



X

City of La Habra, City of La Habra Citizens' Initiative for Preservation of Open Space in La Habra

Shall the Initiative Measure titled "Citizens' Initiative for Preservation of Open Space in La Habra" be adopted to amend the La Habra General Plan to require majority voter approval to change property in the City designated as "Open Space" to another designation?

What your vote means

YES	NO
A "Yes" vote favors the voter approval requirement for actions that would change the General Plan designation of "Open Space" designated properties to another designation or approve legislation authorizing development of any such property.	A "No" vote opposes those policies and requirements set forth in the measure.

For and against

FOR	AGAINST
<p>Bella Tan Proponent</p> <p>James Lees Officer, SaveLaHabra.com</p> <p>Maribelle Lopez Officer, SaveLaHabra.com</p> <p>Angela Lindstrom President, Friends of Coyote Hills</p>	<p>John Lewis President, United Taxpayers of Orange County</p>



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Full Text of Measure X City of 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:

- 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 intensities that exceed those permitted by the General Plan and zoning ordinance."²
- 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.
- 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
- 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.
- 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.
- 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 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.
- 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:



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(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 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



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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.

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

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.

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

Impartial Analysis City of La Habra Measure X

Measure X amends the City of La Habra's General Plan. It would require that the voters approve City actions to enable development of land designated in the General Plan as "Open Space." This measure was placed on the ballot by a petition signed by the required number of voters.

The General Plan is an important City document that establishes the policies for use and development of land in La Habra, and all land use decisions must be consistent with it. The General Plan designates all of the land in the City into various categories of land use, including a category of "Open Space." "Open Space" is defined as "[a]ny parcel or area of land or water essentially unimproved and set aside, designated, dedicated, or reserved for public or private use or enjoyment." There are properties in the City, publicly and privately owned, that are currently designated as "Open Space."

For most types of properties, the City Council can change the General Plan following a public hearing process which includes a public hearing before the Planning Commission and another before the City Council. Measure X would apply only to the areas designated as "Open Space" and, as submitted by the proponents, would amend the General Plan regarding those areas as follows:

1. The voters must approve any future General Plan amendment to change the designation of "Open Space" to any other designation.
2. The voters must approve any other legislative action that would authorize the development of property designated as "Open Space."
3. Measure X would add "and promote conservation of existing open space and park areas throughout the City" to the General Plan policy of emphasizing places that support healthy lifestyles.
4. Measure X would add policy language about the importance of responsibly managing existing "Open Space" lands and any future conversion to a more intense use to ensure any development benefits the community.

Measure X contains other technical provisions, including a requirement that the City amend other local laws, policies and procedures to make them consistent with this proposed measure, and a statement of voter intent that if the voters pass another ballot measure about the same subject at the same election, both measures are to take effect, to the extent they do not conflict.

After Measure X qualified for the ballot, the City Council adopted a nearly identical General Plan amendment that applies the voter approval requirement to City-owned "Open Space" properties, but not privately owned property. If passed, this proposed measure also would apply to privately-owned "Open Space" properties and could not be repealed or amended without a subsequent vote of the people.

A "Yes" vote favors the voter approval requirement for actions that would change the General Plan designation of "Open Space" designated properties to another designation or approve legislation authorizing development of any such property. A "No" vote opposes those policies and requirements set forth in the measure.

s/ Craig A. Steele
Acting City Attorney



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Argument in Favor of Measure X

The “**Citizens’ Initiative for Preservation of Open Space in La Habra**” gives us, **THE VOTERS**, the ultimate power to **PRESERVE AND PROTECT OPEN SPACE** in La Habra. Open Spaces are a limited resource, and they are so crucial to our La Habra suburban way of life. The overdevelopment of residential, commercial and industrial in places that were once designated Open Space, generally puts more people and cars in places they previously were not.

Without proper consideration and mitigations, such development can contribute to:

- (1) **INCREASED TRAFFIC** and longer commutes;
- (2) **PARKING SHORTAGES** on our streets or at our stores;
- (3) **OVERCROWDING** and overuse of City resources and schools;
- (4) **GREENHOUSE GAS** increases;
- (5) Impairment of **ENVIRONMENTALLY SENSITIVE** areas; and
- (6) Loss of our **SUBURBAN WAY OF LIFE**.

Our Measure **DOES NOT PROHIBIT** development. It **DOES NOT** try to change the definition of “Open Space”. It **DOES NOT** even change which properties are designated as Open Space in the City’s General Plan. Instead, it merely requires a **VOTE OF THE PEOPLE** for certain actions that would change that designation or the character of those properties.

SaveLaHabra.com is a **GRASSROOTS COALITION** of La Habra taxpayers who are very concerned about overdevelopment. Many La Habra citizens have settled our families here because we valued La Habra’s open, suburban way of life. Much of that feeling is disappearing over time.

We believe that these decisions regarding the **LIMITED REMAINING OPEN SPACES** are **TOO IMPORTANT** to be left to the City Council alone, and that **THE VOTERS MUST HAVE A VOICE**. Once these Open Spaces are gone, in most cases, they are gone forever!

Your neighbors urge you to **VOTE YES and JOIN US** in preserving Open Spaces for ourselves and future generations of La Habra citizens.

We sincerely **THANK YOU** for your support.

s/ Bella Tan
Proponent

s/ James Lees
Officer, SaveLaHabra.com

s/ Maribelle Lopez
Officer, SaveLaHabra.com

s/ Angela Lindstrom
President, Friends of Coyote Hills

Rebuttal to Argument in Favor of Measure X

VOTE NO on Measure X. It is a **DECEPTIVE** and **EXTREME** measure that will bring **UNDESIRABLE DEVELOPMENT** to La Habra.

DECEPTIVE: The target of this initiative is the city-approved Westridge Master Plan, but Measure X proponents don’t even mention it in their Argument! Why are they trying to hide their real agenda from the people of La Habra?

EXTREME: Measure X does **NOT** preserve **PUBLIC** open spaces - which are already protected by the La Habra General Plan. Instead, it **VIOLATES** private property rights to stop a Master-Planned community that would raise home values across La Habra.

UNDESIRABLE DEVELOPMENT: By stopping the Westridge Master Plan and handcuffing the property owner, Measure X will increase the likelihood of undesirable development of the land that is not subject to local planning controls, such as:

- 1) A **HOMELESS SHELTER** - Politicians at the State Capitol and in Los Angeles are looking for land to locate a large new homeless shelter. An empty golf course will invite their attention and turn La Habra into a dumping ground for LA’s homeless.
- 2) A **NATIVE AMERICAN CASINO** - Once federally chartered, a casino would be exempt from local zoning. It would significantly increase traffic and crime in our neighborhoods.

We support our City and our City’s balanced planning process. Measure X would undermine local control by putting La Habra at the mercy of outside development schemes.

We urge you to **VOTE NO** on Measure X. It is a **FALSE PROMISE** that will backfire to the detriment of our community’s quality of life.

s/ Sandi Baltés
Educator

s/ Mark Sanders
Business Owner

s/ Doug Guimond
Business Owner

s/ Catherine Badauoe
Business Owner

s/ Marie Laveaga
Resident & Community Activist



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Argument Against Measure X

La Habra is a great community because we have strong laws to safeguard local planning and protect local control. Measure X would undermine these protections and increase the future likelihood of ballot box development that would forever change the character of our community.

Here's why local community leaders urge you to Vote NO on Measure X :

REDUCES LOCAL CONTROL: Under Measure X wealthy out-of-town special interests would be empowered to bypass La Habra's city council and planning commission – and use expensive ballot box development campaigns to ram through their projects without proper city planning or oversight.

FINANCIAL LOSS: Measure X will deprive La Habra of significant future funds needed to pay for our parks, public safety and city services. And it will cost city taxpayers millions to defend against property rights lawsuits.

HIDDEN AGENDA: The proponents of Measure X are abusing the ballot measure process for their own needs to target our city's approved Master Plan of the Westridge Development and Golf Course – which is private property. City planners and leaders approved this Master Plan because it will protect La Habra's quality of life and maintain high property values for our residents throughout the City.

INCENTIVE FOR UNHEALTHY DEVELOPMENT: By killing the City-Approved Master Plan, Measure X would force one particular project to sell their property for less desirable uses such as Higher Density or Low Income housing – or even a State Homeless Shelter or a Native American Casino. These types of developments are NOT what we want in La Habra. It is a Bad Initiative that would damage the quality of life for La Habra residents.

Measure X is a Trojan Horse proposal that threatens La Habra's balanced quality of life. Don't buy the false promises about preserving open space. Protect La Habra's Future. VOTE NO on Measure X.

s/ John Lewis
President, United Taxpayers of Orange County

Rebuttal to Argument Against Measure X

The **Open Space Initiative** is a **GRASSROOTS** effort of **YOUR LA HABRA NEIGHBORS**. We believe our remaining Open Spaces are so important that **WE ALL SHOULD GET TO VOTE** before any more are taken away.

By contrast, the **opposing** authors are shadowy OUT-OF-TOWN POLITICAL BULLIES with a **NEWPORT BEACH** mailing address. They try to confuse you with scare tactics, false arguments, and threats of "lawsuits" – just like those **DEVELOPERS** who want to turn **OUR** Open Spaces into **THEIR** profits.

Our City has been so **developer-friendly**, that we need a **DOUBLE-CHECK** on its Open Space decisions. We don't "bypass" Council, we simply require **VOTER** approval **after** Council acts. Ultimately, **WE** have to live with the:

- TRAFFIC NIGHTMARES,
- PARKING SHORTAGES,
- OVERCROWDING, and
- ENVIRONMENTAL HARM.

The opposing authors falsely claim we're "killing the City-Approved Master Plan". Actually, our Initiative **PRESERVES** current plans for Open Spaces. It's greedy developers' projects that change them.

This doesn't "compromise local control". The **VOTERS** are the **ULTIMATE** local control. While the opposing authors try to scare us with their imaginary "Native American Casino" or "Homeless Shelter", **GIVING THE PEOPLE A VOTE** actually helps **PROTECT US** from that. La Habra voters would **NEVER** let that happen.

DON'T BE FOOLED by these attempts to confuse you. There is no "hidden agenda" or "Trojan Horse." Just read our Initiative, and you will understand...

- We're your neighbors.
- We're fellow citizens.
- We're inviting you to **VOTE YES** for Open Spaces.

Learn more at SaveLaHabra.com.

s/Bella Tan
Proponent

s/ James Lees
Officer, SaveLaHabra.com

s/ Maribelle Lopez
Officer, SaveLaHabra.com