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CITY OF MOORPARK
OFFICE OF THE CITY MANAGER

**CITY OF MOORPARK
PARKS, RECREATION & COMMUNITY SERVICES
INTEROFFICE MEMORANDUM**

TO: Patrick Hunter, Mayor
Keith Millhouse, Councilmember
Steve Kueny, City Manager

FROM: Mary K. Lindley - Parks, Recreation & Community Services Director 

DATE: January 28, 2008

SUBJECT: Shadyridge Buffer Zone Documents

Attached are some documents that might be helpful in your meeting with Supervisor Foy. They include the JPA Agreement between the City and County, the rules governing the use of the buffer zone, and a timeline of the buffer zone's history.

Additionally, Pat asked me to put together some information on the assessment levy to fund the buffer zone.

The annual cost to maintain the Buffer Zone is approximately \$30,000. This includes landscape maintenance, water, personnel costs, a security guard who closes the gates 365 days a year (our landscape maintenance contractor opens the gates M-F and City staff opens them on the weekend), and general repair and maintenance.

The annual assessment generates approximately \$15,300 annually. The difference is borne by the City's general fund (Moorpark tax payers) in the amount of approximately \$15,000.

Assessment breakdown: Annual levy for the Buffer Zone is split 50/50 between the City and the County unincorporated area and then divided among the residential units in the District (District 8). Because there are more residential units on the City's side (498 vs. 201 in Home Acres), the levy per unit for those in the City is less. The 498 residents in Moorpark pay an assessment amount of \$15.40 per year and residents in Home Acres pay \$37.68.

Let me know if you need additional information.

Attachment A

JOINT POWERS AGREEMENT
BETWEEN THE CITY OF MOORPARK
AND THE COUNTY OF VENTURA

Providing for the Funding, Improvement and
Maintenance of a Park/Buffer Zone
between Tracts 4341, 4340 and 4342 of Mountain Meadows
and the Unincorporated Community of Home Acres

THIS AGREEMENT is made and entered in the City of
Moorpark on this 6 day of Dec 1981, by and between
the City of Moorpark, a municipal corporation, hereinafter
referred to as "City" and the County of Ventura, a political
subdivision of the State of California, hereinafter referred
to as "County".

W I T N E S S E T H:

WHEREAS, each of the parties of this Agreement is
a "public agency" as that term is defined in California
Government Code, Section 6500; and

WHEREAS, both City and County have the power,
authority and expertise to regulate the use of land, in-
cluding open space, by various controls such as planning,
zoning, building, subdivision, and environmental regulations; and

WHEREAS, both City and County pursuant to Title 1,
Division 7, Chapter 12, of the California Government Code
have the authority to maintain land areas for public use
and enjoyment; and

WHEREAS, pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California, commonly known as the Joint Exercise of Powers Act, two or more public agencies may, by Agreement, jointly exercise any power common to the contracting parties; and

WHEREAS, Condition 17A of Tract 4341 of the Mountain Meadows development known as PC 832 stipulates that the developer shall offer for dedication to the City that area shown as lots 62 through 70 for the September 28, 1987 Vested Tentative Tract Map 4341 for the purpose of providing a park/buffer zone between Tracts 4341, 4340 and 4342 and the community of Home Acres; and

WHEREAS, City and County find and determine that it would be to their mutual advantage and the public benefit to coordinate their power, authority and expertise, and to cooperate in the funding, improvement, and maintenance of a park/buffer zone between Tracts 4341, 4340 and 4342 of Mountain Meadows and the unincorporated community of Home Acres, herein after referred to as the "Park"; and

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. TERM OF AGREEMENT. The term of this agreement shall be from the date this agreement is made and entered, as first written above, and shall continue in full force and effect until such time as both parties mutually consent to its termination.

2. ADMINISTRATION

a. The City shall administer the terms of this Agreement and the Assessment District and the costs thereof shall be included in the annual assessments. All contacts and daily affairs shall be delegated to and handled by the City Manager for the City.

b. City and County shall, pursuant to the provisions of the Landscaping and Lighting Act of 1972 found at Streets and Highways Code Section 22500 et. seq., 22506 and Streets and Highways Code Section 5115 et. seq., initiate the formation of an Assessment District to provide for the funding, improvement and maintenance of the "Park". Pursuant to condition 17A, Tract 4341, the assessments levied by said District shall be borne one half by the property owners of the unincorporated community of Home Acres and the other half by the property owners of Tracts 4341, 4340 and 4342. (See Exhibit A attached hereto.) The City, as the administrative agency of the Assessment District, shall not authorize the selling of bonds to finance improvements within the "Park". Such improvements shall be financed solely through the accumulation of assessment funds over time. Moreover, the City, as the administrative agency of the Assessment District, shall not authorize any improvements within the "Park" which could increase the liability to the Assessment District, unless those improvements are approved by a four-fifths vote of the Community Park Joint Development Coordinating Committee, discussed below in paragraph 2.c."

c. The parties shall form a Community Park Joint Development Coordinating Committee which shall consist of two representatives of the City of Moorpark selected by the Council, the County Supervisor from the Fourth District or his representative, and one member from the Homeowners Association for Mountain Meadows selected by the Association, and one member from the Home Acres Neighborhood Council selected by the Neighborhood Council. It shall be the function of this Committee to advise the City, the County, the Association and the Neighborhood Council (the four agencies) on any matters associated with the funding, improvement, or maintenance of the "Park" and to assist in the coordination of the efforts of the four agencies as they relate to the "Park". The Committee shall meet on an as-needed basis but no less frequently than once per year and shall report to the four agencies on the status of the project, make appropriate recommendations relative to it, and submit requests for specific actions necessary to the project. In addition, the Committee shall accept for due consideration, recommendations from the four agencies as to how the "Park" should be developed.

d. The County, as distinguished from the property owners within the unincorporated community of Home Acres, shall not be responsible or liable for any of the costs of funding, improving or maintaining the "Park", including the costs of compensation for damages to persons or property, injured or damaged, as a result of some condition, action or non-action at the "Park".

3. AMENDMENTS. Any amendment, modification or variation from the terms of this agreement shall be in writing and shall be effective only upon approval by the Council of the City and the Board of Supervisors of the County.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first above written.

City of Moorpark

Paul W. Lawson
Mayor



County of Ventura

Susan K. Lacey
Chair, Board of Supervisors

ORDINANCE NO. 216

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK,
CALIFORNIA, PERTAINING TO THE OPERATION AND CONTROL OF THE HOME
ACRES BUFFER ZONE IN THE CITY OF MOORPARK.

WHEREAS, as a condition of the City of Moorpark Tract Map 4341, the developer was required to dedicate land for a buffer zone, hereinafter "Buffer Zone" between the area encompassed by the City of Moorpark Tracts 4341, 4340, and 4342, and the unincorporated community of Home Acres; and

WHEREAS, the City of Moorpark established through a Joint Powers Agreement with the County of Ventura the authority to coordinate the funding, landscape improvements and maintenance of Buffer Zone; and

WHEREAS, the City of Moorpark and the County of Ventura, by means of the Joint Powers Agreement adopted in 1989, initiated the formation of an Assessment District to provide for the funding, landscape improvements, and maintenance of the Buffer Zone; and

WHEREAS, said landscape improvements were completed and accepted by the City of Moorpark in December, 1995;

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

Section 1. Definitions

Buffer Zone: "Buffer Zone" is herein defined as the area encompassed by the City of Moorpark Tracts 4341, 4342, and 4340, and the unincorporated community of Home Acres.

City: "City" is herein defined as the City of Moorpark, California.

County: "County" is herein defined as the County of Ventura, California.

Home Acres: "Home Acres" is herein defined as the unincorporated community located to the immediate southwest of of the City boundary.

JPA: "JPA" is herein defined as the Joint Powers Agreement established in 1989 by City and County, to provide the authority for funding, landscape improvements, and maintenance for Buffer Zone.

Section 2. Hours of Operation

No person shall enter or remain in the Buffer Zone during the hours of ten (10:00) p.m. to six (6:00) a.m. City or County

employees having official business related to the maintenance of Buffer Zone or the adjacent flood control channel, or needing access for emergency purposes shall be exempt from this Section. City Council may amend hours by resolution at their sole discretion.

Section 3. Animal Control

a) No person owning or having charge, care, custody or control of any dog or cat shall cause, permit, or allow the same to be loose or run at large upon Buffer Zone, unless such animal is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a competent person.

b) No person owning or having charge, care, custody, or control of any horse shall cause, permit, or allow the same to be upon the Buffer Zone at any time, except for upon the twenty (20) foot wide area established as an Equestrian Easement, which is located along the northwest side of the Buffer Zone boundaries, from immediately north of the west entry gate, north to the buffer zone north boundary, and then only for purposes of going from the south end of the equestrian easement to the north end of the easement.

c) Any person owning or having charge, care, custody, or control of any animal as mentioned in Subsection 3 (a) and 3 (b) above, shall be responsible for debris, litter, or contaminant caused by such animal and any neglect of such responsibility shall be construed as littering as defined in Section 4 of this Ordinance.

d) No person owning or having charge, care, custody, or control of any animal, shall cause or permit the animal to be taken into the buffer zone, except as provided in Subsections 3(a) and 3(b) above.

Section 4. Littering Prohibited

No person shall drop or deposit refuse, trash, contaminants or litter in Buffer Zone, except in receptacles provided therefor, nor place in said receptacles any refuse, trash, contaminants or litter brought from private property.

Section 5. Alcohol Beverages Prohibited

No person shall possess or consume any alcoholic beverages in Buffer Zone.

Section 6. Excessive Noise Prohibited

No person shall make excessive noise through the use of amplifying equipment or any other means in Buffer Zone that tend to distract or disturb nearby residents. Persons using sound amplification equipment shall keep the sound level of such equipment at a reasonable level, as reference in the Moorpark Municipal Code, Chapter 9.28, relating to noise in a residential area, to avoid disturbing other people using Buffer Zone or nearby residents.

No person shall engage in boisterous, threatening, abusive, insulting, or indecent language or engage in any disorderly conduct or behavior tending to breach the peace and interfering with the enjoyment of others in Buffer Zone.

Section 8: Duplicating Keys Prohibited

No person shall duplicate keys used by City or County for padlocks or locks of any type at Buffer Zone, without expressed written permission by the City Manager or his designee.

Section 9: Camping and Lodging Prohibited

No person shall loiter, camp or lodge in Buffer Zone.

Section 10: Fire Control

No person shall make or kindle a fire for any purpose in Buffer Zone.

Section 11: Damaging of Property Prohibited

No person shall cut, break, injure, tamper with, deface, remove or disturb any tree, shrub, plant, rock, wall, fence, sign, structure, apparatus, or property in Buffer Zone.

Section 12: Fireworks and Weapons Prohibited

No person shall discharge any firearm, firecrackers, rockets, torpedoes, or other fireworks, or airguns, or sling shots in Buffer Zone. Further, no person shall engage in the activities of golf, archery, motor driven model airplane flying or rocketry in Buffer Zone.

Section 13: Vehicles and Other Conveyances

No person shall operate, ride, or drive an automobile, motorcycle, truck, trailer, or other motor vehicle in the Buffer Zone. City or County employees having official business related to the maintenance of Buffer Zone or adjacent flood control channel, or responding to an emergency call, shall be exempt from this Section.

No person shall bicycle, roller skate, roller blade, or skateboard on other than sidewalks or paths designed for pedestrians. At all times, bicycles, roller skates, roller blades or skateboard shall be operated, driven, or ridden with reasonable regard to the safety of others in Buffer Zone, and furthermore engage in the activity at their own risk.

Section 14: Severability

If any term, covenant, condition or provision of this Ordinance is found by a Court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.


Section 15: This Ordinance shall become effective thirty (30) days after its passage and adoption.

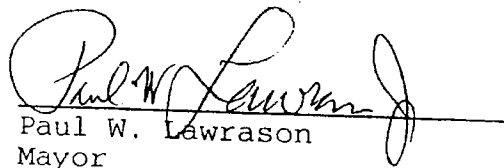
Section 16: The Mayor shall sign this Ordinance, and the City Clerk shall attest and certify to the passing and adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED AND APPROVED this 15 day of May, 1996

ATTEST:

CITY OF MOORPARK


Lillian E. Hare
City Clerk


Paul W. Lawrason
Mayor

000228

- 1) The Buffer Zone was created through a Joint Powers Authority (JPA) between the City of Moorpark and the County of Ventura at the request of the Home Acres residents (unincorporated Moorpark) to create an open space buffer between the urban housing tracts in Belmont and the Home Acres neighborhood. The City owns the buffer zone land and administers the JPA and accompanying assessment district.
- 2) The landscaping improvements which are currently under construction have been funded through a three-year special assessment, which is paid one half by property owners in Belmont, Deauville, Verona, Tuscany and Traditions, and one half by the property owners of Home Acres. Upon completion of the construction, the assessment will still be levied for the annual landscape maintenance only.
- 3) The JPA Committee consists of two City Councilmembers, the District Four County Supervisor, a representative from Home Acres, and a representative from the Mountain Meadows Homeowners Association, which is currently California Community Builders. In the past, a representative from the Belmont Home Owners Association has been present at the committee meetings.
- 4) When the buffer zone landscaping design was being discussed, the JPA committee made the effort to inform all the involved homeowners in the process through the various Committee representatives.
- 5) The buffer zone has several land easements, which are dedicated to Ventura County Flood Control and Ventura County Waterworks. There is also a 20' wide equestrian easement in the buffer zone to allow access from Home Acres to the Peach Hill wash. The paved area that runs through the center of the buffer zone was installed by the developer for the purpose of emergency safety vehicles and for Ventura County Flood Control vehicles, which need to travel through the buffer zone on occasion to make repairs or do maintenance on the flood control channel. This access was not in the original plan, and there has never been any plans by the City to open up the buffer zone and allow this access road to be used as a public street.
- 6) After the perimeter fencing was installed, gates were installed to limit vehicle traffic to only those aforementioned emergency safety vehicles and County vehicles, and to have a separate pedestrian gate for residents to walk through during daylight hours. The time of locking the gates was determined by City staff, based on the availability of part time staff to lock the gates on the same schedule of the City's park restrooms.
- 7) The Conditions of Approval for Tentative Tract Map 4341, (Urban West Communities - Mountain Meadows) Condition 17A reads:

That prior to approval of Final Map, the developer shall submit a plan for review and approval by the City Engineer and Director of Community Development which offers for dedication that area shown as lots 62 through 70 through at least January 31, 1989. During this time; the City will work with the County to attempt to establish a Joint Powers Authority (JPA), for the purposes of developing and maintaining an open space buffer between Vesting Tentative Tract 4341, 4340, and 4342 and Home Acres to the west. The JPA shall strive to share the cost of developing and maintaining the open space buffer equally between the unincorporated community of Home Acres and future residents of Vesting Tentative Tract 4341, 4340, and 4342 through such means as assessment district or other feasible means. The developer shall provide stub-in utilities to the property line of the open space area and rough grade to the approximate grade shown on the tentative map.

If such means are not established by January 31, 1989, the developer may develop lots 62 through 65 and 68 through 70 as shown in said Vesting Tentative tract Map. Lots 66 and 67 shall become an open space buffer as indicated on the exhibit prescribed by the developer at the continued public hearing on November 5, 1987 on said Tract.

If the entire buffer as identified in paragraph one of this condition is implemented, the developer shall have the right to replace seven of the lots reviewed by this condition elsewhere in Vesting Tentative Tract 4341. Such replacement lots may encroach onto slope areas greater than 20%.

That the developer shall stub all utilities underground to Lot 71 of Tentative Tract 4341.

The open space buffer area contemplated by paragraph one of this condition shall be rough graded by the developer to the contours shown on Vesting Tentative Tract 4341.

The open space buffer shall provide emergency vehicle access to Dalaway Drive and access to Home Acres Drain per the requirements of the Ventura County Flood Control District and Fire Department.

That the total number of residential lots within this tract shall not exceed 152.

That no asbestos pipe or construction materials shall be used for this project entitlement without prior approval of the City Council.

M E M O R A N D U M
COMMUNITY SERVICES DEPARTMENT

TO: Community Services Department Staff

FROM: Mary K. Lindley, Director of Community Services

DATE: June 2, 2003

SUBJECT: Shadyridge Drive Buffer Zone Gates

Since we have a number of new employees, I'm reissuing this memo regarding the use of the Buffer Zone for emergency access.

From time to time, accidents happen on SR 118 that require it to be closed between Sate Route 34 (Lewis Road) in Somis and Tierra Rejada Road in Moorpark. As a result, the City is approached with requests to open the vehicle gates at the Shadyridge Drive Buffer Zone. The City's practice is to open the vehicle gate when the residents of Home Acres have no other way of entering or exiting from Hitch Road as a matter of safety. The practice is further explained as follows:

- If SR 118 or Hitch Road are completely closed in such a way that Home Acres residents are prevented from traveling east towards Moorpark and west on the SR 118 to Grimes Canyon or Lewis Road (SR 34), thereby, completely restricting their ability to leave or return to the Home Acres area, City staff (see authorization chain below) is authorized to open the gates to vehicle traffic, and/or to authorize the Moorpark police to do so. As soon as vehicle traffic access is restored on SR 118 or Hitch Road so that residents can enter and exit Home Acres via at least one route, the Buffer Zone vehicle gates will be closed to vehicle traffic.
- If on the other hand, the closure of SR 118 only restricts Home Acres residents from traveling one direction (east to Moorpark or west to Grimes Canyon or Lewis Road), the Buffer Zone remains closed to vehicle traffic, since they still have the ability to exit and enter their neighborhood.
- Note that often times the CHP, while restricting general traffic between Lewis Road and Tierra Rejada Road, will allow residents who live in the area to come and go if SR 118 is passable. In this case, we would not open the Buffer Zone to vehicles.
- In the event the Buffer Zone is opened temporarily to vehicle traffic, staff will post signs indicating "slow speeds - 25 mile zone". Two of these signs will be posted on both sides of Shadyridge Drive. Once the gates are locked, the speed signs will be taken down and a sign stating "Buffer Zone vehicle gates locked" will be placed at both corners of Mountain Trail Street and Shadyridge Drive until the following day when Park's staff will remove them. These signs are stored at the Park/Public Works Yard.

Fire and police personnel have the ability to open the gates for their own use; e.g., to respond to a fire and/or evacuate the Home Acres area. Emergency personnel have been instructed that their authority to open the gates is limited to this purpose. The decision to open the Buffer Zone to facilitate the movement of traffic in and out of Home Acres, as a result of a closure on Route 118, shall be made by the City with information about the status of vehicle access in and out of

Home Acres provided by the CHP and/or Moorpark Police.

If you receive such a request, please direct it to me. If I am not available, the request should be directed to the Assistant City Manager or City Manager. If an incident occurs after hours, on a weekend or a holiday, the staff (part-time or full-time) on duty should be instructed to contact either me, Allen Walter, John Hartnett, or John Brand. In the event that none of these individuals are available, they should call the Assistant City Manager (Hugh Riley), Public Works Director (Ken Gilbert), or the City Manager (Steve Kueny). Contact numbers for these individuals are provided on the Emergency Contact List. It is important that each of you keep a copy of this list at home.

If at all possible, the decision to open the Buffer Zone vehicle gates should be made by one of the individuals identified in the preceding paragraph. If they are not available, follow the procedures in place for handling emergency situations, which delegates the decision to the highest level employee available or on site at the time.

Additionally, please remember that the Buffer Zone pedestrian gates are opened and closed as follows:

Gates Open	Gates Closed
Monday - Friday 6 a.m. (Dora Torres)	10:00 p.m. - 10:40 p.m. (Dial)
Sat & Sun 6 a.m. (weekend staff person)	10:00 p.m. - 10:40 p.m. (Dial)

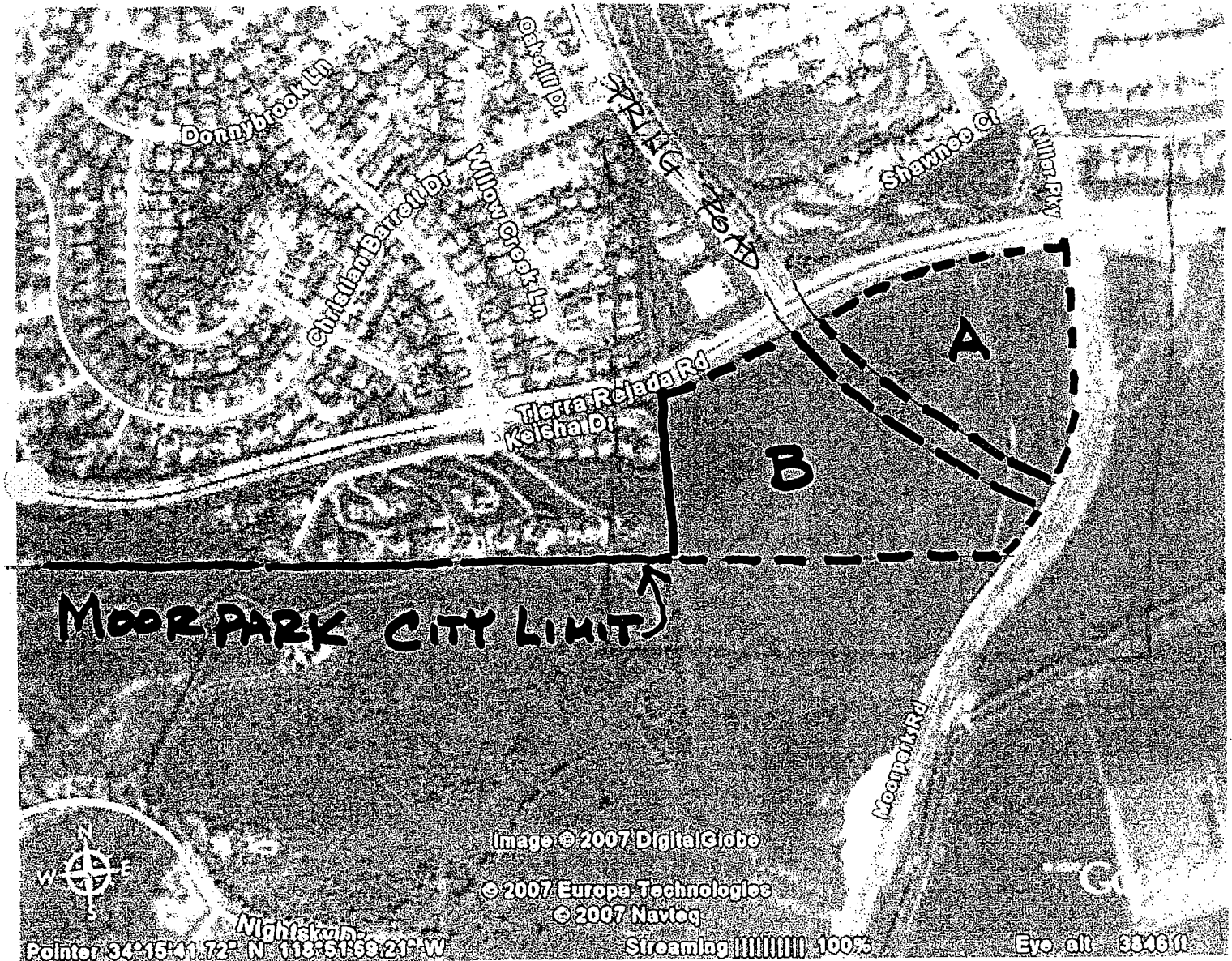
The City has a contract with Dial Security to close and lock the Buffer Zone pedestrian gates between the hours of 10:00 p.m. and 10:40 p.m. seven days a week. The gate should never be closed prior to 10:00 p.m. If you are ever made aware that the gates have been locked prior to 10:00 p.m., call Dial Security at 485-0528 and insist that they come back out and open the gates (if this takes place prior to 10:00 p.m.), or let your supervisor know ASAP. I will conduct the follow up with Dial. It's important that Allen or I are made aware of any such incidents so that we can take corrective action.

Please let me know if you have any questions regarding the Buffer Zone. Share this information with any part-time staff in a position to work evenings and weekends.

This memo supersedes any previous memo issued on this topic.

cc: The Honorable City Council
Steve Kueny, City Manager
Hugh Riley, Assistant City Manager
Ken Gilbert, Public Works Director
Richard Diaz, Police Chief

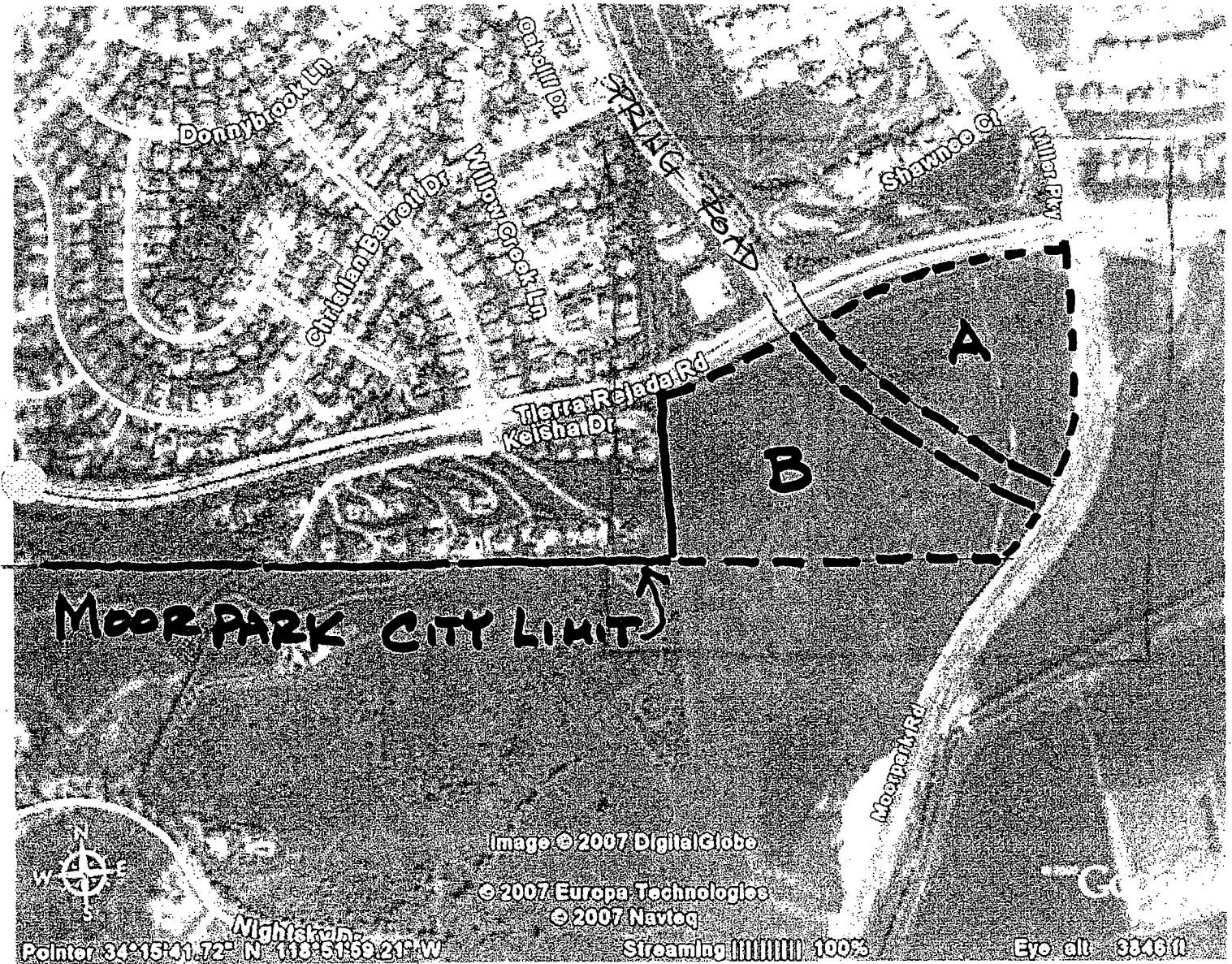
EXHIBIT B



Haaland
Dave Brooks
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EXHIBIT B



Haaland
Dave Brooks
497-4554

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4-22-07