

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's version changed out the term "initiative" replacing it with "ordinance." 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.

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BALLOT TITLE AND SUMMARY FOR PROPOSED INITIATIVE TITLE: THOUSAND OAKS URBAN RESTRICTION BOUNDARY INITIATIVE

Under this proposed initiative, an "Urban Restriction Boundary" would be established around the City of Thousand Oaks coterminous with the City's Sphere of Influence line, as that Sphere of Influence has been established by the Local Agency Formation Commission and as existed on January 1, 1998. In Thousand Oaks, the area within the City's Sphere of Influence includes unincorporated (county) and City land, therefore, this boundary would impact more land than is within the City jurisdictional limits. The initiative would prohibit most urban development, as defined, from being approved by City outside of this Urban Restriction Boundary until December 31, 2030.

For land outside of the City's Urban Restriction Boundary, the City would be prohibited from approving the extension of urban services or urban uses, such as any of the following:

1. A development requiring the significant expansion of the community's sewer system or the development of new community sewer system;
2. A development with a residential density of greater than one primary dwelling unit per 10 acres of land; or
3. The establishment of commercial or industrial use that is not related to agricultural or the production of minerals.

The initiative allows construction of public potable water facilities, certain roadways shown on the General Plan, public schools, public parks and other government facilities outside the City's Urban Restriction Boundary. The initiative does not apply to any project which has received a vested right to develop on the effective date of the initiative. Generally, in order to alter, amend or repeal this Urban Restriction Boundary line before December 31, 2030, a majority vote of the City's voters is required. However, the City Council may, in limited circumstances, amend this Urban Restriction Boundary after a public hearing for a residential project, provided no more than 10 acres of land per calendar year is added to the area within the Urban Restriction Boundary, and the City Council finds:

1. The development will be located on land which is immediately adjacent to an existing compatible developed area and adequate public infrastructure capacity is present to serve that development;
2. The development will help fulfill the City's highest priority housing need as required state law, i.e., be for low and very low income housing;
3. There is no other site designated with a residential use within the City's Urban Restriction Boundary which could accommodate the proposed development; and
4. It is not reasonably feasible to redesignate land within the City's Urban Restriction Boundary for such a residential use or for the proposed development project.

The terms and boundary of the initiative could also be amended by the City Council without a vote of the electorate, if: (1) the boundary line is altered to reduce the area within the Urban Restriction Boundary/Sphere of Influence line existing on January 1, 1998; or (2) the modification to the boundaries is required to avoid an unconstitutional taking of a landowner's property with the boundary amended only to the minimum extent necessary to avoid such taking.

The proposed initiative would amend the City's General Plan.

Prepared Pursuant to Elections Code Section 9203 by the Thousand Oaks City Attorney, Mark G. Sellers

To the Honorable City Clerk for the City of Thousand Oaks: The undersigned, registered and qualified voter of the City of Thousand Oaks hereby propose an initiative measure to amend the City of Thousand Oaks General Plan. I petition you to submit this measure to the City Council of Thousand Oaks for adoption without change, or for submission of the measure to the voters of the city of Thousand Oaks 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 Thousand Oaks do hereby ordain as follows:

Section 1. Title.

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

Section 2. Purpose and Findings.

A. Purpose. The purpose of this initiative is to adopt for the City of Thousand Oaks an Urban Restriction Boundary. The Thousand Oaks City Urban Restriction Boundary (Thousand Oaks CURB) line has the following objectives:

1. To encourage efficient growth patterns and protect the City of Thousand Oaks'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 Thousand Oaks CURB line 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 character of Thousand Oaks 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 Thousand Oaks is of critical importance to present and future residents of the City of Thousand Oaks. 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 and generating substantial tax revenues for the City.
2. In particular, the City of Thousand Oaks and surrounding area, with its unique topography, viewsheds, watershed lands and proximity to unique soils, micro-climate and hydrology, is a gate-keeper to one of the finest growing regions in the world. Vegetable and fruit production from the County of Ventura and in particular the importance of the Calleguas water shed, Tierra Rejada Valley and alluvial plains adjacent to the City have achieved international acclaim,

enhancing the City's economy and reputation.

3. Continued urban encroachment into agricultural, open space or watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, not only for the City but for its jurisdictional neighbors. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban, agricultural and open space uses.

4. The unique character of the City of Thousand Oaks and quality of life of City residents depend on the protection of a substantial amount of open space, rural and agricultural lands particularly outside of its City limits. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply to surrounding communities and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a City Urban Restriction Boundary around the City of Thousand Oaks would promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a City Urban Restriction Boundary would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This initiative ensures that the important Goals and Policies of the general plan 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, 2030, the City of Thousand Oaks shall restrict the provision of urban services, or creation of urban uses, other than in certain circumstances and according to specific procedures set forth in this initiative measure, within the Urban Restriction Boundary created by this initiative measure generally using the location of the Sphere of Influence Line established by the Local Agency Formation Commission as a reference for locating the City Urban Restriction Boundary. The CURB line shall be coterminous with the Sphere of Influence line applicable to the City of Thousand Oaks in existence on January 1, 1998, approved by the Local Agency Formation Commission.

6. Although established in 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.

A. The Thousand Oaks SOAR Initiative hereby amends the Thousand Oaks General Plan by adding the following as Chapter 7 to the Open Space Element of the General Plan:

THOUSAND OAKS CITY URBAN RESTRICTION BOUNDARY

Introduction

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

1. PURPOSE

The City of Thousand Oaks and surrounding area, with its unique viewsheds, watershed lands and proximity to unique soils, micro-climate and hydrology, is a gate-keeper to one of the finest growing regions in the world. Vegetable and fruit production from the County of Ventura and in particular the Tierra Rejada Valley and alluvial plains adjacent to the City have achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this initiative is to ensure that the preservation of agricultural production, open space, and protection of environmentally sensitive habitat are inviolable against transitory short-term political decisions and that agricultural, viewshed, 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.

As importantly, limiting urban sprawl through the use of a Urban Restriction Boundary enhances the sense of community, allows for development unique to the City of Thousand Oaks and promotes the efficient use of the City's infrastructure.

2. PRINCIPALS

Continued urban encroachment into open space, viewshed and watershed areas negatively impacts sensitive environmental areas, intrudes on open space irrevocably changing its utility, diminishes the quality of life and threatens the public health, safety and welfare by causing increased traffic congestion, associated air pollution, alteration of sensitive lands in flood plains and causing potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources not only for the City of Thousand Oaks but for its jurisdictional neighbors. 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 Thousand Oaks and quality of life of City residents depend on the protection of a substantial amount of open space, viewshed, and watershed. The protection of such lands through the implementation of this Initiative 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.

3. IMPLEMENTATION

a. The City of Thousand Oaks hereby establishes a Thousand Oaks City Urban Restriction Boundary (Thousand Oaks CURB). The Thousand Oaks CURB is established coterminous with the Sphere of Influence line established by the Local Agency Formation Commission for the City of Thousand Oaks, as it exists as of January 1, 1998.

b. Until December 31, 2030, the City of Thousand Oaks shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Thousand Oaks City Urban Restriction Boundary, except as provided herein and except for the purpose of completing roadways designated in the circulation element of the Thousand Oaks 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 Urban Restriction Boundary General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan amendment, unless in accordance with the Amendment Procedures of Section 4 of this General Plan Amendment.

c. "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 densities greater than one primary residential unit per 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.

d. The City of Thousand Oaks Jurisdictional Boundaries Map, figure 1 to the Land Use Element is amended to reflect the existence of the Thousand Oaks Urban Restriction Boundary which is coterminous with the sphere of influence line as it exists as of January 1, 1998.

e. The City Urban Restriction Boundary, as defined herein may not be amended, altered, revoked or otherwise changed prior to December 31, 2030,

except by vote of the people or by the City Council pursuant to the procedures set forth in Section 4 of this General Plan Amendment.

4. AMENDMENT PROCEDURES

Until December 31, 2030, the foregoing Purposes, Principles and Implementation provisions of this initiative, and the CURB 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 below:

a. The City Council may amend the City Urban Restriction Boundary described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of said Urban Restriction Boundary established by this General Plan Amendment.

b. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the Urban Restriction Boundary described herein to comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the City Urban Restriction Boundary as described herein in order to accommodate lands to be designated for residential uses, provided that no more than 10 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 City Urban Restriction Boundary 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 District with jurisdiction over such land have adequate capacity to accommodate 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 City 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 City Urban Restriction Boundary.

c. The City Council following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the City Urban Restriction Boundary described herein, 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 landowner's property for which compensation would be required or would deprive the landowner of a vested right; 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 or to give effect to the vested right.

d. The City Council following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the 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 Thousand Oaks 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, the General Plan is effectively amended to incorporate the terms of this initiative measure; 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 City of Thousand Oaks General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk of Thousand Oaks, and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Thousand Oaks General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voters in enacting this initiative are given effect, any provision of the General Plan that is adopted between the submittal date and the date that this initiative measure is deemed inserted into the General Plan, shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by section 3 of this initiative measure, that interim-enacted provision shall be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this initiative and other elements of the City's General Plan. In the alternative, such interim-enacted inconsistent provision shall be disregarded and of no validity 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 within a City Urban Restriction Boundary 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 Thousand Oaks 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, 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.