

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAN BUENAVENTURA:  
SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES AND  
HILLSIDES VOTER PROTECTION AREA, 2050  
**SOAR/HVPA - 2050**  
VOTER LAND USE PARTICIPATION – 2050

FULL TEXT OF ORDINANCE

Preamble

In November, 1995, the citizens of the City of San Buenaventura adopted an initiative measure entitled Save Our Agricultural Resources (SOAR), requiring a public vote on any re-designation of agricultural lands to more urban uses. SOAR sunsets in 2030.

In 2002, the citizens of the City of San Buenaventura adopted by initiative a measure creating the Hillsides Voter Participation Area (HVPA) protecting slightly more than 9000 acres of the hillsides north of the city by requiring a public vote on the development of that hillside acreage. The HVPA measure sunsets in 2030.

It is the intention of this initiative measure that the sunset clauses of each initiative be extended to the year 2050. Combining the extension of the protection of both farmland and Hillside Openspace dictates a change to the basis for the SOAR acronym to "Save Open-space and Agricultural Resources and Hillsides Voter Protection Area, 2050," or SOAR/HVPA - 2050."

Section 1. Title: Save Open-space and Agricultural Resources and Hillsides Voter Protection Area, 2050, OR, **SOAR/HVPA - 2050**, Voter Land Use Participation – 2050

Section 1. Findings and Purpose.

A. Over the last 20 years, the citizens of San Buenaventura (Ventura) have benefitted from not only the land use protections inherently provided by the requirement of voter participation in major land use decisions that could portend urban sprawl, they have actively participated in numerous significant land use decisions underscoring the importance to them of the direct democracy represented by both the SOAR initiative and the Ventura Hillsides Voter Participation Area initiative. And, they have done so while continuing to participate in reasonable residential development consistent with that allowed by the economy. The continued protection of sensitive lands from aggressive and premature development through the direct democratic process is of continuing importance to our citizens.

B. Protection of existing agricultural and watershed lands is of critical importance to present and future residents of the City of San Buenaventura (City of Ventura). Agriculture has been and remains the major contributor to the economy of the City and County of Ventura,

creating employment for many people, directly and indirectly, and generating substantial tax revenues for the City. In particular, the City of Ventura 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 Santa Clara and Ventura rivers have achieved international acclaim, enhancing the City's economy and reputation. Equally importantly, the hillsides behind the City of Ventura provide the primary watershed, scenic vistas, and important grazing lands.

C. Uncontrolled urban encroachment into agricultural 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 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, farming and ranching uses.

D. The unique character of the City of Ventura and quality of life of City 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.

E. The purpose of this initiative is to ensure that the Goals and Objectives of the ~~Comprehensive~~ General Plan, are inviolable by transitory short-term political decisions and that agricultural, watershed hillsides 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 ensures that until December 31, 2050, the general plan provisions governing agricultural land use and the Hillsides HVPA (as designated on Exhibit A) and intent may not be changed except by vote of the people. In addition, the initiative provides that any lands designated as "Agriculture" on the City of Ventura's General Plan Diagram (Exhibit "A, attached hereto) will remain designated as Agriculture, and the hillsides behind the City shall retain their land use designation as "Hillsides" until December 31, 2050, 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 San Buenaventura pursuant to the procedures set forth in this initiative.

F. This initiative allows the City Council to redesignate Agriculture or Hillsides lands only if certain findings can be made, including (among other things) that the redesignation is necessary to avoid an unconstitutional taking of property without just compensation.

Accordingly, The people of the City of San Buenaventura do hereby ordain as follows, readopting and restating both the 1995 SOAR initiative and the 2002 HVPA initiative, each of which, after adoption were imbedded in the City of Ventura General Plan (formerly denominated the City of San Buenaventura Comprehensive Plan). To the extent "General" is used in place of "Comprehensive," or *vice-versa*, no difference in meaning is intended. Modifications to

modernize and recognize certain lessons garnered over the last 20 years are set forth herein: deletions indicated by ~~line-out~~; additions indicated by *italics*. The primary modification is to extend the sunset dates of each to 2050, incorporating each into this cohesive whole, and to readopt the General Plan Diagram attached as Exhibit "A," with respect to its identification of Agriculture land use designation and the Hillside HVPA (as designated on Exhibit A) as follows:

## Section 2. General Plan Amendment.

*To achieve the goals set forth above, the City's Land Use Map, the original SOAR measure and the original Ventura Hillside Voter Participation Measure, are attached hereto as Exhibits "A", "B" and "C" respectively. They are each restated and readopted as modified herein. The modifications that follow are intended to continue the intent and goals of the original measures and to extend their respective sunset dates of December 31, 2030 until December 31, 2050.*

### A. SOAR

~~The Agricultural Lands Preservation Initiative hereby reaffirms and readopts until December 31, 2030, The "Agricultural Use" designations as defined in the City of San Buenaventura Comprehensive Plan adopted August 28, 1989, as amended through February 1, 1995, at pages III-25 and III-26, with the modification that the "target date" is extended from 2010 until after December 31, 2030.~~

#### Agricultural Use

The Agricultural Use (not to be reconsidered until after the Year ~~2030~~ 2050) category identifies those lands that are designated for agricultural use on the ~~Land Use Plan Map~~ *General Plan Diagram (Exhibit "A", hereto; Figure 3-5 in the City's 2005 General Plan). Said Map designates such lands as "Agriculture."*

The target date of ~~2030~~ 2050 associated with the Agricultural Use (or Agriculture) designation indicates a review date after which agriculturally designated lands may be reconsidered for urban uses. However, during the life of this plan as amended by initiative, it is intended that only agricultural uses are permitted on these lands, except as such lands may be appropriate to public open space and recreational usage. Furthermore, the expiration of this initiative is 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~~, 2050 the "Agricultural" designations set forth on the City of Ventura *General Plan Diagram, Figure 3-5 Comprehensive Plan "Land Use Plan Map" adopted by the City Council on August 28, 1989, as amended through February 1, 1995*, which map is incorporated herein by reference, *Attached as Exhibit "A."* ~~modified, as appropriate, to delete the reference year 2010 and replace it with the reference year 2030~~

*The City's 2005 General Plan document contains the following passage, at Page 3-16,*

*which is now reaffirmed, modified as indicated:*

“• Agriculture – (T2 Rural)

predominantly commercial cultivation of food and plants and raising of animals. Pursuant to SOAR: The Agricultural use (not to be considered until after the Year ~~2030~~ 2050) category identifies those lands that are designated for agricultural use on the General Plan Diagram. The target date of ~~2030~~ 2050 associated with the Agricultural Use designation indicates a review date after which agriculturally designated lands may be reconsidered for urban uses. However, during the life of this Plan as amended by initiative, it is intended that only agricultural uses are permitted on these lands, except as such lands may be appropriate to public open space and recreational usage. Furthermore, any updates to this Plan are not intended to imply that development would necessarily be appropriate at that time.”

*The General Plan text, at page 3-23, additionally contains the following text, modified hereby as indicated:*

The SOAR initiative that was adopted by the voters in 1995, and that, by its own terms, remains in full legal effect until ~~2030~~ 2050, refers to specific policies from the 1989 Comprehensive Plan that are still in effect and, as such, have been carried forward into this Plan under Policy 3D and Action 3.20 in addition to being incorporated in this General Plan as set forth in Appendix B, *and as modified by the 2016 initiative.*

*General Plan Policy 3D and Action 3.20, 3.21 and 3.22 are hereby reaffirmed and readopted. They provide as follows:*

**Policy 3D: Continue to preserve agricultural and other open space lands within the City’s Planning Area.**

Action 3.20: Pursuant to SOAR, adopt development code provisions to “preserve agricultural and open space lands as a desirable means of shaping the City’s internal and external form and size, and of serving the needs of the residents.

Action 3.21: Adopt performance standards for non-farm activities in agricultural areas that protect and support farm operations, including requiring non-farm uses to provide all appropriate buffers as determined by the Agriculture Commissioner’s Office.

Action 3.22: Offer incentives for agricultural production operations to develop systems of raw product and product processing locally.

**Limitation on General Plan Amendments Relating to "Agricultural Use" or "Agriculture"**

- a) Until December 31, ~~2030~~, 2050 the provisions and designations governing the intent for lands designated “Agricultural Use” ~~of the Land Use Element and~~

~~Resource Element adopted on August 28, 1989, as amended through February 1, 1995, in the City of Ventura's General Plan shall not be amended unless such amendment is approved by vote of the people.~~

- b) All those lands designated as ~~"Agricultural Use"~~ "Agriculture" ~~in-on~~ the City of Ventura ~~Comprehensive Plan "Land Use Plan Map" adopted by the City Council on August 28, 1989 as amended through February 1, 1995~~ "General Plan Diagram" Map (Figure 3-5) ~~adopted by the City Council (Exhibit "A" Attached hereto) on August 28, 1989, as amended through February 1, 1995~~ shall remain so designated until December 31, ~~2030~~ 2050 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 subsections c) or d), below.
- c) Except as provided in subsection d), below, land designated as "Agricultural Use" ~~in the text of the General Plan, or designated "Agriculture" on the General Plan Diagram Map (Figure 3-5) adopted by the City Council (Exhibit "A" attached hereto)~~ may be redesignated by the City Council to a land use other than "Agricultural Use" as defined by the ~~Comprehensive Plan General Plan adopted by the City Council on August 28, 1989, as amended through February 1, 1995;~~ ~~on August 8, 2005,~~ only if the City Council makes all of the following findings supported by the substantial evidence:
- i) The land is immediately adjacent to areas developed in a manner comparable to the proposed use;
  - ii) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
  - iii) The proposed use 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;
  - iv) The land proposed for redesignation has not been used for agricultural purposes in the past ~~2~~ 4 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons; and
  - v) The land proposed for redesignation pursuant to this subsection (c) does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation in the ~~Comprehensive~~ General Plan of ~~"Agricultural Use" land "Agriculture"~~ pursuant to this subsection (c) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.
  - vi) *Notice of such Proposed Modification is given according to the City's standard notice requirements to neighboring properties; and as well, not less than 30 days prior to the proposed modification appearing on the City Council agenda, to LAFCo, and to all individuals or organizations who or which have indicated a desire for such Notice by requesting the same by placing his/her/its name and contact information with the City Clerk.*

d) *Following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, the City Council may amend the Land Use designation of either Agricultural or Agriculture, described herein and designated on the General Plan Diagram Map (Exhibit "A" attached hereto) 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 relevant Land Use Designations as described herein in order to accommodate lands to be designated for residential uses, provided that no more than 40 acres of land be brought within the Urban Restriction Boundary for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:*

*i) The land is immediately adjacent to existing compatibly developed areas and the applicant for the amendment has provided to the city evidence that required municipal services, applicable water and sewer districts, as well as the school district with jurisdiction over such land have adequate capacity to accommodate and will serve the proposed development and provide it with adequate public services; and*

*ii) That the proposed development will create exclusively new low- and very low income housing; and*

*iii) That there is no existing residentially designated land available within the City to accommodate the proposed development; and*

*iv) That it is not reasonably feasible to accommodate the proposed development by re-designating lands within the urban boundaries of the City; and*

*v) Notice of such amendment is given according to the City's standard notice requirements to neighboring properties; and as well, not less than 30 days prior to the proposed modification appearing on the City Council agenda, to LAFCo, and to all individuals or organizations who or which have indicated a desire for such Notice by requesting the same by placing his/her/its name and contact information with the City Clerk.*

d)e) In addition to the provisions of sub-paragraph c), above, land designated as "Agricultural Use" on the ~~Land Use Map~~ General Plan Diagram (Exhibit "A", hereto; Figure 3-5 in the City's 2005 General Plan) 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 an unconstitutional taking of the landowners' 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)f) Approval by a vote of the people is accomplished when a ~~Comprehensive~~ 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 *participating* 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.

**B. Subsequent Initiative Measures.**

Since the adoption of the original SOAR measure in 1995, there have been 3 amendments to the General Plan by initiative. They are affected by this initiative as follows:

**1. The Hillside Voter Participation Area Measure (Appendix "C" to the City's 2005 General Plan).**

Adopted by the voters in 2002, the HVPA, attached hereto as Exhibit C, and incorporated herein as though set forth in whole, is hereby readopted, in whole, except as specifically modified below, and extended to the year 2050. Exhibit "A" to this initiative, the City's "Land Use Diagram" depicts the Hillside and the HVPA area covered by the HVPA initiative, as described in that initiative, and referred to therein as Exhibit A, a map graphic for that initiative, replaced herein by the General Plan Diagram designated herein as Exhibit "A."

The passages of attached Exhibit "C" are modified hereby are as follows, additions in italics; deletions in ~~line-out~~. Ellipses indicate omissions to which no changes are made. References to the "Comprehensive Plan," again, mean nothing different than the currently labeled "General Plan.":

C. IMPLEMENTATION

\* \* \*

2) Until December 31, ~~2030~~ 2050, the City of Ventura shall not extend urban services into, and shall not authorize urbanized uses of land within, the Ventura Hillside Voter Participation Area unless otherwise authorized by a vote of the people, except for the purpose of construction of public potable water facilities, *private, non-profit land trust public access for hiking, biking, equestrian activities*, public parks or ~~other city government facilities or~~ as otherwise provided or excepted herein.

\* \* \*

(5) The Hillside Voter Participation Area, as defined herein, may not be amended, altered, revoked or otherwise changed prior to December 31, ~~2030~~ 2050.

\* \* \*

Section 4. Changes to Area: Procedures.

Until December 31, ~~2030~~ 2050, the foregoing Purposes, Principles

and Implementation provisions of this Comprehensive Plan amendment, and the Hillside Voter Participation Area 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 . . .

## **2. Community Park SOAR Amendment.**

In 2000, the City of Ventura electorate amended SOAR to allow the construction of a Community Park on approximately 100 acres bounded on the north by the 126 freeway, the south by Telephone Road, and the east by Kimball Road. In making the amendment, the text inadvertently or erroneously restated the 2010 sunset date for consideration of development of adjacent agricultural properties, rather than the then correct 2030 date. The entirety of the Community Park SOAR Amendment is set out and attached hereto as Exhibit "D". It is hereby modified for clarification purposes to be compatible with the 2050 extension, as follows:

### **Part B.**

The Property [the 100 acre park property] is deleted from the discussion of "Agricultural Uses" in the Serra Community provisions of the Land Use Element of the Comprehensive Plan. To that end, the final paragraph with the heading "Agricultural Use" beginning at the bottom of page III-95 and ending at the top of page III-96 is hereby revised to read as follows:

"Agricultural Use: A 297-acre area between Telephone Road and the Southern Pacific Railroad and a 172-acre area between Bristol Road and the Santa Clara River are designated Agricultural Use, not to be reconsidered until after the Year ~~2010~~ 2050, to preserve their existing agricultural character."

## **3. The First Assembly of God Land Initiative.**

On November 2, 1999, the voters approved an amendment to SOAR allowing the First Assembly of God to build a new sanctuary, sports fields and running track on 26 acres at the northwest corner of Montgomery Avenue and North Bank Drive. It is also depicted graphically on Exhibit "A", the General Plan Diagram, as a yellow parcel in the south east portion of the city, immediately above the railroad tracks. The entirety of that measure and its metes and bounds are called out in Exhibit E, attached hereto. There is no intent to affect the First Assembly of God Land Initiative's purposes by extending SOAR and the Hillside Voter Participation Area Measure to 2050. Accordingly, the following component of the First Assembly of God Land Initiative is amended to address the consistency of the three measures.

"Agricultural Use: A 100-acre site at the northwest corner of Kimball Road and Telephone, a 297-acre area between Telephone Road and the Southern Pacific Railroad except for the 25.59-acre site located at the northwest corner of Montgomery Avenue and Northbank Drive, and a 172-acre area between Bristol

Road and the Santa Clara River are designated Agricultural Use, not to be reconsidered until after the Year ~~2010~~ 2050 to preserve their existing agricultural character.”

### Section 3. Implementation.

A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the City of Ventura'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 2016, 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, 2017. 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 General Plan Diagram (Exhibit "B") accompanying this initiative and related 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 General Plan Amendment shall prevail over any conflicting revisions to the City of Ventura's General Plan as amended through the date of this initiative, or to the City of Ventura's "General Plan Land Use Diagrams" as amended through the date of this initiative which conflict with the initiative. The City of Ventura is hereby authorized and directed to amend the Ventura City General Plan, all specific plans, the Ventura City Zoning Ordinance, the Ventura City Land Use and related zoning maps and other ordinances and policies affected by this initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this initiative and other elements of the Ventura City General Plan, all specific plans, the Ventura City Zoning Ordinance, the Ventura City Land Use and related zoning maps and other ordinances and policies. 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 initiative. 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 General Plan Amendment unless in accordance with the provisions of this General Plan Amendment.

C. The date that the notice of intention to circulate this initiative measure was submitted to the elections official of the City of Ventura is deemed the "submittal date." The City General Plan in effect on the submittal date and the General Plan as amended by this initiative comprise

an integrated, internally consistent and compatible statement of policies for the City of Ventura. In order to ensure that nothing in this initiative measure would prevent the City of Ventura General Plan from being an integrated, internally consistent and compatible statement of the policies of the City, as required by state law, and to ensure that the actions of the voters in enacting this initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by Section 2 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 Ventura City General Plan.

#### Section 4. Exemptions for Certain Projects.

This General Plan Amendment initiative shall not apply to or affect the following:

- A. Any project which has acquired any of the following:
  - i. A vested right pursuant to state or local law;
  - ii. A validly approved and fully executed development agreement with City; or,
  - iii. Approval of a vesting tentative map.

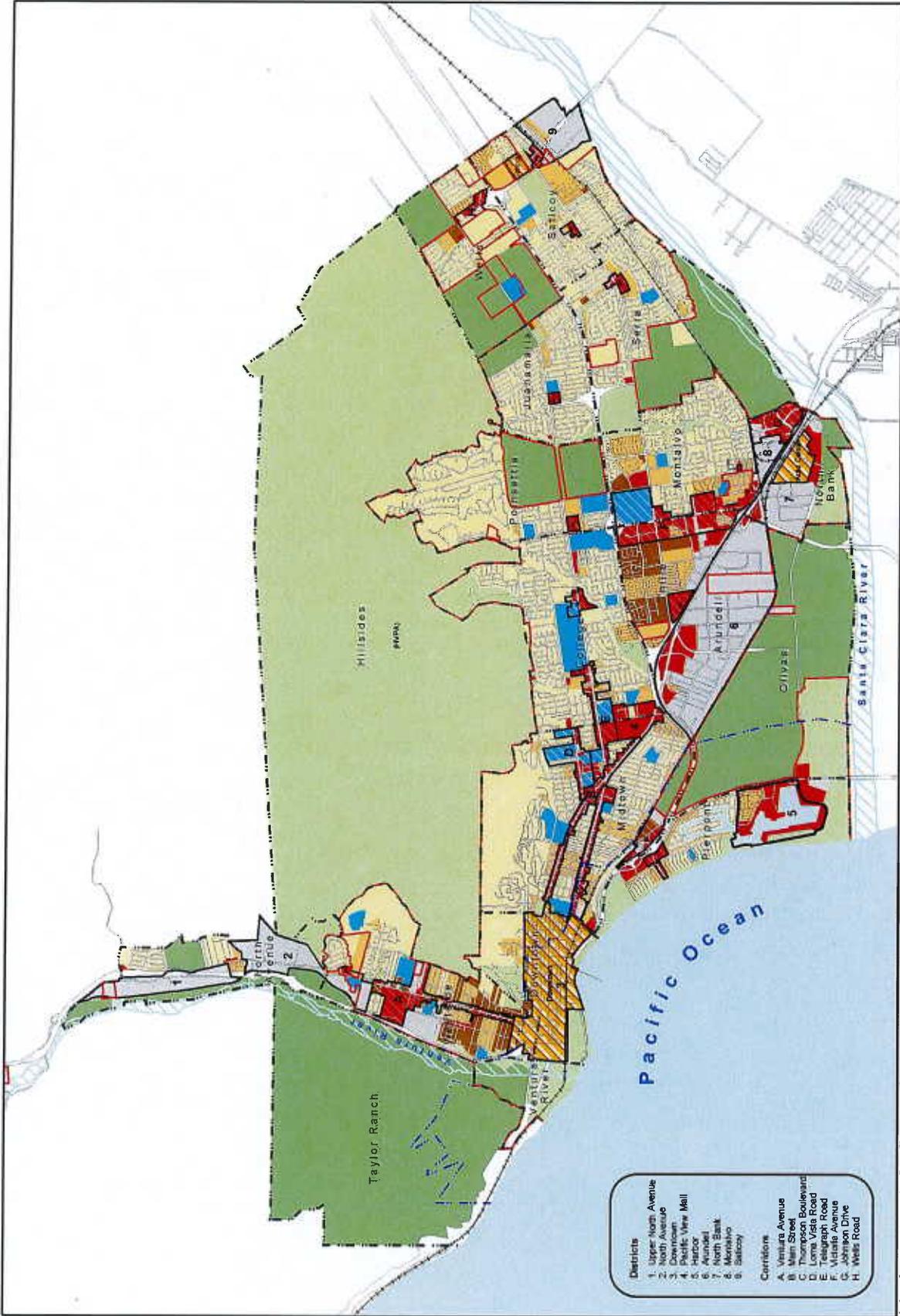
B. This initiative shall not be interpreted to apply to any land or use that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution. Nothing in this Initiative shall be applied to preclude the City's compliance with state laws governing second units or the use of density bonuses where authorized by state 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, subsection, 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, subsection, 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 and promoting agricultural, open space and rural lands, and preventing urban sprawl for the duration of the Ordinance.

#### Section 6. Amendment or Repeal.

Until December 31, 2050, this General Plan Amendment initiative may be amended or repealed only by the voters at a City-wide election.



**Figure 3-5**  
**GENERAL PLAN DIAGRAM**

- Low (up to 8 du/ac)
- Medium (9-20 du/ac)
- High (21-54 du/ac)
- Commerce
- Industry
- Public and Institutional
- Agriculture
- Parks and Open Space
- Specific Plan Area
- Corridors, Neighborhood Centers (NC)
- Districts
- City Limits
- Planning Communities
- California Coastal Zone Boundary

- Districts**
1. Upper North Avenue
  2. North Avenue
  3. Downtown
  4. Pacific View Mall
  5. Harbor
  6. Arundel
  7. North Bank
  8. Merello
  9. Salency
- Corridors**
- A. Ventura Avenue
  - B. Main Street
  - C. Thompson Boulevard
  - D. Lower Harbor Road
  - E. Telegraph Road
  - F. Victoria Avenue
  - G. Johnson Drive
  - H. Wells Road

Note: Areas prone to flooding are shown on Figure 7-1 in Chapter 7.

This map is a product of the City of San Buenaventura, California. Although reasonable efforts have been made to ensure the accuracy of this map, the City of San Buenaventura cannot guarantee its accuracy.

Exhibit A

# Exhibit B

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## SAVE OUR AGRICULTURAL RESOURCES (SOAR)

ORDINANCE NO. 95-33

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN BUENAVENTURA ADOPTING AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN WITH RESPECT TO THE PRESERVATION OF AGRICULTURAL LANDS.

The people of the City of San Buenaventura do hereby ordain as follows:

### Section 1. Findings and Purpose.

A. The protection of existing agricultural and watershed lands is of critical importance to present and future residents of the City of San Buenaventura (City of Ventura). Agriculture has been and remains the major contributor to the economy of the City and County of Ventura, creating employment for many people, directly and indirectly, and generating substantial tax revenues for the City.

B. In particular, the City of Ventura 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 Santa Clara and Ventura rivers have achieved international acclaim, enhancing the City's economy and reputation.

C. Uncontrolled urban encroachment into agricultural 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 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.

D. The unique character of the City of Ventura and quality of life of City 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.

E. The Resolution by which the City of Ventura adopted its Comprehensive Plan on August 28, 1989, Resolution No. 89-103, at page 4, contains in part the following "mitigation measures" in recognition of the importance of preserving agriculture resources:

"Any potential significant adverse impacts are mitigated by substantially limiting the amount of agricultural land converted from an agricultural land use designation limiting the amount of prime farmland converted, and by making the various agricultural land areas designated for potential development subject to conditions which narrowly limit the possible land use."

F. The Comprehensive Plan sets out as Objective 4 (at II-9) the desire to:

“Continue to preserve agricultural and other open space lands within the City’s Planning Area.”

And, the Comprehensive Plan describes as the first Goal of its Resource Element (at II-3) the objective to:

“Preserve agricultural and open space lands as a desirable means of shaping the City’s internal and external form and size, and of serving the needs of residents.”

G. The purpose of this initiative is to ensure that the Goals and Objectives of the Comprehensive Plan are inviolable by 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 ensures that until December 31, 2030, the general plan provisions governing agricultural land use designation and intent may not be change except by vote of the people. In addition, the initiative provides that any lands designated as “Agriculture Use”, referring to both “Agricultural Use (not to be reconsidered until after the Year 2010” and Agricultural/Institutional” on the City of Ventura’s General Plan “Land Use Plan Map” adopted by the City Council by Resolution 89-103 on August 28, 1989, as amended through February 1, 1995, will remain designated as Agricultural Use 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 San Buenaventura pursuant to the procedures set forth in this initiative.

H. This initiative allows the City Council to redesignate agriculture lands only if certain findings can be made, including (among other things) that the land is proven to be unsuitable for any form of agriculture and redesignation is necessary to avoid an unconstitutional taking of property without just compensation.

## **Section 2. General Plan Amendment.**

The Agricultural Lands Preservation Initiative hereby reaffirms and readopts until December 31, 2030, The “Agricultural Use” designations as defined in the City of San Buenaventura Comprehensive Plan adopted August 28, 1989, as amended through February 1, 1995, at pages III-25 and III-26, with the modification that the “target date” is extended from 2010 until after December 31, 2030.

The following terminology shall replace the current “Agricultural Use” designation defined at page III-25 of The Plan:

### **Agricultural Use**

The Agricultural Use (not to be reconsidered until after the Year 2030) category identifies those lands that are designated for agricultural use on the Land Use Plan Map.

The target date of 2030 associated with the Agricultural Use designation indicates a review date after which agriculturally designated lands may be reconsidered for urban uses. However, during the life of this plan as amended by initiative, it is intended that only agricultural uses are permitted on these lands, except as such lands may be appropriate to public open space and recreational usage. 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 "Agricultural" designations set forth on the of the City of Ventura Comprehensive Plan "Land Use Plan Map" adopted by the City Council on August 28, 1989, as amended through February 1, 1995, which map is incorporated herein by reference, modified, as appropriate, to delete the reference year 2010 and replace it with the reference year 2030.

Finally, the text of the Amendment Procedures of the City of Ventura Comprehensive Plan adopted August 28, 1989, as amended through February 1, 1995, (at XI-I) shall be amended to add a new subsection which provides:

#### Limitation on General Plan Amendments Relating to "Agricultural Use"

- a) Until December 31, 2030, the provisions and designations governing the intent for lands designated "Agricultural Use" of the Land Use Element and Resource Element adopted on August 28, 1989, as amended through February 1, 1995, shall not be amended unless such amendment is approved by vote of the people.
- b) All those lands designated as "Agricultural Use" in the City of Ventura Comprehensive Plan "Land Use Plan Map" adopted by the City Council on August 28, 1989 as amended through February 1, 1995, 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 subsections c) or d), below.
- c) Except as provided in subsection d), below, land designated as "Agricultural Use" may be redesignated by the City Council to a land use other than "Agricultural Use" as defined by the Comprehensive Plan adopted by the City Council on August 28, 1989, as amended through February 1, 1995, only if the City Council makes all of the following findings supported by the evidence:
  - i) The land is immediately adjacent to areas developed in a manner comparable to the proposed use;
  - ii) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
  - iii) The proposed use 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;
  - iv) 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; and
  - v) The land proposed for redesignation pursuant to this subsection (c) does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation in the Comprehensive Plan of "Agricultural Use" land pursuant to this subsection (c) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

- d) Land designated as "Agricultural Use" on the Land Use Plan 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 an unconstitutional taking of the landowners' 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 Comprehensive 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 Ventura's Comprehensive 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 1995, prior to the effective date of this initiative, this Comprehensive Plan amendment shall be deemed inserted in the City's General Plan on January 1, 1996. At such time as this Comprehensive Plan amendment is deemed inserted in the City's Comprehensive 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 Comprehensive Plan, including, but not limited to, the Comprehensive Plan Land Use Plan Map adopted by the City Council on August 28, 1989, (as amended through February 1, 1995) and accompanying test, 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 Ventura's Comprehensive Plan as amended through February 1, 1995, or to the City of Ventura's Land Use Plan Map as amended through February 1, 1995 which conflict with the initiative. Except as provided in Section 4 below, upon the 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 6. Amendment or Repeal.**

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

# Exhibit C

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## Ventura Hillside Voter Participation Measure

The people of the City of San Buenaventura do ordain as follows:

### Section 1. Title

This measure shall be known as the Ventura Hillside Voter Participation Measure.

### Section 2. Purpose

The overall purpose of this measure is to allow City voters to participate in the review process relating to non-exempt development projects that may be proposed in a certain portion of the "Hillside Area" of the City as defined in the City's Comprehensive Plan Update to the Year 2010 (hereafter the "Comprehensive Plan"). The portion of the Hillside Area under consideration lies generally north of the City, constitutes an area approximately 9108 acres in size, and is further depicted as the "Hillside Voter Participation Area" indicated in Exhibit "A" attached hereto and made a part hereof. The proposed Hillside Voter Participation Area (also referred to from time to time hereafter as "HVP Area" or "HVPA") is outside the Ventura City limits, but it is within the "Planning Area" of the City of San Buenaventura as further indicated on Exhibit "A." The Comprehensive Plan Land Use Map currently designates the properties within the proposed Hillside Voter Participation Area as "Hillside Planned Residential" or "HPR" rather than "Agricultural" and, therefore, these properties are not subject to the Save Our Agricultural Resources ("SOAR") Initiative adopted by the voters in 1995.

In the recent past, some property owners within the proposed Hillside Voter Participation Area have publicly presented initial proposals to develop those properties with a combination of residential uses and open space and recreational areas proposed to include, among other things, hiking and equestrian trails for use by the public. In the course of public meetings and informational workshops discussing these proposals, it has become apparent that there is a high level of public concern over potential issues of scenic resource protection, open space and recreational opportunities, infrastructure needs, traffic circulation, and other development-related issues arising from any proposed changes in the use of this important part of the City's Planning Area. This measure, in recognition of this heightened public concern, is intended to provide the electorate of the City of San Buenaventura with an opportunity to vote on the approval of any such development proposals or any similar proposals to extend urban services to the Hillside Voter Participation Area or develop property in the Hillside Voter Participation Area with urbanized land uses.

More particularly, this measure proposes to amend the Comprehensive Plan of the City of San Buenaventura by adding a requirement that approvals for extensions of "urban services" (defined in the City's Hillside Management Program as the provision of domestic water and sewers) or any proposed "urbanized uses of land" (as defined herein) in the Hillside Voter Participation Area cannot be granted without prior approval by a majority vote of the electorate.

### Section 3. Comprehensive Plan Amendment

The following text shall be inserted into the Land Use Element of the Comprehensive Plan at page III-8 thereof:

#### Hillside Voter Participation Area

The electorate of the City of Ventura has adopted a Hillside Voter Participation Area (Ventura HVP Area). Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in this Comprehensive Plan amendment.

##### A. PURPOSE

The City of Ventura Hillside Area, with its unique topography, viewsheds, watershed lands; its unique microclimate and hydrology, and its diversity of plant and wildlife resources, is one of the finest scenic resources in the Southern California region. The Comprehensive Plan recognizes the unique and important qualities and potential of the Hillside Area in, among other provisions, the declaration of specialized Objectives and Policies for the Hillside Area in the Resources Element of the Plan and the Plan's requirements for continuing operation of, and compliance with, the City's Hillside Management Program.

This Comprehensive Plan amendment is intended to provide for an increased level of public awareness and participation in the development review process applicable to that portion of the Hillside Area described and depicted in Exhibit "A" as the "Hillside Voter Participation Area." It is further intended to provide assurance to the public that any proposed development in the Hillside Voter Participation Area appropriately takes into account the Area's unique combination of viewshed, watershed, open space, scenic area, and environmentally sensitive habitat, and that agricultural, viewshed, watershed, and open space lands in the Hillside Voter Participation Area are not converted to urban or other non-open space uses without public discussion and a vote of the people. Increasing citizen participation in the development review process through the establishment of a Hillside Voter Participation Area enhances the City's sense of community, allows for development unique to the City of Ventura, and promotes the efficient use of the City's infrastructure.

More specifically, this Comprehensive Plan amendment is intended to provide an opportunity for the public to be involved in insuring that any development projects proposed in the Hillside Voter Participation Area, shall, at a minimum:

1. Maintain the scenic character of the hillsides in areas of future development, by preserving significant natural landmarks and scenic ridgelines and slopes.
2. Provide increased recreational opportunities for existing and future hillside and other City residents, by improving access to existing parks and establishing additional parks or open, non-developed areas in conjunction with future hillside development.
3. Maximize public access to hillside open space and recreation areas, by establishing a system of linear parks and hiking trails along scenic ridges and barrancas.
4. Minimize the impact of hillside development on sensitive natural habitats and historical or archaeological resources.

## **B. PRINCIPLES**

Inappropriate urban encroachment into Hillside open space, viewshed, watershed, scenic areas, and biological resource areas would have the potential to impact sensitive environmental areas, unwarrantedly intrude on open space, diminish the quality of life and threaten the public health, safety and welfare by leading to increased traffic congestion, associated air pollution, erosion, alteration of sensitive lands in watershed areas and causing potentially serious water problems, such as pollution, depletion and sedimentation of available water resources not only for the City of Ventura, but for its jurisdictional neighbors. Inappropriate urban encroachment could further result in the unwarranted extension of public services and facilities into sensitive areas.

The unique character of the City of Ventura and quality of life of City residents depends on the appropriate protection of the Hillside Area's substantial amount of open space, viewshed, watershed, scenic resources, and biological resources. The increased public awareness and involvement in the fate of such lands through the implementation of this Comprehensive Plan amendment will provide the public a special opportunity to assure that future generations of Ventura citizens will not be deprived of the benefits of access to a viable water supply, flood and erosion control, protection of viewsheds, wildlife, environmentally sensitive areas, open space and recreational areas, and irreplaceable natural resources.

## **C. IMPLEMENTATION**

(1) There is hereby established a Ventura Hillside Voter Participation Area (Ventura HVP Area). The Ventura HVP Area is that portion of the Hillside Area delineated and depicted in Exhibit "A" of this Comprehensive Plan amendment (hereafter, the "HVP Area Map"). As shown on the HVP Area Map, the southern boundary of the HVP Area generally follows the northern segment of the City's incorporated limit as established by the Local Agency Formation Commission for the City of Ventura, except as the HVP boundary line runs northerly of some small residential lots on or near Foothill Road west of Arroyo Verde Park as further depicted on Exhibit "A." East of Harmon Barranca, the HVP Area boundary generally follows the alignment of Foothill Road eastward to the boundary of the City's Planning Area. The northerly boundary of the HVP Area continues, generally, as the northern boundary of the City's Planning Area. The westerly boundary of the HVP Area alternately follows the City limit boundary or Sphere of Influence boundary easterly of the North Avenue area. The foregoing narrative description is intended to be general in nature and all of the foregoing is more particularly depicted and described in Exhibit "A"

Insofar as the HVP Area boundary described and depicted in this Comprehensive Plan amendment, including Exhibit "A" hereto, is said or shown to be coterminous with either the City's incorporated limit or the City's Sphere of Influence boundary, or with the boundary of the City's Planning Area, such references are intended to be, and shall be construed to be, the location of the City limit boundary or Sphere of Influence boundary or boundary of the City's Planning Area, as applicable, as each of those boundaries are established for the City of Ventura as of January 1, 2001. Although the HVP Area boundary is established, in part, in generally the same location as the City limit boundary, or in some instances, the Sphere of Influence boundary, the establishment of the HVP Area boundary is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the City limit boundary or Sphere of Influence boundary in accordance with State law. The boundary of the HVP Area, although incidentally coterminous as of one point in time with the City limit boundary or Sphere of Influence boundary or boundary of the City's Planning Area, is independent from these boundaries in legal significance and purpose. While the City limit boundary or Sphere of Influence boundary may be, from time to time, altered by the Local Agency Formation Commission, or the boundary of the City's Planning Area may be changed, the HVP Area boundary shall not be changed except as provided herein.

(2) Until December 31, 2030, the City of Ventura shall not extend urban services into, and shall not authorize urbanized uses of land within, the Ventura Hillside Voter Participation Area unless otherwise authorized by a vote of the people, except for the purpose of construction of public potable water facilities, public parks or other city government facilities or as otherwise provided or excepted herein. Upon the effective date of this Hillside Voter Participation Area Comprehensive

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 Comprehensive 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 Comprehensive Plan amendment, unless in accordance with the amendment procedures of Section 4 of this Comprehensive Plan amendment.

(3) "Urbanized uses of land" shall mean any development that would require the establishment of new community sewer systems or the significant expansion of existing community sewer systems; or, would result in the creation of residential densities greater than one primary residential unit per 40 acres in area; or, would result in the establishment of commercial or industrial uses that are neither agriculturally-related nor related to the production of mineral resources.

(4) The Land Use Map is amended to reflect the existence of the Ventura Hillside Voter Participation Area as generally described in paragraph (1) above and as depicted in Exhibit "A," attached hereto.

(5) The Hillside Voter Participation Area, as defined herein, may not be amended, altered, revoked or otherwise changed prior to December 31, 2030, except by vote of the people or by the City Council pursuant to the procedures set forth in Section 4 of this Comprehensive Plan amendment. For purposes of this Ordinance, approval by a vote of the people is accomplished when a Comprehensive 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 4. Changes to Area: Procedures.**

Until December 31, 2030, the foregoing Purposes, Principles and Implementation provisions of this Comprehensive Plan amendment, and the Hillside Voter Participation Area 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 boundary of the Hillside Voter Participation Area depicted on Exhibit "A" if it finds such amendment to be in the public interest, provided that the amended boundary enlarges said Hillside Voter Participation Area established by this Comprehensive Plan amendment.

B. The City Council, following at least one public hearing for presentation by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the Hillside Voter Participation Area described herein, based on substantial evidence in the record, if the City Council makes each of the following findings:

- (1) Application of the provisions of subsections (A) or (B) of the amendment procedures set forth in this Section 4 are unworkable and failure to amend the Hillside Voter Participation Area would constitute an unconstitutional taking of a landowner's property for which compensation would be required or would deprive the landowner of a vested right; and
- (2) The amendment and associated land use designations will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property or to give effect to the vested right.

C. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the Hillside Voter Participation Area or the provisions of this Comprehensive Plan amendment on the ballot pursuant to the mechanisms provided by state law.

D. The Comprehensive Plan may be reorganized and individual provisions, including the provisions of this ordinance, maybe renumbered or reordered in the course of ongoing updates of the Comprehensive Plan in accordance with the requirements of state law.

### **Section 5. No Changes to Save Our Agricultural Resources Initiative**

Any restrictions imposed upon the City of San Buenaventura limiting the City's ability to redesignate, or allow development of, property designated "Agricultural" that are in effect as a result of the "SOAR" initiative approved by the voters in 1995 and adopted by the City Council as Ordinance No. 95-33 shall remain in full force and effect and shall not be amended, modified, altered, or abridged by the adoption of this ordinance.

### **Section 6. Exemptions:**

The provisions of this ordinance do not apply to:

- A. Construction or reconstruction of, or related to, public potable water facilities, public parks or other city government facilities; or
- B. Construction or reconstruction of no more than one residential dwelling unit, and incidental uses or structures related thereto, on an individual parcel of land that is lawfully established of record as of the effective date of this Comprehensive Plan amendment and that is contiguous to the City's incorporation boundary but only to the extent that such a legally established parcel is developed with, or proposed to be developed with, no more than one residential dwelling unit; or
- C. Any development that would result in the creation of residential densities equal to or less than one primary residential unit per 40 acres in area; or, would result in the establishment of commercial or industrial uses that are agriculturally-related or related to the production of mineral resources; or
- D. Any development project that has obtained, as of the effective date of this Comprehensive Plan amendment, a vested right pursuant to state or local law; or
- E. Uses that are "incidental" (as the City's Zoning Ordinance defines "incidental uses") to uses lawfully established as of the effective date of this Comprehensive Plan amendment.

### **Section 7. Interpretation**

This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. 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 promotes public participation in decision-making relating to future development proposals within in the Hillside Voter Participation Area.

### **Section 8. Insertion Date**

A. Upon the effective date of this ordinance, Sections 3, 4, 5, 6, and 7 of this ordinance shall be deemed inserted in the Comprehensive Plan and the Land Use Map referred to in Part C of Section 3 shall be deemed amended even though the reprinting may not occur until it can be carried out by the staff of the City of San Buenaventura.

B. The Comprehensive Plan in effect at the time the City Council decided to place this measure on the ballot, and the Comprehensive Plan as amended by this ordinance, comprise an integrated, internally consistent and compatible statement of policies for the City of San Buenaventura. In order to ensure that the Comprehensive Plan remains an integrated, internally consistent and compatible statement of policies and to ensure that the actions of the voters in enacting this ordinance are given effect, any provision of the Comprehensive Plan that is adopted between July 23, 2001 and the effective date of this ordinance, to the extent that such provision is inconsistent with this ordinance, shall be amended as soon as possible and in the manner and time required by state law to ensure consistency between such provision and Section 3 of this ordinance. In the alternative, such interim-enacted inconsistent provisions shall be repealed.

### **Section 9. Amendment or Repeal**

This ordinance may be amended or repealed only by the voters of the City of San Buenaventura at an election held in accordance with state law, except as expressly provided by Section 4 herein.

# Exhibit D

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## VENTURA COMMUNITY PARK SOAR AMENDMENT

The people of the City of San Buenaventura do ordain as follows:

### Section 1. Title

This measure shall be known as the Ventura Community Park SOAR Amendment.

### Section 2. Purpose

The purpose of this measure is to allow the City to develop a Community Park on a parcel of property located at the northwest corner of the intersection of Kimball Road and Telephone Road. The subject property, which is approximately 100 acres in size, is further described in Exhibit "A," attached hereto and made a part hereof, and is hereafter referred to as the "Property." Most of the Property is outside the Ventura City limits but within the "Planning Area" of the City of San Buenaventura and therefore covered by the City's Comprehensive Plan Update to the Year 2010 (hereafter the "Comprehensive Plan"). The Property is currently designated "Agricultural" under the Comprehensive Plan and, therefore, also subject to the 1995 Save Our Agricultural Resources ("SOAR") Initiative.

The City is proposing to develop the Property with community-oriented public park facilities that may include, among other things, athletic fields, an aquatic facility, a community center and other related buildings and structures for use by the public. If this measure is approved, the City may also construct and operate a fire station on a portion of the Property.

This initiative proposes to amend the Comprehensive Plan of the City of San Buenaventura, by changing the designation of the Property in the Comprehensive Plan Land Use Plan Map from "Agricultural" (or "A") to "Parks" (or "P"). This will allow the City of San Buenaventura to potentially develop the Property with a Community Park without being restricted by the SOAR Initiative.

### Section 3. Comprehensive Plan Amendment

#### Part A.

The following paragraph titled "Parks Uses" is hereby added to the Land Use Element of the Comprehensive Plan, more particularly, to the provisions of the Serra Community Intent and Rationale Statement on page III-96, to read as follows:

**"Parks Uses:** The Parks Land Use Plan designation is applied to an approximately 100-acre site at the northwest corner of Kimball Road and Telephone Road for the purpose of developing a multi-purpose community-oriented public park on this site. It is further intended that this site should be zoned to the "P" (Parks) zone if and when it is annexed to the City. Design Review should be carried out by the City's Planning Commission prior to the development of any Recreation Services use types on the site to assure that the range of community park uses potentially permitted on the site by the "P" zone are well integrated on the site and compatible with adjacent land uses."

## VENTURA COMMUNITY PARK SOAR AMENDMENT

### Part B.

The Property is deleted from the discussion of "Agricultural Uses" in the Serra Community provisions of the Land Use Element of the Comprehensive Plan. To that end, the final paragraph with the heading "Agricultural Use" beginning at the bottom of page III-95 and ending at the top of page III-96 is hereby revised to read as follows: "Agricultural Use: A 297-acre area between Telephone Road and the Southern Pacific Railroad and a 172-acre area between Bristol Road and the Santa Clara River are designated Agricultural Use, not to be reconsidered until after the Year 2010, to preserve their existing agricultural character."

### Part C.

The Land Use Plan Map incorporated in the Comprehensive Plan is hereby amended, and official copies thereof shall be revised by City staff, to reflect the foregoing amendments to the text of the Land Use Element.

### **Section 4. Zoning**

Upon annexation to the City of San Buenaventura, the zoning classification for the Property shall be "P" (Parks) and the Official Zoning District Map incorporated in the Zoning Ordinance shall, by this Measure, be amended, and official copies thereof shall be revised by City staff, to reflect the foregoing zone change to the Property.

### **Section 5. Save Open-Space and Agricultural Resources**

Any restrictions imposed upon the City of San Buenaventura limiting the City's ability to redesignate, or allow development of, property designated "Agricultural" that are in effect on the day that this Initiative is approved by the voters shall remain in full force and effect except as to the Property. The City of San Buenaventura may allow development of a community park on the Property in accordance with this ordinance.

### **Section 6. Interpretation**

This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the voters that the provisions of this ordinance shall be interpreted by the City of San Buenaventura and others in a manner that facilitates the development of a community park on the Property in accordance with the purposes of this ordinance.

### **Section 7. Insertion Date**

Part A. Upon the effective date of this ordinance, Part A and Part B of Section 3 of this ordinance shall be deemed inserted in the Comprehensive Plan and the Land Use Map referred to in Part C of Section 3 shall be deemed amended even though the reprinting may not occur until it can be carried out by the staff of the City of San Buenaventura.

Part B. The Comprehensive Plan in effect at the time the City Council decided to place this measure on the ballot, and the Comprehensive Plan as amended by this ordinance, comprise an integrated, internally consistent and compatible statement of policies for the City of San Buenaventura.

## VENTURA COMMUNITY PARK SOAR AMENDMENT

In order to ensure that the Comprehensive Plan remains an integrated, internally consistent and compatible statement of policies and to ensure that the actions of the voters in enacting this ordinance are given effect, any provision of the Comprehensive Plan that is adopted between [the date the City Council decided to place this measure on the ballot] and the effective date of this ordinance, to the extent that such provision is inconsistent with this ordinance, shall be amended as soon as possible and in the manner and time required by state law to ensure consistency between such provision and Section 3 of this ordinance. In the alternative, such interim-enacted inconsistent provisions shall be repealed.

### **Section 8. Amendment or Repeal**

Section 3 and Section 4 of this ordinance may be amended or repealed only by the voters of the City of San Buenaventura at an election held in accordance with state law.

# Exhibit E

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The people of the City of San Buenaventura do ordain as follows:

## Section 1. Title

This ordinance shall be known as the First Assembly of God Land Initiative.

## Section 2. Purpose

The purpose of this ordinance is to allow the First Assembly of God (hereafter "Church") to develop a property located at the northwest corner of the intersection of Montgomery Avenue and Northbank Drive. Such property is 25.59 acres and is further described in Exhibit A, attached hereto and made a part hereof, and is hereafter referred to as "Property". The Church wishes to develop the Property in accordance with City of San Buenaventura Ordinance No 95-33 (commonly known as "SOAR") guidelines for a sanctuary, related Church buildings, and athletic fields for use by the community of San Buenaventura.

Since the Property is within the sphere of influence of the City of San Buenaventura, this ordinance (1) amends the Comprehensive Plan Update to the Year 2010 (hereafter the "General Plan") of the City of San Buenaventura, and (2) rezones the Property to the R-1 Single Family zone with a subzone of R-1-1AC. This will allow the City of San Buenaventura to annex the Property with a restricted land use that is compatible with the Church's development of the Property.

## Section 3. General Plan Amendment

### Part A.

The second paragraph under the heading "Residential Uses" appearing on page III-94 of the General Plan describes the areas that may be used for low-density, single family homes in the Serra Community area of the City of San Buenaventura. The single family use (designated as SF in the General Plan) is the most restrictive land use that will allow the Church to build a sanctuary, related church buildings, and athletic fields. Section 4 of this initiative will further restrict the Property by pre-zoning the Property and requiring a minimum of one acre for each parcel. This will make the Property unattractive for single family development but still acceptable for the Church sanctuary, related Church buildings, and athletic fields. This ordinance adds the Church's 25.59 acre parcel to the SF land use.

The second paragraph under the heading "Residential Uses" appearing on page III-94 of the General Plan is hereby amended to read as follows:

"The SF category is applied to an approximately 3-acre site at the southeast corner of Henderson and Petit Avenue, a 1.7-acre site southerly of Darling Road extended, and a 25.59-acre site located at the northwest corner of Montgomery Avenue and Northbank Drive."

### Part B.

The final paragraph with the heading "Agricultural Use" beginning at the bottom of page III-95 and ending at the top of page III-96 of the General Plan describes that portion of the Serra Community area of the City of San Buenaventura which may only be used for agricultural uses. This ordinance deletes the Church's 25.59 acre parcel from the agricultural use category.

The final paragraph with the heading "Agricultural Use" beginning at the bottom of page III-95 and ending at the top of page III-96 of the General Plan is hereby amended to read as follows:

**"Agricultural Use:** A 100-acre site at the northwest corner of Kimball Road and Telephone, a 297-acre area between Telephone Road and the Southern Pacific Railroad except for the 25.59-acre site located at the northwest corner of Montgomery Avenue and Northbank Drive, and a 172-acre area between Bristol Road and the Santa Clara River are designated Agricultural Use, not to be reconsidered until after the Year 2010, to preserve their existing agricultural character."

**Part C.**

The map of the Land Use Plan contained in the General Plan shall be redrafted to reflect the foregoing amendments.

**Section 4. Zoning**

The most restrictive zoning in the City of San Buenaventura which will allow the Church to build a sanctuary, related Church buildings, and athletic fields on the Property is an R-1 Single Family zone with a subzone of R-1-1AC. The R-1-1AC subzone restricts the Property by requiring a minimum of one acre for each parcel. This will make the Property unattractive for single family development but still acceptable for the Church's sanctuary, related Church buildings, and athletic fields.

Therefore, upon annexation of the Property to the City of San Buenaventura the zoning designation for the Property shall be the R-1 Single Family zone with a subzone of R-1-1AC.

**Section 5. Save Open-Space and Agricultural Resources**

Any restrictions imposed upon the City of San Buenaventura limiting the City's ability to annex property and allow development of such property shall remain in full force and effect except as to the 25.59-acres of the Property.

**Section 6. Construction**

This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the voters that the provisions of this ordinance shall be interpreted by the City of San Buenaventura and others in a manner that facilitates the development of the Property in accordance with the purposes of this ordinance.

**Section 7. Insertion Date**

Part A. Upon the effective date of this ordinance, Part A and Part B of Section 3 of this ordinance shall be deemed inserted in the General Plan and the Land Use Map referred to in Part C of Section 3 shall be deemed amended even though the reprinting may not occur until deemed convenient by the City of San Buenaventura.

Part B. The General Plan in effect at the time the Notice of Intention to circulate this initiative was submitted to the City Clerk of the City of San Buenaventura, and the General Plan as amended by this ordinance, comprise an integrated, internally consistent and compatible statement of policies for the

City of San Buenaventura. In order to ensure that the General Plan remains an integrated, internally consistent and compatible statement of policies and to ensure that the actions of the voters in enacting this ordinance are given effect, any provision of the General Plan that is adopted between the Notice of Intention and the effective date of this ordinance, to the extent that such provision is inconsistent with this ordinance, shall be amended as soon as possible and in the manner and time required by state law to ensure consistency between such provision and Section 3 of this ordinance. In the alternative, such interim-enacted inconsistent provisions shall be repealed.

### **Section 8. Amendment or Repeal**

Section 3 and Section 4 of this ordinance may be amended or repealed only by the voters of the City of San Buenaventura at an election held in accordance with state law.

### **EXHIBIT "A"**

#### **PARCEL 1:**

That portion of Subdivision 98 of Rancho Santa Paula y Saticoy, in the county of Ventura, state of California, as per map recorded in book "A" page 3 290 of Miscellaneous Records (Transcribed Records from Santa Barbara County), in the office of the county recorder of said county, described as follows:

Beginning at the point of intersection of the centerline of the right of way of the Southern Pacific Railroad and the boundary line between Subdivisions 98 and 99 of said Rancho Santa Paula y Saticoy; thence from said point of beginning,

1st: - North 10° 30' West 9.482 chains, more or less, to the southeast corner of that certain Parcel of land conveyed to Charles H. Fowler, by deed dated March 18, 1892, recorded in book 36 page 86 of Deeds; thence,

2nd: - South 79° 30' West 19.25 chains, along the south line of said lands of Charles H. Fowler, to the northeast corner of that certain Parcel of land as conveyed to Emma J. Tyler, by deed dated June 20, 1894, recorded in book 43 page 90 of Deeds; thence,

3rd: - South 10° 30' East 18.982 chains, more or less, along the east line of said lands of Emma J. Tyler, to a point in the centerline of the right of way of the Southern Pacific Railroad; thence along same,

4th: - North 53° 15' East 22.57 chains, more or less, to the point of beginning.

EXCEPT a strip of parcel of land 50 feet wide lying adjoining and immediately west of the east line of the above described land, conveyed to the County of Ventura, as a public highway, by deed recorded July 12, 1889, in book 28 page 338 of Deeds.

ALSO EXCEPT that portion thereof conveyed to the Southern Pacific Railroad Company by deed recorded January 27, 1887 in book 18 page 146 of Deeds.

RESERVING unto the grantor herein, all oil, gas and mineral rights in and to said land, without however, any right of surface entry in and to a depth of 500 feet.

PARCEL 3:

That certain parcel in Lot 99 of the Rancho Santa Paula y Saticoy, marked "not a part of this subdivision" on the map of Tract No. 1333-1, in the City of San Buenaventura, county of Ventura, state of California, as per map recorded in book 30 page 51 of Maps, in the office of the county recorder of said county, and lying northwesterly of the Southern Pacific Railroad right of way, easterly of Bristol Road and southwesterly of Montgomery Avenue, as shown on said map.

RESERVING unto the grantor herein, all oil, gas and mineral rights in and to said land, without however, any right of surface entry in and to a depth of 500 feet from the surface thereof.