

**CHAPTER 16.237: 81 ACRE INITIATIVE IMPLEMENTATION**

- 16.237.010 Purpose.
- 16.237.020 Administration of Chapter.
- 16.237.030 Definitions.
- 16.237.040 Applicability.
- 16.237.050 Exemptions.
- 16.237.060 Environmental Assessment.
- 16.237.070 One Vote Required.
- 16.237.080 Sunset Clause.

**16.237.010 Purpose.**

This Chapter implements Section III(G) of the Santa Paula General Plan by establishing specific procedures and parameters needed to approve proposed development projects comprising 81 or more acres in size. The voters of the city of Santa Paula adopted Measure L6, the “Citizens Advocating Responsible Expansion Initiative,” on November 7, 2006 which amended the Land Use Element of the General Plan. This Chapter is intended to clarify the law to avoid needless confusion, duplication of effort, and uncertainty for persons seeking City approvals for large development projects and for City officials responsible for enforcing applicable law.

**16.237.020 Administration of Chapter.**

The City Manager, or designee, is authorized to implement this Chapter in a manner consistent with the California Constitution and other applicable law including, without limitation, Section III(G) of the Santa Paula General Plan.

**16.237.030 Definitions.**

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Chapter. Words and phrases not defined by this Chapter have the meaning set forth in the Initiative (as defined below) or, if neither set forth in the Initiative or this Chapter, other provisions of this Code.

- A “CEQA” means the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*)
- B “CURB” means the City Urban Restriction Boundary regulated by Section III(F), and graphically depicted in Figure LU-4a, of the Santa Paula General Plan.
- C “Date of determination” means the date upon which an application for development is deemed complete in accordance with this Code.

- D. "Density" means one of the following:
1. For residential development, density is the total number of permanent residential dwelling units per acre of land, exclusive of all existing public streets and rights-of-way.
  2. For commercial development, density is the total gross area of all buildings on a lot divided by the lot area (known as floor area ratio) or the total square feet designated by the General Plan or this Code for a particular lot area.
- E. "Development" means any activity which requires a discretionary or ministerial permit to construct commercial, industrial, institutional, or residential structures. "Development" also includes the term "land use designation" as defined by this Chapter.
- F. "GPA" means an amendment to the Santa Paula General Plan.
- G. "Intensification of Use" means a GPA seeking to increase density or land use intensity (or both) that is subject to the Initiative and this Chapter.
- H. "Initiative" means Measure L6 as enacted by voters on November 7, 2006, and certified by Resolution No. 6358 on December 4, 2006, as codified by Ordinance No. 1188, adopted on February 19, 2008.
- I. "Land use designation" means a designation set forth in the Santa Paula General Plan Land Use Map (Figure LU-5) and defined by Santa Paula General Plan Table LU-7 or such other land use proposed by an application for a GPA and not previously identified in the General Plan.
- J. "Land use intensity" means those urbanized land uses identified in General Plan Table LU-7 under the column captioned "Principal Use Development Intensity/Density." Land use intensity does not include non-urbanized uses such as agricultural, open space, recreational, golf, or mining.
- K. "Planning Area" means real property located within the City's jurisdictional boundaries, its approved Sphere of Influence, and such additional areas that are identified by the Santa Paula General Plan and other applicable law.
- L. "SOAR" means Section III(F) of the Santa Paula General Plan, added by Measure I as enacted by voters on November 7, 2000, and certified by Resolution No. 5407, adopted on December 4, 2000.

**16.237.040 Applicability.**

The Initiative and this Chapter apply to any application for a development which meets all of the following criteria:

- A. The application seeks an Intensification of Use;
- B. The proposed Intensification of Use would regulate either:
  - 1. A development entirely located upon real property that constitutes 81 or more contiguous acres; or
  - 2. A development located on real property which is contiguous to other land for which the City Council previously approved an Intensification of Use within the five calendar years preceding the date of determination when all of the real property regulated by the previously approved and proposed Intensification of Use equals 81 or more contiguous acres;
- C. The real property affected by the proposed Intensification of Use is located within the Planning Area;
- D. The 81 or more contiguous acres of real property are found by the City Council, based upon substantial evidence, to be:
  - 1. Part of, or substantially related to, a development previously approved by the City Council;
  - 2. Completely owned by the same person or persons; or
  - 3. Separately owned by persons who are part of a joint venture, or similar cooperative enterprise, who are jointly seeking development approvals for a single or multiple developments.

**16.237.050 Exemptions.**

Notwithstanding anything to the contrary, the Initiative and this Chapter do not apply to an Intensification of Use required by California law mandates including, without limitation, Government Code § 65588, if the Intensification of Use would affect only real property located completely within the City's jurisdictional boundaries as they exist on the date of determination.

**16.237.060 Environmental Assessment.**

GPA's subject to the Initiative and this Chapter require environmental review in accordance with § 16.202.050. If required by CEQA, a final environmental impact report must be certified before the City Council can consider placing a GPA on the ballot in accordance with Elections Code § 9222.

**16.237.70 One Vote Required.**

To reconcile the Initiative with SOAR requirements; to implement both SOAR and the Initiative; and to facilitate voter understanding of ballot measures, the City Council can take the following actions regarding an application for Intensification of Use:

- A. The City Council can deem an application which requires voter approval to both change the CURB and approve an Intensification of Use as a single GPA requiring one ballot measure for voter consideration;
- B. When voters previously approved a CURB change in accordance with SOAR which also included an Intensification of Use in the ballot measure, and an application for development does not propose an additional Intensification of Use, then the City Council can approve a GPA upon its own authority.

**16.237.080 Sunset Clause.**

This chapter is repealed and will become ineffective on December 31, 2025, unless a later adopted initiative measure approved by the voters at the general election before or in November 2025 deletes or extends the effective date of the Initiative.”

(Ord. 1188, 2008)