

## **RESOLUTION 2024-23**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE MAKING THE REQUIRED FINDINGS TO AMEND THE FERNDALE GENERAL PLAN AND ADOPT THE LAND USE ELEMENT UPDATE AND THE FERNDALE GENERAL PLAN LAND USE MAP**

**WHEREAS**, State law requires each city to prepare and adopt a comprehensive, long-term General plan for the physical development of the city; and that California Government Code (“CGC”) 65358 permits cities to amend all or part of an adopted General Plan; and

**WHEREAS**, the Land Use Element update to the Ferndale General Plan (“Project”) incorporates appropriate amendments to the General Plan of the City of Ferndale (“City”) addressing land use as required by State law; and

**WHEREAS**, the Land Use Element update to the Ferndale General Plan and the General Plan Land Use Map are intended to replace and supersede the Land Use Element adopted by the Ferndale City Council by Resolution No. 560 on August 4, 1986; and

**WHEREAS**, the City of Ferndale’s 6th Cycle Housing Element for the 2019-2027 planning period was adopted by the Ferndale City Council October 16, 2019, and certified by the California Department of Housing and Community Development (“HCD”) on December 11, 2019; and

**WHEREAS**, subdivision (c) of Section 65583.2 of the CGC mandates sites designated to accommodate a city’s lower income regional housing needs allocation (“RHNA”) that are included in two or more consecutive planning periods to be zoned at residential density consistent with subdivision (c)(3) of CGC Section 65583.2 and be subject to a rezoning program to allow residential use by right for housing developments in which at least twenty (20) percent of the units are affordable to lower income households; and

**WHEREAS**, the City’s adopted 6th Cycle Housing Element (“Housing Element”) includes GOAL 1: Designate sufficient land at appropriate densities with development standards to support appropriate housing creation for all income groups and household types, with the stated intent to analyze and where appropriate remove governmental constraints to permanent housing; and

**WHEREAS**, the City’s adopted Housing Element includes Program 1, a commitment to ensure adequate sites are available and/or zoned to allow owner-occupied and rental multifamily residential uses by right during the planning period of the 6th Cycle. Moreover, the Objectives of Program 1 commit the City to reviewing the character and primary and compatible uses, and density ranges in the Land Use Element and rezoning parcels to higher density uses; and

**WHEREAS**, the City’s adopted Housing Element includes Program 15, a commitment to monitor the City’s residential capacity, including the monitoring the availability of lower income sites, to ensure compliance with CGC Section 65863, and that CGC Section 65863 requires cities to maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times throughout the housing element planning period; and

**WHEREAS**, State general plan law requires that a city’s general plan and zoning regulation be consistent; and

**WHEREAS**, the City maintains a system of designations that represent both primary land use and zoning designations; and

**WHEREAS**, the City Council has found that the Land Use Element update, and the implementation measures contained therein, take meaningful actions to combat discrimination, overcome patterns of segregation, and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics consistent with the City's obligation to affirmatively further fair housing pursuant to Government Code Section 8899.50; and

**WHEREAS**, pursuant to CGC Sections 65352(a)(11) and 65352.3, the City requested consultation with local California Native American tribes as shown on the contact list provided by the California Native American Heritage Commission; and

**WHEREAS**, a Final Program Environmental Impact Report (PEIR) prepared for the City of Ferndale Land Use Element update and the Ferndale General Plan Land Use Map (State Clearinghouse No. 2023020217) was released for public review on November 4, 2024; and

**WHEREAS**, the City complied with the requirements of the California Environmental Quality Act, in the manner described in the City of Ferndale Resolution 2024-22 adopted on November 20, 2024, certifying the City of Ferndale General Plan Land Use Map, and the Land Use Element and Safety Element updates; and

**WHEREAS**, on November 6, 2024, the City of Ferndale Planning Commission held a duly noticed public hearing on the Project, considered public testimony as well as materials in the staff report and accompanying documents for the Ferndale General Plan Land Use Map and Land Use Element update, which hearing was publicly noticed in the Ferndale Enterprise (a newspaper of general circulation); further, staff published a Notice of Public Hearing online at <https://ci.ferndale.ca.us/>, and posted the same Notice of Public Hearing on two public bulletin boards, noticed affected public agencies, property owners, and persons requesting public notice; and

**WHEREAS**, on November 6, 2024, the City of Ferndale Planning Commission unanimously adopted Resolution 2024-20, recommending that the City Council make the required findings and adopt the Land Use Element update and the Ferndale General Plan Land Use Map; and

**WHEREAS**, on November 7, 2024, staff published a Notice of Public Hearing on the proposed General Plan amendments online at <https://ci.ferndale.ca.us/>, and posted the same Notice of Public Hearing on two public bulletin boards; and on November 8, 2024, staff noticed affected public agencies, property owners, and persons requesting public notice; and

**WHEREAS**, on November 20, 2024, the City of Ferndale City Council conducted a duly noticed public hearing to accept all public comment and consider adoption of the General Plan Land Use Map and the Land Use Element update amending the Ferndale General Plan; and that the City Council having heard and received all of said evidence and testimony; and

**WHEREAS**, parcels within the City are proposed to have their General Plan Land Use Designations changed with the adoption of the Land Use Element update and General Plan Land Use Map, including the parcels listed within Exhibit A, attached to this resolution and incorporate in full herein by reference; and

**WHEREAS**, all legal prerequisites to the adoption of this resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE, DOES HEREBY RESOLVE, AS FOLLOWS:**

- Section 1. Based upon the evidence presented, the City Council hereby finds and determines as follows:
1. Each fact set forth in the recitals above is true and correct, and incorporated in full herein by reference.
- Section 2. Public hearing and notices and public participation:
1. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law.
- Section 3. That all of the following findings are hereby made:
1. Required Findings of Adoption:

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. FINDING:** The processing and approval of the Land Use Element update and General Plan Land Use Map is in compliance with the requirements of the California Environmental Quality Act (CEQA).
- 1) A Final PEIR was prepared for the City of Ferndale General Plan Land Use Map, and Land Use Element update, and which was certified by the City Council on November 20, 2024 to have been prepared in compliance with the requirements of the California Environmental Quality Act pursuant to Resolution 2024-22, and which was reviewed and considered by the City Council.

**PUBLIC INTEREST.**

- B. FINDING:** The Land Use Element update, that will amend the Ferndale General Plan, is in the public interest.
- 1) The proposed amendment promotes the orderly and efficient development of land within the City and encourages a wide range of housing types and densities. The Land Use Element also encourages connectivity throughout the City by promoting the acquisition of easements for public right of ways to increase pedestrian and bicycle paths in addition to encouraging the preservation of agricultural land surrounding the City. These goals and policies are intended to provide a wider range of housing types and affordability throughout the City to support residents through all stages of life while also increasing the health and welfare of residents and visitors.

**CONSISTENCY WITH THE FERNDALE GENERAL PLAN.**

- C. FINDING:** The Land Use Element update, that will amend the Ferndale General Plan, is consistent with all other parts of the Ferndale General Plan.
- 1) The amendment is internally consistent with all other provisions of the General Plan. The proposed amendment is in conformance with all the General Plan requirements of State Code 65300 in that the General Plan will continue to contain

all required elements and is internally consistent. The proposed amendment is required to bring the Land Use Element of the General Plan into compliance with the City's 6<sup>th</sup> Cycle Housing Element and State law. It is consistent with sound planning principles in that the proposed policies and proposed implementation programs are compatible and ensure that the goals and policies of the General Plan can be implemented to achieve the stated goals. The proposed amendment is consistent with all other elements of the Ferndale General Plan adopted by the City. Furthermore, the City will ensure consistency between the Land Use Element and other elements of the General Plan, and as new policies are introduced, they will be reviewed for consistency with existing elements. If any General Plan elements are updated, the Land Use Element may also be modified to maintain consistency within the General Plan.

**2) Adoption of the Land Use Element update implements Program 1 and Program of the City's Housing Element.**

Program 1 commits the City to updating the "Character", "Primary and Compatible Uses", and "Density Range" sections of the land use descriptions to ensure both single-family and multifamily uses are anticipated uses in multiple zones. Additionally, Program 1 commits the City to assessing potential sites for redesignation/rezoning to higher densities that allow for multifamily uses by right.

The Objectives of Program 1 task the R3 and R4 land use designations ("LUDs") with implementation. Although the Land Use Element includes text amendments to the R3 LUD, because there are no lands presently mapped or proposed to be mapped R3, the R3 text amendments do not fully implement Program 1. Although Program 1 did not explicitly task the R2 LUD with implementation, the R2 LUD of the amended Land Use Element achieves some of the objectives of Program 1:

- 1) The amended Land Use Element will increase the density of the R2 LUD to allow 18 dwelling units per acre. This density meets the statutory threshold deemed appropriate to accommodate housing for lower income households pursuant to subdivision (c)(3) of CGC Section 65583.2.
- 2) The amendments to the R2 LUD expands the variety of primary and compatible housing types thereby removing regulatory barriers and ensuring both single-family and multifamily uses can be developed.
- 3) As shown in the Land Use Diagram, adoption of the Land Use Element will result in five new sites being designated R2, some of the sites designated that are now designated R2 are vacant.

The adoption of the Land Use Element and the R2 amendments, in combination with the R3 text amendments will implement Program 1 and will redesignate areas within the City to a higher development density, and allow a greater variety of primary and compatible housing types.

Program 15 commits the City to monitoring residential capacity for compliance with No Net Loss statute at all times during the Housing Element's planning cycle. The

Land Use Element, as amended, increases the residential density of R2 LUD and removes regulatory barriers to allow construction of a variety of housing types to ensure the City maintains an adequate inventory of sites suitable for housing for all incomes levels.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Council of the City of Ferndale hereby adopts the General Plan Land Use Map and Land Use Element update, dated November 20, 2024, which incorporates all of the mitigation measures described in the Final PEIR, and amends the Ferndale General Plan; and

**BE IT FURTHER RESOLVED**, order and determined that the City of Ferndale City Manager is authorized to make minor corrections to the text of the Land Use Element of the City of Ferndale General Plan to correct grammar and typos; and

**BE IT FURTHER RESOLVED**, order and determined that all of the amendments described in this resolution shall become effective thirty (30) days after its adoption by the City Council.

**THE FOREGOING RESOLUTION IS HEREBY PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Ferndale, State of California this 20th day of November 2024, by the following ROLL CALL vote of the City Council for the City of Ferndale:

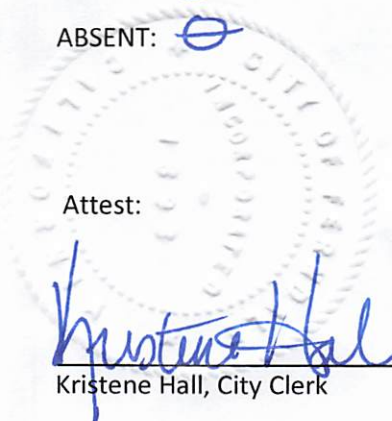

YES: 5 (JORGENSEN (LUNO))

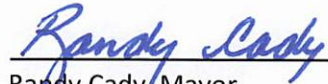
NO:

ABSTAIN:

ABSENT:

Attest:

  
  
\_\_\_\_\_  
Kristene Hall, City Clerk

  
\_\_\_\_\_  
Randy Cady, Mayor

**EXHIBIT A**

<b>Assessor Parcel Number (APN)</b>	<b>Situs Address</b>	<b>Existing Land Use Designation</b>	<b>Abbr.- Existing LUD</b>	<b>Proposed Land Use Designation</b>	<b>Abbr.- Proposed LUD</b>
031-202-003-000	950 GRANT AV FERNDALE 95536	Residential Suburban	R-S	Residential Low Density	R-1
031-131-004-000	539 SHAW AV FERNDALE 95536	Apartment Professional	R-4	Residential Medium Density	R-2
031-131-019-000	557 SHAW AV FERNDALE 95536	Apartment Professional	R-4	Residential Medium Density	R-2
030-101-016-000	NO ADDRESS ASSIGNED	Residential One-Family	R-1	Residential Medium Density	R-2
a portion of 030-091-030-000	NO ADDRESS ASSIGNED	Residential One-Family	R-1	Residential Medium Density	R-2
a portion of 031-011-001-000	741 5TH ST FERNDALE 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1
030-121-006-000	1299 MAIN ST FERNDALE 95536	Public Facility	P-F	Residential Low Density	R-1
030-151-007-000	1677 MARKET ST FERNDALE 95536	Residential Suburban	R-S	Residential Low Density	R-1
a portion of 030-161-021-000	1679 MARKET ST FERNDALE 95536	Residential Suburban	R-S	Residential Low Density	R-1
031-131-018-000	551 SHAW AV FERNDALE 95536	Apartment Professional	R-4	Residential Medium Density	R-2
031-151-002-000	600 BERDING ST FERNDALE 95536	Community Commercial	C-2	Public Facility	P-F
031-221-001-000	NO ADDRESS ASSIGNED	Public Facility	P-F	Natural Resources	NR
031-212-003-000	NO ADDRESS ASSIGNED	Public Facility	P-F	Natural Resources	NR
101-051-001-000	NO ADDRESS ASSIGNED	Public Facility	P-F	Natural Resources	NR
031-024-001-000	64 OCEAN AV FERNDALE 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1
031-202-004-000	1080 GRANT AV FERNDALE 95536	Residential Suburban	R-S	Residential Low Density	R-1
031-013-018-000	685 FIFTH ST FERNDALE 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1

Assessor Parcel Number (APN)	Situs Address	Existing Land Use Designation	Abbr.- Existing LUD	Proposed Land Use Designation	Abbr.- Proposed LUD
030-101-007-000	NO ADDRESS ASSIGNED	Residential One-Family	R-1	Residential Medium Density	R-2
030-141-009-000	NO ADDRESS ASSIGNED	Residential One-Family	R-1	Residential Medium Density	R-2
030-101-010-000	NO ADDRESS ASSIGNED	Residential One-Family	R-1	Residential Medium Density	R-2
031-013-001-000	110 SHAW LN FERNDAL 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1
031-013-004-000	685 FIFTH ST FERNDAL 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1
030-161-022-000	1593 MARKET ST FERNDAL 95536	Agricultural Services Commercial	C-AG	Neighborhood Commercial	C-1
031-024-003-000	120 OCEAN AV FERNDAL 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1
031-024-002-000	121 OCEAN AV FERNDAL 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1
031-012-006-000	95 SHAW LN FERNDAL 95536	Agricultural Exclusive	A-E	Residential Low Density	R-1
031-151-006-000	725 WASHINGTON ST FERNDAL 95536	Residential One-Family	R-1	Residential Medium Density	R-2
030-091-024-000	NO ADDRESS ASSIGNED	Residential One-Family	R-1	Residential Medium Density	R-2
030-101-015-000	NO ADDRESS ASSIGNED	Residential One-Family	R-1	Residential Medium Density	R-2
030-101-008-000	501 FERN ST FERNDAL 95536	Residential One-Family	R-1	Residential Medium Density	R-2
030-151-006-000	1801 MARKET ST FERNDAL 95536	Residential Suburban	R-S	Residential Low Density	R-1
031-202-005-000	305 LINCOLN ST FERNDAL 95536	Residential Suburban	R-S	Residential Low Density	R-1
030-151-005-000	1711 MARKET ST FERNDAL 95536	Residential Suburban	R-S	Residential Low Density	R-1
030-161-014-000	1657 MARKET ST FERNDAL 95536	Residential Suburban	R-S	Residential Low Density	R-1