



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: March 17, 2009

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)						
	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: 559-733-6291						

SUBJECT: Interim Zoning Ordinance prohibiting the establishment of special event venues (Assemblage of People for educational or entertainment purposes)

REQUEST(S):

That the Board of Supervisors:

1. Hold a Public Hearing on March 17, 2009, at 9:30 A.M.
2. **Introduce and waive the reading** and adopt, pursuant to Government Code §65858, as an urgency measure and effective immediately, the Interim Zoning Ordinance prohibiting the establishment of special event venues (Assemblage of People for educational or entertainment purposes) for an interim period of time in the unincorporated areas of the County of Tulare. Adoption of this interim ordinance shall require a four-fifths vote, in which case it shall be of no further force and effect forty-five days from its date of adoption, expiring May 1, 2009, unless further extended.
3. Upon adoption of the proposed ordinance, approve the attached summary of the ordinance and direct the Clerk of the Board of Supervisors to publish the summary of the adopted interim ordinance within five (5) days and post a certified copy of the complete ordinance within fifteen (15) days in accordance with Government Code §25124.

SUBJECT: Interim Zoning Ordinance prohibiting the establishment of special event venues (Assemblage of People for educational or entertainment purposes)

DATE: March 17, 2009

SUMMARY:

The Tulare County Planning Commission initiated an amendment to the Tulare County Zoning Ordinance No. 352, Section 16.II.B, to address the public health, safety and welfare concerns raised by the issuance of special use permits for special event venues (Assemblage of People for educational or entertainment purposes). Existing zoning regulations may not adequately address the establishment of such uses. Currently, these assemblages may be located in any of the designated zones and areas without the proper regulations for protecting the health, safety and welfare of the citizens of the County.

As Section 16.II.B is currently written, the County cannot regulate the establishment of special event venues through the zoning ordinance alone. The Planning Commission has requested that the Resource Management Agency adopt guidelines for the location and operation of these special event venues (Assemblage of People for educational or entertainment purposes).

Approximately 25 permitted special event venues currently exist in the County. There is concern that additional facilities have the potential to adversely impact agricultural operations within the County and that they may pose a threat to the health, safety and welfare of the citizens of the County. Currently, there are four pending requests for the establishment of new special events facilities: 1) assemblage of people for powwows and special events in the AF (Agricultural Foothill) Zone, located adjacent to the Tule River Indian Reservation; 2) assemblage of people for weddings and special events in the C-2-SC (General Commercial – Scenic Corridor) Zone, located in Three Rivers; 3) assemblage of people for educational, commercial, recreational and special events in the PD-F-M (Planned Development – Foothill – Special Mobilehome), RC (Resource Conservation), and AF Zones, located north of Springville; and 4) assemblage of people for a church facility (Zion Ministries) in the AE-20 (Exclusive Agricultural – 20 acre minimum) Zone, northwest of Ivanhoe. RMA recommends that these pending applications be exempt from the moratorium.

The Planning Commission has expressed concern about the proliferation of this type of establishment and whether or not they can co-exist with agricultural operations. Concerns related to parking, traffic, dust and noise have also been raised.

Based upon the information provided to the Planning Commission at its regularly scheduled meeting of December 17, 2008, the uses permitted may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the Board of Supervisors, Planning Commission and Tulare County Resource Management Agency is considering or studying or intends to study within a reasonable time.

SUBJECT: Interim Zoning Ordinance prohibiting the establishment of special event venues (Assemblage of People for educational or entertainment purposes)
DATE: March 17, 2009

If the Board of Supervisors finds that the processing of additional special use permits constitutes an immediate and current threat to the public health, safety and welfare, it may adopt the attached interim zoning ordinance as an urgency measure to prohibit the described activity until a regular amendment to the Tulare County Zoning Ordinance addressing these facilities can be adopted. Adoption of the attached interim ordinance requires a four-fifths vote.

If adopted, the attached Interim Zoning Ordinance will remain in effect for forty-five days unless extended after notice and public hearing in accordance with Government Code §65090. Not later than forty-five days hence, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days. At least ten days prior to the expiration of this interim ordinance or any extension, the Board of Supervisors must issue a written report describing the measures taken to alleviate the condition which led to the adoption of this ordinance.

The attached ordinance is only temporary in nature and does not prohibit other beneficial uses of the properties affected.

FISCAL IMPACT/FINANCING:

There is no net County cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The Interim Zoning Ordinance addresses the County Strategic Initiative #1 (Safety and Security) by providing a reasonable process for the locating and regulation of special event venues and mitigating impacts on sensitive land uses.

ALTERNATIVES:

The Board may decide not to adopt the proposed ordinance.


INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Tulare County Fire Department, Tulare County Sheriff's Department, Tulare County Health and Human Services Agency and Tulare County Farm Bureau will assist in the review and formation of conditions relating to emergency response, traffic control, serving of food and drink and the compatibility of the proposal with adjacent agricultural operations.

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DATE: March 17, 2009

ADMINISTRATIVE SIGN-OFF:



Jake Raper, Jr., AICP
Assistant Director, Planning Branch



Henry Hash
Director

cc: Auditor/Controller
County Counsel
County Administrative Office (2)
Tulare County Farm Bureau

Attachment A: Draft Resolution to Adopt Interim Urgency Ordinance
Attachment B: Draft Interim Urgency Ordinance and Summary

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF INTERIM ZONING)
ORDINANCE PROHIBITING THE) RESOLUTION NO. _____
ESTABLISHMENT OF SPECIAL EVENT)
VENUES (ASSEMBLAGE OF PEOPLE)
FOR EDUCATIONAL OR)
ENTERTAINMENT PURPOSES))

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD March 17, 2009, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

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3. Upon adoption of the proposed ordinance, approved the attached summary of the ordinance and directed the Clerk of the Board of Supervisors to publish the summary of the adopted interim ordinance within five (5) days and post a certified copy of the complete ordinance within fifteen (15) days in accordance with Government Code §25124.