

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 14,946

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD: ORDERING THE SUBMISSION OF A BALLOT MEASURE TO PROVIDE FOR EXTENSION OF THE EXPIRATION OF THE SAVE OPEN SPACE AND AGRICULTURAL RESOURCES (SOAR) ORDINANCE FROM DECEMBER 31, 2020, TO DECEMBER 31, 2030; ORDERING THE SUBMISSION OF A SEPARATE BALLOT MEASURE TO PROVIDE FOR EXTENSION OF THE SOAR ORDINANCE FROM DECEMBER 31, 2020, TO DECEMBER 31, 2050; DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSES OF BOTH MEASURES

WHEREAS, in 1998 the voters of the City of Oxnard (City) enacted the Save Open Space and Agricultural Resources (SOAR) ordinance as an amendment to the 2020 General Plan; and

WHEREAS, the 1998 SOAR ordinance established and adopted the City Urban Restriction Boundary (CURB) line, which defines what areas of land may be considered for future annexation, urban development, or both and procedures for amending the CURB line; and

WHEREAS, the voters or City Council can only change the CURB's boundary in accordance with Section 7 of the SOAR ordinance, and to date, there have been no amendments to the CURB line or the SOAR ordinance in Oxnard; and

WHEREAS, under the SOAR ordinance, urban services and urbanized uses are restricted to land within the CURB line until December 31, 2020; and

WHEREAS, the ordinance, inclusive of the sunset date of December 31, 2020, is included in the 2030 General Plan; and

WHEREAS, currently seven of the nine SOAR initiatives in the County of Ventura (County), including the City's SOAR ordinance, are set to expire in the year 2020; and

WHEREAS, the City Council desires to submit two SOAR initiatives be placed on the ballot, one extending the sunset date to December 31, 2030, and the other extending the sunset date to December 31, 2050, to determine which time extension the voters prefer; and

WHEREAS, the Council intends that there be no substantive change to the ordinance or how it is implemented, except to extend the expiration of the ordinance to a later date; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15307 creates an exemption for actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment; and

WHEREAS, CEQA Guidelines section 15308 creates an exemption for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment; and

WHEREAS, CEQA Guidelines section 15061(b)(3) states that CEQA does not apply to projects where the lead agency determines "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

NOW, THEREFORE, The City Council of the City of Oxnard hereby resolves:

1. That the City Council orders submitted to the voters at the general municipal election on November 8, 2016, the following questions:

Shall the Save Open Space and Agricultural Resources (SOAR) Ordinance be extended, maintaining a City Urban Restriction Boundary (CURB); prohibiting urban development outside of the CURB until December 31, 2030, unless approved by the voters; maintaining a City Buffer Boundary (CBB); and prohibiting changing the designation of land within the CBB that is designated 'Agriculture' in the Oxnard 2030 General Plan, unless approved by the voters?	YES <hr/> NO
Shall the Save Open Space and Agricultural Resources (SOAR) Ordinance be extended, maintaining a City Urban Restriction Boundary (CURB); prohibiting urban development outside of the CURB until December 31, 2050, unless approved by the voters; maintaining a City Buffer Boundary (CBB); and prohibiting changing the designation of land within the CBB that is designated 'Agriculture' in the Oxnard 2030 General Plan, unless approved by the voters?	YES <hr/> NO

2. That the proposed text of the ordinances to be submitted to the voters are incorporated herein as Exhibits A and B.

3. That CEQA does not apply to these ordinances due to CEQA Guidelines section 15061(b)(3), or in the alternative, that the ordinances are exempt from the CEQA pursuant to CEQA Guidelines section 15307 or 15307. The CEQA analysis found in Exhibit D of the June 21, 2016 agenda report is hereby incorporated.

4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare impartial analyses of the measures not exceeding 500 words

per measure, showing the effect of the measures on existing law and the operation of the measures and stating that these measures were placed on the ballot by the City Council.

5. That the City Clerk is directed to forward to the County Board of Supervisors and to the County Clerk a certified copy of this resolution.

6. That the City Clerk shall certify to the adoption of this resolution and cause the same to be posted as required by law.

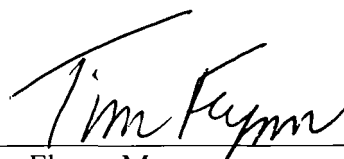
PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES: Councilmembers Flynn, Ramirez, MacDonald, Padilla and Perello.

NOES: None.

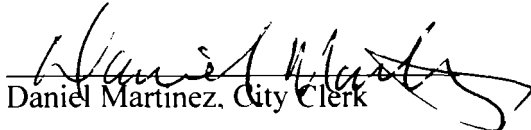
ABSTAIN: None.

ABSENT: None.



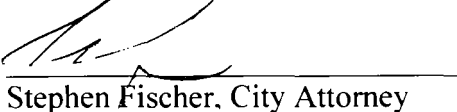
Tim Flynn, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen Fischer, City Attorney

Exhibit A:

CITY OF OXNARD MEASURE
AN INITIATIVE MEASURE TO EXTEND THE EFFECTIVE DATE OF THE
SAVE OPEN SPACE AND AGRICULTURAL RESOURCES
OXNARD CITY URBAN RESTRICTION BOUNDARY LINE FROM DECEMBER 31, 2020
TO DECEMBER 31, 2030
FULL TEXT OF ORDINANCE

Section 1. Title.

This ordinance shall be known as the Oxnard Save Open Space and Agricultural Resources (SOAR) Ordinance and shall be uncodified.

Section 2. Purpose and Findings.

A. Purpose. The purpose of this ordinance is to establish and adopt for the City of Oxnard a City Urban Restriction Boundary (CURB) line, and to redesignate "Agricultural Planning Reserve" to "Agriculture" with the following objectives:

1. To encourage efficient growth patterns and protect the City of Oxnard's quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services;
2. To promote on lands outside the CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;
3. To manage the City's growth in a manner that fosters and protects the "small town" character of Oxnard while encouraging appropriate economic development in accordance with the City's unique local conditions;
4. 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
5. 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. Findings.

1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Oxnard and within its Planning Area (as defined by Chapter III, Section A 6) is of critical importance to present and future residents of the City of Oxnard. Agriculture has been and remains a major contributor to the economy of the City of Oxnard and County of Ventura, creating employment for many people, directly and indirectly, and generating substantial

tax revenues for the City. Additionally, wetlands, dunes and riparian areas within the Oxnard Planning Area are of world class importance providing irreplaceable environmental resources and habitats.

2. In particular, the City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provide beneficial food and fiber locally and world-wide, and have achieved international acclaim, enhancing the City's economy and reputation.

3. Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by reducing beneficial production, causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.

4. The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB around the City of Oxnard would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This initiative ensures that the agricultural and open space uses outside of the CURB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people. Accordingly, the initiative requires that until ~~December 31, 2020~~, *December 31, 2030* the City of Oxnard may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the CURB.

6. Although established in generally 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 coincidentally coterminous as of one point in time are independent one from the other in legal significance and purpose. While the Sphere of Influence line may be altered by the Local Agency Formation Commission in accordance with the provisions of state law, the CURB is a local land use policy of the City and shall not be changed except as herein provided.

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

The following text of this Section 3.4 of the Oxnard 2030 General Plan is shown in edit format to illustrate the updates from the 1998 adopted SOAR ordinance. Deletions are shown in ~~strikethrough~~ and new language is shown in *italics*.

Section 3. General Plan Amendment.

~~D.~~ OXNARD CITY URBAN RESTRICTION BOUNDARY

Introduction

The voters of the City of Oxnard have, through the initiative process, established and adopted an urban growth boundary line denominated the Oxnard City Urban Restriction Boundary (CURB) *as an amendment to the Oxnard 2020 General Plan*. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in ~~this subsection of Chapter IV Section 3.4 of this Oxnard 2030 General Plan~~.

1. PURPOSE

The City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this CURB ~~is was and remains~~ to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan relating to Growth Management (Chapter IV), Land Use (Chapter V) and Open Space and Conservation (Chapter VII) 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.

2. PRINCIPLES

Continued 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 open space/agricultural uses.

The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally

sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB will promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

a) The City of Oxnard hereby establishes and adopts a CURB. The CURB is established generally coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it existed as of January 1, 1998 except (1) that certain property of approximately 247 acres at the northwest corner of the City bounded on the South by Gonzales on the west by Victoria, adjacent to the Northwest Community, and (2) that certain property of approximately 79 acres of the west edge of the City bounded by the South by 5th Street on the west by Harbor Avenue, and generally southwesterly of the Edison Canal, generally referred to as "North Shore" ~~and~~ and (3) that certain property of approximately 41 acres located within the City limits west of Victoria Avenue at the northwest corner of 5th Street directly west of the Oxnard Airport *are additionally encompassed with the CURB*. The Sphere of Influence line and the CURB line are illustrated in *Figure 3-2 IV 4, Exhibit "A"* ~~and the parcels outside of the Sphere of Influence line but within the CURB line described herein are shaded for illustration purposes on said Figure IV 4, Exhibit "A". Figure III-1 inaccurately reflects the current location of the LAFCO Sphere of Influence line. While it is not the purpose of this General Plan Amendment to correct such errors, the Sphere of Influence references on said map are noted to be in error.~~

b) ~~Until December 31, 2020, December 31, 2030~~ the City of Oxnard shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this *Oxnard 2030 General Plan amendment*, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this *Oxnard 2030 General Plan amendment*, unless in accordance with the amendment procedures of the SOAR Ordinance. ~~this General Plan amendment Section 3.4 herein.~~

c) "Urbanized uses of land" shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources.

d) ~~Until December 31, 2020, December 31, 2030~~, all land designated as "Agriculture Planning Reserve (AG/PR)" is hereby re-designated as "Agriculture

(AG)", as shown on Figure 3-2, ~~V-5 (amended), Exhibit "B"~~, must not be re-designated unless in accordance with the amendment procedures of this Section 3.4 herein.

4. CONFORMING AMENDMENTS

SOAR Ordinance conforming amendments to the 2020 General Plan have been incorporated into relevant provisions of this 2030 General Plan.

5. CITY BUFFER BOUNDARY (CBB)

The CBB is established outside the CURB and within the Oxnard Planning Area, as shown on ~~Exhibit 4~~ Figure 3-3. The CURB may be amended to include land within the CBB as provided in this ordinance. Until ~~December 31, 2020,~~ December 31, 2030 the City of Oxnard shall not change the designation of land within the CBB that is designated "Agriculture" in the 2020/30 General Plan, unless the change is approved by the voters of the City of Oxnard pursuant to Article 1, Chapter 2 of Division 9 of the Elections Code, or as set forth below:

1. The City Council may change the designation of land that is placed within the CURB.
2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may redesignate land within the CBB if the City Council makes each of the following findings:
 - a. Failure to change the designation of a specific parcel of land would constitute an unconstitutional taking of a landowner's property for which compensation would be required, and
 - b. The redesignation will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

6. EXEMPTIONS

The provisions of this ordinance otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in *Chapter 4, Infrastructure and Services*, ~~in the circulation element~~ of the 2030 Oxnard General Plan as of ~~January 1, 1998~~ adoption and subsequent amendments, construction of public potable water facilities, public schools, public parks or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

7. AMENDMENT PROCEDURES

Until ~~December 31, 2020,~~ December 31, 2030 the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article I of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:

1. The City Council may amend the CURB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the CURB.

2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein ~~on Figure 3-2 and as designated on Figure IV-4, Exhibit "A"~~, in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

- a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and
- b) That the proposed development will address the highest priority need identified in the analysis by which the City has determined it is not in compliance with state law, i.e., low and very low income housing; and
- c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
- d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.

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

- a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
- b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
- c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed;
- d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
- e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason;
- f) The land proposed for inclusion within the CURB 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 restrictions contemplated by this *Section 3.4 of the Oxnard 2030 General Plan amendment* more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation; and
- g) Including the land within the CURB will not result in more than 160 acres being added to the CURB in any calendar year.

4. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB if the City Council makes each of the following findings:
 - a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and
 - b) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.
5. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the CURB or the provisions of this ~~initiative~~ *Section 3.4* on the ballot in the manner provided by state law.
6. The City Council may amend the CURB to include land contemplated for construction of public potable water facilities, public schools, public parks or other government facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law, all uses exempted from the provisions of this *Section 3.4 of the Oxnard 2030 General Plan Amendment*, but only to the minimum amount of land reasonably necessary to accommodate said uses.
7. The City Council may reorganize, reorder, and renumber *General Plan* provisions, including the General Plan provisions of *the SOAR Ordinance*.

Section 8 4. Severability

This ordinance 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 ordinance 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 ordinance. 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 ordinance is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. 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 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 40 5. Competing Measures.

Resolution No. 14,946

This ordinance is inconsistent with and is intended as an alternative to any other ordinance or initiative on the same ballot that would establish a CURB in a different location than the CURB established by this ordinance or that would not establish a CBB or that would establish a CBB in a different location than the CBB established by this ordinance. If this ordinance and any such other ordinance or initiative are both passed by a majority voting thereon, the ordinance or initiative receiving the highest number of affirmative votes shall control, as provided in Elections Code section 9221.

Exhibit B:

CITY OF OXNARD MEASURE
AN INITIATIVE MEASURE TO EXTEND THE EFFECTIVE DATE OF THE
SAVE OPEN SPACE AND AGRICULTURAL RESOURCES
OXNARD CITY URBAN RESTRICTION BOUNDARY LINE FROM DECEMBER 31, 2020
TO DECEMBER 31, 2050
FULL TEXT OF ORDINANCE

Section 1. Title.

This ordinance shall be known as the Oxnard Save Open Space and Agricultural Resources (SOAR) Ordinance and shall be uncodified.

Section 2. Purpose and Findings.

A. Purpose. The purpose of this ordinance is to establish and adopt for the City of Oxnard a City Urban Restriction Boundary (CURB) line, and to redesignate "Agricultural Planning Reserve" to "Agriculture" with the following objectives:

1. To encourage efficient growth patterns and protect the City of Oxnard's quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services;
2. To promote on lands outside the CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;
3. To manage the City's growth in a manner that fosters and protects the "small town" character of Oxnard while encouraging appropriate economic development in accordance with the City's unique local conditions;
4. 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
5. 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. Findings.

1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Oxnard and within its Planning Area (as defined by Chapter III, Section A 6)) is of critical importance to present and future residents of the City of Oxnard. Agriculture has been and remains a major contributor to the economy of the City of Oxnard and County of Ventura, creating

employment for many people, directly and indirectly, and generating substantial tax revenues for the City. Additionally, wetlands, dunes and riparian areas within the Oxnard Planning Area are of world class importance providing irreplaceable environmental resources and habitats.

2. In particular, the City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provide beneficial food and fiber locally and world-wide, and have achieved international acclaim, enhancing the City's economy and reputation.

3. Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by reducing beneficial production, causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.

4. The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB around the City of Oxnard would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This initiative ensures that the agricultural and open space uses outside of the CURB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people. Accordingly, the initiative requires that until ~~December 31, 2020~~, *December 31, 2050* the City of Oxnard may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the CURB.

6. Although established in generally 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 coincidentally coterminous as of one point in time are independent one from the other in legal significance and purpose. While the Sphere of Influence line may be altered by the Local Agency Formation Commission in

accordance with the provisions of state law, the CURB is a local land use policy of the City and shall not be changed except as herein provided.

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

The following text of this Section 3.4 of the Oxnard 2030 General Plan is shown in edit format to illustrate the updates from the 1998 adopted SOAR ordinance. Deletions are shown in ~~strikethrough~~ and new language is shown in *italics*.

Section 3. General Plan Amendment.

~~D.~~ OXNARD CITY URBAN RESTRICTION BOUNDARY

Introduction

The voters of the City of Oxnard have, through the initiative process, established and adopted an urban growth boundary line denominated the Oxnard City Urban Restriction Boundary (CURB) *as an amendment to the Oxnard 2020 General Plan*. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in ~~this subsection of Chapter IV Section 3.4 of this Oxnard 2030 General Plan~~.

1. PURPOSE

The City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this CURB ~~is~~ *was and remains* to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan relating to Growth Management (Chapter IV), Land Use (Chapter V) and Open Space and Conservation (Chapter VII) 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.

2. PRINCIPLES

Continued 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 open space/agricultural uses.

The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural

lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB will promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

a) The City of Oxnard hereby establishes and adopts a CURB. The CURB is established generally coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it existed as of January 1, 1998 except (1) that certain property of approximately 247 acres at the northwest corner of the City bounded on the South by Gonzales on the west by Victoria, adjacent to the Northwest Community, and (2) that certain property of approximately 79 acres of the west edge of the City bounded by the South by 5th Street on the west by Harbor Avenue, and generally southwesterly of the Edison Canal, generally referred to as "North Shore" ~~and~~ (3) that certain property of approximately 41 acres located within the City limits west of Victoria Avenue at the northwest corner of 5th Street directly west of the Oxnard Airport *are additionally encompassed with the CURB*. The Sphere of Influence line and the CURB line are illustrated in *Figure 3-2 IV-4, Exhibit "A"* ~~and the parcels outside of the Sphere of Influence line but within the CURB line described herein are shaded for illustration purposes on said Figure IV-4, Exhibit "A". Figure III-1 inaccurately reflects the current location of the LAFCO Sphere of Influence line. While it is not the purpose of this General Plan Amendment to correct such errors, the Sphere of Influence references on said map are noted to be in error.~~

b) ~~Until December 31, 2020, December 31, 2050~~ the City of Oxnard shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this *Oxnard 2030 General Plan amendment*, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this *Oxnard 2030 General Plan amendment*, unless in accordance with the amendment procedures of the SOAR Ordinance. ~~this General Plan amendment Section 3.4 herein.~~

c) "Urbanized uses of land" shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources.

d) Until ~~December 31, 2020~~, *December 31, 2050*, all land designated as "~~Agriculture Planning Reserve (AG/PR)~~" is hereby re-designated as "Agriculture (AG)", as shown on Figure 3-2. ~~V-5 (amended), Exhibit "B", must not be re-designated unless in accordance with the amendment procedures of this Section 3.4 herein.~~

4. CONFORMING AMENDMENTS

SOAR Ordinance conforming amendments to the 2020 General Plan have been incorporated into relevant provisions of this 2030 General Plan.

5. CITY BUFFER BOUNDARY (CBB)

The CBB is established outside the CURB and within the Oxnard Planning Area, as shown on ~~Exhibit I~~ *Figure 3-3*. The CURB may be amended to include land within the CBB as provided in this ordinance. Until ~~December 31, 2020~~, *December 31, 2050* the City of Oxnard shall not change the designation of land within the CBB that is designated "Agriculture" in the 202030 General Plan, unless the change is approved by the voters of the City of Oxnard pursuant to Article 1, Chapter 2 of Division 9 of the Elections Code, or as set forth below:

1. The City Council may change the designation of land that is placed within the CURB.
2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may redesignate land within the CBB if the City Council makes each of the following findings:
 - a. Failure to change the designation of a specific parcel of land would constitute an unconstitutional taking of a landowner's property for which compensation would be required, and
 - b. The redesignation will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

6. EXEMPTIONS

The provisions of this ordinance otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in *Chapter 4, Infrastructure and Services*, ~~in the circulation element~~ of the 2030 Oxnard General Plan as of ~~January 1, 1998~~ *adoption and subsequent amendments*, construction of public potable water facilities, public schools, public parks or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

7. AMENDMENT PROCEDURES

Until ~~December 31, 2020~~, *December 31, 2050* the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article I of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:

1. The City Council may amend the CURB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the CURB.

2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein on *Figure 3-2* and ~~as designated on Figure IV-4, Exhibit "A"~~, in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and

b) That the proposed development will address the highest priority need identified in the analysis by which the City has determined it is not in compliance with state law, i.e., low and very low income housing; and

c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and

d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.

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

a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;

b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;

c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed;

d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);

e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason;

f) The land proposed for inclusion within the CURB 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 restrictions contemplated by this *Section 3.4 of the Oxnard 2030*

General Plan amendment more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation; and

g) Including the land within the CURB will not result in more than 160 acres being added to the CURB in any calendar year.

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

a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and

b) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

5. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the CURB or the provisions of this ~~initiative~~ *Section 3.4* on the ballot in the manner provided by state law.

6. The City Council may amend the CURB to include land contemplated for construction of public potable water facilities, public schools, public parks or other government facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law, all uses exempted from the provisions of this *Section 3.4 of the Oxnard 2030 General Plan Amendment*, but only to the minimum amount of land reasonably necessary to accommodate said uses.

7. The City Council may reorganize, reorder, and renumber *General Plan* provisions, including the General Plan provisions of *the SOAR Ordinance*.

Section 4. Severability.

This ordinance 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 ordinance 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 ordinance. 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 ordinance is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. 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 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 5. Competing Measures.

Resolution No. 14,946

This ordinance is inconsistent with and is intended as an alternative to any other ordinance or initiative on the same ballot that would establish a CURB in a different location than the CURB established by this ordinance or that would not establish a CBB or that would establish a CBB in a different location than the CBB established by this ordinance. If this ordinance and any such other ordinance or initiative are both passed by a majority voting thereon, the ordinance or initiative receiving the highest number of affirmative votes shall control, as provided in Elections Code section 9221.