

Meeting Date:	February 15, 2023	Agenda Item Number	13.a
Agenda Item Title	Report on the update of the Land Use Element of the Ferndale General Plan.		
Presented By:	City Planner		
Type of Item:	<input type="checkbox"/>	Action	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/>	No Action	<input type="checkbox"/> Voice Vote <input type="checkbox"/> Roll Call Vote

STAFF RECOMMENDATION:

Receive the staff report, public comment, and provide direction to staff as necessary.

BACKGROUND: WHAT IS A GENERAL PLAN AND A LAND USE ELEMENT?

Every city and county in California must have a general plan, which is the local government’s long-term framework or “constitution” for future growth and development. A general plan is a planning document with text and diagrams that express the goals, objectives, and policies necessary to guide the community toward achieving its vision over a long-term planning period (typically 20 years). The general plan contains the goals and polices upon which the City Council and Planning Commission will base their land use decisions.

A general plan is made up of a collection of “elements,” or topic categories. The State currently lists nine elements as mandatory: land use, circulation, housing, conservation, open space, noise, safety, environmental justice, and air quality. A land use element “designates the type, intensity, and general distribution of uses of land for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses” (General Plan Guidelines, Governor’s Office of Planning and Research, pg. 15). There are several important general plan legal requirements including:

- Internal consistency;
- Equal status among elements;
- Consistency between elements; and
- Vertical consistency with the city’s or county’s other land use regulations, e.g., zoning regulations.

FERNDALE’S 2023 LAND USE ELEMENT UPDATE

Ferndale’s General Plan Land Use Element (LUE) was last updated in 1986 as part of a comprehensive update of the City’s General Plan. Since 1986 the City’s land use needs have changed due to economic and demographic conditions and updates to State law. Over the course of the last two years, work has been conducted to fully update the Land Use Element and assess potential areas of the City that may benefit from land use designation changes. The update of the LUE provides the City an opportunity to review and program City-wide land uses for future growth. In addition to the LUE update, there have been important changes to state law since the Safety Element was drafted in 2014; therefore, the Safety Element will be revised to bring it into compliance with current regulations.

In October 2019, Ferndale adopted an update of its housing element. Unlike the other general plan elements, cities and counties are required to update their housing elements on a mandatory eight year update cycle and adopted elements must be certified by the State as meeting housing law. Ferndale’s adopted housing element Program 1 commits the City to ensuring adequate sites are available and/or zoned to allow owner-occupied and rental multifamily residential uses by right, a requirement of state housing law. Some of the objectives of Program 1 include:

- Revisit the “Character” and “Primary and Compatible Uses”, and “Density Range” sections of the Land Use Element and update as appropriate to ensure both single-family and multifamily uses are anticipated uses in multiple zones.
- Evaluate and identify sites with potential for rezoning to allow for multifamily uses without a use permit (i.e., R3 and/or R4 zones).

As part of the LUE update, the land use designations will be adjusted for residential density and expanded to include a range of housing types consistent with 2019-2027 Housing Element. The LUE update will review and potentially re-designate land to accommodate a greater variety of housing types, accelerate housing production, and streamline approval of qualifying housing projects consistent with state law and the Housing element. To offset the costs associated with preparing the LUE update Ferndale received State SB 2 Planning Grants Program funds.

Planwest has been working with the community, the City Council and Planning Commission on preparing a comprehensive update to the Land Use Element. To date, the following actions have taken place:

- January 2020 – City Council Study Session
- February 2020 – Planning Commission Presentation
- November 2020 – City Council SB2 Status Update
- December 2020 to January 2021 – Ferndale Land Use Element Public Survey
- April 2021 – Planning Commission Review of Survey Results
- September 2021 – Planning Commission Review of Draft Land Use Descriptions
- October 2021 – Planning Commission Review of Draft Goals and Policies
- January 2022 – Planning Commission Review of Updated draft Safety Element
- September 2022 – City Council SB 2 Status Update
- November 2022 – Planning Commission Land Use Element refresher
- February 2023 – Draft Land Use Element and CEQA Notice of Preparation

Based on previous Planning Commission and City Council meetings, and public surveys, preliminary draft goals and policy language has been developed. The goals and policies are generally distributed under the following topics: overall community form and character, business and tourism, and natural resources and the environment. The policies focus on increasing housing diversity, providing flexibility for a wide range of businesses, and preserving existing resources and open space. Based on the outreach and informational sessions conducted so far, in late February 2023, the draft Land Use Element update will be released for review by the public, the City Council and Planning Commission. As part of the Planning Commission’s March 1, 2023, meeting there will be a special presentation to introduce the draft Land Use Element. This will be followed by an in-person public meeting to be held in late March to early April 2023.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Ferndale, as the lead agency under CEQA, will prepare and EIR for the Ferndale Land Use and Safety Element Update in accordance with current CEQA Guidelines. The Ferndale Land Use and Safety Element Update is considered a “project” under CEQA and is therefore subject to CEQA review. As a policy document, the General Plan provides guidance and sets standards for several areas of mandatory environmental review for later “projects” that would be undertaken by local government and the private sector. The EIR will evaluate potential environmental impacts associated with adoption and implementation of two of the General Plan Elements; Land Use and Safety. The EIR will disclose potential impacts of the Ferndale Land Use and Safety Element Update, propose mitigation measures to avoid and/or reduce impacts deemed potentially significant,

identify reasonable alternatives, and compare the environmental impacts of the alternatives to the proposed Project's impacts.

The EIR Notice of Preparation (NOP) is available on the City's website.

(<https://ci.ferndale.ca.us/documents/public-notices/>). Comments regarding the scope of the proposed EIR can be submitted to vanessab@planwestpartners.com or mailed to City of Ferndale, P.O. Box 1095, Ferndale, CA 95536. Please submit written responses by 5:00 p.m. on March 6, 2023.

NEXT STEPS

- February 2023 – Draft Land Use Element Update and map options distributed for public review
- March 1, 2023 – Planning Commission Land Use Element Update initial review
- March - April 2023 – Public Meeting
- March - June 2023 – Draft EIR preparation
- Fall 2023 – Adopt Land Use and Safety Elements

INFORMATION RESOURCES

- 2017 State of California General Plan Guidelines, Governor's Office of Planning and Research: https://opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf
- The California General Plan Glossary, 2001, California Planning Roundtable: https://cproundtable.org/static/media/uploads/publications/roundtable_glossary_2001.pdf
- Understanding the Basics of Land Use and Planning, a Guide to Local Planning, 2010, Institute for Local Government: https://www.ca-ilg.org/sites/main/files/file-attachments/2010_-_landuseplanning.pdf?1387495993