Call to Order at 1:00 p.m.
Roll Call: Council Member McCracken, Council Member P. Martinez, Mayor Pro Tem F. Martinez, Council Member Hernandez, and Mayor Hamilton

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation – A moment of silence was observed.

The Mayor stated that the consultant would be late due to a flat tire. As such, the meeting would be called to order and oral communications held, after which the Council would recess until the consultant was present.

ORAL COMMUNICATIONS
None

The Council recessed for fifteen minutes. The meeting then reconvened at 1:20 p.m.

SCHEDULED MATTER

1. HILLSIDE DEVELOPMENT ORDINANCE STUDY SESSION (ZONING ORDINANCE AMENDMENT 2006-8)

Community Development Director Brad Dunlap introduced Consultant Mark Rogers of TRG Land, Inc. to the Council, who proceeded with his presentation. Mr. Rogers stated that the proposed ordinance was not intended to restrict development, but to insure that application requirements were met, and that the Council and staff had a clear understanding of what would happen. Mr. Rogers stated that there were two different ways of doing this kind of project in the private sector – either build a project, or get a map approved and flip it. He stated that those projects were done by two very distinctly separate types of entities: one who was vested in the community and who had a vision of how it should be developed, and one that just wanted to capitalize on the value of entitlement property, and who would sell the project to someone else to take care of the problems. He noted that once built, hillside development was there for everyone to see. He indicated that he and staff had intended to draft an ordinance to ensure that whoever developed would adhere to high-quality architectural and development designs principles for the benefit of the public. Mr. Rogers stated that map flippers would be required to adhere to the same process and be required to provide the same level of information as would the entities that would actually develop. He stated that this process would provide a level playing field, and that he didn’t think the process was too restrictive, but instead very specific.

Community Development Director Brad Dunlap spoke regarding the processing of a hillside development permit, stating that it would include architectural information, which could include design guidelines, such as a range of colors, range of architectural materials, range of
roof colors, etc. He indicated that the permit would have to be submitted with the map, and that the map would not have to depict the placement of the house on the lot, but rather it would require that information on the character of the housing be provided. Mr. Rogers added that the draft ordinance did not require precise plotting as part of the architectural guidelines, but rather it was more materials, finishes, style of architecture, etc. He stated that there were submittal requirements, with some discretion on the part of the Community Development Director for visual simulations. Mr. Dunlap then provided samples of documents that provided representations of the architectural character that would be embodied in a project. One was for a proposed project, and one was for the Yokohl Ranch project.

Mr. Rogers stated that hillside work came down to general standards for subdivisions, landscape architectural standards, and architectural standards. As such, he stated that those were the three elements that were focused on as the ordinance was drafted. Mr. Rogers then addressed and provided samples of the following:

- ridge top cutting;
- integrating open space;
- applicable berming techniques;
- land form grading;
- slope undulation;
- super slopes;
- steep side slopes;
- water quality;
- drainage;
- streets;
- architectural themes; and
- landscaping.

The Council inquired about ridge lines and roof colors. Mr. Rogers stated that they didn’t design the ordinance to require a certain style, and that they would ask the developer to provide information, such as color and material boards.

The Council asked about planning for run-off, and the consultant agreed that it needed to be planned for at the beginning of the project. He stated that each developer had to plan for run-off from their development to ensure that it did not impact surrounding developments. Council Member Pedro Martinez expressed his support of open space but wanted to know who would be liable for the open space. He also voiced his concern for fire protection, and asked if the City currently was in possession of the equipment needed to provide that service to the hillside communities. With regard to liability, Mr. Rogers stated that the projects would likely need to have some level of home owners’ association maintenance.

Community Development Director Dunlap mentioned that the City had some provisions for fuel modifications, and was looking into fire fuel management areas to be a component of the Code. Mr. Rogers provided the Council with an example of a fire prevention predicament with a hillside community, and stressed the importance of taking fuel management into consideration. Council Member Pedro Martinez expressed his concern that the City’s current equipment might not be capable of providing fire protection to hillside communities. He added that although he
was in support of maintaining the natural character of the land, the costs associated with the inability to provide fire protection must also be taken into consideration. Fire Chief Garcia stated that the issue of fire protection equipment was being addressed, and that currently, the equipment on hand was capable of handling fire on a ten percent grade. Community Development Director Dunlap noted that at the present time, the maximum grade allowed was ten percent, largely due to the fact that the fire protection equipment could not exceed that grade. He added that the public safety issues were being addressed and that it was more a matter of whether it would be a part of the Hillside Development Ordinance, or addressed in another section of a Municipal Code pertaining to fire safety issues. A conversation then ensued in regards to fire safety and the benefits of clearance zones, no shingle roofs and other methods being implemented to ensure fire safety in hillside development.

Council Member Pedro Martinez asked if it would be possible for someone to go above the ten percent grade and expect the City to be able to provide equipment capable of maneuvering that slope. Community Development Director Dunlap stated that the ordinance allowed for development on slopes greater than ten percent in grade, however, the streets would have to be designed to accommodate the City’s fire safety apparatus.

Council Member Pedro Martinez brought up the issue of street standards in hillside development, and a conversation ensued in which Community Development Director Dunlap explained that the hierarchy of streets contained within the ordinance were consistent with the City’s proposed General Plan, and that all streets must provide a minimum of a 12-foot wide unobstructed vehicle lane in each direction.

Council Member Pedro Martinez asked if those with modest incomes would be able to afford hillside development homes, since the costs to build on hillsides was generally higher. Mr. Rogers responded to his concerns by stating that hillsides were largely a more premium environment and therefore the costs associated with those homes was higher. He provided the Council with some options to address this issue, one having to do with a policy regarding low-income housing, and the other which involved projects of scale with a broader range of home types.

Council Member Pedro Martinez asked for a breakdown on the costs being recouped during the permit process. City Manager Longley stated that about a third of the cost of the planning permit, and eighty percent of the cost of a public works permit was recouped. A brief conversation ensued in regard to development fees.

Mayor Pro Tem Felipe Martinez asked if the General Plan designated the hillside areas for low density, and was informed by Community Development Director Dunlap that in the hillside the lots were larger and the density was lower. Mr. Rogers reiterated that the costs of developing homes in a hillside region were higher, and that although diversity might not be achievable early on, it could be seen eventually.

Community Development Director Dunlap stated that there were a couple of key elements that needed to be addressed by the Council in order to provide staff with direction.

The Council recessed for ten minutes.
Mr. Rogers went over the highlights of the ordinance which included two different types of permits – the Administrative Hillside Development Permit, and the Hillside Development Permit. He broke down the criteria for each permit type and the application filing requirements. He briefly explained the slope density analysis, the topographical map, the conceptual grading plan, the cut and fill map, constraints map, slope analysis map, plotting map, site sections, technical reports, and landscape concept plans. He added that visual simulations or topographic models could be requested at the discretion of the Community Development Director or City Council.

Mayor Hamilton commented that he did not feel that requiring a footprint was necessary.

After Mr. Rogers finished going over the application requirements he asked if Council needed him to go over anything in more detail. After receiving permission to continue on, he started on the topic of density, specifically in Section 2.41.01 where procedures for calculating the maximum allowable density based on average slope was provided. At the request of Mayor Hamilton, visual examples of this concept were provided.

Mayor Hamilton stated that the ordinance would serve to protect the hillside areas because in his opinion, the market would not support development at such a high cost. He also reiterated Council Member Pedro Martinez’ concern that hillside development would not be affordable to the majority of the city’s population.

Community Development Director Dunlap explained that the ordinance was intended to facilitate development in the hillsides, and that the direction with the ordinance was to be good stewards to the hillside. He added that once a development was on a hillside, there was no changing it, and that was why the elements were addressed in the ordinance. He indicated that the ordinance would allow staff to come to the City Council with a clear vision of what a development would look like prior to its development.

Mayor Hamilton stated that he understood that this type of development could be built in the Porterville market, but that the Council was interested in accomplishing the best development for the local market. He expressed his appreciation for the space that he was able to have living in Porterville, and added that what had been put together in the ordinance was very good, but he was not sure that it fit the City’s market.

Mr. Rogers responded to Mayor Hamilton’s comments by stating that if the goal was to try to match up the market with the ordinance, then perhaps the discussion should be about the minimum land use intensity at the various slope categories. He added that the intent was not to make something so prohibitive that it cut out development altogether. He suggested that the market be considered and visual representations or models be put together so that the Council could better determine what was acceptable. Community Development Director added that the ordinance encompassed different types of development and scenarios in order to account for any changes in the market.

Mayor Hamilton explained that his problem with the footprint requirement was that it would restrict custom built homes. Mr. Rogers began to address the request for models when
Mayor Hamilton asked the rest of Council if they too shared his desire to see model representations. Council agreed that the models would be helpful in their decision making process.

Council Member Pedro Martinez asked Mr. Rogers for suggestions on how to determine which projects would be required to provide more detailed information. He answered that the information that would be provided at the time of application must first be reviewed, and it would then be the discretion of the Council if they wished to request additional visual representations.

Council Member Pedro Martinez also brought up historical features of the hillsides, and asked how they would be addressed. Community Development Director Dunlap noted that those types of features would be disclosed to the City in the information required at the time of application, and could be addressed.

Mayor Pro Tem Felipe Martinez asked for clarification on the planning area boundary in the proposed General Plan. Community Development Director Dunlap responded to his request, and provided a brief overview on the concept of Floor-Area Ration (FAR).

The discussion then concluded with Mr. Rogers adding that he would meet with Mr. Dunlap to discuss the questions brought forth by Council, and would prepare responses to same.

ORAL COMMUNICATIONS

• David Store, representing Contour Development, came forward to state that he appreciated the Mayor’s comments relative to the gradations of brackets of the slopes and the relative densities. He added that the structure of the ordinance seemed normal to hillside development, but stated that he was concerned with the first slope bracket of zero to five percent, and the restriction of 2.4 dwelling units per acre.

OTHER MATTERS

• Council Member Pedro Martinez asked about an upgrade to the recording system; and recommended that the Council follow up on their trip to Sacramento with a visit to Assembly Member Arambula.
• Council Member Hernandez commented on a meeting with the Boys & Girls Club, and spoke of the possibility of that organization returning to Porterville.
• Mayor Hamilton commented on a letter he received from Martha Alcazar Flores in regards to the ordinance on sexual offenders that was passed, and the lack of services available to victims of sexual assault at the local hospital. He requested a meeting to discuss the issue. Mayor Hamilton then reported on his recent trip to Washington D.C., and updated everyone on the status of the President’s Declaration of Emergency.
• Mayor Pro Tem Felipe Martinez stated that he elected not to travel to Washington D. C. as a cost saving measure.
• Council Member Pedro Martinez recommended that any Council members who have not already toured the hillside areas should do so.
ADJOURNMENT
The Council adjourned at 3:37 p.m. to the Council Meeting of February 6, 2007.

Georgia Hawley, Chief Deputy City Clerk
By: Luisa Herrera

SEAL

Cameron Hamilton, Mayor