

CITIZENS' INITIATIVE FOR PRESERVATION OF OPEN SPACE IN LA HABRA

The People of the City of La Habra do ordain as follows:

Section 1. Statement of Purpose and Intent

The purposes and intent of this measure are to:

- Provide La Habra residents a voice in the preservation and protection of the City's limited inventory of open space land.
- Ensure that development of open space land is conducted in a responsible manner.
- Limit the increase in vehicular traffic on already congested city streets.
- Provide La Habra's citizens the right to determine La Habra's future growth and quality of life.
- Require that any general plan amendment, rezoning, or other legislative authorization to develop publically- and privately-owned open space property be subject to the vote of the people.
- Require that any general plan amendment seeking to designate property then designated as open space in the General Plan to a different General Plan designation be subject to the vote of the people.
- Protect environmentally sensitive areas within existing open space lands.

Section 2. Findings

The People of the City of La Habra do find and declare:

- (a) Pressure from Increased Population: As our population continues to grow, there are increasing pressures to convert existing publicly- and privately-owned open space to commercial and residential use. More intense commercial and residential development results in additional traffic on city roadways, impacts to air quality, strain on limited resources such as water supply, and other negative effects. Research conducted for the preparation of the General Plan 2035 identified a number of important issues for the future of La Habra, including that "infill and intensified development poses a risk to La Habra's historic character unless it incorporates uses that are appropriately scaled and designed to assure compatibility and adequate transitions with adjoining residential neighborhoods, districts, and open spaces."¹ Another risk mentioned is that "[d]evelopment proposals have been submitted to the City requesting land use densities and

¹ City of La Habra General Plan 2035, p. 1-9.

intensities that exceed those permitted by the General Plan and zoning ordinance.”²

- (b) La Habra Residents Should Have the Power to Decide the Fate of Their Open Space Lands: La Habra voters visit, use, and value the City’s parks and other open spaces. The voters, whose quality of life and property interests are tied to these resources, should have the power to decide the future of the open space lands in the City. They are in the best position to evaluate whether these properties should remain dedicated to their existing uses. This initiative therefore imposes a voter approval requirement on actions that would jeopardize the undeveloped, natural, and recreational character of public and privately-owned open space lands, including the Westridge Golf Course.
- (c) Benefits of Open Space to La Habra Residents: Open space lands provide important recreation opportunities, picnic areas, playgrounds, hiking and walking trails, and scenic value, all of which improve the health and well-being of La Habra residents. The General Plan prioritizes “[p]reserv[ation] [of] open spaces for the protection and maintenance of La Habra’s natural resources including watersheds, hillsides, and drainage corridors.”³ Additional policies maintaining existing open space to manage storm water and using open space to provide aesthetic buffers. Open space land also provides important habitat for wildlife and plant species and helps to improve the overall natural environment, including water and air quality
- (d) Conservation of Limited Inventory of Open Space: The City of La Habra is mostly built-out resulting in limited open space lands. Conservation and responsible management of the limited remaining open space lands is important to the residents of La Habra. The General Plan recognizes the importance of “[c]onserv[ing] and protect[ing] wildlife ecosystems, riverine corridors, and sensitive habitat areas including the sensitive plant species areas within the Westridge Golf Course.”⁴ This measure will allow the residents input on the future development of open space lands by requiring all development proposals to be approved by the voters of the City.
- (e) Public, Health, Safety, and Welfare: The public health, safety, and general welfare will be promoted by the adoption of this measure. This measure provides a process to provide thorough examination of development proposals to ensure responsible development that is compatible with the goals and desires of City residents.
- (f) This Initiative Applies Only to Actions that Would Change the Open Space Character of Undeveloped Lands: This initiative applies only to attempts to develop land designated in the General Plan as open space, which is “land or

² City of La Habra General Plan 2035, p. 1-9.

³ City of La Habra General Plan 2035 Policy OS1.1, p. 5-1.

⁴ City of La Habra General Plan 2035 Policy BR6.1, p. 6-2.

water essentially unimproved and set aside, designated, dedicated, or reserved for public or private use or enjoyment.”⁵ The General Plan encourages preservation and expansion of these open space lands. This initiative furthers this goal by requiring voter approval for actions that would remove these spaces from their current status by sale, lease, or re-designation to residential, commercial, or other land use categories.

- (g) No Interference with Private Property Rights: This initiative is narrowly tailored to preserve existing designations of open space land. It would require voter approval only for actions that would change a property’s designation and would not interfere with private property rights.

Section 3. General Plan Amendments

For purposes of this measure, text to be inserted is indicated in *boldface italics* type, while text to be stricken is indicated in ~~strikeout~~. The General Plan is hereby amended as follows:

- (a) Amendments to the Community Development Element of the General Plan.

The text of the Community Development Element of the General Plan is hereby amended as follows:

- (1) Policy LU-2.6 is amended as follows:

“Places that Support Healthy Lifestyles. Provide opportunities for the development of new parks of varying types and scales (including small urban infill parks and parklets), community gardens, and open spaces, prioritizing their development in locations subject to infill and intensification, *and promote conservation of existing open space and park areas throughout the City.*”

- (b) Amendments to the Community Services Element of the General Plan.

The text of the Community Services Element of the General Plan is hereby amended as follows:

- (2) Second paragraph of page 5-1A. of the Chapter 5 Community Services is amended as follows:

“Open space, parks, trails, and recreational facilities and programs are important land use components in an urban environment, providing visual relief from the built environment and contributing to residents’ quality of life through recreational programming and social value. The City of La Habra has a wide range of parks

⁵ City of La Habra General Plan 2035, p. C.

including mini parks, neighborhood parks, community parks, and a golf course that incorporate natural and paved walking trails and bicycle paths. Community recreational amenities in La Habra include facilities such as baseball and softball diamonds, basketball courts, soccer fields, football field, tennis courts, and playgrounds. La Habra also offers a variety of recreation programs, activities, and classes including special events and excursions, summer day camp, aquatic programs, youth sports leagues, and facility rentals.”

“Despite the current existence of a wide-range of open space parks and recreational facilities, the City of La Habra is generally built-out resulting in limiting opportunities for development of additional open space in the future. The loss of any open space can have a detrimental effect. The City believes it is important to responsibly manage existing open space lands and any future conversion of open space to a more intense use to ensure the development benefits the community.”

- (3) Add Policy OS.1.7:

“Development or Redevelopment of Open Space. Recognizing that the responsible development of existing open space is important to the future of the City, require any general plan amendments, zone changes, specific plans or other legislative actions authorizing development of any property designated as open space in the General Plan to be approved by a majority of the voters of the City of La Habra at a regularly scheduled municipal election.

Further recognizing that the responsible development of existing open space is important to the future of the City, require that any general plan amendment seeking to designate property then designated as open space in the General Plan to a different General Plan designation to likewise be approved by a majority of the voters of the City of La Habra at a regularly scheduled municipal election.

Section 4. Severability

If any section, subsection, sentence, phrase, or clause of this initiative is declared invalid by a court of competent jurisdiction, the remaining sections, subsections, sentences, phrases and clauses shall remain valid and enforceable. The voters declare that they would have passed all sections, subsections, sentences, phrases and clauses of this initiative without the section, subsection, phrase or clause declared invalid by a court of competent jurisdiction.

Section 5. Consistency with Other Ballot Measures.

If another ballot measure is placed on the same ballot as this measure and deals with the same subject matter, and if both pass, the voters intend that both measures shall be put into effect, except to the extent that specific provisions of the measures are in direct conflict. In the event of a direct conflict, the measure which obtained more votes will control as to the directly conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 6. Construction.

Nothing herein shall be construed to make illegal any lawful use presently being made of any land in accordance with the land use regulations in force and effect at the time of filing the Notice of Intent to Circulate Petition.

Section 7. Amendments.

No provision of this initiative may be amended or repealed except by a vote of the people of the City of La Habra.

Section 8. Conflict.

This initiative does not and shall not be interpreted to conflict with California Law, including conflicting with property owners' vested rights.

Section 9. General Plan Implementation.

Upon the effective date of this initiative measure, the General Plan amendments contained herein are hereby inserted into the City of La Habra General Plan as amendments thereof; provided, however, that if it is determined that Government Code Section 65358, subdivision (b) applies to general plan amendments adopted by the voters and the maximum number of general plan amendments permitted by state law for a given calendar year have already been enacted prior to the effective date of this initiative measure, the General Plan amendments adopted by this initiative shall be inserted into the City of La Habra General Plan at the earliest possible date that any general plan amendment can be inserted in the City of La Habra General Plan but in any event not later than January 1 of the year following adoption of this initiative. The foregoing notwithstanding, the amendments of the City of La Habra Zoning Code shall be effective upon adoption of this initiative.

Section 10. Consistency.

To the extent permitted by law, the voters of the City hereby authorize and direct the City to amend any elements or provision of the City of La Habra General Plan, specific plans, the La Habra Municipal Code and all other City ordinances, policies, and implementation programs or policies, as soon as possible, in order to implement this initiative and to ensure consistency and correlation between this initiative and other elements of the City

of La Habra General Plan, specific plans, and the La Habra Municipal Code. This enabling legislation shall be interpreted broadly to promote the requirement that a general plan constitute an integrated and consistent document.

Section 11. Regular or Special Election.

If this initiative petition is signed by not less than 10% of the voters of the City of La Habra, those voters hereby demand that the City Council adopt the initiative or submit the initiative to the voters at a regular election called for that purpose pursuant to California Elections Code Section 9215.

If this initiative petition is signed by not less than 15% of the voters of the City of La Habra, those voters hereby demand that the City Council adopt the initiative or submit the initiative to the voters at a special election called for that purpose pursuant to California Elections Code Section 9214.