

The following text of the initiative was crafted by the SOAR organization. Because of a legal challenge to the format of the petition the City placed the measure on the ballot independently with minor changes unimportant to an analysis of the purpose and effect of the original. The City, however, added approximately 150 acres to the area within the CURB line in the southeast area of the City. We have left the City Attorney's analysis of the original initiative for reference and interest only. When an electronic version of the modified measure is obtained this text will be updated.

* * * * *

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

“CAMARILLO GROWTH RESTRICTION INITIATIVE

Under the proposed growth restriction initiative, the City of Camarillo would generally be prohibited from allowing urban development outside of the City's sphere of influence until December 31, 2020. In Camarillo, the boundaries of city limits and sphere of influence are generally in the same location, except in the Camarillo Heights, Las Posas Estates and Ponderosa corridor areas.

For land outside of the City's sphere of influence as of January 1, 1998, the City would be prohibited by the proposed initiative from allowing any of the following:

1. development requiring the significant expansion of existing sewer systems or the development of new community sewer systems;
2. the creation of residential lots of less than 10 acres in size; or
3. the establishment of commercial or industrial uses that are not related to agricultural use or the production of minerals.

The proposed initiative, however, would allow the construction of public potable water facilities, certain roadways, public schools, public parks and other government facilities in land outside of the City's sphere of influence as of January 1, 1998. The initiative also excludes a 140 acre parcel of land near the Camarillo Airport from the impact of the proposed initiative.

The terms of the proposed initiative, including its boundaries, could not be amended, altered or repealed until December 31, 2020, except by a majority vote of the City's residents or unless one of the following occurred:

1. Land is needed for the construction of low or very-low income housing and the City Council is able to make strict findings in support of the redesignation of the land for development.
2. The land proposed to be redesignated must meet seven criterion for redesignation. Because of the strict nature of the findings (which must be based on substantial evidence), it is unlikely that the City Council would be able to make these findings for most properties which might be considered for redesignation.
3. A modification to the boundaries imposed by the initiative is required to avoid an unconstitutional taking of a landowner's property, with the boundaries amended only to the minimum extent necessary to avoid such unconstitutional taking.

The proposed initiative would amend the City's General Plan. The initiative indicates that upon the effective date of the initiative, the provisions of the initiative would supersede any inconsistent provisions of the City's General Plan.”

To the Honorable City Clerk for the City of Camarillo: We, the undersigned, registered and qualified voters of the City of Camarillo hereby propose an initiative measure to amend the City of Camarillo General Plan. We petition you to submit this measure to the City Council of Camarillo for adoption without change, or for submission of the measure to the voters of the City of Camarillo at a general or special election. The measure provides as follows:

SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES URBAN RESTRICTION BOUNDARY FULL TEXT OF ORDINANCE

The people of the City of Camarillo do ordain as follows:

Section 1. Title.

This initiative measure shall be known as the Camarillo Save Open-space and Agricultural Resources, or Camarillo SOAR, initiative.

Section 2. Purpose and Findings.

A. Purpose. The purpose of this initiative is to adopt for the City of Camarillo an Urban Restriction Boundary (CURB) line, as shown on the attached Amended General Plan Boundaries Map (See Exhibit “A”), with the following objectives:

1. To encourage efficient growth patterns and protect the City of Camarillo's quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services;
2. 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. To manage the City's growth in a manner that fosters and protects the “rural flavor” and the “small town” character of Camarillo while encouraging appropriate economic development in accordance with the City's unique local conditions;
4. To 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 housing into areas where services and infrastructure are more efficiently available; and
5. 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.

B. Findings.

1. The protection of existing agricultural, open space and watershed lands surrounding the City of Camarillo is of critical importance to present and

future residents of the City of Camarillo. Agriculture has been and remains a major contributor to the economy of the City and County of Ventura, directly and indirectly creating employment for many people.

2. In particular, the City of Camarillo and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Vegetable and fruit production from the County of Ventura and in particular production from the soils and silt from the Calleguas Creek, Conejo Creek and Revlon/Beardsley Wash, and alluvial plains adjacent to the City have achieved international acclaim, enhancing the City's economy and reputation.

3. Continued urban encroachment into agricultural 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 agricultural uses.

4. The unique character of the City of Camarillo 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 aids 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 Camarillo Urban Restriction Boundary around the City of Camarillo would promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such an Urban Restriction Line would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. As recognized in the City of Camarillo General Plan,

The preservation of open space land is necessary for the maintenance of the economy and for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation, and for the use of natural resources.”

“Discouraging premature and unnecessary conversion of open space land to urban uses benefits urban dwellers by discouraging noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.” [General Plan at 206]

This initiative furthers that stated purpose.

6. This initiative additionally advances the first guiding principle to be used in conservation and open space planning for the City of Camarillo:

“To contain urbanization within a defined boundary for efficient city management and to prevent random annexation and inefficient community buildup with vacant intervening parcels. [General Plan at 216]”.

7. This initiative ensures that the principles of the General Plan set forth above 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. Accordingly, the initiative requires that until December 31, 2020, the City of Camarillo may not allow the provision of urban services, or creation of urban uses, other than in certain circumstances and according to specific procedures set forth in the initiative, outside the Camarillo Urban Restriction Boundary (CURB) created by the initiative.

8. Although established in generally the same location as the Sphere of Influence line as it exists as of January 1, 1998, 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 accordance with state law. The two lines, although coincidentally coterminous as of one point in time 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 Urban Restriction Boundary is a local land use policy of the City and shall not be changed except as herein provided

Section 3. General Plan Amendment.

The Camarillo SOAR Initiative hereby inserts at Chapter III of the City of Camarillo General Plan, reserved until now, the following:

“I. CAMARILLO URBAN RESTRICTION BOUNDARY

Introduction

The electorate of the City of Camarillo have, through the initiative process, adopted an urban growth boundary line denominated the Camarillo Urban Restriction Boundary (CURB). Its purpose, principals, implementation procedures, and methodologies for amendment are set forth in this Chapter III.

II. PURPOSE

The City of Camarillo and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Vegetable and fruit production from the County of Ventura and in particular production from the soils and silt from the Calleguas Creek, Conejo Creek and Revlon/Beardsley Wash, and alluvial plains adjacent to the City have achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this Urban Restriction Boundary is to ensure that the purposes and principles set forth in the Camarillo General Plan relating to Land Use (Chapter IV) and Open Space and Conservation (Chapter IX) 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.

III. PRINCIPLES

Continued urban encroachment into agricultural 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 Camarillo 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 an Urban Restriction Boundary around the City of Camarillo will promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such an Urban Restriction Boundary will promote efficient municipal services and facilities by confining urban development to defined development areas.

IV. IMPLEMENTATION

A. The City of Camarillo hereby establishes an Urban Restriction Boundary. The Camarillo Urban Restriction Boundary (CURB) is established coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it exists as of January 1, 1998 or as altered or modified pursuant to the Amendment Procedures set forth below, excepting that the CURB line additionally encompasses that certain parcel of approximately 140 acres immediately outside the western edge of the sphere of influence line south of the 101 freeway easterly of and at the intersection of Central Avenue, and easterly of the Greenbelt line in that general location, currently designated commercial/office on the Camarillo General Plan Map, and for which a request for annexation was pending prior to January 1, 1998. .

B. Until December 31, 2020, the City of Camarillo shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized

uses of land to within the Camarillo Urban Restriction Boundary, except as provided herein and except for the purpose of completing roadways designated in the circulation element of the Camarillo General Plan as of January 1, 1998, construction of public potable water facilities, public schools, public parks or other government facilities. Other than for the exceptions provided herein, upon the effective date of this Chapter III 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, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this Chapter III, unless in accordance with the Amendment Procedures of Section V of this Chapter III. "Urbanized uses of land" shall mean any development which would require the establishment of new community sewer systems or the significant expansion of existing community sewer systems; or, would result in the creation of residential lots less than 10 acres in area; or, would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources.

C. The Camarillo General Plan Map is amended to reflect the existence of the Camarillo Urban Restriction Boundary.

D. Neither the Camarillo Urban Restriction Boundary, as defined herein, and as reflected on the attached Amended General Plan Boundaries Map (See Exhibit "A"), incorporated herein by reference, nor the text of this initiative measure may be amended, altered, revoked or otherwise changed prior to December 31, 2020, except by vote of the people or by the City Council pursuant to the procedures set forth in Section V of this Chapter III.

V. AMENDMENT PROCEDURES

Until December 31, 2020, the foregoing purposes, principles and implementation provisions of this Chapter III may be amended only by a vote of the people commenced pursuant to the initiative process by the public, or pursuant to the procedures set forth in subsections A, B, C or D, below:

A. Following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, the City Council may amend the Urban Restriction Boundary described herein and designated on the attached Amended General Plan Boundaries Map (See Exhibit "A") 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 Urban Restriction Boundary as described herein and as designated on the attached Amended General Plan Boundaries Map (See Exhibit "A") in order to accommodate lands to be designated for residential uses, provided that no more than 40 acres of land may be brought within the Urban Restriction Boundary 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 land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the Urban Restriction Boundary has provided to the City evidence that required municipal services, applicable water and sewer districts, as well as the School District with jurisdiction over such land have adequate capacity to accommodate and will serve the proposed development and provide it with adequate public services; and
- 2) 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, i.e., low and very low income housing; and
- 3) That there is no existing residentially designated land available within the Urban Restriction Boundary to accommodate the proposed development; and
- 4) That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the Urban Restriction Boundary.

B. Following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, the City Council may amend the Urban Restriction Boundary described herein and designated on the attached Amended General Plan Boundaries Map (See Exhibit "A") based on substantial evidence in the record, if the City Council makes each of the following findings:

- 1) The land proposed for receiving urban services, urbanized land uses, or inclusion within the Urban Restriction Boundary is immediately adjacent to areas developed in a manner compatible 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 to the area's agricultural viability, habitat, scenic resources, or watershed value;
- 4) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the parcel affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
- 5) The land proposed for reception of public services, urbanization or inclusion within the Urban Restriction Boundary has not been used for agricultural purposes in the immediately preceding 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reasons; and
- 6) The land proposed for reception of public services, urbanization or inclusion within the Urban Restriction Boundary does not exceed 40 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the protections contemplated by this Initiative more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.
- 7) Not more than a cumulative 160 acres, including the acreages that may be added to meet state housing requirements as set forth in subdivision A, above, are to be added to the area within the Camarillo Urban Restriction Boundary in any calendar year.

C. Following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, the City Council may amend the Urban Restriction Boundary described herein and designated on the attached Amended General Plan Boundaries Map (See Exhibit "A") based on substantial evidence in the record, 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 and failure to amend the Urban Restriction Boundary would constitute an unconstitutional taking of a landowners property for which compensation would be required; and
- 2) The amendment and associated land use designations will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.

D. Following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, the City Council may place any amendment to the Urban Restriction Boundary or the provisions of this initiative on the ballot pursuant to the mechanisms provided by State Law.

E. The General Plan may be reorganized and individual provisions, including the provisions of this initiative, may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of state law.

Section 4. Exemptions for Certain Projects.

The provisions of this initiative do not apply to any roadways designated in the circulation element of the Camarillo General Plan as of January 1, 1998, construction of public potable water facilities, public schools, public parks or other government facilities, nor to any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law.

Section 5. Insertion Date.

A. Upon the effective date of this initiative, this General Plan amendment shall be deemed inserted at Chapter III of the City of Camarillo'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 1998, 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, 1999.

B. The provisions of the Camarillo SOAR initiative shall supersede any inconsistent amendment to the City's General Plan which was adopted between the time period that the Camarillo SOAR initiative "Notice of Intention" was submitted to the City and the Camarillo SOAR initiative was deemed added to the City's General Plan. Upon such effective date of the Camarillo SOAR initiative, such inconsistent provisions of the City's General Plan shall be of no force or effect.

Section 6. Severability.

This measure 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 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, 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 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 agricultural, open space and rural lands, and preventing urban sprawl.

Section 7. Amendment or Repeal.

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

Section 8. Competing Measures.

In the event there are competing measures on the same ballot with this measure that purport to address the same subject matter of this measure, the following rules shall apply: If more than one such measure passes, then both measures 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."

