

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 ORDINANCE AMENDING EXISTING
LIMITATIONS ON URBAN DEVELOPMENT AND EXTENDING
THOSE LIMITATIONS UNTIL DECEMBER 31, 2050**

The stated purpose of the initiative is to place on the ballot for a vote by the electorate a proposed ordinance that restates and readopts the City Urban Restriction Boundary (or "CURB") and the 81-Acre Initiative with the intent that they be coordinated and extended until December 31, 2050.

The City's current General Plan ordinarily prevents the City Council from approving urban development on land that lies outside the CURB before December 31, 2020 without voter approval. Separately, the General Plan requires development in excess of 81 acres be submitted to the voters prior to final approval (the "81-Acre Initiative"). The 81-Acre Initiative expires in 2025.

The primary purpose of the proposed ordinance is to extend the expiration of the CURB and the 81-Acre Initiative to December 31, 2050. The proposed ordinance also makes minor textual changes to the CURB as follows:

1. The proposed ordinance expands the CURB boundary to include 53.75 acres in the southwest portion of the City, as depicted on Exhibit C to the proposed ordinance. The proposed ordinance otherwise re-establishes the CURB boundary in its current location.
2. Currently, the City Council can amend the CURB without voter approval provided that no more than 10 acres of land per calendar year is added and it finds, among other things, that the land proposed for inclusion within the amended CURB has not been used for agricultural purposes in the immediately preceding two years. The proposed ordinance increases the time that the area has not been used for agricultural purposes from two to four years.
3. The proposed ordinance deletes as uses for which the City Council can amend the CURB without seeking voter approval land contemplated for construction of "public schools" and "other government facilities."

A full copy of the proposed ordinance is printed on this petition for review by any prospective signer.

Dated: November 17, 2015

John C. Cotti, City Attorney

**NOTICE OF INTENT TO CIRCULATE PETITION
and Request That A Ballot Title and Summary Be Prepared**

**SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES
CITY OF SANTA PAULA SOAR MEASURE EXTENSION INITIATIVE**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Santa Paula, 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 from urban incursion, and the maximization of infrastructure, are significant concerns of the citizens of the County of Ventura. This initiative advances those objectives by requiring a vote of the citizens of the County for changing the Agriculture, Open-Space or Rural designations currently in place in the county until the year 2050.

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

Respectfully Submitted.
November 3, 2015

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CITY OF SANTA PAULA MEASURE
2050 SAVE OPEN-SPACE and AGRICULTURAL RESOURCES (SOAR)
Land Use Voter Approval Measure
FULL TEXT OF ORDINANCE (page 1 of 3)

Preamble

On several occasions since 1998, when the voters of Santa Paula first adopted a “Save Open-space and Agricultural Resources” (SOAR) initiative, establishing a City Urban Restriction Boundary (CURB) they have on at least 6 separate occasions approved various voter initiatives with the general purpose of defining and amending circumstances in which voter approval is required before significant land developments may occur. The current status of those measures is that a City Urban Restriction Boundary has been established requiring voter approval outside of that Boundary. The 6 amendments to the CURB line, and the CURB line itself is represented in the graphic attached hereto as Exhibit “A.” Adopted by the voters on May 8, 2007, the CURB was extended to include Adams canyon with significant limitations and conditions on the City’s ability to allow development within that area.

Independently, the voters have adopted a requirement that a voter approval must be obtained before any development larger than 81 acres may be commenced. The CURB measure sunsets – expires – in 2020; the measure requiring approval of developments larger than 81 acres sunsets in 2025. It is the purpose of this initiative to restate and readopt both land use voter approval measures, with a minor adjustment to the CURB line, as their substance currently appears in the City’s General Plan, with the intent that they shall each be extended and read together until December 31, 2050. Accordingly, the text of the City’s General Plan, adopted January 22, 2013, by Resolution No. 6821, and the part of the Land Use Element incorporating both the SOAR CURB measure and the “Citizens Advocating Responsible Expansion Initiative” is set forth below. Deletions to be accomplished by this initiative are indicated by ~~strike-outs~~; additions are indicated by *italics*.

A. Restatement And Readoption and Revision of Land Use Voter Approval Measures:

The voters hereby readopt, restate and revise as indicated the following Land Use Voter Approval Measures as the same appear in the Santa Paula General Plan. Deletions are indicated by ~~strike-out~~; additions by *italics*.

F. Santa Paula CITY URBAN RESTRICTION BOUNDARY to Accommodate Reasonable Growth and Expansion

Introduction

The voters of the City of Santa Paula have, through the electoral process, established and adopted an urban growth boundary line denominated the Santa Paula City Urban Restriction Boundary (CURB), as amended. Its purpose, principles, and implementation procedures are set forth in this subsection of the Santa Paula Land Use Element. The methodologies for amendment are set forth in Section H.

1. PURPOSE

The City of Santa Paula 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 solids 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 this CURB, as amended, is to provide for the reasonable urban growth of the City of Santa Paula and ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Santa Paula 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 vote of the people. It is not the purpose of this initiative measure to constrain the prerogative of the City Council with respect to any property within the City inside the CURB, as amended or to constrain *it or* any other agency in fulfilling its *their respective* statutory duties.

2. PRINCIPLES

Large scale urban encroachment into agricultural *open space* 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 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 open space/agricultural uses. The unique character of the City of Santa Paula, 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, but also contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB, and its subsequent amendments, will promote the formation and continuation of a cohesive community by defining the boundaries and helping to prevent urban sprawl. Such a CURB, and its subsequent amendments, will promote efficient municipal services and facilities by confining urban development to defined development areas, and will involve the public in the decision making process when development is to be extended beyond those defined development areas.

3. IMPLEMENTATION

- a) ~~Subject to the minor amendment contained in subsection “c” below, The City of Santa Paula establishes and adopts~~ re-establishes and readopts its currently existing City Urban Restriction Boundary (CURB). ~~established coterminous with and in the same location as the Sphere of Influence line contingently established by the Local Agency Formation Commission on February 2, 2000, which may be amended from time to time, except that~~ The CURB shall include all legal parcels in the expansion area known as “Adams Canyon”, *and Fagan Canyon*, including those presently split by the Sphere of Influence as set by the Local Agency Formation Commission. In those areas where the Sphere line divides or bisects legal parcels, the CURB shall be extended to surround the entire parcel or parcels. *A graphical representation of a map of said CURB is attached hereto as Exhibit “A.”*
- b) Until December 31, ~~2020~~ *2050*, the City of Santa Paula shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the amended CURB, except as provided herein. *The May 8, 2007, initiative, entitled “An Initiative Amending the Santa Paula General Plan to Generally Adjust Santa Paula’s City Urban Restriction Boundary (CURB) To Include the Adams Canyon Expansion Area” created development standards as conditions to the extension of the CURB to include Adams Canyon. The development standards for Adams Canyon as set forth herein, are now imbedded in the General Plan, and are summarized, here, with the intention that the conditions and standards set forth here continue to be followed as required development standards to be contained in any Specific Plan or Development Agreement or other development options relating to Adams Canyon until December 31, 2050:*
 - i) *Allow a maximum of 495 residential units;*
 - ii) *Allow for clustering to maximize accumulated open space;*
 - iii) *Require 100 acres of land for the construction of public recreation facilities such as baseball, soccer and football fields as well as tennis and sports courts and a community center, with all park improvement to be paid for by the developer;*
 - iv) *Require an additional 200 acres of land to be dedicated for public open space and trail systems connecting Adams Canyon to Fagan Canyon and other regional park facilities, with all improvements paid for by the developer.*
 - v) *Require 40 acres of land to be dedicated for a school site;*
 - vi) *Require the dedication of a roadway right of way for a future connection to Fagan Canyon;*
 - vii) *Allow for the development of a destination resort hotel;*
 - viii) *Allow for the development of a golf course. Any development that fails to provide for items iii) through v) shall not be permitted.*
- c) *In order to provide the City of Santa Paula with additional flexibility, the voters hereby expand the CURB line to encompass a small area in the southwest part of the City. The area affected is illustrated on Exhibit “B.” The CURB line shall be redrafted as illustrated on Exhibit “C.”*
- e) d) “Urbanized uses of land” shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither 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.
- đ) e) Until December 31, ~~2020~~ *2050*, those land designated East Area 1; West Area 2; and South Mountain, denominated “Expansion Areas” in the Santa Paula General Plan, adopted April 13, 1998, may *but are not required* to continue to be denominated “Expansion Areas outside the CURB” subject to the requirement of said area(s) being brought within the CURB ~~as set forth in Section III-G, infra;~~ prior to approval of contemplated urbanizing development.

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G. Restrictions on Developments of 81 or more acres (added by Measure L6 on November 7, 2006; the “Citizens Advocating Responsible Expansion Initiative”).

[For purposes of reference and ease of use, the relevant verbatim text of Measure L6 is set forth below. Except for numeration, minor clerical editing is indicated with brackets.]

1. Findings and Objectives

A. Public participation in community altering developments has proven to be a useful approach to development, both from the perspective of ensuring the public’s participation in its own future, but as well ensuring that the development interests embarking on large community altering developments take into consideration appropriate public amenities.

B. In particular, the City of Santa Paula has before it, and is anticipated to have before it, large projects with the potential to alter the fabric of the community in ways that have yet to be publicly aired and which would likely be improved by the knowledge that the public was to be involved in the approval process through an election.

C. Accordingly, it is the objective of this [Section III(G)] to ensure that large projects, defined herein as projects in excess of 81 acres, gross, in total size, including all roads and public amenities such as schools and parks, be submitted to the voters prior to final approval.

2. Implementation to Achieve Objective

A. This [I]initiative hereby Amends the General Plan Land Use Element adopted on or about April 13, 1998, and as amended thereafter, to require any future amendment to the general plan land use element involving a development, proposed development, or land use designation, which would have the effect of increasing the density as currently reflected in the land use element on a gross of 81 or more acres, to be approved by a majority of the voters at a general or special election.

B. Until December 31, 2025 2050, the City of Santa Paula shall not, absent approval of a majority of the voters voting at a duly scheduled election, increase the residential or commercial density or intensity of use beyond that presently described in the above-referenced Land Use Element, as amended. Amendments *on relating to* any project comprising a gross of 81 acres or greater shall be subject to this measure. To enforce the underlying intent of this initiative, and to preclude the “piecemealing” of projects, “81 acres, gross,” shall be defined as including contiguous real property, any part of which has been redesignated in such a fashion to increase its density within the 5 calendar years predating the action under scrutiny. That is, by way of example, and without limitation, should the City Council sequentially redesignate 20 acres in each of 4 consecutive calendar years, said cumulative acreage being contiguous in any fashion, then in the 5th year any parcel of 1 acre or more, contiguous with the previous 80 acres of redesignated property would require a public vote. However, by way of contrast, 80 acres redesignated in year one would have no effect under this amendment on an application to redesignate an additional, contiguous, 80 acres in year 6.

3. Amendment Procedure

A. Except as set forth in the following Paragraph “B,” Amendments to the General Plan Land Use Element, as previously amended, which would have the effect of increasing the density as currently reflected in said land use element on a gross of 81 acres, or more, *or which contemplates development outside of the City Urban Restriction Boundary*, may only be accomplished by a vote of the duly registered electorate of the City of Santa Paula. Approval by a vote of the people is accomplished when a General Plan Amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters then voting approve of the change. Whenever the City Council adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the City Council’s action shall be preceded by an Environmental Impact Report meeting the standards imposed by the California Environmental Quality Act, and shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The City Council shall follow the provisions of the Elections Code in all matter pertaining to such an election.

B. Amendment of the General Plan may be accomplished absent a public vote if, and by the City Council:

(i) The City Council makes a finding supported by substantial evidence that the application of the provisions of Section [III(G)(3)(A)] would constitute an unconstitutional taking of the landowners’ property; or

(ii) The City Council makes a finding supported by substantial evidence that the application of the provisions of Section [III(G)(3)(A)] would conflict with the Department of Housing and [Community] Development’s previous approval of the City’s Housing Element; and

(iii) In permitting the redesignation, the City Council allows additional land uses only to the extent necessary to avoid said unconstitutional taking of the landowner’s property, or the minimum necessary to avoid conflict with the Housing Element.

4. Exemptions for Certain Projects

This initiative shall not apply to or affect any property owner whose property has acquired any of the following prior to its effective date:

A. A vested right pursuant to state law;

B. A validly approved and fully executed development agreement with City; or

C. Approval of a vesting tentative map.

D. The provisions of this initiative do not address, and are not intended to in any way inhibit the exercise of school or other state or local prerogatives, other than as applied to the City of Santa Paula. By way of example, and without limitation, the provisions of this initiative may be disregarded as necessary to accommodate the exercise of legitimate State granted authority such as that set forth in Government Code [§] 53094.

5. Insertion Date

A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the Santa Paula 2020 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 2005 2016, prior to the effective date of this initiative, this General Plan amendment shall be deemed inserted in the City’s General Plan on January 1, 2006 2017.

6. [Supersession over previous revisions]

The provisions of this initiative shall prevail over any revisions to the City of Santa Paula’s 2020 General Plan as amended through the insertion date or to the City of Santa Paula’s 2020 Land Use Map as amended through January 1, 2005; 2013, which conflict with this initiative. Except as provided in Section [III(G)(3)] above, upon the insertion date all General Plan amendments, rezonings, specific plans, tentative or final subdivision maps, parcel maps, conditional use permits, building permits or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the policies and provisions of this initiative.

7. [Implementation Ordinance.

In order to help implement this Section III(G), the City Council adopted Ordinance No. 1188 on February 19, 2008 which, among other things, adds Chapter 16.237 to the Santa Paula Municipal Code entitled “81 Acre Initiative Implementation.”]

H. AMENDMENT PROCEDURES

Until December 31, 2020 2050, the forgoing Purpose, Principles, and Implementation provisions may be amended only by a vote of the people commenced pursuant to the initiative process, or pursuant to the procedures set forth below:

1. 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 further 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 further amend the Urban Restriction Boundary as described herein in order to include lands to be designated for residential uses, provided that no [Subsection H: is part of subsection F: regarding CURB (corrected 4/12/11) rev. 1/22/13, CC Reso No. 6821-LU-35] more than 20 acres of land may be brought within the amended CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the amended 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;

b) That the proposed development will address the highest priority need (*e.g. low and very low income housing*) identified in the analysis by which the City has determined it is not in compliance with state law, such as low and very low income housing;

c) That there is no existing residentially designated land available within the amended CURB to accommodate the proposed development; and

d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the amended CURB.

Amended by Resolution No. 6459, adopted February 26, 2008
 Amended by Resolution No. 6411, adopted May 8, 2007
 Amended by Resolution No. 6236, adopted December 7, 2005
 Amended by Resolution No. 6241, adopted October 3, 2005
 Amended by Resolution No. 5592, adopted June 6, 2003
 Amended by Resolution No. 5407, adopted December 4, 2000

Exhibit A Existing Curb Line

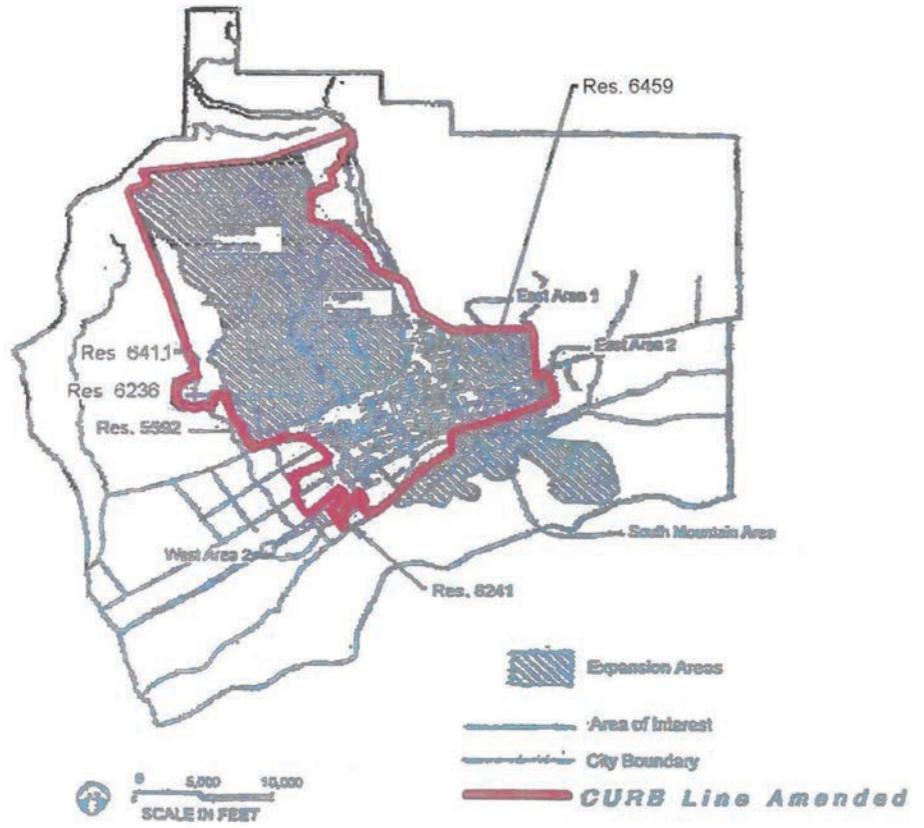


Exhibit B Area of Amended CURB

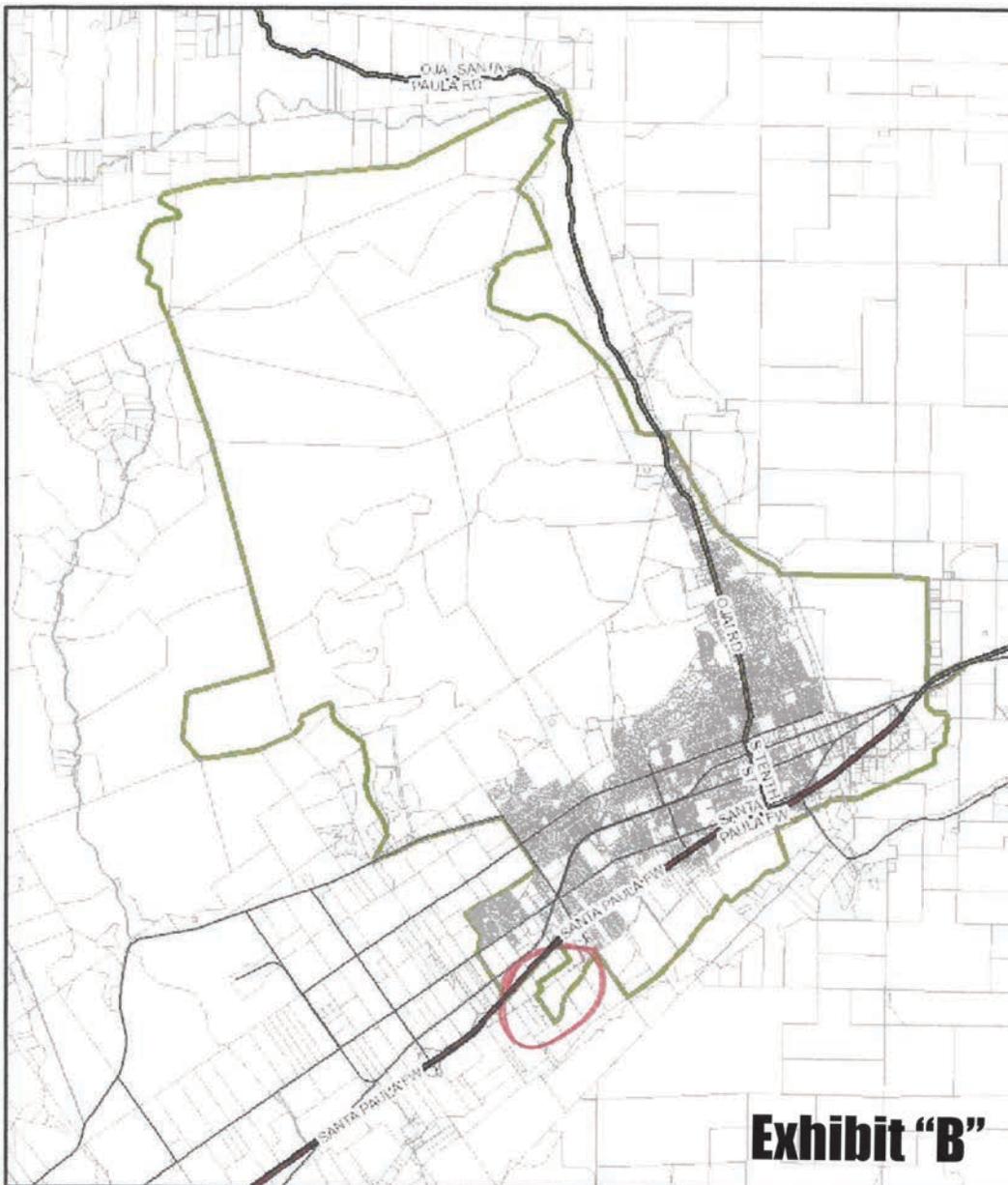


Exhibit C CURB as Amended

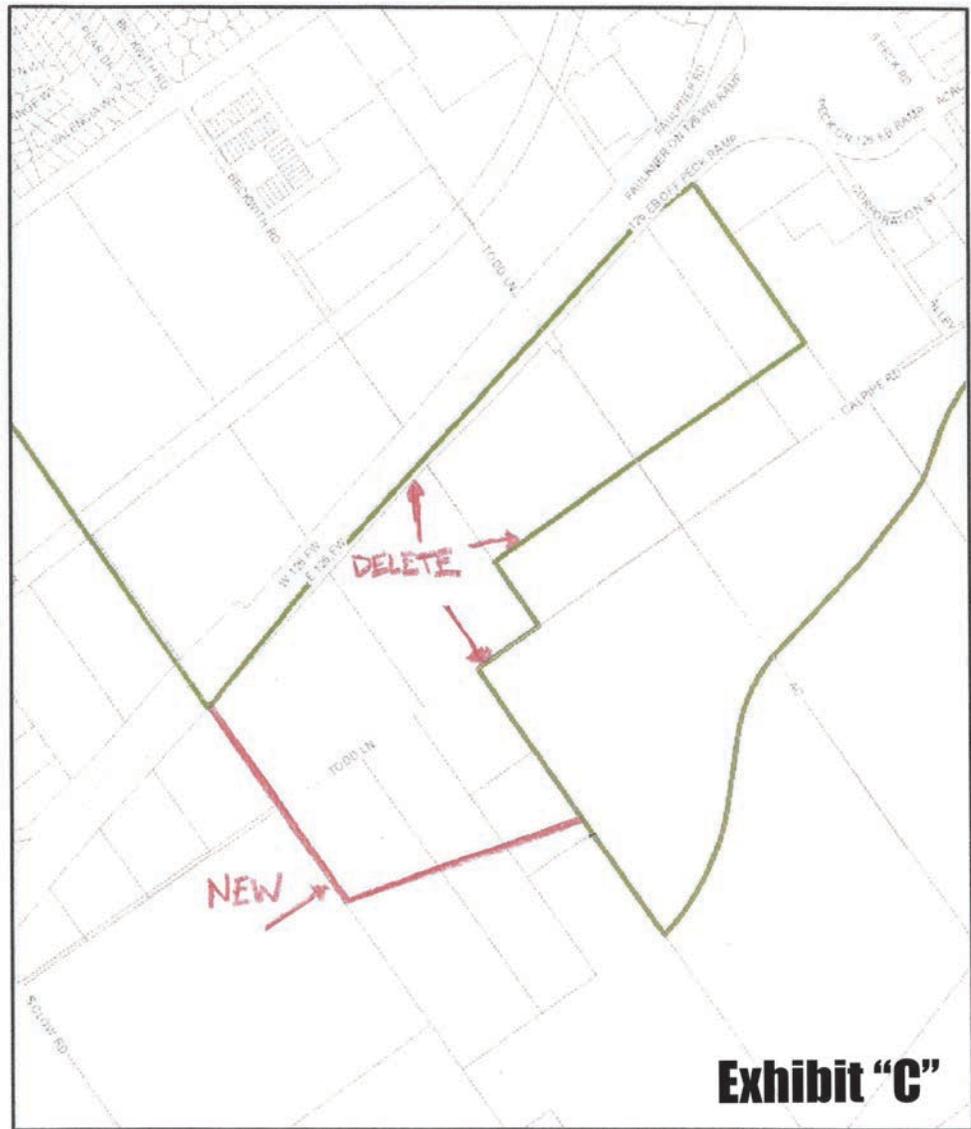


Exhibit "C"

CITY OF SANTA PAULA MEASURE 2050 SAVE OPEN-SPACE and AGRICULTURAL RESOURCES (SOAR) Land Use Voter Approval Measure FULL TEXT OF ORDINANCE (page 3 of 3)

2) 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 further amend the CURB, if the City Council makes each of the following findings:

- The land proposed for inclusion within the amended CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
- Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
- The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources, or watershed;
- 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);
- The land proposed for inclusion within the amended 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
- The land proposed for inclusion within the amended 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.

g) Including the land within the amended CURB will not result in more than 40 acres being added to the amended CURB in any calendar year; and,
h) 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.

3. 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 further amend the CURB if the City Council makes each of the following findings:

- Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specified parcel and failure to further amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and
- 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.

4. 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 additional amendment to the CURB or the provisions of this initiative on the ballot in the manner provided by state law.

5. The City Council may further amend the CURB to include land contemplated for construction of public water facilities, or ~~public schools~~; public parks, or ~~other government facilities~~; or to include an a development project that has obtained as of the effective date of the initiative 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.

Severability.

This measure shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, sentence, clause, phrase, part, or portion of this measure 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 measure. The voters hereby declare that this measure, and each section, subsection, 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 measure 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 measure shall be interpreted by the City and others in a manner that facilitates the confinement of urban uses thereby protecting and promoting agricultural, open space and rural lands, and preventing urban sprawl for the duration of the Ordinance.

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