

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Assistant City Manager *DST*
Maureen Benson, City Clerk *MB*

DATE: April 15, 2016 (CC Meeting of 4/20/16)

SUBJECT: Consider Options for Moorpark Save Open-space and Agricultural Resources – 2050 Initiative Ordinance Pursuant to Elections Code Section 9215

BACKGROUND

On December 4, 2015, the notice of intention and title and summary of the initiative petition entitled “Moorpark Save Open-space and Agricultural Resources – 2050” also known as “Moorpark SOAR – 2050” were published in the Ventura County Star (a copy of the Notice of intention and City Attorney title and summary is included as Attachment 1). Based upon the 19,873 Moorpark registered voters, as reported by the Ventura County Registrar of Voters and filed with the Secretary of State’s office on February 10, 2015 (which is the last report of registration by the County elections official effective at the time the Notice of Intent to Circulate Petition was filed with the City Clerk), the petition needed 10 percent or 1,988 sufficient signatures to qualify for the ballot.

On March 17, 2016, 423 sections of the petition were filed with the City Clerk’s Division, which issued a Receipt for Petitions for 3,055 signatures, as determined by prima facie examination. The 423 sections of the petition were transported to the Ventura County Clerk Recorder/Registrar of Voters for signature verification using the official voter registration records.

On April 6, 2016, the City Clerk received the Signature Verification Certificate (Attachment 2) from the Ventura County Clerk Recorder/Registrar of Voters determining the number of sufficient signatures to be 2,504. That number of signatures is more than the required 10 percent of the number of registered voters of the City needed to submit the measure to the voters. Since the petition signatures have been verified and exceed the minimum number required, and the mandatory elements of a valid initiative petition are included, with this report the City Clerk is certifying the sufficiency of the initiative petition, and the City Council is required by Section 9215 of the Elections Code to do one of the following:

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.

(b) Submit the ordinance, without alteration, to the voters pursuant to subdivision (b) of Section 1405, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to subdivision (a) of Section 1405. (*The referenced Section 1405 requires the election for a qualified initiative measure to be held on the City's next regular election.*)

(c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

Elections Code Section 9212 includes the following provisions for ordering a report:

(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

DISCUSSION

Section 9215(a) – Adopt the Ordinance

Elections Code Section 9215(a) permits the City Council to adopt the initiative measure as an ordinance (see copy of the submitted initiative measure included as Attachment 3 to this report). The Elections Code provides that if the City Council chooses this option, the ordinance is adopted at the regular meeting at which the certification of the petitions is presented to the Council or within 10 days thereafter. Accordingly, it must be adopted in one reading rather than two readings because the Election Code uses the term “adoption” with respect to the first meeting at which the certification is presented and because there is insufficient time authorized to hold two regular meetings for first and second reading and act within the 10 day period. Although Section 9215(a) permits adoption within ten days after it is presented (which means before Saturday, April 30), the City Council would have to adjourn this regular meeting to a date certain before April 30, in order to permit postponement of the Council’s decision to adopt the initiative ordinance, since ordinance adoption cannot occur at a special meeting.

Councilmember Mikos has verbally informed staff that Richard Francis, one of the leaders of the countywide SOAR ordinance effort, has confirmed the SOAR proponents preference that the City Council select the option provided pursuant to Section 9215(b) and submit the ordinance to the voters for the November 8, 2016 election, versus the City Council adopting the ordinance. Staff’s understanding is that Mr. Francis will be at the April 20th City Council meeting to confirm their preference for voter adoption. Additional discussion on the Section 9215(b) option for voter adoption may be found on the following page of this report.

The initiative ordinance (reference Attachment 3) includes a City Urban Restriction Boundary (CURB) map as Exhibit A. There are two clerical errors on Exhibit A, which are an incorrect City of Moorpark website address and a “CC Attachment 3” label that should be removed because it is not applicable to the current SOAR CURB map. However, based on recent court decisions, including the court’s opinion in *Vargas v. Balz*, 223 Cal.App.4th 1544 (2014), the City does not have clear legal authority to make clerical corrections between the version of the ordinance that was circulated with the Petitions and the version that is submitted to the voters at the election or adopted by the City Council. Instead, if the voters approve the ordinance, some of these clerical corrections, particularly incorrect exhibit references, can be addressed when the text is inserted in the City’s General Plan pursuant to authority contained in the ordinance that allows the City to reorganize, renumber, or reorder the individual provisions of the ordinance. Other clerical corrections can be noted with footnotes in the General Plan.

An Exhibit B Zoning Map was included with the initiative measure that was circulated to the voters (see Attachment 3), but it is not referenced as an exhibit in the ordinance text. The Moorpark SOAR proponents have informed staff verbally that inclusion of the Exhibit B City Zoning Map was a clerical error; however, for the same reasons stated above pertaining to

Exhibit A, Exhibit B will need to remain in the initiative ordinance regardless of whether adopted by the City Council or the voters.

Although staff has identified clerical errors for the Exhibits, the petition includes the legally required elements of a valid petition, and the petition signatures have been verified; therefore, the certification of the petition is considered appropriate.

Although the proponents are not requesting City Council adoption of the ordinance, staff wanted to provide the City Council with the information that there is no advantage for City Council adoption versus voter adoption pertaining to the ability to modify the ordinance. Section 9217 of the Elections Code provides that no ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.

Also, there is no California Environmental Quality Act (CEQA) advantage for the City Council to consider in deciding whether to adopt the ordinance or submit the ordinance to the voters. In a California Supreme Court decision filed August 7, 2014 (Tuolumne Jobs & Small Business Alliance v. the Superior Court of Tuolumne County, Wal-Mart Stores, Inc., et al., Real Parties in Interest) the Supreme Court found that CEQA review is not required before direct adoption of a voter sponsored initiative by a city council, just as it is not required before voters adopt an initiative at an election. The Elections Code was determined to provide the exclusive procedures for voter initiatives.

Section 9215(b) – Submit the Initiative Measure to the Voters

As previously stated, the proponents want the Moorpark SOAR – 2050 ordinance submitted to the voters for the November 8, 2016, election. If the City Council concurs to submit the initiative measure as an ordinance at the next regular municipal election, staff should be directed to schedule a resolution for the June 15, 2016, regular meeting that will call and give notice of the holding of a General Municipal Election to be held on Tuesday, November 8, 2016, for the election of certain officers of the City as required by the provisions of the laws of the State of California relating to general law cities; and for submission to the voters a ballot measure question for the Moorpark Save Open-space and Agricultural Resources – 2050 Initiative, or Moorpark SOAR – 2050, and requesting the Board of Supervisors of the County of Ventura to consolidate said Municipal Election with the Presidential General Election.

The County of Ventura's election calendar for the November 8, 2016, election identifies July 5, 2016, as the last day to request consolidation and file the City's election consolidation resolution with the County, including ballot question text for initiative measures. Our practice is to adopt the election resolutions no later than the second meeting in June, which assists the County Elections Division in achieving their deadline for the Board of Supervisors meeting agenda. The City Council will also be adopting a resolution requesting the County of Ventura to provide the election services.

Staff's rough estimate of the cost of adding an ordinance measure to a ballot would be approximately \$6,000, because of the additional printing costs, such as printing the ordinance, impartial analysis, and arguments and rebuttals in the sample ballot book. There are also additional staff costs related to coordinating the arguments and rebuttals.

Section 9215(c) – Order a Report Regarding the Impacts of the Measure on the City of Moorpark

The Moorpark SOAR – 2050 initiative measure extends the SOAR initiative ordinance that was originally adopted by the voters at a special election on January 12, 1999, changing the sunset date from December 31, 2020 to December 31, 2050. Although the CURB boundary remains the same, as shown on Exhibit A of the attached Moorpark SOAR – 2050 initiative ordinance (Attachment 3 of this report), minor revisions have been made to the General Plan text, as are described in the attached initiative ordinance, and including legislative format for revisions. These revisions do not appear to require impact analysis pursuant to Section 9215(c). Additionally, the City Council held a public hearing on September 16, 2015, to consider an update to the Moorpark City Urban Restriction Boundary (Moorpark CURB), and the unanimous decision of the City Council was to not request any change to the Moorpark CURB.

For these reasons, staff is not recommending proceeding with the option to order a report on any or all of the impact analysis as permitted by Sections 9212 and 9215(c) of the Elections Code. Also, as previously discussed, CEQA compliance is not required.

If the City Council directs the impact analysis, staff would need to schedule a subsequent agenda item to allocate the funds for contract services to achieve the completion of the report and present it to the Council no later than 30 days from certification of the sufficiency of the petition (which would be no later than 30 days from the date of this agenda report).

FISCAL IMPACT

The City's cost for the additional County of Ventura Elections Division contract services to add the Moorpark SOAR – 2050 ballot initiative ordinance for the November 8, 2016, election is roughly estimated to be about \$6,000. If the City Council directed any of the potential impact analysis as permitted by Section 9212 and 9215(c) of the Elections Code, the cost could be \$10,000 or higher for contract services.

STAFF RECOMMENDATION

Direct staff as deemed appropriate.

Attachments:

1. City Attorney title and summary and Notice of Intention
2. Ventura County Clerk and Recorder Signature Verification Certificate
3. Full Text of Moorpark SOAR – 2050 Initiative Ordinance including Exhibit A and Exhibit B

AN INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Pursuant to Elections Code § 9203, the city attorney prepared the following title and summary of the chief purpose and points of the proposed measure:

**AN INITIATIVE MEASURE AMENDING MOORPARK'S EXISTING GENERAL PLAN PROVISIONS
RESTRICTING GROWTH OUTSIDE MOORPARK'S CITY URBAN RESTRICTION BOUNDARY**

The initiative measure ("Measure") proposed by this petition is known as the
"Moorpark Save Open-space and Agricultural Resources – 2050 initiative," or "Moorpark SOAR – 2050."

In 1999, Moorpark voters adopted Measure S, known as the "Moorpark Save Open-space and Agricultural Resources," or "Moorpark SOAR," initiative. The 1999 Moorpark SOAR amended the Moorpark General Plan to establish the "Moorpark City Urban Restriction Boundary," or "Moorpark CURB." With minor exceptions, the 1999 Moorpark SOAR prohibits the City from permitting "urban services" or "urbanized uses of land" outside the Moorpark CURB until December 31, 2020. The City Council may amend the Moorpark CURB under certain specified circumstances.

This new Measure would extend the Moorpark SOAR's provisions from December 31, 2020 to December 31, 2050 and make certain amendments to the General Plan provisions adopted by the 1999 Moorpark SOAR initiative.

The Measure would not change the location of the Moorpark CURB. The 1999 Moorpark SOAR established the Moorpark CURB as generally coterminous with the Moorpark Sphere of Influence line as it existed on January 1, 1998. The Moorpark CURB tracks the City limits, except a small portion of land located in the south eastern portion of the City that was annexed into the City in 1998 and would continue to fall outside the Moorpark CURB.

Currently, the City may permit certain public roads, potable water facilities, public schools, public parks or other government facilities to be constructed outside the Moorpark CURB. The Measure would remove the City's ability to permit public schools and other government facilities (except public parks) outside the Moorpark CURB.

Currently, the City Council is authorized to reduce the size of the existing Moorpark CURB. The Measure clarifies that once reduced by the City Council, the Moorpark CURB may only be enlarged under certain circumstances pursuant to specified amendment procedures.

Currently, the City Council may amend the Moorpark CURB if land outside the Moorpark CURB line has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture. The Measure would increase this time period from two years to four years. To amend the Moorpark CURB on this basis, the Measure would require notice to neighboring properties, the Ventura County Local Area Formation Commission, and certain other persons.

The Measure provides that the proposed amendments to the Moorpark General Plan shall take effect on the Measure's effective date, unless the amendment would exceed the annual number of General Plan amendments permitted by State law. In that case, the General Plan amendments would take effect on January 1, 2017.

The Measure specifies rules if the General Plan is amended between the initiative submittal date and the Measure's effective date to ensure the General Plan's internal consistency.

The Measure may only be amended by a vote of the electorate and includes a severability clause so that if portions of the Measure are invalidated, the remaining portions would remain in effect.

Kevin G. Ennis, City Attorney, City of Moorpark

**SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES 2050
MOORPARK CITY URBAN RESTRICTION BOUNDARY**

**Notice of Intention to Circulate Petition and
Request That A Ballot Title and Summary Be Prepared**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Moorpark in the form accompanying this Notice, for the purpose of qualifying the measure for the November 8, 2016, ballot. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

Prevention of urban sprawl, protection of open space and agricultural resources, and the maximization of infrastructure, are significant concerns of the citizens of Moorpark. This initiative advances those objectives by extending from 2020 to 2050 the sunset of the currently existing requirement of a vote of the citizens of the City for any expansion of urban land uses beyond the limits of the Moorpark City Urban Restriction Boundary (CURB) established in 1999 and re-established as set forth in this initiative.

Additionally, pursuant to Elections Code § 9203, request is hereby made that the text of the petition be transmitted immediately to the City Attorney for preparation of a ballot title and summary, not exceeding 500 words, accurately expressing the purpose of the proposed measure.

Respectfully Submitted, October 29, 2015

Roseann Mikos
14371 E. Cambridge St.
Moorpark, CA 93021

David Ross
15010 Reedley St., #E
Moorpark, CA 93021

Linda Shishino-Cruz
4214 Skybrook Ct.
Moorpark, CA 93021

SIGNATURE VERIFICATION CERTIFICATE

I, MARK A. LUNN, Clerk Recorder/Registrar of Voters of the County of Ventura, State of California,

Hereby certify that: Moorpark Save Open Space & Agricultural Resources 2050 Initiative Initiative Title

has been filed with this office on March 17, 2016 Month and day Year

That the said petition consists of 423 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that Section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

Table with 2 columns: Description and Count. Rows include: 1. Number of unverified signatures filed by proponent (raw count) 3,057; 2. Number of signatures verified 3,057; Number of signatures found SUFFICIENT 2,504; Number of signatures found INSUFFICIENT 553; INSUFFICIENT because of DUPLICATE 42.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

April 4, 2016 Month and day Year

MARK A. LUNN Clerk Recorder/Registrar of Voters

By: Tracy Saucedo TRACY SAUCEDO Assistant Registrar of Voters

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or “Moorpark SOAR – 2050.”
FULL TEXT OF ORDINANCE (page 1 of 3)

PREAMBLE

In 1999, the City of Moorpark, through the initiative process, approved an initiative measure establishing a City Urban Restriction Boundary (CURB), entitled the Save Open-Space and Agricultural Resources measure (SOAR) limiting development outside of the CURB. The measure sunsets – expires – in 2020. The effects of that measure have been very successful, accomplishing its purposes and objectives, while allowing for meeting the City's growth goals and potentials. Accordingly, this initiative is intended to restate and re-adopt the 1999 SOAR measure, as currently found in the Moorpark City General Plan, and to restate, readopt and re-establish the CURB line, in order that the concepts embodied in the initiative are extended until *December 31, 2050*. Certain minor modifications borne of the experiences since the measure's original adoption are set forth herein at *Section 3*.

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 – 2050 initiative, or Moorpark SOAR – 2050.

Section 2. Purpose and Findings.

A. Purpose. The purpose of this initiative is to readopt for the City of Moorpark its existing Urban Restriction Boundary. The Moorpark City Urban Restriction Boundary (Moorpark CURB) line readoption and extension to the year 2050 has the following objectives:

1. To continue to successfully 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 continue 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 continue 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 continue 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;
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; and
6. To continue 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. Confirmed 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, we have learned that adopting a geographic urban limit line around the City of Moorpark has promoted the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a boundary has promoted 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 has been and 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, 2050*, 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 restated and readopted by this initiative.
6. Although established generally in the same location as the Sphere of Influence line as it existed 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 generally 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 General Plan currently reads as follows. It is hereby restated and readopted, not to sunset until December 31, 2050, subject to the minor modifications as noted. Deletions are indicated by *strike-outs* and additions being indicated by *italics*.

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, microclimate 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

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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 nonagricultural 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 established and adopts adopted a Moorpark City Urban Restriction Boundary (Moorpark CURB) line in 1999. The Moorpark CURB shall be ~~was~~ established coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it exists existed 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". *With one minor deviation in the south eastern portion of the City the CURB line tracks the City limits.*

B. Until December 31, 2020 2050, 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, or 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 or extension 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 2050, 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 2050, 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. *A contracted CURB line as referenced herein may only be extended pursuant to the procedures set forth herein.*

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 with 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;

continued on page 6

CITY OF MOORPARK MEASURE
“Moorpark Save Open-space and Agricultural Resources – 2050 initiative,”
or “Moorpark SOAR – 2050.”
FULL TEXT OF ORDINANCE (page 3 of 3)

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 24 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.

7. 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. The City Council following at least one public hearing for presentation 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 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.

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, or 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 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.
[Added per Resolution No. 99-1572]

Section 4. Insertion Date

A. Upon the effective date of this initiative, it shall be deemed inserted, replacing the existing Section 8.0, *et seq.* of the Land Use Element of the City of Moorpark's General Plan as an amendment thereof; 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 5. Severability

This measure shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative. It is the intent of the voters that the provisions of this measure shall be interpreted by the 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.

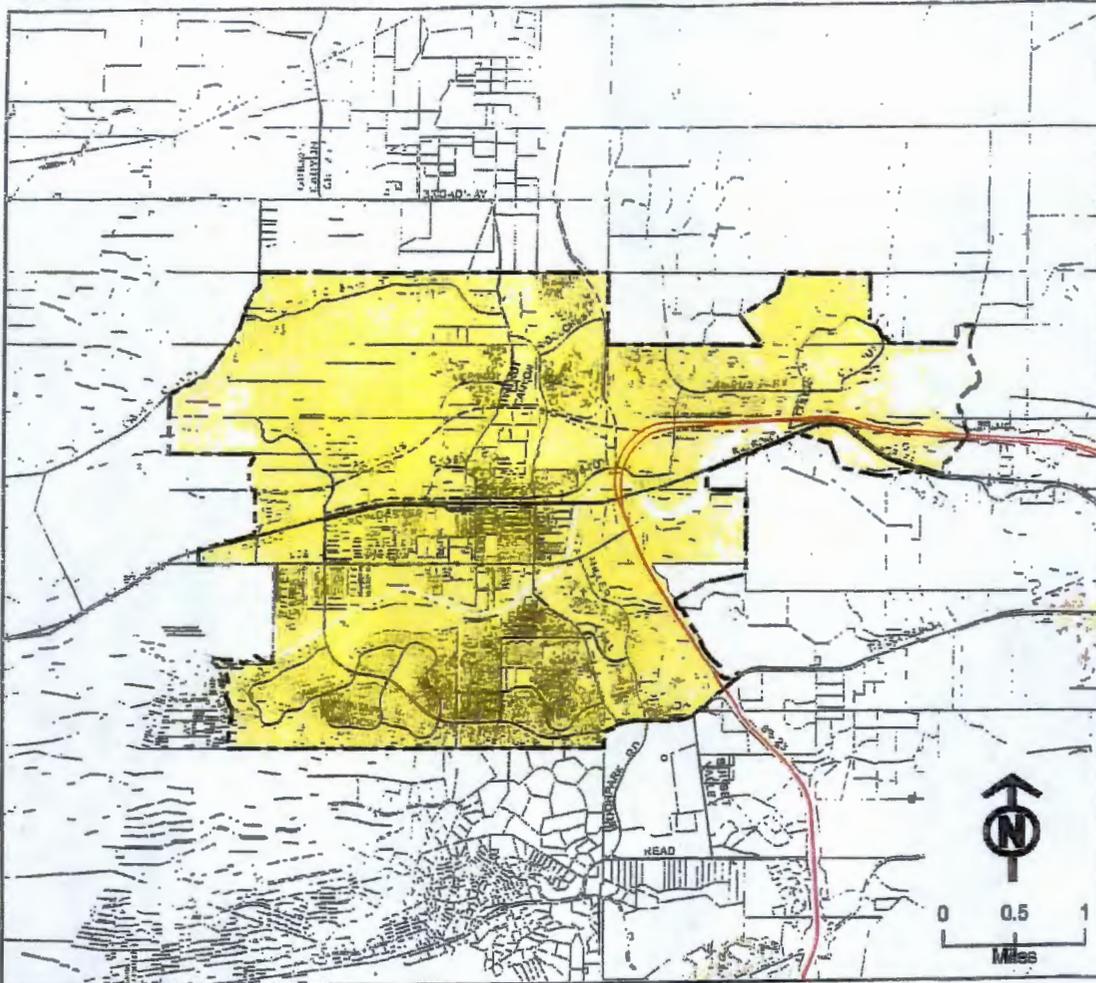
Section 6. Amendment or Repeal

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 7. 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 A



Legend

- CURB Boundary
- Freeway
- Major Streets
- Proposed Streets
- Parcels
- Moorpark City Limits

Source:
 City of Moorpark, November 2008
 County of Ventura GIS data, October 2008
 Prepared: November 2008

Note: A copy of the City's CURB
 Figure is available for download at
<http://www.ci.moorpark.ca.us>
 or for purchase at Moorpark City Hall,
 750 Moorpark Avenue, Moorpark, CA 93021.

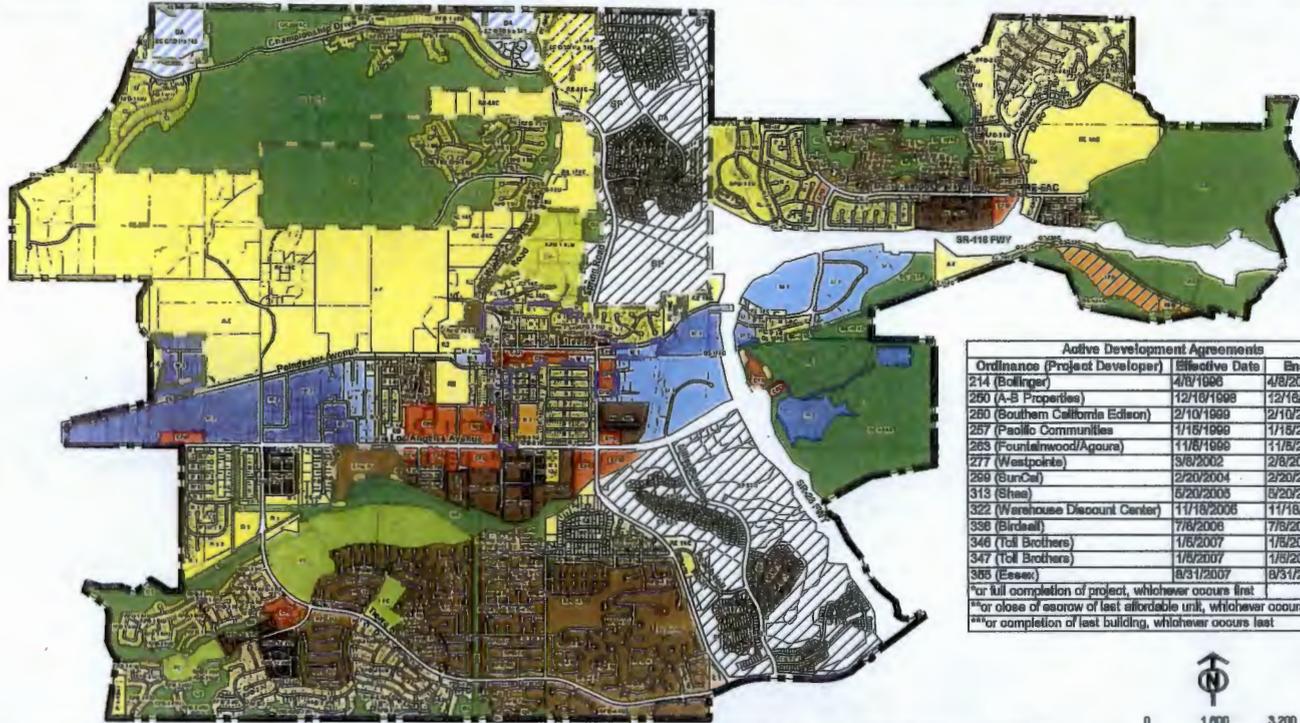


CC ATTACHMENT 3

City of Moorpark



City of Moorpark - Zoning Map Exhibit B



Active Development Agreements		
Ordinance (Project Developer)	Effective Date	End Date
214 (Bollinger)	4/8/1998	4/8/2016 ^a
280 (A-B Properties)	12/18/1998	12/18/2018
280 (Southern California Edison)	2/10/1999	2/10/2019
287 (Pacific Communities)	1/18/1999	1/18/2019 ^b
283 (Fountainwood/Agoura)	11/8/1999	11/8/2019 ^b
277 (Westpointe)	3/8/2002	2/8/2022 ^a
269 (SunCal)	2/20/2004	2/20/2024 ^a
313 (Shaw)	6/20/2005	6/20/2025 ^a
322 (Warehouse Discount Center)	11/18/2005	11/18/2025
336 (Birdsall)	7/8/2006	7/8/2026 ^a
346 (Toll Brothers)	1/8/2007	1/8/2027 ^a
347 (Toll Brothers)	1/8/2007	1/8/2027 ^a
355 (Eason)	8/31/2007	8/31/2014 ^{a,b}

^aFor full completion of project, whichever occurs first
^bFor close of season of last affordable unit, whichever occurs last
^{a,b}or completion of last building, whichever occurs last



ZONING DESIGNATIONS											
A-E	R-1	RE	RPD-1.6U	RPD-3.1U	RPD-5.5U	RPD-10U	RPD-20U	M-2	Downtown Specific Plan	DA (Development Agreement Applicable)	City of Moorpark
PC	R-1-6	RE-1AC	RPD-1.65U	RPD-3.65U	RPD-7U	RPD-12U	OO	I	SP	SP G2-1	ZC ORD No. 335
OS	R-1-7	RE-6AC	RPD-1.8U	RPD-4U	RPD-7-14U	RPD-12.31U	O-1	O-2	CPD	ZC ORD No. 348	O-CT
OS-10AC	R-1-8	RE-20	RPD-1.84U	RPD-4.6U	RPD-7.5U	RPD-16U	O-3	O-4	CPD	ZC ORD No. 348	M-1
OS-20AC	R-1-9	RO	RPD-2.2U	RPD-4.6U	RPD-8.4U	RPD-16.2U	CPD	CPD	ZC ORD No. 348	TPD	
OS-40AC	R-1-15W	R-2	RPD-2.4U	RPD-6U	RPD-8.5U	RPD-16.85U	O-CT	M-1			
OS-80AC	RA-10AC	RPD-1.6U	RPD-2.6U	RPD-6U	RPD-9.1U	RPD-19.0U					

Approved by / Date	Revision
City of Moorpark September 17, 2008	

A larger and/or more detailed version of the City's General Plan and Zoning Maps is available for download at <http://www.ci.moorpark.ca.us> or for purchase at Moorpark City Hall, 700 Moorpark Avenue, Moorpark, CA 93021
 Source: City of Moorpark, September 2008
 County of Ventura, GIS data, July 2008

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