

PROPOSED MANAGED GROWTH INITIATIVE FOR THE CITY OF GRASS VALLEY

Be it ordained by the people of the City of Grass Valley:

Section 1. Purpose.

The people of the City of Grass Valley, by and through this initiative measure, hereby ratify and adopt the Land Use Map and the Land Use Element of the 2020 General Plan for the City of Grass Valley. The intent of this initiative is to ensure that 1) future land uses approved within the City shall be consistent with the City's 2020 General Plan, 2) future growth of the City will occur as envisioned by the City's 2020 General Plan, and 3) any future amendments to the City's current General Plan Land Use Element and General Plan Land Use Map shall require voter approval, except those changes where City Council approval is specifically allowed. The purpose of this initiative is to ensure the orderly future growth and development of the City in a manner that adequately protects the health, safety and welfare of the City's residents.

Section 2. Voter Adoption of 2020 Grass Valley General Plan Land Use Map.

The voters of the City of Grass Valley hereby adopt and enact the City of Grass Valley's current General Plan Land Use Map, which is titled "City of Grass Valley 2020 General Plan Land Use Map," and reproduced at Exhibit 1, as the General Plan land use map for the City of Grass Valley.

Section 3. Voter Adoption of 2020 Grass Valley General Plan Land Use Element.

The voters of the City of Grass Valley hereby adopt and enact the City of Grass Valley's current 2020 General Plan Land Use Element, which appears at Chapter 3 of the City's 2020 General Plan, and reproduced at Exhibit 2, as the General Plan Land Use Element for the City of Grass Valley.

Section 4. Effective Date.

This initiative shall become effective immediately upon its adoption by the voters, and shall remain in effect for a period of 30 years from the date of voter approval.

Section 5. Preventing General Plan Inconsistencies.

To prevent unavoidable inconsistencies that may subsequently be identified within the City's General Plan, once this initiative measure is submitted to the City Attorney for the preparation of a ballot title and summary, any subsequent amendments of the Land Use Element of the 2020 General Plan or Land Use Map, except as approved by the voters of the City of Grass Valley after the date this ordinance is approved, are superseded and nullified to the extent inconsistent with this initiative measure.

Section 6. Land Use Element Goals, Objectives, and Policies Govern Future Land Uses.

The Land Use Element of the 2020 General Plan for the City of Grass Valley will "promote balanced community growth and development in a planned and orderly way."

[1-LUG] Therefore, consistent with section 17.10.010 of the City of Grass Valley Development Code, the regulation of land uses under the Grass Valley Municipal Code – Title 17 – Development Code shall be consistent with the Land Use Element of the 2020 General Plan. (For informational purposes only section 17.10.010 of the Development Code is reproduced at Exhibit 3.)

Section 7. Initiative Provisions To Prevail.

Except as provided in Section 8 below, upon the effective date of this initiative measure all general plan amendments, rezonings, specific plans, tentative or final subdivision maps, parcel maps, conditional use permits, building permits or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the provisions of this initiative.

Section 8. Exemption for Projects With Preexisting Vested Rights.

This initiative shall not apply to any development project which has obtained objectively demonstrable vested rights prior to the effective date of this initiative measure, including, but not limited to,

- (1) A validly approved and fully executed development agreement;
- (2) Approval of a vesting tentative map; or
- (3) Any other objectively demonstrated vested right pursuant to state or federal law.

Section 9. Presumption of Validity and Consistency with State and Federal Law.

(a) In interpreting this initiative measure and its provisions, all reasonable inferences shall be made and any ambiguities shall be resolved in favor of upholding the validity of this initiative measure and its consistency with state and federal law.

(b) The implementation of the Land Use Element of the 2020 General Plan shall not constitute an unconstitutional taking of property or property rights, and the General Plan and its elements shall not deprive any landowner of any vested right to develop his or her property. This General Plan shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations governing the use of real property. The purpose of this provision is to make certain that this initiative measure does not violate any person's constitutional or legal rights.

Section 10. Severability

If any section, sentence, clause, phrase or word of this initiative measure is declared invalid by a court of competent jurisdiction, all remaining portions of this initiative measure shall be considered valid and remain in full force and effect. The voters of the City of Grass Valley expressly declare that each section, sentence, clause, phrase and word of this initiative measure would have been prepared, adopted, and approved irrespective of the fact that one or more other sections, sentences, clauses, phrases or words may be declared unconstitutional or otherwise unlawful.

Section 11. Duties of City Officials.

It is the intent of the voters of Grass Valley that the provisions of this initiative measure shall be fully and fairly implemented and carried out in good faith and with due diligence by the City Council and other officials of the City.

Section 12. Amendment.

(a) Except as provided in (b) below, the matters enacted by and through this initiative measure shall not be amended or repealed without approval by a majority vote of the City of Grass Valley's voters in a duly called election for the City.

(b) Pursuant to its legislative authority under the City Charter, the City Council may amend the Land Use Map and the Land Use Element of the 2020 General Plan for the City of Grass Valley to: (1) decrease the number of housing units, the maximum number of residential units per acre, maximum population per square mile, maximum building coverage, maximum floor area ratio, and maximum height (residential and non-residential); (2) redesignate any parcel of land to "Open Space and Open Space Opportunities" land use designations or to another designation providing greater protection for natural resources than provided by the pre-existing designation; or, (3) redesignate a parcel of land to the Public land use designation to provide non-commercial facilities and services to meet public needs, provided that the City Council initially finds and determines, based on substantial evidence, that the failure to provide the public facilities would have a specific, immediate adverse impact upon the public health or safety, and there is no feasible alternative location to meet the public need without redesignating the affected parcel.

Section 13. Conflicting Measures.

If there are other General Plan amendments on the same ballot as this measure which are approved by the voters, this ordinance shall nevertheless be effective, except to the extent that its provisions are in actual irreconcilable conflict with specific General Plan amendments of one or more of the other measures and that measure or measures receive more votes. General provisions in another measure purporting to nullify the provisions of this ordinance shall be ineffective.

P R E S S R E L E A S E

Grass Valley Managed Growth

Voter Initiative Launched

Embargo to: Tuesday, April 1, 2008 4 p.m.

Contact: Grant Cattaneo, 477-8458

Friends of Grass Valley, announced plans today to qualify a Managed Growth Initiative ballot measure to be placed before Grass Valley voters. The initiative asks

voters to ratify the Grass Valley General Plan Land Use Element and Map, which details growth, zoning, and population within the city. The purpose of the initiative is to prevent over development. Any new development projects approved by the City Council which exceed the existing general plan blueprint for growth would require voter approval to go forward once the measure is adopted. The initiative would affect land within city limits and new areas being annexed.

Friends of Grass Valley is a newly formed campaign committee. The Notice of Intent to circulate the petitions was signed by Grass Valley residents Sharon Boivin, Grant Cattaneo, and Dot Kain. Citizens Concerned About Traffic (CCAT) and the Rural Quality Coalition (RQC) have also endorsed the measure.

Grant Cattaneo, of Citizens Concerned About Traffic (CCAT), which supports the initiative said: "We are only asking that the City Council be required to follow the general plan that it adopted. The general plan already allows a reasonable amount growth. In fact, under current General Plan guidelines when built out the City would have a population of 25,000, more than twice the current population. Yet, recent decisions by the City Council make it clear that the City may allow a much larger population growth than agreed to when the general plan blueprint was adopted. We believe that the City Council should be required to adhere to its "land use constitution" and keep its promises to our residents."

"We trust the people of Grass Valley to make the right decision."

"Grass Valley residents stated clearly in the 2006 city sponsored poll that their top two concerns are too much development and traffic congestion. Today Grass Valley's small town character and sense of community are threatened by increased traffic congestion, deteriorating roadways, a highly challenged sewage treatment system, and air quality deterioration."

The wording of the initiative and a Notice of Intent to circulate petitions was filed today with the City of Grass Valley. It is expected that signature gathering will begin in about 2 weeks.

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a initiative petition to reaffirm the Land Use Element of the 2020 General Plan and the Land Use Map and to prevent the City from further amending the current Land Use Element and Land Use Map of the 2020 General Plan without approval of the voters of the City of Grass Valley. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

It is critically important for the people of the City of Grass Valley to have the opportunity to vote on development that substantially deviates from the concept of the 2020 General Plan, to ensure that the public interest is protected.

The large scale developments now occurring in the City of Grass Valley are leading to:

- Unacceptable traffic congestion.
- Increased stress on water and air quality, police, fire services, and the City's infrastructure such as roadways and sewer and water treatment services.

This initiative measure will have positive impacts in a number of important areas. It will:

- Give voters the right to make important land use decisions themselves.
- Enhance the quality of life of all residents of the City of Grass Valley.
- Help preserve open space within the City and its sphere of influence.
- Help stop ever-increasing traffic congestion.
- Ensure that an adequate water supply exists before developments are approved.
- Support the City's overstressed police, fire, and infrastructure; and,
- Protect the natural resources of the City of Grass Valley and the surrounding environs.

It is clear that land use policies that affect the public interest must be directly enacted by the People of the City of Grass Valley.

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