

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS OF THE CITY OF OCEANSIDE

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

TITLE: AN INITIATIVE MEASURE AMENDING THE LAND USE ELEMENT OF THE OCEANSIDE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF PROPOSALS TO CHANGE THE LAND USE DESIGNATION OR ZONING OF AGRICULTURAL OR OPEN SPACE LAND TO ANY OTHER USE

SUMMARY: This initiative seeks to amend the Land Use Element of the Oceanside General Plan by modifying Policy E to Section 2.5 and adding a new Policy F to Section 2.6. If adopted, these policies would prohibit the Oceanside City Council from changing the land use designation or zoning of land currently designated or zoned agricultural or open space unless a majority of voters approve the change at a general or special election.

The initiative includes two exceptions to the voter approval requirement.

First, voter approval is not required if the land use change is necessary for the City to meet state mandated affordable housing obligations. This first exception will not apply if other residential land in the City is available to meet the City's affordable housing requirements.

Second, development projects are exempt from the voter approval requirement if an applicant has a vested right to develop under state law before the effective date of this initiative. In general, vested rights arise when a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government.

The initiative also proposes to amend Policy B in Section 2.5 of the Land Use Element of the General Plan to allow agritourism in areas designated for agricultural use. The initiative permits agritourism provided it does not interfere with agricultural operations and the open space character of the area is preserved. The initiative does not define the term agritourism.

If adopted, the initiative will remain in effect until December 31, 2038.

The published notice of intent to circulate provides as follows:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Oceanside for the purpose of providing for direct citizen participation in land-use decisions affecting the City of Oceanside's General Plan policies as they relate to Agriculture and Open Space. A statement of the reasons for the proposed action is as follows:

- A. To establish a mechanism that provides for direct citizen participation in land-use decisions affecting the City of Oceanside's General Plan policies as they relate to Agriculture and Open Space; and
- B. To minimize sprawl, reduce transportation costs, and preserve open space and farmland.

Signed by: Dennis Martinek, Ph.D., Victor Roy, Diane Nygaard

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS OF THE
CITY OF OCEANSIDE**

The City attorney has prepared the following title of the proposed measure:

TITLE: AN INITIATIVE MEASURE AMENDING THE LAND USE ELEMENT OF THE OCEANSIDE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF PROPOSALS TO CHANGE THE LAND USE DESIGNATION OR ZONING OF AGRICULTURAL OR OPEN SPACE LAND TO ANY OTHER USE

The text of the proposed measure is as follows:

CITY OF OCEANSIDE INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

THE PEOPLE OF THE CITY OF OCEANSIDE DO ORDAIN AS FOLLOWS:

Section 1. TITLE.

1.1. This measure shall be known as the Voters' Rights Initiative to Preserve Open Space and Farmland.

Section 2. STATEMENT OF PURPOSES.

The purposes of this initiative measure are as follows:

- 2.1. To establish a mechanism that provides for direct citizen participation in land-use decisions affecting the City of Oceanside's General Plan policies as they relate to Agriculture and Open Space; and
- 2.2. To minimize sprawl, reduce transportation costs, and preserve open space and farmland.

Section 3. FINDINGS.

The voters of the City of Oceanside find:

- 3.1. Continued urban encroachment into agricultural and open space lands threatens the public health, safety, and welfare. Such encroachment causes increased traffic congestion and air pollution, and threatens the quantity and quality of water supplies. Continued urban encroachment into open space and agricultural lands also requires significant new public infrastructure and facilities, places additional stress on existing public infrastructure and facilities, and increases costs on existing residents.
- 3.2. The unique character of the City of Oceanside and the quality of life enjoyed by City residents depends on the protection of agricultural and open space lands. The protection of such lands aids the continued viability of agriculture and open space, defines urban/rural boundaries, and brings mental and physical benefits.
- 3.3. The protection of existing open space and agricultural lands in Oceanside is of critical importance to the City's present and future residents. Parks, golf courses, and habitat areas are valuable assets that promote the well-being of all citizens. Agriculture has been and remains a major contributor to the local and regional economy. Agriculture creates direct and indirect employment for many people, provides valuable food crops distributed worldwide, and helps define the City's identity and way of life.
- 3.4. This measure provides for the citizens' Right to Vote on conversion of land designated as open space and agriculture and establishes a mechanism for direct voter participation into land-use decisions that would reduce agricultural or open space uses. Providing for such participation is consistent with, and builds upon, existing General Plan policies designed to protect agricultural land and open space.

Section 4. THIS MEASURE AMENDS EXISTING POLICY DOCUMENTS.

4.1. Once adopted by the voters, this measure shall amend and become a new part of the City of Oceanside General Plan's Land Use Element.

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS OF THE
CITY OF OCEANSIDE**

The City attorney has prepared the following title of the proposed measure:

TITLE: AN INITIATIVE MEASURE AMENDING THE LAND USE ELEMENT OF THE OCEANSIDE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF PROPOSALS TO CHANGE THE LAND USE DESIGNATION OR ZONING OF AGRICULTURAL OR OPEN SPACE LAND TO ANY OTHER USE

4.2. After the date this measure becomes effective, the entire text of this measure shall be printed within all copies of the Oceanside General Plan Land Use Element, and it shall appear immediately following the table of contents of each such document.

4.3. This measure amends Section 2.5, "Agricultural," of the Oceanside General Plan Land Use Element to amend Policy B to read as follows:

"B. Residential development and agritourism shall be permitted provided such development does not interfere with existing agricultural operations and that the open space character of the area is preserved. Appropriate minimum lot areas shall be determined by the area's topography, adjacent land uses, and the availability of public services and utilities; however, under no circumstances shall lot areas be less than two and one-half (2 ½) acres. Lot configurations and dimensions shall provide areas of sufficient size to conduct limited, low-intensity agricultural activities such as orchards, gardens, and the keeping of livestock."

4.4. This measure also amends Section 2.5, "Agricultural," of the Oceanside General Plan Land Use Element to add a new Policy E as follows:

"E. Any decision by the City Council of the City of Oceanside to approve the redesignation or rezoning of land from an Agricultural designation or zone to any other designation or zone shall require, and be contingent upon, approval by a majority vote of the City voters at a general or special local election. In the event the City Council approves the redesignation or rezoning of such land for any use other than a use allowed by an Agricultural designation or zone, such approval shall not take effect unless and until that decision is approved by an affirmative majority vote of the voters of the City voting on the proposal."

4.5. This measure also amends Section 2.6, "Open Space," of the Oceanside General Plan Land Use Element to add a new Policy F as follows:

"F. Any decision by the City Council of the City of Oceanside to approve the redesignation or rezoning of land from an Open Space designation or zone to any other designation or zone shall require, and be contingent upon, approval by a majority vote of the City voters at a general or special local election. In the event the City Council approves the redesignation or rezoning of such land for any use other than a use allowed by an Open Space designation or zone, such approval shall not take effect unless and until that decision is approved by an affirmative majority vote of the voters of the City voting on the proposal."

4.6. Exceptions: The requirements for voter approval set forth in this Section 4 shall not apply to either of the following: (a) the redesignation or rezoning is necessary and required to meet the City's legal fair share housing requirement and there is no other land in the City already designated for residential use that can accommodate the City's legal fair share housing requirement; or (b) the property has already obtained a vested right pursuant to State law prior to the effective date of this measure.

Section 5. EFFECTIVE DATE.

5.1. The provisions of this initiative measure shall become effective at twelve o'clock noon the day after it is approved at an election of the voters of the City of Oceanside. It shall be considered as adopted upon the date that the result of the

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS OF THE
CITY OF OCEANSIDE**

The City attorney has prepared the following title of the proposed measure:

TITLE: AN INITIATIVE MEASURE AMENDING THE LAND USE ELEMENT OF THE OCEANSIDE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF PROPOSALS TO CHANGE THE LAND USE DESIGNATION OR ZONING OF AGRICULTURAL OR OPEN SPACE LAND TO ANY OTHER USE

election is declared by the City of Oceanside City Council, and shall go into effect 10 days after that date as specified in Section 9217 of the California Elections Code.

5.2. This initiative measure, including its amendments of the Oceanside General Plan Land Use Element, shall remain in effect until December 31, 2038.

Section 6. PRIORITY.

6.1. Once this initiative measure becomes effective, its provisions shall prevail over and supersede all provisions of the municipal code, ordinances, resolutions, and administrative policies of the City of Oceanside which are in conflict with any provisions of this measure.

Section 7. SEVERABILITY.

7.1. In the event a final judgment of a court of proper jurisdiction determines that a provision of this initiative measure, or a particular application of a provision, is invalid or unenforceable pursuant to a state or federal law or constitution, the invalid or unenforceable portion or application shall be severed from the remainder of this measure, and the remaining portions of this measure shall remain in effect without the invalid or unenforceable provision or application.

Section 8. CONFLICT WITH OTHER BALLOT MEASURES.

8.1. In the event that any other ballot measure is proposed for voter approval on the same election ballot as this initiative measure, and that other measure contains provisions which deal with the same or similar subjects, it is the intent of the voters in adopting this measure that it shall prevail over any such other ballot measure in its entirety to the extent that this measure is approved and receives a greater number of votes for approval of the other measure. In such case, no provision of the other measure shall become effective.

Section 9. AMENDMENT OR REPEAL.

9.1. Once this initiative measure becomes effective no provision of this measure may be amended or repealed except by a majority of the voters of the City of Oceanside voting on a ballot measure for that purpose.

Section 10. REQUEST FOR SPECIAL ELECTION.

10.1. In the event that the initiative petition is signed by not less than 15 percent of the voters of the city according to the last report of registration by the county elections official to the Secretary of State, a special election to approve this ordinance is hereby requested pursuant to Section 9214 of the California Elections Code.

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS OF THE
CITY OF OCEANSIDE**

The City attorney has prepared the following title of the proposed measure:

TITLE: AN INITIATIVE MEASURE AMENDING THE LAND USE ELEMENT OF THE OCEANSIDE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF PROPOSALS TO CHANGE THE LAND USE DESIGNATION OR ZONING OF AGRICULTURAL OR OPEN SPACE LAND TO ANY OTHER USE

ATTACHMENT: TEXT OF CURRENT LAND USE ELEMENT – TO BE AMENDED BY THIS INITIATIVE

Land Use Element

2.5 Agricultural

OBJECTIVE: To identify, conserve and enhance Oceanside's agricultural areas.

Policies:

- A. Agricultural areas are characterized by their primary function that is to farm, graze, or conduct animal husbandry. Agricultural areas typically involve contiguous tracts . of agricultural land uses with only a very minor intrusion of non-agricultural land uses. These nonagricultural land uses are only of the type and size to service the special needs of the agricultural area.
- B. Residential development shall be permitted provided such development does not interfere with existing agricultural operations and that the open space character of the area is preserved. Appropriate minimum lot areas shall be determined by the area's topography, adjacent land uses, and the availability of public services and utilities; however, under no circumstances shall lot areas be less than two and one-half (2 1 /2) acres. Lot configurations and dimensions shall provide areas of sufficient size to conduct limited, low-intensity agricultural activities such as orchards, gardens, and the keeping of livestock.
- C. The City shall, in all proposed actions converting agricultural lands to other land uses, consider the loss of those lands to the potential agricultural productivity to the community; and shall assure that land use compatibility to agricultural lands is fully defined and assured.
- D. Land use compatibility is of primary importance to agricultural areas, since land use conflicts between agricultural and non-agricultural uses can force the economic nonviability of agricultural areas.

2.6 Open Space

OBJECTIVE: To identify and preserve a variety of lands that, due to their topography, use, natural resources, values, and/or limitations, are best left in an open or natural state.

Policies:

- A. Public parks, flood channels, public and private outdoor recreation facilities, water recharge areas, and water bodies shall be designated as open space.
- B. The City shall require open space designation on lands set aside for significant permanent protection and enhancement through the utilization of planned common open space in proposed land development.

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS OF THE
CITY OF OCEANSIDE**

The City attorney has prepared the following title of the proposed measure:

**TITLE: AN INITIATIVE MEASURE AMENDING THE LAND USE ELEMENT OF THE
OCEANSIDE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF PROPOSALS TO CHANGE
THE LAND USE DESIGNATION OR ZONING OF AGRICULTURAL OR OPEN SPACE LAND TO
ANY OTHER USE**

C. Lands considered undevelopable within a proposed land development or use shall be offered for designation as open space as a condition of approval of the proposed land development or use.

D. The City shall encourage the preservation of contiguous natural open space that provides wildlife habitat.

E. The City shall cooperate with local, State, and federal agencies in the management of natural resources.