

ORIGINAL



**CONTRA COSTA  
TRANSPORTATION AUTHORITY**

**ORDINANCE 06-04**

**AMENDING THE MEASURE J TRANSPORTATION EXPENDITURE  
PLAN  
BY REVISING AND CLARIFYING THE GROWTH MANAGEMENT  
PROGRAM URBAN LIMIT LINE COMPLIANCE REQUIREMENT AND  
MAKING CONFORMING AMENDMENTS TO ATTACHMENT A,  
PRINCIPLES OF AGREEMENT FOR ESTABLISHING THE URBAN  
LIMIT LINE**

*AN ORDINANCE amending the Measure J Transportation Expenditure by revising and clarifying the Growth Management Program Urban Limit Line Compliance Requirement and making conforming amendments to Attachment A, Principles of Agreement for Establishing the Urban Limit Line.*

**WHEREAS**, the Measure J Transportation Expenditure Plan includes a Growth Management Program element which contains an urban limit line compliance requirement that mandates that local jurisdictions must adopt a voter approved urban limit line no later than April 1, 2009; and

**WHEREAS**, the Measure J Transportation Expenditure Plan Growth Management Program urban limit line compliance requirement incorporates Principles of Agreement for Establishing the Urban Limit Line which are attached to the Growth Management Program as Attachment A and incorporated by reference; and

**WHEREAS**, the Authority Staff has reviewed and recommended changes to the Urban Limit Line compliance requirement and Principles of Agreement to clarify the terms and conditions pursuant to which a local jurisdiction may adopt and rely upon a voter approved urban limit line; and

**WHEREAS**, the proposed changes to the Urban Limit Line compliance requirement and Principles of Agreement were circulated to the local jurisdictions of Contra Costa and to the Regional Transportation Planning Committees for review; and

**WHEREAS**, the Authority has determined that the proposed amendments do not change the substance or intent of Measure J, but clarify the circumstances under which a local jurisdiction may adopt and rely upon a voter approved urban limit line;

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

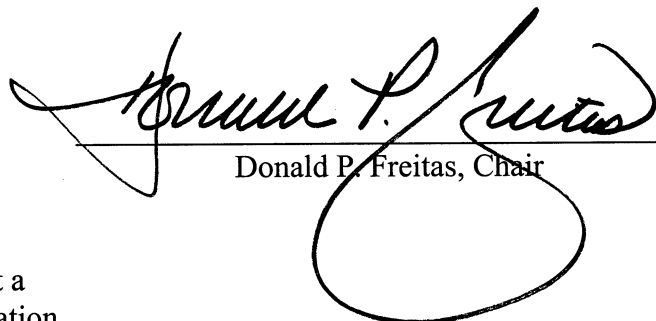
1. The Measure J Transportation Expenditure Plan Growth Management Program is amended as follows:

a. Paragraph 5, "Adopt an Urban Limit Line (ULL)" of the Components of the Growth Management Program is amended to read in full as set forth in Exhibit 1, which Exhibit is incorporated by reference and made a part of this ordinance as if fully set forth herein.

b. Attachment A, "Principles of Agreement for Establishing the Urban Limit Line", is amended to read in full as set forth in Exhibit 2, which Exhibit is incorporated by reference and made a part of this ordinance as if fully set forth herein.

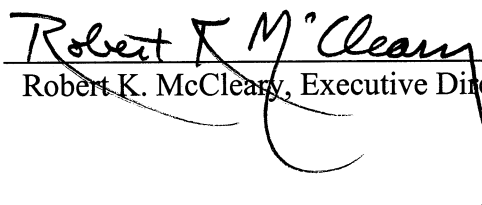
Passed and adopted by the Contra Costa Transportation Authority on November 15, 2006, by the following vote:

Commissioners Abrams, Alegria, Freitas, Hudson, Metcalf, Nix,  
AYES: Pierce, Viramontes. Alternates Balico (Abelson), Uilkema (Gioia).  
NOES: None  
ABSENT: Glover



Donald P. Freitas, Chair

This ORDINANCE was entered into at a meeting of the Contra Costa Transportation Authority held on November 15, 2006, in Pleasant Hill, California, and became effective forthwith.

Attest:   
Robert K. McCleary, Executive Director

# Exhibit I - Ordinance 06-04

## Part III

### Revised Growth Management Program

#### GOALS AND OBJECTIVES

The overall goal of the Growth Management Program is to preserve and enhance the quality of life and promote a healthy, strong economy to benefit the people and areas of Contra Costa through a cooperative, multi-jurisdictional process for managing growth, while maintaining local authority over land use decisions.<sup>1</sup>

The objectives of the Growth Management Program are to:

- Assure that new residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth.
- Require cooperative transportation and land use planning among Contra Costa County, cities, towns, and transportation agencies.
- Support land use patterns within Contra Costa that make more efficient use of the transportation system, consistent with the General Plans of local jurisdictions.
- Support infill and redevelopment in existing urban and brownfield areas.

#### COMPONENTS

To receive its share of Local Transportation Maintenance and Improvement funds and to be eligible for Contra Costa Transportation for Livable Communities funds, each jurisdiction must: . . . . .  
*.<No Changes Proposed to Elements 1-4.>*

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<sup>1</sup> The Authority shall, to the extent possible, attempt to harmonize the Growth Management and Congestion Management Programs. To the extent they conflict, Congestion Management Program activities shall take precedence over Growth Management Program activities.

## **5. Adopt an Urban Limit Line**

Beginning on April 1, 2009, each jurisdiction must continuously comply with an applicable, voter approved ULL (“applicable ULL”) defined as one of the following:

- (i) A new mutually-agreed upon countywide ULL (MAC-ULL) approved by the voters countywide; or
- (ii) A Contra Costa County, voter approved ULL (“County ULL”) that has also been approved by a majority of the voters voting on the measure in the local jurisdiction seeking to rely upon the line as the growth boundary for local development, provided that the local jurisdiction’s legislative body has adopted the County ULL before or after the election at which the “County ULL” was approved; or
- (iii) A measure placed on the ballot and approved by a majority of the voters within a local jurisdiction fixing a local voter approved ULL (“LV-ULL”) or equivalent urban growth boundary for the jurisdiction. A jurisdiction may establish or revise its LV-ULL with local voter approval at any time prior to or during the term of Measure J. The LV-ULL will be used as of its effective date to meet the Measure J GMP ULL requirement.

Each of the above options is more fully defined in the Principles of Agreement, which are attached and incorporated by reference as Attachment “A”.

Submittal of an annexation request by a local jurisdiction to LAFCO outside the applicable ULL will constitute non-compliance with the Measure J Growth Management Program.

.....<*No Changes Proposed to Elements 6 & 7.*>

## **ALLOCATION OF FUNDS**

Portions of the monies received from the retail transaction 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.

Each jurisdiction shall demonstrate its compliance with all of the components of the Growth Management Program in a completed compliance checklist. The jurisdiction shall submit, and the Authority shall review and make findings regarding the jurisdiction’s compliance with the require-

ments of the Growth Management Program, consistent with the Authority's adopted policies and procedures.

If the Authority determines that the jurisdiction complies with the requirements of the Growth Management Program, it shall allocate to the jurisdiction its share of local street maintenance and improvement funding. Jurisdictions may use funds allocated under this provision to comply with these administrative requirements.

If the Authority determines that the jurisdiction does not comply with the requirements of the Growth Management Program, the Authority shall withhold those funds and also make a finding that the jurisdiction shall not be eligible to receive Contra Costa Transportation for Livable Communities funds until the Authority determines that the jurisdiction has achieved compliance. The Authority's findings of noncompliance may set deadlines and conditions for achieving compliance.

Withholding of funds, reinstatement of compliance, reallocation of funds and treatment of unallocated funds shall be as established in adopted Authority's policies and procedures.

## **Exhibit 2 - Ordinance 06-04**

# **ATTACHMENT "A"**

## **PRINCIPLES OF AGREEMENT FOR ESTABLISHING THE APPLICABLE URBAN LIMIT LINE (ULL)**

An applicable ULL shall be defined as an urban limit line, urban growth boundary, or other equivalent physical boundary judged by the Authority to clearly identify the physical limits of the local jurisdiction's area, including future urban development.

### **Initial Action**

1. The Board of Supervisors shall have, with the concurrence of each affected city, adjusted the existing County ULL on or before September 30, 2004, or as expeditiously as possible given the requirements of CEQA, to make the existing County ULL coterminous with city boundaries where it previously intruded inside those incorporated boundaries.

### **Establishing a Mutually Agreed-Upon Countywide Urban Limit Line ("MAC-ULL")**

2. The process to develop a MAC-ULL shall have begun by July 1, 2004 with meetings in each subregion between one elected representative of each city and the county. The subregional meeting(s) will be followed by meetings between all of the cities and the county, each being represented by one elected representative. The discussion will include both the suggested ULL as well as criteria for establishing the line and future modifications to the ULL.
3. On or before December 31, 2004, the County and the cities will initiate a process for the cooperative development of a new MAC-ULL and criteria for future modifications. In order to be considered a final proposal, the plan must be approved by 4 members of the Board of Supervisors and 3/4 of the cities representing 3/4 of the incorporated population.
4. The County will be the lead agency in connection with any required environmental review and clearance on the proposed MAC-ULL.
5. After completion of the environmental review process, the proposal shall be submitted to the voters for ratification by November 2006.

6. The MAC-ULL will include provisions for periodic review (5 years) as well as provisions for minor (less than 30 acres) nonconsecutive adjustments.
7. If there is a MAC-ULL, and a Town/City disagrees with that MAC-ULL, it may develop and submit to its voters a "LV- ULL"(see 8.b, below), or rely upon an existing voter approved ULL as set forth below.

**Alternatives If There Is No Voter Approved MAC-ULL or If a Local Jurisdiction Chooses Not to Concur with a Voter-Approved MAC-ULL**

8. If no MAC- ULL is established by March 31, 2009, only local jurisdictions with one of the following applicable voter approved ULLs will be eligible to receive the 18% return to source funds or the 5% TLC funds:

- a. County ULL. A ULL placed on the ballot by the Contra Costa County Board of Supervisors, adopted at a countywide election and in effect through the applicable GMP compliance period, as its boundaries apply to the local jurisdiction, if:
  - (i) That ULL was approved by a majority of the local jurisdiction's voters, either through a separate ballot measure or as part of the countywide election at which the measure was approved; and
  - (ii) The legislative body of the City or Town has accepted and approved, for purposes of compliance with the Measure J GMP, the County ULL boundaries for urban development as its applicable, voter approved ULL.

Furthermore:

- (iii) Revisions to a City or Town's adopted County ULL boundary requires fulfillment of provisions (8.a.i) and (8.a.ii) above in their entirety; and
  - (iv) A City of Town may adopt conditions for revising its adopted County ULL boundary by action of the City or Town's legislative body, provided that the conditions limit the revisions of the physical boundary to adjustments of 30 or fewer acres, and/or to address issues of unconstitutional takings, or conformance to state and federal law. Such conditions may be adopted at the time of adoption of the County ULL, or subsequently through amendment to the City or Town's Growth Management Element to its General Plan.
- b. Local Voter ULL (LV-ULL). A local ULL or equivalent measure placed on the local jurisdiction ballot, approved by the jurisdiction's voters, and recognized by action of the local jurisdiction's legislative body as its applicable, voter approved

ULL. A jurisdiction may revise or establish a new LV-ULL at any time using the procedure defined in this paragraph.

- c. Adjustments of 30 Acres or Less. A local jurisdiction can undertake adjustments of 30 acres or less to its adopted ULL, consistent with these Principles, without voter approval. However, any adjustment greater than 30 acres requires voter approval and completion of the full County ULL or LV-ULL procedure as outlined above.

**Conditions of Compliance**

9. Submittal of an annexation request by a local jurisdiction to LAFCO outside an applicable voter approved ULL will constitute non-compliance with the new Measure J Growth Management Plan.
10. For each jurisdiction, an applicable ULL shall be in place through each Measure J Growth Management Program compliance period in order for the local jurisdiction to be eligible to receive the 18% return to source and the TLC funds for that period.