

ATTACHMENT B
Draft Interim Urgency Ordinance and Summary

ORDINANCE NO. _____

AN URGENCY ORDINANCE ADDING PART 96 OF THE SUPPLEMENTARY ZONING MAP OF THE COUNTY OF TULARE PERTAINING TO THE LIMITATION OF DEVELOPMENT OF ASSEMBLAGES OF PEOPLE FOR EDUCATIONAL OR ENTERTAINMENT PURPOSES FOR AN INTERIM PERIOD OF TIME IN DESIGNATED AREAS OF THE COUNTY AS DESCRIBED HEREIN.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. There is hereby adopted a new part of the Supplementary Zoning Map of the County of Tulare, which part is designated as Part 96 and is described as follows:

Part 96: All of the unincorporated areas of Tulare County inclusive.

Section 2. To protect the public health, safety and welfare, the establishment of special event venues (Assemblage of People for educational or entertainment purposes) is hereby prohibited in the unincorporated areas of Tulare County, and no building permit, occupancy permit or other land use entitlement for such use shall be issued by the County of Tulare in any areas within Part 96 of the Supplementary Zoning Map on file in the Tulare County Resource Management Agency for forty-five (45) days for the adoption of the ordinance adding this part. Pursuant to Government Code §65858, the Ordinance adding this section may be extended for twenty-two (22) months and fifteen (15) days after notice and a public hearing. No additional extensions are permitted.

Section 3. This ordinance is an urgency ordinance within the meaning of Government Code §65858 in that the adoption of this ordinance is necessary for the immediate and future protection of the public health, safety and welfare within Tulare County. 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.

Section 4. As authorized by Government Code §65858, this urgency ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and a public hearing. It will become effective immediately and remain in effect for forty five (45) days from the date of adoption. After notice and a public hearing, one extension of this urgency ordinance may be approved by the Board of Supervisors for twenty-two (22) months and fifteen (15) days. Pursuant to Government Code §65090,

there must be one publication of the notice or three postings thereof at least ten days before the public hearing. After following the same notice procedures that were required for the initial adoption, an extension may be granted by the Board of Supervisors for 22 months and 15 days. No additional extensions are permitted.

Section 5. The facts supporting the urgency to protect the public health, safety and welfare are summarized as follows:

(a) Existing zoning regulations may not adequately address the establishment of special event venues (Assemblage of People for educational or entertainment purposes). Currently the use is allowed in the AE, AE-10, AE-20, AE-40, A-1, AF, RC, CO, C-1, C-2, C-3, M-1, and M-2 Zones upon approval of a special use permit.

(b) As Section 16.II.B is currently written, the County cannot adequately ensure that these establishments are not impacting agricultural operations within the County.

(c) Approximately 25 such establishments currently exist within the unincorporated areas of the County. Additional facilities have the potential for further disrupting agricultural operations.

(d) Harmful secondary effects such as traffic, parking, littering, dust, and noise have impacted County residents. The County is concerned that an unregulated increase of these venues will increase these impacts.

(e) At this time, the County of Tulare may not have adequate land use and zoning regulations that appropriately regulate the location of assemblages of people for educational or entertainment purposes within Tulare County. It is appropriate under law to provide or establish such regulations. Therefore, allowing more applications for the Assemblage of People for educational or entertainment purposes at this time would hinder the effectiveness of this process. The Tulare County Resource Management Agency is currently studying these concerns and is in the process of developing proposals and alternatives for Planning Commission and Board of Supervisors consideration.

Section 6. The foregoing ordinance shall take effect immediately upon passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Visalia Times Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 17th day of March, 2009 at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Chairman, Board of Supervisors

ATTEST: JEAN M. ROUSSEAU
County Administrative Officer/
Clerk of the Board of Supervisors
of the County of Tulare

By: _____
Deputy

SUMMARY
Draft Interim Urgency Ordinance

The establishment of special event venues (Assemblage of People for educational or entertainment purposes) is hereby prohibited in the unincorporated areas of Tulare County and no building permit, occupancy permit or other land use entitlement for such use shall be issued by the County of Tulare in any areas within Part 96 of the Supplementary Zoning Map on file in the Tulare County Resource Management Agency for forty-five (45) days after the adoption of the ordinance adding this part.

According to Section 16 of Ordinance No. 352, the Tulare County Zoning Ordinance, the use is allowed in the AE, AE-10, AE-20, AE-40, A-1, AF, RC, CO, C-1, C-2, C-3, M-1, and M-2 Zones upon approval of a special use permit. Approximately 25 such establishments currently exist within the unincorporated areas of the County. As Section 16.II.B is currently written, the County of Tulare may not have adequate land use and zoning regulations that appropriately regulate the location of assemblages of people. It is appropriate under law to provide or establish such regulations. Therefore, allowing more applications for the Assemblage of People for educational or entertainment purposes at this time would hinder the effectiveness of this process.

Pursuant to Government Code §65858, the Ordinance adding this section may be extended for twenty-two (22) months and fifteen (15) days after notice and a public hearing. No Additional extensions are permitted.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 17th day of March, 2009 at a regular meeting of said Board duly and regularly convened on said day by the following vote:

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