint Michael Warner to the Design Review Committee. **(Titus/Sweeney) 5-0.**

b. 580 Main Street Update: City Manager Parrish reported that on January 26, 2014 a Building Permit was taken out by Ms. Trujillo for work 580 Main St., and the Building Permit indicates that work is to begin within 60 days of issuance. City Manager Parrish said that no progress had been observed and the item was put on the agenda to keep the City Council apprised of the situation. He further stated that a letter had been sent to the property owner asking her to provide some evidence that the work is progressing and noted that she was in the audience. 580 Main Street property owner, Ms. Trujillo, told the Council that the work on putting up the shingles has not been done because it is raining and she does not want to put the condition of the building at risk by doing work while it's raining. She said the wood shingles had been purchased and were at the lumber store. City Manager Parrish said that if Ms. Trujillo would provide evidence of that to staff it would show that work is progressing. **MOTION:** to bring the item back to the City Council in 30 days for review **(Titus/Mierzwa) 4-1.**

c. (Originally posted as Item h) Contract with Access Humboldt To Manage The Community Media Center And Provide PEG Access Programming And Community Media Services – City Manager Parrish introduced Sean McLaughlin, the Executive Director of Access Humboldt. Mr. McLaughlin reviewed the history of how Access Humboldt had been created eight years ago when the County and Cities negotiated an agreement with Suddenlink to create a public access channels. During public comment, Mr. Martin asked about the fiscal impact to the City. City Manager Parrish explained that the funding came from the franchise fee from Suddenlink and so there was no fiscal impact to the City. **MOTION:** to approve the contract and direct the City Manager to enter into a contract with Access Humboldt on behalf of the City of Ferndale. **(Maxwell/Sweeney) 5-0.**

d. Introduce Ordinance No. 2014-01 Amending Nuisance Ordinance 06-04 Section 3.02. Mayor Titus announced that the Council had just finished a study session on this ordinance and options for moving forward were identified. He explained that the item before the Council at this meeting was a set of amendments and the options were to table the amendments and revisit the entire ordinance for a more comprehensive re-write, or to act on the amendments in the short term and also direct staff to return with a plan in the new fiscal year to address the comprehensive re-write of the ordinance. Council Member Mierzwa expressed concern about Section 5.8.01 Denial of Building Permit and suggested the section be amended to allow a building permit to be issued if it is needed to abate the out of compliance issue. In addition, Council Member Mierzwa proposed deletion of the last sentence of Section 4.02.1 because it is redundant with a more restrictive process already in place. Next, he noted that Section 3.02.3 needed further clarification by outlining a clear enforcement process. Discussion ensued on the options and amendments. Council Member Brown expressed that since the current Nuisance Ordinance allows the City to address current issues, it would be better to start on a new ordinance rather than amend this one. **MOTION:** to adopt the amendments with the three specific changes suggested by Council Member Mierzwa and to direct staff to bring back a plan

to address the comprehensive rewrite of the ordinance. **(Sweeney/Titus) 3-1-1 (Maxwell abstained).**

e. Update from Ad Hoc Committee on Old Nilsen Property – Council Member Sweeney reported that the Ad Hoc committee had solicited proposals and when none came forward had moved on to examine different parking layouts for the site. He added that at the last stakeholders meeting there were some people who felt strongly that the old barn should be retained. Several members of the public commented on potential uses of the barn, whether the barn should or could be renovated, the cost of renovation, liability concerns and whether or not more parking is needed. Council Member Mierzwa commented that since Ferndale's character and identity is as a historic village, the Council should consider all options before tearing down the barn. Council Member Brown stated that the Ad Hoc committee would be having another public meeting in a few weeks and would be publically noticed. He reiterated that the City does not have the money for the upkeep of the property as is and liability remains a concern. Council Member Sweeney expressed that the committee was still hoping a non-profit would come forward with some ideas and funding.

f. Resolution 2014-08 Authorization of Additional Planning Staff and City Attorney Time and Materials to Complete Part 1 of the Housing Element Implementation Plan. Contract Planner Rheaume presented the item and explained that staff had gone over the amount originally allocated for the project because the items have moved move slowly than anticipated through the Planning Commission. A discussion followed about how to ensure the items are acted upon by the Commission in a timely manner going forward. **MOTION:** to adopt Resolution 2014-08 Authorization of Additional Planning Staff and City Attorney Time and Materials to Complete Part 1 of the Housing Element Implementation Plan with the understanding that the Planning Commission will act upon the item at its next meeting on April 16, 2014. **(Titus/Sweeney) 4-0-1 (Maxwell abstained).**

g. Resolution 2014-06 Authorization of Planning Staff and City Attorney Time and Materials Not to Exceed \$2,000 to Amend Zoning Ordinance 02-02 §7.16 Parking and Loading. City Manager Parrish opened the item by reporting that staff has had difficulty trying to figure out how to enforce the City's current parking restrictions, and that previous attempts to bring specific amendments forward were not well-received. He said that consequently, staff was now proposing that parking restrictions and requirements be reduced. The Council and staff discussed alternatives and ideas for what this might look like, how it might be accomplished and concerns, and agreed that a study session would be a good way to start discussion of such a proposal. Members of the public added some concerns and considerations to the list. **MOTION:** to adopt Resolution 2014-06 Authorization of Planning Staff and City Attorney Time and Materials Not to Exceed \$2,000 to Amend Zoning Ordinance 02-02 §7.16 Parking and Loading to relax the parking requirements and eliminate the requirements for non-conforming structures. **(Sweeney/Mierzwa) 5-0-1 (Maxwell abstained).**

h. Update on PG&E Undergrounding. City Manager Parrish reported there would be another public meeting soon to follow-up on the one held on March 1, 2014.

i. Resolution 2014-07 Authorization to Develop Design and Specifications to Replace Sewer Siphon under Francis Creek. City Manager Parrish reported that this is part of the Salt River project. There has been trouble with the 12 foot line being full and backing up and has come up in some manholes further up the road. Contract City Engineer Praj White explained that the configuration of the creek used to be different and that this project will widen the channel by about 4 feet to remove the kink. He said there are funds in the Salt River project for utility relocation and Manhardt is asking for authorization for the design and the bid packet to get rid of kink and to avoid impact to the bridge structure. He added that by combining this with the County project, the project will not have to go through separate review by Coastal Commission because it will be included in the County project. Engineer White also clarified that this allocation is for design and specifications and includes construction support, but does not include managing the project which would be a different scope of work. **MOTION:** to approve Resolution No. 2014-07 authorizing the City Engineer to develop design and specifications to replace sewer siphon under Francis Creek. **(Sweeney/Brown) 4-0-1 (Maxwell abstained).**

Reports

City Manager Report. City Manager Parrish apprised the Council that the lighthouse lens committee has been unable to raise all of the funds and are now looking at whether their efforts should go elsewhere as there are other substantial needs and this effort seems to be losing traction. The committee has so far raised about \$100,000 but would need about \$70,000 more to obtain the lens and so they are considering releasing the funds. He added that he may be bringing this back to the council in the near future.

Mayor Titus adjourned the meeting at 8:40pm.

Respectfully submitted,

Elizabeth Conner,
City Clerk

City of Ferndale

834 Main Street, P.O. Box 236, Ferndale, CA 95536

Printed Regular Checks

General Checking - Distribution Detail - From 02/21/14 To 03/20/14

Check #: All - Vendor: All - Payee Name: All - By Payee Name

Chk No.	Date	Pay	Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.		Type		Override Description	Amount	Amount
47450	02/24/14		ADSTR	ADAM STRICKER		77.01
10012100				Accounts payable	77.01	
Total for ADAM STRICKER						77.01
47451	02/24/14		AESDE	AESTHETIC DESIGN & PHOTOGRAPHY		120.00
10012100				Accounts payable	120.00	
Total for AESTHETIC DESIGN & PHOTOGRAPHY						120.00
100	02/21/14	EFT	AFLAC	AFLAC - REMIT. PROCESSING SERV.		39.32
10012100				Accounts payable	39.32	
Total for AFLAC - REMIT. PROCESSING SERV.						39.32
47480	03/03/14		ALLAP	ALLENS COMMERCIAL APPLIANCE		158.70
10012100				Accounts payable	158.70	
Total for ALLENS COMMERCIAL APPLIANCE						158.70
47506	03/11/14		ARNKE	ARNOLD C. KEMP		520.64
10012100				Accounts payable	520.64	
Total for ARNOLD C. KEMP						520.64
47496	03/07/14		ASAP	ASAP LOCK & KEY		60.38
10012100				Accounts payable	60.38	
Total for ASAP LOCK & KEY						60.38
47546	03/20/14		BAKTA	BAKER & TAYLOR		333.90
10012100				Accounts payable	333.90	
Total for BAKER & TAYLOR						333.90
47507	03/11/14		BAYWE	BAY WEST SUPPLY, INC.		317.24
10012100				Accounts payable	317.24	
Total for BAY WEST SUPPLY, INC.						317.24
47481	03/03/14		CALST	CALIFORNIA STATE DISBURSEMENT UNIT		418.41
10012100				Accounts payable	418.41	
Total for CALIFORNIA STATE DISBURSEMENT UNI						418.41
47482	03/03/14		CITFO	CITY OF FORTUNA		1,016.66
10012100				Accounts payable	1,016.66	
Total for CITY OF FORTUNA						1,016.66
47483	03/03/14		CRAFT	CRAFTSMAN'S MALL		54.00
10012100				Accounts payable	54.00	
Total for CRAFTSMAN'S MALL						54.00
47452	02/24/14		CRYST	CRYSTAL SPRINGS BOTTLED WATER CO.		30.25
10012100				Accounts payable	30.25	
47547	03/20/14		CRYST	CRYSTAL SPRINGS BOTTLED WATER CO.		23.50
10012100				Accounts payable	23.50	
Total for CRYSTAL SPRINGS BOTTLED WATER CO.						53.75

City of Ferndale

834 Main Street, P.O. Box 236, Ferndale, CA 95536

Printed Regular Checks

General Checking - Distribution Detail - From 02/21/14 To 03/20/14

Check #: All - Vendor: All - Payee Name: All - By Payee Name

Chk No.	Date	Pay	Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.	Type			Override Description	Amount	Amount
47508	03/11/14		DCFROST	DC FROST ASSOCIATES, INC.		272.35
10012100				Accounts payable	272.35	
Total for DC FROST ASSOCIATES, INC.						272.35
47484	03/03/14		DELOR	DEL ORO WATER CO., FDLE. DIST.		474.80
10012100				Accounts payable	474.80	
Total for DEL ORO WATER CO., FDLE. DIST.						474.80
47548	03/20/14		DEMCO	DEMCO SUPPLY COMPANY		121.60
10012100				Accounts payable	121.60	
Total for DEMCO SUPPLY COMPANY						121.60
47549	03/20/14		DOCST	DOCUSTATION INC. \ DOCUSTATION		104.46
10012100				Accounts payable	104.46	
Total for DOCUSTATION						104.46
47453	02/24/14		EZIDS	EASY ID SOLUTIONS INC		34.00
10012100				Accounts payable	34.00	
Total for EASY ID SOLUTIONS INC						34.00
47485	03/03/14		EELRI	EEL RIVER DISPOSAL		275.20
10012100				Accounts payable	275.20	
Total for EEL RIVER DISPOSAL						275.20
47509	03/11/14		EUROX	EUREKA OXYGEN COMPANY		264.77
10012100				Accounts payable	264.77	
Total for EUREKA OXYGEN COMPANY						264.77
47550	03/20/14		FRWES	FRESHWATER ENVIRONMENTAL SERVICES		1,360.00
10012100				Accounts payable	1,360.00	
Total for FRESHWATER ENVIRONMENTAL SERVI						1,360.00
47551	03/20/14		FRONT	FRONTIER		1,100.34
10012100				Accounts payable	1,100.34	
Total for FRONTIER						1,100.34
47520	03/13/14		CHAPMAN	GARY CHAPMAN		Void
10012100				Accounts payable	Void	
47527	03/13/14		CHAPMAN	GARY CHAPMAN		1,040.00
10012100				Accounts payable	1,040.00	
Total for GARY CHAPMAN						1,040.00
47499	03/07/14		GECAP	GE CAPITAL		221.34
10012100				Accounts payable	221.34	
Total for GE CAPITAL						221.34
47486	03/03/14		HUMLOD	HUMBOLDT LODGING ALLIANCE, INC.		9,730.80
10012100				Accounts payable	9,730.80	
Total for HUMBOLDT LODGING ALLIANCE, INC.						9,730.80

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Chk No.	Date	Pay	Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.	Type	Override Description	Amount	Amount		
47454	02/24/14		HUMMD	HUMBOLDT MEDICAL GROUP, INC.		104.00
10012100		Accounts payable			104.00	
Total for HUMBOLDT MEDICAL GROUP, INC.					104.00	
47510	03/11/14		HUMTE	HUMBOLDT TERMITE & PEST		65.00
10012100		Accounts payable			65.00	
47521	03/13/14		HUMTE	HUMBOLDT TERMITE & PEST		49.00
10012100		Accounts payable			49.00	
Total for HUMBOLDT TERMITE & PEST					114.00	
47459	02/27/14		JAYPA	JAY PARRISH		400.00
10012100		Accounts payable			400.00	
Total for JAY PARRISH					400.00	
47518	03/11/14			JILL BIDWELL		123.00
10044297.1		Community Center rents			123.00	
Memo: DEPOSIT LESS \$77 FOR THE COST OF CLEANING SERVICE						
Total for JILL BIDWELL					123.00	
47552	03/20/14		JJACPA	JJACPA, INC.		2,080.00
10012100		Accounts payable			2,080.00	
Total for JJACPA, INC.					2,080.00	
47500	03/07/14		LMREN	L & M RENNER, INC.		1,679.84
10012100		Accounts payable			1,679.84	
Total for L & M RENNER, INC.					1,679.84	
47553	03/20/14		LEACA	LEAGUE OF CALIFORNIA CITIES		966.90
10012100		Accounts payable			966.90	
Total for LEAGUE OF CALIFORNIA CITIES					966.90	
47501	03/07/14		MANHD	MANHARD CONSULTING LTD		7,392.25
10012100		Accounts payable			7,392.25	
Total for MANHARD CONSULTING LTD					7,392.25	
47455	02/24/14		MARCL	MARK A CLEMENTI, Ph.D.		625.00
10012100		Accounts payable			625.00	
Total for MARK A CLEMENTI, Ph.D.					625.00	
47554	03/20/14		MERFR	MERCER FRASER COMPANY		214.67
10012100		Accounts payable			214.67	
Total for MERCER FRASER COMPANY					214.67	
47487	03/03/14		MIRRE	MIRANDA'S RESCUE		450.00
10012100		Accounts payable			450.00	
Total for MIRANDA'S RESCUE					450.00	
47502	03/07/14		MISSN	MISSION UNIFORM & LINEN		73.42
10012100		Accounts payable			73.42	

City of Ferndale

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Check #: All - Vendor: All - Payee Name: All - By Payee Name

Chk No.	Date	Pay	Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.		Type		Override Description	Amount	Amount
Total for MISSION UNIFORM & LINEN						73.42
47497	03/07/14		MBDVZ	MITCHELL, BRISSO. DELANEY & VRIEZE		2,018.50
	10012100			Accounts payable	2,018.50	
Total for MITCHELL, BRISSO. DELANEY & VRIEZE						2,018.50
47555	03/20/14		NILCO	NILSEN COMPANY		129.97
	10012100			Accounts payable	129.97	
Total for NILSEN COMPANY						129.97
47516	03/11/14		NORCO	NORTH COAST LABORATORIES LTD.		759.00
	10012100			Accounts payable	759.00	
Total for NORTH COAST LABORATORIES LTD.						759.00
47488	03/03/14		NORVL	NORTH VALLEY BANK (1) \ NORTH VALLEY BANK		1,374.04
	10012100			Accounts payable	1,374.04	
Total for NORTH VALLEY BANK						1,374.04
47511	03/11/14		PACGA	PACIFIC GAS & ELECTRIC		4,610.35
	10012100			Accounts payable	4,610.35	
47556	03/20/14		PACGA	PACIFIC GAS & ELECTRIC		42.96
	10012100			Accounts payable	42.96	
Total for PACIFIC GAS & ELECTRIC						4,653.31
47456	02/24/14		PACGE	PG&E ATTN: CFM		199.79
	10012100			Accounts payable	199.79	
Total for PG&E ATTN: CFM						199.79
47503	03/07/14		PLANW	PLANWEST PARTNERS, INC.		4,002.72
	10012100			Accounts payable	4,002.72	
Total for PLANWEST PARTNERS, INC.						4,002.72
47522	03/13/14		REDME	REDWOOD MEMORIAL HOSPITAL		201.65
	10012100			Accounts payable	201.65	
Total for REDWOOD MEMORIAL HOSPITAL						201.65
47489	03/03/14		RESTIF	RESTIF CLEANING SERVICES		204.04
	10012100			Accounts payable	204.04	
47492	03/06/14		RESTIF	RESTIF CLEANING SERVICES		77.00
	10012100			Accounts payable	77.00	
47512	03/11/14		RESTIF	RESTIF CLEANING SERVICES		100.00
	10012100			Accounts payable	100.00	
Total for RESTIF CLEANING SERVICES						381.04
47490	03/03/14		ROBSM	ROBIN SMITH		153.47
	10012100			Accounts payable	153.47	
Total for ROBIN SMITH						153.47
47457	02/24/14		RWSSE	RWS SERVICES		834.52
	10012100			Accounts payable	834.52	

City of Ferndale

834 Main Street, P.O. Box 236, Ferndale, CA 95536

Printed Regular Checks

General Checking - Distribution Detail - From 02/21/14 To 03/20/14

Check #: All - Vendor: All - Payee Name: All - By Payee Name

Chk No.	Date	Pay	Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.	Type			Override Description	Amount	Amount
47513	03/11/14		RWSSE	RWS SERVICES		56.75
10012100				Accounts payable	56.75	
Total for RWS SERVICES						891.27
47557	03/20/14		SEQGA	SEQUOIA GAS COMPANY		812.13
10012100				Accounts payable	812.13	
Total for SEQUOIA GAS COMPANY						812.13
47493	03/06/14		SDRMA	SPECIAL DISTRICT RISK MANAGEMENT AUT		6,647.39
10012100				Accounts payable	6,647.39	
Total for SPECIAL DISTRICT RISK MANAGEMENT A						6,647.39
47514	03/11/14		SPRSA	SPRINGVILLE SAFETY & SUPPLY		45.04
10012100				Accounts payable	45.04	
Total for SPRINGVILLE SAFETY & SUPPLY						45.04
47523	03/13/14		STJOS	ST. JOSEPH HOSPITAL		105.00
10012100				Accounts payable	105.00	
Total for ST. JOSEPH HOSPITAL						105.00
47491	03/03/14		STAPE	STAPLES CREDIT PLAN		131.05
10012100				Accounts payable	131.05	
Total for STAPLES CREDIT PLAN						131.05
47558	03/20/14		FARSH	THE FARM SHOP		16.77
10012100				Accounts payable	16.77	
Total for THE FARM SHOP						16.77
47519	03/11/14		FEREN	THE FERNDALE ENTERPRISE		61.74
10012100				Accounts payable	61.74	
Total for THE FERNDALE ENTERPRISE						61.74
47505	03/07/14		TIMST	TIMES STANDARD		179.31
10012100				Accounts payable	179.31	
47515	03/11/14		TIMST	TIMES STANDARD		170.50
10012100				Accounts payable	170.50	
Total for TIMES STANDARD						349.81
47458	02/24/14		TIPMO	TIPPLE MOTORS, INC.		332.04
10012100				Accounts payable	332.04	
47498	03/07/14		TIPMO	TIPPLE MOTORS, INC.		1,027.27
10012100				Accounts payable	1,027.27	
Total for TIPPLE MOTORS, INC.						1,359.31
47559	03/20/14		USBNK	U.S. BANK CORPORATE PAYMENT SYSTEM		1,405.76
10012100				Accounts payable	1,405.76	
Total for U.S. BANK CORPORATE PAYMENT SYSTE						1,405.76
47517	03/11/14		USABL	USABLUBOOK		101.62
10012100				Accounts payable	101.62	

City of Ferndale

834 Main Street, P.O. Box 236, Ferndale, CA 95536

Printed Regular Checks

General Checking - Distribution Detail - From 02/21/14 To 03/20/14

Check #: All - Vendor: All - Payee Name: All - By Payee Name

Chk No.	Date	Pay	Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.		Type		Override Description	Amount	Amount
Total for USABLUBOOK						101.62
100	03/04/14	EFT	FARHO	USDA RURAL DEVELOPMENT		56,631.87
10012100				Accounts payable	56,631.87	
Total for USDA RURAL DEVELOPMENT						56,631.87
47524	03/13/14		VERZN	VERIZON		279.09
10012100				Accounts payable	279.09	
Total for VERIZON						279.09
47525	03/13/14		WELF	WELLS FARGO FINANCIAL LEASING		134.38
10012100				Accounts payable	134.38	
Total for WELLS FARGO FINANCIAL LEASING						134.38
47560	03/20/14		WILSA	WILDWOOD SAW		10.70
10012100				Accounts payable	10.70	
Total for WILDWOOD SAW						10.70
47526	03/13/14		WYCKO	WYCKOFF'S		79.87
10012100				Accounts payable	79.87	
Total for WYCKOFF'S						79.87
Total for the 72 checks					115,329.04	115,329.04

Account Distributions

Account No.	Account Description	Amount
10012100	Accounts payable	115,206.04
10044297.1	Community Center rents	123.00
		115,329.04

City of Ferndale

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Checkbook Register

General Checking

From 02/21/14 To 03/20/14 - By Check Number

Number	Date	Payee/Description	Vendor Name	Checks \ Payments	Deposits \ Additions	Balance
		Beginning balance				655,726.29
Deposit	02/26/14	AR Deposit			25,122.22	680,848.51
Deposit	02/26/14	AR Deposit			2,631.83	683,480.34
Deposit	02/26/14	AR Deposit			14.00	683,494.34
Deposit	03/04/14	AR Deposit			3,716.50	687,210.84
Deposit	03/04/14	DELETED Payment STCAL		3,716.50		683,494.34
Deposit	03/06/14	AR Deposit			5,038.55	688,532.89
Deposit	03/11/14	AR Deposit			19,759.13	708,292.02
Deposit	03/20/14	AR Deposit			4,609.60	712,901.62
100	02/21/14	AFLAC - REMIT. PROCESSING SE		39.32		712,862.30
100	03/04/14	USDA RURAL DEVELOPMENT		56,631.87		656,230.43
47450	02/24/14	ADAM STRICKER		77.01		656,153.42
47451	02/24/14	AESTHETIC DESIGN & PHOTOGR		120.00		656,033.42
47452	02/24/14	CRYSTAL SPRINGS BOTTLED WA		30.25		656,003.17
47453	02/24/14	EASY ID SOLUTIONS INC		34.00		655,969.17
47454	02/24/14	HUMBOLDT MEDICAL GROUP, I		104.00		655,865.17
47455	02/24/14	MARK A CLEMENTI, Ph.D.		625.00		655,240.17
47456	02/24/14	PG&E ATTN: CFM		199.79		655,040.38
47457	02/24/14	RWS SERVICES		834.52		654,205.86
47458	02/24/14	TIPPLE MOTORS, INC.		332.04		653,873.82
47459	02/27/14	JAY PARRISH		400.00		653,473.82
47460	03/04/14	MARY ELLEN BOYNTON		46.22		653,427.60
47461	03/04/14	KEVIN BRADSHAW		228.37		653,199.23
47462	03/04/14	WILLIAM O. BRIGGS		146.95		653,052.28
47463	03/04/14	ELIZABETH CONNER		1,307.76		651,744.52
47464	03/04/14	STEVE L. COPPINI		2,043.80		649,700.72
47465	03/04/14	JOHNNY F. HOPPIS		1,054.84		648,645.88
47466	03/04/14	TYLER JAMES		994.70		647,651.18
47467	03/04/14	NANCY S. KAYTIS-SLOCUM		36.99		647,614.19
47468	03/04/14	JAY D. PARRISH		2,330.55		645,283.64
47469	03/04/14	DIANNA L. RICHARDSON		83.20		645,200.44
47470	03/04/14	MARIA A. ROSA		217.64		644,982.80
47471	03/04/14	BRET A. SMITH		1,394.65		643,588.15
47472	03/04/14	ADAM D. STRICKER		1,282.21		642,305.94
47473	03/04/14	DANIEL V. SUTTON		993.93		641,312.01
47474	03/04/14	KRISTENE M. TAVARES		819.57		640,492.44
47475	03/04/14	STEVE A. THRAP		1,172.38		639,320.06
47476	03/04/14	DONNA E. TIMMERMAN		1,317.62		638,002.44
47477	03/04/14	BONNIE K. VON BRAUN		53.05		637,949.39
47478	03/04/14	ROBERT A. WIDEMAN		1,201.31		636,748.08
47479	03/04/14	CHRISTOPHER D. WILLIAMS		1,086.82		635,661.26
47480	03/03/14	ALLENS COMMERCIAL APPLIAN		158.70		635,502.56
47481	03/03/14	CALIFORNIA STATE DISBURSEM		418.41		635,084.15
47482	03/03/14	CITY OF FORTUNA		1,016.66		634,067.49
47483	03/03/14	CRAFTSMAN'S MALL		54.00		634,013.49

City of Ferndale

834 Main Street, P.O. Box 236, Ferndale, CA 95536

Checkbook Register

General Checking

From 02/21/14 To 03/20/14 - By Check Number

Number	Date	Payee/Description	Vendor Name	Checks \ Payments	Deposits \ Additions	Balance
47484	03/03/14	DEL ORO WATER CO., FDLE. DI		474.80		633,538.69
47485	03/03/14	EEL RIVER DISPOSAL		275.20		633,263.49
47486	03/03/14	HUMBOLDT LODGING ALLIAN		9,730.80		623,532.69
47487	03/03/14	MIRANDA'S RESCUE		450.00		623,082.69
47488	03/03/14	NORTH VALLEY BANK	NORTH VALLEY B	1,374.04		621,708.65
47489	03/03/14	RESTIF CLEANING SERVICES		204.04		621,504.61
47490	03/03/14	ROBIN SMITH		153.47		621,351.14
47491	03/03/14	STAPLES CREDIT PLAN		131.05		621,220.09
47492	03/06/14	RESTIF CLEANING SERVICES		77.00		621,143.09
47493	03/06/14	SPECIAL DISTRICT RISK MANAGE		6,647.39		614,495.70
47496	03/07/14	ASAP LOCK & KEY		60.38		614,435.32
47497	03/07/14	MITCHELL, BRISSO. DELANEY &		2,018.50		612,416.82
47498	03/07/14	TIPPLE MOTORS, INC.		1,027.27		611,389.55
47499	03/07/14	GE CAPITAL		221.34		611,168.21
47500	03/07/14	L & M RENNER, INC.		1,679.84		609,488.37
47501	03/07/14	MANHARD CONSULTING LTD		7,392.25		602,096.12
47502	03/07/14	MISSION UNIFORM & LINEN		73.42		602,022.70
47503	03/07/14	PLANWEST PARTNERS, INC.		4,002.72		598,019.98
47505	03/07/14	TIMES STANDARD		179.31		597,840.67
47506	03/11/14	ARNOLD C. KEMP		520.64		597,320.03
47507	03/11/14	BAY WEST SUPPLY, INC.		317.24		597,002.79
47508	03/11/14	DC FROST ASSOCIATES, INC.		272.35		596,730.44
47509	03/11/14	EUREKA OXYGEN COMPANY		264.77		596,465.67
47510	03/11/14	HUMBOLDT TERMITE & PEST		65.00		596,400.67
47511	03/11/14	PACIFIC GAS & ELECTRIC		4,610.35		591,790.32
47512	03/11/14	RESTIF CLEANING SERVICES		100.00		591,690.32
47513	03/11/14	RWS SERVICES		56.75		591,633.57
47514	03/11/14	SPRINGVILLE SAFETY & SUPPL		45.04		591,588.53
47515	03/11/14	TIMES STANDARD		170.50		591,418.03
47516	03/11/14	NORTH COAST LABORATORIES L		759.00		590,659.03
47517	03/11/14	USABLUEBOOK		101.62		590,557.41
47518	03/11/14	JILL BIDWELL		123.00		590,434.41
47519	03/11/14	THE FERNDALE ENTERPRISE		61.74		590,372.67
47520	03/13/14	GARY CHAPMAN		Void		590,372.67
47521	03/13/14	HUMBOLDT TERMITE & PEST		49.00		590,323.67
47522	03/13/14	REDWOOD MEMORIAL HOSPI		201.65		590,122.02
47523	03/13/14	ST. JOSEPH HOSPITAL		105.00		590,017.02
47524	03/13/14	VERIZON		279.09		589,737.93
47525	03/13/14	WELLS FARGO FINANCIAL LEA		134.38		589,603.55
47526	03/13/14	WYCKOFF'S		79.87		589,523.68
47527	03/13/14	GARY CHAPMAN		1,040.00		588,483.68
47528	03/18/14	MARY ELLEN BOYNTON		64.71		588,418.97
47529	03/18/14	KEVIN BRADSHAW		237.51		588,181.46
47530	03/18/14	WILLIAM O. BRIGGS		119.28		588,062.18
47531	03/18/14	ELIZABETH CONNER		1,307.77		586,754.41

City of Ferndale

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Checkbook Register

General Checking

From 02/21/14 To 03/20/14 - By Check Number

Number	Date	Payee/Description	Vendor Name	Checks \ Payments	Deposits \ Additions	Balance
47532	03/18/14	STEVE L. COPPINI		1,754.74		584,999.67
47533	03/18/14	JOHNNY F. HOPPIS		1,054.82		583,944.85
47534	03/18/14	TYLER JAMES		902.73		583,042.12
47535	03/18/14	NANCY S. KAYTIS-SLOCUM		18.49		583,023.63
47536	03/18/14	JAY D. PARRISH		2,330.56		580,693.07
47537	03/18/14	DIANNA L. RICHARDSON		83.21		580,609.86
47538	03/18/14	BRET A. SMITH		1,394.64		579,215.22
47539	03/18/14	ADAM D. STRICKER		1,178.57		578,036.65
47540	03/18/14	DANIEL V. SUTTON		1,041.32		576,995.33
47541	03/18/14	KRISTENE M. TAVARES		929.65		576,065.68
47542	03/18/14	STEVE A. THRAP		1,197.98		574,867.70
47543	03/18/14	DONNA E. TIMMERMAN		1,282.25		573,585.45
47544	03/18/14	ROBERT A. WIDEMAN		1,140.10		572,445.35
47545	03/18/14	CHRISTOPHER D. WILLIAMS		957.58		571,487.77
47546	03/20/14	BAKER & TAYLOR		333.90		571,153.87
47547	03/20/14	CRYSTAL SPRINGS BOTTLED WA		23.50		571,130.37
47548	03/20/14	DEMCO SUPPLY COMPANY		121.60		571,008.77
47549	03/20/14	DOCUSTATION	DOCUSTATION I	104.46		570,904.31
47550	03/20/14	FRESHWATER ENVIRONMENTA		1,360.00		569,544.31
47551	03/20/14	FRONTIER		1,100.34		568,443.97
47552	03/20/14	JJACPA, INC.		2,080.00		566,363.97
47553	03/20/14	LEAGUE OF CALIFORNIA CITIES		966.90		565,397.07
47554	03/20/14	MERCER FRASER COMPANY		214.67		565,182.40
47555	03/20/14	NILSEN COMPANY		129.97		565,052.43
47556	03/20/14	PACIFIC GAS & ELECTRIC		42.96		565,009.47
47557	03/20/14	SEQUOIA GAS COMPANY		812.13		564,197.34
47558	03/20/14	THE FARM SHOP		16.77		564,180.57
47559	03/20/14	U.S. BANK CORPORATE PAYMEN		1,405.76		562,774.81
47560	03/20/14	WILDWOOD SAW		10.70		562,764.11
				153,854.01	60,891.83	

Meeting Date:	May 1, 2014	Agenda Item Number	9.c
Agenda Item Title	Adopt Ordinance No. 2014-04 Amending Building Inspector Construction Code Ordinance		
Presented By:	City Manager, Jay Parrish		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION: Approve second reading of and adopt Ordinance No. 2014-04 Amending Building Inspector Construction Code Ordinance (attached).

BACKGROUND: The City Council approved the first reading of the Ordinance No. 2014-04 Amending Building Inspector Construction Code Ordinance during its March 2014 meeting and directed staff to bring it back for a second reading and possible adoption. No changes have been made since the first reading.

FISCAL IMPACT: None

ORDINANCE NO. 2014-04**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FERNDALE AMENDING
ORDINANCE NO. 2011-01 SECTION 6.01**

THE CITY COUNCIL OF THE CITY OF FERNDALE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

§1.1 **Short Title:** The Ordinance shall be known and cited as “Amending Building Inspector Construction Code Ordinance 11-01 Section 6.01”.

§1.2 **Purpose:** The purpose of this Ordinance is to amend Building Inspector & Construction Code Ordinance 11-01 Section 6.01 to adopt by reference 2013 editions of the California Building Standards Code and its sub parts.

Article 2 STATUTORY AUTHORITY

§2.1 This Ordinance is adopted under the authority of Government Code subsection 50022.2 and Health and Safety Code Section 18941.5.

Article 3: GENERAL PROVISIONS

§3.1 The following changes shall be made to Section 6.01.1 of Ordinance No. 11-01 the Building Inspection & Construction Code. The section noted shall read as follows:

§6.01 The City of Ferndale incorporates by reference and adopts as its Building Standards and Regulations applicable to all occupancies in the City of Ferndale each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building Standards Commission:

6.01.1 The following codes are required to be adopted by the City of Ferndale:

- a. **California Administrative Code** – ~~2010~~ 2013 California Administrative Code (Part 1 of Title 24) Based on the ~~2009~~ 2012 International Building Code (IBC).
- b. **California Building Code** – ~~2010~~ 2013 California Building Code (Part 2 of Title 24), including Chapter 1 Division II (administration), and Appendices A (qualifications), C (agriculture), F (rodent proofing), G (flood resistant), H (signs), I (patio covers), and J (grading). Based on the ~~2009~~ 2012 International Building Code (IBC).
- c. **California Residential Code** – ~~2010~~ 2013 California Residential Code (Part 2.5 of Title 24), including Chapter 1 Division II (administration), and Appendices E (Manufactured Housing used as dwellings), G (swimming pools, spas, and hot tubs), J (existing building and structures), K (sound transmission), N (venting methods), O (gray water recycling systems), P (sizing of water piping systems). Based on the ~~2009~~ 2012 International Residential Code (IRC).
- d. **California Electrical Code** – ~~2010~~ 2013 California Electrical Code (Part 3 of Title 24). ~~Based on the 2008 National Electrical Code (NEC)~~

- e. **California Mechanical Code** – ~~2010~~ 2013 California Mechanical Code (Part 4 of Title 24) including Chapter 1 Division II (administration). Based on the ~~2009~~ 2012 Uniform Mechanical Code (UMC).
- f. **California Plumbing Code** – ~~2010~~ 2013 California Plumbing Code (Part 5 of Title 24) including Chapter 1, Division II (administration). Based on the ~~2009~~ 2012 Uniform Plumbing Code (UPC).
- g. **California Energy Code** – ~~2010~~ 2013 California Energy Code (Part 6 of Title 24) including Chapter 1 Division II (administration).
- h. **California Historical Building Code** – ~~2010~~ 2013 California Historical Building Code (Part 8 of Title 24) including Chapter 1 Division II (administration).
- i. **California Fire Code** – ~~2010~~ 2013 California Fire Code (Part 9 of Title 24) including Chapter 1 Division II (administration). Based on the ~~2009~~ 2012 International Fire Code (IFC).
- j. **California Existing Building Code** – ~~2010~~ 2013 California Existing Building Code (Part 10 of Title 24). Based on the ~~2009~~ 2012 International Existing Building Code (IEBC).
- k. **California Green Building Standards Code** – “CAL Green” – ~~2010~~ 2013 California Green Building Standards Code (Part 11 of Title 24) (Tier 1) including Chapter 1 Division II (administration).
- l. **California Referenced Standards Code** – ~~2010~~ 2013 California Referenced Standards Code (Part 12 of Title 24).
- m. ~~**1997 Uniform Building Code** – 1997 Uniform Building Code. Published by the International Conference of Building Officials as referenced by the California Department of Housing and Community Development and pursuant to the provisions of Section 17958, 17958.5, 17958.9 and 17959 of the California Health and Safety Code.~~

(a) **Article 4 ENACTMENT**

§4.1 **Severability:** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable..

§4.2 **Effective date:** This ordinance becomes effective thirty (30) days after the date of its enactment.

Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on Xth day of XXXX 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Elizabeth Conner, City Clerk

Stuart Titus, Mayor

First Reading:	Amended:	
Second Reading:		
Enacted:		
Amended:		

Section 10**CALL ITEMS**

*These are items pulled from the consent agenda
for discussion and a separate motion.*

Section 11**PRESENTATIONS****Section 12****PUBLIC HEARING**

Meeting Date:	May 1, 2014	Agenda Item Number	12.a.
Agenda Item Title	Consider Adopting Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance		
Presented By:	City Manager Parrish or Contract City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION: Waive full reading of Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and adopt by title only.

BACKGROUND: Ferndale's General Plan 2012 Housing Element Update contains implementation programs for a balanced supply of housing, serving all socioeconomic groups and household types. State housing regulations require such programs. In 2013, the City Council directed staff to organize Housing Element programs into manageable phases. The Planning Commission reviewed the complete Housing Element Implementation Plan 2013 and recommended it to the Council, which approved the plan.

The Implementation Plan organizes Housing Element programs into three phases, the first of which encompasses Zoning Ordinance amendments required by State housing regulation. In November 2013, the City Council directed staff to complete Phase 1. Staff accordingly prepared amendments to the Zoning Ordinance as well as Density Bonus and Reasonable Accommodation Ordinances. Adoption of these amendments and Ordinances will satisfy the zoning-related programs the City designed and approved when it adopted the 2012 Housing Element, while also bringing the City into compliance with State housing regulations.

On February 6th, the City Council directed staff to postpone the Noise & Air Quality Element and prepare the 2014 Housing Element Update to meet the Department of Housing and Community Development's (HCD) June 30, 2014 adoption deadline. The draft Housing Element Update must contain documentation that the City is in compliance with State housing regulations in order for HCD to certify the Element. A certified Housing Element allows the City to apply for various housing program grants (CDBG, HOME, etc.); is an effective way to implement regional housing goals; and provides an opportunity to build support for, and review, local housing goals and to analyze housing in relation to job growth and decline.

For the 2014-2019 Housing Element planning cycle, HCD has implemented a streamlined review option for certification of element updates. If the Housing Element Update 2014 complies with State regulations, HCD will perform an expedited review, estimated to take just under 60 days. If the City does not qualify for the Streamlined Update, HCD will review the Element in its entirety rather than focusing its review on changes, which may lengthen the review process and potentially require more extensive revisions. In order for the City to be eligible for HCD's Streamlined Update program, the City must document that the City was in compliance with State housing regulations by the June 30, 2014 deadline.

DISCUSSION: Staff completed the tasks listed in the City of Ferndale General Plan Housing Element Implementation Plan 2013 Part 1: Amend the Zoning Ordinance of the City of Ferndale (attached). A brief discussion of each proposed action is listed under the corresponding subtask. Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance is attached; the Density Bonus Ordinance and Reasonable Accommodation Ordinance each follow as separate agenda items.

In addition to the proposed amendments listed on the attached Implementation Plan 2013, staff has proposed the following amendments to the Zoning Ordinance (found in Exhibit A, attached):

Zoning Ordinance §3.77 – Trailer

At the Planning Commission's request, the definition of "trailer" has been revised to include motor homes and RV's.

Zoning Ordinance §7.21.4 – Secondary Dwelling Units

At the Planning Commission's request, staff reviewed state regulations for Secondary Dwelling Units and determined that revisions to the Zoning Ordinance were required to bring the City into compliance. Section 7.21.4 of the attached Exhibit A has been revised accordingly. The size limit has been increased to 1,200 square feet to reflect that the Planning Commission has granted several Variances for Secondary Dwelling Units greater than the currently allowed 640 square feet.

Zoning Ordinance Article 9 – Variance

At the suggestion of the City Attorney, Article 9 has been revised for clarity and conformance with State noticing requirements.

Zoning Ordinance §10.04 – Use Permits

Section 10.04 has been revised for conformance with State noticing requirements.

Zoning Ordinance §11.01 – Appeals

At the suggestion of the City Attorney, §11.01 has been revised to allow City Council appeal of Planning Commission actions.

The attached Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance has undergone legal review. The Planning Commission has reviewed and recommended that the Council adopt Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance. The Commission found that the Ordinance conforms to the Ferndale General Plan and is necessary for state housing regulation compliance.

ENVIRONMENTAL REVIEW: On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the 2012 Housing Element Update, including the effects that implementation measures in the Element would potentially have on the environment.

FISCAL IMPACT: The City Council authorized City Planner time and materials not to exceed \$2,000 for Housing Element implementation on 11/7/2013 and an additional \$2,000 on 4/3/2014.

Attachments:

1. City of Ferndale General Plan Housing Element Implementation 2013
2. Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance
3. Exhibit A to Ordinance 2014-02

**CITY OF FERNDALE GENERAL PLAN HOUSING ELEMENT
IMPLEMENTATION 2013**

PART 1: AMEND THE ZONING ORDINANCE OF THE CITY OF FERNDALE

Part 1 of the Implementation Plan includes steps required for compliance with state housing legislation and for HCD Housing Element certification.

a) Permit more than four units of multi-family housing by right in R3 and R4 zones.

Because this step was not required for Housing Element or state housing regulation compliance, Planning staff recommends carrying this program over to the next Housing Element Update and instead completing subtask "h."

b) Include definitions of an emergency shelter, transitional housing, and supportive housing and allow for emergency shelters by right in specific land use designations/zones.

For compliance with SB 2, definitions of emergency shelter, transitional housing, and supportive housing have been added to Article 3 Definitions (see Exhibit A, attached).

c) Consider the Public Facility (PF) land use designation/zone where emergency shelters could be allowed without discretionary approval for SB2 compliance.

To comply with SB 2, the City identified the Public Facility zone for location of new emergency shelters by right. SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute. Section 5.17 has been amended accordingly (see Exhibit A).

d) Establish reasonable accommodation procedures for persons with disabilities to ensure equal access to housing.

The attached Ordinance 2014-05 was prepared for compliance with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (see Exhibit A). The Ordinance is modeled after Eureka's recently adopted ordinance and, except for a few minor changes, implements the exact language of the Department of Housing and Community Development's model ordinance for providing reasonable accommodation under federal and state fair housing laws.

e) Redefine 'family' to ensure that equal access to housing is provided.

The definition of "family" has been amended in Article 3 Definitions (see Exhibit A).

f) Address use of "manufactured housing" vs. "mobile home" terms.

Definitions for "Manufactured Home" and "Mobile Home" were added to Article 3 Definitions (see Exhibit A).

g) Revise the Zoning Ordinance to permit manufactured homes in certain residential zones.

Sections 7.14-7.15 concerning Mobile Homes were amended (see Exhibit A).

h) Adopt density bonus ordinance (ADDED to Implementation Plan)

This step was added to the Implementation Plan for compliance with state density bonus law, including Government Code Section 65915. HCD will not certify a Housing Element Update for a city that has not adopted a density bonus. State law provides that if a developer proposes to include at least 20% of the dwelling units in a project at rents/prices affordable to low-income households or 10% of the dwelling units in a project at rents/prices affordable to very low-income households, the City must permit a 25% minimum density bonus. The attached Ordinance 2014-03 Density Bonus Ordinance is required for compliance with state density bonus laws.

ORDINANCE NO 2014-02

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, AMENDING ZONING ORDINANCE 02-02 TO COMPLY WITH ADOPTED CITY OF FERNDALE HOUSING ELEMENT UPDATE 2012 SELECT POLICIES AND PROGRAMS AND FOR GENERAL MAINTENANCE

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

§1.1 **Short Title:** This Ordinance shall be known and cited as “Amending Zoning Ordinance 02-02 for Housing Element Compliance.”

§1.2 **Purpose:** The purpose of this Ordinance is to amend Zoning Ordinance 02-02 to comply with State housing regulations and the City of Ferndale General Plan Housing Element Update 2012 as certified by the California Department of Housing and Community Development.

Article 2 STATUTORY AUTHORITY

§2.1 The statutory authority for this Ordinance is California Government Code §65000 et seq., §65850 et seq., and other applicable State laws.

Article 3 GENERAL PROVISIONS

§3.1 City of Ferndale Zoning Ordinance 02-02 shall be revised as provided in Exhibit A to this Ordinance.

Article 4 ENACTMENT

§4.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.

§4.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day of XXX 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

First Reading:	Amended:	
Second Reading:		
Enacted:		
Amended:		

Exhibit A

ORDINANCE NO. 02-02

AN ORDINANCE OF THE CITY OF FERNDALE STATE OF CALIFORNIA ESTABLISHING LAND USE ZONES; REGULATING THE USE OF LAND AND BUILDINGS AND THE OPEN SPACE ABOUT BUILDINGS; SPECIFYING MINIMUM DIMENSIONS AND AREAS FOR VARIOUS TYPES OF LAND USES IN VARIOUS ZONES; DEFINING WORDS AND TERMS; PROVIDING FOR THE ISSUANCE OF USE PERMITS AND VARIANCES AND FOR RELATED STANDARDS AND CONDITIONS; SPECIFYING PROCEDURES FOR THE ADMINISTRATION AND AMENDMENT OF, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THESE PROVISIONS; AND REPEALING ORDINANCES 211, 223, 236, 237, 239, 282, 284, 287, 288, 289, 292, 296, 301, 307A, 309, 91-02 and 00-05

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: ADOPTION, SHORT TITLE and PURPOSE

- §1.01 Adoption: There is hereby adopted a Zoning Ordinance for the City of Ferndale, State of California, as provided by Title Seven of the Government Code of the State of California. This Ordinance constitutes a precise plan for the use of land in conformity with the General Plan and General Plan Standards. The provisions of this Ordinance shall apply to all lands and all owners of lands within all the incorporated areas of the City of Ferndale.
- §1.02 Short Title: This Ordinance shall be known and cited as the "Zoning Ordinance." In any administrative action taken by any public official under the Authority set forth in the Ordinance, the use of the term "Zoning Ordinance," unless further modified, shall also refer to and mean this Ordinance.
- §1.03 Purpose: This Ordinance is adopted to promote and protect the public health, safety, morals, comfort, convenience and general welfare, to provide a plan for sound and orderly development and to ensure social and economic stability within the various established zones.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

- §2.01 The statutory authority for Zoning is Article 11, Section 7 of the California Constitution.
- §2.02 All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses shall issue no permit, certificate or license for use, buildings or purposes within the City in conflict with the provisions of these regulations, and any such permit, certificate or license issued in conflict with the provisions of these regulations shall be null and void.
- §2.03 Any person whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any *one* of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 per violation or by imprisonment for not more than 6 months or by both such fine and imprisonment.
- §2.04 Any building or use operated or maintained contrary to the provisions of these regulations shall be a public nuisance subject to injunction and abatement.
- §2.05 The remedies provided herein shall be cumulative and not exclusive.
- §2.06 (This section amended by Ord. 07-01 on 2/12/07)The City Manager (or in his/her absence the Mayor), or his/her designee shall be responsible for the enforcement of the provisions of these regulations. (End section amended by Ordinance 07-01 on 2/12/07)
- §2.07 (Begin Section added by Ordinance 09-01 on 8/6/09) In the event that any fee or charge is not paid within the time period specified by the City, the City shall retain the right to seek enforcement and/or collection in court, at the expense of the responsible party. Expenses shall be recoverable by the City whether by assessment by the City Council following a hearing at a regularly scheduled City Council meeting or by a court of competent jurisdiction and shall further include the actual costs of collection such as staff time, administrative costs, court costs, attorneys' fees and penalties. (End Section added by Ordinance 09-01 on 8/6/09)

ARTICLE 3: DEFINITIONS

Unless the context otherwise requires, the definitions set forth in this Article shall be used in the interpretation and construction of this Ordinance. Words used in the present tense shall include the future, and in the future tense shall include the present tense; the singular number shall include the plural, and the plural the singular. The word “building” shall include the word “structure,” the word “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used” and the word “shall” is mandatory.

“City” shall mean the City of Ferndale, “City Council” shall mean the City Council of Ferndale and “Planning Commission” shall mean the Planning Commission of the City of Ferndale or the City Council in the absence of a legally constituted Planning Commission.

- §3.01 Abutting: Land having a common property line or separated only by an alley, easement or private road.
- §3.02 Access Drive: A private drive connecting a street or alley with a parking or loading area or space and of sufficient width to safely permit the passage of all vehicles, equipment, machinery, trailers, mobile homes, and pedestrians which may normally or reasonably be expected to seek access to the parking or loading area or space. Whenever the size, location or use of the parking or loading area is such as to reasonably necessitate the use of such drive by emergency vehicles, the drive shall be of adequate width and design to permit the passage of such emergency vehicles in order to be considered as an access drive within the meaning of these regulations.
- §3.03 Acreage: Land that is customarily measured in terms of acres rather than front feet or square feet.
- §3.04 Administrative Officials: The Planning Commission of the City of Ferndale and/or such other Planning Commission employee as may be designated by the Planning Commission.
- §3.05 Agriculture, General: Farming, dairying, pasturage, timber production, tree farming, horticulture, floriculture, viniculture, apiaries and animal and poultry husbandry, but not including stock yards, slaughter houses, hog farms, pig farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter.
- §3.06 Agricultural or Farm Labor Camp: Any living quarters, dwelling, boarding house, tent, bunk house, mobile home or other housing accommodation maintained in connection with any work being performed, and the premises upon which they are situated, or the areas set aside and provided for camping of five (5) or more employees by a labor contractor. Labor camps shall also mean a labor supply camp, which is any place, area or piece of land where a person engages in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees to another.
- §3.07 Agricultural Service-Related Business: A business whose principal activity includes the service and selling of goods directly related to farming, dairying, pasturage, horticulture and animal and poultry husbandry. Such uses include “feed and farm supply stores,” “hay, feed, seed, tools and hardware stores” or “farm and ranch supplies,” but does not include a stock yard, slaughter house, meat market, animal and poultry husbandry, animal-keeping or veterinary service, fertilizer works or a plant for the reduction of animal matter. Furthermore, the selling or repairing of vehicles, farm implements like tractors or accessories, or the dispensing of fuels for such is not allowed as a principle activity.

- §3.08 Alley or Lane: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property and not intended for general traffic circulation, except when such terms are modified by the word “bowling.”
- §3.09 Animal hospital: A building where animals are given medical or surgical treatment for compensation and where the boarding of animals is incidental to such treatment. The designation “small animal hospital” shall indicate that such treatment shall be limited to dogs, cats, rabbits, birds and similar small animals.
- §3.10 Animal Products Processing Plants: Buildings and premises for the preparation for wholesale distribution of animals or animal products, including, but not limited to, slaughter houses, fat rendering, tallow works, fertilizer plants, tanneries, seafood packing and canning and distillation of bones.
- §3.11 Automobile Repair:
- 3.11.1 Automobile Repair, Major: General repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fender straightening or repair and over-all painting or paint shop.
- 3.11.2 Automobile Repair, Minor: Upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity, but not including any operation under “Automobile Repair, Major” Section 3.11.1
- §3.12 Automobile Service, Gas or Filling Station: A place which provides for the servicing, washing and fueling or operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto.
- §3.13 Bed and Breakfast Inn: A residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests. The breakfast provided shall not constitute a restaurant operation and may not be provided to persons other than guests of the inn.
- §3.14 Board of Supervisors: Humboldt County Board of Supervisors.
- §3.15 Board of Zoning Adjustment: The Planning Commission.
- §3.16 Boarding House: A dwelling or part thereof where meals or meals and lodging are provided for compensation for three (3) or more persons, not transient.
- §3.17 Building: Any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground or foundation up, each part is deemed a separate building, except as regards minimum side yard requirements.
- 3.17.1 Building, Accessory: A detached subordinate building located on the same building site as the main building and designated and intended for a use that is subordinate to the use of the main building.
- 3.17.2 Building, Main: A building in which is conducted the principal use of the building site on which it is situated.
- 3.17.3 Building Site: See Lot.
- §3.18 (These sections amended by Ord. 07-01 on 2/12/07) Building Inspector – shall be appointed by the City Manager.
- §3.19 Building Official shall be appointed by the City Manager. (End of sections amended by Ordinance 07-01 on 2/12/07)
- §3.20 Camp, Public: Any area or tract of land used or designated to accommodate temporarily two (2) or more camping parties, traveling by automobile or otherwise.
- §3.21 Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbarium, crematories, mausoleums,

- mortuaries and chapels, when operated in conjunction with and within the boundary of such cemetery.
- §3.22 City: The City of Ferndale.
- §3.23 City Council: The City Council of Ferndale.
- §3.24 Court: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.
- §3.25 Commission, Planning Commission: The Planning Commission of the City of Ferndale, State of California.
- §3.26 Communication Equipment Building: A building which houses electrical and mechanical equipment necessary for the conduct of a public utility communications business with or without personnel.
- ~~§3.27~~ Density Bonus: As defined by Government Code Section 65915 et seq., an increase over the maximum density otherwise allowed by the applicable zoning district, that is granted to the owner/developer of a housing project who agrees to construct a senior housing project or a prescribed percentage of dwelling units that are affordable to households of very low; low; and/or moderate income. When determining the number of dwelling units that shall be affordable, the units authorized by the density bonus shall not be included in the calculation.
- ~~§3.27~~~~§3.28~~ Distance Between Structures: The shortest horizontal distance measured between the vertical walls of two structures.
- ~~§3.28~~~~§3.29~~ Dwelling: Any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, labor camp, hotel or motel.
- ~~3-28-1~~~~3.29.1~~ Dwelling, Single Family: A building containing exclusively one dwelling unit.
- ~~3-28-2~~~~3.29.2~~ Dwelling, Two-Family or Duplex: A detached building under one roof, designed for or occupied exclusively by two families living independently of each other.
- ~~3-28-3~~~~3.29.3~~ Dwelling, Multiple: A building or portion thereof containing three (3) or more dwelling units, including apartments and flats but excluding boarding houses, motels, mobile home parks, hotels, fraternity or sorority houses and private residence clubs.
- ~~3-28-4~~~~3.29.4~~ Dwelling Unit: One room, or a suite of two (2) or more rooms, designed for, intended for, or used by one family, where the family lives, sleeps and cooks and which unit has one kitchen or kitchenette.
- ~~§3.29~~~~§3.30~~ Emergency Repairs: Repairs made to any structure, whether used for residential, commercial or other uses, in the immediate period following damage by earthquake, fire, wind, hail, or collision, provided that such repairs will bring the structure to its original design. Such repairs include: re-roofing, repairing fire damage, painting, re-painting, paint scraping, and replacing windows, drainpipes, railings, and small structural ornamentation.
- ~~§3.31~~ Emergency Shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.
- ~~§3.30~~~~§3.32~~ Emergency Vehicle: Self-propelled vehicle or trailer used in the discharge of the duties of public districts, agencies, or departments or privately owned public utilities responsible for fire prevention and control, police enforcement, sanitation, sewage, drainage, flood control and public utility maintenance and service.
- ~~§3.31~~~~§3.33~~ Family: One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. FAMILY does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or convents nor does it include such commercial group living

~~arrangements as boardinghouses, lodging houses and the like. A person living alone, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, motel, hotel or fraternity or sorority house. A family shall be deemed to include necessary servants.~~

~~§3.32~~§3.34 **Farm Dwelling:** A dwelling on farm premises for permanent residents of the farm, such as the owner, lessee, foreman, or others whose principal employment is the operation of the farm, as distinguished from quarters for seasonal labor.

~~§3.33~~§3.35 **Frontage:** All the property on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of a dead-end street or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

~~§3.34~~§3.36 **Fur Farm:** A place at which fur-bearing animals are bred and raised for commercial purposes, such as breeding stock or for the reclamation of pelts.

~~§3.35~~§3.37 **Garage:**

~~3.35.13~~3.37.1 **Garage, Private:** An accessory building or a portion of a building designed for the storage of self-propelled passenger vehicles, ~~camping~~ trailers or boats belonging to the owners or occupants of the site and their guests, including covered parking space or carport.

~~3.35.23~~3.37.2 **Garage, Public:** Any building or portion thereof or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, trailers and boats or where any such are equipped for operation or repair or kept for remuneration and hire.

~~3.35.33~~3.37.3 **Garage, Storage:** Any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats.

~~§3.36~~§3.38 **Ground Coverage:** The percentage of the total area that is covered by structures as herein defined.

~~§3.37~~§3.39 **Hog Farm:** Any premises used for the raising or keeping of three (3) or more hogs when raised, fed or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural zone, the term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation.

~~§3.38~~§3.40 (This section amended by Ordinance 08-03) **Home Occupation:** Any use which, as determined by this ordinance, is customarily carried on within a dwelling or unattached structure by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. (End of section amended by Ordinance 08-03)

~~§3.39~~§3.41 **Hotel:** Any building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by six (6) or more transient guests, whether the compensation or hire be paid directly or indirectly, and shall include resort hotel, lodging house, rooming house, dormitory, residence club, fraternity, sorority and other similar uses.

~~§3.40~~§3.42 **Incidental and/or Appurtenant Uses:** Small and/or related activities other than the uses specified under "Agricultural Service-Related Business," which are available or are conducted on the site during the same hours of the principal activity and all of which occupy less than 25 percent of the total retail floor area. Such activities shall be related to or not conflict with the principle activity. Such activities can include: home supplies, small-scale plant nurseries and landscape supplies, home improvement supplies and books, canning and kitchen supplies, work clothes, pruning or composting workshops, deli (not exceeding 200 sq. ft.), gift items or handcrafted items.

~~§3.41~~§3.43 Instruction, Commercial: Schools or classes operated within a building to give instruction in any art, profession, trade or business, for compensation, and including, but not limited to instruction in cosmetology, hairdressing, barbering, bartending, music, dancing, typing, shorthand or other business skills, electronics or engineering.

~~§3.42~~§3.44 Junk Yard: Any aggregate area of more than two hundred (200) square feet within any parcel, lot or contiguous lots which is used as a place where imported waste, inoperable household appliances, inoperable machinery, inoperable motor vehicles, portions of inoperable motor vehicles or discarded or salvaged materials are disassembled, handled, placed, processed, baled, packaged or stored. This includes but is not limited to auto and trailer wrecking yards, scrap metal yards, wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment. This does not include the above activities when conducted entirely within completely enclosed buildings nor the sale or storage of used cars, farm machinery, trailers or boats in operable condition, nor the salvage of materials incidental to manufacturing or farm operations, provided such salvage takes place where the manufacturing or farming is done.

~~§3.43~~§3.45 Kennel: Any premises, except those accessory to an agricultural use, where five (5) or more small domestic animals, not sick or injured, are boarded, cared for or trained for compensation, or are kept for sale or breeding purposes.

~~§3.44~~§3.46 Kitchen or Kitchenette: Any space used or designated to be used for cooking and preparing food, whether the cooking unit be permanent or temporary and portable.

~~§3.45~~§3.47 Licensed Premises: Premises licensed by the Alcoholic Beverage Control Board of the State of California for the sale and consumption of alcoholic beverages on the premises.

~~§3.46~~§3.48 Living:

~~3.46.13~~3.48.1 Living Area: The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

~~3.46.23~~3.48.2 Living Quarters: One or more rooms in a building designed, intended for or used by one or more individuals for living or sleeping purposes, but which does not have cooking facilities.

~~§3.47~~§3.49 Lot:

~~3.47.13~~3.49.1 Lot, Building Site: A parcel of land, exclusive of public streets or alleys, occupied or intended to be occupied by a building or group of buildings, together with such open space, yards, minimum width and area as are required by these regulations, and having full frontage on an improved and accepted public street which meets the standard of widths and improvements specified by the *City of Ferndale* for the street in question, or having either partial frontage on such street or access thereto by record right-of-way or record easement, which partial frontage right-of-way or easement is determined by the Commission to be adequate. In subdivided areas, a building site is any portion of a filed and recorded lot or any combination of contiguous lands, including more than a lot which meets the minimum area and width requirements of the zone in which it is located and which is so shaped that a building having the minimum area as set forth in the building code for the purpose intended for said building could be constructed in compliance of all yard requirements of that zone. As used herein, "lot" is not restricted to a parcel of land identified and filed and recorded as a subdivision by lot number.

~~3.47.23~~3.49.2 Lot, Corner: A lot abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

- a. The front yard of a corner lot is the yard adjacent to the shortest street frontage.
- b. The rear yard of a corner lot extends to the side yard adjacent to the street
- c. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

~~3.47.3~~3.49.3 Lot, Interior: A lot other than a corner or key lot.

~~3.47.4~~3.49.4 Lot, Key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot (exclusive of any alley) and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

~~3.47.5~~3.49.5 Lot Area: The total horizontal area included within lot lines, but excluding any portion of such area that has been dedicated for public right-of-way purposes.

~~3.47.6~~3.49.6 Lot Depth: The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines

~~3.47.7~~3.49.7 Lot Lines. The property lines bounding the lot. The definitions herein are applicable to lots that are basically square or rectangular in shape. When these definitions are not applicable due to irregularity in the shape of the lot, lot lines shall be determined by the Administrative Official, subject to review by the Planning Commission.

- a. Lot Line, Front: The line separating the lot from the street right-of-way. In the case of a corner lot, the shorter street frontage shall be the front lot line.
- b. Lot Line, Rear: In the case of an interior Lot, the line opposite and most distant from the front lot line. In the case of a triangular or wedge-shape lot, for measurement purposes, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- c. Lot Line, Side: Any lot lines not a front or rear lot line.

~~3.47.8~~3.49.8 Lot Width: The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard set back line. Whenever this definition cannot be applied due to irregularity in the shape of the lots, the lot width shall be as determined by the Administrative Official subject to review by the Planning Commission.

§3.50 Manufactured Home: A residential structure constructed entirely in the factory, and which since June 15, 1976, has been regulated by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

~~§3.48~~§3.51 Minor Repair & Routine Maintenance: Such repair and maintenance which may include re-roofing; painting; re-painting, re-surfacing; paint scraping; replacement of windows; drainpipes, railings, and small structural ornamentation; and replacement of individual boards in a wooden porch with fresh identical lumber, if the status quo or original design is maintained.

§3.52 Mobile Home: A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing.

~~§3.49~~ Mobile homes:

- ~~3.49.1~~ — ~~Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with 7.14.2 of this ordinance, with the following exceptions:~~
- ~~a. — In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.~~
 - ~~b. — Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.~~
 - ~~c. — By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.~~
- ~~3.49.2~~ — ~~Mobile homes on individual lots: A mobile home shall be permitted on an individual lot as a single family dwelling unit, only if it meets the following requirements:~~
- ~~a. — Eligibility:~~
 - ~~i. — The mobile home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974.~~
 - ~~ii. — The mobile home must be installed on a permanent foundation system designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, or applicable provisions of subsequent editions adopted for use by the City.~~
 - ~~iii. — The mobile home must comply with all development standards specified in the zone in which the mobile home is to be placed.~~
 - ~~iv. — The mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the Compatibility Section, below.~~
 - ~~b. — Compatibility: Mobile homes shall be considered compatible in those areas outside of the Design Control Combining or D Zones, as particularly described on the Zoning Map of the City of Ferndale. The Design Control districts designated on said map have been found to be both of significant historical value and of overall unique architectural character, warranting protection of preservation efforts and infill development of comparable nature. Therefore, mobile homes, as defined herein, are not found to be compatible with these areas, but shall be permitted in all other areas of the City wherein single family dwellings are a principal permitted use of land.~~
- ~~§3.50~~ — ~~Mobile Home Park Standards: All mobile home parks shall be subject to the following requirements:~~
- ~~3.50.1~~ — ~~Minimum lot area: one (1) acre.~~
 - ~~3.50.2~~ — ~~Minimum recreation space: 10% of site~~
 - ~~3.50.3~~ — ~~Minimum yards around parks: front, 20 feet; side and rear, 10 feet; suitably landscaped to provide effective screening.~~

~~3.50.4~~ — All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.

~~3.50.5~~ — All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two (2) parking spaces or the equivalent thereof shall be provided for each mobile home site.

~~3.50.6~~ — The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the overall improvement in the design or standards of such existing park.

~~§3.51~~§3.53 **Motel:** A building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests which is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby or interior court. This definition includes auto court, tourist court, motor hotel, but does not include accommodation for mobile homes or trailers.

~~§3.52~~§3.54 **Non-Conforming Buildings:** A building, structure or portion thereof which lawfully existed at the time of the adoption of these regulations but which does not conform to all the heights and area regulations of the zone in which it is located, or which is so designed, erected or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

~~§3.53~~§3.55 **Nurseries and Greenhouses:** Buildings and premises for the propagation, display, and retail sale of plants, vines, shrubs and trees, and the sale of horticultural materials when incidental thereto.

~~§3.54~~§3.56 **Office:**

~~3.54.1~~3.56.1 **Office, Business:** An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients or payments or the keeping of records and accounts pertaining to the particular business.

~~3.54.2~~3.56.2 **Office, Professional:** An office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer, architect, accountant or similar professional person may offer services, and which includes medical or dental laboratories.

~~§3.55~~§3.57 **Owner:** The person or persons, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner.

~~§3.56~~§3.58 **Person:** Any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties.

~~§3.57~~§3.59 **Planning Commission:** The Planning Commission of the City of Ferndale, as created by City Ordinance, hereafter referred to as the Commission.

~~§3.58~~§3.60 **Public Use:** A use operated exclusively by a governmental agency or public agency, which has the purpose of serving the public health, safety, convenience or general welfare, and which includes but is not limited to such uses as schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities.

- ~~§3.59~~§3.61 Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, fraternal, or medical institution, association, or organization, and including, but not limited to, such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls or private hospitals.
- ~~§3.60~~§3.62 Recreational:
- ~~3.60.1~~3.62.1 Recreational, Commercial: Recreation facilities open to the general public for a fee, or restricted to members when operated for profit as a business.
- ~~3.60.2~~3.62.2 Recreational, Private, Noncommercial: Clubs or recreation facilities operated by a nonprofit organization and open only to bonafide members of such nonprofit organization and their guests.
- ~~§3.61~~§3.63 Residential Care Institution: The rooming or boarding of any aged or convalescent person whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. Residential Care Institution shall include: sanitarium, rest home and convalescent home.
- ~~§3.62~~§3.64 Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located or produced upon other sites under the same ownership as that of such nonprofit organization and their guests.
- ~~§3.63~~§3.65 Routine Maintenance: See Section 3.48 Minor Repair.
- ~~§3.64~~§3.66 Secondary Dwelling Unit: A separate residential unit, containing sleeping, kitchen and bathroom facilities, created on a lot zoned R-1 or R-S that already contains one legally created residential unit. A secondary dwelling unit may be created by: (The entire section 3.64 was amended by Ordinance 03-03 on July 14, 2003)
- ~~3.64.1~~3.66.1 Alteration of an existing residential structure whereby kitchen and bathroom facilities are not shared in common; or
- ~~3.64.2~~3.66.2 Conversion of an attic, basement, attached garage, or other previously uninhabited portion of a residential structure; or
- ~~3.64.3~~3.66.3 Addition of a separate unit onto an existing residential structure or
- ~~3.64.4~~3.66.4 Construction of a separate structure on a lot in addition to an existing residential structure.
- ~~§3.65~~§3.67 Setback Line: A line established by these regulations or by other ordinance or regulation to govern the placement of buildings or structures with respect to lot lines, streets or alleys.
- ~~§3.66~~§3.68 Sign: (This entire section was repealed by Ordinance 2013-02 on December 7, 2013).
- ~~§3.67~~§3.69 Stable:
- ~~3.67.1~~3.69.1 Stable Private: A detached accessory building for the shelter of horses or similar hoofed animals for the use of the residents and their guests.
- ~~3.67.2~~3.69.2 Stable Public: A stable other than a private stable; generally, where horses are available for hire, or are sheltered and fed for compensation.
- ~~§3.68~~§3.70 Street: A public or private right-of-way that provides a primary means of access to abutting property.
- ~~§3.69~~§3.71 Street Line: The boundary between a street right-of-way and abutting property.
- ~~§3.70~~§3.72 Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including, but not limited to: signs, fences, walls used as a fence, mailboxes, flag poles, solar panels, ham radio antenna, telecommunications facilities, wind turbine towers, and swimming pools, but excluding driveways, patios, or parking spaces where the area is unobstructed from the ground up. (This section amended by Ordinance 05-02 on 5/7/05.)

~~§3.71~~§3.73 **Structural Alteration:** Any change in the structural members of a building, such as bearing walls, columns, beams or girders.

§3.74 **Supportive Housing:** As defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

~~§3.72~~§3.75 **Timber Production:** The systematic harvesting and reseedling of timber stands in accordance with practices designed to maintain the productive capacity of the land, preserve the watershed and conserve the soil.

~~§3.73~~§3.76 **Timber Products Processing Plants:** Buildings and premises for the commercial processing of wood and wood products, including but not limited to, sawmills, lumber mills and plywood mills, but not including pulp mills. Pulp mills shall be classified as heavy industrial use and shall be permitted in the zones designed to accommodate such uses.

~~§3.74~~§3.77 **Trailer:** Any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters or occupation or use as a selling or advertising device, or use for storage or conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term "trailer" includes the term "camp trailer," "trailer coach," "automobile trailer," "recreational vehicle (RV)," "motor home" and "house trailer," except when the ~~latter falls~~any of these fall within the definition of "mobile home." Trailers are considered structures for the purpose of these regulations when they are parked in mobile home parks or trailer camps and are used on such sites for human habitation, offices, wash houses, storage or similar auxiliary services necessary for the human habitation of the court or camps.

~~§3.75~~§3.78 **Trailer Camp:** Any lot or parcel thereof or parcel of land which is used or offered as a location for one or more trailers of camping, weekend or temporary occupancy. As distinguished from a Mobile Home Park, a trailer camp is usually located in or adjacent to a recreation or resort facility and is primarily designed to serve as a seasonal facility or as a place of temporary residence for persons who have a permanent residence established elsewhere.

~~§3.76~~§3.79 **Trailer Court or Trailer Park:** See Mobile Home.

~~§3.77~~§3.80 **Transient:** When used in conjunction with boarding or lodging, services that are charged for in units of less than one (1) month and where the majority of people utilizing such services remain for periods of less than three (3) months, except for bed and breakfast inns. This period shall be limited to a maximum of fourteen (14) consecutive days.

§3.81 **Transitional Housing:** Defined in Section 50675.2 of the Health & Safety Code as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

~~§3.78~~§3.82 **Use:** The purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

~~3.78.1~~3.82.1 **Use, Accessory:** A use legally permitted in the zone which is incidental to and subordinate to the principal use of the site or a main building on the site, and serves a purpose which does not change the character of the principal use.

~~3.78.23.82.2~~ 3.82.2 (This section amended by Ord. 07-01 on 2/12/07) Use, Conditional: A principal or accessory use of land or of structures thereon which may be essential or desirable to the public convenience or welfare in one or more zones, but which may also impair the integrity and character of the zone or adjoining zone, or be detrimental to the public health, morals or welfare unless additional restrictions on the location and extent of use are imposed and enforced. Such use shall become a "principal permitted use" or "accessory permitted use" when all specific additional restrictions are completed and permanently satisfied in conformance with an approved use permit. Should such restrictions be of a continuing nature, the use will remain "conditional" so long as the restrictions are complied with, but shall become an "illegal use" whenever and so long as the restrictions are not complied with. Conditional Use Permits run with the land. (End of section amended by Ordinance 07-01 on 2/12/07)

~~3.78.33.82.3~~ 3.82.3 Use, Nonconforming: A use which lawfully occupied a building or land at the time of the adoption of these regulations and which does not conform to the use regulations of the zone in which it is located.

~~3.78.43.82.4~~ 3.82.4 Use, Principal Permitted: The primary use of land or of a main building which is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee or other person who has legal right to use the land has a vested right to conduct such principal permitted use without securing special permission, subject only to such general limitations as off-street parking and site plan approval which are generally applied to all uses in that zone.

~~§3.79~~ §3.83 Wrecking Yard: See Junk Yard, Section 3.42.

~~§3.80~~ §3.84 Yard: An open space other than a court on the same site with a building, which open space is unoccupied and unobstructed from the ground upward, except for landscaping or as specified elsewhere in this ordinance, but not including any portion of any street, alley or road right-of-way, except as specified elsewhere in these regulations.

~~3.80.13.84.1~~ 3.84.1 Yard, Front: A yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to the shortest street frontage.

~~3.80.23.84.2~~ 3.84.2 Yard, Rear: A yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto, except that the rear yard of a corner lot extends to the side yard adjacent to the street.

~~3.80.33.84.3~~ 3.84.3 Yard, Side: A yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line on the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

~~§3.81~~ §3.85 Yard Sale: An activity involving the sale of used and second-hand goods which are the personal property of the owner or resident of the parcel on which the sale is being conducted, or for a joint yard sale carried out by two or more households, where at least one participant is the owner or resident of the parcel on which the yard sale is being conducted, but which activity is not part of a commercial operation subject to regulation by the State Board of Equalization or the business license ordinance of the City, the use remaining clearly incidental and subordinate to the residential use of the parcel.

~~§3.82~~§3.86 Zone: A portion of the territory of the City of Ferndale within which certain uniform regulations and requirements or combinations thereof apply under the provisions of these regulations. The word “zone” shall include the word “district.”

ARTICLE 4: ESTABLISHMENT AND DESIGNATION OF ZONES

§4.01 Principal Zones: The several zones, hereby established, and into which the City may be divided, are as follows:

ZONE	DESIGNATION
Residential Suburban	RS
Residential One Family	R1
Residential Two Family	R2
Residential Multiple Family	R3
Apartment-Professional	R4
Neighborhood Commercial	C1
Community Commercial	C2
Agricultural Services Commercial	CAG
Highway Service Commercial	CH
Limited Industrial	ML
Heavy Industrial	MH
Floodway	FW
Flood Plain	FP
Planned Development	PD
Agriculture-Exclusive	AE
Public Facility	PF

§4.02 Combining Zones: In addition to the principal zones established in Section 4.01, certain combining regulation zones are hereby established as follows:

ZONE	DESIGNATION
Agriculture	-A
Special Building Site	-B
Recreation	-X
Design Control	-D
Qualified Combining	-Q
<u>Housing Combining</u>	<u>-H</u>

§4.03 Location of Boundaries of Zones: The designation, location and boundaries of the above zones shall be delineated on the zoning map of the City. Said map and all notations, references, data and other information shown shall be a part of these regulations, and such map shall constitute Section 4.04.

§4.04 Zoning Map: This section consists of the zoning map of the City, which may be amended in whole or in part in accordance with the amendment procedure set forth in Article VIII. All incorporated territory of the City shall be classified as specified by the zoning map adopted as a part of these regulations.

§4.05 Uncertain Boundaries: Where uncertainty exists with respect to the boundaries or the various zones, the following rules shall apply:

4.05.1 Streets or alleys: Where the indicated zoning boundaries are approximate street or alley lines, the center lines of such shall be construed to be the boundaries of such zone.

- 4.05.2 Lot lines: Where the zoning boundaries are not shown to be streets or alleys, and where property has been or may hereafter be divided into blocks and lots, the zoning boundaries shall be construed to be lot lines; and where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the boundaries of said zone, unless said boundaries are otherwise indicated.
- 4.05.3 Scale on map: Where property is indicated on a zoning map as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary lines on said zoning map shall be determined by scale contained on such map; and where uncertainty exists, the zone boundary line shall be determined by the Planning Commission. In the event property is shown as acreage on the zoning map, the Planning Commission, after notice to the owners of the property affected thereby, may interpret the map and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. Such interpretation shall be by written decision, and thereafter the zoning map shall be changed to conform thereto.
- 4.05.4 Vacated street or alley: In the event a dedicated street or alley shown on the zoning map is vacated by resolution or ordinance, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.
- §4.06 Limitations on Land Use and Structures, except as otherwise provided in Article IX:
- 4.06.1 Use requirements: No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such buildings, land, or premises is located.
- 4.06.2 Height requirements: No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located except as provided in Article VII.
- 4.06.3 Area requirements: No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which such building or open space is located.
- 4.06.4 Duplicate use of open space and yards: No yard or other spaces provided about any buildings for the purpose of complying with provisions of these regulations shall be considered as providing a yard or open space for a building on any other building site unless specifically permitted elsewhere in these regulations.

ARTICLE 5: REGULATIONS FOR THE PRINCIPAL ZONE:

§5.01 In addition to the regulations specified in this Article for each of the principal zones, the general regulations set forth in Article VII shall be applicable to each and every such zone. In the event of conflict between the particular regulations for each zone set forth in this Article and the general regulations set forth in Article VII, the Planning Commission shall determine which of the conflicting regulations shall be applicable.

§5.02 Residential-Suburban or R-S Zone.

The Residential-Suburban or R-S Zone is intended to be applied in areas of the City which are particularly suited to large lot development of single-family homes. The following regulations shall apply in all Residential-Suburban or R-S Zones:

5.01-15.02.1 Principal permitted uses:

- a. Single-family dwellings.
- b. Servants' quarters and guesthouses.
- c. Keeping no more than eight (8) household pets on each lot.

5.01-25.02.2 Uses Permitted with a Use Permit:

- a. Private institutions.
- b. Private recreation facilities, including golf courses.
- c. Bed and breakfast inns.
- d. Secondary dwelling units.

5.01-35.02.3 Other Regulations:

- a. Minimum lot area: one (1) acre.
- b. Minimum lot width: 125 feet.
- c. Minimum lot depth: 110 feet.
- d. Minimum yards: front, 20 feet; rear, 15 feet; side, 10% of lot width on each side except that no side yard may be less than 5 feet, or need be more than 12 feet.
- e. Maximum building height: 35 feet.

5.01-45.02.4 Development Criteria: Any single family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.

- f. The Planning Commission may allow a single family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision of the Planning Commission may be taken in accordance with the revisions of Article XI.

§5.03 Residential One-Family or R1 Zone

The Residential One-Family or R1 Zone is intended to be applied in areas of the City where topography, access, utilities, public services and general conditions make the area suitable and desirable for single-family home development. The following regulations shall apply in all Residential One-Family or R1 Zones:

5.01-5.03.1 Principal permitted uses:

- a. Single-family dwellings.
- b. Boarding of not more than two (2) persons not employed on the premises.
- c. Keeping no more than four (4) household pets for each dwelling unit.

5.01-6.03.2 Uses permitted with a Use Permit:

- a. Guest houses and servants' quarters.
- b. Public and private non-commercial recreation facilities, including golf courses.
- c. Bed and breakfast inns.
- d. Secondary dwelling units.

5.01-7.03.3 Other regulations:

- a. Minimum lot area: 6,000 square feet.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Minimum yards: front, 20 feet; rear, 15 ft; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
- e. Maximum ground coverage: 35%.
- f. Maximum building height: 35 feet.

5.01-8.03.4 Development Criteria: Any single family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.

f. The Planning Commission may allow a single family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any

appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.04 Residential Two-Family or R2 Zone.

The Residential Two-Family or R2 Zone is intended to be applied in areas of the City close to urban centers where all utilities and services are available and where housing demand justifies a density of two families on each building site. The following regulations shall apply in all Residential Two-Family or R2 Zones:

5.01.95.04.1 Principal permitted uses:

- a. Single family dwellings.
- b. Two-family dwellings.
- c. Boarding of not more than two (2) persons not employed on the premises.
- d. Keeping no more than four (4) household pets for each dwelling unit.

5.01.105.04.2 Uses permitted with a Use Permit:

- a. Guest houses and servants' quarters.
- b. Private institutions.
- c. Bed and breakfast inns.

5.01.115.04.3 Other Regulations:

- a. Minimum lot area: 6,000 square feet.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 40%.
- e. Minimum yards: front, 20 ft; rear, 15 feet; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
- f. Maximum building height: 35 feet.

5.01.125.04.4 Development criteria: Any two-family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
- f. The Planning Commission may allow a single family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any

appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.05 Residential Multiple-Family or R3 Zone.

The Residential Multiple Family or R3 Zone is intended to be applied in areas of the City where it is reasonable to permit and protect low-density Apartment developments. The following regulations shall apply in all Residential Multiple Family or R3 Zones:

5.01.135.05.1 Principal permitted uses:

- a. Single family dwellings.
- b. Dwelling groups and multiple dwellings for not more than four (4) families.
- c. Keeping no more than two (2) household pets for each dwelling unit.
- d. Bed and breakfast inns.

5.01.145.05.2 Uses permitted with a Use Permit:

- a. Hotels, motels, mobile home parks and boarding houses.
- b. Private institutions.
- c. Professional offices.

5.01.155.05.3 Other regulations:

- a. Minimum lot area: 6,000 square feet, but not less than 600 square feet for each dwelling unit.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 60%.
- e. Minimum yards: front, 20 feet; rear, 10 feet; side, 5 feet.
- f. Special yards for dwelling groups: The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot line shall be increased by 2 feet for each 2 feet that any building on the lot exceeds 2 stories.
- g. Maximum building height: 45 feet.

5.01.165.05.4 Development criteria: Any multiple-family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
- f. The Planning Commission may allow a multiple-family dwelling to be constructed or placed within the City of Ferndale with alternative

development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.06 Apartment-Professional or R4 Zone.

The Apartment-Professional or R4 Zone is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses. The following regulations shall apply in all Apartment-Professional or R4 Zones:

5-01-175.06.1 Principal permitted uses:

- a. Single family dwellings.
- b. Professional and business offices.
- c. Commercial instruction.
- d. Boarding houses.
- e. Keeping no more than two (2) household pets for each dwelling unit.
- f. Hotels and motels.
- g. Bed and breakfast inns.
- h. Art galleries.

5-01-185.06.2 Uses permitted with a Use Permit:

- a. Mobile home parks.
- b. Private institutions.
- c. Social halls, fraternal and social organizations.
- d. Noncommercial recreation facilities.
- e. Mortuaries.
- f. Small animal hospitals completely enclosed within a building.

5-01-195.06.3 Other Regulations

- a. Minimum lot area: 6,000 square feet, but not less than 600 square feet for each dwelling unit.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 60%.
- e. Minimum yards: front, 20 feet; rear, 10 feet; side, 5 feet.
- f. Special yards for dwelling groups: The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot line shall be increased by 2 feet for each 2 feet that any building on the lot exceeds 2 stories.
- g. Maximum building height: 45 feet.

5-01-205.06.4 Development criteria: Any R-4 Zone building constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and

- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
- f. The Planning Commission may allow an R-4 Zone building to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.07 Neighborhood Commercial or C1 Zone-

The Neighborhood Commercial or C1 Zone is intended to provide for neighborhood shopping centers which provide convenient sales and service facilities to residential areas, detracting from the residential desirability of such areas. The following regulations apply in all Neighborhood Commercial or C1 Zones.

5.01.215.07.1 Principal permitted uses:

- a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
- b. Professional and business offices and commercial instruction.
- c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
- d. Sales of used and secondhand goods when appurtenant to any of the foregoing.

5.01.225.07.2 Uses permitted with a Use Permit

- a. Dwellings, hotels, motels, boarding houses and mobile home parks.
- b. Small animal hospitals, completely enclosed within a buildings.
- c. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.

5.01.235.07.3 Other Regulations:

- a. Minimum lot area: 2,000 square feet.
- b. Minimum lot width: 25 feet.
- c. Minimum yards: front, none, except where frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone; rear, 15 feet, except where a rear yard abuts on an alley, such rear yard may be not less than 5 feet; side, none, except that a side yard of an interior lot abutting on an "R" Zone shall be not less than the front yard required in such "R" Zone.
- d. Maximum building height: 35 feet.

§5.08 Community Commercial or C2 Zone

The Community Commercial or C2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C2 Zones:

5.01.245.08.1 Principal permitted uses:

- a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
- b. Professional and business offices and commercial instruction.
- c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
- d. Sales of used and secondhand goods when appurtenant to any of the foregoing.
- e. Dwellings, hotels, motels, boarding houses and mobile home parks.
- f. Small animal hospitals, completely enclosed within a buildings.
- g. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.

5.01.255.08.2 Uses permitted with a Use Permit:

- a. Stores, agencies & services such as: carpentry and cabinetry & cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning & laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' & decorators' yards, plumbing shops, printing & lithographing.

5.01.265.08.3 Other regulations:

- a. Minimum lot area: 2,000 square feet.
- b. Minimum lot width: 25 feet.
- c. Minimum yards: front, none, except where frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone; rear, 15 feet, except where a rear yard abuts on an alley, such rear yard may be not less than 5 feet; side, none, except that a side yard of an interior lot abutting on an "R" Zone shall be not less than the front yard required in such "R" Zone.
- d. Maximum building height: 45 feet.

§5.09 **Agriculture Services Commercial or CAG Zone**

The Agriculture Services Commercial or CAG Zone is intended to serve the agricultural community by providing an opportunity for a business whose principal activity includes the service and selling of goods directly related to farming, dairying, pasturage, horticulture and animal and poultry husbandry in a manner consistent with the City's General Plan Goals and Policies.

5-01-275.09.1 Principal permitted uses:

- a. General Agricultural uses, such as grazing and pasturage, in keeping with Zoning Ordinance Section 7.04 while no conditional permitted use occurs on the property.

5-01-285.09.2 Uses permitted with a Use Permit:

- a. Agricultural service-related business as defined in Section 3.07.
- b. Other incidental and/or appurtenant uses as described herein and found by the Planning Commission to be consistent and not conflicting with the primary use of the property. Small and/or related activities other than the uses specified under "Agricultural Service Related Business," which are available or are conducted on the site during the same hours of the principle activity and all of which occupy less than 25 percent of the total retail floor area. Such activities shall be related to or not conflict with the principle activity. Such activities can include: home supplies; small-scale plant nurseries and landscape supplies; home improvement supplies and books; canning and kitchen supplies; work clothes; pruning or composting workshops; deli (not exceeding 200 s.f.); gift items and handcrafted items.

5-01-295.09.3 Other regulations

- a. Minimum lot area: four (4) acres.
- b. Minimum lot width: 100 feet.
- c. Minimum yards: front, none, except that where frontage is in a block which is partially in an R zone, the front yard shall be the same as required in such R Zone; rear, same as the rear setback requirement of the zone on either side of the property; side, 25 feet. Structures shall not be less than 25 feet from any dwelling on adjacent property.
- d. Maximum building height: 35 feet.
- e. Outdoor storage is allowed when related to a primary use. Outdoor storage areas (including area designated for trash containers) adjacent to R zones or adjacent residences shall be screened by walls, fences or adequate plantings to a height of not less than 6'.
- f. Grain and animal food is to be kept in rodent-proof containers.
- g. No unattended animals are to be left outside the buildings after business hours.
- h. Outdoor lighting, except for security purposes, shall not occur before 7:30 a.m. nor after business hours. Security lighting shall be directed downward and shielded so as not to illuminate adjacent residences.
- i. No outdoor loudspeakers or radios are allowed when property is located adjacent to residences and any "R" Zone.

§5.10 Highway Service Commercial or CH Zone

The Highway Service Commercial or CH Zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience and suitable appearance. The following regulations shall apply in all Highway Service Commercial or CH Zones:

~~5.01.30~~**5.10.1** Principal permitted uses (This section was amended by Ordinance 2013-02 on December 7, 2013):

- a. Restaurants and appurtenant services.
- b. Hotels, motels and mobile home parts.
- c. Automobile service stations.
- d. Nurseries and greenhouses, retail fruit and vegetable stands.
- e. Amusement parks and commercial recreational facilities.
- f. Outdoor advertising signs and structures which identify the use or pertain directly to the service or product offered on the site.

~~5.01.31~~**5.10.2** Uses permitted with a Use Permit

- a. Small animal hospitals and kennels.
- b. Trailer camps.
- c. Dwellings and boarding houses.

~~5.01.32~~**5.10.3** Other uses which the Planning Commission finds are similar to the principal permitted uses.

~~5.01.33~~**5.10.4** Other regulations

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
- d. Maximum building height: 45 feet.

§5.11 **Limited Industrial or ML Zone-**

The Limited Industrial or ML Zone is intended to apply to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses. The following regulations shall apply in all Limited Industrial or ML Zones:

5.01.345.11.1 Principal permitted uses:

- a. Stores, agencies and services such as: carpentry and cabinetry and cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographing.
- b. Administrative, business and professional offices.
- c. Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, research and development laboratories.

5.01.355.11.2 Uses permitted with a Use Permit

- a. Dwellings, hotels, motels and mobile home parks.
- b. Animal hospitals and kennels.
- c. Animal feed and sales yards.
- d. Manufacture of furniture, finished paper and paper products.

5.01.365.11.3 Other regulations:

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
- d. Maximum building height: 50 feet.
- e. Special regulations: All manufacturing and fabricating areas shall be enclosed in buildings. All equipment and materials storage areas adjacent to R Zones shall be screened by walls, fences or adequate plantings to a height of not less than 6 feet.

§5.12 **Heavy Industrial or M-H Zone**

The Heavy Industrial or M-H Zone is intended to apply to areas devoted to normal operations of industries, subject only to such regulations as needed to control congestion and protect surrounding areas. The following regulations shall apply to all Heavy Industrial

5.01.375.12.1 Principal permitted uses:

- a. Stores, agencies and services such as: carpentry and cabinetry and cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographing.
- b. Administrative, business and professional offices.
- c. Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, research and development laboratories.
- d. Dwellings, hotels, motels and mobile home parks.
- e. Animal hospitals and kennels.
- f. Animal feed and sales yards.
- g. Manufacture of furniture, finished paper and paper products.
- h. Industrial manufacturing uses, except as provided in 5.12.2.

5.01.385.12.2 Uses permitted with a Use Permit:

- a. Dwellings, hotels, motels and mobile home parks.
- b. Hog farms, turkey farms, frog farms and fur farms.
- c. Animal products processing plants.
- d. Cemeteries.
- e. Amusement parks and commercial amusement enterprises.
- f. Junk yards and garbage dumps.
- g. Smelting or reduction of metallic ores.
- h. Trailer camps, labor camps and labor supply camps.
- i. Bag cleaning and rag works.
- j. Manufacturing, refining and storage by manufacturers or wholesalers of petroleum or petroleum products, acids, cement, explosives, fireworks, gas, glue, gypsum and inflammable fluids or gases.
- k. Drilling for oil or gas, or commercial excavation of sand, rock, gravel or other natural materials.
- l. Manufacture of concrete, pottery or asphalted paving products.

5.01.395.12.3 Other regulations:

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
- d. Maximum building height: 50 feet.
- e. Special regulations: All manufacturing and fabricating areas shall be enclosed in buildings. All equipment and materials storage areas adjacent to R Zones shall be screened by walls, fences or adequate plantings to a height of not less than 6 feet.

§5.13 Floodway or FW Zone-

The Floodway or FW Zone is intended to be applied to lands which lie within stream or tidal channels and to adjacent areas which are periodically inundated, or which will be inundated by a "Design Flood." The "Design Flood" shall be specifically defined for each particular FW Zone upon the Zone Map. The regulations set forth in this section are intended to provide for the reasonably unrestricted passage of a "Design Flood" and to provide reasonable measures for the protection of life and property in floodway areas.

5.01.405.13.1 Principal permitted uses:

- a. General agriculture, but not including building or structures
- b. Recreational uses on open land, including public or private parks and golf courses.

5.01.415.13.2 Uses permitted with a Use Permit:

- a. Boat docks and launching facilities.
- b. Water, sewer, roadway, bridge and other such facilities necessary for public health and safety.
- c. Minor or temporary structures incidental to agricultural or recreational uses which will not impede flood flow and are of flood-proof design.
- d. Excavation of natural materials or construction of earthworks or water flow control devices.

5.01.425.13.3 Other regulations:

- a. None, except conditions in use permits.

§5.14 Flood Plain or FP Zone

The Flood Plain or FP Zone is intended to be applied to areas other than floodway areas which have been inundated by overflow flood waters in the past and which may reasonably be expected to be inundated by such flood waters in the future. The Flood Plain Zone is intended to limit the use of areas subject to such inundation and flooding to protect lives and property from loss, destruction and damage due to flood waters and to the transportation by water of wreckage and debris. The following regulations shall apply in all Flood Plain or FP Zones:

5.01.435.14.1 Principal permitted uses:

- a. General agriculture, nurseries and greenhouses, and animal sales and feed yards, except as provided in 5.14.2.
- b. Trailer camps and mobile home parks.
- c. Roadside stands.
- d. Recreational uses, including public stables, docks, boathouses, golf courses and shooting ranges.

5.01.445.14.2 Uses permitted with a Use Permit:

- a. Residential uses, including farm dwellings.
- b. Commercial and industrial uses which, in the opinion of the Planning Commission, are compatible with contiguous zones.
- c. Recreational uses requiring enclosed buildings.

5.01.455.14.3 Other regulations:

- a. Minimum lot area: five (5) acres.
- b. Minimum lot width: 300 feet.
- c. Minimum yards: front and rear, 20 feet; side, 10 feet.

§5.15 **Planned Development or PD Zone**

The Planned Development or PD Zone is intended to apply to parcels of undeveloped land which are suitable for, and of sufficient size to contain, a completely planned development. The following regulations shall apply in all Planned Development or PD Zones:

5.01.465.15.1 Principal permitted uses:

- a. Any use or combination of uses which are so arranged or designed as to result in an overall development in conformity with the standards, intents and purposes of the General Plan of the City may be permitted with a use permit.

5.01.475.15.2 Uses permitted with a Use Permit: Applications for use permits for the development of land in Planned Development Zones shall be accompanied by a plan of the development. Such plan shall include a map or maps and such written material as may be required to show

- a. Topography of the land and contour intervals, and
- b. Proposed access, traffic and pedestrian ways, and
- c. Lot design and easements, and
- d. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses, and
- e. Areas proposed for commercial uses, off-street parking, multiple and single family dwellings, and all other uses proposed to be established within the zone, and
- f. Proposed location of buildings on the land, including all dimensions necessary to indicate size of structure, setback and yard areas, and
- g. Proposed landscaping, fencing and screening, and
- h. Such other detailed elevations, plans and other information as may be required by the Planning Commission to enable it to evaluate adequately the proposed development.

5.01.485.15.3 Other Regulations:

- a. All uses shall conform to the height, area, width, depth, ground coverage and yard regulations normally required for such uses, except where the over-all development will be improved by a deviation from such regulations. In all cases each structure shall conform to the precise development plan, which shall be made a part of the approved use permit.
- b. Planned Development Zones shall be delineated on the Zoning Map by the PD designation followed by consecutive numbers to indicate the consecutive order to establishment of each such zone, and the approved plans and use permits shall constitute supplemental regulations for such zones.
- c. Use permits may specify development completion dates and provide for reversion to prior Zoning classification.

§5.16 Agriculture-Exclusive or AE Zone

The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture-Exclusive or AE Zones:

~~5.01.49~~**5.16.1** Principal permitted uses:

- a. All general agricultural uses, except those specified in 5.16.2.
- b. Farm dwellings, nurseries, greenhouses and roadside stands.

~~5.01.50~~**5.16.2** Uses permitted with a Use Permit:

- a. Hog farms, turkey farms, frog farms and fur farms.
- b. Animal feed yards and sales yards.
- c. Agricultural and timber products processing plants.
- d. Rental and sales of irrigation equipment and storage incidental thereto.
- e. Animal hospitals.
- f. Agricultural and farm labor camps.
- g. Bed and breakfast inns.

~~5.01.51~~**5.16.3** Other regulations:

- a. No subdivisions or residential developments, whether by official map, record or survey or recorded subdivision, shall be permitted in Agriculture-Exclusive or AE Zones.
- b. Minimum lot area: 4 acres.
- c. Minimum lot widths: 100 feet.
- d. Maximum ground coverage: 35%.
- e. Minimum yards: front, 30 feet; rear, 20 feet; side, 10% of the lot width on each side, but not more than 20 feet shall be required.
- f. Farm outbuildings shall not be less than 20 feet from any dwelling unit on the premises.

§5.17 Public Facility or PF Zone

The Public Facility or PF Zone is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.

5.01.525.17.1 Principal permitted uses:

- a. Public schools, parks, playgrounds and recreational facilities.
- b. Public fairgrounds and related uses.
- c. Public buildings, including City Hall, fire stations, libraries, courts, museums, auditoriums, hospitals, and similar uses.
- d. Emergency shelters, provided such facility complies with all of the following:
 - i. Any emergency shelter newly proposed for construction or operation within the City shall not be located within three hundred feet (300') of any other emergency shelter. The distance shall be measured along the street frontage from one emergency shelter to another emergency shelter.
 - ii. Adequate external lighting shall be provided for security purposes to ensure fully lit parking, gathering, and waiting areas. Lighting shall be placed so as to not create glare or impact adjoining parcels.
 - iii. The facility shall contain a maximum of 10 beds and shall serve no more than 10 persons.
 - iv. The facility shall have an interior, enclosed client waiting and intake area large enough to accommodate the number of persons equal to 25% the number of beds. The area shall be based on space required for seated persons. The facility shall also have an adjoining, exterior overflow waiting area of equal size to the interior waiting area. The exterior waiting area shall be fenced, screened, gated, and shall not obstruct sidewalks or driveways.
 - v. The facility shall provide security during hours that the shelter is in operation, shall provide an on-site manager, and must have a minimum of 1 fully trained staff person with at least 1 year of homeless services experience on site at all times when a client is on the premises.
 - vi. The number of off-street parking spaces shall be calculated per §7.16 of this Ordinance.
 - vii. Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days in any continuous 12-month period may be provided if no alternative housing is available.

5.01.535.17.2 Uses permitted with a Use Permit:

- a. Penal, correctional or detention institutions and facilities for the care of mental patients.
- b. Public corporation yards, shops, repair and storage yards and buildings.

5.01.545.17.3 Other regulations:

- a. None, except as provided in use permit conditions.

ARTICLE 6: REGULATIONS FOR THE COMBINING ZONES

§6.01 The regulations set forth in this chapter for each of the Combining Zones shall modify the regulations for the principal zones with which they are combined. All uses and regulations of the principal zone shall apply in the Combined Zone, except insofar as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations.

§6.02 **Agricultural Combining or -A Zone**

The Agricultural Combining or -A Zone is intended to be combined with principal R Zones in areas where average lot areas are sufficient to permit agricultural uses, including the keeping of livestock, in conformity with established usage and without creating nuisances or adverse health conditions. The following regulations shall apply in any zone which is combined with an Agricultural Combining or -A Zone:

6.02.1 Principal permitted uses:

- a. Crop and tree farming, truck gathering.
- b. Nurseries and greenhouses.
- c. Large livestock farming subject to the following limitations:
 - i. 1 horse, cow or similar large animal per ½ acre.
 - ii. 5 sheep, goats or similar size animal per ½ acre
- d. Small livestock ranching, including rabbits, chickens, and small commercial fur animals, subject to the following limitations:
 - i. 200 animals per ½ acre

6.02.2 Uses permitted with a Use Permit:

- a. Animal hospitals and kennels.
- b. Retail sales of agricultural products on premises.
- c. Raising of animals other than those listed above in this section.

6.02.3 Other regulations:

- a. Barns, corrals, pens and other structures for the keeping or housing of livestock shall be located not less than 50 feet from any residence and 20 feet from any lot line.
- b. No large livestock shall be butchered on the premises except for noncommercial use.

§6.03 Special Building Site Combining or -B Zone

The Special Building Site Combining or -B Zone and sub-zones there under are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or -B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone:

Combining Designation	Building Site Area	Front Yard	Side Yard	Rear Yard
B-1	8,000 sq. ft.	25 ft.	10% of lot width, minimum of 8 ft.	10 ft.
B-2	10,000 sq. ft.	25 ft.	10% of lot width, minimum of 10 ft.	10 ft.
B-3	20,000 sq. ft.	30 ft.	10% of lot width, minimum of 15 ft.	15 ft.
B-4	One (1) acre	30 ft.	10% of lot width, minimum of 20 ft.	20 ft.
B-5	As specified on the zoning map designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.			
B-6	Building site area as shown on a final subdivision map of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the said final map.			

§6.04 Recreation Combining or –X Zone

The Recreation Combining or –X Zone is intended to be combined with any principal zone in which the addition of recreational uses will not be detrimental to the uses of the principal zone or of contiguous zones. The following regulations shall apply in any zone which is combined with a Recreation Combining or –X Zone:

6.04.1 Principal permitted uses:

- a. Public and private noncommercial recreation facilities.
- b. General agriculture and roadside stands.
- c. Dwellings and offices incidental to any permitted use, but not including agricultural or farm labor camps.
- d. Trailer camps and mobile home parks.
- e. Public campgrounds.

6.04.2 Uses permitted with a Use Permit:

- a. Uses permitted with a use permit
- b. Commercial recreation facilities.
- c. Commercial uses compatible with recreational uses which, in the opinion of the Planning Commission, will not impair present and potential uses of the area.

6.04.3 Other regulations:

- a. Minimum lot area: five (5) acres.
- b. Minimum lot width: 300 feet.
- c. Minimum yards: front, rear and side: 50 feet.
- d. Maximum building height: 30 feet.

§6.05 Design Control Combining or -D Zone

(Begin section changed by Ordinance 09-01 on 8/6/09 and Ordinance 2013-04 on 2/6/2013)

The Design Control Combining or -D Zone is intended to be combined with any principal zone in which the appearance and design of buildings and structures form a substantial contribution to the desirability of the zone for the uses permitted therein, and in which it is desired to protect the over-all Historical appearance of the zone by regulating the design of proposed buildings and structures in the zone. The following regulations shall apply in any zone with which a Design Control Combining or -D Zone is combined, or as specified in Ordinance 2013-02 Sign Ordinance:

- 6.05.1 The procedures and authority for Design Review are established by this section to achieve the following purposes and objectives:
 - a. To ensure that new buildings and structures and/or the modification, alteration and/or enlargement of existing buildings or structures occurs in a manner which is consistent with the policies of the general plan;
 - b. To preserve the natural beauty of the town's site and setting;
 - c. To ensure that the architectural design of buildings and structures and their materials and colors are visually harmonious with and are conceptually consistent in character and scale with surrounding area; and
 - d. To ensure that the design and location of signs and their material and colors are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, and to ensure that signs are visually harmonious with surrounding development.
- 6.05.2 Before any sign, structure or building may be erected, structurally altered, or in any way remodeled or improved so as to change the outward appearance of the sign, structure or building, a Design Review Permit shall be obtained unless exempted by Ordinance 2013-02.
- 6.05.3 Each application for such Design Review Permit shall be accompanied by drawings, plans and such written matter as may be necessary to show the front, side and rear elevations and the colors and materials to be used, and to show any other information that may be required by City staff, the Design Review Committee or the Planning Commission in order that it may adequately evaluate the proposed structure or building.
- 6.05.4 Design Review Permits shall be subject to the following procedures:
 - a. The Planning Commission shall appoint two of its members as Primary and one member as Alternate Design Review Committee Members.
 - b. The Planning Commission shall interview and recommend to the City Council appointment of three members from the 95536 zip code, preferably with design background in planning, architecture, landscape architecture, historical restoration, or other similar experience related to the design of physical improvements and buildings in the following manner:
 - i. City staff shall advertise the vacancy(ies) (via notice in newspaper, public posting) and notify Ferndale residents to contact City staff for application procedures.
 - ii. Applications must be received by City staff by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the members of the Planning Commission by the next regular or special meeting.

The Qualified Combining or -Q Zone is intended to be combined with any principal commercial zone in which residential uses constitute the predominant use of land in such zone, and in which it is desired to protect the general peace, safety, comfort, health and welfare of persons residing in such areas from impacts which may result from the introduction of new commercial uses, by regulating those uses allowed in the underlying principal zone, either as a principal permitted use or a use requiring a use permit, to those certain uses which the Planning Commission finds are compatible with the maintenance of a healthful residential living environment and the residential character of the area.

- 6.06.1 Principal permitted uses:
 - a. Single-family dwellings.
 - b. Boarding of not more than two persons not employed on the premises.
- 6.06.2 Uses permitted with a Use Permit:
 - a. Two-family dwellings.
 - b. Dwelling groups and multiple dwellings for not more than four (4) families.
 - c. Professional and business offices.
 - d. Commercial instruction.
 - e. Private institutions.
 - f. Bed and breakfast inns.
 - g. Boarding houses.
 - h. Outpatient small-animal clinics.
 - i. Mortuaries.
 - j. Plant nurseries.
 - k. Stores and services of a light commercial character, conducted entirely within an enclosed building, and limited to the following uses:
 - i. Antique shops.
 - ii. Art galleries.
 - iii. Barber shops and beauty salons.
 - iv. Book stores.
 - v. Florist shops.
 - vi. Restaurants and licensed premises appurtenant thereto.
 - vii. Small-scale retail shops.
 - viii. Studios.
 - ix. Tailor and dressmaking shops.
 - x. Wholesale food preparation and catering.
 - xi. Sales of used and second-hand goods when appurtenant to any of the foregoing.
 - l. Other uses as approved by the Planning Commission, provided such additional uses are specifically enumerated as a permitted use of land in the regulations for the underlying principal zone, and the Planning Commission finds that such use is both similar to, and compatible with, the Principal Permitted Uses and Uses Permitted with a Use Permit specified in subsections 6.06.1 and 6.06.2.
- 6.06.3 Other Regulations
 - a. Minimum lot area, width, maximum lot depth, and maximum building height shall be the same as those required in the underlying principal zone.
 - b. Off-street parking and loading facilities shall conform to Section 7.16 of the Zoning Ordinance.

- c. The use of land and buildings existing upon the effective date of these regulations, where said uses are in conformance with the uses and regulations specified for the underlying principal zone but are not in conformance with the uses and regulations set forth hereinabove, shall be permitted to be continued and maintained without becoming subject to the provisions of Article XII of the Zoning Ordinance, "Non-Conforming Buildings and Uses." Expansion of such pre-existing use subject to exemption under this section may be granted by the Planning Commission through the issuance of a Use Permit, provided such expansion is found to be consistent with the purpose of the –Q Zone.
- d. All other applicable City Ordinances.

(Begin section added by Ordinance 2012-01 1/5/12)

§6.07 Housing Combining Zone or –H Zone.

The –H Zone is intended to cover the existing duplex units on a portion of the Ferndale Housing Project site located on Fairview Drive and Trident Lane. This combining zone principally permits the existing duplex units. *(End section added by Ordinance 2012-01 1/5/12.)*

ARTICLE 7: GENERAL PROVISIONS AND EXCEPTIONS

§7.01 Applicability: Each and every zone shall be subject to the provisions of this Article, in addition to the requirements and regulations set forth elsewhere in this Ordinance for each of the Zones.

Accessory Building: See Section 7.10 "Height Limitations"; 7.21 "Secondary Dwellings"; and 7.26 "Yards"

§7.02 Accessory Uses: Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this Article, provided that no accessory use shall be conducted on any property in any R Zone unless and until the main building is erected and occupied, or until a use permit is secured.

§7.03 Airports: Airports, heliports and landing strips for aircraft shall be permitted with a use permit in any –A, M or F Zone.

§7.04 Animals and Animal Shelters: Adult domestic animals may be kept as accessory to any residential use, according to the following schedule:

7.04.1 (Begin section amended by Ordinance 09-01 on 8/6/09) One (1) large domestic bovine and equine animal may be kept on any parcel of not less than one acre, or any same-owner contiguous parcels used only for livestock, of not less than one acre. One Additional animal may be kept for each ½ acre of area by which such parcel exceeds one acre. (End section amended by Ordinance 09-01 on 8/6/09)

7.04.2 Four (4) medium-sized domestic animals, including sheep and goats, may be kept on any parcel of not less than one acre. One additional animal may be kept for each 10,000 square feet of area by which such parcel exceeds one acre.

7.04.3 Small domestic animals, including rabbits and poultry, may be kept on any parcel of not less than 10,000 square feet, and not more than 10 such animals may be kept on such parcel. One additional animal may be kept for each 500 square feet of area by which such parcel exceeds 10,000 square feet.

§7.05 Assemblages of Persons and Vehicles: No circus, carnival, open-air or drive-in theater, automobile racetrack, religious revival tent or similar assemblage of people and automobiles shall be permitted in any zone unless a use permit is first secured in each case.

§7.06 Bed and Breakfast Inns: Bed and breakfast inns, as defined herein, shall be an allowable use within all residential and agricultural zones, subject to the following regulations:

7.06.1 Minimum lot area: 20,000 square feet.

7.06.2 Minimum main building: 2,500 square feet.

7.06.3 Maximum number of living quarters occupied for compensation, including rooming and boarding uses: four (4).

7.06.4 Bed and breakfast inns shall be conducted only by persons owning and residing in the dwelling as their principle place of residence.

7.06.5 Off-street parking, as per Section 7.16.

7.06.6 Signs, as per Section 7.23.

§7.07 Exception to Development Standards – Exceptions to Height Standards Residential zones: Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in Residential Zones provided that a Special Permit is first obtained (Section 12.02). Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required.

§7.08 Fences, Hedges, Natural or Planted Growth and other Sight Obstructions: (This entire section Amended by Ordinance 05-02 on 5/7/05)

- 7.08.1 No structure, fence, art object, landscaping or other obstacle, impediment or hindrance shall obscure visibility within the sight visibility triangle for any street corner, alley intersection or driveway exit onto a street. The site visibility triangle includes the vertical area that is between three feet and ten feet above the sidewalk level, or street level if there is no sidewalk. For a corner lot, the horizontal legs of the visibility triangle are 20' long measured from the intersection of the two abutting property lines; the hypotenuse is drawn from the end points of the two legs. For an alley or driveway intersecting a street, the horizontal legs of the visibility triangle are 5' long measured from the intersection of the two abutting property lines; the hypotenuse is drawn from the end points of the two legs. The Non-Conforming Uses section (Article XII) shall apply to obstructions within the site visibility triangle existing on the effective date of the application of these regulations. Nothing in this Section shall limit the abatement of a public health and safety nuisance.
- 7.08.2 (This section amended by Ord. 07-01 on 2/12/07) Fences or walls used as a fence, located in the front yard of any lot, or the street side yard of a corner lot shall not exceed four feet in height. (End of section amended by Ordinance 07-01 on 2/12/07)
- 7.08.3 In addition, no fence, or wall used as a fence, shall exceed a height of six (6) feet on any portion of a City lot. In all situations, hedges or other natural or planted growth shall be maintained so as not to obstruct any public right-of-way.
- 7.08.4 The height of a fence, or a wall used as a fence, shall be measured from the higher finished grade adjoining the fence or wall. Any fence or wall used as a fence may be erected to a height greater than the maximum height limits described in Sections 7.08.2 and 7.08.3 provided that a Special Permit is first obtained (Section 12.02). (End of entire section Amended by Ordinance 05-02 on 5/7/05)
- §7.09 Guest Houses: Guest houses are herein defined as a detached living quarter of permanent construction, without a kitchen, which is clearly subordinate and incidental to the use of the main building, on the same lot. Guest houses shall not be let, leased or rented, in whole or in part, independently of the main building.
- §7.10 Height Limitations and Modifications. Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof; but chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air-conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement. Accessory buildings in R Zones shall not exceed 15 feet in height.
- §7.11 *(Begin section altered by Ordinance 08-03)* Home Occupations: Home occupations, as defined herein, shall be permitted as appurtenant and accessory uses to any residential uses. If applicant complies with this section of the Zoning Ordinance, the permit will be issued administratively (over the counter). This section of the ordinance is not retroactive. The Home Occupation Permit shall:
- 7.11.1 Be a legal and lawful business; and
- 7.11.2 Produce no evidence of its existence in the external appearance of the dwelling or premises including but not limited to exterior displays such as signs, or in the creation of offensive noise, vibration, smoke, dust, odors, heat or glare, parking or traffic, or other nuisances to a degree greater than normal for the neighborhood.

- 7.11.3 Is confined completely within the dwelling or unattached structure and occupies not more than twenty five percent (25%) of the total floor space of the main dwelling (or its equivalent in an unattached structure).
- 7.11.4 Be an owner- or renter-occupied home and business.
- 7.11.5 Meet the requirements of the building inspector and fire district of jurisdiction and
- 7.11.6 Possess a current business license. If license expires, H.O.P. expires.
- 7.11.7 at time of business license renewal, produce a copy of the applicant's Liability Insurance on which a rider has been placed for the Home Occupation. *(End section altered by Ordinance 08-03)*
- §7.12 Lot Areas and Widths: Lot areas and widths which do not conform to the minimum specifications of the zone in which they are located will be permitted where the lot in question was delineated on a recorded sub-division map or was under one ownership in the effective date of these regulations and the owner thereof has not subsequently acquired adjoining property.
- §7.13 Lot Not Fronting on a Public Way. A lot not having frontage on a public way, but otherwise conforming to these regulations, may be used provided a use permit is first secured.
- §7.14 Manufactured and Mobile Homes:
- 7.14.1 Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with Section 7.14.2 of this ordinance, with the following exceptions:
- a. In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.
 - b. Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.
 - c. By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.
- 7.14.2 Manufactured and Mobile Homes on individual lots: A manufactured orA mobile home shall be permitted on an individual lot as a single-family dwelling unit, only if it meets the following requirements:
- a. Eligibility:
 - i. The manufactured or mobile home must be certified under the National Manufactured Housing ~~obile Home~~ Construction and Safety Standards Act of 1974.
 - ii. The manufactured or mobile home must be installed on a permanent foundation system designed in accordance with ~~the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, or applicable provisions of subsequent editions adopted for use by the City~~Health and Safety Code Section 18551.

iii. Installation of a manufactured or mobile home shall be prohibited if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home.

~~iii~~.iv. The manufactured or mobile home must comply with all development standards specified in the zone in which the ~~mobile~~ home is to be placed.

~~iv~~.v. The manufactured or mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the Compatibility Section, below.

- b. Compatibility: Manufactured and mobile homes shall be considered compatible in those areas outside of the Design Control Combining or -D Zones, as particularly described on the Zoning Map of the City of Ferndale. The Design Control districts designated on said map have been found to be both of significant historical value and of overall unique architectural character, warranting protection of preservation efforts and infill development of comparable nature. Therefore, manufactured and mobile homes, as defined herein, are not found to be compatible with these areas, but shall be permitted in all other areas of the City wherein single family dwellings are a principal permitted use of land.

§7.15 Mobile Home Park Standards: All mobile home parks shall be subject to the following requirements:

- 7.15.1 Minimum lot area: one (1) acre.
- 7.15.2 Minimum recreation space: 10% of site.
- 7.15.3 Minimum yards around parks: front, 20 feet; side and rear, 10 feet; suitably landscaped to provide effective screening.
- 7.15.4 All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.
- 7.15.5 All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two (2) parking spaces or the equivalent thereof shall be provided for each mobile home site.
- 7.15.6 The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the overall improvement in the design or standards of such existing park.

§7.16 Parking and Loading Facilities: Off street parking and loading spaces shall be provided in all zones in conformity with the following:

- 7.16.1 Each parking space shall not be less than eight (8) feet wide, eighteen (18) feet long and seven (7) feet high, and each loading space shall not be less than ten (10) feet wide, twenty-five (25) feet long and fourteen (14) feet high.
- 7.16.2 Parking spaces shall be provided as follows:
- a. Dwellings: one (1) for each dwelling unit.
- b. Hotels, motels, inns, bed and breakfast inns, boarding houses: one (1) for each individual living quarter or dwelling unit.

- c. Hospitals: one (1) for each bed and one (1) additional for each three (3) staff members.
 - d. Offices and retail establishments: one (1) for each 300 square feet of floor area, with a minimum of four (4) for each office building. Medical and dental offices shall provide one (1) additional for each staff member.
 - e. Restaurants and licensed premises: one (1) for each four (4) seats or one (1) for each 200 square feet of floor space, whichever yields the greatest number of spaces required.
 - f. Wholesale, industrial and public utility buildings: one (1) for each three (3) employees on duty at any one time.
 - g. Public assembly, including churches and theaters: one (1) for each six (6) seats.
- 7.16.3 Every commercial use occupying more than 5,000 square feet of floor area in any building shall provide one (1) loading space and one (1) additional loading space for every 20,000 square feet of floor area in excess of 5,000 square feet.
- 7.16.4 No building shall be constructed closer to any traveled way than will provide adequate space for the traffic movement and the standing of vehicles which may be incidental to the use of the building.
- §7.17 Public Uses: Public uses, as defined herein, shall be permitted in any zone without the necessity of first obtaining a use permit, provided, however, that the locations of proposed public uses shall be submitted to the Planning Commission for recommendation at least 30 days prior to the acquisition of sites and rights of way.
- §7.18 Public Utility Buildings and Uses: Public utility buildings and uses, including but not limited to communication equipment buildings, substations, generating plants, gasometers and transmission facilities, shall be classified as quasi-public uses.
- §7.19 Quasi-Public Uses: Quasi-public uses, including public utility uses, shall be permitted in any C or M Zone without a use permit and may be permitted in other zones subject to the securing of a use permit, provided that lines and facilities for locating service shall be permitted in all zones, and that the locations of proposed transmission lines shall be discussed with and approved by the City Council prior to the acquisition of rights of way. Height limitations shall be subject only to Public Utility Commission regulations.
- §7.20 Removal of Natural Materials: Surface removal of minerals and natural materials, including building and construction materials to be used for commercial purposes, shall be allowed in any zone with a use permit. A use permit shall not be required for on-site excavation and removal of materials for normal construction of buildings structures or underground facilities or where such removal is primarily for building site grading and land leveling.
- §7.21 Secondary Dwelling Units: Creation of New Secondary Dwelling Units. (Entire §7.21 amended by Ordinance 03-03 on July 14, 2003.)
- 7.21.1 As of the effective date of this section, an approved Secondary Dwelling Unit permit application shall be obtained prior to construction, conversion and/or development of a Secondary Dwelling unit. Pursuant to California Government Code 65852.2 the Secondary Dwelling Unit permit shall be considered ministerially without discretionary review or a hearing.
 - 7.21.2 An application for a permit for a secondary dwelling unit may be made by the owner or the owner's authorized agent to the Planning Department on forms provided by the Department which shall include the following data:
 - a. Name and address of the applicant

- b. Proof that, at the time of application for the Secondary Dwelling Unit permit, the applicant is the owner of the property on which the secondary dwelling unit is proposed to be located;
- c. Proof that, at the time of application for the Secondary Dwelling Unit permit, the owner occupies the property on which the secondary dwelling unit is proposed to be located.
- d. Address or description of the property.

- 7.21.3 Plans / Other information:
- a. Site Plan – An accurate scaled drawing drawn to a standard engineer or architect scale showing the following
 - i. Title – “Site Plan”
 - ii. Name, address and phone number of applicant and/or agent
 - iii. Property address and assessor parcel number
 - iv. Date, north arrow, scale
 - v. Entire parcel boundary with dimensions
 - vi. Adjacent public and private driveways, streets, alleys and easements as well as right-of-way widths of each
 - vii. Dimensions and location of all off-street parking spaces
 - viii. Location, dimensions and square footage of existing residential dwelling and accessory structures.
 - ix. Location, dimensions and square footage of proposed Secondary Dwelling Unit
 - x. Include distance from all property lines to all structures.
 - b. ~~The City Planner staff~~ may require additional information, plans and/or drawings if they are necessary to enable ~~the Planner staff~~ to determine whether the proposed secondary dwelling unit complies with the applicable provisions of this ordinance.
- 7.21.4 Development Standards. The City shall grant a permit for the creation of a second unit if the second unit complies with all of the following:
- a. A secondary dwelling unit is permitted only on lots zoned for single-family or multifamily use. The lot must contain an existing single-family dwelling within in the R-1 and R-S zones
 - b. At the time of application for the Secondary Dwelling Unit permit, the applicant shall be an owner-occupant of the subject property;
 - c. The lot on which the secondary dwelling unit is sited shall comply with the minimum site area, width and depth standards prescribed for the R-1 and R-S zone_s
 - d. The secondary dwelling unit shall be accessory to a principal one-family dwelling in that it is subordinate and incidental to the principal dwelling
 - e. The secondary dwelling unit may either be attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling. principal dwelling, or detached from the principal dwelling
 - f. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area. The total area of floorspace for a detached second unit shall not exceed 1,200 square feet. maximum gross floor area of the secondary dwelling unit shall not exceed 640 square feet
 - g. When a single-family dwelling of less than 640 1,200 square feet exists on a lot, a larger single-family dwelling may be constructed as the principal dwelling, provided that the existing dwelling complies with the regulations for a secondary dwelling unit as prescribed herein
 - h. A secondary dwelling unit attached to the principal dwelling shall comply with the applicable development standards for additions to a single-family residence; a detached secondary dwelling unit shall conform to the applicable development standards for an accessory structure

- i. Not more than one secondary dwelling unit shall be permitted on any one lot. A secondary dwelling unit shall not be permitted on a lot already having two or more dwelling units located thereon and shall not be permitted in addition to a guesthouse. A guesthouse shall not be permitted on any lot developed with a secondary dwelling unit
- j. The lot on which the secondary dwelling unit is sited shall be developed with at least two parking spaces, one per dwelling, as noted in section 7.16 of the Zoning Ordinance 02-02
- k. The secondary dwelling unit shall provide complete independent living facilities for one or more persons. It shall include permanent separate provisions for living, sleeping, eating, cooking, and sanitation; and shall have a separate entrance which is subordinate to the entrance to the main building if located facing the street
- l. The secondary dwelling unit may have utility services metered separately from, or with the principal dwelling unit
- m. The secondary dwelling unit shall comply with all local, state and federal codes and standards, including the building codes as adopted by the City of Ferndale. Development of the secondary dwelling unit shall not cause the principal dwelling to violate any local, state or federal codes and standards, including the building codes as adopted by the City of Ferndale
- n. A secondary dwelling unit that conforms to the requirements of this ordinance shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot
- o. Secondary Dwelling Unit permits shall not be issued for secondary dwelling units that result in adverse impacts to the adequacy of water and sewer services and/or that result in adverse impacts on traffic flow, and or that result in adverse impacts on any real property that is listed in the California Register of Historic Places
- p. All construction proposed under the Secondary Dwelling Unit permit shall be subject to architectural review. The secondary dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping
- q. The secondary dwelling unit shall not be sold or owned separately from the principal residential unit but may be rented
- r. The minimum separation between the main residence and a detached secondary dwelling unit shall be ten (10) feet
- s. A detached secondary dwelling unit which is located within any portion of a required rear yard shall not exceed one (1) story or sixteen (16) feet in height, whichever is less
- t. A detached secondary dwelling unit may not be constructed within five (5) feet of a rear or side property line
- u. The secondary dwelling unit shall conform to any other conditions or standards which in the judgment of the City Planner are necessary to mitigate possible adverse impacts on the neighborhood.

7.21.5 Appeal Process: Any person aggrieved by an action of ~~the City Planner~~ City staff may take an appeal to the Planning Commission by filing a notice of appeal with the City Clerk within 10 days of the action ~~of the City Planner~~. The notice of appeal filed with

the City Clerk shall be accompanied by a filing fee equal to the fee of application being appealed. Upon receipt of the notice of appeal, ~~City staff~~~~the City Planner~~ shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken. If the applicant wishes to appeal the Planning Commission's decision, they would follow Article XI of the Zoning Ordinance 02-02.

§7.22 Existing Secondary Dwelling Units (Entire section 7.22 amended by Ordinance 03-03 on July 14, 2003.):

7.22.1 This Ordinance shall in no way validate an illegal secondary dwelling unit. An application for a Secondary Dwelling Unit permit may be made pursuant to the provisions of this chapter to convert an illegal secondary dwelling unit, or to allow for the replacement, alteration or expansion of an existing nonconforming secondary dwelling unit. The conversion of an illegal secondary dwelling unit to a lawful secondary dwelling unit, or the replacement, alteration or expansion of an existing nonconforming secondary dwelling unit shall be subject to the requirements of this ordinance.

Setbacks: See 7.26 "Yards"

§7.23 Signs and Nameplates: The entire §7.23 was repealed by Ordinance 2013-02 Sign Ordinance.

§7.24 Swimming Pools: Any pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted, with a use permit in any zone and shall be subject to the following regulations:

7.24.1 Such pool shall be located on the rear one-half of the lot and in any case not less than 50 feet from the front lot line. Side and rear yards shall be as required for accessory buildings, but in no case within 5 feet of any lot line. Filter and heating systems shall not be located within 10 feet of any lot line.

7.24.2 Ground coverage by a swimming pool shall not exceed 40% of the rear yard required of the lot on which it stands. Ground coverage by a swimming pool shall not be included in computing maximum ground coverage allotted to buildings on the lot.

7.24.3 Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than 4 ½ feet in height, containing no openings greater than 4 inches except for self-closing and self-latching gates on which the latch is at least 4 feet above ground level, in order that full control of access by children may be maintained.

§7.25 Tract Offices: Temporary tract offices located on the premises of the subdivision shall be allowed with a use permit, in conjunction with the sale of lots in a subdivision.

§7.26 Yards. The minimum yard requirements set out in Articles V and VI shall be subject to the regulations of this Section:

7.26.1 Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of 2 ½ feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of six (6) feet into front or rear yards and three (3) feet into side yards

7.26.2 Detached accessory buildings shall not be located within five (5) feet of any main building nor within five (5) feet of a side line on the front ½ of the lot. Detached

- accessory buildings shall not be located nor constructed so that any part, including cornices and eaves, are closer than one (1) foot of a side line or rear line of the lot when located on the rear one-half of the lot. Detached accessory buildings used as a guest house shall not be located within five (5) feet of lot lines, nor within five (5) feet of an alley. Accessory buildings attached to the main buildings shall be structurally a part and shall comply with the main building yard requirements
- 7.26.3 In any R Zone, where more than one-half of the block is occupied with buildings, the required front yard shall be the average of those of the improved sites, to a maximum of that required for the zone
- 7.26.4 If any building is so located on a lot that the front or rear faces any side lot line, it shall be at least 10 feet from such side lot line.
- 7.26.5 Any dwelling located in a C or M Zone, except a dwelling over a commercial establishment, shall provide side and rear yards as required in R-3 Zones
- 7.26.6 The side yard of a corner lot shall be equal to the front yard of its key lot if any part of the main building on the corner lot is within 25 feet of the rear lot line, and shall be equal to one-half of the front yard of such key lot if all parts of the main building are more than 25 feet from the rear lot line.
- 7.26.7 (This section added by Ord. 07-01 on 2/12/07) On lots that include a right of way (street, sidewalk, or other), the setback is measured from the right of way. (End of section added by Ordinance 07-01 on 2/12/07)
- §7.27 Yard Sales: Yard Sales, as defined herein, shall be permitted as appurtenant and accessory uses to any residential use, and shall be conducted in conformity with the following regulations:
- 7.27.1 The duration of any single yard sale shall be for no more than three (3) consecutive days.
- 7.27.2 Not more than three (3) yard sales may be conducted within any one year period.
- 7.27.3 Yard sales shall be restricted to daylight hours and no overnight exterior storage of yard sale merchandise shall be permitted.
- 7.27.4 The entire §7.27.4 was repealed by Ordinance 2013-02 Sign Ordinance..
- 7.27.5 The Planning Commission by Special Permit may modify or waive any or all of the above conditions upon a showing of good cause and following a public hearing on the request. In approving such a modification or waiver, the Planning Commission shall find that granting of the modification or waiver would not be detrimental to the health, peace, comfort, safety, or welfare of persons owning property or residing in the vicinity of the parcel receiving the adjustment.

ARTICLE 8: AMENDMENTS

- §8.01 This Ordinance may be amended as other ordinances are adopted or amended except that; regulations hereof may be amended by changing the boundaries of zones, by changing property from one zone to another, by imposing regulations not heretofore imposed, and by removing or modifying adopted regulations whenever the public necessity, convenience and welfare require such amendment, in accordance with the following procedures:
- §8.02 An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 8.03, or by action of the Planning Commission, or the City Council.
- §8.03 The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, and shall be accompanied by a filing fee and by plans and other information as may be required to describe fully the proposed amendment. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §8.04 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §8.05 Notice of the time and place of the hearing shall be given by posting in at least three public places in the City at least 10 days prior to the hearing, and by such other means as the Planning Commission may deem advisable.
- §8.06 At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- §8.07 Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations.
- §8.08 Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given by posting in at least three public places in the City, at least 10 days prior to the hearing, and by such other means as the Planning Commission may deem advisable.
- §8.09 At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued from time to time, but shall be concluded within 60 days of the commencement thereof.
- §8.10 The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report and a copy of the report has been filed with the City Council. The failure of the Planning Commission to report within 40 days after the reference to such proposed change shall be deemed to be approval of the proposed change.
- §8.11 Within 40 days of the conclusion of the hearing, or if a proposed change has been referred to the Planning Commission, within 40 days of the filing of the report on such referral or the expiration of the time for filing such report, the City Council may adopt the proposed amendment. Failure of the City Council to adopt the proposed amendment within the period set forth in this Section shall be deemed to be denial of such proposed amendment.

ARTICLE 9: VARIANCE

- §9.01 A variance from the strict application of the terms of these regulations, other than regulations pertaining to allowed land uses and those implementing requirements imposed by the laws of the United States or the State of California, ~~directly pertaining to the use of land and buildings which are not existing nonconforming uses~~, may be granted upon the findings of:
- 9.01.1 That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege, inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated, and
 - 9.01.2 That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under ~~identical~~ identical zone classification, or
 - 9.01.3 That any variance granted will not be contrary to the intent of the zoning regulations or to the public interest, safety, health and welfare, and,
 - 9.01.4 Where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships.
- §9.02 Application for a variance shall be filed in the office of the City Clerk upon a form provided, and shall be accompanied by a filing fee and by such other information as may be required to describe fully the proposed variance. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §9.03 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §9.04 Notice of the time and place of the hearing shall be given pursuant to California Government Code Section 65905, as well as by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- §9.05 At the public hearing the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.
- §9.06 Within 30 days of the conclusion of the hearings, the Planning Commission shall grant or deny the variance applied for. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. The action of the Planning Commission shall be expressed in writing and shall contain findings of fact as to the satisfaction of the conditions set out in Article IX. Failure of the Planning Commission to act within 30 days of the conclusion of the hearing shall be deemed to be a denial of the application on that date. The decision of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time.
- §9.07 Revocation of Variances: In any case where the terms and conditions of a grant of a variance are not complied with, the Planning Commission shall give notice to the holder of such variance of this intention to revoke such variance. Proceedings for the revocation of a variance shall be conducted in the same manner as proceedings for the grant of a use permit.
- §9.08 (Added Ord. 07-01 on 2/12/07) Variances run with the land. (End section added 07-01)

ARTICLE 10: USE PERMITS

- §10.01 Use permits may be granted upon application to the Planning Commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations is, in the opinion of the Planning Commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.
- §10.02 Application for a use permit shall be filed at the office of the City Clerk upon a form provided, and shall be accompanied by such information as may be required to describe fully the proposed use for which the permit is sought and shall be accompanied by a filing fee. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §10.03 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §10.04 Notice of the time and place of the hearing shall be given pursuant to California Government Code Section 65905, as well as by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- §10.05 At the public hearing the Planning Commission shall hear any person affected by the proposed use permit. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.
- §10.06 Within 30 days of the conclusion of the hearing, the Planning Commission shall grant or deny the issuance of the use permit applied for. The granting of any use permit may be made subject to terms and conditions attached thereto and made a part thereof. Failure of the Planning Commission to act within the time set herein shall be deemed to be a denial of the application on that date. The action of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time.
- §10.07 Revocation of Use Permits: In any case where the terms and conditions of a grant of a use permit are not complied with, the Planning Commission shall give notice to the holder of such use permit of this intention to revoke such use permit. Proceedings for the revocation of a use permit shall be conducted in the same manner as proceedings for the grant of a variance.
- §10.08 (This section added by Ord. 07-01 on 2/12/07) Use Permits run with the land. (End of section added by Ordinance 07-01 on 2/12/07)

ARTICLE 11: APPEALS

- §11.01 Appeals: Any person aggrieved by an action of the Planning Commission may take an appeal to the City Council by filing a notice of appeal with the City Clerk and with the Planning Commission within 10 days of the action of the Planning Commission. The notice of appeal filed with the City Clerk shall be accompanied by a filing fee equal to the fee of application being appealed. Upon receipt of the notice of appeal, the Planning Commission shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken. Additionally, the City Council can appeal a determination of the Planning Commission onto itself by a majority vote of the Council issued at any Regular or Special Meeting of the Council within ten (10) days of the Planning Commission's determination.
- §11.02 The City Council shall consider the appeal and the record upon which the action appealed from was taken and shall cause the matter to be set for a public hearing.
- §11.03 Notice of the hearing shall be given by publication in a newspaper of general circulation printed and published in the County at least 10 days prior to the hearing. The hearing may be continued from time to time.
- §11.04 Within 60 days of the filing of the notice of appeal, the City Council shall render its decision on the matter. Failure of the City Council to render its decision on the matter within 60 days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the action of the Planning Commission
- §11.05 The decision of the City Council upon an appeal is final and conclusive as to all things involved in the matter.

ARTICLE 12: NON-CONFORMING USES and SPECIAL PERMITS

- §12.01 Non-Conforming Uses: The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein:
- 12.01.1 No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property.
 - 12.01.2 Any use for which a use permit is required by these regulations shall be considered a non-conforming use until a use permit is obtained.
 - 12.01.3 If any such use or building after the effective date of the application of these regulations to the subject property is destroyed to the extent of 60% or more, then the subject property shall become subject to the regulations applicable to the subject property, and any subsequent use or buildings shall be in accordance with such regulations.
 - 12.01.4 Any interruption of a non-conforming use, or the use of a non-conforming building which continues for 12 months or more, shall be deemed to be an abandonment of such use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.
 - 12.01.5 Ordinary maintenance and repair may be made to any non-conforming use or building, provided that such maintenance and repair does not exceed 25% of the actual value in any one year.
 - 12.01.6 Any use coming within the provisions of Section 7.04, concerning domestic animals appurtenant to residential uses shall, after the expiration of 6 months from the effective date of these regulations, conform to the provisions of Section 7.04.
- §12.02 Special Permits may be granted by the Planning Commission for any use for which a special permit is permitted or required.
- 12.02.1 An owner or his agent may file an application for a special permit in the office of the Planning Department. The application shall be made upon a form prescribed by the Planning Department and shall be accompanied by a filing fee set by resolution of the City Council sufficient to cover the cost of handling the application.
 - 12.02.2 Public Hearings are required for special permits.
 - 12.02.3 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
 - 12.02.4 At the public hearing the Planning Commission shall hear any person affected by the proposed special permit. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.

ARTICLE 13: ENACTMENT

§13.01 SEVERABILITY CLAUSE: The City Council hereby declares that it would have passed this Ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that one or more of such sections, subsections, paragraphs, sentences, clauses or phrases might be declared invalid, unconstitutional or void. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance or such portion thereof was enacted.

§13.02 Effective Date. This Ordinance shall become effective thirty (30) days after the date of its enactment.

PASSED, APPROVED AND ADOPTED this 8th day of July, 2002 on the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Elizabeth Conner ~~Frances Scalvini~~, City Clerk
(2002)

Stuart Titus, ~~Jeffrey Farley~~, Mayor

First Reading:	June 10, 2002		
Second Reading:	July 8, 2002		
Enacted:	July 8, 2002		
Amended:	Oct. 14, 2002	Ord 02-03	§7.23 on signs
	July 14, 2003	Ord 03-03	§3.64 and 7.21 and 7.22 on Second Dwelling Units.
	May 7, 2005	Ord 05-02	§3.70, 6.05 and 7.08 on Design Review and Sight Obstructions
	Nov. 16, 2006	Ord 06-05	§7.23.3 on Signs in CAGDQ
	Feb. 12, 2007	Ord 07-01	Amend §2.06, §3.18, §3.19, §3.78.2, §7.08.2, §7.23.4 and add §7.26.7 §9.08 and §10.08
	Sept 9, 2008	Ord 08-03	Amend §§3.38 and 7.11 on HOP's
	Aug 6, 2009	Ord 09-01	Amend <u>Article 2</u> . Add §2.07; §6.05 and §7.04
	Dec 1, 2011	Ord 2011-04	Amend §6.05.4(d)(i)(ii)
	Jan 5, 2012	Ord 2012-01	Add §6.07 –H Housing Combining Zone

Meeting Date:	May 1, 2014	Agenda Item Number	12.b.
Agenda Item Title	Consider Adopting Density Bonus Ordinance		
Presented By:	City Manager Parrish or Contract City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION: Waive full reading of Density Bonus Ordinance and adopt by title only.

BACKGROUND: Ferndale's General Plan 2012 Housing Element Update contains implementation programs for a balanced supply of housing, serving all socioeconomic groups and household types. State housing regulations require such programs. In 2013, the City Council directed staff to organize Housing Element programs into manageable phases. The Planning Commission reviewed the complete Housing Element Implementation Plan 2013 and recommended it to the Council, which approved the plan.

The Implementation Plan organizes Housing Element programs into three phases, the first of which encompasses Zoning Ordinance amendments required by State housing regulation. In November 2013, the City Council directed staff to complete Phase 1. Staff prepared Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, Ordinance No. 2014-03 Density Bonus Ordinance, and Ordinance 2014-05 Reasonable Accommodation Ordinance. Adoption of these Ordinances will satisfy the zoning-related programs the City designed and approved when it adopted the 2012 Housing Element, while also bringing the City into compliance with State housing regulations. The Department of Housing and Community Development will require compliance with State housing regulations prior to certifying the Housing Element Update 2014.

DISCUSSION: A density bonus, as defined by Government Code Section 65915 et seq., is an increase over the maximum density otherwise allowed by the applicable zoning district that is granted to the owner/developer of a housing project who agrees to construct a senior housing project or a prescribed percentage of dwelling units that are affordable to households of very low; low; and/or moderate income. Ferndale's Housing Element 2012 contains the following policies and program related to density bonuses for compliance with state housing regulations:

Policy B-1: Adopt a Density Bonus Ordinance.

Policy B-2: Encourage a density bonus for developments containing at least 10% of the units set aside for lower income households, or at least 5% of the units for very low-income households, or 50% of the units for qualifying residents (i.e., seniors) as provided in Government Code Section 65915 and where consistent with local regulations. Allow additional concessions/incentives with increased affordable units (GC 65915) and where necessary to maintain economic feasibility of the lower income units.

Program II. Permanent Housing Availability

- 1) Evaluate whether density bonuses or a mix of density bonuses and other concessions and/or incentives should be used.
- 2) Determine aspects of development that should be given consideration for an increase in density bonus percentage or additional incentives.

This task was added to the Implementation Plan for compliance with state density bonus law, including Government Code §65915, which states that if a developer proposes to include at least 20% of the dwelling units in a project at rents/prices affordable to low-income households or 10% of the dwelling units in a project at rents/prices affordable to very low-income households, the City must permit a 25%

minimum density bonus. HCD will not certify a Housing Element Update for a city that has not adopted a density bonus ordinance.

The attached Ordinance 2014-03 has undergone legal review. The Planning Commission has reviewed and recommended that the Council adopt the Density Bonus Ordinance as required for compliance with state density bonus law.

ENVIRONMENTAL REVIEW: On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the 2012 Housing Element Update, including the effects that implementation measures in the Element would potentially have on the environment.

FISCAL IMPACT: The City Council authorized City Planner time and materials not to exceed \$2,000 for Housing Element implementation on 11/7/2013 and an additional \$2,000 on 4/3/2014.

Attachment:

1. Ordinance 2014-03 Density Bonus Ordinance

ORDINANCE NO 2014-03

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, ADOPTING PROVISIONS IN ACCORDANCE WITH STATE DENSITY BONUS LAW AND AFFORDABLE HOUSING INCENTIVES

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

- §1.1 **Short Title:** This Ordinance shall be known and cited as “Density Bonus Ordinance.”
- §1.2 **Purpose:** The purpose of this Ordinance is to specify how compliance with Government Code Section 65915 ("State Density Bonus Law") will be implemented in an effort to encourage the production of low income housing units in developments proposed within the City.

Article 2 STATUTORY AUTHORITY

- §2.1 The statutory authority for this Ordinance is California Government Code §65915 and other applicable State laws.

Article 3 DEFINITIONS

- §3.1 Unless otherwise specified in this Ordinance, the definitions found in state density bonus law shall apply to the terms contained herein.

Article 4 APPLICABILITY

- §4.1 This Ordinance shall apply to all zoning districts, including mixed use zoning districts, where residential developments of five (5) or more dwelling units are proposed and where the applicant seeks and agrees to provide low, very low, senior or moderate income housing units in the threshold amounts specified in state density bonus law such that the resulting density is beyond

that which is permitted by the applicable zoning. This Ordinance and state density bonus law shall apply only to the residential component of a mixed use project and shall not operate to increase the allowable density of the nonresidential component of any proposed project.

Article 5 APPLICATION REQUIREMENTS

- §5.1 Any applicant requesting a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall provide the City with a written proposal. The proposal shall be submitted prior to or concurrently with filing the planning application for the housing development and shall be processed in conjunction with the underlying application.
- §5.2 The proposal for a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall include the following:
- 5.2.1 **Requested Density Bonus.** The specific requested density bonus proposal shall evidence that the project meets the thresholds for state density bonus law. The proposal shall also include calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted, additional market rate units resulting from the density bonus allowable under state density bonus law and the resulting unit per acre density. The density bonus units shall not be included in determining the percentage of base units that qualify a project for a density bonus pursuant to state density bonus law.
 - 5.2.2 **Requested Incentive(s).** The request for particular incentive(s) shall include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the City to verify its conclusions. If the City requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be liable for all costs incurred in reviewing the documentation.
 - 5.2.3 **Requested Waiver(s).** The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed the limitations provided by Article 9 Waivers and to the extent such limitations are exceeded will be considered as a request for an incentive.
 - 5.2.4 **Fee.** Payment of the fee in an amount set by resolution of the City Council to reimburse the City for staff time spent reviewing and processing the state density bonus law application submitted pursuant to this Ordinance.

Article 6 DENSITY BONUS

- §6.1 A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in state density bonus law. The applicant may select from only one of the income categories identified in state density bonus law and may not combine density bonuses from different income categories to achieve a larger density bonus.
- §6.2 The Planning Commission may approve a density bonus and/or incentive(s) in accordance with state density bonus law for a project that does not maximize the underlying base zoning density.

Additionally, nothing herein prevents the City from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.

Article 7 INCENTIVES

§7.1 The number of incentives granted shall be based upon the number the applicant is entitled to pursuant to state density bonus law.

§7.2 An incentive includes a reduction in site development standards or a modification of zoning code requirements or architectural requirements that result in identifiable, financially sufficient and actual cost reductions. An incentive may be the approval of mixed use zoning (e.g., commercial) in conjunction with a housing project if the mixed use will reduce the cost of the housing development and is compatible with the housing project. An incentive may, but need not be, the provision of a direct financial incentive, such as the waiver of fees.

Article 8 DISCRETIONARY APPROVAL AUTHORITY RETAINED

§8.1 The granting of a density bonus or incentive(s) shall not be interpreted in and of itself to require a general plan amendment, zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no general plan amendment, zoning change or other discretionary approval is required. However, if the base project without the incentive requires a general plan amendment, zoning change or other discretionary approval, the City retains discretion to make or not make the required findings for approval of the base project.

Article 9 WAIVERS

§9.1 A waiver is a modification to a development standard such that construction at the increased density would be physically possible. Modifications to floor area ratio in an amount equivalent to the percentage density bonus utilized shall be allowable as a waiver. Requests for an increase in floor area ratio above that equivalent percentage shall be considered a request for an incentive. Other development standards include, but are not limited to, a height limitation, a setback requirement, an on-site open space requirement, or a parking ratio that applies to a residential development. An applicant may request a waiver of any development standard to make the project physically possible to construct at the increased density. There is no limit on the number of waivers.

Article 10 AFFORDABLE HOUSING AGREEMENT

§10.1 Prior to project approval, the applicant shall enter into an affordable housing agreement with the City, to be executed by the City Manager without review by the Planning Commission or City Council if the underlying application does not require review and/or approval by those bodies, to the satisfaction of the City Attorney guaranteeing the affordability of the rental or ownership units for a minimum of thirty (30) years and identifying the type, size and location of each affordable

unit. Such affordable housing agreement shall be recorded in the County Recorder’s office.

Article 11 DESIGN AND QUALITY

§11.1 Affordable units must be constructed concurrently with market rate units and shall be integrated into the project. Affordable units shall be of equal design and quality as the market rate units. Exteriors, including architecture and elevations, and floor plans of the affordable units shall be similar to the market rate units. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the Building Official. The number of bedrooms in the affordable units shall be consistent with the mix of market rate units.

§11.2 Parking standards shall be modified as allowable under state density bonus law and anything beyond those standards shall be considered a request for an incentive.

Article 12 ENACTMENT

§12.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.

§12.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day ofXXX 2014 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:
- Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

First Reading:	Amended:	
Second Reading:		
Enacted:		
Amended:		

Meeting Date:	May 1, 2014	Agenda Item Number	12.c.
Agenda Item Title	Consider Adopting Reasonable Accommodation Ordinance		
Presented By:	City Manager Parrish or Contract City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION: Waive full reading of Reasonable Accommodation Ordinance and adopt by title only.

BACKGROUND: Ferndale's General Plan 2012 Housing Element Update contains implementation programs for a balanced supply of housing, serving all socioeconomic groups and household types. State housing regulations require such programs. In 2013, the City Council directed staff to organize Housing Element programs into manageable phases. The Planning Commission reviewed the complete Housing Element Implementation Plan 2013 and recommended it to the Council, which approved the plan.

The Implementation Plan organizes Housing Element programs into three phases, the first of which encompasses Zoning Ordinance amendments required by State housing regulation. In November 2013, the City Council directed staff to complete Phase 1. Staff prepared Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, Ordinance No. 2014-03 Density Bonus Ordinance, and Ordinance 2014-05 Reasonable Accommodation Ordinance. Adoption of these Ordinances will satisfy the zoning-related programs the City designed and approved when it adopted the 2012 Housing Element, while also bringing the City into compliance with State housing regulations. The Department of Housing and Community Development will require compliance with State housing regulations prior to certifying the Housing Element Update 2014.

DISCUSSION: Ferndale's Housing Element 2012 contains the following policy and program for compliance with state and federal housing regulations:

Policy F-1: Reduce parking requirements, setbacks and other zoning provisions that may interfere with ramp construction for disabled persons where it is the only feasible design and provides a "reasonable accommodation" consistent with the Americans with Disabilities Act.

Program V. Housing Equity 1): Revise the Zoning Ordinance regarding persons with disabilities and establish reasonable accommodation procedures. Pursuant to the Fair Housing Amendments Act of 1988 and the requirements of Chapter 671, Statutes of 2001(SB520), the City will adopt reasonable accommodation procedures to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing.

The approved Implementation Plan 2013 contains the following subtask:

Task 1.1 (c): Establish reasonable accommodation procedures for persons with disabilities to ensure equal access to housing.

The attached Reasonable Accommodation Ordinance was prepared for compliance with Housing Element 2012, Implementation Plan 2013, Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act and has undergone legal review. The Planning Commission has reviewed and recommended that the Council adopt the Reasonable Accommodation Ordinance.

ENVIRONMENTAL REVIEW: On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the 2012 Housing Element Update, including the effects that implementation measures in the Element would potentially have on the environment.

FISCAL IMPACT: The City Council authorized City Planner time and materials not to exceed \$2,000 for Housing Element implementation on 11/7/2013 and an additional \$2,000 on 4/3/2014.

Attachment:

1. Ordinance 2014-05 Reasonable Accommodation Ordinance

ORDINANCE NO 2014-05

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, ADOPTING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY’S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO FAIR HOUSING LAWS

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE, PURPOSE AND FINDINGS

- §1.1 **Short Title:** This Ordinance shall be known and cited as “Reasonable Accommodation Ordinance.”
- §1.2 **Purpose:** It is the policy of the jurisdiction, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.
- §1.3 **Findings:** The federal Fair Housing Amendments Act of 1988 and California’s Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;
 - 1.3.1 The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;
 - 1.3.2 The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;
 - 1.3.3 A fair housing reasonable accommodation procedure for individuals with disabilities and

developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

Article 2 STATUTORY AUTHORITY

§2.1 This Ordinance is established pursuant to the provisions of California Government Code Sections 12927(c)(l) and 12955(1).

Article 3 DEFINITIONS

§3.1 For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

3.1.1 **ACTS.** The Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

3.1.2 **APPLICANT.** An individual who files an application for reasonable accommodation under this Ordinance.

3.1.3 **INDIVIDUAL WITH A DISABILITY.** Any person who has a medical condition, physical disability, or mental disability that substantially limits one or more of the person's major life activities, as those terms are defined in the California Fair Employment and Housing Act (Cal. Gov. Code § 12900 et seq.).

3.1.4 **REASONABLE ACCOMMODATION.** A modification or exception to the standards, regulations, policies, or procedures contained in this title for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity for the use and enjoyment of housing of their choice, and that does not impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's planning and zoning programs.

Article 4 APPLICABILITY

§4.1 To make specific housing available to an individual with a disability, any person may request reasonable accommodation under this Ordinance to modify a land use or zoning standard, regulation, policy, or procedure under this title as may be necessary to afford the individual with a disability equal opportunity to the use and enjoyment of their dwelling.

Article 5 APPLICATION REQUIREMENTS

§5.1 Applications for reasonable accommodation shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability.

§5.2 Requests for reasonable accommodation shall be in writing and provide the following

information:

- 5.2.1 Name and address of the individual(s) requesting reasonable accommodation;
 - 5.2.2 Name and address of the property owner(s);
 - 5.2.3 Address of the property for which accommodation is requested;
 - 5.2.4 Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
 - 5.2.5 Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- §5.3 Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.
- §5.4 A request for reasonable accommodation in regulations, policies, or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.
- §5.5 If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
- §5.6 The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

Article 6 REVIEW AUTHORITY AND PROCESS

- §6.1 The City Manager shall designate a reviewing authority, who shall have the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Ordinance.
- §6.2 No advance notice or public hearing is required for the consideration of reasonable accommodation requests.
- §6.3 A written determination shall be made within 45 days of receipt of a complete application requesting reasonable accommodation and shall either approve, approve with conditions or deny the application for reasonable accommodation in accordance with Article 7.
- §6.4 If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 45 day period to issue a decision is stayed until the applicant responds to the request.
- §6.5 If a request for reasonable accommodation is submitted for concurrent review with another discretionary land use application, it shall be determined by the authority making the final

discretionary land use decision.

Article 7 REQUIRED FINDINGS

- §7.1 The written decision to approve, approve with conditions or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:
- 7.1.1 The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
 - 7.1.2 The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
 - 7.1.3 The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
 - 7.1.4 The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
 - 7.1.5 The requested reasonable accommodation would not adversely impact surrounding properties or uses.
 - 7.1.6 There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.
- §7.2 In approving an application for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by §7.1 above.

Article 8 APPEAL PROCEDURE

- §8.1 A determination by the review authority to approve, approve with conditions or deny a request for reasonable accommodation may be appealed pursuant to Article XI of Zoning Ordinance 02-02.

Article 9 ENACTMENT

- §9.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.
- §9.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day of XXXX 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

First Reading:		Amended:	
Second Reading:			
Enacted:			
Amended:			

Section 13

BUSINESS

Meeting Date:	May 1, 2014	Agenda Item Number	13.a.
Agenda Item Title	Planning Commission Appointments		
Presented By:	City Manager, Jay Parrish or City Clerk, Elizabeth Conner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Interview three Planning Commission Applicants and appoint two members to serve on the Planning Commission and ask the City Clerk to administer the Oath of Office.

BACKGROUND

There are currently two vacancies on the Planning Commission. One vacancy was created when Commissioner Christiansen resigned from the Planning Commission on March 20, 2014. That remainder of that term runs through March 1, 2017. The other vacancy is due to Commissioner Nielsen's term ending on March 1, 2014. That position's term will run from 2014 to March 1, 2018.

The City Clerk advertised the vacancies in the newspaper and posted the notices on three public bulletin boards in Ferndale. The deadline for application submittal was April 1, 2014. Two letters of interest in serving on the Commission were received. On April 2, the City Clerk contacted Commissioner Nielsen to ensure that he knew that he needed to submit a letter of interest if he wanted to continue to serve. A letter of interest was received from Commissioner Nielsen the same day.

Per the Planning Commission Ordinance 05-05, the Planning Commission interviewed applicants for the position of Planning Commissioner and made recommendations for appointment to the City Council:

§5.04 Appointments

- 5.04.1 A new commissioner shall be appointed to fill a vacancy within ninety (90) days from the next regularly scheduled City Council meeting. The City Clerk shall advertise the vacancy (via notice in newspaper, public posting) and notify Ferndale residents to contact the City Clerk for an application, which can be picked up at City Hall or mailed to the applicant.
- 5.04.2 Applications must be received by the City Clerk by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the remaining members of the Planning Commission the next business day after the closing date of the announcement. The Planning Commission will interview applicants at their next regular or special meeting. A priority ranking of the Commission's recommendations as well as reasons supporting the ranking will be

forwarded the following business day to the City Council via the City Clerk.

- 5.04.3 The City Clerk shall include the recommendation list and reasons to support the ranking of candidates as an action agenda item for the next regular City Council meeting. The Council may interview the applicants, or rely on the Planning Commission recommendations. A member of the Commission will be present to summarize the qualifications and merits that support their ranking, and to answer questions posed by the City Council. The Council will vote, in open session, for the new Commissioner in the order of ranking by the Commission. The first person that receives a majority will be selected to fill the vacancy. If a majority is not obtained, or if there are no applicants, the vacancy will be re-advertised and the ninety- (90) day clock resets.

§5.05 Vacancies - Vacancies shall be filled by appointment for the remaining portion of the term, or for four (4) years, starting March 1st, for expired terms.

At it's regular meeting of April 16, 2014, the Planning Commission interviewed the applicants present and then voted to recommend to the City Council that Dean Nielsen be re-appointed and that Michael Warner be appointed to serve on the Planning Commission.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Copy of the Notice of Planning Commission Vacancy
2. Copy of Notice of Planning Commission Vacancy from newspaper
3. Letter from City Clerk Conner to Commissioner Nielsen re vacancy
4. Letter of interest from Commissioner Nielsen
5. Letter of interest from Paul Gregson
6. Letter of interest from Michael Warner

CITY OF FERNDALE PUBLIC NOTICE

Planning Commission Vacancy

Notice is hereby given that the Ferndale Planning Commission has a vacancy. Please contact city hall for an application or write a letter of interest and submit by 4:00pm on 4/1/14 to City Hall (Mon-Thurs 9-4pm or cityclerk@ci.ferndale.ca.us) Applicants should plan to attend the 4/16/14 Planning Commission meeting for an interview. Call 786-4224 for more information.

Elizabeth Conner, City Clerk
March 21, 2014

CITY OF FERNDALE PUBLIC NOTICE

Planning Commission Vacancy

Notice is hereby given that the Ferndale Planning Commission has a vacancy. Please contact city hall for an application or write a letter of interest and submit by 4:00pm on 4/1/14 to City Hall (Mon-Thurs 9-4pm or cityclerk@ci.ferndale.ca.us) Applicants should plan to attend the 4/16/14 Planning Commission meeting for an interview. Call 786-4224 for more information.

Elizabeth Conner, City Clerk
March 21, 2014

The Times-Standard

PO Box 3580
Eureka, CA 95502
707-441-0571
legals@times-standard.com

CITY OF FERNDALE - LEGAL
PO BOX 1095
FERNDALE CA 95536

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-mentioned matter. I am the principal clerk of the printer of THE TIMES-STANDARD, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967, Consolidated Case Numbers 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit,

3/22/2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,
This 24th day of March, 2014

Signature



This space is for the County Clerk's Filing Stamp

Legal No. **0005133681**

**CITY OF FERNDALE PUBLIC NOTICE
Planning Commission Vacancy**

Notice is hereby given that the Ferndale Planning Commission has a vacancy. Please contact City Hall for an application or write a letter of interest and submit by 4:00pm on 4/1/14 to City Hall (Mon-Thurs 9-4pm or cityclerk@ci.ferndale.ca.us). Applicants should plan to attend the 4/16/14 Planning Commission meeting for an interview. Call 786-4224 for more information.

Elizabeth Conner, City Clerk
March 22, 2014
3/22/2104



Search: []

Application for Planning Commission

1 view

Elizabeth Conner <cityclerk@ci.ferndale.ca.us>

Wed, Apr 2, 2014 at 3:00 PM

Reply-To: cityclerk@ci.ferndale.ca.us

To: Dean Nielsen <dean.m.nielsen@gmail.com>

Hi Dean,

I wanted to let you know that your term on the Planning Commission officially ended on March 1, 2014. I posted the vacancy - as per our city code - with a due date of yesterday. This notice was also for the vacancy created by Commissioner Christiansen resigning.

Since I did not receive an application for re-appointment from you, and I did not contact you specifically, I realize you may not have been aware of the requirement to re-apply for another term when your term is up. If you do want to continue to serve on the Planning Commission, you may re-apply by sending a letter stating your interest in serving for another term.

If interested, please get that signed letter to me by Monday, April 7th at 4:00 at the latest so that it can be included in the April PC packet.

Please contact me if you need further information.

Thank you,

--

Elizabeth Conner
City Clerk
City of Ferndale
834 Main Street
P.O. Box 1095
Ferndale CA 95536
Phone: 707.786.4224

April 2, 2014

Mr. Jorgen Von Frausing-Borch-Chairman
Ferndale Planning Commission
834 Main St.
Ferndale, Ca. 95536

RE: Request for Reappointment to the Planning Commission

Dear Chairman,

The purpose of this letter is to request that I be reappointed to the Ferndale Planning Commission. I have served on the Commission since December 2012 and have tried to be an effective member of the Commission.

I had asked the City Clerk to verify if I was appointed to fill an unexpired term or a full term on the commission as neither you as Chairman nor I could verify which was correct. I received the attached email this afternoon from the City Clerk advising my term was up March 1st. I would have preferred to have known the actual expiration date of my term before today so I could have submitted a request to be reappointed in a more timely fashion.

My wife and I have owned our home in Ferndale for almost 6 years. Before moving to Ferndale I built several homes, developed a five lot residential tract, and served on the Alameda County Supervisor appointed Castro Valley Municipal Advisory Council for 12 years. The Council conducted hearings on civic affairs, planning, land use, redevelopment and wrote the city master plan.

Thank you for your consideration,



Dean M. Nielsen
1099 Van Ness Ave
Ferndale, Ca. 95536

Cc: Jay Parrish-City Manager
Elizabeth Conner-City Clerk

Jay Parrish
City of Ferndale
City Manager

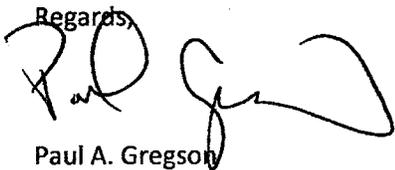
April 1, 2014

Dear Jay,

I would like to apply for the current opening on the Planning Commission. I have been a member of the Design Review committee for the past several months, and have found the experience fulfilling and rewarding. I have learned a great deal about the City of Ferndale while serving, and would like to further contribute to the wonderful community I reside in.

Thank you for your consideration.

Regards,

A handwritten signature in black ink, appearing to read "Paul A. Gregson". The signature is written in a cursive style with a large, looping initial "P".

Paul A. Gregson

Paul Gregson
P.O. Box 883
Ferndale, CA 95536
(415) 244-0450

September 12, 2013

To whom it may concern:

Ten month ago I move to Ferndale from Shasta County when I was hired as an engineer by LACO Associates. I have a Bachelors of Science degree in Civil Engineering and a Master of Science degree in Environmental Engineering from U.C. Berkeley with and emphasis in water and wastewater treatment as well as environmental chemistry. Since graduating my fields of expertise have been water/wastewater treatment as well as collection and distribution systems. I also have experience performing flood analysis.

Since relocating to the area I have attended Ferndale's City Council Meetings fairly regularly to become better acquainted with the community, and to develop a better understanding of politics and policies in Humboldt County. I have also been attending several water and wastewater District Board meetings in Humboldt to expand my awareness regarding the needs of small utility districts. While attending these meetings I have developed a respect for the people who volunteer their time and energies to serve on District and City Boards, and also come to realize the value they provide to their communities. Therefore, I have elected to donate some of my time to serve my community in some capacity, and serving on the Design Review Committee would appear to be a good place to begin.

Serving on the Design Review Committee appears to be a good fit for me in that it is unlikely to lead to any conflict of interest between my work and my service. Furthermore, I should be able to use some of my engineering background to contribute to the committee, and serving on the Committee will provide me with an opportunity to learn about Victorian era architecture, local politics, and my community.

I hope you will give my application serious consideration.

Sincerely,

Paul Gregson

31 March 2014

Jay Parrish
City Manager
Ferndale, CA 95536

RE: Letter of Interest for the Planning and Zoning Commission Position

Dear Jay,

Pursuant to our discussion, please consider me as an applicant for a Planning and Zoning Commission in the City of Ferndale. My relevant experience is as follows:

- 20+ years as a professional planner
- Masters degree in Landscape Architecture, with emphasis on environmental planning
- Member of American Institute of Certified Planners
- Member of American Society of Landscape Architects
- Former City Planner and Planning and Zoning Administrator, City of Hailey, Idaho
- President and founder of a consulting company comprised of approximately 70 planners, scientists and support staff
- Resident of Ferndale

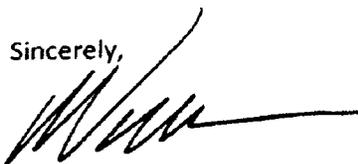
In regards to specific relevant examples of experience, I have prepared or contributed to General Plans (Comprehensive Plans), performed zone amendments (maps and code), written zoning codes, prepared a sign ordinance, and prepared design review guidelines. Working with local, State, and federal regulations is a regular part of my professional experience.

In regards the specific experience with the City of Ferndale Ordinance, I have read through many sections of the ordinance in relation to issues of personal interest. I have practical experience with matters related to city approvals for my home and the establishment of a business in town.

I am not in conflict with any zoning issues or regulations.

I am pleased to contribute to our town in this way. I hope you will look upon my application favorably.

Sincerely,



Michael Warner

Meeting Date:	May 1, 2014		Agenda Item Number	13.b.		
Agenda Item Title	Consider Request from Doug Brower re Sign Ordinance Enforcement					
Presented By:	City Manager Parrish or City Clerk Conner					
Type of Item:	<input checked="" type="checkbox"/>	Action	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Information
Action Required:	<input type="checkbox"/>	No Action	<input type="checkbox"/>	Voice Vote	<input checked="" type="checkbox"/>	Roll Call Vote

RECOMMENDATION: Consider Request from Doug Brower re Sign Ordinance Enforcement and direct staff to take appropriate action if desired.

BACKGROUND: On April 2, 2014 staff sent letters to several businesses in town that are out of compliance with the new Sign Ordinance informing them of the need to come into compliance with the ordinance by taking down their illuminated "open" signs. Doug Brower, owner of Ferndale Pie Company and the Omelet Factory, received such a letter relative to the illuminated "open" sign at the Ferndale Pie Company. After several conversations with staff requesting that his sign be grandfathered in and being told that it could not, the City received the attached letter from Mr. Brower requesting that further discussion on this issue occur and that enforcement be delayed while this happened.

FISCAL IMPACT: Unknown.

ATTACHMENTS:

1. April 24, 2014 Letter from Doug Brower, Ferndale Pie Company
2. April 2, 2014 Letter sent re Compliance with Ordinance No. 2013-02 Regulation of Signs and Sign Structures

Subject: Sign Ordinance Letter
From: Doug Brower <brower777@sbcglobal.net>
Date: 4/24/2014 8:00 AM
To: "cityclerk@ci.ferndale.ca.us" <cityclerk@ci.ferndale.ca.us>
CC: "citymanager@ci.ferndale.ca.us" <citymanager@ci.ferndale.ca.us>

Dear City Clerk and City Manager,
As per our meeting on 4/22/14 and further discussion on 4/23/14 I am submitting this letter to the City Council as you suggested.

City Council,
I am respectfully submitting this letter of request and ask that you consider my request seriously as I feel it is in the best interest of the City and the local business' that it affects.

On 4/2/14 my business and several others received a letter from the City that we had signs that were not in compliance with the new sign ordinance and we needed to remove the signs within four weeks of the letter or further action would be taken. As of todays date I have seen no one take their signs down and I have seen one new one go up. This indicates to me that Merchants like myself see the value and importance of having such signs and being competitive.

In my particular case, I do not feel my sign is in violation of the new ordinance because Article 12 of the new ordinance allows for a pre-existing non-compliant sign to remain. Since my sign was in compliance prior to this ordinance it should be allowed according to Article 12.I have taken this up with the City Manager.

When the ordinance was designed I do not think Restaurants and the importance of such signs were considered equally to the importance of beer signs in bars and stores. As an owner of two restaurants in Ferndale, one with a lighted open sign and one without, I can tell you it does make a difference.

I am requesting that the City Council put a temporary moratorium on the portion of the sign ordinance that deals with lighted open signs and consider developing some other language and or options that will not adversely effect local restaurants.

I am respectfully making this request because as a businessman my vary livelihood is at stake here. We depend on our business to provide for our family as do the other merchants in town. Allowing one type of industry to have lighted signs that helps their business and not allowing those in the restaurant industry to have lighted signs that directly help them is discriminating. Please consider my request and let's all work together to find a resolve to this matter before it becomes yet another legal mess for the city.

Sincerely,
Doug Brower
Ferndale Pie Company

City of Ferndale

INCORPORATED 1893

POB 1095; Ferndale CA 95536

April 2, 2014

Doug Brower
Ferndale Pie Company
PO Box 26
Ferndale, CA 95536

Re: Compliance with Ordinance No. 2013-02 Regulation of Signs and Sign Structures

Dear Business Owner:

As you are likely aware, the City of Ferndale recently passed Ordinance No. 2013-02 Regulation of Signs and Sign Structures, which became effective on December 7, 2013. We are in the process of contacting business owners to bring them into compliance with this new Sign Ordinance.

It has come to our attention that your business has a sign that is not compliant with the new ordinance. Please note that under Section §7.10 of this ordinance, illuminated open/closed signs are not permitted. If you would like to review the Sign Ordinance, it can be found on the City of Ferndale website at ci.ferndale.ca.us by clicking on the 'Laws' link and then clicking on 'Sign Ordinance'. A hard copy of the ordinance is also available for viewing at City Hall Monday through Thursday, 9:00am-4:00pm.

Please consider this a courtesy letter (per §5.04.1 of the Nuisance Ordinance) advising you to remove your illuminated open/close sign within four (4) weeks of the date of this letter. Failure to abate this nuisance will result in further action. If you have any questions, please call 786-4224.

Thank you for your help in keeping Ferndale an attractive place to live, work, shop and visit.

Sincerely,

Elizabeth Conner
City Clerk

cc: Correspondence
Property file
City Manager

Meeting Date:	May 1, 2014	Agenda Item Number	13.c.
Agenda Item Title	580 Main Street Update		
Presented By:	City Manager, Jay Parrish		
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Receive and file update from City Manager, Jay Parrish related to the 580 Main Street Project.

BACKGROUND

City Council held a Special Closed Session Meeting on October 17, 2013 to consider initiation of litigation against Gable Properties, LLC, regarding the property located at 580 Main Street, Ferndale, California (noncompliance with Building Code and Public Nuisance). In mid-November 2013, the City Attorney and counsel for Gable Properties reached an agreement, and the Council concurred, that the City would allow Gable Properties until the December 5th City Council meeting to obtain a building permit to apply the siding before initiating litigation to abate the nuisance.

On November 21st, Nancy Trujillo, on behalf of Gable Properties, LLC, submitted a Building Permit application and a corresponding Design Review Use Permit application to apply siding the building at 580 Main Street. The applicant proposed materials and colors other than those approved by the Design Review Use Permit issued in January 2013. Due to the change, a new Design Review Use Permit was required, along with a CEQA review.

The Design Review Permit was approved by the Planning Commission at its regular meeting of January 16, 2014. A Building Permit was issued on January 26, 2014.

As of March 27, 2014, no progress in putting up the new siding has been observed. Ferndale's Building Permit Application contains the following statement which is signed by the applicant: "Plans must be retrieved within 180 days of approval, or they will have to be resubmitted. Work will commence within 60 days after date of issuance of permit." Staff sent a letter to Ms. Trujillo/Gable Properties apprising them of the deadlines and seeking verification that work has begun.

At the last council meeting, staff asked Ms. Trujillo to provide documentation related to ordering the building materials as sufficient to show they had moved forward on prosecuting her building permit requirements which was to put siding and trim on her building. As of the date of this report, staff has yet to receive the requested documentation and does not think the request is too onerous for the applicant to provide, especially given that there is no other visible sign that she has put any siding or trim on the building. Staff did relay that painting was not part of the building permit process and therefore not part of compliance with the 60-day progress requirement.

FINANCIAL IMPACT:

None.

Meeting Date:	May 1, 2014	Agenda Item Number	13.d.
Agenda Item Title	Update from Ad Hoc Committee to Review and Recommend Potential Uses of the Old Nilsen Property		
Presented By:	City Council Members Brown and Sweeney		
Type of Item:	<input type="checkbox"/>	Action	<input checked="" type="checkbox"/> Discussion
Action Required:	<input checked="" type="checkbox"/>	No Action	<input type="checkbox"/> Voice Vote
			<input checked="" type="checkbox"/> Information
			<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Receive and file report from Council Members Brown and Sweeney on the activities of the Ad Hoc Committee to Review Potential Uses of the Old Nilsen Property.

BACKGROUND

At the City Council Meeting of December 5, 2013, the Council appointed Council Members Dan Brown and Michael Sweeney to the Ad Hoc Committee to Review and Recommend Potential Uses of the Old Nilsen Property. At the regular City Council meeting of February 6, 2014, Council Members Sweeney and Brown gave an update on the publically noticed walk-through of the Old Nilsen Barn and property. In that update, they invited members of the community to come forward with potential proposals for use of the property or a sub-section of the property in the ensuing 30 days. At the City Council meeting of March 6, 2014, Council Member Brown reported that no proposals for use of the property had come forward and the group was now considering the option of taking down the barn (in a manner that salvaged the old growth redwood) and using the lot as a parking lot.

The Ad Hoc Committee met with interested individuals on March 13th continuing the public input on best use of the Old Nielson property. The committee was asked to give the community a little more time to come up with funds and explore more designs that would incorporate leaving the barn while still adding some parking spaces.

Another meeting of the Ad Hoc Committee was publically noticed and held on April 24, 2014.

FINANCIAL IMPACT:

None.

Meeting Date:	May 1, 2014	Agenda Item Number	12.e.
Agenda Item Title	Adopt Ordinance 2014-01 Amending Nuisance Ordinance 06-04		
Presented By:	City Manager Parrish		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION: Waive full reading of and adopt by title only Ordinance No. 2014-01 Amending Nuisance Ordinance 06-04.

BACKGROUND: The City of Ferndale's Nuisance Ordinance was last updated in 2006. On November 7, 2013, the City Council authorized City Attorney and City Staff to revise and update the Ordinance for numerous reasons, including, but not limited to, the following:

- (i). Consistency and integration with current City Ordinances regarding design review, aesthetic preservation and historical structure preservation;
- (ii). Consistency and integration with current City Ordinances relating to criminal activity, including, without limitation, the City's Ordinance regulating marijuana cultivation and prohibiting dispensaries within City limits;
- (iii). Consistency and integration with aspects of the City's Sign Ordinance (as amended);
- (iv). Consistency and integration with aspects of the City's Building Code; and
- (v). Evaluation of the Nuisance Ordinance's enforcement provisions and the City's ability to abate and deter nuisances.

At its regular meeting on February 6, 2014 the Council requested adding a specific definition of blight and requested the Ordinance be brought back for a First Reading.

At its regular meeting on March 6, 2014 the Council requested revisions to the Statutory Authority section of the Ordinance, clarification on enforcement and the Enforcement Official, and a reduction to the extent of the proposed amendments regarding the definition of a nuisance and visual blight. Staff has made the following changes to the proposed revisions:

1. The penal codes in the Statutory Authority sections of both the existing Nuisance Ordinance and the proposed enacting Ordinance 2014-01 Amending the Nuisance Ordinance have been revised.
2. Rather than include only the amended sections in the proposed enacting Ordinance, staff has included the entire Nuisance Ordinance, with proposed amendments in blue strikeout and red underline, as Exhibit A to the enacting Ordinance. This should provide context and improved clarity, and may serve to answer some of the Council's concerns regarding enforcement and abatement procedures.
3. Changes to Section 3.02 were reduced to the originally proposed amendments plus one subsection defining visual blight.

DISCUSSION: At its regular meeting on April 3, 2014 the Council requested additional revisions to the Nuisance Ordinance. The City Council approved the first reading during its April meeting and directed staff to make specific changes and bring it back to the May meeting for a second reading and possible adoption. Staff made the following changes to the proposed revisions, which are in blue in the attached copy.

1. Amended Section 5.08.1 to allow for a building permit to be issued if it is needed to abate the out of compliance issue.
2. Deleted the last sentence of Section 4.02.1.
3. Provided further definition to Section 3.02.3 by adding that the Enforcement Officer would determine the nuisance based on existing ordinances.
4. Refined Article 3 by moving section e, f and h to Section 3.02.1 so that existing ordinances are listed in that section and only definitions remain in Section 3.02.2.
5. Deleted item g. from Section 4.03.3
6. Amended Section 4.03.3, item i. to more clearly spell out the nuisance.
7. Amended Section 4.03.3, item f. by deleting the word "side."
8. Amended Section 4.03.3, by moving the second sentence to Section 3.02.2 as it is a definition.

The Second Reading was noticed and a summary was prepared and sent to local newspaper for publication per Government Code §36933.

ENVIRONMENTAL REVIEW: The adoption of the proposed ordinance is not a project subject to CEQA pursuant to Title 14, California Code of Regulations, Sections 15060(c)(2) and 15060(c)(3), as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT: Up to \$2,500 Planning staff and City Attorney time and materials authorized on November 7, 2013.

Attachments: Ordinance 2014-01 Amending Nuisance Ordinance
Exhibit A to Ordinance 2014-01

ORDINANCE NO 2014-01

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, AMENDING NUISANCE ORDINANCE 06-04 SECTIONS 2.01 AND 3.02 AND ADDING SECTION 5.08 FOR CITY ORDINANCE AND VISUAL BLIGHT ENFORCEMENT

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

§1.1 **Short Title:** This Ordinance shall be known and cited as “Amending Nuisance Ordinance 06-04 for City Ordinance and Visual Blight Enforcement.”

§1.2 **Purpose:** The purpose of this Ordinance is to amend Nuisance Ordinance 06-04 to include compliance with Zoning Ordinance 02-02 Section 6.05, Sign Ordinance 13-02, Medical Marijuana Dispensary and Cultivation Ordinance 2012-03, and to add a definition of visual blight and provision for denial of building permits.

Article 2 STATUTORY AUTHORITY

§2.1 California Government Code section 38771 authorizes a city to declare by ordinance what constitutes a public nuisance. Civil Code section 3491 outlines the three remedies that a municipality can use to remove or abate the activity. Section 731 of the Code of Civil Procedure authorizes the District Attorney or the City Attorney to bring a civil action in the name of the People of the State of California to abate public nuisances. Penal Code 372 permits the filing of a criminal complaint. Government Code Sections 38771 and 38773.5 authorize cities to enact local enforcement ordinances that establish administrative procedures to abate public nuisances.

Article 3 GENERAL PROVISIONS

§3.1 The City of Ferndale Nuisance Ordinance 06-04 shall be revised as provided in Exhibit A to this Ordinance.

Article 4 ENACTMENT

§4.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.

§4.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day of XXXX 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk

Stuart Titus, Mayor

First Reading:	Amended:	
Second Reading:		
Enacted:		
Amended:		

ORDINANCE NO. 06-04

AN ORDINANCE OF THE CITY OF FERNDALE ESTABLISHING NUISANCE
 ABATEMENT PROCEDURES, PENALTIES AND COST RECOVERY PLAN AND
 REPEALING ORDINANCE 01-01

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

- §1.01 This ordinance shall be known and cited as the “Nuisance Ordinance”.
- §1.02 The City of Ferndale has a responsibility to its residents and business owners to promote conditions that are beneficial to the health, safety and welfare of the entire community. The existence of public nuisances may have a detrimental effect on another person or property or a substantial number of other people and properties as well as the overall aesthetic quality of the City. The abatement of these conditions is in the best interest of the City and its residents and business owners.
- §1.03 The purpose of the Nuisance Ordinance is to provide a comprehensive method for identification of certain public nuisances within the City of Ferndale, encourage compliance where a public nuisance violation exists, and to establish the authority to abate and recover costs of abatement when the responsible party fails to comply.
- §1.04 The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City to pursue abatement of and/or abate any and all public nuisances.
- §1.05 This ordinance shall apply to any and all properties within the city limits of Ferndale.
- §1.06 The adoption of this ordinance will repeal Ordinance 01-01.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

- §2.01 California Government Code section 38771 authorizes a city to declare by ordinance what constitutes a public nuisance. Civil Code section ~~3493-3491~~ outlines the three remedies that a municipality can use to remove or abate the activity. Section 731 of the Code of Civil Procedure authorizes the District Attorney or the City Attorney to bring a civil action in the name of the People of the State of California to abate public nuisances. Penal Code 372 permits the filing of a criminal complaint. Government Code Sections ~~25485~~, 38771 and 38773.5 authorize cities to enact local enforcement ordinances that establish administrative procedures to abate public nuisances.
- §2.02 The California Constitution (Article XI, section 7) grants cities the police power to enforce their nuisance ordinance.
- §2.03 The City Manager (or in his/her absence the Mayor), or his/her designee, shall be the Enforcement Official.

CHAPTER ONE – PROPERTY NUISANCES

ARTICLE 3: DEFINITIONS:

- §3.01 The legal principle of public nuisance prohibits unreasonable, noxious, or disturbing activities that negatively affect a community or neighborhood.
- §3.02 A nuisance is hereby defined to be:
- 3.02.1 Any condition declared by statute of the State of California or ordinance of the County of Humboldt or City of Ferndale to be a nuisance, or any violation of the City of Ferndale Municipal Code, expressly including, without limitation:
- a. Medical Marijuana Dispensary and Cultivation Ordinance (Ordinance No. 2012-03).
 - b. Building Code Ordinance (Ordinance No. 2011-01).
 - c. Zoning Ordinance (Ordinance No. 02-02).
 - d. Sign Ordinance (Ordinance No. 13-02).
 - e. Any destruction, modification or alteration of any structure located in the Design Control Combining Zone of the City without compliance with the design review and permitting process established by Ordinance No. 02-02 of the City of Ferndale entitled “Zoning Ordinance”.
 - f. And any and all other Ordinances and regulations in the City of Ferndale which affect public health and welfare.
- a. —.
- 3.02.2 Any condition potentially detrimental to any member or members of the public including conditions which are unsafe, potentially unsafe, obstruct the free use or enjoyment of property including but not limited to the following.
- a. Weeds including any of the following: weeds which when mature bear seeds of a downy or wingy nature; any brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property; weeds which are otherwise noxious or dangerous; poison oak and poison ivy when the conditions are such as to constitute a menace to the public health; dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.
 - b. Rubbish means waste matter, litter, trash, refuse, debris, dirt, dry grass, dead trees, tin cans, paper, and waste material of every kind, or other unsanitary substance, object or condition which is or when dry may become, a fire hazard, or which is or may become a menace to health, safety or welfare, or which is offensive to the senses.
 - c. Nuisance property means the following: vehicles, not limited to unregistered, inoperative or dismantled vehicles or vehicle parts; abandoned and broken equipment or machinery or parts thereof;

building materials not currently being used for the construction of improvements on the site; appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, and broken or discarded furniture.

d. Inoperative vehicle means any motor vehicle which cannot be moved under its own power, or cannot be operated lawfully on a California public street or highway, due to removal of, damage to, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or any other part necessary for such movement or lawful operation.

e. “Attractive Nuisance” shall mean any condition, instrumentality or machine located in a building or on premises, which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it.

~~Any destruction, modification or alteration of any structure located in the Design Control Combining Zone of the City without compliance with the design review and permitting process established by Ordinance No. 02-02 of the City of Ferndale entitled “Zoning Ordinance”.~~

~~The placement of any sign in violation of Ordinance No. 13-02 of the City of Ferndale entitled “Sign Ordinance”.~~

~~Any condition that constitutes a visual blight. For purposes of this Code, visual blight is any unreasonable, nonpermitted or unlawful condition or use of real property, premises or of building exteriors which by reason of its appearance as viewed from the public right of way, is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood.~~

~~Any violation of the Ferndale Municipal Code, expressly including, without limitation, the Medical Marijuana Dispensary and Cultivation Ordinance (Ordinance No. 2012-03), the Building Code Ordinance (Ordinance No. 2011-01), the Zoning Ordinance (Ordinance No. 02-02) and any and all other Ordinances and regulations in the City of Ferndale which affect public health and welfare.~~

3.02.3 Any condition determined by the Enforcement Official by the Enforcement Official to be a nuisance based on existing Ordinances listed in Section 3.02.1.

ARTICLE 4: PROPERTY NUISANCES DESCRIBED

Following are some examples of situations that constitute a property nuisance. The list shall not be considered exhaustive. Additional situations may be determined to be a public nuisance by the City's Enforcement Official.

§4.01 Streets, alleys, public-use sidewalks

- 4.01.1 It shall be the duty of every person owning or occupying any lot or block or land in the City of Ferndale which shall be bounded on any side by any legally established public-use sidewalk, street, lane, or alley, or other public thoroughfare to keep such street, public-use sidewalk, lane or alley free from all rubbish, filth, garbage, and obstructions of every kind, as far as the middle of such street or alley and as far as the edge of such public-use sidewalk nearest to the street, and as far in length as the corresponding dimensions of such lot or block. This ordinance shall not prevent a person from using one half of the street adjoining his premises for a reasonable time when such use may be necessary for the purpose of collecting and using material for building or repairing buildings, nor to prevent any person from depositing goods, wares, and merchandise upon any public-use sidewalk, lane, or alley in Ferndale for the purpose of immediately conveying them across the same.
- 4.01.2 No person shall throw, deposit, or place any rubbish, filth, garbage, or obstruction of any kind except as herein above provided in or upon any public street, lane, public-use sidewalk, or alley.
- 4.01.3 It is unlawful for any person, firm or corporation to deposit, drain, wash, allow to run over or upon, divert onto, across or upon any public-use sidewalk, street or alley within the City of Ferndale mud, sand, oil, petroleum or any toxic substance.
- 4.01.4 It shall be unlawful for any person, firm or corporation to wash or cause to be washed, polish or cause to be polished, any vehicle or part thereof upon any public-use sidewalk, street or alley in the City of Ferndale when a charge is made for such service, unless permission is obtained from the City of Ferndale.
- 4.01.5 It shall be unlawful for any person, firm or corporation to deposit on any public-use sidewalk, street, or alley in the City of Ferndale any material that by excessive weight will cause to crack, break or collapse, or that may be harmful to the pavement thereof, or any waste material, glass or other articles that may do injury to any person, animal or property.
- 4.01.6 Car repair. It is unlawful for any person, firm or corporation to repair or cause to be repaired, grease or cause to be greased, construct or cause to be constructed any vehicle or any part thereof upon any public-use sidewalk, street or alley in the City of Ferndale. Provided, however, temporary emergency repairs may be made upon a public street.

§4.02 Weeds, Rubbish, Debris, Junk

~~4.02.1~~—It is unlawful for any person owning, occupying, renting, managing, or controlling any real property in the City to cause or permit any weeds, or to place, cause or permit any rubbish to be or remain on any real property in the city or on portions of streets adjoining such real property to the center line of such streets. It shall be the duty of every such person to remove or destroy such weeds and/or rubbish.

~~Destruction by burning within the city is unlawful unless the written permission of the Chief of the Fire Department is first obtained.~~

~~4.02.24.02.1~~ Trash disposal must be made in an appropriate manner, i.e. through the City's contracted trash pick up service, self-haul to an approved disposal site, or composting in a back yard compost pile.

§4.03 Real Property Maintenance

It is unlawful for any person owning, renting, leasing, occupying, managing or having charge, or possessing of any real property in this City to maintain such premises in such a manner that any of the following conditions are found to exist thereon:

- 4.03.1 A building, structure or portion thereof which is in a dilapidated or dangerous condition so as to be unfit, unsafe, or unsuitable for human occupancy. Such conditions include but are not limited to:
 - a. Inadequate or inoperable mechanical, electrical, plumbing, or sanitation systems or equipment;
 - b. Lack of sound and effective exterior walls or roof covering to provide weather protection;
 - c. Lack of structural integrity, including deteriorated or inadequate foundations, joints, vertical or horizontal support;
 - d. Broken, missing, or inoperable windows or doors constituting a hazardous condition or a potential attraction to trespassers;
 - e. Broken, deteriorated, or substantially defaced structures visually impacting on the neighborhood or presenting a risk to public safety.
- 4.03.2 An abandoned building or structure such as:
 - a. An unoccupied and unsecured building or structure;
 - b. A partially constructed, reconstructed, or demolished building or structure where work is abandoned for 180 consecutive days;
 - c. A damaged or partially destroyed building or structure not removed or repaired within 180 days after the damage or destruction, or, if the removal or repair cannot reasonably be accomplished within 180 days, arrangements must be made with the City Building Official.
- 4.03.3 Property maintained in a condition so defective, unsightly, or in a state of such deterioration, disrepair or neglect that it causes a health, safety or fire hazard or an attractive nuisance to children such as the

following. ~~“Attractive Nuisance” shall mean any condition, instrumentality or machine located in a building or on premises, which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it.~~

- a. The accumulation of dirt, litter, refuse, trash or debris in carports, parking areas, driveways, front yards, side yards, rear yards, vestibules, doorways of buildings, the adjoining sidewalk, or alley;
- b. Storage of personal property (other than items designated for outdoor use) in front, exterior side, or rear yard areas visible to public view, including, but not limited to unregistered, inoperative or dismantled vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, debris, rubbish, and broken or discarded furniture;
- c. Trees, weeds or other vegetation which are dead, decayed, infested, diseased, overgrown, or likely to harbor rats or vermin, or which are visually unsightly;
- d. Abandoned and broken equipment or machinery, or parts thereof;
- e. Fences or walls which lack structural support because of missing or wet soil, missing or failed footings, or missing or failed fastenings, or which otherwise do not stand erect; which are in disrepair due to damage, crumbling mortar, missing bricks or wood, rotted wood, breaks or dents in their structure.
- f. A vehicle or vehicles parked or stored in a front ~~or side~~ yard, except on a driveway or a paved area or behind a solid fence or wall a minimum of six (6) feet in height, on lots in a residentially zoned district.
- ~~g. Parking of vehicles on dirt, grass, or yard surfaces not intended and approved for parking.~~
- ~~h.g.~~ Clothing, linen, towels, laundry, rugs, mattresses, and other similar material hung, placed, or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public property or an area open to the public. Properly installed and maintained clotheslines are permitted.
- ~~i.h.~~ ~~Waste matter or personal property placed~~The accumulation of litter, vegetative debris, or other items which may be unsafe or unsightly on rooftops.
- ~~j.i.~~ Vehicle or vessel repair which occurs in a residentially zoned district and is offensive or detrimental to the health, safety, or welfare of other persons, or which substantially interferes with the reasonable enjoyment of property by other persons, because

- of the substances, odors, noise, or visual clutter created by the repair; or because of the items stored in connection with the repair, or because the repair is performed on a vehicle not owned by the occupant of the property.
- 4.03.4 Buildings, structures, or other surfaces upon which graffiti exists. Graffiti, as used in this section, shall mean defacement, damage, or destruction by the presence of paint or ink, chalk, dye, or other similar substances; or by carving, etching, or other engraving.
- 4.03.5 Any building or structure that is a public nuisance under common law.

ARTICLE 5: ABATEMENT

- §5.01 Abatement Definition: the removal, stoppage, or destruction of that which causes a nuisance.
- §5.02 Abatement Authority
- 5.02.1 The California Constitution (Article XI, section 7) grants cities the police power to enforce their nuisance ordinance.
- 5.02.2 The City has the authority to make the costs of any and all abatement proceedings a special assessment against the parcel collectible at the same time and in the same manners as ordinary taxes through recording a lien on the property.
- §5.03 Summary Abatement (Immediate or Emergency need)
- 5.03.1 Summary Abatement shall be executed when the Enforcement Official determines that the public nuisance constitutes an immediate and/or imminent peril to public health, safety or general welfare.
- 5.03.2 Summary Abatement is the abatement of the nuisance by the City, or a contractor of the City, by removal, demolition, repair or other acts with or without notice to the owner, agent or occupant of the property. The abatement shall be at the expense of the person causing, committing or maintaining the nuisance or the owner of the property on which it is occurring.
- §5.04 Administrative Abatement (Non-emergency)
- Administrative Abatement proceedings as described below will take place when the nuisance is of a non-emergency nature, and the Enforcement Official concurs that the nuisance violates this ordinance.
- 5.04.1 Courtesy Letter: Upon determination by an Enforcement Official that a nuisance exists, a Courtesy Letter will be delivered to the owner, occupant, lessee and/or agent of the property where the nuisance is occurring. The Courtesy Letter will:

- a. Give a sufficient description to identify the property where the nuisance is occurring and shall include the parcel number and address.
 - b. Quote appropriate Ordinance section pertaining to the complaint.
 - c. Describe the condition causing the nuisance.
 - d. Include a description of corrective action that must occur to remedy the violation.
 - e. Advise the owner, occupant, lessee and/or agent of the property that the nuisance must be abated within four (4) weeks of the date of receipt of the Courtesy Letter
 - f. Advise the owner, occupant, lessee and/or agent of the property that failure to abate the nuisance within four (4) weeks will result in further action.
- 5.04.2 Notice and Order: If the nuisance is not abated within four (4) weeks of delivery of the Courtesy Letter, the City will deliver by Certified Mail a Notice of Violation and Order to Abate to the owner, occupant, lessee and/or agent. The Notice and Order may be recorded in the Office of the County Recorder of the County of Humboldt. The Notice and Order will:
- a. Give a sufficient description to identify the property where the nuisance is occurring and shall include the parcel number and address.
 - b. Quote appropriate Ordinance section pertaining to the complaint
 - c. Describe the condition causing the nuisance
 - d. Include a description of corrective action that must occur to remedy the violation.
 - e. Provide dates by which the violation must be commenced and entirely abated;
 - i. Commencement must occur within two (2) weeks and abatement must be complete in a specified amount of time no less than four (4) weeks and no more than six (6) weeks from the delivery of the Notice and Order, depending on the nuisance, unless an extension is granted by the Enforcement Official. The dates shall be set by the Enforcement Official.
 - f. Provide a description of the penalties of failure to remedy the nuisance within the specified time defined as fifty dollars (\$50.00) per day each day beyond the specified time limits until the nuisance is abated, including fifty dollars (\$50.00) per day if the abatement is not commenced within two (2) weeks, and fifty dollars (\$50.00) per day if the abatement is not completed within the time period specified in the Notice and Order up to a maximum of one thousand dollars (\$1000.00).
 - i. Give notice that if the nuisance has not been abated within two (2) weeks of the specified time limit the City shall have the authority to abate the nuisance itself or via

a contractor and that the responsibility for the costs of abatement, including the costs of actual removal or demolition and the associated administrative and legal costs, will be assessed to the owner, lessee and/or occupant of the land on which the nuisance is located and that failure to comply may also warrant the pursuit of further civil and/or criminal charges in accordance with the laws of the State of California.

- ii. Describe the rights of the owner, lessee and/or occupant of the land to request a public hearing before the City Council. (Refer to Section 5.06)

5.04.3 Weed Abatement

- a. The City shall gain the authority to abate/destroy weeds, dry grass, rubbish and other inflammable material or vegetation ten (10) days from the delivery of the Courtesy Letter/Notice to Destroy Weeds. The costs of such abatement, including administrative costs, shall be the responsibility of the property owner.

§5.05 Delivery of Notices

- 5.05.1 Any notice or letter required to be delivered by the ordinance shall be deemed to have been delivered when a copy of said notice is either served personally or has been deposited in the mail, postage prepaid, certified, return receipt requested to the owner and/or occupant, lessee or agent of the property. A copy of the notice may also be prominently affixed to the premises. If no address can be found or is known to the City, then any notice shall be so mailed to such person at the address of the premises where the nuisance is occurring. The failure of any person to receive such notice shall not affect the validity of the proceedings of this ordinance.

§5.06 Public Hearing

- 5.06.1 Upon written request by the owner, lessee or occupant of the property received by the City within two (2) weeks of delivery of the Notice and Order, a public hearing shall be scheduled before the next regularly scheduled City Council meeting. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the Enforcement Official, and other witnesses. The hearing may be continued from time to time by motion of the majority of the City Council. The City may set the matter for public hearing whether or not a public hearing has been requested by an affected owner, lessee or occupant of the property.
- 5.06.2 Within the same two (2) week time period, the owner, lessee or occupant of the property may submit to the City in writing a sworn

declaration that the nuisance does not exist and/or is not their responsibility. In this case, the enforcement officer may call a public hearing and the hearing may proceed without the party present. The decisions made by the City Council shall be binding.

- 5.06.3 Determination of the Council - Upon conclusion of a hearing, the Council may terminate the abatement proceedings or order the abatement to proceed.
- a. The City Council may grant additional time for the responsible party to effect the abatement of the nuisance, provided that such an extension is warranted and limited to a specific time period, set by a motion and passed by a majority of the City Council.
 - b. If the City Council determines that the nuisance shall be abated, the violator shall have 14 days from that determination to abate the nuisance. Failure to do so will result in the accruing of penalty fees and further action.

§5.07 Jurisdiction to Abate

- 5.07.1 Should any public nuisance not be abated within two (2) weeks of the date stated in the Notice and Order or within the time extension granted by the City Council, the City shall have the authority to enter the property and abate the public nuisance.

5.07.2 In abating the nuisance, the City may go to whatever legal extent necessary to complete the abatement of the public nuisance including removal and demolishing of the nuisance. In its discretion the City may seek judicial review and permission to abate any nuisance from any court of competent jurisdiction. All costs shall be recoverable.

§5.08 Denial of Building Permit

~~5.07.25.08.1~~ All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses shall issue no permit, certificate or license for any building or property for which a nuisance abatement proceeding is ongoing, except for any permits necessary or required to abate the identified nuisance condition and any such permit, certificate or license issued in conflict with this provision shall be null and void. In addition to a permit issued to correct an identified nuisance condition, the City shall have the discretion, but not the obligation, to condition issuance of any permit, certificate or license on abatement of the nuisance condition for which the abatement proceeding is ongoing. Any such permit, certificate or license issued in conflict with this provision shall be null and void.

ARTICLE 6: PENALTIES/COST RECOVERY/LIENS

§6.01 Penalty

- 6.01.1 Each day in which a public nuisance is not abated following the commencement and completion dates specified in the Notice and Order will constitute a separate infraction of this ordinance with a penalty of fifty dollars (\$50.00) per day, including fifty dollars (\$50.00) per day if not commenced by the specified date and fifty dollars (\$50.00) per day each day that the nuisance continues to exist on the property beyond the specified abatement deadline, up to a maximum of one thousand dollars (\$1000.00). Additional civil and criminal charges or penalties may be imposed in accordance with the laws of the State of California.
- 6.01.2 Repeat violations of this ordinance by the same responsible party within one year of delivery of the first Notice and Order may result in higher per day penalties, up to one hundred dollars (\$100.00) per day, up to a maximum of two-thousand dollars (\$2,000.00).
- §6.02 Cost Recovery
- 6.02.1 Costs: In the event that the owner, lessee, occupant does not abate the nuisance within the time period specified in the Notice and Order, the City shall retain the right to abate the public nuisance at the expense of the responsible party. Expenses to the owner, lessee, or occupant shall include the actual costs of abatement as well as the associated administrative and legal costs, including court costs and attorneys' fees, city personnel costs, and penalties.
- 6.02.2 Assessment of Costs and Penalties: At a regularly scheduled City Council meeting, of which responsible parties will be notified, the Council shall hear and consider the account, penalties and proposed assessment, together with objections and protests. The Council may make such modifications and revisions of the proposed assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Council shall be final and conclusive.
- 6.02.3 Penalties and/or Costs will be billed directly to the responsible party. Failure to pay will result in the preparation and recording of a lien.
- §6.03 Lien
- 6.03.1 Upon failure of the responsible party to pay penalties and costs, and upon confirmation by the Enforcement Official the Enforcement Official shall cause to be prepared and recorded in the Office of the County Recorder of the County of Humboldt, a Notice of Lien. Said Notice shall contain the following:
- a. An address, parcel number, legal description or other description sufficient to identify the premises.
 - b. A description of the proceedings under which the special assessment was made, including the order of the Council confirming the assessment.
 - c. The amount of the assessment.
 - d. A claim of lien upon the described premises.

- 6.03.2 Upon the recordation of such Notice of Lien, the amount claimed shall constitute a lien upon the described premises.
- 6.03.3 Collection with Ordinary Taxes: The Notice of Lien, after recordation, shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary city taxes, and all laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.
- 6.03.4 The City reserves the right to take such other and further enforcement and/or collection action, as it deems appropriate.

CHAPTER TWO – CONDUCT NUISANCES

ARTICLE 7: CONDUCT NUISANCE DESCRIBED

§7.01 Drugs/Drinking

- 7.01.1 It shall be unlawful for any person to drink or possess upon his or her person an open container of any alcoholic beverage upon any public street, alley or automobile upon public property except as authorized below:
- 7.01.2 No person shall drink or possess upon his or her person any open container of any alcoholic beverage on any park or playground, except with meals at specifically designated areas of any park where facilities are provided.
- 7.01.3 No person shall drink or possess upon his or her person any open container of any alcoholic beverage on any public street or public property, except when specifically authorized in a defined area during a community event that has been duly issued a “Daily On Sale General License” by the State of California Alcoholic Beverage Control Board.
- 7.01.4 Notwithstanding Number 3 above, it shall not be unlawful to drink alcoholic beverages on any park or playground during such time as a permit to sell alcoholic beverages, issued by the State of California Alcoholic Beverage Control Board, is in effect on such park or playground.

§7.02 Dances, parties

- 7.02.1 It shall be unlawful for any person, firm or corporation to conduct a public dance or dance hall in the City of Ferndale without first complying with the terms of this Section.

- 7.02.2 A dance or dance hall is defined as any hall, park, or place where the public is invited to attend a dance, whether an admission fee is charged or not.
- 7.02.3 Any person, firm or corporation desiring to hold a public dance in the City of Ferndale, shall first obtain from the Ferndale Police Chief, a permit. An application for such a permit should be filed with the Police Chief at least three (3) full weeks prior to the date of the proposed dance. No application shall be accepted from any person, firm or corporation unless said person, firm or corporation holds a valid, current Ferndale City Business License.
- a. Upon receipt of an application for a dance permit, the Police Chief shall determine whether licensed and bonded private security will be necessary, at the applicant's expense.
 - b. If liquor will be available at the dance, applicant must provide a liquor license obtained from ABC.
 - c. It shall be unlawful for any person as owner, manager, proprietor, employee or otherwise to keep open any public dance in the City of Ferndale, or to permit any dancing between the hours of 12:00 midnight and 8:00 am of the succeeding day, provided however, the Police Chief may issue a permit allowing the dance to continue after 12:00 midnight and such permit shall clearly designate the dance to which the permit refers, the location of the same, the hour when dancing shall cease, the name of the person conducting the same, and the date for which the permit is issued.
 - d. Before the issuance of any permits authorizing a public dance, the Police Chief shall first approve the location of the proposed dance and the permit shall be valid only for the location indicated.
 - e. Any denial of an application for a permit to hold a public dance in the City of Ferndale by the Police Chief may be appealed to the Ferndale City Council, which decision shall be final.

§7.03 Curfew

- 7.03.1 No minor person under the age of eighteen (18) years shall loiter, loaf or congregate or be present at or be upon any public street, way, square, park, place, building or in any place of business, or business house, or public dance hall or other place designed for the accommodation of the public between the hours of eleven (11:00) p.m. of one day and five (5:00) a.m. of the following day. Any person who has not attained his eighteenth birthday shall be deemed to be under the age of eighteen (18) years.
- 7.03.2 No minor person under the age of sixteen (16) years shall loiter, loaf or congregate or be present at or to be upon any public street, way, square, park, place, building or at or in any place of business, or

business house, or public dance hall or other place designed for the accommodation of the public between the hours of ten (10:00) p.m. of one day and five (5:00) a.m. of the following day. Any person who has not attained his sixteenth birthday shall be deemed to be under the age of sixteen (16) years.

- 7.03.3 The provisions of this section shall not apply to any minor who at the time mentioned in 1 and 2 is accompanied by his parent, guardian or other adult person having the lawful custody of such minor.
- 7.03.4 The provisions of this section shall not apply to the following places, public theatres and places where supervised entertainment or play or instruction for minors under the age of eighteen (18) years is conducted; provided that this exception shall apply only to minors who are in attendance at such theatres or places for the purpose of attending the entertainment, supervised entertainment, play or instruction thereby afforded.
- 7.03.5 The provisions of this section shall not apply to any minor while engaged in going to or returning from, in direct route, the place mentioned in 4 and his home or other place of abode, provided such minor does not stop or loiter or loaf or congregate or deviate from such route.
- 7.03.6 The provisions of this section shall not apply to any minor who is lawfully employed, or to such a minor while engaged in going to or place of employment and his place of abode.

§7.04 Noise

- 7.04.1 It shall be unlawful for any person to make, continue or cause to be made or continued, within the limits of the City of Ferndale, any disturbing, excessive or offensive noise which causes discomfort or annoyance to any reasonable persons of normal sensitivity residing in the area.
- 7.04.2 The following acts, among others, are declared to be offensive, loud, disturbing, and unnecessary noises originating from residential properties or on public ways in violation of this section, but such enumeration shall not be deemed to be exclusive:
 - a. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, stereo, television, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residential inhabitants at any time with volume louder than is necessary for convenient hearing for the persons who are in the room, vehicle, or chamber in which such machine or device is operating and who are voluntary listeners. The operation of any such set, instrument, phonograph, stereo, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be

- plainly audible at a distance of fifty (50') feet from the residential building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section;
- b. The using, operating, or permitting to be played, used, or operated of any radio receiving set, stereo, tape recorder, sound amplifier, or other machine or device for producing or reproducing sound from any motor vehicle on any public street at any time with volume louder than is necessary for convenient hearing for the persons who are in the motor vehicle in which such sound machine or device is operating and who are voluntary listeners. The operation of any such sound machine or device in such a manner as to be plainly audible at any time at a distance of ten (10') feet from the motor vehicle in which it is located shall be prima facie evidence of a violation of this section; and
 - c. Yelling, shouting, hooting, whistling, or singing originating from any residential property or upon any public way at any time so as to annoy or disturb the quiet comfort or repose of persons in the vicinity; and
 - d. Construction-related noise near residential uses. Construction work or related activity which is adjacent to or across a street or right of way from a residential use, except between the hours of 7 a.m. and 7 p.m. on weekdays, or between 8 a.m. and 7 p.m. on Saturday and Sunday. No such construction is permitted on Federal holidays. As used in this section, "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property.

ARTICLE 8: PENALTIES

- §8.01 Any person or persons violating any provision or provisions of Article 7 shall be deemed guilty of a misdemeanor, and shall be punishable on conviction by a fine of not more than One Thousand (\$1000.00) Dollars, or by imprisonment in the County Jail for not more than one (1) year, or by both fine and imprisonment.

CHAPTER THREE – ANIMAL NUISANCES

ARTICLE 9: ANIMAL NUISANCES DESCRIBED

§9.01 Horses and other farm animals (Livestock)

- 9.01.1 It is unlawful for any person to cause or permit or allow any domestic chicken, turkey, duck, swine, goose, horse, burro, mule, cow, bull, steer, ox, sheep, or goat or pig to run at large, or to be astray within the corporate limits of the City of Ferndale.
- 9.01.2 No person shall keep any swine within the city limits except (1) when housed at the Fairgrounds for purposes of exhibition, or (2) when zoning requirements allow for it.
- 9.01.3 It shall be the duty of all animal owners, allowing their animals off their property, to clean up after the animal. Owners allowing animals to defecate on property other than their own, shall clean up after their animal. Owners in violation of this section shall be cited.
- 9.01.4 No person shall ride, drive or lead a horse along or upon any sidewalk in the City of Ferndale.
- 9.01.5 In addition to the summary abatement procedures listed in this ordinance, livestock burial shall be at least 200' from a business or residence.

§9.02 Dogs and other domestic pets

- 9.02.1 Confined to owner's premises: It is unlawful for any person to cause or permit or allow any dog or dogs, owned, harbored, controlled or kept by him, to roam or run or stray away from the premises where the same is or are owned, harbored or kept, at any time, except in the custody and control of the owner or some responsible person authorized by the owner.
- 9.02.2 Leashed when away from home: Dogs shall be kept on a leash not to exceed eight (8) feet in length in all areas of the incorporated City, not on the owner's premises.
- 9.02.3 Puppy vaccination: Pups to be restrained until after vaccination. All dogs under four months of age shall be confined to the premises of, or kept under the physical restraint by the owner, keeper or harborer, and such restraint shall continue until a period of thirty (30) days has elapsed after vaccination of the particular dog with an approved anti-rabies vaccine.
- 9.02.4 Females strictly confined. All unsprayed female dogs shall be strictly confined to the owner's premises when the dog is in breeding condition.
- 9.02.5 Barking Dogs: It shall be unlawful for any person to cause or permit or allow any dog or dogs, owned, harbored, controlled or kept by said

person to disturb the peace of the neighborhood with unnecessary barking for more than five minutes.

- 9.02.6 It shall be the duty of all animal owners, allowing their animals off their property, to clean up after the animal. Owners allowing animals to defecate on property other than their own, shall clean up after their animal. Owners in violation of this section shall be cited.

§9.03 Bees

- 9.03.1 No person shall keep more than two hives of bees on any one assessor's parcel within the City of Ferndale. The provisions of this section shall not apply to the keeping of bees within an educational institution for study or observation or for scientific purposes provided such bees are not permitted to fly at large.

§9.04 Slaughterhouses

- 9.04.1 Slaughterhouses will not be allowed within the City limits.

ARTICLE 10: PENALTY

- §10.01 Any person violating the provisions of Article 9 shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed \$1000 and imprisonment in the county jail not to exceed one year, or both.

ARTICLE 11: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 12: EFFECTIVE DATE

This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 13: POSTING REQUIREMENT

The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 14: ENACTING DATE AND SIGNATURES

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE AT A REGULAR MEETING ON November 16, 2006 BY THE FOLLOWING VOTE.

AYES:

NOES:

ABSENT:

ATTEST:

~~Frances Scalvini~~, City Clerk

Mayor

First Reading: August 3, 2006
Second Reading: September 7, 2006
Amended 2nd Reading: November 16, 2006

Meeting Date:	May 1, 2014	Agenda Item Number	13.f.
Agenda Item Title	Update on PG&E Rule 20A Undergrounding Project		
Presented By:	City Manager, Jay Parrish		
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION

Receive and file update on the PG&E Rule 20A Undergrounding Project from City Manager Parrish.

DISCUSSION:

At its regular meeting on February 6, 2014, the City Council heard from City Manager, City Attorney Gans and several members of the public about the process the City needs to engage in to identify and select the project area to comply with CEQA. City Manager has pulled together a team to manage this process and will give an update. At the regular City Council meeting of March 6, 2014, the City Manager reported that the City had a public meeting on March 1, open to members of the public where a number of potential sites for the undergrounding project were identified. The meeting was well attended and everyone was encouraged to put down their preferred undergrounding route.

The next public meeting on this topic will be held on Saturday, May 3, 2014 at 11:00 at City Hall. Staff will post notices for the meeting and publish a notice in the Enterprise.

FINANCIAL IMPACT:

No financial impact to City, however the project will use Rule 20a monies from PG&E, which amount to \$454,000.

Meeting Date:	May 1, 2014	Agenda Item Number	13.g.
Agenda Item Title	City Auditor Contract Renewal		
Presented By:	City Manager, Jay Parrish		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION

Approve renewal of contract with Joseph Arch, CPA of JJACPA, Inc. to provide Annual Auditing Services for the City and direct the City Manager to sign the contract extension for one additional year.

DISCUSSION:

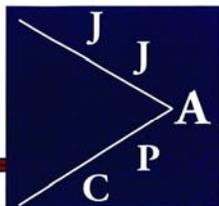
On June 6, 2013 the City Council voted to approve the contract with Joseph Arch, CPA of JJACPA to provide for annual auditing services for FY 2012-2013 for Ferndale. The current contract would be to provide for annual auditing services for FY 2013-2014.

FINANCIAL IMPACT:

General Fund, Professional services (10145052)

ATTACHMENT:

Proposed contract for Auditing Services from Joseph Arch, CPA of JJACPA

**JJACPA, Inc.**

A Professional Accounting Services Corp.

April 15, 2014

Jay Parrish
City Manager
City of Ferndale
834 Main Street
P.O. Box 1095
Ferndale, CA 95536

Dear Jay:

You have requested that we audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Ferndale (City), as of June 30, 2014, and for the year then ended and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit.

Accounting principles generally accepted in the United States of America require that management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by *the Governmental Accounting Standards Board*, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Budgetary Comparison Information

Supplementary information other than RSI will accompany the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:¹

- Combining and individual nonmajor fund financial statements.

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the financial statements:

- Introductory Section

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves

performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and Government Auditing Standards of the Comptroller General of the United States of America.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- c. To provide us with:
 - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
 - ii. Additional information that we may request from management for the purpose of the audit; and
 - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit.

We will issue a written report upon completion of our audit of the City's basic financial statements. Our report will be addressed to the governing body of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of Government Auditing Standards, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

The timing of our audit will be scheduled for performance and completion as follows:

	<i>Begin</i>	<i>Complete</i>
Document internal control and preliminary tests	5/27/14	5/30/14
Mail confirmations	7/1/14	7/1/14
Trial Balance sent to JJACPA	9/15/14	9/15/14
Perform year-end audit procedures	9/22/14	9/26/14
Issue audit report	12/12/14	12/12/14

Joseph Arch is the engagement partner for the audit services specified in this letter. His responsibilities include supervising JJACPA's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses. Invoices will be rendered every two weeks and are payable upon presentation. We estimate that our fee for the audit will be \$14,380. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the City's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

This agreement shall be governed by the laws of the State of California. If a dispute arises out of the audit engagement described herein and if the dispute cannot be settled through negotiations, the parties agree first to try in good faith to settle the dispute by mediation using an agreed upon mediator. If the parties are unable to agree on a mediator, the parties shall petition the state court that would have jurisdiction over this matter and request the appointment of a mediator, and such appointment shall be binding on the parties. Each party shall be responsible for its own mediation expenses and shall share equally in the mediator's fees and expenses.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

We will provide the City with the following nonattest services:

- Prepare the financial statements based on information in the trial balance and other relevant information that is provided by, and is the responsibility of, management.
- Prepare the State Controller's Financial Transactions Report and Annual Street Report based on information in the trial balance and other relevant information that is provided by, and is the responsibility of, management.

With respect to any nonattest services we perform, the City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

At the conclusion of our audit engagement, we will communicate to the City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of JJACPA, Inc. and constitutes confidential information. However, we may be requested to make certain audit documentation available to state and federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of JJACPA's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

In accordance with the requirements of Government Auditing Standards, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

JJACPA, Inc.

JJACPA, Inc.,
7080 Donlon Way, Suite 204,
Dublin, CA 94568

RESPONSE:

This letter correctly sets forth our understanding.

City of Ferndale

Acknowledged and agreed on behalf of City of Ferndale by:

Title: _____

Date: _____



California Society of CPAs
1800 Gateway Dr., Ste. 200
San Mateo, CA 94404

March 24, 2014

Joseph James Arch, CPA
JJACPA, Inc.
7080 Donlon Way Ste 204
Dublin, CA 94568

Dear Mr. Arch:

It is my pleasure to notify you that on March 19, 2014 the California Peer Review Committee accepted the report on the most recent system peer review of your firm. The due date for your next review is March 31, 2017. This is the date by which all review documents should be completed and submitted to the administering entity. If your due date falls between January and April, you can arrange to have your review a few months earlier to avoid having a review during tax season.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Sincerely,

A handwritten signature in black ink that reads "Linda McCrone".

Linda McCrone, CPA
Director, Peer Review Program

cc: Keith A May

Firm Number: 10155457 Review Number 355199



System Review Report

To the Stockholders

JJACPA, Inc.

and the Peer Review Committee of the California Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of JJACPA, Inc. (the firm) in effect for the year ended September 30, 2013. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of JJACPA, Inc. in effect for the year ended September 30, 2013, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. JJACPA, Inc. has received a peer review rating of *pass*.

A handwritten signature in black ink that reads "Richey May & Co." in a cursive, stylized script.

Englewood, Colorado

January 7, 2014

Meeting Date:	May 1, 2014	Agenda Item Number	13.h.
Agenda Item Title	Consider Request from Larry Doss to Amend Zoning Ordinance 02-02		
Presented By:	City Manager Parrish or City Clerk Conner		
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION: Receive and File.

BACKGROUND: In early April, 2014 staff received a request from Ming Tree Realtors for a burn letter for 420 Schley. Staff informed them that since this dwelling - a duplex in an R1 Zone (Single-Family) - is a non-conforming use that was grandfathered in, it could not be re-built as is if it burned down. Staff also explained that the demolition and reconstruction of the duplex would not be eligible for a variance under Ferndale's Zoning Ordinance 02-02. They were further advised that the duplex could remain as a non-conforming use so long as the owners did not destroy more than 60% of the building and the renovations don't cost more than 25% of the actual value of the building. After numerous discussion and written communications on the matter, Larry Doss, Broker/President at Ming Tree Realtors, submitted the attached letter with a request to amend Ferndale's Zoning Ordinance 02-02 to rectify this situation.

Staff will research and bring back to Council with a recommendation in the near future.

FISCAL IMPACT: Unknown.

ATTACHMENT:

Letter from Larry Doss of Ming Tree Realtors

April 18, 2014

City of Ferndale City Council
c/o City Clerk



re: Zoning Ordinance 02-02

Dear City Clerk & City Council Members,

Thank you for your time and consideration with this matter concerning the Ferndale 02-02 ordinance currently in conflict with mortgage lending requirements. We have completed research in regards to Ferndale's 02-02 ordinance and found a few reasons within the ordinance to compel the city to amend the 02-02 ordinance to allow for structures currently in question to be granted a legal standing within the ordinance.

The issue, which is driven by mortgage requirements, causes several Ferndale properties to become non-financeable per mortgage lender's requirements because of the 02-02 ordinance. These requirements are not new but were not widely of concern by lenders prior to the new finance regulations, resulting from the national financial institutions' failures of 2008 to present. For Ferndale property owners, this would not be noticeable until an owner attempts to sell or refinance their property and will find this issue makes it impossible to do so thus making Ferndale properties less valuable.

We became involved after being hired to sell 420 Schley and successfully have stewarded a sale to this point. However we are not able to complete the sale because the property is not financeable due to the zoning change and operational policy of Ferndale. We are interested in solving both our buyer and seller's problem and complete the sale but also interested in solving this problem for the benefit of all Ferndale property owners.

Our suggested correction would be to adopt an amendment to the 02-02 ordinance similar to the previously adopted amendment known as 6.07 (2012-01 1/5/12). In addition, the corrections should have broad language to allow for the city's planning designee to accommodate if necessary, the issuance of "burn letters" or similar documents for purposes of owners continued use of their properties in a similar manner.

I request to have this item added to the May 1, 2014 Ferndale City Council meeting agenda.

Thank you,

A handwritten signature in blue ink, appearing to read "Larry O. Doss", is written over a faint, larger signature.

Larry O. Doss
Broker/President

BRE#01196417

Meeting Date:	May 1, 2014	Agenda Item Number	13.i.
Agenda Item Title	Rose Ave Pedestrian Project Change Order		
Presented By:	Jay Parrish, City Manager and Praj White, City Engineer		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Approve authorization to execute Change Order #1, in the amount of \$34,529.30 to V & C Construction for the Rose Ave Pedestrian Improvement Project (Phase 2).

BACKGROUND

In November 2012, the City entered into an agreement with CalTrans to receive \$250,000 of federal funds to construct sidewalks and curb ramps along Rose Avenue from Berding Street to McKinley Avenue. The breakdown in budget for this project is \$18,000 for Project Approval & Environmental Document (PA&ED) and the Plans, Specifications and Estimates (PS&E), \$197,256 for Construction and \$34,744 for Construction Management.

In September of 2013, the City Engineers office completed the plans and specs and the project was advertised for bidding. On October 11th, 2013, the City of Ferndale awarded \$155,558.00 to V&C Construction for the Rose Avenue Pedestrian Improvement Project (Phase 2). Due to the timing and possibility of inclement weather, it was later decided that the project should be put on hold until the summer.

Because, the project came in \$41,698.00 under the budgeted amount, Engineering began working on additions to the plans to take advantage of the additional funds. Approximately 9 more driveways and additional sidewalk work was added. Engineering worked with V&C Construction to prepare a Change Order for the additional work. This project could start in early June.

Original Contract amount	\$155,558.00
Change Order #1	\$34,529.30
New Contract amount	\$190,087.30
Budget	\$197,256.00
Remaining Contingency Funds	\$7,168.70

FINANCIAL IMPACT: The City would be responsible for pavement marking and signage (for vehicular guidance only) resulting from the proposed improvements. The portion of striping and signage associated with this work equates to \$8,995.50. These funds will come from the TDA Street Projects account (#24315022).

Rose Ave Pedestrian Improvements Phase 2

**CHANGE ORDER
#1**

April 14, 2014

GENERAL:

This is contract change order #1 for the Rose Ave Pedestrian Improvements Phase 2 Project to the original contract agreement executed on October 29, 2013 between City of Ferndale and V & C Construction, Inc.

CHANGE:

Additional work added to original contract. See Attached.

COST:

Additional Work *\$34,529.30*

Total cost added to contract: \$34,529.30

Total working days added to contract 15

AGREED: Change order #1

*City of Ferndale
By:*

*V & C Construction, Inc.
By:*

Date



4/14/14

Date

Section 14

CORRESPONDENCE

Correspondence Files are available for review at City Hall during regular business hours, Monday through Thursday, 9am to 4pm.



Jay Parrish
City Manager
P.O. Box 1095
Ferndale, CA 95536-1095

Dear Jay Parrish,

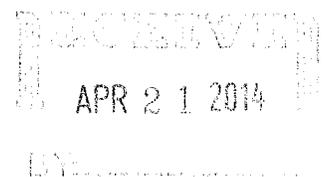
Two years ago, the California Statewide Communities Development Authority (CSCDA) established the CaliforniaFIRST program, a Property Assessed Clean Energy (PACE) program to serve its member cities and counties. Through CaliforniaFIRST, CSCDA issues bonds to provide financing for private property owners that wish to install renewable energy, energy efficiency and water efficiency improvements on their property and to repay the financing as an assessment on their property tax bill.

The CaliforniaFIRST program is currently operating in 17 counties and 167 cities in California. The program operates pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code, which is commonly referred to as "AB 811".

CSCDA has the authority to establish a PACE program in the territory of each city and county that is a member of CSCDA. Historically, CSCDA established CaliforniaFIRST programs only in the counties and cities that asked it to do so. However, this piecemeal approach resulted in a lengthy, expensive process, most notably as a result of the judicial validation process. Consequently, CSCDA has decided to establish a CaliforniaFIRST program in the 40 remaining counties that are members of CSCDA in which it does not currently operate a CaliforniaFIRST program and to file a single related judicial validation action. The savings in legal and administrative costs from this approach will be passed on to property owners.

We want to make it very clear, however, that CSCDA will **not** operate the CaliforniaFIRST program within the boundaries of your City unless and until your City Council passes a resolution asking CSCDA to operate the CaliforniaFIRST program in its territory. A sample resolution is enclosed. If the City Council does not ask CSCDA to operate the CaliforniaFIRST program in its territory, the program will remain dormant in that territory. If the City Council does want to join the program, please visit https://californiafirst.org/opt_in to download a sample staff report, editable version of the resolution to join, and instructions on public notice.

CM
Corres



CaliforniaFIRST program representatives can assist the appropriate member of your staff about the resolution to join the program.

If you have any questions, or wish to discuss the program, please contact the CSCDA Program Manager, Caitlin Lanctot:

Caitlin Lanctot,
Program Manager, CSCDA
Telephone: (925) 280-4394
Email: clanctot@cacommunities.org

Thank you in advance for your consideration.

Regards,

A handwritten signature in cursive script that reads "Chris McKenzie".

Chris McKenzie
Executive Director
League of California Cities

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE [CITY OF ___/COUNTY OF ___] TO JOIN THE CALIFORNIAFIRST PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE [CITY/COUNTY]; AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority ("CSCDA") is a joint exercise of powers authority the members of which include numerous cities and counties in the State of California, including the [City of ___/County of ___] ([the "City"/"County"]); and

WHEREAS, CSCDA has established the CaliforniaFIRST program (the "CaliforniaFIRST Program") to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements (the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") and the issuance of improvement bonds (the "Bonds") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the "1915 Act") upon the security of the unpaid contractual assessments; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

WHEREAS, the [City/County] desires to allow the owners of property within its jurisdiction ("Participating Property Owners") to participate in the CaliforniaFIRST Program and to allow CSCDA to conduct assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to finance the Improvements; and

WHEREAS, CSCDA will conduct assessment proceedings under Chapter 29 and issue Bonds under the 1915 Act to finance Improvements;

WHEREAS, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by CSCDA in connection with such assessment proceedings (the "ROI"), a copy of which is attached hereto as Exhibit A, and the territory within which assessments may be levied for the CaliforniaFIRST Program shall [*if a County*: be coterminous with the County's official boundaries of record at the time of adoption of the ROI] [*if a City*: include all of the territory within the City's official boundaries of record] (the "Proposed Boundaries"); and

WHEREAS, [*if a City*: the City will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program] [*if a County*: the County will not be responsible for the conduct of any assessment proceedings; the levy of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program]; and

WHEREAS, pursuant to Government Code Section 6586.5, a notice of public hearing has been published once at least five days prior to the date hereof in a newspaper of general circulation in the [City/County] and a public hearing has been duly conducted by this [City Council/Board of Supervisors] concerning the significant public benefits of the CaliforniaFIRST Program and the financing of the Improvements;

NOW, THEREFORE, BE IT RESOLVED by the [City Council/Board of Supervisors] of the [County of ____/City of ____] as follows:

Section 1. On the date hereof, the [City Council/Board of Supervisors] held a public hearing and the [City Council/Board of Supervisors] hereby finds and declares that the issuance of bonds by CSCDA in connection with the CaliforniaFIRST Program will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs and reductions in effective user charges levied by water and electricity providers within the boundaries of the [City/County].

Section 2. In connection with the CaliforniaFIRST Program, the [City/County] hereby consents to the conduct of special assessment proceedings by CSCDA pursuant to Chapter 29 on any property within the Proposed Boundaries and the issuance of Bonds under the 1915 Act; provided, that

(1) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI;

(2) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(3) [If a city: The City will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program.] [If a county: The County will not be responsible for the conduct of any assessment proceedings; the levy of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program.]

(4) The issuance of Bonds will occur following receipt of a final judgment in a validation action filed by CSCDA pursuant to Code of Civil Procedure Section 860 that the Bonds are legal obligations of CSCDA.

Section 3. Pursuant to the requirements of Chapter 29, CSCDA has prepared and will update from time to time the "Program Report" for the CaliforniaFIRST Program (the "Program Report"), and CSCDA will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

Section 4. The appropriate officials and staff of the [City/County] are hereby authorized and directed to make applications for the CaliforniaFIRST program available to all property owners who wish to finance Improvements; provided, that CSCDA shall be responsible for providing such applications and related materials at its own expense. The following staff

persons, together with any other staff persons chosen by the [City Manager/County Administrator] from time to time, are hereby designated as the contact persons for CSCDA in connection with the CaliforniaFIRST Program: _____ [specify name of individual or position].

Section 5. The appropriate officials and staff of the [City/County] are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents as are reasonably required by CSCDA in accordance with the Program Report to implement the CaliforniaFIRST Program for Participating Property Owners.

Section 6. The [City Council/Board of Supervisors] hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

Section 7. This Resolution shall take effect immediately upon its adoption. The [City Clerk/Clerk of the Board] is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of CSCDA.

PASSED AND ADOPTED this _____ day of _____, 20__ by the following vote, to wit:

AYES: Council/Board Members _____

NOES: Council/Board Members _____

ABSENT: Council/Board Members _____

ABSTAIN: Council/Board Members _____



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0044
1-800-400-7115 • FAX 1-916-322-0187
www.boe.ca.gov

BETTY T. YEE
First District, San Francisco
SEN. GEORGE RUNNER (Ret.)
Second District, Lancaster
MICHELLE STEEL
Third District, Orange County
JEROME E. HORTON
Fourth District, Los Angeles
JOHN CHIANG
State Controller
CYNTHIA BRIDGES
Executive Director

March 31, 2013

CITY MANAGER
CITY OF FERDALE
P. O. BOX 1095
FERDALE, CA 95536

Dear City or County Official:

As you know, we collect California's state and local sales and use taxes and allocate a portion of those taxes to local jurisdictions, including yours. We are working hard to reduce the state's tax gap by reaching out to Californians to help them better understand use tax, why they should pay it, when they should pay it, and how they should pay it.

Why are we writing to you?

Use tax, like the sales tax, helps fund vital services in your community, and we are asking for help to educate the public about why it is important to pay use tax.

What can you do to help?

We request that you place an Internet link on your website so your visitors can easily find our informative use tax webpage. It is easy to understand and features short, interesting videos.

We have developed two web-based graphics available for use on your website. You can download them at www.boe.ca.gov/sutax/use-tax.htm. The link to our webpage is imbedded in these graphics.

We are trying to reach average consumers, so please place the graphic in an area on your website that is easy for visitors to locate.

We would like to hear from you

Please email us at SUTD-CitiesCounties@boe.ca.gov to let us know where you have placed our link on your website. We'd like to check it out! You can also contact us at this email address if you have questions or need assistance downloading our link to your website.

Thank you for your help.

STATE BOARD OF EQUALIZATION

Paying use tax . . . Good for you. Good for California.

✓ CM
Corres

RECEIVED
APR 14 2014

Subject: Sign Ordinance Letter
From: Doug Brower <brower777@sbcglobal.net>
Date: 4/24/2014 8:00 AM
To: "cityclerk@ci.ferndale.ca.us" <cityclerk@ci.ferndale.ca.us>
CC: "citymanager@ci.ferndale.ca.us" <citymanager@ci.ferndale.ca.us>

Dear City Clerk and City Manager,
As per our meeting on 4/22/14 and further discussion on 4/23/14 I am submitting this letter to the City Council as you suggested.

City Council,
I am respectfully submitting this letter of request and ask that you consider my request seriously as I feel it is in the best interest of the City and the local business' that it affects.

On 4/2/14 my business and several others received a letter from the City that we had signs that were not in compliance with the new sign ordinance and we needed to remove the signs within four weeks of the letter or further action would be taken. As of today's date I have seen no one take their signs down and I have seen one new one go up. This indicates to me that Merchants like myself see the value and importance of having such signs and being competitive.

In my particular case, I do not feel my sign is in violation of the new ordinance because Article 12 of the new ordinance allows for a pre-existing non-compliant sign to remain. Since my sign was in compliance prior to this ordinance it should be allowed according to Article 12. I have taken this up with the City Manager.

When the ordinance was designed I do not think Restaurants and the importance of such signs were considered equally to the importance of beer signs in bars and stores. As an owner of two restaurants in Ferndale, one with a lighted open sign and one without, I can tell you it does make a difference.

I am requesting that the City Council put a temporary moratorium on the portion of the sign ordinance that deals with lighted open signs and consider developing some other language and or options that will not adversely effect local restaurants.

I am respectfully making this request because as a businessman my vary livelihood is at stake here. We depend on our business to provide for our family as do the other merchants in town. Allowing one type of industry to have lighted signs that helps their business and not allowing those in the restaurant industry to have lighted signs that directly help them is discriminating. Please consider my request and let's all work together to find a resolve to this matter before it becomes yet another legal mess for the city.

Sincerely,
Doug Brower
Ferndale Pie Company

April 18, 2014

City of Ferndale City Council
c/o City Clerk



re: Zoning Ordinance 02-02

Dear City Clerk & City Council Members,

Thank you for your time and consideration with this matter concerning the Ferndale 02-02 ordinance currently in conflict with mortgage lending requirements. We have completed research in regards to Ferndale's 02-02 ordinance and found a few reasons within the ordinance to compel the city to amend the 02-02 ordinance to allow for structures currently in question to be granted a legal standing within the ordinance.

The issue, which is driven by mortgage requirements, causes several Ferndale properties to become non-financeable per mortgage lender's requirements because of the 02-02 ordinance. These requirements are not new but were not widely of concern by lenders prior to the new finance regulations, resulting from the national financial institutions' failures of 2008 to present. For Ferndale property owners, this would not be noticeable until an owner attempts to sell or refinance their property and will find this issue makes it impossible to do so thus making Ferndale properties less valuable.

We became involved after being hired to sell 420 Schley and successfully have stewarded a sale to this point. However we are not able to complete the sale because the property is not financeable due to the zoning change and operational policy of Ferndale. We are interested in solving both our buyer and seller's problem and complete the sale but also interested in solving this problem for the benefit of all Ferndale property owners.

Our suggested correction would be to adopt an amendment to the 02-02 ordinance similar to the previously adopted amendment known as 6.07 (2012-01 1/5/12). In addition, the corrections should have broad language to allow for the city's planning designee to accommodate if necessary, the issuance of "burn letters" or similar documents for purposes of owners continued use of their properties in a similar manner.

I request to have this item added to the May 1, 2014 Ferndale City Council meeting agenda.

Thank you,

A handwritten signature in blue ink, appearing to read "Larry O. Doss", is written over a white background.

Larry O. Doss
Broker/President

BRE#01196417

Section 15

REPORTS

City of Ferndale, Humboldt County, California USA
City Manager's Report for May 1, 2014 City Council Meeting
Reporting to April 20, 2014

CITY MANAGER

Meetings

- Kiwanis meeting 1st and 3rd Tuesday of the month at 4:30 pm
- City Council meeting – April 3rd –Study Session 6:30 pm- Regular meeting from 7:00 – 9:30 pm
- SRWC meeting- April 8th - 2:00-5:00 pm
- City Manager meeting April 17th 3:00- 5:00 pm
- Numerous discussions with Ad Hoc committee to go over best use of Nilson Barn site. Met on April 24th with Ad Hoc committee and engineer to go over potential parking designs and discuss planning issues and potential CEQA applicability. Coordinated meetings and discussions with engineers and planners to help facilitate requested information for Ad Hoc committee. It should be recognized that these interactions did require some additional expenses to the projects overall cost. At last month's meeting there was some input that the Ad Hoc committee should revisit plans that would allow the existing shed to remain. A group that is working on this still feels that they can put together revenues that will be adequate to achieve this goal while coming up with a design that would be aesthetically pleasing. We will meet again before council meeting to further discuss possibilities.
- Conversations with Dan York and David Erickson about a tour of the Eel River Estuary Preserve with the Council. Hope to be able to do that before our regular scheduled meeting on April 6th. It turns out that I was the only one available last month, but we are hoping that we can set something up in the near future for more of the council to attend. Councilman Sweeney has already voiced his interest to participate in the next field trip.
- A number of conversations with Fire department representatives and other organizations that may want to help facilitate the placement of property numbers on street curbs. David Griffith said that he may have the stencils for the numbering and he may know a non-profit group that is interested in the project. Although this is not a city project we are supportive knowing that it is a project that helps our fire department, ambulance, and police with emergency calls.
- Numerous conversations with Chamber of Commerce President regarding collaborative projects. I am still gathering information about possible streetlight replacements. We have also explored a number of flag/banner accessory hangers that can be applied to our present streetlights. Those accessory hangers have been purchased by the Chamber and Public Works will hang and paint them, as well as change them when the Chamber requests. It is our intention that the Chamber will manage the flags throughout the year.
- Numerous conversations with planner and Police Chief discussing parking issues and remedies that might reduce the need for the quantity of parking now required in our present ordinance for downtown businesses. Staff has been working on this for quite awhile and we hope to bring a revised parking ordinance with reduced requirements to council soon. Staff has continued to work on the parking requirements and is now asking the council if it would like us to move forward with a Parking Ordinance that eliminates parking requirements downtown as it relates to individual establishments and onsite parking for previously developed properties.
- Numerous conversations with Auditor related to inclusion of infrastructure in our auditing criteria and other related items such as contract extension and timeline of what interaction might look like should the council agree to an extension.
- Set up a public meeting to go over the potential undergrounding of PG&E lines somewhere in

Ferndale. The first meeting was on March 1st, and the second meeting will be on April 26th at City Hall between 11:00 am and 1:00 pm. The first meeting was successful in getting input as to favored potential routes around the city.

- Conversation with CalRecycle to receive moneys related to curbside pickup. Filled out an application for Recycling grant and have been told that was successful. Contacted our webmaster about including on our website information about recycling. The information regarding recycling should be on our website now and I was contacted by Spenser Fine that our site inspection will be sometime within the next few weeks.
- Numerous meetings with HWMA representatives, ERD representatives and the City of Fortuna and Rio Dell city managers regarding the transportation and despoil of solid waste as it pertains to our franchise agreement and how it will be handled now that HWMA has picked Solid waste of Willits to handle transportation and Pitoria as the destination of the material instead of Anderson.
- Meetings with staff to go over workload and efficiency. Elizabeth Conner has agreed to continue on as the City Clerk as we work through this transition period. The new City Clerk and Treasurer positions are on hold until the June elections give us guidance as to whether we will appoint those positions or have elections. Meanwhile Elizabeth has agreed to help fill that position until we get clarity. The Finance and administration positions have been filled by very talented individuals that are already serving the community like seasoned veterans.
- Numerous conversations with staff and consultants regarding the Sign Ordinance and how previous interior lit signs are affected regarding compliance and non-compliance issues. There are a couple of signs that were up before the new ordinance and whether they are allowed or not has been questioned by at least one business. Currently this research is centered around some open/closed signs and vacancy signs may fall into the same situation.
- Multiple conversations and meetings with Rio Dell CM and Fortuna CM to discuss common issues .
- Several discussions with Gerald Silva regarding Russ Park LLA agreement, and they are not ready to move forward as of last week.
- Numerous discussions and meetings with county and RCD representatives regarding the culvert replacement at Port Kenyon and Francis Creek. The City has a sewer line and manhole that will be within the footprint of the project and may need to be replaced also.
- Check signing and invoice review for the City.
- Conversations with John Driscoll, Jared Huffman's representative, regarding Ferndale issues.
- Numerous conversations with County Supervisor Bohn regarding common issues.
- Numerous meetings with individual councilmen and the mayor regarding City issues, and updates about representation on the various joint power authorities and issues that relate to our membership on those organizations. We have also added a couple of Ad Hoc committees that have increased the amount of interaction to include those subjects.
- Several routine conversations with Jo Ann Rennie, executive director of Parsac, related to risk management issues.
- We have installed a valve in the Community Center that allows us to shut off the gas to ovens so that we do not use gas when ovens are not in use such as on the weekends. We are also reading the meters when we have rented out the kitchen on weekends and reimbursing the Senior Resource Center for that usage from their monthly rental bill.
- Met with engineer and Nilsen property Ad Hoc committee to go over parking alternatives. We have had several meetings with the public to go over best use of the property and will have another meeting on May 1st to go over the latest parking and use designs. We have had good turnout at those meetings and the public has given
- 580 Main St. has received a building permit and there is nothing that is holding it back from putting

the approved siding on. We sent them a letter apprising them that their building permit states that they are to start their project within 60 days. At the last council meeting we asked applicant to provide documentation related to ordering the building materials as sufficient to show they had moved forward on prosecuting her building permit requirements which was to put siding and trim on her building. We are still waiting for that conformation and do not think it too onerous for the applicant to provide and seeing no other visible sign that she has put any siding or trim on the building. It was relayed that painting was not part of the building permit process and therefore not part of compliance with the 60 day progress requirement.

- Daily meetings with Public Works as to daily projects.
- Daily conversations and communication with Wastewater department to review and go over wastewater activities.

CITY CLERK ACTIVITY

Meetings

- Daily Meetings with City Manager regarding work schedule and council agenda.
- Attended:
 - Regular City Council Meeting 4/3/14
 - Planning Commission Meeting 4/16/14
- Wrote agenda items and compiled packets for:
 - Regular City Council Meeting 4/3/14
 - Regular Planning Commission Meeting 4/16/14
- Wrote meeting minutes and uploaded meeting videos for:
 - Regular City Council Meeting 4/3/14
 - Regular Planning Commission Meeting 4/16/14
- Posted all meeting agendas and public notices on City Hall and Post Office bulletin boards.
- Uploaded meeting packets to City website.
- Wrote and posted notices for:
 - Library Board Meeting 4/24/14
 - Ad Hoc Committee on Old Nilsen Barn Uses
- Met with Planning Commission Chair to discuss agenda packet and recommendations for Planning Commission appointments process for Planning Commission meeting.

Projects

- Daily work with front counter and telephones assisting the public, giving out dog or business licenses, answering questions and information requests.
- Updated and maintained City web site (with contractor).
- Provided reports on building permits to CA Department of Real Estate, CA Department of Finance and US Department of Commerce.
- Posted Planning Commission vacancy notice in Enterprise and on City Hall and PO bulletin boards.
- Wrote and posted notice of vacancy on Design Review Committee.
- On-going communications with contract Planners.
- On-going correspondence with FPPC re current and future Form 700 filings; on-going contact with staff, City Council and Planning Commission members and City Attorneys re Form 700 filings.
- Compiled and sent in complete package of Form 700's for Ferndale
- Sent reminders, and made reminder phone calls, to PC and DRC members about upcoming meetings.

- Prepared public notice re timeline for argument for and against ballot Measure O and published in the Times-Standard; verified consolidation request was accepted by the County; drafted arguments in favor of measure and discussed with City Manger and City Attorney.
- Answered public queries re Measure O.
- Sent and received emails daily.
- Wrote and processed City correspondence daily.
- On-going work with Joe Mellet from the County to correct sewer charges.
- Processed rental applications and fees for City Hall and Community Center.
- Updated City Calendar daily.
- Returned cleaning deposits to Community Center and City Hall rental applicants.
- Organized and filed paperwork.
- Signed and filed resolutions and ordinances of the City Council and the Planning Commission.
- Deposited checks into the bank.
- Responded to Public Records Act requests.
- Discussions and communications on process for PG&E Undergrounding project.
- Followed up on Field Observation Form with citizen.
- Amended the Nuisance Ordinance as per City Council direction.
- Discussed sign ordinance enforcement letters with business owners.
- Researched housing conditions and several specific zoning questions with and for Contract Planners, including:
 - Researched Vacation Rental Use Permits.
 - Researched Non-Conforming Use Permits.
- Met with City Building Inspector to discuss housing conditions.
- Discussed zoning and “burn letter” issue with Larry Doss from Ming Tree Realty.

DEPUTY CITY CLERK ACTIVITY

Meetings

- Transcribed minutes for the 03/27/14 Design Review meeting.
- Prepared packets for 3/27/14, 04/03/14, and 04/24/14 Design Review meetings.
- Posted agendas for 3/27/14, 04/03/14, and 04/24/14 Design Review meetings.
- Attended and transcribed minutes for 3/27/14 and 04/03/14 Design Review meetings.
- Assisted City Clerk with report for 04/16/14 Planning Commission Meeting.

Projects

- Staffed the front counter and phones at City Hall.
- Processed dog & business licenses.
- Calculated and collected fees for building permits and sent completed applications to Arnie to be checked.
- Processed checks, created revenue spreadsheet and deposits
- Researched Mobile Vending Units.
- Assisted City Clerk with Sign Ordinance Violation Letters.
- Researched Vacation Rental Use Permits
- Researched Non-Conforming Use Permits
- Researched CEQA findings and exemptions.
- Inventoried and ordered office supplies.

- Processed Parade and Encroachment Permits.
- Sent Building Permit reports to Assessors office and Construction Industry Research Board.

FINANCE OFFICERS ACTIVITIES

- Documenting procedures to train backup
- Developing new employee evaluation procedures
- Developing new personnel recordkeeping procedure
- Reviewed proposed personnel policy manual.
- Reviewing wireless phone policy and contract
- Meetings with City Manager – re: office issues
- Meeting with Aycock and Edgmon, CPAs re: discussed possible accounting software update
- Payroll/Payroll Taxes
- Accounts Payable
- Accounts Receivables
- Purchased supplies for City Hall

CITY PLANNER ACTIVITY

Task 1 – General Planning

- Coordinated with City Manager and City Clerk on planning and development projects.
- Responded to inquiry regarding rebuild regulations for nonconforming structures. Coordinated with City Clerk.
- Attended 4/3 City Council Meeting and Study Session. Prepared and discussed five items:
 - General Plan Annual Progress Report.
 - Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, Ordinance No. 2014-03 Density Bonus Ordinance and Ordinance 2014-05 Reasonable Accommodation Ordinance
 - Introduce Ordinance No. 2014-01 Amending Nuisance Ordinance 06-04 Section 3.02
 - Resolution 2014-08 Authorization of Additional Planning Staff and City Attorney Time and Materials to Complete Part 1 of the Housing Element Implementation Plan
 - Resolution 2014-06 Authorization of Planning Staff and City Attorney Time and Materials Not to Exceed \$2,000 to Amend Zoning Ordinance 02-02 §7.16 Parking and Loading
- Attended 4/16 Planning Commission Meeting. Prepared and discussed three items:
 - Consider Recommending Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance to the City Council for Adoption
 - Consider Recommending Ordinance No. 2014-03 Density Bonus Ordinance to the City Council for Adoption
 - Consider Recommending Ordinance No. 2014-05 Reasonable Accommodation Ordinance to City Council for Adoption

Task 2 – Reimbursable Fee Planning –

- 725 Berding Vacation Rental Use Permit – Reviewed application for completeness. Coordinated with Administrative Assistant on permit process and additional application materials needed.

Task 3 – Special Projects

- Zoning Ordinance Amendments – Food Trucks – Coordinated with City Manager and City Clerk on potential amendments to the Zoning Ordinance for regulation of food trucks and other mobile food vendors.

- Zoning Ordinance Amendments – Parking Regulations – Coordinated with City Manager on potential amendments to Zoning Ordinance parking and loading facility regulations. Prepared Resolution 2014-06 Authorization of Planning Staff and City Attorney Time and Materials Not to Exceed \$2,000 to Amend Zoning Ordinance 02-02 §7.16 Parking and Loading.

Task 4 – Additional Authorizations

- Housing Element Implementation – Continued coordination with City Clerk and City Attorney on proposed amendments and Ordinances for State housing regulation compliance. Revised proposed amendments and prepared agenda items for 4/16 Planning Commission meeting. Prepared and presented update and Continue Hearing agenda item for 4/3 CC meeting. Initiated preparation of agenda items for 5/1 CC meeting.
- Parking Regulation Amendments – Reviewed 1987 City of Ferndale Parking Study and reports by City Planner, Planning Commission, and City Council. Scheduled Study Session prior to City Council meeting. Initiated preparation of Study Session materials.

Task 5 – General Plan Review Fund

- Continued preparation Housing Element Update 2014. Completed draft Implementation Review, Completeness Check and Streamlined Review checklists for the California Department of Housing and Community Development.

CITY ENGINEER

Sewer Projects –

- The Design drawings and specifications for the inverted siphon replacement under Francis Creek have been completed and sent to the County.
- Wastewater Treatment Facility – Wetland Maintenance, Monitoring and Reporting
 - The first year conditions were surveyed. The report and maintenance plan has been modified slightly based on recent conversations and an on-site meeting with the California Coastal Commission (CCC) and Department of Fish and Wildlife (DF&W). The final version has been completed and submitted to the CCC for review. In order to comply with the permit, additional trees will need to be planted as replacements for those which died. Quotes for the required trees have been received and our recommendation has been provided to the City.
 - Working with Steve to discuss potential cost saving solutions for sludge disposal. Possibilities include onsite drying beds and storage, trucking, etc.

Pedestrian Improvement Project -

- Rose Avenue: (Phase 2)
 - The project has been advertised and bids have been opened. The project was awarded to V & C Construction. The contract has been executed however; the construction was placed on hold until the summer of 2014. Change Order #1 is currently being prepared. This change order will increase the scope of work and make full use of the grant funds available. Change Order #1 will be brought to City Council for approval in May.

Applications –

- 2nd Hadley Merger (7 parcels)
 - The applicant provided the requested additional information. The application will remain incomplete while the City Engineer's Office waits for Department of Fish & Wildlife approval on Parcel 'C' for the drainage improvements. The agent is in the process of completing the drainage plans. Additionally, the City Engineer's Office is requesting additional information related to the legal descriptions. Once the application

- is complete, the City Engineer's Office will move forward with referring the project and completing the staff report before scheduling a hearing with the City Council.
- Westfall/Witham Lot Line Adjustment/Subdivision
 - This project included a two parcel subdivision and lot line adjustment located off Rose Avenue. On September 18, 2013, the Planning Commission approved the Lot Line Adjustment for Assessor Parcel Numbers (APNs) 031-241-09 and 031-241-10. Per the Conditions of Approval (Condition #4), the Lot Line Adjustment and Tentative Map requires a revision to add a fifteen foot (15') drainage easement on the southern boundary of Parcel One (APN 031-241-09). Once the Map is revised, the Notice of Lot Line Adjustment and Certificate of Compliance can be recorded at the Humboldt County Recorder's Office. Recording will occur once the applicant is ready to move forward. We anticipate the project will be complete by June 2014.
At the same hearing, the Planning Commission approved a minor subdivision of APN 031-241-09. The Conditions of Approval were modified during the hearing by the Planning Commission. The Commission requested to remove Condition of Approval 3 related to recording a new deed to establish the appropriate ownerships. The City Engineer's Office recognized this was unnecessary as both parcels will remain under the same ownership and waived Condition of Approval Number 3. Condition of Approval Number 9 originally required that new water service for each parcel be installed at the same time. Because the new parcel will not be developed immediately, the City Engineer's Office, at the request of the Planning Commission, modified Condition Number 9 to allow the applicant to defer the installation of water service to Parcel Number 2 until which time an application for any structures or earthwork activity is proposed to the City of Ferndale. The City Planning and Engineering Offices are currently working with the applicant to satisfy the Conditions of Approval for this project. We anticipate the Conditions of Approval will be satisfied sometime during 2014.
 - Mr. Willis Hadley - Francis Street Project:
 - A letter has been forwarded to the owner regarding the requirements that need to be met in order for the application to be approved. Additional information has been submitted and is under review.
 - Mr. Willis Hadley – Building Permit Application (Fence)
 - The application has been submitted and a conditional approval letter has been returned to the applicant. Additional information has been received regarding a new landscape/flood barrier wall. The request has been forwarded to the Drainage Committee for comment.
 - Carl Havener Grading Permit Application
 - The application submittal information was incomplete. The applicant was notified and asked to provide the necessary information.

General Engineering –

- Working on a proposed Capital Improvement Plan (CIP) (roads, drainage and sewer)
 - Met with City staff to discuss scope of projects to be included but still need to prioritize and prepare estimated for the work. Draft CIP submitted for review.
- Cal Trans Maintenance on SR 211 (Review of SHOPP drawings)
 - Continued coordination and inspections (as needed) will take place until the projects are completed.
- Misc. Document review.

- Prepared a project description for a new PSR project to do a safety and ADA accessibility study for the pedestrian corridors throughout the City. The map was prepared and distributed for review and comments. Based on the feedback received, the map was revised and will be brought to City Council for approval.
- PGE Undergrounding Project
 - Working with “Undergrounding work group” to develop undergrounding district and compare possible routes and scoring criteria (as needed).
- Old Nilsen Barn Project
 - Prepared several conceptual layouts for parking and rough estimates for construction and development of the site.

Meetings and Committees –

- HCAOG Meeting
 - Attended April’s Meeting

Reporting and Correspondence –

- Prepared monthly staff report
- General correspondence and meetings with City Staff

WASTEWATER OPERATIONS FOR MAR-APR 2014;

- Monthly No Spill Certification completed
- Monthly samples prepared and sent to North Coast Labs
- CPO gave tour of facility to group from Mt. Shasta
- Order and replace filter cover on disc filter
- Major line blockage on Pixley; cut line, clear blockage and put in cleanout
- Weekly safety meetings held, including public works employees
- CPO and OITs plan and build cover for sludge bin #4, add heater to bin to attempt quicker drying process
- OIT Thrap cleaned backwash nozzles
- Filed online SSO report
- OIT Bradshaw cleared fallen willows from discharge site
- Replace bad lamp on UV bank B
- Brought 8 inches of water through plant from pond over weekend
- CPO mowed around wetlands
- OIT Bradshaw cleaned grit channel
- Backup at 619 Main St., called in Don Mobley to dig up and repair, lateral missing in section of blocked pipe
- CPO gave tour of plant to HSU students
- Dewater throughout the month for approximately 26 total hours
- OIT Bradshaw weed eats around both facilities
- CPO received call from Regional water board regarding self monitored Order Condition violations from 2012; after explanation of UVT violations, cleared of any fines
- CPO completed employee evaluation for OIT Thrap (1 year)
- OIT Thrap and OIT Bradshaw perform lab tests daily to measure efficiency of plant
- Monthly eSMR (electronic State Monthly Report) prepared and submitted
- Lateral inspection at Ferndale Music Co. on Main St.
- OIT Bradshaw pulled and cleaned UVT probe

- Coliform tests to Fortuna each Tuesday and BOD/TSS samples each Thursday
- USA locate at Ferndale Clothing Co. on Main St.
- Front gate chain oiled each Monday
- Turn sludge at drying facility
- Shipped load of biosolids to Dry Creek landfill near Medford Or. Avg. 23% solids for load
- OIT Thrap cleaned walls and catwalks
- The facility received a total of 23 septic dumps from Roto Rooter & Wyckoff's totaling 31,500 gallons and generating \$5,814 in revenue for the facility.
- Total flows through the collection system for March were 16.3 MG. Of that, .91 MG was pumped to the equalization pond.
- Influent flows that were treated through the facility totaled 15.4MG for the month of March. The average effluent flow to Francis Creek was .492 MGD

PUBLIC WORKS STAFF REPORT

- Continued with monthly and daily duties. Such as, cleaning and maintenance of city's bathrooms, mowing of city's owned properties, cleaning of storm drains, keeping streets clear of debris and the maintenance of city's facilities.
- Assisted Sewer Dept. with sewer blockage on Pixley St.
- Started yearly maintenance on the equipment at the Public Works Shop.
- Cleaned the walls at the Community Center.
- Secured shelving unit in the back of City Hall.
- Painted flag pole brackets that are going to be used on Main St light poles.
- Installed flag pole brackets to lights on Main St.
- Replaced toilet tank parts for the toilet at Scout Hall.
- Assisted Sewer DEPT with sewer main blockage on HWY 211.
- Replaced circuit breaker in light pole at Ball field on first base line.
- Went to Bay west to get supplies for the restrooms.

POLICE DEPARTMENT

- We have been placing the radar trailer at various locations where we have received speeding complaints.
- Chief Smith attended Kiwanis meetings/functions.
- Chief Smith attended the monthly LECAH meeting.
- The police department continues targeted enforcement of peripheral areas impacting the Ferndale quality of life.
- Chief Smith continues to work with other local police chiefs in obtaining additional funding through AB109 monies.

Police Statistics – March 2014

SERIOUS CRIMES	Number	Cleared
Homicide	0	
Rape	0	
Robbery	0	
Larceny	0	

Assault	1	
Burglary	0	
Vehicle Theft	0	
TOTAL	1	
SECONDARY CRIMES	7	
Calls for Service	61	
Reports Written	13	
Traffic Citations	2	
Other Citations	0	
Parking Citations	0	
Warnings	57	
ARRESTS	7	
AGENCY ASSISTS	12	
TRAFFIC COLLISIONS	1	



Redwood Coast Energy Authority

633 3rd Street

Eureka, CA 95501

Phone: (707) 269-1700 Toll-Free (800) 931-RCEA Fax: (707) 269-1777

E-mail: info@redwoodenergy.org Web: www.redwoodenergy.org

MEETING MINUTES

Redwood Coast Energy Authority
633 3rd Street, Eureka, CA 95501

February 24, 2014
Monday, 3:15 p.m.

I. ROLL CALL

Board Chair Atkins called the meeting to order at 3:15pm.

Present: Linda Atkins (Chair), Sheri Woo (Vice Chair), Dwight Miller, Mike Losey, Michael Sweeney, Susan Ornelas

Absent: Stephen Kullmann, Frank Wilson, Ryan Sundberg

Staff: Matthew Marshall, Katey Carpenter, Lori Biondini, Ben Winker

Guests: Larry Goldberg, John Schaefer, Karly Zimmerman

II. REPORTS FROM MEMBER ENTITIES

- Director Woo reported that Ruth Reservoir is up from 55% to 76% due to recent rainfall.

III. ORAL COMMUNICATIONS

Citizen John Schaefer presented statements to the Board concerning the installation of future Electric Vehicle Charging Stations as part of the North Coast Plug-In Electric Vehicle Charging Network Project. He expressed concern that the installation of J1772 style chargers would exclude "Legacy" EV owners from utilizing future charging stations, and that the J1772 style chargers would become obsolete, rendering the charging stations useless. He encouraged the Board to consider installing 120V and 220V outlets alongside the J1772 chargers. He also expressed concern over the choice of Charge Point as the network vendor for the current public charging stations and encouraged the Board to consider other options for future public charging stations.

IV. CONSENT CALENDAR

A. Approve Minutes January 27, 2014 Board Meeting

B. Approve attached Warrants

C. Accept attached Financial Reports

M/S/C: Sweeney, Woo: Approve Consent Calendar Item A,B,C, with Director Losey abstaining on Consent Calendar Item A

V. REMOVED FROM CONSENT CALENDAR ITEMS

None



Redwood Region
Economic Development
Commission

II.

520 E Street Eureka • California 95501 • (707) 445-9651 • FAX (707) 445-9652

Minutes
Meeting of the RREDC Board of Directors
March 24, 2014

- I. **Call to Order and Flag Salute**
Chair Julie Fulkerson called the meeting to order at 6:35 p.m.
Present: Virginia Bass, Mike Davis, Julie Fulkerson, Nancy Koke, Sue Long, Michael McKaskle, Dennis Mayo, Ken Mierzwa, Mike Newman, Alex Stillman, David Tyson, Mike Wilson, John Woolley
Absent: Kevin Benjamin, Bruce Rupp, Frank Wilson
Guests: Dennis Mullins, North Coast Region Labor Market Information Division, EDD
Staff Present: Don Ehnebuske, Virginia Fisher
- II. **Approval of Agenda and Minutes**
M/S/P: Long/Tyson to approve agenda for March 24, 2014 and minutes of February 24, 2014.
- III. **Public Hearing for Draft 2014/2015 Budget**
Chair Julie Fulkerson opened the hearing at 6:37 p.m. There were no public comments. The hearing was closed at 6:38 p.m. The final budget must be adopted by May 1, 2014.
- IV. **Public Input – for non-agenda items**
None
- V. **Program: Dennis Mullins – the state of the County in numbers**
Mr. Mullins reviewed the demographics of Humboldt County and how it compares to neighboring counties. He emphasized the prevalence of entrepreneurship and the relative youth of the county.
- VI. **Financial Reports – Action Required**
Acceptance of Agency wide Financial Reports: February 28, 2014
M/S/P: McKaskle/Wilson to approve the financials as presented. Motion passed unanimously.
- VI. **Reports – no action required**
 - A. Loan Portfolio Report: January 31, 2014. Report submitted; no action needed
 - B. Executive Directors Report: Report submitted; no action needed
 - C. Executive minutes of January 27, 2014: no action needed
- VIII. **Old Business**
 - A. **Presentation of Amended Draft FY 2014/2015 Budget**
M/S/P: Mayo/McKaskle: to approve the budget for FY 2014/2015. Motion passed unanimously.
- IX. **Member Reports/Updates**
City of Blue Lake, Redway CSD; Humboldt Bay Harbor District.
- X. **Adjourn**
Meeting adjourned at 8:10 p.m.

Bonnie Smoller, Recorder

Julie Fulkerson, Chair

M E M B E R A G E N C I E S

City of Arcata • City of Blue Lake • City of Eureka • City of Ferndale • City of Fortuna • City of Rio Dell • City of Trinidad
County of Humboldt • Humboldt Bay Harbor, Recreation and Conservation District • Humboldt Bay Municipal Water District
Humboldt Community Services District • Manila Community Services District • McKinleyville Community Services District
Orick Community Services District • Redwoods Community College District • Hoopa Valley Tribe
Willow Creek Community Services District • Orleans Community Services District • Redway Community Services District

VI. NEW BUSINESS

A. American Solar Transformation Initiative

Karly Zimmerman from Strategic Energy Innovations presented information on the American Solar Transformation Initiative. The ASTI program has received funding from the US Department of Energy to help reduce transaction, administrative and construction costs related to residential and commercial solar projects. RCEA would sign on as a regional partner, while individual cities could still participate separately and/or through RCEA's support. City staff would be attending an additional presentation on February 25, 2014.

M/S/C: Woo, Losey: Approve Redwood Coast Energy Authority's participation in The American Solar Transformation Initiative.

VII. OLD BUSINESS

A. Proposition 39 update

Executive Director Marshall reported that there would be a meeting with districts interested in forming a consortium on February 27, 2014. There will also be a CA Energy Commission Proposition 39 training workshop held on March 10, 2014 at the Humboldt County Office of Education for local schools and school districts.

B. Electric Vehicle Readiness Planning Project Update

Executive Director Marshall reported that work continues to progress on finalizing the readiness plan and provided a presentation on Electric Vehicles; comparing different models, fuel types, drive ranges, and other related information. Executive Director Marshall reported that he will be attending the Governor's Summit on Zero Emission Vehicles on March 7, 2014 and RCEA will be hosting an Electric Vehicle Ride and Drive event on March 15, 2014.

VIII. STAFF REPORT

- Executive Director Marshall reported that RCEA is working with PG&E to plan of the the upcoming 2015 program cycle. Executive Director Marshall also reported that RCEA Energy Specialist Ben Mattio has been certified as a HERS rater and is in the process of becoming a participating rater for the Energy Upgrade California Home Upgrade Rebate Program.
- Executive Director Marshall announced that there are several events and workshops coming up, including homeowner's/home performance workshops, an Electric Vehicle Ride and Drive Event and an HVAC fundamentals workshop.

IX. ADJOURNMENT

Board Chair Atkins adjourned the meeting at 4:55pm.