

**ATTACHMENT B: Measure L Voter
Information Pamphlet**

VOTER INFORMATION PAMPHLET

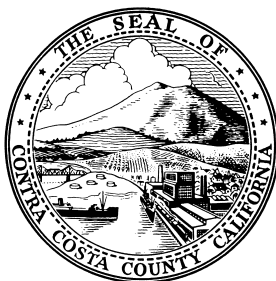
Containing

MEASURES L & M

CONTRA COSTA COUNTY

TUESDAY, NOVEMBER 7, 2006

Arguments in favor of or against the proposed measures are the opinions of the authors.



If you would like to receive this information in Spanish please call (925) 646-4166; if you have already requested voting information in Spanish, the information will be mailed to you automatically.

Si desea recibir esta información en español, por favor llame al (925) 646-4166, si ya solicitó información para votar en español, ésta será enviada automáticamente por correo.

Measure L..... Pages 1 - 14
Measure M..... Pages 15 - 19

MEASURE L
CONTRA COSTA COUNTY URBAN LIMIT LINE

Shall the voters amend the Contra Costa County General Plan (2005-2020) and the County's 65/35 Land Preservation Plan Ordinance (County Ordinance Code, Chapter 82-1) to: (i) extend the term of the County's Urban Limit Line to the Year 2026; (ii) require voter approval to expand the line by more than 30 acres; (iii) adopt a new Urban Limit Line Map; and (iv) establish new review procedures?

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE L

In 1990, voters in Contra Costa County approved Measure C-1990, the 65/35 Contra Costa County Land Preservation Plan Ordinance ("65/35 Ordinance"), which expires in 2010. Measure C-1990 limited urban development to no more than 35 percent of the land in the County and required that at least 65 percent be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. Measure C-1990 also established the County's Urban Limit Line ("ULL"), a line beyond which no urban land use can be designated.

In 1988, County voters approved Measure C-1988, which imposed a sales tax for local transportation purposes. In 2004, voters approved Measure J, which extended that sales tax 25 years. The County must have a ULL, developed and maintained in accord with the "Principles of Agreement for Establishing the Urban Limit Line" ("Principles"), which was part of Measure J, to receive the sales tax proceeds. To comply with the Principles, the ULL must be extended beyond 2010.

To continue to be eligible to receive the sales tax proceeds, the Principles require the County, by March 31, 2009, to either establish a ULL based on the mutual agreement of the County and cities or obtain voter approval of a County ULL. The County and cities were unable to agree upon a ULL. The County therefore seeks voter approval of the extension of the County's ULL to continue to be eligible to receive the sales tax proceeds.

In July 2005, the County took steps to initiate a new, voter-approved ULL, including carrying out an environmental review and preparing a ballot measure. The environmental review resulted in a conclusion that the proposed ballot measure will not result in any significant impacts on the environment.

If this ballot measure is approved by the voters, the measure would amend the County's General Plan (2005-2020) and the 65/35 Ordinance to accomplish the following: (1) extend the term of the 65/35 Ordinance from December 31, 2010, to December 31, 2026; (2) require four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres (but voter approval is not required if four-fifths of the Board finds after a public hearing that there is substantial evidence in the record that the ULL expansion is necessary to avoid an unconstitutional taking of private property or is necessary to comply with state or federal law); (3) provide for periodic reviews of the ULL by the Board of Supervisors and a required review in 2016 involving an evaluation of housing and job needs; (4) adopt a new ULL map; and (5) retain the 65/35 land preservation standard and protections for the County's prime agricultural land.

This measure will become effective immediately if approved by a majority of the voters voting on the measure.

ARGUMENT IN FAVOR OF MEASURE L

Protecting Contra Costa County's remaining open space and agricultural lands, discouraging urban sprawl, and preventing traffic congestion from getting any worse, are concerns that matter to all County residents. These concerns are not new. In 1990 the voters enacted the County's Urban Limit Line, approved under Measure C: The Contra Costa County 65/35 Land Preservation Plan Ordinance, which established a line beyond which no urban land uses could be approved during the term of the County's General Plan. The Measure C-1990 ordinance runs for 20 years and is due to expire in 2010.

Over the past 16 years, the Urban Limit Line has protected thousands of acres of open space and agricultural lands and has succeeded in channeling growth into areas of the County most appropriate for urban development. Through Measure L, the Board of Supervisors asks the voters to extend the term of the County's Urban Limit Line to the year 2026.

What does a "yes" vote on Measure L mean? A "yes" vote will extend the term of the Urban Limit Line for another 20 years insuring the continued protection and preservation of the County's open space and agricultural lands. A "yes" vote will require voter approval for future expansion of the Urban Limit Line by more than 30 acres, meaning that through 2026 the voters will decide whether the unincorporated, rural areas of Contra Costa County should be urbanized. A "yes" vote will

provide certainty in the County’s land use planning process, promoting orderly development in the unincorporated communities of the County with adequate public services to accommodate future growth (roads, water, sewer, etc.). A “yes” vote will maintain eligibility for local funds under the ½ cent transportation sales tax program approved by voters in 2004.

We strongly urge voters to approve Measure L.

John Gioia, Supervisor, District I

Gayle B. Uilkema, Supervisor, District II

Mary Nejedly Piepho, Supervisor District III

Mark DeSaulnier, Supervisor, District IV

Federal D. Glover, Supervisor, District V

**ARGUMENT AGAINST
MEASURE L**

None filed.

**FULL TEXT OF
MEASURE L**

**2006 VOTER-APPROVED
CONTRA COSTA COUNTY
URBAN LIMIT LINE**

The People of the County of Contra Costa County hereby ordain as follows:

SECTION 1. TITLE

This measure shall be entitled the **2006 Voter-Approved Contra Costa County Urban Limit Line.**

SECTION 2. SUMMARY

This measure amends the Land Use Element of the Contra Costa County General Plan (2005-2020) and the 65/35 Contra Costa Land Preservation Ordinance in the following ways: (1) It extends the term of

the 65/35 Land Preservation Plan Ordinance from December 31, 2010 to December 31, 2026. (2) It provides that, through December 31, 2026, the General Plan cannot be amended to expand the Urban Limit Line by more than 30 acres without a four-fifths vote of the Board of Supervisors and approval of the voters. (3) It provides for periodic reviews of the Urban Limit Line, including a mandatory mid-point review in Year 2016 involving an evaluation of land supply to satisfy 20-year housing and job needs in Contra Costa County. (4) It incorporates a new and revised Urban Limit Line Map that reflects the approvals of city Urban Limit Lines or Urban Growth Boundary maps by voters in the cities of Antioch, Pittsburg, and San Ramon and also reflects other non-substantive boundary changes at various locations. (5) Finally, the measure retains the 65/35 land preservation standard and protections for the County's prime agricultural land.

SECTION 3. STATEMENT OF PURPOSE AND FINDINGS

The voters approve this measure based on the following facts and considerations:

- A. In November 1990 the voters approved Measure C-1990, the 65/35 Contra Costa County Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code), which limited urban development in Contra Costa County to no more than thirty-five (35) percent of the land in the County and required that at least 65 percent of all land in the County would be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. Measure C-1990 also established a countywide Urban Limit Line identifying non-urban agricultural, open space, and other areas beyond which no urban land use could be designated during the term of the General Plan.
- B. County Ordinance Code Section 82-1.028 currently provides that the Urban Limit Line will remain in effect until December 31, 2010. This measure would extend the duration of the 65/35 Land Preservation Plan (which includes the Urban Limit Line) to December 31, 2026, thus extending the protection to the County's non-urban and open space areas for an additional 16 years. Because the factors contributing to the need to adopt the 65/35 Land Preservation Plan still exist, it is appropriate to extend these protections through the year 2026.
- C. The procedure by which the Urban Limit Line may be changed, either by the Board of Supervisors or by action of the voters, is described at page 3-9, Land Use Element, Contra Costa County

General Plan, and in Contra Costa County Ordinance Code Section 82-1.018. To provide additional protection to the County's non-urban and open space areas, this measure would require that, through December 31, 2026, the General Plan cannot be amended to expand the Urban Limit Line by more than 30 acres without a four-fifths vote of the Board of Supervisors and approval of the voters.

- D. This measure would establish a procedure to allow the Board of Supervisors to review the Urban Limit Line on a 5-year cycle, commencing in 2011, to consider whether changes should be made to reflect changing times. This measure would also require a 10-year comprehensive review of the Urban Limit Line in 2016 to determine whether there is sufficient land available to satisfy housing and jobs needs for Contra Costa County for the following 20 years. Because housing and job needs, as well as social and environmental factors, may change over the years, it is appropriate to provide for this review procedure in 2016, which is the mid-point of the extended term, to determine whether expansion of the Urban Limit Line should be considered to meet the changing needs of the County.

SECTION 4. IMPLEMENTATION

To implement this measure, the Contra Costa County General Plan (2005-2020) and Chapter 82-1, 65/35 Land Preservation Plan Ordinance, Contra Costa County Ordinance Code, are amended as follows:

A. GENERAL PLAN AMENDMENTS

1. CHANGE TO GENERAL PLAN MAP DIAGRAM

At page 3-10, Land Use Element, Contra Costa County General Plan (2005-2020), Figure 3-1, Urban Limit Line Map (black and white version sized 8"x 11"), and a color version of Urban Limit Line Map (11" x 17" insert to the General Plan) are hereby amended, as shown on Figure One: Contra Costa County Urban Limit Line Map, which is attached to this measure. Each will be titled: "Contra Costa County Urban Limit Line Map" and adopted to show the boundary of the Urban Limit Line, as approved by this measure.

2. CHANGE TO GENERAL PLAN TEXT

The General Plan is hereby amended to revise the text of "CHANGES TO THE URBAN LIMIT LINE", at page 3-9 of the Land Use Element of the Contra Costa County General Plan, as follows. New text shown in bold italics and underline **example** is added to the existing text while text in strikeout font ~~example~~ is deleted from the existing text. Text in ordinary font is unchanged by this measure.

CHANGES TO THE URBAN LIMIT LINE

There shall be no change to the ULL that would violate the 65/35 Land Preservation Standard. ~~The ULL will only be changed by a 4/5 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:~~ **There will be no change to the ULL except in the manner specified herein. There will be no change to the ULL unless the Board of Supervisors first holds a public hearing at which it approves the change or changes, by a four-fifths vote, after making one or more of the following findings based on substantial evidence in the record:**

- (a) 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 ULL;
- (b) an objective study has determined that the ULL 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 ULL is necessary and the only feasible means to enable the County to meet these requirements of State law;
- (c) a majority of the cities that are party to a preservation agreement and the County have approved a change to the ULL affecting all or any

- portion of the land covered by the preservation agreement;
- (d) a minor change to the ULL will more accurately reflect topographical characteristics or legal boundaries;
 - (e) an objective study has determined that a change to the ULL is necessary or desirable to further the economic viability of the east Contra Costa County Airport, and either (i) mitigate adverse aviation related to environmental or community impacts attributable to Buchanan Field, or (ii) further the County's aviation related needs;
 - (f) a change is required to conform to applicable California or federal law.
 - (g) a five (5) year ~~periodic~~ ***cyclical*** review of the ULL has determined, based on criteria and factors for establishing the ULL set forth above, that new information is available (from city or County growth management studies or otherwise) or circumstance have changed, warranting a change to the ULL.

Any General Plan amendment that would expand the ULL by more than 30 acres shall require voter approval of the proposed General Plan amendment, following the public hearing and the four-fifths vote of the Board of Supervisors approving the General Plan amendment and making one or more of the findings set forth in subsections (a) through (g) above. Notwithstanding the foregoing, a proposed General Plan amendment to expand the ULL by more than 30 acres does not require voter approval if, after a public hearing, the Board of Supervisors by a four-fifths vote approves the General Plan amendment and makes either of the following findings based on substantial evidence in the record: (i) the expansion of the ULL is necessary to avoid an unconstitutional taking of private property; or (ii) the expansion of the ULL is necessary to comply with state or federal law. Expansions of the

ULL totaling 30 acres or less do not require voter approval.

[ADD THE FOLLOWING NEW PARAGRAPHS UNDER THE HEADING "CHANGES TO THE URBAN LIMIT LINE", at page 3-9 of the Land Use Element of the General Plan as follows]

The Board of Supervisors may conduct a cyclical review of the ULL every five years.

The Board of Supervisors will review the boundary of the ULL 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 satisfy housing and jobs needs for 20 years thereafter. This review of the ULL is in addition to any other reviews of the ULL the Board of Supervisors may conduct.

Any change to the ULL proposed as a result of any review authorized by this section must be adopted pursuant to the procedures set forth in this section. These provisions are effective until December 31, 2026.

B. ORDINANCE CODE CHANGES

1. To be consistent with the amendments to the General Plan that change the boundary of the Urban Limit Line, the People of the County of Contra Costa hereby enact Ordinance No. 2006-06 as follows:

TEXT OF PROPOSED ORDINANCE
Ordinance No. 2006-06

Section 1. Title. This ordinance shall be entitled the "2006 Voter-Approved Contra Costa County Urban Limit Line."

Section 2. Summary. This ordinance amends Chapter 82-1 of the County Ordinance Code to extend the term of the County's Urban Limit Line to the year 2026, to establish new procedures to review the boundaries of the Urban Limit Line and to prohibit expansion of the line by more than 30 acres without voter approval.

Section 3. Ordinance Code Section 82-1.010 is amended to read as follows (new text to be inserted is shown in bold italics and underline **[example]**, text in strikeout font ~~[example]~~ is deleted from the existing text and text in ordinary font is unchanged by this measure):

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 ~~illustrative 65/35 Contra Costa County Land Preservation Plan Map attached as Exhibit A to Ordinance No. 90-66~~ **"Contra Costa County Urban Limit Line Map" adopted by the voters on November 7, 2006.** The urban limit line shall ~~be~~ ***is*** incorporated into the county's open space conservation plan. The urban limit line shall ~~limit~~ ***limits*** potential urban development in the county to thirty-five percent of the land in the county and shall ~~prohibit~~ ***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. (Ords. **2006-06 §3**, 91-1 § 2, 90-66 § 4).

Section 4. Ordinance Code Section 82-1.018 is amended to read as follows (new text to be inserted is shown in bold italics and underline ***[example]***, text in ~~strikeout font [example]~~ is deleted from the existing text and text in ordinary font is unchanged by this measure):

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. ~~After adoption of the new general plan, as~~ ***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 manmade 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 periodic ***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) Any such change shall be subject to referendum as provided by law. Changes to the urban limit line under any other circumstances, shall require a vote of the people.~~

(b) Except as otherwise provided in this subsection, any proposed general plan amendment that would expand the urban limit line by more than 30 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) above. Notwithstanding the foregoing, a proposed general plan amendment to expand the urban limit line by more than 30 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 30 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 jobs needs for 20 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. (Ords. *2006-06 §4*, 91-1 §2, 90-66 §4.)

Section 5. Ordinance Code Section 82-1.028 is amended to read as follows (new text to be inserted is shown in bold italics and underline [***example***] while text in strikethrough font [~~example~~] is deleted from the existing text and text in ordinary font is unchanged by this measure):

82-1.028 Duration.

The provisions of this chapter shall be in effect until ~~December 31, 2010~~ ***December 31, 2026***, to the extent permitted by law. (Ords. *2006-06 §5*, 91-1 § 2, 90-66 § 4).

SECTION 5. EFFECTIVE DATE

This measure shall become effective immediately upon approval by the voters. Upon the effective date, Section 4.A) 1. CHANGE TO GENERAL PLAN MAP DIAGRAM and Section 4.A) 2. CHANGE TO GENERAL PLAN TEXT of this measure are hereby inserted into the Contra Costa County General Plan (2005-2020), as one of the four consolidated general plan amendments for calendar year 2006 allowed under state law. Upon the effective date, Ordinance No. 2006-06 is hereby enacted as a County ordinance, amending the County Ordinance Code.

SECTION 6. SEVERABILITY

If any portion of this ordinance is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this ordinance shall remain in full force and effect. Each section, subsection, sentence, phrase, part or portion of this ordinance would have been adopted and passed regardless of whether any one or more section, subsections, sentences, phrases, parts or portions was declared invalid or unconstitutional.

SECTION 7. AMENDMENT OR REPEAL

Except as otherwise provided herein, this measure may be amended or repealed only by the voters of Contra Costa County at a countywide election.

2006 Voter-Approved Contra Costa County Urban Limit Line Map

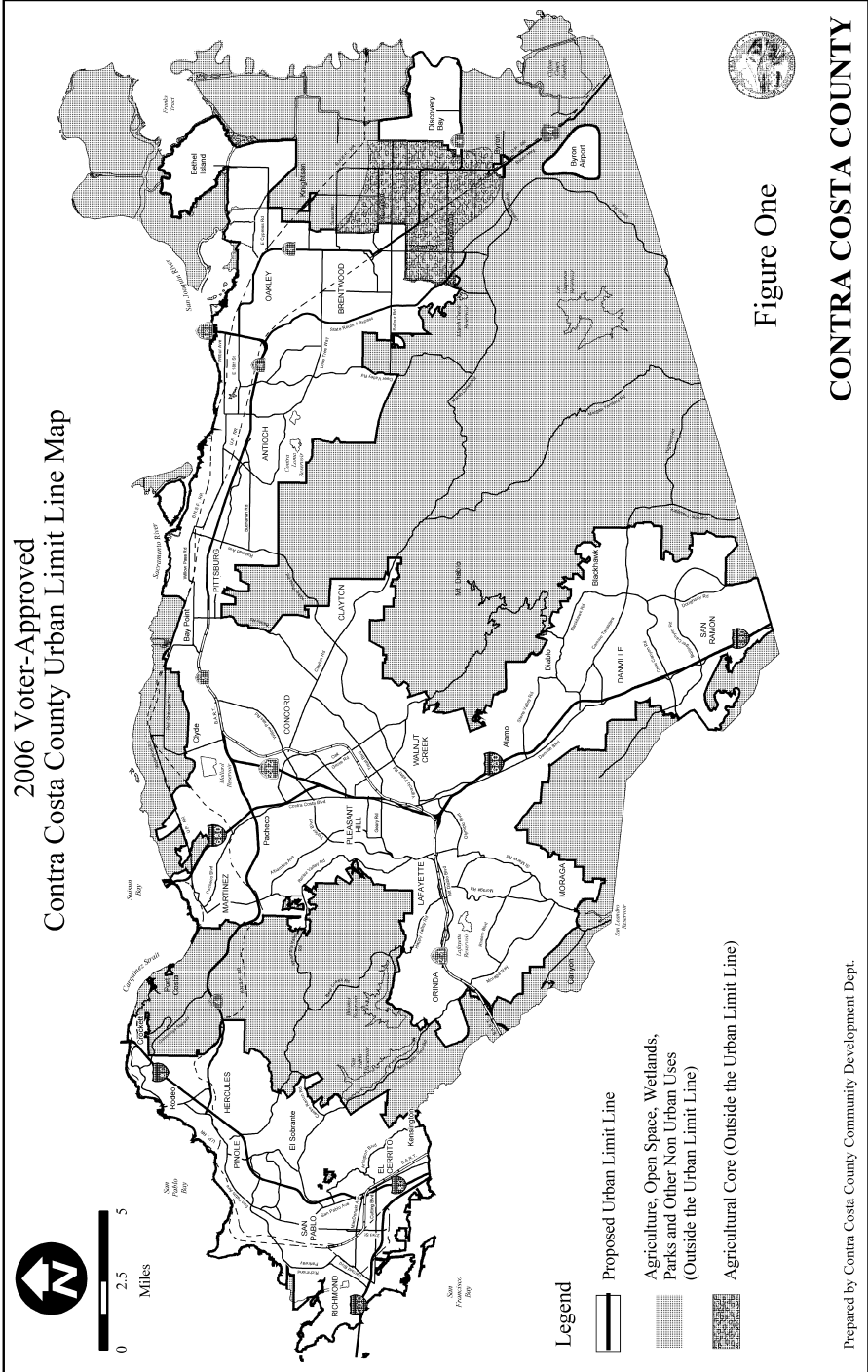


Figure One

CONTRA COSTA COUNTY

Prepared by Contra Costa County Community Development Dept.