

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared by: Joseph Fiss, Principal Planner

DATE: January 20, 2011 (CC Meeting of 2/16/11)

SUBJECT: Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on Amendments to the General Plan Land Use Designation and Zoning Map, and Termination of a Development Agreement with Southern California Edison (SCE) on 8.79 Acres Located on the North Side of the Union Pacific Railroad Right-of-Way, West of Gabbert Road

BACKGROUND/DISCUSSION

On December 16, 1998, the Moorpark City Council adopted Resolution No. 98-1556, Ordinance No. 249, and Ordinance No. 250 amending the General Plan land use designation from Agricultural (AG-1) to Medium Industrial (I-2), amending the Zoning Map from Agricultural Exclusive (AE) to Limited Industrial (M-2), and approving two development agreements, one with A-B Properties and one with SCE on approximately 43 acres of land west of Gabbert Road and north of the Southern Pacific (now Union Pacific) railroad right-of-way, owned by A-B Properties and SCE. Since that time, SCE has decided not to pursue development of their 8.79 acre property. In addition, SCE had initiated a lawsuit over the development of an access road on an easement they held over Hitch Ranch property that would have served both Tract 5147, owned by A-B Properties, and the subject SCE property, allowing for industrial development of both properties.

On September 14, 2010, the City of Moorpark entered into a Settlement Agreement and Mutual Release with the Southern California Edison Company (SCE) as its part of the settlement of the SCE lawsuit. As part of that agreement, the City agreed to amend the General Plan to reflect the original land use designation of Agriculture (AG-1), amend the Zoning Map to its original Zoning designation of Agricultural Exclusive (AE), and terminate Development Agreement No. 1998-05.

The Development Agreement would remain in full force and effect for 20 years from the operative date of the agreement (until January 15, 2019), unless modified or terminated by mutual consent of both parties. Procedures for termination are established in Section 15.40.120 of the Moorpark Municipal Code, which require the same review process as a new development agreement; adoption of an ordinance by City Council after public hearings by the Planning Commission and City Council.

FISCAL IMPACT

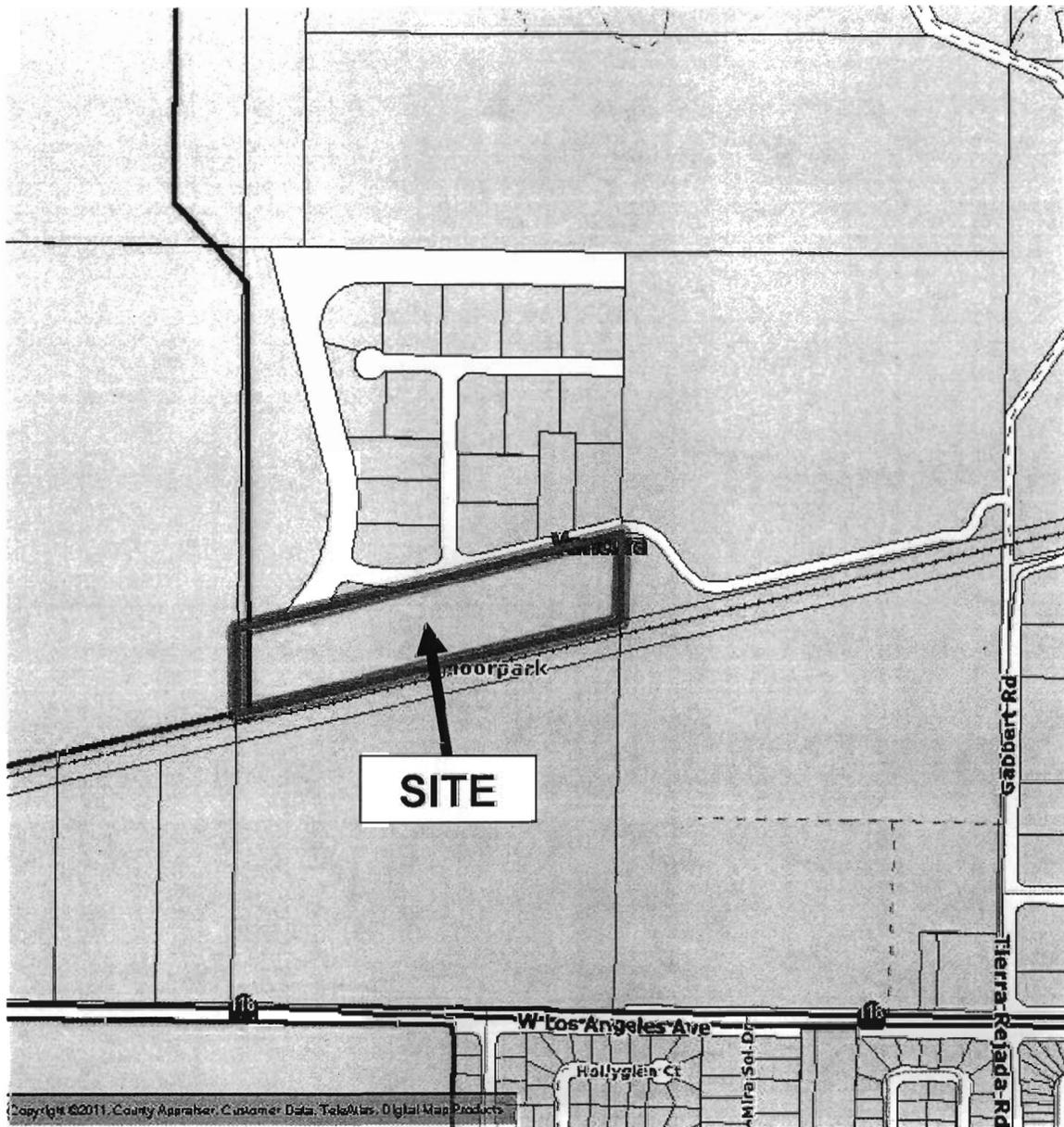
The change of zoning could have a negligible reduction in property tax return to the City due to the reduced development value of the property.

STAFF RECOMMENDATION

Adopt Resolution No. 2011-___ to initiate General Plan Amendment and Zoning Map Amendment proceedings to be considered concurrently with the termination of Development Agreement 1998-05.

Attachments:

1. Location Map
2. Draft Resolution No. 2011-___



LOCATION MAP

CC ATTACHMENT 1

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING THE PLANNING COMMISSION TO STUDY, HOLD A PUBLIC HEARING, AND PROVIDE A RECOMMENDATION ON AMENDMENTS TO THE GENERAL PLAN LAND USE DESIGNATION AND ZONING MAP, AND TERMINATION OF A DEVELOPMENT AGREEMENT WITH SOUTHERN CALIFORNIA EDISON ON 8.79 ACRES LOCATED ON THE NORTH SIDE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, WEST OF GABBERT ROAD

WHEREAS, on December 16, 1998, the Moorpark City Council adopted Resolution No. 98-1556, amending the General Plan land use designation from Agricultural (AG-1) to Medium Industrial (I-2) on approximately 43 acres of land west of Gabbert Road and north of the Southern Pacific (now Union Pacific) railroad right-of-way owned by Southern California Edison and A-B Properties; and

WHEREAS, on December 16, 1998, the Moorpark City Council adopted Ordinance No. 249, approving an amendment to the Zoning Map from Agricultural Exclusive (AE) to Limited Industrial (M-2) on approximately 43 acres of land west of Gabbert Road and north of the Southern Pacific (now Union Pacific) railroad right-of-way owned by Southern California Edison and A-B Properties; and

WHEREAS, on December 16, 1998, the Moorpark City Council adopted Ordinance No. 250 (effective January 15, 1999), approving two Development Agreements, one between the City of Moorpark and A-B Properties regarding approximately 34.53 acres, and one between the City of Moorpark and Southern California Edison Company (SCE) regarding 8.79 acres, both being west of Gabbert Road and north of the Southern Pacific (now Union Pacific) railroad right-of-way and the subject of the General Plan Amendment approved by Resolution No. 98-1556 and the Zone Change approved by Ordinance No. 249; and

WHEREAS, on September 14, 2010, the City of Moorpark entered into a Settlement Agreement and Mutual Release with the Southern California Edison Company (SCE) regarding the 8.79 acres owned by SCE that was part of the subject property of the Resolution No. 98-1556, Ordinance No. 249, and Ordinance No. 250; and

WHEREAS, as part of the Settlement Agreement, the City agreed to amend the Zoning Map, returning the 8.79-acre property to its original Zoning designation of Agricultural Exclusive (AE), as well as amend the General Plan to reflect the original land use designation of Agricultural (AG-1), and to terminate the Development Agreement for this property; and

WHEREAS, Section 17.44.050 of the Moorpark Municipal Code provides that the City Council may initiate proceedings to consider General Plan Amendments and Zoning Map Amendments by the adoption of a resolution of intent; and

WHEREAS, Section 15.40.120 of the Moorpark Municipal Code establishes procedures for termination of Development Agreements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. INITIATION OF PROCEEDINGS: The City Council hereby authorizes the initiation of proceedings to consider amendments to the General Plan and Zoning Map, and termination of a Development Agreement on 8.79 acres located on the north side of the Southern Pacific Railroad right-of-way, west of Gabbert Road.

SECTION 2. DIRECTION TO PLANNING COMMISSION: The Planning Commission is hereby directed to study, hold a public hearing, and provide a recommendation to the City Council on this matter.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this ____ day of February, 2011.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk