

VENTURA COUNTY SOAR

The following text of the initiative was crafted by the SOAR organization. The County placed the measure on the ballot independently with minor changes unimportant to an analysis of the purpose and effect of the original. We have left the County Counsel's analysis of the initiative for reference and interest only.

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The County Counsel has prepared the following title and summary of the chief purposes and points of the proposed measure:

MEASURE TO REQUIRE VOTE OF THE PEOPLE FOR CHANGES TO COUNTY'S GENERAL PLAN POLICIES AND LAND USE DESIGNATIONS REGARDING OPEN SPACE, AGRICULTURAL, AND RURAL LANDS IN UNINCORPORATED AREAS

This measure, if adopted by the voters of the County of Ventura, would require a vote of the people for some future changes to the Open Space, Agricultural, and Rural policies and land use designations in unincorporated areas (lands outside city boundaries) which are governed by Ventura County's General Plan. The stated purpose of the measure is "to ensure that Agricultural, Open Space and Rural lands are not prematurely or unnecessarily converted to other more intensive development uses." The measure's provisions would remain in effect until the year 2021, or until an earlier repeal of the measure by the voters at a general election.

The measure accomplishes its purpose by readopting the current General Plan Agricultural, Open Space, and Rural policies and land use designations and by requiring that proposed changes to those policies and designations be made only by a vote of the people, with limited exceptions. Amendments could only be made by having the board of supervisors conduct at least one public hearing on any suggested amendment and, after which, by having the board place the suggested amendment on the ballot, pursuant to the terms of the state's election laws. A proposed amendment could only be placed on the ballot after the County had complied with the California Environmental Quality Act. The proposed amendment would only become effective if a majority of those voters who cast ballots vote for the change.

The measure allows the board of supervisors to change Agricultural, Open Space, and Rural General Plan policies and land designations without a vote of the people only under seven specified circumstances: (1) to reorganize, reorder, or renumber individual provisions of the General Plan in the course of ongoing updates of the General Plan in accordance with state law; (2) to redesignate properties from Rural to either Agricultural or Open Space, or from Open Space to Agricultural, pursuant to state law and adopted board policies; (3) to redesignate Agricultural land to Open Space provided five findings (spelled out in the initiative) are made; (4) to redesignate Agricultural, Open Space, and Rural lands after making findings (a) that the land at issue is unsuitable for its current use and (b) that redesignation of the land is necessary to avoid an unlawful taking of private property; (5) to amend provisions regarding Agricultural, Open Space, and Rural land designations to further protect and preserve General Plan resources if consistent with the terms of this measure; (6) to redesignate lands within the Piru community; and (7) to amend land use designations on the General Land Use Map to any Existing Community designation where, prior to the effective date of the measure, such lands are found to contain lawfully established urban buildings or uses, to the extent necessary to validate such preexisting uses.

After December 31, 2020, any General Plan changes may be made without a vote of the people.

The above is a summary of the chief purpose and points of the proposed measure prepared by County Counsel pursuant to Elections Code section 9105. It does not reflect any legal analysis or opinion of the County Counsel concerning the proposed measure.

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

SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES INITIATIVE FULL TEXT OF ORDINANCE

The people of the County of Ventura do hereby ordain as follows:

Section 1. Findings and Purpose.

A. In concert with the currently existing Ventura County General Plan, adopted May 24, 1988, and as amended through September 16, 1997, we believe that the protection of existing agricultural, open space and rural lands is of critical importance to present and future residents of the County of Ventura.

B. Agriculture has been and remains the major contributor to the economy of the County of Ventura, directly and indirectly creating employment for many people, creating enormous actual income which multiplies through the community and generating substantial tax revenues for the County.

Specifically, the General Plan provides as follows:

"Agriculture plays an important role in the National, State, and County economy. Ventura County is one of the principal agricultural counties in the State ranking tenth in 1987, with a total income of over 610 million dollars and ranking seventeenth in farm earnings out of 3,175 counties nationally. This high productivity is made possible by the County's abundance of the natural resources required for agricultural production; primarily soils, water, climate and topography."

[General Plan, ¶1.6, page 20].

C. More recent data confirms the importance of agriculture to the County of Ventura. Ventura County is one of the principal agricultural counties in the State ranking eleventh in 1996 with a total income of over 851 million dollars and ranking fourteenth in farm earnings out of 3,175 counties nationally.

D. The County of Ventura 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 County's economy and reputation and standard of living.

E. Open space likewise contributes to the welfare of the County, as recognized in Section 3.2 of the General Plan, not only through the productive use of the land for grazing and other non-irrigated usage, such as forest lands, rangelands, and agricultural lands not designated Agricultural, but through the preservation of unique natural resources including, but not limited to, areas required for the preservation of plant and animal life, habitat for fish and wildlife, areas required for ecologic and other scientific study purposes, rivers, bays estuaries, coastal beaches, lakeshores, banks of rivers and streams and watershed lands. Open space contributes to the public health and safety additionally by setting aside from development those lands which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality, and water reservoirs and areas required for the protection and enhancement or air quality. Open space promotes the

formation and continuation of cohesive communities by defining the boundaries and by helping to prevent urban sprawl. Open space promotes efficient municipal services and facilities by confining urban development to defined development areas.

F. As importantly, the Rural designation under the General Plan serves not only to buffer intense urban usage from agricultural and open space lands, but it fosters small scale agricultural production while allowing for low-density and low intensity land uses and is a critical component in accommodating the full range of residential environments.

G. Urban encroachment into Agricultural, Open Space and Rural designated 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 the unnecessary and expensive extension of public services and facilities as well as inevitable conflicts between urban and open space and agricultural uses.

H. The unique character of the County of Ventura and quality of life of County 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.

I. The purpose of this initiative is to ensure that Agricultural, Rural and Open Space lands are not prematurely or unnecessarily converted to other more intensive development uses. Accordingly, this initiative ensures that until December 31, 2020, the general plan provisions governing Agricultural, Rural and Open Space land use designations, as amended herein, may not be changed except by vote of the people. In addition, the initiative provides, subject to limited exceptions, that any lands designated as Agricultural, Rural or Open Space on the County of Ventura's General Plan "General Land Use Maps" (North Half and South Half) adopted by the Board of Supervisors May 24, 1988 as revised through September 16, 1997 will remain so designated at least until December 31, 2020, unless, prior to December 31, 2020, the land is redesignated to another land use category by vote of the people, or redesignated by the Board of Supervisors for the County of Ventura pursuant to the procedures set forth in this initiative.

J. With limited exceptions, this initiative allows the Board of Supervisors to redesignate Rural, Agricultural, and Open Space lands only if certain findings can be made, including (among other things) that the land is proven to be unsuitable for any form of utilitarian use, and redesignation is necessary to avoid an unconstitutional taking of property without just compensation.

Section 2. General Plan Amendment.

1. Except as otherwise provided herein, the Save Open-space and Agricultural Resources (SOAR) Initiative hereby reaffirms and readopts the Rural, Agricultural and Open Space designations and the goals and policies as they specifically apply to said designations set forth at Sections 3.1 and 3.2 of the Ventura County General Plan, "Goals, Policies and Programs," adopted May 24, 1988, and as amended through September 16, 1997.

2. In addition, this initiative General Plan Amendment hereby reaffirms and readopts the "Rural", "Agricultural" and "Open Space" designations of the County of Ventura General Plan as reflected on the "General Land Use Maps" (South Half of County and North Half of County) adopted by the Board of Supervisors on May 24, 1988, and as revised through September 16, 1997 which maps are referenced in the "Introduction" section describing the "Form and Content" of the document entitled "Ventura County General Plan Goals, Policies and Programs" adopted May 24, 1988, and as amended through September 16, 1997. Said Maps are incorporated herein by reference.

3. The text of the Ventura County General Plan Goals, Policies and Programs adopted May 24, 1988, as amended through September 16, 1997, shall be amended to add to the Introduction portion at the end of the provisions entitled "General Plan Amendments", at page 7, a new subsection which provides:

LIMITATIONS ON GENERAL PLAN AMENDMENTS RELATING TO "RURAL" "AGRICULTURAL" AND "OPEN SPACE DESIGNATIONS".

Pursuant to the provisions of the SAVE OPEN-SPACE and AGRICULTURAL RESOURCES (S.O.A.R.) INITIATIVE the following shall obtain until December 31, 2020:

a) The provisions setting forth the Rural, Agricultural, or Open Space land use designations, and the goals and policies in Sections 3.1 and 3.2 of the Ventura County General Plan document entitled Goals, Policies and Programs adopted May 24, 1988, and as amended through September 16, 1997, as readopted and reaffirmed hereby shall not be further amended unless such amendment is approved by vote of the people or as otherwise provided herein..

b) Those lands designated as Agricultural, Rural, or Open Space on the "General Land Use Maps" adopted by the Board of Supervisors for Ventura County on May 24, 1988, and amended through September 16, 1997 shall remain so designated unless redesignated to another general plan land use category by vote of the people, or redesignated by the Board of Supervisors pursuant to the procedures set forth herein.

c) The Board of Supervisors, 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 land use designations of Agriculture, Open Space or Rural, or any provision, goal or policy as set forth in subsection "a", above, on the ballot pursuant to the mechanisms provided by State Law.

d) The General Plan may be reorganized and individual provisions, including the provisions set forth herein, may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of state law. Additional technical, non-substantive language modifications may be made to the General Plan with reference to Agricultural, Open Space or Rural designations for clarification and internal consistency provided such modifications are consistent with the Findings and Purpose of the initiative creating these provisions.

e) The Board of Supervisors, without a vote of the people, may redesignate Rural designated properties to either Agricultural or Open Space, or may redesignate Open Space to Agriculture pursuant to the provisions for making such amendments set forth in state law and Board adopted policies.

f) The Board of Supervisors, without a vote of the people, may redesignate Agricultural designated properties to Open Space if the Board of Supervisors makes all of the following findings supported by substantial evidence:

- i) 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;
- ii) The land proposed for redesignation is immediately adjacent to areas developed in a manner compatible with the uses allowed under Open Space;
- iii) Adequate public services and facilities are available and have the capacity and capability to accommodate the Open Space uses allowed;
- iv) The proposed redesignation 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; and
- v) The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation pursuant to this subdivision (f) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

g) The Board of Supervisors, without a vote of the people, may redesignate Agricultural, Rural or Open Space properties the Board complies with the following two conditions:

- i) The Board makes a finding based upon the advice of the County Counsel that the designation of the property effects an unconstitutional taking of the landowners' property; and

ii) In permitting the redesignation, the Board allows a less restrictive designation to be applied to the property only to the extent necessary to avoid the unconstitutional taking of the landowner's property.

h) The board of Supervisors may, without a vote of the people, amend the provisions of the General Plan which apply to the Rural, Agricultural or Open Space designations, as set forth in subsection "a", above, for the express purpose of further protecting and preserving resources identified in the general Plan, provided that said amendment(s) are consistent with the Findings and Purpose of the initiative adopting these provisions of the General Plan.

i) In recognition of the urban nature of the Piru community and to provide essential flexibility to the Board of Supervisors to address the special needs of that community, the Board of supervisors may, without a vote of the people, amend the land use designations on the General Land Use Map, as set forth in subsection "b", above, for land located within the Piru Redevelopment Area or land described by the following Assessor Parcel Numbers.

056-0-180-01	056-0-180-06	056-0-180-08	056-0-190-06
056-0-180-02	056-0-180-07	056-0-190-05	056-0-190-09

The total land represented by this subsection "i" is set forth on Exhibit "A"

j) The Board of Supervisors may, without a vote of the people, amend the land use designations on the General Land Use Map, as set forth in subsection "b", above, within any Existing Community for land which, prior to the effective date of the initiative setting forth these provisions, is found to contain lawfully established urban building intensities or urban land uses, to the minimum extent necessary to validate such pre-existing uses consistent with the Findings and Purpose of the initiative adopting these provisions of the General Plan.

Following December 31, 2020, redesignations of then existing General Plan designations may be occasioned by the Board of Supervisors without a vote of the people. Until then, 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 vote in favor of it. Whenever the Board of Supervisors adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the Board's action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it.

Section 3. Implementation.

A. Upon the effective date of this initiative, the General Plan Amendment shall be deemed inserted in the Ventura County General Plan, Goals, Policies and Programs document 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 County General Plan on the first day of January of the following calendar year.

B. The provisions of this General Plan Amendment shall prevail over any revisions to the County of Ventura's General Plan as amended through September 16, 1997, which conflict with the initiative. Upon the adoption 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 General Plan Amendment initiative. Other than for the exceptions provided herein, upon the effective date of this General Plan Amendment initiative, the County 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 initiative unless in accordance with the provisions of this General Plan Amendment initiative.

Section 4. Exemptions for Certain Projects.

This General Plan Amendment shall not apply to or affect any development project that has obtained as of the effective date of the General Plan Amendment a contractually vested right or vested right pursuant to state or local law.

Section 5. 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 County 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 6. Amendment or Repeal.

Until December 31, 2020, this General Plan Amendment initiative may be amended or repealed only by the voters at a general election.



EXHIBIT A