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CITY OF THOUSAND OAKS MEASURE _____
PARKS INITIATIVE
FULL TEXT OF ORDINANCE

The people of the City of Thousand Oaks do hereby ordain as follows:

Section 1. Findings and Purpose.

A. The protection of existing park lands and open space are of critical importance to present and future residents of the City of Thousand Oaks. Park lands and open space are needed to assure the conservation of vital resources including air and watersheds, to provide playfields, equestrian areas and other outdoor recreational opportunities, to provide land for community events such as Conejo Valley Days, to preserve archaeological and historic resources, and to preserve the natural beauty of open space which enhances the City's visual character and is a significant economic resource.

B. The City of Thousand Oaks and surrounding area, has unique topographical and biological features which include arroyos and oak trees, and Conejo volcanics that provide habitat for rare and endangered plant species found only within this region of the world. Uncontrolled urban encroachment into park lands and open space will cause negative environmental impacts and reduce the amount of land available for air and water recharge. Such urban encroachment will threaten the public health, safety and welfare by causing increased traffic congestion, increased noise, 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 uses and place greater demand on park lands.

C. Open Space within the City is endeared by its citizens as evidenced in it consistently being ranked in municipal Citizen Attitude surveys as the major reason people choose to live in Thousand Oaks. Existing park lands and identified future park sites enhance neighborhoods, offer community gathering areas and add to the livability and desirability of Thousand Oaks as a place to live and do business.

D. The unique character of the City of Thousand Oaks and quality of life of City residents depend on the protection of existing and identified future park sites and the protection of a substantial amount of open space lands. The protection of such lands not only ensures the continued desirability of the City of Thousand Oaks, but also protects the health of residents by providing recreational opportunities, protects the available water supply, protects air quality, contributes to flood control, and protects wildlife, environmentally sensitive areas and irreplaceable natural resources.

E. The General Plan Goals and Policies as set forth in Resolution No. 94-218

adopted October 11, 1994 contains in part, the following Goals :

"To enhance and preserve the spaciousness and attractiveness of the Conejo Valley in accommodating future growth."

"To provide and maintain a system of natural open space and trails."

"To provide and maintain a permanent park and recreational system of sufficient size and quality to serve current and future needs, consonant with community expectations."

"To provide a high quality environment, healthful and pleasing to the senses, which values the relationship between maintenance of ecological systems and the people's general welfare."

F. The General Plan Policies sets out in part, the following policies for Recreational, Parks and Natural Open Space:

"Wildlife corridors and sensitive ecological systems within the City's Planning Area, should be protected."

"Existing and future public parks, golf courses and COSCA lands should be kept free of incompatible private development."

G. Additional Policies of the General Plan sets out in part, the following:

"Air Quality: The City shall place high priority on maintaining and improving local and regional air quality."

"Archaeological: The City shall preserve and protect archaeological resources for future generations and the Conejo Valley's cultural heritage."

"Conservation/Natural Resources: The City shall preserve and protect the unique biodiversity of the City's open spaces and wetlands, including arroyos and oak trees."

H. The purpose of this initiative is to ensure that the Goals and Policies of the General Plan are inviolable by transitory short-term political decisions and that park lands and open space are not permanently or unnecessarily converted to other non-park use or non-open space use without public debate and a vote of the people. Accordingly, the initiative ensures that until December 31, 2030, the General Plan provisions governing the "Parks, Golf Courses, Open Space" 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 "Parks, Golf Courses, Open Space" on the City of Thousand Oaks General Plan "Land Use Map" adopted by the City Council and as amended through March 1, 1996 and all land subsequently designated into this land use category will remain designated as "Parks, Golf Courses, Open Space" 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 Thousand Oaks pursuant to the procedures set forth in this initiative.

I. This initiative allows the City Council to redesignate "Parks, Golf Courses, Open Space" lands only if certain findings can be made, including (among other things) that redesignation is necessary to avoid an unconstitutional taking of property without just compensation.

Section 2. General Plan Amendment.

The Parks Initiative hereby reaffirms and readopts until December 31, 2030, the "Parks, Golf Courses, Open Space" designation of the adopted City of Thousand Oaks General Plan as amended through March 1, 1996, with the modification that "Parks, Golf Courses, Open Space" lands and land subsequently added to this category shall remain so designated until December 31, 2030.

The following terminology shall be included in the Thousand Oaks General Plan Open Space Element:

The "Parks, Golf Courses, Open Space" category (not to be reconsidered until after the Year 2030) identifies those lands that are designated for Parks, Golf Courses, Open Space on the Land Use Map.

The target date of 2030 associated with the Parks, Golf Courses, Open Space designation indicates a review date after which "Parks, Golf Courses, Open Space" designated lands may be reconsidered for urban uses. However, during the life of this plan as amended by initiative, it is intended that only parks, golf courses, open space uses are permitted on these lands. 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 "Parks, Golf Courses, Open Space" designations set forth on the adopted City of Thousand Oaks General Plan "Land Use Map" as amended through March 1, 1996 and including those lands which may be added to the land use designation, which map is incorporated herein by reference, modified, as appropriate, to include the reference of the year 2030 review date.

Finally, the text of the Amendment Procedures of the City of Thousand Oaks, as amended through March 1, 1996 shall be amended to add a new subsection which provides:

Limitations on General Plan Amendments Relating to "Parks, Golf Courses, Open Space":

- a) Until December 31, 2030, the provisions and designations governing the intent for lands designated "Parks, Golf Courses, Open Space" on the Land Use Element, Open Space Element and Recreation Element as amended through March 1, 1996, shall not be amended except to add

lands to the "Parks, Golf Courses, Open Space" designation; unless such amendment is approved by vote of the people.

- b) All those lands designated as "Parks, Golf Courses, Open Space" in the adopted City of Thousand Oaks General Plan "Land Use Map" as amended through March 1, 1996, and lands which are subsequently added to the "Parks, Golf Courses, Open Space" designation, 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 subsection c), below.
- c) Land designated as "Parks, Golf Courses, Open Space" on the Land Use 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 unconstitutional taking of the private landowner's 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 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 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 Thousand Oaks' 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 1996, 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, 1997. At such time as this General Plan amendment is deemed inserted in the City's General 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 General Plan,

including, but not limited to, the adopted General Plan Land Use Map as amended through March 1, 1996 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 Thousand Oak's General Plan as amended through March 1, 1996, or to the City of Thousand Oak's Land Use Plan Map as amended through March 1, 1996 which conflict with the initiative. Except as provided in Section 4 below, 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.

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 the 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 5. Amendment or Repeal.

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

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention of the person whose name appears hereon of her intention to circulate the petition within the City of Thousand Oaks, County of Ventura, State of California, for the purpose of preserving existing and future park sites and open space lands within the planning area of the City of Thousand Oaks.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

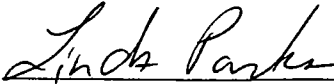
Parks and Open Space lands within and around the City of Thousand Oaks provide substantial recreational, social and public health benefits to the Citizens of the City of Thousand Oaks as outlined in the General Plan. The availability of sufficient public parks within the City enhances the quality of life and the livability of Thousand Oaks, by providing areas for people to gather, hold community events such as Conejo Valley Days, play sports, ride horses, and hike trails. Open space contributes to the aesthetic qualities of residential neighborhoods and the City as a whole, enhancing property values by retaining areas of unencumbered land in its natural state. Open Space is consistently ranked as the community's most valued asset in the Citizens' Attitude Survey conducted every five years by the City. The Parks, Golf Courses and Open Space land use designation is a legitimate land use which in the public interest, should be protected from encroachment of competing development.

By a simple vote of the City Council in a public hearing, the Council can change the land use designation of properties in Parks, Golf Courses, and Open Space to another land use designation for non-park or non-open space use. This initiative allows for the approval of such changes to be put in the hands of the people, by ballot vote.

Although the City of Thousand Oaks' General Plan achieved a balance and compromise to land use designations in order to provide continued existence of the City's parks, its' golf course, and open spaces, proposals to change properties from this land use designation for purposes of development continue to be made. With over 4,000 more housing units approved for construction, but not yet built, further pressure on park land and open space resources will occur. Additional loss of open space and public park land will be detrimental to the community as a whole.

Date of First Publication, _____.

Submitted this 20th day of March, 1996.



Linda Parks