DEC
DEC
City Attorney's
City of Carlsb
City of C

To the Honorable City Clerk of the City of Carlsbad: We, the undersigned, registered and qualified voters of the County of San Diego hereby propose an initiative measure to amend the City of Carlsbad General Plan. We petition you to submit this measure to the City Council of the City of Carlsbad for adoption without change, or for submission of the measure to the voters of the City of Carlsbad at a general or special election. The measure provides as follows:

SAVE THE STRAWBERRY AND FLOWER GROWING FIELDS ACT OF 2006

The People of the City of Carlsbad do hereby enact and ordain:

Section 1. TITLE.

1.1 This Initiative shall be known and may be cited as the "Save the Strawberry and Flower Growing Fields Act of 2006."

Section 2. PURPOSE AND FINDINGS.

2.1 Purpose. The purpose of this initiative is to conserve current coastal Open Spaces and historic coastal agricultural uses within the City of Carlsbad ("City") located at the south shore of the Agua Hedionda Lagoon. The City has a history and policy of promoting and protecting such coastal agricultural uses as well as ensuring environmental protection of its lagoons, watersheds, agricultural lands, open spaces and scenic resources, among others. This initiative amends the Carlsbad General Plan to promote and strengthen the continuation of such land-use policy in this specific sensitive area of the community commonly known as the Strawberry and Flower Growing Fields. Specifically, the initiative provides for a new designation of agricultural lands as coastal agriculture within the Open Space Element of the Carlsbad General Plan for these areas within the Coastal Zone currently in agricultural production, and to conserve these designated areas from premature fragmentation, inappropriate developments or other inconsistent land uses.

2.2 History and Location. The City has historically supported the conservation of coastal agriculture as evidenced within its General Plan, Agua Hedionda Land Use Plan - Local Coastal Plan Segment, among other City documents, policies and plans. This initiative will strengthen and promote that City policy. The subject area of this initiative is immediately adjacent to the south shore of the Agua Hedionda Lagoon and is internally contiguous. The area described will form a "T" shape in the Coastal Zone. The bottom of the "T" begins at, and runs in a north to south direction from the north end of Palomar Airport Road between Legoland to the east and commercial developments to the west and northward to Cannon Road. This long rectangular area consists of the "official" Flower Fields of 53.40 acres and the immediately adjacent area of 45.60 acres, also currently in agricultural production. The "top" of the "T" is that area sandwiched between

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Cannon Road to the south and Agua Hedionda Lagoon to the north and running east to west from Interstate 5 toward El Camino Real along the north edge of Cannon Road and the south edge of Agua Hedionda Lagoon. Another area for inclusion is currently in agricultural production and consists of 26.45 acres contiguous with this area, with Cannon Road forming its north boundary and Legoland forming its south boundary. Map locations and Assessor Parcel Numbers ("APN's") are provided herein for location reference. See also, Exhibits A – D for further reference.

2.3 Findings. The People of the City of Carlsbad find and declare that the subject lands of this initiative are currently under-protected by City policy and established planning documents including, but not necessarily limited to, the City General Plan and Zoning Ordinances, Agua Hedionda Land Use Plan - Local Coastal Plan Segment, Habitat Management Plan, Citywide Facilities Management Plan, Growth Management Plan, South Carlsbad Coastal Redevelopment Plan and Carlsbad Ranch Specific Plan. The People of the City enact this legislation to effectuate necessary guidance for future planning in this important land use area as such affects community desires, health, safety and well being. The City Council is directed by the People to give all effectuation, by whatever means practicable, to implementing the intentions of this initiative.

2.4 Recognitions. The People of the City Carlsbad recognize that the area described in this initiative could be developed in the future into residential, commercial or other developments and intend hereby to legislate and provide policy guidance to elected City officials and staff that the will of the People of the City of Carlsbad is to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture. It is also acknowledged that property rights negotiations have occurred in the past, and may be occurring currently between the owners of these lands and others with potential residential, commercial or other development interests.

Section 3. GENERAL PLAN AMENDMENTS.

Within this Section the People of the City of Carlsbad hereby readopt, reaffirm and amend the Carlsbad General Plan adopted on September 6, 1994 through City Council Resolution No. 94-246 and as subsequently amended through the filing date of this initiative, as set forth below. Text to be inserted into the General Plan is indicated in ***bold italic*** type while text to be stricken is indicated by -/strikethrough/- (i.e., ~~strikethrough~~) type, and text in standard type is currently as it appears in the Carlsbad General Plan.

3.1 The VISION AND INTRODUCTION section of the Carlsbad General Plan, Part I. CARLSBAD – THE VISION, the first vision statement located as the first paragraph on the left side of the page on page 1; the text is amended as follows:

A City which provides a balanced variety of land uses for living, business, employment, recreation and open space opportunities ***including appropriate agricultural production areas***.

3.2 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part II. FRAMEWORK FOR OPEN SPACE & CONSERVATION PLANNING, Section A. Open Space Definition & Classification System, Category 2: Open Space for Managed Production of Resources, located at page 3; the text is amended as follows:

<u>CATEGORY 2:</u> Open Space for Managed Production of Resources

(a) Forestry/Agriculture/Aquaculture;
- i) Forest lands;
- ii) Rangeland;
- iii) Agriculture ***and Coastal Agriculture***;
- iv) Aquaculture
- v) Horticulture, including greenhouses; or
- vi) Flower Fields ***and contiguous Coastal Agriculture***.

3.3 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part II. FRAMEWORK FOR OPEN SPACE & CONSERVATION PLANNING, Section F. Citywide Open Space Plan, Category 2: Open Space for Managed Production of Resources, located at page 16; the text is amended as follows:

<u>Forestry/Agriculture/Aquaculture (2a)</u>

Forestry, agriculture and aquaculture are considered a category 5 citywide priority for future open space planning ***except that coastal agriculture areas adjacent to Agua Hedionda Lagoon and as they connect in a contiguous manner with the flower fields shall be considered a Zone Primary Action Priority in Local Facilities Management Zone 13 and shall be considered here a category 1 priority.*** It is the City's intention to support and utilize all measures available, including, ***but not limited to,*** the Williamson Act, to secure agricultural land uses for as long as possible ~~prior to development,~~ and to promote the long-term economic viability of agricultural uses. ~~However, it should be recognized that Carlsbad is an urbanizing city, and the projected pattern of development is such that the extensive areas generally required for economic agricultural operations are unlikely to be available in the longterm.~~

3.4 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part II. FRAMEWORK FOR OPEN SPACE & CONSERVATION

PLANNING, Section G. Maps of the Open Space & Conservation Element, located at pages 35-36; the Official Open Space & Conservation Map is amended to include an area of land of approximately 45 acres abutting Interstate 5 on the east, Agua Hedionda Lagoon on the north and Cannon Road on the south to be added as Open Space from Travel/Recreation Commercial Use (T-R) to the map as shown through Exhibits C and D as Open Space and coastal agricultural lands and as identified by assessor parcel numbers (APN's) in Sections 3.6 and 3.11 of this Initiative. The People of Carlsbad in amending the Official Open Space & Conservation Map hereby find that (1) The proposed open space is equal to or greater than the area depicted on the Official Open Space and Conservation Map; (2) That the proposed open space area is of environmental quality equal to or greater than that depicted on the Official Open Space and Conservation Map; and (3) the proposed adjustment to open space, as depicted on the Official Open Space and Conservation Map, is contiguous or within close proximity to open space as shown on the Official Open Space Map.

3.5 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Open Space Planning and Protection segment sub-part A, Goals, located at page 21; the text is amended as follows:

A. GOALS

A.1 An open space system of aesthetic value that maintains the community identity, achieves a sense of natural spaciousness, and provides visual relief in the cityscape.

A.2 A city with a balance of programmed and unprogrammed open space within each of the four quadrants of the City.

A.3 An open space system that improves the quality of life for the citizens of Carlsbad.

A.4 A city with an adequate amount and variety of open space for outdoor recreation ***and agricultural production including coastal agricultural production***, including, but not limited to: parks; beaches; areas for organized sports; connecting corridors containing trails; water recreation areas (beaches, lagoons, lakes); unique conservation areas for nature study; ***agriculture including coastal agriculture;*** and, semi-developed areas for camping.

3.6 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Open Space Planning and Protection, segment sub-part B, Objectives, located at page 21; the text is amended by adding a new objective after the last stated objective of B. 12, as follows:

B. OBJECTIVES

B.13 To provide for continued coastal agricultural production adjacent to Agua Hedionda Lagoon forming as contiguous as possible a connection with the flower fields and utilizing the area between the south shore of the lagoon and the north edge of Cannon Road and contiguous parcels for continued coastal agricultural production including, but not limited to, flower fields and strawberry fields.

3.7 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Promoting Agriculture, located at page 29; the text is amended as follows:

PROMOTING AGRICULTURE

Agriculture is an important resource in the City of Carlsbad~~.~~, ***in particular coastal agriculture in the vicinity of Agua Hedionda Lagoon and its connection with the flower fields is in integral resource deserving of special conservation measures.*** Agriculture policies are intended to support agriculture activities ~~while planning for possible future transition to more urban uses~~ consistent with the policies of the Land Use Element and the Carlsbad Local Coastal Program.

A. GOAL

A city which recognizes the important value of agriculture and horticulture lands. ***A City which recognizes the unique value of coastal agriculture uses adjacent to Agua Hedionda lagoon and contiguous agricultural open space areas with the flower fields.***

B. OBJECTIVES

B.1 To develop an inventory of agricultural uses in the City~~.~~, ***and to identify areas of coastal agriculture in the vicinity of Agua Hedionda Lagoon where conservation and special programs may be established to ensure long term operational viability of these important coastal agricultural areas.***

B.2 To promote the establishment of agricultural preserves.

B.3 To promote the use of technology for agricultural purposes to improve the economic viability of agriculture.

B.4 To ensure that new development is sensitive to existing agricultural uses.

B.5 To ensure that agricultural uses do not adversely impact sensitive environmental resources~~.~~, ***through the use of appropriate mitigation measures, where applicable.***

3.8 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Promoting Agriculture, Implementing Policies and

Action Programs sub-part, located at pages 29-30; the text of paragraphs C.1 through C.17 are retained in their entirety, a new paragraph is inserted as C.18 and the text is amended as follows:

IMPLEMENTING POLICIES AND ACTION PROGRAMS

C.18 Continuation of coastal agricultural production along the south shore of Agua Hedionda Lagoon and forming as contiguous as possible a connection with the flower fields is a priority for agricultural conservation within the Land Use Element and the Open Space & Conservation Element of the City of Carlsbad General Plan. The following areas as identified by assessor parcel numbers (APN's) shall be included as open space for coastal agricultural production deserving of special resource protections by the City: APN 211-023-13; APN 211-023-11; APN 211-022-21; APN 211-010-24; APN 211-010-05; APN 211-010-31; APN 211-010-28, as is further identified graphically on Exhibits A-D. All maps, charts and graphs shall be amended by the City to reflect their inclusion as such.

3.9 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part IV. Glossary, located at page 40; the text is amended by adding a definition of Coastal Agriculture to the definitions contained therein and the text is amended as follows:

COASTAL AGRICULTURE	***Lands located within the coastal zone of the City that support production of agricultural products.***

3.10 The LAND USE ELEMENT of the Carlsbad General Plan, Part II, DESCRIPTION OF THE LAND USE, Section A. City Form and Function, sub-part 2. Major Factors Affecting Form, Factor 2: Airport and Nonresidential Corridor, the second full paragraph, located at page 3; the text is amended as follows:

"Factor 2: Airport and Nonresidential Corridor"

This nonresidential corridor extends beyond the actual influence area of the airport, all the way to the ocean and the mouth of Agua Hedionda Lagoon. The extension comes about due to the proximity of the airport's influence area to the 640-acre utility corridor owned by San Diego Gas and Electric for the Encina Power Plant and its associated major transmission right-of-way along the southerly shore of Agua Hedionda Lagoon. Land within this ownership may be used only for ~~industrial scale utility functions~~ ***existing utility transmission corridors, coastal agricultural production*** and open space.

3.11 The LAND USE ELEMENT of the Carlsbad General Plan, Part II, DESCRIPTION OF THE LAND USE, Section D. Special Planning Considerations, sub-part 5. Agriculture, located at page 26; the text of the first full paragraph is amended as follows, the two paragraphs that follow are retained in their entirety:

5. AGRICULTURE

Agricultural is an important resource in Carlsbad. ***In particular, coastal agricultural uses adjacent to Agua Hedionda Lagoon are of a high conservation priority for the City.*** The City's agricultural policies are intended to support agricultural activities while planning for future transition of the land to more ***Open Space, Community Parks, or*** urban uses consistent with the policies of the General Plan and the Carlsbad Local Coastal Plan (LCP).

3.12 The LAND USE ELEMENT of the Carlsbad General Plan, Part III, GOALS, OBJECTIVES AND IMPLEMENTATION POLICIES AND ACTION PROGRAMS, Agriculture, located at pages 37 – 38; the text is amended as follows:

AGRICULTURE

A. GOALS

A.1 A City which prevents the premature elimination of agricultural lands and preserves said lands wherever possible.

A.2 A City which supports agriculture while planning for possible transition to urban uses.

A.3 A City which recognizes the importance of, and effectively plans for, continued coastal agricultural production adjacent to Agua Hedionda Lagoon including, but not limited to, conserving contiguous parcels with the flower fields.

B. OBJECTIVES

B.1 To permit agricultural land uses throughout the City.

B.2 To conserve the largest possible amount of undeveloped land suitable for agricultural purposes, through the willing compliance of affected parties. ***or the establishment of special City programs designed to ensure that coastal agricultural production is maintained.***

B.3 To develop measures to ensure the compatibility of agricultural production and adjacent land uses.

3.13 The LAND USE ELEMENT of the Carlsbad General Plan, Part III, GOALS, OBJECTIVES AND IMPLEMENTATION POLICIES AND ACTION PROGRAMS, Agriculture, Section C, Implementing Policies and Action Programs, located on page 38; the text is amended by retaining the text of Paragraphs C.1, C.2, C.3, C.5, and C.6 in their entirety, and amending paragraph C.4 as follows, and adding two new paragraphs C.7 and C.8 as follows:

C.4 ~~Attempt to preserve~~ ***Conserve by whatever means practicable*** the flower fields or lands east of I-5 to the first ridge line between Cannon Road and Palomar Airport Road, ***and contiguous connections to agricultural lands to the north located on the south shore of Agua Hedionda Lagoon that run easterly from I-5 along Cannon Road*** through whatever method created and most advantageous to the City of Carlsbad.

C.7 Actively pursue all practicable methods or modes of conservation of contiguous coastal agricultural lands with the flower fields identified above in paragraph C.4 to ensure such coastal agricultural production on the south shore of Agua Hedionda Lagoon continues, and to conserve these lands currently in agricultural production to retain their agricultural uses into the long-term by whatever means practicable.

C.8 Continuation of coastal agricultural production along the south shore of Agua Hedionda Lagoon and forming as contiguous as possible a connection with the flower fields is a priority for agricultural conservation within the Land Use Element and Open Space & Conservation Element of the City of Carlsbad General Plan. The following areas as identified by assessor parcel numbers (APN's) shall be included as open space for coastal agricultural production deserving of special resource protections by the City: APN 211-023-13; APN 211-023-11; APN 211-022-21; APN 211-010-24; APN 211-010-05; APN 211-010-31; APN 211-010-28, as is further identified graphically on Exhibits A-D. All maps, charts and graphs shall be amended by the City to reflect their inclusion as such.

3.14 The LAND USE ELEMENT of the Carlsbad General Plan, Part II. DESCRIPTION OF THE LAND USE, Map 2: General Plan Land Use Map, located on pages 7-8 is amended to include an area of land of approximately 45 acres abutting Interstate 5 on the east, Agua Hedionda Lagoon on the north and Cannon Road on the south to be added as Open Space from Travel/Recreation Commercial Use (T-R) to the map as shown through Exhibits A and B as Open Space and coastal agricultural lands and as identified by assessor parcel numbers (APN's) in Sections 3.6 and 3.11 of this Initiative.

3.15 The LAND USE ELEMENT of the Carlsbad General Plan, Part IV. Glossary, located at page 41; the text is amended by adding a definition of Coastal Agriculture to the definitions contained therein and the text is amended as follows:

COASTAL AGRICULTURE	***Lands located within the coastal zone of the City that support production of agricultural products.***

Section 4. IMPLEMENTATION.

4.1 Effective Date. Upon the effective date of this initiative, the provisions of this initiative are hereby inserted into the City of Carlsbad General Plan as an amendment thereof, except that if the amendments of the mandatory elements of the general plan permitted by State law for any given calendar year have already been utilized in the calendar year in which the initiative becomes effective, this general plan amendment shall be the first amendment inserted in the City's General Plan on January 1 of the next year. At such time as this general plan amendment is inserted in the City of Carlsbad General Plan, any provisions of the City Zoning Ordinance, as reflected in the ordinance itself or the City Zoning Map, inconsistent with this general plan amendment shall not be enforced.

4.2 Interim Amendments. The City of Carlsbad General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Elections Official (December 19, 2005 "submittal date"), and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Carlsbad remains an integrated, internally consistent and compatible statement of policies for the City as required by State law and to ensure that the actions of the voters in enacting this initiative are given effect, any provision of the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by 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's General Plan.

4.3 Other City Ordinances and Policies. The City of Carlsbad is hereby authorized and directed to amend the General Plan, sub-plans, community plans, specific plans, zoning ordinance, and other ordinances and policies and/or plans 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's General Plan, zoning ordinance, and other City ordinances, policies and/or plans as may be the case.

Section 5. EXEMPTIONS AND EXCEPTIONS FOR CERTAIN MATTERS.

5.1 This initiative shall be subject to amendment by the City Council without the required vote of the People of Carlsbad upon a showing of substantial evidence on the record that implementation or operation of this initiative will frustrate City functions in any of the following circumstances:

(a.) To affect City compliance with any State mandated programs, including but not limited to: housing requirements; density bonuses; development agreements; certified redevelopment plans; vesting tentative maps; or other matters otherwise required by State law;
(b.) To deprive any person, organization or entity of their Constitutional rights, including property rights, and no takings shall be allowed through the construction or implementation of this initiative;
(c.) To affect any development project that has obtained as of the effective date of the initiative a vested right pursuant to State or local law.

Upon such a showing the City Council may amend this Initiative in manner that most narrowly construes the City's compliance obligations, or liability, as the case may be, yet at the same time balances the broadest possible construction and implementation of the intentions of this Initiative. Any such amendments allowable to the City Council shall not impair the right of the People of Carlsbad to subsequently seek a Referendum overturning such actions if they so choose.

5.2 The City, through its City Council may amend this initiative without a vote of the People to engage in any agricultural conservation act consistent with the intentions of this initiative, including, but not limited to, Williamson Act activities or the creation of, or implementation of, any other City sponsored agricultural program or activity designed to enhance, promote, or conserve agricultural opportunities within the City and specifically within the coastal agricultural areas established by this initiative.

Section 6. SEVERABILITY AND INTERPRETATION.

6.1 This measure shall be interpreted so as to be consistent with all federal and state and municipal laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this measure 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 measure. The voters and People of Carlsbad hereby declare that this measure, 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 measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure 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 and People of Carlsbad that the provisions of this measure shall be interpreted by

the City and any courts of competent jurisdiction in a manner that facilitates the protection of the resources described herein.

Section 7. AMENDMENT OR REPEAL.

7.1 Except as otherwise provided herein, the implementation and operation of this initiative may only be amended or repealed by a majority vote of the registered voters of the City of Carlsbad.

Section 8. COMPETING MEASURES.

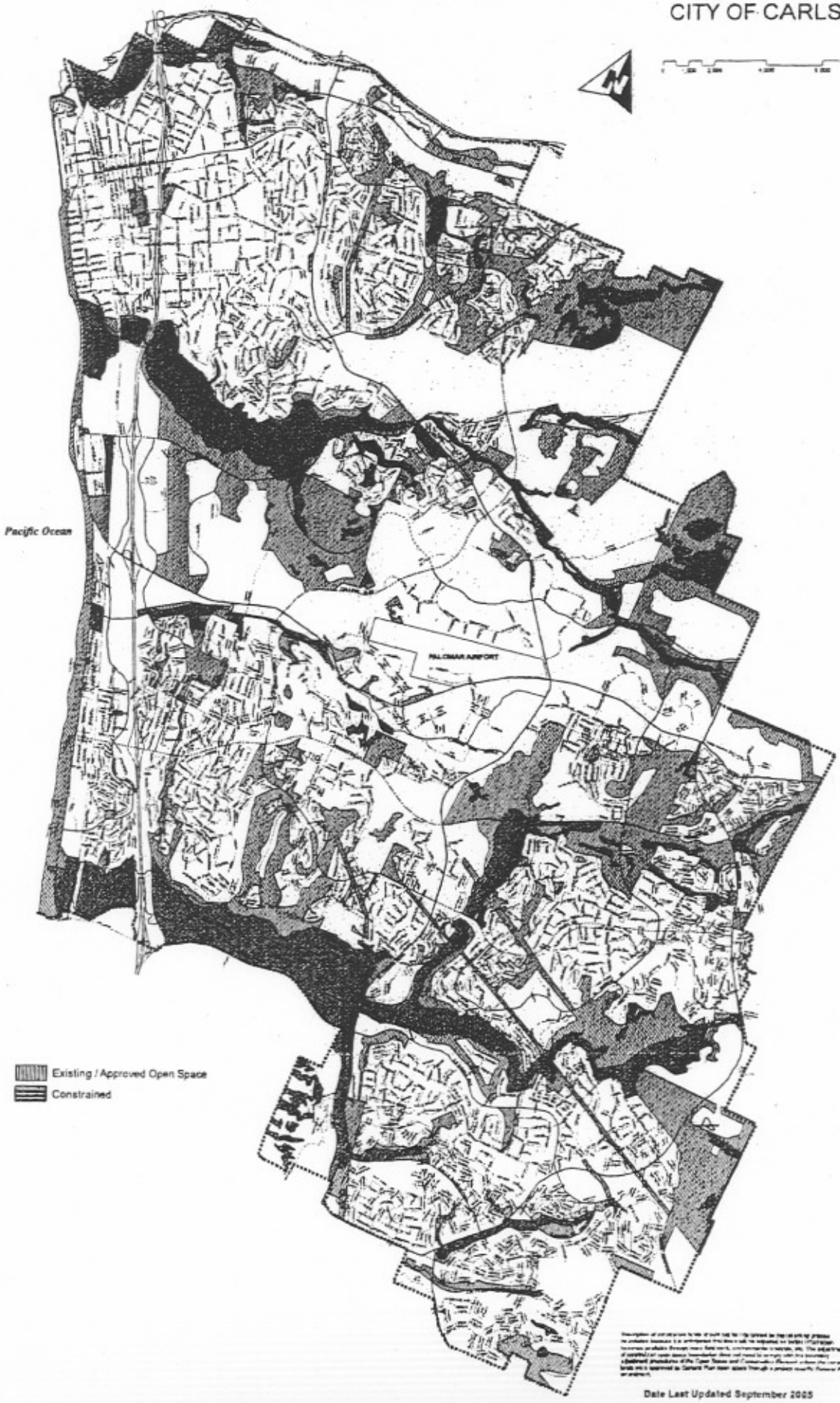
8.1 In the event there are competing measures on the same ballot with this measure that purport to address the same subject matter of this measure, the following rules shall apply: If more than one such measure passes, then both measures shall go into effect except to the extent that particular provisions of one initiative are in direct, irreconcilable conflict with particular provisions of another initiative. In that event, as to those conflicting provisions, only the provisions of the initiative receiving the most votes shall prevail.

Exhibit List

Exhibit A: Existing Official City of Carlsbad Official Open Space & Conservation Map
Exhibit B: Amended Official City of Carlsbad Official Open Space & Conservation Map
Exhibit C: Existing City of Carlsbad General Plan Land Use Map.
Exhibit D: Amended City of Carlsbad General Plan Land Use Map.

OFFICIAL OPEN SPACE & CONSERVATION MAP

CITY OF CARLSBAD



Date Last Updated September 2005

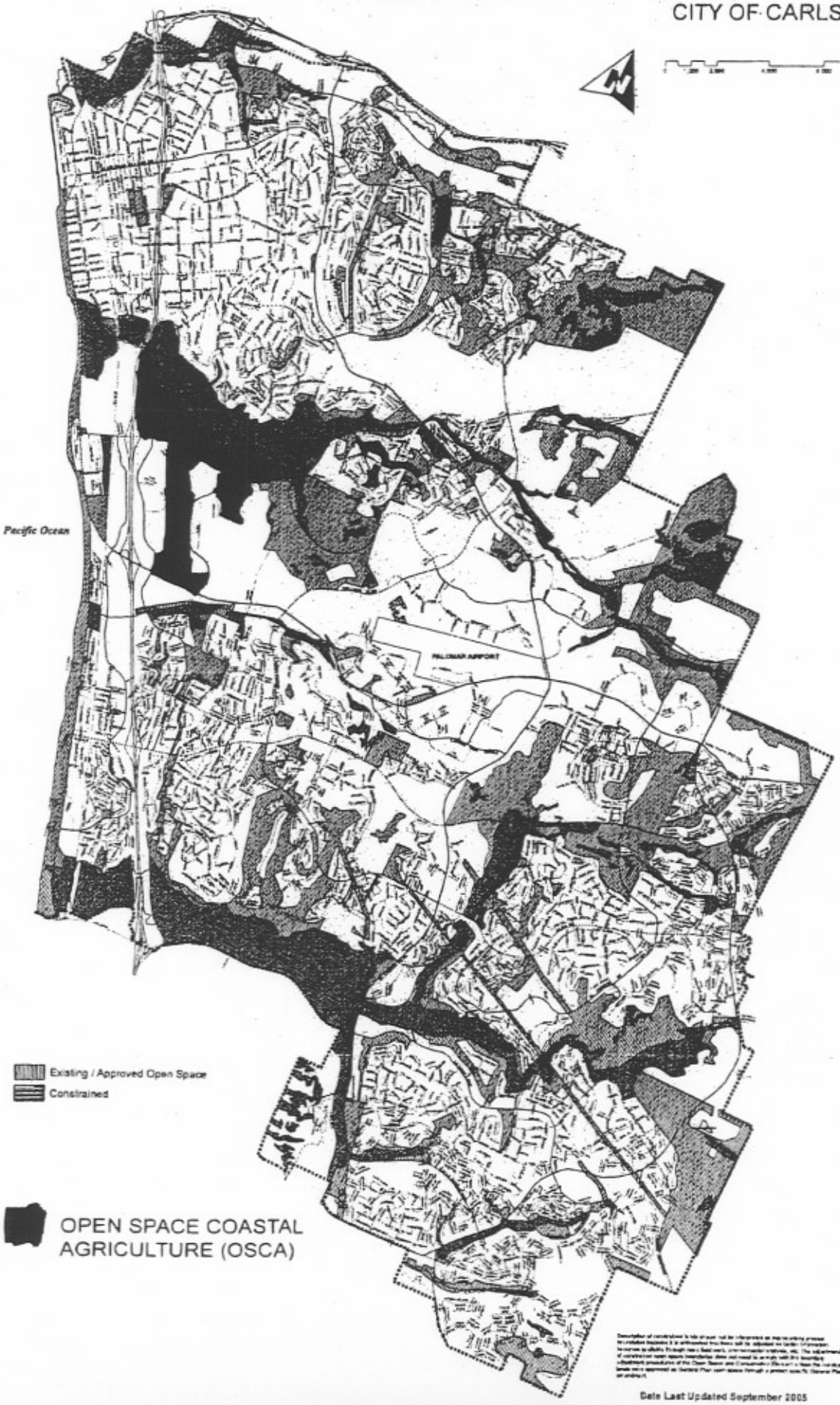
OFFICIAL OPEN SPACE & CONSERVATION MAP

CITY OF CARLSBAD

Date Last Updated September 2005

OFFICIAL OPEN SPACE & CONSERVATION MAP

CITY OF CARLSBAD



Date Last Updated September 2005

P.7-8

GENERAL PLAN LAND USE MAP

City of Carlsbad

0 1,000 2,000 4,000 6,000 8,000 Feet

LEGEND

- E ELEMENTARY SCHOOL
- J JUNIOR HIGH SCHOOL
- H HIGH SCHOOL
- HC CONTINUATION SCHOOL
- P PRIVATE SCHOOL
- PI PLANNED INDUSTRIAL
- G GOVERNMENTAL FACILITIES
- U PUBLIC UTILITIES
- OS OPEN SPACE
- UA UNPLANNED AREAS
- TC TRANSPORTATION CORRIDOR
- CF COMMUNITY FACILITIES

COMMERCIAL

- R REGIONAL COMMERCIAL
- L LOCAL SHOPPING CENTER
- V VILLAGE
- T-R TRAVELERS CREATION COMMERCIAL
- C OFFICE & RELATED COMMERCIAL

RESIDENTIAL

- RL LOW DENSITY (0-1.5 D.U./AC)
- RLM LOW-MEDIUM DENSITY (1.5-3 D.U./AC)
- RM MEDIUM DENSITY (3-8 D.U./AC)
- RMH MEDIUM-HIGH DENSITY (8-15 D.U./AC)
- RH HIGH DENSITY (15-23 D.U./AC)

- PRIME ARTERIAL
- MAJOR ARTERIAL
- SECONDARY ARTERIAL
- COLLECTOR STREET
- RAILROAD
- BEACH OVERLAY ZONE
- COASTAL ZONE
- AIRPORT INFLUENCE AREA
- SPECIAL RESOURCE AREA

The Open Space Element on this map is a composite of three types of open space: [illegible]

1. Environmentally constrained lands (floodplain, permanent bodies of water, wetlands, steep slopes over 25%, [illegible]).
2. Previously approved General Plan Open Space. Indicates any open space requirements made as a result of legislated [illegible]
3. Predesignated, approved open space lands dedicated through the approval of a tentative plan, specific plan or subject to a final subdivision map.

Depiction of conceptual lands should not be interpreted as conveying property from [illegible] to publication for [illegible] will be prepared as further subdivision [illegible] through more focused study, environmental analysis and the development of a tentative open space [illegible]. Such will have to comply with the [illegible] adopted [illegible] in the Open Space and Conservation Element within the [illegible] open space as General Plan open space [illegible] project Open Space Plan [illegible].

The data contained herein is based on information available at this time and is subject to change. Information should be verified by City of Carlsbad Planning Department.

Date Last Updated: September 1996

EXHIBIT 6

P.7-8

GENERAL PLAN LAND USE MAP

City of Carlsbad

0 1,000 2,000 4,000 6,000 8,000 Feet

OPEN SPACE COASTAL AGRICULTURE (OSCA)

LEGEND

- E ELEMENTARY SCHOOL
- J JUNIOR HIGH SCHOOL
- H HIGH SCHOOL
- HC CONTINUATION SCHOOL
- P PRIVATE SCHOOL
- PI PLANNED INDUSTRIAL
- G GOVERNMENTAL FACILITIES
- U PUBLIC UTILITIES
- OS OPEN SPACE
- UA UNPLANNED AREAS
- TC TRANSPORTATION CORRIDOR
- CF COMMUNITY FACILITIES

COMMERCIAL

- R REGIONAL COMMERCIAL
- L LOCAL SHOPPING CENTER
- V VILLAGE
- T-R TOURIST/RECREATION COMMERCIAL
- O OFFICE & RELATED COMMERCIAL

RESIDENTIAL

- RL LOW DENSITY (0-1.5 D/AC)
- RLM LOW-MEDIUM DENSITY (1.5-4 D/AC)
- RM MEDIUM DENSITY (4-8 D/AC)
- RMH MEDIUM-HIGH DENSITY (8-15 D/AC)
- RH HIGH DENSITY (15-23 D/AC)

- PRIME ARTERIAL
- MAJOR ARTERIAL
- SECONDARY ARTERIAL
- COLLECTOR STREET
- RAILROAD
- BEACH OVERLAY ZONE
- COASTAL ZONE
- AIRPORT INFLUENCE AREA
- SPECIAL RESOURCE AREA

The open space illustrated on the map is a composite of some types of open space which include:

1. Permanently preserved lands (wildlife, archaeological sites or parks, floodplains, slopes greater than 40% gradients, riparian areas, and open space fee-in-lieu easements).
2. Previously approved Scenic Plan Open Space (includes any minor adjustments made as a result of responses from a detailed site specific analysis, lands held out through the creation of a master plan, specific plan or a designated as a final subdivision map).

Questions of precisely what should fall in what and as implementing policies (specifically Section 2.3 contained in the Area Plan) are related to better information becoming available through more field work, environmental analysis, etc. The adjustments of a proposed open space boundary may well need to comply with the boundary adjustment procedures of the Open Space and Conservation Element when the new information has been applied to General Plan open space through a project specific General Plan amendment.

The data displayed herein is based on information available at this time and is subject to change. Information should be verified by City of Carlsbad Planning Department.

Date Last Updated September 2006

EXHIBIT D

15 of 32

January 3, 2006

TO: CITY CLERK

FROM: CITY ATTORNEY

Attached to this memorandum, please find the City Attorney's Title and Summary of the proposed Initiative submitted by your office under the memorandum of December 19, 2005.

Should you have any questions please do not hesitate to contact me.

RONALD. R. BALL
City Attorney

rn
attachment

General Plan Amendment Initiative 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.

Summary:
This proposed General Plan Initiative Amendment amends the Carlsbad General Plan to establish a coastal agriculture designation for lands located within the Coastal Zone of the City that support the production of agricultural products. The initiative contains eight sections:

Section One:
Titles the Initiative as the "Save the Strawberry and Flower Growing Fields Act of 2006".

Section Two:
States the purpose and findings.

Section Three:
Amends the vision, introduction, land use, open space and conservation elements of the Carlsbad General Plan to:

1) Add the designation of Coastal Agriculture, which is defined as lands located within the Coastal Zone of the City that support production of agricultural products.
2) Eliminate the concept of potential development and the recognition that Carlsbad is an urbanizing city and instead establishes coastal agricultural areas adjacent to the Agua Hedionda Lagoon.
3) Add approximately 45 acres east of Interstate 5 between Agua Hedionda Lagoon and Cannon Road to the Coastal Agriculture designation.
4) Eliminate the presumption that agricultural policies are intended to support agriculture activities while planning for possible future transition to more urban uses and instead establishes coastal agriculture in the vicinity of Agua Hedionda Lagoon and its connection with the Flower Fields as deserving of special conservation measures and continued coastal agricultural production.
5) Identify the areas subject to the initiative by exhibit.
6) Eliminate the potential for industrial scale utility functions within the 640-acre utility corridor owned by San Diego Gas and Electric for the Encina Power Plant and restricts uses to only existing utility transmission corridors, coastal agricultural production and open space.
7) Conserve and insure coastal agricultural production by whatever means practicable and re-designates approximately 45 acres described above from travel/recreational commercial use to open space and coastal agricultural land.

Section Four:
The effective date is the date of the adoption of the Amendment by the voters or January 1 of the year following adoption by the voters and prohibits inconsistent amendments after December 19, 2005, the date that it was submitted to the City Clerk and directs the City to amend the General Plan, Sub-Plans, Community Plans, Specific Plans, Zoning Ordinances to make them consistent with this Initiative.

Section Five:
Permits amendment of this Initiative by the City Council without a vote of the people in certain circumstances to comply with any state mandated programs, that results in a violation of the Constitutional Rights of any person or entity or to disturb a vested right under state or local law.

Section Six:
If parts of the Initiative are declared invalid by a court, the remainder of the Initiative is valid.

Section Seven:
Except as provided in the Initiative itself, it may not be amended unless by a majority vote.

Section Eight:
If there are competing measures on the same ballot then only those irreconcilable conflicting provisions, which receive the highest number votes shall go into effect.