



Appendix D

Measure E Voter Initiative

RESOLUTION NO. 96-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING TO PROPOSED ORDINANCE REQUIRING VOTER APPROVAL FOR CERTAIN CHANGES TO THE LAND USE ELEMENT OF THE GENERAL PLAN AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 1996 AS CALLED BY RESOLUTION NO. 96-113

WHEREAS, a General Election on Tuesday, November 5, 1996 has been called by Resolution No. 96-113, adopted on June 11, 1996, and

WHEREAS, the City Council also desires, pursuant to Elections Code Section 9222, to submit to the voters at the election a question relating to a proposed Ordinance requiring voter approval for certain changes to the Land Use Element of the General Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the ordinance be adopted, requiring voter approval of any change of the City's Land Use Element of the General Plan, which change increases the net allowable residential density or total commercial acreage in the General Plan?	YES	
	NO	


SECTION 2. That the proposed measure submitted to the voters is attached as Exhibit A.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.


SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED ON June 25, 1996.

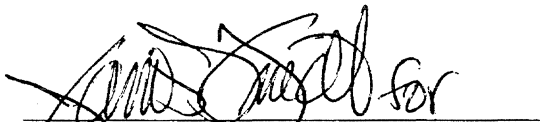


Andrew P. Fox, Mayor
City of Thousand Oaks, California


ATTEST:


Nancy A. Dillon, City Clerk

APPROVED TO AS FORM:


Mark C. Sellers, City Attorney

APPROVED AS TO ADMINISTRATION:


Grant R. Brimhall, City Manager

CERTIFICATION

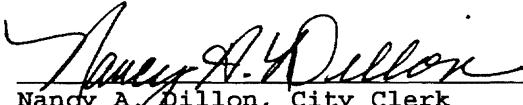
STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF THOUSAND OAKS)

I, NANCY A. DILLON, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 96-126 which was duly and regularly passed and adopted by said City Council at a regular meeting held June 25, 1996, by the following vote:

AYES: Councilmembers Markey, Lazar and Mayor Fox

NOES: Councilmember Zukowski and Zeanah

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.



Nancy A. Dillon, City Clerk
City of Thousand Oaks, California

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF THOUSAND OAKS
AMENDING CHAPTER 2 OF TITLE 9 OF THE THOUSAND
OAKS MUNICIPAL CODE TO NOT ALLOW CERTAIN GENERAL
PLAN AMENDMENTS WHICH WOULD INCREASE THE CITY'S
RESIDENTIAL LAND USE DENSITIES OR COMMERCIAL
LAND AREA WITHOUT THE APPROVAL OF THE VOTERS

Further, the City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

The City Council and the voters of the City Thousand Oaks have found the following Land Use Element amendment process is consistent with the City's General Plan and required in order to provide stability and a long term guide for future development of the City. The City's General Plan is hereby amended so that any proposed amendment to the City's Land Use Element of the General Plan during the next 30 years, which amendment would provide either a net increase in the amount of land designated for "commercial" use or a net increase in the amount of residential density, shall be approved by a majority of the City's voters voting at a general or special election. This voter approval is required whenever any proposed amendment to the Land Use Element would cause a net increase in the acreage of land designated for "commercial", a net increase in the maximum number of residential dwelling units permissible under the proposed residential density ranges over that then shown in the Land Use Element of the General Plan.

Part 2

Section 9-2.203 is added to Title 9 of the Thousand Oaks Municipal Code to read as follows:

Sec. 9-2.203. Increases on Residential Densities or Commercial Acreage.

(a) *Purpose.* The City's General Plan is a long term guide for orderly development of this community, which plan should not be subject to unreasonable and increased development pressures. Based on the City's present build out under that General Plan, the City Council finds the City of Thousand

Oaks is at a point where the ultimate and foreseeable residential and commercial development in the City's Planning Area can be accurately predicted. The City's infrastructure and public facilities were or have been designed based on the development projections in the City's General Plan, as in effect on November 5, 1996. These public facilities can accommodate that planned and foreseeable development. However, any increase in the residential density ranges or in commercial acreage over those presently shown in the Land Use Element of the General Plan will alter the character of the City and place an unacceptable burden on the City's topography and infrastructure. The City desires to promote an improved local jobs/housing balance, and since land use changes to environmentally sensitive industrial uses do not place as great a demand on public services, roads, freeways and infrastructure, as do residential and commercial uses, such changes are not a new policy direction requiring a vote of the community.

Any amendment either to the General Plan's designated acreage for "commercial" land uses or in the residential land use density ranges, which produces a net increase in excess of the land areas so designated, or in excess of the dwelling unit per net acre density ranges shown on the Land Use Element of the City's General Plan as of November 5, 1996, is a policy decision that the voters of the City of Thousand Oaks should make.

(b) *Voter Approval of Certain General Plan Amendments.* No proposed amendment to the Land Use Element of the City's General Plan of the following types shall be effective until it has been considered and approved for the ballot by the City Council, and then submitted to and approved by a majority of the City's voters voting at a general or special election:

(1) Any amendment which cumulatively provides a net increase in the maximum number of residential dwelling units which could be permitted under the proposed land use designation; or

(2) Any amendment which cumulatively provides a net increase in the land designated "commercial".

The proposed amendment to the Land Use Element must first have been initiated pursuant to section 9-2.202, have completed any environmental analysis required by law and have been reviewed by the Planning Commission. A proposed ballot measure under this section may contain or affect more than one site, designation or parcel.

(c) *Periodic Review.* As required by law, the City Council shall periodically review the land uses and density ranges in the Land Use Element of the General Plan, as well as the overall General Plan's internal consistency, and may request the approval of proposed Land Use Element changes by the voters pursuant to this section, if the Council finds new circumstances, justification, or state/federal mandates require such an amendment.

(d) *Exemptions.* This requirement of a voter approval shall not be required or apply for the following amendments or situations:

(1) Where the amendment is necessary to avoid, or the application of the voter approval requirement of this section would be deemed, an unconstitutional taking of property under the United States or California Constitutions, be contrary to federal laws, or the laws of this state;

(2) Where the amendment is necessary in order to comply with, or is directed under a court order, judgment, writ or mandate.

(3) Where the amendment is necessary for a viable use of publicly owned land, with the exception of land designated in the General Plan as parks, golf course and open space, which has been determined by the owner to be, and is, declared surplus as no longer needed for a public purpose, such as unneeded school sites or the approximate 35 acres at 401 Hillcrest Drive.

(e) *City Council Sponsored Initiative; Effective Period.* This section was enacted as a City Council sponsored initiative, approved by the voters at a city-wide general election on November 5, 1996. Except for evaluation, processing and procedural matters, this section cannot be amended or repealed by the City Council without such amendment or repeal being approved by the voters of Thousand Oaks. This section shall be effective and apply to any Land Use Element amendments up to November 5, 2026, at which time this section shall terminate.

Part 3 Severability

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council and voters hereby declare that it would have passed this ordinance, and each section, sentence, clause, or phrase

thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

* * * * *

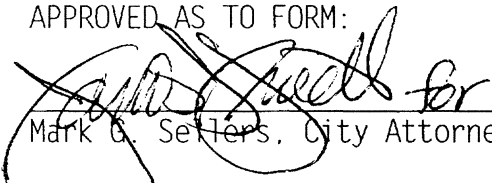
PASSED AND ADOPTED by the voters of the City of Thousand Oaks this 5th day of November 1996.

ANDREW FOX, Mayor
City of Thousand Oaks, California

ATTEST:

Nancy A. Dillon, City Clerk

APPROVED AS TO FORM:



Mark G. Sellers, City Attorney

APPROVED AS TO ADMINISTRATION:

Grant R. Brimhall, City Manager
cao:631-30:mgs:Ord:Densvot.Ord