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**CITY OF FILLMORE  
CITY COUNCIL  
ORDINANCE NO. 02-761**

**FILLMORE CITY URBAN RESTRICTION BOUNDARY ORDINANCE**

The City Council of the City of Fillmore does ordain as follows:

**Section 1. Title.**

This ordinance shall be known as the Fillmore City Urban Restriction Boundary Ordinance.

**Section 2. Purpose and Findings.**

**A. Purpose.** The purpose of this ordinance is to 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. 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.

**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.

1 The continued agricultural use of most of the land surrounding the current City limits is critical  
2 to the local economy. Agriculture is the single largest industry in the City. Additionally, the State  
3 Fish Hatchery, flood plain, wetlands, riparian areas and water recharge within the Fillmore  
4 Planning Area are of world class importance providing irreplaceable environmental resources  
5 and habitats.

6 2. In particular, the City of Fillmore and surrounding area, with its unique combination  
7 of soils, micro-climate and hydrology, has become one of the finest growing regions in the  
8 world. Fillmore is a major distribution point for citrus fruits in the United States. Fillmore is  
9 noted as a center for Ventura County's agricultural industry. Agricultural production from the  
10 County of Ventura and in particular production from the soils and silt from Pole Creek, Sespe  
11 Creek, and the Santa Clara River, and in areas adjacent to the City provide beneficial food and  
12 fiber locally and world-wide, and have achieved international acclaim, enhancing the City's  
13 economy and reputation.

14 3. Urban encroachment into flood plain, agricultural and watershed areas adjacent to the  
15 City will impair agriculture and threaten the public health, safety and welfare by exposing  
16 residents to the threat of flooding, reducing beneficial production, causing increased traffic  
17 congestion, associated air pollution, and potentially serious water problems, such as pollution,  
18 depletion, and sedimentation of available water resources. Such urban encroachment would  
19 eventually result in both the unnecessary, expensive extension of public services and facilities  
20 and inevitable conflicts between urban and agricultural uses.

21 4. The unique character of the City of Fillmore and quality of life of City residents  
22 depend on the protection of a substantial amount of open space and agricultural lands. The  
23 protection of such lands not only ensures the continued viability of agriculture, but also protects  
24 the available water supply and contributes to flood control and the protection of wildlife,  
25 environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a  
26 CURB around the City of Fillmore would promote the formation and continuation of a cohesive  
27 community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB  
28 would promote efficient municipal services and facilities by confining urban development to  
29 defined development areas and areas more immediately adjacent to developed areas, absent voter  
30 approval for expansion, all to the enhancement of the Heritage Valley.

31 5. This ordinance ensures that the agricultural and open space uses outside of the CURB  
32 are inviolable against transitory short-term political decisions and that agricultural, watershed  
33 and open space lands outside the CURB are not prematurely or unnecessarily converted to other  
34 non-agricultural or non-open space uses and the State Fish Hatchery and surrounding riparian  
35 habitat will not be encroached upon without public debate and a vote of the people. Accordingly,  
36 the ordinance requires that until December 31, 2020, the City of Fillmore may not allow the  
37 provision of urban services, or creation of urban uses, other than in certain limited circumstances  
38 and according to specific procedures set forth in the ordinance, outside the CURB created by the  
39 ordinance.

40 6. The CURB is not intended to and shall in no way inhibit the Local Agency Formation  
41 Commission from changing or altering the Sphere of Influence line in the future, or approving  
42 annexations in accordance with state law. The CURB and Sphere of Influence lines, although in  
43 part coincidentally coterminous, are independent one from the other in legal significance and  
44 purpose. While the Sphere of Influence line may be altered by the Local Agency Formation  
45 Commission in accordance with the provisions of state law, the CURB is a local land use policy  
46 of the City and shall not be changed except as herein provided.

1           7. Adequate land for housing is provided in the area encompassed within the CURB.  
2 Should at any time the City determine that it is failing to meet its fair share of housing, the  
3 ordinance provides a mechanism for correcting that imbalance without a vote of the electorate.  
4

5           **Section 3. General Plan Amendment.**

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

9           4.6 FILLMORE CITY URBAN RESTRICTION BOUNDARY (CURB)

10           Pursuant to California Elections Code Section 9200 *et seq.* this ordinance qualified for  
11 placement on the March 2002 ballot as an initiative. The City Council has elected to adopt the  
12 ordinance without change rather than submit it to the voters.

13           1. PURPOSE

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

20           Moreover, the unique and irreplaceable California State Fish Hatchery and surrounding  
21 riparian habitat provide resources for eco-tourism, and replenishes resources of state-wide  
22 importance.

23           The purpose of this CURB is to provide for the reasonable urban growth of the City of  
24 Fillmore and ensure that the development policies, and underlying goals, objectives, principles  
25 and policies set forth in the Fillmore General Plan relating to Land Use are inviolable against  
26 transitory short-term political decisions and that agricultural, watershed, and open space lands  
27 are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses,  
28 and the California State Fish Hatchery and surrounding riparian habitat will not be negatively  
29 impacted by encroaching urbanization without public debate and a vote of the people.

30           In particular, certain developments designed to change the character of Fillmore have  
31 been recently proposed. This ordinance ensures that no such character changing proposal will be  
32 approved without a positive vote of the citizenry directly affected.

33           It was not the purpose of the ordinance to constrain the prerogatives of the city council  
34 with respect to any property within the City inside the CURB, or to constrain any other agency in  
35 fulfilling its statutory duties.

36           2. PRINCIPLES

37           Urban encroachment into agricultural, flood plain and watershed areas will impair  
38 agriculture and threaten the public health, safety and welfare by causing increased traffic  
39 congestion, associated air pollution, and potentially serious water problems, such as flooding,  
40 pollution, depletion, and sedimentation of available water resources. Such urban encroachment  
41 would eventually result in both the unnecessary, expensive extension of public services and  
42 facilities and inevitable conflicts between urban and open space/agricultural uses.

43           The unique character of the City of Fillmore, "the last, best small town in Southern  
44 California" its economy and quality of life of City residents depend on the protection of a  
45 substantial amount of open space, natural resource and agricultural lands. The protection of such  
46 lands not only ensures the continued viability of agriculture, but also contributes to flood control

1 and the protection of wildlife, environmentally sensitive areas, irreplaceable natural resources  
2 and the existence of the State Fish Hatchery. As importantly, the CURB promotes the formation  
3 and continuation of a cohesive community by defining the boundaries and by helping to prevent  
4 urban sprawl. Such a CURB will promote efficient municipal services and facilities by  
5 confining urban development to defined development areas.

6  
7 **3. IMPLEMENTATION**

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

12 *East of Fillmore*

13 1) Commencing at the City boundary at the shared corner of Sections 19, 20, 29, and 30,  
14 Township 4 North, Range 19 West, of the San Bernardino Base & Meridian, and from that point  
15 due east along the northerly boundary of Section 29, through the point formed by the  
16 convergence of Sections 20, 21, 28, and 29, and continuing due east along the northerly  
17 boundary of Section 28 to the corner described as the Northeast corner of the West one-half of  
18 Section 28; thence,

19 2) Due South along the easterly boundary of the West one-half of Section 28 to the  
20 southerly edge of the public right-of-way of State Highway 126; thence,

21 3) Westerly along said public right-of-way to the easterly boundary of that certain  
22 property identified as parcel "1" in Book 41, Page 26 of the Ventura County Assessor Parcel  
23 Maps (issued November 10, 1997); thence,

24 4) Southerly along the eastern boundary of said parcel "1," to its intersection with the  
25 northern boundary of the Santa Paula Branch Line Railroad right of way and projecting southerly  
26 across said right of way to the intersection of the southern boundary of the Santa Paula Branch  
27 Line Railroad right-of-way and the northwest corner of that certain property identified as parcel  
28 "43" in Book 41, Page 26 of the Ventura County Assessor Parcel Maps; thence,

29 5) Easterly along the southern boundary of the Santa Paula Branch Line Railroad right-  
30 of-way which is the common boundary with said parcel "43" to its northeast corner; thence,

31 6) Southerly along the eastern boundary of said parcel "43" to its south east corner;  
32 thence,

33 7) Westerly along the southern boundaries of those certain properties identified as  
34 parcels "43, 47, 39," and a portion of parcel "42" in Book 41, Page 26 of the Ventura County  
35 Assessor Parcel Maps; thence,

36 8) From the intersection of the southerly boundary of said parcel "42" and the easterly  
37 boundary of that certain property identified as parcel "51" in Book 41, Page 29 of the Ventura  
38 County Assessors Parcel Maps (issued July 24, 2000), approximately 1989 feet N 88° 36'41"W,  
39 thence approximately 3280 feet N 81° 23'12"W, to its intersection with the City limit.

40  
41 *West of Fillmore:*

42 1) Commencing at the westerly most point of the City at the southern edge of the public  
43 right-of-way of State Highway 126, traversing westerly along said southern edge of the public  
44 right-of-way of State Highway 126, to the north/south midline of Section 35, Township 4 North,  
45 Range 20 West of the San Bernardino Base and Meridian, forming the western boundary of that  
46 certain property identified as parcel "2" in Book 46, Page 05 of the Ventura County Assessor

1 Parcel Maps (issued March 26, 1999); thence,

2 2) South along said north/south midline of Section 35 and the westerly boundary of said  
3 parcel "2" to the southern boundary of the North one-half of the northeast quarter of said Section  
4 35, forming the southern boundary of said parcel "2"; thence,

5 3) Easterly along the southern boundary of the North one-half of the northeast quarter of  
6 said Section 35, forming the southern boundary of said parcel "2", to the approximate center of  
7 the northeast quarter of Section 35; thence,

8 4) South along the median between the Northeast one-half and the Northwest one-half  
9 of the northeast quarter of said section 35 to the northerly edge of that certain property identified  
10 as parcel "7" in said Book 46, Page 05 of the Ventura County Assessor Parcel Maps; thence,

11 5) Southerly traversing the boundary of said parcel "7" to its southwesterly most point,  
12 returning northeasterly and easterly along the southernmost edge of said parcel "7", rejoining the  
13 CURB at the easterly boundary of said section 35, at the City limits.

14 The CURB line is graphically set forth in **Exhibit "A"** to this Amendment, which shall be  
15 inserted in the General Plan as Figure I-2a .

16 b) Until December 31, 2020, the City of Fillmore shall restrict urban services (except  
17 temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the  
18 CURB, except as provided herein. Other than for the exceptions provided herein, upon the  
19 effective date of this General Plan amendment, the City and its departments, boards,  
20 commissions, officers and employees shall not grant, or by inaction allow to be approved by  
21 operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special  
22 use permit, building permit or any other ministerial or discretionary entitlement which is  
23 inconsistent with the purposes of this General Plan amendment, unless in accordance with the  
24 amendment procedures of this General Plan amendment.

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

#### 33 4. AMENDMENT PROCEDURES

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

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

45 1) The City is not in compliance with State mandates regarding either  
46 number or type of housing units.

1 2) The land is immediately adjacent to existing compatibly developed areas  
2 and the applicant for the inclusion of land within the CURB has provided to the  
3 City evidence that the Fire Department, Police Department, Department of Public  
4 Works, the Community Services Department, applicable water and sewer  
5 districts, and the school districts with jurisdiction over such land have or will  
6 provide adequate capacity to accommodate the proposed development and  
7 provide it with adequate public services;

8 3) That the proposed development will address the highest priority need  
9 identified in the analysis by which the City has determined it is not in compliance  
10 with state law, such as low and very low income housing;

11 4) That there is no existing residentially designated land available within the  
12 CURB to accommodate the proposed development; and

13 5) That it is not reasonably feasible to accommodate a comparable  
14 development by re-designating land within the CURB.

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

18 1) Application of the provisions of subsections A or B of these amendment  
19 procedures are unworkable as applied to a specific parcel and failure to amend the  
20 CURB would constitute an unconstitutional taking of a landowner 's property for  
21 which compensation would be required; and

22 2) The amendment and associated land use designations will allow new land  
23 uses only to the minimum extent necessary to avoid an unconstitutional taking of  
24 the landowner 's property.

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

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

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

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

39  
40 **Section 4. Conforming Amendments.**

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

45 B. *Methodology.* All references within the General Plan to the urbanization potential of  
46 areas outside of the CURB will hereby be modified. It is the intention of these conforming

1 amendments that all charts, figures, tables, maps, executive summaries and additional text  
2 including, but not limited to those found in the Land Use Element, Circulation Element,  
3 Housing Element, Conservation and Open Space Element, the Safety Element and the Noise  
4 Element and Public Facilities Element with references to and calculations based upon  
5 development of areas outside of the CURB are to be interpreted to include the provision that  
6 said references and calculations are to be realized only pursuant to the procedures set forth in the  
7 General Plan Amendment created by this ordinance. Because the amendment relates only to the  
8 procedure of approval and not to the substance of the land use designations, to the extent that  
9 these conforming amendments fail to further amend one or more aspects of the Land Use  
10 Element, Circulation Element, Housing Element, the Conservation and Open Space Element, the  
11 Safety Element, the Noise Element or the Public Facilities Element, such oversight shall be  
12 deemed mere correctable errors and not substantive inconsistencies.

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

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

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

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

24 2) Add to the GOALS:

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

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

29 Three ~~Four~~ legal boundaries affect the City's future: The corporate limits, the Sphere of  
30 Influence, ~~and~~ the Greenbelt (Figure I-2), ***and the City Urban Restriction Boundary (CURB)***  
31 ***(Figure I-2a).***

32 \* \* \*

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

35 9.1 Residential Uses

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

38 \* \* \*

39  
40 Section 5. Exemptions for Certain Projects.

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

1 pursuant to state or local law.  
2

3 **Section 6. Insertion Date.**

4 A. Thirty (30) days after the adoption of this ordinance Sections 3 and 4 shall be  
5 deemed inserted in the City of Fillmore's General Plan as an amendment.

6 B. The City of Fillmore shall, in all future efforts to update elements of the General  
7 Plan of the City of Fillmore prior to 2020, confirm that the same are consistent with the Land  
8 Use Element as amended herein, and that all portions of the General Plan meet the intent and  
9 direction of the Save Open-space and Agricultural Resources (SOAR) City of Fillmore Urban  
10 Restriction Boundary Initiative.

11  
12 **Section 7. Severability.**

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

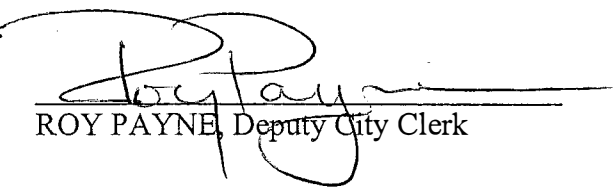
27  
28 **Section 8. Amendment or Repeal.**

29 Except as otherwise provided herein, Sections 3 and 4 of this ordinance may be amended or  
30 repealed only by the voters of the City of Fillmore at an election held in accordance with state  
31 law.

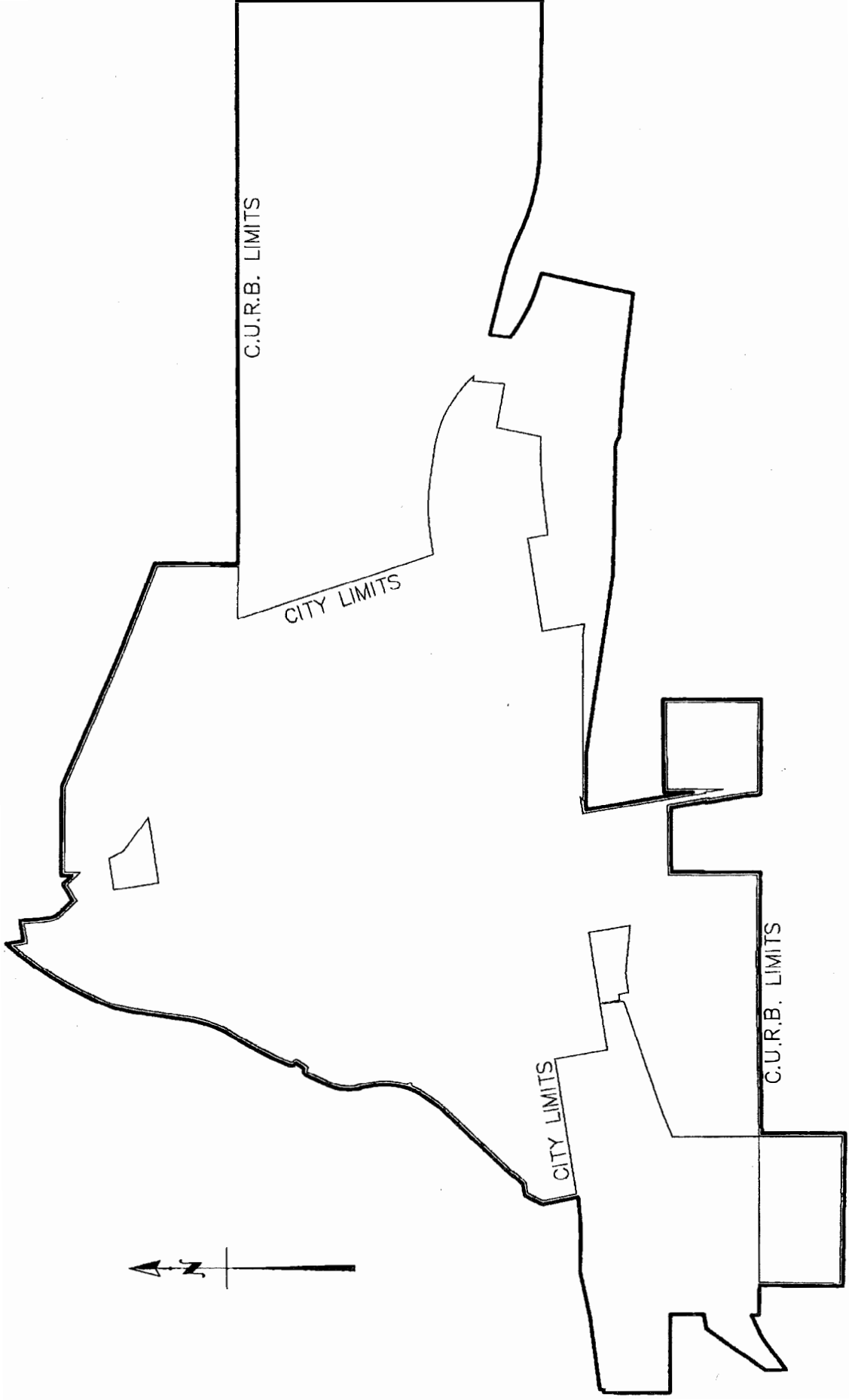
32  
33 **PASSED, APPROVED AND ADOPTED THIS 17<sup>th</sup> day of January, 2002.**

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D.H. GUNDERSON, Mayor

39 ATTEST:

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42  
43 ROY PAYNE, Deputy City Clerk





1 CITY OF FILLMORE )  
2 COUNTY OF VENTURA )§  
3 STATE OF CALIFORNIA )

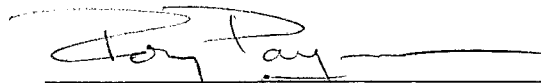
4 I, ROY PAYNE, Deputy City Clerk of the City of Fillmore, California do hereby certify  
5 that the foregoing Ordinance No. 01-761 was duly passed and adopted by the City Council of the  
6 City of Fillmore at the special meeting thereof held on the 17<sup>th</sup> day of January, 2002 and was signed  
7 by the Mayor of the said City and that the same was passed and adopted by the following vote:

8 AYES: BARAJAS, BREWSTER, GUNDERSON, WALKER

9 NOES: CUEVAS

10 ABSENT: NONE

11 ABSTAIN: NONE

12  
13   
14 ROY PAYNE, Deputy City Clerk

