

**CITIZENS ADVOCATING RESPONSIBLE EXPANSION  
SANTA PAULA GENERAL PLAN AMENDMENT INITIATIVE  
FULL TEXT OF ORDINANCE**

The people of the City of Santa Paula do hereby ordain as follows:

**Section 1. Title.**

This initiative shall be known as the **CITIZENS ADVOCATING RESPONSIBLE EXPANSION INITIATIVE.**

**Section 2. Findings and Objectives.**

A. Public participation in community altering developments has proven to be a useful approach to development, both from the perspective of ensuring the public's participation in its own future, but as well ensuring that the development interests embarking on large community altering developments take into consideration appropriate public amenities.

B. In particular, the City of Santa Paula has before it, and is anticipated to have before it, large projects with the potential to alter the fabric of the community in ways that have yet to be publicly aired and which would likely be improved by the knowledge that the public was to be involved in the approval process through an election.

C. Accordingly, it is the objective of this measure to ensure that large projects, defined herein as projects in excess of 81 acres, gross, in total size, including all roads and public amenities such as schools and parks, be submitted to the voters prior to final approval.

**Section 3. Implementation to Achieve Objective.**

A. This initiative hereby *Amends* the General Plan Land Use Element adopted on or about April 13, 1998, and as amended thereafter, to require any future amendment to the general plan land use element involving a development, proposed development, or land use designation, which would have the effect of increasing the density as currently reflected in the land use element on a gross of 81 or more acres, to be approved by a majority of the voters at a general or special election.

B. Until December 31, 2025, the City of Santa Paula shall not, absent

approval of a majority of the voters voting at a duly scheduled election, increase the residential or commercial density or intensity of use beyond that presently described in the above-referenced Land Use Element, as amended. Amendments on any project comprising a gross of 81 acres or greater shall be subject to this measure:

To enforce the underlying intent of this initiative, and to preclude the "piece-mealing" of projects, "81 acres, gross," shall be defined as including contiguous real property, any part of which has been redesignated in such a fashion to increase its density within the 5 calendar years predating the action under scrutiny. That is, by way of example, and without limitation, should the City Council sequentially redesignate 20 acres in each of 4 consecutive calendar years, said cumulative acreage being contiguous in any fashion, then in the 5<sup>th</sup> year any parcel of 1 acre or more, contiguous with the previous 80 acres of redesignated property would require a public vote. However, by way of contrast, 80 acres redesignated in year one would have no effect under this amendment on an application to redesignate an additional, contiguous, 80 acres in year 6.

#### AMENDMENT PROCEDURES

A. Except as set forth in the following Paragraph "B," Amendments to the General Plan Land Use Element, as previously amended, which would have the effect of increasing the density as currently reflected in said land use element on a gross of 81 acres, or more, may only be accomplished by a vote of the duly registered electorate of the City of Santa Paula. 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 then voting approve of the change. 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 be preceded by an Environmental Impact Report meeting the standards imposed by the California Environmental Quality Act, and 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 Elections Code in all matters pertaining to such an election.

B. Amendment of the General Plan may be accomplished absent a public vote if, and by the City Council:

The City Council makes a finding supported by substantial evidence that the application of the provisions of Section "A" of this Amendment subsection would constitute an unconstitutional taking of the landowners' property; or

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The City Council makes a finding supported by substantial evidence that the application of the provisions of Section "A" of this Amendment subsection would conflict with the Department of Housing and Urban Development's previous approval of the City's Housing Element; and

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, or the minimum necessary to avoid conflict with the Housing Element.

#### 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 City; or
- C. Approval of a vesting tentative map.

D. The provisions of this initiative do not address, and are not intended to in any way inhibit the exercise of school or other state or local prerogatives, other than as applied to the City of Santa Paula. By way of example, and without limitation, the provisions of this initiative may be disregarded as necessary to accommodate the exercise of legitimate State granted authority such as that set forth in Government Code §§53094.

#### Section 5. Insertion Date

A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the Santa Paula 2020 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 2005, 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, 2006.

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B. The provisions of this initiative shall prevail over any revisions to the City of Santa Paula's 2020 General Plan as amended through the insertion date or to the City of Santa Paula's 2020 Land Use Map as amended through January 1, 2005, which conflict with this initiative. Except as provided in Section 3 above, 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 5. Severability.

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

Section 6. Amendment or Repeal.

This initiative may be amended or repealed only by the voters at an election duly certified under the California Elections Code

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