

CITY OF MOORPARK SOAR

The City Attorney has prepared the following title and summary of the chief purposes and points of the proposed measure:

AN INITIATIVE MEASURE RESTRICTING GROWTH OUTSIDE OF THE CITY OF MOORPARK'S EXISTING BOUNDARIES

Section 1 declares that the measure shall be known as the Moorpark Save Open-space and Agricultural Resources, or Moorpark SOAR, initiative.

Section 2 states that the purpose of the initiative is to adopt a Moorpark City Urban Restriction Boundary, or Moorpark CURB, which is coterminous with the Moorpark Sphere of Influence and the corporate boundaries of the City of Moorpark as they existed on January 1, 1998. With minor exceptions, the initiative prohibits the City from providing "urban services" or allowing "urban uses" outside of the Moorpark CURB until December 31, 2020.

Section 3 amends the Land Use Element of the Moorpark General Plan by adding a new "Section 8". Under the amendment, the City could provide mutual aid and could allow certain public roads, potable water facilities, schools and parks and other government facilities to be constructed outside of the Moorpark CURB. However, the City could not allow development outside of the Moorpark CURB that would:

- require new or significantly expanded sewer systems;
- create residential lots of less than 20 acres; or
- establish non-agricultural commercial or industrial uses.

The amendment also provides that the Moorpark CURB line may not be expanded prior to December 31, 2020, except by the electorate or unless one of the following occurs:

- the land is needed to provide housing for all economic segments of the community and the City Council makes five specific findings in support of the change,
- the land is unusable for agricultural purposes and the City Council makes six specific findings in support of the change, or
- the change is necessary to avoid an unconstitutional taking of property or deprive the landowner of a vested right and the City Council finds that the change will allow additional land uses only to the extent necessary to avoid the taking or to give effect to the vested right.

Section 4 further amends the Moorpark General Plan in order to promote internal consistency with the new section of the Land Use Element.

Section 5 establishes the date upon which the amendments to the Moorpark General Plan will become effective, which date will not be later than January 1 of the calendar year immediately following the date the initiative is adopted. The section also sets forth certain rules that will apply if the General Plan is amended between the initiative submittal date and the effective date of the initiative General Plan amendments and the amendment is inconsistent with Section 3 of the initiative.

Section 6 states that if any portion of the initiative is declared invalid or unconstitutional by the courts, the remaining portions will remain valid.

Section 7 states that the initiative may only be amended or repealed by the voters of the City of Moorpark at a duly held election.

Section 8 sets forth certain rules that will apply if there are competing urban restriction boundary measures on the same ballot.

SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES MOORPARK CITY URBAN RESTRICTION BOUNDARY FULL TEXT OF RESOLUTION

The people of the City of Moorpark do hereby ordain as follows:

Section 1. Title.

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

Section 2. Purpose and Findings.

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

1. 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;
2. To encourage efficient growth patterns and protect the City of Moorpark's quality of life by concentrating future development largely within existing developed areas consistent with the availability of infrastructure and services;
3. To promote on lands outside the Moorpark CURB line ongoing 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;
4. To manage the City's growth in a manner that fosters and protects the small town and semi-rural character of Moorpark while encouraging appropriate economic development in accordance with the City's unique local conditions; and
5. 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.
6. To ensure that the preservation and protection of (1) open space, (2) environmentally sensitive habitat, and (3) agricultural production are inviolable against transitory short-term political decisions and that watershed, viewshed, open space, and agricultural 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.

B. Findings.

1. Continued urban encroachment into open space, watershed, viewshed, or agricultural areas will 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 not only for the City but for its jurisdictional neighbors and severely impact the viability of adjacent agricultural lands. 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.
2. The unique character of the City of Moorpark and quality of life of City residents depend on the protection of a substantial amount of open space, rural and agricultural lands and their associated visual resources. 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 and visual resources. As importantly, adopting a geographic urban limit line around the City of Moorpark would promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a boundary would promote efficient municipal services and facilities by confining urban development to defined development areas.
3. The protection of existing open-space, watershed, viewshed and agricultural lands, within and surrounding the City of Moorpark is of critical importance to present and future residents of the City of Moorpark. Agriculture has been and remains a major contributor to the economy of the Moorpark area and County of Ventura, directly and indirectly creating employment for many people and generating substantial tax revenues for the City and its surrounding area.
4. In particular, the City of Moorpark is a component of Ventura County and a gate-keeper to the surrounding area, with its unique combination of soils, micro-climate and hydrology, which has become one of the finest growing regions in the world. Vegetable and fruit production from the County of Ventura and more particularly from the soils and silt from the Arroyo Simi, the entire Calleguas watershed area, the Tierra Rejada Valley and alluvial plains adjacent to the City have

achieved international acclaim, enhancing the City's economy and reputation.

5. This initiative ensures that the Goals and Policies relating to Agriculture (Goal 11 and Policies 11.1 through 11.3) and Preservation of Environmental Quality (Goal 14 and 15) and Policies 14.1 through 14.6 and Policies 15.1 through 15.3, 15.5, and 15.8 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, 2020, the City of Moorpark shall, with minor exceptions, restrict the provision of urban services, and creation of urban uses, other than in certain circumstances and according to specific procedures set forth in the initiative, to within the City Urban Restriction Boundary created by the initiative.

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, and addresses the issue of annexation, the City Urban Restriction Boundary is a local planning policy addressing the issue of land uses and shall not be changed except as herein provided.

Section 3. General Plan Amendment.

The Moorpark SOAR Initiative hereby inserts as "Section 8.0", *et seq.*, to the Land Use Element of the City of Moorpark General Plan, the following:

"8.0 MOORPARK CITY URBAN RESTRICTION BOUNDARY

Introduction

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

8.1 PURPOSE

The City of Moorpark 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 Arroyo Simi, the entire Calleguas watershed, 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 the Moorpark CURB is:

A. 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. To encourage efficient growth patterns and protect the City of Moorpark's quality of life by concentrating future development largely within existing developed areas consistent with the availability of infrastructure and services;

C. To promote on lands outside the Moorpark CURB line ongoing 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;

D. To manage the City's growth in a manner that fosters and protects the "small town" and semi-rural character of Moorpark while encouraging appropriate economic development in accordance with the City's unique local conditions;

E. 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

F. To ensure that the preservation and protection of (1) open space, (2) environmentally sensitive habitat, and (3) agricultural production are inviolable against transitory short-term political decisions and that watershed, viewshed, open space, and agricultural 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.

8.2 PRINCIPLES.

A. Continued urban encroachment into open-space, viewshed, watershed and agricultural areas will impair agriculture, negatively impact sensitive environmental areas, and intrude on open space irrevocably changing its beneficial utility. By diminishing such beneficial uses, urban encroachment also 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 Moorpark but for its jurisdictional neighbors. Such urban sprawl would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and open space/ agricultural uses.

B. The unique character of the City of Moorpark and quality of life of City residents depend on the protection of a substantial amount of open space, watershed and agricultural lands. The protection of such lands through the implementation of this General Plan Amendment by 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 visual and natural resources. As importantly, adopting a City Urban Restriction Boundary around the City of Moorpark will 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 will promote efficient municipal services and facilities by confining urban development to defined development areas.

8.3 IMPLEMENTATION OF CURB

A. The City of Moorpark hereby establishes and adopts a Moorpark City Urban Restriction Boundary (Moorpark CURB) line. The Moorpark CURB shall be established coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it exists as of January 1, 1998, or as altered or modified pursuant to the Amendment Procedures set forth below. Graphic representation of that line is shown at Exhibit "A".

B. Until December 31, 2020, the City of Moorpark shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Moorpark City Urban Restriction Boundary, except as provided herein, and except for the purpose of completing roadways designated in the circulation element of the Moorpark 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 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 Section, unless in accordance with the Amendment Procedures of Section 8.4.

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 lots less than 20 acres in area; or, would result in the establishment of commercial or industrial uses which are not exclusively agriculturally-related.

D. The Moorpark City Urban Restriction Boundary may not be amended, altered, revoked or otherwise changed prior to December 31, 2020, except by vote of the people or by the City Council pursuant to the procedures set forth in Section 8.4.

E. Implementation of this initiative will in no way preclude the Moorpark City Council from making land use decisions regarding lands inside the Moorpark City Urban Restriction Boundary.

8.4 AMENDMENT PROCEDURES

Until December 31, 2020, the foregoing Purposes, Principles and Implementation provisions of this Section of the Land Use Element 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 if it deems it to be in the public interest, provided that the amended boundary is within or coextensive with the limits of said City Urban Restriction Boundary.

B. The City Council, following at least one public hearing for presentations by an applicant and by the public, and after compliance with the California Environmental Quality Act, may amend the City Urban Restriction Boundary in order to comply with State regulations regarding the provision of housing for all economic segments of the community, provided that no more than 10 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:

- 1) The City is in violation of State regulations regarding its fair share of housing stock.
- 2) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the 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
- 3) 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 regulations, i.e., low and very low income housing; and
- 4) That there is no existing residentially designated land available within the Urban Restriction Boundary to accommodate the proposed development; and
- 5) That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the Urban Restriction Boundary.

C. The City Council following at least one public hearing for presentations by an applicant and by the public, and after compliance with the California Environmental Quality Act, may amend the Urban Restriction Boundary described herein, if the City Council makes each of the following findings:

- 1) The land proposed for receiving urban services, urbanized land uses, or inclusion within the Urban Restriction Boundary is immediately adjacent to areas developed in a manner comparable to the proposed use;
- 2) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
- 3) The proposed use will not have direct, indirect, or cumulative adverse significant impacts to the area's agricultural viability, habitat, scenic resources, or watershed value;
- 4) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the parcel affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
- 5) The land proposed for reception of public services, urbanization or inclusion within the Urban Restriction Boundary has not been used for agricultural purposes in the immediately preceding 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons; and
- 6) The land proposed for reception of public services, urbanization or inclusion within the Urban Restriction Boundary does not exceed 40 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the protections contemplated by this Initiative more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

D. The City Council following at least one public hearing for presentations by an applicant and by 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:

- 1) Failure to amend the CURB would constitute an unconstitutional taking of a landowners 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.

E. The City Council following at least one public hearing for presentations by an applicant and by 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.

F. The City Council may amend the CURB line location to encompass lands contemplated for construction of public potable water facilities, public schools, public parks or other government facilities, all uses exempted from the provisions of this General Plan Amendment by the provisions of Section 8.3, but only to the minimum amount reasonably necessary to accommodate said uses.

G. The City Council may reorganize, renumber or reorder the individual provisions of the General Plan, including the provisions of this Section 8 sequence, in the course of ongoing updates of the General Plan in accordance with the requirements of state law.

Section 4. Conforming Amendments.

In light of the General Plan Land Use Element amendments set forth above, the City of Moorpark General Plan is hereby further amended as set forth below in order to promote internal consistency among the various elements of the General Plan. Text to be inserted into the General Plan is indicated in ***bold italic*** type while text to be stricken is presented in ~~strikethrough~~ type; text in standard type currently appears in the General Plan and remains unchanged by this initiative. Occasionally, ellipses [* * *] are introduced to indicate significant blocks of text remain unchanged within a section. The language adopted in the following conforming amendments may be further amended as appropriate without a vote of the people in the course of future updates and revisions to the General Plan provided the same are not amended in such a manner as to create inconsistencies within the General Plan.

1. The last paragraph of Section 2.2 of the Land Use Element, at page 6 is amended as follows:

The future development of lands surrounding the City boundary ***outside of the City Urban Restriction Boundary is to be discouraged and generally shall not be permitted in the absence of a vote of the electorate. Other exceptions to this policy are found at Section 8.4.*** ~~require that adequate public services and infrastructure be extended to these areas in conjunction with or prior to approval of any development proposals.~~

2. Policy 2.1 of the Land Use Element at page 11 is amended as follows:

The City shall strive to obtain and maintain sphere of influence boundaries consistent with the ***City Urban Restriction Boundary.*** ~~The planned urban area on the adopted Land Use Plan~~

3. Goal 11 of the Land Use Element at page 16 is amended as follows:

Identify and encourage the preservation of viable agricultural resources in the City and its Area of Interest. ***Unless property has not been used for agricultural purposes in the immediately preceding 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons, it shall be deemed viable.***

4. Policy 11.1 of the Land Use Element at page 16 is amended as follows:

An agricultural land use designation should be retained for farmlands within the City's Area of Interest, which have been identified as Prime and/ or Statewide Importance ***unless the property has not been used for agricultural purposes in the immediately preceding 2 years and is unusable for***

agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons. as long as economically viable.

5. Section 5.2 SPECIFIC PLAN DESIGNATION - SP, of the Land Use Element, at page 28, is amended as follows:

Exhibits 3 and 4 of this document identify the location and the proposed land use mix of specific plan areas 1, 2, 9, and 10, which are within the existing City limits, and specific plan area 8, which is within the unincorporated planning area. Specific plan area 3 (proposed within the city limits) and specific plan areas 4, 5, 6, and 7 (proposed within the unincorporated planning area) were studied but were found not to be appropriate for urban development *for the foreseeable future during the time period covered by this Land Use Element (year 2010 buildout)* and were not approved.

Specific plan areas 1, 2, 8, 9, and 10 have been delineated based on ownership, landform and circulation considerations.

6. Planning Area Land Use Plan Map, City of Moorpark General Plan, Land Use Element Exhibit 4 is amended to demonstrate the Moorpark CURB line, as well as to delete the references to SP#8, Specific Plan No. 8 Boundary. "Exhibit 4" to the Land Use Element is amended to reflect that consideration of development of Specific Plan 8 is abandoned. See Exhibit "B" to this initiative.

7. Section 5.2 SPECIFIC PLAN DESIGNATION - SP, of the Land Use Element, at page 35, at the subtitle "Planning Area Outside City Limits", through page 37, comprising approximately 20 paragraphs, addressing primarily "Specific Plan 8" is amended as follows:

Planning Area Outside City Limits

As noted on the Land Use Plan, one specific plan area has been designated outside of the existing City of Moorpark limits (Specific Plan No. 8); within the area proposed for expansion of the City's sphere of influence. A specific plan for this area is required, and must address comprehensively a variety of land use issues including topography, viewshed, open space, and circulation. A minimum of 25 percent open space must be provided.

Specific plan areas 4, 5, 6, and 7 *and 8* (proposed within the unincorporated planning area) were analyzed in conjunction with the updating of the Land Use Element, but were found to be *outside the sphere of influence and outside of the CURB (See Section 8.0, et seq.) and accordingly not to be* appropriate for urban development *prior to the year 2010 (General Plan buildout)* and were, therefore, not approved.

A description of the existing land uses, potential planning issues (opportunities and constraints), and the proposed land use mix for the one specific plan area proposed in the unincorporated planning area is provided below:

* * *

Specific Plan 8 (*Deleted*)

Specific Plan 8 consists of approximately 4,200 acres, under combined ownership, located northerly of the eastern portion of the City limits, east of Happy Camp Regional Park. Generally, this specific plan area is vacant open space, characterized by steep hillside terrain currently designated as open space.

Opportunities and Constraints

Specific plan area development issues to be addressed during specific plan preparation and subsequent review will include:

Topography—Existing steep hillsides within the specific plan area require a complete evaluation of steep slopes, unstable soils, and other potential geotechnical constraints of the plan area during the development/review of this specific plan. Consistent with city policy, grading is restricted on slopes greater than 20 percent and development prohibited in areas where potential hazards cannot be fully mitigated.

Hydrology—An evaluation of existing drainage courses, surface runoff, potential flood hazards and other hydrological constraints will be conducted during the development/review of this specific plan.

Viewshed—The visual importance of hillside horizon lines/prominent ridgelines within this specific plan area from surrounding areas will be evaluated during the preparation and review of this specific plan. Clustering of dwelling units should be considered where appropriate to conserve important visual and natural resources.

Biological Resources—The significance of biological resources which may occur onsite (i.e., oak trees, threatened, rare, endangered plants and animals, etc.) Shall be determined during specific plan preparation and review. The preservation of any resources determined to be significant shall be encouraged through habitat preservation, enhancement, or replacement.

Archaeology—The specific plan area will be evaluated to determine whether archaeological resources occur within the overall plan area and their potential significance.

Agriculture—This specific plan will address the viability and maintenance of the limited "Prime" and "Statewide Significance" farmlands which occur within the plan area.

Public Services/Infrastructure—Water, gas and electric service to the specific plan area will be provided through improvements within the plan area and service extensions from existing transmission lines in the surrounding area. Sewer service is not currently available and would need to be provided for all urban uses. An evaluation will be conducted during the development of this specific plan regarding required land use set-asides and financing for schools and community services such as fire stations and libraries.

Parks—an evaluation will be conducted during the development of this specific plan to identify required park land dedication consistent with the City Municipal Code and General Plan requirements.

Circulation—the specific plan area circulation network shall provide consideration for its relationship to topographical constraints and viewshed issues and consideration for connection of the SR-118 and SR-23 freeways as well as the Broadway extension. The specific plan shall ensure that roadway right-of-ways are protected for the planned roadway upgrades, improvements and additions as identified in the City's circulation plan.

Proposed Land Uses

The number of dwelling units shall not exceed 2,400, unless the specific plan area property owner agrees to provide public improvements, public services and/or financial contributions that the City Council determines to be of substantial public benefit to the community, in which event, the number of dwelling units shall not exceed 3,221. The appropriate amount of land to be designated as Open Space, Park, School, Agricultural, or any other appropriate land use designation, will be determined at the time of specific plan preparation or approval.

8. Section 6.0 of the Land Use Element, LAND USE PLAN STATISTICAL SUMMARY, at page 38, is amended as follows:

As identified on Table 3, a combined total of up to ~~14,911~~ **12,511** dwelling units could be constructed in the overall planning area, based on maximum density estimates. The resulting buildout population for the Moorpark planning area would be approximately ~~40,856~~ **34,280** persons, based on the County's 2.74 population dwelling unit factor for the year 2010. *Note however that the resulting buildout for the Moorpark planning area would be approximately (a) 41,799 persons, based the California Department of Finance Demographic Research Unit's "Ventura County Population and Housing Estimates" for Moorpark which average 3.341 persons per household for the years 1994-1997 inclusive; or, (b) 40,785 persons, based on the "VCOG 2020 Population Per Dwelling Unit Ratio Forecast" for the City of Moorpark (3.26 persons per dwelling unit). The Table 3 buildout figures were calculated using the smaller county-wide ratios and are considered a conservative population estimate for the City.*

9. Table 3 of the Land Use Element at pages 39-40 is amended below to delete SP 8 "Messenger", its associated du, and total population figures. It is the purpose of this amendment to conform the table to the changes in the General Plan made by this amendment only. It is recognized that the City of Moorpark has passed certain resolutions amending the General Plan that would additionally affect the population figures set forth in Table 3, by virtue of the Carlsberg project (Permit # SP 92-1, Resolution # 94-1061 adding 147 dwelling units); the Bollinger project (Permit #94-1, Resolution #96-1197 adding 85 dwelling

units); the SDI project (Permit # 95-1, Resolution #96-1222 deleting 1 dwelling unit); and the Jones project (Permit # 96-2, Resolution #97-1310 deleting 21 dwelling units). Notwithstanding those General Plan Amendments Table 3 has not been updated by the City. It is not the purpose of this conforming amendment to update Table 3 other than to reflect the amendments in this initiative. To the extent that the official city Table 3 should be modified as a result of Resolution Numbers 94-1061, 96-1197, 96-1222, and 97-1310, Table 3 continues to need modification.

Table 3

LAND USE PLAN - STATISTICAL SUMMARY

<u>Land Use Designation</u>	<u>City Area</u>	<u>Unincorporated Area</u>	<u>Total Planning Area Combined</u>
* * *			
SP SPECIFIC PLAN*			
* * *			
SP-8 MESSINGER		4,200 ac - 2,400 du	4,200 ac - 2,400 du
* * *			
TOTAL DWELLING UNITS ** (At Buildout -Year 2010)	12,511 du	2,400 du	12,511 + 2,400 du
TOTAL POPULATION *** (At Buildout -Year 2010)	34,280	6,576	34,280 + 6,576
TOTAL CITY AREA ACRES (Approximate)		7,916 ac	
TOTAL UNINCORPORATED AREA ACRES (Approximate)		-0- 4,200 ac	
TOTAL PLANNING AREA COMBINED (Approximate)		7,916 + 2,400 ac	

[NOTE: fn * and fn*** remain unchanged. fn ** is modified:]

** Residential Density calculations for specific plan areas are based on the maximum density. Section 5.2 of the Land Use Element allows the City Council to approve a density exceeding the maximum density, up to an identified density limit, if public improvements, public services, and/or financial contributions are provided that the City Council determines to be of substantial public benefit to the community. If the density limit is approved for SP's 1, 2, 9, and 10, and 8, the total dwelling units would increase from 14,911 to 16,291 and the total population would increase from 41,856 to 44,637 (these density limit estimates were used as the basis for determining the significance of impacts in the Final Environmental Impact Report and the Findings required by Section 15091 of CEQA).

10. Section 7.0 IMPLEMENTATION, of the Land Use Element, at Implementation Measure 16, at page 44, is amended as follows:

16. **Ensure that all applications** Submit an application to the Ventura County Local Agency Formation Commission (LAFCO) to amend the City's sphere of influence boundary, **are** consistent with the approved Land Use Plan, **and in particular the Moorpark City Urban Restriction Boundary**, to allow for proper planning **within** of the probable, ultimate physical boundaries and service area of the City.

11. The last paragraph of Section 5.0 of the Circulation Element (Roadway Circulation Plan), at page 20 is amended as follows:

Provision of an eastern extension of Broadway Road potentially connecting with Alamos Canyon Road and the SR-118 freeway to serve circulation needs of potential **future development agricultural, open space, or recreational uses** in the portion of the planning area northeast of the city limits.

Section 5. Insertion Date

A. Upon the effective date of this initiative, it shall be deemed inserted as Section 8.0, *et seq.* of the Land Use Element of the City of Moorpark's General Plan as an amendment thereof; and the Conforming Amendments of Section 4 shall be appropriately inserted in the General Plan replacing the amended provisions, except, 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 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 of the calendar year immediately following the date this initiative is adopted.

B. The City of Moorpark General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk of Moorpark, 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 Moorpark 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, 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.

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 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 Moorpark 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, the 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.

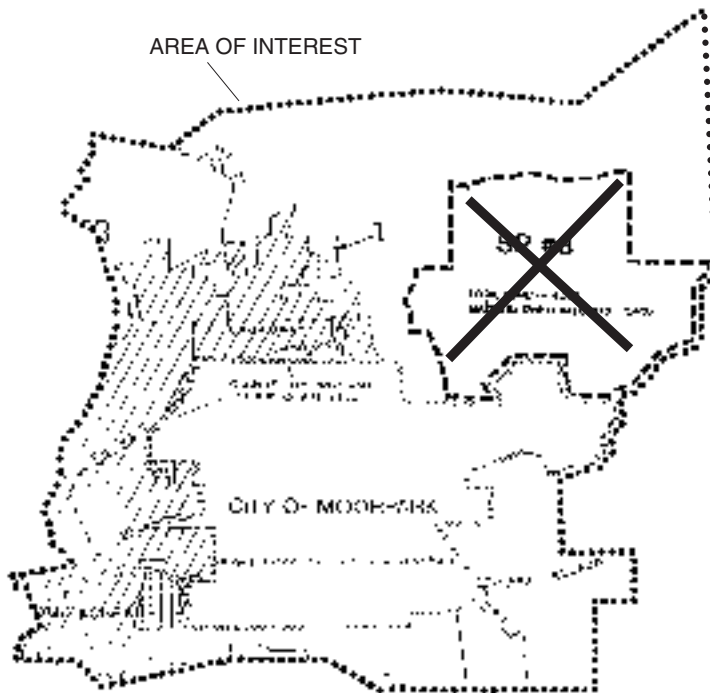
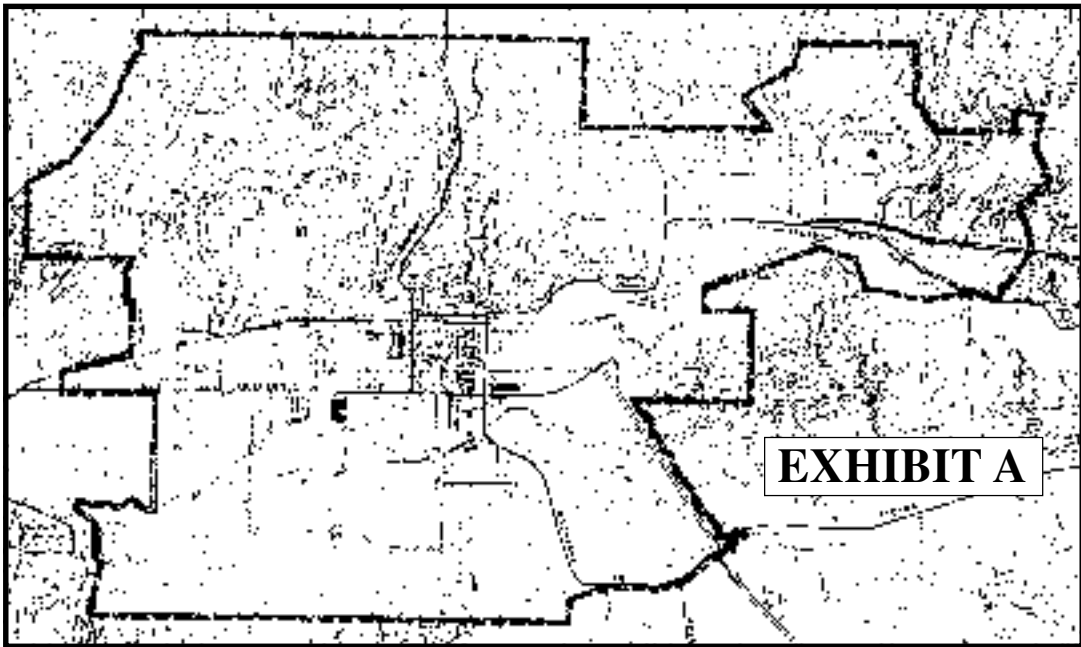


EXHIBIT B

TABLE OF CONTENTS

- CURRENT CITY LIMITS AND SPHERE OF INFLUENCE AND CURB LINE
- AREA OF INTEREST
- SPECIFIC PLAN NO. 8 BOUNDARY

VENTURA COUNTY LAND USE DESIGNATIONS FOR AREAS OUTSIDE THE CURRENT CITY LIMITS:

- EXISTING COMMUNITY (PER AREA PLAN OR COMMUNITY MAP)
- RURAL (1 ACRE +)
- AGRICULTURAL (40 ACRE +)
- OPEN SPACE (10 ACRE +)
- "1" = 5 ACRES MINIMUM

EXHIBIT 4

NOTE: Please refer to the text of the Land Use Element for a description of the designated Specific Plan No. 8 area.

Planning Area Land Use Plan
CITY OF MOORPARK GENERAL PLAN

NO SPECIFIC SCALE