

**FULL TEXT OF MEASURE A
CITY OF BUENA PARK**

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The people of the City of Buena Park do ordain as follows:

Section One Title

This ordinance shall be known and may be cited to as the “Buena Park Open Space and Park Preservation Initiative” or the “Initiative.”

Section Two Intent of the Initiative

It is the intent of this Initiative to amend the Buena Park General Plan to:

- A. Require approval by a majority of the voters of Buena Park before the City authorizes the construction of any non-recreational buildings or structures on lands designated as parks or open space in the City.
- B. Require approval by a majority of the voters of Buena Park before the City approves the conversion of public or private lands designated as parks, recreational areas or open space under the Buena Park General Plan to any other land use designation.
- C. Delete the existing General Plan policy language that would encourage the construction of housing at the Los Coyotes Country Club.

Section Three Legislative Findings

The people of the City find and declare the following:

- A. The City is an attractive, well-maintained community that recognizes the importance of open space and park lands within the City.
- B. The City has a shortage of parks, recreational and open space lands to serve the residents and families in our city; while the General Plan establishes a standard of three acres for every 1,000 residents, the existing amount of park and open space in the City falls short of this standard.
- C. A recent developer request to construct high-density condominiums on recreational lands within the Los Coyotes Country Club demonstrates that, unless the people of the City act, the limited park and open space lands may be converted to condominiums, apartments and strip malls.
- D. This Initiative is necessary to preserve the City’s limited open space and park lands from being developed for residential, commercial or industrial purposes.

Section Four General Plan Amendments

- A. Policy OSR-1.1 of Goal OSR-1 of the Open Space and Recreation Element of the Buena Park General Plan is amended as indicated by the **boldface italics**, as follows:

Policy OSR-1.1: Preserve public and private open space lands for active and passive recreational opportunities. ***No construction of any residential, commercial or industrial building or structure shall be allowed within any land designated on the General Plan Land Use Map as “Open Space” unless the proposed construction is first approved by a majority of the voters of the City at a general municipal election.***

- B. Policy OSR-1.10 is added to Goal OSR-1 of the Open Space and Recreation Element of the Buena Park General Plan, as indicated by **boldface italics**, as follows:

Policy OSR-1.10 No lands designated on the General Plan Land Use Map as “Open Space” may be redesignated for any other land use unless the proposed redesignation of that land is first approved by a majority of the voters of the City at a general municipal election.

- C. Policy OSR-4.7 of Goal OSR-4 of the Open Space and Recreation Element of the Buena Park General Plan is amended as indicated by the **boldface italics** and ~~strikeouts~~, as follows:

Policy OSR-4.7 Allow for additional **recreational** uses at the Los Coyotes Country Club including ~~hospitality hotel; spa; golf course-oriented residential dwelling units;~~ and other golf-related amenities.

Section Five Competing Initiative

- A. In the event that another ballot measure (hereafter, a “Competing Initiative”) appears on the same ballot as this Initiative, and the Competing Initiative seeks to amend or modify the Buena Park General Plan in a manner that differs in any regard to, or supplements, the provisions in this Initiative, the voters hereby expressly declare their intent that if both the Competing Initiative and this Initiative receive a majority of votes cast, and if this Initiative receives a greater number of votes than the Competing Initiative, this Initiative shall prevail in its entirety over the Competing Initiative without regard to whether specific provisions of each measure directly conflict with each other. Under these circumstances, the Competing Initiative shall have no force or effect and shall be void.

- B. In the event that both the Competing Initiative and this Initiative receive a majority of votes cast, and the Competing Initiative receives a greater number of votes than this Initiative, this Initiative shall be deemed to be complementary to the Competing Initiative. To this end, and to the maximum extent permitted by law, the provisions of this Initiative shall be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a “provision by provision basis” pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal.4th 978.

Section Six Implementation

To the extent permitted by law, the City is authorized and directed to amend any elements of the Buena Park General Plan, the Zoning Ordinance, and all other City ordinances, policies, and implementation programs or policies as soon as possible in order to ensure consistency between this Initiative measure and other elements of the City General Plan and the provisions of the City Zoning Ordinance. This enabling legislation shall be interpreted broadly pursuant to *Pala Band of Mission Indians v. Board of Supervisors* (1997) 54 Cal.App.4th 565 to promote the requirement that a general plan constitute an integrated and consistent document.

Section Seven Effective Date

This Initiative shall go into effect ten (10) days after the date on which the election results are declared by the City Council, or immediately upon adoption of the Initiative by the City Council. Upon the effective date of this Initiative, the General Plan amendments contained within this Initiative are hereby inserted into the City General Plan as amendments thereof; provided, however, that if the number of amendments permitted by state law for any given calendar year have already been utilized prior to the effective date of this Initiative, the General Plan amendments shall be inserted into the City General Plan on January 1 of the following year.

The people expressly declare that to the extent permitted by law, this Initiative is made retroactive to the date of the Notice of Intention to propose this Initiative ("Notice of Intention"), and the Initiative, were submitted to the City ("Retroactive Date"); and the Initiative shall vitiate, render ineffective and deem invalid any activity, land use or project (and any approval of any activity, land use or project) occurring after the Retroactive Date that is inconsistent with this Initiative.

Section Eight Interim Amendments

The City General Plan in effect at the time the Notice of Intention was submitted to the City, and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to insure that the City General Plan remains an integrated, internally consistent and compatible statement of policies for the City, the General Plan provisions adopted by this Initiative shall prevail over any conflicting revisions to the City General Plan adopted between the date of the Notice of Intention and the date the amendments adopted by this Initiative are inserted into the City General Plan. To this end, any conflicting revisions to the City General Plan adopted between the date of the Notice of Intention and the date the amendments adopted by this Initiative are inserted into the General Plan shall be null and void in their entirety and without any legal effect whatsoever.

Section Nine Construction

To the maximum extent authorized by law, this Initiative shall be interpreted in a manner consistent with the right of initiative reserved to the people by the California Constitution, and shall be broadly construed in order to achieve the purposes stated in this Initiative. Without limiting the foregoing, nothing in this Initiative is intended to diminish or otherwise alter applicable requirements of state and federal law.

Section Ten Future Amendments

Pursuant to article II, section 10(c) of the California Constitution, the provisions contained in this Initiative may be amended or repealed only by a majority of the voters of the City voting on such a matter at a special or general election.

Section Eleven Severability

If any portion of this Initiative is declared invalid by a court, such invalidity shall not affect other provisions or application of this Initiative that can be given effect without the invalid provisions; and to this end, the provisions of this Initiative are severable. The People of the City of Buena Park hereby declare that they would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

Section Twelve Notices

To the extent so required by law, the City Clerk shall certify to the passage and adoption of this ordinance and provide notice of the approval and adoption of the same as required by law.

###