

A P P E N D I X B

SOUTH LIVERMORE
URBAN GROWTH BOUNDARY
INITIATIVE (2000)



**CITY OF LIVERMORE
NOTICE OF ELECTION**

MEASURE TO BE VOTED ON

Notice is hereby given that a special municipal election shall be held in the City of Livermore on the 7th day of March, 2000, for the purpose of voting on the following measure:

BALLOT QUESTION

1. Shall the South Livermore Urban Growth Boundary Initiative be adopted to require voter approval of changes to the location of and policies governing the Urban Growth Boundary in the South Livermore Area?

BALLOT MEASURE

SOUTH LIVERMORE URBAN GROWTH BOUNDARY INITIATIVE

The People of the City of Livermore hereby adopt the following:

Section 1. Purpose and Findings

- A. The purpose of this initiative is to reaffirm and readopt Livermore General Plan policies establishing an Urban Growth Boundary ("UGB") in South Livermore. If this initiative measure is adopted, the South Livermore UGB would be permanent and remain in effect until amended by a vote of the people.
- B. The South Livermore UGB was adopted by the City Council to establish a southern edge for the City, beyond which urban development will not be permitted and City sewer and water service will not be extended.
- C. The South Livermore UGB includes areas within the existing City limits and the limited development areas allowed in the South Livermore Valley Specific Plan. The South Livermore UGB provides a clear and permanent boundary for urban uses, and thereby establishes a coherent and logical pattern for such uses and creates an open space buffer between the cities of Livermore and Pleasanton.
- D. The South Livermore UGB protects and enhances agriculture and open space in the South Livermore Valley by preventing growth beyond the approved development areas within South Livermore, creating regulatory stability and removing speculative development value from properties throughout the South Livermore

Valley.

- E. The South Livermore UGB reduces the immediate and long-term threat to the City's future posed by urban sprawl. Specifically, the UGB will prevent uncontrolled urban development into agricultural land and open space areas that causes increased traffic congestion, air and water pollution, depletion of water resources, and increased conflicts between urban and agricultural uses. Urban sprawl also undercuts the viability of existing agriculture, and results in more costly services than compact, community-centered growth.

Section 2. General Plan Amendments.

- A. **Adoption of South Livermore Urban Growth Boundary Map.** The South Livermore Urban Growth Boundary Initiative hereby adopts City of Livermore General Plan Figure IV-2, shown in Exhibit A to this initiative. The South Livermore Urban Growth Boundary depicted in Exhibit A is identical to the location of the South Livermore Urban Growth Boundary as shown in Figure IV-2 as previously adopted by the City Council on January 25, 1999. The figure in Exhibit A replaces the figure adopted by the City Council solely to more clearly depict the location of the South Livermore Urban Growth Boundary. Figure IV-2 and the Livermore Community General Plan Land Use Map shall depict the location of the South Livermore Urban Growth Boundary as shown in Exhibit A unless the location of the South Livermore Urban Growth Boundary is amended or repealed in accordance with the terms of this initiative.
- B. **Reaffirmation and Readoption of South Livermore Urban Growth Boundary Provisions.**
 - 1. The South Livermore Urban Growth Boundary Initiative hereby reaffirms and readopts Part III.B.1.d of the City of Livermore General Plan as adopted by the City of Livermore on November 17, 1997, as follows:

" d. It is the goal of the City to establish a coherent and logical pattern of urban uses that protects and enhances open space and agricultural uses by providing a clear and permanent boundary for urban uses within the City's planning area."
 - 2. The South Livermore Urban Growth Boundary Initiative hereby reaffirms and readopts Part IV.B.6 of the City of Livermore General Plan as adopted by the City of Livermore on January 25, 1999, which provision is attached to this initiative in its entirety at Exhibit B.

C. Adoption of Amendments to South Livermore Urban Growth Boundary Provisions.

1. The City of Livermore General Plan is hereby amended by adding the following text at the end of Part III.B.1.d:

"The foregoing provisions of Part III.B.1.d, as readopted by the South Livermore Urban Growth Boundary Initiative, shall be amended only by a vote of the people."

2. The City of Livermore General Plan is hereby amended by adding a new subsection c. to Part IV.B.6., as follows:

"c. South Livermore Urban Growth Boundary Initiative

The foregoing provisions of Part IV.B.6 and Figure IV-2, as readopted by the South Livermore Urban Growth Boundary Initiative, shall be amended only by a vote of the people or otherwise in accordance with section 3.D of the South Livermore Urban Growth Initiative."

3. The City of Livermore General Plan Part IV.B.6.a.(1), is hereby amended to read as follows:

"(1) For the purposes of this section, "urban uses" and "urban development" include any use that is not permitted on lands with a general plan land use designation of Limited Agriculture; General Agriculture; Viticulture; Agriculture/ Viticulture; Parks, Trailway and Recreation, Corridor, and Protected Areas; or Range and Grassland, as those designations existed on December 6, 1999."

Section 3. Implementation.

- A. **Effective Date.** Upon the effective date of this initiative, the provisions of section 2 of the initiative are hereby inserted into the City of Livermore General Plan as an amendment thereof.

- B. Project Approvals.** Upon the effective date of this initiative, the City, and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.
- C. General Plan Reorganization.** The General Plan may be reorganized, and individual provisions may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of state law, but the provisions of Part III.B.1.d and Part IV.B.6 and the South Livermore Urban Growth Boundary shown on Figure IV-2 shall continue to be included in the General Plan unless amended or repealed in accordance with the terms of this initiative.
- D. Takings.** The City Council may amend the location of the South Livermore Urban Growth Boundary if it makes all of the following findings:
- (1) That an application for an amendment to the South Livermore Urban Growth Boundary has been rejected by the voters of the City of Livermore;
 - (2) That the application of any aspect of Part III.B.1.d and Part IV.B.6 would constitute an unconstitutional taking of a landowner's property, and
 - (3) That the amendment and associated land use designation will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.

Section 4. Exemptions for Certain Projects. This initiative shall not apply to any development project that has obtained as of the effective date of the initiative a vested right pursuant to state law.

Section 5. Severability. If any portion of this initiative is hereafter declared invalid by a court of competent jurisdiction, all remaining portions are to be considered valid and shall remain in full force and effect.

Section 6. Amendment or Repeal. This initiative may be amended or repealed only by the voters of the City of Livermore at a City election.

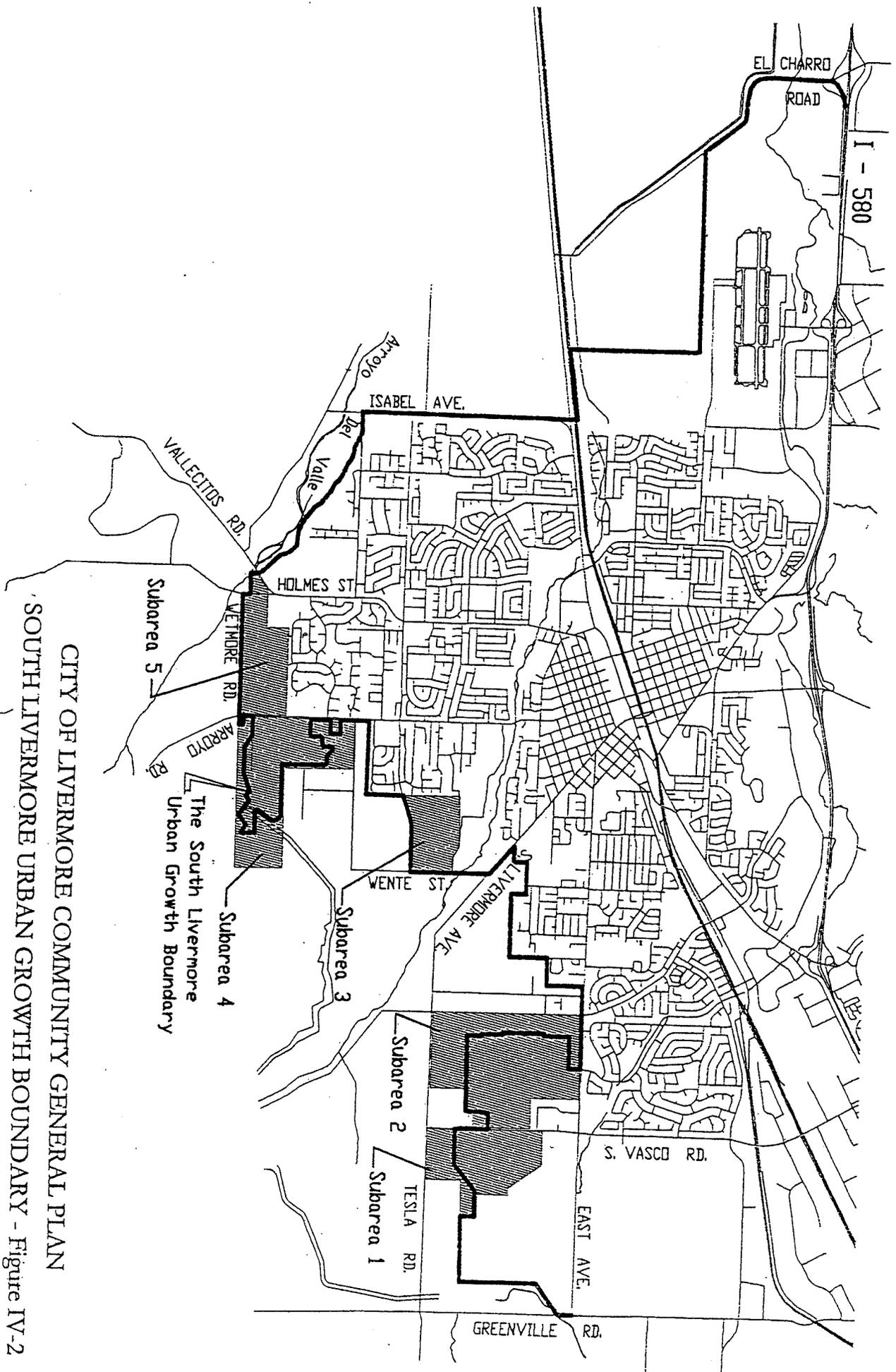
Exhibit A

City Livermore General Plan Figure IV-2

Exhibit B

City of Livermore General Plan Part IV.B.6

EXHIBIT "A" TO SOUTH LIVERMORE URBAN GROWTH BOUNDARY INITIATIVE



CITY OF LIVERMORE COMMUNITY GENERAL PLAN
SOUTH LIVERMORE URBAN GROWTH BOUNDARY - Figure IV-2

EXHIBIT B
TO
SOUTH LIVERMORE URBAN GROWTH BOUNDARY INITIATIVE

City of Livermore General Plan
Part IV.B.6

6. Urban Growth Boundary

a. Definitions

- (1) For the purposes of this section, "urban uses" and "urban development" include any use that is not permitted on lands with a general plan land use designation of Limited Agriculture; General Agriculture; Viticulture; Agriculture/Viticulture; Parks, Trailway and Recreation, Corridor, and Protected Areas; or Range and Grassland.
- (2) For the purposes of this section, "urban services" refer to sewer and water service.

b. South Livermore Policies

- (1) Maintain a permanent Urban Growth Boundary (UGB) on the City's southern edge (as indicated in Figure IV-2 and the City's Land Use Map) beyond which urban development shall not be permitted. Non-urban uses, such as agriculture, parks and open space may be permitted within and beyond the South Livermore UGB.
- (2) Permit only non-urban uses beyond the South Livermore UGB within the City's municipal boundary. Beyond the City's municipal boundary discourage and oppose any urban uses.
- (3) Extend urban services only to areas within the UGB, except that the City may provide:
 - (i) sewage treatment and disposal services to the Veterans Administration Hospital for hospital uses;
 - (ii) urban services for residences on parcels outside of the South Livermore UGB which parcels were existing as of October 27, 1997, provided the property receiving such services shall record a binding

agreement between the property owner and the City disallowing further division of the property and any provision of urban services to non-residential uses upon the property;

- (iii) urban services for commercial uses on parcels outside of the South Livermore UGB which parcels were existing as of October 27, 1997, subject to the following:
 - (a) the subject property is designated under the South Livermore Valley Area Plan for agricultural uses, with associated allowable commercial uses;
 - (b) the service(s) will be utilized for allowable commercial uses consistent with the provisions of the South Livermore Valley Area Plan only;
 - (c) the subject property is located adjacent to the Livermore municipal boundaries as of the date of the adoption of the SLVSP and, is located adjacent to the Urban Growth Boundary;
 - (d) if required by City or LAFCO policy, the property will annex to the City;
 - (e) the service(s) can be provided to the subject property without any potential growth inducing impacts associated with potential provision of urban services to areas not otherwise allowed to receive such services under the South Livermore Valley Specific Plan or South Livermore Valley Area Plan;
 - (f) before receiving such service(s), the property owner will record a conservation easement over the subject property in a form acceptable to the City which restricts use of the subject property to agricultural and open space uses, except as to a delineated commercial use area within which allowable commercial uses and intensity of such uses shall be delineated; and

- (iv) for sewer service in unincorporated areas, the connections (residential and commercial) shall allow no more wastewater flow than the equivalent of ten residential units as required by the LAVWMA Joint Powers Agreement. This requirement shall apply cumulatively to all contiguous uses within the unincorporated geographic area. Larger scale sewer service to unincorporated areas requires the unanimous approval of the LAVWMA Board of Directors. If areas are annexed, this restriction will not apply.

- (4) Encourage compatible uses immediately inside the South Livermore UGB, as necessary to prevent potential land use conflicts with outlying non-urban uses.
- (5) The South Livermore UGB is indicated by a solid line in Figure IV-2 and the City's land use map.

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election. The polls shall be closed at 8:00 p.m. and the votes shall be counted at a central counting place located at the Alameda County Registrar of Voters Office located at 1225 Fallon Street, Oakland, California.

Arguments for and against these measures may be submitted to the City Clerk, 1052 South Livermore Avenue, until 5:00 p.m. on Friday, December 17, 1999. Rebuttals will be permitted and must be received in the City Clerk's Office by 5:00 p.m. on Monday, December 27, 1999. Arguments and rebuttals will be available for public review prior to printing for 10 days following each of the deadline.

Alice Calvert

City Clerk

Dated: December 7, 1999

Publish: December 11 and December 18, 1999