

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE OF PROPOSED MEASURE: “The Marina Urban Growth Boundary Initiative.”

SUMMARY OF PROPOSED MEASURE: This initiative measure proposes a) to adopt an Urban Growth Boundary line, located generally along the northerly side of the City of Marina, and b) to prohibit for a period of approximately twenty (20) years any new development other than park and open space uses to the north of or above such Urban Growth Boundary line.

The 20-year Urban Growth Boundary (“UGB”) and the restriction on new development would be established by amending both the City of Marina’s General Plan and its Local Coastal Program. The exact location of the UGB is shown on a map attached to the initiative.

With regard to lands presently located within the city limits, and south of and below the UGB line, the initiative would also adopt General Plan policies providing that immediately adjacent to the UGB an open space buffer shall be provided between new development and existing residential areas and that new development shall be encouraged to locate within existing developed areas, rather than on currently vacant or undeveloped lands.

The initiative, if adopted, would prohibit the City from taking any actions inconsistent with its provisions. Until December 31, 2020, the location of the UGB and the prohibitions of or limitations on new development adopted by the initiative could be amended only by a vote of the people or by the City Council in three limited situations. The first would allow for the UGB to be amended to provide for housing primarily for low, very low or moderate income persons. The second situation would allow the City Council to amend the UGB when it determines that denial of an amendment would constitute an unconstitutional taking of a landowner’s property, but only to the minimum extent necessary to avoid such an unconstitutional taking. The two provisions above may occur only after notice and a public hearing. Finally, the Council may amend the UGB provisions of the General Plan for the limited purposes of reorganizing the General Plan or reordering and renumbering individual General Plan provisions.

If the City’s current General Plan is revised or amended (as is presently proposed) prior to the adoption of this initiative, that new General Plan would have to be further revised or amended as soon as possible to the extent that it or any provisions therein are inconsistent with any provisions and policies of this UGB initiative.

Notice of Intent To Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Marina for the purpose of adopting General Plan policies that establish a 20-year Urban Growth Boundary for the City, along with related General Plan policies.

A statement of reasons for the proposed action as contemplated in the petition is as follows:

- ☞ To encourage efficient growth patterns and to protect the City of Marina’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.
- ☞ To manage the City's future growth in a manner that fosters and protects the small town character of Marina, while encouraging appropriate economic development in accordance with the City's unique local conditions.
 - ☞ To encourage infill development within the existing urban areas of the City of Marina.
- ☞ To encourage ongoing agricultural, open space and natural resource uses on lands outside the urban growth boundary.
- ☞ To ensure that future development within the urban growth boundary proceeds in an orderly and logical manner, and that adverse environmental impacts on existing residential areas within the City are minimized as new development occurs.
- ☞ To allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially very low, low and moderate-income households, by directing the development of housing into areas where services and infrastructure are more efficiently available.
- ☞ To promote stability in long-term planning for the City by establishing a cornerstone policy within the General Plan that designates appropriate geographic limits for urban development over the next twenty years, and that allows sufficient flexibility within those geographic limits to respond to the City’s changing needs over time.

Signed By:

Dated: March 7, 2000

_____/s/
Kenneth L. Gray

ina: We, the undersigned, registered and qualified voters of the City of Marina, hereby propose an initiative measure to amend the City of Marina General Plan and City of Marina Local Coastal Program. We petition you to submit this measure to the City Council for the City of Marina for adoption without change, or for submission of the measure to the voters of the City of Marina at a general or special election. The measure provides as follows:

Marina Urban Growth Boundary Initiative

ain as follows:

City of Marina General Plan and City of Marina Local Coastal Program to establish a twenty-year Urban Growth Boundary for the City of Marina, to adopt related General Plan policies, and to make conforming changes to the General Plan and Local Coastal Program policies in effect on March 8, 2000. The purposes of the Urban Growth Boundary, the related General Plan policies, and the conforming changes are:

- a. To encourage efficient patterns for future growth and development and to protect the City of Marina’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.
- b. To promote stability in long-term planning for the City by establishing a cornerstone policy within the General Plan that designates appropriate geographic limits for urban development along the northerly boundary of the City over the next twenty years, and that allows sufficient flexibility within the specified geographic limits to respond to the City’s changing needs over time.
- c. To manage the City’s future growth and development in a manner that fosters and protects the small town character of Marina, while encouraging appropriate economic development in accordance with the City’s unique local conditions.
- d. To encourage infill development within the existing urban areas of the City of Marina and to discourage sprawling, or “leapfrog,” development outside such areas.
- e. To encourage ongoing agricultural, open space and natural resource uses on lands outside the urban growth boundary. For the purposes

of this Initiative, open space uses are those uses identified in Government Code section 65560, as that section of law exists on March 8, 2000. A copy of Government Code section 65560 is attached to this Initiative as Exhibit A.

- f. To ensure that future development within the urban growth boundary proceeds in an orderly and logical manner, and that adverse environmental impacts on existing residential areas within the City are minimized as new development occurs.
- g. To allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially very low, low and moderate-income households, by directing the development of housing into areas where services and infrastructure are more efficiently available.
- h. To ensure that the General Plan Update that the City is presently undertaking reflects the will of the people as expressed in this Initiative.

Boundary Amendments

amendments to the City of Marina General Plan adopted on June 1, 1982, as that 1982 General Plan has been modified by any amendments adopted up to and including March 8, 2000. All further references herein to the “General Plan” are to the City of Marina General Plan adopted on June 1, 1982, as modified by any amendments to that General Plan adopted up to and including March 8, 2000. In this Section, text to be inserted in the General Plan is indicated in **bold** type.

- a. **Urban Growth Boundary Goals:** The General Plan is hereby amended by adding the following new text immediately preceding “Section 2.0 CONDITIONS AND TRENDS” on page 10-3 of the General Plan. Land Use Diagram 1, referenced below, is attached to this Initiative as Exhibit B.

1.1 Urban Growth Boundary Goals, as Adopted by the Marina Urban Growth Boundary Initiative

- ✍ **To provide for orderly growth and development patterns, an Urban Growth Boundary is established for the City of Marina. The Urban Growth Boundary, which affects areas generally on the northerly side of the City, is shown on Land Use Diagram 1. Land Use Diagram 1 is hereby incorporated into the General Plan by this reference. This Urban Growth Boundary shall be in effect until December 31, 2020.**
- ✍ **Until December 31, 2020, no new development other than public parks and open space uses (including agricultural uses) shall be permitted outside the Urban Growth Boundary delineated on Land Use Diagram 1. For the purpose of this policy, open space uses are those uses defined in Government Code section 65560, as that section of law exists on March 8, 2000.**
- ✍ **For the purposes of the Marina Urban Growth Boundary Initiative, the term “outside the Urban Growth Boundary” shall mean lands to the north of or above the Marina Urban Growth Boundary delineated on Land Use Diagram 1, and the term “within the Urban Growth Boundary” shall mean lands within the City of Marina that are also south of or below the Marina Urban Growth Boundary delineated on Land Use Diagram 1.**

1.2 Limitations on General Plan Amendments Relating to Urban Growth Boundary Diagram, Goals, and Policies

Until December 31, 2020, the provisions of Land Use Element Sections 1.1, 1.2, 1.3, and 3.1, including the location of the Urban Growth Boundary shown on Land Use Diagram 1 and the Urban Growth Boundary Goals and Policies enacted by Section 2 of the Marina Urban Growth Boundary Initiative, may be amended only by a vote of the people, or according to the procedures set forth below:

- (a) **To comply with any applicable state law relating to the provision of housing for all economic segments of the community, the City Council may amend the Urban Growth Boundary designated on Land Use Diagram 1 in order to accommodate lands to be designated for affordable housing, provided that no more than 10 acres of land may be brought within the Urban Growth Boundary for this purpose in any one calendar year. Such amendment may be adopted only if, based on substantial evidence, the City Council makes each of the following findings:**
 - (1) **That the land to be included within the Urban Growth Boundary is immediately adjacent to an area where development already exists, and that specific evidence in the administrative record relating to the amendment demonstrates that the Public Safety Department and Department of Public Works have adequate capacity to accommodate the proposed development and to provide adequate public services for the proposed development; and**
 - (2) **That the proposed development will consist of housing primarily for low, very low, or moderate income persons, and that effective restrictions will maintain the housing as available to such persons in perpetuity; and**
 - (3) **That there is no existing residentially designated land available within the Urban Growth Boundary to accommodate the proposed low, very low, or moderate income housing development; and**
 - (4) **That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the Urban Growth Boundary for low, very low, or moderate income housing; and**
 - (5) **The proposed development is necessary to comply with state law requirements for provision of housing to persons of low, very low, or moderate income.**
- (b) **Upon request of an affected landowner, the City Council may amend any of the goals or policies enacted by Section 2 of the Marina Urban Growth Boundary Initiative, including the Urban Growth Boundary designated on Land Use Diagram 1, if it does so pursuant to a finding based on substantial evidence in the administrative record,**

and without substantial evidence to the contrary, that the application of one or more of such policies to any specific property constitutes an unconstitutional taking of a landowner's property; however, any such amendment shall be made only to the minimum extent necessary to avoid such an unconstitutional taking of a landowner's property.

- (c) Prior to approving any amendments pursuant to subparagraphs (a) or (b), above, the City Council shall hold at least one noticed public hearing for the purpose of receiving testimony and evidence from the applicant and the public on the proposed amendment and any findings proposed in connection with such amendment. This hearing shall be in addition to any other public hearings regularly required for a General Plan amendment.
- (d) The provisions of the General Plan added by the Marina Urban Growth Boundary Initiative may be updated, amended, or reorganized in the course of ongoing updates of the General Plan, in accordance with the requirements of state law, and individual provisions may be renumbered or reordered. Land Use Diagram 1 may be updated, amended, or revised in accordance with the requirements of state law. Notwithstanding the above, the provisions added by Section 2 of the Marina Urban Growth Boundary Initiative, including the location of the Urban Growth Boundary shown on Land Use Diagram 1, shall continue to be included in the General Plan until December 31, 2020, unless earlier repealed or amended pursuant to the procedures set forth above, or by the voters of the City.

1.3 Prohibition on Inconsistent Actions:

Upon the effective date of the Marina Urban Growth Boundary Initiative, the City, and its departments, boards, commissions, officers and employees, shall not approve or grant any General Plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other entitlement which is inconsistent with this Initiative.

- b. **Urban Growth Boundary Policies:** The General Plan is hereby amended by adding the following text on page 10-14, immediately following the last bulleted item:

3.1 Urban Growth Boundary Policies, as Adopted by the Marina Urban Growth Boundary Initiative

- ✍ In connection with any development proposed or permitted on lands within the Urban Growth Boundary that are immediately adjacent to the Urban Growth Boundary, a natural, park, or other open space buffer shall be provided between the new development and existing residential areas, to eliminate, or to minimize to the greatest extent possible, any adverse environmental impacts to existing residential uses.
- ✍ With respect to phasing and timing, whenever feasible, new development shall be encouraged to locate within the urban or existing developed areas of the City of Marina, in preference to the development of currently vacant, undeveloped lands located within the Urban Growth Boundary.

Plan Amendments

amendments to the Land Use Plan of the City of Marina Local Coastal Program approved by the Marina City Council on February 17, 1981, as that 1981 Land Use Plan has been modified by any amendments up to and including March 8, 2000 (hereinafter "Land Use Plan"). The language adopted in the following amendments may be further amended as appropriate without a vote of the people. In this Section, text to be inserted in the Land Use Plan is indicated in **bold** type. Certain portions of the Land Use Plan are attached to this Initiative for reference. These include the North of Reservation Road Planning Area Map, as shown on page 35 of the Land Use Plan, attached hereto as Exhibit C, and the description of the Coastal Conservation and Development land use designation, reproduced from page 20 of the Land Use Plan, attached hereto as Exhibit D. Exhibits C and D are provided for illustrative purposes only. Except as expressly indicated herein, this Initiative does not adopt or amend any of the policies, designations, or text contained in or referred to in these exhibits. The Land Use Plan is hereby amended by adding the following new policies on page 8:

To provide for orderly growth and development patterns, all development in the coastal zone shall be subject to the timing and other limitations established by the Marina Urban Growth Boundary Initiative, which is incorporated herein by reference. Until December 31, 2020, subject to the exceptions set forth in the Marina Urban Growth Boundary Initiative, no new development other than public parks and open space uses (including agricultural uses) shall be permitted outside the Urban Growth Boundary delineated on Land Use Diagram 1 as adopted by the Marina Urban Growth Boundary Initiative and incorporated into the Land Use Element of the City of Marina General Plan. For the purpose of this policy, open space uses are those uses defined in Government Code section 65560, as that section of law exists on March 8, 2000.

Until December 31, 2020, lands that, as of March 8, 2000, are designated Coastal Conservation and Development on the North of Reservation Road Planning Area Map (p. 35) and are outside the Urban Growth Boundary, but within the City of Marina, shall be subject to an Urban Growth Boundary Overlay ("UGB Overlay"). The UGB Overlay shall limit new development to those uses permitted by the underlying land use designation that are also allowed outside the Urban Growth Boundary pursuant to Land Use Goal 1.1 of the City of Marina General Plan.

amendments.

North above in Sections 2 and 3 of this Initiative, the City of Marina General Plan adopted on June 1, 1982, as amended through March 8, 2000, is hereby further amended as set forth below in order to promote internal consistency among the various elements of the General Plan. In this Section, text to be inserted into the General Plan is indicated in **bold italic** type while text to be stricken is presented in ~~strike through~~ type; text in standard type currently appears in the General Plan and remains unchanged by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people in the course of future updates and revisions to the General Plan. The General Plan land use map entitled "City of Marina: Land Use and Circulation Element," referenced below as the "General Plan Land Use Designations Map," is attached to this Initiative as Exhibit E. Exhibit E, which is the most current land use plan map available from the City of Marina, has not been updated since 1985, and thus does not show intervening changes. Exhibit E is

provided for reference only and, except as expressly amended by subparagraphs a and b below, is not changed or readopted by this Initiative.

Urban Growth Boundary Overlay and Land Use Redesignations: The General Plan is hereby by amended by adding the following new text to the end of the Land Use Element, immediately following the text of Policy 3.1 inserted by Section 2(b) of this Initiative:

3.2 Urban Growth Boundary Overlay and Land Use Designations

Until December 31, 2020, lands that, as of March 8, 2000, are designated Coastal Development on the General Plan Land Use Designations Map and are outside the Urban Growth Boundary, but within the City of Marina, shall be subject to an Urban Growth Boundary Overlay (“UGB Overlay”). The UGB Overlay shall limit new development to those uses permitted by the underlying land use designation that are also allowed outside the Urban Growth Boundary pursuant to Land Use Goal 1.1.

To implement Land Use Goal 1.1., all lands that are located both outside the Urban Growth Boundary and outside the City limits, and that, as of March 8, 2000, have land use designations other than (1) Parks and Open Space or (2) Agriculture, are redesignated to Parks and Open Space. Figure 10-1, General Plan Land Use Designations Map, shall be updated or replaced as soon as possible to reflect, in graphic form, the changes implemented by this policy.

The General Plan land use map entitled “City of Marina: Land Use and Circulation Element,” attached hereto as Exhibit E, is hereby amended as follows:

- (i) By adding the words: ***“Figure 10-1: General Plan Land Use Designations Map”*** to the title; and
- (ii) By adding an asterisk (*) immediately following the term LEGEND; and
- (iii) By adding the following at the bottom of the legend:

Pursuant to the Marina Urban Growth Boundary Initiative, all lands that are located both outside the Urban Growth Boundary and outside the City limits, and that, as of March 8, 2000, have any land use designations indicated below other than (1) Parks and Open Space or (2) Agriculture, are redesignated to Parks and Open Space.

The first two bulleted items on page 3-10 of the General Plan Conservation Element are amended as follows:

- ~~✎~~ Coastal-dependent uses shall be allowed on the west side of Dunes Drive ***but only within the Urban Growth Boundary shown on Land Use Diagram 1.*** These activities shall include, but not be limited to, marine aquaculture, off-shore and surf-zone sand mining, and other commercial activities dependent for economic survival on proximity to the ocean, salt water or other such elements. Development in this area should be limited to already disturbed areas. Visitor-serving commercial use may be permitted in this area, ***but only within the Urban Growth Boundary shown on Land Use Diagram 1,*** where it can be shown that coastal dependent uses are not feasible.
- ~~✎~~ ~~Development in the meadowland area in the Monterey County Coastal Zone adjacent to the end of Dunes Drive should be compatible with uses allowed on the east side of Dunes Drive in Marina (visitor-oriented commercial).~~

The first full paragraph on page 10-9 of the General Plan Land Use Element is amended as follows:

The placement of industrial development is very important with respect to its relationship to adjacent land uses. The U.S. Supreme Court has determined that industrial developments under the “nuisance doctrine” are liable and can be forced to shut down if they are adversely affecting surrounding residential uses. The courts have not considered the fact that new residences were built and occupied adjacent to an established manufacturing plant as grounds for favorable consideration on industry’s behalf. The City, then, has the responsibility of protecting its high-investment manufacturing uses from future encroachment by residential development, as well as protecting residents from the nuisances which industry can create if located within close proximity. The thrust of the industrial policies set forth in the Land Use Element will be to assure protection for both industrial and residential land uses through wise land use management techniques ***and subject to the timing and other limitations imposed by the Marina Urban Growth Boundary Initiative.***

The second bulleted policy on page 10-13 of the General Plan Land Use Element is amended as follows:

- ~~✎~~ The City shall encourage and provide for industrial development in the northwestern portion of the community ***within the Urban Growth Boundary established by the Marina Urban Growth Boundary Initiative and consistent with the Urban Growth Boundary Goals and Policies set forth in sections 1.1, 1.2 and 3.1 of the Land Use Element.***

The last bulleted policy on page 10-13 of the General Plan Land Use Element is amended as follows:

- ~~✎~~ Development of ***those portions*** of the Armstrong Ranch ***within the Urban Growth Boundary*** shall be subject to an overall Specific Plan, including specifications for population density; ***and the*** distribution of various residential, commercial and industrial land uses. ***Any development of those portions of the Armstrong Ranch outside the Urban Growth Boundary shall, in addition to being subject to the timing and other limitations established by the Marina Urban Growth Boundary Initiative, also be subject to an overall Specific Plan.***

Due to the nature of Specific Plans, it may be necessary and appropriate to modify the land use and circulation patterns shown for the Armstrong Ranch. Such plans shall, however, be in compliance with the spirit and intent of the General Plan, ***including the Urban Growth Boundary Goals and Policies.*** Overall densities shall not exceed that contained in the Land Use and Circulation Plan.

a. The last bulleted policy on page 10-14 of the General Plan Land Use Element is deleted as follows:

- b. ~~✎~~ ~~That professional office uses shall be encouraged, to the extent possible and practical, along those portions of Del Monte Boulevard and other arterials within the Armstrong Ranch. Furthermore, the Multiple Family Residential (N.T.E. 21~~

~~DU/GROSS ACRE) land use designation should be utilized to provide a buffer where professional office land uses would be located adjacent to Single Family Residential (N.T.E. 7/ DU GROSS ACRE) land uses. Adequate provisions to attain compliance with this policy shall be contained in the Specific Plan for the Armstrong Ranch.~~

a. The second paragraph on page 11-10 of the General Plan Circulation Element is amended as follows:

b.

c. The City's land use plan indicates the location of new low-density residential land uses primarily to the north of the Downtown in the Armstrong Ranch area ***within the Urban Growth Boundary adopted by the Marina Urban Growth Boundary Initiative***, an increase in residential densities in the downtown area, additional commercial facilities on Reservation Road, and, ***subject to the timing and other limitations imposed by the Urban Growth Boundary Initiative***, additional industrial uses north of the City limits.

d.

e. The first paragraph on page 11-13 of the General Plan Circulation Element is amended as shown below. A copy of Figure 11-8, referenced below, is attached hereto for reference as Exhibit F. Exhibit F is provided for illustrative purposes only. This Initiative does not adopt or amend Figure 11-8. The amendment to page 11-13 is as follows:

f.

g. Figure 11-8 graphically shows these designations and new roadways planned for the Armstrong Ranch area. ***Construction of new roads in this area shall be coordinated with the timing and other limitations enacted by the Marina Urban Growth Boundary Initiative.*** This street classification distribution is also reflected in the street network depicted in the summary Land Use and Circulation Plan.

h.

i. The two bulleted items on page 11-15 of the General Plan Circulation Element and the bulleted item on page 11-16 are amended as follows:

j.

 ***Any development of the northern Planning Area including the Armstrong Ranch shall be subject to the timing and other limitations of the Marina Urban Growth Boundary Initiative and to a Specific Plan which shall provide for adequate traffic circulation including specifications for arterials, collector and local streets to serve the proposed developments. Due to the nature of Specific Plans it may be necessary and appropriate to modify the circulation patterns shown on Figures 10-1 and 11-8. Such plans shall, however, be in compliance with the spirit and intent of this General Plan, including the Urban Growth Boundary Goals and Policies. The overriding policy in the implementation of the traffic circulation patterns of the Specific Plan shall be the long range protection of currently existing residential areas from traffic generated by the proposed adjacent industrial uses within the Urban Growth Boundary.***

 That the general circulation concepts embodied in this Circulation Element are predicated on the need for the following:

1. Development of a freeway interchange at the present Lapis Spur Overhead in conjunction with an arterial connecting this interchange with Del Monte Boulevard.
1. Designation of the segment of Beach Road between Del Monte Boulevard and the Reservation Road interchange as an arterial.
1. Upgrading Del Monte Boulevard and Beach Road to the greatest feasible extent to maximize utilization of the Reservation Road interchange.
1. Extension of California Avenue northward as an arterial from its present terminus at Reservation Road to connect with Del Monte Boulevard.

Items 1, 2, and 3 shall be verified prior to the adoption of a Specific Plan for the ***portion of the northern Planning Area within the Urban Growth Boundary. In addition, implementation of all four items shall be coordinated with the timing and other limitations imposed by the Marina Urban Growth Boundary Initiative.***

 That the proposed industrial area northerly of the existing developed portion of the City (Cardoza Avenue vicinity) ***within the Urban Growth Boundary*** be served by a collector street system and further that truck traffic (commercial type truck traffic generated by the proposed industrial development) not be permitted to adversely impact adjacent residential areas over the long-term. Said truck traffic and other traffic generated by the development in the northern portion of the Planning Area ***within the Urban Growth Boundary*** should ultimately be directed towards a new freeway interchange proposed in the area of the Lapis railroad spur.

Section 5: Implementation

- a. **Effective Date.** Upon the effective date of this Initiative, the provisions of Sections 2 and 4 of the Initiative are hereby inserted into the City of Marina General Plan and the provisions of Section 3 are hereby inserted into the Local Coastal Program, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by state law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the City of Marina General Plan and Local Coastal Program, respectively, on January 1 of the next year. At such time as this General Plan amendment is inserted in the City of Marina General Plan, any provisions of the City of Marina Zoning Ordinance, as reflected in the ordinance itself or in the City of Marina Zoning Map, inconsistent with this General Plan amendment shall not be enforced.
- b. **Interim Amendments.** The date that the Notice of Intention to circulate this Initiative measure was submitted to the Elections official of the City of Marina is referenced herein as the "submittal date." The City of Marina General Plan in effect on the submittal date and the General Plan as amended by this Initiative comprise an integrated, internally consistent and compatible statement of policies for the City of Marina. In order to ensure that nothing in this Initiative measure would prevent the City of Marina General Plan from being an integrated, internally consistent and compatible statement of the policies of the City, as required by state law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by Sections 2 through 4 of this Initiative measure, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this Initiative and other elements of the City of Marina General

Plan.

- c. **Other City Ordinances and Policies.** The City of Marina is hereby authorized and directed to amend the General Plan, the Local Coastal Program, all specific plans, the Zoning Ordinance, the Zoning Map, and other ordinances and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this Initiative and other elements of the City of Marina General Plan, the Local Coastal Program, all specific plans, the City of Marina Zoning Ordinance, the City of Marina Zoning Map, and other City ordinances and policies.

Section 6: Exemptions

Nothing in this Initiative shall apply to any of the following: (1) any development project or ongoing activity that has obtained, as of the effective date of the Initiative, a vested right pursuant to state or local law; and (2) any area contained within a Habitat Conservation Plan (“HCP”) developed pursuant to the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, that has been given formal approval by the City between the submittal date and the effective date of this Initiative, but only to the extent federal or state law preempts application of this Initiative to such areas.

Section 7: Severability and Interpretation

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative shall be interpreted by the City in a manner that facilitates the protection for agricultural, open space, and natural resource uses of areas outside the Urban Growth Boundary established herein.

Section 8: Amendment or Repeal

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Marina.

EXHIBIT LIST:

- Exhibit A: Government Code section 65560**
- Exhibit B: Land Use Diagram 1**
- Exhibit C: City of Marina Local Coastal Program Land Use Plan, North of Reservation Road Planning Area Map, reproduced from page 35 of the City of Marina Local Coastal Program Land Use Plan**
- Exhibit D: Description of the uses for the Coastal Conservation and Development land use designation, reproduced from page 20 of the City of Marina Local Coastal Program Land Use Plan**
- Exhibit E: Reduced Copy of the General Plan Land Use Map entitled “City of Marina Land Use and Circulation Element,” referenced in this Initiative as “Figure 10-1: General Plan Land Use Designations Map;” (For the readers convenience, the names of certain roads, as well as the Salinas River, have been enlarged from the original.)**
- Exhibit F: Figure 11-8, Circulation Plan reproduced from the General Plan Circulation Element.**

For Official Use Only

Print Name: 1.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 2.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 3.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 4.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 5.	Residence Address—ONLY:	
Signature:	City:	

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE OF PROPOSED MEASURE: “The Marina Urban Growth Boundary Initiative.”

SUMMARY OF PROPOSED MEASURE: This initiative measure proposes a) to adopt an Urban Growth Boundary line, located generally along the northerly side of the City of Marina, and b) to prohibit for a period of approximately twenty (20) years any new development other than park and open space uses to the north of or above such Urban Growth Boundary line.

The 20-year Urban Growth Boundary (“UGB”) and the restriction on new development would be established by amending both the City of Marina’s General Plan and its Local Coastal Program. The exact location of the UGB is shown on a map attached to the initiative.

With regard to lands presently located within the city limits, and south of and below the UGB line, the initiative would also adopt General Plan policies providing that immediately adjacent to the UGB an open space buffer shall be provided between new development and existing residential areas and that new development shall be encouraged to locate within existing developed areas, rather than on currently vacant or undeveloped lands.

The initiative, if adopted, would prohibit the City from taking any actions inconsistent with its provisions. Until December 31, 2020, the location of the UGB and the prohibitions of or limitations on new development adopted by the initiative could be amended only by a vote of the people or by the City Council in three limited situations. The first would allow for the UGB to be amended to provide for housing primarily for low, very low or moderate income persons. The second situation would allow the City Council to amend the UGB when it determines that denial of an amendment would constitute an unconstitutional taking of a landowner’s property, but only to the minimum extent necessary to avoid such an unconstitutional taking. The two provisions above may occur only after notice and a public hearing. Finally, the Council may amend the UGB provisions of the General Plan for the limited purposes of reorganizing the General Plan or reordering and renumbering individual General Plan provisions.

If the City’s current General Plan is revised or amended (as is presently proposed) prior to the adoption of this initiative, that new General Plan would have to be further revised or amended as soon as possible to the extent that it or any provisions therein are inconsistent with any provisions and policies of this UGB initiative.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

Print Name: 6.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 7.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 8.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 9.	Residence Address—ONLY:	
Signature:	City:	
Print Name: 10.	Residence Address—ONLY:	
Signature:	City:	

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The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE OF PROPOSED MEASURE: "The Marina Urban Growth Boundary Initiative."

SUMMARY OF PROPOSED MEASURE: This initiative measure proposes a) to adopt an Urban Growth Boundary line, located generally along the northerly side of the City of Marina, and b) to prohibit for a period of approximately twenty (20) years any new development other than park and open space uses to the north of or above such Urban Growth Boundary line.

The 20-year Urban Growth Boundary ("UGB") and the restriction on new development would be established by amending both the City of Marina's General Plan and its Local Coastal Program. The exact location of the UGB is shown on a map attached to the initiative.

With regard to lands presently located within the city limits, and south of and below the UGB line, the initiative would also adopt General Plan policies providing that immediately adjacent to the UGB an open space buffer shall be provided between new development and existing residential areas and that new development shall be encouraged to locate within existing developed areas, rather than on currently vacant or undeveloped lands.

The initiative, if adopted, would prohibit the City from taking any actions inconsistent with its provisions. Until December 31, 2020, the location of the UGB and the prohibitions of or limitations on new development adopted by the initiative could be amended only by a vote of the people or by the City Council in three limited situations. The first would allow for the UGB to be amended to provide for housing primarily for low, very low or moderate income persons. The second situation would allow the City Council to amend the UGB when it determines that denial of an amendment would constitute an unconstitutional taking of a landowner's property, but only to the minimum extent necessary to avoid such an unconstitutional taking. The two provisions above may occur only after notice and a public hearing. Finally, the Council may amend the UGB provisions of the General Plan for the limited purposes of reorganizing the General Plan or reordering and renumbering individual General Plan provisions.

If the City's current General Plan is revised or amended (as is presently proposed) prior to the adoption of this initiative, that new General Plan would have to be further revised or amended as soon as possible to the extent that it or any provisions therein are inconsistent with any provisions and policies of this UGB initiative.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

DECLARATION OF CIRCULATOR

I, _____, declare that I have served as a circulator to secure signatures in the City of Marina in the County of Monterey to the petition for The Marina Urban Growth Boundary. I circulated this petition section and saw all the appended signatures being written; each of the signatures on this section was made in my presence, and to the best of my information and belief, each is the genuine signature of the person whose name it purports to be. All signatures to this document were obtained between _____, 2000 and _____, 2000. I am currently registered to vote in this City. My current residence address is _____, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: _____, 2000 at _____, California.

(Signature of Petition Circulator)
(First Name, Middle Initial, Last Name)

(Printed Name, as Signed)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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Instructions To Circulators

1. [You must be registered to vote within the City of Marina.]
2. Make sure the signers fill in all information completely with ink and ballpoint pen. (No felt tip pens, no ditto marks, no abbreviations).
3. After each petition is filled, complete the "Declaration of Circulator." This is very important.
4. While we hope you will fill all signature spaces with valid signatures, this petition is valid and important even if it contains only one signature. Regardless of the number of signatures, you must complete the "Declaration of Circulator" for each separate petition form.
5. Return completed petitions to:

Marina 2020 Vision
c/o Ken Gray
3245 Juniper Court
Marina, CA 93933
Telephone: (831) 384-5119
6. **Deadline To Return Petitions is:** _____