June 22, 2004

TO: Mayor and City Council

FROM: Mark Lewis, City Manager

SUBJECT: STOCKTON GREENBELT AND AGRICULTURAL LANDS PROTECTION INITIATIVE MEASURE

RECOMMENDATION

It is recommended that the City Council adopt Option 3 from the attached City Clerk’s agenda newsletter.

DISCUSSION

The City Clerk’s agenda newsletter outlines three options for the City Council’s consideration in response to the Initiative Measure submitted by Eric Parfrey, Rosemary Atkinson and Patrick Johnston. The Initiative Measure would amend the City of Stockton’s General Plan by establishing an Urban Growth Boundary that would prohibit urban development outside the Urban Growth Boundary until June 30, 2024, unless approved by a majority of the voters.

It is recommended that the Council adopt Option 3.

MARK LEWIS
CITY MANAGER
MEMORANDUM

June 22, 2004

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KATHERINE GONG MEISSNER, CITY CLERK

INITIATIVE MEASURE SUBMITTED BY ERIC PARFREY, ROSEMARY ATKINSON, AND PATRICK JOHNSTON – STOCKTON GREENBELT AND AGRICULTURAL LANDS PROTECTION INITIATIVE MEASURE

RECOMMENDATION

It is recommended that the City Council consider one of the following options pursuant to California Elections Code Section 9215:

Option 1:

That the City Council, on its own motion, adopt the proposed ordinance, as set forth in the initiative measure to amend the City of Stockton's General Plan by establishing an Urban Growth Boundary that would, with certain limited exceptions, prohibit urban development outside the Urban Growth Boundary until June 30, 2024, unless approved by a majority of the voters, allowing the land outside of this boundary, such as wildlife habitat, agriculture, parks, and recreation, to only be used as "open space"; and adopt a General Plan Policy encouraging the Lodi City Council to adopt policies to maintain a community separator between the cities of Lodi and Stockton; OR

Option 2:

That the City Council adopt a resolution:

1. Submitting the Parfrey/Atkinson/Johnston initiative measure to amend the City of Stockton's General Plan by establishing an Urban Growth Boundary that would, with certain limited exceptions, prohibit urban development outside the Urban Growth Boundary until June 30, 2024, unless approved by a majority of the voters, allowing the land outside of this boundary, such as wildlife habitat, agriculture, parks, and recreation, to be used only as "open space"; and adopt a General Plan Policy encouraging the Lodi City Council to adopt policies to maintain a community separator between the cities of Lodi and Stockton, to the City's qualified voters at the November 2, 2004 General Municipal election;

2. Requesting the San Joaquin County Board of Supervisors to provide for the consolidation of a municipal measure election with the State's November 2,
2004 direct general election and directing the City Attorney to prepare an impartial analysis of the measure;

3. Authorizing arguments and the filing of rebuttal arguments for or against the measure (deadline for direct arguments: August 13, 2004 at 5 p.m.; deadline for rebuttal arguments: August 23, 2004 at 5 p.m.);

4. Authorizing the City Manager to appropriate the funds necessary to pay the City's cost of placing the measure on the election ballot; and

5. Directing the City Clerk to take the steps necessary to place the measure on the ballot and cause the measure or ordinance to be printed.

Option 3:

That the Council order a report pursuant to California Elections Code Section 9212 on the potential effects of the measure. The report shall be prepared within the time prescribed by the Council, but no later than 30 days after the City Clerk certifies to the Council the sufficiency of the petition. When the report is presented to the Council, the Council shall either adopt the ordinance within ten (10) days or order an election.

DISCUSSION

Background
On February 13, 2004, proponents Eric Parfrey, Rosemary Atkinson, and Patrick Johnston filed a Notice of Intent to Circulate an Initiative Petition. The proponents propose to amend the City of Stockton's General Plan by establishing an Urban Growth Boundary that would, with certain limited exceptions, prohibit urban development outside the Urban Growth Boundary until June 30, 2024, unless approved by a majority of the voters, allowing the land outside of this boundary, such as wildlife habitat, agriculture, parks, and recreation, to only be used as "open space"; and adopt a General Plan Policy encouraging the Lodi City Council to adopt policies to maintain a community separator between the cities of Lodi and Stockton (attached).

In accordance with the California Elections Code, the City Attorney prepared a ballot title and summary of the proposed measure (attached), after which the City Clerk furnished a copy of the ballot title and summary to the proponents. The Notice of Intent and the title and summary of the proposed measure were published in The Record by the proponents on March 3, 2004, following which the proponents of the initiative began collecting signatures on their petition.

On April 28, 2004, the proponents filed their petition with the City Clerk's office. Upon prima facie review of the petition, the Clerk's office determined the petition contained 9,112 raw signatures. The petition was then delivered by the Clerk's office to the San Joaquin County Registrar of Voters for verification of signatures on
April 30, 2004. As stated in Charter Article IX, Section 903, at least 5% of the number of voters in the City of Stockton according to the last official report to the Secretary of State are required for placement of the measure on the next general municipal election ballot. Based on the figure provided by the San Joaquin County Registrar of Voters, 5,145 is five percent (5%) of the total 102,909 registered voters in the City of Stockton as last reported to the Secretary of State on February 17, 2004.

On June 8, 2004, the Registrar of Voters completed verification of signatures (attached). The projected number of valid signatures is 5,239, which is more than the 5,145 valid signatures required to qualify this matter on a general election ballot. Based on the verification of signatures issued by the Registrar of Voters, the City Clerk executed a Certificate of Sufficiency regarding this petition on June 9, 2004 (attached).

Present Situation
The Council may, on its own motion, adopt the ordinance without change; it can place the matter on the November 2, 2004 ballot; or, if the City Council chooses, it can order a report to be prepared regarding the impacts of the measure. In the event the Council places the initiative measure on the ballot for November 2, 2004, the proponents may file a written argument in favor of the proposal and the Council may submit an argument against the measure. Neither argument may exceed 300 words. The filing deadline for such arguments for the November 2, 2004 election is August 13, 2004, at 5 p.m. Proponents and the Council may each file a rebuttal argument, not to exceed 250 words each. The deadline for rebuttal arguments for the November 2, 2004 election is August 23, 2004 at 5 p.m.

FINANCIAL SUMMARY
The cost for placing this matter on the November 2, 2004 General Election ballot cannot be determined at this time, but is expected to be between $24,000 and $48,000 (based on recent estimates).

Respectfully Submitted,

KATHERINE GONG MEISSNER
CITY CLERK

Attachments (4)
Notice of Intent to Circulate Petition as submitted by proponents
Ballot Title and Summary as prepared by City Attorney
Certificate of Sufficiency submitted by City Clerk
Verification of petition signatures by San Joaquin Registrar of Voters

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Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Stockton for the purpose of amending Stockton's General Plan to establish an Urban Growth Boundary to protect agriculture and open space.

A statement of the reasons for the proposed action as contemplated in the petition is as follows:

- To protect the area’s agricultural heritage by directing urban development away from prime farmland and open space areas.
- To promote community identity by maintaining a greenbelt, or community separator, between the cities of Stockton and Lodi.
- To enhance Stockton's quality of life by reducing sprawling development and the traffic congestion, unhealthy air and polluted water that result from poorly planned growth at the urban fringe.
- To strengthen Stockton's economy and to maintain an adequate supply of housing.

Signed by:  

Eric Parfrey  
Rosemary Atkinson  
Patrick Johnston

Dated: February 13, 2004
To the Honorable Clerk of the City of Stockton: We, the undersigned, registered and qualified voters of the City of Stockton, hereby propose an initiative measure to amend the City of Stockton's General Plan. We petition you to submit this measure to the City Council for adoption without change, or for the submission of the measure to the voters of the City of Stockton at the earliest regular or special election for which it qualifies. The measure provides as follows:

Stockton Greenbelt and Agricultural Lands Protection Initiative

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

Section 1. Purpose and Findings.

A. Purpose. The purpose of this Initiative is to protect open space and agriculture by amending the City of Stockton’s General Plan to establish an Urban Growth Boundary (“UGB”) that will direct urban development away from agricultural areas and help maintain a community separator between the cities of Stockton and Lodi. Only uses consistent with the definition of open space in Government Code section 65560(b) (which includes agriculture), as it exists on February 13, 2004 (attached to this Initiative as Exhibit A), will be allowed outside the UGB. With certain exceptions, this UGB cannot be amended until June 30, 2024 except by a vote of the people.

B. Findings. The people of the City of Stockton find that the establishment of an urban growth boundary, through this Initiative, promotes the health, safety, welfare, and quality of life of the residents of Stockton, based upon the following:

1. Protecting Stockton’s Quality of Life. Sprawling development currently threatens to merge Stockton and Lodi into one unending urban area along the Interstate 5 and Route 99 freeways. Thousands of acres of prime farmland have already been paved over for residential housing and forever lost to economic production. Sprawling development is creating increasingly gridlocked traffic on local freeways as commuters take their economic power to the cities where they work, leaving the San Joaquin Valley with the second worst air pollution in the country and with chronically under-funded public services. There is a better way to protect the quality of life in Stockton and the Central Valley. This Initiative will promote good land use planning by encouraging development in appropriate urban areas, and will help to avoid the traffic congestion, air pollution, and other problems associated with locating urban development in outlying
areas. This Initiative will protect Stockton’s quality of life by promoting better planning and more efficient use of local lands.

2. Establishing a Greenbelt Between Stockton and Lodi to Protect the Unique Character of the Stockton Area. This Initiative establishes a UGB around the City, thereby directing growth away from undeveloped areas. This Initiative will help maintain the identity of Stockton by containing suburban sprawl and, specifically, will ensure that Stockton does not merge into the nearby city of Lodi. Establishing a UGB and creating a greenbelt, or community separator, between Stockton and Lodi will help to retain Stockton’s community identity and character, and will focus development within the urban services area. By directing growth in this manner, this Initiative will support the continuing revitalization of downtown Stockton and allow the City to focus on strengthening existing neighborhoods, which have been skipped over by developers intent on building new subdivisions on the green agricultural fields at the fringe of the City. Encouraging infill development will allow the City to provide needed diverse housing and multiple business opportunities, and to focus on building exceptional educational and cultural services in the City core.

3. Preserving Prime Farmland and Protecting the Area’s Agricultural Heritage. Preservation of the area’s remaining prime agricultural lands has long been a stated goal of the City of Stockton and nearby municipalities, but the reality of recent growth patterns is often quite different. Throughout the Central Valley, residential and commercial development is consuming an estimated 15,000 acres of farmland each year. In San Joaquin County, approximately 2,000 acres of farmland are being lost each year, largely to accommodate suburban tract homes for families that are escaping the extraordinary housing prices in the San Francisco Bay Area. If current trends continue, San Joaquin County could lose one-third of its farmland by the year 2040, and lose fully one-half of its agricultural land by 2080. Within the current century, the Central Valley could cease to be the breadbasket of the country and could be forced to import food to feed its own residents. By directing growth away from undeveloped areas, this Initiative will slow the premature conversion of prime agricultural lands around the City of Stockton and, especially, between Stockton and Lodi.

4. Defending Stockton’s Water and Air Quality. Water pollution and air emissions result in large part from poorly planned development. Paving over rural areas leads to increased pollution of local water supplies and of
the tributaries that carry that pollution into the Delta and from there to the coast. The increased traffic congestion that results from poorly planned development leads to increased air pollution in the Central Valley. By directing growth into existing urban areas, this Initiative will help reduce water and air pollution and protect the health of people living in Stockton.

5. **Maintaining an Adequate Supply of Housing.** The Stockton area’s population will continue to grow, with a resulting demand for housing. This Initiative allows the City to continue to meet the housing needs of all economic segments of its population, while encouraging sound planning. This Initiative will prevent residential development from encroaching into agricultural lands at the fringes of the City and will encourage more infill development within the City’s developed area, where services and infrastructure can be more efficiently provided. According to the City’s most recent Housing Element, the City can meet its housing needs without relying on lands that are protected by this Initiative. To ensure that enough land is available for affordable housing, this Initiative also provides an exception so that if the City needs to rely on lands protected by this Initiative for affordable housing in the future, the City Council may amend the General Plan to do so without voter approval. Finally, because urbanization should proceed, if at all, to the south, this Initiative allows the City Council to amend the UGB to include adjacent lands on its southern boundary.

6. **Strengthening Stockton’s Economy.** Creating a greenbelt between Stockton and Lodi, and establishing an Urban Growth Boundary generally contiguous with the existing boundary for the provision of urban services, will have beneficial effects on Stockton’s economy and its ability to control its economic destiny. This Initiative will help in many ways. The Initiative will help build a strong and diverse economic base, leveraging the established agricultural and related products industry to support economic development, while protecting valued farmland resources. The Initiative will limit new growth areas and redirect growth and development to infill, historic preservation and redevelopment areas. The Initiative will focus on job development and housing that minimize associated commute/traffic and related consequences. The Initiative will promote investment in public transportation, allow for sufficient housing, and help ensure that public facilities and services, such as schools, parks, sports facilities, and streets, can be adequately funded when new development and new residents arrive, thereby protecting the fiscal health of the City.
Effect of Initiative. To achieve the above-stated purposes, this Initiative would amend the City of Stockton General Plan to establish an Urban Growth Boundary, outside of which open space and agricultural lands would be protected from urban development. This Initiative would also establish a new subsection of the General Plan Land Use Element, which would include a new Goal that calls for focusing urban development within the UGB, limits land uses outside the UGB to agricultural and open space, and promotes community identity by maintaining a greenbelt, or community separator, between Stockton and Lodi. The City Council could grant exceptions to this Initiative, without voter approval, for limited purposes, such as to avoid an unconstitutional taking, to comply with state housing laws, and to provide for public facilities. Before June 30, 2024, other amendments to the UGB and to the provisions adopted by this Initiative would require a vote of the people.

The location of the UGB is shown on the Urban Growth Boundary Diagram, which is attached to this Initiative as Exhibit B. The UGB is established in the same location as the Urban Service Area Boundary as it exists on February 13, 2004 ("USAB"), except that the land outside the USAB that is designated Low-Medium Density Residential and that is located south of the Central California Traction Co. rail line and north of Cherokee Road, is within the UGB. A copy of the General Plan Land Use / Circulation Diagram, which shows, among other things, the location of the USAB, is attached to this Initiative as Exhibit C, for informational purposes. Although the location of the UGB and the USAB is in certain places identical as of a certain point in time, the lines are independent from one another in purpose and legal significance, and a change in one would not cause a change in the other.

Exhibits. This Initiative includes three exhibits. Exhibit A contains the text of Government Code section 65560(b), which defines "open space." Exhibit B is the Urban Growth Boundary Diagram, which shows the location of the Urban Growth Boundary established by this Initiative and which this measure adopts as a part of the City of Stockton General Plan. Exhibit C is a reduced-size copy of the General Plan Land Use / Circulation Diagram. This Initiative does not adopt, re-adopt or amend any of the policies, designations, diagrams, or text contained in Exhibits A or C, which are provided for informational purposes only.

Section 2. General Plan Amendments.

The City of Stockton General Plan, adopted on January 22, 1990, as amended through February 13, 2004 ("General Plan"), is hereby amended as follows:
A. General Plan Urban Growth Boundary Diagram:

The General Plan is hereby amended to establish an Urban Growth Boundary ("UGB") and to add an Urban Growth Boundary Diagram, which is incorporated into the General Plan as Map I-5. The Urban Growth Boundary Diagram, which is attached to this Initiative as Exhibit B, shows the location of the UGB established by this Initiative.

B. General Plan Text Amendments:

The following text, as indicated in bold type, is added to page III-4 of the General Plan Land Use Element, immediately after the subsection entitled "Urban Growth and Overall Development" and before the subsection entitled "City Concept and Design":

**Urban Growth Boundary**

The Stockton Greenbelt and Agricultural Lands Protection Initiative adopted an Urban Growth Boundary ("UGB") to protect the City’s quality of life and the agricultural and open space character of the surrounding areas, and to establish a greenbelt generally north of the City. The UGB is a line outside of which urban development is not allowed, with certain limited exceptions.

**Goal 1**

Establish and maintain a UGB, so that urban development will be focused within the UGB and the land outside the UGB will be maintained generally for agriculture, open space, and greenbelt uses; and promote community identity by maintaining the greenbelt, or community separator, north of the UGB between the cities of Stockton and Lodi.

**Policies:**

1. Location of the UGB. A UGB is established at the location shown on the General Plan Urban Growth Boundary Diagram, Map I-5.

2. Uses Permitted Outside the UGB. Only uses consistent with the definition of open space in Government Code section 65560(b), as it exists on February 13, 2004, are allowed outside the UGB.

3. Amendments. Until June 30, 2024, the UGB and other General Plan amendments adopted by Section 2 of the Stockton Greenbelt and
Agricultural Lands Protection Initiative may be amended only by a vote of the people, except as set forth in subparagraphs (a) through (f) below:

(a) The City Council may reorganize or renumber the General Plan provisions adopted by Section 2 of the Stockton Greenbelt and Agricultural Lands Protection Initiative, provided, that the General Plan provisions adopted by this Initiative remain in the Land Use Element of the General Plan.

(b) The City Council may amend the boundary of the UGB, provided that the amended boundaries are within or coextensive with the limits of the UGB established by the Stockton Greenbelt and Agricultural Lands Protection Initiative.

(c) The City Council may amend the boundary of the UGB to include lands to be used exclusively for City-owned public facilities, provided that the amended boundaries of the UGB are no larger than necessary to accommodate such public facilities.

(d) Upon request of an affected landowner, the City Council may amend the boundary of the UGB and/or the General Plan provisions adopted by Section 2 of the Stockton Greenbelt and Agricultural Lands Protection Initiative, if the City Council does so pursuant to a finding, based on substantial evidence, that the application of such provisions to any specific property for which a development application has been submitted constitutes an unconstitutional taking of the landowner's property; however, any such amendment shall be made only to the extent necessary to avoid such an unconstitutional taking.

(e) The City Council may amend the location of the UGB where the City Council determines that doing so is necessary to comply with state law regarding the provision of housing. The City Council may do so only if it first makes each of the following findings based on substantial evidence in the record: (1) a specific provision of state law requires the City to accommodate the proposed housing; (2) the amount of land to be included within the UGB is no greater than necessary to accommodate the required housing; (3) no alternative site within the existing UGB could be used to satisfy the applicable state housing law; (4) no
alternative site that could be included within the UGB pursuant to subparagraph (f), below, could be used to satisfy the applicable state housing law; and (5) the proposed housing will be located adjacent to already developed lands and roads, unless locating the development in such areas would result in greater environmental impacts, would conflict with state or federal laws, or would not be possible.

(f) The City Council may amend the southern boundary of the UGB, provided that the land to be included in the UGB is immediately adjacent to the then-existing UGB and is located between the San Joaquin River and Austin Road.

4. Consistency Requirement. The City, and its departments, boards, commissions, officers, and employees, shall not approve any General Plan amendment, zoning amendment, specific plan, specific plan amendment, master development plan, development agreement, rezoning, subdivision map, conditional use permit, or public works project, or undertake any other similar action or approval that is inconsistent with the General Plan Urban Growth Boundary amendments adopted by Section 2 of the Stockton Greenbelt and Agricultural Lands Protection Initiative.

Section 3. General Plan Conforming Amendments.

In light of the General Plan amendments set forth above in Sections 2.A. and 2.B. of this Initiative, the General Plan is hereby further amended as set forth below in order to promote internal consistency among the various elements of the General Plan. In this subsection of the Initiative, text to be inserted into the General Plan is indicated in bold type while text to be stricken is indicated in strikethrough type; text in standard type currently appears in the General Plan and remains unchanged by this Initiative. 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.

A. The General Plan Land Use Element subsection entitled "Urban Growth and Overall Development" is hereby amended at page III-3, as follows:

Goal 3
Foster intergovernmental cooperation and coordination in order to maximize the effectiveness of local policies which strive toward guiding the location and timing of Stockton’s urban growth and development.

Policies:

1. The Board of Supervisors of San Joaquin County shall be encouraged to recognize and support the City’s Urban Service Area and Urban Growth Boundary policies and the policy that no development adjacent to Stockton be approved inconsistent with the City’s General Plan, and to support the maintenance of a community separator between the cities of Stockton and Lodi.

1.1 The City Council of the City of Lodi shall be encouraged to adopt and maintain policies to limit urban sprawl in order to maintain a community separator between the cities of Lodi and Stockton.

Section 4. Implementation.

A. Effective Date. As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Sections 2 and 3 of this Initiative are hereby inserted into the City of Stockton’s General Plan as an amendment thereof, except that if the four amendments of the mandatory elements of the General Plan that are permitted by state law for any given calendar year have already been utilized in the calendar year in which this Initiative becomes effective, this General Plan amendment shall be the first amendment inserted in the City’s General Plan on January 1 of the next year. Upon the effective date of this Initiative, any provisions of the City of Stockton’s Planning and Zoning Code, as reflected in the code itself or the City of Stockton zoning map, that are inconsistent with the General Plan amendments adopted by this Initiative shall not be enforced.

B. Interim Amendments. The City of Stockton General Plan in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Stockton Elections Official on February 13, 2004 (“Submittal Date”), and that General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City of Stockton. In order to ensure that the City of Stockton General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voters in enacting this Initiative are given effect, any
provision of the General Plan that is adopted between the Submittal Date and the
date that the General Plan is amended by this measure shall, to the extent that such
interim-enacted provision is inconsistent with the General Plan provisions adopted
by Sections 2 and 3 of this Initiative, be amended as soon as possible and in the
manner and time required by state law to ensure consistency between the
provisions adopted by this Initiative and other elements of the City’s General Plan.

C. **Other City Ordinances and Policies.** The City of Stockton is hereby authorized
and directed to amend the General Plan, all community and specific plans, the
Planning and Zoning Code, and other ordinances and policies affected by this
Initiative as soon as possible and in the manner and time required by any
applicable state law to ensure consistency between the goals, objectives and
policies adopted in Sections 2 and 3 of this Initiative and other elements of the
City’s General Plan, all community and specific plans, the Planning and Zoning
Code, and other City ordinances and policies.

**Section 5. Exemptions for Certain Projects.**

This Initiative shall not apply to any of the following: (1) any project that has obtained as
of the effective date of the Initiative a vested right pursuant to state or local law; (2) any
land that, under state or federal law, is beyond the power of the local voters to affect by
the initiative power reserved to the people via the California Constitution.

**Section 6. Severability and Interpretation.**

This Initiative shall be interpreted so as to be consistent with all federal and state laws,
rules, and regulations. If any section, sub-section, 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, sub-section, sentence, clause, phrase, part, or portion thereof would have
been adopted or passed even if one or more sections, sub-sections, sentences, clauses,
phrases, parts, or portions are 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. This Initiative shall be broadly construed in order to achieve the
purposes stated in this Initiative.

**Section 7. Amendment or Repeal.**
Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Stockton.

**Exhibit List:**

Exhibit A  Government Code section 65560(b)

Exhibit B  City of Stockton General Plan Urban Growth Boundary Diagram

Exhibit C  City of Stockton General Plan Land Use / Circulation Diagram
Proponents' Explanation: Exhibit A, which contains the text of Government Code section 65560(b) as of February 13, 2004, is provided for informational purposes only and is not adopted by this Initiative as part of the General Plan.

GOVERNMENT CODE SECTION 65560(b).

(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; areas adjacent to military installations, military training routes, and restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands; and coastal beaches, lakeshores, banks of rivers and streams, 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 ground water basins; bays, estuaries, marshes, rivers and streams which 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 which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

4. Open space for public health and safety, including, but not limited to, areas which 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.

RECEIVED
FEB 31 2009
CITY CLERK...
Urban Growth Boundary Diagram

Legend:
- Urban Growth Boundary

* Proponents' Explanation: The Stockton Greenbelt and Agricultural Lands Protection Initiative adopts this Urban Growth Boundary Diagram, which shows the location of the Urban Growth Boundary established by the Initiative. Notations on this Diagram show the locations of the San Joaquin River and Austin Road, which are referred to in Policy 3(f) of Section 2.B of the Initiative.
ACKNOWLEDGMENT PURSUANT TO
ELECTIONS CODE SECTIONS 9608 AND 18650

I, Patrick Johnston, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proposent)

Dated this 13 day of February, 2004.
ACKNOWLEDGMENT PURSUANT TO
ELECTIONS CODE SECTIONS 9608 AND 18650

I, Rosemary Atkinson, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Rosemary Atkinson
(Signature of Proponent)

Dated this 13 day of Feb, 2004
ACKNOWLEDGMENT PURSUANT TO
ELECTIONS CODE SECTIONS 9608 AND 18650

I, Eric Parfrey, acknowledge that it is a misdemeanor under state law (Section 18650 of
the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be
used for any purpose other than qualification of the proposed measure for the ballot. I certify that
I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose
other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this 13 day of Feb, 2004

CITY CLERK
CITY OF STOCKTON
RECEIVED

FEB 13 2004
BALLOT TITLE

AN INITIATIVE ORDINANCE TO AMEND THE CITY OF STOCKTON'S GENERAL PLAN BY ESTABLISHING AN URBAN GROWTH BOUNDARY

SUMMARY

The proposed initiative ordinance amends the City of Stockton's General Plan by establishing an Urban Growth Boundary as shown on an Urban Growth Boundary Diagram that is attached to the proposed initiative ordinance as Exhibit B. The area of the proposed Urban Growth Boundary generally coincides with the City's current Urban Service Area boundary. With certain limited exceptions, this initiative ordinance would prohibit urban development outside the Urban Growth Boundary until June 30, 2024, unless approved by a majority of voters. The only land uses allowed outside this boundary would be "open space" uses such as wildlife habitat, agriculture, parks, and recreation. The limited exceptions allow the Stockton City Council to do any of the following: renumber or reorganize the General Plan provisions; amend the boundary to make it smaller; amend the boundary to include property outside the boundary to be used exclusively for City-owned public facilities; amend the boundary to include property outside the boundary in order to prevent an unconstitutional taking of that property; amend the boundary to include property deemed necessary to comply with state housing law; and amend the southern boundary to include property adjacent to the existing boundary and located between the San Joaquin River and Austin Road. The proposed initiative also adopts a General Plan policy encouraging the Lodi City Council to adopt policies to maintain a community separator between the cities of Lodi and Stockton.
CERTIFICATE OF SUFFICIENCY
OF PETITION

I, KATHERINE GONG MEISSNER, City Clerk of the City of Stockton, California, do hereby certify the following:

The petition circulated by Proponents Eric Parfrey, Rosemary Atkinson and Patrick Johnston was filed with the City Clerk’s Office on April 28, 2004. A prima facie review of the petition determined the petition contained 9,088 raw signatures. The petition was delivered by the City Clerk’s Office to the San Joaquin County Registrar of Voters for verification of signatures. The Registrar confirmed that 9,112 signatures were filed. Of these, 8,420 signatures were verified and 5,239 or 62.2% were found sufficient:

In accordance with Article IX, Section 903 of the Stockton City Charter, at least five percent (5%) of the number of voters in the City of Stockton according to the last official report of registration to the Secretary of State are required for placement of the measure on the next general municipal election ballot. Based on the figure provided to me by the San Joaquin County Registrar of Voters, 5,145 is five percent (5%) of 102,909, which is the total number of registered voters in the City of Stockton as last officially reported to the Secretary of State on February 17, 2004.

The results of the examination by the San Joaquin Registrar of Voters were as follows:

Number of signatures filed: 9,112
Number of signatures verified: 8,420
Number of signatures found sufficient: 5,239 or 62.2%

Based on the above, I certify the petition submitted by Proponents Eric Parfrey, Rosemary Atkinson, and Patrick Johnston to be sufficient.

I hereby set my hand and official seal this 9th day of June 2004, at Stockton, California.

KATHERINE GONG MEISSNER
CITY CLERK
CITY OF STOCKTON
June 8, 2004

Katherine Meissner
City Clerk
City of Stockton
425 N. El Dorado Street
Stockton, CA 95202

Dear Ms. Meissner:

Pursuant to your request, this office has completed the verification of signatures submitted on the Stockton Greenbelt and Agricultural Lands Protection Initiative petition delivered to our office on April 30, 2004.

I hereby certify the verification of the above named petition is as follows:

Number of signatures filed: 9,112
Number of signatures verified 8,420
Number of signatures found sufficient 5,239

Per your advise, this petition is required to have 5,145 valid signatures to qualify for the next General Election to be held on November 2, 2004.

Very truly yours,

[Signature]
DEBORAH S. HENCH
Registrar of Voters

DSH:ev
## Petition Result Breakdown

**STOCKTON GREENBELT & AGRICULTURAL LANDS PROTECTON INITIATIVE**

| Raw Count | 9,112 |
| Sample Size | 9,112 |
| Sigs Checked | 8,420 |
| Sigs Not Checked | 692 |
| Sigs Valid | 5,239 |
| Sigs Invalid | 3,181 |
| Duplicated | 318 |
| Non-duplicate Invalids | 2,863 |

<table>
<thead>
<tr>
<th>Result Abbr</th>
<th>Name</th>
<th>Count</th>
<th>Percent of Sigs Checked</th>
<th>Percent of Sample Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>Approved</td>
<td>5,239</td>
<td>62.2 %</td>
<td>57.5 %</td>
</tr>
<tr>
<td>NotReg</td>
<td>Not Registered</td>
<td>1,646</td>
<td>19.5 %</td>
<td>18.1 %</td>
</tr>
<tr>
<td>OutOfDist</td>
<td>Out of District</td>
<td>536</td>
<td>6.4 %</td>
<td>5.9 %</td>
</tr>
<tr>
<td>Duplicate</td>
<td>Signed more than once</td>
<td>318</td>
<td>3.8 %</td>
<td>3.5 %</td>
</tr>
<tr>
<td>RegLate</td>
<td>Registered Late</td>
<td>189</td>
<td>2.2 %</td>
<td>2.1 %</td>
</tr>
<tr>
<td>RegDiffAdd</td>
<td>Registered at a Different Ad</td>
<td>414</td>
<td>4.9 %</td>
<td>4.5 %</td>
</tr>
<tr>
<td>CantIdntfy</td>
<td>Cannot Identify</td>
<td>22</td>
<td>0.3 %</td>
<td>0.2 %</td>
</tr>
<tr>
<td>NoResAdd</td>
<td>No Residence Address Give</td>
<td>15</td>
<td>0.2 %</td>
<td>0.1 %</td>
</tr>
<tr>
<td>NoSig</td>
<td>No Signature</td>
<td>15</td>
<td>0.2 %</td>
<td>0.2 %</td>
</tr>
<tr>
<td>PrintedSig</td>
<td>Printed Signature</td>
<td>2</td>
<td>0.0 %</td>
<td>0.0 %</td>
</tr>
<tr>
<td>SigNoMatch</td>
<td>Signatures Don't Match</td>
<td>31</td>
<td>0.4 %</td>
<td>0.3 %</td>
</tr>
<tr>
<td>NoVoter</td>
<td>Voter Not Found</td>
<td>1</td>
<td>0.0 %</td>
<td>0.0 %</td>
</tr>
<tr>
<td>WrongCnty</td>
<td>Page Filed in Wrong County</td>
<td>8</td>
<td>0.1 %</td>
<td>0.1 %</td>
</tr>
<tr>
<td>Blank</td>
<td>Blank(no sig/no address)</td>
<td>10</td>
<td>0.1 %</td>
<td>0.1 %</td>
</tr>
</tbody>
</table>