

AN INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
Pursuant to Elections Code § 9203, the city attorney prepared the following title and summary of the chief purpose and points of the proposed measure:

**AN INITIATIVE MEASURE TO EXTEND THE EFFECTIVE DATE OF THE
CITY OF FILLMORE'S CITY URBAN RESTRICTION BOUNDARY LINE
FROM DECEMBER 31, 2020 TO DECEMBER 31, 2050 AND OTHER MINOR CHANGES**

SUMMARY

This initiative measure seeks to extend the effective date of the City of Fillmore's City Urban Restriction Boundary ("CURB") as enacted in 2002. The CURB is currently set to expire on December 31, 2020. This measure would extend that expiration date to December 31, 2050. This measure, in general, is otherwise a resubmission of the 2002 CURB measure. The measure accomplishes the changes by amending Part VI, section B of the Land Use Element of the Fillmore General Plan, and by adding a section E to Part VI.

This measure restates and readopts the 2002 CURB, which set a boundary line around Fillmore, and restricted all urban services and urbanized uses of land to land within that boundary line. "Urbanized uses of land" is defined as any development which would require the establishment of new or significant expansion of existing city sewer infrastructure; or would create residential lots less than 20 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources. "Urban uses of land" also means golf course or driving range construction but does not mean traditional municipal or regional parks with team sports or other recreational facilities.

Generally speaking, the measure requires a vote of the people to amend the boundaries of the CURB. The City may, however, amend the CURB under certain circumstances, including, among other things, in order to comply with state housing requirements.

This measure also makes changes and additions to the 2002 measure regarding when the City may expand the CURB on its own. This measure would prohibit the City from using a statement of overriding considerations when the Environmental Document reviewing a proposed change to the CURB identifies unavoidable significant impacts to the expansion area's agricultural viability. Furthermore, the proposed expansion area must not have been used for agriculture within the prior four years and must be found unusable for agriculture. This measure would require the City to give notice of a proposed modification to the CURB in the same manner the City gives notice to neighboring properties at least 30 days before the proposed modification may appear on a City Council agenda, and requires notice to the Local Agency Formation Commission and all individuals or organizations who have requested to receive such notice from the City Clerk.

**SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES
FILLMORE CITY URBAN RESTRICTION BOUNDARY – 2050**

**Notice of Intention to Circulate Petition and Request
That A Ballot Title and Summary Be Prepared**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Fillmore, in the form accompanying this Notice, for the purpose of qualifying the measure for the November 8, 2016 ballot. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

Prevention of urban sprawl, protection of open space and agricultural resources, the maximization of infrastructure, and protection of the State Fish Hatchery from urban incursion are significant concerns of the citizens of Fillmore. This initiative advances those objectives by requiring a vote of the citizens of the City for any expansion of urban land uses beyond the limits of the Fillmore City Urban Restriction Boundary (CURB) adopted in 2002, and as set forth in this initiative, until 2050.

Additionally, pursuant to Elections Code § 9203, request is hereby made that the text of the petition be transmitted immediately to the City Attorney for preparation of a ballot title and summary, not exceeding 500 words, accurately expressing the purpose of the proposed measure.

Respectfully Submitted. December 29, 2015

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Preamble

On January 17, 2002, the City Council of Fillmore, through the initiative process using the provisions of Elections Code § 9215(a), approved an initiative measure establishing a City Urban Restriction Boundary (CURB), entitling it the "Fillmore City Urban Restriction Boundary Ordinance." That measure limited development outside of the designated CURB absent voter approval. That measure, however, sunsets – expires – in 2020. This initiative is intended to restate and re-adopt the 2002 SOAR measure, and to re-establish the CURB line, in order that the concepts embodied in that measure are extended until December 31, 2050. Accordingly, the following is the measure as adopted in 2002, together with additional textual material subsequently supplied by the City and approved when the General Plan Update was approved in 2005. Those terms are also restated with minor modifications to reflect the citizens' current intent to extend the protections provided by the SOAR measure to 2050. Because certain minor changes are set forth herein, deletions are indicated by ~~strike-outs~~ and additions being indicated by *italics*.

2050- SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES (SOAR)
FILLMORE CITY URBAN RESTRICTION BOUNDARY

The *people* of the City Fillmore ~~does do~~ ordain, *restate, readopt and amend* Ordinance No. 02-761 as follows:

Section 1. Title.

This ordinance *initiative* shall be known as the *2050 Save Open-space and Agricultural Resources (SOAR) Fillmore City Urban Restriction Boundary Ordinance-Initiative*.

Section 2. Purpose and Findings.

A. Purpose.

As before, the purpose of this ordinance *initiative* is to *restate, readopt and extend the previously established City of Fillmore City Urban Restriction Boundary (CURB) line to December 31, 2050, adopted in 2002 pursuant to the initiative process as Ordinance No. 02-761, establish for the City of Fillmore a City Urban Restriction Boundary (CURB) line* which will accommodate a reasonable amount of future growth for the City of Fillmore, but limit additional urbanization outside of the CURB without a vote of the citizens of Fillmore. *Because the protections afforded by the SOAR/CURB measure adopted in 2002 have worked well for the City of Fillmore, allowing it to address its housing needs and at the same time keep its boundaries confined, the citizens of Fillmore believe extending the life of the initiative to 2050 to be in the best interests of the City.* This will *continue* to achieve the following objectives:

1. Continue to encourage efficient growth patterns and protect the City of Fillmore's quality of life by concentrating future development directly adjacent to developed areas consistent with the availability of infrastructure and services;
2. Continue to promote on lands outside the CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;
3. *Continue to* manage the City's growth in a manner that fosters and protects the small town charm of Fillmore while encouraging appropriate economic development in accordance with the City's unique local conditions;
4. *Continue to* allow the City to meet its reasonable housing needs for all economic segments of the population, especially low and moderate income households, by directing the development of housing into areas where services and infrastructure are more efficiently available;
5. *Continue to* provide housing in areas conveniently located to the City's commercial district in order to encourage residents to shop locally;
6. *Continue to* promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time; and
7. *Continue to* allow flexibility for development within the city limits outside the CURB limits at any time subject to approval by the voters of the City of Fillmore. ~~while ensuring developments, such as those recently proposed with the objective of changing the character of Fillmore, will be subject to a vote of the citizenry of Fillmore:~~

B. Findings.

1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Fillmore and within its Planning Area is of critical importance to present and future residents of the City of Fillmore. Agriculture has been and remains a major contributor to the economy of the City of Fillmore and County of Ventura, creating employment for many people, directly and indirectly, and generating substantial tax revenues for the City. The continued agricultural use of most of the land surrounding the current City limits is critical to the local economy. Agriculture is the single largest industry in the City. Additionally, the State fish hatchery, flood plain, wetlands, riparian areas and water recharge within the Fillmore Planning Area are of world class importance providing irreplaceable environmental resources and habitats.
2. In particular, the City of Fillmore and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Fillmore is a major distribution point for citrus fruits in the United States. Fillmore is noted as a center for Ventura County's agricultural industry. Agricultural production from the County of Ventura and in particular production from the soils and silt from Pole Creek, Sespe Creek, and the Santa Clara River, and in areas adjacent to the City provide beneficial food and fiber locally and world-wide, and have achieved international acclaim, enhancing the City's economy and reputation.
3. Urban encroachment into flood plain, agricultural and watershed areas adjacent to the City will impair agriculture and threaten the public health, safety and welfare by exposing residents to the threat of flooding, reducing beneficial production, causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.
4. The unique character of the City of Fillmore and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, ~~adopting a~~ *adhering to the* CURB around the City of Fillmore would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. ~~Such a~~ *The Fillmore CURB would has and will continue* to promote efficient municipal services and facilities by confining urban development to defined development areas and areas more immediately adjacent to developed areas, absent voter approval for expansion, all to the enhancement of the Heritage Valley.
5. This ~~ordinance-initiative continues~~ *continues* to ensure that the agricultural and open space uses outside of the *Fillmore City Urban Restriction Boundary* – CURB – are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses and the State Fish Hatchery and surrounding riparian habitat will not be encroached upon without public debate and a vote of the people. Accordingly, the ~~ordinance-initiative~~ *requires* that until December 31, ~~2020-2050~~, the City of Fillmore may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the ~~ordinance-initiative~~, outside the CURB created by the ~~ordinance initiative~~.
6. *Areas within the CURB line may not include all of the areas within the Sphere of Influence of Fillmore or even all of those lands within the City's corporate limits.* The CURB is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the Sphere of Influence line in the future, or approving annexations in accordance with state law. The CURB and Sphere of Influence lines, although in part coincidentally coterminous are independent one from the other in legal significance and purpose. While the Sphere of Influence line may be altered by the Local Agency Formation Commission in accordance with the provisions of state law, the CURB is a local land use policy of the City and shall not be changed except as herein provided.
7. Adequate land for housing is provided in the area encompassed within the CURB. Should at any time the City determine that it is failing to meet its fair share of housing *pursuant to the state's Regional Housing Needs Assessment, (RHNA) or other state mandates*, the ~~ordinance initiative~~ *provides* a mechanism for correcting that imbalance without a vote of the electorate.

Section 3. General Plan Amendment.

The Land Use Element of the City of Fillmore General Plan formerly amended by ordinance pursuant to the 2002 SOAR measure is hereby restated, readopted and amended, as a general plan amendment of the Land Use Element, at Section VI. This text replaces part of subsection B and adds subsection E, as indicated, as parts of Section VI of the Land Use Element. [Ellipses (* * *) do not indicate deletions, just that the sections not retyped remain unchanged and not affected by this initiative].

The Land Use Element of the City of Fillmore General Plan, Section 4.0, LAND DEVELOPMENT CONSTRAINTS, is hereby amended by inserting at page 1-13, et seq., the following text:

4.6 FILLMORE CITY URBAN RESTRICTION BOUNDARY (CURB) Pursuant to California Elections Code Section 9200 et. seq. this ordinance qualified for placement on the March 2002 ballot as an initiative. The City Council has elected to adopt the ordinance without change rather than submit it to the voters:

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VI. EXISTING CONDITIONS and DEVELOPMENT PATTERN

* * *

B.

* * *

Currently found at LU-25, et seq., replaced as follows:

Save Open Space and Agricultural Resources (SOAR) Ordinance. The County SOAR Ordinance *measure* was established through voter initiative in November 1998. This ordinance prohibits redesignation of lands with Agricultural, Open Space, or Rural designations under the County General Plan until December 31, 2020 without direct voter approval. ~~The County's SOAR Ordinance does not apply to areas within the designated Sphere of Influence of any of the cities within Ventura County, including Fillmore. If any such area land currently within the County's jurisdiction were ultimately added to the City's Sphere of Influence or annexed, the County SOAR would no longer apply to that annexed property.~~

City Urban Restriction Boundary (CURB) Ordinance. In 2002, the City Council, pursuant to a citizens initiative process, adopted an ordinance *Ordinance No. 02-761* establishing a City Urban Restriction Boundary (CURB) ordinance. The purpose of ~~this ordinance~~ *the initiative* is to *extend the life of the essential parts of that ordinance until December 31, 2050, with minor amendments.* That ordinance established for the City of Fillmore a City Urban Restriction Boundary (CURB) line which *has and will continue to will* accommodate a reasonable amount of future growth for the City of Fillmore, but limit additional urbanization outside of the CURB without a vote of the citizens of Fillmore. This will achieve the following objectives:

1. Encourage efficient growth patterns and protect the City of Fillmore's quality of life by concentrating future development directly adjacent to developed areas consistent with the availability of infrastructure and services;
2. Promote on lands outside the CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;
3. Manage the City's growth in a manner that fosters and protects the small town charm of Fillmore while encouraging appropriate economic development in accordance with the City's unique local conditions;
4. Allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially low and moderate income households, by directing the development of urban uses into areas where services and infrastructure are more efficiently available;
5. Provide housing in areas conveniently located to the City's commercial district in order to encourage residents to shop locally;
6. Promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time; and
7. Allow flexibility for development within the city limits outside the CURB limits at any time subject to approval by the voters of the City of Fillmore. ~~while ensuring developments, such as those recently proposed with the objective of changing the character of Fillmore, will be subject to a vote of the citizenry of Fillmore.~~

* * *

Fillmore CURB provisions Newly Added to the Land Use Element Section VI, as Sub-Paragraph:

E.

1. PURPOSE

The City of Fillmore and surrounding area, often referred to as part of the Heritage Valley, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of *extending the sunset date* of this CURB is to provide for the reasonable urban growth of the City of Fillmore ~~while ensuring~~ *and ensure* that the development policies, and underlying goals, objectives, principles and policies set forth in the Fillmore General Plan relating to Land Use are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people.

It ~~was~~ *is* not the purpose of this initiative measure to constrain the prerogatives of the city council with respect to any property within the City inside the CURB, or to constrain it or any other agency in fulfilling its statutory duties.

2. PRINCIPLES

Urban encroachment into agricultural, flood plain and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as flooding, pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary expensive extension of public services and facilities and inevitable *creation of* conflicts between urban and open space/agricultural uses. The unique character of the City of Fillmore, "the last, best small town in Southern California" its economy and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture and the *employment it brings*, but also contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, the CURB promotes the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

a) The City of Fillmore hereby *re*-establishes and re-adopts a City Urban Restriction Boundary (CURB). The CURB is re-established to include the entire boundary of the city limits for the City of Fillmore, plus the following areas to the east and west of the City to provide reasonable area for commercial, industrial, and residential growth without a vote of the people:

East of Fillmore

- 1) Commencing at the City boundary at the shared corner of Sections 19, 20, 29, and 30, Township 4 North, Range 19 West, of the San Bernardino Base & Meridian, and from that point due east along the northerly boundary of Section 29, through the point formed by the convergence of Sections 20, 21, 28, and 29, and continuing due east along the northerly boundary of Section 28 to the corner described as the Northeast corner of the West one-half of Section 28; thence,
- 2) Due South along the easterly boundary of the West one-half of Section 28 to the southerly edge of the public right-of-way of State Highway 126; thence,
- 3) Westerly along said public right-of-way to the easterly boundary of that certain property identified as parcel "1" in Book 41, Page 26 of the Ventura County Assessor Parcel Maps (issued November 10, 1997; thence,
- 4) Southerly along the eastern boundary of said parcel "1," to its intersection with the northern boundary of the Santa Paula Branch Line Railroad right of way and projecting southerly across said right of way to the intersection of the southern boundary of the Santa Paula Branch Line Railroad right-of-way and the northwest corner of that certain property identified as parcel "43" in Book 41, Page 26 of the Ventura County Assessor Parcel Maps; thence,
- 5) Easterly along the southern boundary of the Santa Paula Branch Line Railroad right-of-way which is the common boundary with said parcel "43" to its northeast corner; thence,
- 6) Southerly along the eastern boundary of said parcel "43" to its south east corner; thence,
- 7) Westerly along the southern boundaries of those certain properties identified as parcels "43, 47, 39," and a portion of parcel "42" in Book 41, Page 26 of the Ventura County Assessor Parcel Maps; thence,
- 8) From the intersection of the southerly boundary of said parcel "42" and the easterly boundary of that certain property identified as parcel "51" in Book 41, Page 29 of the Ventura County Assessors Parcel Maps (issued July 24, 2000), approximately 1989 feet N 880 36'41" W, thence approximately 3280 feet N 810 23'12" W, to its intersection with the City limit.

West of Fillmore:

- 1) Commencing at the westerly most point of the City at the southern edge of the public right-of-way of State Highway 126, traversing westerly along said southern edge of the public right-of-way of State Highway 126, to the north/south midline of Section 35, Township 4 North, Range 20 West of the San Bernardino Base and Meridian, forming the western boundary of that certain property identified as parcel "2" in Book 46, Page 05 of the Ventura County Assessor Parcel Maps (issued March 26, 1999); thence,
- 2) South along said north/south midline of Section 35 and the westerly boundary of said parcel "2" to the southern boundary of the North one-half of the northeast quarter of said Section 35, forming the southern boundary of said parcel "2"; thence,

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- 3) Easterly along the southern boundary of the North one-half of the northeast quarter of said Section 35, forming the southern boundary of said parcel "2", to the approximate center of the northeast quarter of Section 35; thence,
- 4) South along the median between the Northeast one-half and the Northwest one-half of the northeast quarter of said section 35 to the northerly edge of that certain property identified as parcel "7" in said Book 46, Page 05 of the Ventura County Assessor Parcel Maps; thence,
- 5) Southerly traversing the boundary of said parcel "7" to its southwesterly most point, returning northeasterly and easterly along the southernmost edge of said parcel "7", rejoining the CURB at the easterly boundary of said section 35, at the City limits.

The CURB line is graphically set forth in Exhibit "A" to this Amendment which is *currently* inserted in the General Plan as Figure I-2a-LU-6.

b) Until December 31, ~~2020~~ 2050, the City of Fillmore shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein, *as it has since 2002, when it was codified as Ordinance No. 02-761*. Other than for the exceptions provided herein, upon the effective date of this General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this General Plan amendment, unless in accordance with the amendment procedures of this General Plan amendment.

c) "Urbanized uses of land" shall mean any development which would require the establishment of new or significant expansion *or extension* of existing city sewer infrastructure; or would create residential lots less than 20 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources. Urbanized uses of land shall also mean golf course or driving range construction. Urbanized uses of land shall not mean traditional municipal or regional parks with team sports or other recreational facilities.

§ 4. AMENDMENT PROCEDURES

Until December 31, ~~2020~~ 2050, the foregoing Purposes, Principles and Implementation provisions may be amended only by a majority of the voters voting at an election commenced pursuant to the initiative process, or pursuant to the procedures set forth below:

A. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the City Urban Restriction Boundary as described herein in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

- 1) The City is not in compliance with State mandates regarding either number or type of housing units.
 - 2) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services;
 - 3) That the proposed development will address the highest priority need identified in the analysis by which the City has determined it is not in compliance with state law, such as a low and very low income housing;
 - 4) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
 - 5) That it is not reasonably feasible to accommodate a comparable development by re-designating land within the CURB.
- 6) *Notice of such Proposed Modification is given according to the City's standard notice requirements to neighboring properties; and as well, not less than 30 days prior to the proposed modification appearing on the City Council agenda, to LAFCo, and to all individuals or organizations who or which have indicated a desire for such Notice by requesting the same by placing his/her/its name and contact information with the City Clerk.*

B. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB, if the City Council makes each of the following findings:

- 1) *The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;*
- 2) *Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;*
- 3) *The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed. A statement of overriding considerations shall not suffice for this purpose when the Environmental Document has identified unavoidable significant impacts;*
- 4) *The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);*
- 5) *The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two four years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason; and*
- 6) *The land proposed for inclusion within the CURB does not exceed 20 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the restrictions contemplated by this General Plan amendment more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation;*
- 7) *Including the land within the CURB will not result in more than 40 acres being added to the CURB in any calendar year; and,*
- 8) *Notice of such Proposed Modification is given according to the City's standard notice requirements to neighboring properties; and as well, not less than 30 days prior to the proposed modification appearing on the City Council agenda, to LAFCo, and to all individuals or organizations who or which have indicated a desire for such Notice by requesting the same by placing his/her/its name and contact information with the City Clerk.*

B. C. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB if the City Council makes each of the following findings:

- 1) Application of the provisions of subsections A or B of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and,
- 2) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

C. D. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the CURB or the provisions of this ordinance on the ballot in the manner provided by state law.

D. E. The City Council may amend the CURB to include land contemplated for construction of public water facilities *or projects, public schools, or other government facilities, public parks*, or to include any development project that has obtained as of the effective date of the ordinance a vested right pursuant to state or local law, all uses exempted from the provisions of this General Plan Amendment, but only to the minimum amount of land reasonably necessary to accommodate said uses.

E. F. The City Council may contract the area within the CURB, the newly established CURB line to be subject to the terms of this measure.

F. G. The City Council may reorganize, reorder, and renumber General Plan provisions, including the provisions of this General Plan Amendment.

Section 4. Conforming Amendments.

A. *Given that the 2002 SOAR initiative, adopted as Ordinance No. 02-761 called for the City to create conforming Amendments, and said conforming amendments have been adopted as necessary, no additional changes need to be made to the existing General Plan. In July 2005, the City of Fillmore revised its Land Use Element setting out the objectives of the 2002 initiative, which are continued in this initiative, as set forth above. No additional conforming amendments now need be made. All future General Plans and Amendments thereto will per state law necessarily be consistent with this initiative measure and any amendments to it. Any part of the General Plan currently inconsistent with Ordinance No. 02-761 is on its face invalid.*

A. Purpose. In light of the General Plan amendments set forth above, the City of Fillmore General Plan is hereby further amended such that in addition to the changes noted herein for the Land Use Element, all other General Plan Elements are consistent with the above amendments to the Land Use Element.

B. Methodology. All references within the General Plan to the urbanization potential of areas outside of the CURB will hereby be modified. It is the intention of these conforming Amendments that the Public Facilities Element with references to and calculations based upon development of areas outside of the CURB are to be interpreted to include the provision that said references and calculations are to be realized only pursuant to the procedures set forth in the General Plan Amendment created by this ordinance. Because the amendment relates only to the procedure of approval and not to the substance of the land use designations, to the extent that these conforming amendments fail to further amend one or more aspects of the Land Use Element, Circulation Element, Housing Element, the Conservation and Open Space Element, the Safety Element, the Noise Element or the Public Facilities Element, such oversight shall be deemed mere correctable errors and not substantive inconsistencies.

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Text to be inserted into the General Plan is indicated in bold italic type. Text to be deleted is presented in strikethrough type. Text in standard, bold or italic type which currently appears in that fashion in the General Plan remains unchanged by this Amendment. Occasionally, ellipses (***) are utilized to demonstrate that significant sections of text in the General Plan remain unaffected by amendments reflected in this text.

The following conforming amendments may be further amended by the City Council without a vote of the people, provided that no inconsistencies with the balance of the General Plan, including but not limited to the effectiveness of the CURB, are created thereby:

1) The text of the Introduction is amended to read:

The time horizon for the General Plan is the year 2010, with the exception of the CURB, established by ordinance, which shall exist through the year 2020.

2) Add to the GOALS:

Provide flexibility for the development of unique and creative projects outside of the CURB by the involvement of the public in the decision-making process.

3) Land Use Element, Section 2.0, Regional Setting, page 1-7, is amended as follows:

Three Four legal boundaries affect the City's future: The corporate limits, the Sphere of Influence, and the Greenbelt (Figure 1-2), and the City Urban Restriction Boundary (CURB) (Figure 1-2a):

4) Land Use Element, Section 9.0, at page 1-26 is amended as follows:

—9.1 Residential Uses

Outside the Fillmore CURB: Lots for residential use of not less than 20 acres, absent voter approval.

Section 5. Exemptions for Certain Projects.

The provisions of this Initiative otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in the circulation element of the Fillmore General Plan. Nor does it apply to or affect the authority and discretion of the City Council with respect to the construction of public water facilities or *projects*, public schools, public parks (except golf courses) or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

Section 6. Insertion Date.

A. Upon the effective date of this initiative, it shall be deemed inserted in the City of Fillmore's General Plan as an amendment thereof; except that if the four amendments of the mandatory elements of the general plan permitted by state law for any given calendar year have already been utilized in 2016, prior to the effective date of this initiative, it shall be deemed inserted in the City's General Plan on January 1, 2017.

B. The date that the Notice of Intention to Circulate this initiative measure was submitted to the elections officer of the City of Fillmore is referenced herein as the "Submittal Date." The City of Fillmore General Plan in effect at the time the Notice of Intention to Circulate this initiative measure was submitted to the City Clerk of Fillmore, and that General Plan as amended by this initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Fillmore General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voters in enacting this initiative are given effect, any provision of the General Plan that is adopted between the submittal date and the date this initiative is deemed inserted into the General Plan, shall, to the extent that such provision is inconsistent with any part of this initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between such provision and this initiative. In the alternative, such interim-enacted inconsistent provision is hereby deemed repealed.

C. The City of Fillmore shall, in all efforts to update elements of the General Plan of the City of Fillmore, confirm that the same are consistent with the Land Use Element as amended herein, and that all portions of the General Plan meet the intent and direction of the Save Open-space and Agricultural Resources (SOAR) City of Fillmore Urban Restriction Boundary Initiative.

Section 7. Severability.

This initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. The voters hereby declare that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative. It is the intent of the voters that the provisions of this initiative shall be interpreted by the City and others in a manner that facilitates the confinement of urban uses thereby protecting agricultural, open space and rural lands, and preventing urban sprawl.

Section 8. Amendment or Repeal.

Except as otherwise provided herein this initiative may be amended or repealed only by the voters of the City of Fillmore at an election held in accordance with state law.

Section 9. Competing Measures.

In the event there are competing initiatives on the same ballot with this initiative that purport to address the same subject matter of this initiative, the following rules shall apply: If more than one such initiative passes, then both initiatives shall go into effect except to the extent that particular provisions of one initiative are in direct, irreconcilable conflict with particular provisions of another initiative. In that event, as to those conflicting provisions only, the provisions of the initiative which received the most votes shall prevail.

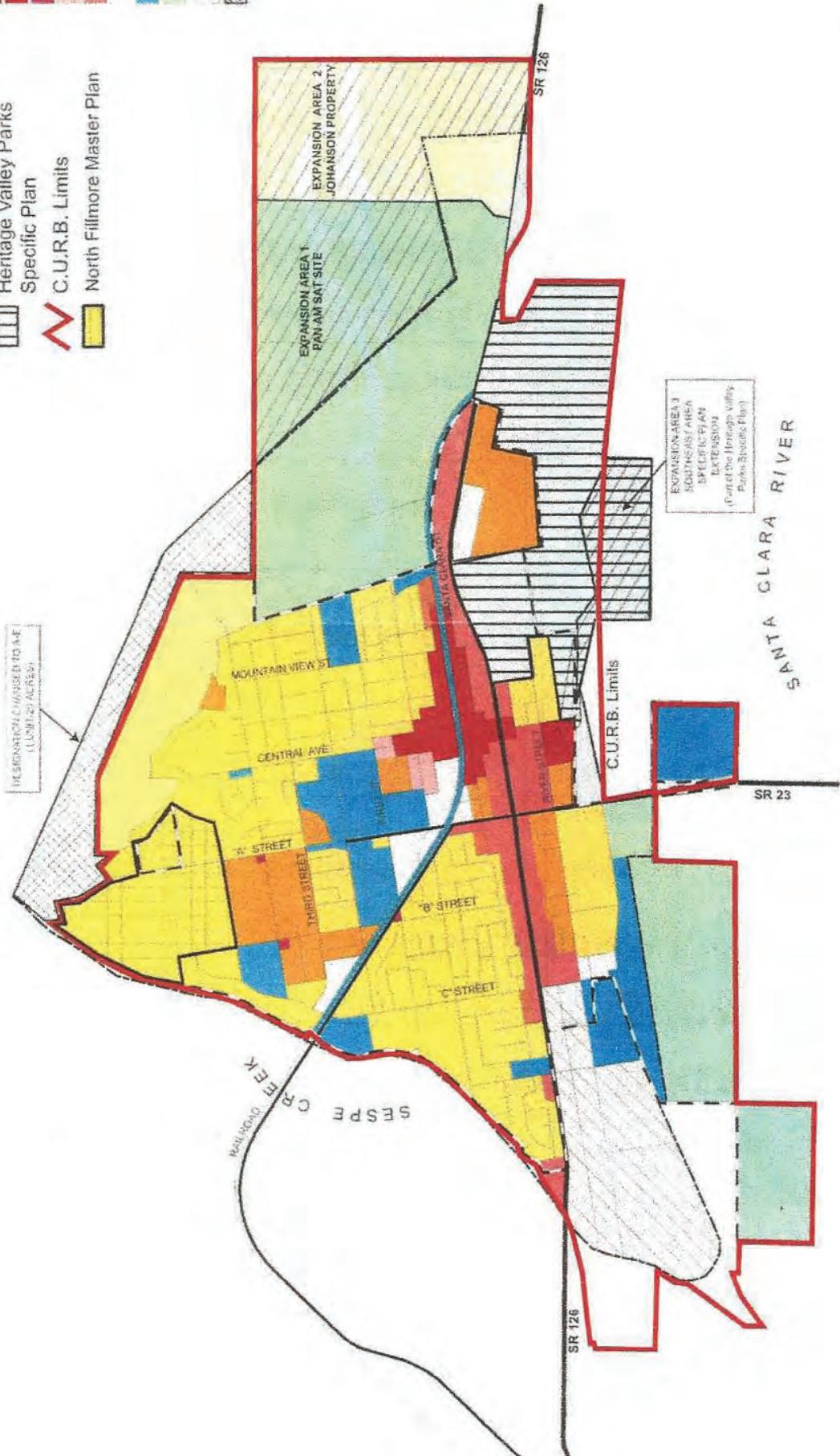
EXHIBIT A

LANDUSE DESIGNATIONS:

- RRE (Rural Ranch Estate)
- RR (Residential Rural)
- RL (Residential Low)
- RM (Residential Medium)
- RMH (Residential Medium High)
- RH (Residential High)
- CBD (Central Business District)
- CN (Commercial Neighborhood)
- CO (Commercial Office)
- CH (Commercial Highway)
- M (Industrial)
- PF (Public Facilities)
- OS (Open Space)
- BP (Business Park)
- A-E (County of Ventura)

LEGEND

- Sphere of Influence
- City Limit
- Sphere Expansion Areas
- Southeast Specific Plan Areas
- Heritage Valley Parks Specific Plan
- C.U.R.B. Limits
- North Fillmore Master Plan



Currently Proposed Land Use Map