Roll Call

Pledge of Allegiance Led by Council Member Irish

Invocation

ORAL COMMUNICATIONS

This is the opportunity to address the Council on the scheduled matter.

SCHEDULED MATTER

1. An Extension of an Interim Urgency Ordinance for the Protection of the Hillside Area of the Community

   Re: Extending for one-year the Interim Urgency Ordinance defining the process and criteria for the development of hillside properties within the City of Porterville Urban Development Boundary.

ADJOURNMENT - to the meeting of February 21, 2006 at 6:00 p.m.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
SUBJECT: AN EXTENSION OF AN INTERIM URGENCY ORDINANCE FOR THE PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On September 6, 2005, the City Council adopted an Interim Urgency Ordinance for the protection of the hillside area of the community. The initial ordinance was approved for 45 days and remained in effect until October 21, 2005. At the Council meeting of October 18, 2005, the City Council approved a 120 day extension that is due to expire at 5:00 p.m. on February 15, 2006. Staff is requesting that the City Council consider and approve an additional extension of time to allow for the development of the permanent hillside development standards. The City has contracted with a consultant that specializes in hillside development. The consultant works for both private and public interests in addressing the challenges and policies to guide hillside development. Since this is the last extension of this ordinance allowed under state law, Staff is requesting the City Council to approve a one (1) year extension of the ordinance. It is anticipated that the effort will be completed within this time period.

RECOMMENDATION: That the City Council:

1. Continue the public hearing and adopt the attached ordinance extending the Interim Urgency Ordinance for the protection of the hillside areas of the community defining process and criteria for the development of hillside properties within the City of Porterville Urban Development Boundary.

Attachment: 1) Interim Ordinance
ORDINANCE NO.____________________

AN EXTENSION OF AN INTERIM ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF PORTERVILLE FOR THE
PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY
AND DECLARING THE URGENCY THEREOF

BE IT ORDAINED by the City Council of the City of Porterville, as follows, to wit:

SECTION 1: The City Council of the City of Porterville has previously enacted Ordinance No. 1681 as an extension of the Urgency Ordinance and said Ordinance shall expire on February 15, 2006.

SECTION 2: The City Council of the City of Porterville herewith finds that there is a current and immediate threat to the public health, safety, or welfare, arising from the lack of development standards to ensure that hillside development does not create a detrimental affect on the community through the establishment of grading and drainage problems a disconnected system of streets and infrastructure, unduly limiting development opportunities on adjacent properties by extending streets in wrong locations in the event there are natural features on an adjacent site, lack of accessibility to proximately located parks and recreation areas.

SECTION 3: The City staff is presently preparing a hillside development ordinance that will set forth definitions, procedures and standards concerning the zoning, permitting, and regulations of hillside development.

SECTION 4: The City of Porterville does further herewith find and determine that developing the hillside areas of the community is a matter of some sensitivity due to the grading, drainage, accessibility, public services, aesthetics and connectivity with surrounding uses and that the lack of adequate standards threatens the public health, safety or welfare of the community.

SECTION 5: That in order to protect the health safety and general welfare of the community, the City of Porterville does hereby ordain and adopt the interim criteria for hillside development outlined in Sections 6 and 7 below. The subject ordinance shall pertain to properties with an average slope equal to or greater than 6%. In cases where the slope of a property is uncertain, the project proponent shall calculate the slope using the formula identified below and the City Council may make findings of fact that the subject property is exempt from the provisions of this ordinance. The City Council maintains the authority to require compliance with the ordinance of properties with a slope less than 6% should the Council determine it is in the best interest of the City and would protect the health safety and general welfare of the community. Likewise, the Council may waive the requirements of this ordinance in cases where the applicant has provided sufficient information to show that such provisions are unnecessary or irrelevant to a proposed project. The ordinance shall apply to tentative subdivision maps, tentative parcel maps, and all other discretionary actions to be heard by the Council.

SECTION 6: The average slope shall be calculated using the following formula:

\[ S = \frac{0.00229*I*L}{A} \]

\[ S \quad = \quad \text{The Average Slope in Percent} \]
\[ I \quad = \quad \text{The Contour Interval in Feet} \]
\[ L \quad = \quad \text{The Combined Length of Contour Lines in Scale Feet} \]
A = The Gross Area of the Parcel

The applicant shall submit, as part of the application, a tabulation of the slope percentage calculated with the above formula. The calculations shall be prepared using CAD-based software specifically designed for such purpose and approved for such use by the City Engineer. In addition, the CAD files will be shared with the City Engineer for use in reviewing the slope calculations.

SECTION 7: Property uses and/or development requiring approval by the City shall not be permitted in the above-referenced areas unless the applicants meet the following criteria, as approved by the City Council. In addition to the existing Municipal Code standards for development, the following criteria are intended to supplement the Code and are required in order to address issues unique to hillside development within the community:

a. Comply with existing provision of the Municipal Code pertaining to residential development except as may be modified herein.

b. Proposed developments shall be designed in a manner sensitive to the topography of the site by following the contours of the site when laying out the proposed parcels, streets and infrastructure. Street layouts shall be designed to minimize grades of slope.

c. The site design shall consider the context of the site as it relates to other sites immediately surrounding the project site. An evaluation of the context is necessary to address connectivity to, and consistency with surrounding properties.

d. Additional information may be required to be submitted for review and approval by the City based on the unique characteristic of each site.

e. In addition to the subdivision design, the developer shall submit information on the type and/or design of the proposed residential units and amenities. The City will review the information based on context within surrounding development and as it pertains to the number of units targeted for construction in the City’s certified housing element per target market audience.

SECTION 8: The preceding standards are established due to the significant number of tentative subdivision maps that have been submitted in the hillside areas of the community over the past several months. Over the course of the prior 12± months there have been approximately seven (7±) maps submitted for either conceptual or tentative map review within the hillside areas. During the course of these reviews it has become evident that the current City policies are not adequate, relative to the issues outlined in Sections 1 through 4 above, to preserve the health, safety and general welfare of the community.

SECTION 9: The City Council finds that pursuant to Government Code Section 65858 (d), Staff prepared a written report and submitted it to the City Council for consideration describing the measures to be taken and to be taken to alleviate the conditions which led to the adoption of this Ordinance; and that said report was submitted to the City Council on January 17, 2006, 10 days prior to the expiration of this Ordinance.

The City Council herewith finds that the subject interim ordinance will allow time for the preparation permanent regulations and standards concerning development of the hillside area of the community, and that pursuant to Government Code Section 65858 (a), it is necessary to extend the Interim Urgency Ordinance for a period of 12 months, or until such time as the permanent ordinances can be adopted, and that the extension of time will expire on the effective date of the permanent ordinances if the effective date is prior to the horizon date of the extension of time, or upon the affirmative decision of the City Council that the interim ordinance
should otherwise cease to be in effect. This Ordinance shall remain in full force and effect for a period of 12 months, unless superseded by permanent regulation, or modified by the City Council.

SECTION 10: For the reasons set forth hereinafore, the City Council of the City of Porterville does herewith declare and determine that it is necessary to protect the public safety, health or welfare by adopting this Ordinance as an urgency measure to take effect immediately upon passage and adoption.

PASSED, ADOPTED AND APPROVED this ____ day of ____________, 20__

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Pedro R. Martinez, Mayor

ATTEST:

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Chief Deputy City Clerk