



Appendix E

**Measure W City Urban
Restriction Boundary**

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.

I.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 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 Thousand Oaks City Urban Restriction Boundary (Thousand Oaks CURB). The Thousand Oaks CURB to run conterminously 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, 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 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, and public parks. In each reference to the year 2030 found within the Parks Initiative, that reference is hereby amended to reference the year 2050. Other than for the exceptions provided herein, upon the effective date of this 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 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 is restated and readopted 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.

(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, 20M 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, 2050, the foregoing Purposes, Principles and Implementation provisions of this 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 maybe 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.

(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 amendment 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.

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