

Attachment 14--Excerpts from the County Code Related to the Urban Limit Line

82-1.006 - 65/35 land preservation standard.

Urban development in the county shall be limited to no more than thirty-five percent of the land in the county. At least sixty-five percent of all land in the county shall be preserved for agriculture, open space, wetlands, parks and other nonurban uses.

82-1.008 - Changes to the 65/35 land preservation plan.

No change shall be made in the new general plan after its adoption that would result in greater than thirty-five percent of the land in the county being permitted for urban development. This limitation shall not prevent any increase in agriculture, open space, parks, wetlands or other nonurban uses to greater than sixty-five percent of the land in the county.

82-1.010 - Urban limit line.

To ensure the enforcement of the 65/35 standard set forth in Section 82-1.006, an urban limit line shall be established, in approximately the location depicted on the "Contra Costa County Urban Limit Line Map" adopted by the voters on November 7, 2006. The urban limit line is incorporated into the county's open space conservation plan. The urban limit line limits potential urban development in the county to thirty-five percent of the land in the county and prohibits the county from designating any land located outside the urban limit line for an urban land use. The criteria and factors for determining whether land should be considered for location outside the urban limit line should include (a) land which qualifies for rating as Class I and Class II in the Soil Conservation Service Land Use Capability Classification, (b) open space, parks and other recreation areas, (c) lands with slopes in excess of twenty-six percent, (d) wetlands, and (e) other areas not appropriate for urban growth because of physical unsuitability for development, unstable geological conditions, inadequate water availability, the lack of appropriate infrastructure, distance from existing development, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors.

82-1.018 - Changes to the urban limit line.

- (a) There shall be no change to the urban limit line that violates the 65/35 standard set forth in Section 82-1.006. Except as otherwise provided in this section, as long as there is no violation of the 65/35 standard, the urban limit line can be changed by a four-fifths vote of the board of supervisors after holding a public hearing and making one or more of the following findings based on substantial evidence in the record:
 - (1) A natural or man-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the urban limit line;
 - (2) An objective study has determined that the urban limit line is preventing the county from providing its fair share of affordable housing, or regional housing, as required by state law, and the board of supervisors finds that a change to the urban limit line is necessary and the only feasible means to enable the county to meet these requirements of state law;
 - (3) A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement;

- (4) A minor change to the urban limit line will more accurately reflect topographical characteristics or legal boundaries;
 - (5) A five-year cyclical review of the urban limit line has determined, based on the criteria and factors for establishing the urban limit line set forth in Section 82-1.010 above, that new information is available (from city or county growth management studies or otherwise) or circumstances have changed, warranting a change to the urban limit line;
 - (6) An objective study has determined that a change to the urban limit line is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the county's aviation related needs; or
 - (7) A change is required to conform to applicable California or federal law.
- (b) Except as otherwise provided in this subsection, any proposed general plan amendment that would expand the urban limit line by more than thirty acres will require voter approval of the proposed general plan amendment in addition to and following a four-fifths vote of the board of supervisors approving the general plan amendment and making one or more of the findings required by subsection (a) of this section. Notwithstanding the foregoing, a proposed general plan amendment to expand the urban limit line by more than thirty acres does not require voter approval if, after a public hearing, the board of supervisors by a four-fifths vote makes either of the following findings based on substantial evidence in the record: (i) the expansion of the urban limit line is necessary to avoid an unconstitutional taking of private property; or (ii) the expansion of the urban limit line is necessary to comply with state or federal law. Proposed expansions of thirty acres or less do not require voter approval.
 - (c) The board of supervisors may conduct a cyclical review of the urban limit line every five years.
 - (d) The board of supervisors will review the boundary of the urban limit line in the year 2016. The purpose of the year 2016 review is to determine whether a change to the boundary of the county's urban limit line map is warranted, based on facts and circumstances resulting from the county's participation with the cities in a comprehensive review of the availability of land in Contra Costa County sufficient to meet housing and job needs for twenty years. This review of the urban limit line is in addition to any other reviews of the urban limit line the board of supervisors may conduct.
 - (e) Any change to the urban limit line proposed as a result of any review authorized by this section will not be effective unless it is approved pursuant to the procedures set forth in this section.