

THE PEOPLE OF THE CITY OF MISSION VIEJO DO ORDAIN AS FOLLOWS:

SECTION 1. TITLE.

1.1. This initiative measure shall be known as the Mission Viejo Right-to-Vote Amendment.

SECTION 2. PLANNING POLICY DOCUMENTS COVERED.

2.1. After this measure becomes effective, no repeal, amendment or adoption of all or part of the following land use planning policy documents of the City of Mission Viejo may become effective unless and until the requirements of Section 4 are met:

- a. The text of the Mission Viejo General Plan's Land Use Element,
- b. The Land Use Policy Map of the Mission Viejo General Plan (also called "Land Use Diagram"),
- c. The text of the Mission Viejo Land Use/Zoning/Subdivision Regulations (Title 9 of the Mission Viejo Municipal Code),
- d. The Official Zoning Map of the City of Mission Viejo,
- e. Any Specific Plan for a geographic area within the City, or
- f. Any Development Agreement granting rights to develop private or public land.

2.2. In this initiative measure the above six items are referred to as the "Planning Policy Documents."

SECTION 3. TYPES OF AMENDMENTS COVERED.

3.1. A "Major Amendment" of any of the Planning Policy Documents means any amendment that results in any of the following changes to the development standards for any parcel of land affected by the proposed amendment:

- a. Increases the number of residential units that may be constructed on a parcel designated for residential uses.
- b. Increases the number of separate parcels which may be created from an existing parcel.
- c. Changes any residential land use to allow any other land use.
- d. Changes any non-residential land use to allow any residential land use greater than six and one-half (6.5) net dwelling units per acre.
- e. Changes any non-residential land use to allow a mix of commercial and residential uses.
- f. Provides for the private development of land owned by a government entity within five years of the date of the approval to develop the land.
- g. Repeals any of the Planning Policy Documents.
- h. Changes any commercial or industrial land use to allow any other land use, if the aggregate size of all the parcels being changed exceeds 2 acres.
- i. Changes any open space land use to allow any other land use.
- j. Changes any recreation land use to allow any other land use except open space.

3.2. A "Regular Amendment" of any of the Planning Policy Documents includes any amendment that is not a Major Amendment.

SECTION 4. AMENDMENTS TO MISSION VIEJO GENERAL PLAN LAND USE MAP.

4.1. No Major Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by a majority vote of the electorate of the City of Mission Viejo voting "YES" on a ballot measure proposing the Major Amendment at a regular or special election. The entire text of a Major

Amendment and an easily readable map of the geographic area affected shall be included in the sample ballot materials that are mailed to registered voters prior to the election. The applicant may choose to have the measure put before the voters at either a special election or a regular election. Any cost of a special election shall be completely paid by the applicant requesting the Major Amendment. If the applicant chooses to wait until the next available regular election, the additional costs of adding the measure approving the Major Amendment to the ballot shall be paid by the applicant, except that the City Council may vote by simple majority to have the city pay all or some of the additional costs of adding the measure to a regular election ballot.

4.2. No Major Amendment and no Regular Amendment of any of the Planning Policy Documents shall be effective unless and until they are approved by an ordinance adopted by the City Council, but no such amendment shall be considered until a public hearing is conducted on the proposed amendment at both the Planning Commission and at the City Council in the manner provided by state law and advance notice is given as required by section 4.3 below.

4.3. No public hearing to consider an amendment of any of the Planning Policy Documents shall be conducted less than 20 days after the date a notice accurately describing the proposed amendment is sent by First-Class mail to the owners of each parcel of land, and a notice is sent by First-Class mail addressed to the occupant of each lawful unit on each parcel of land, located within a radius measured outward 1,500 feet from the boundaries of each parcel of land affected by the proposed amendment. These notices are in addition to any notices required by state law.

4.4. The notice described in Section 4.3 shall include at least all the following information in not less than 14-point type:

- a. The name of the applicant proposing the amendment.
- b. The total acreage of the area proposed for amendment.
- c. An easily readable map of all parcels affected by the amendment, including all street names.
- d. The land uses and building density currently allowed for each parcel affected.
- e. The land uses and building density proposed to be allowed for each parcel affected.
- f. The date, time and place of the upcoming public hearing.
- g. A concise history of the land use classifications of the proposed area since January 1, 1989.

## SECTION 5. THIS MEASURE AMENDS EXISTING POLICY DOCUMENTS.

5.1. Once adopted by the voters, this measure shall amend and become a new part of the Mission Viejo General Plan's Land Use Element, and the Mission Viejo Land Use/Zoning/Subdivision Regulations (Title 9 of the Mission Viejo Municipal Code).

5.2. After the date this measure becomes effective, the entire text of this measure shall be printed within all copies of the Mission Viejo General Plan Land Use Element and also within all copies of the Mission Viejo Land Use/Zoning/Subdivision Regulations, and it shall appear immediately following the table of contents of each such document.

## SECTION 6. CITY HOUSING OBLIGATIONS.

6.1 Nothing in this ordinance shall be applied to preclude City compliance with housing regulations under State law. In providing required housing, the City shall protect environmental values, enhance the quality of life of affected persons, and comply with this ordinance to the maximum extent feasible.

## SECTION 7. EFFECTIVE DATE.

7.1. The provisions of this initiative measure shall become effective after it is approved at an election of the voters of the City of Mission Viejo and 10 days after the result of the election is declared by the Mission Viejo City Council, as specified in Section 9217 of the California Elections Code.

## SECTION 8. PRIORITY.

8.1. Once this initiative measure becomes effective, its provision shall prevail over and supersede all provisions of the municipal code, ordinances, resolutions and administrative policies of the City of Mission Viejo which are in conflict with any provisions of this measure.

## SECTION 9. SEVERABILITY.

9.1. 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 10. CONFLICT WITH OTHER BALLOT MEASURES.

10.1. 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 that 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 11. AMENDMENT OR REPEAL.

11.1. 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 Mission Viejo voting on a ballot measure for that purpose.

## SECTION 12. REQUEST FOR SPECIAL ELECTION.

12.1. 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.