

Measure C

CITIZENS' RIGHTS INITIATIVE TO REDUCE COSTLY URBAN SPRAWL, TO REDUCE TRAFFIC CONGESTION, TO MINIMIZE UTILITY RATE INCREASES, AND TO FACILITATE PRESERVATION OF RIVERSIDE'S CITRUS AND AGRICULTURAL LANDS, ITS SCENIC HILLS, RIDGELINES, ARROYOS AND WILDLIFE AREAS.

Section 1. Statement of Purposes and Intent.

The purposes and intent of this measure are to:

- ! Guarantee the right of Riverside's citizens to determine Riverside's future growth and quality of life.
- ! Reduce costly urban sprawl and minimize future tax and utility rate increases.
- ! Preserve, protect and promote citrus and agriculture uses.
- ! Reduce traffic congestion resulting from rapid growth.
- ! Limit housing densities in the Greenbelt, in La Sierra Lands, and in the Sycamore Canyon Park area.
- ! Preserve and protect open space lands.
- ! Preserve the vitality of older neighborhoods.

Section 2. Findings.

- a. Riverside's quality of life is deteriorating because it is located in one of the fastest growing areas in the State. Rapid growth is causing:
 - 1. Traffic congestion;
 - 2. Loss of agricultural and open space lands;
 - 3. Higher taxes and utility rates to subsidize growth;
 - 4. Increased air, water, and noise pollution;
 - 5. Crowding, congestion and increased crime; and
 - 6. Inadequacy of services and facilities.
- b. City government has failed to implement the minimum requirements of Riverside's 1979 initiative, Proposition R.
- c. The City's residential and small business electric rates and per capita debt are among the highest in the State.
- d. The cost of developing agricultural lands for urban uses is more expensive to the taxpayer and utility rate payer than preserving them for agriculture.
- e. Unplanned expansion of the City boundaries by annexation can have high costs and significant negative impacts on the City's quality of life, yet the City has no comprehensive plan for such annexations and expansions.
- f. Sufficient vacant and developable land exists within the current City boundaries to meet projected housing needs, including housing for low and moderate income families, and still preserving agricultural and open space lands.
- g. The public health, safety, and general welfare will be promoted by the adoption of this measure.

Section 3. Definitions.

For purposes of this measure, the following words and phrases shall have the following meanings:

- a. "Effective date" shall mean the date on which this initiative measure was adopted by the City Council of the City of Riverside or the date on which it was passed by the voters at the polls, whichever occurs first.
- b. "Proposition R" shall mean the citizens initiative labeled "Measure R" adopted by the voters of the City of Riverside in 1979 attached hereto.
- c. "Agricultural land(s)," "Agriculture," "Agricultural use" shall mean all lands designated for agricultural use in the City's General Plan and/or zoning ordinance as of June 1, 1987 and all parcels of land greater than ten acres in size in active agricultural production as of the effective date of this measure or within one year prior thereto.
- d. "Greenbelt" shall mean that area defined by Section 3(a) of Proposition R.
- e. "La Sierra Lands" shall mean that area defined by Section 3(b) of Proposition R.
- f. "Sphere of Influence" means the Sphere of Influence for the City of Riverside as adopted and amended from time to time by the Local Agency Formation Commission (LAFCO).

Section 4. Amendment to Proposition R to Correct City Abuse of Proposition R.

It is the purpose of the following amendments to Proposition R, in addition to the purposes stated in Section 1, to assist the City in carrying out its planning and zoning programs so as to limit the City's future growth, to preserve Riverside's quality of life and to ensure the City's ability to provide adequate traffic circulation, police, fire, and other services while minimizing utility rate increases. The full text of Proposition R is attached hereto and incorporated herein by this reference. Section 7 of Proposition R is hereby amended to read as follows (overstrike indicates proposed deletion):

Section 7. "These provisions are minimum requirements for the promotion of the public health safety and general welfare. This Ordinance may be amended by a two-thirds affirmative vote of the City Council only to further its purposes or repealed only by a vote of the people".

Section 5. Additions to Proposition R to Promote Agriculture.

Subparagraph 3(c) is hereby added to Proposition R to read as follows:

- "a. *Policy to Promote and Encourage Agriculture.* It is hereby declared to be the policy of the City of Riverside to promote and encourage agriculture as an essential industry and a desirable open space use. The Greenbelt and La Sierra Lands are important agricultural lands because of their high soil quality, favorable climate, and low water costs. It is further declared to be the policy of the City to retain, wherever feasible, agricultural lands in private ownership and to encourage and assist the maintenance and formation of family farms, especially for farmers who live on their land. The City shall forthwith adopt such policies, ordinances, and resolutions as may be necessary to implement these policies.

- b. Allocation of Funds for Replanting* The City shall allocate funds under its annual budget for at least the next five (5) years to establish programs for one time, low cost loans for the replanting of dying groves and/or vacant agricultural land and/or for the protection of agricultural land from theft, vandalism and dumping.
- c. Additional Agricultural/ and Open Space Policies.* To further promote and preserve agricultural uses and agricultural lands in the City of Riverside, the City shall forthwith take any and all appropriate actions to carry out this measure, including but not limited to the following:
1. Insure that the Gage Canal water is reserved for agricultural use as the highest priority;
 2. Protect Greenbelt streets from heavy traffic;
 3. Minimize the extension of City services and urban infrastructure into agricultural land areas, except as needed for agricultural purposes;
 4. Develop and implement public service and infrastructure standards compatible with and appropriate for agricultural lands;
 5. Plan and implement programs wherever feasible in the Greenbelt, in the La Sierra Lands, in the Sycamore Canyon Park area and in other appropriate areas for recreational opportunities for biking, equestrian and hiking uses consistent with farming needs, agricultural uses and wildlife protection;
 6. Prepare, or cause to be prepared, approve and adopt a Specific Plan pursuant to Government Code Section 65450 et seq. for the La Sierra Lands area of the City which meets, at minimum, all of the following criteria:
 - a. New housing units shall be clustered to protect the river bottom wildlife refuge, the agricultural land along the river bluffs and the open space character of the area;
 - b. The total number of housing units permitted shall be no more than as permitted under the existing zoning, but requiring that the housing areas be developed consistent with the standards and criteria of the RC "Residential Conservation" Zone;
 - c. The wildlife refuge, agricultural land and open space character of the river area shall all be preserved;
 - d. Any future roads and/or utility service shall be located so as to protect the wildlife refuge, agricultural land, and open space character of the area;
 - e. Public trail access along the river corridor compatible with protection of the wildlife refuge shall be maintained and provided for hiking, bicycling and equestrian uses".

Section 6. Protection of Sycamore Canyon Park.

To protect the Sycamore Canyon Park area as an important wildlife habitat area and open space area, the City shall limit any future increases in housing unit density granted to developers in or near the Park in exchange for land donations to the Park to the percentage set forth in the Sycamore Canyon Park Specific Plan (fifteen percent).

Section 7. Planning to Minimize Adverse Impacts to the City's Sphere of Influence Area.

The City shall forthwith initiate a planning process leading to the development and adoption of a Plan for the ultimate development of the City's Sphere of Influence area. Until such Plan is adopted by the City, the City shall not, unless compelled by law to do so, initiate nor approve any annexations to the City. Upon adoption of the Plan required by this Section, the City may initiate and/or approve annexations consistent with the Plan.

The City's Plan for the Sphere of Influence area shall meet at minimum all of the following criteria:

- a. The plan shall extend, at minimum, the provisions of Proposition R and of this measure to the Sphere of Influence area;
- b. The plan shall identify and make provision to protect sensitive wildlife open space and agricultural lands, including but not limited to, lands adjacent to Lake Mathews;
- c. The process leading to adoption of the Plan and its implementation shall include residents of the Sphere of Influence area and shall include notice and public hearing; and
- d. The Plan shall require that upon annexation new development in the Sphere of Influence area shall pay all costs of providing public services and urban infrastructure to such development.

Section 8. Implementation.

The City Council and all City agencies, boards, and commissions are hereby directed to take any and all actions necessary to carry out this initiative measure, including but not limited to, adoption and implementation of any amendments to the City General Plan, Zoning Ordinance, and/or City Code. This measure shall be implemented forthwith as a matter of the highest priority to the City.

Section 9. Guidelines.

The City Council may adopt guidelines to implement and interpret this initiative measure following public notice and public hearing provided that any such guidelines shall be consistent with the provisions and intent of this measure. Any such guidelines must be adopted by two-thirds vote of the City Council.

Section 10. Exemptions for Certain Projects.

This measure shall apply to all properties and projects covered by its terms except it shall not apply to any development project which has obtained a vested right as of the effective date of this measure. For purposes of this measure, a vested right shall have been obtained only if each and all of the following criteria are met:

- a. The proposed project has received a building permit or its final discretionary approval;

- b. Substantial expenditures have been incurred in good faith reliance on the permit or final discretionary approval; and
- c. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

The "substantiality" of expenditures incurred and of construction performed and the question of whether or not such expenditures and construction were in "good faith" are questions of fact to be determined on a case by case basis by the City Council following application by the developer and notice and public hearing. Actions taken by a developer to speed up or expedite a development project with knowledge of the pendency of this measure shall not be deemed to be in "good faith" and shall not qualify for vested rights. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law.

Section 11. Amendment or Repeal.

This measure may be amended or repealed only by a majority of the voters voting in an election thereon.

Section 12. Severability.

If any section, subsection, sentence, clause, phrase, part or portion of this measure is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this measure. It is hereby declared that this measure and each section, subsection, sentence, clause phrase, part or portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.