

Notice of Intent to Circulate a Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Santee for the purpose of putting before the voters a proposed General Plan Amendment to require voter approval for land use zoning changes if such changes would increase the density or otherwise intensify the use permitted by law; or change, alter or increase the General Plan Land Use categories. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

WHAT IT DOES: The Santee General Plan Protection Initiative protects Santee from overdevelopment, and prevents resultant traffic gridlock. It does so by amending the Santee General Plan to require a vote of the people for development projects that would increase density or otherwise intensify land use over that currently permitted by law.

WHY WE NEED IT: Santee streets and highways are experiencing significant congestion and gridlock. Over development occurs, in major part, due to General Plan amendments granted to development projects by the City Council that increase density or otherwise intensify use of the land, which in turn exacerbates traffic congestion and gridlock.

Without the Santee General Plan Protection Initiative, there will not be any requirement to place approval of a massive traffic-generating project on the ballot for the consent or rejection by resident voters. City Council members potentially influenced by campaign contributions from special interests will make the decision. Santee citizens need and deserve a greater voice in order to maintain Santee's quality-of-life.

WHO'S SPONSORING IT? This Initiative is sponsored by **preservewildsantee.org**, the organization that sponsored a successful referendum that overwhelmingly defeated a massive project on Fanita Ranch approved by the City Council in 1999. This Initiative is sponsored by **Van K. Collinsworth**, Preserve Wild Santee **Geographer/Director** and also by **Santee City Councilman Stephen Houlahan**, who worked together to defeat the Quail Brush power plant and to designate a segment of SR-52 through Mission Trails Park a California State Scenic Highway.

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SANTEE GENERAL PLAN PROTECTION INITIATIVE

To the honorable Clerk of the City of Santee: We, the undersigned, registered and qualified voters of the City of Santee, hereby propose an Initiative measure to amend and protect the City of Santee General Plan. We petition you to submit this measure to the City Council for the City of Santee for adoption without change, or for submission of the measure to the voters of the City of Santee at the earliest regular or special election for which it qualifies. The measure provides as follows:

SANTEE GENERAL PLAN PROTECTION INITIATIVE

The people of the City of Santee hereby ordain as follows:

Section 1: Purpose And Findings

- A. Purpose:** The purposes of the Santee General Plan Protection Initiative (“Initiative”) are (1) to protect the Santee General Plan from unwise densification and intensification amendments and (2) to protect the residents of Santee from overdevelopment with resultant traffic gridlock. The Initiative does so by amending the City’s General Plan as adopted on August 27, 2003, and amended through April 6, 2018 (“General Plan”), to require a vote of the people for certain development projects.
- B. The Importance of Protecting the General Plan:** Campaign contributions from special interests can influence or pressure City Council members to approve projects that overburden Santee streets and highways with traffic. The California Fair Political Practices Commission (FPPC) has levied fines in Santee for laundering of campaign contributions when a proposed Fanita Ranch development project requested a density intensifying General Plan Amendment, which Council members approved. Currently, voters do not have a right to vote on controversial projects that threaten overdevelopment.
- C. Effect of the Initiative:** The Santee General Plan Protection Initiative helps protect Santee from overdevelopment, and prevents resultant traffic gridlock by requiring a vote of the people before certain General Plan amendments are adopted.

Section 2: Amendment of the General Plan

- A.** The Land Use Element of the General Plan of the City of Santee shall be amended as hereinafter set forth. This amendment shall not be modified or rescinded without the approval of a simple majority of the voters of the City voting at a special or general election.

- B.** The following shall be added to the General Plan under the Land Use Element “7.0 Objectives and Policies” as “Objective 12.0 Maintain the Integrity and Consistency of the General Plan.”

“**Policy 12.1** Permitted land uses in the City shall be intensified only when the voters approve such changes. No General Plan amendment, Planned Development Area or new Specific Planning Area shall be adopted which would:

- 1) increase the residential density permitted by law,
- 2) change, alter, or increase the General Plan Residential Land Use categories if the change intensifies use; or
- 3) change any residential designation to commercial or industrial designation on any property, or visa versa, if the change intensifies use;

unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such an election.”

“**Policy 12.2** No change to the slope criteria and minimum parcel sizes and lot averaging provisions of this General Plan which would permit increased density or intensity of use shall be adopted unless and until such change is approved by ordinance adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such an election.”

“**Policy 12.3** The City Council shall set any election required by this Initiative to the next available general municipal election at no cost to the proponent of the land use change, or set a special election, the cost of which shall be borne by the proponent.”

“**Policy 12.4** The voter approval requirement of subsection (a) shall not apply where the General Plan amendment is necessary to comply with state or federal law governing the provision of housing, including, but not limited to affordable housing requirements. This exception applies only if the City Council first makes each of the following findings based on substantial evidence in the record:

- (1) a specific provision of state or federal law requires the City to accommodate the housing that will be permitted by the amendment;
- (2) the amendment permits no greater density than that necessary to accommodate the required housing; and
- (3) an alternative site that is not subject to the voter approval requirement in this Policy is not available to satisfy the specific state or federal housing law.”

Section 3: Conforming Amendments

In order to promote internal consistency among the various sections of the General Plan amended by this Initiative, this Initiative makes the following conforming amendments. Text to be inserted in the relevant document is indicated in **bold** type, and text to be deleted is indicated in ~~striketrough~~ type. Non-bolded text currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan.

- A. Land Use Element, 8.1 Land Use Classifications, Residential Density Ranges, page 1-24 is amended as follows:

Project approval at any density is subject to obtaining all requested agency approvals. **Densities that require a general plan amendment under section 7.0 Objectives and Policies will also require majority approval of voters at a special or general election.**

- B. Housing Element, 5. DEVELOPMENT PERMIT PROCEDURES, page 3-24 is amended as follows:

GENERAL PLAN AMENDMENT AND/OR REZONE

A proposed housing project may include a general plan amendment and/or rezone. This type of approval is discretionary, requiring approval of the City Council at a public hearing **or depending on the nature of the general plan amendment and/or rezone, a vote of the people.** Approval of a rezone or general plan amendment would depend on the applicant's ability to show that the proposal would further and not detract from the City's established land use goals. General Plan Amendments and Zone Code Amendments are generally processed concurrently with required project entitlements to save time.

Section 4: Implementation

A. The effective date means the date that the Santee General Plan Protection Initiative becomes effective pursuant to State law.

B. Upon the effective date of this Initiative, the provisions of this Initiative are inserted into the Santee General Plan as amendments thereof, except that if the four amendments permitted by State law for any given calendar year have already been utilized in 2018 prior to the effective date of this Initiative, the General Plan amendments shall be the first inserted into the Santee General Plan on January 1, 2019. At such time as the General Plan amendments are inserted in the Santee General Plan, any provisions of City law inconsistent with those amendments shall be unenforceable to the extent of such inconsistency.

C. The Santee General Plan in effect at the time the Notice of Intent to propose this Initiative measure was submitted to the City Clerk, and the Santee General Plan as amended by this Initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the Santee 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 General Plan adopted between April 6, 2018 and the date the amendments adopted by this Initiative measure are inserted into the General Plan.

D. Interim Amendments: The Santee General Plan in effect on the Submittal Date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the City of Santee. In order to ensure that nothing in this Initiative would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.

E. Other City Plans, Ordinances, and Policies: The City of Santee is hereby authorized and directed to amend the City of Santee General Plan, Santee Municipal Code, and other plans, ordinances, and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the City of Santee General Plan, Santee Municipal Code, and other City plans, ordinances, and policies.

F. Reorganization: The General Plan may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered in the course of ongoing updates of the General Plan, provided that the provisions of Section 2 of this Initiative shall remain in the General Plan, unless earlier repealed or amended by a vote of the people of the City of Santee.

G. Implementing Ordinances: The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.

H. Enforcement and Defense of Initiative: The City Council shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.

Section 5: Construction

Nothing contained in this Initiative shall be construed to make illegal any lawful use presently being made of any property, or to prohibit further development of any property in accordance with that property's present zoning and general plan designation at a density and intensity presently permitted by existing zoning and general plan standards. Nothing contained in this Initiative is intended to limit or impact affordable housing laws. Nothing contained in this Initiative shall be construed to require more than a simple majority vote for the adoption of this Initiative or for the approval of any future measure

required by this Initiative. Nothing in this Initiative shall be construed to:

- a) Interfere with rights to obtain density bonuses or other entitlements available under affordable housing laws, or,
- b) Limit rights, entitlements or obligations required by the state under affordable housing laws.

Section 6: Effect of Competing or Alternative Measure on the Same Ballot

By voting for this Initiative, the voters expressly declare their intent that any other measure that appears on the same ballot as this Initiative and addresses voter approval for such General Plan amendments, or conflicts with any provision of this Initiative, shall be deemed to conflict with this Initiative. Because of this conflict, if this Initiative and any such other City of Santee measure that appears on the same ballot as this Initiative and addresses voter approval for such General Plan amendments, or conflicts with any provision of this Initiative, both receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 6, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

Section 7: Severability and Interpretation

This Initiative shall be broadly construed in order to achieve its purpose. This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and City laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

Section 8: Amendment or Repeal

This Initiative may be amended or repealed only by a simple majority of the voters at a City election.