



**CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
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TO: Members, Board of Supervisors
FROM: *Dennis M. Barry*
Dennis M. Barry, AICP, Community Development Director
DATE: February 22, 2005
SUBJECT: Information Requested Regarding the Development of the Urban Limit Line (ULL)

At the Board of Supervisors (Board) meeting on February 15, 2005 regarding the Board's discussion of the development of a mutually agreeable urban limit line (ULL), the Board requested staff to provide them with a timeline depicting the development of the ULL by the County. The subject timeline is provided below.

It is of a necessity somewhat general, as staff did not have time to retrieve historical documents from storage, but we believe it accurately reflects the events surrounding the creation and modification of the ULL since 1985. In addition, the Board of Supervisors requested information regarding the acreages involved in the various adjustments to the ULL.

Information previously provided in memorandum form regarding the subject area is reproduced below. Staff also understood the Board to request a timeline moving backward in time from November 2006 indicating key milestones which must be met in order to place an ULL measure on the November 2006 ballot. That information is also provided below.

March 2005 – June 2005:

- Consideration by city councils and the Board of a mutually agreeable ULL for the purpose of defining a discreet, finite project description as required by CEQA and alternatives to be considered in an environmental analysis.

June 2005 to August 2005:

- Circulation of Notice of Preparation (NOP) of an environmental impact report (EIR), procurement of consulting contract with an EIR firm

- Procurement of funding from the Contra Costa Transportation Authority (Authority) for the engagement of the EIR consultant and staff costs for preparing the EIR.

November 8, 2005 to November 8, 2006:

- Draft EIR prepared
- Circulated for comment for 45 days (proposal request for extension of comment period --- 60 days maximum)
- Hearings before the Zoning Administrator on the adequacy of the Draft EIR
- Prepare Responses to Comments on the Draft EIR
- Publication of Final EIR and circulation to the Board of Supervisors for consideration prior to decision-making no later than mid-July 2005

August 2006 to November 2006:

- Measure approved by Board for placement on ballot
- Preparation of ballot for election

While there is some limited opportunity to accelerate certain tasks involved in the foregoing timeline, it should be noted that in order to proceed with the publication of an EIR, staff must have a project description upon which to base a NOP.

In the event that agreement is not reached by $\frac{3}{4}$ of the cities representing $\frac{3}{4}$ of the population and $\frac{4}{5}$ of the Board of Supervisors by early June 2005, it would be very difficult to complete the process required by August 2006 for the Board to consider placement of the item on the November ballot. For example, if the Authority promptly deposits funds to cover the estimated cost of the EIR and the consultant can be expeditiously arranged, the June to August timeline may be shortened somewhat.

Timeline of the Development of the Contra Costa County Urban Limit Line

1985

Board directs staff to prepare a new Draft General Plan for consideration, particularly including provisions for a Growth Management Program and an Urban Limit Line outside of which the County will not consider General Plan Amendments from open space and agricultural to urban designations in the Land Use Element.

The Board created a 67 member advisory body called the General Plan Congress to assist and advise staff in drafting the plan. A wide variety of interests were

represented in the Congress; each city, urban service agencies, environmental interests, realtors, landowners, developers, service groups and others were appointed. Three subcommittees were formed to study and bring forth to the larger group policy proposals for consideration. These included the Infrastructure, Agriculture and Open Space and Land Use Subcommittees.

1986-87

Staff initially prepared a 2,000 scale map (1 inch = 2,000 ft) indicating the current land use designations for all unincorporated areas based upon the 1963 land use map and all amendments and area general plans previously adopted by the Board. All city general plan land use maps were then examined and translated into a common set of designations and added to the map. (Many jurisdictions have different ranges of use types allowed in their plans. In order to conduct countywide travel forecasting, they needed to be expressed uniformly.) All cities were surveyed to determine if there were any errors or omissions, and information was gathered on approved and proposed projects within each jurisdiction.

With this information in hand, staff overlaid an acetate sheet upon which the initial draft of the ULL was drawn, closely following the urban land use designation and urban service provider's spheres of influence. In certain cases, the line also reflected topographic constraints and/or critical habitat for sensitive species. In general, the draft ULL was fairly restrictive, including most general open space designated land outside the line.

Copies of the draft map showing the ULL were distributed to the city staffs, requesting comment. Very few comments were made, and staff presented the draft map to the Land Use Subcommittee. The committee recommended that the Congress include the map in the draft plan, and the Congress initially did so, but reconsidered approximately a year later and decided to eliminate the ULL entirely from the draft.

1988-89

Due to substantial disagreements among various interests on the Congress, the group ultimately voted to pass the draft general plan on to the County Planning Commission without a recommendation.

Recognizing the conflict in the draft with the original direction of the Board, staff reported the action to the Board and sought direction on how to proceed in the

absence of a ULL in the draft. The Board referred the matter to the Internal Operations Committee (IOC) for recommendations.

Certain environmental organizations proceeded to circulate a petition for the 1990 ballot which contained provisions very different from the draft general plan under consideration, including freezing the land use designations in the unincorporated areas as of August 1987 and substantially increasing the minimum lots sizes in the Agricultural Lands designation.

Public meetings were held before the IOC to consider the ULL as drafted. Several changes were proposed by the IOC and a recommendation was forwarded to the full Board. The Board in public session considered the recommendations of the IOC and comments from other agencies and the public. Additional modifications were directed by the Board.

The IOC recommended and the Board concurred in the development of a competing measure to be placed on the ballot, reinstating the ULL in the draft plan and including a limitation that the County could take no action which would result in more than 35% of the land area of the county as defined from being designated for urban uses, and requiring that at least 65% of the area be designated for agricultural and other open space uses. Explicit provisions were included stipulating that land being located inside the ULL carried no implication that it would be considered for urban uses, in order to honor the 65/35 provisions of the plan and to avoid so unduly restricting land supply that it negatively affected land and ultimately, housing prices.

This became Measure C on the 1990 ballot (The Contra Costa County 65/35 Land Preservation Plan); the environmentalist circulated petition qualified and was also placed on the ballot as Measure F. Measure C contained provisions for the Board to consider changes to the ULL by a supermajority vote (4/5), based upon substantial evidence that certain findings could be made.

1990

Measure C was adopted by the voters countywide, while Measure F was not. As a result, the Board directed staff to retain additional consultant assistance and outside legal counsel and to incorporate the ULL and 65/35 provisions into the plan, to ensure it's internal consistency, and rework the existing draft EIR to address the draft plan as modified.

1991

The Board approved the recommendations of the County Planning Commission and adopted the General Plan. No litigation resulted from the adoption of the plan.

1993

Following adoption of the Plan, the county received approximately 57 requests to change the ULL, all of them to move the line outward. Of these, the Board ultimately approved two changes; one in the northeast quadrant of the Crow Canyon Road/Bollinger Canyon Road intersection and the other to include all of the Oakley Planning Area (then still unincorporated) inside the ULL. On some changes, the Board directed further study (including the Cowell Ranch proposal and the area surrounding the Byron Airport) and declined to authorize study on the balance of the requests)

1996

As a result of the settlement of the litigation of the Dougherty Valley General Plan Amendment and Specific Plan, the Board amended the ULL to place approximately 600 acres outside the ULL (Hidden Valley).

1999-2000

In response to growing concerns about traffic congestion, particularly in the southern and eastern areas of the county, the Board considered entering into Agricultural Preservation Agreements with certain cities. Recognizing that this means was insufficient to address what was in essence a countywide process, the Board directed a study of ULL modifications which would reduce the area inside the ULL. The Board directed staff to prepare a General Plan Amendment and associated EIR to consider moving approximately 15,000 acres outside the ULL. After considering the recommendations made in public hearings before the County Planning Commission, the Board approved the General Plan amendment pursuant to the provisions of Measure C-1990. In addition, during this period, LAFCO adopted its policy respecting the ULL.

2000-2002

Two cities and three private landowner interests brought actions in the Superior Court to invalidate the General Plan Amendment on the grounds that the Board failed to comply with CEQA, and did not comply with the requirements of State Planning Law in adopting the amendment (the cases were consolidated into one). The court found in favor of the Board of Supervisors. The private entities appealed

the case to the Appellate Court, which also found in favor of the Board in an unpublished opinion.

2003-2004

The Authority considers requesting the Board to place a measure on the ballot to extend the term of the ½ cent sales tax imposed by Measure C-1988. The review and proposals for the growth management component of the measure include a tie between the adoption by local jurisdictions of a ULL and the ability to garner a portion of the proceeds of the measure for local transportation purposes (Return to Source Funds). Two means of satisfying this requirement are included. Either a mutually agreed ULL can be placed before the voters with support of ¾ of the cities with ¾ of the city population, or a jurisdiction may place a measure before the voters to establish its own ULL. Measure J, as it was termed, garnered more than the required 2/3 vote for a special tax and was passed by the voters in the 2004 general election.

TABLE 1
Historic Land Area Inside/Outside ULL

| | ACRES | % County | ACRES | % County | TOTAL |
|-----------------------|-----------------|-----------|-------------|-----------|---------|
| GIS Map Layer | INSIDE ULL | Land Area | OUTSIDE ULL | Land Area | ACRES |
| 1991 ULL | 216,544 | 45% | 263,456 | 55% | 480,000 |
| 2000 ULL | 201,303 | 42% | 278,697 | 58% | 480,000 |
| <i>acreage change</i> | <i>(15,241)</i> | <i>3%</i> | | | |
| 2004 ULL | 222,029 | 46% | 259,386 | 54% | 481,416 |
| <i>acreage change</i> | <i>20,726</i> | <i>4%</i> | | | |

If you have any questions regarding any of the material in this memorandum, please feel free to call me at (33)5-1276 or Patrick Roche at (33)5-1242.

DMB:gms
ddocs\2 BOS – Dev of ULL

c: County Administrator
County Counsel
Clerk of the Board
Patrick Roche, CDD - Chief of Comprehensive Planning
BGO File