

City Attorney's Impartial Analysis of Measure D

Measure D was placed on the ballot by the City Council. If approved by a majority of voters, it will extend the sunset date of the "Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands" Ordinance (hereinafter, "Right to Vote Ordinance") to December 31, 2030. If this Measure is not approved, the Right to Vote Ordinance will expire December 31, 2020.

The City of Davis General Plan is the primary policy document for land use in the City. Among other policy choices, it establishes land use designations for property. Land use designations include urban uses such as residential, commercial, and industrial, and non-urban uses such as agriculture, and urban reserve. Urban reserve means land designated for potential development after lands designated for urban uses are developed.

The Right to Vote Ordinance was adopted by the voters as "Measure J" in 2000 and extended (with minor technical revisions) as "Measure R" in 2010. It requires voter approval for: (1) any proposed amendment of a land use designation on the 1999 General Plan Land Use Map from agricultural or urban reserve to urban or urban reserve; and (2) any development proposal on Covell Village or Nishi sites, as shown on that map.

The Right to Vote Ordinance requires that proposals subject to its voter approval requirement first be approved by the City Council, after compliance with all applicable laws, and then placed on the ballot and approved by a majority of the voters. Such proposals must designate baseline project features that cannot be substantially changed later without voter approval. Proposal applicants are required to pay election costs. The following uses are exempt from the Right to Vote Ordinance: Public schools, public parks, City facilities, property adjacent to and north of the Sutter/Davis hospital, if used for medical facilities, and any property with a vested right to develop prior to the effective date of the Right to Vote Ordinance. Changes to parcels of five acres or less for housing, if necessary to meet the City's fair share housing requirement, also are exempt. All housing approved under this exemption must be permanently affordable.

Measure D makes other minor technical corrections to the Right to Vote Ordinance by deleting references to redevelopment and the former Davis Redevelopment Agency, which no longer exists.

If Measure D is approved by the voters, the Right to Vote Ordinance will remain in effect until December 31, 2030 unless modified, renewed or repealed by the voters. A "yes" vote favors extending the Right to Vote Ordinance through 2030. A "no" vote allows it to expire.

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