

**ORDINANCE NO. \_\_-26**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK IMPOSING A MORATORIUM ON THE PERMITTING OF TEMPORARY RESIDENTIAL USES WITHIN CITY LIMITS**

**WHEREAS**, the City Council has become aware of the potential adverse impacts of temporary residential uses within City limits;

**WHEREAS**, the Sutter Creek Zoning Code currently allows parties to apply for, and receive approval of, conditional use permits that allow, among other things, for the short-term rental of residences throughout City limits;

**WHEREAS**, the City Council has become aware, through concerns recently raised by several members of the public, that the continued permitting of temporary residential uses, which currently number at about 20, without the formulation of adequate regulations, may be contrary to the historic character of the City's residential areas and may lead to compatibility issues that affect the use and enjoyment of residential property;

**WHEREAS**, pursuant to the City of Sutter Creek's police power, the City Council of the City of Sutter Creek has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the City and its residents; and

**WHEREAS**, California Government Code Section 65858 provides that, without following the procedures otherwise required prior to the adoption of a zoning ordinance and for the purpose of protecting the public safety, health and welfare, the City Council may adopt, as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with "a contemplated general plan, specific plan, or zoning proposal that the City Council, planning commission or the planning department is considering or studying or intends to study within a reasonable time"; and

**WHEREAS**, consistent with the above authority, the City Council desires to adopt a moratorium on the permitting of temporary residential uses within city limits to allow for evaluation of their impact on the residential quality of neighborhoods and for adequate time to adopt a permanent ordinance establishing temporary residential use regulations.

**WHEREAS**, for the reasons more fully described within, the City Council determines, by at least a four-fifths (4/5) vote, that this urgency ordinance is a matter of City-wide importance, is a reasonable and necessary measure designed for the immediate preservation and protection of the public health, safety, or welfare of the community; and is in accordance with the public purposes and provisions of applicable State and local laws and requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUTTER CREEK DOES ORDAIN AS FOLLOWS:**

**SECTION 1. MORATORIUM FINDINGS.**

A. Without the imposition of a temporary moratorium on temporary residential uses, the City may be required to process certain conditional use permit applications even though its existing conditions require updating based on study and analysis that results in recommendations of new standards and best practices for such uses.

C. There is a current and immediate threat to the public health, safety, and welfare of the City and its residents, thereby necessitating the immediate enactment of this urgency moratorium, in that the approval of any additional temporary residential uses would be required to be processed under the City's existing conditions, without taking into consideration the potential negative impacts of such uses on the residential quality of neighborhoods.

D. The adoption of this urgency moratorium is necessary to protect the City and its residents from the overgrowth of temporary residential uses, which can be contentious in certain neighborhoods and also infringe on the rights of neighbors.

E. Imposition of the moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of temporary residential uses moving forward. While the moratorium is in effect, the City seeks to consider a permanent ordinance that will balance the needs and rights of property owners and neighbors, ensure the health and safety of guests and residents, support tourism in a balanced way, and be economically beneficial to the City.

## SECTION 2. IMPOSITION OF MORATORIUM.

For so long as this Ordinance is in effect, including through any extension, the City shall not receive, accept, process, or approve any application for any conditional use permit or other City-issued authorization concerning any temporary residential uses. For purpose of this ordinance, "temporary residential use" means any use of existing, residentially-developed property of any kind that would authorize the temporary occupation of any residential structure for less than 30 days

## SECTION 3. CEQA FINDING.

The City Council determines that the provisions of this ordinance are exempt from the California Environmental Quality Act ("CEQA") because the instant ordinance involves continuing administrative activities and thus is not a project, as CEQA defines, pursuant to Section 15378(b)(2) of the CEQA Guidelines. To the extent the adoption of this Ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from environmental review because it can be seen with certainty that the adoption of this urgency ordinance would not have any significant impact on the environment.

## SECTION 4. REPORT.

The City Manager, or designee, is authorized and directed to prepare the report required by paragraph (d) of California Government Code Section 65858 describing the measures taken to

alleviate the condition which led to adoption of this Ordinance for presentation to the City Council no later than ten days prior to the expiration of this Ordinance.

SECTION 5. EFFECTIVE DATE; FOUR-FIFTHS VOTE REQUIRED.

This Ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths (4/5) vote of the total members of the City Council and shall be in effect for forty-five (45) days from the date of adoption, unless extended by the City Council as provided in California Government Code Section 65858.

SECTION 6. PUBLICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Sutter Creek.

PASSED, APPROVED, AND ADOPTED this 16th day of March 26 by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Claire Gunselman, Mayor

ATTEST:

\_\_\_\_\_  
Pam Caronongan, City Clerk

\_\_\_\_\_  
Date