

1. INTRODUCTION
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1. INTRODUCTION

1.1 PURPOSE

The purpose of the Contra Costa County General Plan is to express the broad goals and policies, and specific implementation measures, which will guide decisions on future growth, development, and the conservation of resources through the year 2020. The goals, policies and implementation programs contained in the General Plan represent the hopes and concerns of the residents of the County in terms of defining and preserving a "quality of life." The various elements or chapters of the plan are intended to provide objectives, principles and standards to decision-making bodies in the County, as well as numerous other public agencies, that will be making decisions about the development of private and public lands and the locations and extent of infrastructure improvements such as sewers and roadways.

Although a General Plan is primarily concerned with the physical development of property, the consequences of a plan's growth policies also impact the social fabric of a community. For example, if a General Plan allows the development of an industrial or business park in a specific location, more jobs may eventually become available to local residents. Similarly, if a plan designates a park or other public facility, or if a program encourages the construction of affordable housing, the policy will have a social and economic impact upon the quality of life in those affected locations.

1.2 PUBLIC PARTICIPATION IN GENERAL PLAN PROCESS

Preparation of the General Plan 2005-2020 involved a unique and extensive process of public participation and outreach. In early 1986, the County Board of Supervisors established a General Plan Congress to advise the County staff on how to revise the County's General Plan. The 67-member General Plan Congress represented a broad range of interests in the County, including the City Councils from each of the 18 cities in the County, County service districts, environmental groups, landowners, developers, and public interest groups including the League of Women Voters, Citizens for a Better Contra Costa, Sierra Club, Audubon Society, and the Greenbelt Alliance.

The General Plan Congress met monthly from July 1986 through January 1989. In addition, each Congress member sat on one of three subcommittees: Agriculture and Open Space, Infrastructure and Jobs/Housing Balance. These subcommittees met on a weekly or biweekly basis to take public comment, debate important issues and develop reports and position papers for the entire Congress. The subcommittees kept lists of the public attendance at the meetings, and advised those attendees of the meeting times by mail.

With the help of the General Plan Congress, the County prepared a draft General Plan in November 1988. After recommending additional changes to that draft, the Congress voted to pass the draft General Plan onto the Conservation and Development Department staff and Planning Commission without recommendation, and to disband.

In March 1989, the County made available for public review and hearing a draft of the General Plan. Between March 1989 and August 1990, the County Board of Supervisors held numerous public hearings and received extensive written comments on the March 1989

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draft. All segments of the Contra Costa County population participated in that public comment period, including representatives of ranchers, developers, farmers, environmentalists, labor groups, cities, special districts, business and industrial associations.

In response to the public comments received, the County then prepared a revised and updated draft of the General Plan, which was made available for additional public comment and review in October 1990. Between October and December 1990, the County Planning Commission and Board of Supervisors held additional public hearings on the October 1990 draft. As a result of those comments and the passage on November 6, 1990 of Measure C, the 65/35 Contra Costa County Land Preservation Plan (described below), the County again revised the document, resulting in the Contra Costa County General Plan 1990-2005.

1.3 PUBLIC PARTICIPATION THROUGH VOTING PROCESS

In addition to the extensive public participation and input process through which this General Plan evolved, the voters of the County also influenced various aspects of this General Plan through the referendum process. Two initiative measures in particular have and will continue to impact the physical development of the County during the horizon of this General Plan. These two measures, "the Revised Contra Costa Transportation Improvement and Growth Management Program" adopted on August 3, 1988 ("Measure C 1988"), and "The 65/35 Contra Costa County Land Preservation Plan" adopted on November 6, 1990 ("Measure C - 1990"), expressed voters' concerns, goals, and principles relating to a vision of long-term growth in Contra Costa County.

The policies and principles expressed by the voters in Measure C - 1988 and Measure C - 1990 have guided the evolution of most of the elements of this General Plan. Generally speaking, these two measures guided the preparation and completion of this General Plan in such areas as growth management, land use, transportation and circulation, housing, public facilities and services, and conservation and open space issues. To underscore the importance these measures have had on the General Plan process culminating in the adoption of this General Plan and in the interest of making this constitution of land use document more meaningful for the public, the text of Measure C - 1988 and Measure C - 1990 is set forth in its entirety in Section 1.10 of this Introduction section. Where appropriate or required, provisions of these two measures have been integrated throughout the various elements of this General Plan.

The approval by the voters of Measure C - 1988 in 1988 was a major factor in the creation and establishment of the scope of the Growth Management Element found in this General Plan. Measure C - 1988 requires that the County and other jurisdictions must adopt a Growth Management Element in accordance with various terms of the measure in order to receive local street maintenance and improvement funds. The influence of Measure C - 1988 is reflected throughout this General Plan since the Growth Management Element has necessarily been correlated with the other elements in this General Plan.

In addition to responsibly listening and responding to the concerns and hopes of the public expressed through the General Plan Congress, including thousands of hours of public meetings and hearings, the Board of Supervisors placed Measure C - 1990 on the ballot prior to the completion of this comprehensive General Plan process. Through this initiative measure, the voters affirmed key policies concerning open space and agricultural preservation, creation of an Urban Limit Line, protection of open hillsides and significant ridge lines, growth management, affordable housing and other issues which the County had been preparing to adopt as part of its General Plan. The success of this measure evidenced the broad support for these policies. In addition, as part of this successful Board of Supervisors' initiated measure, the voters approved a 65/35 land preservation standard which limits urban

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development in the County to no more than 35 percent of the land in the County and requires that at least 65 percent of all land in the County be preserved for agriculture, open space, wetlands, parks and other non-urban uses. Following this mandate of the voters, the Board proceeded to reflect the Measure C - 1990 policy in this General Plan.

1.4 PLAN RECONSOLIDATIONS

The Contra Costa County General Plan 1995-2010 was an updated version of the plan prepared by the General Plan Congress. It was modified to reflect all plan amendments adopted between the General Plan Congress' work and January 1995. It also corrected some errors or inconsistencies found in the 1990-2005 version of the plan and updates certain facts. This second reconsolidation entitled Contra Costa County General Plan 2005-2020 includes all plan amendments since 1995 including a totally revised Housing Element, and Urban Limit Line amendments. It also corrects facts and maps. It eliminates extraneous and dated textual material and obsolete maps. Lastly, it adjusts the Land Use Plan Map to reflect park and open space acquisitions, and better reflects city general plan policies within incorporated areas.

1.5 LEGAL AUTHORITY

State law, specifically Sections 65300 through 65403 of the California Government Code, mandates that all cities and counties prepare and adopt a comprehensive, long-term, and internally consistent General Plan to guide the future physical development of their jurisdictions. According to recent court decisions clarifying the intent of the State legislation, the role of each community's General Plan is to act as a "charter" for development; it is the foundation upon which all land use decisions are to be based.

At one time, local General Plans were looked upon as a set of broad policies that had small roles in development decisions. However, changes in State law since the original statutes were adopted in the 1950's have vastly boosted the importance of the General Plan in local decision-making. A General Plan must now provide more concrete direction for land use and facility approvals, while providing flexibility for balancing necessarily competing goals and policies.

State law requires that once a local government has adopted its General Plan, local officials must implement it. The Government Code provides general direction to the planning agency for implementing the overall plan, but requires that more specific implementation programs be adopted for some of the individual portions of the plan, such as the Housing and Open Space Elements. The most commonly recognized form of implementation is the zoning ordinance, which specifies exact development standards (types of uses allowed, building heights and setbacks, etc.) for the various zones or districts within a jurisdiction.

Accordingly, State law requires that the zoning and subdivision ordinances for almost all jurisdictions in California must be consistent with the adopted General Plan (Section 65860). In addition, the following city or county land use approvals must be consistent with its General Plan: all subdivisions, rezonings, specific plans, capital improvement programs, redevelopment plans, development agreements, park dedication ordinances, agricultural preserve contracts, housing authority projects, local coastal plans, and several other specific approvals. Although not specifically required by State statute, a 1984 Appellate Court decision also held that the approval of all use permit applications must be consistent with the local General Plan. Thus, recent State legislation and court decisions effectively make most implementing ordinances used by local jurisdictions in day-to-day land use decision-making subservient, or secondary, to General Plan policies and maps.

1.6 COMPONENTS OF THE GENERAL PLAN

California statutes require that all cities and counties prepare and adopt a General Plan that contains the following seven mandatory "Elements" or subject categories:

Land Use Element. This Element describes the general distribution and intensity of uses of land for housing, business, industry, open space, public facilities, etc., with accompanying maps.

Circulation Element. This Element identifies the location and extent of existing and proposed streets, arterials, highways, transportation routes and terminals, and other related facilities.

Housing Element. This Element contains a comprehensive assessment of current and projected housing needs for all segments of the community, a list of policies to meet the needs, and an inventory of specific action programs to implement the policies.

Conservation Element. This Element addresses the conservation, development, and use of natural resources such as water, forests, soils, rivers, and mineral deposits.

Open Space Element. This Element details plans and measures for preserving open space areas in order to manage the production of resources, to provide outdoor recreation, to preserve the public health and safety, and to identify important agricultural lands.

Safety Element. This Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flooding, wildfire, and other hazards.

Noise Element. This Element identifies noise problems in the jurisdiction; defines standards and mitigation measures; and provides coordination with land use policies.

The degree of detail to which each issue is discussed in the plan depends upon local conditions and its relative perceived importance. In addition to the seven element categories listed above, State law encourages local jurisdictions to prepare and adopt any other elements or address any other issues germane to the jurisdiction's physical development.

The Contra Costa County General Plan includes the seven mandated elements. The plan also includes two optional elements, namely, a Public Facilities and Services Element and a Growth Management Element. For ease of discussion, the Public Facilities Element contains some of the mandatory components of the other statutory elements. The plan is organized as follows:

Chapter 1: Introduction

Chapter 2: Planning Framework

Chapter 3: Land Use Element

(Includes all Countywide land use goals, policies, and implementation measures, as well as more detailed land use policies applied to specific unincorporated areas. As referenced in the Land Use Element, many of the remaining required components of this Element are contained in the Public Facilities/Services Element.)

Chapter 4: Growth Management Element

(Includes a Growth Management Program and policies from Measure C-1988.)

Chapter 5: Transportation and Circulation Element

(Includes goals and policies regarding major thoroughfares, railroad and transit routes, terminals, and other local public transportation systems.)

Chapter 6: Housing Element

(Includes goals and policies regarding programs, improvements, development and preservation of housing needs to meet all economic sectors of the community.)

Chapter 7: Public Facilities/Services Element

(Includes policies regarding water and sewer service; flood control; landfills; public buildings; police and fire protection; solid and hazardous waste management; schools; childcare; and other public facilities.)

Chapter 8: Open Space Element

(Includes overall goals and policies for the County, as well as policies regarding scenic resources; historic/cultural resources; the 65/35 preservation standard and parks and recreation.)

Chapter 9: Conservation Element

(Includes overall goals and policies for the County, as well as policies regarding vegetation and wildlife; agricultural resources; renewable energy resources; mineral, soil, and oil and gas resources; water resources; harbors; and air resources.)

Chapter 10: Safety Element

(Includes goals and policies regarding the protection of the community from seismic and geological hazards and other natural disasters.)

Chapter 11: Noise Element

(Includes goals and policies regarding noise levels and sources that are used in setting land use policies and for developing and enforcing a local noise ordinance.)

INTERNAL CONSISTENCY

State planning law requires that all parts of the General Plan comprise an integrated, internally consistent and compatible statement of policies. These standards imply that: 1) all elements of the General Plan have equal legal status; 2) all goals, objectives, policies, principles, standards and plan proposals in the General Plan must be internally consistent; and 3) any implementation programs set out in the plan must follow logically from the plan's goals and policies. Hence, each chapter of the General Plan clearly states its legal authority, relationship to other elements, relationship to other General Plan documents, and its organization.

1.7 DEFINITION OF MAPS, GOALS, POLICIES, AND IMPLEMENTATION MEASURES

The California Government Code states that "the General Plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals" (Section 65302). The purpose of this section is to define these terms in the context of this General Plan.

GENERAL PLAN DIAGRAMS (MAPS)

The diagrams that are required in a General Plan under the State law have been defined as graphic expressions of the plan's development policies. However, there is a debate among planners and lawyers alike about how detailed or general the maps (and text) should be in a General Plan. The diagrams or maps in a General Plan need not be as detailed as other regulatory maps, such as zoning maps, but they should be detailed enough so that the users of the plan, after reviewing all other pertinent maps and portions of this plan, can reach the same general conclusion regarding the appropriate use of any parcel of land at a particular phase of a city's or county's physical development.

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In many instances, a specific parcel may be located in more than one General Plan land use designation, since these designations tend to follow natural features of the land, which are not always contiguous with property lines. For a large vacant parcel, the hilly, unbuildable portion of the site may be designated for open space uses, while the flat areas may be designated for housing or commercial uses. Similarly, portions of parcels may be located in or outside the Urban Limit Line.

Decision makers should be able to use the General Plan, including its diagrams or maps, in coordinating day-to-day land use and infrastructure decisions. At the same time, given the long-range nature of a General Plan, its text and maps should be general enough to allow a degree of flexibility in decision making as conditions change. For example, a General Plan may recognize the need and desirability of a community park in a proposed residential area, but the precise location of the park may not be known when the plan is adopted. The plan does not need to pinpoint the location, but it should include a generalized designation on the diagram showing the general location, along with policies indicating that the park site will be selected and reserved when the area is developed.¹

GOALS

A goal statement sets the direction for more specific policies and implementation programs. A goal is an ideal future end, condition, or state which is related to the public health, safety, or general welfare toward which planning measures are directed. A goal is a general expression of community values and, therefore, is abstract. Consequently, a goal is generally not quantifiable, time dependent or suggestive of specific actions for its achievement.²

POLICIES

A policy is a specific statement intended to guide decision making. Policies are based upon General Plan goals and are arrived at through planning experience, studies, and an interpretation of the best available data and information at a particular point in time. Decisions as to whether a particular action, program or project is consistent with this General Plan will consider whether all aspects of a future action will further the objectives and policies of this General Plan without obstructing the attainment of these policies. Policies in this General Plan appropriately strike a balance between clarity for guiding decision makers and a framework for comprehensively weighing necessarily competing policies in a county as diverse as Contra Costa County. The policies expressed in this General Plan are intended to be part of an integrated document encompassing concerns, which are both compatible and competing, and it is inappropriate to assess consistency of a singular policy without reference to this framework. As a constitution-type document, the policies in this General Plan are intended to guide decision makers through this difficult balancing process. At the General Plan level, policies are not static as ironclad regulations. The policies expressed in this General Plan were based on the best available information at the time the Plan was prepared. New and better information will necessarily be presented to the decision makers during the life of this Plan, therefore requiring that, as an evolutionary document, the policies expressed in this General Plan will be evaluated in light of this new and better information and, where necessary, policies will be updated.

1. State of California Office of Planning and Research, General Plan Guidelines, Sacramento, June 1987, pages 14-18 (paraphrased).

2. *Ibid.*, page 17.

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While cautioning the reader of this General Plan document against myopically focusing on a particular policy without reference to its harmonized context, it is important that certain of these guiding policies be expressed with stronger levels of commitment than others. When considering policies in this General Plan, the use of the word "shall" indicates more directive than the use of the word "should." While there are occasions where a proper balancing of the hundreds of policies contained in this document, when viewed as an integrated whole, would not warrant strict adherence to a particular policy, the level of compelling or countervailing policies would appropriately be less to offset competing policies using the word "should," than to offset a policy or policies using the word "shall."

IMPLEMENTATION MEASURES

An implementation measure is a specific action, procedure, program, or technique that carries out a General Plan policy. The most obvious example of an implementation measure is a jurisdiction's zoning ordinance. Often, implementation measures cited in a General Plan will consist of a list of specific programs that should be carried out after the plan is adopted. When a plan is updated, a careful review of the list of previously adopted implementation measures can indicate how realistic and effective the plan has been during the previous years.

1.8 THE DIFFERENCE BETWEEN ZONING AND GENERAL PLAN DESIGNATIONS

One of the most common misunderstandings about General Plans in California is their relationship to adopted zoning ordinances. As the previous discussion has already indicated, zoning is the implementation of a General Plan and it must be consistent with General Plan policies and land use designations for specific properties. In simple language, this means that zoning is secondary or subservient to the General Plan; in the event of a conflict, the General Plan is followed.

Unfortunately, due to staffing limitations and community opposition, a zoning ordinance will often not be revised to be made consistent with the new General Plan (or General Plan Amendment (GPA)), which causes confusion to members of the public for years to come.

County staff has initiated a program to begin the systematic review and revision of zoning and other ordinances, major rezoning programs are now accomplished in North Richmond, Bay Point, and underway in Rodeo. These actions will ensure that the ordinances governing day-to-day land use decisions do not conflict with adopted plan policies.

1.9 HOW TO USE THE GENERAL PLAN

The General Plan includes maps in each Element, as well as accompanying text that lays out goals, policies, and implementation measures grouped around specific issues. Thus, if a property owner or other member of the public wants to know what General Plan policies might apply to a specific property, he or she can begin by examining the Land Use Element map to determine what land use designation is applied to the property (e.g., "Single Family Residential-Low Density," "Commercial," etc.).

The owner should use the land use map in conjunction with the other maps within the plan (e.g., the flooding and seismic hazard maps), as well as note the interplay with other element's specific written goals, policies, and implementation measures (e.g., growth management), to determine whether a development proposal for a particular site is fully consistent with the County General Plan.

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As an example only, the property owner would follow the steps outlined below to find the maps and policy language in the Land Use and other General Plan Elements which could affect development or redevelopment of the property:

- 1) Examine the Land Use Element map to determine the land use designation for the property and the location of the Urban Limit Line.
- 2) Check the maps and text in the other General Plan Elements, especially the Open Space, Conservation and Safety Elements, to see if the property is located within or adjacent to some type of resource or hazard area (e.g., a "significant ecological resources area," a flood hazard area, an area of high liquefaction potential, etc.) or has slopes over 26 percent grade subject to hillside protection policies.
- 3) Read the general goals and policies in the Land Use Element, the provisions of the County's Growth Management Program (Chapter 4), and other relevant Elements as cross-referenced in each Chapter's subheading "Relationship to other General Plan Elements," to determine how they might affect development or redevelopment of the area in which the property is located.
- 4) Check Chapter 3 to determine if any detailed policies or development standards apply to the area in which the property is located (e.g., if the property is located in Crockett, read the section entitled "Policies for the Crockett Area").
- 5) If the property is located in a rural area, check whether public facilities such as water or sewer serve the area and read the relevant parts of the Public Facilities/Services Element.
- 6) Check the general goals and policies in the Land Use Elements and the Open Space Element to understand the potential limitations presented by the 65/35 Land Preservation Standard.

Note that the above sequence of examination is an example of what may be the bare minimum that should be followed and is probably not sufficient in many instances. Depending on the specific location or characteristic of the area or property, several other steps should be added so that other portions of the General Plan are consulted. For example, if the property is located adjacent to a known noise generator, such as a highway or heavy industrial area, the Noise Element should be examined to determine whether the property is included within a mapped noise "contour" line of a certain level. If it is located within a specific noise contour, General Plan policies in that element direct that noise impacts affecting new development on the property must be properly mitigated. A thorough reading of the General Plan text and maps is advisable.

Similarly, if a proposed project is located on a property that is crossed by a riparian vegetation or a creek, the specific policies that apply to the preservation and maintenance of creeks and adjacent lands must be consulted in the appropriate section of the Open Space or Conservation Element.

1.10 THE GENERAL PLAN AMENDMENT PROCESS

State law stresses that a General Plan can no longer be viewed as a static, "end state" document, but must adequately address the changing issues and policies of a jurisdiction during the designated "planning period." Thus, a process for considering amendments to the plan must be available to reflect changing conditions and community values.

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Amendments to the plan can be initiated by the County (through the Planning Commission or Board of Supervisors) or requested by private individuals. A typical General Plan amendment ("GPA") involves changing a land use designation on a property or series of properties to allow urban development of what were previously agricultural lands within the Urban Limit Line, or to allow development of a different use or density than what is permitted under the existing plan. For example, a typical GPA will request a change in designation for a group of properties within the Urban Limit Line from "Agricultural Lands" to "Single Family Residential-High Density," or from a "Single Family" designation to a "Multiple Family" category. A GPA may also involve the reclassification of a roadway from a "collector" to an "arterial."

In accordance with Measure C - 1990, no General Plan amendment can change the 65/35 Land Preservation standard without a vote of the people by initiative. This standard limits urban development in the County to no more than 35 percent of the land in the County and preserves at least 65 percent of all land in the County for agriculture, open space, wetlands, parks and other non-urban uses.

State law generally limits the number of amendments to any mandatory element of a jurisdiction's plan to four each calendar year (Government Code Section 65358 (a)). However, State law does not limit the number of individual requests which can be packaged into each of the adopted General Plan Amendments.

When a request for a GPA is received by the County from a private individual, staff forwards the request to the Board of Supervisors with a recommendation on whether to proceed with a study of the application. After the Board authorizes the GPA study, staff collects the appropriate application fees and prepares an environmental evaluation of the proposal as required by the California Environmental Quality Act. After the environmental documentation has been prepared, staff analyzes the request and prepares a staff recommendation. The GPA request is then scheduled for a public hearing at the appropriate planning commission (i.e., County Planning Commission, East County Regional Planning Commission, San Ramon Valley Area Planning Commission). After receiving public testimony, the commission votes to recommend approval, denial, or modification of the request. The recommendation is then sent to the Board of Supervisors for another public hearing and a final decision.

Each GPA request must be carefully weighed as to its consistency with the adopted goals and policies of the existing General Plan. In reviewing proposals for GPA's, officials should remember that the General Plan is a policy document for the entire community and that it may only be amended "in the public interest" (Government Code Section 65358(a)). Every adopted GPA must be consistent with the rest of the plan and appropriate changes need to be made to maintain consistency.

1.11 THE TEXT OF MEASURE C - 1988 AND MEASURE C - 1990

MEASURE C - 1988

CONTRA COSTA TRANSPORTATION IMPROVEMENT AND GROWTH MANAGEMENT PROGRAM

Contra Costa Transportation Partnership Commission, adopted August 3, 1988

MEMBER JURISDICTIONS: Cities of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek, Towns of Danville and Moraga, and the County of Contra Costa.

This Program contains the Contra Costa Transportation Improvement and Growth Management Expenditure Plan and Ordinance. The Ordinance, which is required to be adopted by the Contra Costa Transportation Authority (Contra Costa Transportation Partnership Commission) pursuant to Public Utilities Code commencing with Section 180000, is the legal document implementing the local retail transportation and use tax and specifying the method of allocation of the local retail transactions and use tax revenues and other requirements of the Measure. The Ordinance becomes effective at the close of the polls on the day of the election at which the local transportation measure is approved by the voters. The full text of the Expenditure Plan and the Ordinance are provided on the following pages.

CONTRA COSTA TRANSPORTATION PARTNERSHIP COMMISSION

The Contra Costa Transportation Partnership Commission, a Transportation Authority under the provisions of Public Utilities Code Section 180000, was created by the Mayors' Conference and the Board of Supervisors to provide a forum for transportation issues in Contra Costa and to propose ways to reduce traffic congestion.

CHAIR: Ronald K. Mullin

VICE-CHAIR: Sunne Wright McPeak

CENTRAL

Ronald K. Mullin, Councilmember, Concord
 (Alternate: Carolyn Bovat, Councilmember, Clayton)
 Ed Skoog, Mayor, Walnut Creek
 (Alternate: Sherry Sterrett, Councilmember, Pleasant Hill)

EAST

Taylor Davis, Councilmember, Pittsburg
 (Alternate: Richard Lettman, Councilmember, Pittsburg)
 Cathryn Freitas, Councilmember, Antioch
 (Alternate: Joel Keller, Mayor, Antioch)

SOUTHWEST

Beverly Lane, Mayor, Danville
 (Alternate: Diane Schinnerer, Mayor, San Ramon)
 Avon Wilson, Vibe Mayor, Lafayette
 (Alternate: Don Tatzin, Councilmember, Lafayette)

WEST

Sharon Brown, Mayor, San Pablo
 David MacDiarmid, Councilmember, Richmond

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Sunne Wright McPeak, District 4
 (Alternates: Robert I. Schroder District 3, Tom Powers, District 1, Nancy Fahden, District 2)
 Tom Torlakson, District 5
 (Alternates: Robert I. Schroder District 3, Tom Powers, District 1, Nancy Fahden, District 2)

MAYORS' CONFERENCE

Anna McCarty, Councilmember, Pinole
 (Alternate: Ann Earnest, Councilmember, Hercules)

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CONTRA COSTA TRANSPORTATION IMPROVEMENT AND GROWTH MANAGEMENT

EXPENDITURE PLAN STATEMENT OF PRINCIPLES

The Contra Costa Transportation Partnership Commission was created by the Mayors' Conference and the Board of Supervisors to provide a countywide forum for transportation issues and to propose ways to reduce traffic congestion.

To achieve this goal, the Transportation Partnership Commission, also established as the Transportation Authority under State Law (SB 142), has established principles to guide its efforts to develop a Countywide Comprehensive Transportation Plan and to develop an Expenditure Plan for a one-half cent retail transactions and use tax measure to be placed before Contra Costa voters in November, 1988.

The Commission's principles are as follows:

1. A balanced transportation network of highways, local streets, public transit, growth management and regional planning are necessary to preserve the quality of life and a healthy viable economy for Contra Costa residents.
2. Public input, through both the Citizen Advisory Committee and the Regional Transportation Planning Committees, is a critical element of a successful comprehensive transportation and growth management process to reduce traffic congestion.
3. State and Federal monies are insufficient to meet Contra Costa's transportation needs. A local retail transactions and use tax increase for transportation improvements is the only funding method available to local jurisdictions.
4. The Transportation Improvement and Growth Management Expenditure Plan is focused on alleviating existing traffic congestion through funding major regional projects and the establishment of a transportation and growth management process.
5. Transportation planning and growth management are needed to assure that new growth pays for the facilities required to meet the demands resulting from that growth. A cooperative planning process will be established on a countywide basis, while maintaining local authority over land use decisions and the establishment of performance standards, exclusive of operating budgets.
6. A complementary, but separate ballot measure, will provide for the acquisition and preservation of open space.

These principles are the basis of the Expenditure Plan which is presented by the Commission, its Citizen Advisory Committee, Regional Transportation Planning Committees and Technical Staff for approval by local jurisdictions and the voters of Contra Costa.

EXPENDITURE PLAN PROJECTS AND PROGRAMS

	<u>Allocation</u>
<u>Highways and Arterials</u>	
Interstate 680 Corridor	\$100,000,000
North Richmond/Interstate 80 Bypass (Route 93)	70,000,000
Route 4 (east)	80,000,000
Route 4 (west)	45,000,000
Gateway/Lamorinda Traffic Program	19,000,000
Major Arterials - Southwest Region	13,600,000
Camino Pablo (San Pablo Dam Road Corridor)	4,500,000
<u>Transit</u>	
Rail Extension — from Concord to North Concord and	178,000,000

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Eastern Contra Costa	
Contra Costa Regional Commuterway	46,000,000
BART Parking	5,500,000
<u>Trails</u>	
Regional Bicycle and Pedestrian Trails	3,000,000
<u>Programs</u>	
Elderly and Handicapped Transit Service	25,900,000
Local Street Maintenance and Improvements	155,500,000
Carpools, Vanpools, and Park-and-Ride Lots	8,600,000
Bus Transit Improvements and Coordination	42,400,000
Regional Transportation Planning and Growth Management	<u>10,000,000</u>
TOTAL	\$807,000,000

EXPENDITURE PLAN PROJECTS AND PROGRAM DESCRIPTIONS - PROJECTS

Interstate 680 Corridor

Widen and improve Interstate 680 between the Alameda County Line and the Benicia-Martinez Bridge, and Route 242 between Route 4 and Interstate 680. Project involves interchange, arterial and access improvements necessary to supplement already funded improvements. On Interstate 680, the project includes, but is not limited to, interchange improvements at Concord Avenue, Willow Pass Road, and North Main Street; auxiliary lanes between El Cerro Boulevard and Bollinger Canyon Road; and the Fostoria Overcrossing. On Route 242, the project includes, but is not limited to, interchange improvements at Solano Way, Concord Avenue, and Clayton Road. The Authority may loan funds to the State to speed completion of already funded improvements to Interstate 680.

North Richmond/Interstate 80 Bypass (Route 93)

Complete an expressway between Interstate 580 (the Knox Freeway) near the Richmond-San Rafael Bridge and Interstate 80 at a new Atlas Road interchange near Hilltop.

Route 4 (East)

Widen and improve Route 4 between Willow Pass Road in Concord to at least Railroad Avenue in Pittsburg. Project includes freeway widening, lowering the grade over the Willow Pass, and interchange improvements at various locations.

Route 4 (West)

Widen and improve Route 4 to a full freeway between Interstate 80 and Cummings Skyway. Project includes reconstruction of the Route 4/Interstate 80 interchange.

Gateway/Lamorinda Traffic Program

To identify action/measures to mitigate the traffic density between Highway 24 and the Town or Moraga including cost benefit analysis. Implementation of preferred project alternative (Lamorinda cities to jointly review and establish criteria for project implementation).

Major Arterials – Southwest Region

Funds to improve major arterials as jointly determined by the local jurisdictions of the Southwest Region (Danville, Lafayette, Moraga, Orinda, San Ramon, and the portions of the County). It is the intent of the Authority that local jurisdictions give priority to the following projects: Widen San Ramon Valley Boulevard from Hartz to Alcosta; widen Dougherty Road from the County line to Crow Canyon Road; widen Crow Canyon Road from the County line to Bollinger Canyon Road; widen eastbound Route 24 off-ramp at Brookwood and up-grade signals; and improve the St. Marys Road-Glenside Drive-Reliez Station Road corridor.

Camino Pablo (San Pablo Dam Road Corridor)

Improve and realign Camino Pablo in Orinda as a two-lane roadway with protected left turn lanes and separated pedestrian and bicycle paths.

Rail Extension From Concord to North Concord and Eastern Contra Costa

Extend rail transit (BART or light rail) from the Concord BART Station to North Concord and over the Willow Pass Grade to eastern Contra Costa.

Contra Costa Regional Commuterway

Develop bus/van commute lanes connecting the residential areas of eastern and central Contra Costa with job centers in central and southern Contra Costa. The project will use available rights-of-way and planned highway widening along the Route 4 and Interstate 680 corridors. Project shall use the Interstate 680 right-of-way in southern Contra Costa. Development of the project shall be sensitive to adjacent land uses, including a study of route realignment in Walnut Creek as part of mitigation of impacts. Project includes constructing park and ride lots, including those at Sycamore Valley and Bollinger Canyon Roads. Project also includes planning and right of way preservation for future connections to western Contra Costa.

BART Parking at the El Cerrito del Norte Station

1. Introduction

Provide additional parking at the El Cerrito del Norte BART station. The Authority shall work with BART to speed completion of already funded BART parking projects and to fund additional parking at other BART stations.

Regional Bicycle and Pedestrian Trails

Complete regional bicycle and pedestrian trails including the Iron Horse Trail in San Ramon Valley, central Contra Costa Trails, and connections to eastern Contra Costa and the Martinez Shoreline Park.

PROGRAMS

Elderly and Handicapped Transit Service

Improve paratransit service for elderly and handicapped persons, including additional service and new vehicles.

Local Street Maintenance and Improvements

Funds returned to local jurisdictions on a formula basis for local, subregional and regional transportation projects as determined by cities and the county, including street and road maintenance and/or transit improvements.

Funds shall be allocated annually to each local jurisdiction, provided that the Authority finds the jurisdiction in compliance with the Growth Management Program. Eighteen percent of the annual net retail transactions and use tax revenue shall be distributed as follows: each jurisdiction shall receive a basic allocation of \$50,000, and the remaining amount shall be allocated using a formula of 50% based on population and 50% based on road miles.

It is the intent of the Authority that local jurisdictions give priority to using these funds for improving major arterial streets.

Carpools, Vanpools, and Park and Ride Lots

Funds to provide and promote use of these commute alternatives to be allocated on a grant basis.

Bus Transit Improvements and Coordination

Provide funds to increase ridership, efficiency, and coordination among the transit agencies. The Authority shall allocate funds on a grant basis to support coordinated service proposals submitted by the transit agencies. Service proposals shall focus on major commute corridors such as Ygnacio Valley Road.

A plan for the implementation of transportation improvements in the Ygnacio Valley Road corridor shall be developed by the Central Contra Costa Transit Authority, in cooperation with the City of Walnut Creek.

Regional Transportation Planning and Growth Management

Develop a countywide Comprehensive Transportation Plan and computer model and update it every two years, provide technical support for the Regional Transportation Planning Committees, and conduct transportation and growth management studies. The Authority shall annually budget a percentage of the net tax revenue for regional transportation and growth management purposes.

EXPENDITURE PLAN GROWTH MANAGEMENT PROGRAM

To Be Met By Local Jurisdictions For Receipt Of Local Street Maintenance and Improvements Funding

Introduction

The overall goal of the Growth Management Program is to achieve a cooperative process for Growth Management on a countywide basis, while maintaining local authority over land use decisions and the establishment of performance standards.

The transportation retail transactions and use tax is intended to alleviate existing major regional transportation problems.

Growth management is needed to assure that future residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth.

It is the intent of the Transportation Authority to create a process that results in the maintenance of the quality of life in Contra Costa.

Local Street Maintenance and Improvements

Portions of the monies received from the retail transactions and use tax will be returned to the local jurisdictions (the cities and the county) for use on local, subregional and/or regional transportation improvements and maintenance projects. Receipt of all such funds requires compliance with the Growth Management Program described below. The funds are to be distributed on a formula based on population and road miles.

Allocation of Funds

The Authority will annually review and allocate funds to cities and the county. In allocating funds, the Authority shall make findings based on a statement of compliance regarding the Growth Management Program.

To receive local street maintenance and improvement funds from the Authority, each jurisdiction shall submit a statement of compliance with the Growth Management Program. Jurisdictions may use funds allocated under this provision to comply with these administrative requirements. The Authority will review this statement and make findings regarding the jurisdiction's efforts. If the jurisdiction's efforts are found satisfactory, the jurisdiction will be allocated its share of local street maintenance and improvement funding.

1. Introduction

Because of the great variation among the jurisdictions, it is expected that the Authority will need some flexibility in determining compliance with the Growth Management Program. Generally, this flexibility may take the form of the Authority setting deadlines for achieving one or more requirements as a condition of receiving local street maintenance and improvement funds.

Growth Management Program

To receive its local street maintenance and improvement funds, each jurisdiction must:

1. Adopt a Growth Management Element

Each jurisdiction is to develop a Growth Management Element of its General Plan to be applied in the development review process. The element must include Sections 2 and 3 below, and jurisdictions must comply with Sections 4-8 below. The Authority and the Regional Transportation Planning Committees shall jointly prepare a model element and administrative procedures to guide the local jurisdictions. Local jurisdictions shall develop their Growth Management Element within one year after receipt of the Authority's model element.

2. Adopt Traffic Level of Service (LOS) Standards Keyed to Types of Land Use

- o **Rural** - LOS low-C (70 to 74) Volume to Capacity (V/C)
- o **Semi-Rural** - LOS high-C (75 to 79) V/C
- o **Suburban** - LOS low-D (80 to 84) V/C
- o **Urban** - LOS high-D (85 to 89) V/C
- o **Central Business District** - LOS low-E (90 to 94) V/C

Based on the categories established above, each jurisdiction shall determine how the Traffic Service standards are to be applied to their General Plan land use and circulation elements, and the land areas to be defined as Rural, Semi-Rural, Suburban, Urban, and Central Business District (as suggested in the Guidelines in Appendix A). Each jurisdiction shall comply with the adopted standards. Jurisdictions may adopt more stringent standards without penalty.

Level of Service (LOS) would be measured by Circular 212 or the method described in the most commonly used version of the Highway Capacity Manual. Any issues with respect to the application of the Highway Capacity Manual or measurement of level of service shall be referred to the Authority's Technical Coordinating Committee for review and recommendation to the Authority. In the event that an intersection(s) exceeds the applicable Traffic Service standard, the Authority shall, jointly with local jurisdictions, establish appropriate mitigation measures or determine that a given intersection is subject to a finding of special circumstances.

Any intersection that presently exceeds the Traffic Service standards and which will be brought into compliance in the most current Five Year Capital Improvement Program (see Section 6) shall be considered to be in compliance with the applicable standard.

The Authority, jointly, with affected local jurisdictions, shall determine and periodically review the application of Traffic Service Standards on routes of regional significance. The review will take into account traffic originating outside of the county or jurisdiction, and environmental and financial considerations. Local jurisdictions, through the forum provided by the Authority, shall jointly determine the appropriate measures and programs for mitigation of regional traffic impacts (see Section 5).

Capital projects necessary to meet and/or maintain the Traffic Service standards are to be included in the required Five Year Capital Improvement Program (see Section 6).

3. Adopt Performance Standards, Maintained Through Capital Projects, for the Following Items, Based on Local Criteria:

- | | | |
|-----------|------------------------|------------------|
| a. fire | c. parks | e. water |
| b. police | d. sanitary facilities | f. flood control |

Jurisdictions may have already adopted performance standards for some or all of these items.

Performance standards shall be adopted for inclusion in each local jurisdiction's General Plan. Each jurisdiction shall comply with the adopted standards. The Performance Standards should take into account fiscal constraints, and how the standards are to be applied in each jurisdiction's development review process. To ensure the continued applicability of these standards, each jurisdiction may annually review and modify their adopted standards, in consultation with special districts where appropriate, and provide an opportunity for public comment.

Capital projects, exclusive of operating budgets, to achieve and/or maintain Performance Standards are to be included in the required Five Year Capital Improvement Program (see Section 6).

4. Adopt a Development Mitigation Program to Ensure that New Growth is Paying its Share of the Costs Associated with that Growth

Local jurisdictions, for the most part, already impose fees for a variety of purposes including site specific traffic improvements. Only a few jurisdictions impose fees for regional traffic mitigation.

1. Introduction

To meet the requirements of this Section, each jurisdiction shall:

- 1) Ensure that revenue provided from this measure shall not be used to replace private developer funding which has been or will be committed for any project.
- 2) Adopt a development mitigation program to ensure that development is paying its share of the costs associated with that development.

In addition, the Authority shall:

- 1) Develop a program of regional traffic mitigation fees, assessments or other mitigations, as appropriate, to fund regional and subregional transportation projects, as determined in the Comprehensive Transportation Plan of the Authority.
- 2) Consider such issues as jobs/housing balance, carpool and vanpool programs and proximity to transit service in the establishment of the regional traffic mitigation program.
- 3) The development mitigation program will be implemented with the participation and concurrence of local jurisdictions in determining the most feasible methods of mitigating regional traffic impacts. Existing regional traffic impact fees shall be taken into account by the Authority.

5. Participate in a Cooperative, Multi-Jurisdictional Planning Process to Reduce Cumulative Regional Traffic Impacts of Development

The Authority shall establish a forum for jurisdictions to cooperate in easing cumulative traffic impacts. This will be accomplished through the Regional Transportation Planning Committees, and be supported by an ongoing countywide comprehensive transportation planning process in which all jurisdictions shall participate.

As part of this process, a uniform database on traffic impacts will be created, based on the countywide transportation computer model.

Use of the countywide transportation computer model provides an opportunity to test General Plan(s) transportation and land use alternatives, and to assist cities and the county in determining the impact of major development projects proposed for General Plan Amendments. This would provide a quantitative basis for inter-jurisdictional negotiation to mitigate cumulative regional traffic impacts.

Input for the model shall include each jurisdiction's Five Year Capital Improvement Program of transportation projects (see Section 6) and the projects of federal, state and regional agencies such as Caltrans, transit operators, the Metropolitan Transportation Commission, etc. In addition, the computer model database will include each local jurisdiction's anticipated land use development projects expected to be constructed within the next five years.

6. Develop a Five Year Capital Improvement Program to Meet and/or Maintain Traffic Service and Performance Standards (Defined in Sections 2 and 3)

Each jurisdiction shall determine the capital projects needed to meet and/or maintain both its adopted Traffic Service and Performance Standards. Capital financial programming will be based on development to be constructed during (at a minimum) the following five year period. The Capital Improvement Program shall include approved projects and an analysis of the costs of the proposed projects as well as a financial plan for providing the improvements.

7. Address Housing Options and Job Opportunities

As part of its Five Year Capital Improvement Program and pursuant to the state mandated housing element of its General Plan, each jurisdiction shall develop an implementation program that creates housing opportunities for all income levels.

Each jurisdiction shall also address land use information as it relates to transportation demand as well as discussion of each jurisdiction's efforts to address housing options and job opportunities on a city, subregional and countywide basis.

8. Adopt a Transportation Systems Management (TSM) Ordinance or Alternative Mitigation

To promote carpools, vanpools and park and ride lots, the Transportation Authority will draft and adopt a Model Transportation Systems Management Ordinance for use by local jurisdictions in developing local ordinances for adoption and implementation. Upon approval of the Authority, cities with a small employment base may adopt alternative mitigation measures in lieu of adopting a TSM Ordinance.

EXPENDITURE PLAN GROWTH MANAGEMENT PROGRAM

APPENDIX A - INFORMATION ON LAND USE DEFINITION

These definitions are for information, guidance and are subject to local jurisdictions' determination in the application of Traffic Service Standards.

Rural

Rural areas are defined as generally those parts of the jurisdiction which have been designated in the General Plan for agricultural or open space uses and which are characterized by medium to very large parcel sizes (10 acres to several thousand acres). These areas have very low population densities, usually no more than 1 person per acre or 500 people per square mile.

Semi-Rural

Semi-Rural areas are defined as generally those parts of the jurisdiction that are designated in the General Plan for agricultural, open space or very low density residential uses, with predominant parcel sizes down to as small as 2 to 3 acres. These areas may support viable agricultural operations, but the operations generally occur on small to medium sized lots. These areas are also characterized by clusters of farm housing or very low density "ranchette" development. The population densities in these areas usually range between 500 to 1,000 persons per square mile (1.0 to 1.5 persons per acre).

Suburban

Suburban areas are defined as generally those parts of the jurisdiction that are designated in the General Plan for low and medium density single family homes; low density multiple family residences; low density neighborhood and community oriented commercial/industrial uses; and other accompanying uses. Individual structures in suburban areas are generally less than 3 three stories in height and residential lots vary from about 6,000 square feet up to 2 or 3 acres. Population densities in suburban areas fall within a wide range, from about 1,000 to 7,500 persons per square mile (1.5 to 12.0 people per acre).

Urban

Urban areas are defined as generally those parts of the jurisdiction that are designated in the General Plan primarily for multiple family housing, with smaller areas designated for high density single family homes; low to moderate density commercial/industrial uses; and many other accompanying uses. Urban areas usually include clusters of residential buildings (apartments and condominiums) up to three or four stories in height and single family homes on relatively small lots. Many commercial strips along major arterial roads are considered urban areas.

Examples of urban areas in Contra Costa County are the older neighborhoods in Richmond, El Cerrito, Pittsburg, and Antioch and the downtown commercial districts in smaller cities such as Martinez, Danville, and Lafayette. Population densities in urban areas are usually at least 7,500 persons per square mile (12.0 people per acre). Employment densities in commercial areas may range up to about 15 jobs per acre.

Central Business District/Major Commercial Center

Central business districts or major commercial centers are defined as those areas designated in the General Plan for high density commercial and residential uses. They consist of either the downtown area of a major city (Concord, Walnut Creek, Richmond, and the Pleasant Hill BART station area) or a large business park (such as Bishop Ranch). These areas are characterized by large concentrations of jobs and consist of clusters of buildings four stories or more in height. CBD's or major commercial centers generally have high employment densities.

Routes of Regional Significance

Routes of regional significance are generally those that serve travel across Contra Costa County (for example, eastern Contra Costa to central Contra Costa), or between Contra Costa County and adjacent counties. Examples of routes of regional significance include: the Interstate and State Highway system, Ygnacio Valley Road, Treat Boulevard, San Pablo Avenue, San Pablo Dam Road, Lone Tree Way, etc.

CONTRA COSTA TRANSPORTATION IMPROVEMENT AND GROWTH MANAGEMENT ORDINANCE #88-01

The Contra Costa Transportation Authority ordains as follows:

SECTION 1 - TITLE

This Ordinance shall be known and may be cited as the Contra Costa Transportation Improvement and Growth Management Ordinance (#88-01) which shall establish and implement a retail transaction and use tax.

SECTION 2 - EXPENDITURE PLAN PURPOSES

This Ordinance provides for the implementation of the Contra Costa Transportation Improvement and Growth Management Expenditure Plan, as approved and adopted by the Contra Costa Transportation Authority, which will result in countywide transportation facility and service improvements including highway improvements, public transit improvements, trail facility improvements, local street maintenance and improvements and related transportation programs. These needed improvements shall be funded by the retail transactions and use tax provided for in Section 3 of this Ordinance. The revenues shall be deposited in a special fund and used solely for transportation projects and programs. The specific projects and programs to be implemented as well as the required growth management program are described in the Expenditure Plan which is considered a part of this Ordinance and hereby incorporated by reference as if fully set forth herein.

1. Introduction

The revenues received by the Authority from this Ordinance, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204 of the Public Utilities Code, and for the administration of the Contra Costa Expenditure Plan commencing with Public Utilities Code Section 180200, in an amount not to exceed one percent (1%), shall be used for transportation projects and programs countywide as set forth in the Expenditure Plan and in a manner consistent with the Comprehensive Transportation Plan developed by the Authority.

SECTION 3 - IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX

In addition to any other taxes authorized by law, there is hereby imposed in the incorporated and unincorporated territory of the County of Contra Costa, in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code which provisions are adopted by reference and Division 19 of the Public Utilities Code commencing with Code Section 180000, a retail transaction and use tax at the rate of one-half of one percent (1/2%) for a period not to exceed twenty years in addition to any existing or future authorized state or local transactions and use tax.

- A. **Amendments.** All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance; provided, however, that no such amendments shall operate so as to affect the rate of tax imposed by this Ordinance.
- B. **Enjoining Collection Forbidden.** No injunction of writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 4 - REQUEST FOR ELECTION

The Authority hereby requests the Contra Costa County Board of Supervisors place this Ordinance before the voters for approval on the November 8, 1988 ballot.

The proposition to be placed on the ballot shall contain a summary of the projects and programs and shall read substantially as follows:

Shall the Contra Costa Transportation Authority be authorized to establish, by Ordinance, a one-half of one percent retail transactions and use tax with an Article XIII B appropriations limit of \$765 million, for a period not to exceed twenty years, with the proceeds placed in a special fund solely for the transportation construction and planning program?

SECTION 5 — TRANSPORTATION IMPROVEMENT PROGRAM PURPOSES

In the allocation of all revenues made available from the retail transactions and use tax, the Authority shall make every effort to maximize state and federal transportation funding to the region. The Authority may amend the Expenditure Plan, in accordance with Section 8, as needed, to maximize the transportation funding to Contra Costa County. The revenues shall be allocated in accordance with the Expenditure Plan subject to the following provisions:

- A. The revenues made available for specified highway, transit and trail projects and programs shall be allocated in accordance with the Expenditure Plan, subject to the following provisions:
 1. For All Projects:
 - a. No revenue shall be allocated for any state projects until the Authority has certified that Contra Costa is receiving, at a minimum, its fair share of funds from state and federal sources for transportation projects and programs. The determination of fair share shall consider all relevant factors including the degree to which the Contra Costa region is receiving its statutory county minimum funding for all budgeted, expended, and programmed state funds and federal funds available for capital projects and operating subsidies. The policies and project approval actions of the California Transportation Commission, the State Department of Transportation (hereafter referred to as Caltrans) and the federal Department of Transportation (e.g., Federal Highway Administration and Urban Mass Transportation Administration) will also be reviewed to ensure that Contra Costa is receiving full consideration in the allocation of any additional uncommitted state and federal funding. Part of the certification shall include a finding that the state has not reduced any state fund allocations to the Contra Costa region as a result of the addition of any local revenues as provided herein. The certification shall be made annually.
 - b. If the Authority finances the construction of transportation facilities by the issuance of bonds or any similar financing device, the Authority shall first allocate the funds necessary to meet all debt service requirements.
 - c. Each project shall have a local jurisdiction(s) or special district as a sponsor of the project. If there is no local jurisdiction or special district as a project sponsor for a specific Project or Program, the Authority shall be the sponsor for that Project or Program.

1. Introduction

- d. All state improvements to be funded with revenues as provided in this Ordinance, including project development and overall project management, shall be a joint responsibility of Caltrans, the Authority and the affected local jurisdiction(s) or special district(s). All major project approval actions including the project concept, the project location, and any subsequent change in project scope shall be jointly agreed upon by Caltrans, the Authority and the project sponsors, and where appropriate, by the Federal Highway Administration and/or the California Transportation Commission.
- e. The Authority may use the proceeds of this Ordinance to accelerate projects which are anticipated to be funded through the State Transportation Improvement Program (STIP). It must be demonstrated by Caltrans that a meaningful acceleration can be accomplished using Authority funds and the State must commit to refunding those proceeds in dollars or in the acceleration or completion of other Expenditure Plan Projects and Programs and/or STIP projects.

In the event that the refund of acceleration funds impact the implementation of any Expenditure Plan Project or Program, the Authority shall amend the Expenditure Plan under Section 8.
- f. Any local funds already allocated, committed or otherwise included in the financial plan for any project on the Expenditure Plan shall be made available for project development and implementation as required in the project's financial and implementation program. All local jurisdictions and special districts are encouraged to seek all available funding from private and public sources to further the purposes of the Expenditure Plan and this Ordinance.

2. For Highway Projects:

- a. Once any state highway facility or usable portion thereof is constructed to at least minimum acceptable state standards, the state shall be responsible for the maintenance and operation thereof.

3. For Transit Projects:

- a. Prior to the construction of any transit facility or usable portion thereof, the Authority, in cooperation with affected transit operators and agencies, shall determine the entity to be responsible for the maintenance and operation thereof.

4. For Trail Projects:

- a. Prior to the construction of any trail facility or usable portion thereof, the Authority, in cooperation with affected agencies, shall determine the entity(ies) to be responsible for the maintenance and operation thereof.

B. Funds made available for local street and road purposes shall be allocated annually to all local jurisdictions on a formula basis for transportation projects. In addition to local street and road projects and maintenance, funds may be used for subregional and regional transportation projects and to meet the administrative requirements of the Growth Management Project. Funds shall be allocated annually to each local jurisdiction, provided that the Authority finds the jurisdiction in compliance with the Growth Management Program. Available funds will be allocated to eligible jurisdictions as follows:

- 1. Each jurisdiction will receive a basic allocation of \$50,000, and the remaining funds will be allocated to jurisdictions by formula based fifty percent (50%) on current population and fifty percent (50%) on maintained street and road mileage.
- 2. Population figures used shall be the most current figures available from the Department of Finance. Road mileage figures shall be the most current figures from the State Controller's Annual Report of Financial Transactions for Streets and Roads.
- 3. Any new incorporation or annexations which take place after July 1 of any fiscal year shall be incorporated into the formula beginning with the subsequent fiscal year, providing there is full compliance with all other sections of this Ordinance. The Association of Bay Area Governments' population estimates of such new incorporation or annexations shall be used until such time that Department of Finance population estimates are available.

C. Funds allocated for the Programs specified in the Expenditure Plan shall be allocated pursuant to the following provisions:

- 1. **Elderly and Handicapped Transit Service.** These funds are intended to improve paratransit service for elderly and handicapped persons, including additional service and new vehicles. To stabilize the resources available for this program, the Authority may manage funds allocated for this program on a trust fund basis.

The Paratransit Coordinating Council shall develop a capital and operating plan for Authority approval prior to the allocation of any funds pursuant to this Ordinance. Only eligible recipients of Transportation Development Act 4.5 funds are eligible to receive retail transaction and use tax funds from the Authority.

1. Introduction

2. **Carpools, Vanpools and Park/Ride Lots.** These funds are to be used to provide and promote use of commute alternatives. On a grant basis, the Authority shall annually allocate one percent of the net tax revenue to this program. Local jurisdictions and transit operators are eligible to seek funds from this grant program.
3. **Bus Transit Improvements and Coordination.** In order to receive funds under this category, bus operators and the Authority staff are to develop a coordinated program for submission to the Authority. This program should encompass all areas of the county, should involve affected jurisdictions, should focus on major commute corridors, and should work to provide a viable alternative to the single-occupant vehicle for intra-county travel.

Projects funded through the Bus Transit Improvement and Coordination Program shall include, but are not limited to:

- a. services designed to improve regional (defined by the Authority) travel and coordination among eligible transit operators to strengthen the linkages between transit service areas and linkages to rail stations in the county;
- b. transit services along major commute corridors, such as Ygnacio Valley Road and Interstate 80, to assist in relieving peak-period traffic congestion;
- c. transit services to assist in alleviating traffic during major highway construction projects; and
- d. focus on linkages between residential areas and job centers.

Projects, prior to approval by the Authority, must be endorsed by the transit operators' governing boards and be included in the respective operators' annual operating plans. All projects shall be subject to a public participation process and a financial capacity analysis as required by the Urban Mass Transportation Administration (UMTA).

Projects submitted under the Bus Transit Improvement and Coordination Program will be evaluated and reviewed by a Transit Council comprised of the General Managers (or his/her designated representative) of the eligible applicants (AC Transit, Central Contra Costa Transit Authority, Eastern Contra Costa Transit Authority, and Western Contra Costa Transit Authority) and the San Francisco Bay Area Rapid Transit District as an ex officio member, and the Authority Executive Director or his/her designated representative. On an annual basis, this Transit Council will compile a recommended Coordinated Transit Proposal consisting of the selected projects for Authority and respective policy Board approval.

The Authority shall assist with technical support to develop, coordinate, and review the Transit Council's Coordinated Service Proposal.

The Transit Council shall develop its administrative procedures, subject to approval by all eligible operators' governing boards and the Authority. The Transit Council in conjunction with the Authority shall be responsible for the development of evaluation criteria regarding the continued funding of projects, on a project-by-project basis. Criteria may included:

- o Farebox Recovery Ratio
- o Passenger Boarding per Revenue Vehicle hour
- o Operating Cost per Revenue Vehicle
- o Constrained Increases in Operating Costs
- o Transportation Development Act Standards Performance Indicators
- o Cost per Revenue Vehicle Mile
- o Cost per Trip
- o Vehicle Hours per Employee
- o Trips per Revenue Vehicle Hour
- o Trips per Revenue Vehicle Mile

These funds must:

- o be spent to alleviate traffic congestion in Contra Costa;
- o be for the purchase and operation of transit vehicles;
- o be used for operations, maintenance, and capital programs; and
- o assist the operators in the implementation of developed plans.

Bus operators are responsible for funding their service commitments at the end of the period of this tax. Bus operators are required to seek all funds available to support operations.

4. **Regional Transportation Planning and Growth Management.** The Authority shall provide a forum for the discussion and resolution of countywide transportation planning and related issues.

1. Introduction

The Authority, through the retail transactions and use tax and any other available funds, shall support the planning efforts of the Regional Transportation Planning Committees established under the Authority and shall support efforts to develop and maintain an ongoing planning process with the cities and the county through the funding and development of a Comprehensive Transportation Plan.

The Authority shall coordinate its efforts with all appropriate and affected agencies in order to assure that the retail transactions and use tax and other funds are used effectively to develop and implement a comprehensive transportation planning process in cooperation with the cities and the county.

Regional transportation planning may also include studies of major new transportation facilities and programs.

SECTION 6 - TRANSPORTATION IMPROVEMENT PROGRAM PROCEDURES

It is the intent of the Legislature and the Authority that revenues provided from this Ordinance be used to supplement existing revenues being used for transportation improvements and programs. Each local jurisdiction receiving Local Street Maintenance and Improvements funds pursuant to Section 5 shall meet the requirements in that section.

Under state enabling legislation, a jurisdiction cannot redirect monies currently being used for transportation purposes to other uses, and then replace the redirected funds with local street maintenance and improvement dollars from the retail transactions and use tax. To meet the requirements of state law, a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditure in conformance with one of the requirements below.

- A. The same level of local discretionary funds expended for street and road purposes as was reported in the State Controller's Annual Report of Financial Transactions for Streets and Roads — Fiscal Year 1986-87.
- B. If any local jurisdiction had extraordinary local discretionary fund expenditures during FY 1986-87, it may use, as a base for determining the minimum level of local discretionary funds:
 1. the average amount of such funds reported to the State Controller for the three-year period FY 1984-85 through FY 1986-87; or
 2. the net contribution obtained by subtracting those extraordinary expenses (including but not limited to SB 300 funds, assessment district contributions, development impact funds, redevelopment agency contributions, or other non-recurring contributions) from its total expenditures; or
 3. a petition to the Authority for special consideration. A local jurisdiction may need to revise its minimum expenditure base beyond the subtraction of extraordinary expenses. In this instance, the Authority may allow the establishment of a new base for that jurisdiction's maintenance of effort requirement. A local jurisdiction petitioning the Authority under this provision must supply evidence of the need for special consideration.

The use of provisions B. 1, 2, or 3 of this Section by a local jurisdiction shall be subject to Authority approval.

The Authority shall annually update the base year and preceding three year base period for the establishment of an annual minimum based on the information available from the State Controller's Annual Report of Financial Transactions for Streets and Roads.

An annual independent audit may be conducted to verify that the Maintenance of Effort requirements were met by the local jurisdictions. Any local jurisdiction which does not meet its Maintenance of Effort requirement in any given year may have its Local Street Maintenance and Improvements funding reduced in the following year by the amount by which the jurisdiction did not meet its required Maintenance of Effort. Such funds shall be redistributed to the remaining eligible jurisdictions.

SECTION 7 - GROWTH MANAGEMENT PURPOSES AND PROCEDURES

In order to receive Local Street Maintenance and Improvements Funds, local jurisdictions must meet the requirements of the Growth Management Program. The specific requirements of the growth management program are described in the Expenditure Plan which is considered a part of this Ordinance and hereby incorporated by reference as if fully set forth herein. The Authority shall develop administrative requirements, in consultation with local jurisdictions, to implement the Growth Management Program.

SECTION 8 - AMENDMENTS TO THE EXPENDITURE PLAN

The Authority may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The Authority shall establish a process for proposed Expenditure Plan amendment(s) which ensures that the affected Regional Transportation Planning Committee(s) participate in the development of the proposed amendment(s). Upon completion of this process, amendment(s) to the Expenditure Plan must be passed by a roll call vote entered in the minutes and must have a majority of the Authority concurring with the proposed amendment(s). Subsequently, the Authority shall notify the Board of Supervisors, the City Council of each city in the county and the Mayors' Conference and provide each entity with a copy of the proposed amendment(s). Pursuant to Public Utilities Code 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. The Authority shall hold a public hearing on the proposed amendment(s) within this 45-day period.

1. Introduction

In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to appeal and shall, within 45 days after notice is given by the Authority, formally notify the Authority of its intent, in writing via registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date of its determination to appeal the proposed amendment(s) to obtain resolutions supporting its appeal for an override of the amendment(s) from a majority of the cities representing a majority of the population residing in the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting its appeal, the Authority's amendment(s) to the Expenditure Plan will stand.

SECTION 9 - AMENDMENTS TO THE ORDINANCE

With the exception of Section 3, which requires a majority vote of the electors of the County of Contra Costa to be amended, this Ordinance may be amended to further its purposes. The Authority shall establish a process for proposed Ordinance amendment(s) which ensures that the Regional Transportation Planning Committees participate in proposed Ordinance amendment(s). Upon completion of that process, amendment(s) to this Ordinance must be passed by a roll call vote entered in the minutes and must have two-thirds of the Authority concurring with the proposed amendment(s).

In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing via registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting its appeal for an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting its appeal, the Authority's amendment(s) to the Ordinance will stand.

SECTION 10 - AUTHORITY COMMITTEES

It is the intent of the Authority to continue the committees which were established as part of the Transportation Partnership Commission organization. The committees are:

- A. The Regional Transportation Planning Committees which were established to develop transportation plans on a geographic basis for sub-areas of the County;
- B. The Transportation Partnership Advisory Committee which will serve as the Authority's citizens advisory committee;
- C. The Technical Coordinating Committee which will serve as the Authority's technical advisory committee.

SECTION 11 - PRIVATE SECTOR FUNDING

Revenues provided from this Ordinance shall not be used to replace private developer funding which has been or will be committed for any project.

SECTION 12 - BONDING AUTHORITY

"Pay as you go" is the preferred method of financing transportation improvements and programs. However, the Authority may use bond financing as an alternative method in the event that the scope of planned expenditures makes "pay as you go" financing infeasible. Upon voter approval of the Ordinance, the Authority shall have the authority to issue bonds payable from the proceeds of the tax for the construction of needed transportation facility improvements. The Authority, in allocating the annual revenues from the Ordinance, shall meet all debt service requirements prior to allocating funds for other projects.

SECTION 13 - ADMINISTRATIVE EXPENSES

Revenues may be expended by the Authority for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer the Ordinance; however, in no case shall the annual expenditures for the salaries and benefits of the staff of the Authority exceed one percent of the annual revenues provided by the Ordinance. Costs of performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose as set forth herein.

An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section are necessary and reasonable in carrying out its responsibilities under the Ordinance.

SECTION 14 - ESTABLISHMENT OF SEPARATE ACCOUNTS

The Authority shall allocate funds to Expenditure Plan Projects and Programs as necessary to meet contractual and program obligations. The Authority may allocate funds as described but may reserve the right not to disburse monies until needed to meet contractual projects or program obligations, exclusive of the Local Street Maintenance and Improvement Funds. Each agency receiving funds from this Ordinance shall deposit said funds in a separate interest bearing Transportation Improvement Account. Any interest earned on funds allocated pursuant to this Ordinance shall be expended only for those purposes for which the funds were allocated or shall be returned to the Authority. The Authority reserves the right to audit such accounts.

SECTION 15 - IMPLEMENTING ORDINANCES

Upon approval of this Ordinance by the voters the Authority shall, in addition to the local rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules and administrative procedures, including Authority terms of office, and take such other actions as may be necessary and appropriate to carry out its responsibilities to implement the Contra Costa Transportation Improvement and Growth Management Expenditure Plan.

SECTION 16 - EFFECTIVE AND OPERATIVE DATES

This Ordinance shall become effective on November 8, 1988 only if a majority of the electors voting on the Ordinance at the election held on November 8, 1988 vote to approve the Ordinance. If so approved, the provisions of this Ordinance shall become operative on April 1, 1989.

SECTION 17 - DESIGNATION OF FACILITIES

Each project or program in excess of \$250,000 funded in whole or in part by revenues from the Ordinance shall be clearly designated in writing via signs and/or documents, during its construction or implementation as being funded by revenues from the Ordinance.

SECTION 18 - CONTRACTS, LOCAL PREFERENCE

It is the preference of Authority, where feasible, and allowed under applicable law, to contract with Northern California organizations and businesses and to maximize contract opportunities for minority and women owned businesses. The Authority shall develop administrative procedures for contracts.

SECTION 19 - SEVERABILITY

If any section, part, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

If a state law is passed in the future which prevents local jurisdictions from establishing standards for any of the six Growth Management Performance Standards in the Authority's Growth Management Program, the Authority may elect to delete or modify the requirements for that Performance Standard.

SECTION 20 – ANNUAL APPROPRIATIONS LIMIT

Article XIII(B) of the California constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority has been established as \$765 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transactions and use tax revenues imposed in Section 3 are subject to the appropriations limit of the Authority.

SECTION 21 – COORDINATION

The Authority shall consult and coordinate its actions to secure funding for the completion and improvement of the priority regional projects with the California Transportation Commission, transit operators and other interested and affected parties for the purpose of integrating its transportation improvements with other planned improvements and operations impacting the county. In addition, the Authority shall seek all ways to expedite the completion of Expenditure Plan projects, the implementation of which is the responsibility of other agencies. Use of acceleration as described in Section 5.A.1.e as well as supporting and advocating for Caltrans to contract out are both means through which the Authority can work to achieve timely project implementation.

SECTION 22 – ALLOCATION OF RELEASED FUNDS

If additional funds become available for a specific project or projects on the Expenditure Plan, the Authority may reallocate the retail transactions and use tax funds released by the receipt of those additional funds. In the allocation of the released funds, the Authority shall give first priority to Expenditure Plan Project and Programs which provide congestion relief in the geographic region which received the additional funds. Second priority shall be given to other projects and programs within the affected geographic region which may be placed on the Expenditure Plan through the amendment process described in Section 8. Third priority shall be given to all other Expenditure Plan Projects and Programs. Fourth priority shall be given to other projects of regional significance which may be placed on the Expenditure Plan through the amendment process described in Section 8.

SECTION 23 – ALLOCATION OF EXCESS FUNDS

In the event, that the retail transactions and use tax revenues generated by this Ordinance are greater than projected or contingency fund requirements are less than projected, the Authority may allocate those excess funds. Determination of when the contingency funds become excess funds shall be established by a process to be developed by the Authority.

In the allocation of excess funds, the Authority shall give first priority to Expenditure Plan Projects and Programs, and second priority to other projects of regional significance which are consistent with the Comprehensive Transportation Plan of the Authority and may be placed on the Expenditure Plan through the amendment process described in Section 8.

SECTION 24 – TRANSPORTATION AUTHORITY EMINENT DOMAIN

The Authority will not use its power of eminent domain as provided in Public Utilities Code Section 180152.

SECTION 25 – SUNSET OF THE AUTHORITY

In the event that this Ordinance does not succeed in obtaining a majority of the vote of the electorate at the November, 1988 election, the legal entity known as the Contra Costa Transportation Authority will sunset within 30 days after the election.

SECTION 26 – CALDECOTT TUNNEL

The Authority shall make every effort to secure state and/or federal funds to increase the capacity of the Caldecott Tunnel. The Authority shall work with other affected jurisdictions, particularly Alameda County and the City of Oakland to assist this effort. The Authority may, subject to the provisions of this Ordinance, loan funds to the State of California to commence the preliminary planning for this project.

SECTION 27 – MAJOR ARTERIALS

The Southwest Regional Transportation Planning committee will determine the financial programming of the Major Arterials – Southwest Region Project. For the Southwest Arterial Projects, it is the intent of the Authority that local jurisdictions give priority to the following projects: Widen San Ramon Valley Boulevard from Hartz to Alcosta; widen Dougherty Road from the County line to Crow Canyon Road; widen Crow Canyon Road from the County line to Bollinger Canyon Road; widen and eastbound Route 24 off-ramp at Brookwood and upgrade signals; and improve the St. Marys Road-Glenside Drive-Reliez Station Road corridor.

For the I-680 Corridor project, the central county Regional Transportation Planning Committee (TRANSPAC) may use up to \$20 million of I-680 central county funds for improvements to arterials. TRANSPAC will determine the programming of these funds.

SECTION 28 – DEFINITIONS

- A. **Authority.** Means the Contra Costa Transportation Authority. The Contra Costa Transportation Partnership Commission has been designated as the Contra Costa Transportation Authority by the Contra Costa County Board of Supervisors with the concurrence of a majority of the cities having a majority of the population within the incorporated area of the County.
- B. **Bicycle and Pedestrian Trail Facilities.** Means all purposes necessary and convenient to the design, right-of-way acquisition and construction of facilities intended for use by bicycles and pedestrians. Bicycle facilities shall also mean facilities and programs which help to encourage the use of bicycles such as secure bicycle parking facilities, bicycle promotion programs and bicycle safety education programs.
- C. **Bonds.** Means indebtedness and securities of any kind or class, including but not limited to bonds, notes, revenue anticipation notes, commercial paper, and certificates of participation.
- D. **Comprehensive Transportation Plan.** Means the long-range transportation planning document prepared and adopted by the Authority.
- E. **Expenditure Plan.** Means the expenditure plan required by Section 180206 of the Public Utilities Code to be adopted prior to the call of an election on this Ordinance. The expenditure plan includes the allocation of revenues for each authorized purpose.
- F. **Highways and Arterials.** Means all purposes necessary and convenient to the design, right-of-way acquisition, and construction of highway and arterial street facilities, including all interstate highway routes and any other facilities so designated in the Expenditure Plan.
- G. **Local Street Maintenance and Improvements.** Means all purposes necessary and convenient to the maintenance, operation and construction of local streets and roads and transit purposes. Local street and road purposes shall include all purposes allowable under Article XIX, Section 1(a) of the State Constitution.
- H. **Transit.** Means all purposes necessary and convenient to the construction, operation and maintenance of transit services and facilities including the acquisition of vehicles and right-of-way. Transit services include, but are not limited to, bus, light rail, rapid transit and commuter rail services and facilities.

PASSED AND ADOPTED by the Contra Costa Transportation Authority, the 3rd day of August, 1988 by the following vote:

AYES: Sharon Brown, Taylor Davis, Cathryn Freitas, Beverly Lane, David MacDiarmid, Anna McCarty, Sunne Wright McPeak, Ed Skoog, Tom Torlakson, Avon Wilson, and Ronald K. Mullin, Chair

NOES: None

ABSENT: None

/s/ Ronald K. Mullin

1. Introduction

Chair

August 3, 1988

Date

ACKNOWLEDGEMENTS

Transportation Partnership Advisory Committee

CHAIR: Byron Campbell

Louise Aiello (County Planning Commissioner)

Frank Baker (Paratransit Coordinating Council)

Guy Bjerke (Chambers of Commerce)

Ron Berkhimer (Contra Costa Taxpayers Association)

Alternate: Don Christen

Byron Campbell, Chair (Residents for a Better Contra Costa)

Alternate: Colleen Coll

Ernestine DeFalco (League of Women Voters)

Alternate: Nancy Oswald

Ed Dimmick (Citizens for a Better Walnut Creek)

Alternate: Peggy Cappiali

Bob Doyle (Save Mt. Diablo)

Alternate: Mike Gleason

Joseph Duarte (Farm Bureau)

Mark Evanoff (People for Open Space)

Alternate: Kent Fickett

Lou Ferrero (Contra Costa Office on Aging)

Alternate: Roberta Lumb

Kevin Garrett (City of Hercules)

Gary Gibbs (Coalition of Labor and Business)

Peter N. Hellmann (Home Builders Association)

Alternate: Rich Jensen

Darlyne Houk (Contra Costa Board of Realtors)

Alternate: Roy McKinney

Neal Johnson (Western Contra Costa Transportation Advisory Committee)

Sarge Littlehale (Southwest Regional Planning Committee)

Alternate: William C. Rust, Jr.

Steve Ohmsted (East County BART Coalition/Highway 4 Task Force)

Peter Oswald (Contra Costa Council)

Alternate: Darryl A. Foreman

Steve Roberti (Central Labor Council)

Alternate: John A. Matheis

Phyllis Roff (TRANSPAC)

Keith Samson (Industrial Association)

Laura Selfridge (Sierra Club)

Alternate: Michele Perrault

Tim Tinnes (Organization to Save Our Communities)

Alternate: Bruce Benzler

Brian Way (Oakley Municipal Advisory Council/TRANSPLAN)

Alternate: Richard Dillon

Technical Coordinating Committee

The following members of the Technical Coordinating Committee assisted in the development of the Contra Costa Transportation Improvement and Growth Management Expenditure Plan.

CHAIR: Stanford Davis

Phil Agostini, Public Works Department, City of San Ramon

Stanford Davis, Chair, Public Works Director, City of Antioch

Tony Donato, City Manager, City of Pittsburg

Anne Drew, Transit Manager, Eastern Contra Costa County Transit Authority (Tri-Delta Transit)

Hilmer A. Forsen, Senior Transportation Engineer, State Department of Transportation District 4 (Caltrans)

Dale Fousel, Access Coordinator, Bay Area Rapid Transit District

Al Jelton, Public Works Department, City of Richmond

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Roy Parker, Dean Howland, Public Works Department, City of Concord
Frank Kennedy, City-County Engineer's Liaison, City Engineer, City of Walnut Creek
Doug Kimsey, Assistant Transportation Planner, Metropolitan Transportation Commission
Steve Lake, Public Works Director, City of Danville
Don Larson, AC Transit

Alternate: Peter Tannen

Marilyn Leuck, City Manager, City of Hercules
Barbara A. Neustadter, Commission Executive Staff

Alternate: Robert Chung

Jim Robinson, City Manager, City of San Ramon
Ron Serviss, Transit Manager, West Contra Costa Transit Authority
Maurice Shiu, Assistant Public Works Director, Contra Costa County

Alternate: Robert Faraone

John Sindzinski, Contra Costa County Transit Authority

Alternate: Mallory Nestor

Mike Uberaga, City Manager, City of Concord

Commission Staff

Commission Staff members were loaned to the Commission by Contra Costa County and the City of Concord to assist in the development of the Transportation Improvement and Growth Management Program.

Barbara A. Neustadter, Executive Staff, County
Robert Chung, Senior Staff, County
Gregory R. Gleichman, Senior Staff, County
Laurel Weil, Commission Counsel, Concord
Diane S. Page, Secretary, County

The Transportation Partnership Commission would like to acknowledge the Contra Costa Council's generosity for providing funding to secure secretarial services and to Smith, Gray and Company for their assistance in the development of this program.

MEASURE C - 1990

THE 65/35 CONTRA COSTA COUNTY LAND PRESERVATION PLAN

TEXT OF PROPOSED ORDINANCE

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

Section 1 Title

This ordinance shall be entitled the "65/35 Contra Costa County Land Preservation Plan."

Section 2 Summary

Through this ordinance the people approve the policies contained in the 65/35 Contra Costa County Land Preservation Plan and direct the Contra Costa County Board of Supervisors to reflect those policies in the new general plan (the "New General Plan") for the County. These "65/35 Land Preservation Plan" policies are intended to:

- o Restrict urban development to 35% of the land in the County and preserve 65% of the land in the County for agriculture, open space, wetlands, parks and other non-urban uses;
- o Prohibit any changes to the 65/35 Land Preservation Plan standard except by a vote of the people;
- o Create an Urban Limit Line to identify the outer boundaries of urban development in the County;
- o Protect and promote the economic viability of agricultural land by appropriate standards and policies, including a policy that increases the minimum parcel size for prime productive agricultural land outside the Urban Limit Line to 40 acres;
- o Protect open hillsides and significant ridgelines throughout the County from development by zoning and other measures;
- o Manage growth in the County by allowing new development only when infrastructure and service standards are met;
- o Advise the Local Agency Formation Commission to honor the County's 65/35 Land Preservation standard, Urban Limit Line and growth management standards in annexation and incorporation decisions;
- o Promote cooperation between the County and cities to preserve agricultural and open space land, wetlands and parks, by requiring the County to pursue preservation agreements with cities where feasible; and
- o Safeguard the County's obligation to provide its fair share of safe, decent and affordable housing.

Section 3 Statement of Findings and Policy

The voters of Contra Costa County approve the 65/35 Land Preservation Plan based on the following facts and considerations:

1. Introduction

- A. Contra Costa County (the "County") is nearing completion of a major revision of its general plan. The New General Plan will represent a comprehensive, balanced approach for accommodating the diverse variety of needs and interests of the people of the County. To maximize public participation in preparing the New General Plan, the County has held thousands of hours of public meetings and received extensive written comments on the New General Plan. All segments of Contra Costa County society have participated, including ranchers, developers, farmers, environmentalists, labor groups, cities, special districts, business and industrial associations. The proposed New General Plan expresses the variety of concerns and hopes stated in this public process. The proposed New General Plan consists of over 400 pages and represents years of research and analysis by the staff of the County Conservation and Development Department and outside consultants. In addition, in accordance with the California Environmental Quality Act ("CEQA"), the County has prepared and circulated for public review a draft environmental impact report ("EIR") to assess the environmental impacts of the New General Plan. The draft EIR, comments and responses to comments have been circulated to agencies and individuals and readily available at County offices, libraries and other public places.
- B. During this process of preparing the New General Plan, the voters expressed a number of concerns related to future planning and development of the County. The most important of those concerns were:
- (1) Growing urbanization of the County is threatening the long term viability of the County's agricultural and open space land, parks, wetlands, hillsides and ridgelines. Preservation and buffering of agricultural land is critical to maintaining a healthy and competitive agricultural economy and assuring a balance in land uses in the County. Moreover, preservation and conservation of open space, wetlands, parks, hillsides and ridgelines is imperative to ensure the continued availability of unique habitats for wildlife and plants, to protect the unique scenery in the County and to provide a wide range of recreational opportunities for County residents.
 - (2) Growth is a natural and proper part of the life of the community. However, growth should be managed responsibly to preserve the quality of life for current and future generations. New development should be guided into appropriate locations, and should be allowed only after appropriate infrastructure (transportation, schools, water, fire and police protection) can be assured.
 - (3) There is a critical need to make decent, safe and affordable housing available to all Contra Costa County residents. Fair housing opportunities should prevail for all economic segments of the County, and housing should be available in reasonable proximity to employment centers. In addition, the County's land use policies should not restrict growth so severely that they preclude these affordable housing opportunities.
- C. The 65/35 Land Preservation Plan implemented in Section 4 is intended to address these concerns of the voters. The 65/35 Land Preservation Plan is intended to carry out the voters' desire to both preserve agriculture and open space land, parks, wetlands, hillsides and ridgelines, manage growth to protect the quality of life, and provide for the County's fair share of decent, safe and affordable housing.
- D. It is appropriate and reasonable to present to the voters for their approval the key policies that would guide the County's future under the New General Plan, as those policies are set forth in the 65/35 Land Preservation Plan. With the guidance and confirmation the voters can provide through approval of the 65/35 Land Preservation Plan, the County can complete the environmental review and detailed documentation necessary for implementing these principles.
- E. The approval of the 65/35 Land Preservation Plan by the voters is not intended to be an amendment of the County's existing general plan. Rather, the 65/35 Land Preservation Plan, if approved by the voters, is intended to be reflected in the County's New General Plan and will thereby become the official policy of the County with respect to the preservation of open space and agricultural lands and the protection of valuable environmental resources such as wildlife, wetlands, hillsides and ridgelines.

Section 4 Implementation of 65/35 Land Preservation Plan

To implement the 65/35 Land Preservation Plan, the following chapter is hereby added to the Contra Costa County Ordinance Code as Chapter 82-1 and numbered appropriately:

A. New General Plan

The County shall adopt a new general plan by December 31, 1990 (the "New General Plan").

B. 65/35 Land Preservation Plan

The policies contained in this chapter shall be reflected in the New General Plan, as ultimately adopted by the Board of Supervisors in accordance with the California Environmental Quality Act and State Planning Law.

(1) 65/35 Land Preservation Standard

Urban development in the County shall be limited to no more than 35% of the land in the County. At least 65% of all land in the County shall be preserved for agriculture, open space, wetlands, parks and other non-urban uses.

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(2) **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 35% 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 65% of the land in the County.

(3) **Urban Limit Line**

To ensure the enforcement of the 65/35 standard set forth in (B)(1) above, 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. The Urban Limit Line shall be incorporated into the County's Open Space Conservation Plan. The Urban Limit Line shall limit potential urban development in the County to 35% of the land in the County and shall prohibit 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 26 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.

(4) **Growth Management**

In accordance with the Contra Costa Transportation Improvement and Growth Management Program adopted on August 3, 1988, the County shall manage growth by allowing new development only when infrastructure and service standards are met for traffic levels of service, water, sanitary sewer, fire protection, public protection, parks and recreation, flood control and drainage and other such services. Land located inside the Urban Limit Line may be considered for changes in designated land uses, subject to County growth management policies and any other applicable requirements. Location of land within the Urban Limit Line shall provide no guarantee that the land may be developed. If land is developed within the Urban Limit Line, a substantial portion of this land shall be retained for open space, parks and recreational uses.

(5) **Agricultural Protection Policies; Minimum Parcel Sizes**

The County shall establish standards and policies designed to protect the economic viability of agricultural land. These standards and policies shall include a minimum parcel size for prime productive agricultural land located outside the Urban Limit Line to 40 acres. These standards and policies may also include, but shall not necessarily be limited to, preservation agreements, conservation easements, clustering, establishment of an agricultural soils trust fund, and agricultural mitigation fees.

(6) **Hillside Protection**

Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26% or greater, shall be protected through implementing zoning measures and other appropriate actions.

(7) **Changes to the Urban Limit Line**

There shall be no change to the Urban Limit Line that violates the 65/35 standard set forth in B(1) above. After adoption of the New General Plan, as long as there is no violation of the 65/35 standard, the Urban Limit Line can 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:

- (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 Urban Limit Line;
- (b) 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;
- (c) 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;
- (d) a minor change to the Urban Limit Line will more accurately reflect topographical characteristics or legal boundaries;
- (e) a five (5) year periodic review of the Urban Limit Line has determined, based on the criteria and factors for establishing the Urban Limit Line set forth in B(3) above, that new

1. Introduction

information is available (from city or County growth management studies or otherwise) or circumstances have occurred, that warrant a change to the Urban Limit Line;

- (f) 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
- (g) a change is required to conform to applicable California or federal law.

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.

(8) **Annexations and Incorporations**

The Local Agency Formation Commission ("LAFCO") shall be advised to (a) respect and support the County's 65/35 Preservation Standard, Urban Limit Line and growth management standards when considering requests for incorporation or annexation to cities or service districts, (b) apply the stricter of the growth management standards of either the County the incorporating city or the annexing city or service district, when considering requests for incorporation or annexations of land to cities or service districts, and (c) require unincorporated land located within the Urban Limit Line that is included in the incorporation of a new city or annexed to a city to provide a fair share of affordable housing when and if such land is developed.

(9) **Housing**

As required by the State Planning Act, the County shall periodically review and update the New General Plan to conform to state housing requirements and to ensure its capacity to accommodate a variety of housing types and prices throughout the County. In accordance with the provisions of B(7) above, the Board of Supervisors may make findings of necessity that the Urban Limit Line should be changed to allow the County to meet its fair share of affordable housing and other state housing requirements.

(10) **Cooperation with Cities**

To the extent feasible, the County shall enter into preservation agreements-with cities in the County designed to preserve certain land in the County for agriculture and open space, wetlands or parks.

C. **Application to Projects Prior to Adoption of New General Plan**

From the effective date of this chapter to adoption of the New General Plan, prior to issuing a permit for any project or adopting any legislation which requires an initial study under the California Environmental Quality Act, and prior to issuing a permit for any demolition, conversion, or change or use, and prior to taking any action which requires a finding of consistency with the general plan, the County shall adopt findings as to whether or not the proposed project or legislation is consistent with the policies established above.

D. **Duration**

The provisions of this chapter shall be in effect until December 31, 2010, to the extent permitted by law.

E. **No Violation of Law by this Ordinance**

- (1) Nothing in this chapter shall be construed or interpreted in such a manner as to operate to deprive any landowner of substantially all of the market value of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of any of the provisions of this chapter to any specific project or landowner would create an unconstitutional taking, then the Board of Supervisors may allow additional land uses, otherwise adjust permit requirements or take such other actions to the extent necessary to avoid what otherwise might be construed to be a taking. Any such additional land uses or other adjustments shall be designed to carry out the goals and provisions of this section to the maximum extent feasible.
- (2) Nothing contained in this chapter shall constitute an amendment of the existing general plan. Upon approval of this chapter by the voters, the County shall take all necessary and appropriate steps to reflect the policies of the 65/35 Land Preservation Plan in the New General Plan for the County, consistent with the requirements of CEQA and the State Planning Law. Nothing contained herein shall prevent the County from complying with applicable requirements of state law relating to the adoption and amendment of general plans.

F. **Definitions**

- (1) As used in this chapter, the phrase "land within the County" shall mean all of the acreage within the boundaries of Contra Costa County except the water area of the County west of Stake Point.
- (2) As used in this chapter, the term "non-urban uses" shall mean rural residential and agricultural structures allowed by applicable zoning and facilities for public purposes, whether privately or publicly funded or operated, which are necessary or desirable for the public health, safety or welfare or by state or federal law.

Section 5 Amendment and Repeal

This ordinance may be amended or repealed only by a vote of the people, except as expressly provided herein.

Section 6 Conflicts with Other Measures

The following provisions shall apply in the event that the voters approve any other initiative or referendum related to the County's general plan contemporaneously with approval of this ordinance:

- (1) In the event that the voters approve any other initiative or referendum related to the County's general plan, or zoning, planning or land use regulations within the County contemporaneously with approval of this ordinance and this ordinance receives a higher number of votes than such other initiative or referendum, the provisions of this ordinance shall supersede and are hereby deemed to be inconsistent with the provisions of such other initiative or referendum, and no provision of such other initiative or referendum shall be implemented. This provision shall apply regardless of whether all or any part of this ordinance is invalidated by a court of competent jurisdiction.
- (2) In the event that the voters approve any other initiative or referendum related to the County's general plan contemporaneously with the approval of this ordinance, and such other initiative or referendum receives a higher number of votes than this ordinance, the provisions of this ordinance shall nevertheless be implemented to the maximum extent legally feasible.

Section 7 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 sections, subsections, sentences, phrases, parts or portions was declared invalid or unconstitutional.
