

## **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:

### **INITIATIVE EXTENDING THE CITY URBAN RESTRICTION BOUNDARY ORDINANCE AND ORDINANCE REQUIRING VOTER APPROVAL OF ANY GENERAL PLAN DESIGNATION CHANGE OF THE EXISTING PARKS, GOLF COURSES, AND OPEN SPACE CATEGORY FROM DECEMBER 31, 2030 TO DECEMBER 31, 2050.**

The proposed initiative would combine two existing initiatives governing City of Thousand Oaks land use laws, and extend their current expiration date from December 31, 2030 to December 31, 2050, and make other changes. These two laws and the proposed changes are described below.

**City Urban Restriction Boundary (CURB) Initiative:** On November 3, 1998, voters adopted an Urban Restriction Boundary around the City coterminous with the City's Sphere of Influence line established by the Local Agency Formation Commission as it existed on January 1, 1998. It prohibits the City from approving urbanized land uses and extending urban services outside the CURB until December 31, 2030. The proposed initiative would extend this prohibition until December 31, 2050.

Under CURB, the City is prohibited from approving the extension of services such as public sewer systems, residential development more than one dwelling unit per 10 acres of land, or establishment of commercial or industrial uses not related to agriculture or the production of minerals. The current CURB law allows construction of potable water facilities, roadways shown on the City's General Plan, public schools, public parks, and other government facilities outside the CURB. The proposed initiative would prohibit public schools and other government facilities.

Currently, voter approval is required to amend or repeal the CURB, however, City Council may, following a public hearing, expand the CURB line by no more than 10 acres of land per calendar year in order to provide sites for affordable housing if necessary to comply with State affordable housing law, subject to certain specific rigorous findings.

The proposed initiative would require at least 30 days' public notice of proposed modifications of the CURB prior to City Council consideration.

Currently, the CURB can be amended by the City Council without voter approval if the boundary line is altered to reduce the area within the existing CURB, or to avoid an unconstitutional taking of property. The proposed initiative would maintain these exceptions and also prohibit re-expanding the boundary after it is reduced without complying with the same procedures for expansion of the CURB.

**Parks Initiative:** In 1996, this measure was adopted by the City Council in lieu of placing it on the ballot after sufficient signatures were collected to qualify for the ballot. Under the original 1996 initiative, the City's General Plan was amended to require voter approval of any amendment to the Land Use Element of the General Plan that would re-designate lands designated in the Existing Parks, Golf Courses, and Open Space category in the General Plan to any other land use designation until December 31, 2030. City Council may approve such an amendment without voter approval, but only to the extent necessary to avoid an unconstitutional taking of property. The proposed initiative extends these restrictions to December 31, 2050.

Tracy M. Noonan, City Attorney

## **NOTICE OF INTENT TO CIRCULATE PETITION and Request That A Ballot Title and Summary Be Prepared**

### **CITY OF THOUSAND OAKS MEASURE \_\_\_\_\_ SAVE OPEN-SPACE and AGRICULTURAL RESOURCES (SOAR) and PARKS INITIATIVE Land Use Voter Participation General Plan Amendment**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Thousand Oaks, 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, and the protection of open space and agricultural resources from urban incursion are significant concerns of the citizens of Thousand Oaks. This initiative advances those objectives by extending from 2030 to the year 2050 both the requirement of a vote of the citizens of the City for any expansion of urban land uses beyond the limits of the Thousand Oaks City Urban Restriction Boundary (CURB), and for any changes to be made in the General Plan designation of the properties designated therein as Existing Parks, Golf Courses, Open Space.

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 30, 2015

**CITY OF THOUSAND OAKS MEASURE SAVE OPEN-SPACE  
and AGRICULTURAL RESOURCES (SOAR) and PARKS INITIATIVE  
Land Use Voter Participation General Plan Amendment  
FULL TEXT OF ORDINANCE (page 1 of 3)**

**Preamble**

In November, 1998, the citizens of the City of Thousand Oaks adopted an initiative measure entitled Save Open-space and Agricultural Resources (SOAR), requiring a public vote on any urbanization, as defined, outside of the City Urban Restriction Boundary (CURB) created by the measure. SOAR sunsets in 2030.

In November, 1996, the citizens of the City of Thousand Oaks adopted into law an initiative entitled "Parks Initiative," requiring lands within the City's planning jurisdiction designated on its General Plan as Existing Parks, Golf Courses, Open Space to remain so designated absent a public vote. The Parks Initiative sunsets in 2030.

Recognizing the benefits bestowed on the citizenry by these two measures, it is the intention of this initiative measure that the sunset clauses of each referenced voter participation land use initiatives, the SOAR initiative and the Parks Initiative, be extended to December 31, 2050.

Accordingly, the people of the City of Thousand Oaks do hereby ordain as follows, readopting and restating the operative components of both the 1998 SOAR initiative, as embodied in the Thousand Oaks General Plan, and as set forth herein with minor modifications, and the 1996 Parks Initiative [Attached hereto as Exhibit "B" and incorporated herein for reference], with the modifications set forth in this text superceding those measures where they differ, but primarily extending the sunset dates of each to 2050, and adopting the General Plan Diagram attached as Exhibit "A," as follows:

The people of the City of Thousand Oaks do hereby ordain as follows:

**Section 1. Title.**

This initiative measure shall be known as the Thousand Oaks Save Open-space, Agricultural Resources, and Parks Initiative; or, the Thousand Oaks SOAR and Parks Initiative.

**Section 2. Purpose and Findings.**

A. Purpose. The purpose of this initiative is to re-adopt for the City of Thousand Oaks its Urban Restriction Boundary and the protections of lands designated as Existing Parks, Golf Courses, Open Space, as set forth in the Parks Initiative. The Thousand Oaks City Urban Restriction Boundary (Thousand Oaks CURB) line has the following objectives:

1. To encourage efficient growth patterns and protect the City of Thousand Oaks' 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 Thousand Oaks CURB line ongoing agricultural and other natural resource and open space uses as defined in government Code section 65560(b), such as preservation of natural resources and natural habitat, 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 character of Thousand Oaks 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.

The Parks Initiative has similar purposes, and works symbiotically with the SOAR measure, with its intent focused on protecting the unique position held by lands designated Existing Parks, Golf Courses, Open Space within the City's planning area.

B. Findings.

1. The protection of existing agricultural, open space and watershed lands surrounding the City of Thousand Oaks is of critical importance to present and future residents of the City of Thousand Oaks. Agriculture has been and remains a major contributor to the economy of the City and County of Ventura, directly and indirectly creating employment for many people and generating substantial tax revenues for the City.
2. In particular, the City of Thousand Oaks and surrounding area, with its unique topography, viewsheds, watershed lands and proximity to unique soils, micro-climate and hydrology, is a gate-keeper to one of the finest growing regions in the world. Ranch land, vegetable and fruit production from the County of Ventura and in particular the importance of the Calleguas watershed, Hidden Valley, Tierra Rejada Valley and alluvial plains adjacent to the City have achieved international acclaim, enhancing the City's economy and reputation. As importantly, the ring of open space around the City provides a unique open space buffer of immense importance to the protection of the wildlife indigenous to the area.
3. Continued urban encroachment into agricultural, open space or watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, not only for the City but for its jurisdictional neighbors. 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.
4. The unique character of the City of Thousand Oaks and quality of life of City residents depend on the protection of a substantial amount of open space, rural and agricultural lands both within and without its City limits. *Part of that unique character requiring protection is the land use designations of Existing Parks, Golf Courses, Open Space within the City's planning area.* The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply to surrounding communities and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, continuing the existence of the City Urban Restriction Boundary around the City of Thousand Oaks would 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 has and will continue to promote the efficient municipal services and facilities by confining urban development to defined development areas.
5. This initiative ensures that the important Goals and Policies 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, ~~2030~~ 2050, the City of Thousand Oaks shall restrict the provision of urban services, or creation of urban uses, other than in certain circumstances and according to specific procedures set forth in this initiative measure, within the Urban Restriction Boundary created in 1998 by initiative, and extended by this initiative measure using the location of the Sphere of Influence Line established by the Local Agency Formation Commission as of January 1, 1998. Although the Sphere of Influence has since been expanded to include the Broome Ranch, the CURB line shall continue to be in its current location, coterminous with the Sphere of Influence line applicable to the City of Thousand Oaks in existence on January 1, 1998, approved by the Local Agency Formation Commission.
6. Although established 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, and has not inhibited, 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 Urban Restriction Boundary is a local land use policy of the City and shall not be changed except as herein provided.
7. The Parks Initiative calls out the protection of lands designated by the City of Thousand Oaks as Existing Parks, Golf Courses, Open Space in the general plan. Said lands shall remain as so designated, absent a vote of the public until December 31, 2050.

**Section 3. General Plan Amendment.**

A. The Thousand Oaks SOAR and Parks Initiative hereby amends the Thousand Oaks General Plan by restating the Parks Initiative, attached as Exhibit "B," with the exception of the sunset date, extended hereby to December 31, 2050, and restating the following, found at Chapter 8 to the Open Space Element of the General Plan (additions in *italics*; deletions in ~~strike-out~~):

**CITY OF THOUSAND OAKS MEASURE SAVE OPEN-SPACE  
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Land Use Voter Participation General Plan Amendment  
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**THOUSAND OAKS CITY URBAN RESTRICTION BOUNDARY**

**Introduction**

*The electorate of the City of Thousand Oaks have, through the initiative process, caused the adoption of both the Parks Initiative and an urban growth boundary line denominated the Thousand Oaks City Urban Restriction Boundary (Thousand Oaks CURB line). The purposes, principles, implementation procedures, and methodologies for amendment of each initiative, now imbedded in the Thousand Oaks General Plan, are set forth in this General Plan Amendment. The electorate of the City of Thousand Oaks has adopted an urban growth boundary (Thousand Oaks CURB line). Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in this General Plan amendment.*

**1. PURPOSE**

The City of Thousand Oaks and surrounding area, with its unique viewsheds, watershed lands and proximity to unique soils, micro-climate and hydrology, is a gate-keeper to one of the finest growing regions in the world. *Ranch land, Vegetable and fruit production from the County of Ventura and in particular Hidden Valley, 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 this initiative is to ensure that the preservation of agricultural production, open space, and protection of environmentally sensitive habitat *both inside the City through the Parks Initiative readoption and outside of the City through the SOAR initiative readoption are inviolable against transitory short-term political decisions and that agricultural, viewshed, 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. As importantly, limiting urban sprawl through the use of an Urban Restriction Boundary and protection of the land use designations Existing Parks, Golf Courses, Open Space, enhances the sense of community, allows for development unique to the City of Thousand Oaks and promotes the efficient use of the City's infrastructure.*

**2. PRINCIPLES.**

Continued urban encroachment into open space, viewshed and watershed areas negatively impacts sensitive environmental areas, intrudes on open space irrevocably changing its utility, 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 Thousand Oaks but for its jurisdictional neighbors. 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 Thousand Oaks and quality of life of City residents depend on the protection of a substantial amount of open space, viewshed, and watershed. The protection of such lands through the implementation of this *measure Initiative by readoption of the Parks Initiative and the SOAR initiatives through December 31, 2050*, 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.

**3. IMPLEMENTATION**

a. The City of Thousand Oaks hereby *readopts the land use designations set forth for protection in the Parks Initiative, in particular Existing Parks, Golf Courses, Open Space, and readopts the established* establishes a Thousand Oaks City Urban Restriction Boundary (Thousand Oaks CURB). Both as set forth on Exhibit "A." The Thousand Oaks CURB is established *continues to run* coterminously with the Sphere of Influence line established by the Local Agency Formation Commission for the City of Thousand Oaks, as it *exists* existed as of January 1, 1998.

b. Until December 31, ~~2030~~ 2050, the City of Thousand Oaks shall retain the designations and land uses allowed on all lands designated in the General Plan and on the Jurisdictional Boundaries Map [Attached as Exhibit "A" and incorporated herein by reference] as Existing Parks, Golf Courses, Open Space, and shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Thousand Oaks City Urban Restriction Boundary, except as provided herein and except for the purpose of completing roadways designated in the Circulation Element of the Thousand Oaks General Plan as of January 1, 1998, construction of public potable water facilities, ~~public schools, and public parks or other government facilities.~~ *In each reference to the year 2030 found within the Parks Initiative, Exhibit "B" to this measure, that reference is hereby amended to reference the year 2050.* Other than for the exceptions provided herein, upon the effective date of this ~~Urban Restriction Boundary Thousand Oaks SOAR and Parks Initiative~~ General Plan amendment *voter approval extensions*, the City and its departments, boards, commissions, officers and employees shall *continue to refuse to not* grant, or by inaction allow to be approved by operation of law, any General Plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan amendment *extension*, unless in accordance with the Amendment Procedures of Section 4 of this General Plan Amendment *extension*.

c. "Urbanized uses of land" as it *pertains to the CURB* shall mean any development which would require the establishment of new community sewer systems or the significant expansion of existing community sewer systems; or, would result in the creation of residential densities greater than one primary residential unit per 10 acres in area; or, would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources.

d. The Land Use Element Map, *attached hereto as Exhibit "A" is restated, and readopted-is amended* to reflect the *continued* existence of the Thousand Oaks Urban Restriction Boundary and the *Existing Parks, Golf Courses, Open Space land use designations through the year 2050. which is coterminous with the Sphere of Influence line as it exists as of January 1, 1998.*

e. The City Urban Restriction Boundary, nor the *Existing Parks, Golf Courses, Open Space land use designations, as defined identified* herein, may not be amended, altered, revoked or otherwise changed prior to December 31, ~~2030~~ 2050, except by vote of the people or by the City Council pursuant to the procedures set forth in Section 4 of this General Plan amendment.

**4. CHANGES TO BOUNDARY and LAND USE DESIGNATIONS; PROCEDURES**

Until December 31, ~~2030~~ 2050, the foregoing Purposes, Principles and Implementation provisions of this ~~General Plan amendment initiative, extending and restating the requirement for voter participation for changes to Existing Parks, Golf Courses, Open Space and the CURB~~ 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 described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of said Urban Restriction Boundary established by this General Plan Amendment. *Any such contraction of the CURB line may not thereafter be re-extended without following the procedures set forth herein.*

(b) 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 Urban Restriction Boundary described herein to comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the City Urban Restriction Boundary as described herein in order to accommodate lands to be designated for residential uses, provided that no more than 10 acres of land may be brought within the Urban Restriction Boundary for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

1) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the City of Thousand Oaks Urban Restriction Boundary has provided to the City evidence that the Fire Department, Police Department, Public Works Department, the Community Development 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

2) 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

3) That there is no existing residentially designated land available within the City Urban Restriction Boundary to accommodate the proposed development; and

4) That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the City Urban Restriction Boundary; and

5) *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.*



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(c) The City Council following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the City Urban Restriction Boundary described herein, *or may redesignate lands designated on the General Plan as Existing Parks, Golf Courses, Open Space*, based on substantial evidence in the record, if the City Council makes each of the following findings:

1) Application of the provisions of subsections (a) or (b) of these amendment procedures are unworkable and failure to *make the suggested amendments* amend the Urban Restriction Boundary 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.

(d) 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 Urban Restriction Boundary *or the provisions of the Existing Parks, Golf Courses, Open Space land use designations, each as readopted by this initiative, on the ballot pursuant to the mechanisms provided by State Law. or the provisions of this General Plan amendment on the ballot pursuant to the mechanisms provided by state law.*

(e) The General Plan may be reorganized and individual provisions, including the provisions of this ordinance initiative, may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of state law.

**Section 4. Exemptions for Certain Projects.**

The provisions of this initiative do not apply to any roadways designated in the circulation element of the Thousand Oaks General Plan, construction of public potable water facilities, or the creation of public parks, nor to any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law.

**Section 5. Insertion Date**

A. Upon the effective date of this initiative, the General Plan is effectively amended to incorporate the terms of this initiative measure; except, that if the four amendments of the mandatory elements of the general plan permitted by state law for any given calendar year have already been utilized in 1998 2015, prior to the effective date of this initiative, this General Plan amendment shall be deemed inserted in the City's General Plan on January 1, 2017.

B. The City of Thousand Oaks General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk of Thousand Oaks, 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 Thousand Oaks 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, that interim-enacted provision shall 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 and of no validity or effect.

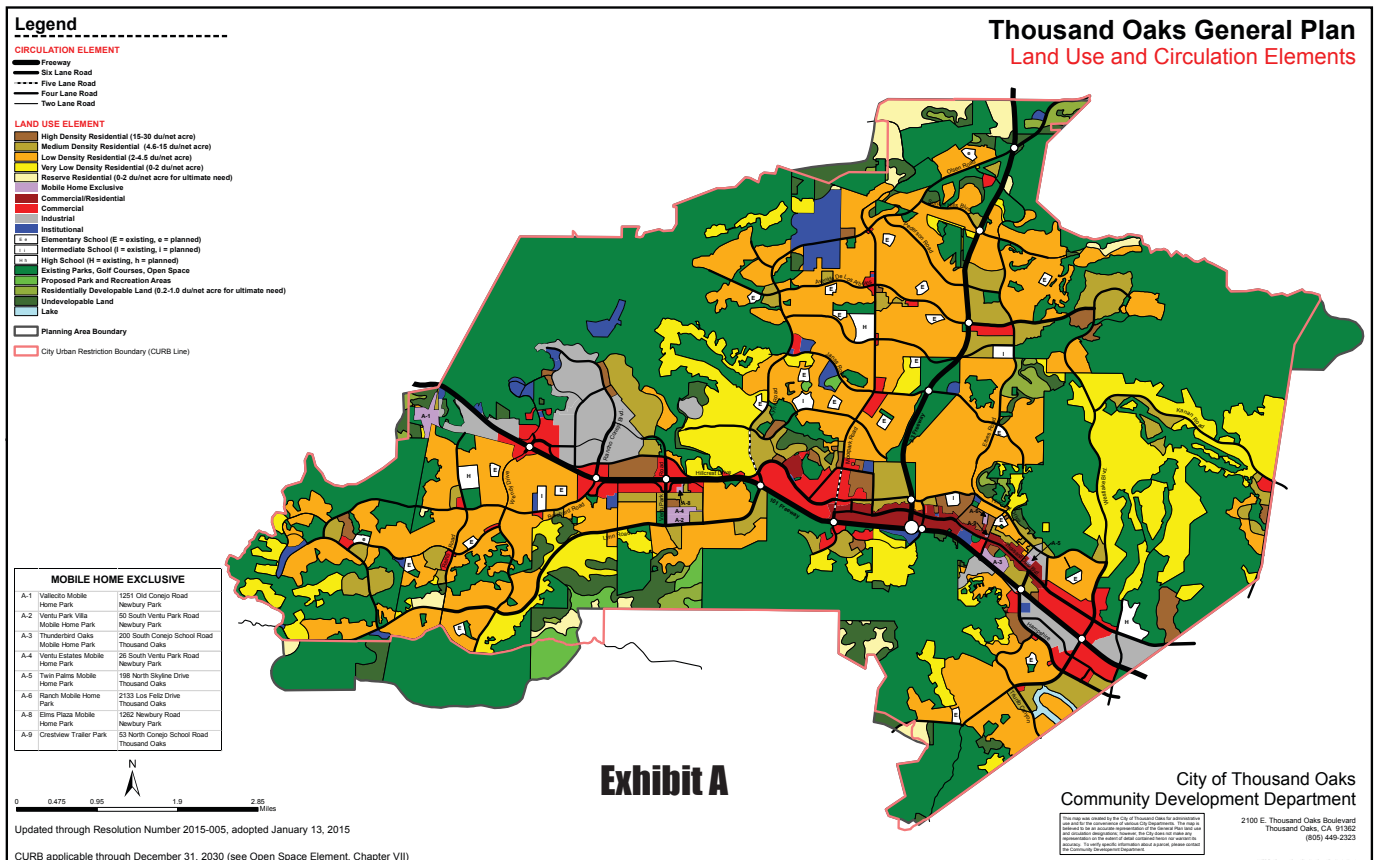
**Section 6. Severability.**

This measure shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative. It is the intent of the voters that the provisions of this measure shall be interpreted by the City and others in a manner that facilitates the *protection of lands designated as Existing Parks, Golf Courses, Open Space* within the City and the confinement of urban uses within a City Urban Restriction Boundary thereby protecting agricultural, open space and rural lands, and preventing urban sprawl.

**Section 7. Amendment or Repeal.**

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

**Section 8. Competing Measures.** In the event there are competing measures on the same ballot with this measure that purport to address the same subject matter of this measure, the following rules shall apply: If more than one such measure passes, both measures shall go into effect except to the extent that particular provisions of one initiative are in direct, irreconcilable conflict with particular provisions of another initiative. In that event, as to those conflicting provisions only, the provisions of the initiative which received the most votes shall prevail.



# Exhibit B

## CITY OF THOUSAND OAKS MEASURE PARKS INITIATIVE FULL TEXT OF ORDINANCE

The people of the City of Thousand Oaks do hereby ordain as follows:

### Section 1. Findings and Purpose.

A. The protection of existing park lands and open space are of critical importance to present and future residents of the City of Thousand Oaks. Park lands and open space are needed to assure the conservation of vital resources including air and watersheds, to provide playfields, equestrian areas and other outdoor recreational opportunities, to provide land for community events such as Conejo Valley Days, to preserve archaeological and historic resources, and to preserve the natural beauty of open space which enhances the City's visual character and is a significant economic resource.

B. The City of Thousand Oaks and surrounding area, has unique topographical and biological features which include arroyos and oak trees, and Conejo volcanics that provide habitat for rare and endangered plant species found only within this region of the world. Uncontrolled urban encroachment into park lands and open space will cause negative environmental impacts and reduce the amount of land available for air and water recharge. Such urban encroachment will threaten the public health, safety and welfare by causing increased traffic congestion, increased noise, 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 uses and place greater demand on park lands.

C. Open Space within the City is endeared by its citizens as evidenced in it consistently being ranked in municipal Citizen Attitude surveys as the major reason people choose to live in Thousand Oaks. Existing park lands and identified future park sites enhance neighborhoods, offer community gathering areas and add to the livability and desirability of Thousand Oaks as a place to live and do business.

D. The unique character of the City of Thousand Oaks and quality of life of City residents depend on the protection of existing and identified future park sites and the protection of a substantial amount of open space lands. The protection of such lands not only ensures the continued desirability of the City of Thousand Oaks, but also protects the health of residents by providing recreational opportunities, protects the available water supply, protects air quality, contributes to flood control, and protects wildlife, environmentally sensitive areas and irreplaceable natural resources.

E. The General Plan Goals and Policies as set forth in Resolution No. 94-218 adopted October 11, 1994 contains in part, the following Goals:

“To enhance and preserve the spaciousness and attractiveness of the Conejo Valley in accommodating future growth.”

“To provide and maintain a system of natural open space and trails.”

“To provide and maintain a permanent park and recreational system of sufficient size and quality to serve current and future needs, consonant with community expectations.”

“To provide a high quality environment, healthful and pleasing to the senses, which values the relationship between maintenance of ecological systems and the people's general welfare.”

F. The General Plan Policies sets out in part, the following policies for Recreational, Parks and Natural Open Space:

“Wildlife corridors and sensitive ecological systems within the City's Planning Area, should be protected.”

“Existing and future public parks, golf courses and COSCA lands should be kept free of incompatible private development.”

G. Additional Policies of the General Plan sets out in part, the following:

“**Air Quality:** The City shall place high priority on maintaining and improving local and regional air quality.”

“**Archaeological:** The City shall preserve and protect archaeological resources for future generations and the Conejo Valley's cultural heritage.”

“**Conservation/Natural Resources:** The City shall preserve and protect the unique biodiversity of the City's open spaces and wetlands, including arroyos and oak trees.”

H. The purpose of this initiative is to ensure that the Goals and Policies of the General Plan are inviolable by transitory short-term political decisions and that park lands and open space are not permanently or unnecessarily converted to other non park use or non-open space use without public debate and a vote of the people. Accordingly, the initiative ensures that until December 31, 2030, the General Plan provisions governing the "Parks, Golf Courses, Open Space" land use designation and intent may not be changed except by vote of the people. In addition, the initiative provides that any lands designated as "Parks, Golf Courses, Open Space" on the City of Thousand Oaks General Plan "Land Use Map" adopted by the City Council and as amended through March 1, 1996 and all land subsequently designated into this land use category will remain designated as "Parks, Golf Courses, Open Space" until December 31, 2030, unless the land is redesignated to another land use category by vote of the people, or redesignated by the City Council for the City of Thousand Oaks pursuant to the procedures set forth in this initiative.

I. This initiative allows the City Council to redesignate "Parks, Golf Courses, Open Space" lands only if certain findings can be made, including (among other things) that redesignation is necessary to avoid an unconstitutional taking of property without just compensation.

### Section 2. General Plan Amendment.

The Parks Initiative hereby reaffirms and readopts until December 31, 2030, the "Parks, Golf Courses, Open Space" designation of the adopted City of Thousand Oaks General Plan as amended through March 1, 1996, with the modification that "Parks, Golf Courses, Open Space" lands and land subsequently added to this category shall remain so designated until December 31, 2030.

The following terminology shall be included in the Thousand Oaks General Plan Open Space Element:

The "Parks, Golf Courses, Open Space" category (not to be reconsidered until after the Year 2030) identifies those lands that are designated for Parks, Golf Courses, Open Space on the Land Use Map.

The target date of 2030 associated with the Parks, Golf Courses, Open Space designation indicates a review date after which "Parks, Golf Courses, Open Space" designated lands may be reconsidered for urban uses. However, during the life of this plan as amended by initiative, it is intended that only parks; golf courses, open space uses are permitted on these lands. Furthermore, any updates to this Plan are not intended to imply that development would necessarily be appropriate at that time.

In addition, the initiative hereby reaffirms and readopts until December 31, 2030, the "Parks, Golf Courses, Open Space" designations set forth on the adopted City of Thousand Oaks General Plan "Land Use Map" as amended through March 1, 1996 and including those lands which may be added to the land use designation, which map is incorporated herein by reference, modified, as appropriate, to include the reference of the year 2030 review date.

# Exhibit B (continued)

## CITY OF THOUSAND OAKS MEASURE PARKS INITIATIVE FULL TEXT OF ORDINANCE

Finally, the text of the Amendment Procedures of the City of Thousand Oaks, as amended through March 1, 1996 shall be amended to add a new subsection which provides:

Limitations on General Plan Amendments Relating to "Parks, Golf Courses, Open Space":

- a) Until December 31, 2030, the provisions and designations governing the intent for lands designated "Parks, Golf Courses, Open Space" on the Land Use Element, Open Space Element and Recreation Element as amended through March 1, 1996, shall not be amended except to add lands to the "Parks, Golf Courses, Open Space" designation; unless such amendment is approved by vote of the people.
- b) All those lands designated as "Parks, Golf Courses, Open Space" in the adopted City of Thousand Oaks General Plan "Land Use Map" as amended through March 1, 1996, and lands which are subsequently added to the "Parks, Golf Courses, Open Space" designation, shall remain so designated until December 31, 2030 unless redesignated to another General Plan land use category by vote of the people, or redesignated by the City Council pursuant to the procedures set forth in subsection c), below.
- c) Land designated as "Parks, Golf Courses, Open Space" on the Land Use Map may be redesignated to another land use category by the City Council if each of the following conditions are satisfied:
  - i) The City Council makes a finding that the application of the provisions of Section 2 (a) would constitute unconstitutional taking of the private landowner's property; and
  - ii) In permitting the redesignation, the City Council allows additional land uses only to the extent necessary to avoid said unconstitutional taking of the landowner's property.
- e) Approval by a vote of the people is accomplished when a General Plan amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters vote in favor of it. Whenever the City Council adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the City Council's action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The City Council shall follow the provisions of the Election Code in all matters pertaining to such an election.

### Section 3. Implementation.

A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the City of Thousand Oaks' General Plan as an amendment thereof; except, that if the four amendments of the mandatory elements of the General Plan permitted by state law for any given calendar year have already been utilized in 1996, 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, 1997. At such time as this General Plan amendment is deemed inserted in the City's General Plan (hereinafter, the "insertion date") any provisions of the City's Zoning Ordinance inconsistent with that amendment shall not be enforced to the extent of the inconsistency. Within 180 days of the insertion date, the City shall complete such revisions of its General Plan, including, but not limited to, the adopted General Plan Land Use Map as amended through March 1, 1996 and accompanying text, as are necessary to achieve consistency with all provisions of this initiative. Also, within 180 days of the Insertion date, the City Council shall complete such revisions of its Zoning Ordinance and other land use regulations as are necessary to conform to and be consistent with all provisions of this initiative.

B. The provisions of this initiative shall prevail over any revisions to the City of Thousand Oak's General Plan as amended through March 1, 1996, or to the City of Thousand Oak's Land Use Plan Map as amended through March 1, 1996 which conflict with the initiative. Except as provided in Section 4 below, upon the insertion date all General Plan amendments, rezonings, specific plans, tentative or final subdivision maps, parcel maps, conditional use permits, building permits, or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the policies and provisions of this Initiative.

### Section 4. Exemptions for Certain Projects.

This initiative shall not apply to or affect any property owner whose property has acquired any of the following prior to its effective date:

- A. A vested right pursuant to state law;
- B. A validly approved and fully executed development agreement with the City; or
- C. Approval of a vesting tentative map.

### Section 5. Severability.

If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

### Section 5. Amendment or Repeal.

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