

CITY OF SAN BUENAVENTURA SOAR

TITLE AND SUMMARY PREPARED BY THE CITY ATTORNEY PURSUANT TO THE CALIFORNIA ELECTIONS CODE SECTION 9302 RE INITIATIVE PROPOSING CERTAIN COMPREHENSIVE PLAN AGRICULTURAL LAND DESIGNATIONS AN INITIATIVE MEASURE CONCERNING THE DESIGNATION OF AGRICULTURAL LAND IN THE COMPREHENSIVE PLAN

Section 1 states reasons why protecting agriculture and watershed lands is important to the City of San Buenaventura (City) and refers to the fine growing region, urban encroachment, unnecessary public service extensions, and that protecting these lands helps the quality of life in the City. It further states that the Goals and Objectives of the Comprehensive Plan currently recognize the importance of preserving agricultural resources and the purpose of the measure is to ensure that these Goals and Objectives are not altered by short term political decisions.

Section 2 readopts and extends the "Agricultural Use" designations in the City's Comprehensive Plan as amended through January 1, 1995 from the year 2010 to the year 2030 or, in certain Comprehensive Plan text, December 31, 2030, and makes specific changes in the City's Comprehensive Plan to accomplish such extension. Section 2 further prevents land so designated for Agricultural Use from being redesignated to another use unless approved by a vote of the people or certain findings supported by evidence are made by the City Council before such a redesignation.

Section 3 states that as of its effective date, the measure shall constitute an amendment to the City's Comprehensive Plan, except that if all amendments allowed by state law have been used in 1995, the measure's Comprehensive Plan amendments shall be effective on January 1, 1996. Any provisions of the City's Zoning Ordinance which are inconsistent with the Comprehensive Plan as amended by the measure shall not be enforced to the extent of the inconsistency. Within 180 days after the date the measure amends the City's Comprehensive Plan, (1) the Comprehensive Plan documents themselves must be revised to reflect, and to achieve consistency with, the measure, and (2) the City Council must revise the City's Zoning Ordinance and other land use regulations as necessary to be consistent with the measure. The measure shall also prevail over any revisions to the City's Comprehensive Plan or City Land Use Plan Map as they might have been amended through February 1, 1995, which conflict with the measure. Except as provided in Section 4 of the measure, once the measure becomes effective, all ministerial or discretionary entitlements for uses not yet approved or issued cannot be approved or issued unless they are consistent with the measure.

Section 4 provides that the measure shall not apply to or affect any property owner whose property, prior to the effective date of the measure, has acquired a vested right under state law, a validly approved and fully executed development agreement with the City, or approval of a vesting tentative map.

Section 5 states that if any portion of the measure is declared invalid by a court, the remaining parts of the measure are to be considered valid.

Section 6 states that the measure may only be amended or repealed by voters at a general election.

FULL TEXT OF ORDINANCE (Page 1 of 3)

The people of the City of San Buenaventura do hereby ordain as follows:

Section 1. Findings and Purpose.

A. The protection of existing agricultural and watershed lands is of critical importance to present and future residents of the City of San Buenaventura (City of Ventura). Agriculture has been and remains the major contributor to the economy of the City and County of Ventura, creating employment for many people, directly and indirectly, and generating substantial tax revenues for the City.

B. In particular, the City of Ventura 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 Santa Clara and Ventura rivers have achieved international acclaim, enhancing the City's economy and reputation.

C. Uncontrolled 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.

D. The unique character of the City of Ventura and quality of life of City residents depend on the protection of a substantial amount of open space 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.

E. The Resolution by which the City of Ventura adopted its Comprehensive Plan on August 28, 1989, Resolution No. 89-103, at page 4, contains in part the following "mitigation measures" in recognition of the importance of preserving agricultural resources:

"Any potential significant adverse impacts are mitigated by substantially limiting the amount of agricultural land converted from an agricultural land use designation limiting the amount of prime farmland converted, and by making the various agricultural land areas designated for potential development subject to conditions which narrowly limit the possible land use."

F. The Comprehensive Plan sets out as Objective 4 (at II– 9) the desire to:

“Continue to preserve agricultural and other open space lands within the City’s Planning Area.”

And, the Comprehensive Plan describes as the first Goal of its Resource Element (at II–3) the objective to:

“Preserve agricultural and open space lands as a desirable means of shaping the City’s internal and external form and size, and of serving the needs of residents.”

G. The purpose of this initiative is to ensure that the Goals and Objectives of the Comprehensive Plan are inviolable by 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 ensures that until December 31, 2030, the general plan provisions governing agricultural land use designation and intent may not be changed except by vote of the people. In addition, the initiative provides that any lands designated as “Agriculture Use”, referring to both “Agricultural Use (not to be reconsidered until after the Year 2010)” and Agricultural/Institutional” on the City of Ventura’s General Plan “Land Use Plan Map” adopted by the City Council by Resolution 89– 103 on August 28, 1989, as amended through February 1, 1995, will remain designated as Agricultural Use until December 31, 2030, unless the land is redesignated to another land use category by vote of the people, or redesignated by the City Council for the City of San Buenaventura pursuant to the procedures set forth in this initiative.

H. This initiative allows the City Council to redesignate agriculture lands only if certain findings can be made, including (among other things) that the land is proven to be unsuitable for any form of agriculture and redesignation is necessary to avoid an unconstitutional taking of property without just compensation.

Section 2. General Plan Amendment.

The Agricultural Lands Preservation Initiative hereby reaffirms and readopts until December 31, 2030, The “Agricultural Use” designations as defined in the City of San Buenaventura Comprehensive Plan adopted August 28, 1989, as amended through February 1, 1995, at pages III– 25 and III–26, with the modification that the “target date” is extended from 2010 until after December 31, 2030.

The following terminology shall replace the current “Agricultural Use” designation defined at page III–25 of The Plan:

Agricultural Use

The Agricultural Use (not to be reconsidered until after the Year 2030) category identifies those lands that are designated for agricultural use on the Land Use Plan Map.

The target date of 2030 associated with the Agricultural Use designation indicates a review date after which agriculturally designated lands may be reconsidered for urban uses. However, during the life of this plan as amended by initiative, it is intended that only agricultural uses are permitted on these lands, except as such lands may be appropriate to public open space and recreational usage. Furthermore, any updates to this Plan are not intended to imply that development would necessarily be appropriate at that time.

In addition, the initiative hereby reaffirms and readopts until December 31, 2030, the “Agricultural” designations set forth on the of the City of Ventura Comprehensive Plan “Land Use Plan Map” adopted by the City Council on August 28, 1989, as amended through February 1 1995, which map is incorporated herein by reference, modified, as appropriate, to delete the reference year 2010 and replace it with the reference year 2030.

Finally, the text of the Amendment Procedures of the City of Ventura Comprehensive Plan adopted August 28, 1989, as amended through February 1, 1995, (at XI–I) shall be amended to add a new subsection which provides:

Limitations on General Plan Amendments Relating to “Agricultural Use”

- a) Until December 31, 2030, the provisions and designations governing the intent for lands designated “Agricultural Use” of the Land Use Element and Resource Element adopted on August 28, 1989, as amended through February 1, 1995, shall not be amended unless such amendment is approved by vote of the people.
- b) All those lands designated as “Agricultural Use” in the City of Ventura Comprehensive Plan “Land Use Plan Map” adopted by the City Council on August 28, 1989, as amended through February 1, 1995 shall remain so designated until December 31, 2030 unless redesignated to another general plan land use category by vote of the people, or redesignated by the City Council pursuant to the procedures set forth in subsections c) or d), below.
- c) Except as provided in subsection d), below, land designated as “Agricultural Use” may be redesignated by the City Council to a land use other than “Agricultural Use” as defined by the Comprehensive Plan adopted by the City Council on August 28, 1989, as amended through February 1, 1995, only if the City Council makes all of the following findings supported by the evidence:
 - i) The land is immediately adjacent to areas developed in a manner comparable to the proposed use;
 - ii) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
 - iii) The proposed use is compatible with agricultural uses, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area;
 - iv) The land proposed for redesignation has not been used for agricultural purposes in the past 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons; and

- v) The land proposed for redesignation pursuant to this subsection (c) does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation in the Comprehensive Plan of “Agricultural Use” land pursuant to this subsection (c) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.
- d) Land designated as “Agricultural Use” on the Land Use Plan Map may be redesignated to another land use category by the City Council if each of the following conditions are satisfied:
 - i) The City Council makes a finding that the application of the provisions of Section 2 (a) would constitute an unconstitutional taking of the landowners’ property; and
 - ii) 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.
- e) Approval by a vote of the people is accomplished when a Comprehensive Plan amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters vote in favor of it. 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 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 Election Code in all matters pertaining to such an election.

Section 3. Implementation.

A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the City of Ventura’s Comprehensive 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 1995, prior to the effective date of this initiative, this Comprehensive Plan amendment shall be deemed inserted in the City’s General Plan on January 1, 1996. At such time as this Comprehensive Plan amendment is deemed inserted in the City’s Comprehensive Plan (hereinafter, the “insertion date”) any provisions of the City’s Zoning Ordinance inconsistent with that amendment shall not be enforced to the extent of the inconsistency. Within 180 days of the insertion date, the City shall complete such revisions of its Comprehensive Plan, including, but not limited to, the Comprehensive Plan Land Use Plan Map adopted by the City Council on August 28, 1989, (as amended through February 1, 1995) and accompanying text, as are necessary to achieve consistency with all provisions of this initiative. Also, within 180 days of the insertion date, the City Council shall complete such revisions of its Zoning Ordinance and other land use regulations as are necessary to conform to and be consistent with all provisions of this initiative.

B. The provisions of this initiative shall prevail over any revisions to the City of Ventura’s Comprehensive Plan as amended through February 1, 1995, or to the City of Ventura’s Land Use Plan Map as amended through February 1, 1995 which conflict with the initiative. Except as provided in Section 4 below, upon the insertion date all Comprehensive 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.

Section 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.

Section 5. Severability.

If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

Section 6. Amendment or Repeal.

This initiative may be amended or repealed only by the voters at a general election.