



# Mendocino County

## Legislation Text

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**File #:** 16-861, **Version:** 1

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**To:** Board of Supervisors

**From:** County Counsel

**Meeting Date:** August 16, 2016

**Department Contact:** Katharine L. Elliott

**Phone:** 234-6885

**Department Contact:** Matthew Kiedrowski

**Phone:** 234-6885

**Item Type:** Noticed Public Hearing

**Time Allocated for Item:** 30 min.

**Agenda Title:**

Noticed Public Hearing - Discussion and Possible Adoption of Extension of Urgency Ordinance Establishing Interim Restrictions on the Establishment of Formula Businesses Pending the Study and Consideration of Zoning and Other Land Use Regulations Pertaining to Such Businesses, Case SA\_2015-0006

**Recommended Action/Motion:**

Adopt Urgency Ordinance establishing interim restrictions on the establishment of formula businesses pending the study and consideration of zoning and other land use regulations pertaining to such businesses, Case SA\_2015-0006, extending the moratorium provisions for 12 months; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On September 22, 2015, the Board of Supervisors adopted Ordinance No. 4343, an urgency ordinance establishing interim restrictions on the establishment of Formula Businesses pending the study and consideration of zoning and other land use regulations pertaining to such businesses. On November 3, 2015, the Board of Supervisors adopted Ordinance No. 4346, extending the urgency ordinance for an additional 10 months, 15 days.

**Summary of Request:**

County Planning and Building Services is in the process of analyzing and preparing an ordinance amendment to the Mendocino County Zoning Code per the direction of the Board of Supervisors to regulate the location and operation of formula retail and restaurant businesses within the rural communities within the county.

The Urgency Ordinance was extended for a period of 10 months and 15 days on November 3, 2015. Staff has diligently worked to prepare the ordinance and have it presented to the County's Municipal Advisory Councils (MACs) and the Planning Commission. On June 16, 2016, the Planning Commission reviewed the ordinance and took public comment, but continued the matter to its August 18, 2016, meeting for staff to consider revisions to the ordinance in response to comments made. Members of certain MACs also stated that they were not given adequate time to review the draft ordinance, and the Planning Commission directed staff to ensure that all MACs had an opportunity to review and provide comment.

Because there is no draft formula business ordinance ready for the Board's review, County Counsel is recommending that the Board take action to extend the moratorium for another year. Government Code

section 65858 permits one additional 12 month extension of an urgency ordinance that was initially extended for a 10 month, 15 day period, following a noticed public hearing, and following the approval by a 4/5 or better vote. The legislative findings required by Government Code Section 65858 are included in the ordinance.

This urgency ordinance would extend the provisions of the moratorium for 12 months beyond the current termination date of the moratorium, meaning the moratorium would be in effect until September 19, 2017. The County would not be able to extend the moratorium beyond this time period.

Planning and Building Services will continue to work to bring a final draft ordinance to the Board as soon as possible.

**Alternative Action/Motion:**

Do not adopt extension of urgency ordinance and allow the moratorium to expire.

**Supplemental Information Available Online at:** N/A

**Fiscal Impact:**

**Source of Funding:** N/A

**Current F/Y Cost:** N/A

**Budgeted in Current F/Y:** No

**Annual Recurring Cost:** N/A

**Supervisory District:** All

**Vote Requirement:** 4/5's

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Alan D. Flora, Assistant CEO

**CEO Review:** Yes

**Comments:**