

## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMARILLO RESCINDING THE GENERAL PLAN AMENDMENT REFERRAL FOR NUWI CAMARILLO, LLC UNDER CITY COUNCIL POLICY 7.01.E - TRIENNIAL REVIEW AND DECISION WHETHER TO RESCIND**

The City Council of the City of Camarillo resolves as follows:

**SECTION 1:** The City Council of the City of Camarillo recites and declares as follows:

A. The City of Camarillo has adopted City Council Policy 7.01 – General Plan Amendments (Non-City Initiated) to provide guidelines for considering proposed amendments to the Camarillo General Plan by an applicant other than the City.

B. On September 27, 2017, the City Council was presented with a General Plan Amendment Referral application submitted by NUWI Camarillo, LLC. After considering the request, the City Council ordered further processing of the Referral application under Policy 7.01.C.1.

C. The Referral for NUWI Camarillo, LLC contemplates an amendment to the General Plan Land Use Element designation from the current Quasi-Public designation to Low-Medium Density Residential (10 dwelling units per acre maximum), on approximately 31 acres located over a portion of the existing Camarillo Springs Golf Course. The remaining 151 acres of the golf course property would remain as Quasi-Public for golf course use. The Camarillo Springs golf course property is generally located south of Ridgeview Street and Adohr Lane, east and west of Camarillo Springs Road.

D. City Council Policy 7.01.E – Triennial Review and Decision Whether to Rescind, states that every three years after the date on which a General Plan Amendment Referral application was referred to staff for study, staff will present to City Council an Agenda Item that reports on the status of the Referral and presents a suggested action to either continue to study the Referral or rescind the Referral.

E. On September 23, 2020, the City Council held a Triennial Review of the Referral for NUWI Camarillo, LLC and the City Council voted to allow the Referral to remain in place and for staff to continue processing the Referral.

F. On October 25, 2023, the City Council held a second Triennial Review of the Referral for NUWI Camarillo, LLC. The Council received staff and the applicant's presentations and also received 36 verbal and 64 written public comments. Additionally, 39 written comments were received electronically. After discussion, the City Council motioned to recess the item until November 8, 2023 and directed that the item return with the agenda description on November 8, 2023 stating the potential actions the Council may take as follows: the City Council may determine to continue study of the Referral or rescind the Referral, as provided for under City Council Policy 7.01.E. The motion also provided that at the November 8, 2023, meeting, any member of the public that did not provide public

comment on October 25, 2023, will be permitted to provide public comment on the item and thereafter, the City Council will discuss and deliberate on the Triennial Review of the Referral.

G. At the meeting of November 8, 2023, the City Council received an additional 34 verbal and 56 written public comments. Additionally, 57 written comments were received electronically. The City Council asked questions of staff on the Triennial Review of the Referral for NUWI Camarillo, LLC. After City Council discussion and deliberation on the item, the City Council motioned to direct staff to return with a resolution to rescind the General Plan Amendment Referral for NUWI Camarillo, LLC for City Council consideration at the December 13, 2023 meeting.

H. At the December 13, 2023 City Council meeting, the City Council received public comments from any person that wanted to provide public comment on the item and considered this Resolution to rescind the General Plan Amendment Referral for NUWI Camarillo, LLC.

I. The Council's decision and findings are made based on the entire administrative record including without limitation public comments, studies, staff reports, staff presentations, applicant presentations and documents; General Plan Amendment (Non-City Initiated) Policy 7.01 and other information presented to the City Council at several City Council meetings and as a part of the Triennial Review conducted at its October 25, 2023, November 8, 2023, and December 13, 2023 meetings. Whether to rescind the General Plan Amendment Referral is a legislative decision that is within the City Council's reasoned discretion as part of the Triennial Review.

**SECTION 2: Environmental Review.** City staff has determined, in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, that the Triennial Review of the Referral for NUWI Camarillo, LLC is not subject to CEQA review because the Referral; only allows for further study of an amendment to the General Plan and is not a project under CEQA, as it can be seen with certainty that there is no possibility the Referral has the potential to either (1) cause a direct physical change in the environment or (2) cause a reasonable foreseeable indirect physical change in the environment. In addition, no CEQA action need be taken when a public agency denies a proposed project.

**SECTION 3: Findings.** The City Council, after conducting the second Triennial Review of the General Plan Amendment Referral for NUWI Camarillo, LLC, finds:

A. Section 1 and Section 2 above are hereby affirmed as correct and incorporated in Section 3 Findings.

B. The General Plan Amendment Referral for NUWI Camarillo, LLC is not in the best interest and welfare of the city and its residents because it would result in the loss of open space and recreational acreage, which is a limited and valuable resource that must be conserved wherever possible. Open space provides important benefits to the community and has a positive effect on overall mental health and wellbeing. The Referral would result in the amount of open space per resident within city limits to decline not only due to the loss of 31 acres of golf course open space but by also replacing it with several hundred additional residential homes.

C. The General Plan Amendment Referral for NUWI Camarillo, LLC is not in the best interest and welfare of the city and its residents because it would allow for residential development in an area designated a Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Protection (CAL FIRE) that will place future development and people at risk. The area of the Referral has experienced multiple fires and a mudslide. Many residents of Camarillo Springs are senior citizens, which makes evacuation more challenging. Increasing the number of residents, on the site of the Referral is a public safety issue that will cause increased difficulty in evacuating the Camarillo Springs area in the event of a wildfire.

D. The General Plan Amendment Referral for NUWI Camarillo, LLC is not in the best interest and welfare of the City and its residents because that site was never considered nor identified in the 2021-2029 certified Housing Element of the City's General Plan and is not needed to satisfy the City's Regional Housing Needs Allocation (RHNA). The 2021-2029 Housing Element was certified by the California Department of Housing and Community Development (HCD) on April 14, 2023 and does not identify the site contemplated in the Referral where more housing should be added. The City was allocated a RHNA of 1,376 units and the land inventory in the 2021-2029 certified Housing Element demonstrates that 1,900 housing units can realistically be accommodated, exceeding the City's RHNA by 38 percent.

E. The General Plan Amendment Referral for NUWI Camarillo, LLC is not in the best interest and welfare of the city and its residents because it would allow for significant additional residential development on 31 acres that would substantially affect the views of the existing mobile homes surrounding the golf course, which currently benefit from views of the golf course.

F. The General Plan Amendment Referral for NUWI Camarillo, LLC is not in the best interest and welfare of the City and its residents because the studies conducted in the CEQA documents as it relates to the Master Drainage Plan and Floodplain Analysis submitted by the applicant still raises safety concerns. These concerns were described by the City's Third Party consultant and in the CEQA documents and from public works staff, that the proposed development would increase flooding hazards.

G. The General Plan Amendment Referral for NUWI Camarillo, LLC is inconsistent with numerous General Plan policies, including without limitation the following Land Use Element, Open Space and Conservation Element, Safety Element, Recreation Element, and Community Design Element policies:

Land Use Element Page 4.23, which states, "Adequate recreational facilities and space to satisfy a community-wide need should be considered and include a diverse recreational program for both passive and active recreation."

Open Space and Conservation Element Page 9.2, which states, "The preservation of open space land is necessary for the maintenance of the economy and for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation, and for the use of natural resources."

Open Space and Conservation Element Page 9.2 references Section 65562 of the Government Code that describes open space land as, “a limited and valuable resource which must be conserved wherever possible.” Page 9.4 references parks, parkways, reservoirs, playgrounds, and golf courses as permanent open space within the city.

Safety Element Objective SAF-1.1, which states, “Protect the public health, safety and general welfare of Camarillo Residents from hazards and potential disasters.”

Safety Element Goal SAF-3, which states, “A community carefully planned and protected from flooding hazards.”

Safety Element Objective SAF-3.1, which states, “Provide adequate flood control mitigation to reduce the potential risk associated with floodplain hazards within the City of Camarillo.”

Recreation Element Page 8.4, which states, “The Camarillo Springs Golf Course located on the easterly side of the City of Camarillo is an 18-hole public golf course with clubhouse, pro shop and restaurant. This facility provides a significant amount of open space and should be continued as a satisfying part of the regional needs for recreation.”

Community Design Element Page 67 which states, “The four golf courses found within the community serve as important visual, recreational and cultural amenities. These facilities should continue to be operated and maintained with a goal of maximizing available resources while providing the highest quality visual and landscape elements.”

While the General Plan Amendment Referral for NUWI Camarillo, LLC may be consistent with other General Plan policies, the City Council finds that the proposed General Plan Amendment Referral request is inconsistent with multiple General Plan policies, as stated above.

**SECTION 4: Rescission of Referral for NUWI Camarillo, LLC.** The City Council rescinds the Referral for NUWI Camarillo, LLC, including without limitation based on the above findings.

**SECTION 5: Electronic Signatures.** This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

**SECTION 6: Office of Record.** The record of proceedings related to this decision is located in the Department of Community Development, which is the office of record for the same.

**SECTION 7: Construction.** This Resolution must be broadly construed to achieve the purposes stated in this Resolution. It is the City Council’s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

**SECTION 8: Severability.** If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

**SECTION 9: Execution.** The Mayor, or presiding officer, is hereby authorized to affix their signature to this Resolution signifying its adoption by the City Council of the City of Camarillo, and the City Clerk, or duly appointed deputy, is directed to attest thereto.

**SECTION 10: Effective Date.** The Resolution is effective 30 days after adoption.

PASSED AND ADOPTED on December 13, 2023.

\_\_\_\_\_  
Tony Trembley, Mayor

Attested to on \_\_\_\_\_

\_\_\_\_\_  
Kristy Buxkemper, City Clerk

I, Kristy Buxkemper, City Clerk of the City of Camarillo, certify Resolution No. \_\_ was adopted by the City Council of the City of Camarillo at a regular meeting held \_\_\_\_, by the following vote:

YES:           Councilmembers:  
NO:            Councilmembers:  
ABSENT:      Councilmembers:

\_\_\_\_\_  
City Clerk