



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

MEMORANDUM

TO: BOARD OF SUPERVISORS

FROM: MICHAEL J. JOHNSON, AICP
Director of Planning

DATE: July 10, 2007

SUBJECT: ZONING TEXT AMENDMENTS - (ZTA 20050609)

ACTION REQUESTED

The Board of Supervisors is being asked to consider a Zoning Text Amendment related to Temporary Uses and Events, as recommended by the Planning Commission at a public hearing on April 12, 2007.

BACKGROUND:

On June 26, 2007, the Board of Supervisors conducted a public hearing on Zoning Text Amendments related to Medical Services - Clinics and Laboratories, Antennae Which are Not Visually Obtrusive, and Temporary Uses and Events. The Board approved the Zoning Text Amendments related to Medical Services and Antennae.

For the Temporary Uses and Events text amendment, four people spoke and expressed concern about certain aspects of the proposed text amendments. While the former Temporary Outdoor Event provisions were extremely detailed, concerns were raised that the new proposed text was not detailed and specific. Provisions in the previous text included certain exclusions from the regulations, detailed information about the application submittal requirements, including a requirement that the applicant indicate methods for policing the activity relating to control of alcohol and drug consumption, a fee exemption for non-profit organizations, requirements for security bonds, and permit processing that included noticing and a public hearing. The proposed language, to be located within the Zoning Ordinance rather than a separate section of the County Code, is much more streamlined and requires review by health and safety agencies prior to a decision by the Planning Director to approve, deny or conditionally approve a Temporary Outdoor Event application. Those testifying at the June 26, 2007 Board hearing suggested that a public hearing should be required and that provisions for controlling alcohol and drug consumption be included in the Ordinance. Supervisor Uhler asked for clarification about when a Temporary Outdoor Event Permit might be required and whether it would apply to private parties. After receiving public testimony, the Board unanimously adopted a motion to continue action on the Zoning Text Amendment to allow staff additional time to respond to the concerns raised.

Project Description

The Board of Supervisors is being asked to consider an amendment to the Placer County Zoning Ordinance as follows:

Section 17.56.300 – Temporary Uses and Events: Reinstate Zoning Ordinance provisions that allow the processing of a Temporary Outdoor Event Permit, rather than a Minor Use Permit, for one-time events.

DISCUSSION OF ISSUES:

Section 17.56.300 - Temporary Uses and Events

The language set forth in Section 17.56.300 outlines the zoning regulations for temporary uses and events. Specifically, Subsection 17.56.300(B) outlines the regulations for temporary events and requires the processing of a Minor Use Permit, except for events that are proposed at approved public assembly sites, within public road rights-of-way, or in a public park or other publicly-owned land.

Former Provisions

The Zoning Ordinance used to allow an alternative process for one-time events with the following notation: "See also Chapter 5, Placer County Code, Section 5.100 through 5.106 (Outdoor Festivals) for alternative permit requirements for one-time events such as concerts, etc." Those provisions outlined an alternative review process for temporary outdoor events, not exceeding more than three consecutive days and occurring not more than two times in one location, in a given calendar year. Those former regulations were several pages long and outlined a process that included consultation with the Sheriff, the County Health Officer, the Director of Public Works, Chief Building Inspector and the Assistant Emergency Services Director. The former process also required a public hearing before the Zoning Administrator. Those provisions were eliminated when Chapter 5 was revised by the Treasurer-Tax Collector and now relate only to the Business License Process. When the entire County Code was re-codified, reference to the former provisions in the Zoning Ordinance was removed.

Past Practices

Rather than requiring a Minor Use Permit for temporary events, not to exceed two per year per site, the Planning Department continued to process Temporary Outdoor Event permits. Rather than conducting a public hearing before the Zoning Administrator, the streamlined process outlined in the Draft Ordinance was implemented. This gave the health and safety organizations the opportunity to review the request and the detailed information included on the application, before making recommendations to the Planner Director prior to his decision on the request.

Because this process is extremely useful and meets an identified need for short-term events, the Planning Department has continued to process Temporary Outdoor Event permits that fall within the limits described above. Staff reviewed all Temporary Outdoor Event applications processed in the last three years. Of the 17 permits issued, 10 were for non-profit organizations conducting barbecues, dances, car shows, dog events and fishing derbies. One was for a winery participating

in a winery tour event. Four outdoor concerts were approved for commercial business sites. Running races and bicycle tours were also approved. The fee for a Special Event Minor Use Permit is currently \$1,785, whereas the processing of a Temporary Outdoor Event permit is currently \$380.

The Planning Director has determined that, although this an appropriate process that allows for County staff review, the County could be challenged for approving this type of permit, which is no longer authorized by the County Code. The Planning Department has stopped processing Outdoor Event Permits and is proposing this Zoning Text Amendment to reinstate a Temporary Outdoor Event Permit process.

Revisions to Proposed Text

In order to address concerns about the adequacy of information submitted with the application, and to address concerns about alcohol and drug consumption, staff recommends that the Zoning Text Amendment to Section 17.56.300(B)(1)(b) be amended to read as follows:

“However, for one-time events (not to exceed three consecutive days nor two times in one location in a calendar year), the Planning Director may approve a Temporary Outdoor Event permit in lieu of a Minor Use Permit. Detailed event information shall be provided including time, date, location, estimated number of participants, access, parking, security measures, including the control of alcohol consumption and prevention of drug use, and sanitation. Such information shall be provided by the Planning Department to the Sheriff, the County Health Director, Chief Building Official, Department of Public Works, CHP, the Assistant Emergency Services Director, and appropriate state, federal, and local fire jurisdictions, prior to a decision by the Planning Director. Conditions addressed in Section 17.56.300(B)(4)a through d may be required of any such event. If alcoholic beverages will be served, the applicant shall provide a copy of the required authorization from the California Department of Alcoholic Beverage Control to the Planning Department, prior to the event.”

In addition, staff recommends adding two types of events to the list of “Temporary Events Not Subject to this Section” (17.56.300(B)(1)(c)) that were described in the former Chapter 5 provisions. These new exceptions would include school events on school property and private non-commercial events/parties held at a private residence.

Alternatives

In terms of establishing a Temporary Outdoor Event process, the Board of Supervisors can consider three alternatives:

1. Approve the Temporary Outdoor Event process as outlined above which provides for consultation with health and safety organizations prior to a decision by the Planning Director to approve, deny, or conditionally approve a Temporary Outdoor Event Permit. This streamlined process has worked well in the past and has provided reduced cost and processing time for applicants. Because this process is not overly burdensome, applicants have been encouraged to apply, knowing the process is not lengthy or expensive.

This has been a benefit to the health and safety organizations who are able to properly condition, as well as plan for such events.

2. If the Board of Supervisors is concerned about providing an opportunity for neighbors to review and comment on such request, the Draft Ordinance could be modified to handle a Temporary Outdoor Event as an Administrative Review Permit. Section 17.58.100 outlines the Administrative Review Permit process. It involves public notice, with opportunity for concerned members of the public to respond to the Planning Department indicating their concerns, but no public hearing. This would allow neighborhood issues to come to light prior to a decision. The Zoning Administrator would take these concerns under advisement when making his/her decision on the request. Should an applicant or a neighbor be unhappy with the decision by the Zoning Administrator, then such person could appeal the decision to the Planning Commission. The Administrative Review Permit application fee is \$530.00.
3. The Board of Supervisors may decide it is appropriate to require a public hearing by the Zoning Administrator on any request to conduct a Temporary Outdoor Event, as required by the former ordinance. This will mean that authorization for Temporary Outdoor Events will take longer to process and increase County costs, and could discourage groups from filing for such applications (and instead conduct the event without County knowledge or review). If the Board selects this alternative, staff recommends that the Temporary Outdoor Event Permit fee be raised to \$530.00 to partially offset the increased costs involved.

CEQA COMPLIANCE:

The proposed Zoning Text Amendments were addressed in a previously approved Negative Declaration. The Board of Supervisors adopted the Negative Declaration when approving Zoning Text Amendments on May 24, 2005. The currently proposed Zoning Text Amendments fall within the scope of the previously adopted Negative Declaration, and no changes to existing circumstances have occurred that warrant further environmental review for these Zoning Text Amendments. The Board of Supervisors must make a finding to that effect.

RECOMMENDATION:

Staff brings forward the Planning Commission's recommendation that the Board of Supervisors approve the Zoning Text Amendments related to Temporary Outdoor Events.

FINDINGS:

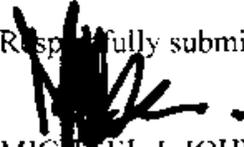
CEQA

The proposed Zoning Text Amendments were addressed in a previously approved Negative Declaration. The Board of Supervisors adopted the Negative Declaration when approving Zoning Text Amendments on May 24, 2005. The currently proposed Zoning Text Amendments fall within the scope of the previously adopted Negative Declaration, and no changes to existing circumstances have occurred that warrant further environmental review for these Zoning Text Amendments.

Zoning Text Amendments

The Zoning Text Amendments are consistent with the Placer County General Plan, and will serve the public's interests as highlighted in this staff report.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Director of Planning

EXHIBITS:

- Exhibit 1 - Proposed Ordinance
- Exhibit A - Chapter 17 – Zoning Text Amendments
- Exhibit 2 - Alternative 2 Exhibit A
- Exhibit 3 - Alternative 3 Exhibit A
- Exhibit 4 - Correspondence
- Exhibit 5 - Temporary Outdoor Event Application
- Exhibit 6 - Negative Declaration

cc: BIA
Dave Wegner
Fred Barber
Mike Abbott
Mike Giles
All MAC's

Copies Sent by Planning:
Wes Zicker – Engineering and Surveying Department
Dana Wynniger – Environmental Health Services
Public Works Department
Scott Finley - County Counsel
Christa Darlington - County Counsel
Holly Heinzen – CEO Office
Christine Turner – Agricultural Commissioner
CDRA – John Marin
Emergency Services – Bob Eicholtz
Subject/chrono files

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