




675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager 
DATE: February 15, 2011
SUBJECT: Emergency Moratorium Ordinance No. 271
ACTION: Approve Ordinance No. 271

BACKGROUND: As directed by the City Council I have made contact with three of the four property owners of the Blue Slide Road annexation area. Two of the owners verbally supported detachment and one did not. The fourth owner I was unable to reach by phone and have sent a letter. Government Code Section 56768 requires support from not less than 25 percent of the number of owners of land.

If Petitions for Detachment are signed by two of the owners, the Council could consider detachment. The proposed emergency sixth month Moratorium prohibits applications for subdivision within the formerly annexed area of Blue Slide Road. This is necessary because a subdivision application could jeopardize detachment if the Council were to approve detachment at a later time.

RECOMMENDATION:

The City Manager recommends approval of Ordinance No. 271 to enable the Council to consider the matter of detachment at a subsequent public hearing.

ORDINANCE NO. 271

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL ADOPTED AS AN URGENCY MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON THE RECEIPT AND PROCESSING OF SUBDIVISION APPLICATIONS FOR CERTAIN PORTIONS OF BLUE SLIDE ROAD PENDING COMPLETION OF RIO DELL'S DETACHMENT PROCESS, AND DECLARING THE URGENCY THEREOF

The City Council of the City of Rio Dell, California does ordain as follows:

Section I. Findings:

- A. The City of Rio Dell (the "City"), is commencing a process of detachment, herein after de-annexation, portions of Blue Slide Road. In addition, the City retains various police powers granted by Article XI of the California Constitution, and retains broad discretion to legislate for public purposes and for the general welfare, including but not limited to matters of public health, safety and welfare.
- B. In order to allow for a reasonable time to complete the de-annexation process and in order to assist in an orderly procedure, the City finds that it is in the best interests of the citizens of Rio Dell and owners of property affected by the de-annexation process to impose a six month moratorium in receiving and/or processing subdivision applications for the following parcels: 205-08-104; 205-08-107; 205-08-110; 205-08-113.
- C. There is a current and immediate threat to public health, safety and welfare because, without this urgency ordinance, any subdivision application for these two parcels could become enmeshed in uncertainty between two public entities which could have approval over any such application.
- D. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.

Section II. Moratorium

1. No subdivision application shall be received or processed for the above stated parcels for six months from the date of this Ordinance, at which time the Rio Dell City Council, shall consider whether to extend or terminate this prohibition in light of the then current de-annexation situation.
2. The Rio Dell City Manager is hereby authorized to direct all City Departments, including the City Attorney, to facilitate compliance with the purpose and intent of this Ordinance using the enforcement powers described in the preceding paragraph.

Section III. Effectiveness

This Ordinance, being adopted as an urgency measure for the immediate protection of the public safety, health, and general welfare and containing a declaration of the facts constituting the urgency, upon passage by a minimum four-fifths (4/5) vote of the City Council, shall take effect immediately upon its adoption and shall continue in effect until modified or rescinded.

Section IV. Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application, and to this end the provisions of this chapter are severable.

Section V. Publication

Copies of the foregoing ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the City of Rio Dell.

The foregoing ordinance was duly adopted on the 15th day of February, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

JULIE WOODALL, MAYOR

Attest:

Clerk