

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Use Map, except as approved by the voters of the City of Grass Valley after the date this ordinance is approved, are superseded and nullified to the extent inconsistent with this initiative measure.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.