



# CITY OF OXNARD

## MEMORANDUM

April 6, 1976

**To:** Councilwoman Tolmach

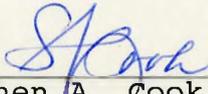
**From:** Assistant City Manager

**SUBJECT:** AB 15 - The California Agricultural Lands Act

To assist you in your upcoming review regarding AB 15, we are transmitting the following documents:

1. Memorandum from Charles Warren dated February 5, 1976, summarizing major features of his "modified" AB 15.
2. Letter to Mr. Dave Beatty dated January 8, 1976, summarizing our initial analysis of the "modified" AB 15. Things were happening very quickly in the legislature during this period so only a staff response was provided.
3. Letters to Assemblyman MacDonald and Dave Beatty dated January 15 and January 16, 1976, providing further comments regarding the "modified" AB 15.
4. Excerpt from League of California Cities "Legislative Bulletin" of January 30, 1976. This excerpt sets forth the League's proposed amendments which would be necessary if cities are to drop their opposition to AB 15.

If you have any questions regarding any of the above material, please let me know.

  
\_\_\_\_\_  
Stephen A. Cook  
Assistant City Manager

SAC:dmr  
Attachments  
cc: City Manager

ASSEMBLY COMMITTEE ON RESOURCES, LAND USE, AND ENERGY  
CHARLES WARREN, CHAIRMAN

RECEIVED

JAN 9 1975

January 5, 1976

Planning Dept.  
CITY OF OXNARD

TO: MEMBERS OF THE ASSEMBLY  
FROM: Charles Warren  
RE: AB 15 - The California Agriculture Lands Act

As you know, AB 15 was placed on the inactive file to permit further review and discussion by the administrator and others affected. This has now been done. Your review and comments would be appreciated and for such purpose enclosed is a draft of our work. Modifications of the bill's present provisions include:

FIRST: All cities with less than 1600 acres of land either used or zoned for agricultural production and all developed areas are excluded from the mapping and inventory requirements of the act. This effectively excludes over 90% of the cities and developed areas in all other cities and counties.

SECOND: There will be no moratorium on development unless necessary maps and inventories are not timely filed.

THIRD: No state mandated costs for mapping and inventorying as local governments are permitted to request the state to perform such functions on their behalf.

FOURTH: The use of prime agricultural land for other than agricultural purposes is permitted if a city or county determines that such other use is of paramount importance and ~~that~~ it is unreasonable to use other than prime land for such purpose. Such local planning decisions would be subject to adjustment no less frequently than every three years with state review.

FIFTH: Agricultural land which has already been committed to development may be excluded by a city or county as a "vested rights".

SIXTH: Revenue loss due to reduced assessments would be negated by the following:

- (a) the municipal exclusions,
- (b) the vested right exclusion; and
- (c) the "other than agricultural use" exclusion.

SEVENTH: Farm land would be assessed on basis of sales of comparable land comparably restricted or on "stream of income"

What  
is this?

basis if farmer elects to conform with Williamson Act.

The above provision should minimize if not eliminate most of the concerns previously expressed by constructive cities. Your views would be appreciated and your support welcomed.

CW:sue



OFFICE OF THE  
CITY MANAGER  
303 WEST THIRD STREET  
PHONE 486-2601, EXT. 201

Mr. David F. Beatty  
Attorney  
League of California Cities  
702 Stalter Center  
Los Angeles, CA 90017

Dear Dave:

Thank you for providing a copy of the revised AB 15. We have referred the bill to our appropriate departments for review and will pass along their comments as soon as they are received. However, because of the urgency of the matter, this letter will provide a brief statement regarding the impact of AB 15 based upon a very quick review of its content.

First of all, in light of all the encouraging comments made by members of Assembly Warren's staff regarding their desire to be responsive to City concerns, we are extremely disappointed with the revised bill. Aside from exemption of cities with less than 1600 acres of agricultural land, there is no provision in the bill to recognize any need of cities to round out existing boundaries, to complete the development of neighborhoods where some homes already exist, to complete road or utility systems which have been partially installed in partially developed neighborhoods, or to complete development for which such systems have been planned and installed. The bill is totally arbitrary and allows for no planning to determine appropriate lines of demarcation between agricultural and urban uses which will not only protect and preserve agriculture but also serve and protect the interests of people who need schools, parks, roads and other "amenities."

Some examples of the impact in Oxnard where essentially all land is prime agricultural land may help to elucidate the foregoing:

1. Oxnard College. The Ventura County Community College District has been planning for many years the development of a two year college in Oxnard. Several years ago, the District purchased a 50 acre site for this purpose. This past year, the

*Copy to Mr. Hoster  
Mr. D. Hoyle  
Mr. L. Hoyle  
Mr. T. Hodges*

# CITY OF OXNARD

CALIFORNIA

January 8, 1976

*Copies To Council  
1-8-76*

*This letter responds to the League's request for staff comment on the latest draft of AB 15 & Paul Wohen*

College District has spent many thousands of dollars to grade the site and install perimeter improvements. However, no construction on the site itself has occurred. It appears that the activity to date may be insufficient to establish a vested right and thus AB 15 would preclude the development of this needed college facility.

2. Elementary Schools. In several neighborhoods, development is now approaching the level where the population justifies the provision of a neighborhood school. However, sites have not yet been acquired or construction initiated. AB 15 would preclude the provision of educational facilities to these neighborhoods.

3. Neighborhood Parks. The situation regarding neighborhood parks is essentially the same as for elementary schools.

4. Planned Industrial Development. Several industries have purchased large acreage for planned new industrial sites or for expansion of existing plants. These include land purchased by the Charmin Paper Company, the Edison Company, Burlington Mills, a site for a proposed major Liquid Natural Gas plant and a site for a mini-steel mill. In the case of the latter two projects, hundreds of thousands of dollars have been expended for EIR processing but no construction has commenced. The jobs, salaries and taxes to be generated by these projects are very important to the economy of Oxnard and Ventura County but they will be precluded by AB 15.

5. SB 90 Disclaimer. How can honest legislators attach such provisions when their premise (no "financial burden") is so obviously false and the effect is so clearly inconsistent with commitments made when SB 90 was adopted. Perhaps Mr. Warren voted against SB 90. In any case, the loss of property tax revenue from agricultural lands would be substantial for Ventura County. In a time of rampant inflation where revenues do not keep pace with costs, the loss to the City would also be significant.

6. Political and Planning Theory. AB 15 would remove all land use planning authority relating to agricultural lands from local officials elected by and accountable to the public. It would transfer this authority to an appointed body elected by, accountable to and representative of no one. The bill, by making astonishingly comprehensive policy declarations, also precludes any possibility of sensible or objective planning based upon analysis of state/local circumstances or needs. The impact of such arbitrary decision-making will be enormous in this community because of the unusual circumstance of being situated in an area which is totally comprised of prime agricultural land. Yet, no flexibility or discretion is provided to ameliorate such an impact. And no recourse from the ultimate decisions of the appointed Agricultural Resources Council is allowed which would provide some

Mr. David F. Beatty  
January 8, 1976  
Page Three

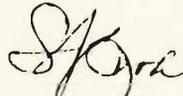
measure of protection to citizens or property owners. What an ironic situation in our Bi-centennial year.

Based upon my quick review of this measure, we have found no redeeming features which would alter the City Council's previous opposition. We hope that you will continue your opposition to the bill and advise us of ways in which we may assist your efforts. We will send along the views of our departments as they are received.

If we have misinterpreted the bill, we will appreciate your calling this to our attention.

Thank you.

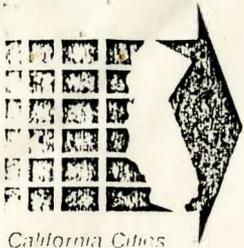
Sincerely,



Stephen A. Cook  
Assistant City Manager

SAC:ddg

cc: City Council  
Assemblyman MacDonald  
Senator Rains *du*



California Cities  
Work Together

# League of California Cities

Sacramento, Ca. 95814  
December 29, 1975

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**Pete Wilson**  
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Mayor, Modesto
- Executive Director**  
**Don Benninghoven**

Stephen Cook  
Assistant City Manager  
City of Oxnard  
305 W. Third Street  
Oxnard, Ca. 93030

Dear Steve:

I am enclosing a draft of AB 15 which has been completely rewritten. Assemblyman Warren plans to solicit views on this draft and, after hearing from interested parties, amend AB 15 on the Assembly floor in January in order to meet the constitutional deadline of approval of a bill in the house of origin by January 30. The draft is technically and conceptually superior to the previous bill but still poses substantial problems for cities that will be covered.

I would appreciate your views on the bill and a description of how it will affect your city. I would appreciate your opinion even if your city is excluded because it has less than 1,600 acres of land (note: not prime agricultural land) which are zoned or used for agricultural purposes.

I apologize for burdening you with this material during the Holiday Season, but I think it is important for the League to articulate a position on and attempt to amend the draft as soon as possible.

Best wishes for the New Year.

Sincerely,

David F. Beatty  
Attorney

DFB:mvb  
Enclosure

## DIRECTORS

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- William H. (Harry) Armstrong**  
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# CITY OF OXNARD

## CALIFORNIA

January 16, 1976

OFFICE OF THE  
CITY MANAGER  
305 WEST THIRD STREET  
P. O. BOX 1192  
PHONE 485-2601, EXT. 201

Assemblyman J. K. MacDonald  
3212 Loma Vista Road, Suite 130  
Ventura, California 93004

Dear Ken:

Enclosed for your information is a copy of additional material which we have transmitted to the League of California Cities in response to their request for comments on AB 15. I call your particular attention to the comments in my transmittal letter which indicate more specifically some of our problems with the bill as presently written.

Thank you very much for taking the time to seek our input regarding this matter. We hope that the suggested language which we gave to you over the telephone this afternoon will be helpful as a constructive amendment to the proposed bill. We would certainly like to be able to support or at least not oppose a farm preservation measure.

Thanks again.

Sincerely yours,

Stephen A. Cook  
Assistant City Manager

SAC:ph

Enclosures

cc - Paul E. Wolven, City Manager  
R. Dennis Hogle, Public Works Director  
Gene Hosford, Planning Director  
Larry Hogle, Community Development Director  
James R. Faulconer, Administrative Assistant II



# CITY OF OXNARD

## CALIFORNIA

January 15, 1976

OFFICE OF THE  
CITY MANAGER  
305 WEST THIRD STREET  
P. O. BOX 1192  
PHONE 486-2601, EXT. 201

Mr. Dave Beatty  
League of California Cities  
702 Statler Center  
Los Angeles, California 90017

Dear Dave:

Other staff members have now provided comments regarding the revised AB 15. They are attached for your review.

Assemblyman Warren's memorandum of January 5, 1976, in which he lists seven modifications to his bill has come to my attention. The tone of the memorandum indicates a sincere desire to be responsive to concerns of Cities. Unfortunately, none of the modifications listed will achieve that result in our case. In this regard, I should point out that our City Council strongly favors significant and substantial preservation of agricultural land. In Ventura County particularly, agriculture is an extremely important economic and esthetic resource. What is opposed by our Council are the arbitrary blanket prohibitions which give no consideration to the need for planned neighborhoods, utility systems, industrial complexes and so forth. It is possible to preserve agriculture and to provide orderly planned communities. The Coastal Plan, due largely to our objections, finally reflected this concept. Unfortunately, AB 15 still does not.

The following are comments regarding some of the points in Mr. Warren's memorandum of January 5, 1976:

- Item 1. 1600 Acre Exemption. Oxnard will not be exempted by this provision.
- Item 3. No Mandated Costs for Mapping. The provision in the bill which provides for State mapping if the local entity declines is a positive step. However, while this provision would allow a City to avoid the costs of this task, it does not provide protection from Section 67762 which indicates that all lands shall be deemed to be prime agriculture if the maps are not prepared by the deadline. If it is truly

Item 3. No mandated costs for mapping. (Continued)

intended to eliminate the State's moral obligation to reimburse for State mandated tasks, then this penalty provision should not be operative when the mapping task is being performed by the State.

Item 4. Municipal Exclusions. This item gives the impression that conversions of agricultural land for urban purposes are permitted pursuant to City or County determinations of "paramount importance". We do not find any such provision in AB 15. If such a provision were in the bill, it is quite possible that we could support the bill (depending upon the actual language of the provision). We believe that this is an alternative worthy of further investigation.

The bill presently provides that the State Agricultural Council may make such exclusions "only if it finds that the specific use proposed for such land is necessary for the public welfare of the State to an extent paramount to the policy of this title of preserving agricultural land for agricultural purposes . . . ." How do you measure the importance to the welfare of the State of completing local neighborhoods and utility systems versus preserving agricultural lands? The policy declarations contained in the bill carry a heavy implication that the preservation of agriculture is more important than any urban land use other than public health or safety facilities. If it actually is intended to allow meaningful municipal exclusions so that neighborhoods and utility systems can be provided in an orderly and logical manner then the limiting sentence in Section 67772(b) must be eliminated or modified. As a starter, language along the following lines could be considered:

"The Council shall determine that land is needed for urban growth upon a finding that the land proposed to be excluded:

- (1) is not designated for agricultural or open space use in adopted City or County General Plans or sub-elements thereof;
- (2) is necessary for completion of planned residential, commercial or industrial neighborhoods as designated in the adopted General Plan of the affected City or County."

If an approach such as the above were taken, the overall policy of preserving agricultural land would be established while allowing for some flexibility to respond to local circumstances. After the required mapping has been accomplished and requests for exclusions received, we would all

Item 4. Municipal Exclusions (Continued)

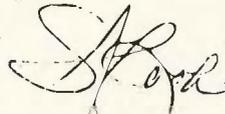
be in a better position to determine whether further steps are necessary to accomplish the two-fold objective of preserving agriculture and having well-planned Cities.

Item 5. Vested Rights. We have addressed in our previous letter the problems associated with the vested rights section. The concept is appropriate but the requirement of "substantial construction" unreasonably limits its applicability. As we indicated previously, substantial costs are incurred for planning, EIR processing and other matters before any construction is initiated. As these are non-recoverable costs under such circumstances, affected individuals would have significant vested interests as a matter of fact - but not as a matter of law under AB 15.

Item 6. Revenue Loss. The discussion under Item 4 (above) shows that it is unlikely that there would be any meaningful or significant municipal exclusions as AB 15 is presently written. Therefore, such exclusions do not provide meaningful protection against significant revenue losses.

Thank you for your attention to our concerns. If we may provide further information or assistance, please let me know.

Sincerely,



Stephen A. Cook  
Assistant City Manager

SAC:ph

2. Preservation of Prime Agricultural Land. AB 15 (Warren) passed the Assembly floor by a vote of 41 to 35. While the bill does not meet the League's objections, Assemblyman Warren read on the Assembly floor amendments proposed by the League's Board of Directors at their meeting the previous day and committed himself to work with the League to resolve these differences and gain the support of the League. Several Assemblymen who spoke in favor of the bill also stated the proposed amendments were necessary if the bill was to gain final approval by the Legislature and committed themselves to working toward this end. The most important of the League's proposed amendments as read by Assemblyman Warren are:

1. Obtaining city and county representation on a State Agricultural Council and gaining an acknowledgement that the state should not create two permanent councils, one to regulate agricultural land and another to regulate coastal resources.
2. Allowing cities to draw an urban services line which would enclose land served by existing infrastructures, land needed to complete partially built neighborhoods and land which is needed for growth in the near future and should be logically developed because of previous planning and commitments.
3. Creating a more equitable procedure whereby cities can request that land which has been certified under the Act be excluded when it is needed for urban uses.
4. Prohibiting urban development on prime agricultural land in unincorporated areas which lie on the borders of cities.
5. That all actual costs incurred by cities in complying with provisions of the bill be paid for by the state in accord with SB 90.

Therefore, the League will work with Assemblyman Warren to ensure that these amendments are made to AB 15 prior to its first committee hearing in the Senate.

3. Limitation on "Soby" Case Approved by Senate. SB 839 (Way) was approved by the Senate on Thursday, January 29, by a vote of 29-5. The bill now goes to the Assembly where the same kind of expressions of city support that were manifested in the Senate will be necessary if the bill is to receive approval from both houses.
4. Redevelopment Proposals Under Study. AB 2399, 2400 and 2404 (Montoya). Last week the Assembly Committee on Housing and Community Development, under the chairmanship of Assemblyman Peter Chacon of San Diego, conducted a "testimony only" hearing on AB 2399, 2400 and 2404. Following the hearing, Assemblyman Montoya announced his intention of developing specific new proposals to introduce next month. In the meantime, and largely as a result of testimony by city representatives, AB 2399, 2400 and 2404 were not pursued further and they will expire at midnight tomorrow.

FEB 2 1 20 PM '75

RECEIVED  
94/08/17/75 OFFICE

a. JK