

CITY OF FILLMORE SOAR

AMENDED BALLOT TITLE AND SUMMARY FOR PROPOSED INITIATIVE TITLE: FILLMORE URBAN RESTRICTION BOUNDARY INITIATIVE SUMMARY

Under this proposed initiative measure the City's General Plan would be amended to establish a City Urban Restriction Boundary ("CURB").

Areas within the CURB line do not include all areas within the existing approved sphere of influence of Fillmore or even all those lands within the City's corporate limits. The initiative would restrict urban services and urbanized uses of land to land within the CURB until December 31, 2020.

Urbanized uses of land are defined as any development which would require the establishment of new or significant expansion of existing sewer infrastructure; or would create residential lots less than 20 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources. Urban uses of land also mean golf course or driving range construction. Urban uses of land do not mean traditional municipal or regional parks with team sports or other recreational facilities.

Generally speaking, in order to amend or repeal the CURB before December 31, 2020, a majority vote of the City's voters is required.

The City Council may amend the CURB without seeking voter approval to include land contemplated for construction of public water facilities, public schools or other governmental facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law.

The measure allows the City Council, after making certain findings, to amend the CURB, without seeking voter approval, after a public hearing and compliance with the California Environmental Quality Act: (1) in order 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 CURB as described herein in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year; (2) to include land that cannot be used for agriculture; and (3) to include land that must be included in order to avoid an unconstitutional taking of property for which compensation would otherwise be required.

The provisions of this initiative otherwise requiring a vote of the public do not apply nor affect the authority and discretion of the City Council with respect to any roadways designated in the circulation element of the Fillmore General Plan.

The measure states that if the courts invalidate any part of the measure, the remainder of the measure will remain in effect. The measure states that if the measure and another measure addressing the same subject matter appear on the same ballot and both pass, both measures will go into effect. If some provisions of the measures conflict, the provisions of the measure that received more votes will prevail.

Dated: May 9, 2000

Monte L. Widders, Assistant City Attorney

SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES (SOAR) FILLMORE CITY URBAN RESTRICTION BOUNDARY

The people of the City Fillmore do ordain as follows:

Section 1. Title.

This initiative shall be known as the Save Open-space and Agricultural Resources (SOAR) Fillmore City Urban Restriction Boundary Initiative.

Section 2. Purpose and Findings.

A. Purpose. The purpose of this initiative is to establish and adopt for the City of Fillmore a City Urban Restriction Boundary (CURB) line which will accommodate a reasonable amount of future growth for the City of Fillmore, but limit additional urbanization outside of the CURB without a vote of the citizens of Fillmore. This will achieve the following objectives:

1. Encourage efficient growth patterns and protect the City of Fillmore's quality of life by concentrating future development directly adjacent to developed areas consistent with the availability of infrastructure and services;
2. 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. Manage the City's growth in a manner that fosters and protects the small town charm of Fillmore while encouraging appropriate economic development in accordance with the City's unique local conditions;
4. 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;
5. Provide housing in areas conveniently located to the City's commercial district in order to encourage residents to shop locally;
6. 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; and
7. Allow flexibility for development within the city limits outside the CURB limits at any time subject to approval by the voters of the City of Fillmore.

B. Findings.

1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Fillmore and within its Planning Area is of critical importance to present and future residents of the City of Fillmore. Agriculture has been and remains a major contributor to the economy of the City of Fillmore and County of Ventura, creating employment for many people, directly and indirectly, and generating substantial tax revenues for the City. The continued agricultural use of most of the land surrounding the current City limits is critical to the local economy. Agriculture is the single largest industry in the City. Additionally, the State fish hatchery, flood plain, wetlands, riparian areas and water recharge within the Fillmore Planning Area are of world class importance providing irreplaceable environmental resources and habitats.

2. In particular, the City of Fillmore and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Fillmore is a major distribution point for citrus fruits in the United States. Fillmore is noted as a center for Ventura County's

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agricultural industry. Agricultural production from the County of Ventura and in particular production from the soils and silt from Pole Creek, Sespe Creek, and the Santa Clara River, and in areas adjacent to the City provide beneficial food and fiber locally and world-wide, and have achieved international acclaim, enhancing the City's economy and reputation.

3. Urban encroachment into flood plain, agricultural and watershed areas adjacent to the City will impair agriculture and threaten the public health, safety and welfare by exposing residents to the threat of flooding, reducing beneficial production, 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 Fillmore and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural 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. As importantly, adopting a CURB around the City of Fillmore would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB would promote efficient municipal services and facilities by confining urban development to defined development areas and areas more immediately adjacent to developed areas, absent voter approval for expansion, all to the enhancement of the Heritage Valley.

5. This initiative ensures that the agricultural and open space uses outside of the CURB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB 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 Fillmore may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the CURB created by the initiative.

6. Areas within the CURB line do not include all of the areas within the Sphere of Influence of Fillmore or even all of those lands within the City's corporate limits. 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 the future, or approving annexations in accordance with state law. The CURB and Sphere of Influence lines, although in part coincidentally coterminous 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 CURB is a local land use policy of the City and shall not be changed except as herein provided.

7. Adequate land for housing is provided in the area encompassed within the CURB. Should at any time the City determine that it is failing to meet its fair share of housing, the initiative provides a mechanism for correcting that imbalance without a vote of the electorate.

Section 3. General Plan Amendment.

The Land Use Element of the City of Fillmore General Plan, Section 4.0, LAND DEVELOPMENT CONSTRAINTS, is hereby amended by inserting at page I-13, *et seq.*, the following text:

4.6 Fillmore CITY URBAN RESTRICTION BOUNDARY (CURB)

The voters of the City of Fillmore have, through the initiative process, established and adopted an urban growth boundary line denominated the Fillmore City Urban Restriction Boundary (CURB). Its purpose, principals, implementation procedures, and methodologies for amendment are set forth in this subsection of the Fillmore Land Use Element.

1. PURPOSE

The City of Fillmore and surrounding area, often referred to as part of the Heritage Valley, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this CURB is to provide for the reasonable urban growth of the City of Fillmore and ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Fillmore General Plan relating to Land Use 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.

It was not the purpose of this initiative measure to constrain the prerogatives of the city council with respect to any property within the City inside the CURB, or to constrain any other agency in fulfilling its statutory duties.

2. PRINCIPLES

Urban encroachment into agricultural, flood plain 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 flooding, 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 Fillmore, "the last, best small town in Southern California" its economy 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, the CURB promotes the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

a) The City of Fillmore hereby establishes and adopts a City Urban Restriction Boundary (CURB). The CURB is established and described, clockwise, as follows:

1) Coterminous with the City corporate boundary: commencing at the westernmost edge of the City along the alignment of State Highway 126 (Ventura Street), and traversing to the north; thence north easterly around the most northerly point of the City; thence southeasterly and south along the eastern edge of the City; thence easterly along the rail line on the east edge of the City and then south along the easternmost edge of the City, remaining coterminous with the City boundary as it turns to the west, south of La Puente Drive; thence south, easterly of San Juan, to the point at which the City boundary turns to the west, southerly of Anza Place; thence west to the point at which the City boundary turns to the north at approximately the hypothetical southern extension of Kellog, just westerly of Pole Creek; thence northwesterly to the point at which the city boundary turns westerly, south of River Street; thence westerly along the City boundary to the hypothetical south extension of Mountain View Street; thence south to the intersection of the City boundary with the Rancho Sespe No. 2 boundary.

2) Diverging from and northerly of the City corporate boundary: traversing westerly from the intersection of the City boundary and Rancho Sespe No. 2 boundary, along the alignment of the Rancho Sespe No. 2 boundary, and traversing westerly of State Highway 23, to the intersection of Rancho Sespe No. 2 boundary and the hypothetical southern extension of Oakdale Lane; thence northerly along the alignment of the hypothetical southerly extension of Oakdale

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Lane to the south edge of the right of way for River Street; thence westerly to “C” Street; thence northerly along the western edge of the right of way for “C” Street to the Southerly right of way of State Highway 126 (Ventura Street); thence westerly along State Highway 126 (Ventura Street), coterminously with the City corporate boundary to the point of beginning.

The CURB line is graphically set forth in **Exhibit “A”** to this Amendment, which shall be inserted in the General Plan as Figure I-2a .

b) Until December 31, 2020, the City of Fillmore shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this 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, special 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 this General Plan amendment.

c) “Urbanized uses of land” shall mean any development which would require the establishment of new or significant expansion of existing city sewer infrastructure; or would create residential lots less than 20 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources. Urbanized uses of land shall also mean golf course or driving range construction. Urbanized uses of land shall *not* mean traditional municipal or regional parks with team sports or other recreational facilities.

G. AMENDMENT PROCEDURES

Until December 31, 2020, the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to the initiative process, or pursuant to the procedures set forth below:

1. 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 CURB 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 City Urban Restriction Boundary as described herein in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

- a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB 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 districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services;
- b) 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, such as low and very low income housing;
- c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
- d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.

2. 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 CURB, if the City Council makes each of the following findings:

- a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
- b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
- c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area’s agricultural viability, habitat, scenic resources or watershed;
- d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
- e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason; and
- f) The land proposed for inclusion within the CURB does not exceed 20 acres for any one landowner in any calendar year, and one landowner’s property may not similarly be removed from the restrictions contemplated by this General Plan amendment more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.
- g) Including the land within the CURB will not result in more than 40 acres being added to the CURB in any calendar year.

3. 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 CURB if the City Council makes each of the following findings:

- a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner’s property for which compensation would be required; and
- b) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner’s property.

4. 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 CURB or the provisions of this initiative on the ballot in the manner provided by state law.

5. The City Council may amend the CURB to include land contemplated for construction of public water facilities, public schools, or other government facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law, all uses exempted from the provisions of this General Plan Amendment, but only to the minimum amount of land reasonably necessary to accommodate said uses.

6. The City Council may reorganize, reorder, and renumber General Plan provisions, including the provisions of this General Plan Amendment.

Section 4. Conforming Amendments.

A. Purpose. In light of the General Plan amendments set forth above, the City of Fillmore General Plan hereby further amended such that in addition to the changes noted herein for the Land Use Element, it and all other General Plan Elements are consistent with the above amendments to the Land Use Element.

B. Methodology. All references within the General Plan to the urbanization potential of areas outside of the CURB will hereby be modified. It is the intention of these conforming amendments that all charts, figures, tables, maps, executive summaries and additional text including, but not limited to those found in the Land Use Element, Circulation Element, Housing Element, Conservation and Open Space Element, the Safety Element and the Noise Element and Public Facilities Element with references to and calculations based upon development of areas outside of the CURB are to be interpreted to include the provision that said references and calculations are to be realized only pursuant to the procedures set forth in the General Plan Amendment created by this initiative measure. Because the amendment relates only to the procedure of approval and not to the substance of the land use designations, to the extent that

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these conforming amendments fail to further amend one or more aspects of the Land Use Element, Circulation Element, Housing Element, the Conservation and Open Space Element, the Safety Element, the Noise Element or the Public Facilities Element, such oversight shall be deemed mere correctable errors and not substantive inconsistencies.

Text to be inserted into the General Plan is indicated in ***bold italic*** type. Text to be deleted is presented in ~~striketrough~~ type. Text in standard, bold or italic type which currently appears in that fashion in the General Plan remains unchanged by this Amendment. Occasionally, ellipses (* * *) are utilized to demonstrate that significant sections of text in the General Plan remain unaffected by amendments reflected in this text.

The following conforming amendments may be further amended by the City Council without a vote of the people, provided that no inconsistencies with the balance of the General Plan, including but not limited to the effectiveness of the CURB, are created thereby.

- 1) The text of the Introduction is amended to read:

The time horizon for the General Plan is the year 2010, ***with the exception of the CURB, established by initiative, which shall exist through the year 2020.***

- 2) Add to the GOALS:

21. Provide flexibility for the development of unique and creative projects outside of the CURB by the involvement of the public in the decision-making process.

- 3) Land Use Element, Section 2.0, Regional Setting, page I-7, is amended as follows:

~~Three~~ ***Four*** legal boundaries affect the City's future: The corporate limits, the Sphere of Influence, ~~and~~ the Greenbelt (Figure I-2), ***and the City Urban Restriction Boundary (CURB) (Figure I-2a).***

* * *

- 4) Land Use Element, Section 9.0, at page I-26 is amended as follows:

9.1 Residential Uses

Outside the Fillmore CURB: Lots for residential use of not less than 20 acres, absent voter approval.

* * *

Section 5. Exemptions for Certain Projects.

The provisions of this Initiative otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in the circulation element of the Fillmore General Plan. Nor does it apply to or affect the authority and discretion of the City Council with respect to the construction of public water facilities, public schools, public parks (except golf courses) or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

Section 6. Insertion Date.

A. Upon the effective date of this initiative, Section 3 and 4 shall be deemed inserted in the City of Fillmore'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 2000, prior to the effective date of this initiative, Sections 3 and 4 shall be deemed inserted in the City's General Plan on January 1, 2001.

B. The date that the Notice of Intention to Circulate this initiative measure was submitted to the elections officer of the City of Fillmore is referenced herein as the "Submittal Date". The City of Fillmore General Plan in effect at the time the Notice of Intention to Circulate this initiative measure was submitted to the City Clerk of Fillmore, and that General Plan as amended by this initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Fillmore 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 Sections 3 and 4 are deemed inserted into the General Plan, shall, to the extent that such provision is inconsistent with Sections 3 and 4, be amended as soon as possible and in the manner and time required by state law to ensure consistency between such provision and Sections 3 and 4. In the alternative, such interim-enacted inconsistent provision is hereby deemed repealed.

C. The City of Fillmore shall, in all efforts to update elements of the General Plan of the City of Fillmore, confirm that the same are consistent with the Land Use Element as amended herein, and that all portions of the General Plan meet the intent and direction of the Save Open-space and Agricultural Resources (SOAR) City of Fillmore Urban Restriction Boundary Initiative.

Section 7. Severability.

This initiative 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 initiative 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 initiative. 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 initiative 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 initiative 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 8. Amendment or Repeal.

Except as otherwise provided herein, Sections 3 and 4 of this initiative may be amended or repealed only by the voters of the City of Fillmore at an election held in accordance with state law.

Section 9. Competing Measures.

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

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