DATE: June 21, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

FROM: Daniel Martinez, City Clerk

SUBJECT: Resolutions to Call November 8, 2016 Election, Ordering Submissions of Ballot Measures for Extension of the Expiration of SOAR and Wastewater Initiative Petition Direction.

CONTACT: Daniel Martinez, City Clerk
Daniel.Martinez@oxnard.org, 385-7803

RECOMMENDATION:

That the City Council:

1. Adopt a resolution: calling and giving notice of a regular municipal election to be held on November 8, 2016, for the election of certain officers; consenting to and requesting election consolidation with the County of Ventura; requesting the County Clerk to render services and supplies; and authorizing the Board of Supervisors to canvass the returns.

2. Adopt a resolution establishing rules to govern submission by candidates of candidate statements.

3. Adopt a resolution ordering the submission of a ballot measure to provide for extension of the expiration of the Save Open Space and Agricultural Resources (SOAR) ordinance from December 31, 2020, to December 31, 2030, ordering the submission of a ballot measure to provide for extension of the expiration of the SOAR ordinance from December 31, 2020, to December 31, 2050, and directing the City Attorney to prepare impartial analyses of both of these measures.

4. Regarding the Wastewater Rate Repeal Initiative, take one of the following steps required by the Elections Code:
   a. Adopt the ordinance, without alteration, at this meeting or within 10 days.
   b. Immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election. To select this option, the Council needs to adopt the fourth resolution, ordering the submission of a ballot measure to repeal the City’s
2016 wastewater rates and directing the City Attorney to prepare an impartial analysis of the measure.

c. If the Council requests a report, the Council must set a report presentation date, which can be no later than July 21, 2016, which is 30 days after the City Clerk certifies to the City Council as to the sufficiency of the petition as required by Elections Code section 9111(b). Once the report is presented, the Council must either adopt the ordinance, without alteration, within ten (10) days or immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election.

DISCUSSION

CALLING THE MUNICIPAL ELECTION, CONSOLIDATING THE ELECTION WITH THE COUNTY, AND ESTABLISHING RULES FOR CANDIDATE STATEMENTS

As required by State law, the City Council is required to adopt a resolution calling and giving notice of the City’s regular municipal election on November 8, 2016. That election is being held for the purpose of electing a Mayor for a term of two years, two Councilmembers for terms of four years, one City Treasurer for a term of four years and one City Clerk for a term of four years. Additionally, the City Council must consent to and request election consolidation with the County of Ventura (County) if the Council does not want the City to have to run its own election. If the City consolidates with the County, the County Clerk would render all services and supplies, and the City would reimburse the County only for the City’s portion of those services and supplies. Additionally, if the Council wishes to consolidate the election with the County, the Council must authorize the County Board of Supervisors to canvass the returns. This is all listed in the first resolution (Attachment A).

The second resolution (Attachment B) establishes rules to govern the submission by candidates of candidate statements. These rules are in the Elections Code, so this resolution is also standard for any election where there are candidates running for an elected position.

SOAR MEASURE SUNSET DATE EXTENSION BALLOT MEASURES

On November 3, 1998, the voters of the City enacted the uncodified Oxnard Save Open Space and Agricultural Resources (SOAR) ordinance. The SOAR Ordinance established and adopted the City Urban Restriction Boundary (CURB) line, which defines what areas of land may be considered for future annexation, urban development, or both and procedures for amending the CURB line. The ordinance is included in the 2030 General Plan.

There are currently nine SOAR ordinances in the County, and seven of these ordinances are set to expire on December 31, 2020. The City’s SOAR ordinance is one of those seven that is set to expire in 2020. On February 9, 2016, the City Council conducted a study session and provided
preliminary comments concerning the Ventura County SOAR’s request for an amended CURB line and some SOAR Ordinance amendments. On March 15, 2016, the City Council received a report and provided direction to staff regarding placing an amendment to SOAR before the City’s voters at the November 8, 2016, statewide general election. Staff presented possible options to put a SOAR ordinance on the ballot. The City Council directed staff to place a measure on the ballot, which would extend the current SOAR ordinance to December 31, 2030.

On April 12, 2016, the City Council, after further discussion, directed staff to place two SOAR ballot measures on the November 8, 2016 ballot: one expiring on December 31, 2030, and the other expiring on December 31, 2050. This allows the voters to determine which time extension they prefer.

There is no other substantive change to the City’s SOAR ordinance. Thus, the third resolution (Attachment C) orders the submission of both SOAR ballot measures—one extending the expiration date to December 31, 2030, and the other extending the expiration date to December 31, 2050. The full text of the ballot measure to extend the effective date of the SOAR ordinance from December 31, 2020, to December 31, 2030 is Exhibit A to Attachment C. The full text of the ballot measure to extend the effective date of the SOAR ordinance from December 31, 2020, to December 31, 2050 is Exhibit B to Attachment C. This resolution also directs the City Attorney to prepare an impartial analysis of both measures, as required by state law.

The extension of the SOAR ordinance, to either 2030 or 2050, has been reviewed for compliance with the California Environmental Quality Act (CEQA) (Attachment D). According to Section 15060(c) of the CEQA Guidelines, “An activity is not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.” Additionally, Section 15061(b)(3) states that a project is exempt from CEQA if, “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” Given that an extension of the SOAR ordinance would not result in direct or reasonably foreseeable indirect physical changes when compared to existing conditions, there would be no environmental effects associated with extending the ordinance to 2030 or 2050 and the extension is not subject to CEQA. Even if CEQA applied, the SOAR ordinance is categorically exempt from CEQA under Sections 15307 (Class 7) and 15308 (Class 8) of the CEQA Guidelines.

WASTEWATER RATE REPEAL INITIATIVE

The Environmental Protection Agency and the California State Water Resources Control Board revenue programs require the City to conduct periodic rate adjustment studies for fair and equitable user fees that keep municipal wastewater services on a self-supporting basis. That last rate adjustment was adopted by the City Council in 2012.

In September 2015, City’s Public Works Department completed a cost of services study (Rate Study). The Rate Study was intended to consistently allocate the proportional cost of providing
wastewater treatment and disposal service to the City’s various customer classes. In January 2016, the City Council adopted Ordinance Number 2901, which reflected the Rate Study results.

On March 8, 2016, the City Clerk received a Notice of Intent to Circulate Petition and a copy of the actual petition (Petition) for the Initiative to Repeal the City’s Wastewater Rates Adopted on January 2016 to the City Council (Wastewater Rates Repeal Initiative). Since then, the City Attorney has provided the ballot title and summary, and the notice of intention and the ballot title and summary were published in an adjudicated newspaper of general circulation.

Following Proposition 218 guidelines, the Initiative’s proponent then had to obtain 1430 valid signatures. The City Clerk received the Petition with 3958 signatures on May 18, 2016. The Petition was forwarded to the Elections Division of the County Clerk’s Office to examine signatures on file, count the number of signatures, and report that number to the City Clerk. Based on the records of registration counted by the County Clerk’s Office, the City Clerk has ascertained that the Petition is signed by the requisite number of voters. Thus, the City Clerk certifies as to the sufficiency of the Petition and has attached a Certificate of Sufficiency noting the same (Attachment E). The City Clerk’s certification is valid as of tonight.

The Elections Code requires that the City Council take one of the following three steps regarding the Wastewater Rates Repeal Initiative:

1. Adopt the ordinance, without alteration, at this meeting or within ten (10) days.

2. Immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election. If the City Council wishes to select this option, the Council will need to adopt the fourth resolution (Attachment F). The full text of the Initiative to Repeal the City’s Wastewater Rates Adopted on January 2016 is Exhibit A to Attachment F.

3. Refer the proposed Wastewater Rates Repeal Initiative to any City agency or agencies for a report on its effect on any or all of the following:
   a. Its fiscal impact.
   b. Its effect on the internal consistency of the City’s General Plan and specific plans, including the housing element.
   c. Its effect on the consistency between planning and zoning.
   d. Its effect on the limitations to City actions regarding discrimination (Government Code section 65008), housing development approvals (Government Code chapter 4.2, commencing with section 65913) and density bonuses and other incentives (Government Code chapter 4.3, commencing with Section 65915).
   e. Its effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs.
f. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the Wastewater Rates Initiative would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

g. Its impact on the community’s ability to attract and retain business and employment.

h. Its impact on the uses of vacant parcels of land.

i. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

j. Any other matters the City Council requests to be in the report.

If the Council requests a report, the Council must set a report presentation date, which can be no later than July 21, 2016. Once the report is presented, the Council must either adopt the ordinance, without alteration, within ten (10) days or immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election.

FINANCIAL IMPACT

The County Elections Division has calculated that the cost of the election to the City will be approximately $35,000. The election cost is funded out of the City Clerk Recommended Budget for Fiscal Year 2016-17. Staff recommends the City collect a deposit of $1,300 from each candidate desiring a candidate statement. In the event of an overpayment, the excess amount will be refunded to the candidate.

Placing the SOAR and the Wastewater Rates Repeal Initiative on the ballot for this election will require additional funding of $4,000 to $5,000 per measure.

The cost to prepare the CEQA analysis for the SOAR ballot measures is estimated to cost $10,000. The cost is funded out of the Planning Division Professional Contract budget.

FULL TITLES OF ATTACHMENTS:

A - Resolution calling and giving notice of the holding of a regular municipal election on November 8, 2016, for the election of certain officers; consenting to and requesting election consolidation with the County; requesting the County Clerk to render specified services and supplies relating to the election; and authorizing the County Board of Supervisors to canvass the returns

- Exhibit A: Ventura County Request for Specified Election Services
B - Resolution establishing rules for candidate statements
C – Resolution ordering the submission of two ballot measures to provide for extension of the expiration of the SOAR ordinance from December 31, 2020, to either December 31, 2030, or to December 31, 2050, and directing the City Attorney to prepare impartial analysis of these measures

- Exhibit A: Full Text of the Initiative Measure to Extend the Effective Date of the SOAR Oxnard City Urban Restriction Boundary Line from December 31, 2020, to December 31, 2030
- Exhibit B: Full Text of the Initiative Measure to Extend the Effective Date of the SOAR Oxnard City Urban Restriction Boundary Line from December 31, 2020, to December 31, 2050

D – CEQA Analysis of SOAR extension

E - City Clerk’s Certification of Sufficiency

F- Resolution ordering the submission of a ballot measure to repeal the City’s wastewater rates adopted in January 2016 and directing the City Attorney to prepare an impartial analysis of the measure

- Exhibit A: Full Text of the Initiative to Repeal the City’s Wastewater Rates Adopted on January 2016

ATTACHMENTS:

Att A
Att B
Att C
Att D
Att E
Att F
CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD: CALLING AND GIVING NOTICE OF THE HOLDING OF A REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS; CONSENTING TO AND REQUESTING ELECTION CONSOLIDATION WITH THE COUNTY OF VENTURA, INCLUDING CONSOLIDATION WITH ANY OTHER ENTITIES THAT CONSOLIDATE WITH THE COUNTY; REQUESTING THE COUNTY CLERK TO RENDER SPECIFIED SERVICES AND SUPPLIES RELATING TO THE CONDUCT OF A REGULAR MUNICIPAL ELECTION; AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, under the provisions of California laws relating to general law cities, the City Council of the City of Oxnard (City) is required to call and give notice of a regular municipal election to be held on November 8, 2016, for the election of certain municipal officers; and

WHEREAS, a statewide general election will be held within the County of Ventura (County) on the same date, and the City Council desires to consolidate the City’s election with the County’s election; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request certain election-related services from the County; and

WHEREAS, Elections Code section 10403 requires jurisdictions to file with the County’s Board of Supervisors, and a copy with the County Registrar of Voters, a resolution requesting consolidation with a statewide election.

NOW, THEREFORE, The City Council of the City of Oxnard hereby resolves:

1. That a regular municipal election is hereby called and ordered to be held in the City of Oxnard, California, on November 8, 2016, election regular municipal election, for the purpose of electing a mayor to a two-year term, two members of the City Council to four-year terms, a City Treasurer for a four-year term and a City Clerk for a four-year term. The exact form of the candidates to be voted upon at the election and as the same are to appear on the ballot are as follows:

   ONE MAYOR – Vote for one

   TWO MEMBERS OF THE CITY COUNCIL – Vote for two

   ONE CITY TREASURER – Vote for one

   ONE CITY CLERK – Vote for one

2. That the City consents to consolidate its election with the County election on November 8, 2016, and therefore requests that the County Board of Supervisors order that this regular municipal election be consolidated with the statewide general election to be held on November 8, 2016.
3. That the City acknowledges that the consolidated election will be held and conducted in the manner prescribed by Elections Code section 10418.

4. That the ballots used at the election shall be in form and content as required by law.

5. That the County Board of Supervisors is authorized to canvass the returns of the regular municipal election to be held in the City on November 8, 2016.

6. That pursuant to Elections Code section 10002, the County Board of Supervisors is requested to permit the County Clerk to render the services and supplies as shown on Exhibit A, attached hereto and made a part hereof, and any and all other services and supplies necessary to complete the regular municipal election on November 8, 2016.

7. That the City agrees to reimburse the County in full for the services performed and supplies provided by the County Clerk upon presentation to the City of a bill.

8. That the City Council adopts the provisions of Elections Code section 9285(a), which allows for rebuttal arguments regarding ballot measures.

9. 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.

10. That the City Clerk is directed to follow Secretary of State guidelines as to “Good Cause” reasons for waiving late campaign and lobbying filing fees, including providing a written request to waive any late fees.

11. That the polls for the election shall be open at seven o’clock a.m. of the day of the election and shall remain open continuously from that time until eight o’clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

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

13. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed material and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

14. That the City Clerk is directed to forward without delay to the County Board of Supervisors and to the County Clerk each a certified copy of this resolution.

15. That the City Clerk shall certify to the adoption of this resolution and cause the same to be posted as required by law.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:
ABSTAIN:

ABSENT:

ATTEST:

____________________________
Tim Flynn, Mayor

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

____________________________
Stephen Fischer, City Attorney
VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES

TO: MARK A. LUNN, Clerk/Recorder/Registrar of Voters

FROM: City of Oxnard

ELECTION: Municipal Election (Regular)  DATE: November 8, 2016

SERVICES REQUESTED: – Place a check mark next to the item selected.

ITEM #1  PUBLICATIONS

X  A. County elections official is requested to publish: Notice of Election for Offices, Nominees, Election Officers and Polling Places.

ITEM #2  CANDIDATE CERTIFICATES AND OATHS OF OFFICE

X  A. County elections official is requested to furnish Certificates and Oaths of Office.
   1. X Blank forms only - number requested ___.
   2. __ Forms filled in appropriately - number requested ___.

B. City will furnish Certificates and Oaths of Office.

ITEM #3  ELECTION NIGHT RESULTS

X  On-line results

E-mail ________________________________

ELECTIONS DIVISION SERVICES PROVIDED:

CANDIDATE FORMS – Ventura County Elections Division to provide one master set for copying.

CANDIDATE FILINGS – Ventura County Elections Division will check nomination petition signatures.

CANDIDATE STATEMENT – Maximum number of words permitted for the Candidate’s Statement will be 200 words. The City will be billed the cost of handling and printing the Candidate Statements. Pursuant to Elections Code Section 10002, the City agrees to reimburse the Ventura County Elections Division in full for the services performed upon presentation of a bill.
ELECTION DAY VOTER INFORMATION – A CD of registered voters and a list of polling places will be provided.

SPANISH TRANSLATIONS – Ventura County Elections Division will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF SAMPLE BALLOTS – Ventura County Elections Division will arrange for printing Candidates' Statements in the Sample Ballot for each election.

VOTE BY MAIL BALLOTS – Ventura County Elections Division will process all Vote By Mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

POLLING PLACES/PRECINCTS ASSIGNMENTS – Ventura County Elections Division will determine the number of polling places.

The undersigned requests the above election services to be performed by the Ventura County Elections Official and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of City: Oxnard
Signature & Title: [Signature] City Clerk
Date: June 15, 2016

Rev. 02/27/13
CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF OXNARD ESTABLISHING RULES TO GOVERN SUBMISSION
OF CANDIDATE STATEMENTS

WHEREAS, the City’s regular municipal election will occur on November 8, 2016; and

WHEREAS, that election is being held in part for the purpose of electing a Mayor for a
term of two years, two Councilmembers for a term of four years, one City Treasurer for a term of
four years and one City Clerk for a term of four years; and

WHEREAS, the Elections Code establishes some rules to govern the submission by
candidates of candidate statements, and the City Council now wishes to elaborate on those rules.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves that should a
candidate request a candidate statement, the following rules will govern the request, submission,
and handling of the candidate’s statement:

1. That the statement may include the name, age and occupation of the candidate and
   a brief description of the candidate’s education and qualifications expressed by the candidate
   him- or herself;

2. That the maximum number of words permitted in the candidate statement shall be
   200;

3. That a candidate statement shall be on the form provided by the City Clerk;

4. That a candidate statement shall not include the party affiliation of the candidate,
   nor the candidate’s membership or activity in partisan political organizations, nor comments on
   opponents;

5. That a candidate statement shall be filed in typewritten form in the Office of the
   City Clerk when the candidate’s nomination papers are submitted for filing;

6. That the candidate’s estimated pro-rata share of the cost of printing, handling, and
   mailing of a candidate statement is $1,300, and that the candidate shall deposit this estimated
   cost with the City Clerk at the time of submission of the candidate statement.

7. That should candidate’s estimated pro-rata share of the cost of printing, handling,
   and mailing of a candidate statement exceed the amount deposited, the candidate will be billed
   for the difference.
8. That should candidate’s estimated pro-rata share of the cost of printing, handling, and mailing of a candidate statement be less than the deposit, the balance will be refunded to the candidate;

9. That except as provided in Section 13309 of the Elections Code, a candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 6:00 p.m. of the next working day after the close of the nomination period;

10. That a candidate statement shall remain confidential until the expiration of the filing deadline; and

11. That if a candidate statement is not filed, the candidate shall file a waiver form with the nomination papers.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

____________________________
Tim Flynn. Mayor

ATTEST:

____________________________
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

____________________________
Stephen Fischer, City Attorney
CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD: ORDERING THE SUBMISSION OF A BALLOT MEASURE TO PROVIDE FOR EXTENSION OF THE EXPIRATION OF THE SAVE OPEN SPACE AND AGRICULTURAL RESOURCES (SOAR) ORDINANCE FROM DECEMBER 31, 2020, TO DECEMBER 31, 2030; ORDERING THE SUBMISSION OF A SEPARATE BALLOT MEASURE TO PROVIDE FOR EXTENSION OF THE SOAR ORDINANCE FROM DECEMBER 31, 2020, TO DECEMBER 31, 2050; DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS OF BOTH MEASURES

WHEREAS, in 1998 the voters of the City of Oxnard (City) enacted the Save Open Space and Agricultural Resources (SOAR) ordinance as an amendment to the 2020 General Plan; and

WHEREAS, the 1998 SOAR ordinance established and adopted the City Urban Restriction Boundary (CURB) line, which defines what areas of land may be considered for future annexation, urban development, or both and procedures for amending the CURB line; and

WHEREAS, the voters or City Council can only change the CURB’s boundary in accordance with Section 7 of the SOAR ordinance, and to date, there have been no amendments to the CURB line or the SOAR ordinance in Oxnard; and

WHEREAS, under the SOAR ordinance, urban services and urbanized uses are restricted to land within the CURB line until December 31, 2020; and

WHEREAS, the ordinance, inclusive of the sunset date of December 31, 2020, is included in the 2030 General Plan; and

WHEREAS, currently seven of the nine SOAR initiatives in the County of Ventura (County), including the City’s SOAR ordinance, are set to expire in the year 2020; and

WHEREAS, the City Council desires to submit two SOAR initiatives be placed on the ballot, one extending the sunset date to December 31, 2030, and the other extending the sunset date to December 31, 2050, to determine which time extension the voters prefer; and

WHEREAS, the Council intends that there be no substantive change to the ordinance or how it is implemented, except to extend the expiration of the ordinance to a later date; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15307 creates an exemption for actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment; and
WHEREAS, CEQA Guidelines section 15308 creates an exemption for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment; and

WHEREAS, CEQA Guidelines section 15061(b)(3) states that CEQA does not apply to projects where the lead agency determines “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

NOW, THEREFORE, The City Council of the City of Oxnard hereby resolves:

1. That the City Council orders submitted to the voters at the general municipal election on November 8, 2016, the following questions:

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<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
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<tr>
<td>Shall the Save Open Space and Agricultural Resources (SOAR) Ordinance be extended, maintaining a City Urban Restriction Boundary (CURB); prohibiting urban development outside of the CURB until December 31, 2030, unless approved by the voters; maintaining a City Buffer Boundary (CBB); and prohibiting changing the designation of land within the CBB that is designated ‘Agriculture’ in the Oxnard 2030 General Plan, unless approved by the voters?</td>
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<tr>
<td>Shall the Save Open Space and Agricultural Resources (SOAR) Ordinance be extended, maintaining a City Urban Restriction Boundary (CURB); prohibiting urban development outside of the CURB until December 31, 2050, unless approved by the voters; maintaining a City Buffer Boundary (CBB); and prohibiting changing the designation of land within the CBB that is designated ‘Agriculture’ in the Oxnard 2030 General Plan, unless approved by the voters?</td>
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2. That the proposed text of the ordinances to be submitted to the voters are incorporated herein as Exhibits A and B.

3. That CEQA does not apply to these ordinances due to CEQA Guidelines section 15061(b)(3), or in the alternative, that the ordinances are exempt from the CEQA pursuant to CEQA Guidelines section 15307 or 15307. The CEQA analysis found in Exhibit D of the June 21, 2016 agenda report is hereby incorporated.

4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare impartial analyses of the measures not exceeding 500 words.
per measure, showing the effect of the measures on existing law and the operation of the measures and stating that these measures were placed on the ballot by the City Council.

5. That the City Clerk is directed to forward to the County Board of Supervisors and to the County Clerk a certified copy of this resolution.

6. That the City Clerk shall certify to the adoption of this resolution and cause the same to be posted as required by law.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

____________________________
Tim Flynn, Mayor

ATTEST:

____________________________
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

____________________________
Stephen Fischer, City Attorney
Section 1. Title.
This ordinance shall be known as the Oxnard Save Open Space and Agricultural Resources (SOAR) Ordinance and shall be uncodified.

Section 2. Purpose and Findings.
A. Purpose. The purpose of this ordinance is to establish and adopt for the City of Oxnard a City Urban Restriction Boundary (CURB) line, and to redesignate “Agricultural Planning Reserve” to “Agriculture” with the following objectives:
1. To encourage efficient growth patterns and protect the City of Oxnard’s 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 CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, 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 “small town” character of Oxnard 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.

B. Findings.
1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Oxnard and within its Planning Area (as defined by Chapter III, Section A 6)) is of critical importance to present and future residents of the City of Oxnard. Agriculture has been and remains a major contributor to the economy of the City of Oxnard and County of Ventura, creating employment for many people, directly and indirectly, and generating substantial
tax revenues for the City. Additionally, wetlands, dunes and riparian areas within the Oxnard Planning Area are of world class importance providing irreplaceable environmental resources and habitats.

2. In particular, the City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provide beneficial food and fiber locally and world-wide, and have achieved international acclaim, enhancing the City’s economy and reputation.

3. Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by reducing beneficial production, causing increased traffic congestion, 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 agricultural uses.

4. The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural lands. The protection of such lands 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. As importantly, adopting a CURB around the City of Oxnard would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This initiative ensures that the agricultural and open space uses outside of the CURB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB 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, 2020, the City of Oxnard may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the CURB.

6. Although established in generally 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 the Local Agency Formation Commission from changing or altering the Sphere of Influence line in accordance with state law. The two lines, although coincidentally coterminal 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 CURB is a local land use policy of the City and shall not be changed except as herein provided.
7. Adequate land for housing is provided in the area encompassed within the CURB. Should at any time the City determine that it is failing to meet its fair share of housing, the initiative provides a mechanism for correcting that imbalance without a vote of the electorate.

The following text of this Section 3.4 of the Oxnard 2030 General Plan is shown in edit format to illustrate the updates from the 1998 adopted SOAR ordinance. Deletions are shown in strikethrough and new language is shown in italics.

Section 3. General Plan Amendment.
D. OXNARD CITY URBAN RESTRICTION BOUNDARY
Introduction
The voters of the City of Oxnard have, through the initiative process, established and adopted an urban growth boundary line denominated the Oxnard City Urban Restriction Boundary (CURB) as an amendment to the Oxnard 2020 General Plan. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in this subsection of Chapter IV Section 3.4 of this Oxnard 2030 General Plan.

1. PURPOSE
The City of Oxnard and surrounding area, with its unique combination of soils, microclimate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this CURB is was and remains to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan relating to Growth Management (Chapter IV), Land Use (Chapter V) and Open Space and Conservation (Chapter VII) 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.

2. PRINCIPLES
Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, 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/agricultural uses.

The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally
sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB will promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

a) The City of Oxnard hereby establishes and adopts a CURB. The CURB is established generally coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it existed as of January 1, 1998 except (1) that certain property of approximately 247 acres at the northwest corner of the City bounded on the South by Gonzales on the west by Victoria, adjacent to the Northwest Community, and (2) that certain property of approximately 79 acres of the west edge of the City bounded by the South by 5th Street on the west by Harbor Avenue, and generally southwesterly of the Edison Canal, generally referred to as "North Shore" and (3) that certain property of approximately 41 acres located within the City limits west of Victoria Avenue at the northwest corner of 5th Street directly west of the Oxnard Airport are additionally encompassed with the CURB. The Sphere of Influence line and the CURB line are illustrated in Figure 3-2 IV-4, Exhibit "A" and the parcels outside of the Sphere of Influence line but within the CURB line described herein are shaded for illustration purposes on said Figure IV-4, Exhibit "A". Figure III-1 inaccurately reflects the current location of the LAFCO Sphere of Influence line. While it is not the purpose of this General Plan Amendment to correct such errors, the Sphere of Influence references on said map are noted to be in error.

b) Until December 31, 2020, December 31, 2030 the City of Oxnard shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this Oxnard 2030 General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this Oxnard 2030 General Plan amendment, unless in accordance with the amendment procedures of the SOAR Ordinance. this General Plan amendment Section 3.4 herein:

c) "Urbanized uses of land" shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources.

d) Until December 31, 2020, December 31, 2030, all land designated as "Agriculture Planning Reserve (AG/PR)" is hereby re-designated as "Agriculture...
4. CONFORMING AMENDMENTS

SOAR Ordinance conforming amendments to the 2020 General Plan have been incorporated into relevant provisions of this 2030 General Plan.

5. CITY BUFFER BOUNDARY (CBB)

The CBB is established outside the CURB and within the Oxnard Planning Area, as shown on Exhibit I Figure 3-3. The CURB may be amended to include land within the CBB as provided in this ordinance. Until December 31, 2020, December 31, 2030 the City of Oxnard shall not change the designation of land within the CBB that is designated “Agriculture” in the 2020 General Plan, unless the change is approved by the voters of the City of Oxnard pursuant to Article 1, Chapter 2 of Division 9 of the Elections Code, or as set forth below:

1. The City Council may change the designation of land that is placed within the CURB.
2. 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 redesignate land within the CBB if the City Council makes each of the following findings:
   a. Failure to change the designation of a specific parcel of land would constitute an unconstitutional taking of a landowner’s property for which compensation would be required, and
   b. The redesignation will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner’s property.

6. EXEMPTIONS

The provisions of this ordinance otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in Chapter 4, Infrastructure and Services, in the circulation element of the 2030 Oxnard General Plan as of January 1, 1998 adoption and subsequent amendments, construction of public potable water facilities, public schools, public parks or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

7. AMENDMENT PROCEDURES

Until December 31, 2020, December 31, 2030 the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article I of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:

1. The City Council may amend the CURB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the CURB.
2. 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 CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein on Figure 3-2 and as designated on Figure IV-4, Exhibit "A", in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

   a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and
   
   b) 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
   
   c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
   
   d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.

3. 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 CURB, if the City Council makes each of the following findings:

   a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
   
   b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
   
   c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed;
   
   d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
   
   e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason;
   
   f) The land proposed for inclusion within the CURB does not exceed 40 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the restrictions contemplated by this Section 3.4 of the Oxnard 2030 General Plan amendment more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation; and
   
   g) Including the land within the CURB will not result in more than 160 acres being added to the CURB in any calendar year.
4. 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
CURB if the City Council makes each of the following findings:
   a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures
      are unworkable as applied to a specific parcel and failure to amend the CURB would
      constitute an unconstitutional taking of a landowner's property for which compensation
      would be required; and
   b) The amendment and associated land use designations will allow new land uses only to
      the minimum extent necessary to avoid an unconstitutional taking of the landowner's
      property.

5. 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 CURB or the provisions of this initiative Section 3.4 on the ballot in the
manner provided by state law.

6. The City Council may amend the CURB to include land contemplated for construction of
public potable water facilities, public schools, public parks or other government facilities, or to
include any development project that has obtained as of the effective date of the initiative a
vested right pursuant to state or local law, all uses exempted from the provisions of this Section
3.4 of the Oxnard 2030 General Plan Amendment, but only to the minimum amount of land
reasonably necessary to accommodate said uses.

7. The City Council may reorganize, reorder, and renumber General Plan provisions, including
the General Plan provisions of the SOAR Ordinance.
CITY OF OXNARD MEASURE
AN INITIATIVE MEASURE TO EXTEND THE EFFECTIVE DATE OF THE
SAVE OPEN SPACE AND AGRICULTURAL RESOURCES
OXNARD CITY URBAN RESTRICTION BOUNDARY LINE FROM DECEMBER 31, 2020
TO DECEMBER 31, 2050
FULL TEXT OF ORDINANCE

Section 1. Title.
This ordinance shall be known as the Oxnard Save Open Space and Agricultural Resources (SOAR) Ordinance and shall be uncodified.

Section 2. Purpose and Findings.
A. Purpose. The purpose of this ordinance is to establish and adopt for the City of Oxnard a City Urban Restriction Boundary (CURB) line, and to redesignate “Agricultural Planning Reserve” to “Agriculture” with the following objectives:
   1. To encourage efficient growth patterns and protect the City of Oxnard’s 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 CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, 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 “small town” character of Oxnard 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.

B. Findings.
1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Oxnard and within its Planning Area (as defined by Chapter III, Section A 6)) is of critical importance to present and future residents of the City of Oxnard. Agriculture has been and remains a major contributor to the economy of the City of Oxnard and County of Ventura, creating
employment for many people, directly and indirectly, and generating substantial tax revenues for the City. Additionally, wetlands, dunes and riparian areas within the Oxnard Planning Area are of world class importance providing irreplaceable environmental resources and habitats.

2. In particular, the City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provide beneficial food and fiber locally and worldwide, and have achieved international acclaim, enhancing the City’s economy and reputation.

3. Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by reducing beneficial production, causing increased traffic congestion, 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 agricultural uses.

4. The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural lands. The protection of such lands 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. As importantly, adopting a CURB around the City of Oxnard would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This initiative ensures that the agricultural and open space uses outside of the CURB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB 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, 2050, the City of Oxnard may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the CURB.

6. Although established in generally 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 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 CURB is a local land use policy of the City and shall not be changed except as herein provided.

7. Adequate land for housing is provided in the area encompassed within the CURB. Should at any time the City determine that it is failing to meet its fair share of housing, the initiative provides a mechanism for correcting that imbalance without a vote of the electorate.

The following text of this Section 3.4 of the Oxnard 2030 General Plan is shown in edit format to illustrate the updates from the 1998 adopted SOAR ordinance. Deletions are shown in strikethrough and new language is shown in italics.

Section 3. General Plan Amendment.
D. OXNARD CITY URBAN RESTRICTION BOUNDARY
Introduction
The voters of the City of Oxnard have, through the initiative process, established and adopted an urban growth boundary line denominated the Oxnard City Urban Restriction Boundary (CURB) as an amendment to the Oxnard 2020 General Plan. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in this subsection of Chapter IV Section 3.4 of this Oxnard 2030 General Plan.

1. PURPOSE
The City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation. The purpose of this CURB was and remains to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan relating to Growth Management (Chapter IV), Land Use (Chapter V) and Open Space and Conservation (Chapter VII) 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.

2. PRINCIPLES
Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, 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/agricultural uses.

The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural
lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB will promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

a) The City of Oxnard hereby establishes and adopts a CURB. The CURB is established generally coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it existed as of January 1, 1998 except (1) that certain property of approximately 247 acres at the northwest corner of the City bounded on the South by Gonzales on the west by Victoria, adjacent to the Northwest Community, and (2) that certain property of approximately 79 acres of the west edge of the City bounded by the South by 5th Street on the west by Harbor Avenue, and generally southwesterly of the Edison Canal, generally referred to as "North Shore" and (3) that certain property of approximately 41 acres located within the City limits west of Victoria Avenue at the northwest corner of 5th Street directly west of the Oxnard Airport are additionally encompassed with the CURB. The Sphere of Influence line and the CURB line are illustrated in Figure 3-2 IV-4, Exhibit "A" and the parcels outside of the Sphere of Influence line but within the CURB line described herein are shaded for illustration purposes on said Figure IV-4, Exhibit "A". Figure III-1 inaccurately reflects the current location of the LAFCO Sphere of Influence line. While it is not the purpose of this General Plan Amendment to correct such errors, the Sphere of Influence references on said map are noted to be in error.

b) Until December 31, 2020, December 31, 2050 the City of Oxnard shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this Oxnard 2030 General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this Oxnard 2030 General Plan amendment, unless in accordance with the amendment procedures of the SOAR Ordinance. this General Plan amendment Section 3.4 herein.

c) "Urbanized uses of land" shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources.
d) Until December 31, 2020, all land designated as "Agriculture Planning Reserve (AG/PR)" is hereby re-designated as "Agriculture (AG)", as shown on Figure 3-2, V-5 (amended). Exhibit "B", must not be re-designated unless in accordance with the amendment procedures of this Section 3.4 herein.

4. CONFORMING AMENDMENTS
   SOAR Ordinance conforming amendments to the 2020 General Plan have been incorporated into relevant provisions of this 2030 General Plan.

5. CITY BUFFER BOUNDARY (CBB)
The CBB is established outside the CURB and within the Oxnard Planning Area, as shown on Exhibit I Figure 3-3. The CURB may be amended to include land within the CBB as provided in this ordinance. Until December 31, 2020, December 31, 2050 the City of Oxnard shall not change the designation of land within the CBB that is designated "Agriculture" in the 2020 General Plan, unless the change is approved by the voters of the City of Oxnard pursuant to Article 1, Chapter 2 of Division 9 of the Elections Code, or as set forth below:
   1. The City Council may change the designation of land that is placed within the CURB.
   2. 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 redesignate land within the CBB if the City Council makes each of the following findings:
      a. Failure to change the designation of a specific parcel of land would constitute an unconstitutional taking of a landowner’s property for which compensation would be required, and
      b. The redesignation will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner’s property.

6. EXEMPTIONS
   The provisions of this ordinance otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in Chapter 4, Infrastructure and Services, in the circulation element of the 2030 Oxnard General Plan as of January 1, 1998 adoption and subsequent amendments, construction of public potable water facilities, public schools, public parks or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

7. AMENDMENT PROCEDURES
   Until December 31, 2020, December 31, 2050 the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article 1 of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:
1. The City Council may amend the CURB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the CURB.

2. 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 CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein on Figure 3-2 and as designated on Figure IV-4, Exhibit "A", in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:
   a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and
   b) 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
   c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
   d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.

3. 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 CURB, if the City Council makes each of the following findings:
   a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
   b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
   c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed;
   d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
   e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason;
   f) The land proposed for inclusion within the CURB does not exceed 40 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the restrictions contemplated by this Section 3.4 of the Oxnard 2030 General Plan amendment more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation; and
g) Including the land within the CURB will not result in more than 160 acres being added to the CURB in any calendar year.

4. 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 CURB if the City Council makes each of the following findings:
   a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and
   b) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

5. 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 CURB or the provisions of this initiative Section 3.4 on the ballot in the manner provided by state law.

6. The City Council may amend the CURB to include land contemplated for construction of public potable water facilities, public schools, public parks or other government facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law, all uses exempted from the provisions of this Section 3.4 of the Oxnard 2030 General Plan Amendment, but only to the minimum amount of land reasonably necessary to accommodate said uses.

7. The City Council may reorganize, reorder, and renumber General Plan provisions, including the General Plan provisions of the SOAR Ordinance.
CEQA ANALYSIS OF SOAR EXTENSION

PROJECT DESCRIPTION

The City of Oxnard proposes to extend the Save Our Open-Space and Agricultural Resources (SOAR) ordinance to either 2030 or 2050. There would be no change in the ordinance or how it is implemented, except to extend the expiration of the ordinance to a later date.

EXEMPTION STATUS

Extension of the SOAR ordinance through 2030 or 2050 is exempt from the California Environmental Quality Act (CEQA) under Sections 15060(c), 15061(b)(3), 15307 (Class 7), and 15308 (Class 8) of the CEQA Guidelines.

BACKGROUND

The SOAR ordinance is designed to protect agricultural land and open space in the areas surrounding the City of Oxnard. A stated purpose of the ordinance is “to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 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.”

In 1998 the voters of the City of Oxnard enacted the SOAR ordinance, which established and adopted the City Urban Restriction Boundary (CURB) line and procedures for amending the CURB line. The CURB defines what areas of land may be considered for future annexation and/or urban development. The boundary of the CURB cannot be changed without either approval by the voters of Oxnard or approval by City Council under the specific circumstances outlined in Section 7 of the SOAR ordinance. To date, there have been no amendments to the CURB line or SOAR within Oxnard (Oxnard 2016).

The SOAR ordinance does not explicitly prevent development outside of the CURB, as there are mechanisms that allow for urban development in this area. First, City Council may be redesignate agricultural land if the change is approved by the voters of the City of Oxnard. Second, under the conditions described in Section 7 of the SOAR ordinance, the City Council may redesignate land outside of the CURB following a public hearing process and CEQA analysis of the proposed amendment. Third, the SOAR ordinance allows the City Council to maintain discretion regarding particular roadways, public potable water facilities, public schools, public parks and other government facilities. These provisions allow the City to have the flexibility to meet changing needs into the future, particularly to be able to continue to provide adequate housing, transportation infrastructure and public services to Oxnard residents.

There are currently nine SOAR ordinances in Ventura County, including those passed by Ventura County and the cities of Oxnard, Ventura, Thousand Oaks, Camarillo, Simi Valley,
CEQA ANALYSIS OF SOAR EXTENSION

Moorpark, Santa Paula, and Fillmore. Seven of these SOAR ordinances, including the City of Oxnard’s SOAR ordinance, are set to expire in the year 2020. The City proposes to place renewal of the current SOAR ordinance on the 2016 election ballot, allowing for a vote to extend the ordinance to the year 2030 or 2050.

ENVIRONMENTAL IMPACT DISCUSSION

To test whether there would be no significant adverse environmental impact (cumulative or otherwise) from the SOAR ballot measures, a review of the City of Oxnard’s Initial Study checklist was performed. The discussion that follows evaluates resource areas that could potentially be affected by the SOAR ordinance and describes these potential effects based on potential impacts outlined in the Initial Study checklist. This review found that extending the SOAR ordinance to 2030 or 2050 would not result in any significant environmental effects and is therefore exempt from CEQA.

The SOAR ordinance limits development of agricultural and open space land outside of the City’s CURB by placing specific requirements on changing the boundary of the CURB or changing land use designations outside the CURB. These restrictions are in addition to the approval processes that would be required in the absence of the SOAR ordinance, and would not serve as a replacement of these processes. For example, in order to change the land use designation for a parcel outside the CURB, the action would have to meet the requirements of SOAR and obtain City Council approval.

Extension of the SOAR ordinance could, therefore, result in an overall reduction in the amount of development that would occur outside the CURB. The degree to which the SOAR ordinance would limit development outside the CURB is, however, largely dependent on voter actions. As a result, specific effects of the ordinance cannot be predicted with certainty and discussion of impacts associated with extension of the SOAR ordinance is speculative. Although the following evaluation of impacts would be considered speculative under CEQA, it provides information about the likely effect of extending the SOAR ordinance.

The following discussion provides evaluation of potential impacts of the SOAR ordinance in the event it does, indeed, result in reduced development outside the CURB. This reduction in development outside the CURB is expected to result in an associated increase in development within the CURB since the City may have to accommodate growth in this area. Given the uncertainty in the amount of development that would occur, this analysis is general and does not include specific impacts directly associated with implementation of the project, as would generally be expected in a CEQA document.

This analysis provides: background information for potentially affected resource area; a summary of the CEQA findings for each of these resource areas related to the implementation of
Aesthetic Resources

The City of Oxnard identifies agricultural greenbelts and local waterways as primary aesthetic resources to the City. The Oxnard-Camarillo Greenbelt and the Oxnard-Ventura Greenbelt largely define the City’s northern, eastern, and western boundaries. These spaces provide scenic views and resources, and also contribute to the aesthetic character of the City. Similarly, the Santa Clara River forms part of the northern boundary of the City and is the primary waterway in the City’s planning area. Smaller waterways and drainage channels traverse the Planning Area, providing natural scenery and wildlife habitat. Many of these local waterways are visible from view points along local roadways (Oxnard 2011).

The General Plan includes policies intended to protect visual quality of the City by preserving existing open spaces as well as improving the overall quality of the existing urban environment. As identified in the Draft Program Environmental Impact Report (PEIR) for the City of Oxnard’s 2030 General Plan, buildout of the Preferred Land Use and Circulation Diagram within the 2030 General Plan would result in less than significant impacts to the City’s aesthetic resources, including the greenbelts surrounding the city (Oxnard 2009a).

Although it is speculative to assume that extension of the SOAR ordinance would reduce development in the areas outside the CURB, it is the likely and expected effect. This evaluation, therefore, considers the condition under which development outside the CURB would be limited beyond what would occur in the absence of the ordinance. In this case, extension of the SOAR ordinance would help preserve agricultural lands, watersheds, and open spaces surrounding the city. Preservation of this land would maintain scenic views and aesthetic resources as well as help preserve the character of the City. Overall, extension of the SOAR ordinance would be compatible with the goals and policies of the 2030 General Plan and would have a less than significant impact to the City’s aesthetic resources. The overall effect of extending the SOAR ordinance, therefore, would not result in additional impacts beyond those identified for the City’s General Plan.

Agriculture and Soil Resources

The City of Oxnard lies in the Oxnard Plain, which contains some of the most fertile land in California. Agricultural areas are found in the northeastern and eastern edges of the City, and the northwestern portion of the Planning Area (Oxnard 2011). About half of the Oxnard Planning...
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Area is designated for agricultural use. Agriculture continues to be an important industry in the City and Ventura County, generating jobs from crop production, processing, shipping and related industries. Ventura County is recognized as one of the principal agricultural counties in the State, with gross revenues from the sales of agricultural commodities in the billions of dollars. The Department of Conservation identifies agricultural land surrounding the City on all sides as a mixture of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland (DOC 2014).

Buildout of the Land Use envisioned in the 2030 General Plan would have a significant and unavoidable impact on Agricultural Resources within the City, with the estimated conversion of approximately 2,215 acres of important farmland to more urban uses (Oxnard 2009b). Policies included in the 2030 General Plan are intended to promote continued agricultural use, buffers between urban uses and agriculture, and establishment of a farmland protection program. The SOAR ordinance is one of the policies that was identified as supporting existing agricultural buffers. The PEIR for the 2030 General Plan found that these policies would provide partial mitigation for agricultural conversion, but would not prevent the loss of important farmlands. No additional feasible mitigation was available to reduce this impact, so it was determined to be significant and unavoidable (Oxnard 2009b).

Given that the SOAR ordinance places additional constraints on development outside of the CURB, extending the SOAR ordinance to 2030 or 2050 is expected to reduce potential conversion of important and valuable agricultural land surrounding the City to more urban uses. Although the degree to which the ordinance would reduce development in this area is dependent on voter actions, the overall effect would be a level of development equal or below that which would occur in the absence of the ordinance. This would reduce impacts to agricultural resources, including Prime and Unique Farmland and Farmland of Statewide Importance. Overall, extension of the SOAR ordinance is expected to have a beneficial impact on agricultural resources in the City’s planning area, and therefore would not result in additional impacts to agricultural and soil resources beyond those identified in the City’s General Plan PEIR.

Air Quality and Climate Change
The City of Oxnard is located Ventura County, which is in the South Central Coast Air Basin and is under the jurisdiction of the Ventura County Air Pollution Control District (VCAPCD). Currently, Ventura County is in non-attainment for both State and federal standards for Ozone and PM\textsubscript{10}. The County is in attainment for all other pollutants (CARB 2015). In 2007, VCAPCD adopted an Air Quality Management Plan (AQMP) that provides a strategy for the attainment of state and federal air quality standards. The most recent VCAPCD comprehensive publication regarding air quality assessment is the Ventura County Air Quality Assessment Guidelines (2003), which recommends significance thresholds for projects proposed in Ventura County. Impacts to air quality and climate change from development are assessed on an individual project by project basis.
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The PEIR for the 2030 General Plan identified a potentially significant impact to air quality and climate change resulting from the increased vehicle trips associated with the population growth and development projected within the plan. General Plan policies including ER-17.2 “Transportation Management”, ER-17.3 “Reducing Vehicle Use”, ER-17.5 “Reducing CO Exposure at Congested Intersections”, and ER-17.15 “Collocating Ancillary Services” have been developed to address mobile emissions within the City. Other policies aimed to encourage alternative energy and cooperation with other surrounding agencies further help to reduce potential impacts. The PEIR includes mitigation to develop and support plans and actions to continue to reduce impacts associated with greenhouse gas emissions and climate change. The PEIR for the 2030 General Plan found that these policies would provide partial mitigation for air quality and climate change impacts, but would not prevent the emissions of pollutants or greenhouse gases. No additional feasible mitigation was available to reduce this impact, so it was determined to be significant and unavoidable (Oxnard 2009b).

By introducing additional restrictions for the conversion of open space and agricultural land outside the CURB to other uses, the SOAR ordinance reduces the potential for urban sprawl outside of the current CURB boundary. Extension of the SOAR ordinance, therefore, would promote more compact urban infill development, as the City could be required to accommodate more growth within the CURB than in the absence of the ordinance. Promoting compact urban development has the potential to indirectly reduce the frequency and distance of vehicle trips by City residences, which would reduce emissions associated with vehicles. Projecting the outcome of potential development resulting from SOAR is speculative as the SOAR ordinance does not specify or guide development patterns within the CURB. However, the SOAR ordinance would have a less-than-significant impact on air quality and greenhouse gas emissions and would not contribute to impacts beyond those identified in the General Plan PEIR.

Biological Resources
Riparian and open space areas in the City of Oxnard planning area provide wildlife habitats including eucalyptus trees, row and field crop agriculture, coastal scrub and mixed chaparral, coastal oak woodland, and annual grassland. These areas provide important movement corridors, foraging, cover, and breeding to a number of wildlife species found in the area in and around the City (Oxnard 2006). These habitat areas are found surrounding the urban center of the City of Oxnard, with riparian areas associated with the Santa Clara River and agricultural land being the predominant habitat types.

The PEIR for the 2030 General Plan identifies key habitats along the Santa Clara River, as well as the coastal areas of the City. Although development resulting from the 2030 General Plan (i.e., build out of the Preferred Land Use and Circulation Diagram) would allow for the introduction of some new development in agricultural, coastal, and areas along the Santa Clara River, the plan contains policies aimed to protect and preserve sensitive habitats, and agriculture
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and related open space, as well as to mitigate impacts of development on key biological resources. Because the 2030 General Plan focuses future development away from sensitive habitat areas and implements policies designed to minimize biological resource impacts, impacts to biological resources are less than significant (Oxnard 2009a).

Extension of the SOAR ordinance would likely reduce impacts to biological resources associated with the development of agricultural, watershed and open space areas by placing additional constraints on development outside of the CURB. These constraints would reduce conversion of agricultural and open space lands to more urban uses, thereby avoiding potential impacts to riparian and open space areas that support wildlife species. Overall, extension of the SOAR ordinance would be compatible with the 2030 General Plan, would have a less-than-significant impact on biological resources, and would not result in impacts beyond those identified in the General Plan PEIR.

Cultural Resources
The coastal region of the Santa Barbara Channel and the vicinity of the Santa Clara River where the City of Oxnard is located have a long and diverse history of occupation. However, because the Planning Area consists of a relatively flat, alluvial plain, the probabilities for prehistoric sites is considered low in the area south of the Santa Clara River (due to extensive erosion and sedimentation) (Oxnard 2006). Regardless, development in areas in and around the City has potential of encountering unanticipated cultural resources during ground disturbing activities. The City also contains 31 recorded resources that represent the built environment, which may be vulnerable to development activities accompanying infill activities associated with growth under the City’s General Plan (Oxnard 2009a).

The PEIR for the 2030 General Plan identifies potentially significant impacts to archaeological and paleontological resources associated with the buildout of the Preferred Land Use and Circulation Diagram. However, these impacts are reduced to less than significant with mitigation (Oxnard 2009a). All mitigation required in the PEIR for the 2030 General Plan would remain applicable for development subject to the SOAR ordinance.

Given that the SOAR ordinance places additional constraints on development outside of the CURB, extension of the SOAR ordinance would potentially help to preserve open spaces and agricultural land. Reduced development in these areas would reduce ground disturbing activities, thereby reducing the potential impact of encountering unanticipated cultural resources. Agricultural lands surrounding the City have been disturbed by agricultural activities and are, therefore, unlikely to contain intact cultural resources. Preservation of undisturbed open space, therefore, has the greatest value to avoiding potential impacts. In either case, the SOAR ordinance would reduce potential effects to cultural resources. Potential impacts to cultural resources related to extending the SOAR ordinance would, therefore, be less than significant and would not contribute to impacts beyond those identified in the General Plan PEIR.
Extension of the SOAR ordinance would promote continued infill development within existing urban centers of the City. The need for more compact infill development within the City would potentially add pressure for redevelopment of historic structures. However, the 2030 General Plan PEIR found that the City’s existing goal and policies aimed at preserving and protecting historic structures, sites, and districts would help protect historic resources as the City continues to develop within the CURB. The PEIR identifies a less than significant impact to historical resources with implementation of the policies within the General Plan. Overall, extension of the SOAR would be compatible with the 2030 General Plan, would have a less-than-significant impact on historic resources, and would not result in impacts beyond those identified in the General Plan PEIR.

Hydrology and Water Quality
Groundwater resources in southern Ventura County are managed by the Fox Canyon Groundwater Management Agency (FCGMA), which manages local groundwater supplies with the goal of achieving a safe yield of 100,000 (FCGMS Resolution No. 2014-03). Each groundwater extractor in the FCGMA area, including both private entities and municipalities, has an allocation of groundwater available to them annually. Agricultural lands within the City of Oxnard planning area generally rely on privately owned groundwater wells extracting water from local aquifers to irrigate their crops. In 2014, agricultural land uses accounted for 68 percent of groundwater use in the Oxnard plane, with urban uses accounting for the remaining 32 percent (FCGMA 2014).

Water distributed by the City of Oxnard is a combination of groundwater pumped from City owned wells, groundwater purchased from the United Water Conservation District (UWCD), and surface water purchased from the Calleguas Municipal Water District (CMWD). These entities work collaboratively with the FCGMA to manage groundwater resources and with the Metropolitan Water District of Southern California to manage surface water resources (Oxnard 2009a).

The PEIR for the 2030 General Plan found that growth envisioned under the Preferred Land Use and Circulation Diagram would have a less than significant impact on availability of water resources and to groundwater resources. The PEIR found that continued implementation of existing groundwater management programs would help ensure that the City will be able to meet long term water demands and maintain sufficient groundwater recharge. The City would also continue to work cooperatively with FCGMA, UWCD, and CMWD to manage local groundwater resources. Additionally, the 2030 General Plan includes policies that address water supply and groundwater resources that promote water conservation measures, support policies of the local groundwater management agency, and call for continued adherence to the Ventura County Regional Water Quality Planning Program’s recommendations regarding groundwater quality and extractions. With implementation of these policies, the PEIR for the 2030 General
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Plan determined that impacts to groundwater supply and recharge would be less than significant (Oxnard 2009a).

Groundwater allocations can be transferred from agricultural to municipal extractors, with the conditions of these transfers having the potential to reduce total groundwater extraction. When an agricultural extractor transfers his allocation to a municipal extractor, the amount of the allocation is adjusted so that a maximum of two acre-feet of water per year per acre of land served by that allocation can be transferred to the municipal user (FCGMA Ordinance No. 5.4). Therefore, if agricultural lands are developed into more urban uses, water allocations associated with that land could be reduced.

Given that the SOAR ordinance places additional constraints on development outside of the CURB, extension of the SOAR ordinance would limit the conversion of agricultural and open space land to urban uses. Maintaining existing agricultural land would result in a continuation of existing groundwater extraction levels associated with agricultural land use, rather than a potential reduction associated with a change in use. However, the SOAR ordinance could also limit urban development from occurring in open space areas with no history of irrigated agriculture, which would prevent an increase in water demand in these areas. New water demand in open space areas would be served by the City of Oxnard, which uses a blend of surface and groundwater. Therefore, development in these areas would likely result in incremental increased demand for groundwater resources. Overall, the potential changes resulting from land conversions outside of the CURB as a result of the expiration of the SOAR ordinance are speculative, and it is uncertain how it would affect groundwater supplies. Extension of the SOAR ordinance, however, would not result in increased demand for groundwater, and therefore this effect would be less than significant and would not contribute to impacts beyond those identified in the General Plan PEIR.

Extension of the SOAR ordinance could also limit the amount of impermeable surfaces that are added to undeveloped areas as a result of urban development. Limitation of new impermeable surfaces in undeveloped areas would continue to allow infiltration of stormwater, and would limit the amount of stormwater runoff associated with development. This would have a less-than-significant impact to water quality and groundwater supplies, and would not contribute to impacts beyond those identified in the General Plan PEIR.

Population and Housing
The City of Oxnard currently has a population of approximately 206,997 residents and a total of 54,735 housing units (DOF 2016). Further, according to projections by the Southern California Association of Governments (SCAG), the City is projected to grow to 237,300 residents and 60,100 households by 2040 (SCAG 2015). Given that the SOAR ordinance places additional constraints on development outside of the CURB, the SOAR ordinance encourages development to occur within the CURB while promoting ongoing agricultural and other natural resource and
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open space uses outside of the CURB. Limiting residential development to occur within the CURB could affect housing availability, particularly for low-income residents if housing becomes constrained and housing prices rise.

The SOAR ordinance, however, does not prevent the City from changing land use designations to accommodate additional growth outside the CURB, as there are mechanisms that allow for urban development in this area and for expansion of the CURB boundary. There are two mechanisms for incorporating agricultural land into the CURB and allowing for urban development, as described in Section 7, Amendment Procedures, of the SOAR ordinance. First, agricultural land may be redesignated if the change is approved by the voters of the City of Oxnard. Second, under the conditions described in Section 7 of the SOAR ordinance, the City Council may redesignate land outside of the CURB following a public hearing process and CEQA analysis of the proposed amendment.

Additionally, the SOAR ordinance allows for the boundary of the CURB to be expanded with either approval by the voters of Oxnard or approval by City Council under the specific circumstances outlined in Section 7 of the ordinance. Under Section 7.2:

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 CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein….in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year.

These provisions allow the City to have the flexibility to meet changing needs into the future, particularly to be able to continue to provide adequate housing to Oxnard residents. Given that the City would still have the flexibility to accommodate growth by increasing densities within the CURB and, if necessary, could expand the CURB, the potential impact to population and housing associated with extending the SOAR ordinance would be less than significant.

Circulation, Traffic, and Transportation
The historical emphasis of transportation planning efforts in the City of Oxnard has been on the development of a street and highway network that would meet the demands of private automobile users and industry. The City has starting to change their focus to alternative transportation modes, including public transportation, bicycling, and passenger rail facilities. The City has developed a network of major travel corridors within the City, and is also served by five state highways. For roadway intersections, the City has set a standard threshold of acceptable level of service (LOS) at C or better (Oxnard 2006).
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The PEIR for the 2030 General Plan identified a significant and unavoidable impact associated with buildout of the Preferred Land Use and Circulation Diagram. This impact is due to the buildout resulting in five intersections operating below the City threshold of LOS C. The five intersections that would operate below LOS C include the following:

- C Street and Wooley Road
- “Five Points” Oxnard Boulevard/Saviers Road and Wooley Road
- Rose Avenue and Gonzales Road
- Oxnard Boulevard and Gonzales Road
- Vineyard Avenue and Oxnard Boulevard

The PEIR for the 2030 General Plan found that there was no feasible or desirable mitigation was available to reduce impacts to the affected intersections. Therefore, impacts were determined to be significant and unavoidable (Oxnard 2009b).

Given that extending the SOAR ordinance to 2030 or 2050 is expected to limit conversion of agricultural and open space lands outside the CURB, it could result in continued infill development within the existing urban areas of the City, potentially leading to increased congestion and traffic within the CURB. The Southern California Association of Governments encourages implementation of transit oriented design in their Sustainable Communities Strategy. This strategy was developed in accordance with Senate Bill 375, which mandates several changes to regional planning practice to better integrate land use, housing and transportation planning, with the goal of reducing greenhouse gas emissions. With implementation of transit oriented design, as envisioned under this strategy, intensification of existing urban areas could potentially reduce the number of vehicle trips and average trip length by maintaining more compact communities and promoting alternate forms of transportation.

Additionally, by limiting development that occurs outside the CURB, the amount of traffic that would have traveled to and from those newly developed areas through the city would be decreased from what it would be otherwise, thereby offsetting traffic associated with additional development that may occur within the CURB as a result of the SOAR ordinance. The potential reductions in vehicle miles traveled would have the added benefit of reducing vehicle emissions and associated air quality impacts.

This discussion is speculative as the SOAR ordinance does not specify or guide development patterns in the City of Oxnard, either within or outside of the CURB. However, extension of the SOAR ordinance is not expected to result in adverse effects on transportation or traffic and would not contribute to additional impacts beyond those identified in the General Plan PEIR.
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Summary of Environmental Impacts
As discussed above, the degree to which the SOAR ordinance would limit development outside the CURB is largely dependent on voter actions, and therefore evaluation of the specific effects of the ordinance is speculative under CEQA. This summary, however, provides information about the likely effect of extending the SOAR ordinance.

Extending the SOAR ordinance would continue to provide additional restrictions to developing land outside the CURB, thereby providing additional protection for the watersheds, open space, and agricultural lands that surround the City of Oxnard. Watersheds and open space have environmental benefits as scenic resources and wildlife habitats, and contribute to water quality. Additionally, agricultural lands are considered important resources by the State of California, with potential effects to these resources requiring evaluation under CEQA. Given that the SOAR ordinance reduces the potential for impacts to these resources, extension of the Oxnard SOAR would result in less than significant impacts to these resources.

Limiting urban growth from occurring on agriculture and open space land would also limit soil disturbance and development of impervious surfaces. Reduced soil disturbance would have beneficial impacts on runoff water quality, as loose soil would not be carried into waterways, and groundwater recharge, as storm water would continue to infiltrate into the water supply. Therefore, potential impacts to water quality and groundwater would less than significant.

Overall, the proposed extension of the SOAR ordinance is expected to help preserve watersheds, agricultural lands, and open spaces and the environmental resources they contain, and would limit the impacts associated with urban development. Potential adverse environmental impacts associated with increased development within the CURB as a result of the extension of the SOAR ordinance are speculative. However, these potential impacts would be less than significant and extension of the SOAR ordinance would not to contribute to additional impacts beyond those identified in the General Plan PEIR.

EXEMPTION STATUS AND CONCLUSIONS

An extension of the SOAR ordinance to either 2030 or 2050 would increase the likelihood that the existing land uses will continue, rather than change. That is, extending the SOAR ordinance will encourage the maintenance of the existing environmental conditions – which is, in and of itself evidence of there being no significant environmental effect from the ordinance, and therefore, that the ordinance is exempt from CEQA.

Section 15125(a) of the CEQA Guidelines confirms that the “baseline” is generally the existing physical environmental conditions at the time of the environmental analysis:

An EIR must include a description of the physical environmental conditions in the vicinity
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of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

The Environmental Impact Discussion above included a review of the City of Oxnard’s Initial Study checklist, and found that there would be no significant adverse environmental impact (cumulative or otherwise) from the SOAR ballot measures. The review did not identify any resources areas that would have adverse impacts as a result of a continuation of the ordinance. The review concluded that there may be indirect effects that could result from limiting development of new housing in the areas outside the CURB, but those impacts were not of a magnitude sufficient to constitute “significant impacts” under CEQA.

Limitation on Development – Effect on Housing

One potential effect analyzed that a reduction in the amount of development that would occur in the absence of the SOAR ordinance, could affect housing availability in the City of Oxnard, particularly for low-income residents. However, any impact on housing prices would be purely speculative because it is not known whether changes in production of housing would outpace production of demand for housing, as additional development might bring additional jobs, thus increasing demands for housing that would be offset by housing. Even if one were to accept that housing prices were to increase (which is speculative), if there were any increase to housing prices, such an increases would be negligible because absent SOAR there would only be a limited amount of housing, and the impact on housing prices would be diluted given the large number of units in the greater Ventura County area that greatly affect housing prices within Oxnard.

Importantly, changes to housing prices are not “environmental impacts” which are subject to CEQA – they are social and economic impacts. Section 15131(a) of the CEQA Guidelines does not require an analysis of a project’s social or economic effect because such impacts are not, in and of themselves, considered significant effects on the environment. According to Section 15064(f)(6) of the Guidelines, “evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.” Because at most there would be negligible impacts to housing prices, there would be at most negligible impacts to the environment; furthermore, impacts to housing prices are speculative, and speculative impacts are not subject to CEQA.

Additionally, evaluation of potential future development patterns in the city, and whether or not they would contribute enough housing to accommodate city residents, is speculative. SOAR does
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not change land use designations or facilitate any development. Any possible indirect effects associated with limiting growth outside the CURB, therefore, would be speculative. Such speculation on potential future activities and impacts is not required by CEQA (State CEQA Guidelines, §15145).

Limitation on Development – Effect on Traffic

The review in the Environmental Impact Discussion above also considered whether traffic congestion within city limits would increase because the SOAR ballot measures would limit external development. Such impacts were found not to not be “significant impacts” under CEQA for a few reasons. First, with implementation of transit oriented design, concentrating development within the CURB could reduce the number of vehicle trips and average trip length by maintaining more compact communities and promoting alternate forms of transportation. Second, by limiting development that occurs outside the CURB, the amount of traffic that would travel to and from those newly developed areas through the city would be decreased from what it would be otherwise, and would be expected to be offset by any additional development that may occur within the CURB than would have otherwise occurred. Based on these potential effects and the difference in traffic congestion is expected to be less than “significant”, either in an individual or on a cumulative basis.

This evaluation of potential traffic impacts, however, is speculative, as the SOAR ordinance does not guide development patterns within the CURB. Speculation does not constitute “substantial evidence” sufficient to establish there being any significant adverse environmental impact under CEQA. This finding is supported by the California Court of Appeal’s ruling in the case of Union of Medical Marijuana Patients, Inc. (UMMP) v. City of Upland, 245 Cal.App.4th 1265 (2016). In this case the City of Upland adopted a mobile medical marijuana ordinance in 2013 that restated the policies of the City’s 2007 medical marijuana ordinance. UMMP argued that adoption of the ordinance would result in physical effects to the environment as a result of increased travel by residents who would now be forced to travel outside the City to obtain medical marijuana. The Court held that adoption of the ordinance did not qualify as a project under CEQA because it “was not an activity that “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The Court went on to explain that the claim that the ordinance would result in physical impacts to the environment were based on layers of assumptions about what might occur as a result of the ordinance, and the alleged impacts, were too “speculative and unlikely” to be deemed “reasonably foreseeable.” (Guidelines § 15064, subd. (d)(3)). Therefore, in accordance with Section 15145 of the CEQA Guidelines, these potential impacts are too speculative for evaluation.

Why the Ballot Measures are not Subject to CEQA
CEQA ANALYSIS OF SOAR EXTENSION

According to Section 15060(c) of the CEQA Guidelines, “An activity is not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.” Additionally, Section 15061(b)(3) states that a project is exempt from CEQA if, “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” Given that an extension of the SOAR ordinance would not result in direct or reasonably foreseeable indirect physical changes when compared to existing conditions, there would be no environmental effects associated with extending the ordinance to 2030 or 2050 and the extension is not subject to CEQA.

Categorical Exemptions

Even if CEQA applied, the SOAR ordinance is categorically exempt from CEQA under Sections 15307 (Class 7) and 15308 (Class 8) of the CEQA Guidelines which provide:

Section 15307 (Class 7) – consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Section 15308 (Class 8) – consists of actions taken by regulatory agencies, as authorities by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

These exemptions apply because the ordinance includes procedures for the maintenance of existing natural resources, and protection of the environment. By preserving existing environmental conditions, and especially those areas that are open space, such locations may repair themselves over time.

Conclusion

In summary, the proposed extension of the SOAR ordinance through 2030 or 2050 is exempt from CEQA under Sections 15060(c), 15061(b)(3), Section 15307 (Class 7), and Section 15308 (Class 8) of the CEQA Guidelines. Therefore, extension of the SOAR ordinance does not require preparation of environmental documentation under CEQA.
REFERENCES


CITY CLERK
OF THE CITY OF OXNARD

Certificate of Sufficiency

WHEREAS, on May 18, 2016, the City of Oxnard City Clerk’s Office received the petition (Petition) for the Initiative to Repeal the City’s Wastewater Rates Adopted on January 2016 (Initiative); and

WHEREAS, the Petition included 3,958 unverified signatures; and

WHEREAS, the City Clerk sent the Petition to the Elections Division of the Ventura County Clerk’s Office because it has access to the lists of registered voters; and

WHEREAS, where more than 500 signatures have been signed on a petition, Elections Code sections 9115 and 9211, taken together, allow a random sampling technique for the verification of signatures to be used; and

WHEREAS, of the 500 signatures verified, 378 signatures—or 75.6% of the signatures—were valid; and

WHEREAS, there were no duplicate signatures on the Petition; and

WHEREAS, 75.6% of the total number of signatures yields 2,992 signatures; and

WHEREAS, because this is an election governed by Proposition 218, the Petition requires 1,430 valid signatures; and

WHEREAS, the County Clerk sent its signature verification certificate to the City on May 27, 2016, and the City received that certificate on May 31, 2016; and

WHEREAS, within thirty (30) days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, an elections official must ascertain whether the petition is signed by the requisite number of voters, so the City Clerk has until June 30, 2016, to do so; and

WHEREAS, a certificate showing the results of this examination is required, and after the elections official certifies the results, he or she must certify these results to the governing board, and the City Clerk now wishes to certify these results to the City Council with this Certificate of Sufficiency.
NOW, THEREFORE, I, Daniel Martinez, City Clerk of the City of Oxnard, State of California, hereby certify:

1. That the Petition for the Initiative to Repeal the City’s Wastewater Rates Adopted in January 2016 is signed by the requisite number of voters; and

2. That the Petition for the Initiative to Repeal the City’s Wastewater Rates Adopted in January 2016 is sufficient.

ADOPTED this 21st day of June, 2016.

Daniel Martinez, City Clerk
CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING THE SUBMISSION OF A BALLOT MEASURE TO REPEAL THE CITY’S WASTEWATER RATES ADOPTED IN JANUARY 2016, THEREBY RETURNING TO THE 2012 RATES, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

WHEREAS, the regulations of the Federal Environmental Protection Agency (EPA) and the California State Water Resources Control Board (SWRCB) Revenue Program Guidelines require that the City of Oxnard’s wastewater service charges conform to grant specifications for fair and equitable user fees; and

WHEREAS, the EPA and SWRCB revenue programs require the City of Oxnard (City) to conduct periodic rate adjustment studies and to implement the recommendations thereof, to keep municipal wastewater services on a self-supporting basis; and

WHEREAS, Ordinance Number 2860 was adopted on September 18, 2012, to set forth the City’s wastewater system fees, charges and user rates in accordance with the provisions of the City Code and the EPA/SWRCB Revenue Program Guidelines; and

WHEREAS, the City’s Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study) so that the proportional cost of providing wastewater treatment and disposal service to the City’s various customer classes are allocated consistently; and

WHEREAS, the City Council adopted Ordinance Number 2901 on January 26, 2016, which reflected the Rate Study to provide updated supplemental fees and charges for certain special services available upon request throughout the City; and

WHEREAS, on March 8, 2016, the City Clerk received a Notice of Intent to Circulate Petition and a copy of the actual petition (Petition) for the Initiative to Repeal the City’s Wastewater Rates Adopted on January 2016 to the City Council (Wastewater Rates Repeal Initiative); and

WHEREAS, since that date, the City Attorney provided the ballot title and summary for the Wastewater Rates Initiative and the proponent circulated the Petition among the voters to collect the requisite number of signatures; and

WHEREAS, the City Clerk has ascertained that the Petition is signed by the requisite number of voters; and
WHEREAS, the City Clerk has attached a Certification of Sufficiency hereto, which is incorporated herein as Exhibit D, and the City Clerk thereby certifies these results to the City Council; and

WHEREAS, the City Council desires to submit the Wastewater Rates Repeal Initiative to the voters at the general municipal election on November 8, 2016; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15378, which defines a project for the purpose of required CEQA review, exempts from CEQA review the submittal of proposals to a vote of the people that does not involve a public agency sponsored initiative.

NOW, THEREFORE, The City Council of the City of Oxnard hereby resolves:

1. That the City Council orders submitted to the voters at the general municipal election on November 8, 2016, the following question:

<table>
<thead>
<tr>
<th>Shall an ordinance be adopted repealing the City’s wastewater rates adopted in January 2016 and returning to the rates previously in effect?</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NO</td>
</tr>
</tbody>
</table>

2. That the proposed text of the Wastewater Rates Repeal Initiative to be submitted to the voters is incorporated herein as Exhibit A.

3. That the Wastewater Rates Repeal Initiative is exempt from CEQA pursuant to CEQA Guidelines section 15378.

4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure not exceeding 500 words, showing the effect of the measure on existing law and the operation of the measure and stating that this measure was placed on the ballot by the voters.

5. That the City Clerk is directed to forward to the Ventura County Board of Supervisors and to the County Clerk a certified copy of this resolution.

6. That the City Clerk shall certify to the adoption of this resolution and cause the same to be posted as required by law.
PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

____________________________
Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

____________________________
Stephen Fischer, City Attorney
SECTION 3. Findings and Declarations.

The people of the City of Oxnard find and declare as follows:

a) High local utility rates are harmful to the general welfare of residents.
b) High local utility rates reduce Oxnard's competitiveness as a business destination and encourage businesses to locate in other nearby cities, reducing local job opportunities.
c) The Oxnard City Council enacted City of Oxnard Ordinance No. 2901, also known as the Ordinance of the City Council of the City of Oxnard Establishing Wastewater System User Fees and Charges. This ordinance establishes an 88% increase in (an additional $36/cap) per year for wastewater for a typical household, plus additional adjustments for changes in the Consumer Price Index and cost of energy consumption.
d) The City of Oxnard’s Cost of Services Study, dated September 2015 (Rate Study), is the basis for increased rates and charges imposed by Ordinance No. 2901.
e) News accounts of the City of Oxnard’s inadequate controls over its own finances cause many to question whether the city’s financial reports can be relied upon for establishing rates.

f) The Rate Study already anticipates increases in operating expenses due to changes in the Consumer Price Index, but Ordinance No. 2901 compounds the impact of inflation on rates by requiring additional increases for changes in the Consumer Price Index. Moreover, adjusting rates for increases in the Consumer Price Index presumes that all expenditures increase with inflation, which results in increased utility rates.

SECTION 4. Repealing Oxnard’s Increases of Wastewater Rates Act.

Part I—General

The fees, charges, and rates set forth below shall be charged and collected for the a) use of and for other privileges and services related to the Regional Wastewater Treatment System of the City of Oxnard.

A. Regional Treatment and Disposal Facility User Charges

The monthly flat-rate fee for each customer (applied to the home, business, or residential property located in the City of Oxnard, Port Hueneme, Naval Base Ventura County (Port Hueneme and Point Mugu)) of the facility shall be calculated using the Regional User Charges Formula as follows:

"RMUC = (e)(v)(m)/g = (r)(b)(m) + (s)(m)"

Where:
RMUC = regional monthly user-charge in dollars
v = monthly wastewater discharge in millions of gallons (volume)
m = monthly biological oxygen demand (BOD) discharge in thousands of pounds
\( g = \frac{e \times v}{m} \) or \( a \times n \) for unit cost coefficients established as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Effective January 1, 2016</th>
<th>Effective January 1, 2017</th>
<th>Effective January 1, 2018</th>
<th>Effective January 1, 2019</th>
<th>Effective January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Wastewater Discharge Allowances</td>
<td>$1,037.46</td>
<td>$1,060.70</td>
<td>$1,156.60</td>
<td>$1,220.30</td>
<td></td>
</tr>
<tr>
<td>Monthly BOD Discharge of Thousands of Pounds</td>
<td>$117.53</td>
<td>$125.50</td>
<td>$132.06</td>
<td>$136.06</td>
<td></td>
</tr>
<tr>
<td>Monthly SS Discharge of Thousands of Pounds</td>
<td>$172.34</td>
<td>$182.58</td>
<td>$203.65</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 5. Ordinance of the City of Oxnard Establishing Wastewater System Use Fees and Charges

The rate for City users or residents of the wastewater system shall be calculated by the City of Oxnard User Charge Formula (the Ordinance Formula) as follows:

"GMUC = (v)(m)/g = (b)(m) + (s)(n)"

Where:
GMUC = Oxnard monthly user charge in dollars
v = monthly wastewater discharge in millions of gallons
m = monthly BOD discharge in thousands of pounds
s = monthly SS discharge in thousands of pounds
n = unit cost coefficients established as follows:

1. Formulas (Industries & Commercial)

The monthly user charge for formulas/users shall be calculated using the Oxnard Formula. Industrial and commercial users billed by Oxnard Formula shall be those designated by the Public Works Director. For those formulas/users that do not provide metered wastewater flow data, the wastewater flow shall be assumed to be 50% of water consumed. For those users that provide engineering data acceptable to the Public Works Director showing a different percentage, the wastewater flow will be based on the data.

2. Non-Formulas Users (Residential & Governmental)

The monthly user charge for non-residential users of the system that are not classified as formulas/users by the Public Works Director shall be as follows. The rate per hundred-cubic-feet (HCF) water used is based on the assumption that 80% of the water consumed is returned to the wastewater system. The applicable percentage differs based on customer class. The percentage return is included for each customer class in the tables below. The Public Works Director shall have the authority to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time.

a. Commercial/Small-Wastewater Use (Percent of Wastewater Return: 85%)

b. Residential-Wastewater Use (Percent of Wastewater Return: 80%)

C. Laundry/Industrial Waste (Percent of Wastewater Return: 90%)

The rate for City users of the wastewater system shall be calculated by the City of Oxnard User Charge Formula (the Ordinance Formula) as follows:

"GMUC = (v)(m)/g = (b)(m) + (s)(n)"

Where:
GMUC = Oxnard monthly user-charge in dollars
v = monthly wastewater discharge in millions of gallons (volume)
m = monthly biological oxygen demand (BOD) discharge in thousands of pounds
\( g = \frac{e \times v}{m} \) or \( a \times n \) for unit cost coefficients established as follows:
a. Single Family-Residential Use (Percentage Waste Water Return - 60%)

<table>
<thead>
<tr>
<th>Tier</th>
<th>Usage</th>
<th>Effective e-March 1, 2016</th>
<th>Effective January 1, 2017</th>
<th>Effective January 1, 2018</th>
<th>Effective January 1, 2019</th>
<th>Effective January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0-0.06 HCG/Month</td>
<td>$1.85</td>
<td>$3.04</td>
<td>$2.31</td>
<td>$2.20</td>
<td>$2.09</td>
</tr>
<tr>
<td>3</td>
<td>&gt;0.06-18 HCG/Month</td>
<td>$2.06</td>
<td>$3.37</td>
<td>$2.46</td>
<td>$2.66</td>
<td>$2.88</td>
</tr>
<tr>
<td>2</td>
<td>&gt;18-45 HCG/Month</td>
<td>$2.67</td>
<td>$5.16</td>
<td>$4.42</td>
<td>$4.70</td>
<td>$4.99</td>
</tr>
<tr>
<td>1</td>
<td>&gt;45-90 HCG/Month</td>
<td>$5.30</td>
<td>$9.61</td>
<td>$8.92</td>
<td>$9.22</td>
<td>$9.53</td>
</tr>
<tr>
<td>0</td>
<td>&gt;90-180 HCG/Month</td>
<td>$11.40</td>
<td>$19.51</td>
<td>$18.82</td>
<td>$18.13</td>
<td>$17.44</td>
</tr>
<tr>
<td>70-100</td>
<td>&gt;180-360 HCG/Month</td>
<td>$23.80</td>
<td>$40.30</td>
<td>$39.61</td>
<td>$38.92</td>
<td>$38.23</td>
</tr>
<tr>
<td>60-70</td>
<td>&gt;360 HCG/Month</td>
<td>$47.60</td>
<td>$81.00</td>
<td>$79.31</td>
<td>$77.62</td>
<td>$75.93</td>
</tr>
</tbody>
</table>

b. Single Family-Residential Use: Large Lot (size over 7,000 square feet-Percentage Waste Water Return - 65%)

<table>
<thead>
<tr>
<th>Tier</th>
<th>Usage</th>
<th>Effective Winter, 2016</th>
<th>Effective January 1, 2017</th>
<th>Effective January 1, 2018</th>
<th>Effective January 1, 2019</th>
<th>Effective January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0-0.06 HCG/Month</td>
<td>$1.85</td>
<td>$2.04</td>
<td>$2.21</td>
<td>$2.39</td>
<td>$2.59</td>
</tr>
<tr>
<td>3</td>
<td>&gt;0.06-18 HCG/Month</td>
<td>$3.06</td>
<td>$3.27</td>
<td>$3.46</td>
<td>$3.66</td>
<td>$3.88</td>
</tr>
<tr>
<td>2</td>
<td>&gt;18-45 HCG/Month</td>
<td>$4.67</td>
<td>$4.87</td>
<td>$5.07</td>
<td>$5.27</td>
<td>$5.48</td>
</tr>
<tr>
<td>1</td>
<td>&gt;45-90 HCG/Month</td>
<td>$9.10</td>
<td>$9.51</td>
<td>$9.92</td>
<td>$10.33</td>
<td>$10.74</td>
</tr>
<tr>
<td>0</td>
<td>&gt;90-180 HCG/Month</td>
<td>$18.20</td>
<td>$18.61</td>
<td>$19.02</td>
<td>$19.43</td>
<td>$19.84</td>
</tr>
<tr>
<td>70-100</td>
<td>&gt;180-360 HCG/Month</td>
<td>$36.40</td>
<td>$36.81</td>
<td>$37.22</td>
<td>$37.63</td>
<td>$38.04</td>
</tr>
<tr>
<td>60-70</td>
<td>&gt;360 HCG/Month</td>
<td>$72.80</td>
<td>$73.21</td>
<td>$73.62</td>
<td>$74.03</td>
<td>$74.44</td>
</tr>
</tbody>
</table>

4. Monthly Base Rates

In addition to monthly rates based on water-use (per HCG) as set forth above, the following customer classes shall pay per-monthly meter rates:

<table>
<thead>
<tr>
<th>Service</th>
<th>Effective e-March 1, 2016</th>
<th>Effective January 1, 2017</th>
<th>Effective January 1, 2018</th>
<th>Effective January 1, 2019</th>
<th>Effective January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$6.00</td>
<td>$7.20</td>
<td>$7.40</td>
<td>$7.60</td>
<td>$7.80</td>
</tr>
<tr>
<td>Multi-Family/Unit</td>
<td>$12.00</td>
<td>$14.40</td>
<td>$14.80</td>
<td>$15.20</td>
<td>$15.60</td>
</tr>
</tbody>
</table>

5. Minimum Monthly Fees

The following customer classes shall pay the greater of the applicable monthly rates set forth in the table below, or the monthly rates based on the current water-use (per HCG) as set forth above:

<table>
<thead>
<tr>
<th>Service</th>
<th>Effective e-March 1, 2016</th>
<th>Effective January 1, 2017</th>
<th>Effective January 1, 2018</th>
<th>Effective January 1, 2019</th>
<th>Effective January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>$18.00</td>
<td>$20.30</td>
<td>$22.60</td>
<td>$24.90</td>
<td>$27.20</td>
</tr>
<tr>
<td>Restaurant</td>
<td>$18.00</td>
<td>$20.30</td>
<td>$22.60</td>
<td>$24.90</td>
<td>$27.20</td>
</tr>
<tr>
<td>Lumber/Raumena</td>
<td>$87.00</td>
<td>$99.70</td>
<td>$104.36</td>
<td>$109.03</td>
<td>$113.70</td>
</tr>
<tr>
<td>School</td>
<td>$66.00</td>
<td>$73.70</td>
<td>$78.40</td>
<td>$85.15</td>
<td>$91.90</td>
</tr>
</tbody>
</table>

6. Non-metered Water Users

Except as provided in subsection B for residential water users, other non-metered water users, including commercial and industrial users, shall pay a monthly rate as determined by the Public Works Director based upon the monthly rate charged a metered water user of comparable size and character of use, provided however, that the minimum monthly charge shall be the same as that charged for a multi-family dwelling unit.

<table>
<thead>
<tr>
<th>Service</th>
<th>Effective Winter, 2016</th>
<th>Effective January 1, 2017</th>
<th>Effective January 1, 2018</th>
<th>Effective January 1, 2019</th>
<th>Effective January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>$48.85</td>
<td>$53.74</td>
<td>$58.04</td>
<td>$62.69</td>
<td>$67.37</td>
</tr>
</tbody>
</table>

7. Water-Waste System Rate for Water/Waste Treated by Another Agency

Where wastewater is collected by the City and is accepted by another agency for transmission, treatment and disposal, the monthly wastewater rates shall be equal to the rates charged for the agency receiving the treatment and disposal of such wastewater, anything to the contrary herein notwithstanding.

8. Additional Charges for Outside the City Users of City-Waste-Water System
### Wastewater System Rates

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Wastewater Discharge (Millions of Gallons)</td>
<td>= $1,277.66</td>
<td>= $1,099.70</td>
<td>= $1,165.69</td>
</tr>
<tr>
<td>Monthly Biological Oxygen Demand (BOD)</td>
<td>= $172.23</td>
<td>= $124.59</td>
<td>= $132.06</td>
</tr>
<tr>
<td>Monthly Suspended Solids (SS) Discharge (Thousands of Lbs.)</td>
<td>= $172.24</td>
<td>= $182.58</td>
<td>= $193.53</td>
</tr>
</tbody>
</table>

### Residential User Charge for Wastewater System

The rate for City users or individual users of the wastewater system shall be calculated by the formula:

\[ \text{Residential User Charge} = \text{OMUC} \times (\text{Vm} + \text{BOD}) \times (\text{SS}) \]

Where:
- **OMUC** = Overall Monthly User Charge in dollars
- **Vm** = Monthly wastewater discharge in millions of gallons
- **BOD** = Monthly BOD discharge in thousands of pounds
- **SS** = Monthly discharge in thousands of pounds

### Commercial/Industrial Wastewater Use (Percentage Return = 85%)

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate Per Hundred Cubic Feet (HCF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 10 HCF/Mo.</td>
<td>$2.18</td>
<td>$2.33</td>
<td>$2.50</td>
</tr>
<tr>
<td>11 to 50 HCF/Mo.</td>
<td>$2.42</td>
<td>$2.63</td>
<td>$2.78</td>
</tr>
<tr>
<td>Over 50 HCF/Mo.</td>
<td>$2.58</td>
<td>$2.80</td>
<td>$2.96</td>
</tr>
</tbody>
</table>

### Residential Wastewater Use (Percentage Return = 90%)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate Per Hundred Cubic Feet (HCF)</td>
<td></td>
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<td></td>
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<tr>
<td>0 to 10 HCF/Mo.</td>
<td>$2.18</td>
<td>$2.33</td>
<td>$2.50</td>
</tr>
<tr>
<td>11 to 50 HCF/Mo.</td>
<td>$2.42</td>
<td>$2.63</td>
<td>$2.78</td>
</tr>
<tr>
<td>Over 525 HCF/Mo.</td>
<td>$2.81</td>
<td>$3.05</td>
<td>$3.26</td>
</tr>
</tbody>
</table>

### Multi-Family (Percentage Return = 90%)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate Per Hundred Cubic Feet (HCF)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>0 to 10 HCF/Mo.</td>
<td>$2.18</td>
<td>$2.33</td>
<td>$2.50</td>
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<tr>
<td>11 to 50 HCF/Mo.</td>
<td>$2.42</td>
<td>$2.63</td>
<td>$2.78</td>
</tr>
<tr>
<td>Over 525 HCF/Mo.</td>
<td>$2.81</td>
<td>$3.05</td>
<td>$3.26</td>
</tr>
</tbody>
</table>

### Multi-Family/Unit Wastewater Use (Percentage Return = 90%)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate Per Hundred Cubic Feet (HCF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 10 HCF/Mo.</td>
<td>$2.18</td>
<td>$2.33</td>
<td>$2.50</td>
</tr>
<tr>
<td>11 to 50 HCF/Mo.</td>
<td>$2.42</td>
<td>$2.63</td>
<td>$2.78</td>
</tr>
<tr>
<td>Over 525 HCF/Mo.</td>
<td>$2.81</td>
<td>$3.05</td>
<td>$3.26</td>
</tr>
</tbody>
</table>

### Non-Metered Customers

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate Per Hundred Cubic Feet (HCF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 10 HCF/Mo.</td>
<td>$2.18</td>
<td>$2.33</td>
<td>$2.50</td>
</tr>
<tr>
<td>11 to 50 HCF/Mo.</td>
<td>$2.42</td>
<td>$2.63</td>
<td>$2.78</td>
</tr>
<tr>
<td>Over 525 HCF/Mo.</td>
<td>$2.81</td>
<td>$3.05</td>
<td>$3.26</td>
</tr>
</tbody>
</table>

### Industrial and Liquid Waste Sampling

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate Per Hundred Cubic Feet (HCF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 10 HCF/Mo.</td>
<td>$2.18</td>
<td>$2.33</td>
<td>$2.50</td>
</tr>
<tr>
<td>11 to 50 HCF/Mo.</td>
<td>$2.42</td>
<td>$2.63</td>
<td>$2.78</td>
</tr>
<tr>
<td>Over 525 HCF/Mo.</td>
<td>$2.81</td>
<td>$3.05</td>
<td>$3.26</td>
</tr>
</tbody>
</table>
Notice of Intent to Circulate Petition

Notice is hereby given by the person whose name appears heron of his intention to circulate the petition within the City of Oxnard for the purpose of repealing the City Council’s January 26, 2016 increase in Wastewater System User Fees and Charges. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

We the people, exercising our rights pursuant to Section 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges, seek the repeal of the wastewater rate hikes enacted by the City Council on January 26, 2016, when they adopted City of Oxnard Ordinance No. 2901.

The City Council’s ordinance schedules an 88% increase (or an additional $326 per year) for wastewater for a typical household, plus additional adjustments for changes in the Consumer Price Index and cost of energy consumption. These rate increases are harmful to the general welfare of residents and encourage businesses to locate in other nearby cities, reducing local job opportunities.

The City of Oxnard’s Cost of Services Study, dated September 2015 (Rate Study), which is the basis for increased rates and charges imposed by Ordinance No. 2901, has a number of flaws. The Rate Study already anticipates increases in operating expenses due to changes in the Consumer Price Index, but Ordinance No. 2901 compounds the impact of inflation on rates, in turn increasing rates for increases in the Consumer Price Index. Moreover, adjusting rates for increases in the Consumer Price Index presumes that all expenditures increase with inflation, when outlays for debt service typically remain fixed during the life of the debt instrument. The Rate Study proposes $1.23 billion in capital expenditures, including $675 million for the wastewater system, much of which support projects of dubious value to ratepayers and appear to lack sufficient supporting documentation. The Rate Study presents an all-or-nothing plan, fails to discuss alternative solutions with trade-offs, and completely lacks prior fiscal year fund balance trends and audited actuals for comparative analysis.

A former manager and civil engineer of the City of Oxnard who served as Water Superintendent (1999-2005) and Public Works Director (2005-2010) has openly questioned whether the proposed Wastewater Enterprise Capital Replacement strategies can’t be better and more cost effectively accomplished/achieved by leveraging more modern wastewater treatment technologies that also reduce footprint requirements (eliminate property acquisition), capitalize on waste-to-energy conversion opportunities, and reduce the need for additional pre-treatment (capital investment) at the Advanced Water Purification Facility (AWPF).

Given the above concerns expressed by an outside professional with intimate knowledge of the inner workings of this utility and the lack of a comprehensive peer review of the Rate Study, we find that uncontroverted evidence has not been established that the increased wastewater fees and charges established in Ordinance No. 2901 are absolutely necessary. Moreover, news accounts of the City of Oxnard’s inadequate controls over its own finances cause many to question whether the city’s financial reports can be relied upon for establishing rates.

We believe that rates should revert back to where they were before the adoption of Ordinance No. 2901, and the City Council should commission a peer reviewed rate study that does not have the flaws of the existing Rate Study to establish a new rate structure that meets the needs of ratepayers.