

PLANNING COMMISSION MEETING

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memorandums: Memorandums relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

ITEM

REFERENCE

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (please do not exceed 5 minutes per topic).

4. CONSENT CALENDAR

4a. Minutes of the October 21, 2009 Planning Commission Meeting.

Copy

4b. Minutes of the November 18, 2009 Planning Commission Meeting.

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5. PUBLIC HEARING

(Continued from November 18, 2009)

5a. *Revision to Santa Paula/Fillmore Greenbelt Agreement.*

Memo

Purpose: Request to allow Santa Paula to encroach into the Greenbelt by 500 acres for the Limonera project in exchange for converting the Greenbelt into an ordinance and placing an additional 190 acres into the Greenbelt.

Recommendation: Adopt Planning Commission Resolution 09-844, recommending the City Council approve a Greenbelt Ordinance.

Reso

6. REPORTS and COMMUNICATIONS

- 6a. Community Development Director Oral
- 6b. Planning Commission Oral

7. ADJOURNMENT

- 7a. The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for January 20, 2010, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6

In compliance with Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500-113, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

**PLANNING COMMISSION
CITY OF FILLMORE
250 CENTRAL AVENUE
FILLMORE, CA 93015**

**OCTOBER 21, 2009
REGULAR MEETING
6:30 PM**

MINUTES

CALL TO ORDER

6:32 p.m., Chair Douglas Tucker called the Planning Commission meeting to order and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Mark Austin, and Vance Johnson. Staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, City Engineer Tom Scott, Assistant Planner Manuel Minjares and Planning Secretary Denise Beauduy. Absent: Commissioners Tom Fennell (excused) and Diane McCall (excused). Also present was Veronica Ortiz-DeAnda, who is a case planner contracting with the Planning Dept.

INTRODUCTION OF CITY MANAGER

6:35 p.m., Mr. McSweeney introduced City Manager Yvonne Quiring to the Planning Commission. Ms. Quiring stated she has been in Fillmore for approximately one month, and staff and the community have made her feel very welcome. Ms. Quiring said she is looking forward to working with the Planning Commission.

ORAL COMMUNICATIONS

There were no comments.

REORGANIZATION OF AGENDA

Chair Tucker stated he had a request to rearrange the agenda and move the Business Item, Appeal of Incompleteness Letter for , before the Public Hearing Item, Taco Bell demo/rebuild. Commissioner Austin and Commissioner Johnson said they had no objection to rearranging the agenda.

CLOSED SESSION

Conference with Legal Counsel-Existing Litigation (subdivision (a) of Section 54956.9): El Dorado Estates v. City of Fillmore; Ventura County Superior Court; Case No. 56-2009-00358555-CU-WM-VTA.

RECESS

6:35 p.m., Chair Tucker recessed to Closed Session.

7:09 p.m., Chair Tucker reconvened the Planning Commission.

Mr. Schneider stated there were no announcements required under the Brown Act as a result of the Closed Session.

CONSENT CALENDAR - Approved

The Consent Calendar consisted of minutes of the Planning Commission Meeting of August 19, 2009. It was moved and seconded to approve the Consent Calendar. Motion: Austin; Second; Tucker. Ayes: Austin, Johnson and Tucker. Noes: None. Abstain: None. Absent: Fennell and McCall. Motion Carried 3:0.

BUSINESS ITEM

Request to Appeal Incompleteness letter for Proposed Condo Conversion. Application: Development Permit 09-02, Tentative Tract Map 5844 (DP 09-02, TTR 5844), 250 E. Telegraph Rd., El Dorado Estates, A California Limited Partnership, C/O The Star Companies, 1400 East 4th Street, Santa Ana, CA 9270.

7:09, Mr. McSweeney stated the purpose of the business item is for the Planning Commission to determine whether or not the application that was submitted is complete.

Case Planner, Veronica DeAnda, presented the staff report. Ms. DeAnda stated the Applicant is requesting the Planning Commission to appeal the Community Development Director's decision deeming their application incomplete. Ms. DeAnda said the Planning Commission is not taking action on a project, but their decision is to determine whether or not the application can be processed as submitted deeming the application complete or if more information is needed from the property owner, El Dorado Mobile Home Estates, in order to process the application.

Ms. DeAnda stated the El Dorado Mobile Home park consists of 302 rental spaces, located on the south side of Highway 126. On March 5, 2009, Mr. Mike Cirillo, Property Manger, submitted an application to the Planning Dept. for a vesting tract map to convert the rental park to a resident ownership park. Ms. Ortiz-DeAnda said the residents would have the option to purchase the lot or lots beneath their coach. The Community Development Director deemed the application incomplete on April 1, 2009. Ms. DeAnda explained the process of how to determine whether the application is complete or incomplete. Ms. DeAnda said staff has 30 days to complete this process and notify the applicant from the date of the application submittal. Ms. DeAnda stated if the application is deemed incomplete, staff will notify the applicant of the items needed to process the application. If the application is deemed complete then staff will notify the applicant and begin the process to determine the type of document to prepare for an environmental review. Ms. DeAnda stated the application was resubmitted on June 10, 2009 and it was deemed incomplete again on July 10, 2009. The applicant resubmitted the application on July 23, 2009 and it was deemed incomplete on August 19, 2009. The Applicant filed an appeal on September 2, 2009. Ms. DeAnda stated the application that was submitted was being reviewed per the Fillmore Municipal Code (FMC), the Permit Streamlining Act (PSA), the Subdivision Map Act (SMA) and the Mobile Home Parks Act (MHPA). Staff deemed the application incomplete with five outstanding items that need to be addressed.

Ms. Ortiz-DeAnda reviewed the missing information and stated various sections of the Fillmore Municipal Code, the Subdivision Map Act and the Mobile Home Parks Act that required the information to be submitted with the application.

Ms. DeAnda stated Section 66427.5 of the SMA requires the Applicant to offer each tenant an option to either purchase their lot or continue renting the space at the time of filing the application. Ms. DeAnda said Planning staff requested the Applicant to provide verification that the residents were advised of their option. Ms. DeAnda stated the Applicant was required by 6.04.0416 of the FMC, and the Applicant said he would not provide verification and said the residents were advised of their option to buy as part of a survey that was conducted. Ms. DeAnda stated the Applicant was also required by Section 6.04.0416 of the FMC to provide an estimated purchase price for each lot, and the Applicant responded the Dept. of Real Estate is the only agency that can require the disclosure of the price and only after the application has been approved by the City.

Ms DeAnda stated 66452.9 and 66452.18 of the SMA requires the Applicant to provide the park residents a 60-day Notice of Intent to file an application for the mobile home park conversion. Ms. DeAnda stated that neither section has language that exempts the mobile home park conversion application from this noticing requirement. Ms. DeAnda said Planning staff asked the Applicant to provide verification of compliance with Sections 66452.9 and 66452.18 and the Applicant refused to provide verification and stated that section only applies to apartment buildings and apartment complexes not mobile home parks.

Ms. DeAnda said the mobile home park does not meet its requirement for 151 guest parking spaces per section 6.04.3415 of the FMC; it is short 43 parking spaces. Planning staff requested the Applicant to accommodate the additional guest parking. Ms. DeAnda stated the City can require the additional parking per Section 18300(g)(1) of the Health & Safety Code. Ms. DeAnda stated the Applicant contends the park has operated successfully without the additional parking; the demand is unreasonable and the City has no authority, per Section 18300(g)(1), to impose the parking as a condition of the conversion. The Applicant contends it is a violation of Code Section 66427.5 of the SMA.

Ms. DeAnda stated the Applicant is required to provide a property report per 6.04.0416(e)(7) of the FMC, by a licensed engineer, architect or certified building inspector, evaluating the condition of all permanent buildings, structures and permanent facilities in the park. Ms. DeAnda stated the Applicant furnished a report prepared by an uncertified inspector. Ms. DeAnda said rather than requesting another report, City staff requested the Applicant to have a peer review of the report by a certified building inspector in order to comply with the FMC. The Applicant claims the City has no authority to require an inspection per Section 66427.5 of the SMA, and case law prevents the City from imposing its demand.

Ms. DeAnda stated the last item for incompleteness relates to flood hazards. Ms. DeAnda said Section 6.085.060(h) of the FMC requires a tentative map to show each watercourse and all areas subject to flooding or stormwater overflow. Ms. DeAnda said Section 6.085.060(b)(7) of the FMC requires the map to show FEMA flood hazard zone and area subject to 100-year flooding and appropriate calculations to be provided to the City. Ms. DeAnda stated approximately twenty five percent of the mobile home park is in the flood zone and it is not shown on the map. Planning staff feels this is a significant health and safety issue has asked the Applicant to address it. The Applicant responded the park complied with health and safety codes that were in effect

at the time the park was constructed. Ms. DeAnda said the applicant contends the requirements are preempted by state law and the FMC requirements only apply to a new park or new improvements; no improvements are planned for the park.

Ms. DeAnda said Planning staff determined that item incompleteness Item #1 is a two part item, City staff will remove the requirement for the purchase price from the incompleteness letter. Ms. DeAnda stated City staff understands that the Zoning Ordinance is not up-to-date with current state law, and we hope to amend the section regarding conversion of mobile home parks to be in compliance with state law.

Ms. DeAnda said when the application is deemed complete then Planning staff will review the application to determine what type of environmental document will be needed. Ms. DeAnda stated the Planning Commission will make the final decision as to determine whether or not the application is complete unless the Applicant appeals the Planning Commission's decision to the City Council. Ms. DeAnda gave staffs recommendation to deny the appeal.

Ms. Charmaine Beuhner, Attorney, Myers, Widders, Gibson, Jones and Schneider. Ms. Beunner clarified that while the purchase price is no longer a requirement as part of the application process, the Applicant is still required to provide verification that the notice that was provided to the tenants informing them of the option to purchase or to continue to rent their space prior to the application being deemed complete.

Mr. Schneider clarified the parking issue that was presented by staff. Mr. Schneider stated the parking requirement is not imposed at this point. Mr. Schneider stated that staff is asking that the Applicant to indicate the parking in accordance with state and local law.

Robert Williamson, Attorney representing the Applicant, Hart, King and Coldren, 200 Sandpointe, 4th FL, Santa Ana, CA 92767. Mr. Williamson stated it was not mentioned in staff's report, that the letter of April 1, 2009, deeming the application incomplete, did not state exactly what materials were to be submitted to make the application complete and continue the process. Mr. Williamson stated the letter did not comply with statute under the PSA that says the agency must state what information is required to complete the application. Mr. Williamson said the April 1st letter said the following information was needed to continue to process the application. Mr. Williamson said the April 1st letter of incompleteness was untimely because the first time that language appears is in the July 10th letter, which was more than 30 days after the initial submittal of the application. Mr. Williamson stated the application should be deemed complete as of May 1, 2009.

Mr. Williamson addressed the incomplete items that Ms. DeAnda presented in her report.

Mr. Williamson stated SMA Section 66427.5 is the governing statute that controls the process of a mobile home park conversion to resident ownership. Mr. Williamson said the notice to the residents of the park regarding the option to purchase or rent is contained in the Tenant Impact Report, as required by Section 66427.5, was submitted with the application to the Planning Dept. Mr. Williamson said Section 6642.18 applies specifically to buildings or apartment complexes and it would be inappropriate and confusing to publish that type of notice for the mobile home

park. Mr. Williamson stated Section 66427.5 has its own notice provision of fifteen days before the hearing on the map; residents are entitled to a copy of the tentative map.

As for the parking demand, Mr. Williamson stated this requirement cannot be considered. Mr. Williamson said there is case law relating to Section 66427.5 and 66427.5 preempts local ordinances that would have the approving agency review anything other than compliance with 66427.5. Mr. Williamson stated Section 66427.5 defines the scope of what the local agency can consider. Mr. Williamson said 66427.5 also applies to the peer review of the property report and the FEMA calculations. Mr. Williamson said he believed the FEMA information and calculations have already been provided to the Planning Dept. with Tract 5520 that is located south of the mobile home park.

Mr. Williamson stated the construction, maintenance and operation of a mobile home park is governed by the MHPA, which is part of the Health and Safety Code, and limits a local jurisdiction from imposing certain conditions without a finding of health and safety concern.

The issue of pricing, Mr. Williamson stated is City staff recommendation to take it off the table and the only issue is that the residents have been given notice.

Chair Tucker said it is staff's recommendation, but it is the Commission's decision as to whether or not to take the pricing off the table.

Mr. Williamson reiterated his points. Mr. Williamson said Section 66452.18, the mandatory notice provision, is inappropriate for mobile homes. The language in the notice cannot be altered to fit the Mobile Home Park; it is a statute, and it must be verbatim. The parking is not within the scope of 66427.5 because a condition would be imposed on the Applicant, and the submission of other documents for the additional parking would be inappropriate and irrelevant. Mr. Williamson said Health and Safety 18300 relates to an approval of a new project. The parking had already been approved, and the local jurisdiction has limited authority.

Regarding the peer review of engineer's report, Mr. Williamson said he believed the report could not be required by the City, but the Applicant submitted the report. The park owner provided an inspection by a qualified inspector, Appraiser James Farmer.

Regarding the FEMA information, calculations, Mr. Williamson said there are no improvements proposed and it is not a requirement contained in the statute 66427.5.

Mr. Williamson said the purpose behind 66427.5 is to expedite the process of the mobile home park conversion. The City's requirement for the Applicant to provide additional materials is not in compliance with 66427.5. Mr. Williamson asked the Commission to deem the application complete as of May 1, 2009.

Commissioner Austin stated the list of requirements is not a high hurdle and the information that City staff is requesting is not asking too much.

Mr. Williamson, said he believed that City staff had the FEMA information because it was submitted with the application for Tract 5520. As for the parking, the project was already approved with the existing parking and is now in compliance with the parking. To impose the requirement for additional spaces, Mr. Williamson said it is a condition that is outside the scope in approving this type of map.

Chair Tucker asked if there was anyone who wanted to speak on the matter.

David Reeves, 250 E Telegraph Rd., El Dorado Estates, Space 166, Fillmore, CA. Mr. Reeves, stated there are two issues: We have been informed by FEMA that the park is in a flood zone area and each resident in the park will be required to purchase flood insurance. Mr. Reeves said he was not sure how it fits into the statement it is not a flood zone area, but it is. Mr. Reeves said that while the residents have an opportunity to purchase the land, they are on fixed incomes and draw social security. If they choose not to or are unable to buy the land if they sell the home they must sell their land with it; the cost of the lots are unknown. Mr. Reeves stated the homes in the mobile park are not selling. In the last seven months the highest selling price for a home in the park was \$18,000. Mr. Reeves asked how much will the land cost and said it is insane not to know the price until the close of escrow. Mr. Reeves said the residents can not sell their homes for \$118,000; and they will lose their investments in their homes. Mr. Reeves said the homes in El Dorado are valued at one quarter of the homes in Santa Paula. Mr. Reeves stated that with every mobile home park conversion the homes have gone to zero and we can not afford to lose everything. When we tried to get rent control, Mr. Reeves said, we were told they would condoize the park and turn it into a family park. We didn't get rent control, and they are still doing it.

Paul Schiffinelli, 250 E Telegraph Rd., El Dorado Estates, Space 309, Fillmore, CA. Mr. Schiffinelli said that when someone buys a home in a converted park, the owner retains control of the park until fifty one percent of the lots are sold. A converted park is a hodgepodge of owners, renters and speculators. Mr. Schiffinelli said he is the Vice President and voice of the HOA for El Dorado Estates and he knows the majority of the residents who purchased there homes in El Dorado did not intend to purchase the land; they were looking for a fair space rent and to enjoy the lifestyle the park offers. Mr. Schiffinelli stated the potential conversion is frightening because of several factors: undisclosed lot prices; increased taxes; condominium dues; uncontrolled rents. Mr. Schiffinelli said who would want to partner with an owner that does not communicate; they are out-of-towners that dictate their terms. If the City agrees to the terms, they will do nothing but hurt the neighbors, the residents of El Dorado Estates.

David Roegner, 250 E. Telegraph Rd., El Dorado Estates, Space 307, Fillmore, CA. Mr. Roegner said the attorney stated the residents of El Dorado would receive a 15-day notice of public hearing. Mr. Roegner stated there was no notice of tonight's public hearing. Mr. Roegner said the HOA invited them to their meetings, but they never show up. They have missed the last four meetings. Mr. Roegner said there are problems with parking now; trucks, cars and RV's parked all over in the streets. A fire truck would have problems getting through. Mr. Roegner said it was approved thirty-seven years ago, but it needs to be updated. Mr. Roegner said the residents are at the mercy of others. Mr. Roegner asked the Planning Commission to deem the application incomplete.

Planning Commission Questions and Comments.

With respect to health and safety codes, Commissioner Tucker asked City Attorney Schneider if the City would be allowed to change or set forth conditions to protect citizens living there from potential hazards of today. Mr. Schneider responded yes, but we are not imposing conditions at this time, we are reviewing the application to see if it complete or incomplete. Mr. Schneider said if there is an application before the Commission to impose conditions, it would be for a Tentative Tract Map.

Commissioner Johnson said if there is an application for an entitlement it will trigger the possibility that there will be new standards that will preempt what was approved thirty-seven years ago.

Regarding Building and Safety issues, Commissioner Johnson said that Building and Safety issues could be handled by a local jurisdiction and not necessarily by HCD. Mr. Schneider responded he was not sure if Commissioner Johnson's statement is correct; he would have to do some research.

Mr. McSweeney clarified the appeal of the decision to deem the application incomplete is not a public hearing, but a business item.

There were no other comments.

ACTION

Planning Commission Resolution No. 09-845 was Adopted, Denial of Appeal, Deeming Application for VTTM 5844 Incomplete.

It was moved by Commissioner Johnson and Seconded by Commissioner Austin to Adopt Planning Commission Resolution No. 09-845, Denial of Appeal from Planning Department Staff's Decision, Deeming Application for Vesting Tentative Map (VTTM) 5844 Incomplete, Applicant: Mike Cirillo of Star Companies for Nancy Watkins, El Dorado Estates, 250 E. Telegraph Rd., Fillmore, CA. Ayes: Austin, Johnson and Tucker. Noes: None. Abstain: None. Absent: McCall and Fennell. Motion Carried 3:0.

Recess

8:15 p.m., Chair Tucker recessed the Planning Commission.

8:22 p.m., Chair Tucker reconvened the Planning Commission.

PUBLIC HEARING

Development Permit 08-04 (DP 08-04), Request to demolish an existing 1,631 sq. ft. fast-food restaurant and replace it with a 2,855 sq. ft. fast-food restaurant, u800 Ventura St., UP Real Estate Holding Corp., PO Box 4842, Thousand Oaks, CA 91359.

8:22 p.m., Chair Tucker introduced the item and called for the staff report. Community Development Director Kevin McSweeney presented the staff report. Mr. McSweeney this public hearing was noticed; it was published in the newspaper and notices were mailed to all property owners within 300 feet of the project site Mr. McSweeney said the Applicant is proposing to

demolish the existing Taco Bell building on Highway 126, and rebuild it with a larger building to accommodate two businesses: Taco Bell and Pizza Hut. Mr. McSweeney stated the project is exempt from CEQA review because it is an infill project, and the project complies with all of the requirements of the Zoning Ordinance. Mr. McSweeney stated staff requested the applicant to address access to the site and the Applicant is proposing a second driveway to the project site which will improve traffic ingress/egress. The parking requirements and design of the parking spaces complies with the Zoning Ordinance; the drive-thru meets all of the requirements of the Zoning Ordinance and the trash enclosure and the landscaping comply with the requirements of the Zoning Ordinance. Mr. McSweeney said there is an existing pole sign on site that will remain; it was approved in 1983 and there are no changes to the pole sign. Architecturally, Mr. McSweeney said the project may not be consistent with Ventura Street Design Guidelines, but there are many projects that along the highway with various styles of architecture. Mr. McSweeney gave staff's recommendation to approve the Development Permit subject to Conditions of Approval.

Planning Commission Questions and Comments.

Commissioner Tucker stated he had met with the Applicant and Mr. McSweeney prior to tonight's meeting.

Commissioner Johnson stated his concern with noise from the menu board disturbing the residents adjacent to the project site. Commissioner Johnson said he did not see any conditions to address the noise such as the placement of the speakers and directing the noise away from the residences. Commissioner Johnson asked if the issue could be addressed during plan check. Mr. McSweeney responded City staff is satisfied with the placement of the menu board.

Commissioner Johnson suggested that staff quote the Zoning Ordinance, in the Conditions of Approval, that noise is not to exceed decibel level per the Zoning Ordinance at the property line. Commissioner Johnson said this is consistent with conditions placed on other fast food restaurants Mr. McSweeney said staff will modify the Conditions of Approval

Roger Campbell, 459 Main St. Representing the Applicant. Mr. Campbell stated the Applicant, Mr. Tafazoli, was ill and could not attend the meeting tonight. Mr. Campbell said Mr. Tafazoli has invested a lot of money in the city; he has another investment: the KFC & AW restaurant proposed in the Balden Plaza shopping center. Mr. Campbell said Mr. Tafazoli hires local Fillmore residents to work in his restaurants. The manager of Taco Bell has managed the restaurant for 15-20 years; he was a Fillmore High School graduate, and he lives here in town raising his family. Mr. Campbell reviewed the illustrations of the project and how they have evolved over the last few months. Mr. Campbell stated the canopies create a roofline that is similar to Balden Plaza, and there is a tower feature four feet above roof line; the tower feature. Mr. Campbell stated the Applicant will be using rock accents on the building, which is the same rock that was used on the medical building that is just west of the project site. The landscaping for the project is thirty-two percent of the site. Mr. Campbell said City staff requested the Applicant to provide reciprocal access and the Applicant was able to gain reciprocal access to the property on the west; the property to the east has a grade differential so there is no reciprocal access with that property. Mr. Campbell said the architecture is kind of eclectic, but it matches

the eclectic architecture along the highway. As for the sound attenuation, Mr. Campbell said there were no problems with noise but now there is a wall that will block the noise completely. Mr. Campbell stated the Applicant is in agreement with the Conditions of Approval.

Commissioner Tucker asked if there would be any issues with deliveries in the proximity of the trash enclosure. Mr. Campbell responded there is a large turning radius for trucks to go through the drive-thru, and there will be a second driveway.

8:40 p.m., Chair Tucker opened the public hearing and invited the public to speak on the matter.

Estel Richardson, 437 Banner Av, Ventura, CA 93004. Mr. Richardson said he used to live in Fillmore and has been eating at the Taco Bell restaurant for many years. Mr. Richardson stated Mr. Tafazoli has the cleanest establishment and the best food and he eats at the restaurant every chance he has.

There were no other comments.

8:41 p.m., Chair Tucker closed the public hearing.

ACTION

Planning Commission Resolution 09-840 was Adopted, Approving DP 08-04 subject to Conditions of Approval.

It was moved and seconded to Adopt Planning Commission Resolution 09-840 approving Development Permit 08-04 subject to the modified Conditions of Approval to include language from the Zoning Ordinance relating to noise levels at the property line. Motion: Austin; Second Johnson. Ayes: Austin, Johnson and Tucker. Noes: None. Abstain: None. Absent: Fennell and McCall. Motion Carried 3:0.

PUBLIC HEARING

Modification #1 to Development Permit 05-07, Tentative Tract Map 5591 (Mod #1 to DP 05-07, TTR 5591), Request to modify Conditions of Approval (S4) to remove the requirement to underground utilities and allow payment of in-lieu fees.

Mr. Schneider recused himself stating he had a conflict with this item.

8: 42 p.m., Mr. McSweeney presented the staff report stating the Applicant has an approved project, Central Station, currently under construction. When the project was approved, it was approved with the condition that the applicant would have to underground utilities prior to Certificate of Occupancy. Mr. McSweeney said the condition to underground was a requirement and non-negotiable. Mr. McSweeney said a project was approved on the SE corner of Mountain View and Santa Clara Street, south of the Central Station project, and was also conditioned to underground utilities. Mr. McSweeney said a project was approved for the SW corner of Mountain View and Santa Clara Street, and it was required to underground utilities. The cost to underground utilities for the Central Station project is astronomical, approximately \$300,000.00. Mr. McSweeney said the Applicant felt demanding the undergrounding would bankrupt the

project. Mr. McSweeney stated the Applicant, Cabrillo Economic Development Corp., entered into an agreement with the City Manager, Tom Ristau, to pay an in-lieu fee of \$150,000.00. However, said Mr. McSweeney, the Conditions of Approval were never modified to reflect the agreement, and staff is recommending to amend Condition S4 to reflect the in-lieu fee. Mr. McSweeney explained that the in-lieu fee was collected and placed into a trust account to do the undergrounding at a future date. Mr. McSweeney said El Pescador also entered into an agreement to pay an in-lieu fee.

Commissioner Austin asked Mr. McSweeney if the Commission was reviewing all of the Conditions of Approval. Mr. McSweeney said the Applicant was very specific about this particular condition, and the public hearing was noticed for Condition S4 only. The Commission can not change the other conditions. 8:47 p.m., hearing opened

Eduardo Espinoza, 1401 Goodenough Rd, Fillmore, CA, Representative, Cabrillo Economic Development Corp. Mr. Espinoza stated he supports City staff's recommendation to allow for the payment of the in-lieu fee of \$150,000. Mr. Espinoza said he had conversations with the City Engineer and was told that there were other projects in the area that would also have to underground utilities; he supports staff's recommendation.

ACTION

Planning Commission Resolution 09-843 was Adopted, Allowing the payment of in-lieu fees for undergrounding.

It was moved and seconded to adopt Planning Commission Resolution 09-843, Recommending the City Council modify Condition S4 to allow the Applicant, Cabrillo Economic Development Corp. to pay in-lieu fees instead of undergrounding utilities. Motion: Johnson, Second: Tucker. Ayes: Austin, Johnson and Tucker. Noes: None. Abstain: None. Absent: Fennell and McCall. Motion Carried 3:0.

Commissioner Austin commented that since the Applicant does so many projects in town, he would appreciate it if the Applicant would review their Conditions of Approval more carefully.

PUBLIC HEARING

Conditional Use Permit 08-06, Development Permit 09-05 (CUP 08-06, DP 09-05), Request to allow an existing office trailer to remain onsite for an additional eight years and to allow existing cargo containers to remain permanently on site, 1020 B Street, Ameron International Corp., 245 Los Robles Ave., Pasadena, CA 91101-2820, Applicant.

8:50 p.m., Chair Tucker opened the public hearing and called for the staff report. Mr. McSweeney presented the staff report stating the Community Development Director approved an office trailer for a two year period and also approved cargo containers to be located on site. Mr. McSweeney said prior to the expiration date, the Applicant came forward to request an extension. Mr. McSweeney said during that time frame, City staff was going through the North Fillmore Specific Plan; there were conformity issues and staff took almost a year to process the application because of the complications of the North Fillmore Specific Plan. Mr. McSweeney

said typically City staff can approve the request for two years, but City staff recommended taking the request to the Planning Commission because the Applicant is requesting an 8-year extension for the office trailer, and the Zoning Ordinance allows 2 years. Mr. McSweeney said business is located next to a residential area and the Applicant did not want to invest in a permanent building. Mr. McSweeney said the office trailer is behind a block wall and is not visible to public view. There is no issue with cargo containers. Cargo containers in an industrial zone can be approved on a permanent basis.

There were no questions for Mr. McSweeney

Chair Tucker invited the applicant to speak.

Louis Ferrar, Plant Manager, Ameron International. Mr. Ferrar stated he has lived in the area since 1965. Mr. Ferrar stated Ameron's desire for more office space for engineering staff. Mr. Ferrar said Fillmore is the hub for the Washington and Alabama offices and instead of trying to cram more people into a tiny space; the Management of Ameron would like to expand for a bit until they decide which way to go.

Chair Tucker asked if anyone else wanted to speak on the matter. There were no speakers.

8:54 p.m., Chair Tucker closed the public hearing. Someone from the audience requested to speak and Char Tucker reopened the public hearing.

Rolin Rothman, Rothman Engineering, Goodenough Rd. and B Street. Mr. Rothman said he had worked with Mr. Ferrar for three years and he is helping with the application process. Mr. Rothman said the modular office is not visible from the street; there are Pine trees along the back side of the area. Mr. Rothman said the staff that is working in the double-wide modulars would not fit in current facility, and they are in a safer environment.

Mark Luna, Engineer, Ameron International, Mr. Luna stated that he is one of the engineering staff working in the modular office. Mr. Luna said he supports the request for the time extension, it is a much improved situation for staff working there.

There were no other speakers.

8:55 p.m., Chair Tucker closed the public hearing.

Planning Commission Comments.

Commissioner Johnson said he was in favor of the 8-year extension. It is well screened and Ameron makes a good point with the zoning influx, why invest in a permanent building.

Commissioners Austin and Tucker said they concurred with Commissioner Johnson's statements.

ACTION

Planning Commission Resolution No.09-841, was Adopted, Approving the 8-year time extension for CUP 08-06 subject to Conditions of Approval.

It was moved and seconded to adopt Planning Commission Resolution No. 09-841, Approving CUP 08-06 to allow Ameron International to permanently keep six existing cargo containers and allow an existing office trailer to stay for eight additional years. Motion: Tucker, Second: Johnson. Ayes: Austin, Johnson and Tucker. Noes: None. Abstain: None. Absent: Fennell and McCall. Motion Carried 3:0.

ACTION

Planning Commission Resolution No. 09-842, was Adopted, Approving DP 09-05, permanent placement of cargo containers subject to Conditions of Approval.

It was moved and seconded to adopt Planning Commission Resolution No.09-842 , Approving DP 09-05, to permit placement of six cargo containers on site permanently of size 8-feet by 40-feet each. Motion: Tucker, Second: Johnson. Ayes: Austin, Johnson and Tucker. Noes: None. Abstain: None. Absent: Fennell and McCall. Motion Carried 3:0.

BUSINESS ITEM

Revision to Santa Paula/Fillmore Greenbelt Agreement.

Commissioner Austin stated recused himself stating he had a Conflict of Interest. Chair Tucker stated a quorum would not be present to hear this item, and it was tabled until the November 18 Planning Commission Meeting.

BUSINESS ITEM

Revised Draft Housing Element Document.

8:58 p.m., Ms. DeAnda presented the report. Ms. DeAnda distributed comments that staff received earlier in the day to the Planning Commission. Ms. DeAnda said state law requires every city to update its Housing Element every five years. The City of Fillmore is overdue for an update, and City staff is working on the update with HDR Engineering. Ms. DeAnda stated the revised draft Housing Element will be reviewed and the comments from HCD that were received on the draft Housing Element as well. Ms. DeAnda said there will be discussions of where we are in the process; what the City's Regional Housing Need Assesment is for this planning period and how it compares with the last planning period; how we will be addressing the unaccommodated need; the effects of the North Fillmore Specific Plan and Measure I on the Housing Element; the comments on the draft Housing Element public review period and responses to those comments; what happens next.

Ms. DeAnda said staff had a kick-off meeting with HDR Engineering to get the Housing Element underway in late 2007 early 2008. Two public workshops were held in November 2008 and January 2009. City staff prepared the first draft, received public input and incorporated that

input into revised draft. Staff will prepare an environmental document and circulate it with the revised draft Housing Element and prepare to hold public hearings to adopt the Housing Element and certify the environmental document. The Housing Element will be sent back to HCD for their review.

Ms. DeAnda reviewed the RHNA survey with the number of units assigned by SCAG for each family income level of the population of Fillmore. Ms. DeAnda stated for the planning period 2006 -2014 Fillmore was assigned 985 units and compared to the last planning period, 809 units were assigned but only 569 units were constructed. Ms. DeAnda compared the number of units assigned to Fillmore with all of the other cities in the county.

Ms. DeAnda said 569 units were constructed in the last planning period but the City failed to implement Program 1.1.3 for the 2003 The Housing Element to increase the density of the RM-H zone from 15 units per acre to 20 units per acre. Program 2.3.6 in the revised Housing Element will address this issue.

Ms. DeAnda said that state law requires cities to address their unaccommodated need and the City needs to accommodate 79 units from the last planning period for the very low income category. Ms. DeAnda said the City will now have to accommodate approximately 1100 units.

Ms. DeAnda stated the North Fillmore Specific Plan process began in January 2003 but was not approved until August 2006, after the last planning period. Ms. DeAnda stated the project was approved for 700 units with a density of up to 20 units per acre. Measure I was approved November 4, 2008 by the voters, which reduced the number of units to 350. Ms. DeAnda said outcome was the number of affordable units was reduced from 105 units to 53 units. The revised Housing Element must address the effects of Measure I and now new programs will be implemented in our current Housing Element. Ms. DeAnda stated the First-time Homebuyer Program was implemented during the last planning period in our 2003 Housing Element Update, but was not accounted for, and the City is asking for credit in this Housing Element Update.

Ms. DeAnda said comments were received on the first draft and all of the comments were addressed, which can be found in Appendix B of the revised draft document. Ms. DeAnda said the only comments that will be discussed tonight are the comments from HCD.

Ms. DeAnda reviewed each comment from HCD and responded with specific programs, and chapters of the draft Housing Element that addressed each comment.

Ms. DeAnda said HCD asked the City to quantify and address the housing needs of the extremely low income. Ms. DeAnda responded that each income level was analyzed and revised. Ms. DeAnda stated the extremely low income category is a new category and will be introduced in this Update. Extremely low is less than thirty percent of the household income. The median household income for a family of four is \$79,500.

Ms. DeAnda said HCD asked how the City will fulfill the RHNA as assigned. Ms. DeAnda said the units that were approved and constructed are shown for each income level in Table 3T. Ms

DeAnda said HCD asked how the City was going to address the unaccommodated need. Ms. DeAnda said this is addressed in Table 3T and Table 3A.

Ms. DeAnda said HCD analyze the realistic unit capacity of parcels. Ms. DeAnda said Appendix A shows the unit potential for specific parcels; eighty percent of the maximum total density for each parcel is shown.

Ms. DeAnda said HCD asked to analyze the City's dependence of small parcels to fulfill RHNA. Ms. DeAnda said the City is depending on small parcels to meet the housing requirements, but the Zoning Ordinance has various provisions to assist applicants in projects with small parcels, i.e., height allowances in the RH zones and zero lot line in the RM and RMH zones and the applicants can request variances and density bonuses as well.

Ms. DeAnda said HCD asked to identify zones to encourage affordable housing and how does the City address the needs of extremely low income. Ms. DeAnda the Zoning Ordinance allows for 2-story construction, underground parking, reduced setbacks and parking requirements, and the Commercial zones allow for residential units.

Ms. DeAnda said HCD asked for existing land use information on underdeveloped sites and that was done in Appendix A. Ms. DeAnda said the information was provided.

Ms. DeAnda said HCD asked the City to assess environmental constraints on new development. Ms. DeAnda stated the City identified the FEMA modifications; the changes flood zone maps and identified special climatic, topographical and geological factors, which caused the City to adopt special building code requirements.

Ms. DeAnda said HCD asked the City to provide information on zones allowing a variety of housing types including emergency shelters, transitional, supportive housing and housing for ag employees. Ms. DeAnda said a discussion for ag employees is in the document. A CUP can be used to ensure the health and safety and that special amenities are provided for the ag employee residents. As for shelters, Ms. DeAnda said emergency shelters are allowed in residential zones outright for up to ten beds for a maximum of six months otherwise of Minor CUP would be needed, and emergency shelters would be allowed in the public facility zones with a Minor CUP. Ms. DeAnda said transitional housing was addressed on pages 4-21 and 4-23 of the document.

Ms. DeAnda said HCD asked the City to analyze the effects of development standards on new housing. Ms. DeAnda said there are discussions of: building heights, parking standards, minimum size requirements for units and allowing residential uses in the commercial zones.

Ms. DeAnda said HCD asked for the City to address North Fillmore Specific Plan and the effects of Measure I. Ms. DeAnda said this has been done by increasing the density in the residential zones and to rezone three industrial parcels to residential.

Ms. DeAnda said HCD asked the City to analyze the effects of processing and permit procedures for new development. Ms. DeAnda said a detailed analysis in the document requires a development permit, parcel map and subdivision map. The revised Housing Element also

includes programs for permit streamlining and modification of the development review process time to help the applicant.

Ms. DeAnda said HCD asked the City to identify constraints on housing for the disabled. Ms. DeAnda said there is a discussion on page 4-20 of group homes residential care facilities for the disabled where the City's requirements are consistent with state law.

Ms. DeAnda said HCD asked how subdivision requirements impact the cost and supply of housing. Ms. DeAnda said discussion on page 4-12 addresses street improvements and how they affect the cost of developing a unit. The cost is estimated to be fifteen percent of the dwelling price.

Ms. DeAnda said HCD asked the City to identify local amendments to the building codes and how they impact new housing. Ms. DeAnda said changes were made to the building codes that address climactic, topographical and geological factors. Ms. DeAnda said developers are required to provide fire protection in new dwellings.

Ms. DeAnda said HCD asked the City to provide a detailed number of Farmworkers in the city. Ms. DeAnda said the information has been provided; approximately 942 Farmworkers reside in the city and 35,181 Farmworkers are in the county.

Ms. DeAnda said HCD asked what actions the City will take to implement policies and housing goals. Ms. DeAnda said there are discussions and programs on page 4-15, that address granny flats, rental rehab program and a partnership program to meet with non-profit developers for special group housing. Ms. DeAnda said the City also encourages developers to include more units with 3 – 4 bedrooms to relieve overcrowding.

Ms. DeAnda said HCD asked the City to identify sites that encourage a variety of housing for all income levels. Ms. DeAnda said emergency shelters and transitional housing has been addressed in Program 3.2.3.

Ms. DeAnda said HCD asked the City to include a program to increase the density in RM-H zones and to identify sites that could be rezoned for higher density. Ms. DeAnda said Program 2.3.6 will increase densities in RM-H zones and Program 1.1.2 to rezone three industrial parcels to residential.

Ms. DeAnda said HCD asked the City to address the needs of the of special need groups. Ms. DeAnda said special need groups is addressed in Section 5.

Ms. DeAnda said HCD asked the City to include new programs that remove government constraints on new housing and promote fair housing for all. Ms. DeAnda said this has been addressed in Policy 2.3 in Section 5 and Programs 2.3.1 through 2.3.7 help to streamline the process.

Ms. DeAnda said HCD asked the City to describe how it complied with the public participation process and addressed public comment. Ms. DeAnda said the City held public workshops and Appendix B, comments and responses to comments, is included in the revised draft document.

Ms. DeAnda said HCD asked the City to describe the actions it will take to achieve consistency among the elements of the General Plan. Ms. DeAnda said due to the passage of Measure I, the City is in the process of drafting an RFP for a new North Fillmore Specific Plan, and the City will also have to amend sections of the General Plan.

In conclusion, Ms. DeAnda said what happens next is that the revised draft Housing Element Update will go to City Council either in November or December. Any new comments that are made tonight by the Planning Commission or the public and will be included with the comments that were made prior to the revised draft document. Ms. DeAnda said the environmental document will be prepared and circulated for review and comment, and public hearings will be scheduled. Ms. DeAnda said when the hearings are complete, the environmental document is certified, and the Housing Element is adopted, the City will send the documents to the HCD for a second review and certification.

Ms. DeAnda mentioned there were requests for maps and they are available to anyone who wants a copy.

Chair Tucker invited the public to speak on the matter.

Eileen McCarthy, CRLA, Representing a client who needs affordable housing in Fillmore. Ms. McCarthy stated she acknowledges the draft Housing Element contains a response to CRLA's letter of December last year, but the responses did not sufficiently address concerns. Ms. McCarthy stated there was a reference to remaining 77 very low and 2 low income units in City staff's discussion with respect to Gov't Code Section 6658.409. Ms McCarthy said the letter CRLA wrote in December, it was their conclusion that the unaccommodated need was 101 very low and 38 lower income units. Ms. McCarthy said she had spoken with Ms. DeAnda and there needs to be more detail provided. The City asserted there were 49 very low income and 60 low income units and it is unknown if the units are deed restricted. If the City is asserting there were sites available to accommodate the portion of the low income need, it should be spelled out as to the location, size and the density of those parcels. Regarding smaller parcels, there is a response in the document to accommodate the low income need that is not acceptable. Ms. McCarthy said the state determines .75 as a small parcel and something less than that to accommodate the lower income need is unacceptable. Ms. McCarthy said developers cannot obtain funding for a parcel less than .75. Ms. McCarthy asked that the City to consider, assisting developers with consolidating or assembling parcels. Of the three sites identified for rezoning, Ms. McCarthy said two of those parcels are not proposed to be rezoned to the default density zoning of 20 units per acre for the City of Fillmore, 14 units per acre is not sufficient. Ms. McCarthy said one of the properties is in a flood plain. With regard to upzoning RM zones to 20 units per acre or even 30-35 units per acre, the problem is that the sites are not identified. Ms. McCarthy said there is also a concern with development standards because the Central Business District zone, which accommodates 50 units per acre is not listed in the draft Housing Element. as being considered for changes in the development standards..

Sonja Flores, 320 Del Valle Dr., Fillmore, CA. Ms. Flores stated she is the Coordinator of House Farmworkers of Ventura County and Fillmore House Farmworkers Committee. Regarding the rezoning of industrial properties to residential uses, Ms. Flores said of the three properties to be rezoned, only one will be upzoned to 20 units per acre for affordable housing. Ms. Flores stated HCD requires the densities of properties to be sufficient to encourage and accommodate affordable to lower income households. Ms. Flores said it is cost prohibitive to develop properties that are less than one acre in size. Ms. Flores said according to Cabrillo Economic Development Corp., it is difficult to obtain funding for projects proposed on sites that are less than one acre. Ms. Flores said there are only four parcels in the City of Fillmore that are over one acre in size and zoned for 20 units per acre, and KB Home will develop two of those parcels which will yield only eight deed restricted units. Ms. Flores said the other two parcels will be rezoned to Central Business District, but the development standards need to be changed such as the height and setbacks to meet the density of 20 units per acre, and units with 3 – 4 bedrooms are needed. Ms. Flores stated there are not enough parcels in the city that are designated 20 units per acre for the City to meet is RHNA need for lower income housing.. Ms. Flores urged the City to rezone parcels over one acre to 20 units per acre or higher and to allow Farmworker housing developments by right in all residential zones, Central Business District in the Commercial Highway zone.

Conception Santa Rosa, 331 Dove Ct., Fillmore, CA. Ms. Santa Rosa said she has been living in the City of Fillmore for twenty years. Ms. Santa Rosa said she had three daughters and one son, and one daughter is 14-years old and plays soccer for the high school. Ms. Santa Rosa said she and her daughters like being involved in the community. Ms. Santa Rosa said the Farmworker housing project will soon be completed, but because there is a great demand for affordable housing, we may not get a unit. Ms. Santa Rosa said she and her family have been waiting for six years for housing. Ms. Santa Rosa said here is another project of 363 units. Ms. Santa Rosa suggested the Saticoy Lemon site to be redesignated to the residential and allow Farmworker housing on the site. Ms. Santa Rosa also suggested modifying the development standards to accommodate more units on the property and people would have a better opportunity to obtain housing.

There were no other comments.

Mr. McSweeney said the Housing Element presentation tonight was to inform the public and the Planning Commission know that City staff has been working on the Housing Element Update and addressing comments. Mr. McSweeney said City staff would like to begin the environmental document. Mr. McSweeney said City staff will meet with those who made comments tonight; we will address Measure I and rezoning properties to accommodate additional units. Mr. McSweeney said City staff is ready to move forward to the City Council and start the environmental document.

Commissioner Tucker asked if the environmental document will analyze traffic and financial issues for the sites. Mr. McSweeney responded the document will address traffic but no finance. Mr. McSweeney said the traffic will be addressed but the information will be general. Mr. McSweeney said when development is proposed on the sites then City staff will require a detailed traffic analysis. As for rezoning of properties, Mr. McSweeney said right now we have

a program, but in the future the City will consider re-zoning the parcels. Mr. McSweeney said the City was chastised for not meeting its housing programs from the last Housing Element Update because of Measure I, and now we have to make a strong effort to complete those programs in this Housing Element Update.

The Planning Commission recommended taking the Housing Element Update to the City Council.

Commissioner Tucker commented that as we go through the process, public commentary is important, and any information, letters etc, are helpful. The more information we have the better the decision.

REPORTS AND COMMUNICATIONS

There were no reports or comments.

ADJOURNMENT – 8:50 PM

There being no further business to come before the Planning Commission, the meeting was adjourned to next regular Planning Commission Meeting scheduled for November 18, 2009, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy
Planning Secretary

**PLANNING COMMISSION
CITY OF FILLMORE
250 CENTRAL AVENUE
FILLMORE, CA 93015**

**NOVEMBER 18, 2009
REGULAR MEETING
6:30 PM**

MINUTES

CALL TO ORDER

6:30 p.m., Vice Chair Tom Fennell called the Planning Commission meeting to order and asked Commissioner Johnson to lead the assembly in the Pledge of Allegiance. Planning Commissioners present were: Vice Chair Tom Fennell, Vance Johnson and Diane McCall. Staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider and Planning Secretary Denise Beauduy. Absent: Commissioners Austin and Tucker (both excused).

ORAL COMMUNICATIONS

There were no comments.

PUBLIC HEARING

Revision to Santa Paula/Fillmore Greenbelt Agreement.

6:33 p.m. Mr. McSweeney stated the item was a noticed public hearing; it was mistakenly identified on the agenda as a business item, but the item was properly noticed and published in the newspaper. Mr. McSweeney stated the Greenbelt Subcommittee is requesting the item to be continued. Mr. McSweeney said the subcommittee members noticed there errors in the final documents and would like to have the errors resolved prior to presenting the Greenbelt Agreement to the public. Mr. McSweeney gave City staff's recommendation to open the public hearing and continue the hearing to a special meeting on December 9, 2009. Mr. McSweeney said the next regular scheduled meeting is December 16, 2009, and City staff suggests holding a special meeting on December 9, 2009 instead of meeting on December 16, 2009.

Vice Chair Fennell opened the public hearing. There were no speakers. Vice Chair Fennell entertained a motion to continue the public hearing to a special meeting on December 9, 2009.

ACTION

It was moved by Commissioner Johnson and Seconded by Commissioner McCall to continue the public hearing to a special meeting on December 9, 2009. Ayes: Fennell, Johnson and McCall. Noes: None. Abstain: None. Absent: Austin and Tucker. Motion Carried 3:0.

REPORTS AND COMMUNICATIONS

Commissioner McCall asked if City staff had information about FEMA and flood insurance. Mr. McSweeney responded Public Works Director Bert Rapp has information. Mr. McSweeney said FEMA is conducting a nation wide survey of all flood plains and levees and the FIRM (Flood

Insurance Rate Map) is in the process of going through revisions. Mr. McSweeney said that Mr. Rapp has held workshops with federal and county agencies to address potential flood areas in Fillmore. Mr. McSweeney said residents who were not required to have flood insurance in the years past may be required to purchase flood insurance now because of the FIRM update.

Mr. Schneider said there has been public out reach in the form of public workshops and the distribution of door hangers alerting the citizens who reside in areas that have the potential for flooding that they will have to purchase flood insurance.

Commissioner Johnson commented that it is not the City requiring home owners to purchase flood insurance; it is the mortgage companies requiring flood insurance

ADJOURNMENT – 6:40 PM

There being no further business to come before the Planning Commission, the meeting was adjourned to a special Planning Commission meeting, December 9, 2009, 6:30 p.m., City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

Denise Beauduy
Planning Secretary



CITY OF FILLMORE

CENTRAL PARK PLAZA

250 Central Avenue

Fillmore, California 93015-1907

(805) 524-3701 • FAX (805) 524-5707

December 9, 2009

TO: Planning Commission

FROM: Kevin McSweeney,
Community Development Director 

SUBJECT: Public Hearing: Request revision to the Santa Paula/Fillmore/Ventura County Greenbelt Agreement into an Ordinance.

RECOMMENDATION

The Greenbelt Committee (Mayor Walker, Councilperson Hernandez) recommends the Planning Commission take the following action:

- Adopt Planning Commission Resolution 09-844, recommending the City Council adopt the Santa Paula/Fillmore/Ventura Greenbelt Ordinance subject to the City of Santa Paula amending their Sept. 21, 2009 ordinance to include adding the golf course area along South Mountain Rd.

BACKGROUND

The City of Santa Paula desires to extend into the existing Santa Paula/Fillmore Greenbelt by approximately 500 acres in order to accommodate the proposed Limoneria residential development. This expansion area is called East Area 1.

The City of Fillmore City Council commented on the proposed project, Limoneria-East Area 1, stating that because the Greenbelt is proposed to be amended, the Greenbelt should become an ordinance (law) instead of the existing resolution and Santa Paula should identify other property to include in the Greenbelt to make-up for the loss of 500 acres.

Per City Council direction, City staff has prepared revisions to the existing Santa Paula/Fillmore/County of Ventura Greenbelt to remove East Area 1 from the greenbelt and include partial replacement greenbelt acreage for the removal of East Area 1 land.

BACKGROUND AND PROJECT DESCRIPTION

Greenbelts are adopted by either resolution or ordinance between public agencies with land use control. They represent a form of mutual regulatory control between two or more jurisdictions and generally involve the protection of farmland and open space (land designated as in the General Plan "Agriculture" or "Open Space"), as well as the future extensions of urban services/facilities and annexations. Greenbelts are intended to operate as "buffers" between urban uses.

Historical Context

In 1980 the City of Santa Paula, City of Fillmore and County of Ventura adopted a greenbelt agreement by Resolution covering 32,745 acres. In 1999, the greenbelt agreement was amended

by resolution to remove the East Area 2 expansion area and replacement greenbelt acreage was provided north of the Santa Paula.

In February 2008, the Santa Paula City Council approved the East Area 1 Specific Plan and in June 2008, the Santa Paula voters approved moving the CURB line for the East Area 1 project, which permits the City to apply to LAFCO for annexation of the land into the city. Since the development of East Area 1 is incompatible with the purpose and intent of the Santa Paula/Fillmore/Ventura County Greenbelt, an amendment to this greenbelt is required to remove East Area 1 from the greenbelt.

Additionally, according to the Santa Paula Land Use Element of the General Plan (Urban Expansion policy 4.n.n. and corresponding action to implement the Urban Expansion goal 31), the City of Santa Paula should adopt new formal greenbelt agreements for the Santa Clara River Valley to the east of town and amend the greenbelt agreement with Fillmore such that each acre removed from the existing greenbelt would be added to the greenbelt in other locations within the City's Area of Interest.

Over the past year, representatives from both cities and the County have met to discuss options regarding revising the Santa Paula/Fillmore greenbelt boundaries to remove East Area 1 expansion area and discuss potential replacement acreage and greenbelt boundary clean ups.

At the last Greenbelt Committee meeting held July 7, 2009, the parties agreed that the greenbelt agreement would be amended by Ordinance and that due to geographic and land constraints the acre for acre replacement was not necessary. However a good faith effort by Santa Paula would be undertaken to expand the greenbelt along the South Mountain Expansion Area to compensate for the removal of East Area 1.

ANALYSIS

The proposed Greenbelt Ordinance is intended to preserve agriculture. It prevents the City of Fillmore and Santa Paula from expanding into the Greenbelt area and prevents Ventura County from approving development inconsistent with Agricultural and Open Space uses without a super-majority approval from Santa Paula,

Boundaries:

The Greenbelt boundary in Fillmore is located at the easterly bank of the Sespe Creek levee which is also the City's CURB, Sphere of Influence and City limit line and the southerly boundary is the Sphere of Influence. Please note in Exhibit "A" that the Sespe Creek River will be added to the Greenbelt. These boundaries are consistent with the Fillmore General Plan Land Use Element (2005).

The Greenbelt boundary in Santa Paula removes 500 acres of the Limoneria site and adds 216 acres along the south side of South Mountain Road. Please note that the Limonera Area 1 site has an approved EIR. The City of Santa Paula has submitted an application into LAFCO to annex this area.

The Greenbelt boundary for Ventura County includes those mentioned for Fillmore and Santa Paula but also makes map corrections to include the Greenbelt within the boundaries of the Area of Interest. Please note in Exhibit "A" that the Balcom Canyon area is added in the Greenbelt in order for the Area of Interest and the Greenbelt to have coterminus boundaries.

Ordinance Text:

The Greenbelt area is located within the Ventura County jurisdiction. That area is designated by the County as Open Space and Agriculture. Within that designation of Open Space and Agriculture, certain land uses are permitted that is of concern for Fillmore and Santa Paula such as landfills, prisons, labor camp housing and government buildings. These land uses currently require a Conditional Use Permit by the County and to prohibit the uses within those designations will require a county wide Zoning Ordinance Amendment.

Therefore, the City of Fillmore and Santa Paula has agreed to included in the Greenbelt Ordinance, Subsection B Land Uses of Concern, language that requires those types of uses will receive an "enhanced" review. This type of language does not prohibit the use but it is alerting Fillmore and Santa Paula that if these uses are proposed, the City's should ensure that the County provides analysis, treatment and compatibility review.

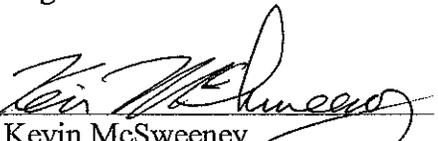
Ventura County is unable to add this language in Subsection B of their Greenbelt Ordinance without having to prepare a county-wide Zoning Ordinance Text Amendment for additional land use controls. Therefore, the County as created language for their Greenbelt Ordinance that is more descriptive of the intent of reviewing land uses and the common goal to keep the Greenbelt to preserve agriculture.

ENVIRONMENTAL

Before making a recommendation on the proposed Greenbelt Ordinance, the California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. Ventura County has determined to be the "Responsible Agency" for the Greenbelt because the area is within their jurisdiction.

As the Responsible Agency, the County has taken the lead of environmental review in terms of land use review.

Fillmore's CEQA review is limited to mapping and not land use decisions. The permitted land uses are not proposed to be changed. Therefore, the Project is exempt from review under CEQA Guideline 15061(b)(3) (Review of Exemption) as CEQA only applies to projects that have the potential to cause a significant effect on the environment. As indicated above, the proposed Ordinance consists only of minor revisions and clarifications and will not have the effect of deleting or substantially changing any regulatory standards or findings. These minor revisions would not have an effect on the environment and, therefore, are not subject to the CEQA Regulations.


Kevin McSweeney,
Community Development Director

Attachments:

1. PC Resolution 09-844
2. Proposed Ordinance

CITY OF FILLMORE
PLANNING COMMISSION
RESOLUTION 09-844

RECOMMENDING THE CITY COUNCIL
ADOPT A JOINT GREENBELT ORDINANCE
WITH THE CITY OF SANTA PAULA
AND VENTURA COUNTY

Whereas the City of Fillmore has been requested to allow Santa Paula to encroach into the existing Fillmore/Santa Paula Greenbelt by 500 acres to accommodate a development project known as Area 1.

Whereas the existing greenbelt was approved by resolution 5337A (City of Santa Paula) and resolution 99-2358 (City of Fillmore) and was not adopted by "Ordinance."

Whereas, the City of Fillmore, City of Santa Paula and Ventura County agrees to converting the existing Greenbelt approved as a resolution and convert it to an ordinance and expand the Greenbelt by approximately 180 acres in exchange to allowing the City of Santa Paula to encroach into the existing Greenbelt by 500 acres.

NOW THEREFORE BE IT RESOLVED, the City of Fillmore Planning Commission does hereby recommend to the Fillmore City Council to adopt a Greenbelt Ordinance per exhibits A and B.

PASSED AND ADOPTED by the Planning Commission of the City of Fillmore this 9^h day of December 2009.

Ayes:
Noes:
Abstain:
Absent:

Douglas Tucker, Chair
Planning Commission

ATTEST:

Denise Beauduy, Secretary

“EXHIBIT B”

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA-PAULA REGARDING THE FILLMORE-SANTA PAULA GREENBELT

The City Council of the City of Fillmore ordains as follows:

Section 1. PURPOSE AND INTENT – The purpose of this Greenbelt Ordinance is to promote the agricultural and open space land conservation goals and policies contained in the City of Fillmore, the City of Santa Paula, and the County of Ventura General Plans, with a Greenbelt program designed to preserve unincorporated County lands that are located between the City of Fillmore and the City of Santa Paula for agricultural and open space purposes.

For reasons set forth in Section 16 of this Ordinance (Unique Considerations), the preservation of agricultural land within this Greenbelt is of critical importance. Therefore, land uses which may conflict with agricultural production, and in particular those uses listed in Section 16, Subsection B, shall receive enhanced review, analysis and treatment, up to and including denial, in order to ensure compatibility.

The enhanced review, analysis and treatment of the uses listed in Section 15, Subsection B will apply to all lands located within the Greenbelt’s boundary.

It is the intent of this Ordinance that the boundaries of the Fillmore-Santa Paula Greenbelt should be in compliance with the City of Santa Paula’s and City of Fillmore’s General Plan, City Urban Restriction Boundary (CURB) and Sphere of Influence. The western greenbelt boundaries have been made coterminous with the City’s adopted CURB line.

Section 2. GOVERNMENT CODE REFERENCE – The Greenbelt consists of irrigated agricultural and open space lands as defined by Sections 56064 and 65560 of the Government Code.

Section 3. NON-ANNEXATION AND NON-URBAN DEVELOPMENT POLICY – The City Council of the City of Santa Paula, the City of Fillmore, and the Board of Supervisors of the County of Ventura establish this Greenbelt so as to maintain its agricultural and open space uses and agree to a policy of non-urban development, non-annexation and the retention of agricultural and open space uses on the Greenbelt’s lands.

Section 4. FINDINGS – The City of Fillmore, the City of Santa Paula, and the County of Ventura’s adoption of: 1) General Plan policies and zoning regulations, 2) the Guidelines for Orderly Development, and 3) Greenbelt policies have demonstrated a long-term commitment to agricultural and open space land conservation. The City Council of the City of Fillmore reaffirms the following findings:

1. The lands in the Greenbelt area are worthy of permanent retention in agricultural and open space uses in the overall best interest of the City of Fillmore, City of Santa Paula, the County of Ventura and the State;
2. The Greenbelt area is difficult for either the City of Fillmore, the City of Santa Paula, or the County of Ventura to serve with sewers, water, fire and municipal services;
3. California is losing farmland at a rapid rate and some of Ventura County's most developable land is also its most productive agricultural land;
4. Acre-for-acre, Ventura County's agricultural lands are among the most productive in California, nearing three times the production level of the Statewide average;
5. Encroaching urban development poses a threat to the continued viability of Ventura County's farmland, especially for parcels located adjacent to urban areas;
6. Some urban uses, when located contiguous to farmland, are incompatible with commercial agricultural operations which can lead to additional farmland conversion;
7. The City of Fillmore, the City of Santa Paula, and/or the County of Ventura have participated in numerous farmland protection programs and initiatives in recent years including initiating the voter-approved Measure A in 1998 and the Agricultural Policy Working Group (APWG) in 1997/98; adopting the 'Right-to-Farm-Ordinance in 1997; re-establishing the Agriculture Policy Advisory Committee (APAC) in 1996; and establishing the Agricultural Land Trust Advisory Committee (ALTAC) in 1991/92, the Agricultural Lands Protection Program (ALPP) in 1982/83 and the Land Conservation Act (LCA) Program in 1969;
8. The protection and conservation of agricultural land, especially in areas that are presently farmed or feature *Prime* or *Statewide Importance* soils as defined by the Important Farmlands Inventory (IFI), represents a primary objective;
9. The loss of agricultural land to urban development is consistently a significant unmitigable impact under the California Environmental Quality Act (CEQA);
10. Agriculture represents an important component of the City of Fillmore and Ventura County's economies – the loss of farmland to urban development is irreversible and will have a negative impact on the City's and the County's economies;
11. The continuation of agricultural operations protects Ventura County's landscape and environmental resources;
12. Protecting open space, maintaining the integrity of separate distinct cities and preventing inappropriate urban development from locating between city boundaries represent important 'quality of life' goals; and
13. The retention of open space lands protects scenic resources and natural habitats and provides opportunities for passive and active recreational activities, parks and trail systems.

Section 5. DEFINITIONS – As used in this Greenbelt Ordinance, the following terms shall have the meanings set forth in this section:

AGRICULTURAL LANDS PROTECTION PROGRAM (ALPP) – In May 1983, the Ventura County Board of Supervisors adopted the *ALPP* for the unincorporated areas of the County. The

ALPP established a new *Agriculture* land use designation (minimum parcel size 40 acres) and redefined the *Open Space* and *Rural* land use designations.

AGRICULTURAL LAND TRUST ADVISORY COMMITTEE (ALTAC) – *ALTAC* was established by the Ventura County Board of Supervisors in November 1990 and included 11 members who represented the Board, farmers and the public. *ALTAC* established a countywide non-profit land trust and recommended a process for the permanent conservation of irrigated farmland and the implementation of an agricultural advocacy program.

AGRICULTURAL POLICY ADVISORY COMMITTEE (APAC) – *APAC* advises the Board of Supervisors, the County Planning Commission, County Planning staff and the cities on all matters having direct, indirect and cumulative impacts on the viability of agriculture in the County. *APAC* consists of five commercial growers, each appointed by a member of the Board.

AREAS OF INTEREST -- Plans adopted by the Ventura Local Agency Formation Commission (LAFCo) which divide the County into major geographic areas reflective of community and planning identity. Within each *Area of Interest*, there is to be no more than one city (but there will not necessarily be a city in each *Area*).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) – Adopted in 1970, CEQA requires a project proponent to identify the significant impacts of public and private actions on the environment and to provide this information to decision-makers and the public.

CITY URBAN RESTRICTION BOUNDARY (CURB) – Urban growth boundaries (see definition) that were approved by the voters or adopted by the City Council of the Cities of Camarillo, Fillmore, Moorpark, Oxnard, Santa Paula, Simi Valley and Thousand Oaks. Each jurisdiction's CURB is in effect for different periods of time. The CURBs cannot be expanded unless approved by the city's voters.

DEVELOPMENT CODE - The Santa Paula Development Code is the principal tool in which the Santa Paula General Plan and other policies are implemented. The Development Code establishes building standards (height limits, lot coverage, setbacks, etc.) and allowable land uses (either by right [ministerial uses] or allowed only if certain conditions are met [discretionary uses]).

DISCRETIONARY DEVELOPMENT -- Any development proposal, project or permit which requires the exercise of judgment, deliberation or decision on the part of the decision-making authority in the process of approving or disapproving a particular activity.

GENERAL PLAN -- A long term plan for the physical development of a city or county and of any land outside its boundaries, which in the planning agency's judgment bears relation to its planning needs. The California Government Code requires that each planning agency prepare, and its legislative body adopt, seven mandatory elements of the *General Plan* (including Open Space and Conservation Elements). An Agriculture Element is optional.

GREENBELT -- An area consisting of irrigated agricultural land or other Important Farmlands Inventory (IFI)-designated open space lands as defined in Sections 56064 and 65560 of the Government Code.

GUIDELINES FOR ORDERLY DEVELOPMENT (GUIDELINES) – The *Guidelines* provide that urban development should be located within incorporated cities whenever and wherever practical. All city councils within Ventura County, the Ventura County Board of Supervisors and the Local Agency Formation Commission (LAFCo) have adopted the *Guidelines*.

IMPORTANT FARMLANDS INVENTORY (IFI) – The *IFI* are maps for California which are compiled from United States Department of Agriculture (USDA) and Natural Resources Conservation Service (NRCS) soil surveys and current land use information using eight mapping categories. Ventura County uses five of the eight IFI classifications including *Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance* and *Grazing Land*.

LOCAL AGENCY FORMATION COMMISSION (LAFCo) – County *LAFCo*'s are State-mandated agencies that are responsible for orderly growth, logical boundaries, efficient services and the preservation of agriculture and open space. *LAFCo*'s are required to guide urban development away from prime farmland and open space unless such actions would not promote planned, orderly and efficient development.

MEASURE A – An advisory measure, initiated by the Ventura County Board of Supervisors in 1998, that recommended the County and the ten cities adopt by ordinance the six existing and five proposed Greenbelts, prohibit changes to the external growth boundaries unless approved by the voters and form an Agriculture/Open Space Conservation District. Sixty-eight percent of Ventura County's voters approved the measure.

MINISTERIAL DEVELOPMENT -- Any development proposal, project or permit where the decision-making authority merely determines whether there has been conformity with applicable statutes, ordinances or regulations.

OPEN SPACE LANDS -- Land or water area that either remains in its natural state or is used for agriculture or is otherwise essentially undeveloped.

RIGHT-TO-FARM ORDINANCE – Ventura County's Ordinance is intended to protect properly conducted commercial agricultural practices from nuisance lawsuits, require disclosure to persons purchasing real estate in agricultural areas that owners/occupants may experience inconveniences and discomforts associated with agricultural operations and provide for optional mediation of disputes involving agricultural operations.

SPHERES OF INFLUENCE -- Plans adopted by a Local Agency Formation Commission (*LAFCo*) which designates the probable ultimate boundary of a city or special district.

URBAN GROWTH BOUNDARY (UGB) -- An officially adopted and mapped line that divides land to be developed from open space lands to be protected for agriculture, recreation and/or habitat use. A *UGB* is a regulatory tool, usually designated for specific periods of time. In order to provide greater certainty for both development and conservation goals, it is rarely subject to revision and could be made more fixed over time.

ZONING ORDINANCE – The Fillmore Zoning Ordinance is the principal tool in which the Fillmore General Plan and other policies are implemented. The Ordinance establishes building standards (height limits, lot coverage, setbacks, etc.) and allowable land uses (either by right [ministerial uses] or allowed only if certain conditions are met [discretionary uses]).

Section 6. GREENBELT DESCRIPTION – The Fillmore-Santa Paula Greenbelt is comprised of about 31,743 acres of unincorporated County territory, located between the City of Fillmore and the City of Santa Paula and within the Fillmore and Santa Paula Areas of Interest, and is bounded by the following features and identified in Attachment 1 of this Ordinance:

1. On the westerly boundary be coterminous with the Santa Paula CURB (dated May 2008);
2. On the north by the Los Padres National Forest;
3. On the east by the Fillmore City Limits, Sphere of Influence and CURB boundary; and
4. On the south by the ridge line of South Mountain and Oak Ridge.

Section 7. PERMITTED USES -- The Ventura County General Plan and Zoning Ordinance shall control land uses permitted within the Greenbelt.

1. The Greenbelt's General Plan designations include:
 - *Agriculture and Open Space*
2. The Greenbelt's Zoning Ordinance designations include:
 - *Agriculture-Exclusive (A-E) and Open Space (O-S)*
3. Only land uses that are consistent with the above referenced general plan and zoning ordinance designations, subject to ministerial or discretionary permit conditions, use standards, performance standards and permit findings, will be permitted within the Greenbelt.
4. The primary goal of this Greenbelt is the conservation of agricultural and open space lands within the Greenbelt's boundaries. Land uses that may not be compatible with this goal will receive enhanced review, analysis and treatment and are referenced in Section 15, Subsection B of this Ordinance.
5. The enhanced review, analysis and treatment of the uses listed in Section 15, Subsection B of this Ordinance will apply to all lands located within the Greenbelt's boundary.

Section 8. SPHERES OF INFLUENCE (URBAN GROWTH BOUNDARIES) -- The boundaries of the Greenbelt shall be consistent and coterminous with the City of Santa Paula and City of Fillmore City Urban Restriction Boundaries (CURB). This boundary consistent with LAFCo's policies and procedures, will establish limits on the extension of urban services and infrastructure.

Because the Sphere of Influence represents the probable ultimate boundary of the City of Fillmore, the City's Sphere of Influence shall not extend into the Greenbelt. The City of Fillmore and the County of Ventura will adjust the Greenbelt boundary to reflect any changes the Ventura LAFCo may make to the Fillmore Sphere of Influence, so as to assure consistency. This Ordinance does not establish any regulatory authority over spheres of influence or annexations.

Section 9. AREAS OF INTEREST -- The boundaries of this Greenbelt shall include only those unincorporated County lands that are located within the Santa Paula and Fillmore *Areas of Interest*. Future modifications of the Greenbelt's boundaries will not be permitted to cross over adjoining *Area of Interest* boundaries.

Section 10. TIME FRAME AND REVIEW PROCEDURES -- The description, features, terms and conditions of the Greenbelt shall be in effect for an indefinite time period.

Beginning (date of adoption) (and at ten-year intervals thereafter), the Santa Paula City Council shall review the features, terms, conditions and the status of all Greenbelt lands. The review will coincide with the ten-year update of the City of Santa Paula General Plan and a LAFCO-initiated countywide sphere of influence (urban growth boundary) study.

Section 11. AMENDMENT PROCEDURES -- Proposals for amending the boundaries or features of the Greenbelt could be initiated by the City of Fillmore, the City of Santa Paula, and/or or the County of Ventura. Proposed amendments shall be reviewed by a Technical Review Committee (TRC) comprised of representatives from the City of Fillmore, the City of Santa Paula, and the County of Ventura.

After reviewing the proposal, the TRC shall forward a recommendation to the City Councils of the Cities of Fillmore and Santa Paula and the Board of Supervisors concerning the merits and deficiencies of the proposed Greenbelt amendment.

Once effective, any changes to the Greenbelt Ordinance (except changes to match LAFCo-approved sphere of influence revisions and new additions to the Greenbelt) shall require a super-majority vote of the City Council of the City of Santa Paula, City of Fillmore and County of Ventura. A super-majority vote is defined as a 4/5th vote of the Santa Paula City Council.

Section 12. LAFCO ACTION -- The City Council of the City of Santa Paula requests that the Ventura Local Agency Formation Commission (LAFCO) endorse and certify this Greenbelt Ordinance and continue to act in a manner consistent with the preservation of the aforementioned lands for agricultural and open space purposes.

Section 13. PRECEDENCE -- This Greenbelt Ordinance shall supercede all previously adopted Greenbelt resolutions or portions of resolutions in conflict herewith.

Section 14. SEVERABILITY -- If any section, subsection, sentence, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance. The City Council of the City of Santa Paula hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 15. UNIQUE CONSIDERATIONS

Subsection A. Additional Goals

The City of Fillmore, the City of Santa Paula, and the County of Ventura recognize that land use decisions should balance many goals, including the provision of housing and urban services as well as the preservation and development of natural resources. To reach a balance among these goals, jurisdictions must consider the specific circumstances of each case.

The primary purpose of this Ordinance is to establish that within the boundaries of the Fillmore-Santa Paula Greenbelt, the goals of protection of agricultural land, the maintenance of a healthy agricultural economy and the preservation of open space land shall be of critical importance. In light of these goals, proposed land uses that are

potentially incompatible with agriculture shall receive enhanced review, analysis and treatment, up to and including denial, so as to ensure compatibility.

The above recognition is based on the Findings set forth in Section 4 of this Ordinance. In addition, it is in conformance with the purpose and goals of the City of Fillmore General Plan, the City of Santa Paula General Plan, the Ventura County General Plan, the Heritage Valley Implementation Plan and the Fillmore Citrus Protective District.

The following goals and policies of the Cities of Fillmore¹ and Santa Paula, and the Ventura County General Plans shall be given enhanced consideration when making land use decisions in the Greenbelt:

1. City of Fillmore General Plan

- a. Preserve viable agriculture and prime agricultural lands as a Greenbelt and buffer outside the City's Sphere of Influence.
- b. Development shall be compatible with and have minimal adverse impacts upon the environment, agriculture and natural resources.

2. Ventura County General Plan

- a. Preserve and protect agricultural lands as a non-renewable resource to assure their continued availability for the production of food, fiber, and ornamentals.
- b. Establish policies and regulations which restrict agricultural land to farming and related uses rather than other development purposes.
- c. Restrict the introduction of conflicting uses into farming areas.

3. City of Santa Paula

- a. Preserve viable agriculture and prime agricultural lands as a greenbelt and buffer around the City.

4. Heritage Valley Implementation Plan

In addition to these General Plan goals, the Greenbelt will assist in preserving the agricultural assets of the area in conformance with the goals of the Heritage Valley Implementation Plan. This economic development plan relies upon the pastoral beauty and historical resources of the Santa Clara Valley as the basis for a coordinated effort to market the area as a major tourist attraction. The area's past and present status as a major citrus and avocado growing area is a major component of this Plan. In order to promote the Plan's goals, and protect the resources on which it is based, the goals of preservation of agricultural land and the agricultural economy shall be given enhanced consideration.

Subsection B. Land Uses of Concern

When making land use decisions, the Ventura County Planning Director, the Ventura County Planning Commission and the Board of Supervisors shall give careful consideration to whether the proposed action would consume, for non-agricultural purposes, agricultural land designated Prime, Statewide Importance, Unique or Local Importance, or would compromise the viability of adjoining land for agricultural purposes. Specifically, the following uses, which have been determined to be of

¹ The stated goals are from the "Goals, Policies and Implementation Measures" of the City of Fillmore proposed General Plan Update. This Ordinance should be amended as necessary to reflect any changes in these goals and policies after their adoption.

concern, shall receive enhanced review, analysis and treatment, up to and including denial, in order to ensure their compatibility:

1. Airfields, Landing Pads & Strips, Private
2. Communications Facilities
3. Farm Labor Group Quarters
4. Government Buildings
5. Correctional Institutions
6. Law enforcement Facilities
7. Mineral Resource Development
8. Waste Treatment and Disposal Facilities
9. Recreational Opportunities

PASSED AND ADOPTED by the City Council of the City of Fillmore,
this ___ day of _____, 2009, by the following vote:

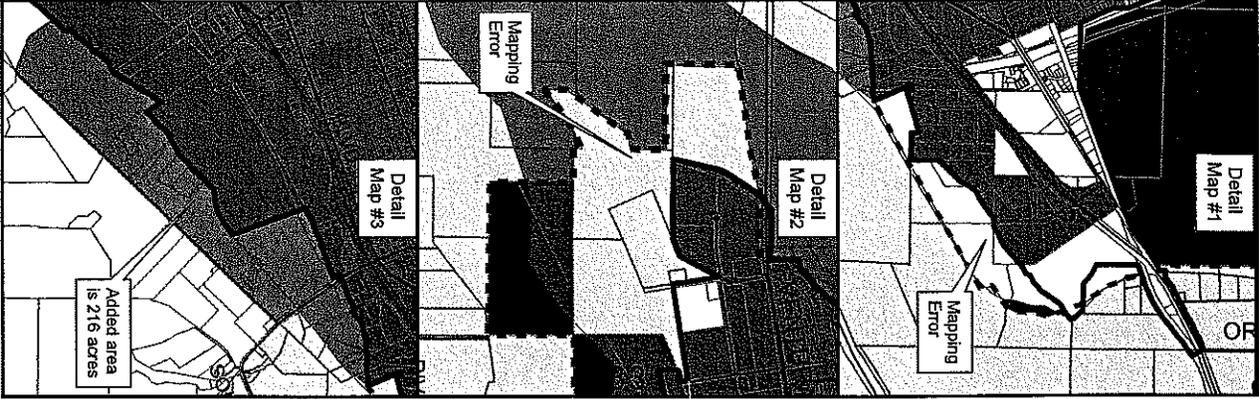
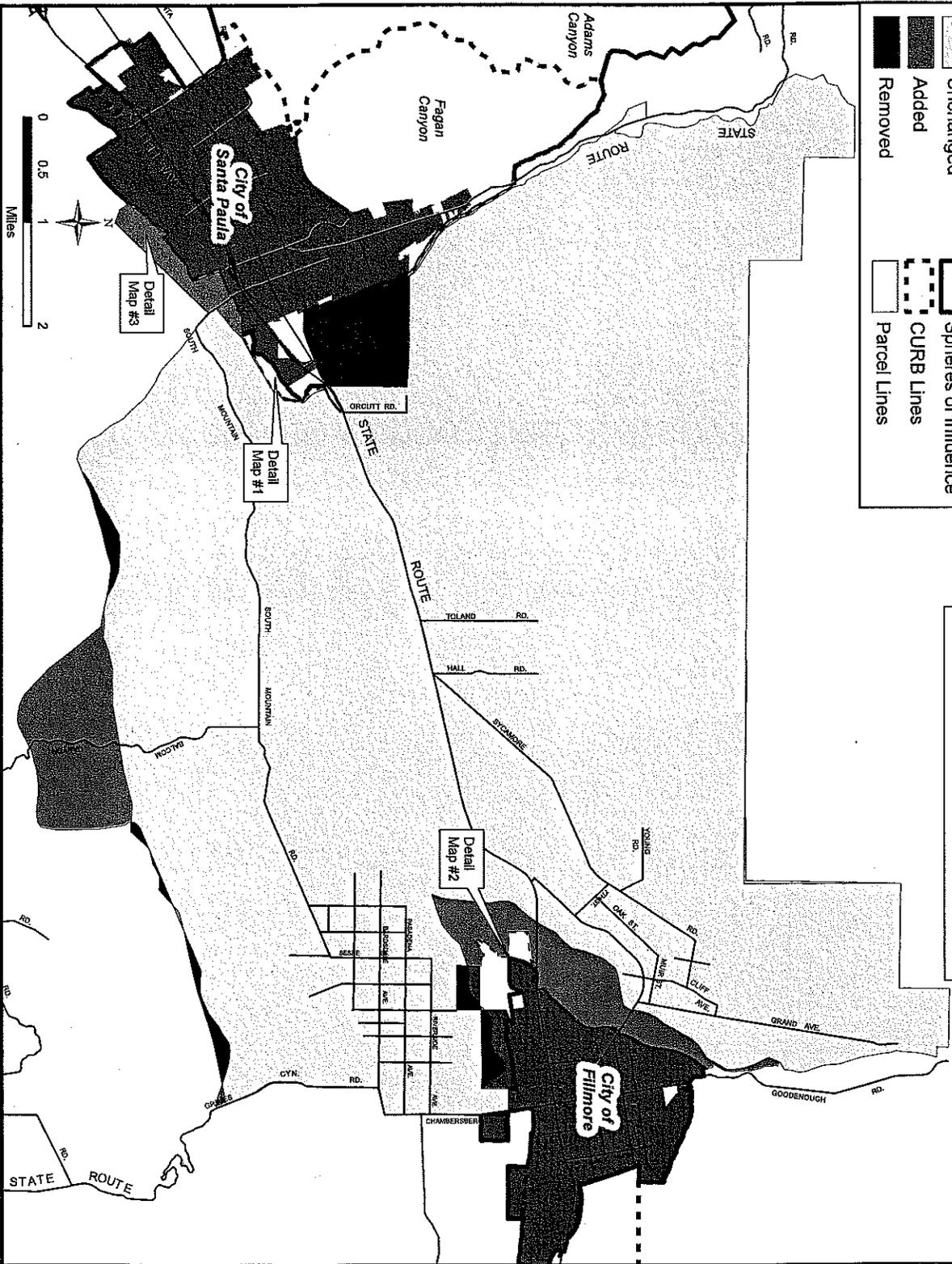
Exhibit A Santa Paula-Fillmore Greenbelt

Greenbelt Boundaries

- Unchanged
- Added
- Removed

City Boundaries

- City Boundaries
- Spheres of Influence
- CURB Lines
- Parcel Lines



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