

MEASURE H

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE H

If adopted by a majority of voters, Measure H would amend the City of Gilroy General Plan to establish an urban growth boundary (UGB) line on the General Plan Land Use Plan Map and designate almost all land outside the UGB as Open Space. Certain areas now shown as developable in the existing General Plan would be placed outside the UGB, including land in North Gilroy now designated Neighborhood District and Rural Residential, and land east of the Outlets now designated Campus Industrial.

Except for public parks, public educational facilities (such as public schools and public colleges), and public wastewater, sewer, storm drain, and water recycling facilities, as well as certain open space uses, development outside the UGB would not be allowed without further action by the voters or by the City Council.

Thus, until December 31, 2040, land outside the UGB generally could be redesignated only by a vote of the people. The City Council could also redesignate land outside the UGB in three limited situations for which the Council would have to make specific findings. These exceptions involve affordable housing, limited acreage for industrial job creation, or to avoid a taking of private property.

The independently-prepared Elections Code 9212 Report ("Report") analyzed Measure H's impact to both the existing 2020 General Plan ("Current Plan") and the Draft 2040 General Plan ("Draft Plan"). The Report finds that under either General Plan, Measure H is consistent with and supports the goals of the Housing Element. Measure H would result in an overall decrease in the level of future urban development within Gilroy's 20-year Planning Boundary. This reduced level of development would result in impacts on Gilroy's population, housing stock, job growth, and traffic volumes.

Per the Report, as compared to potential buildout under the Current Plan or the Draft Plan, Measure H would result in:

- Less potential residential development (reductions of 2,929 units compared to the Current Plan and 4,344 compared to the Draft Plan).
- Less potential non-residential development (reductions of 8,313,344 square feet compared to the Current Plan and 4,002,197 square feet compared to the Draft Plan).
- A decline in potential jobs, labor income, and economic output (reductions of 45% compared to the Current Plan and 13-14% compared to the Draft Plan).
- A decline in potential construction jobs, labor income, and economic output from construction (reductions of 30% compared to the Current Plan and 25% compared to the Draft Plan).
- Roadway network changes that would increase the City's Traffic Impact Fee by approximately 40% over current fees.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE H-Continued

- Less General Fund revenue, including reductions in sales and property tax revenues. However, lower service populations would lead to reduced expenditures for City services. In comparing revenue loss to expenditure reductions, the Report concludes that Measure H would result in a lower net positive fiscal impact of development under each General Plan scenario.

Measure H was placed on the ballot by a petition signed by the requisite number of voters of the City of Gilroy.

/s/ Andrew L. Faber
Acting City Attorney

The above statement is an impartial analysis of Measure H. If you desire a copy of Measure H, please call the election official's office at (408) 846-0204 and a copy will be mailed at no cost to you.

COMPLETE TEXT OF MEASURE H

Gilroy Urban Growth Boundary Initiative

The people of the City of Gilroy do hereby ordain as follows:

SECTION 1: PURPOSE, EFFECT, AND FINDINGS

- A. Purpose and effect:** This initiative promotes stability in long-term planning for the City of Gilroy by creating a cornerstone policy within the General Plan that establishes geographic limits for long-term development while allowing sufficient flexibility within those limits to respond to the City's changing needs over time. This initiative amends the City of Gilroy General Plan to establish an Urban Growth Boundary ("UGB") for the City of Gilroy. The UGB is a boundary outside of which urban development will not be allowed, except for certain public facilities. Only uses consistent with the General Plan "Open Space" land use designation as it existed on February 26, 2016 (attached as Exhibit A) and certain provisions of Government Code section 65560(b) (attached as Exhibit B) that define "open space" are permitted outside the UGB. With certain limited exceptions where the City makes specific findings, such as for affordable housing, or for job-creating industrial development consistent with the General Plan "General Industrial" land use designation as it existed on February 26, 2016 (attached, with certain other land use designations, as Exhibit C), this UGB may not be amended until December 31, 2040 except by a vote of the people.
- B. Findings:** The people of the City of Gilroy find that this *Gilroy Urban Growth Boundary Initiative* ("Initiative") promotes the health, safety, welfare, and quality of life of the residents of the City of Gilroy, based upon the following:
- 1. The City of Gilroy's Small-Town Character and Rural Identity.** Incorporated in 1870, the City of Gilroy has long maintained its unique, small-town character by ensuring that development maintains the City's strong relationship to its historic features. This Initiative promotes the City's commitment to its small-town character by concentrating future development largely within existing developed areas. This Initiative protects the City's rural identity by ensuring that Gilroy remains bounded by natural open space and working agricultural lands that separate it from adjacent communities. At the same time, the Initiative promotes Gilroy's economy by allowing appropriate economic development in accordance with the City's unique local conditions.
 - 2. The City of Gilroy's Agricultural Heritage.** The City of Gilroy has a rich agricultural heritage, which remains a vital part of the local economy. This Initiative promotes the continued viability of agriculture and agri-tourism in the Gilroy area by protecting agricultural lands from urban encroachment and ensuring that agricultural lands remain a natural buffer between Gilroy and surrounding communities.
 - 3. The City of Gilroy's Open Spaces and Natural Environment.** In addition to working agricultural lands, the City of Gilroy is surrounded by ranchlands, open spaces, and scenic areas. Protecting and maintaining Gilroy's natural open space resources—which include creeks, meadows, hills, woodlands, and vistas—is necessary to preserve their watershed protection, habitat preservation, recreational, and aesthetic value.

COMPLETE TEXT OF MEASURE H-Continued

- 4. The City of Gilroy's Future Development.** The General Plan's historic vision for the City of Gilroy calls for compact, integrated development to promote a well-planned community and a vibrant downtown with commercial and residential uses. The Plan calls for growth to begin inward through infill development and then concentrically outward from the City's historic core. This Initiative will promote sustainable job creation by encouraging infill development that will enhance and revitalize the downtown, guide growth in a compact manner, and foster neighborhood development. This Initiative will also minimize traffic and reduce air pollution and greenhouse gas emissions.
- 5. The City of Gilroy's Prosperity and Fiscal Health.** Gilroy residents wish to avoid premature investments in expensive new and expanded infrastructure. This Initiative will ensure that new growth in the City will be planned in light of resource capacity constraints. By encouraging infill development, the Initiative will ensure the efficient use of the City's existing infrastructure.
- 6. The City of Gilroy's Housing Supply.** The City of Gilroy's General Plan promotes efficient and affordable housing in Gilroy through measures that encourage mixed use development in the downtown area, housing infill, and the construction of accessory units. As a result, the land use policies and provisions established in the General Plan are sufficient to address the expected increase in the City's population. This Initiative will not limit Gilroy's ability to continue to meet the housing needs of all economic segments of the population, including lower and moderate income households. It will promote this goal by, among other things, directing housing development into areas where services and infrastructure can be provided more cost-effectively.
- 7. The City of Gilroy's Water Needs.** The City of Gilroy is dependent on groundwater to meet its residents' needs for municipal use. It is critical that the City conserve its water supplies and protect its aquifers from overdraft. Infill development promotes water conservation by reducing lot size and landscaping.
- 8. No Effect on Lands Within the UGB.** This Initiative will not affect land use regulations or land use designations within the UGB, or the City Council's ability to change them.
- 9. General Plan Update.** At the time this Initiative was submitted, the City of Gilroy was in the process of updating its General Plan. This Initiative ensures that the will of the people to include a UGB in the General Plan, as described in this Initiative, is fulfilled. This Initiative is not intended to direct or constrain the City with respect to its ability to amend, revise, or update the General Plan, as long as any such amendments, revisions, or updates are consistent with the Initiative's policies.

SECTION 2: GENERAL PLAN AMENDMENTS

This *Gilroy Urban Growth Boundary Initiative* ("Initiative") hereby amends the City of Gilroy General Plan, as amended through February 26, 2016 ("submittal date") ("General Plan"). The amendments in subsections A and B of this Section 2 may be changed only by a vote of the people.

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- A. General Plan Land Use Map Amendments:** The Land Use Plan Map, at page 4-51 of the General Plan, Community Design and Development Element, attached as Exhibit D, is hereby amended to include an Urban Growth Boundary ("UGB"), established in the location indicated on the map attached as Exhibit E and shown in greater detail in Exhibits F(a) through F(d). Although the UGB is, in places, coterminous with the 20-year Planning Area boundary, the City Limit, and/or the Urban Service Area boundary, the four lines are independent of one another in legal significance and purpose.

As shown on the map attached as Exhibit E, the Land Use Plan Map is further amended to designate as "Open Space" all lands outside the UGB but within the 20-Year Planning Boundary except for (1) those lands designated "Educational Facility" as of the submittal date, and (2) those lands designated "Park/Recreation Facility" that are located adjacent to lands designated "Educational Facility" as of the submittal date.

Except for the location of the UGB and the designation of lands outside the UGB as "Open Space," the information depicted on Exhibit E is provided for contextual purposes only and is not readopted by this *Gilroy Urban Growth Boundary Initiative*. Further, except for the location of the UGB, the information depicted on Exhibits F(a) through F(d) is provided for contextual purposes only and is not adopted or readopted by this *Gilroy Urban Growth Boundary Initiative*.

- B. General Plan Text Amendment:** Text to be inserted in the General Plan is indicated in **bold** type. The General Plan Community Design Element (which is a part of the General Plan) is hereby amended to add the following new Policies:

1. On Page 4-28 of the City of Gilroy General Plan, Community Design and Development Element, add the following Policies 2.13 and 2.14 below existing Policy 2.12:

Policy 2.13

Urban Growth Boundary. In 2016, the people of the City of Gilroy approved an Urban Growth Boundary ("UGB") by initiative to protect the unique character of the City of Gilroy and the agriculture and open space character of the surrounding areas. The UGB is a line beyond which urban development is not allowed. Except for public parks, public educational facilities (such as public schools and public colleges), and public wastewater, sewer, storm drain, and water recycling facilities, only uses consistent with: (1) the General Plan "Open Space" land use designation as this designation existed on February 26, 2016; and (2) the uses of "open space land" as set forth in Government Code section 65560, subsections (b), (b)(1), (b)(2), (b)(3), and (b)(4) are allowed outside the UGB.

The City of Gilroy's UGB reflects a commitment to direct future growth within the City's existing urban areas in order to prevent urban sprawl into the agriculturally and environmentally important areas surrounding the City. The UGB protects the health, safety, welfare, and quality of life of the residents of Gilroy by concentrating future residential, commercial, and industrial growth in areas already served by urban services. The policies implementing the UGB allow sufficient flexibility within its

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limits to respond to the City's changing needs over time. The UGB complements General Plan policies encouraging infill development and supporting a thriving downtown center.

Policy 2.14

Urban Growth Boundary Implementation. Until December 31, 2040, the following General Plan provisions, as adopted by the *Gilroy Urban Growth Boundary Initiative*, may not be amended or repealed except by a vote of the people: Policy 2.13 and Policy 2.14 of the Community Design and Development Element.

(a) Until December 31, 2040, lands outside the UGB as shown on the General Plan Land Use Plan Map may be redesignated, and the location of the UGB depicted on the Land Use Plan Map may be amended, only by a vote of the people, or by the City Council pursuant to the procedures set forth in subsections (b) through (e) below.

(b) The City Council may, if it deems it to be in the public interest, amend the location of the UGB depicted on the Land Use Plan Map, provided that the amended boundary is within or coextensive with the limits of the UGB as established by the *Gilroy Urban Growth Boundary Initiative*. The City Council, may, if it deems it to be in the public interest, redesignate lands outside the UGB, provided that the new designation allows only uses consistent with (1) the General Plan "Open Space" land use designation as this designation existed on February 26, 2016; and (2) the uses of "open space land" as set forth in Government Code section 65560, subsections (b), (b)(1), (b)(2), (b)(3), and (b)(4).

(c) The City Council may amend the location of the UGB located on the Land Use Plan Map, and/or redesignate lands outside the UGB, if the City Council determines that doing so is necessary to comply with State law regarding the provision of housing for all segments of the community. The City Council may do so only if it first makes each of the following findings based on substantial evidence:

(1) That the land proposed to be brought within the UGB and/or redesignated is immediately adjacent to: (i) the existing UGB; and (ii) available water and sewer connections; and

(2) That the proposed development will consist primarily of low-and very low-income housing pursuant to the Housing Element of this General Plan;

(3) That there is no existing vacant or undeveloped residentially-designated land within the UGB to accommodate the proposed development and it is not feasible to accommodate the proposed development by redesignating lands within the UGB for low-and very low-income housing; and

(4) That the proposed development is necessary to comply with State law requirements for the provision of low-and very low-income housing and the area of

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land within the proposed development will not exceed the minimum area necessary to comply with State law.

(d) To promote sustainable job creation, the City Council may amend the location of the UGB located on the Land Use Plan Map and/or redesignate lands outside the UGB in order to allow uses consistent with the General Plan "General Industrial" land use designation as this designation existed on February 26, 2016, provided that no more than 50 acres of land may be brought within the UGB and/or redesignated pursuant to this subsection in any calendar year. The City Council may do so only if it makes each of the following findings based on substantial evidence:

(1) That the land proposed to be brought within the UGB and/or redesignated is immediately adjacent to:
(i) the existing UGB; and (ii) available water and sewer connections; and

(2) That the land proposed to be brought within the UGB and/or redesignated is the subject of a pending application to the City for a specific development proposal; and

(3) That there is no existing appropriately designated land within the UGB that could accommodate the development as proposed or with modifications, and that would provide substantially the same benefits; and

(4) That it is not feasible to accommodate the proposed development by redesignating lands within the UGB for the proposed development.

(e) Upon request of an affected landowner with a pending development application, the City Council may amend the location of the UGB depicted on the Land Use Plan Map, and/or redesignate lands outside the UGB, if it makes both of the following findings based on substantial evidence:

(1) That the application of the UGB depicted on the Land Use Plan Map, or of the *Gilroy Urban Growth Boundary Initiative's* designation of land outside the UGB, would constitute an unconstitutional taking of the landowner's property; and

(2) That the UGB amendment and/or land use redesignation will allow additional land uses only to the minimum extent necessary to avoid such a taking of the landowner's property.

(f) Prior to amending the location of the UGB or redesignating lands outside the UGB pursuant to subsections (c) through (e) of this Policy, the City Council shall hold at least one noticed public hearing for the purpose of receiving testimony and evidence from the applicant and the public on the proposed amendment and any findings proposed in connection with such amendment. This hearing shall be in addition to any other public hearings required for a General Plan amendment.

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(g) The General Plan may be reorganized or updated, 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 Policy 2.13 and Policy 2.14 of the Community Design and Development Element shall continue to be included in the General Plan unless earlier amended or repealed by the voters of the City. After December 31, 2040, this Policy 2.14 shall have no further force and effect, and the City Council, if it deems it in the public interest, may amend the Land Use Plan Map and other General Plan provisions addressed by this Policy 2.14 in accordance with State law without a vote of the people.

(h) The City, and its departments, boards, commissions, officers, and employees, shall not approve any general plan amendment, zoning amendment, specific plan, specific plan amendment, rezoning, subdivision map, conditional use permit, or take any other discretionary action, that is inconsistent with Policy 2.13 and Policy 2.14 of the Community Design and Development Element of the General Plan. Any general plan amendment, zoning amendment, specific plan, specific plan amendment, rezoning, subdivision map, conditional use permit, or any other discretionary approval granted by the City that either redesignates land outside the UGB or brings land within the UGB under subsections (c) through (e) of this Policy 2.14 must be consistent with the findings made to support that land's redesignation or inclusion within the UGB.

C. **General Plan Conforming Amendments:** The General Plan is further amended as set forth below in this Section 2.C in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in **bold** type. Text to be deleted from the General Plan is indicated in ~~strikeout~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. Figures to be deleted are indicated with a superimposed "X". The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with Policies 2.13 and 2.14 of the Community Design and Development Element.

1. The third full paragraph on page 3-2 of the Strategic Direction Element of the General Plan is amended as follows:

Though it will continue to grow over the next twenty years, Gilroy will retain its rural identity. **The Urban Growth Boundary, adopted by initiative in 2016, will ensure that the City's** ~~its~~ boundaries will be defined by ~~substantial areas of~~ natural open space and working agricultural lands that separate it from adjacent communities.

2. The fourth full paragraph on page 3-2 of the Strategic Direction Element of the General Plan is amended as follows:

Gilroy will be a well-planned, compact community. It will first grow inward through infill development, and then concentrically outward from its historic core. **The Urban Growth Boundary, adopted by initiative in 2016, will protect the areas**

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surrounding Gilroy from unnecessary development and urban sprawl. Old and new parts of the community will be integrated with one another through the city's network of streets, bike lanes, and pedestrian highways.

3. The first bulleted item on page 3-6 of the Strategic Direction Element of the General Plan is amended as follows:

- Manage Growth. Growth presents challenges as well as opportunities. The General Plan strives to manage growth so that benefits to the community are realized, and potentially negative impacts are minimized or eliminated. Growth management tools established in or supported by the General Plan include the **Urban Growth Boundary adopted by initiative in 2016**, 20-Year Growth Boundary, Urban Service Area, Residential Development Ordinance, Level of Service Standards, and policies that coordinate development approvals with infrastructure extensions and service provision.

4. At the bottom of page 3-10 of the Strategic Direction Element of the General Plan, Figure 3-1 including the accompanying label, as reproduced below, is deleted in its entirety:



5. The first paragraph containing bulleted items on page 3-20 of the Strategic Direction Element of the General Plan is amended as follows:

The Campus Industrial designation has been mapped in ~~two areas of future industrial development:~~

- ~~The largest area (approximately 430 acres) is located east of Highway 101 and the Gilroy Factory Outlets, south of Leavesley Road, north of Ronan Channel and west of Llagas Creek.~~
- ~~One other smaller area is located east of Highway 101 in the vicinity of the proposed Buena Vista interchange (approximately 40 acres).~~

6. The second and third full paragraphs of page 4-2 of the Community Design and Development Element of the General Plan are amended and deleted as follows:

The Land Use Plan Map covers the area within the "20-Year Boundary" of the General Plan. This is the area that the City expects to be serviced and developed in ~~urban uses~~ by the year 2020 **provided that all such service provision and development must be consistent with the Urban Growth**

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Boundary adopted by initiative in 2016, with additional lands beyond projected growth needs to ensure a functioning land market. It also includes some open space areas (most notably the southwestern hillside area) that will not be developed in urban uses, but are included to facilitate their protection and management as scenic community resources.

~~Figure 4-1 summarizes the acres of developed and undeveloped land by general land use category in the 20-year planning area:~~

7. At the bottom of page 4-2 of the Community Design and Development Element of the General Plan, Figure 4-1 including the accompanying label, as reproduced below, is deleted in its entirety:

~~Figure 4-1. Land Use Acreage, by General Land Use Category and Development Status~~

	Total Acres	Undeveloped Acres ¹	Percent Undeveloped
Residential	6,053	1,550	26%
West of Highway 101	6,053	1,550	26%
East of Highway 101	0	na	na
Commercial	1,559	457	29%
West of Highway 101	1,019	167	16%
East of Highway 101	540	290	54%
Industrial	2,006	1,493	74%
West of Highway 101	376	183	49%
East of Highway 101	1,630	1,310	80%
Other²	4,025	na	na
West of Highway 101	2,490	na	na
East of Highway 101	1,535	na	na
TOTAL	13,643	na	na

¹ Undeveloped acres are those currently vacant or in agricultural use. Does not include under-utilized parcels or parcels potentially subject to redevelopment. Figures provided are based on 1999 land use survey conducted as part of the General Plan update.
² Other uses include: Medium-Density, educational facilities, parks and recreation facilities, public/government facilities, and open space.

8. The second full paragraph of page 4-3 of the Community Design and Development Element of the General Plan is amended to include the following as the second bulleted item:

- Inclusion of the Urban Growth Boundary adopted by initiative in 2016. The UGB focuses future growth within the City in order to prevent urban sprawl into the agriculturally and environmentally important areas surrounding the City. With limited exceptions, lands outside the UGB are to be preserved for agricultural and open space uses.**

9. The third bulleted item of the second full paragraph of page 4-3 of the Community Design and Development Element of the General Plan is amended as follows:

- ~~Creation of a Campus Industrial land use designation to encourage development of campus-style office parks. This designation has been mapped in three areas: the area bounded by the Outlets on the west, Leavesley Road on the north, Llagas Creek on the east, and Ronan Channel on the south; the area adjacent to the proposed Buena Vista interchange east of 101; and in a small area south of Masten Avenue just west of Highway 101.~~

10. Policy 2.01 on page 4-24 of the Community Design and Development Element of the General Plan is amended as follows:

Policy 2.01

Location of Growth. Maximize existing infrastructure and service investments—and avoid premature investment for facility and service extensions—by directing new growth to

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vacant and under-utilized lands within the Urban Service Area, **consistent with the Urban Growth Boundary ("UGB") adopted by initiative in 2016.** As a second-tier priority, direct new development to areas that border on existing urban development or are immediately adjacent to the Urban Service Area, prohibiting costly "leap frog" development and ensuring a compact development pattern, **consistent with the UGB.**

11. Policy 2.04 on page 4-24 of the Community Design and Development Element of the General Plan is amended as follows:

Policy 2.04

Growth Management Tools and Process. Utilize the Residential Development Ordinance, **Urban Growth Boundary**, Urban Service Area, 20-Year Planning Boundary, sewer treatment and disposal capacities, and natural resource management policies (including water resources) as tools for managing the rate, location and extent of growth. Ensure that the processes for establishing, reviewing and implementing these tools are open to the public and responsive to public concerns.

12. The last paragraph of Policy 2.08, on page 4-26 of the Community Design and Development Element of the General Plan is amended as follows:

Lands within the 20-Year Boundary are those to which the City expects to provide services in the next 20 years. **Any such service provision shall be consistent with the Urban Growth Boundary adopted by initiative in 2016.** Applications for Urban Service Area expansions will only be accepted for lands within the 20-Year Boundary.

13. Policy 2.11 on page 4-28 of the Community Design and Development Element of the General Plan is deleted as follows:

Policy 2.11

~~Preserving Future Growth Options. Recognize that long term development, beyond the 20 year term, may require expansion of the 20 year boundary to take in additional lands:~~

~~While the decision on future boundary expansions cannot and should not be made at this time, the General Plan wishes to encourage a proactive approach by the City in preserving the future development potential of long term growth areas. Specifically, the City should work with the County to discourage land subdivision and development activities that undermine the future urban development potential of the following areas:~~

- ~~a) The area north of Day Road and west of Santa Teresa Boulevard, east of the foothills, which is an area suitable for long term residential expansion and related development;~~
- ~~b) The area east of Highway 101 between Buena Vista and Masten Avenue, bordering on the highway. This is an area suitable for long term expansion of highway oriented commercial development;~~

~~In both of these areas the City will work with the County to encourage ongoing agricultural activities and protect the~~

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~~continued agricultural viability of these lands, in keeping with the policies of the Gilroy General Plan.~~

14. Action 1.F on page 4-43 of the Community Design and Development Element of the General Plan is amended as follows:

Action 1.F

Campus Industrial Specific Plans. Undertake pro-active efforts in areas where the City seeks to facilitate the development of 'campus industrial' uses in keeping with the goals and policies of the General Plan.

~~The future annexation of property east of the Gilroy Outlets, between Leavesley Road and the Ronan Channel, shall be preceded by the adoption of a Specific Plan, with property owners and/or developers taking the lead role. Development of the Specific Plan shall involve, but not be limited to, city and regional stakeholders, South County agricultural interests, the Santa Clara Valley Water District, and the Pajaro River Watershed Flood Protection Authority. Issues and concerns to be addressed through the Specific Plan process shall include, but not be limited to:~~

- ~~a) Re-evaluation of potential traffic impacts and solutions;~~
- ~~b) Coordination with the City's Bicycle Plan elements;~~
- ~~c) Consideration of mass transit issues with the Valley Transportation Agency;~~
- ~~d) Potential trail development along the Llagas Creek (as part of the Parks and Recreation Master Plan); and~~
- ~~e) Evaluation of potential increased public service costs.~~

15. On page 4-45 of the General Plan Community Design and Development Element, below existing Action 2.D, add the following new Action:

Action 2.E

Urban Growth Boundary. Maintain the Urban Growth Boundary adopted in 2016 by the voters in the *Gilroy Urban Growth Boundary Initiative*, in keeping with the objectives set forth in Policy 2.13. Display the UGB on the Land Use Plan Map, and process amendments to the UGB pursuant to the procedures set forth in Policy 2.14.

16. Policy 12.08 on page 6-3 of the Transportation and Circulation Element of the General Plan is amended as follows:

Policy 12.8

Standard Level of Service (LOS). Maintain traffic conditions at LOS C or better at Gilroy intersections and roadways, allowing some commercial and industrial areas (as specified on the 'Level of Service D Areas' Map, page 6-11, **subject to the timing and other limitations imposed by the *Gilroy Urban Growth Boundary Initiative***) to operate at LOS D or better. Exceptions to this standard will be allowed only where the City Council determines that the improvements needed to maintain the City's standard level of service at specific locations are infeasible.

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17. On page 7-24 of the Public Facilities and Services Element of the General Plan, the City of Gilroy Parks & Recreation System Master Plan Map (Geographical Park Service Needs) (attached as Exhibit G) is amended as portrayed in the map attached as Exhibit H.

SECTION 3: IMPLEMENTATION

- A. Effective Date:** "Effective Date" means the date that the *Gilroy Urban Growth Boundary Initiative* ("Initiative") became effective pursuant to State law.
- B. City of Gilroy General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the City of Gilroy General Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the City of Gilroy General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the Municipal Code or of any other City of Gilroy ordinance or resolution that are inconsistent with the provisions adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.
- C. Interim Amendments:** The date that the notice of intention to circulate this Initiative was submitted to the elections official of the City of Gilroy is referenced herein as the "submittal date." The City of Gilroy General Plan in effect on the submittal date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the City of Gilroy. In order to ensure that nothing in this Initiative measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.
- D. Other City Plans, Ordinances, and Policies:** The City of Gilroy is hereby authorized and directed to amend the City of Gilroy General Plan and other ordinances and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan and other City plans, ordinances, and policies.
- E. Reorganization:** The General Plan may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan, provided that the provisions of Section 2.A and 2.B of this Initiative shall remain in the General Plan through at least December 31, 2040, unless earlier repealed or amended by vote of the people of the City of Gilroy.
- F. Implementing Ordinances:** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances,

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guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.

- G. Enforcement and Defense of Initiative:** The City Council shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.
- H. Exemptions:** The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California. Should any application of the Initiative effect an unconstitutional taking of private property, an exemption is permitted only to the minimum extent necessary to avoid such a taking. Likewise, this Initiative shall not apply to any development project or ongoing activity that has obtained, as of the Effective Date of the Initiative, a vested right pursuant to State law.

SECTION 4: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT

This Initiative adopts a comprehensive scheme to establish an Urban Growth Boundary for the City of Gilroy. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses the existence or location of an Urban Growth Boundary for the City of Gilroy, or conflicts with any provision of this Initiative, shall be deemed to conflict with the entire cohesive scheme adopted by this Initiative. Because of this conflict, if this Initiative and any such other City of Gilroy measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 4, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 5: SEVERABILITY AND INTERPRETATION

This Initiative shall be broadly construed in order to achieve its purpose.

This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and County laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

COMPLETE TEXT OF MEASURE H-Continued

SECTION 6: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by a vote of the people of the City of Gilroy.

Exhibits:

Exhibit A: Excerpt of the City of Gilroy General Plan: Community Design and Development Element, pages 4-18 to 4-19 (General Plan "Open Space" land use designation as this designation existed on February 26, 2016)

Exhibit B: Government Code section 65560 (as of February 26, 2016)

Exhibit C: Excerpts of the City of Gilroy General Plan: Community Design and Development Element, page 4-16 (General Plan "General Industrial" land use designation as this designation existed on February 26, 2016) and page 4-19 (General Plan "Park and Recreation Facility" and "School" land use designations as these designation existed on February 26, 2016)

Exhibit D: City of Gilroy General Plan Land Use Plan Map, City of Gilroy General Plan Community Design and Development Element, page 4-51

Exhibit E: City of Gilroy General Plan Land Use Plan Map (as amended by the *Gilroy Urban Growth Boundary Initiative*, showing location of UGB and redesignation of lands outside UGB)

Exhibit F(a): Urban Growth Boundary (Detail): Northwest Section

Exhibit F(b): Urban Growth Boundary (Detail): Northeast Section

Exhibit F(c): Urban Growth Boundary (Detail): Southeast Section

Exhibit F(d): Urban Growth Boundary (Detail): Southwest Section

Exhibit G: City of Gilroy Parks & Recreation System Master Plan Map (Geographical Park Service Needs), City of Gilroy General Plan Public Facilities and Services Element, page 7-24.

Exhibit H: City of Gilroy Parks & Recreation System Master Plan Map (Geographical Park Service Needs) (as amended by the *Gilroy Urban Growth Boundary Initiative*)

Exhibit A

Community Design and Development

Gilroy General plan Adopted June 2012 pages 4-18 and 4-19

- creating an integrated trail network that will include extension of the Uvas Creek Park Preserve from Santa Teresa to Bonfonte Gardens and creation of a bicycle staging area
- enhancing the area's potential as a tourist destination building upon its agricultural character and scenic qualities

Residential uses in the Hecker Pass area should be limited to lower density developments, clustered along the southern part of the corridor area towards Uvas Creek (respecting views from the creek and its importance as a recreational resource) and in the Hoey Ranch area north of Highway 152. Clustered designs should ensure the preservation of significant open space areas, view corridors, and significant natural features.

Commercial uses should be limited in scale and type to ensure compatibility with the agricultural character of Hecker Pass. These

COMPLETE TEXT OF MEASURE H-Continued

"agri-tourism" uses might include wineries, fruit stands, and gift shops specializing in agricultural products. Small restaurants and "bed-and-breakfast" establishments would also be compatible if limited in scale and quantity.

All developments must meet strict landscaping, site design, signage, and architectural design standards to ensure visual compatibility with the unique atmosphere of the Hecker Pass area.

An overview of the General Plan's goals and intent in relation to the new Hecker Pass Special Use District is provided in Chapter 3. Strategic Direction.

OPEN SPACE

Zoning: Zoning districts that are consistent with the Open Space designation include:

- OS-Open Space
- A1-Agriculture

Description: This designation is applied to areas where urban development is either inappropriate or undesirable. Specifically, it is used to preserve and protect lands that are considered environmentally unfit for development, including:

- Natural resource areas such as the Uvas Creek and Llagas Creek corridors and the southwestern foothills; and
- Hazardous areas such as fault zones and floodways.

While some limited activities and structures may be allowed, these are subject to site-specific environmental review and must be limited in scope to ensure preservation of natural resources and protection of public health and safety.

PARK AND RECREATION FACILITY

Zoning: Zoning districts that are consistent with the Park and Recreation designation include:

- PF-Park/Public Facilities
- OS-Open Space

Description: This designation is applied to existing and future developed park lands, including existing and planned "linear parks" that serve both a circulation and recreation function. It is also applied to public recreation areas such as the golf course.

PUBLIC/QUASI-PUBLIC FACILITY

Zoning: Zoning districts that are consistent with the Public/Quasi-Public Facility designation include:

- PF-Park/Public Facilities

Description: This designation is applied to existing and planned public or quasi-public facilities. Examples of public facilities include City Hall, the library, the fire stations, and utility sub-stations; examples of quasi-public facilities include the cemetery and the hospital

COMPLETE TEXT OF MEASURE H-Continued

SCHOOL

Zoning: Zoning districts that are consistent with the School designation include:

- PF-Park/Public Facilities

Description: This designation is applied to existing and future school facilities including both public schools (owned and operated by the Gilroy Unified School District and Gavilan College) and private schools (except where the school is part of another facility, such as a church)

Exhibit B

GOVERNMENT CODE SECTION 65560

65560.

(a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional, or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, greenways, as defined in Section 816.52 of the Civil Code, and watershed lands.

(2) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers, and streams that are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, greenways, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas that require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

(5) Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer

COMPLETE TEXT OF MEASURE H-Continued

zones to military activities and complement the resource values of the military lands.

(6) Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

(Amended by Stats. 2015, Ch. 639, Sec. 4. Effective January 1, 2016.)

Exhibit B

REFERENCED STATUTE

For informational purposes, the text of Civil Code section 816.52, which is referenced in Government Code section 65560, subsection (b)(1), is provided below:

CIVIL CODE SECTION 816.52

816.52. For purposes of this chapter, the following definitions apply:

(a) (1) "Adjacent" means within 400 yards from the property boundary of an existing urban waterway.

(2) This subdivision does not create a new authority to place or extend an easement on private property that is not part of a voluntary agreement.

(b) "Greenway" means a pedestrian and bicycle, nonmotorized vehicle transportation, and recreational travel corridor that meets the following requirements:

(1) Includes landscaping that improves rivers and streams, provides flood protection benefits, and incorporates the significance and value of natural, historical, and cultural resources, as documented in the local agency's applicable planning document, including, but not limited to, a master plan, a general plan, or a specific plan.

(2) Is separated and protected from shared roadways, is adjacent to an urban waterway, and incorporates both ease of access to nearby communities and an array of amenities and services for the users of the corridor and nearby communities.

(3) Is located on public lands or private lands, or a combination of public and private lands, where public access to those lands for greenway purposes has been legally authorized by, or legally obtained from, the fee owner of the land and, if applicable, the operator of any facility or improvement located on the land, through leases, easements, or other agreements entered into by the fee owner and the operator of any affected facility or improvement on the land.

(4) Reflects design standards regarding appropriate widths, clearances, setbacks from obstructions, and centerlines protecting directional travel, and other considerations, as appropriate, that are applicable for each affected local agency, as documented in the local agency's applicable planning document, including, but not limited to, a master plan, general plan, or specific plan.

(5) May incorporate appropriate lighting, public amenities, art, and other features that are consistent with a local agency's planning document, including, but not limited to, a general plan, master plan, or specific plan.

(c) "Greenway easement" means any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition that is or has been executed by or on behalf of the owner of the land

COMPLETE TEXT OF MEASURE H-Continued

subject to the easement and is binding upon successive owners of that land, for the purpose of developing greenways adjacent to urban waterways.

(d) "Local agency" means a city, county, or city and county.

(e) "Urban waterway" means a creek, stream, or river that crosses (1) developed residential, commercial, or industrial property or (2) open space where the land use is designated as residential, commercial, or industrial, as referenced in a local agency's planning document, including, but not limited to, a general plan, master plan, or specific general plan.

Exhibit C

Community Design and Development

Gilroy General Plan Adopted June 2002 Pages 4-16 and 4-19

INDUSTRIAL PARK

Intensity: Maximum building height of 35 feet (2 stories)

Zoning: Zoning districts that are consistent with the Industrial Park designation include:

- M1-Limited Industrial
- CM-Commercial Industrial

Description: This designation allows developments similar to those in the "Campus Industrial" designation in that they demonstrate by the quality of their development and the nature of their operations that they can locate in close proximity to residential and commercial uses with a minimum of environmental conflict. Although they still must meet strict landscaping, buffering and design standards, they do not require a "campus" setting or integrated open space areas. Typical activities include light manufacturing operations, electronics assembly plants, and large warehouses. While "Campus Industrial" uses might be considered more "office" and less "industrial," uses in this category might be considered more "industrial" and less "office."

GENERAL INDUSTRIAL

Intensity: Maximum building height of 75 feet (6 stories)

Zoning: Zoning districts that are consistent with the General Industrial designation include:

- M2-General Industrial
- M1-Limited Industrial
- CM-Commercial Industrial

Description: Establishments located in these areas characteristically require large parcels of land with good truck and/or rail access. Due to the nature of their operation (potential noise, truck traffic, outside storage, lighting, odors, etc.), uses in this category typically require special mitigations (e.g., landscape buffers, limited hours of operation, etc.) when located adjacent to residential areas. Examples of activities in a General Industrial area include large-scale manufacturing, assembly, storage, distribution, and whole-saling.

- Hazardous areas such as fault zones and floodways.

COMPLETE TEXT OF MEASURE H-Continued

While some limited activities and structures may be allowed these are subject to site-specific environmental review and must be limited in scope to ensure preservation of natural resources and protection of public health and safety.

PARK AND RECREATION FACILITY

Zoning: Zoning districts that are consistent with the Park and Recreation designation include:

- PF-Park/Public Facilities
- OS-Open Space

Description: This designation is applied to existing and future developed park lands, including existing and planned "linear parks" that serve both a circulation and recreation function. It is also applied to public recreation areas such as the golf course.

PUBLIC/QUASI-PUBLIC FACILITY

Zoning: Zoning districts that are consistent with the Public/Quasi-Public Facility designation include:

- PF-Park/Public Facilities

Description: This designation is applied to existing and planned public or quasi-public facilities. Examples of public facilities include City Hall, the library, the fire stations, and utility sub-stations; examples of quasi-public facilities include the cemetery and the hospital.

SCHOOL

Zoning: Zoning districts that are consistent with the School designation include:

- PF-Park/Public Facilities

Description: This designation is applied to existing and future school facilities, including both public schools (owned and operated by the Gilroy Unified School District and Gavilan College) and private schools (except where the school is part of another facility, such as a church).

Exhibit D

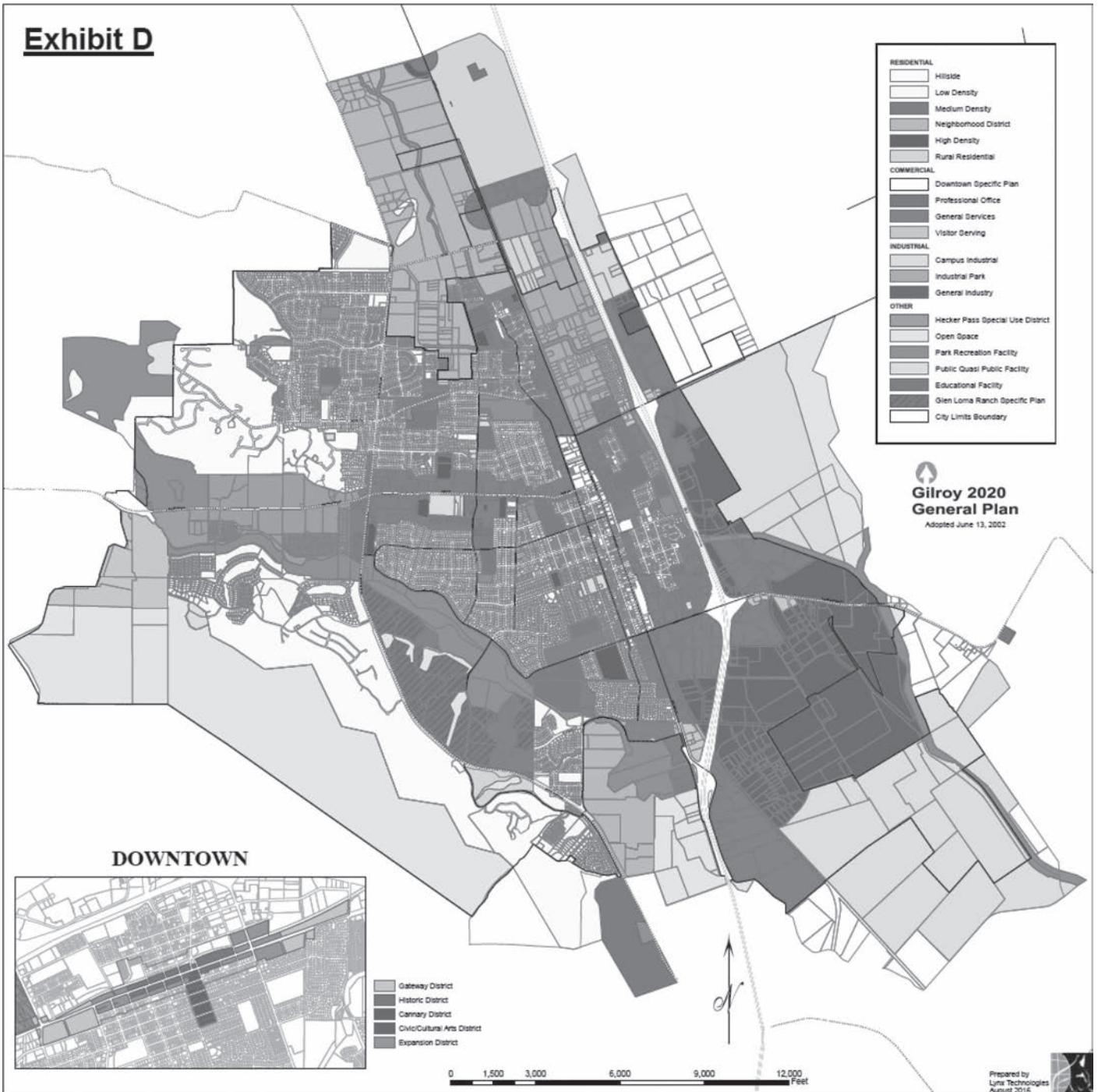
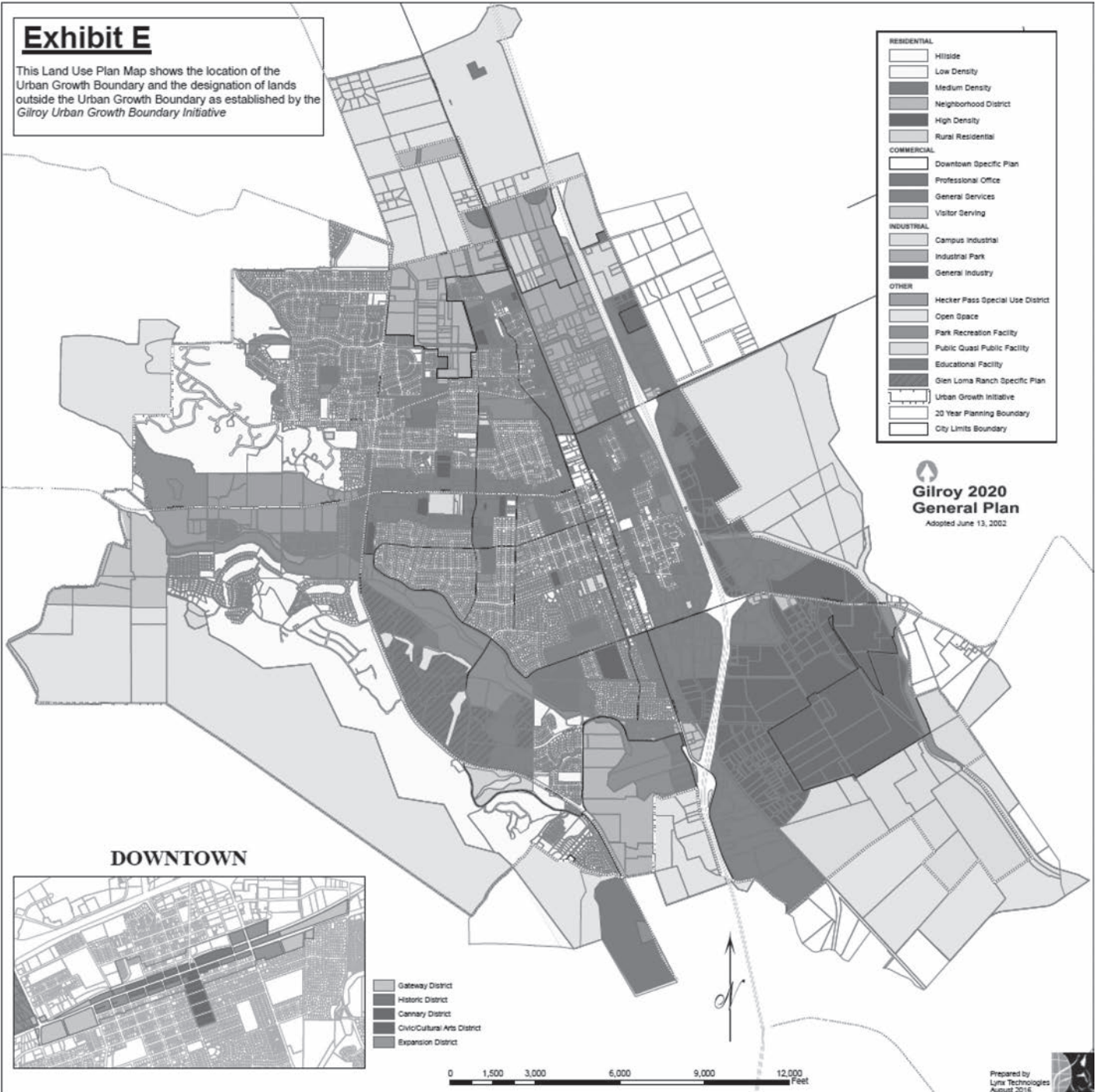
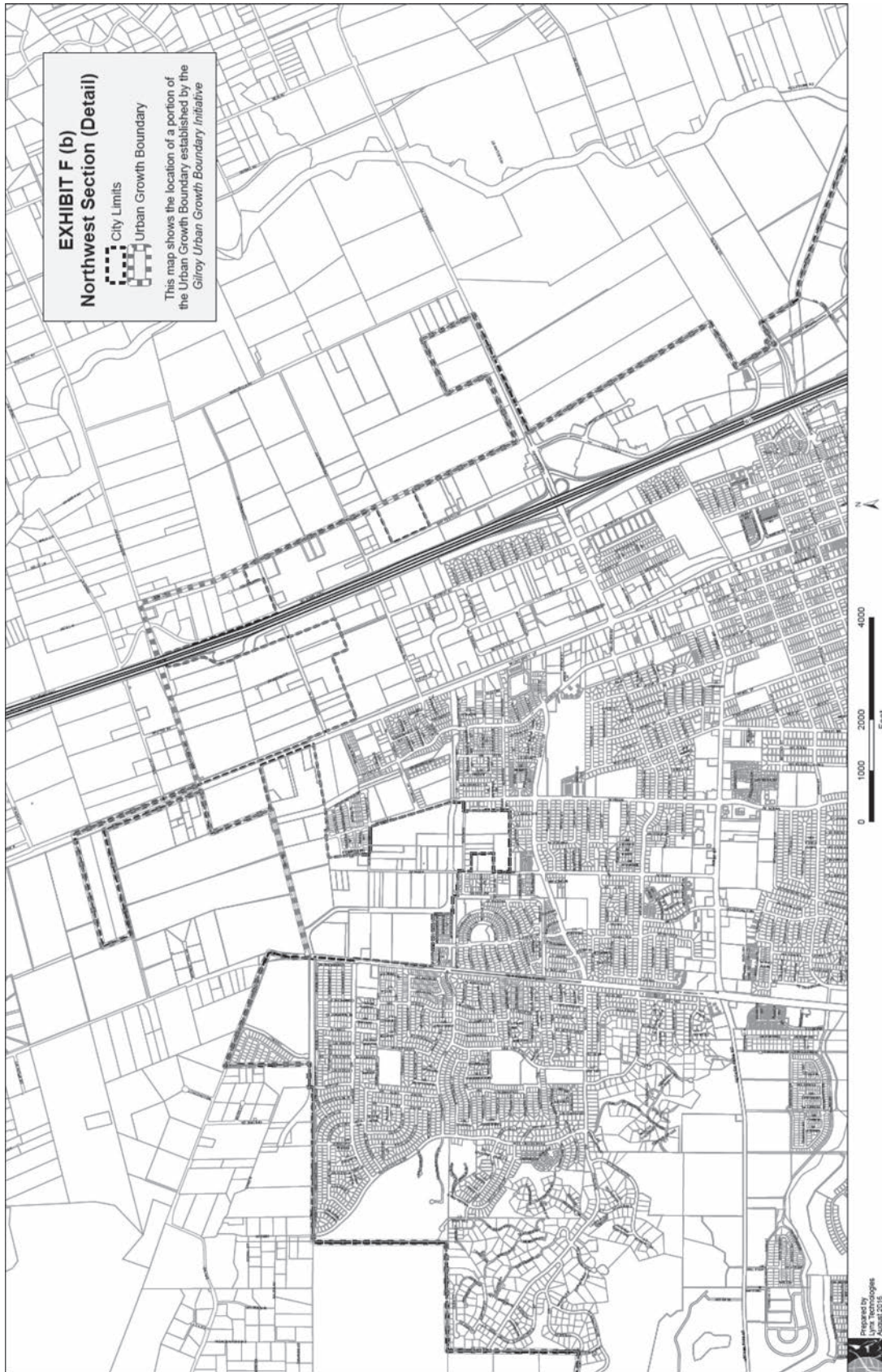


Exhibit E

This Land Use Plan Map shows the location of the Urban Growth Boundary and the designation of lands outside the Urban Growth Boundary as established by the Gilroy Urban Growth Boundary Initiative









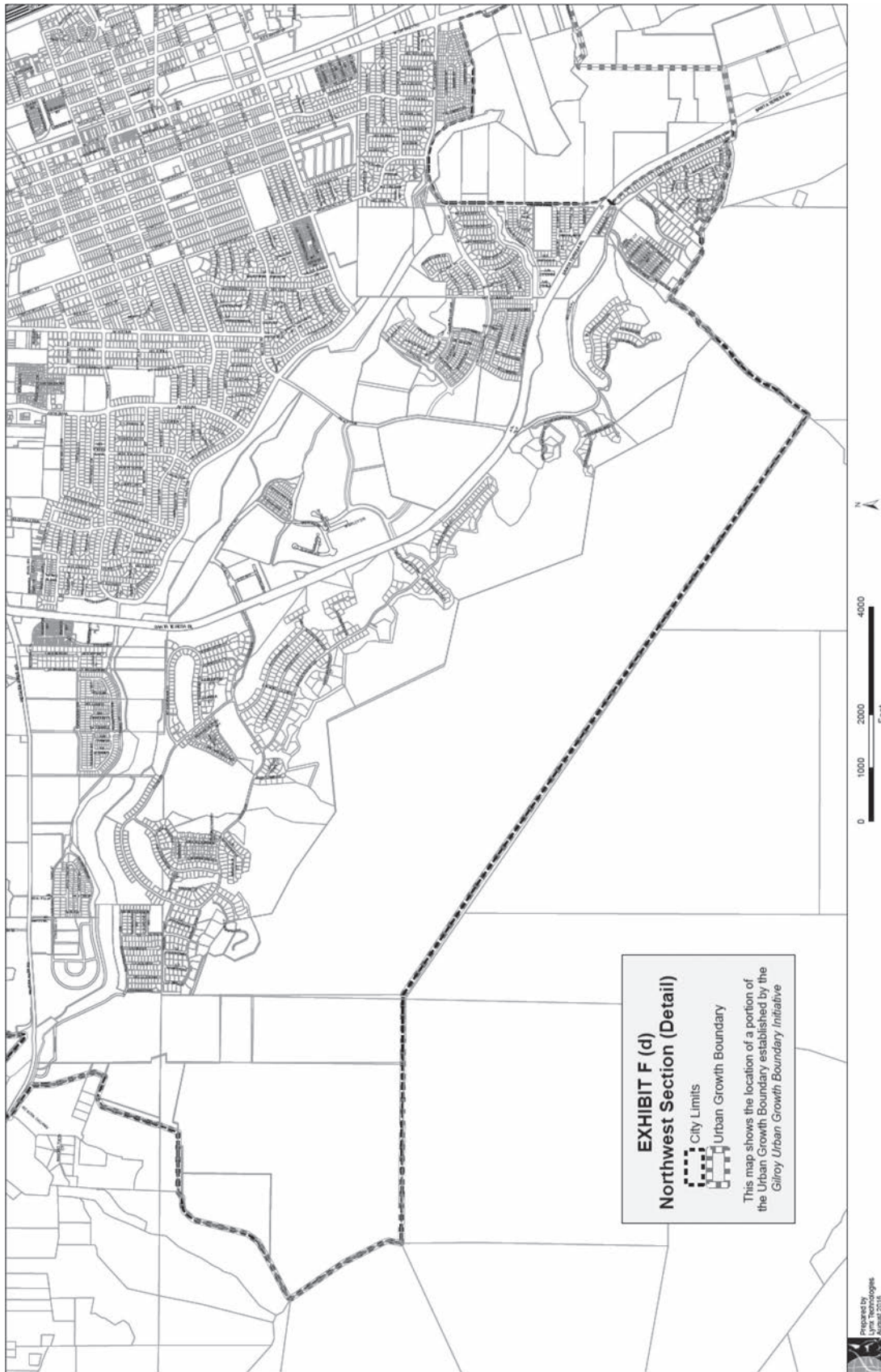


Exhibit G

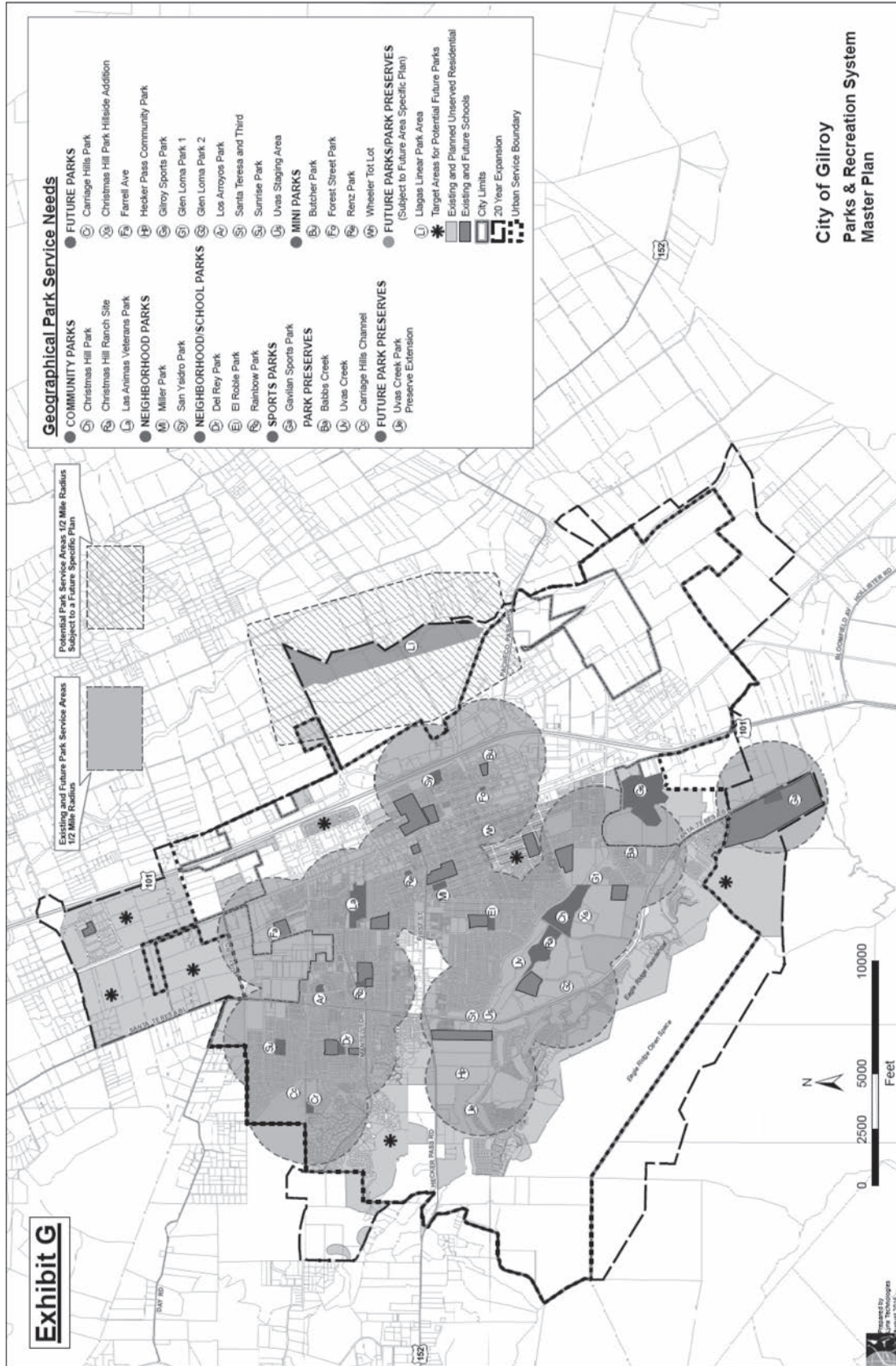


Exhibit H

This map was updated in 2016 by the Urban Growth Boundary Initiative

Potential Park Service Areas 1/2 Mile Radius
Subject to a Future Specific Plan

Existing and Future Park Service Areas
1/2 Mile Radius

Geographical Park Service Needs

● COMMUNITY PARKS

- ① Christmas Hill Park
- ② Christmas Hill Park Addition
- ③ Farrell Ave
- ④ Hecker Pass Community Park
- ⑤ Gilroy Sports Park
- ⑥ Glen Loma Park 1
- ⑦ Glen Loma Park 2
- ⑧ Los Arroyos Park
- ⑨ Santa Teresa and Third
- ⑩ Sunrise Park
- ⑪ Uvas Staging Area

● NEIGHBORHOOD PARKS

- ⑫ Miller Park
- ⑬ San Ysidro Park

● NEIGHBORHOOD/SCHOOL PARKS

- ⑭ Del Rey Park
- ⑮ El Roble Park
- ⑯ Rainbow Park

● SPORTS PARKS

- ⑰ Gavilan Sports Park

● PARK PRESERVES

- ⑱ Babbs Creek
- ⑲ Uvas Creek
- ⑳ Cabbage Hills Channel

● FUTURE PARK PRESERVES

- ㉑ Uvas Creek Park Preserve Extension

● FUTURE PARKS

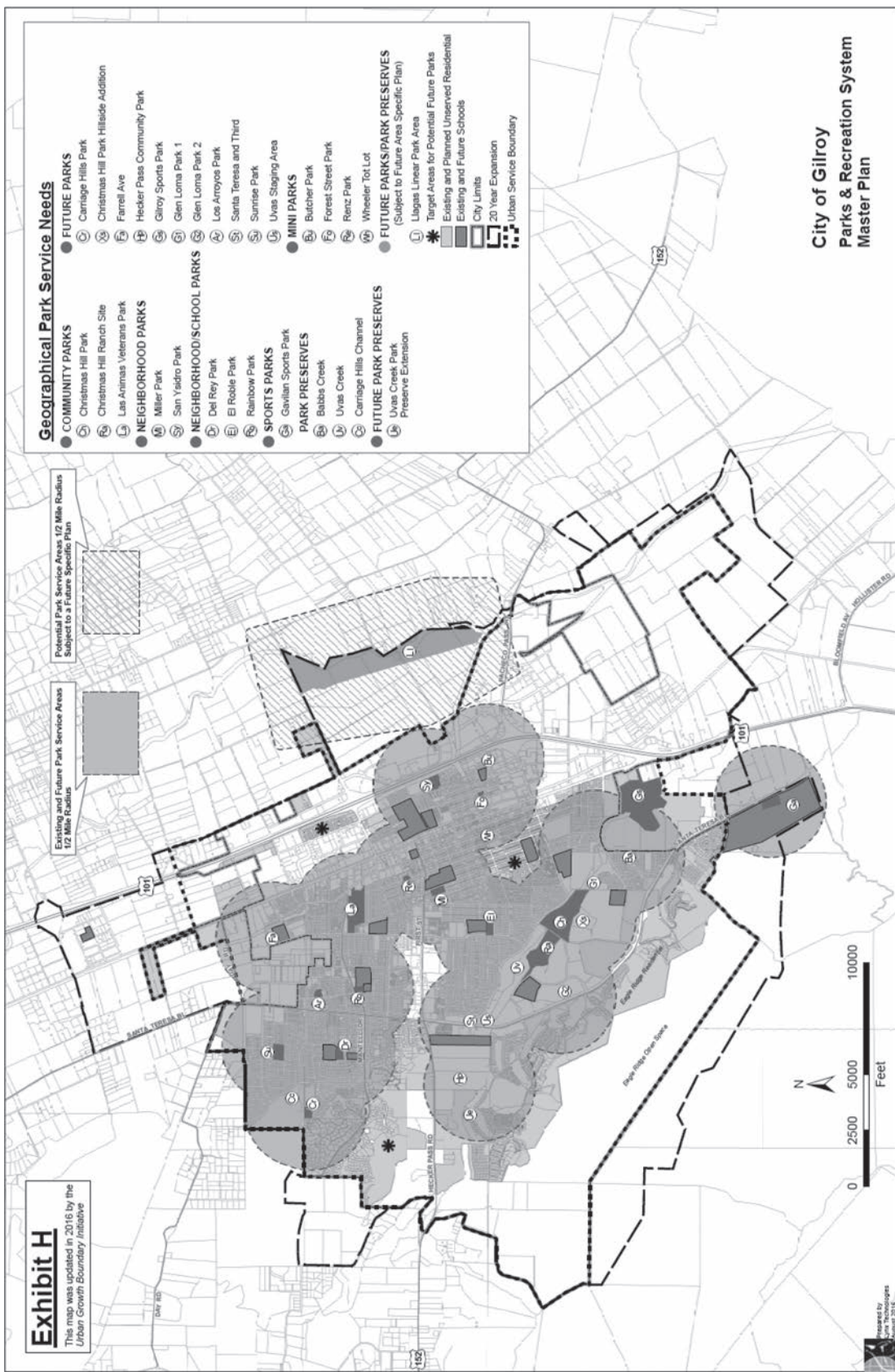
- ㉒ Cabbage Hills Park
- ㉓ Christmas Hill Park Hillside Addition
- ㉔ Farrell Ave
- ㉕ Hecker Pass Community Park
- ㉖ Gilroy Sports Park
- ㉗ Glen Loma Park 1
- ㉘ Glen Loma Park 2
- ㉙ Los Arroyos Park
- ㉚ Santa Teresa and Third
- ㉛ Sunrise Park
- ㉜ Uvas Staging Area
- ㉝ Butcher Park
- ㉞ Forest Street Park
- ㉟ Rentz Park
- ㊱ Wheeler Tot Lot

● MINI PARKS

- ㊲ Butcher Park
- ㊳ Forest Street Park
- ㊴ Rentz Park
- ㊵ Wheeler Tot Lot

● FUTURE PARKS/PARK PRESERVES

- ㊶ Uvas Linear Park Area
- ㊷ Target Areas for Potential Future Parks
- ㊸ Existing and Planned Unserved Residential
- ㊹ Existing and Future Schools
- ㊺ City Limits
- ㊻ 20 Year Expansion
- ㊼ Urban Service Boundary



City of Gilroy Parks & Recreation System Master Plan

Prepared by
URS Technologies
August 2016

ARGUMENT IN FAVOR OF MEASURE H

Vote YES on Measure H to give you, the voter, the right to decide critical growth decisions affecting Gilroy.

Measure H creates a growth control line around Gilroy called an Urban Growth Boundary. This line can only be changed by a vote of the people with exceptions for schools, public facilities, affordable housing, and industrial land.

It's simple. Measure H will give our citizens the power to decide how large our city will grow in the future.

Measure H maintains Gilroy's rural, small-town character. Gilroy doesn't need to expand further outward now. There is enough land within the Urban Growth Boundary to accommodate needed housing and job growth through 2040.

Outward-sprawling development will make our traffic worse. Measure H will give voters control over that.

Measure H will direct future development closer to existing city services and infrastructure. This will save Gilroy money and will encourage investment and improvements in our Downtown.

Measure H will draw the line on sprawl to protect the remaining natural open space and farmland surrounding Gilroy for future generations.

Measure H will limit future demands on Gilroy's water resources.

The City Council yielded to developer pressure for sprawl and involved us in lawsuits. Gilroy voters need to take control.

Vote YES on Measure H.

/s/ Roberta Hughan
Former Mayor of Gilroy

/s/ Walter Ashley Glines
General Plan Member, Gavilan Trustee

/s/ Rebeca Armendariz
Planning Commissioner

/s/ Joan Marfia Lewis
Former Planning Commissioner

/s/ Constance "Connie" A. Rogers
Former City Council Member

NO ARGUMENT AGAINST MEASURE H WAS SUBMITTED