



COUNTY OF PLACER
Community Development/ Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, AICP
Agency Director *MJ.*

DATE: April 9, 2013

SUBJECT: **INTERIM ORDINANCE ESTABLISHING MORATORIUM ON APPLICATIONS FOR
COMMUNITY CENTERS**

ACTION REQUESTED

1. Adopt an interim ordinance establishing a moratorium on applications for "Community Centers" pursuant to sections 17.04.030 (Definitions of Land uses, specialized terms and phrases) and 17.06.050.D (Land use and Permit Tables) of the Placer County Zoning Ordinance.

BACKGROUND

On March 12, 2013, the Placer County Board Supervisors directed staff to prepare an interim ordinance establishing a moratorium on applications for Community Centers.

ANALYSIS

The Placer County Zoning Ordinance defines Community Centers as follows:

"Multipurpose meeting and recreational facilities typically consisting of one or more meeting or multipurpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, weddings, receptions, dances, etc. Includes grange halls."

A Community Center is a permitted use in all residential land use zones and the Farm zone, subject to the approval of a Minor Use Permit, and in all commercial zones with either zoning clearance, or the approval of a Minor or Conditional Use Permit.

Over the past year, the Board of Supervisors has observed a significant increase in applications and interest in the establishment of Community Centers and private event centers in residential and Farm land use zones. In reviewing these applications, the Board has concluded the current definition of "Community Center" does not consider impacts that may result from allowing private event centers in historically rural areas. Based upon comments received from the public, the Board has recommended the implementation of a moratorium on Community Centers and private event centers to allow staff time to develop criteria and standards that may be appropriate in the review of these facilities.

California Government Code Section 65858 authorizes the Board, as the legislative body of the County, to adopt by a four-fifths vote, an interim ordinance to establish a moratorium on a use if the Board finds

there is a “current and immediate threat to the public health, safety, or welfare and that approval of additional subdivisions, use permits, variances , building permits, or any other applicable entitlement for [that] use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.” (Govt. Code section 65858(c).)

In addition to the finding of a “current and immediate threat”, the Board must also articulate the following findings in support of the adoption of an interim ordinance to establish a moratorium on a particular use:

- The interim ordinance is necessary to mitigate or avoid the specific, adverse impact that has been identified,
- There is no feasible alternative to satisfactorily mitigate or avoid the specific adverse impact that has been identified as well or better with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

If adopted by four-fifths vote of this Board, the interim ordinance would be effective immediately on the date of adoption and remain in effect for 45 days from the date of adoption. The Board may, by a four-fifths vote, extend the interim ordinance for a maximum additional period of 22 months and 15 days. To extend the ordinance the Board must first conduct another noticed public hearing. Failure to extend the initial interim ordinance will render it null and void at the end of the 45 day term. (Govt. Code Sections 65858(b)&(e).)

If adopted, the Board must also issue a written report describing the measures taken to alleviate the condition which led to the adoption of the interim ordinance ten days prior to the initial expiration of the ordinance or any extension.

The present proposed interim ordinance may not be extended beyond the maximum term outlined above. If the Board has not adopted a zoning text amendment to revise the definition and/or use of “community center” before the expiration of the interim ordinance, the moratorium imposed under that interim ordinance will be lifted and of no further force and effect. The Board could adopt another interim ordinance, however that new interim ordinance must articulate a “set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.” (Emphasis added. Govt. Code Section 65858(f).)

FISCAL IMPACT

While County staff time will be required to prepare any needed Zoning Text Amendments, all required work can be performed with the General Fund monies previously allocated to the Community Development Resource Agency.

CEQA COMPLIANCE

The proposed interim ordinance is exempt from environmental review pursuant to the provisions of Section 15306 (Information Collection) of the California Environmental Quality Act (CEQA) Guidelines. Section 15306 exempts from CEQA a matter which consists of basic data collection, research and information gathering which do not result in a serious or major disturbance to an environmental resource. This ordinance will establish a moratorium on new “community center” applications so that the County can collect data, research and study revisions to the “community center” definition and propose associated development standards. This research will not result in a disturbance to environmental resources because no development or construction will result from this interim ordinance that will establish a “status quo” while the zoning code provisions are studied and analyzed.

RECOMMENDATION

Staff recommends approval of the interim ordinance establishing a moratorium on applications for "Community Centers" subject to the following findings.

FINDINGS

CEQA:

The proposed interim ordinance is exempt from environmental review pursuant to the provisions of Section 15306 (Information Collection) of the California Environmental Quality Act (CEQA) Guidelines. Section 15306 exempts from CEQA a matter which consists of basic data collection, research and information gathering which do not result in a serious or major disturbance to an environmental resource. This ordinance will establish a moratorium on new "Community Center" applications so that the County can collect data, research and study revisions to the "Community Center" definition and propose associated development standards. This research will not result in a disturbance to environmental resources because no development or construction will result from this interim ordinance that will establish a "status quo" while the zoning code provisions are studied and analyzed.

PROJECT:

1. The increase in applications and interest to establish "Community Center" is a current and immediate threat to the public health, safety and welfare of the residents of Placer County.
2. An interim ordinance establishing a moratorium on applications for "Community Centers" is necessary to protect the public health, safety and welfare of the residents of Placer County. The moratorium will authorize the County to refuse to accept new applications for the term of the ordinance and focus on developing criteria and standards that may be appropriate in the review of this type of land use request in light of the character of the surrounding community.
3. An interim ordinance establishing a moratorium on applications for "Community Centers" is necessary to halt the processing of applications for "community centers" in order to avoid a potential saturation of this use in any particular land use zone and/or a proliferation of this use in land use zones or areas of the County that may not have the infrastructure or public services to accommodate it.
4. The adoption of this interim ordinance is necessary to mitigate and avoid the adverse impacts identified herein.
5. An interim ordinance establishing a moratorium on applications for "Community Centers" is the only feasible alternative to satisfactorily mitigate or avoid the adverse impacts identified herein as well or better with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

ATTACHMENTS:

Attachment 1: Proposed Interim Ordinance

Before the Board of Supervisors County of Placer, State of California

In the matter of:
Interim Ordinance Establishing
Moratorium on Applications for
"Community Centers" pursuant to
Placer County Code Chapter 17,
Article 17.04, Section 17.04.030 and
Article 17.06, Section 17.06.050.D.

Ordinance No.: _____

The following Ordinance was duly passed by four-fifths vote of the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

Jim Holmes

Clerk of the Board Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY FIND AS FOLLOWS:

WHEREAS, Placer County Code Chapter 17, Article 17.04, Section 17.04.030 defines "community centers" as follows: "multipurpose meeting and recreational facilities typically consisting of one or more meeting or multipurpose rooms,

kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, weddings, receptions, dances, etc. Includes grange halls.”

WHEREAS, pursuant to Placer County Code Chapter 17, Article 17.06, Section 17.06.050.D., “community centers” is a permitted use in all residential land use zones and the farm zone with the grant of a minor use permit and in all commercial zones with either zoning clearance, or the grant of a minor or conditional use permit.

WHEREAS, the Board has observed a significant increase in applications and interest in the establishment of “community centers” in residential, agricultural and farm land use zones.

WHEREAS, the Board finds the current definition of “community center” does not consider potential cumulative impacts to the community including noise, traffic and intensity of use.

WHEREAS, absent a full analysis of such cumulative impacts and the establishment of development standards to address the same, the continued processing and approval of applicants for “community centers” could significantly alter the character of portions of the County, impact the infrastructure and roads in the County and result in a proliferation of such a use in areas not suited for the same.

WHEREAS, there has been considerable community concern over the establishment of community centers and potential concentration of this use in areas in the County that do not have sufficient support services, such as fire, water, sewer and adequate ingress and egress.

WHEREAS, Government Code section 65858(b) and (c) authorizes the adoption of an interim ordinance if supported by findings of a current and immediate threat to the public health, safety or welfare and findings related to the necessity of the ordinance to mitigate or avoid the identified specific and adverse impacts.

WHEREAS, the Board finds the increase in applications and interest to establish “community centers” to be a current and immediate threat to the public health, safety and welfare of the residents of Placer County.

WHEREAS, the Board finds the current code provisions governing “community centers” lack sufficient development standards to regulate the number, location and intensity of use of “community centers” and absent the same, there is an immediate threat to the public health, safety and welfare of the residents of Placer County.

WHEREAS, the Board finds it necessary to halt the processing of applications for “community centers” so that this use can be adequately studied, development standards established and design guidelines defined to ensure that the use will be established in areas that are compatible with the surrounding neighborhood.

WHEREAS, the Board finds it necessary to halt the processing of applications for “community centers” to avoid the proliferation of this use in land use zones or areas of the County that do not have the infrastructure or public services to accommodate this use.

WHEREAS, the Board finds the adoption of this interim ordinance to be necessary to mitigate and avoid the adverse impacts identified herein.

WHEREAS, the Board finds there is no feasible alternative to satisfactorily mitigate or avoid the adverse impacts identified herein as well or better with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

WHEREAS, this ordinance is exempt under Section 15306 of the California Environmental Quality Act Guidelines. Section 15306 consists of basic data collection, research and information gathering which do not result in a serious or major disturbance to an environmental resource. This ordinance will establish a moratorium on new “community center” applications so that the County can collect data, research and study revisions to the “community center” definition and propose associated development standards. This research will not result in a disturbance to environmental resources because no development or construction will result from this interim ordinance that will establish a “status quo” while the zoning code provisions are studied and analyzed.

NOW THEREFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

1. As of the effective date of this ordinance, no applications for “community center” shall be accepted and/or processed.
2. Any applications in process for a “community center” which have not been deemed complete pursuant to Placer County Code Section 17.58.050 as of the effective date of this ordinance shall be stayed.
3. This ordinance shall become effective immediately upon adoption and shall remain in effect for forty-five (45) days from the date of adoption and may be extended prior to its expiration by four-fifths vote of the Board for twenty-two (22) months and fifteen (15) days.