

D.7

TO: BOARD OF SUPERVISORS
FROM: DENNIS M. BARRY, AICP
COMMUNITY DEVELOPMENT DIRECTOR



Contra
Costa
County

DATE: JULY 25, 2006

SUBJECT: CONTINUED ITEM FROM 7/18/2006 MEETING - CONSIDERATION OF RESOLUTION NO. 2006/80 CALLING FOR ELECTION ON NOVEMBER 7, 2006 FOR THE 2006 VOTER-APPROVED CONTRA COSTA COUNTY URBAN LIMIT LINE (COUNTYWIDE) (COUNTY FILES: GP#06-0001 AND ZT#06-0001)

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS

1. ACCEPT a follow-up report from the Community Development Director in response to Board Member comments raised at the Board of Supervisors July 18, 2006 meeting regarding the proposed 2006 Voter- Approved Contra Costa County Urban Limit Line ballot measure for the November 7, 2006 General Election.

CONTINUED ON ATTACHMENT: YES SIGNATURE Dennis M. Barry
 RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
 APPROVE OTHER

SIGNATURE(S):

ACTION OF BOARD ON 07/25/2006 APPROVED AS RECOMMENDED OTHER

VOTE OF SUPERVISORS

UNANIMOUS (ABSENT 0)
 AYES: _____ NOES: _____
 ABSENT: _____ ABSTAIN: _____

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN

Contact: P. Roche, CDD-Adv. Plng. (Ph #925-335-1242)

cc: CAO
 Clerk of the Board
 County Counsel
 Mayor/City Manager (19 Cities)
 Chair, CCTA
 S. Weir, County Clerk

ATTESTED 07/25/2006
 JOHN CULLEN, CLERK OF THE BOARD OF
 SUPERVISORS AND COUNTY ADMINISTRATOR

BY [Signature], DEPUTY

CERTIFIED COPY
 I certify that this is a full, true and correct copy of the original document which is on file in my office. ATTEST, JOHN CULLEN, Clerk of the Board of Supervisors and County Administrator by Deputy Clerk.

[Signature] on 07/25/06

July 25, 2006

Board of Supervisors

Consider Resolution on Voter-Approved Urban Limit Line Ballot Measure proposed for November 7, 2006 General Election

Page 2

RECOMMENDATIONS –continued

2. RECEIVE public comment on the 2006 Voter-Approved Contra Costa County Urban Limit Line ballot measure proposed for the General Election on November 7, 2006.
3. ADOPT a Negative Declaration of Environmental Significance that the proposed 2006 Voter-Approved Contra Costa County Urban Limit Line ballot measure would not result in any significant impacts on the environment by finding that the environmental review prepared for the proposed ballot measure is adequate pursuant to the California Environmental Quality Act (CEQA) and DIRECT staff to file the CEQA Notice of Determination with the County Clerk.
4. ADOPT Resolution No. 2006/80 authorizing an election on the 2006 Voter-Approved Contra Costa County Urban Limit Line ballot measure for the November 7, 2006 General Election (see revised Resolution No. 2006/80, under Attachment "A").
5. DIRECT the County Clerk to conduct the election on the 2006 Voter-Approved Contra Costa County Urban Limit Line ballot measure pursuant to the California Elections Code. This election shall be held at the time of the General Election on November 7, 2006.

FISCAL IMPACT

For a discussion on the anticipated fiscal impact of this Board action please refer to the July 18, 2006 Board Report (see Attachment "B").

BACKGROUND / REASONS FOR RECOMMENDATION

On July 18, 2006 the Board of Supervisors received a report from the Community Development Director and accepted public testimony on the 2006 Voter-Approved Contra Costa County Urban Limit Line ballot measure proposed for the November 7, 2006 General Election. The public testimony offered at the July 18th meeting focused on whether the new County Urban Limit Line map, which is to be included in the ballot measure, should recognize the recently enacted voter-approved Urban Limit Lines in Antioch, Pittsburg, and San Ramon. Two speakers from environmental organizations testified about their concerns that the new County Urban Limit Line map, which voters are being asked to approve, would represent an implied endorsement or support for urban development in certain locations that are presently located outside the County's Urban Limit Line. Following this public testimony, the Board requested staff to return to the July 25th meeting with a revision to the adopting resolution that provides a disclaimer and to consult with the respective environmental organizations about this proposed revision to the resolution.

Attached for the Board's consideration (see Attachment "A"), is a revised version of Resolution No. 2006/80 that states while the Board recognizes the voters of Antioch, Pittsburg, and San Ramon have now approved Urban Limit Lines, which each anticipate urban development in certain unincorporated areas now located outside the County's Urban Limit Line, the Board's recognition of said city voter-approved Urban Limit Lines should not be construed as an endorsement or support by the Board for the eventual development of urban uses in these locations. Please see the new disclaimer sentence as the last sentence under paragraph item 4. to the attached revised resolution.

July 25, 2006

Board of Supervisors

Consider Resolution on Voter-Approved Urban Limit Line Ballot Measure proposed for November 7, 2006 General Election

Page 3

BACKGROUND / REASONS FOR RECOMMENDATION – continued

As requested, staff provided an advance copy of the revised resolution for review and comment to staff from the environmental organizations that testified at the July 18th Board meeting. The staff representative for the Sierra Club – San Francisco Bay Chapter indicated his organization still had reservations with the County's ballot measure recognizing the voter approved Urban Limit Line in Pittsburg.

Since this matter is a continued item from the July 18, 2006 meeting, a complete copy of the Board Report from that meeting is provided for reference (see Attachment "B").

CONSEQUENCES OF NEGATIVE ACTION

See discussion in the July 18, 2006 Board Report on the timeline for submitting the ballot measure for the November 2006 General Election to the County Elections Officer.

Attachments (2 items)

Attachment "A": **revised** Board Resolution No. 2006/80 – Resolution Calling For An Election On November 7, 2006 On The 2006 Contra Costa County Voter-Approved Urban Limit Line; and, proposed ballot measure language

Attachment "B": July 18, 2006 Board Report, Subject: Consideration of Resolution No. 2006/80 Calling for Election on November 7, 2006 for the 2006 Voter-Approved Contra Costa County Urban Limit Line

Attachment "A":

revised Board Resolution No. 2006/80,
Resolution Calling For An Election On
November 7, 2006 On The 2006 Contra
Costa County Voter-Approved Urban
Limit Line; and, proposed ballot
measure language

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Resolution on July 25, 2006 by the following vote:

AYES: UILKEMA, PIEPHO DeSAULNIER, GLOVER, and GIOIA
NOES: None
ABSENT: None
ABSTAIN: None

RESOLUTION NO. 2006/80

SUBJECT: RESOLUTION CALLING FOR AN ELECTION)
ON NOVEMBER 7, 2006)
FOR A VOTER-APPROVED)
CONTRA COSTA COUNTY URBAN LIMIT LINE.)

The Board of Supervisors of Contra Costa County RESOLVES THAT:

1. In 1990 the voters in Contra Costa County approved Measure C, the 65/35 Contra Costa County Land Preservation Ordinance (Ordinance No. 90-66). Since that time, the Urban Limit Line has been incorporated into both the County Ordinance Code and the General Plan to ensure preservation of identified non-urban agricultural land, open space, and other areas, by establishing a line beyond which no urban land uses can be designated through the year 2010. By its terms Measure C-1990 (Ordinance No. 90-66) is scheduled to expire in the year 2010. The Board of Supervisors recognizes that there is a continuing need to protect agriculture and open space in this County.

2. In November 2004, the voters in Contra Costa County approved Measure J, a 25-year extension of the Measure C-88 local transportation sales tax measure previously approved by the voters in 1988. To be eligible for its share of the sales tax proceeds [Local Transportation Maintenance and Improvement funds (18% return to source funds) and Contra Costa Transportation for Livable Communities funds (5% TLC funds)], the County must have an Urban Limit Line, developed and maintained in conformance with the "Principles of Agreement for Establishing the Urban Limit Line," attached and incorporated into Measure J. To comply with the Principles of Agreement it is necessary to extend the term of the County's Urban Limit Line beyond the year 2010.

3. Pursuant to the Principles of Agreement, the County participated in a public process with the nineteen cities in the County to establish a mutually agreed upon Urban Limit Line. This process was concluded in the summer of 2005 without agreement on a final proposal among all the jurisdictions. Under the aforementioned Principles of Agreement, if "no Countywide mutually agreed upon Urban Limit Line is established by March 31, 2009, only local jurisdictions with a voter approved ULL (Urban Limit Line) will be eligible to receive the 18% return to source or the 5% TLC funds." Prior to the enactment of the Principles of Agreement, the voters in San Ramon in March 2002 approved an Urban Growth Boundary for the City of San Ramon, and since the summer of 2005, the voters in the cities of Antioch and Pittsburg have approved Urban Limit Lines for those respective cities. The Board of Supervisors recognizes the need for Contra Costa County to remain eligible for its share of Local Transportation Maintenance and Improvement and Contra Costa Transportation for Livable Communities funds by securing voter approval of an extension to the Urban Limit Line before March 31, 2009.

4. On July 12, 2005, the Board of Supervisors directed and authorized staff to take steps to initiate the adoption of a new, voter-approved Urban Limit Line. These steps included conducting an environmental review and preparing an Urban Limit Line ballot measure to be placed before voters in 2006. If approved, the measure would amend the County's General Plan (2005-2020) and the County's Land Preservation Plan

RESOLUTION NO. 2006/80

Ordinance to: (1) extend the term of the 65/35 Land Preservation Plan Ordinance from December 31, 2010 to December 31, 2026; (2) require voter approval, in addition to four-fifths approval by the Board of Supervisors, to expand the Urban Limit Line by more than 30 acres; (3) provide for periodic reviews of the Urban Limit Line, including a mandatory mid-point review involving an evaluation of housing and job needs; (4) adopt a new and revised Urban Limit Line Map that reflects the approvals of city Urban Limit Lines by voters in the cities of Antioch, Pittsburg, and San Ramon and also reflects other non-substantial boundary changes at various locations; and (5) retain the 65/35 land preservation standard and protections for the County's prime agricultural land. The Board of Supervisors' recognition of the Antioch, Pittsburg and San Ramon voter-approved Urban Limit Lines in the proposed ballot measure should not be construed as an endorsement or support by the Board for the eventual development of urban uses in these locations.

5. The Board of Supervisors recognizes the value and need to continue the Urban Limit Line as an effective tool for planning the orderly growth and development within the unincorporated area of Contra Costa County.

6. The Board of Supervisors has reviewed and considered an Initial Study on the proposed 2006 Voter-Approved Contra Costa County Urban Limit Line ballot measure, which was prepared by the Contra Costa County Community Development Department pursuant to the California Environmental Quality Act (CEQA). Based on the Initial Study it is determined that the proposed ballot measure will not result in any significant impacts on the environment. A Negative Declaration has been adopted by the Board of Supervisors concurrently herewith.

7. The Board of Supervisors, having received comments from the public and having considered these comments, directs that the 2006 Voter-Approved Contra Costa County Urban Limit Line, as set forth in Ordinance No. 2006-06 on file with the Clerk of the Board, be submitted to qualified voters of the County for their approval at the November 7, 2006 general election, in accordance with the requirements of the California Elections Code. The following ballot language for submittal of the ordinance to the voters is hereby approved:

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

8. The Contra Costa County Registrar of Voters is designated as the Election Official for election, and the County Clerk, Elections Department, is hereby authorized and directed to provide all notices and take all other actions necessary to holding the election, including but not limited to providing notice of times within which arguments for and against are submitted.

Orig. Dept: Community Development
Contact Person: Patrick Roche, Adv. Plng

cc: Community Development
CAO
Clerk of the Board
County Counsel
Clerk, Elections Dept.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

07/25/2006

JOHN CULLEN, Clerk of the Board of Supervisors and
County Administrator

By:  Deputy

*2006 Voter-Approved
Contra Costa County Urban Limit Line*

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

TEXT OF PROPOSED MEASURE

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

SECTION 1. TITLE

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

SECTION 2. SUMMARY

This measure amends the Land Use Element of the Contra Costa County General Plan (2005-2020) and the 65/35 Contra Costa Land Preservation Ordinance in the following ways: (1) It extends the term of the 65/35 Land Preservation Plan Ordinance from December 31, 2010 to December 31, 2026. (2) It provides that, through December 31, 2026, the General Plan

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

SECTION 3. STATEMENT OF PURPOSE AND FINDINGS

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

- A. In November 1990 the voters approved Measure C-1990, the 65/35 Contra Costa County Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code), which limited urban development in Contra Costa County to no more than thirty-five (35) percent of the land in the County and required that at least 65 percent of all land in the County would be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. Measure C-1990 also established a countywide Urban Limit Line identifying non-urban agricultural, open space, and other areas

beyond which no urban land use could be designated during the term of the General Plan.

- B. County Ordinance Code Section 82-1.028 currently provides that the Urban Limit Line will remain in effect until December 31, 2010. This measure would extend the duration of the 65/35 Land Preservation Plan (which includes the Urban Limit Line) to December 31, 2026, thus extending the protection to the County's non-urban and open space areas for an additional 16 years. Because the factors contributing to the need to adopt the 65/35 Land Preservation Plan still exist, it is appropriate to extend these protections through the year 2026.
- C. The procedure by which the Urban Limit Line may be changed, either by the Board of Supervisors or by action of the voters, is described at page 3-9, Land Use Element, Contra Costa County General Plan, and in Contra Costa County Ordinance Code Section 82-1.018. To provide additional protection to the County's non-urban and open space areas, this measure would require that, through December 31, 2026, the General Plan cannot be amended to expand the Urban Limit Line by more than 30 acres without a four-fifths vote of the Board of Supervisors and approval of the voters.
- D. This measure would establish a procedure to allow the Board of Supervisors to review the Urban Limit Line on a 5-year cycle,

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

SECTION 4. IMPLEMENTATION

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

A. GENERAL PLAN AMENDMENTS

1. CHANGE TO GENERAL PLAN MAP DIAGRAM

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

County Urban Limit Line Map” and adopted to show the boundary of the Urban Limit Line, as approved by this measure.

2. CHANGE TO GENERAL PLAN TEXT

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

CHANGES TO THE URBAN LIMIT LINE

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

- (a) a natural or man-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the ULL;

- (b) an objective study has determined that the ULL is preventing the County from providing its fair share of affordable housing or regional housing as required by State law, and the Board of Supervisors finds that a change to the ULL is necessary and the only feasible means to enable the County to meet these requirements of State law;
- (c) a majority of the cities that are party to a preservation agreement and the County have approved a change to the ULL affecting all or any portion of the land covered by the preservation agreement;
- (d) a minor change to the ULL will more accurately reflect topographical characteristics or legal boundaries;
- (e) an objective study has determined that a change to the ULL is necessary or desirable to further the economic viability of the east Contra Costa County Airport, and either (i) mitigate adverse aviation related to environmental or community impacts attributable to Buchanan Field, or (ii) further the County's aviation related needs;
- (f) a change is required to conform to applicable California or federal law.
- (g) a five (5) year ~~periodic~~ *cyclical* review of the ULL has determined, based on criteria and factors for establishing the ULL set forth above, that new information is available (from city or County growth management studies or otherwise) or circumstance have changed, warranting a change to the ULL.

Any General Plan amendment that would expand the ULL by more than 30 acres shall require voter approval of the proposed General Plan amendment, following the public hearing and the four-fifths vote of the Board of Supervisors approving the General Plan amendment and

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

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

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

The Board of Supervisors will review the boundary of the ULL in the year 2016. The purpose of the year 2016 review is to determine whether a change to the boundary of the County's Urban Limit Line Map is warranted, based on facts and circumstances resulting from the County's participation with the cities in a comprehensive review of the availability of land in Contra Costa County sufficient to satisfy housing and jobs needs for 20 years thereafter. This review of the ULL is in addition to any

other reviews of the ULL the Board of Supervisors may conduct.

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

B. ORDINANCE CODE CHANGES

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

TEXT OF PROPOSED ORDINANCE

Ordinance No. 2006-06

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

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

Section 3. Ordinance Code Section 82-1.010 is amended to read as follows (new text to be inserted is shown in bold italics and underline [*example*]), text in

strikeout font [example] is deleted from the existing text and text in ordinary font is unchanged by this measure):

“82-1.010 Urban limit line. To ensure the enforcement of the 65/35 standard set forth in Section 82-1.006, an urban limit line shall be established, in approximately the location depicted on the ~~illustrative 65/35 Contra Costa County Land Preservation Plan Map attached as Exhibit A to Ordinance No. 90-66~~ **“Contra Costa County Urban Limit Line Map” adopted by the voters on November 7, 2006.** The urban limit line shall be is incorporated into the county’s open space conservation plan. The urban limit line shall ~~limit~~ **limits** potential urban development in the county to thirty-five percent of the land in the county and shall ~~prohibit~~ **prohibits** the county from designating any land located outside the urban limit line for an urban land use. The criteria and factors for determining whether land should be considered for location outside the urban limit line should include (a) land which qualifies for rating as Class I and Class II in the Soil Conservation Service Land Use Capability Classification, (b) open space, parks and other recreation areas, (c) lands with slopes in excess of twenty-six percent, (d) wetlands, and (e) other areas not appropriate for urban growth because of physical unsuitability for development, unstable geological conditions, inadequate water availability, the lack of appropriate infrastructure,

distance from existing development, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors. (Ords. 2006-06 §3, 91-1 § 2, 90-66 § 4).

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

82-1.018 Changes to the urban limit line.

(a) There shall be no change to the urban limit line that violates the 65/35 standard set forth in Section 82-1.006. ~~After adoption of the new general plan, as~~ **Except as otherwise provided in this Section, as** long as there is no violation of the 65/35 standard, the urban limit line can be changed by a four-fifths vote of the board of supervisors after holding a public hearing and making one or more of the following findings based on substantial evidence in the record:

(1) A natural or manmade disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the urban limit line;

(2) An objective study has determined that the urban limit line is preventing the county from providing its fair share of affordable housing, or regional housing, as required by state law, and the board of supervisors finds that a change to the urban limit line is necessary and the only feasible means to enable the county to meet these requirements of state law;

(3) A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement;

(4) A minor change to the urban limit line will more accurately reflect topographical characteristics or legal boundaries;

(5) A five-year ~~periodic~~ *cyclical* review of the urban limit line has determined, based on the criteria and factors for establishing the urban limit line set forth in Section 82-1.010 above, that new information is available (from city or county growth management studies or otherwise) or circumstances have changed, warranting a change to the urban limit line;

(6) An objective study has determined that a change to the urban limit line is necessary or desirable to further the economic viability of the

East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the county's aviation related needs; or

(7) A change is required to conform to applicable California or federal law.

~~(b) Any such change shall be subject to referendum as provided by law. Changes to the urban limit line under any other circumstances, shall require a vote of the people.~~

(b) Except as otherwise provided in this subsection, any proposed general plan amendment that would expand the urban limit line by more than 30 acres will require voter approval of the proposed general plan amendment in addition to and following a four-fifths vote of the board of supervisors approving the general plan amendment and making one or more of the findings required by subsection (a) above. Notwithstanding the foregoing, a proposed general plan amendment to expand the urban limit line by more than 30 acres does not require voter approval if, after a public hearing, the board of supervisors by a four-fifths vote makes either of the following findings based on substantial evidence in the record: (i) the expansion of the urban limit line is necessary to

avoid an unconstitutional taking of private property; or (ii) the expansion of the urban limit line is necessary to comply with state or federal law. Proposed expansions of 30 acres or less do not require voter approval.

(c) The board of supervisors may conduct a cyclical review of the urban limit line every five years.

(d) The board of supervisors will review the boundary of the urban limit line in the year 2016. The purpose of the year 2016 review is to determine whether a change to the boundary of the county's urban limit line map is warranted, based on facts and circumstances resulting from the county's participation with the cities in a comprehensive review of the availability of land in Contra Costa County sufficient to meet housing and jobs needs for 20 years. This review of the urban limit line is in addition to any other reviews of the urban limit line the board of supervisors may conduct.

(f) Any change to the urban limit line proposed as a result of any review authorized by this section will not be effective unless it is approved pursuant to the procedures set forth in this section. (Ords. 2006-06 §4, 91-1 §2, 90-66 §4.)

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

82-1.028 Duration.

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

SECTION 5. EFFECTIVE DATE

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

SECTION 6. SEVERABILITY

If any portion of this ordinance is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this ordinance shall remain in full force and effect. Each section, subsection, sentence, phrase,

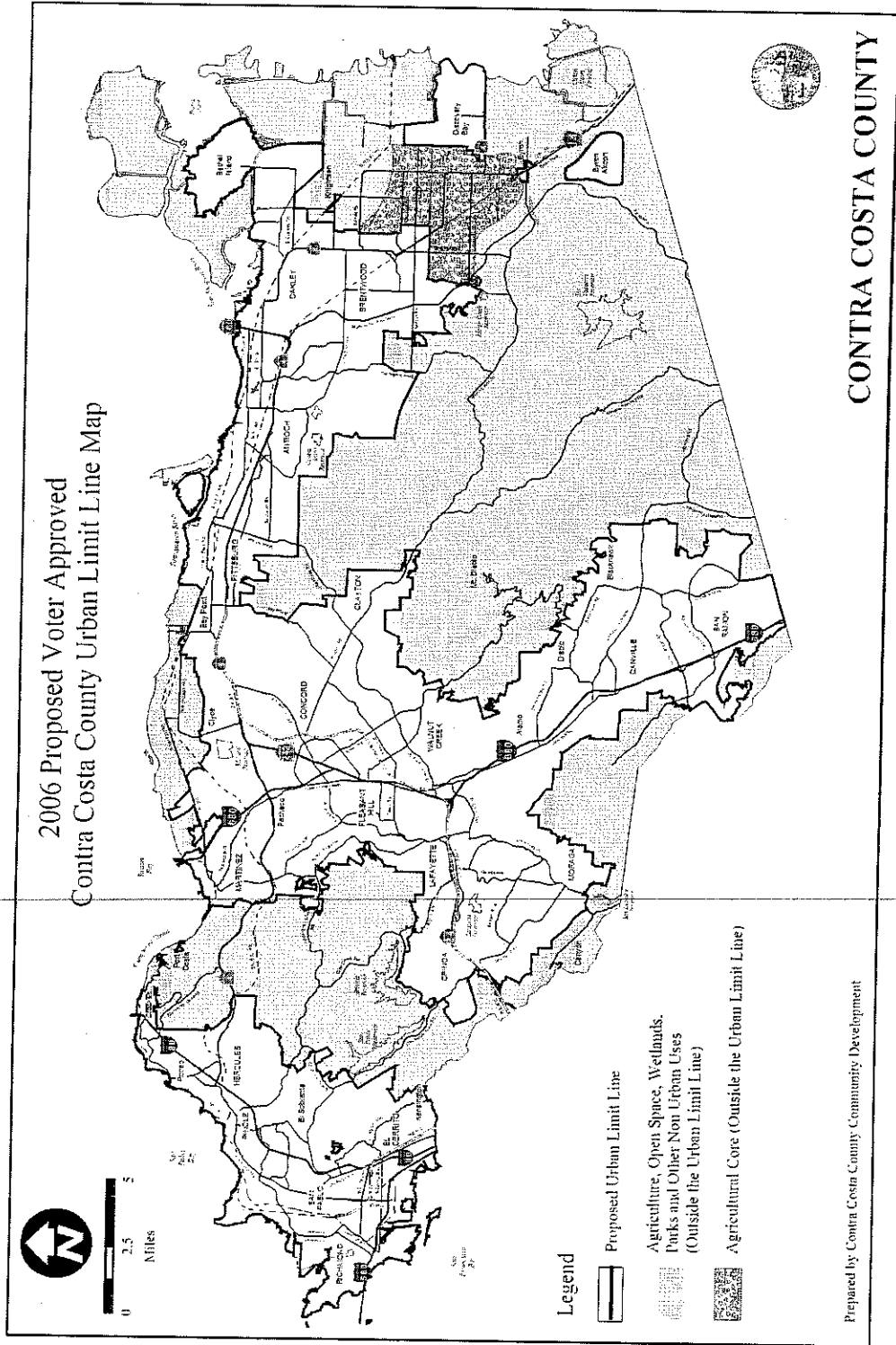
part or portion of this ordinance would have been adopted and passed regardless of whether any one or more section, subsections, sentences, phrases, parts or portions was declared invalid or unconstitutional.

SECTION 7. AMENDMENT OR REPEAL

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



FIGURE ONE
CONTRA COSTA COUNTY
URBAN LIMIT LINE MAP



(Note: Map is sized for the voter pamphlet)

Attachment "A":

(from 07/18/06 agenda)

Board Resolution No. 2006/80 –
Resolution Calling For An Election On
November 7, 2006 On The 2006 Contra
Costa County Voter-Approved Urban
Limit Line; and, proposed ballot
measure language

**Attachments available
upon request**
(Call Jane at 925-335-1908)

Attachment "B":

July 18, 2006 Board Report, Subject:
Consideration of Resolution No.
2006/80 Calling for Election on
November 7, 2006 for the 2006 Voter-
Approved Contra Costa County Urban
Limit Line

**Attachment B available
upon request**
(Call Jane at 925-335-1908)