PORTERVILLE CITY COUNCIL AGENDA
ADJOURNED MEETING - DECEMBER 1, 2006
12:00 P.M. - CITY HALL COUNCIL CHAMBERS
291 NORTH MAIN STREET, PORTERVILLE

Call to Order at 12:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

Pledge of Allegiance led by Mayor Pro Tem Felipe Martinez
Invocation - a moment of silence was observed.

ORAL COMMUNICATIONS
• Greg Shelton, 888 North Williford Drive, voiced concern with the proposed regulations, asserting such regulations were far too cumbersome and expensive for developers, and would likely result in the cessation of any hillside development whatsoever. Mr. Shelton spoke against various aspects of the proposed ordinance, such as the requirement of providing a scale model, and suggested that only Porterville’s most affluent citizens would be able to afford to build on the hillside. He requested that the Council proceed very cautiously.

SCHEDULED MATTER
1. HILLSIDE DEVELOPMENT ORDINANCE REVIEW

Recommendation: That the City Council provide direction to staff and the consultant.

City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report.

Mr. Dunlap indicated that staff has reviewed an administrative draft of the Ordinance which had not yet been released to the public, and had provided comments back to the consultant, TRG Land. Mr. Dunlap then introduced Mr. Mark Rogers and JoAnne Sturges of TRG Land, indicating that they would make the presentation to the Council outlining the objectives of the ordinance. Mr. Dunlap stated that staff was looking for an indication from the City Council as to what direction development of the ordinance should take. Mr. Dunlap then turned the floor over to Mr. Mark Rogers to provide TRG Land’s presentation to the Council.

Mr. Rogers spoke of his credentials and expertise in the area of hillside planning and of the complexity of hillside development. He suggested an emotional element was involved in building on hillsides, pointing out the visibility of hillside projects to entire communities. Mr. Rogers noted that Porterville’s hillside was essentially a blank canvas and was comprised of one contiguous, monolithic topographic area. He then went on to speak of lot size and the decreased buildable area on a hillside lot versus that of a lot on flat soil. Mr. Rogers spoke of “map flippers,” individuals who looked for opportunities to convert rural land into suburban intensities. He stated that these individuals mapped properties regardless of whether such buildout was achievable or not, and then left town. He indicated that he looked to individuals who were vested in the community to develop
hillside environments, and commented that long term value was created in environments that fed on themselves. He stated that good projects had a tendency to enhance other good projects, with the same being unfortunately true for bad projects. He stated that bad projects tended to bring down the value of the next project, and that this was especially true of hillside environments, since they were so visible.

With regard to the proposed regulations, Mr. Rogers stated that they had put together a fairly tough requirements for purposes of processing maps. He indicated that at a later point each of the requirements could be reviewed and administrative language added for possible exemptions. He stated that the focus that day, however, would be to agree on the overall philosophy of what the City was trying to achieve.

Mr. Rogers then proceeded to present a PowerPoint presentation, “Hillside Planning 101.” He spoke of the slopes and the limitations and increased expense of developing land as the grade increased. He reviewed the jurisdictional and physical constraints of hillside environments, including bluelines, geotechnical instabilities, access limitations and ridgelines. He indicated that in terms of access, the general maximum grade for local and secondary roads was approximately eight percent (8%), while the maximum for primary roads was typically six percent (6%). He stated that from an engineering standpoint, it became very prohibitive to have proper circulation in a hillside environment. Mr. Rogers then spoke of the importance of infrastructure and ownership, citing various hillside developments in Southern California as examples of what could be achieved.

Next discussed was the “reach,” which Mr. Rogers defined as how high a road could be developed on a hillside using conventional practices. He spoke of the need to wind the road around a hill to create length to absorb the grade, and indicated that the “reach” was an important aspect in the consideration of hillside environments. He then went on to speak of the earthwork necessary to create flat pads and the importance of balancing the earthwork on site, stating that it was extraordinarily cost-prohibitive not to do so.

Mr. Rogers then discussed the “old planning process,” and briefly reviewed each of the steps involved, which included:

1. Begin Technical Studies;
2. Mapping;
3. Digital Topographical Mapping;
4. Concept Alternatives;
5. Information Sharing;
6. Evaluation of Information/Brainstorming;
7. Process Document;
8. Environmental Evaluation and Mitigation Alternatives;
9. Validation of Concept and Alternative Refinement;
10. Draft EIR;
12. Detail and Technical Studies;
14. Lawsuits;
15. Implementation; and

Mr. Rogers noted that the problem with the “old” process lied in steps 12 and 13 in that the state and federal approval processes actually followed CEQA. He stated that either state or federal permits would not be available until such time as the applicant obtained a Certified EIR. He stated that the timing of steps 12 and 13 was problematic since those were two large and crucial components of a project’s approval and yet they took place late in the process, possibly after up to two years of work had already been expended on a project. Mr. Rogers went on to speak of TRG Land’s advocacy for the engagement of more of the geotechnical work prior to commencing the EIR process, and cited examples of why that would be beneficial. He stated that rearranging the steps in the planning process would not negatively impact individuals who were actually going to develop the property, since they were going to have to do the work anyway. He indicated, however, that in the event an individual was seeking only to do the map, the expenses would be extraordinary. He stated that rearranging the steps to require the geotechnical work to be completed prior to the EIR process, would likely eliminate the discovery of extraordinary circumstances, such as geological issues, that might make the project cost prohibitive.

In terms of the housing market, Mr. Rogers contended that he did not believe that the market was on the down swing, but rather, according to a recent article in the Los Angeles Times, the market was holding steady. Mr. Rogers then went on to discuss the importance of ridgeline preservation and presented various examples of both good and bad hillside developments in Southern California, some of which were visited by some of the Council Members on a field trip earlier in the year. He spoke of creating value through proper development.

Berms and super slopes were discussed next, during which Mr. Rogers presented examples of incorporating roads and ridge berms along the outer edges of various developments to serve as buffers from certain boundaries, such as freeways. With regard to the use of manufactured slopes, Mr. Rogers spoke of the importance of blending them with natural hill undulations, and presented various examples. He stated that good planning for every project enhanced the value of every project that followed.

Mr. Rogers then spoke of the proper use of retaining walls, presenting examples of loffel walls. He stated that in the examples presented, landscaping had been introduced in front of the wall, which then caused the wall to eventually disappear into the fabric of the hillside. He next spoke of the various types of slopes, including super, side and interim slopes; and retaining walls, and presented examples of each.

Hillside design techniques were presented next, which included landscaping, trails and edges. Mr. Rogers stated that a primary focus in such design should be on walkability, which he asserted was the single most popular recreational component today in communities. He advocated the inclusion of trail systems, citing the Irvine Ranch as an excellent example. Mr. Rogers then briefly touched upon water quality basins, noting their necessity in Southern California, and how naturalized treatment systems were utilized so as blend into the community.
Next, Mr. Rogers spoke of fuel modification zones, noting that the local hillside likely fell in the high fire hazard zone. He presented examples of how thinned vegetation and maintained landscaping provided buffer zones between housing and natural vegetation. He stated that often times such zones could be utilized as recreational areas.

Mr. Rogers then noted the controversial trend towards development of larger homes, which he referred to as “mansionization,” and briefly touched upon the various architectural elements of residential design, noting the importance of varying structural elevations and building heights. He proceeded to present examples of each and spoke of benefits of “cluster” design in hillside environments.

Mr. Rogers next presented information on computer modeling and how topography programs were utilized to assist in the development process, such as in the identification of the preferred location of structures on a hillside so as to limit visibility.

Mr. Rogers lastly presented photographs of hillside developments visited during the Council’s field trip earlier in the year. He concluded that the draft ordinance before the Council that evening included some tough standards in an effort to protect those individuals who would be in the community into perpetuity. He stated that the vested property owners were going to do the work anyway, it was just a matter of when, but that it was in everyone’s interest that it be done early on so as to ensure the work was done properly. He indicated that while there was much more detail work to be done with the ordinance, the current draft represented a philosophical viewpoint. Mr. Rogers concluded his presentation and indicated he was available for questions.

The Council recessed for ten minutes.

In response to a question posed by Mayor Pro Tem Felipe Martinez, Mr. Rogers indicated that the hillside developments presented that day had been constructed on varying types of soils. He stated that different soil types, such as more expansive soils and hard rock, could contribute to increased costs. He added that while the projects had varying soil types, they also had similarities.

Mayor Pro Tem Felipe Martinez spoke of water runoff and inquired as to how that should be addressed. Mr. Rogers stated that there were standards of care for purposes of ensuring that no water exited a property at a greater velocity than it did prior to the development. Mr. Rogers then spoke of retention ponds and systems and stated that he referred to them as “land takes” since they took away from the buildable acreage of a project. He stated that at the onset of a project, he generally liked to determine where all of the “land takes” were necessary so that the developer was aware at the very beginning of the process. Mr. Rogers commented that it was typical to have the hydrology of a project completed after the completion of the Map, which he did not believe was a good idea. He advocated completing the hydrology on the front end of the project so as to provide a clear expectation for the developer.

Council Member Hernandez inquired as to buffer zones from the natural land to the developed project. Mr. Rogers indicated that the rules changed from agency to agency, and that it generally depended upon fire conditions and natural hazards in a particular area. He stated that he would defer to the Fire Chief on that topic.
Council Member McCracken indicated that he had no questions at that time.

Council Member Pedro Martinez thanked Mr. Rogers for his efforts to date and spoke of the knowledge gained from the field trip earlier that year. He then commented that he had not viewed the hillside projects at night and questioned how a hillside development would look in Porterville. He inquired whether the draft ordinance included language that regulated lighting. Mr. Rogers stated that two of the projects that were visited during the field trip had actually voluntarily implemented low light standards. He spoke briefly of “dark sky” ordinances and stated that while there was not language addressing the issue in the current draft, something could be added, such as a light pollution standard. Council Member Martinez voiced support for including such language. A brief discussion ensued as to dark sky conditions and how such standards could be implemented while still maintaining safe environments. Mr. Rogers stated that he would provide sample ordinances addressing lighting regulations.

In response to comments made by Council Member Pedro Martinez regarding noise, Mr. Rogers indicated that it had been his experience that hillside projects were often more frequently impacted by noise than they were the generators of noise, noting that generally projects down south were built near large freeways.

Community Development Director Brad Dunlap added that sound naturally traveled and that the only way to obstruct it was to build barriers, such as berms. He stated that in his experience, he had dealt with many complaints regarding noise in hillside areas, which were not necessarily code violations. He stated that there would need to be some recognition by those individuals purchasing homes in hillside developments of the possibility of some noise in certain areas. He pointed out that on flat land, structures acted as sound barriers, however sound from the valley could reach hillside developments without such barriers.

Council Member Pedro Martinez next inquired about infrastructure and whether the City had enough in place so as to support any hillside development. City Manager John Longley stated that some, but not all, was currently in place. He added that the water system needed to be improved, particularly noting drainage. He stated that infrastructure and development needed to be coordinated, and that this was the reason for the careful drafting of the Hillside Ordinance.

Mayor Hamilton stated that he had thought that the Hillside Ordinance was going to be drafted specific to Porterville’s needs, yet the draft before them was more broadly based. He inquired as to the specifics for Porterville’s geology, topography, etc. Mr. Rogers stated that the draft before the Council that day was only the purpose and intent. He indicated that following that document was a multitude of pages containing information very specific to the area, and that Porterville’s general geology had been researched. He stated that the draft ordinance was specific to the area, and was crafted to provide some vision. He then cited examples of issues addressed in the ordinance, such as lot and pad sizes. Mr. Rogers elaborated on how the ordinance would provide vision for hillside development.

In response to a question posed by Mayor Hamilton, Mr. Dunlap spoke of the provisions in
the ordinance that would regulate those individuals building a single residence versus a subdivision. He added that there were also provisions for those individuals that had an existing hillside residence seeking to do improvements. He stated that the ordinance also addressed building massing and architectural standards, pursuant to Council’s previous direction. He spoke of how beneficial it would be for the City to obtain as much information as possible in the beginning so as to have a determined outcome and have a comprehensive understanding of what exactly the developer was proposing to build. He indicated that in order to have that understanding, there would be information that needed to be provided up front, regardless of whether or not it would add cost at the front end.

Mayor Pro Tem Felipe Martinez spoke of the City’s plans to install water tanks in the hillside area and inquired whether the City would follow the regulations of the Ordinance. Mr. Dunlap stated that he and the City Engineer had conversations regarding that particular issue and that he had expressed interest in having the water tanks screened through the use of berming and vegetation. He added that the Martin Hill tank would be more challenging, as the land had been purchased a long time ago. He stated that, however, landscaping could be utilized to camouflage the tank. Mr. Dunlap noted that it was important for the City to set an example of compliance.

In response to a question regarding regulating color palettes, Mr. Rogers stated that design guidelines would be beneficial to ensure continuity, pointing out that the devil was in the details. A brief discussion ensued as to the aesthetic benefits of coordinated color palettes. Mr. Rogers commented that he did not believe it was too restrictive to limit color choices, nor did he think it was too much to ask developers to provide design plans on the front end. Mr. Dunlap stated that such issues were issues that came to the surface each time the City worked with a developer who obviously had no intentions of building the units proposed on the Map. He stated that this was the type of information that, if provided, the City would know what was to be built.

A brief discussion next ensued regarding landscape guidelines, the benefits of having uniformity within developments, and of the benefits of zero-scapes, particularly for water conservation.

Council Member Hernandez voiced concern with density, particularly over-saturation. He spoke in favor of setting a minimum lot size, such as ½ acre lots, pointing out that the development would be extremely visible.

Mr. Rogers stated that the draft ordinance addressed density on the basis of slope, with the flatter slopes having a little higher land use intensity and the steeper slopes having less density. He recommended thinking in terms of pad size rather than lot size. He indicated that the ordinance required a minimum pad size of 6,000 sq. ft. and a minimum lot size of a 1/4 acre. He pointed out that this was a starting point and that it was consistent with the General Plan in terms of land use intensity.

Council Member Pedro Martinez inquired whether language should be included in the ordinance to encourage developers to include design elements to promote a healthy lifestyle, such as walking trails.
Mr. Dunlap indicated that there provisions included in the draft ordinance that would allow for walking trails, bike paths, equestrian trails, etc. within the open space areas of a development. He spoke of the importance of connectivity and consistency from one development to another, and briefly mentioned plans for Foothill Boulevard. He advised that the language would be clarified in the ordinance so as to inform all developers that such elements were desired by the City.

Mayor Pro Tem Felipe Martinez inquired as to whether the ordinance addressed the possibility of small commercial development along with the residential hillside development, as was proposed in the General Plan Update’s Preferred Plan to promote walkable communities. Mr. Rogers spoke of the general reluctance of commercial developers to build on hillsides, noting their reliance on population and housing statistics, and proximity to major thoroughfares, which tended to be located in the flatter areas of communities. Mr. Dunlap further elaborated on the concept of walkable communities pursuant to the Preferred Plan, and proceeded to briefly review the Preferred Plan as it related to hillside development. He indicated that residential development on the lower sloped areas would have a commercial component.

Mayor Hamilton voiced support for the provisions as drafted thus far.

Council Member McCracken also spoke in favor of the ordinance as drafted, and spoke of the importance of finding reasonable regulations for hillside development which were perhaps more stringent than those for regular development, yet not overly controlling.

Council Member Pedro Martinez indicated that he too agreed with most of the proposed ordinance and suggested that provisions regulating lighting also be included.

Mayor Pro Tem Felipe Martinez stated that agreed with his fellow Council Members and voiced his support in moving forward. He then inquired of the consequences if the moratorium was to expire without any action being taken. Mr. Longley responded that the moratorium was fairly limited in its scope, essentially addressing the submittal of materials. He stated that when the moratorium expired, the ability to enact another ordinance was not restricted. Mr. Longley then confirmed that the moratorium could not be renewed.

Mr. Dunlap added that in the event the interim ordinance expired prior to adopting a permanent ordinance, there would be a period of time in which there was nothing specifically addressing hillside development. He then spoke of the interim ordinance and of its lack of “sharp teeth” with the changes made to it by Council.

Council Member Hernandez agreed with the proposed provisions of the draft ordinance and voiced support for moving forward.

Mr. Dunlap requested that another study session be scheduled in the next few weeks in order to review the details of the ordinance.

**ORAL COMMUNICATIONS**

- Greg Shelton, address on record, spoke favorably of the expertise of Mr. Rogers, yet
noted much of his experience was in Southern California. Mr. Shelton commented on the converse relationship between Southern California and Porterville, and suggested that Mr. Roger’s assertions were not applicable in Porterville. He voiced concern with the proposed regulations on color, architecture, orientation, etc., and of the potential regulation of existing property owners. Mr. Shelton then referenced the Los Angeles Times article cited by Mr. Rogers and contended that in fact the article had indicated that the housing market had “tanked.” Mr. Shelton opined that the ordinance as drafted was Draconian and would devalue hillside properties.

ADJOURNMENT
The Council adjourned at 2:37 p.m. to the Council Meeting of December 5, 2006.

ATTEST:

Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor