



Legislation Details (With Text)

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On agenda: 3/9/2021 **Final action:**

Title: Supervisor Parlin and Supervisor Turnboo recommending the Board:
 1) Adopt and authorize the Chair to sign Urgency Ordinance 5140, pursuant to California Government Code Section 65858 and 65090, to adopt interim restrictions on the establishment of Formula Businesses pending the study and consideration of zoning and other land use regulations pertaining to such businesses, with the ordinance being in effect for forty-five (45) days from the date of adoption, unless extended by the Board; and
 2) Find that the urgency ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines 15308, 15060(c)(2) and 15060(c)(3). (4/5 vote required)

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Draft Ordinance, 2. Public Comment BOS Rcvd 03-04-21, 3. B - Community Identity Presentation BOS Rcvd 04-05-21, 4. Public Comment BOS Rcvd 03-05-2021, 5. Public Comment BOS Rcvd 03-08-2021, 6. Public Comment BOS Rcvd 03-09-2021

Date	Ver.	Action By	Action	Result
3/9/2021	1	Board of Supervisors	Failed	Fail

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FUNDING: N/A

DISCUSSION / BACKGROUND

Government Code 65858 allows a county to adopt, as an urgency measure, an interim ordinance for the immediate preservation of the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance. Such an urgency measure requires a 4/5 vote of the Board, becomes effective immediately and is effective for 45 days from its date of adoption unless extended by the Board.

El Dorado County has many Rural Centers and Rural Regions each with a small-town environment and unique character which attracts residents and visitors because of their eclectic and diverse mix of businesses. The General Plan recognizes that “the rural character of the County is its most important asset. Careful planning and management can maintain this character while

accommodating reasonable growth and achieving economic stability.”

Among the General Plan’s listed strategies to achieve its visions and goals and to carry forward the General Plan’s principle purposes is to “provide that Plan goals, objectives, and policies reflect the significant differences in characteristics between the principal land use planning areas of Community Regions, Rural Centers, and Rural Regions.” It is the explicit intent of the General Plan, through the appropriate application of the planning concept areas to, among other things: foster a rural quality of life, sustain a quality environment, and develop a strong diversified, sustainable local economy.

General Plan Objective 2.1.2: Rural Centers, Policy 2.1.2.1 identifies the Rural Centers within the County as: Camino, Cedar Grove, Coloma, Cool, Fairplay, Garden Valley, Greenwood, Georgetown, Grey’s Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Ralson, Mr. Aukum, Nashville, Oak Hill, Phillips, Pilot Hill, Pleasant Valley, Pollock Pines, Quintette, Rescue, Somerset, Strawberry, and Chrome Ridge. Some of the Rural Centers also have a Historic Design combining zoning district overlay to conserve the unique historic character of the Rural Centers.

County residents are concerned that ‘chain’ or ‘formula’ businesses will proliferate throughout the Rural Centers and Rural Regions of the County, which may detract from the unique character of the County by displacing unique local or other small businesses or by introducing standardized, non-unique establishments that will lessen the diversity and community character prized by County residents. If current regulations continue, formulaic businesses could proliferate in the Rural Centers and Rural Regions which would decrease the diversity of offerings to residents and visitors thereby negatively impacting the rural character and authenticity of the Rural Centers and Rural Regions and negatively impacting the quality of life for residents and visitors.

One method for preserving the rural, unique and/or historic character of the Rural Centers and Rural Regions may be to place land use restrictions on formula business establishments. The County needs a reasonable period of time to properly and carefully consider and further study the potential effects of formula businesses on the County’s General Plan and specific plans, its commercial districts, the County’s zoning and other development regulations and on the economic vitality and diversity of the County’s business establishments. Additionally, the County needs a reasonable period of time to consider and study whether further regulating such formula businesses is warranted and, if so, what should be the scope, nature and form of such regulations.

The County has received an application for a formula business (Dollar General, District 2) which necessitates the adoption of the urgency ordinance because issuing permits or entitlements for formula business establishments could conflict with potential future regulations that may be adopted that will govern such uses. The purpose of this ordinance is to temporarily prohibit the establishment of formula businesses within any zoning districts of the Rural Centers and Rural Regions of El Dorado County pending the study and consideration of permanent regulations governing such formula business establishments.

It is also necessary to suspend application of Section 130.10.040 C.1., Pending Applications, of the El Dorado County Code of Ordinances, to applications related to or required for establishment of formula businesses because such provision regarding the determination of which ordinances are applicable to a project could potentially defeat the purpose of the urgency ordinance.

A Formula Business Ordinance has been in the works for several months and Supervisor Parlin had planned on implementing it as part of the 2021 Work Plan. However, the recent applications for

chain stores in our rural areas has caused the need for the urgency ordinance. The urgency ordinance will **not** apply to the Dollar General in Cool because that application is deemed complete, whereas the application in Somerset has not been deemed complete.

ALTERNATIVES

The Board could choose not to approve this recommendation which would allow formula business applications to be approved under the current zoning regulations pending any potential consideration of changes to the regulation of formula businesses.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Planning and Building

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Healthy Communities

CONTACT

Supervisor Parlin, Supervisor Turnboo