



CDT: Saying Yes to Good Development

PAGE 4



Photo: Liza Heider

Q & A: California Planning at Risk?

PAGE 2



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PAGE 4

Greenbelt ACTION

PROTECTING OPEN SPACE AND PROMOTING LIVABLE COMMUNITIES

THE BAY AREA'S LAND CONSERVATION AND URBAN PLANNING NONPROFIT

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WINTER 2005

THREATS AND OPPORTUNITIES

Sonoma County's General Plan Update

KELLY BROWN
SONOMA-MARIN
FIELD REPRESENTATIVE

Sonoma County is beloved for its redwood forests, its productive farms and vineyards, and its pleasant towns and cities. How has it managed to retain its charm over years of rapid growth? How will it accommodate the growth to come?

The tool that has helped preserve Sonoma County's rural character thus far is its General Plan. The General Plan is the blueprint for where new development will go and what areas will be off-limits to development. Since 1978, Sonoma County's General Plan has helped to guide new growth into existing cities and towns, keeping farmlands and forests safe from development.

Today, the growth pressure on the county's landscapes is increasing, and new challenges are looming that did not yet exist when the plan was written 25 years ago. County leaders now have the opportunity to tackle these new threats, as an update of the General Plan is currently underway. The

updated plan will guide growth over the next 15 years, and will help to determine the future of Sonoma County.

Last October, the County released a Draft General Plan. In November, Greenbelt Alliance released a report on the Plan called *Toward a Bright Future: Updating Sonoma County's General Plan*. The report identifies the critical issues at stake in the update, highlighting those that the Draft General Plan does not address adequately. (The report is available for download at www.greenbelt.org.)

CRITICAL ISSUES

One issue the Draft General Plan does not adequately address is the threat to the rural and agricultural lands that act as buffers between Sonoma County's towns. The County currently has a network of lands designated as "community separators," but Greenbelt Alliance and our allies believe it must be expanded significantly to be effective in preventing future sprawl between towns. As it stands, the Draft Plan does not expand the network. Without additional protection, growth pressures are likely to overwhelm these lands that separate towns, ultimately creating long, undifferentiated stretches of strip-mall-dotted sprawl.

Another critical issue is the threat posed to Sonoma County's rural lands by a new method of wastewater treatment. "Package treatment plants" are large-scale private wastewater treatment plants which can make remote rural lands much



Sonoma County's scenic landscapes will be threatened if the General Plan is not updated to meet new growth pressures.

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more attractive to sprawl developers. This technology threatens to open up vast tracts of the county to development—places where sewage treatment was previously too costly or difficult. Greenbelt Alliance believes that the location of new development should be based on the planning process, not on whether wastewater treatment is possible. The language in the General Plan should rule out any use of this technology that allows development in a way that is inconsistent with current zoning. The only exception should be if no other method is available to address a public health hazard from an existing development.

TIME TO ACT

Now is the time to get involved in addressing these issues. The Draft General Plan will go before the County Planning Commission this spring, then to the Board of Supervisors. You can help make sure elected officials strengthen the Plan and preserve Sonoma County's quality of life. Contact Kelly Brown at (707) 575-3661 or kbrown@greenbelt.org to get involved. ■

Oregon and Beyond: Smart Growth in the Last Election

ELIZABETH STAMPE
COMMUNICATIONS DIRECTOR

Last fall's election got a lot of attention, but it was almost all on the Presidential election. Even here in the Bay Area, where voters were deciding on dozens of measures, there wasn't much coverage of local elections—much less of elections in other states.

So you may not have heard about what happened in Oregon.

OREGON'S MEASURE 37

As you've probably noticed if you've visited Oregon, it's a pleasant place to live. Many towns are walkable, vibrant, and distinct: between towns, you often pass productive farms and deep forests rather than a sea of strip malls and subdivisions.

Oregon's quality of life is no accident. For thirty years, state planning laws have concentrated growth in cities, protecting the coastlines, river gorges, ridgelines, and farmland beloved by its residents.

But last November, those same Oregon residents passed Measure 37, an initiative that will make land use planning much harder. Measure 37 says that the government must compensate landowners for laws that could reduce their property value. That means that if people buy land that is later affected by a planning law, the government must either exempt them from the law, or pay the difference in their property value. The potential effects on Oregon's landscape are enormous: thousands of acres of farm-

continued on page 2

Toward a Bright Future: Updating Sonoma County's General Plan

November 2004



This comprehensive report recommends ways to update Sonoma County's General Plan to manage future growth.

Q & A: Oregon's Measure 37 and California

We asked Bill White, land-use attorney and partner at Shute, Mihaly & Weinberger, LLP, to tell us more about whether a measure like Oregon's Measure 37 could happen here.

GA: Could a law like Oregon's Measure 37 be passed here in California?

White: It is certainly possible, though any such measure would need to clear a number of legal hurdles. For example, the notion of compensating land owners for any regulatory restriction on their ability to develop their property is so contrary to principles reflected in the takings clause of the state Constitution, as well as other constitutional provisions such as the prohibition on gifts of public funds, that a state constitutional amendment may be required.

"If Measure 37 is upheld in court, its impact on Oregon's landscape will be devastating, and the same would be true in California."

GA: In the absence of a new state law like Measure 37 in California, could a city or county government enact something similar?

White: In my opinion, if a city or county government passed a law like Measure 37 here in California, it would likely be subject to challenge in court. One of the many obstacles to the adoption of a local compensation measure is the state Tort Claims Act, which renders local governments immune from non-contractual monetary liability except as provided by the Constitution or by state statute. Locally-imposed compensation schemes would create a form of liability not authorized by state law. Another obstacle is the fact that most land use regulations either directly or indirectly arise out of the mandates of state planning and environmental statutes. It would be difficult, if not impossible, to design a local compensation measure that would not run afoul of the purposes of those state laws.

GA: Do you agree that passage of a law like Oregon's Measure 37 in California would counter the open space protection and good planning efforts of California cities and towns?

White: Without question. If Measure 37 is upheld in court, its impact on Oregon's landscape will be devastating, and the same would be true in California. The most immediate effects would

be felt by the taxpayers, who would be faced with enormous potential liabilities to land owners, and by the already overburdened state court system, which would become clogged by the sheer volume of claims. Perhaps more importantly, local governments and the state would likely refrain from enacting or enforcing strong environmental, land use and zoning laws out of fear that they will be faced with huge payments to affected landowners. These effects will result in more sprawl and environmental degradation.

GA: Wouldn't property owners benefit from a compensation law?

White: Actually, aside from large real estate developers, most property owners would be likely to lose out in the long term under a compensation law. Strong environmental and planning laws produce livable and highly desirable communities, which typically increases property values for the community as a whole. A good example of this is the Lake Tahoe basin, which is subject to some of the most stringent land use regulations in the nation, and its property values have soared as a result. If land use laws are weakened or abandoned, property values will ultimately decline across the board, negating the very rationales put forward by the proponents of compensation laws. ■



Bill White is an attorney with Shute, Mihaly & Weinberger, LLP, which specializes in environmental and land-use law in California.

Photo: Liza Heidler

To make the nine county San Francisco Bay Area a better place to live by protecting the region's greenbelt and improving the livability of its cities and towns. We work through public policy development, advocacy and education, in partnership with diverse coalitions.

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Oregon and Beyond: Smart Growth in the Last Election CONTINUED FROM PAGE 1

lands and forests could be developed if local and state governments are unable to pay the claims.

The greatest weight of Measure 37 lies in the fact that it is retroactive. Most of the state's planning laws, particularly its urban growth boundaries, have gone into effect in the last three decades. Now, claims can be made by anyone who owned land—or whose parents or grandparents owned land—before these laws passed. This retroactive component is a departure from similar laws in other states, and it widens the law's scope considerably, putting far more land—especially farmland—at risk of development.

Over 60 claims have already been filed and are being considered by Oregon's courts. Also under consideration is whether property owners who win exceptions could sell the development rights along with the land, or whether their exceptions disappear once the land leaves their hands. If the courts rule that the exceptions are transferable, the prospect of rampant development of Oregon's rural lands and natural areas becomes even more likely.

On January 14th, farmers joined Oregon's land-use watchdog organization, 1000 Friends of Oregon, in filing a lawsuit declaring the measure unconstitutional. The suit argues that the law violates the state constitution, favoring one group of citizens over another because it makes some property owners exempt from a law that applies to everyone else. For more information on Measure 37 and the lawsuit, visit www.friends.org/issues/m37.html.

Lawmakers and the courts are still hashing out how the new law will work and how state and local governments will respond to it. The future of Measure 37—like the fate of Oregon's protected open space—is still unclear.

NATIONAL AND LOCAL ELECTIONS

Fortunately, however, Oregon's Measure 37 was an anomaly in last year's coast-to-coast groundswell of support for smart

growth, transit funding, and land protection. In 2004, 162 state and local land conservation measures passed, allotting \$4.1 billion for open space protection. That doesn't include the scores of measures that also passed dealing with smart growth and transit.

Here in the Bay Area, local citizens voted to protect threatened lands and parks and expand transportation options. Voters passed transportation measures that included significant funding for transit and pedestrian planning (San Mateo Measure A and Marin Measure A). Transportation measures that focused on highway expansion failed (Solano Measure A, Santa Cruz Measure J). Measures to fund parks and protect land also passed (East Bay Measure BB, Hercules Measure M). Unfortunately, San Francisco's much-needed bond for affordable housing (Measure A) did not pass, but on the whole, for open space protection and smart growth in the Bay Area, the news was positive. (See www.greenbelt.org for more information on election results.)

PROSPECTS FOR CALIFORNIA

It is clear that local voters support sensible land use planning. But could what happened in Oregon still happen here? After all, Oregon's residents support good planning too, but they just voted for a law that threatens the land they've preserved so carefully. And apparently property-rights groups in Washington are beginning to craft their own Measure 37.

Fortunately, a similar measure seems unlikely in California—though not impossible. To learn more, see our interview above with California land-use attorney Bill White.

Bay Area citizens have worked for decades to preserve our region's quality of life. The lesson from Oregon? We can't take that work for granted—and we can't assume it's over. ■

Stopping sprawl and spurring smart growth throughout the Bay Area.

South Bay

(Santa Clara and San Mateo Counties)

MICHELE BEASLEY

SOUTH BAY FIELD REPRESENTATIVE



Michele Beasley

Greenbelt Alliance has been closely following San Jose's Coyote Valley Specific Plan process since it began in 2003. It is not yet clear that the current vision for Coyote Valley, as laid out by the consultants hired by the City, will translate into a truly smart growth, livable community. Greenbelt Alliance is concerned

that the plan will not adequately fund the protection of the South Coyote Valley Greenbelt or essential community needs such as affordable housing and health care clinics.

Also in 2003, Morgan Hill established an Urban Limit Line (ULL) study committee to draw a line beyond which land would be targeted for permanent open space protection. The work of this committee is now wrapping up, but a consensus is unlikely.

Unfortunately, several landowners who sit on the ULL Committee have used the committee's deliberations to advocate for the development of their own land, which is outside the existing Urban Growth Boundary (UGB). Greenbelt Alliance has consistently argued that Morgan Hill should abide by its existing UGB, which already contains enough land to accommodate Morgan Hill's growth for 20 years. We will continue to fight to protect Morgan Hill's open space as the ULL issue moves on to the City's Planning Commission and City Council.

TAKE ACTION!

Come to the March Coyote Valley Task Force meeting and speak up in favor of smart growth policies and funding for greenbelt protection. Visit www.sanjoseca.gov/coyotevalley/ for meeting date and location.

East Bay

(Contra Costa and Alameda Counties)

DAVID REID

EAST BAY FIELD REPRESENTATIVE



David Reid

In the East Bay, new sprawl threats emerge as quickly as we defeat them. The City of Oakley is planning to annex an island in the San Joaquin-Sacramento River Delta to build 3,585 new homes and 1.2 million square feet of commercial development. The project would be at high risk for flooding and could pollute the Delta—a drinking water source for 20 million Californians.

In Livermore, the 30-year old battle over the fate of North Livermore has flared up again. Just two years after local citizens collected 10,000 signatures to establish an Urban Growth Boundary (UGB), Pardee Homes has proposed building 2,450 homes on 1,500 acres outside the line. Pardee is now collecting signatures for a voter initiative to move the UGB and change the City's General Plan.

In Contra Costa County, Measure J, a transportation sales tax, passed in November. The measure requires the County to revise its Urban Limit Line (ULL). Currently, in spite of widespread support for keeping the line where it is until at least 2011, some eastern cities are trying to expand the line and open up more land to development.

Contra Costa County is also beginning to develop an inclusionary housing ordinance that would require new housing developments to include affordable units. The initial proposal by the County looks promising, and may be considered as soon as April.

TAKE ACTION!

Contact Contra Costa County's Supervisors and urge them to hold the Contra Costa Urban Limit Line at its current location. Contact information is at www.co.contra-costa.ca.us/BOS/.

Sonoma and Marin Counties

KELLY BROWN

SONOMA-MARIN FIELD REPRESENTATIVE



Kelly Brown

This March, the Sonoma County Board of Supervisors will consider two critical policies to increase the amount of affordable housing in the county. Under consideration are a jobs-housing linkage fee and an inclusionary housing policy. These policies require new commercial and residential development, respectively, to contribute to the local supply of affordable housing. Both policies help ensure that people don't have to move to the region's outskirts to find a home they can afford. This in turn protects open space and reduces traffic and air pollution.



In addition to our work on affordable housing in Sonoma County, we continue to follow the process of updating Sonoma County's General Plan and are starting to track Cloverdale's General Plan update. Every city and county in California is required to have a General Plan; these documents are considered the "blueprints for growth" for California communities. General Plans are only updated about once every 15 years, and important decisions on both the Sonoma County and Cloverdale General Plans will be made in Spring 2005.

TAKE ACTION!

Contact the Sonoma County Supervisors and urge them to adopt the inclusionary housing and jobs-housing linkage ordinances. Contact information is at www.sonoma-county.org/board/.

Solano and Napa Counties

BRENT SCHORADT

SOLANO-NAPA FIELD REPRESENTATIVE



Brent Schoradt

Greenbelt Alliance has reached an unprecedented legal settlement with the City of Vacaville and a developer, Triad Communities, which will control growth and protect 30,000 acres of open space around Vacaville for the next twenty years. The settlement agreement will lead to the establishment of an Urban Planning Area (similar to an Urban Growth Boundary) that will protect farmland around Vacaville—particularly Upper Lagoon Valley, Vaca Valley, and Pleasants Valley. In exchange, Greenbelt Alliance will drop its legal challenge to development in Lower Lagoon Valley. Triad will build a scaled-down version of the Lagoon Valley development that will not include big-box retail and will add an additional 71 acres to Lagoon Valley Park. The settlement will also result in an estimated \$1 million for local open space protection. Greenbelt Alliance will work with local partners to circulate a petition to create the Urban Planning Area later this year.

In December 2004, the Solano County Park and Recreation Commission urged the county's Board of Supervisors to move forward with the state legislation needed to establish a Park District. The Park District would purchase land and manage regional parks for the enjoyment of local citizens. Unfortunately, the Supervisors, in a 3-2 vote on January 11th, chose to not to move forward with the legislation. Their action will delay the creation of the Park District and the public's enjoyment of Solano County open space.

TAKE ACTION!

Contact the Vacaville City Council and urge them to support the proposed Urban Planning Area for Vacaville. Contact information is at www.cityofvacaville.com/content/city_information/city_council.php.

Region-Wide

KATE O'HARA

REGIONAL ISSUES ORGANIZER



Kate O'Hara

Transit-oriented development—that is, locating a compact mix of homes, jobs and shops around transit stations—is a good idea for several reasons. It creates vibrant, walkable communities, supports transit investments by increasing ridership and revenue, and decreases traffic and sprawl. But transit-oriented development

doesn't happen on its own. For that reason, last fall, Greenbelt Alliance drafted a Livable Communities Platform with the Transportation and Land Use Coalition and Non-Profit Housing Association of Northern California. Together, we are calling on the Metropolitan Transportation Commission (MTC) to require that cities plan for compact development around transit stations in order to receive funds for new transit projects.

MTC is now considering a regional transit-oriented development (TOD) policy but may pass an over-simplified version that doesn't go far enough in requiring affordable housing, prohibiting car-oriented big-box stores near transit stations, or planning for pedestrians and bikes in station areas. We want to ensure that the policy's standards are specific enough to meaningfully shape development around transit stations from Sonoma County to San Jose. Greenbelt Alliance is urging MTC commissioners and staff to include our joint platform as part of their Regional TOD Policy. This policy should come before the MTC for a vote in May or June 2005.

TAKE ACTION!

A Joint Policy Committee (JPC) comprised of representatives from MTC, the Association of Bay Area Governments, and the Bay Area Air Quality Management District will soon consider the TOD policy. Contact the JPC and urge them to adopt our Livable Communities Platform as part of their Regional TOD Policy—email Tedd Droettboom at tedd@abag.ca.gov. ■

The Compact Development Team: Building Support for Building Smart Growth

JULIE CUMMINS
EDUCATION PROGRAM COORDINATOR

The Bay Area is growing. The Association of Bay Area Governments (ABAG) predicts that our region will be home to over one million additional people in 15 years. That's a substantial increase. How do we accommodate this increase? How do we keep growth from paving over our open space, clogging our roads, and polluting our air and water?

We can't say no to growth entirely. Not only will growth continue whether we fight it or not, but if we fail to provide adequate housing, we will simply see more people commuting from the Central Valley to jobs here in the Bay Area.

The traffic and pollution resulting from these long trips will worsen the quality of life for everyone in the region.

We can say no to sprawl. And we can say yes to good development in our already urbanized areas. Good development uses land efficiently within our existing cities, putting pleasant, affordable homes just a quick walk or transit trip from shops and jobs.

Greenbelt Alliance's Compact Development Team (CDT) supports these development projects. The team is a group of volunteers—architects, planners, housing advocates, and other interested citizens—who carefully research and review projects submitted by devel-

opers. Team members discuss and vote to endorse the projects if they meet criteria that include the following:

Good location—The project must be within an existing urban (or suburban) area.

Reduction of auto dependency—The project must be near major transit service.

Minimum density—The project's density should be high relative to surrounding densities, preferably at least 20 units per acre.

Affordability—The developer should make an effort to include affordable housing.

Pedestrian-friendly design—The project should ensure that pedestrians can easily reach services and transit.

Community input—The developer should make a good-faith effort to address neighborhood concerns.

Endorsed projects receive a letter of support from Greenbelt Alliance, and volunteers often speak at public hearings on the projects' behalf. This voice of support can help make the difference in whether a project is approved. Good projects are sometimes opposed by neighbors resistant to change in their communities. An endorsement by Greenbelt Alliance helps to balance any opposition and encourage a city council or planning commission to approve the project.

The CDT considers residential, commercial, and mixed-use projects, as well as area plans that would result in housing or mixed-use developments that revi-

"Thanks to the efforts of Greenbelt Alliance . . . we were able to relish another small victory on behalf of the thousands of individuals and families in Silicon Valley who need affordable housing."

—Fran Wagstaff,
Executive Director,
Mid-Peninsula Housing Coalition

talize communities. In December the CDT endorsed Villa Montgomery, a 66-unit development located near downtown Redwood City. This exemplary project is affordable to very low-income households, and the developers are seeking LEED (green building) certification and discounted transit passes for residents. In November the CDT endorsed the Rincon Hill Plan, a proposal that would bring high-density housing and commercial space to an area within walking distance of downtown San Francisco. This plan enhances the pedestrian environment through building design and street improvements. It also helps to discourage automobile dependency by introducing parking maximums, instead of the standard minimums, and encouraging bicycle parking and car-sharing.

The Compact Development Team is currently looking for more planning experts to join its ranks, and is always looking for projects to review. To find out more about the team's work, visit www.greenbelt.org/whatwedo/prog_cdt_index.html or e-mail jcummins@greenbelt.org. ■



Strobidge Court: Endorsed in 1995 by Greenbelt Alliance's Compact Development Team, this all-affordable development was built next to the Castro Valley BART station in 1997.

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