



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson, Deputy Director

HEARING DATE: July 25, 2013
ITEM NO.: 3
TIME: 10:35 a.m.

TO: Placer County Planning Commission
FROM: George Rosasco, Supervising Planner
DATE: July 25, 2013
SUBJECT: WORKSHOP – COMMUNITY CENTER USES IN PLACER COUNTY

GENERAL PLAN/COMMUNITY PLAN: Placer County General Plan and all Community Plans

ZONING: All Residential Zone Districts, Farm Zone District, and all Commercial Zone Districts

STAFF PLANNER: George Rosasco, Supervising Planner

LOCATION: Countywide

APPLICANT: Planning Services Division of the Community Development Resource Agency

WORKSHOP DESCRIPTION: Conduct a third Public Workshop with the Planning Commission to obtain direction on possible criteria and standards for a potential Zoning Text Amendment to address issues associated with community centers.

DIRECTION FROM THE PLANNING COMMISSION BASED ON PREVIOUS TWO WORKSHOPS:

On June 27, 2013, the Planning Commission conducted a second workshop on "Community Centers". As a result of public testimony and Planning Commission discussion, the Commission directed to include as a requirement of Community Center Zoning Text Amendment that event center type uses in agricultural zone districts obtain a Conditional Use Permit to operate and that it also include the following performance standards that pertain to:

- minimum parcel size
- setback regulations
- maximum event size
- maximum number of events
- hours of operation
- noise issues
- access issues
- parking issues
- on-site agricultural use
- on-site security
- lighting

- food guidelines
- event center density
- noticing requirements
- "Community Center" and "Event Center" code enforcement options".

The Planning Commission directed staff, due to the broad nature of the current definition of "Community Centers", that the following multiple definitions be created to replace it: "Community Center", the primary function of which would be to provide a community meeting hall for public benefit where members of the public could carry out local community-oriented activities and public and civic functions; "Commercial Event Centers", the primary function of which would be to provide a facility for any type of private social gathering and would consist of a multipurpose meeting and recreational facility; and three definitions for "Agricultural Event Centers" that more narrowly define the type of event centers that would be allowed in the agricultural zone districts.

The Planning Commission also discussed the challenges faced by Placer County as a result of parcel fragmentation. Parcel fragmentation is the single greatest challenge that Placer County faces with regard to regulating event center-type uses in agricultural areas, as past actions of the County have created a patchwork of small-scale agricultural parcels that do not provide adequate buffers between agricultural uses. Ideally, agricultural lands are established on parcel sizes of 40 acres or more, however Placer County has allowed very small (from one- to ten-acre) parcels in its agricultural zoning districts. As a result, many of Placer County's proposed event center type uses will be located on smaller parcels where other residential/non-agricultural uses are located in close proximity. Because of this influx of residential/non-agricultural uses in the County's agricultural zoning districts, the Board of Supervisors adopted a "Right-to-Farm" ordinance that gives preference to agricultural uses in agricultural zoning districts, regardless of the adjoining land use. The Planning Commission understood and acknowledged that as a Community Centers Zoning Text Amendment moves forward, this issue will need to be considered and addressed as part of the process.

DISCUSSION OF ISSUES:

In order to obtain direction from the Planning Commission on the Zoning Text Amendment to "Community Centers", staff has prepared an analysis of the primary issues and concerns identified by the Planning Commission at the June 27, 2013 Workshop. Each section below contains an in-depth discussion of the specific issue and provides options for addressing the issue or concern. Staff has reviewed ordinances and policies to deal with Community Center and event center type uses from Amador County, Sonoma County, Santa Barbara County, San Luis Obispo County, San Joaquin County, Mariposa County, El Dorado County, Lake County, Sacramento County, Solano County, and Monterey County, in order to establish a basis for a Community Center ordinance that meets the needs of Placer County.

Definition of Community Center:

Section 17.04.030 (Definitions of Land Uses) of the Placer County Code currently defines community centers as:

"Community Centers" (land use) means 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.

"Community Centers", as currently defined in the Zoning Ordinance, are allowed in Neighborhood Commercial (C1), General Commercial (C2), Heavy Commercial (C3), Highway Service (HS), and Resort (RES) zone districts with a zoning clearance. Community Centers are also allowed in the Residential Single Family (RS), Residential Multi Family (RM), Residential Agricultural (RA), Residential Forestry (RF), Farm (F), Commercial Planned Development (CPD), and Office Professional (OP) zone districts with a Conditional Use Permit. .

As discussed at the second Community Center workshop, the current definition for Community Centers encompasses every type of gathering place from rural Grange Halls to "event-type" centers that are geared mainly toward weddings and private parties, but fails to address many key issues related to the actual Community Center uses identified throughout this process. Because of the broad nature of the current definition of "Community Centers" in the Zoning Ordinance, the Planning Commission recommended that staff create multiple definitions for Community Center to replace the current single definition. Based upon the direction of the Planning Commission staff has identified the following major topic heading under which a series of definitions can be created:

- **"Community Center"**the primary function of which would be to provide a community meeting hall for public benefit where members of the public could carry out local community-oriented activities and public and civic functions;
- **"Commercial Event Centers"**the primary function of which would be to provide a facility for any type of private social gathering and would consist of a multipurpose meeting and recreational facility;
- **"Agricultural Event Centers"** can be broken down into three separate definitions that more narrowly define the type of event centers that would be allowed in the agricultural zone districts.

Staff has reviewed the policies and ordinances of 11 counties and determined that information from Lake, Amador, Santa Barbara, El Dorado, and Sacramento Counties have ordinances and policies that could be combined with direction received from the Planning Commission and input from the public to create the appropriate definitions of **"Community Center"**, **"Commercial Event Center"**, and **"Agricultural Event Centers"**. Staff believes the following five examples of new definitions more accurately identify the differences between community centers for public benefit, commercial event centers for private social gatherings, and agricultural event centers as discussed by the Planning Commission at its June 27, 2013 Workshop.

Proposed Revised Land Use Definitions

"Community Centers" (land use) means a facility, which may be located on public or private property that functions primarily to provide a community-centered meeting hall for members of the public to carry out local community-oriented activities and public and civic functions. Examples of such facilities include Grange Halls, Community Sponsored Meeting Halls, and Veterans Halls that consist of a multipurpose meeting and recreational facility, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as public assemblies, meetings, private meetings, parties, weddings, receptions, and dances.

"Commercial Event Centers" (land use) means a facility located on private property that primarily functions to provide a facility for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions, and dances.

"Small Agricultural Event Centers" (land use) means a facility located on agriculturally zoned land of ten (10) acres or larger that has ongoing viable agricultural use (as defined in section-to be determined) that provides a facility for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups of 100 or less for such activities as meetings, parties, weddings, receptions, and dances.

"Intermediate Agricultural Event Centers" (land use) means a facility located on agriculturally zoned land of twenty (20) acres or larger that has an ongoing viable agricultural use (as defined in section-to be determined) that provides a facility for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups of 200 or less for such activities as meetings, parties, weddings, receptions, and dances.

"Large Agricultural Event Centers" (land use) means a facility located on agriculturally zoned land of forty (40) acres or larger that has an ongoing viable agricultural use (as defined in section-to be determined) that provides a facility for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups of 400 or less for such activities as meetings, parties, weddings, receptions, and dances.

These five definitions are intended to specifically cover every possible type and size of event center that could be proposed within the County. They clearly state the difference between a community based, commercially based, or agriculturally based event center and when combined with performance standards will create a clear and well defined application process for the applicant, the public and the County decision makers to understand and use during the review of these uses.

Proposed Zone Districts / Performance Standards

If the Planning Commission chooses to define "**Community Centers**" as outlined above, the Commission may wish to retain the existing allowable zone districts and entitlement requirements for "Community Centers." A community center, which primarily functions as a meeting place for members of the public to carry out community-oriented activities and public and civic functions, should be allowed in a broad range of zone districts in order to serve all members of the general public, and should also have the ability to be tailored to fit the individual community in which it is located. To that end, staff believes community centers can best be regulated through the use permit process, which allows for in-depth review and establishment of requirements on a case-by-case basis. This approach is similar to community center use requirements in Sonoma, Amador, and Santa Barbara Counties, all of which allow community centers in a broad range of zone districts that are comparable to the zone districts that currently allow "Community Centers" in Placer County.

If the Planning Commission chooses to define "**Commercial Event Center**" as outlined above, the Commission may wish to consider allowing "**Commercial Event Center**" uses in the following zone districts with the stated entitlement requirements:

1. General Commercial (C2), Heavy Commercial (C3), with zoning clearance as these zone districts have adequate infrastructure and are designed to handle large, noisy, and intense uses. Of the 11 counties reviewed, all counties allow commercial type event centers in their commercial zones with a zoning clearance process such as design review or in some

instances, such as Santa Barbara and Sonoma Counties, a use permit is required, which allows the agency to examine each proposal on a case-by-case basis.

2. Neighborhood Commercial (C1), Commercial Planned Development (CPD) and Office Professional (OP), Highway Service (HS), and Resort (RES) with a Conditional Use Permit, as these zone districts are suited to specialized commercial uses that may or may not be compatible with commercial event center uses. A Conditional Use Permit would ensure that each event center proposed in these zone districts would be examined on a case-by-case basis for compatibility. The Conditional Use Permit process would also allow for the establishment of requirements to address any conflicts with surrounding land uses. Of the 11 counties reviewed, all counties allow commercial type event centers in their commercial zones, and Santa Barbara and Sonoma Counties also require a use permit.
3. Residential Single Family (RS) or Residential Multi Family (RM) zones do not typically have the infrastructure necessary to accommodate an event center-type use. When event center-type uses are inserted into single-family residential zone districts, there is the potential that the use will be incompatible with the surrounding homes due to traffic, parking, and noise. Of the 11 counties reviewed, none of the counties allowed commercial type event centers in their residential zone districts; however, most allow a limited number of heavily-regulated weddings to occur in residential zone districts in conjunction with a Bed-and-Breakfast.

The public and the Planning Commission have stated on numerous occasions that they are most interested in how to regulate "Event Center" type uses in the Residential Agricultural (RA), Residential Forestry (RF), and Farm (F) zone districts, which are allowed in the above zone districts with the approval of a Conditional Use Permit (currently the processing of applications for these types of uses has been stopped by the moratorium enacted by the Board of Supervisors). Of the 11 counties reviewed by staff, none of the counties allow event center-type uses in their agricultural zone districts unless the event center use is in conjunction with a winery or other agricultural use. Consequently, at the direction of the Planning Commission and based on the comments made by the public, staff has developed the three definitions for "**Agricultural Event Centers**" (as shown previously in this staff report), which capture the direction from the Planning Commission and public comments from the previous workshops. If the Planning Commission chooses to define "**Agricultural Event Center**" as outlined above, the Commission may wish to consider allowing an "**Agricultural Event Center**" in the following zone districts with the stated entitlement requirements:

1. Residential Agricultural (RA), Residential Forestry (RF), and Farm (F) zone districts with the approval of a Conditional Use Permit. While Amador and Sacramento Counties do not require use permits for many of the event centers in their agricultural districts, the other nine counties reviewed require some type of use permit or other discretionary action for an event center in an agricultural zone district. Additionally, at the last workshop the Planning Commission stated that they believe it appropriate to review all event center type uses in the Residential Agricultural (RA), Residential Forestry (RF), and Farm (F) zone districts on case-by-case basis through the Conditional Use Permit process.

The following are the issues and analysis that the Planning Commission may wish to consider with regard to "**Agricultural Event Center**" as is proposed in the discussion of Definition of Community Center on page six.

Minimum Parcel Size:

The Planning Commission may wish to establish a minimum parcel size of ten acres or larger for an "Agricultural Event Center". The advantage to requiring a 10-acre minimum parcel size for an event center would be that it allows for greater buffers between the event center use and surrounding properties. This will decrease noise and visual impacts to surrounding properties, thereby reducing land use incompatibility issues. Of the 11 counties reviewed by staff, only Sonoma, Sacramento, and Monterey Counties have provisions to allow agricultural event type centers in their agricultural zones on parcels less than 20 acres. All other counties have a minimum parcel size of 20 or 40 acres. Staff has proposed a definition that would allow an Agricultural Event Center on a ten acre parcel due to the County's unique parcel fragmentation issue in Placer's agricultural areas as discussed earlier in this report.

Setbacks:

The Planning Commission and public have both stated in previous workshops that they would like to limit the visual impacts to surrounding properties as a result of "Agricultural Event Centers". This can be best addressed by creating a buffer zone with a setback requirement between the "Agricultural Event Center" and surrounding properties. While some of the 11 counties do not address this issue, most have addressed the issue of visual impact by establishing a large property line setback or by requiring some sort of discretionary approval. The most commonly required setback is 200 feet from the exterior property line to any portion of the agricultural event center use. This setback is applied in El Dorado, Solano, San Luis Obispo, and Monterey Counties. Currently in Placer County, buildings associated with an event center type use (Community Center by the current definition) in an agricultural zone district are required to meet a setback of 50 feet from the front property line and 30 feet from the sides and rear property line, and are allowed a maximum site coverage of 35 percent in the Residential Agriculture Zone District, 10 percent in the Residential Forestry Zone District, and 25 percent in the Farm zone District.

Maximum Event Size:

The Planning Commission may wish to limit the size of events allowed at "Agricultural Event Centers". The counties reviewed by staff allow events that range from 0 to 450 persons, with the majority of the counties allowing events of 100 to 200 people. Events beyond this range in the agricultural zone districts are only permitted with a discretionary approval, and parcel size is typically considered, usually with a requirement of 20 acres or larger. In the definitions for "Agricultural Event Centers" staff has adopted the event size most commonly associated with the same size parcel in the 11 counties reviewed.

Maximum Number of Events:

The Planning Commission may wish to establish a maximum number of events that can be held at an event center and specify the days that events can take place in the agricultural zone districts. This is a highly subjective issue and establishing such requirements may be challenging. Currently Placer County has two Community Centers, Newcastle Wedding Gardens and The Flower Farm, which are allowed to hold unlimited events and are accessed off throughfare roadways. The County has not received any complaints about either of these venues. Of the 11 counties reviewed, only Amador and Sacramento Counties allow an unlimited number of events: at agricultural event type centers. Each of the other counties reviewed either set a definitive number of allowed events or regulate them on a case-by-case basis through a discretionary permit or action. The most commonly specified number of events in the 11 counties reviewed by staff is 6 to 24 events a year. This range of events is allowed for agricultural type event centers in Solano, El Dorado, and Santa Barbara Counties.

Hours of Operation:

The Planning Commission may wish to establish hours of operation of 10:00 am to 10:00 pm for event center uses. The advantage of having set hours of operation is that it gives surrounding property owners the ability to plan around events by knowing when the event will begin and end. This requirement would also limit the impacts of noise, dust, and light to surrounding property owners. Ten of the counties reviewed by staff allowed events in their agricultural district until 10 p.m., with exception of Sacramento County, which allows some events to go to 11 p.m. in certain circumstances, such as events held on holidays.

Noise Issues:

The Planning Commission and public have both strongly voiced their support for noise control measures on "Agricultural Event Centers" so that the noise generated by these event centers will not spill over on surrounding properties. Of the 11 counties reviewed by staff Amador, Lake, and Mariposa Counties are silent on the noise issue with regard to agricultural type event centers in their agricultural district; however, all of the other counties have policies or ordinances similar to Placer County's Noise Ordinance to regulate these uses. The current Placer County noise standards would allow an event center type use in the above agricultural zone district to have an average noise level over one hour of 55 decibels during the day and 45 decibels at night. It would also limit the maximum one time noise level at the receiving boundary of adjoining parcels to a maximum of 70 decibels during the day and 65 decibels at night.

While the noise levels created by an "Agricultural Event Center" may not exceed County standards, the noise levels may be audible and, in some instances, disturbing to the quality of life for residents living in agricultural areas. Staff has not found a solution for this issue, other than requiring all event center activities to be conducted indoors. This may be an option the Planning Commission chooses to consider. Conversely, the Planning commission may conclude that, if acceptable noise levels set forth in the County's Noise Ordinance are not being exceeded it is acceptable to allow for outdoor events. While residents may have elected to live in farm/agricultural areas, the Planning Commission will need to consider whether or not it is appropriate to restrict farm/agricultural activities to preserve the environment for residents.

Access Issues:

The Planning Commission may wish to consider only allowing event center type uses in the agricultural zone districts if the property has ingress and egress from a publicly maintained roadway. This would greatly reduce impacts to surrounding properties that share a private roadway with the winery. Each of the 11 counties reviewed by staff require some basic access standard. Staff would suggest that if the Commission chooses to allow "Agricultural Event Centers" to be accessed via private roads, at a minimum those roads should be improved to meet the minimum roads standards mandated by the California Fire Safe Standards.

Parking Issues:

The Planning Commission may wish to apply a new parking standard for "Agricultural Event Centers" of 1 parking space for every allowed 2.5 guests, and one additional space for every permanent employee. The current parking standard for this type of use is 1 parking space for every 40 square feet of event center floor area. The proposed standard would provide sufficient parking to accommodate all attendees of events and would greatly reduce impacts to surrounding properties that share private and public roadways with the "Agricultural Event Center". Each of the 11 counties reviewed by staff have a parking standard that is very similar to the one proposed above.

On-site Agricultural Use:

In the 11 counties reviewed, there is no requirement that event center type uses in agricultural zone districts be subordinate to or support onsite agricultural uses. However, event center type uses are

only allowed in conjunction with a winery or some other type of agricultural use, so there is a de facto requirement that event center type uses be in conjunction with an agricultural use. If the Planning Commission wishes to require that event centers in the Residential Agricultural (RA), Residential Forestry (RF), and Farm (F) zone district be directly related to and in support of an on-site agricultural use, the following policies in the Placer County General Plan support such a requirement:

Policy 7.A.1.

The County shall protect agriculturally-designated areas from conversion to non-agricultural uses.

Policy 7.A.3.

The County shall encourage continued and, where possible, increased agricultural activities on lands suited to agricultural uses.

Policy 7.A.10

The County shall facilitate agricultural production by allowing agricultural services uses (i.e., commercial and industrial uses) to locate in agriculturally-designated areas if they relate to the primary agricultural activity in the area.

Policy 7.A.13

The County shall encourage multi-seasonal use such as private recreational development.

Policy 7.C.4

The County shall permit a wide variety of promotional and marketing activities for County grown products in all agricultural zone districts.

The Planning Commission may wish to require that any event that takes place in one of the above-listed agricultural zone districts must be subordinate to and in direct support of the on-site agricultural use. An example of this would be a harvest festival party at a winery. Another way to ensure that event type centers are in support of agriculture is to require that a verifiable agricultural use exists onsite. This could be accomplished by requiring any event center type use in the agricultural zone district to meet the same minimum general requirements of a Williamson Act Contract. This includes the requirement that the property is 10 acres in size and that it has produced \$4,500.00 in revenue from the on-site agricultural use in the last year and can continue to do so into the future.

On-site Security:

The Planning Commission may wish to consider requiring security for event center type uses if alcohol is served. This could alleviate parking issues and issues with general rowdiness. There is no requirement in the Placer County Zoning Ordinance to provide security at events where alcohol is served. Of the 11 Counties reviewed by staff, only Monterey County has any provisions with regard to event security. Monterey County's requirements state that if the Monterey County Sheriff determines it is necessary for an event to have on-site security, the promoter of the event will either pay for the Monterey County Sheriff's Department to provide the appropriate number of Sheriff's Deputies to provide security, or will hire private security officers who are registered under Chapter 11 of Division 3 of the California Business and Professions Code. Staff would suggest that if the Planning Commission wishes to require on-site security for events, standards similar to Monterey County's should be considered. It should be noted that it is staff's experience that the vast majority of events do not require onsite security.

Lighting:

The Planning Commission may wish to set lighting standards for event type centers. Examples of lighting standards could be that all event centers in agricultural zone district must be "Dark Sky" compliant and that they comply with current applicable Rural Design Guidelines for Placer County. All of the 11 counties reviewed by staff require that lighting in conjunction with event center types use in agricultural zone districts have lighting that is of a low intensity, low glare design with full cut-off that shields the light downward to minimize light leaving the site.

Food Guidelines:

The Planning Commission may wish to consider food guidelines that specify whether or not an event center type use in an agricultural district can have a commercial kitchen, or if they should be required to use a catering service for events. The Commission may wish to specify what type of food services can be provided, for instance the Commission may wish to specify that only banquet meals are allowed for individual events and that restaurants are not allowed that cater to individuals. Furthermore, if an "Agricultural Event Center" does have an onsite commercial kitchen the Planning Commission may wish to specify that it is only to be used for onsite events.

From the Department of Environmental Health's perspective, if an event center does not have a commercial kitchen that has been reviewed/approved by the County, the facility is limited to the following food service options:

- Service of pre-packaged food
- Service by a catering company
- Service by a mobile food vendor (who is authorized to work in Placer County)

Of the 11 Counties reviewed by staff only Monterey County has food guidelines for agricultural type event centers. They are as follows: The food service facility must be clearly subordinate to the onsite agricultural use; the food service facility must be located in the main event center structure; and the kitchen and dining area must not exceed 1500 square feet.

Event Center Density:

The Planning Commission may wish to specify an allowable land use density based on distance separation for "Agricultural Event Centers". For example, the Commission may wish to require that only one event center be permitted within a one-half mile radius from any other. The advantage to such a requirement is that it would greatly reduce impacts associated with event center type uses in agricultural areas. The disadvantage to this type of requirement is that it is very difficult to quantify what is an acceptable density ratio based on distance. Furthermore, the appropriate ratios may differ from one area of Placer County to another. Monterey County specified an allowed density for event center type uses but only in a defined agricultural area of the County that was contained within a Community Plan. The ratio was established based on extensive study of the area's topography and infrastructure. This allowed them to accurately quantify an acceptable amount of event center types uses and the distance they should be spaced from each other.

"Community Centers" and "Event Center" Code Enforcement Options:

At the May 9, 2013 workshop, the Planning Commission and the public clearly expressed a desire to ensure that a mechanism is put in place to enforce any violations of zoning ordinance requirements and conditions of approval placed on community centers and event centers in a timely manner. The incorporation of the following provisions and mechanisms into any Zoning Text Amendment to "Community Centers" would bolster the code enforcement process:

1. Sheriff Department personnel should be on-call 24 hours a day to respond to community center and event center complaints.
2. Streamline the violation process and eliminate a Courtesy Notice, and instead issue a Notice of Violation once a violation has been determined to exist. Issue a Judicial Citation, or Administrative Citation within 10 days of the Notice of Violation if compliance is not obtained. This would reduce the enforcement process by 30 days.
3. Prosecute violations of zoning ordinance provisions and conditions placed on community centers and event centers as misdemeanors through the District Attorney's Office.
4. All event center type uses will be given a two year probationary period of operation. If the facility violates any conditions of approval as determined by the county, the Planning Commission may revoke their right to continue the use.

Of the 11 counties reviewed, no counties have special code enforcement provisions to deal with code violations. Only Sonoma County takes a more proactive approach to guarantee compliance with conditions of approval from event center type uses by approving the use for a two year probationary period and if, during that period, violations occur the event center type use can be shut down.

CONCLUSION: As directed by the Board of Supervisors, the intent of this process is to determine how Placer County might regulate Community Centers in the future. The purpose of this workshop is to obtain input and direction on the issues contained in this staff report from the public and the Planning Commission. Upon obtaining direction/recommendations from the Planning Commission on a Community Center Zoning Text Amendment, staff will prepare a draft Zoning Text Amendment on Community Centers and will present it for comment to the Planning Commission at a future workshop. As shown in the information presented above, staff is confident that a new Community Center Ordinance can be crafted that will accommodate the needs of residents while preserving the ability of Community Centers to operate successfully within the County resulting in a "Win-Win" situation for all parties involved.

Based upon comments received during the workshop on Community Centers and Event Centers, the Planning Commission may want to provide additional direction to staff on how best to proceed with the Community Center Zoning Text Amendment.

NEXT STEPS: Staff will continue to clarify the issues surrounding community centers and event centers, staff envisions an expansive and robust public review process to address the issue. Listed below is a tentative schedule for the public review of community centers and event centers:

- Workshop with Planning Commission (**Completed May 9, 2013**)
- Presentation to the Board of Supervisors (**Completed May 21, 2013**)
- Second Workshop with the Planning Commission (**Completed June 27, 2013**)
- Third Workshop with the Planning Commission (July 25, 2013)
- Staff preparation of draft Zoning Text Amendment (September 2013)

- Presentation to Municipal Advisory Committees (August, and September 2013)
- Present comments from MAC's to Planning Commission (September 2013)
- Staff preparation of revised draft Zoning Text Amendments (September 2013)
- Planning Commission review of draft Zoning Text Amendments (October 2013)
- Board Consideration of draft Zoning Text Amendments (November 2013)

As can be seen from this tentative schedule, there will be multiple opportunities for members of the public to participate and provide comments on the proposed Zoning Text Amendments associated with "Community Centers. Through this type of inclusive process, the Planning Commission will hear first-hand the full breadth of comments, and any direction provided by the Planning Commission will take into consideration all comments presented by interested stakeholders.

ACTION REQUESTED: Staff requests that the Planning Commission receive public comment on issues contain in this staff report associated with community centers and event centers, and provide direction to staff for preparation of a draft Zoning Text Amendment regarding Community Centers.

ATTACHMENTS:

Attachment A: Correspondence

cc: Engineering and Surveying Division
 Environmental Health Services
 Air Pollution Control District
 Andy Fisher - Parks Department
 Gerry Cardin - County Counsel
 Karin Schwab – County Counsel
 Michael Johnson - CDRA Director
 Paul Thompson – Deputy Director
 Holly Heinzen – CEO Office
 Subject/chrono files

o/plus/pln/plng comm/pc staff report format 11-06.doc

Kathi Heckert

From: Carol Rubin [c_rubin@sbcglobal.net]
Sent: Wednesday, July 03, 2013 5:13 PM
To: Kathi Heckert
Subject: Fw: Suggestions for an "event" ordinance in Ag zoning
Attachments: Sugg event ctr ord for Planning.pdf

Hello Kathi,

We had a productive meeting with some of the CDRA staff last week, and I want to make sure the Planning Commissioners have this draft of some suggestions for a ZTA covering events in Placer County. Could you kindly forward it to them in case they didn't get it?

Thank you,

Carol Rubin

----- Forwarded Message -----

From: Carol Rubin <c_rubin@sbcglobal.net>
To: Paul Thompson <PKThomps@placer.ca.gov>; "mjohnson@placer.ca.gov" <mjohnson@placer.ca.gov>; George Rosasco <grosasco@placer.ca.gov>; "planning@placer.ca.gov" <planning@placer.ca.gov>
Cc: Patricia Burke <huberburke@gmail.com>; "don@rockhillwine.com" <don@rockhillwine.com>; Marilyn Jasper <mjasper2@gmail.com>; Marilyn Jasper <mjasper@accessbee.com>
Sent: Thursday, June 27, 2013 2:17 PM
Subject: Suggestions for an "event" ordinance in Ag zoning

Mr Johnson, Mr Thompson, and Mr Rosasco:

Thank you for agreeing to meet with the four of us tomorrow at 2 pm. We have been working on some specific suggestions relating to code language for "events" in Ag zoning and code enforcement. We wanted to see where today's Planning Commission hearing was headed before presenting these suggestions, but we were glad to see that the solutions we propose look a lot like the ones the Planning Commissioners and Planning Staff discussed at the hearing, so I'm attaching a draft of what we've been working on.

Please forward this email to the Planning Commissioners! I don't have their email addresses, but would like them to look over this document and add their comments and suggestions.

The four of us (Ms. Jasper, Ms. Burke, Mr. Dupont and myself) represent a cross section of affected parties, all with different priorities and agendas. We are not in agreement on all the particulars in the attached document. Some of us want more restrictive language in some specifics, some of us want less, and some of us have different suggestions entirely, but I think we are in agreement about the general shape the code should take. I'm hoping those with other suggestions, including Planning Staff, will bring them to the discussion tomorrow so we can move the process along to a relatively harmonious conclusion. The attached draft is more repetitive and less coherent than I would like (apologies!) but I hope it will serve as a starting point for some concrete code language.

Thank you all for a productive hearing process and see you tomorrow.

Carol Rubin

Suggested ordinance revisions, second draft (6/27/13)

These suggestions are for events, Community Centers and Event Centers only, including events at wineries and other agricultural sites. (The only winery specific marketing activities that appear to need regulation separate from the "event" issue are tasting rooms and other special buildings, signage, and parking; these should be dealt with in the winery ordinance revision and other code sections.)

Overall Objectives:

Paramount: To "protect the agricultural character and long-term agricultural production of agricultural lands" (from current winery ordinance).

To disentangle the "winery" and "Community Center" issues for consistency and fairness.

To balance the property rights of all rural residents as equitably as possible.

Event ordinance:

Goals: To better define and regulate what constitutes an "event" and where and under what conditions events may be held in Placer County.

To encourage location and conduct of events in Placer County in areas that are best suited for, and least impacted by, these uses.

Definitions:

Staff have proposed good definitions for "Community Centers" vs "Event Centers" with minor suggested changes:

- **"Community Centers"** (land use) means a facility, which may be located on public or private property, that functions primarily to provide a community-centered meeting hall for members of the public to carry out community-oriented activities and public and civic functions. Examples of such facilities include Grange Halls, Community Sponsored Meeting Halls, and Veterans Halls that consist of a multipurpose meeting and recreational facility, typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as public assemblies, meetings, private meetings, parties, weddings, receptions, and dances.

[replace "public or private property" with "public, or residential multifamily or PUD property"]

[replace "to carry out community-oriented activities" with "to carry out local community-oriented activities"]

- **"Event Centers"** (land use) means a facility located on private property that primarily functions to provide a facility for any type of private social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions, and dances.

[replace "type of private social..." with "type of social..."]

[The reason for these suggestions is that "private" is used in the permit sections (see "Code Enforcement" suggestions) to mean "personal" usage]

Also need to define "event." Suggest something like:

Event: an organized gathering of persons for a defined purpose. Events last no longer than six contiguous hours. No more than one event may be held in any 24 hour period at one location. "Private" events (i.e. those which are not advertised to the public at large and for which no fees are charged, for example a fundraiser) held at a commercial site count toward the maximum number of events allowed on the permit.

This definition excludes unadvertised or private gatherings with fewer than 20 attendees (8 vehicles) at any location (for example, if the Planning Commission members all drive out for a tour of Rock Hill Winery, it does not constitute an event) and personal events held at private residences from permit and access requirements. These small and private events still must abide by the noise and parking requirements.

Also can look at San Joaquin definitions if more detail is desirable (but I'm all for keeping it simple):

Marketing Event. "Marketing event" means the congregation of persons for the purpose of promoting the wine industry and marketing wine. Marketing events always include wine tasting and the sale of wine. Activities or events such as educational wine tours for the public, non-profit community fund raising, private seminars for distributor and sales representatives and events for wine industry groups that enhance awareness of wine and wine-related products and services are considered to be a marketing event. Marketing events shall be identified in the supplemental information marketing plan.

Special Indoor Event. "Special indoor event" means any temporary event or activity generally attracting large numbers of people, that is conducted within a structure, is subject to compliance with specific Uniform Building and Fire Code requirements, and is not already defined within a specified zone as an allowable "temporary" use activity. Included in this definition are Halloween haunted houses and home craft fairs. Excluded from this definition are marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. Each special indoor event may not exceed a length of three (3) consecutive days.

Special Outdoor Event. "Special outdoor event" means any temporary event or activity generally attracting large numbers of people, requiring the importation of temporary facilities such as portable bleachers, food stands, and portable toilet facilities, conducted out-of-doors and not already defined within a specified zone as an allowable "temporary" activity. Excluded from this definition are parades, carnivals, circuses, and marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events

shall be permitted within a calendar year. In the R-L (Low Density Residential) and R-M (Medium Density Residential) zones, an additional four (4) special outdoor events shall be permitted within a calendar year. Each special outdoor event may not exceed a length of three (3) consecutive days.

Zoning:

It is especially noteworthy that most other counties don't allow Event Centers in ag zoning.

We are in agreement with Staff that the serious issues that have arisen are with events and Event Centers in Ag zoning. We propose the following zoning criteria, which largely match those outlined by staff:

Div I, Agricultural, Resource and Open Space

Ag Exclusive: No Event Centers. No events other than TOE and "Ag events" (Ag level permits, see Code Enforcement, below)

Forestry, Open Space, Timberland Production, Water Influence: No Event Centers. No events other than TOE and "Ag events" ("Ag" level permits, see Code Enforcement, below)

Farm: Community Centers and Event Centers, and events permitted with an MUP or CUP and Planning Commission review under specifications shown below

Div II, Commercial

Community Centers, Event Centers, and events permitted in all zones, subject to MUP or CUP and Planning Commission review and consistent with other businesses allowed in the zone.

Div III, Industrial

Community Centers, Event Centers, and events permitted in all zones, subject to MUP or CUP and Planning Commission review and consistent with other businesses allowed in the zone.

Div IV, Residential

Residential Agriculture, Residential Forest: Community Centers and Event Centers and events permitted with an MUP or CUP and Planning Commission review under specifications shown below

Residential Multi-Family, Residential Single-Family: No Event Centers. No events other than TOE or at Community Centers.

Community Center and Event Center requirements for F, RA and RF zoning:

No events, other than TOEs, at facilities on less than 10 acres, on a road lower than "rural collector", or on shared private roads. No new Event Centers or Community Centers within one mile of a recognized endangered or threatened species habitat, including salmon spawning streams.

Parking must be sufficient for the number of vehicles permitted plus 10% additional for service vehicles.

All sites must provide adequate emergency vehicle access and meet fire and sanitation codes.

Following the lead of several other counties, issue tiered facility permits.

Tier 1, All of the following criteria must be met:

- lot size 10 or more acres
- facility 3000 sq ft or less, one story max
- no neighboring residential structures within 150 feet
- no outdoor amplified sound systems
- road access rural collector or better
- located within 3 miles of the nearest city limits OR within one mile of a property zoned "commercial" or "industrial"

Tier 1 sites are eligible for A or Ag A event permits only (event permits are discussed under Code Enforcement).

Tier 2, All of the following criteria must be met:

- lot size 15 or more acres
- facility 5000 sq ft or less, one story max
- no neighboring residential structures within 300 feet
- no outdoor amplified sound systems
- road access rural arterial or better
- located within 3 miles of the nearest city limits OR within one mile of a property zoned "commercial" or "industrial"

Tier 2 sites are eligible for A, Ag A, B or Ag B event permits (event permits are discussed under Code Enforcement)

Tier 3, All of the following criteria must be met:

- lot size 40 or more acres
- facility size determined by MUP/CUP
- no residential structures within 1000 ft.
- road access highway or freeway

Tier 3 sites are eligible for all classes of event permits (event permits are discussed under Code Enforcement).

Note that sites which mostly, but not perfectly, satisfy the above conditions, can apply for an administrative remedy. For example, a landowner with a seven acre plot surrounded by much larger parcels, no close neighbors and on an arterial roadway close to town might reasonably petition for a Tier 1 or even possibly a Tier 2 permit.

These variances should be relatively difficult to obtain, with MUPs or CUPs and PC public hearings required.

If the parcel size, access or zoning on or adjacent to a permitted facility changes so the current permit conditions are invalidated, the facility must reapply for a permit meeting the new conditions. For example, if a parcel adjoining an Event Center is rezoned to Multifamily Residential and the required Event Center setback cannot be maintained, the Event Center would lose its permit. [There would be eminent domain issues here that have to be addressed.]

[The purpose of the above specifications is to make sure that any Event Centers in Ag zoning are at the margins of the zones with sufficient access and buffers for the traffic generated]

Response to Staff Report specifics:

These comments and suggestions apply only to Ag zoning.

Minimum parcel size: If Event Centers are permitted at all in F, RA and/or RF zoning: 10 ac minimum. (As noted in the staff report, most of the other counties surveyed do not allow Event Centers in Farm Zoning at all.)

Setbacks: The current Ag zone setbacks referenced (50 ft and 30 ft) are inadequate to protect adjoining residences. We suggest adjusting the setbacks and the sizes of buildings allowed depending on the distance from the proposed facility to the nearest neighboring residence, the parcel size, and the number of events/guests proposed for the facility.

Numbers of events and guests: We suggest tiered permits (see above) based on the proposed facility size and location, similar to what some of the other counties surveyed use.

Hours of operation: We appreciate the thorough presentation of this problem in the Staff Report. We suggest 7 or 8 pm as an appropriate ending time for events in Ag zoning. Roads in rural Placer, even some major arterials like Hwy 193 and Sierra College Blvd, are unlit, winding, and sometimes poorly marked, increasing the danger to motorists, especially those unfamiliar with the area, after dark. The noise problem also becomes more acute at later hours.

Noise: The current noise ordinance levels are adequate, but we note the "maximum one-time" noise limit will be nearly impossible to quantify and therefore to enforce. Enforcing "indoor only" activities is also impractical. We suggest the best way to deal with the noise issue, at least in part, is to limit the size and hours of events in Ag zoning, especially in the areas with smaller parcel sizes, and prohibit outdoor amplified sound systems altogether.

Access: No facilities should be allowed where the only access is shared. For any facility on a road smaller than arterial, only the smallest and least frequent types of events should be permitted. The sporadic nature of the traffic generated by these events can quickly overwhelm a small road and becomes dangerous, especially at night.

Ag Usage requirement: The proposal by staff to limit events in Ag zoning to those properties that qualify for the Williamson Act is excellent! It can be used to cover all types of agriculture, including grape growers, and will protect Ag lands from being overrun with large event facilities "supported" by a trivial ag component. If this requirement is adopted, the Event Center applicant should be required to submit income tax returns or equivalent documentation when the annual permit (see Code Enforcement, below) is applied for.

Security: We thank county Staff for including this issue, since it is troubling to rural residents. We have suggested appropriate security for the larger event permits (see Code Enforcement, below)

Lighting: We are grateful to county Staff for including this provision and request that dark-sky lighting be stipulated as a condition for all new Event and Community Centers in all zones.

Food service: We suggest that commercial kitchens be permitted for larger event facilities only (i.e., Tiers 2 and 3), subject to other code requirements for these cooking and eating facilities. The kitchen may be used at permitted events only or for the owner's personal use – you can't have it open at other hours serving coffee, snacks (or pizza, like Flower Farm does!). The kitchen then becomes a *de facto* restaurant, contrary to intent of Farm zoning, and this kind of violation should result in revocation of the event permit.

Only catering or mobile food service should be allowed in Tier 1 facilities, except outdoor barbecue pits and grills would be permitted in all tiers.

Density: Any density requirement must also factor in Community Centers. The cumulative effects of concentrations of these "event" uses are most alarming to rural residents and ag operators. We suggest this issue might be addressed by limiting the number of new annual permits issued in Ag zoning, or along specified roadways (i.e., "no new permits except 'Ag' permits along Gold Hill Road until further notice") if the Planning Commission finds that a concentration of Event and Community Centers is becoming undesirable (see Code Enforcement, below).

Noticing: We suggest extending the noticing requirement to a 1-mile radius in Ag zones. The current 300 foot limit is about the size of the average city block, but the effects of Event and Community Centers extend far beyond this distance.

Code Enforcement:

Goal: To develop transparent, fair, and easily enforceable mechanisms to ensure that regulations covering events are clear and that violators are held accountable, for the protection of both businesses and residents of Placer County.

The 2012-2013 Placer County Grand Jury (report attached) has presented several Findings and Recommendations in their "**Placer County Winery Ordinance Enforcement Review.**" The issues, though, do not deal with the *agricultural* aspects (i.e., grape growing and winemaking) of wineries, but with the *marketing* aspects (i.e., retail sales, tasting rooms, and events) and with the vague language of the current codes. These issues also apply for the most part to Event and Community Center uses and we hope the Events Workshop will address them, and thereby facilitate Planning's response to the Grand Jury.

The Staff Report contains several good suggestions (e.g., streamline the violation process, add a probationary period) but we also see the need for more specifics and a more robust way to deal with unpermitted underground events.

We note that enforcement is as much for the protection of legitimate event holders as it is for the public in general. Currently a large number, if not a majority, of commercial events in Placer County are held without any permit or accountability whatsoever. There must be a tracking and enforcement mechanism that will eliminate the rogue operators.

We therefore propose a public, transparent enforcement process, beginning with the on-line database of event permits described below. The database would contain the name of the permit holder, the address to which the permit applies, the type of permit, and a history of the events held so far under that permit (date and time) with associated complaints, if any. When a permit holder plans an event, he/she goes on line before the event and registers the event by noting the date, time, duration and any other particulars he/she wishes to stipulate. Anyone may view these particulars on line at any time. If a resident has a complaint that any aspect(s) of the permit are being violated at an event, he or she may register a complaint on line, by phone or in person. Corroborating evidence in the form of advertisements, flyers, photos, videos and/or sound recordings is admissible and may be uploaded with the complaint or presented in person at county offices. Code enforcement personnel will review complaints for legitimacy and post a response within five business days, noting receipt of the complaint and the action taken. The first event in any twelve month period that generates one or more *substantiated* complaints will result in a consultation between a code enforcement officer and the permit holder how best to avoid future complaints. The second event within any twelve month period that generates one or more *substantiated* complaints will result in another conference with code enforcement personnel and forfeit of one additional event on that year's permit. A third event within any twelve month period that generates one or more *substantiated* complaints will result in *automatic* permit suspension for one year and a hearing before an event enforcement panel (how about

composed of one Planning rep, one private citizen, and one event permit holder?) to suggest improved compliance strategies. (The site retains its right to the permit, but the permit is withheld for the next cycle.) Facilities that have their permits withheld for two out of any five consecutive years *automatically* have their permits revoked for a period of two years and they lose their automatic renewal privileges. (The permit number is no longer automatically assigned to that site and returns to the general permit pool. The permit holder then must reapply as though it was a new facility.)

Temporary outdoor events would also be logged on this database.

Permit System: We suggest this system of annual event permits at different levels, which presents several advantages:

The County and other public agencies already have similar permit systems in place, such as parking permits and PCWA or NID irrigation water permits, and are familiar with establishing and maintaining them.

The permit process would become simple (conditions for each type of permit are posted on line), transparent and publicly accessible (residents can consult an on-line database for property information, permit type and event and violation history), easy to enforce, and permit fees generate the revenue to support the system and its enforcement.

An increased role for the County Sheriff's office, as suggested in the Staff Report, will be facilitated by this system, since permit requirements will be simple, uniform and posted on line. Any sheriff comments in response to complaints would be added to the documentation accompanying each complaint.

Consequences for violations are clear, graduated, and fair.

Illegal events at unpermitted facilities will be easy to spot.

Suggested Permit Levels:

Event permits. Annual event permits would be sold (similar to parking permits or buying irrigation water). Numbered event permits would be linked to one designated site and only one permit may be purchased for each address. Each site would automatically be eligible to have the permit renewed every year upon payment of the annual fee, unless the permit is suspended or revoked. Placer County Planning would establish and maintain a public database on the county website listing the specifications for each type of permit and the address, owner or manager, level of permit, dates, and times of events held under that permit, and whether there are complaints associated with a particular event (unsubstantiated complaints would be noted as such after investigation).

Public benefit and fraternal or non-profit association halls (e.g., grange halls, Community Centers) will be issued permits for tiers in which they qualify at a reduced or

no fee, but still must comply with all of the enforcement provisions and are subject to having the permit suspended or revoked.

Existing publicly or non-profit owned sites (actual "Community Centers") will be automatically eligible for permits in the tiers for which they qualify. *Established* businesses (e.g., Flower Farm & Newcastle Wedding Gardens) with facilities to accommodate events larger than what the new regulations allow would be granted a permit variance to continue operating at their present levels, but they may not increase those levels without submitting a new MUP application.

Provisionally permitted "Community Centers" (Gold Hill Gardens and Wise Villa Winery) are currently under 2-year MUPs. At the end of the two year probationary period, if they wish to continue to hold events, they will be automatically eligible for an event permit in the tier for which they qualify.

Permit fees will be graduated depending on the level of permit sought and may be adjusted as needed by Planning to cover the costs of maintaining the database and code enforcement.

The Planning Commission, at an annual public hearing, will review the need to enlarge the permit pool. If the cumulative number or concentration of permitted facilities, either county-wide or in a specific area, generates undue public hardship, environmental degradation, and/or infrastructure overloads (road quality, fire hazard, increased crime), no more permits will be issued unless and until the negative impacts or hazards can be corrected. New applicants for building permits for event facilities would be advised that applications will not be accepted until the Planning Commission makes new permits available, or until an existing permit in an appropriate Tier is revoked.

Suggested permit classes:

Class A: (All facility Tiers)

Up to 50 persons or 20 vehicles per event, whichever limit is reached first. [vehicles are easier to count than people]

No more than three events per month.

Events between the hours of noon and 7 pm only.

Maximum of 30 events per permit (i.e., 30 events per year)

Class B: (Tier 2 or better facilities)

Up to 150 persons or 60 vehicles per event, whichever limit is reached first.

No more than three events per week.

Events between 11 am and 8 pm only.

Minimum of two on-site security personnel for the duration of each event

Maximum of 80 events per permit (i.e., 80 events/year)

Class C: (Tier 3 facilities only)

Maximum persons and vehicles/event determined by MUP or CUP

Maximum events per week determined by MUP or CUP

Hours of events determined by MUP or CUP

Minimum of two on-site security personnel per 150 attendees for the duration of the event.

Maximum of 300 events per year.

Unused events do not roll over from year to year (i.e., any unused events expire at the end of the permit period) and are not transferable from one address to another.

Class AgA and AgB (there is no class AgC) are agricultural promotional permits available at a modest fee. Agricultural producers (primarily wineries, but shouldn't be limited to them) in Agricultural zoning may apply for these permits to showcase Placer agricultural products on site. For class AgA permits, requirements of a Tier 1 facility must be satisfied, except there is no requirement for a permanent event structure. For class AgB permits, requirements for Tier 2 must be satisfied except that there is no requirement for a permanent event structure and events are limited to two per week. AgA and AgB permits are good for a maximum of 8 events per year.

In addition, all landowners retain their right to TOEs under the TOE ordinance. TOE events would also be tracked in the enforcement database and are subject to enforcement similar to all other events.

Owners whose property qualifies for a less restrictive permit than the one they currently hold and who want to upgrade must apply to the Planning Commission (or permit panel, if established). Owners who want to downgrade their permit (e.g., from a B to A) would automatically be eligible for the more restrictive permit, providing the property and facility still qualify.

Illegal events and facilities (i.e., those without facility and/or event permits)

The permit database will also allow anyone to determine when illegal events are being held. If examination of the database reveals that no event permit has been issued for the site, a complainant may submit advertisements, flyers, photos, videos, etc to show that an event is being held at a non-permitted site. Upon a first *substantiated* offense, Code Enforcement would counsel the site owner about Placer event regulations and assess a small monetary penalty (\$500 - \$1000). Subsequent unpermitted events at the same site would result in much steeper fines, property liens and if necessary, legal action. [these provisions would all have to be worked into sec 17.62]

Illegal events harm Placer County, which receives no revenue to compensate for stresses upon the infrastructure, legitimate permit holders, whose businesses are undermined by the illegal activities, and Placer county residents who have to put up with the disruption of unregulated events. Penalties for these violations should be steeply graduated (i.e., you get one time to say you weren't aware of the event ordinance and then you get hammered.)