

# CITY OF OCEANSIDE

(This Measure will appear on the ballot in the following form.)

---

## MEASURE Y

Shall the 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 be adopted?

---

This measure requires approval of a simple majority (50% plus 1) of those voting on the measure. Full text of this measure follows the arguments and rebuttals.

### CITY ATTORNEY'S IMPARTIAL ANALYSIS

Measure Y, proposed by a citizen's initiative petition, seeks to change the approval process for General Plan amendments and rezones involving land designated for agricultural use or open space in Oceanside. Under current law, an application to amend the land use element of the General Plan or to rezone property is received by City staff who conducts environmental review of the application, and makes a recommendation to the Planning Commission at a public hearing. The Planning Commission recommends whether the City Council should approve or deny the application. The City Council then conducts a public hearing and votes to approve or deny the application.

Measure Y changes the current process by adding a requirement for majority voter approval for any application to change the General Plan land use designation or zoning of land designated or zoned for agricultural use or open space.

Measure Y includes two exceptions to the voter approval requirement.

The first exception applies if the land use change is necessary for the City to meet its "legal fair share housing requirement" and there is no other residential land in the City that can accommodate this requirement. Measure Y does not define the term "legal fair share housing requirement." It appears to refer to the requirement in the California Government Code for cities to prepare a Housing Element to its General Plan to make adequate provision for the housing needs of very low, low, moderate, and above moderate income households. Oceanside's current Housing Element does not identify agricultural or open space land for the City to meet its housing needs between 2013 and 2020.

The second exception to the voter approval requirement applies when an applicant for a development project has a "vested right" to develop under state law before the effective date of this initiative. The measure does not define when vested rights apply. California courts have ruled that 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. In addition, a project can also be considered vested under state and local law if it is the subject of a development agreement between the City and the property owner or where the City has approved a vesting tentative map.

Measure Y also proposes to amend the Land Use Element of the General Plan to allow "agritourism" and residential uses in areas designated for agricultural use without voter approval provided there is no interference with agricultural operations and the open space character of the area is preserved. The initiative does not define the term "agritourism." Permissible uses would have to be defined in the Oceanside Zoning Ordinance as may be amended from time to time. According to Measure Y, minimum lot sizes for residential uses in the agricultural zone shall be no less than two and one half acres. This minimum lot size is consistent with existing agricultural zoning.

If adopted, Measure Y will remain in effect until December 31, 2038.

Dated: August 13, 2018

John P. Mullen, City Attorney

## ARGUMENT IN FAVOR OF MEASURE Y

Measure Y, the SOAR (Save Open-space and Agricultural Resources) Initiative, will preserve our open space, farmlands, parks and recreation areas and help Oceanside SOAR !

Yes on Y - to preserve land zoned as open space and farmland - once these lands are developed they are gone forever.

Yes on Y - to let Oceanside voters decide, **not** politicians or special interests. Oceanside voters put our community first, developers don't.

Yes on Y - to prevent sprawl and overdevelopment. We have all seen the impacts of bad development on our community from traffic congestion to air pollution and changing the character of our neighborhoods.

Yes on Y - to reduce costs to taxpayers for services and added infrastructure. We will all pay higher fees for water, sewer and roads when development leapfrogs into farmland. Emergency evacuations and added public safety costs will impact us all.

The SOAR Initiative will help us, the people of Oceanside, preserve what we love about our community and slow down the kind of sprawl development that is adversely impacting every neighborhood. It doesn't force any changes or alter anyone's property rights. It simply requires a vote if zoning adopted in our General Plan would be changed to convert open space or farmland to other uses. It protects sound planning and taxpayer resources. Sound planning is more important than ever as our city faces increasing fiscal constraints and increases in wildfires and emergency evacuations.

We already spend too much time sitting in traffic and breathing polluted air. Sprawl development will only exacerbate what is already bad. Let us support the kind of smart development that saves our precious open space and farmland, saves our wallets, and supports a healthy, and economically sustainable community.

Give Oceanside citizens the right to vote.

[www.oceanside-soar.org](http://www.oceanside-soar.org)

Dennis Huckabay  
Past President

Mike Cobas  
Oceanside Farmer

Diane Nygaard  
Friends of El Corazon

Carolyn Krammer  
Chair, Citizens for the Preservation of Parks & Beaches

Dennis Martinek Ph.D.

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Y

Two independent studies prove Measure Y will accomplish the OPPOSITE of what its backers claim.

Point Loma University economist Lynn Reaser concluded Measure Y will likely cause “the eventual demise of active farms in Oceanside, with land either being left to go fallow or sold into large estates for the wealthy.”

Some believe that is the proponent’s goal. He lives on a 2.5-acre estate surrounded by farmland, and his measure shows he cares about protecting wealthy estate owners like himself, not working farmers or the community.

Measure Y does nothing to preserve parks and recreational areas. Those are already voter-protected from unwanted development under City Ordinance 72-26.

The only thing Measure Y is guaranteed to do is eliminate Oceanside farmland – leaving instead a poorly-planned checkerboard of estate-style homes only the rich can afford.

The development that Measure Y will create is the worst type – expensive for the city and taxpayers, with more traffic and pollution, and no easy fixes for the problems it brings.

Farmers want to continue farming, yet when Measure Y diminishes their property rights, undercuts their land values, and blocks innovative business options like agritourism, they’ll be forced to sell their farms as large estate home lots.

Pro-farming groups like the San Diego County Farm Bureau and California Strawberry Commission know that Measure Y will lead to “the demise of farming in Oceanside.”

A study funded by the City of Oceanside agrees, concluding Measure Y could “make it financially infeasible for farms to remain in business.”

NO on Y. Let’s keep Oceanside farming.

Michelle C. Keeler  
3<sup>rd</sup> Generation Family Farmer

Eric Larson  
Executive Director, San Diego County Farm Bureau

Scott Ashton  
CEO

Janet Bledsoe Lacy  
Former Oceanside School Board Member / Family Law Attorney

Neil Nagata  
Oceanside Family Farmer

## ARGUMENT AGAINST MEASURE Y

**Oceanside farmers oppose Measure Y because it's bad for farms and the community.** The real result of this measure is to make privately owned land available to only the very rich, at the expense of everyone else.

Rather than protecting farms, as the measure claims, Measure Y actually allows Oceanside farms to be developed as large, multi-million dollar estates on 2.5-acre lots. There is NO preservation of agricultural land under this measure.

Measure Y, if passed, would severely restrict opportunities for tax revenue, jobs and funding of critical infrastructure improvements. This measure will cost Oceanside residents in the long term.

Park lands are already safe. Oceanside's parks are currently protected by City ordinance, which requires a vote of the people for any sale or land use change.

This deceptive measure will undercut private property rights, drive farmers out of business, reduce jobs and weaken economic vitality in Oceanside.

Measure Y is much like eminent domain of private agricultural land because it restricts farmers' property rights and business options they could use to remain viable.

This measure would restrict the ability of the City and farmers to plan for the future, preventing the creation of a vibrant agricultural community in Oceanside.

### **A NO vote protects our local economy and our farmers.**

Independent economic research indicates that Measure Y would result in lost jobs and budget impacts for Oceanside, virtually robbing the community of critical revenue to support public services like police and firefighters as well as improvements to our roadways.

This measure does not protect parks or open space and it **does not protect farms.**

Join the San Diego County Farm Bureau, the Oceanside Chamber of Commerce, business owners, local farmers and community leaders and **Vote NO on Measure Y.**

Let's keep farming in Oceanside.

Michelle C. Keeler  
3<sup>rd</sup> Generation Oceanside Family Farmer

Janet Bledsoe Lacy  
Former Oceanside School Board Member / Family Law Attorney

Willie Buchanon  
Oceanside Small Bus. Owner

Neil Nagata  
Oceanside Family Farmer

John S. Meyer  
Veteran

## REBUTTAL TO ARGUMENT AGAINST MEASURE Y

Your "Yes" vote on MEASURE Y (SOAR) benefits our entire community.

Measure Y protects parks, open space and farmland by giving us the right to vote before allowing developers to convert these lands to other uses. We get to decide if a proposed project is a benefit to our community - or one that will degrade our quality of life with more traffic congestion, air pollution and increased emergency response times.

Measure Y protects El Corazon and the 20 year promise to our citizens for a 465-acre park in the heart of Oceanside. The bulldozers are already clawing away at our future park. How much will be left for future generations?

Measure Y is good for our economy because it protects agricultural jobs and supports agritourism - one proven way to keep farming economically viable.

Measure Y will prevent huge surprise tax bills. Without SOAR, Oceanside's taxpayers will end up paying for expanded sewer, water, and roadway infrastructure in rural areas - and for the increased cost of maintaining that infrastructure every year.

Measure Y protects all of our property rights - the landowners who want to keep farming, those who want to stop farming, and all of the rest of us who rely on our General Plan to provide for a healthy mix of land uses that supports a high quality of life.

Join us, the League of Women Voters, Friends of El Corazon, the Buena Vista Audubon Society, Preserve Calavera, and the over 11,000 Oceanside voters who signed the petition to get this on the ballot and vote

YES on Y.

Esther C. Sanchez  
Councilmember, City of Oceanside

Victor Roy  
Alliance of Citizens to Improve Oceanside Neighborhoods

William McDowell  
Certified Oceanside Organic Farmer

Dennis Martinek, Ph.D

# FULL TEXT OF MEASURE Y

## ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, 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

WHEREAS, on March 12, 2018, a petition was filed with the City's Elections Official, the City Clerk, related to the agricultural or open space land; and

WHEREAS, the petition was certified by the City Clerk on April 23, 2018; and

WHEREAS, the proposed measure would amend 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; and

WHEREAS, adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to *Toulomne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4<sup>th</sup> 1029; and

WHEREAS, this ordinance is adopted as filed by the proponents pursuant to Elections Code section 9215(a), without alterations.

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE 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.

## FULL TEXT OF MEASURE Y (CONTINUED)

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.

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 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."

4.4. This measure also amends Section 2.5, "Agricultural," of 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.

## **FULL TEXT OF MEASURE Y (CONTINUED)**

### **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 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.