

**FULL TEXT OF MEASURE X
CITY OF SAN JUAN CAPISTRANO**

AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ESTABLISHING VOTER APPROVAL REQUIREMENTS WITH RESPECT TO OPEN SPACE GENERAL PLAN DESIGNATION CHANGES

The people of the City of San Juan Capistrano do ordain as follows:

Section 1. Municipal Code Amendment/Voter Approval Requirements With Respect to Open Space General Plan Designation Changes.

Municipal Code section 9-2.104, entitled "Voter Approval Requirement For Open Space General Plan Designation Changes", is hereby added to Article 1, "General Plan Review and Consistency" of Chapter 2, "Administration", of Title 9, "Land Use" of the Municipal Code to read as follows:

"Section 9-2.104. **Voter Approval Requirement for Open Space General Plan Designation Changes.**"

- (a) Statement of Intent. The people of the City of San Juan Capistrano declare that the preservation of open space within the City has been and continues to be a high priority for the community. Land designated by the City's General Plan as open space land should not be changed to other allowable land uses without voter review and approval at a city wide election. Accordingly, this section is intended to require voter approval of proposed changes to City General Plan designated open space land in accordance with the procedures of this section.
- (b) Voter Approval For General Plan Open Space Designation Changes. After the legally effective date of this section, any pending or future proposed General Plan designation change for any land designated as "Open Space" to another allowable land use shall not become legally effective unless the proposed General Plan change is approved by the City electorate at the time of a City general or special election, or other statewide election held pursuant to Elections Code section 1000. This section applies only to changes in General Plan designations as described in this section.
- This voter approval requirement is intended to preclude any form of amendment to any existing General Plan designated open space parcel by any future City Council by a process of change or amendment to "definitions" or other statement of permissible uses presently describing authorized uses under the Open Space designation of the General Plan, unless such change or amendment is submitted to and approved by a vote of the people.
- (c) Normal Planning Process Is Applicable to General Plan Designation Changes Prior To Holding an Election. A citywide election on the question of whether to approve a General Plan Open Space designation change shall not be ordered until the General Plan amendment application is first processed before the Planning Commission and City Council in accordance with Municipal Code and state planning law requirements, and the City Council has formally approved the General Plan designation change by adoption of an appropriate resolution.
- (d) Timing and Cost of Election. (i) Should it be necessary to conduct an election pursuant this section, the City Council may order the election to be held on a city general election date, other statewide general election date provided for under Elections Code section 1000, or special election date; (ii) The City shall bear the cost of ballot measure at a city general election. The applicant shall bear the full cost of the election if the applicant has requested that the ballot measure be held on a statewide election or special city election date.
- (e) Future Amendments. Pursuant to Elections Code section 9217, this section may not be amended or repealed unless such amendatory or repeal proposal is approved by a vote of the people.