

Fall 2011

## Voter-Approved Development: Why Merced County Voters Didn't Follow Stanislaus County Voters at the Ballot Box

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### Recommended Citation

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DOI: <https://doi.org/10.31979/etd.tn5r-h95u>

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# Voter-Approved Development

Why Merced County Voters Didn't Follow Stanislaus County Voters at the Ballot Box

Tan Hoang

December 2011



"Almond Orchard, Merced County," Photo courtesy of Central Valley Farmland Trust.



Voter-Approved Development:  
Why Merced County Voters Didn't Follow Stanislaus County Voters at the Ballot Box

A Planning Report

Presented to

The Faculty of the Department of  
Urban and Regional Planning

San José State University

In Partial Fulfillment

Of the Requirements for the Degree

Master of Urban Planning

By

Tan Hoang

December 2011



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# 1.0 Introduction

The report analyzes the factors that influenced the divergent paths that Stanislaus and Merced County residents took when deciding if their counties should implement a new growth management policy that gives county voters final approval of new development projects at the ballot box. This agricultural land policy would require affirmative majority vote from county residents for any development project that rezoned at least ten acres of agricultural land to residential land, and the subsequent voting outcome would effectively overrule any previous decision made by the respective County Boards of Supervisors.

A majority of Stanislaus County voters agreed this policy (Measure E) was necessary to protect farmland and reduce sprawl; however, a majority of Merced County voters disagreed and rejected its version of the policy (Measure C). The report documents the election campaigns for the two initiatives and discusses the demographic, economic, political, or additional factors that motivated voters from each county to go in different agricultural policy directions.

Similar to earlier countywide voter-approved development measures in Napa and Ventura Counties, Measures E and C (hereafter referred to as the Measures) represented the use of direct democracy to further limit the authority of elected officials by transferring some land use decision-making ability to local voters. Led by community activists, Measures E and C were reactions to the tremendous growth experienced in Stanislaus and Merced Counties and the growth effects on their lucrative agricultural economies.

This use of the initiative process for “ballot box planning” suggested two possible scenarios about the political and civic environments of Stanislaus and Merced Counties. First, residents wanted more input in the decision-making process. Having felt ignored in the planning process, this was the public’s attempt to insert itself into the discussions in an extreme way. Secondly, residents were dissatisfied with how their elected officials governed, and they did not trust their local leaders to make the best decisions regarding land use, specifically preserving agricultural lands and reducing sprawl. Since both counties, as well as the entire San Joaquin Valley region (hereafter referred to as Valley), experienced dramatic growth in recent years, residents opposed the apparent direction toward continued urban expansion and the resulting loss of farmland.

The goal of the report is to determine whether these influencing factors were similar to factors observed in earlier elections, including the aforementioned Napa and Ventura County elections, which may help to predict voting outcomes of similar growth management or agricultural preservation initiatives in the future. The report concludes with recommendations for the main stakeholder groups in case community activists in other counties decide to attempt placing a similar initiative on a future ballot in their county.

Stanislaus and Merced Counties are located in the northern section of the San Joaquin Valley (which also comprises Fresno, Kern, Kings, Madera, San Joaquin, and Tulare Counties) and are two of the closest Valley counties to the San Francisco Bay Area. Since the 1970s, population growth in the Valley outpaced population growth in the entire state.<sup>1</sup> This growth conflicted greatly with the Valley’s lucrative agricultural economy, as

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<sup>1</sup> U.S. Census Bureau, “2010 Demographic Profile Data,” 2010 Census, August 2011; ---, “Population of Counties by Decennial Census: 1900 to 1990,” March 27, 1995, under <http://www.census.gov/population/cencounts/ca190090.txt>

thousands of acres of farmland were converted for urban use.<sup>2</sup> Since population projections continue to show continued growth for decades, Valley leaders will need to balance the need to provide housing and employment centers for new residents and the need to protect their existing farmlands.

### 1.1 Methods

The report utilizes several research methods in the analysis. First, the report includes a review of previous academic literature to gather important findings from past research on ballot box planning and apply them to the research in this report. Second, the report author examined the actual ballot language for the initiatives in Napa, Ventura, Stanislaus, and Merced Counties to determine if there were any key differences that possibly affected how voters perceived them.

Third, the report author conducted several interviews with people involved in Stanislaus County's Measures E and Merced County's Measure C, including campaign organizers and county supervisors. The interviews yielded tremendous insight into how the stakeholders viewed the issues and how effectively they thought the campaigns were run.

Using U.S. Census and American Community Survey data and county voting results, regression analysis was employed to determine if demographic and socioeconomic factors correlated with the measures' outcomes. Previous research on growth management initiatives concluded that certain demographic and socioeconomic factors had significant impacts on these pro-environmental-like measures, and regression analysis would verify if there were any similarities to the Measures in Stanislaus and Merced Counties.

### 1.2 Overview of the Report Structure

The report is divided into six main sections, detailed below:

- **2 Direct Democracy and Ballot Box Planning**

This section discusses the two main research issues involved in the report, including the role of direct democracy on policy decisions and the use of the initiative process in local planning.

- **3 Current Development and Growth of San Joaquin Valley, Stanislaus and Merced Counties**

This section discusses the existing development and growth of San Joaquin Valley, and Stanislaus and Merced Counties, including demographic, economic, political, and development patterns.

- **4 Initiative Analyses**

The Initiative Analyses Section analyzes voter-approved development measures, including ballot language, election results, and the relationship between demographic and socioeconomic factors.

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(accessed November 12, 2011); State of California, Department of Finance, *Population Projections for California and Its Counties 2000-2050* (Sacramento, California, 2007).

<sup>2</sup> Farmland Information Center, "California Statistics Sheet," National Resources Inventory, 2006, [http://www.farmlandinfo.org/agricultural\\_statistics/index.cfm?function=statistics\\_view&stateID=CA](http://www.farmlandinfo.org/agricultural_statistics/index.cfm?function=statistics_view&stateID=CA) (accessed August 31, 2011).

- **5 Influencing and Motivating Factors**

The Factors Section discusses the roles that various stakeholder groups had on their respective county measures. This section also analyzes the main issues that were discussed during the campaigns for the Measures.

- **6 Conclusion and Recommendations**

The final section has two parts. The first part provides recommendations for the main stakeholder groups regarding their roles in the outcomes of future similar initiatives. The second part summarizes the report's findings and discusses the implications that the Measures have on San Joaquin Valley.

- **Appendices**

The appendices include three sections:

- a. List of persons interviewed for this report.
- b. Sample interview questions given to participants in research for this report.
- c. Official initiative language included on sample county ballots of voter-approved development measures discussed in this report.



## 2.0 Direct Democracy and Ballot Box Planning

This section provides background material on the research issues detailed in this report, specifically on the effectiveness of direct democracy in policymaking and how ballot box planning is used. Direct democracy is one form of policymaking that enables voters to decide on specific issues. At its core, direct democracy allows citizens to fully participate in the decision-making process of their communities. However, there is also much criticism about the effectiveness of such policymaking in the absence of thorough review by elected officials.

This section identifies the main issues of direct democracy and discusses how they relate to growth management initiatives, also known as ballot box planning, similar to Stanislaus County's Measure E and Merced County's Measure C.

### 2.1 Citizen Participation and Direct Democracy

The initiative process represents a form of citizen participation and direct democracy. Often used among residents to enact policies that local officials neglected, the initiative process is an extreme form of policymaking because it completely bypasses elected officials.

Citizen participation is the act of “voluntary involvement of individuals and groups to change problematic conditions in communities and influence the policies and programs that affect the quality of their lives and the lives of other residents.”<sup>3</sup> Citizen participation can take many forms such as attending public meetings, commenting on civic issues, participating in community organizations, speaking to elected and other public officials, and voting.

Direct democracy is a form of policymaking that allows citizens to “vote directly on laws” rather than their publicly elected officials, such as county supervisors.<sup>4</sup> In the United States, direct democracy often takes the form of the initiative process, in which citizens vote to approve or reject legislation via individual ballot measures; this typically occurs during elections (primary, general, or special elections).<sup>5</sup>

#### Popularity of the Initiative Process in California

Only 24 states allow the use of the initiative process.<sup>6</sup> Voters in California use the initiative process more frequently than in any of the other 23 states.<sup>7</sup> Although the California Constitution was amended in 1911 to allow the initiative process, state residents have only recently relied heavily on the initiative process to directly enact legislation.

From 1912 to 2010, there were over 1,600 attempted statewide initiatives in California.<sup>8</sup> Only 348 initiatives, or approximately 21 percent of all circulated initiatives qualified to be placed on election ballots; of those 348 qualified initiatives, voters approved only 116

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<sup>3</sup> Mary L. Ohmer, “The Relationship Between Citizen Participation and Organizational Processes and Outcomes and the Benefits of Citizen Participation in Neighborhood Organizations,” *Journal of Social Service Research* 34, no. 4 (2008): 41.

<sup>4</sup> John G. Matsusaka, “Direct Democracy Works,” *The Journal of Economic Perspectives* 19, no. 2 (2005): 187.

<sup>5</sup> J. Fred Silva, “The California Initiative Process: Background and Perspective,” *Resource Material for the Speaker's Commission on the California Initiative Process* (San Francisco: Public Policy Institute of California, 2000), 1.

<sup>6</sup> Kathleen Ferraiolo, “Preserving the Initiative: State Legislative Response to Direct Democracy,” *Polity* 39, no. 4 (2007): 426.

<sup>7</sup> Shaun Bowler and Todd Donovan, “California's Experience with Direct Democracy,” *Parliamentary Affairs* 53, no. 4 (2000): 644.

<sup>8</sup> California Secretary of State, *Initiative Totals by Summary Year 1912-2010*, under <http://www.sos.ca.gov/elections/ballot-measures/pdf/initiative-totals-summary-year.pdf> (accessed August 21, 2011).



## VOTER-APPROVED DEVELOPMENT

(approximately 33 percent).<sup>9</sup> The number of statewide initiatives circulated after 1970 represented approximately 84 percent of the total number of all statewide initiatives, approximately 59 percent of total qualified initiatives, and approximately 66 percent of all adopted initiatives since 1912 (Table 1).

**Table 1: Statewide Initiative Use in California by Era, 1912-2010**

Summary Years	Titled <sup>a</sup>	Qualified <sup>b</sup>	Approved (%) <sup>c</sup>
1912-1969	270	144	28
1970-2010	1387	204	37
Total	1657	348	33

Source: California Secretary of State, *Initiative Totals by Summary Year 1912-2010*, under <http://www.sos.ca.gov/elections/ballot-measures/pdf/initiative-totals-summary-year.pdf> (accessed August 21, 2011).

Notes: Figures are rounded. Please visit the California Secretary of State website (<http://www.sos.ca.gov>) for more information regarding the initiative process.

<sup>a</sup> The procedure for titling an initiative includes submitting a written draft to the State Attorney General, obtaining at least 25 signatures of residents, and paying a small fee.

<sup>b</sup> The procedure for qualifying an initiative includes obtaining the required number of signatures (see California Secretary of State for exact signature requirements) at least 131 days before the next statewide election.

<sup>c</sup> Percentage of initiatives that were approved by voters from only qualified initiatives.

The last forty years represented a dramatic increase in using the initiative process in California. Table 1 presents only statewide initiatives and not local initiatives, but it nonetheless shows a public willingness to use initiatives to enact policies outside of the regular government decision-making process. Even though most statewide initiatives failed, the fact that there were attempts to use initiatives undoubtedly caused resentment and fear among state leaders that residents accepted the initiative process as being a normal part of the policymaking in California.

### 2.1.1 Previous Research Findings on Direct Democracy

This subsection provides an overview of previous research findings on direct democracy and how it was used for policymaking on growth management issues. The initiative process is a growth management tool since it gives citizens the ability to directly decide on land use policies that were otherwise undecided by elected officials or in some cases to overturn unpopular and disliked decisions made by elected officials.<sup>10</sup>

It also serves as a method for voters to express their dissatisfaction and/or distrust of their elected officials, as well as to increase their role in local decision-making.<sup>11</sup> When it comes to specific land use issues, these factors still apply; however, residents mostly support direct democracy because they are not satisfied with the responsiveness of their local leaders to change policies, and they also want more input (i.e., a voice) in the decision-making process.<sup>12</sup> The former issue involves residents negatively assessing the

<sup>9</sup> California Secretary of State, *Initiative Totals by Summary Year 1912-2010*, under <http://www.sos.ca.gov/elections/ballot-measures/pdf/initiative-totals-summary-year.pdf> (accessed August 21, 2011).

<sup>10</sup> Bowler and Donovan, 644.

<sup>11</sup> *Ibid.*, 647; Joshua J. Dyck, "Political Distrust and the Conservative Movement at the Ballot Box," Paper Prepared for Presentation at the 2007 American Political Science Association Conference, Chicago, August 30-September 2, 2007, 7; Jonathan S. Paris, "The Proper Use of Referenda in Rezoning," *Stanford Law Review* 29, no. 4 (1977): 824; Thomas W. Merrill, "Direct Voting by Property Owners," *The University of Chicago Law Review* 77, no. 1 (2010): 275.

<sup>12</sup> Elisabeth R. Gerber and Justin H. Phillips, "Evaluating the Effects of Direct Democracy on Public Policy: California's Urban Growth Boundaries," *American Politics Research* 33, no. 2 (2005): 326-327; Bowler and Donovan, 651.

ability of their elected officials to address their concerns. Conversely, the latter issue positively assesses renewed citizen interest in participating in local community issues.

In recent years, voters in many communities approved initiatives that gave them final approval for new development projects, assuming much discretionary power over local land use decisions. This subsection explores the effectiveness of voter requirements as a growth management tool, as well as discussing the causes for citizens to use direct democracy, the changing perceptions residents have of their local leaders, and the implications for regulating local land use.

### **Is the Initiative Process Effective?**

California voters proved willing to use the initiative process to decide on issues concerning growth in their communities. Between 1990 and 2000, almost a third of all city and county initiatives in California involved land use.<sup>13</sup> And between 1990 and March 2000, 96 percent of all urban growth boundaries and Save Open Space and Agricultural Resources-like initiatives (SOAR, see Ventura County's Measure B) passed in California.<sup>14</sup> However, did these initiatives work as intended? Did they slow development and sprawl?

The results are unclear. In some cases, such initiatives may not be effective in slowing growth, but they do force developers to cooperate and communicate with local residents and environmental groups during the planning process.<sup>15</sup> The result is a much more collaborative process that signifies increased public participation as both an effect and, to reiterate, a possible prevention method by reducing possible disagreements between all stakeholder groups. In other cases, such initiatives at least clarify the collective desires and views of the majority, one way or the other, on the direction of local development and growth.<sup>16</sup>

The initiative process itself serves as a wake-up call to local leaders who frequently ignored their constituents and that residents felt enacted soft policies that did not do enough.<sup>17</sup> However, critics contend that many initiatives are not properly written so measures that pass may have faults or holes, resulting in ineffectual policies; one of the possible reasons may be that some initiatives lack proper instructions for policy implementation.<sup>18</sup> Statewide citizen initiatives rarely receive legislative review, despite initiative proponents having the option to do so.<sup>19</sup> Likewise, local officials are rarely asked by proponents to review local citizen initiatives before the initiatives qualify for future ballots. In spite of such flaws, the public still felt that voters actually produced more coherent policies than “experienced” elected officials.<sup>20</sup> While voter perception may not a definitive measure for the effectiveness of citizen initiatives, it does reiterate how important public perception is toward local policymaking.

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<sup>13</sup> Tracy M. Gordon, “Bargaining in the Shadows of the Ballot Box: Causes and Consequences of Local Voter Initiatives,” *Public Choice* 141, no. 1/2 (2009): 38-39.

<sup>14</sup> Madelyn Glickfeld, LeRoy Graymer, and Kerry Morrison, “Trends in Local Growth Control Ballot Measures in California,” *UCLA Journal of Environmental Law & Policy* 6, no. 2 (1987): 111.

<sup>15</sup> Elisabeth R. Gerber and Justin H. Phillips, “Direct Democracy and Land Use Policy: Exchanging Public Goods for Development Rights,” *Urban Studies* 41, no. 2 (February 2004): 463.

<sup>16</sup> John G. Matsusaka, “The Eclipse of Legislatures: Direct Democracy in the 21st Century,” *Public Choice* 124, no. 1/2 (2005): 166, 170.

<sup>17</sup> Glickfeld, Graymer, and Morrison, 12.

<sup>18</sup> Elisabeth R. Gerber, Arthur Lupia, and Mathew D. McCubbins, “When Does Government Limit the Impact of Voter Initiatives? The Politics of Implementation and Enforcement,” *The Journal of Politics* 66, no. 1 (2004): 59.

<sup>19</sup> Charlene Wear Simmons, “California’s Statewide Initiative Process,” (California Research Bureau, 1997), 8.

<sup>20</sup> *Ibid.*, 652.

### **2.1.2 Ballot Box Planning Measures**

The initiative process gives residents the ability to implement any type of policymaking, as long as an initiative receives the majority number of votes. Planning initiatives, which are often referred to as ballot box planning, are fair game as part of the initiative process, and they tend to be attempted more often at the local level than statewide.

#### **California Statewide Planning Measures**

In California, local initiatives qualified more often than statewide initiatives and were approved by voters more often as well.<sup>21</sup> Part of that has to do with the subject matter of the initiatives, which significantly differ between local and statewide initiatives.

According to the California Secretary of State, between 1990 and 2000, the most prevalent topics among statewide initiatives were taxes and public finance, and governance at 20 percent each; land use was not stated as being among the most significant (less than one percent, but perhaps listed in the “Other” category).<sup>22</sup> Land use was the most prevalent topic between city and county initiatives at 31 and 32 percent, respectively.<sup>23</sup>

Even though California residents were reluctant to use ballot-box planning at the state level, they were more eager to use ballot-box planning at the city or county level because such initiatives had better chances of passing.

#### **Local Planning Measures**

Between 1990 and 2000, land use initiatives were the most popular local initiatives in California. Of these land use initiatives, residents in Stanislaus and Merced Counties considered implementing urban growth boundaries and mandating affirmative voter approval for sewer extensions, and affirmative voter approval for new development projects. It is worth noting that Stanislaus County residents voted on a significantly higher number of local initiatives (between 11 and 15) than Merced County residents (between 0 and 2) from 1990 to 2000.<sup>24</sup>

#### *Sewer Extensions*

Sewer extension is one typical infrastructure improvement closely associated with sprawl. The City of Modesto had experience in crafting and implementing this policy via the initiative process.

In 1979, Modesto residents passed the Citizens’ Advisory Growth Management Act (Measure A) that required an advisory vote to obtain city residents’ opinion about extending sewer trunk lines outside of the city’s current service area.<sup>25</sup> In 1997, Modesto voters passed the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) to include all sewer improvements for the citizen advisory vote.<sup>26</sup> City leaders have mostly respected the opinions of the citizen advisory committees, as City Councils overruled the advisory votes only three times since 1979.<sup>27</sup>

#### *Urban Growth Boundaries*

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<sup>21</sup> Tracy M. Gordon, *The Local Initiative in California* (San Francisco: Public Policy Institute of California, 2004), 22.

<sup>22</sup> *Ibid.*, 23.

<sup>23</sup> *Ibid.*, 24-25.

<sup>24</sup> *Ibid.*, 30.

<sup>25</sup> City of Modesto, *Planning: Urban Area Growth Review Documents*, under [http://www.modestogov.com/ced/documents/planning\\_urban-area.asp](http://www.modestogov.com/ced/documents/planning_urban-area.asp) (accessed October 16, 2011).

<sup>26</sup> *Ibid.*

<sup>27</sup> Denny Jackman, interview by author, July 28, 2011.

Urban growth boundaries (UGB) are boundaries that restrict development for a certain period of time. Typically UGBs are established around cities to prevent sprawl in urban fringes and promote infill development. Establishing UGBs are generally regarded as a strong planning tool since it represents a physical development barrier. Local leaders in Stanislaus County recently discussed implementing UGBs to further strengthen agricultural lands preservation.<sup>28</sup>

### *Voter-Approved Development*

Voter-approved development measures are initiatives that require development projects that qualify under certain criteria to be placed on future election ballots for final approval by local residents. This type of initiative is generally considered to be a strong policy for preserving agricultural land.<sup>29</sup>

This type of initiative is more appropriate at either the city or county level. At the city level, cities in Ventura County approved this planning measure in conjunction with Ventura County residents.<sup>30</sup> At the county level, Napa and Ventura Counties were the first counties to adopt this planning measure (in 1990 and 1998 respectively).<sup>31</sup> Similar measures in San Luis Obispo and Sonoma Counties failed in 2000, which slowed momentum for this planning tool until Stanislaus County voters approved Measure E in 2008.<sup>32</sup>

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<sup>28</sup> Garth Stapley, "Urban Growth to be Centerpiece of Stanislaus County Effort," *The Modesto Bee*, September 17, 2011.

<sup>29</sup> ---, interview by author, August 24, 2011; Vito Chiesa, interview by author, June 15, 2011.

<sup>30</sup> Paul Shigley, "The Unexpected Legacy of Napa County's Measure J," *California Planning & Development Report*, <http://www.cp-dr.com/node/2170> (accessed August 8, 2011).

<sup>31</sup> Ibid.

<sup>32</sup> William Fulton, "Voters no Longer SOARing; Density Could be the Next Ballot Fight," *California Planning & Development Report*, <http://www.cp-dr.com/node/1184> (accessed August 8, 2011).



## 3.0 Current Development and Growth of San Joaquin Valley, Stanislaus and Merced Counties

This section summarizes the current social, economic, and land use conditions of the San Joaquin Valley, and Stanislaus and Merced Counties. The purpose is to describe the extent of the Valley's growth over the years, how local leaders addressed that growth, and the current planning processes that are currently in place to guide future growth. It may be possible to determine certain conditions that possibly influenced voters in deciding whether their respective counties needed a new growth management policy.

Most, if not all, growth management policies are implemented as a result of the need to limit development and reduce sprawl. As in most communities with prosperous agricultural industries like Stanislaus and Merced Counties, development often occurs at the expense of agriculture and open space when countless acres of farmland are paved over for new residential subdivisions and shopping centers.<sup>33</sup>

Proponents of Stanislaus County's Measure E and Merced County's Measure C cited this type of local and regional growth as one of the main reasons for implementing this growth management policy. Proponents were concerned that there had been too much development, and a more effective growth management policy was required to protect the remaining farmland areas. This section details past and current development patterns in the Valley, and Stanislaus and Merced Counties in order to determine whether the proponents were justified or not in their position on local and regional growth and sprawl.

### 3.1 San Joaquin Valley

#### 3.1.1 Background Conditions

The San Joaquin Valley is geographically located in the center of California. San Joaquin Valley comprises 27,383 sq. mi. across eight counties: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.<sup>34</sup>

#### Population

Since 1900, the San Joaquin Valley has experienced population trends similar to the entire state of California.<sup>35</sup> However, the San Joaquin Valley's population growth outpaced California's growth during the last forty years. Table 2 shows the historical population growth of California and San Joaquin Valley from 1900 through 2010, and projected population growth through 2050. Since 1980, population growth in San Joaquin Valley outpaced growth for the entire state of California. Population projections indicate that future growth in the Valley will continue to outpace future growth in the entire state by a rate of almost double.

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<sup>33</sup> John Holland, "Agriculture a Source of Strength for the San Joaquin Valley," *The Modesto Bee*, April 18, 2010.

<sup>34</sup> Kern Council of Governments, *2011 Final Regional Transportation Plan* (July 15, 2010), A-3.

<sup>35</sup> U.S. Census Bureau, "2010 Demographic Profile Data," 2010 Census, August 2011; ---, "Census 2000 Summary File 1 (SF 1) 100-Percent Data," 2000 Census; ---, "Population of Counties by Decennial Census: 1900 to 1990," March 27, 1995, under <http://www.census.gov/population/cencounts/ca190090.txt> (accessed November 12, 2011).

**Table 2: Historical and Projected Population Growth for California and San Joaquin Valley, 1900-2050**

Year	California		San Joaquin Valley	
	Population	Percent Increase	Population	Percent Increase
1900	1,485,053	--	143,169	--
1910	2,377,549	60	261,811	83
1920	3,426,861	44	424,928	62
1930	5,677,251	66	543,269	28
1940	6,907,387	22	735,384	35
1950	10,586,223	53	1,135,581	54
1960	15,717,204	49	1,414,483	25
1970	19,953,134	27	1,626,009	15
1980	23,667,902	19	2,048,104	26
1990	29,760,021	26	2,742,000	34
2000	33,871,648	14	3,302,792	21
2010	37,253,956	10	3,971,659	20
2020	44,135,923	19	5,318,531	34
2030	49,240,891	12	6,551,792	23
2040	54,266,115	10	7,934,485	21
2050	59,507,876	10	9,455,181	19

Sources: U.S. Census Bureau, "2010 Demographic Profile Data," 2010 Census, August 2011; ---, "Census 2000 Summary File 1 (SF 1) 100-Percent Data," 2000 Census; ---, "Population of Counties by Decennial Census: 1900 to 1990," March 27, 1995, under <http://www.census.gov/population/cencounts/ca190090.txt> (accessed November 12, 2011); State of California, Department of Finance, *Population Projections for California and Its Counties 2000-2050* (Sacramento, California, 2007).

Notes: Figures are rounded. Population figure for 2010 based on 2010 Census. Population figures for 2020 through 2050 were based on the California Department of Finance data model. The model data was based on population figures from 2000 Census and vital statistics from a 2006 survey by the California Department of Health Services.

These historical population statistics are important because they show how much development pressure local governments previously faced to accommodate rapid growth. The population projections are also important because they show that local governments will continue to face similar development pressure to accommodate more growth in the short and long-term future, leading to continued land use conflicts between urban expansion and farmland preservation.

### **Agricultural Lands**

Agriculture is an important industry among San Joaquin Valley counties. With the exception of Madera County, seven Valley counties ranked in the top eight of the top agriculture-producing counties in the United States.<sup>36</sup> Each of the top 10 counties is located in California. In total, the Valley produces over \$25 billion in agricultural goods; if the Valley were a state, it would be the top agricultural state, producing over a half billion dollars more than number two-ranked state Iowa.<sup>37</sup>

<sup>36</sup> Kern Council of Governments, A-6.

<sup>37</sup> Ibid.

The region's substantial agricultural economy results in a large number of agricultural workers. Between 2002 and 2010, agricultural employment in the San Joaquin Valley region grew by about 3 percent to a total of over 186,000 workers.<sup>38</sup> As recently as 2008, the San Joaquin Valley Region employed almost half of all agricultural workers in California.

In 2008, the Valley accounted for almost a third of the state's entire farmland acreage and over half of the state's prime farmland.<sup>39</sup> As population growth increased throughout the San Joaquin Valley, local communities struggled to find places for these new residents to live. One troublesome trend has been an increasing amount of agricultural lands being converted for urban and built-up uses. In California, this trend represented a loss of over 1.7 million acres of agricultural land for development between 1982 and 2007, or approximately 2 percent of the state's total area (Table 3).

**Table 3: Total California Agricultural Land Acreage Conversion, 1982-2007**

Land Type	1982-1997	1997-2002	2002-2007	1982-2007
Total surface area	101,510,200	101,510,200	101,510,200	101,510,200
Farmland converted to development	1,076,400	375,400	315,400	1,767,200
Prime farmland converted to development	206,700	50,500	44,300	301,500
Rural land converted to development	1,318,200	449,100	374,800	2,142,100
Prime rural land converted to development	206,300	51,900	45,500	303,700

Source: Data adapted from Farmland Information Center, "California Statistics Sheet," National Resources Inventory, 2006.

[http://www.farmlandinfo.org/agricultural\\_statistics/index.cfm?function=statistics\\_view&stateID=CA](http://www.farmlandinfo.org/agricultural_statistics/index.cfm?function=statistics_view&stateID=CA) (accessed August 31, 2011).

Note: Rural land is defined as any land that is not developed land, Federal land, or water areas.

In the San Joaquin Valley, this trend represented a loss of over 77,000 acres of Important Farmland between 2004 and 2008, or approximately 19,000 acres annually.<sup>40</sup> To put that into perspective, the size of San Francisco is approximately 148,409 acres so the Valley lost the equivalent of half of San Francisco to development in just four years. During that same time, the Valley gained over 43,000 acres of urban and built-up land, or almost 11,000 acres annually.

According to the California Department of Transportation (Caltrans) and the California Strategic Growth Council, the San Joaquin Valley has not made progress in reducing the amount of agricultural lands being converted for urban and built-up.<sup>41</sup> The region

<sup>38</sup> California Employment Development Department, *Agricultural Employment in California, 2010*, <http://www.labormarketinfo.edd.ca.gov/?pageid=158> (accessed September 4, 2011). Note: The California Employment Development Department includes the following counties in the San Joaquin Valley Region, in addition to Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare: Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, and Tuolumne.

<sup>39</sup> California Department of Conservation, Division of Land Resource Protection, *California Farmland Conversion Report 2006-2008* (2011), table B-3.

<sup>40</sup> California Department of Conservation, "Important Farmland Data Availability," *Farmland Mapping and Monitoring Program*, March 30, 2011, [http://redirect.conservation.ca.gov/dlrp/fmmp/product\\_page.asp](http://redirect.conservation.ca.gov/dlrp/fmmp/product_page.asp) (accessed August 31, 2011). Note: Important Farmland includes farmland that is classified as Prime and Unique, and has Statewide or Local Importance.

<sup>41</sup> California Center for Regional Leadership, *2007 California Regional Progress Report* (2007), 13.



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received similar ratings in 2010, concluding that insignificant change occurred between those three years.<sup>42</sup>

### *Williamson Act/SB 863*

One important tool that farmers and local governments use to reduce development pressure is the California Land Conservation Act of 1965 (Williamson Act). The Williamson Act allows private landowners to enter into long-term contracts (ten-year minimum) with local governments to restrict contracted parcels to agricultural or open space use in exchange for property tax breaks.<sup>43</sup>

As of January 1, 2009, about half of the state's total farmland (approximately 15 million acres) is enrolled under Williamson Act contracts, with over 450,000 acres undergoing the Williamson Act nonrenewal process.<sup>44</sup> The policy's original intent was to preserve farmland from increased urban development by reducing the landowners' tax obligations.<sup>45</sup> A subsequent bill obliged the State to reimburse counties for the difference in reduced property tax revenues.

Due to budget deficits in 2009, the State substantially cut Williamson Act funding, which forced counties to adjust their budgets to account for no property tax reimbursements.<sup>46</sup> Additional budget deficits in 2010 prevented the State from reinstating Williamson Act funding, but passage of SB 863 alleviated the financial burden on counties by reducing existing Williamson Act contracts to in length from ten years to nine and reducing landowners' tax breaks by ten percent.<sup>47</sup>

While getting tax breaks was one benefit to landowners for having Williamson Act contracts, one benefit for farmland preservationists was that contracted land represented a policy barrier that prevented developers, landowners, and elected officials from easily approving development projects on those specific properties. It was possible to break a Williamson Act land contract, but it was difficult and still subject to scrutiny at public hearings. Williamson Act land simply provided an additional layer of farmland and open space protection.

### **Development History**

With so much growth occurring in the San Joaquin Valley during the past few decades, there was massive construction and development activity in order to accommodate that growth. Detailing construction activity in the Valley is important because it quantifies the amount of local and regional development and helps show whether growth management activists were justified in trying to slow growth with additional policies such as Stanislaus County's Measure E or Merced County's Measure C. This report uses two datasets to measure development activity: environmental review documents and building permits.

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<sup>42</sup> California Department of Transportation and California Strategic Growth Council, *2010 California Regional Progress Report* (2010), 5.

<sup>43</sup> California Department of Conservation, "Williamson Act Program," <http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx> (accessed May 14, 2011).

<sup>44</sup> ---, *The California Land Conservation (Williamson) Act: 2010 Status Report*, under [http://www.conservation.ca.gov/dlrp/lca/stats\\_reports/Documents/2010%20Williamson%20Act%20Status%20Report.pdf](http://www.conservation.ca.gov/dlrp/lca/stats_reports/Documents/2010%20Williamson%20Act%20Status%20Report.pdf) (accessed May 14, 2011), 2; *Note*: Mendocino, Modoc, Riverside, San Diego, San Mateo, Santa Cruz, Stanislaus, Trinity, and Tuolumne Counties did not report enrollment figures.

<sup>45</sup> Loretta Kalb, "Landowners Fear Effects of Williamson Act Repeal," *The Modesto Bee*, February 8, 2011.

<sup>46</sup> Corinne Reilly, "State Cuts Williamson Act Funding; Merced County will Lose the Property Tax Revenue," *Merced Sun-Star*, July 30, 2009.

<sup>47</sup> Merced County, "SB 863 Modifications to Williamson Act Contracts for 2011 Approved by the Merced County Board of Supervisors on December 14, 2010," <http://www.co.merced.ca.us/index.aspx?NID=1741> (accessed May 16, 2011).

## *Environmental Review Documents*

Under the California Environmental Quality Act (CEQA) of 1970, development projects must be reviewed for environmental impacts as part of the planning and development process. The Governor's Office of Planning and Research (OPR) was established to provide technical support to local municipalities regarding compliance to CEQA statutes and guidelines.

To encourage better coordination between state agencies, OPR's State Clearinghouse created CEQAnet, an online searchable environmental database, to provide important information (e.g., Project Location, Lead Agency, Reviewing Agency, and Document Type) about environmental documents it received.<sup>48</sup> Using CEQAnet, data was collected from environmental review documents submitted for projects in the Valley.

Since 1986, there were over 10,000 environmental documents submitted to the State Clearinghouse.<sup>49</sup> Merced and Stanislaus Counties had almost 10 and 12 percent, respectively, of the total submitted environmental review documents for the Valley; Kern and San Joaquin Counties had the two highest totals.

The total number of submitted environmental review documents does not reveal everything regarding potential development within the Valley.<sup>50</sup> Figure 1 shows the number of all environmental review documents submitted to the State Clearinghouse for the Valley counties by year since 1986. There was a definite rise in the number of submitted environmental review documents starting in the mid-1990s and rapidly increasing until around 2005. This is worth noting because community activists cited rapid development as the main reason that they campaigned for Measures E and C in Stanislaus and Merced County. It appears that the number of environmental documents submitted for development projects did dramatically increase within the years leading up to initial conception of Measure E.<sup>51</sup>

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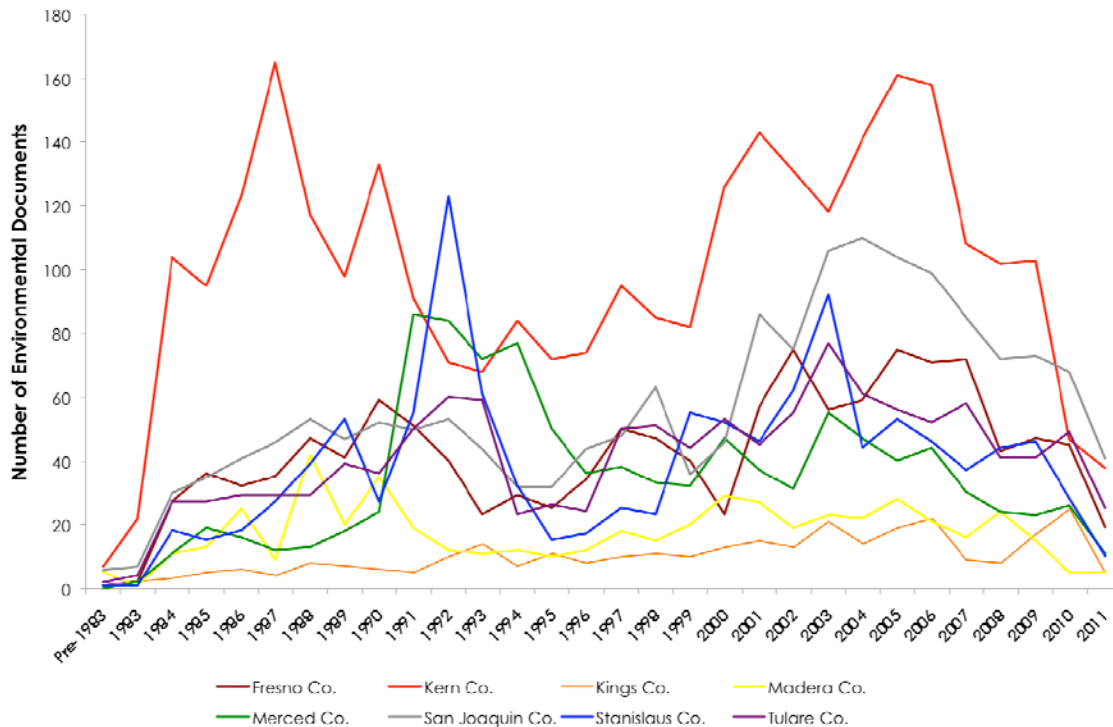
<sup>48</sup> Governor's Office of Planning and Research, State Clearinghouse, "CEQAnet Database," 2011, <http://www.ceqanet.ca.gov> (accessed August 3, 2011).

<sup>49</sup> Ibid. *Note:* Preparing environmental documents can be a lengthy process. Dates when environmental documents were submitted to the State Clearinghouse may not accurately reflect when projects originally commenced in the planning process.

<sup>50</sup> *Note:* The State Clearinghouse provides the following disclaimer at the footer for the CEQAnet Database Query page: "Please note that the CEQAnet database does not contain a comprehensive listing of all CEQA documents prepared in the State. It contains information only for those CEQA documents that have been submitted to the State Clearinghouse for state agency review, pursuant to requirements of CEQA."

<sup>51</sup> Denny Jackman, interview by author, July 28, 2011.

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**Figure 1: Environmental Review Documents Submitted to State Clearinghouse for San Joaquin Valley, 1986-2011.** Source: Data downloaded from Governor's Office of Planning and Research, State Clearinghouse, "CEQAnet Database," 2011, <http://www.ceqanet.ca.gov> (accessed August 3, 2011).

This dataset has two caveats. First, the information gathered from the State Clearinghouse did not represent all environmental review documents filed in the Valley. Second, the information was associated with projects that required compliance under both CEQA and the National Environmental Protection Act (NEPA) and were not necessarily all development projects, or more specifically new residential subdivisions. However, the information was still useful since projects that require review by state agencies (e.g., California Department of Fish and Game, California Department of Transportation) may potentially have more significant environmental impacts than projects that did not require such state agency review.

### *Building Permits*

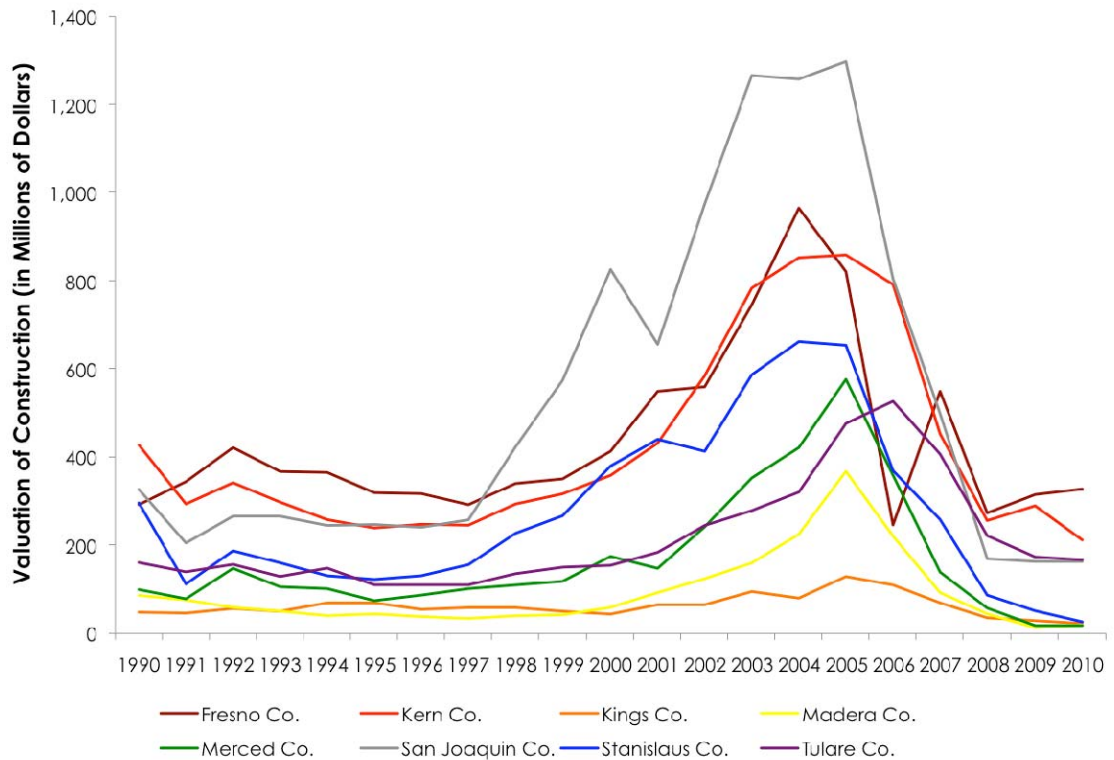
Development projects typically need to be issued building permits in order to proceed with any construction. Since the applicant already received project approval, the issuance of building permits is largely procedural; building permits must be issued if projects meet conditions of approval previously set by the appropriate governing body.<sup>52</sup> Thus, building permit statistics represent actual construction activity.

The U.S. Census Bureau collects statistics (e.g., number of buildings, number of units, and valuation of construction costs) of building permits issued for new privately-owned residential construction.<sup>53</sup> Figure 2 shows the valuation of the construction costs

<sup>52</sup> William Fulton and Paul Shigley, *Guide to California Planning*, 3<sup>rd</sup> ed. (Point Arena: Solano Press Books, 2005), 71.

<sup>53</sup> Data downloaded from U.S. Census Bureau, "Building Permits," Censtats Database, <http://censtats.census.gov/bldg/bldgprmt.shtml> (accessed April 28, 2011).

associated with single-family residential building permits issued in the Valley between 1990 and 2010. Beginning in the late 1990s, the valuation of single-family residential housing increased significantly for about a decade until 2005; the increase matches the similar increase in the number of environmental documents submitted to the State Clearinghouse as seen previously in Figure 1.



**Figure 2: Valuation of Construction, Single-Family Houses for New Privately-Owned Residential Building Permits Issued in San Joaquin Valley, 1990-2010. Source: Data downloaded from U.S. Census Bureau, “Building Permits,” Censtats Database, <http://censtats.census.gov/bldg/bldgprmt.shtml> (accessed April 28, 2011). Note: Reported only, not estimates with imputation.**

While the number of building permits may have been helpful in showing the actual quantity of new single-family residential housing in the Valley, the valuation of the construction costs shows the actual dollar figures and economic activity generated by the development. This amount of economic activity is significant to local governments when considering the benefits of having increased revenues from property taxes and sales tax associated with the actual housing construction and a larger population base.

Attempts to collect similar building permit statistics directly from the Planning and Community Development Departments of Merced and Stanislaus Counties were unsuccessful.<sup>54</sup> Potentially, further research may include collecting statistics regarding actual sales of residential housing buildings, foreclosures, and other related real estate and construction activities.

<sup>54</sup> James N. Fincher, letter correspondence to author, June 1, 2011; email to Stanislaus County Planning and Community Development Department, April 27, 2011.

### 3.1.2 Planning Efforts in the Valley

Public officials and local leaders within the San Joaquin Valley executed local and regional planning efforts that represent proactive efforts to address land use and growth issues. The intent is to potentially limit any conflicts or disagreements between community members and elected officials, and between neighboring counties as well.

In addition, these planning efforts represent opportunities for the public to participate in the planning and decision-making processes. The success of these planning efforts often depends on citizen participation and successful implementation of approved planning policies.

#### General Plans

General Plans are important planning documents that state a community's policies and values that will guide future decisions on development and growth. Each Valley county jurisdiction adopted a countywide general plan, which provided local elected officials with community goals that local residents deemed important.<sup>55</sup>

Only three Valley counties (Merced, Stanislaus, and Tulare) drafted separate individual Agricultural Elements, which indicated that these communities supported their local agricultural economies enough to devote an entire element to stating specific agricultural policies. These types of policies are important because they are specifically defined in an enforceable legal document that stakeholders can use when making development and growth decisions. Since General Plans were drafted under guidance from community members, the policies represent what local residents (at least those that participated in the General Plan Update) want for their communities.

#### Blueprint Planning Program and SuperCOG

In 2005, the State of California established the California Regional Blueprint Planning Program to encourage local governments to coordinate planning for infrastructure and growth on a regional level.<sup>56</sup> All Valley counties currently participated in Blueprint Planning, and the result was a list of shared values and objectives that would guide future growth decisions in Valley counties.<sup>57</sup> One such common value that emerged was agricultural land preservation.<sup>58</sup>

The San Joaquin Valley Regional Policy Council subsequently adopted Growth Scenario B+ as the Preferred Blueprint Growth Scenario for the next forty years.<sup>59</sup> This scenario incorporated "smart growth" principles, such as denser growth and more compact development.<sup>60</sup>

The Blueprint planning process represents an important change in the way local elected officials make land use decisions. Moving forward, elected officials will use Blueprint policies that include regional impacts in their decision-making and local planning efforts.

A more politically unified Valley would strengthen Blueprint policies. Valley counties tend to be underrepresented when it comes to competing for state and federal funds

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<sup>55</sup> Governor's Office of Planning and Research, "The California Planners' Book of Lists," 2011 ed., January 10, 2011.

<sup>56</sup> California Center for Regional Leadership, *Draft California Regional Blueprint Planning Program: Toolkit Phase I* (2007), 4.

<sup>57</sup> *Ibid.*; Mintier Harnish, "San Joaquin Valley Blueprint Planning Process: Summary Report," 2010, 39.

<sup>58</sup> Mintier Harnish, 22.

<sup>59</sup> San Joaquin Valley Regional Policy Council, *San Joaquin Valley Blueprint – April 2009 Update* (April 2009).

<sup>60</sup> *Ibid.*

because they are treated as separate jurisdictions despite many of their shared, yet also competing interests. The San Joaquin Valley Regional Policy Council is currently studying the feasibility of merging the region's eight county transportation agencies into one multicounty agency, or SuperCOG, similar to the San Francisco Bay Area's Metropolitan Transportation Commission (MTC) and the Southern California Association of Governments (SCAG).<sup>61</sup> A regional government could possibly lead to fewer land use conflicts and to stronger regional agricultural land preservation policies.

### 3.1.3 Community Organizations

The San Joaquin Valley has a strong commitment from the community to continually encourage local leaders and residents to be conscious of sustainable growth and environmental protection. These organizations promote public participation and civic engagement between local residents and elected officials. They also push for better planning and improved observance of sustainable policies and community goals in land use decisions.

Below are some local nonprofit Valley organizations that are involved in local land use issues:

- *American Farmland Trust* – American Farmland Trust serves to preserve farm and ranch land throughout the country.<sup>62</sup>
- *California Partnership for the San Joaquin Valley* – In 2005, the California Partnership for the San Joaquin Valley was established by executive order from then-Gov. Arnold Schwarzenegger as a public-private partnership to improve the quality of life of the region's residents.<sup>63</sup>
- *Central Valley Farmland Trust* – In Merced, Sacramento, San Joaquin, and Stanislaus Counties, private landowners established the Central Valley Farmland Trust to preserve their properties for permanent agricultural use.<sup>64</sup>
- *Farmland Working Group* – The Farmland Working Group is a nonprofit organization that works to preserve agricultural lands in Merced and Stanislaus Counties.<sup>65</sup>
- *Great Valley Center* – “The Great Valley Center is a nonprofit organization working to improve California's Great Central Valley. [It] manage[s] leadership development programs, provide[s] technical support, and hold[s] events on issues important to the Valley's future.”<sup>66</sup>
- *Groundswell San Joaquin Valley* – Managed by American Farmland Trust, Groundswell San Joaquin Valley is a network of community leaders and private organizations that serves to educate and promote quality of life issues such as agriculture, environment, and public health in the San Joaquin Valley.<sup>67</sup>
- *Valley Land Alliance* – The Valley Land Alliance is a nonprofit organization based in Merced County that educates and promotes to preserve farmland in the Central Valley.<sup>68</sup>

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<sup>61</sup> Garth Stapley, “Stanislaus, Merced, SJ Counties to Explore Regional Planning,” *The Modesto Bee*, March 14, 2011.

<sup>62</sup> American Farmland Trust, “About Us,” 2011, <http://www.farmland.org/about/default.asp> (accessed May 14, 2011).

<sup>63</sup> California Partnership for the San Joaquin Valley, “About Us,” 2007, [http://www.sjvpartnership.org/map\\_overview.php?static\\_page\\_id=6&sc\\_id=4](http://www.sjvpartnership.org/map_overview.php?static_page_id=6&sc_id=4) (accessed May 14, 2011).

<sup>64</sup> Central Valley Farmland Trust, “About Us,” 2009, <http://www.valleyfarmland.org/archives/category/about-us> (accessed May 14, 2011).

<sup>65</sup> Farmland Working Group, “About Us,” <http://farmlandworkinggroup.org/aboutus.html> (accessed May 14, 2011).

<sup>66</sup> Great Valley Center, “About Us,” [http://www.greatvalley.org/about\\_us/](http://www.greatvalley.org/about_us/) (accessed May 14, 2011).

<sup>67</sup> Groundswell San Joaquin Valley, “About Groundswell,” <http://groundswellsjv.org/about-us/> (accessed May 14, 2011); Groundswell San Joaquin Valley, “Contact Us,” <http://groundswellsjv.org/about-us/contact-us/> (accessed May 14, 2011).

<sup>68</sup> Valley Land Alliance, “Our History,” 2007, <http://valleylandalliance.org/history.html> (accessed May 14, 2011).

### 3.2 Comparing and Contrasting Stanislaus and Merced Counties

Section 3.1 established the existing social, economic, and land use conditions of the entire San Joaquin Valley. This subsection more closely details the existing conditions between Stanislaus and Merced Counties. The intent is to highlight key similarities and differences between the two counties in order to determine whether any conditions possibly contributed to the different election outcomes for Stanislaus County's Measure E and Merced County's Measure C.

#### Population

Stanislaus and Merced Counties experienced different growth patterns since 1900, which was the last time the two counties shared almost the exact population. Table 4 shows the historical population growth for Stanislaus and Merced Counties between 1900 and 2010. From 1900 to 2000, Stanislaus County's population grew at higher rates than Merced County for eight of those decades.

**Table 4: Historical Population Growth for Stanislaus and Merced Counties, 1900-2010**

Year	Stanislaus County		Merced County	
	Population	Percent Increase	Population	Percent Increase
1900	9,550	--	9,215	--
1910	22,522	136	15,148	64
1920	43,557	93	24,579	62
1930	56,641	30	36,748	50
1940	74,866	32	46,988	28
1950	127,231	70	69,780	49
1960	157,294	24	90,446	30
1970	194,506	24	104,629	16
1980	265,900	37	134,560	29
1990	370,522	39	178,403	33
2000	446,997	21	210,554	18
2010	514,453	15	255,793	22

Sources: U.S. Census Bureau, "2010 Demographic Profile Data," 2010 Census, August 2011; ---, "Census 2000 Summary File 1 (SF 1) 100-Percent Data," 2000 Census; ---, "Population of Counties by Decennial Census: 1900 to 1990," March 27, 1995, under <http://www.census.gov/population/cencounts/ca190090.txt> (accessed November 12, 2011).

Note: Figures are rounded.

Table 5 shows a matrix that compares and contrasts the population statistics of Stanislaus and Merced Counties. Beginning in 2010, Merced County is projected to grow at higher rates than Stanislaus County for each subsequent decade through 2050. These population projections indicate that Merced County will encounter continued development risk due to increased growth.

**Table 5: Population Comparison Matrix, Stanislaus and Merced Counties**

Population	Stanislaus County	Merced County
Current Total County Population, 2010	514,453	255,793
Persons Per Square Mile	344	132
# of Decades When Historical Population Increases Greater Than Other County, 1900-2010	8	3
# of Decades When Projected Population Increases Greater Than Other County, 2010-2050	0	4
Current Incorporated Areas, 2010	404,217	166,626
Percentage of Total County Population	79	65
Biggest City	Modesto (201,165)	Merced (78,958)
Average Incorporated City Population	44,913	27,771
Current Unincorporated Areas, 2010	110,236	89,167
Percentage of Total County Population	21	35
Biggest Unincorporated Community	Salida (13,722)	Delhi (10,755)

Sources: U.S. Census Bureau, "2010 Demographic Profile Data," 2010 Census, August 2011; ---, Merced County, California, State and County QuickFacts, October 27, 2011, <http://quickfacts.census.gov/qfd/states/06/06047.html> (accessed December 4, 2011); ---, "Population of Counties by Decennial Census: 1900 to 1990," March 27, 1995, under <http://www.census.gov/population/cencounts/ca190090.txt> (accessed November 12, 2011); ---, Stanislaus County, California, State and County QuickFacts, October 27, 2011, <http://quickfacts.census.gov/qfd/states/06/06099.html> (accessed December 4, 2011); State of California, Department of Finance, *Population Projections for California and Its Counties 2000-2050* (Sacramento, California, 2007).

Note: Figures are rounded.

Stanislaus County has a higher percentage of its residents living in incorporated cities than Merced County; conversely, Merced County has a greater percentage of its residents living in unincorporated areas than Stanislaus County. Stanislaus County's most populated city is Modesto, which accounts for almost 40 percent of its county's total population; Merced County's most populated city is Merced, which accounts for almost 30 percent of its county's total population.

### **Agricultural Lands**

Stanislaus and Merced Counties are two of the top major agriculture-producing counties in the United States; in 2008, they ranked 6<sup>th</sup> and 5<sup>th</sup> respectively.<sup>69</sup> Table 6 shows a matrix that compares and contrasts the agricultural industries of Stanislaus and Merced Counties. The percentage of Merced County's farm-related workforce is currently almost double the percentage of Stanislaus County's farm-related workforce. In terms of jobs, both counties are not projected to substantially increase their farm-related workforces between 2008 and 2018.

<sup>69</sup> Kern Council of Governments, A-6.



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**Table 6: Agricultural Industry Comparison Matrix, Stanislaus and Merced Counties**

Agriculture Statistic	Stanislaus County	Merced County
Employment, 2008		
Current Total Employment	189,700	77,400
Current Total Farm Employment	13,600	11,000
Percentage of Total Employment	7	14
Projected Total Employment, 2018	196,800	79,600
Projected Total Farm Employment, 2018	13,800	11,400
Percentage of Total Employment, 2018	7	14
Farmland (acres)		
Total County Area	970,169	1,265,618
Total Farmland	834,276	1,160,885
Percentage of Total County Area	86	92
Total Irrigated (Prime, Statewide, Unique)	368,981	525,510
Percentage of Total Farmland	44	45
Prime Farmland	256,165	270,644
Percentage of Total Farmland	31	23
Urban & Built-Up Land	63,971	37,417
Percentage of Total County Area	7	3

Sources: Data adapted from California Employment Development Department, "Projections of Employment by Industry and Occupation," 2010,

<http://www.labormarketinfo.edd.ca.gov/?pageid=145> (accessed September 4, 2011; Data adapted from California Department of Conservation, Division of Land Resource Protection, *California Farmland Conversion Report 2006-2008* (2011), table B-3.

Both Stanislaus and Merced Counties have much of their land devoted to agricultural production, although Merced County has a slightly larger percentage (92 percent) than Stanislaus County (86 percent). It is worth noting that Stanislaus County has double the percentage of land devoted to urban use than Merced County, which indicates that Merced County residents have not yet experienced the level of urban expansion as their Stanislaus County neighbors.

### Development History

Development in the Stanislaus and Merced Counties varied over the past few decades, but both counties experienced similar growth trends since the mid-1990s. Using environmental review documentation and residential building permit statistics, Table 7 shows a matrix that compares and contrasts the development histories of Stanislaus and Merced Counties. Merced County had a higher percentage of environmental review documents submitted than Stanislaus County where the respective Counties were the lead agencies (52 percent versus 47 percent), indicating that there was more development in unincorporated Merced County than in unincorporated Stanislaus County. Conversely, Stanislaus County had a higher percentage of environmental review documents submitted where its incorporated cities were the lead agencies than Merced County (26 percent versus 19 percent). This indicates that elected officials in Stanislaus County were somewhat more successful than their Merced County counterparts in directing growth toward its urban areas.<sup>70</sup>

<sup>70</sup> Garth Stapley, "Stanislaus Population Growing Faster Than Cities," *The Modesto Bee*, November 1, 2011.

**Table 7: Development History Comparison Matrix, Stanislaus and Merced Counties**

Development History	Stanislaus County	Merced County
Environmental Review Documents, 1986-2010		
Total Number	1,165	1,038
Number with County as Lead Agency	548	544
Percentage of Total Documents	47	52
Number with Cities as Lead Agencies	297	198
Percentage of Total Documents	26	19
Residential Building Permits, 1990-2010		
Single Family Buildings		
Total (Since 1990)	41,673	25,238
Total (Since 1995)	31,593	19,883
Since 1995, Percentage of Total	76	79
Total (Since 2000)	23,863	15,490
Since 2000, Percentage of Total	57	61
Total (Since 2005)	7,715	6,516
Since 2005, Percentage of Total	19	26
Multi-Family Buildings		
Total (Since 1990)	739	249
Total (Since 1995)	450	164
Since 1995, Percentage of Total	61	66
Total (Since 2000)	360	141
Since 2000, Percentage of Total	49	57
Total (Since 2005)	125	65
Since 2005, Percentage of Total	17	26
Total Valuation of Construction Costs (\$ Millions)		
Total (Since 1990)	5,946	3,593
Total (Since 1995)	5,022	3,049
Since 1995, Percentage of Total	85	85
Total (Since 2000)	4,106	2,561
Since 2000, Percentage of Total	69	71
Total (Since 2005)	1,531	1,201
Since 2005, Percentage of Total	26	33

Sources: Data downloaded from Governor's Office of Planning and Research, State Clearinghouse, "CEQAnet Database," <http://www.ceqanet.ca.gov> (accessed August 3, 2011); Data downloaded from U.S. Census Bureau, "Building Permits," Censtats Database <http://censtats.census.gov/bldg/bldgprmt.shtml> (accessed April 28, 2011).

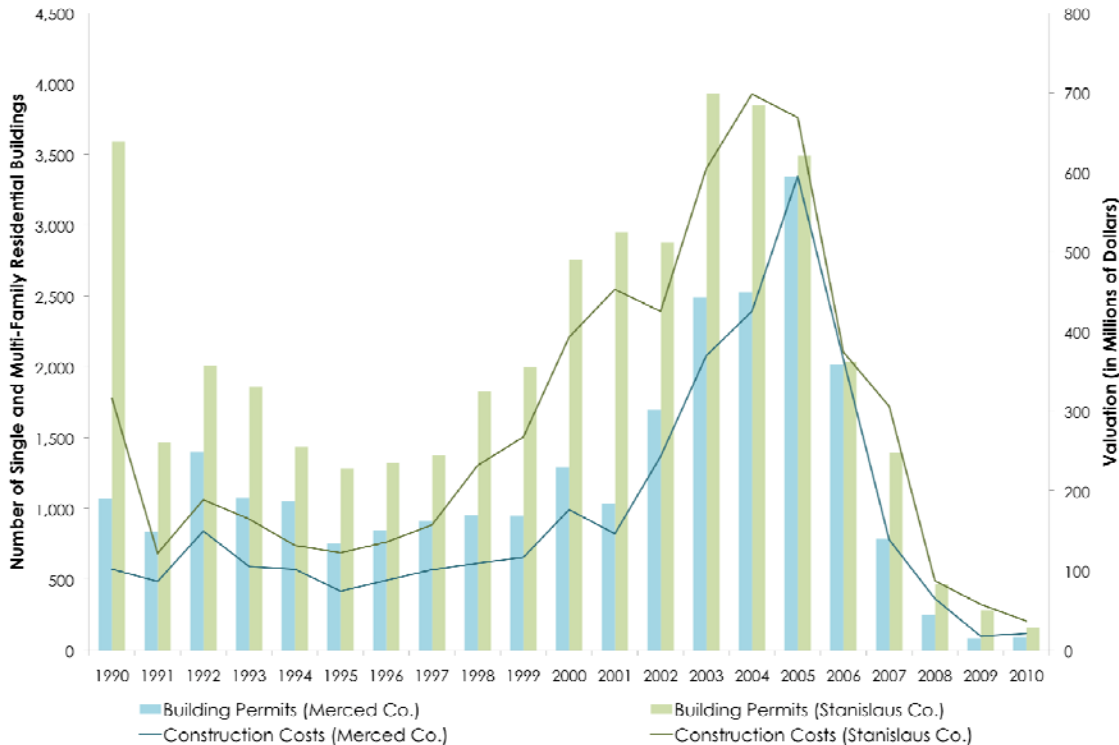
Note: Figures are rounded.

As shown in Table 7, the value of residential building construction in Stanislaus and Merced Counties was enormous. Of the permits issued since 1990, residential buildings were worth almost \$6 billion in Stanislaus County and over \$3.5 billion in Merced Counties. Residential development contributed much to the Stanislaus and Merced County economies.

During the years between 2000 and 2010, and 2005 and 2010, Merced County issued a higher percentage of its residential building permits, which matched Merced County's higher population growth compared to Stanislaus County during the past decade (see Table 4). The result is Merced County experienced higher growth and corresponding development pressure than Stanislaus County during the last decade.

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Figure 3 presents a graph of residential building permit statistics from Stanislaus and Merced Counties. During the late 1990s and early 2000s, both counties experienced increased development and rapid growth. Stanislaus County had a greater number of residential building permits and greater construction value of that related residential development than Merced County.



**Figure 3: Residential Building Permits, Stanislaus and Merced Counties, 1990-2010.**  
**Sources:** Data downloaded from Governor's Office of Planning and Research, State Clearinghouse, "CEQAnet Database," <http://www.ceqanet.ca.gov> (accessed August 3, 2011); Data downloaded from U.S. Census Bureau, "Building Permits," *Censtats Database* <http://censtats.census.gov/bldg/bldgprmt.shtml> (accessed April 28, 2011).

### Major Development Projects

Within the past few years, Stanislaus and Merced Counties received many development project proposals. These types of development projects represented immediate growth and visible urban change in the form of new residents and larger workforces. Two significant development projects in Stanislaus County are listed below:

- *West Park Specific Plan (2006)*  
 Developer Gerry Kailas proposed redeveloping the former Crows Landing Naval Auxiliary Air Station as a regional industrial park to transport goods from the Port of Oakland to the Valley.<sup>71</sup> West Park's proposed footprint was originally 4,800 acres, but lawsuits and the recent economic downturn forced the developer to drastically downscale the project to less than 3,000 acres; the revised project is currently undergoing environmental studies.<sup>72</sup>

<sup>71</sup> Garth Stapley, "West Park Wins Enough Votes to Keep Project Alive," *The Modesto Bee*, March 8, 2011.

<sup>72</sup> Ibid.; ---, "Stanislaus County Demands West Park Plan," *The Modesto Bee*, September 19, 2010.

- *Salida Community Plan (2007)*  
The revised 2007 Salida Community Plan would replace the 1989 Salida Community Plan, which proposed doubling the community's planning area and size with an additional 5,000 housing units and a business park.<sup>73</sup> In order to expedite the approval process, proponents of the revised Salida Community Plan qualified the County of Stanislaus Salida Area Planning, Road Improvement, Economic Development, and Farmland Protection Initiative (Salida Now Initiative) for the November 6, 2007 General Election so that Stanislaus County voters could decide; however with a 3-2 vote, the Stanislaus County Board of Supervisors approved the Salida Now Initiative by county ordinance, thereby negating the need for a public vote.<sup>74</sup>

Two significant projects in Merced County are listed below:

- *University of California, Merced* – In 2002, the University of California (UC) began construction of the tenth campus of the UC system.<sup>75</sup> The 2,000 acre University of California, Merced (UC Merced) campus opened with 1,000 total students in 2004 and will expand annually by 800 students until the campus expects to have 15,373 total students for the 2027-2028 school year; at an undetermined date, full built-out of UC Merced will accommodate 25,000 total students and over 6,000 faculty and staff.<sup>76</sup>
- *Yosemite Lake Estates* – In the Draft 2030 General Plan, Merced County designated Yosemite Lake Estates as a potential Urban Community near UC Merced; a Community Plan must be adopted before the area can be designated an actual Urban Community.<sup>77</sup>

For the four projects described above to work as designed, they needed vast amounts of land and as such they are proposed to be built over existing agriculture and open space land. Environmentalists and farmland advocates were probably concerned with those projects. It may not be a coincidence that the two projects in Stanislaus County were proposed around the time that a few local community advocates began organizing Measure E (see Section 5.1.4 for more information). Only the UC Merced campus expansion is being currently developed, and the other three proposed projects are either on hold or still in the pre-planning stages.<sup>78</sup> It is important to highlight these types of development projects because they are more visible to the public and elected officials, as opposed to smaller projects that may not have noticeable impacts; people can focus on West Park as being either a concrete example of sprawl or a magnet of economic development.

### **Local Planning Efforts**

Community planning is important because it represents an opportunity for residents to participate and give input in the planning process. It also represents an opportunity for elected officials to hear what local residents have to say about growth in the communities. The subsequent community plans become much stronger planning documents because they were drafted with input from hopefully everyone within the

<sup>73</sup> Tim Moran, "Stanislaus Supervisors Give Salida Growth Plan the Go-Ahead," *The Modesto Bee*, August 7, 2007; Stanislaus County, *Overview and Formal Analysis: Proposed County of Stanislaus Salida Area Planning, Road Improvement, Economic Development, and Farmland Protection Initiative* (2007), 5.

<sup>74</sup> Tim Moran, "Stanislaus Supervisors Give Salida Growth Plan the Go-Ahead," *The Modesto Bee*, August 7, 2007.

<sup>75</sup> "Construction Begins Site of UC Merced's Future Campus," *San Francisco Chronicle*, October 25, 2002.

<sup>76</sup> University of California, Office of the Chancellor, *Long Range Development Plan 2002 – University of California, Merced* (Office of the Chancellor, 2002), 3-6 to 3-7.

<sup>77</sup> Merced County, *2030 Merced County General Plan, Public Review Draft* (2011), LU-15.

<sup>78</sup> Jamie Oppenheim, "UC Merced Campus Construction Plan Approved," *Merced Sun-Star*, April 3, 2010.

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community. By having such strong planning policies in place, communities may avoid having to decide on implementing extreme policies, such as the voter-approved development measures of Stanislaus County's Measure E or Merced County's Measure C.

Stanislaus and Merced Counties are currently at different stages of community planning. Stanislaus County previously updated its General Plan in 1994 and recently started a comprehensive update, which the county anticipates being completed by 2013.<sup>79</sup> Most recently in 2007, the county updated its Agricultural Element to strengthen its agriculture policies, including a farmland mitigation provision that required developers to offset any loss of farmland by permanently preserving farmland elsewhere at an acre-for-acre ratio.<sup>80</sup>

Merced County is currently revising its General Plan. In February 2011, the County released a draft of the 2030 General Plan to replace its previous 2000 General Plan, which includes an Agricultural Element.<sup>81</sup>

### *Unincorporated Community Planning*

Most unincorporated towns in Stanislaus County adopted community plans in coincidence with the countywide general plan.<sup>82</sup> Below is a summary of how the County anticipated each of its unincorporated communities would grow. It is important to highlight community planning in these unincorporated areas because there is potential development risk in these already established communities, similar to the proposed development in Salida.

- *Crows Landing* – The Crows Landing community did not anticipate significant growth through 2010.<sup>83</sup>
- *Del Rio* – Drafted independently of the countywide general plan, the 1992 Del Rio Community Plan sought to manage future growth in an orderly manner consistent with the community's desires to maintain the town's existing character and preserve its agricultural lands.<sup>84</sup> Goal 7 is noteworthy: "The Del Rio Community shall not be allowed to become an example of inadequately [planned] leap-frog urban development on prime agricultural land which outpaces demand and overrides community sentiment."<sup>85</sup>
- *Denair* – The Denair community sought to establish an urban buffer area around its core.<sup>86</sup>
- *Hickman* – The Hickman community did not anticipate significant growth due to much of the land within the community boundaries being largely built-out.<sup>87</sup>
- *Keyes* – The Keyes community anticipated future growth associated with its proximity to nearby cities of Ceres and Turlock by establishing an Urban Transition land use designation.<sup>88</sup>
- *Knight's Ferry* – The Knight's Ferry community did not anticipate significant growth through 2010, largely due to the community's lack of a sanitary sewer system.<sup>89</sup>

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<sup>79</sup> Joshua Mann, e-mail message, May 16, 2011.

<sup>80</sup> Tim Moran, "Stanislaus Ag Element Revise Given OK," *The Modesto Bee*, December 19, 2007.

<sup>81</sup> Merced County Department of Planning and Community Development, "Documents & Maps," 2011, <http://www.co.merced.ca.us/index.aspx?NID=1170> (accessed May 14, 2011).

<sup>82</sup> Stanislaus County, *1994 Stanislaus County General Plan*, 1-56.

<sup>83</sup> *Ibid.*

<sup>84</sup> Stanislaus County Department of Planning and Community Development, *Del Rio Community Plan (1992)*, 5-7.

<sup>85</sup> *Ibid.*, 7.

<sup>86</sup> Stanislaus County, *1994 Stanislaus County General Plan*, 1-56 to 1-59.

<sup>87</sup> *Ibid.*, 1-63.

<sup>88</sup> *Ibid.*, 1-63 to 1-64.

- *La Grange* – The La Grange community did not anticipate significant growth through 2010 unless capacity improvements were made to its water system.<sup>90</sup>
- *Salida* – The Salida community anticipated significant growth, including the addition of approximately 3,383 acres to the approximately 1,200 acres of its existing boundaries, to support a future business park and planned industrial development.<sup>91</sup>
- *Westley* – The Westley community anticipated the potential for significant growth through 2010 if public water facilities were established.<sup>92</sup>

Merced County prepared community plans for a few of its unincorporated areas. Community Plans for Franklin/Beachwood, Le Grand, and Winton are currently being revised.<sup>93</sup>

*Existing Unincorporated Communities:*

- *Delhi* – The Delhi Community Plan was developed to address the Delhi’s transformation into a bedroom community for Merced and Stanislaus County commuters.<sup>94</sup>
- *Franklin/Beachwood* – The Franklin/Beachwood Community Specific Plan was developed because Franklin/Beachwood was one of the fastest growing areas of unincorporated Merced County, primarily due to its proximity to the City of Merced.<sup>95</sup>
- *Hilmar* – The 2008 Hilmar Community Plan sought to preserve the community’s rural character while trying to accommodate its share of increased Valley growth.<sup>96</sup>
- *Le Grand* – Updated in 1983, the Le Grand Community Specific Plan sought to direct future growth to the vacant land within the community’s existing boundaries.<sup>97</sup>
- *Planada* – The 2003 Planada Community Plan was developed to balance the preservation of the community’s rural character and the commercialization of its Highway 140 corridor district.<sup>98</sup>
- *Santa Nella* – TBD (download unavailable, as of June 11, 2011).
- *Winton* – The Winton Community Specific Plan was developed in 1981 to explore the feasibility of incorporation.<sup>99</sup>

*New Unincorporated Communities:*

- *Fox Hills* – In 2006, the Merced County Board of Supervisors considered an update to the Fox Hills Community Specific Plan that would triple the boundary of Fox Hills.<sup>100</sup>
- *University Community Plan* – In 2004, Merced County adopted the University Community Plan to guide development in support of the growth associated with

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<sup>89</sup> Stanislaus County, *1994 Stanislaus County General Plan*, 1-76.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid., 1-76 to 1-86.

<sup>92</sup> Ibid., 1-86.

<sup>93</sup> Merced County, Administrative Services, “RFP No. 6480 – Environmental Impact Reports,” January 29, 2010.

<sup>94</sup> Merced County Department of Planning and Community Development, *Delhi Community Plan* (2006), 2-1 to 2-2.

<sup>95</sup> ---, *Franklin/Beachwood Community Specific Plan 1983-1993* (1983), I-2.

<sup>96</sup> Merced County Department of Planning and Community Development, *Hilmar Community Plan* (2008), 2-9.

<sup>97</sup> Merced County Planning Department, *Le Grand Community Specific Plan* (1983), VI-7 to VI-8.

<sup>98</sup> Merced County, *Planada Community Plan* (2003), 2-1 to 2-14.

<sup>99</sup> ---, *Winton Community Specific Plan* (1981), 1-1 to 1-2.

<sup>100</sup> Merced County Department of Planning and Community Development, *Fox Hills Community Specific Plan Update* (2006).

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the continued expansion of University of California, Merced.<sup>101</sup> The University Community site is located directly south of UC Merced and approximately five miles northeast of Merced's central core.

- *Villages of Laguna San Luis* – The Villages of Laguna San Luis Community Plan sought to manage the long-term growth and built-out of the village's 6,200 acres.<sup>102</sup>

One significant difference between local planning efforts in Stanislaus and Merced Counties was that Merced County planned three new communities: Fox Hills, University Community, and Villages of Laguna San Luis. Except for West Park and the expansion of Salida, there was no such planning efforts to create new communities or proposed development projects in Stanislaus County that were anywhere near the same size as projects in Merced County.

In conclusion, significant growth in Merced County occurred in unincorporated areas; some of this can be attributed to a seemingly pro-development agenda by local leaders who favor creating new towns over expanding existing cities.<sup>103</sup> While growth is directed toward existing cities more successfully in Stanislaus County, the statistics show that local leaders are not doing enough to prevent additional growth in unincorporated areas and that growth may have contributed to the drafting of Measure E by Stamp Out Sprawl advocates.<sup>104</sup>

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<sup>101</sup> Merced County UC Development Office, *University Community Plan* (Office of the Chancellor, 2004), 2-6.

<sup>102</sup> Merced County Department of Planning and Community Development, *The Villages of Laguna San Luis Community Plan* (2007), 1-3 to 1-4.

<sup>103</sup> Danielle E. Gaines, "Merced County Leaders Favor New Towns over Expanding Existing Population Centers," *Merced Sun-Star*, January 13, 2010.

<sup>104</sup> Garth Stapley, "Statistics Back up Measure E Supporters," *The Modesto Bee*, February 3, 2008.

## 4.0 Initiative Analyses

This section analyzes the farmland protection initiatives that went before voters in Stanislaus and Merced Counties in three ways: by comparing and contrasting ballot language between the Measures, discussing the election results between the Measures, and using regression analysis to determine the relationship between voting results and certain demographic and socioeconomic factors that are considered to be significant determinants of successful land use initiatives.

Based on the results, it may be possible to determine whether the election outcomes in Stanislaus and Merced Counties corresponded to outcomes of similar initiatives from other communities. If so, then outcomes of future initiatives may be predicted based on similar determinants and factors. If not, then where did the two counties differ from previous communities?

In November 1990, Napa County voters approved Measure J that required projects that changed zoning designations of Agricultural, Watershed, and Open Space (AWOS) and Agricultural Resources (AR) in unincorporated areas to obtain affirmative majority vote by county residents by way of future county initiative. Following in Napa County's footsteps, Ventura County voters approved Measure B in November 1998 that also required projects that rezoned existing Agricultural, Open Space, or Rural-designated unincorporated land to obtain affirmative majority vote in a future initiative.

Napa County's Measure J and Ventura County's Measure B provided inspiration for local community activists to attempt to implement similar initiatives in Stanislaus and Merced Counties. Eventually, Stanislaus County voters approved Measure E in February 2008, which required development projects that changed zoning designations of ten acres or more of agricultural or open space lands to residential to be approved by county residents via future ballot initiative. In November 2010, Merced County voters rejected Measure C, which was similar to Stanislaus County's Measure E and would have required development projects that changed zoning designations of ten acres or more of agricultural or open spaces lands to residential to be approved by county residents via future ballot initiative.

### 4.1 Ballot Language

Stanislaus County's Measures E and Merced County's Measure C sought to give county voters instead of their elected officials the final authority on development projects that converted agricultural to residential lands. The campaigns for Measures E and C included discussion about what the Measures did and did not do. Many questions and misunderstandings regarding the impacts of the Measures could have been answered if residents actually read the official ballot text of the two Measures.

This subsection discusses and analyzes the similarities and differences between the Measures, and further compares and contrasts them to their respective Board-sponsored counter initiatives. This comparison is useful because voters may find it helpful to actually read the ballot language of initiatives in order to better understand what initiatives will or will not do, and not entirely rely on the claims of initiative proponents or opponents for this information.



#### **4.1.1 Stanislaus County's Measures E and Merced County's Measure C**

Stanislaus County's Measure E and Merced County's Measure C proposed similar policies and goals. During the Measure C campaign in 2010, measure opponents complained that Measure C was an almost exact replica of Stanislaus County's earlier Measure E.<sup>105</sup> This provided weight to the opponents' argument that Measure C was written by people who did not actually live in Merced County and thus were not cognizant of the community interests that Merced County residents valued.

Were Measures E and C similar? If not, where did the Measures differ? This is important because if the Measures were similar, it (1) validated an argument by the opposition and (2) indicated possibly shifting community goals (other than stated agricultural land preservation) if election outcomes differed.

Measure C proponents consulted with Measure E proponents, so much of Measure C's ballot language is verbatim to Measure E's ballot language (see Appendices for complete text of both measures). Formatting varies, but the goals and policies are essentially the same except that Measure C specifically protects Agricultural, Foothill Pasture, and Open Space designated areas, while Measure E protects agricultural and open space lands in more general terms.<sup>106</sup>

The Measures state identical purposes, which essentially are to direct citizen participation in County land use decisions and minimize sprawl and preserve farmland.<sup>107</sup>

The Measures' policies are also mostly identical, with the exception of the aforementioned wording of what the measures seek to protect. The six policies that appear in both measures are summarized below:<sup>108</sup>

1. Land that is redesignated from an agricultural or open space zoning to a residential zoning shall require approval via affirmative majority vote at a general or special local election. This policy does not apply for land redesignated or rezoned from an agricultural or open space use to a commercial or industrial use.
2. Land use designations are set and apply as of the dates of this policy, as to prevent a developer from “launder[ing] land by obtaining County approval for a non-residential use and then subsequently obtain[ing] County approval for a residential use.”
3. Land redesignations or rezones shall comply with CEQA project requirements before this policy is enforced.
4. Projects that previously received affirmative voter approval need only additional affirmative vote approval if there are future (a) entitlement changes determined to be inconsistent with the original project, and (b) requests to downzone the land use designation.

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<sup>105</sup> Deidre Kelsey, interview by author, June 8, 2011.

<sup>106</sup> Stanislaus County Registrar of Voters, *Full Text of Measure E – County of Stanislaus* (2008); Merced County Registrar of Voters, *Measure C – Amendment of the County's General Plan* (2010).

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*

5. Exemptions include: (a) meeting the “County’s legal fair share housing requirement” determined by the local COG, (b) any project that has existing vested rights prior to this policy, and (c) any entire farm worker housing project.
6. Among the applied definitions include the following: (a) “residential use,” which is defined as more than one dwelling unit (DU) per ten gross acres, and as designated in the County’s General Plan; (b) “agricultural or open space use,” which is defined similarly to residential use; and (c) the specific adopted General Plan, which this policy applies to.

For implementation, the two most important guidelines of both Measures E and C are that (a) applicants of the proposed General Plan Amendments must bear any direct and indirect elections costs and (b) the policy will be in effect for the next thirty years.

The most notable difference between Measures E and C are the policy goals, as Measure E intends to “encourage compact urban form and to preserve agricultural land” (Goal Six) while Measure C intends to “encourage compact urban form and to preserve agricultural land and natural resources” (Goal 13).<sup>109</sup> More specifically, Measure C proponents included preserving “natural resources” to their initiatives goals, in addition to agricultural land.

#### **4.1.2 Counter Initiatives to Stanislaus County’s Measures E and Merced County’s Measure C**

To counter Stanislaus County’s Measure E and Merced County’s Measure C, the respective County Boards sponsored their own initiatives to place on the same respective ballots as Measure E and C. Since Measures E and C were almost identical, identifying how they differed from the Board-sponsored initiatives will clarify what the respective Boards were concerned with and hesitant to lose if county voters approved Measures E and C. If the differences between the Measures and the Board-sponsored initiatives are significant, the differences may reveal additional motivating factors for opposing the agricultural preservation measures.

In Stanislaus County, the Board-sponsored Measure L acknowledged the need to protect agricultural and open space lands, but aimed to implement less restrictive policies than Measure E. First, Measure L would create a General Plan Review Commission to lead the update of a new County General Plan; the General Plan Update would allow further citizen participation in the planning process while structuring growth in a more inclusive manner with input from all stakeholders. This differed from Measure E because Measure E only sought to give residents the ability at the ballot box to approve development projects that rezoned agricultural land to residential land.

Second, Measure L would only consider, but not implement conservation and growth management policies to protect agricultural and open space lands, including farmland mitigation, annual limit on allowable residential construction, and mandatory fiscal impact analyses for all development projects.<sup>110</sup> Measure L’s policies differed from Measure E’s policies because they ultimately preserved Board discretion on land use issues instead of Measure E’s approach of allowing voters to have final discretion on land use issues. And third, Measure L would immediately enact a two-year moratorium on rezoning agricultural or open space land to residential land without voter approval.

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<sup>109</sup> Stanislaus County Registrar of Voters, *Full Text of Measure E – County of Stanislaus*; Merced County Registrar of Voters, *Measure C – Amendment of the County’s General Plan (2010)*.

<sup>110</sup> Stanislaus County Registrar of Voters, *Full Text of Measure E – County of Stanislaus*.

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Basically, it would be as if Measure E was in effect for only two years as opposed to thirty years.

Measure L would only be implemented if it received more affirmative votes than Measure E since both measures conflicted with each other.

Stanislaus County's Measure L also differed significantly from Merced County's Measure D. With Measure D, rather than rewrite the entire initiative, the Merced County Board of Supervisors merely amended Measure C to correct minor typographical errors, unclear wording, and most importantly exempt land designated as future development in previously Board-approved Specific Urban Development Plans (SUDPs), such as the University Community.<sup>111</sup>

Since there was no conflict between Measures C and D, Measure D only required a simple affirmative majority vote to be enacted, in addition to Measure C getting approved.

Measures L and D represented vastly different Board priorities. With Measure L, Stanislaus County Supervisors sought to preserve their authority on making certain land use decisions by considering a variety of growth management policies intended to persuade enough voters that their option was better than giving voters sole authority. With Measure D, Merced County Supervisors sought to simply protect previously-approved development projects from affirmative voter requirements.

### **4.1.3 How Did the Farmland Protection Measures Compare and Contrast to Earlier Napa and Ventura County Measures?**

Since Napa County's Measure J and Ventura County's Measure B predated both Stanislaus County's Measure E and Merced County's Measure C by at least ten years, it would be reasonable to assume that proponents in Stanislaus and Merced Counties simply replicated the ballot language from the earlier measures (see Appendices for complete ballot language of Measures J and B). However, measure organizers in neither Stanislaus nor Merced Counties emulated the earlier measures when drafting their own ordinances.<sup>112</sup>

In fact, the measures in both Napa and Ventura Counties were more restrictive than the measures in Stanislaus and Merced Counties. In Napa County, Measure J's purpose was to protect agricultural and watershed lands, which was consistent with Napa County's then-zoning designations: Agriculture, Watershed, and Open Space (AWOS); and Agricultural Resources (AR).<sup>113</sup> In order to be implemented, Measure J required affirmative majority vote for any zoning changes to existing unincorporated county land designated as AWOS or AR. The minimum parcel size for either zoning designation was 40 acres; the maximum building intensity for either zoning designation was one dwelling unit per parcel.<sup>114</sup>

In Ventura County, Measure B's purpose was to protect agricultural, open space, and rural lands, which was also consistent with Ventura County's then-zoning

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<sup>111</sup> Merced County Registrar of Voters, *Measure C – Amendment of the County's General Plan*.

<sup>112</sup> Denny Jackman, interview by author, July 28, 2011; Alan Schoff, interview by author, August 8, 2011.

<sup>113</sup> Napa County Election Division, *Sample Ballot and Voter Information Pamphlet*, General Election, (1990).

<sup>114</sup> *Ibid.*

designations.<sup>115</sup> In order to be implemented, Measure B required affirmative majority vote for any zoning changes to existing unincorporated county land designated as Agricultural, Open Space, or Rural land.

Under certain conditions, affirmative majority vote would not be needed to rezone Rural land to either Agricultural or Open Space, Agricultural land to Open Space, or Open Space to Agricultural land; however, neither Agricultural nor Open Space land could be redesignated to Rural without affirmative majority vote by the people.<sup>116</sup> Measure B did not specify any restrictions for the minimum parcel size or maximum building intensity; however, more specific zoning information was likely in the County's General Plan.

Napa County's Measure J and Ventura County's Measure B contrasted to both Stanislaus County's Measure E and Merced County's Measure C since Stanislaus and Merced County's measures required affirmative majority vote for rezoning at least ten acres of agricultural land to residential land; there was no such minimum rezoning requirement for Napa and Ventura County's respective measures.

Both Napa and Ventura County measures also included exemptions for development projects with vested rights as of the measures' effective dates. It is worth noting that Ventura County's Measure B also exempted the entire Piru community, including the Piru Redevelopment Area and specific Assessor Parcel Numbers, so as not to impede Piru's growth.<sup>117</sup> Hence, there was precedent in exempting actual projects and entire communities from initiative requirements, in addition to previously vested developments.

## 4.2 Voting Results

This subsection details the voting results for the agricultural preservation initiatives in Napa, Ventura, Stanislaus, and Merced Counties. Stanislaus and Merced Counties had contrasting election outcomes to their respective measures.

Stanislaus County voters overwhelmingly approved both Measure E and the County Board-sponsored Measure L. Merced County voters rejected Measure C, but overwhelmingly approved the County Board-sponsored Measure D. Comparing Stanislaus and Merced Counties, there was a higher voter turnout percentage in Merced County. Table 8 shows the voting results in Stanislaus and Merced Counties, as well for earlier elections in Napa and Ventura Counties.

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<sup>115</sup> Ventura County Clerk, Elections Division, *Sample Ballot and Voter Information Pamphlet*, Consolidated General Election, County of Ventura (1998).

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

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**Table 8: Voting Results By Election**

County	Election Date	Voter Turnout (%)	Measure	Yes (%)	No (%)
Stanislaus	2/5/08	48	E	62	30
			L	58	34
Merced	11/2/10	51	C	40	51
			D	56	32
Napa	11/6/90	69	J	63	37
Ventura	11/3/98	52	A	69	31
			B	63	37

Sources: Data adapted from Stanislaus County Registrar of Voters, *Statement of Vote of Stanislaus County – Presidential Primary Election, February 5, 2008* (2008); Data adapted from Merced County Clerk & Elections, *Statement of Vote of Merced County – Gubernatorial General Election, November 2, 2010* (2010); John Tuteur, email message to author, April 12, 2011; Ventura County Clerk & Recorder, Elections Division, phone message to author, April 13, 2011.

Note: Figures are rounded.

For this similar type of agricultural preservative initiative, only Merced County voters rejected it; Napa, Ventura, and Stanislaus County voters approved their respective agricultural preservation initiatives (Measure J, Measure B, and Measure E respectively).

Table 9 provides a breakdown of voting results in Stanislaus County for Measures E and L by supervisor district and municipality. Voters in every supervisor district and municipality approved not only Measure E, but the County Board-sponsored Measure L as well. Consistent with previous research that found voters in urban cities were generally more supportive of growth management initiatives, urban voters in Stanislaus County cities were more supportive of Measure E than rural voters in unincorporated county areas (63 percent versus 58 percent).<sup>118</sup> Voters of Modesto, Stanislaus County's highest populated city, were more supportive of Measure E than any other city.

<sup>118</sup> Ned Levine, "The Effects of Local Growth Controls on Regional Housing Production and Population Redistribution in California," *Urban Studies* 36, no. 12 (1999): 2058.

**Table 9: Election Results for Measures E and L by Supervisor District and Municipality, Stanislaus County, February 5, 2008**

	Voter Turnout (%)	Measure E		Measure L	
		Yes (%)	No (%)	Yes (%)	No (%)
County Total	48	62	30	58	34
District 1	51	62	31	58	35
District 2	49	60	33	57	35
District 3	43	63	29	60	33
District 4	51	66	27	57	36
District 5	41	59	34	61	32
City Total	47	63	29	59	33
Ceres	41	60	32	62	30
Hughson	47	63	30	62	31
Modesto	48	65	27	58	34
Newman	46	59	35	60	33
Oakdale	52	62	31	59	34
Patterson	46	59	34	63	30
Riverbank	47	62	31	58	34
Turlock	48	61	31	57	34
Waterford	45	60	33	63	30
County Areas Total	49	58	35	56	37

Source: Data adapted from Stanislaus County Registrar of Voters, *Statement of Vote of Stanislaus County – Presidential Primary Election, February 5, 2008* (2008).

Note: Figures are rounded.

See Appendix D for voting results in Stanislaus County for Measures E and L by voting precinct.

Table 10 provides a breakdown of voting results in Merced County for Measures C and D by supervisor district and municipality. Voters in every district and municipality rejected Measure C, but approved the Board-sponsored Measure D. It was surprising that Merced County's highest populated city, Merced, did not overwhelmingly support Measure D (percentage-wise) in order to protect the growth of its neighboring UC Merced campus, although they supported Measure C with the second lowest approval rate.

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**Table 10: Election Results for Measures C and D by Supervisor District and Municipality, Merced County, November 2, 2010**

	Voter Turnout (%)	Measure C		Measure D	
		Yes (%)	No (%)	Yes (%)	No (%)
County Total	51	40	51	56	32
District 1	42	42	48	59	29
District 2	53	37	55	56	33
District 3	53	38	54	57	33
District 4	51	44	46	53	35
District 5	52	41	48	58	29
City Total	51	40	50	58	30
Atwater	52	41	52	59	31
Dos Palos	50	38	52	55	32
Gustine	58	45	41	55	31
Livingston	45	45	41	64	22
Los Banos	53	42	46	61	27
Merced	49	38	53	57	32
County Areas Total	52	39	53	52	36

Source: Data adapted from Merced County Clerk & Elections, *Statement of Vote of Merced County – Gubernatorial General Election, November 2, 2010* (2010).

Note: Figures are rounded.

See Appendix D for voting results in Merced County for Measures C and D by voting precinct.

### 4.3 Initiatives Analyses

Evaluating demographic and socioeconomic factors of voters with voting results is helpful in determining if such factors affect voting behavior, and consequently final election outcomes. For example, does a person's education level or income affect how that person will vote on an upcoming initiative about implementing a new parcel tax to fund afterschool recreation programs?

Regression analysis is the most common data analysis method used to evaluate how demographic and socioeconomic factors influence voting outcomes. Regression analysis is a research method for evaluating the relationships between several variables.<sup>119</sup> Using regression analysis, the types of questions stated above can be answered by evaluating the relationships between variables like education level or income.

Previous ballot box studies used regression analysis to determine if an outcome (dependent variable) was affected simultaneously by several factors (independent variables); the most common factors analyzed were ethnicity, age, income, education,

<sup>119</sup> Earl Babbie, "Statistical Analyses," *The Practice of Social Research*, 11<sup>th</sup> ed. (Belmont: Thomson Wadsworth, 2007), 456.

employment, population density, and political affiliation.<sup>120</sup> These studies had some relevant conclusions including:

- Voter education has more significance than income,
- Political affiliation has more significance than demographic characteristics, and
- Liberal voters are more likely to support stricter farmland protection policies than conservative voters.<sup>121</sup>

For Stanislaus and Merced Counties, regression analysis may help explain why communities supported or opposed the voter-approval development measures and if any specific variables had any significant impact on the election outcomes. In other words, regression analysis tests if a final outcome can be explained by the association of specific variables to one another.

### **Data Types**

The regression analysis in this report uses three data types:

1. *Election Results for Stanislaus County's Measure E and Merced County's Measure C by Voting Precinct*

The report used voting data provided by the Stanislaus County and Merced County Registrars of Voters, which were contained in the “Statement of Vote” documents and included the results by county voting precinct for the Presidential Primary Election held on February 5, 2008 and General Election held on November 2, 2010 (in Stanislaus and Merced Counties, respectively).

2. *Demographic and Socioeconomic Data*

The report used U.S. Census Bureau demographic and socioeconomic data from the 2000 Census and 2010 Census, as well as the 2005-2009 and 2010 American Community Surveys.

3. *Voting Precinct Boundaries*

The report used data provided by the UC Berkeley-hosted California Redistricting Statewide Database (SWDB), which included two datasets for voting precinct boundaries in Stanislaus and Merced Counties: (1) county voting precinct boundaries for Stanislaus County since they could not be obtained from the County, and (2) data conversion files that assigned county voting precincts to corresponding census geography such as blocks, tracts, and places.<sup>122</sup>

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<sup>120</sup> Christopher P. Borick, “Sprawl and the Ballot Box: An Examination of the Use of Direct Democracy in Growth Management Efforts,” Paper Presented at the Annual Meeting of the American Political Science Association, Washington, D.C., September 1-4, 2005, 42-43; Gordon, “Bargaining in the Shadows of the Ballot Box: Causes and Consequences of Local Voter Initiatives,” 40; John G. Matsusaka, “Fiscal Effects of the Voter Initiative: Evidence from the Last 30 Years,” *The Journal of Political Economy* 103, no. 3 (1995): 597; Mai Thi Nguyen, “Why Do Communities Mobilize Against Growth: Growth Pressures, Community Status, Metropolitan Hierarchy, or Strategic Interaction?” *Journal of Urban Affairs* 31, no. 1 (2009): 34; ---, “Local Growth Control at the Ballot Box: Real Effects or Symbolic Politics?” *Journal of Urban Affairs* 29, no. 2 (2007): 141.

<sup>121</sup> Daniel Press, “Who Votes for Natural Resources in California?” *Society and Natural Resources* 16, no. 9 (2003): 838, 845; Owen J. Furusest, “Influences on County Farmland Protection Efforts in California: A Discriminate Analysis,” *Professional Geographer* 37, no. 4 (1985): 450.

<sup>122</sup> UC Regents, “Conversion and Assignment,” *Statewide Database*, 2009, <http://swdb.berkeley.edu/conversion.html> (accessed October 1, 2011).



Data were collected from several sources, including the County Clerks of Stanislaus and Merced Counties and the U.S. Census Bureau. Voting results were collected from official Statement of Votes (SOV) that were provided by the respective County Clerks; SOVs provided vote totals by countywide tallies, incorporated cities, and voting precincts. There were no vote totals for unincorporated communities; using GIS, these vote totals were determined by identifying voting precinct boundaries that overlapped with community boundaries and later adding precinct vote totals collected from the SOVs. This approach provided accurate vote totals for unincorporated communities.

In another instance, census and ACS data were cleaned up to identify demographic and socioeconomic values for all unincorporated residents (to be further discussed later in this chapter). Data were readily available by incorporated city, but not by unincorporated communities. In order to have data values for the latter, the data values for the incorporated communities were aggregated using a weighted average based on population size and later subtracted from the entire county totals. This approach seemed appropriate given the U.S. Census Bureau had data at both the county and city level, but not comprehensively at the census designated place (CDP) level.

### **Methodology**

The Methodology section describes the components of the regression analysis used in this report. The regression analysis uses variables evaluated in previous research on ballot box studies and growth management measures, specifically how demographic factors correlated with ballot measure outcomes.<sup>123</sup> One particular related research study, what its authors, Glickfeld and Levine, called the NIMBY regression model, provided a clear regression analysis to use in order to predict which communities enacted growth measures.<sup>124</sup>

Table 11 shows the variables evaluated in this regression analysis. Adapted from the NIMBY model, the regression analysis for this study used basically six variables that were assumed to correlate with growth measure enactment (NIMBY model evaluated per capita income as a variable, but this report used more common substitutes).<sup>125</sup> The multiple regression analysis for this report also used variables associated with homeownership (age and median home value) that Gordon previously evaluated to identify the relationship between homeowners and growth management measures.<sup>126</sup> This report author included variables associated with growth measures and farmland protection to see if residents from incorporated and unincorporated communities differed; the variable on male populations was included because it was rarely used in previous regression studies.

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<sup>123</sup> Borick, 42-43; Gordon, "Bargaining in the Shadows of the Ballot Box: Causes and Consequences of Local Voter Initiatives," 40; Matsusaka, "Fiscal Effects of the Voter Initiative: Evidence from the Last 30 Years," 597; Nguyen, "Why Do Communities Mobilize Against Growth: Growth Pressures, Community Status, Metropolitan Hierarchy, or Strategic Interaction?" 34; ---, "Local Growth Control at the Ballot Box: Real Effects or Symbolic Politics?" 141.

<sup>124</sup> Madelyn Glickfeld and Ned Levine, *Regional Growth... Location Reaction: The Enactment and Effects of Local Growth Control and Management Measures in California* (Cambridge: Lincoln Institute of Land Policy, 1992), 37.

<sup>125</sup> Ibid.

<sup>126</sup> Gordon, "Bargaining in the Shadow of the Ballot Box: Causes and Consequences of Local Voter Initiatives," 33-35.

**Table 11: Variables Used in Analyses**

Independent Variable	Source	Variable Value	Regression Variable
I. Age, 2010			
Median Age	Report Author	Rounded Whole Number	H
Proportion of Population Ages 18-24	Gordon	Percentage	I
Proportion of Population Ages 25-44	Gordon	Percentage	J
Proportion of Population Ages 45-64	Gordon	Percentage	K
Proportion of Population Ages 65+	Gordon	Percentage	L
II. Education			
Educational Attainment <sup>a</sup>	NIMBY Model	Percentage	F
III. Housing			
Median Value of Owner-Occupied Housing Units	Gordon	Whole Number	N
IV. Income			
Median Family Household Income, 2005-2009 <sup>b</sup>	NIMBY Model	Whole Number	E
V. Political Affiliation			
Proportion of Registered Independent Voters	NIMBY Model	Percentage	N/A
VI. Population, 2010			
Population Size	NIMBY Model	Whole Number	B
Population Growth Rate, 2000-2010	NIMBY Model	Percentage	C
Proportion of Population that is White	NIMBY Model	Percentage	D
Proportion of Workforce in Agriculture	Report Author	Percentage	G
Proportion of Male Population	Report Author	Percentage	M
VII. Municipal Corporation Status <sup>c</sup>	Report Author	Scale Value	A
VIII. Voting Result (Dependent Variable)			
Growth Measure Affirmative Votes <sup>d</sup>	Report Author	Percentage	Y

Sources: Stanislaus County Registrar of Voters, *Statement of Vote of Stanislaus County – Presidential Primary Election, February 5, 2008* (2008); Merced County Clerk & Elections, *Statement of Vote of Merced County – Gubernatorial General Election, November 2, 2010* (2010); U.S. Census Bureau, "2005-2009 American Community Survey 5-Year Estimates," 2005-2009 American Community Survey; ---, "2010 Demographic Profile Data," 2010 Census, August 2011; Glickfeld and Levine, 37; Gordon, "Bargaining in the Shadow of the Ballot Box: Causes and Consequences of Local Voter Initiatives," 41-42.

Notes: Data regarding population affiliation are confidential. As such, population affiliation data were obtained at the county level and not the city or unincorporated community level. The U.S. Census Bureau stopped collecting certain income data for the 2010 Census and instead collected the data for the 2010 American Community Survey (ACS). As of October 17, 2011, the U.S. Census Bureau only released 2010 ACS data for communities with populations of 65,000 and higher, which necessitated the use of older data from the 2005-2009 ACS where appropriate.<sup>127</sup>

<sup>a</sup> Education level attained with a bachelor's degree or higher for population ages 25 and older.

<sup>b</sup> Adapted from Per Capita Income used by original authors.

<sup>c</sup> Variable scale: 0 = unincorporated, 1 = incorporated.

<sup>d</sup> Growth measures were Stanislaus County's Measure E and Merced County's Measure C, respectively.

Many of these variables, such as those from the NIMBY model, are assumed to correlate with growth control and environmental protection measure enactment; some of these variables, such as city status or farm workforce, were not evaluated in previous studies,

<sup>127</sup> U.S. Census Bureau, "Census Bureau Releases 2010 American Community Survey Single Year Estimates," September 22, 2011, [http://www.census.gov/newsroom/releases/archives/american\\_community\\_survey\\_acs/cb11-158.html](http://www.census.gov/newsroom/releases/archives/american_community_survey_acs/cb11-158.html) (accessed October 16, 2011).

but they were included because they were related to the farmland protection in some way (e.g., proportion of agricultural industry workers).

Using the variables presented in Table 11, the multiple regression equation in the following multiple regression analyses would be as follows<sup>128</sup>:

$$Y = b_0 + b_1(A) + b_2(B) + b_3(C) + b_4(D) + b_5(E) + b_6(F) + b_7(G) + b_8(H) + b_9(I) + b_{10}(J) + b_{11}(K) + b_{12}(L) + b_{13}(M) + b_{14}(N) + e, \text{ where}$$

Y = Voting results of Voter-Approval Development Measures

b = Regression weight

e = Residual

Regression weight (*b*) is meant to minimize differences between the actual and estimated values of Y computed in the multiple regression analyses in the Microsoft Excel software program.<sup>129</sup> The residual value (*e*) represents the variance in the outcome (in this case, Y value as the voting results) that is not determined by the regression variables (in this case, A-N values).<sup>130</sup>

### Regression Analyses

This subsection describes the steps used to create the analyses used in this report and also the results of the specific analyses. The analyses had three parts and a total of five analyses.

#### *Part 1. Countywide Analysis Comparing Stanislaus and Merced Counties*

This analysis used county-level census and ACS data for the dependent demographic and socioeconomic variables. Regression analysis was not used because there were only two items being compared.

Since Stanislaus County voters approved their growth management measure, variables where Stanislaus County had higher values were highlighted for potential significance. These variables included: (1) percentage of Independent voters (not included in the four regression analyses), (2) 2010 population size, (3) proportion of white population, (4) median family household income and (5) percentage of residents with a bachelor's degree or higher, (6) median age, (7-9) population ages 25 and older, and (10) median value of owner-occupied units.

There were no correlations for population growth rate and percentage of agricultural industry workers, and the former was similar to findings by Glickfeld and Levine that growth rate was not significant when compared to other variables.<sup>131</sup>

#### *Part 2. Analyses of Cities and Unincorporated Communities*

The following two analyses in Part 2 used multiple regression analysis to determine whether the farmland protection measures (Stanislaus County's Measure E and Merced County's Measure C) were affected simultaneously by several other demographic and socioeconomic factors. Part 2 analyzed specific incorporated and unincorporated

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<sup>128</sup> Babbie, 458.

<sup>129</sup> Ibid., 457-458.

<sup>130</sup> Ibid., 458.

<sup>131</sup> Glickfeld and Levine, 37-38.

communities to determine if there were any differences in election outcomes between the two distinct municipal corporation statuses.

Part 2 analyses included two additional independent variables that were not included in Part 1: one that indicated whether a community was incorporated or unincorporated (i.e., municipality corporation status) and another that had the percentage of voter approval for the growth management initiative (Measures E and C). Percentage of Independent voters was not included because data at the city and CDP level were not available.

*Part 2A. Stanislaus County*

This regression analysis used city and CDP-level Census and ACS data for Stanislaus County, which included nine cities and 14 unincorporated communities (total of 23 observations). Only 14 unincorporated communities (Bret Harte, Bystrom, Del Rio, Denair, East Oakdale, Empire, Grayson, Hickman, Keyes, Riverdale Park, Salida, Shackelford, West Modesto, and Westley) were included in the regression analysis because these were the only Stanislaus County communities that had Census statistics for both 2000 and 2010.

A total of 14 variables were used in this regression analysis. Table 12 presents the regression results for the analysis on local communities on Stanislaus County's Measure E. Two variables were significant (as seen in bold): municipal corporation status, and population of ages 45-64. One variable had slight significance (as seen in italics): percentage of residents with bachelor's degree or higher. Surprisingly, population size and proportion of white population were not significantly related to Measure E's successful passage.

**Table 12: Effects of Demographic and Socioeconomic Characteristics in Local Communities on Stanislaus County's Measure E**

Variable	Coefficient
% Vote Yes (Intercept)	149.3
Municipal Corporation Status	<b>0.8</b>
Population, 2010	-1.6 x 10 <sup>-5</sup>
Population Growth Rate, 2005-2010	0.1
% White Population	0
Median Family Household Income	-1.8 x 10 <sup>-5</sup>
Attained Bachelor's Degree or Higher	0.5
% Employed in Agricultural Industry	-0.7
Median Age	-2.8
Age 18-24	-0.3
Age 25-44	-1.5
Age 45-64	<b>2.5</b>
Age 65+	0.2
% Male Population	8.0 x 10 <sup>-3</sup>
Median Value Owner-Occupied Units	-3.3 x 10 <sup>-5</sup>

Note: Bold indicates significant correlation.

The Multiple R value of the regression results was 0.9, which indicated the total 14 variables were strongly related to the outcome of Measure E (i.e., the closer the value is to 1 means there is a strong relationship between the outcome and the variables).

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### *Part 2B. Merced County*

This regression analysis used city and CDP-level Census and ACS data for Merced County, which included six cities and six unincorporated communities (total of 12 observations). Only six unincorporated communities (Delhi, Hilmar-Irwin, Le Grand, Planada, South Dos Palos, and Winton) were included in the regression analysis because these were the only Merced County communities that had Census statistics for both 2000 and 2010.

Table 13 presents the regression results for the analysis on Merced County's local communities on Measure C. Three variables were significant (as seen in bold): percentage of residents with bachelor's degree or higher, median age, and populations of ages 25-44. Similar to Stanislaus County's Measure E, it was surprising that population size was not significant in Measure C's election outcome.

**Table 13: Effects of Demographic and Socioeconomic Characteristics in Local Communities on Merced County's Measure C**

Variable	Coefficient
% Vote Yes (Intercept)	-109
Municipal Corporation Status	0
Population, 2010	$-3.2 \times 10^{-4}$
Population Growth Rate, 2005-2010	-0.3
% White Population	-0.4
Median Family Household Income	$-1.5 \times 10^{-3}$
Attained Bachelor's Degree or Higher	<b>0.9</b>
% Employed in Agricultural Industry	-1.1
Median Age	<b>4.4</b>
Age 18-24	-1.4
Age 25-44	<b>4.4</b>
Age 45-64	0
Age 65+	-4.6
% Male Population	0
Median Value Owner-Occupied Units	$-2.8 \times 10^{-4}$

Notes: Bold indicates significant correlation.

The Multiple R value of the regression results was 1, which indicated the total 14 variables were strongly related to the outcome of Measure C; however, it should be noted that the multiple regression analysis for Merced County had almost half as many observations as the analysis for Stanislaus County. The low number of observations possibly skewed the regression results.

### *Part 3. Analyses of Urban and Rural Communities*

The following two analyses in Part 3 used multiple regression analysis to determine whether the farmland protection measures (Stanislaus County's Measure E and Merced County's Measure C) were affected simultaneously by several other demographic and socioeconomic factors. Part 3 analyzed specific incorporated and the entire unincorporated county areas to determine if there were any differences in election outcomes between the urban (incorporated cities) and rural (unincorporated county)

communities. Part 3 used the same 14 variables that were included in multiple regression analyses in Part 2.

*Part 3A. Stanislaus County*

This regression analysis was similar to the previous regression analyses in Part 2, but instead compared Stanislaus County's nine cities and its one entire unincorporated county area (total of ten observations) in order to evaluate any significant relationship in urban (city) and rural (county) residents with Measure E's successful passage.

Table 14 presents the regression results for the analysis on Stanislaus County urban and rural communities on Measure E. None of the variables were significantly related to Measure E's successful passage; this may be due to the low number of observations (ten) used in the regression analysis.

**Table 14: Effects of Demographic and Socioeconomic Characteristics in Cities and County Area on Stanislaus County's Measure E**

Variable	Coefficient
% Vote Yes (Intercept)	54.4
Municipal Corporation Status	0
Population, 2010	$4.0 \times 10^{-5}$
Population Growth Rate, 2005-2010	0.1
% White Population	0.2
Median Family Household Income	$-7.26 \times 10^{-5}$
Attained Bachelor's Degree or Higher	0.1
% Employed in Agricultural Industry	-0.3
Median Age	0
Age 18-24	0
Age 25-44	0
Age 45-64	0.1
Age 65+	-0.8
% Male Population	0
Median Value Owner-Occupied Units	$-1.2 \times 10^{-5}$

The Multiple R value of the regression results was 1, which indicated that the total 14 variables were strongly related to the outcome of Measure E; however, it should be noted that this multiple regression analysis had only ten observations. The low number of observations possibly skewed the regression results.

*Part 3B. Merced County*

This regression analysis was similar to the previous regression analysis of Stanislaus County, but instead compared Merced County's six cities and its one entire unincorporated county area (total of seven observations) in order to evaluate any significant relationship in urban and rural (county) residents with Measure C's unsuccessful passage.

Table 15 presents the regression results for the analysis on Merced County urban and rural communities on Measure C. Only one variable was significant (as seen in bold): the percentage of residents with bachelor's degree or higher.

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**Table 15: Effects of Demographic and Socioeconomic Characteristics in Cities and County Area on Merced County's Measure C**

Variable	Coefficient
% Vote Yes (Intercept)	35.9
Municipal Corporation Status	0
Population, 2010	-2.3 x 10 <sup>-4</sup>
Population Growth Rate, 2005-2010	0
% White Population	-0.3
Median Family Household Income	-5.5 x 10 <sup>-4</sup>
Attained Bachelor's Degree or Higher	<b>1</b>
% Employed in Agricultural Industry	-0.2
Median Age	0
Age 18-24	0
Age 25-44	0
Age 45-64	0
Age 65+	0
% Male Population	0
Median Value Owner-Occupied Units	-1.8 x 10 <sup>-4</sup>

Note: Bold indicates significant correlation.

The Multiple R value of the regression results was 1, which indicated that the total 14 variables were strongly related to the outcome of Measure C; however, it should be noted that this multiple regression analysis had only seven observations. The low number of observations possibly skewed the regression results.

**Results**

Similar to previous studies, few demographic and socioeconomic factors correlated to Stanislaus County voters' approval of Measure E and Merced County voters' rejection of Measure C.<sup>132</sup> Table 16 shows the significant demographic and socioeconomic factors found in the regression results. Only one variable, residents with a bachelor's degree or higher, was found to be significant in more than one multiple regression analysis.

**Table 16: Significant Demographic and Socioeconomic Factors Found in Multiple Regression Analyses for Stanislaus and Merced Counties**

Variable	Stanislaus Co.		Merced Co.	
	Table 2	Table 4	Table 3	Table 5
Municipal Corporation Status	Yes	No	No	No
Attained Bachelor's Degree or Higher	Yes	No	Yes	Yes
Median Age	No	No	Yes	No
Age 25-44	No	No	Yes	No
Age 45-64	Yes	No	No	No

The multiple regression results in Parts 2 and 3 were similar to results found in previous studies that voters' education, or more specifically the percent of voters who had a bachelor's degree or higher, was a significant factor in whether voters would approve

<sup>132</sup> Glickfeld and Levine, 36.

growth management measures.<sup>133</sup> Press previously found that voter education was a more significant variable than income, which corresponds to the research findings in this report that income was not a significant variable.<sup>134</sup>

Unfortunately, the multiple regression analyses in this report did not include a variable for political affiliation (specifically, percentage of Independent voters) since previous studies also found it to have significant influence on voter behavior on such measures.<sup>135</sup> Another possible variable for political affiliation to consider would be Republican voters, since previous research found that Republican voters tended to be less supportive of environmental initiatives.<sup>136</sup>

The regression results also indicated that municipal corporation status and age (at least certain age groups) were two possibly significant variables, despite them not being found to be significant in more than one regression analysis.

One limitation to the regression analyses in this report is the small number of observations (i.e., small number of communities analyzed). A robust multiple regression analysis uses at least 30 observations.<sup>137</sup> Based on how the regression analyses in this report were structured, none of the regression models used more than 23 observations. As such, the findings in these regression analyses may not accurately reflect the true relationships between the independent variables (i.e., demographic and socioeconomic factors) analyzed with the dependent variable (i.e., voting results). With a higher number of observations, future multiple regression analyses could determine with more confidence any significant relationships between the election outcomes of Stanislaus County's Measure E and Merced County's Measure C and the demographic and socioeconomic factors of Stanislaus and Merced County voters.

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<sup>133</sup> Press, 838, 845; Glickfeld and Levine, 36.

<sup>134</sup> Press, 838, 845.

<sup>135</sup> Ibid.; Furuseth, "Influences on County Farmland Protection Efforts in California: A Discriminate Analysis," 450; William M. Salka, "Determinants of Countywide Voting Behavior on Environmental Ballot Measures: 1990-2000," *Rural Sociology* 68, no. 2 (2003): 267.

<sup>136</sup> Salka, 267.

<sup>137</sup> Michelle A. Saint-Germain, "PPA 696 Research Methods," <http://www.csulb.edu/~msaintg/ppa696/696regmx.htm> (accessed November 12, 2011).





## **5.0 Influencing and Motivating Factors**

This section documents the influencing and motivating factors of the campaigns of Stanislaus County's Measure E and Merced County's C and analyzes their potential impacts on the final election outcomes. These factors include the roles of stakeholder groups and the potential impacts that information sources had on the two measures. This section also discusses the main issues and talking points that were debated throughout the measures' campaigns and discusses their potential impacts on the eventual election outcomes in Stanislaus and Merced Counties.

Stanislaus County's Measure E and Merced County's Measure C both contained basically the same ballot language and arguably had the same intentions of preserving farmland. While Stanislaus County voters approved Measure E, Merced County voters rejected their version of it (Measure C). This section discusses if there were possible factors in each county that may have led to the different election outcomes.

### **5.1 Stakeholders and Information Sources**

This subsection discusses the role each stakeholder group and information source had on campaigning for and against Stanislaus County's Measure E and Merced County's Measure C, and how those stakeholder groups and information sources impacted the eventual election outcomes in Stanislaus and Merced Counties.

#### ***5.1.1 Elected Officials***

Stanislaus County's Measure E and Merced County's Measure C are two examples of residents using the initiative process to take away certain land use authority from their elected officials. Elected officials arguably would not be entirely supportive of this use of direct democracy since they would be losing some of their decision-making authority. Traditionally, elected officials, in this case the County Boards of Supervisors, are the sole decision makers on land use issues, and the result is County Boards having tremendous roles in shaping their community's development and growth.

It should not be surprising that elected officials would oppose such initiatives that would take away some of their local authority. Table 17 shows the official positions of Stanislaus and Merced County Supervisors on their respective county's farmland preservation initiatives. Official positions of seven out of ten supervisors were determined, and no supervisor outwardly supported either Measures E or C in their respective county. Official positions were unable to be obtained for a few supervisors who served during the initiative campaigns since they currently are no longer in office.

**Table 17: Official Board Supervisor Positions on Stanislaus County's Measure E and Merced County's Measure C**

District	County Supervisor	Office Term	Official Position
Stanislaus – Measure E			
1	William O'Brien	2005-Current	Unknown
2	Thomas Mayfield	1992-2008	Unknown
3	Jeff Grover	2002-2010	Unknown
4	Dick Monteith	2007-Current	Opposed
5	Jim DeMartini	2005-Current	None
Merced – Measure C			
1	John Pedrozo	2004-Current	Opposed
2	Hubert "Hub" Walsh	2008-Current	Opposed
3	Mike Nelson	2002-2010	Opposed
4	Deidre Kelsey	1995-Current	None <sup>a</sup>
5	Jerry O'Banion	1990-Current	Opposed

Sources: Merced County Farmers, "Endorsements," <http://www.mercedcountyfarmers.org/endorsements.htm> (accessed June 16, 2011); Danielle E. Gaines, "Nelson Will Run for New Term on Merced County Board of Supervisors," *Merced Sun-Star*, December 24, 2009; Alessandro Cantatore, "Supervisor Tom Mayfield Dies at 77," Alessandro Sergio Cantatore, entry posted June 27, 2009, <http://alessandrosergiocantatore.com/2009/06/27/supervisor-tom-mayfield-dies-at-77> (accessed September 19, 2011); Tim Moran, "2 Measures on Stanislaus Growth will be on Feb. 5 Ballot," *The Modesto Bee*, October 31, 2007; Deidre Kelsey, interview by author, June 8, 2011; Vito Chiesa, interview by author, June 15, 2011.

Notes: Current Stanislaus County Board Supervisors Vito Chiesa and Terry Withrow were not in office during the February 5, 2008 election for Measure E. Supervisor Chiesa stated that he was "comfortable" with Measure E.<sup>138</sup> Supervisor Withrow supported Measure E.<sup>139</sup> Current Merced County Board Supervisor Linn Davis was not in office during the November 2, 2010 election for Measure C; his official position was unknown.

<sup>a</sup> Official position as told to author and was different than what was reported in a "local newspaper article." The *Merced Sun-Star* published an op-ed piece from Supervisor Kelsey under the title: "Why Merced County Supervisor Kelsey Opposes C."<sup>140</sup>

To counter the agricultural preservation measures, the Boards from both Stanislaus and Merced Counties voted to place separate alternative initiatives (Measures L and D, respectively) on the same election ballots as Measures E and C: Stanislaus County Supervisors voted 4-1 (Supervisor Mayfield dissented) and Merced County Supervisors were unanimous.<sup>141</sup>

Essentially, Stanislaus County's Measure L and Merced County's Measure D intended to clarify any confusion and fix any policy issues or restrictions that Measures E and C, respectively, may possibly create for previously proposed or entitled developments; more specifically in Measure C's case (Merced County), Measure D clarified that land designated in previously approved Specific Urban Development Plans (SUDPs) would be exempted from Measure C.

<sup>138</sup> Vito Chiesa, interview by author, June 15, 2011.

<sup>139</sup> Terry Withrow, interview by author, July 11, 2011

<sup>140</sup> Deidre Kelsey, "Why Merced County Supervisor Kelsey Opposes C," *Merced Sun-Star*, October 20, 2010.

<sup>141</sup> Stanislaus County, "Action Agency Summary – Board Agenda Item #B-10, October 30, 2007," under <http://www.co.stanislaus.ca.us/bos/agenda/2007/20071030/B10.pdf> (accessed October 10, 2011), 1; Merced County, "Summary Action Minutes – Board of Supervisors, Regular Meeting Tuesday, July 27, 2010," under <http://www.co.merced.ca.us/documents/Board%20of%20Supervisors/Board%20Meetings/2010/07-27-2010/07272010.PDF> (accessed October 2010), 7.

Stanislaus County's Measure L and Merced County's Measure D only went into effect if voters also approved Measures E and C (Measure L also needed to have a greater number of voters than Measure E), which enabled the two Boards, if their sponsored initiatives passed, to minimize any appearance that they were undermining the initiative process by being able to declare affirmative voter support for their alternative initiatives.

### 5.1.2 A Divided Farming Community

Many local residents supported preserving agricultural lands, which was the intent of Stanislaus County's Measure E and Merced County's Measure C.<sup>142</sup> The farming community, however, had conflicting interests and mixed feelings about the two measures. First, the economic livelihood of farmers is agriculture so it would seem that it would be in their best interests to preserve agricultural lands from development, if they in fact wanted to remain as farmers. Second, farmers who wanted to preserve their agricultural lands may have disagreed on which policies would better protect farmland from development. On the other hand, some farmers might also want to keep all of their financial options open, and some farmers may find it lucrative to sell their properties to developers. Another conflict involved the issue of property rights and the natural instincts of property owners to want to limit any regulations on their properties.

With regard to voter-approved development initiatives, some farmers disagreed that these initiatives were an appropriate planning tool to preserve agriculture. For example, the County Farm Bureaus for Merced, Napa, Stanislaus, and Ventura Counties had different positions on the topic (Table 18). Though they function largely independent from other Farm Bureaus and serve “to protect and promote agricultural interests,” only Merced and Napa County Farm Bureaus openly supported their respective county voter-approved development initiatives (Measures C and J, respectively); the Ventura County Farm Bureau was the only organization to openly oppose the voter-approved development measure, and the Stanislaus County Farm Bureau had no official position.<sup>143</sup>

**Table 18: Official County Farm Bureau Positions on Voter-Approved Development Measures**

County Farm Bureau	Voter-Approved Development Measure Official Position	Counter Measure Official Position
Merced	Supported Measure C	Opposed Measure D
Napa	Supported Measure J	No Counter Measure
Stanislaus	No Position on Measure E	Supported Measure L
Ventura	Opposed Measure B	Unknown on Measure A

Sources: Jonah Owen Lamb, “Measure C: Three Other California Counties Have Passed Measures to Save Farmland; What Happened?” *The Modesto Bee*, October 28, 2010; Miguel Bustillo, “Farmers’ Group Assailed Over SOAR Ad,” *Los Angeles Times*, October 30, 1998; Wayne Zipser, interview by author, August 24, 2011.

Despite the Stanislaus County Farm Bureau being officially neutral on Measure E, the organization indirectly opposed and campaigned against it in three ways: (1) by helping to write the County Board-sponsored Measure L, the County's initiative to Measure E; (2) officially supporting Measure L; and (3) drafting a supporting response for Measure

<sup>142</sup> Mintier Harnish, 22.

<sup>143</sup> California Farm Bureau Federation, “About Farm Bureau,” <http://www.cfbf.com/about/index.cfm> (accessed September 14, 2011).

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L in the county's election sample ballot (see Appendix B).<sup>144</sup> Fortunately for Measure E proponents, the Stanislaus County Farm Bureau's indirect opposition did not hurt them since Stanislaus County voters approved it regardless.

The actions by the Stanislaus County Farm Bureau contrasted to that of the Merced County Farm Bureau's actions a few years later during the Measure C campaign. The Merced County Farm Bureau (MCFB) not only openly endorsed Measure C, but the organization also contributed a total of \$7,500 to Measure C proponent group Citizens for Quality Growth, including \$5,000 for the initial signature gathering to help get the campaign started.<sup>145</sup> For Measure C proponents, having the endorsement of the MCFB did not seem to help them; and after Measure C failed at the ballot box, the Merced County Farm Bureau lost many local members as a result of the organization's support for the measure.<sup>146</sup>

Another agricultural advocacy group similar to the Farm Bureau, the Merced Chapter of the California Women for Agriculture, faced a similar situation to that of the Merced County Farm Bureau. Having initially supported Measure C which included a monetary contribution to Citizens for Quality Growth, the local Merced County chapter later voted to withdraw its endorsement after much disagreement between its members over the issue.<sup>147</sup> Former *Merced Sun-Star* reporter Jonah Owen Lamb summarized the public disagreement between members of the local California Women for Agriculture chapter over Measure C as the natural conflict for farmers between the “philosophical divide over property rights” and the “personal gain” of selling their land to developers.<sup>148</sup>

These differing positions confirm how divisive this type of agricultural preservation policy (Stanislaus County's Measure E and Merced County's Measure C) was to the farming community. As agriculture advocates, it would seem beneficial to these organizations like Farm Bureaus to support the implementation of many types of farmland preservation policies and tools; however, the issue may not always be about whether such policies and tools actually worked, but whether these policies and tools might work too well and hurt farmers by reducing the potential full values of their land.

Another consideration is that some people, in this case farmers, reject additional regulations out of principle. Some people simply want less government. First, some people think elected officials have too much discretionary power on land use, and that these types of decisions should be made by the people who own the land.<sup>149</sup> Or that market forces and not the government should make these decisions.<sup>150</sup> Second, as former *Merced Sun-Star* reporter Jonah Owen Lamb speculated, since rural voters tend to have more conservative political views and since most farmers tend to live in rural areas, farmers were conflicted between aligning themselves with their political philosophies (i.e., protecting property rights and having less government regulations) and their desires to preserve their farmland from development.<sup>151</sup>

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<sup>144</sup> Wayne Zipser, interview by author, August 24, 2011; Garth Stapley, “Stanislaus County Voters Back Growth Limits,” *The Modesto Bee*, February 6, 2008.

<sup>145</sup> Amanda Carvajal, interview by author, August 22, 2011.

<sup>146</sup> *Ibid.*

<sup>147</sup> “Measure C: Two Camps on Growth,” *Merced Sun-Star*, October 30, 2010; Jonah Owen Lamb, “Farming Groups Split on Backing Sprawl Initiative on November Ballot,” *Merced Sun-Star*, August 27, 2010.

<sup>148</sup> Jonah Owen Lamb, “Farming Groups Split on Backing Sprawl Initiative on November Ballot,” *Merced Sun-Star*, August 27, 2010.

<sup>149</sup> Daniel P. Selmi, “Reconsidering the Use of Direct Democracy in Making Land Use Decisions,” *UCLA Journal of Environmental Law & Policy* 293 (2001): 12.

<sup>150</sup> Furuseth, “Public Attitudes Toward Local Farmland Protection Programs,” 60.

<sup>151</sup> Jonah Owen Lamb, interview by author, August 24, 2011.

It seems contradictory to want advocate for farmland preservation, while rejecting a potential tool that achieves that goal. While Merced County voters possibly saw the irony when voting for Measure C, the issue for farmers possibly came down to being between protecting property rights versus protecting one of the county's most valuable assets—farmland.

### **5.1.3 What Drives Business and Development Communities**

Growth is one issue that the business and development communities tend to support. However, the economic climates in Stanislaus and Merced Counties differed; which resulted in the business and development communities having different strategies in dealing with Measures E and C, respectively. The business and development communities in Stanislaus County did not get involved in opposing Measure E, while their counterparts in Merced County officially organized to campaign against Measure C.

One of the driving forces that led to the creation of Measure E in Stanislaus County was the controversy surrounding the Board's support for a massive expansion of the unincorporated community of Salida. Ahead of the countywide vote for Stanislaus County's Measure E in February 2008, developers qualified the "Salida Now Initiative" on a November 2007 ballot to give residents a choice in deciding whether to allow the Salida's expansion via a controversial updated Community Plan.<sup>152</sup> The Stanislaus County Board earlier ordered an initiative analysis, and when it received the report during an August 7, 2007 board meeting, the Board instead adopted the Salida Community Plan outright with a 3-2 vote (Supervisors O'Brien and Mayfield opposed), thus negating the need for the Salida Now Initiative.<sup>153</sup> The Board did not want to risk voters rejecting the Salida Now Initiative, especially as the Measure E election drew near.<sup>154</sup>

Since it actively organized and campaigned for the Salida Now Initiative, the development community showed that it was a willing participant in the initiative process. However, since there was no formal opposition to Measure E, it seems that the development community in Stanislaus County ignored the Measure E campaign and the County Board-sponsored Measure L campaign as well.<sup>155</sup>

It was likely that the development community collectively decided not to participate in possibly opposing Measure E given how much public outrage was directed at the County Board for circumventing voters in approving the Salida Now Initiative ahead of an election vote.<sup>156</sup> It was also possible that the development community already got what it wanted in the updated Salida Community Plan and corresponding long-term development agreement, and thus saw no advantage in getting involved.<sup>157</sup>

Nonetheless, it was surprising that the Building Industry Association of Central California (BIA) largely sat out the Measure E campaign, only to vigorously fight farmland mitigation requirements a year later through the court system.<sup>158</sup> Instead of campaigning to fight a local farmland preservation initiative (Measure E) that was

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<sup>152</sup> William Fulton, "Pro-Growth Salida Initiative Wins Without Going to Voters," *California Planning & Development Report*, <http://www.cp-dr.com/node/1770> (accessed September 19, 2011).

<sup>153</sup> Garth Stapley, "Salida Growth Plan in Doubt," *The Modesto Bee*, January 23, 2011; Stanislaus County, "The Board of Supervisors of the County of Stanislaus, State of California – Regular Session – August 7, 2007," under <http://www.stancounty.com/bos/minutes/2007/min08-07-07.pdf> (accessed October 10, 2011), 3.

<sup>154</sup> Fulton, "Pro-Growth Salida Initiative Wins Without Going to Voters."

<sup>155</sup> Garth Stapley, "2 Growth Measures Fight it out on Ballot," *The Modesto Bee*, January 20, 2008.

<sup>156</sup> Fulton, "Pro-Growth Salida Initiative Wins Without Going to Voters."

<sup>157</sup> Denny Jackman, interview by author, July 28, 2011.

<sup>158</sup> Garth Stapley, "County Will Continue Battle for Right to Preserve Farmland," *The Modesto Bee*, September 22, 2009; Garth Stapley, "Builders Take Ag Land Case to State Supreme Court," *The Modesto Bee*, January 4, 2011.

organized by local community activists, the BIA fought a farmland preservation regulation that was organized by County officials. The result of the latter efforts was legal precedence in the legality of farmland mitigation.<sup>159</sup> The BIA proved willing to protect its business interests, but in hindsight it may have been easier to convince local residents than court justices.

Measure C proponents were not as fortunate as their Stanislaus County counterparts with the development community in Merced County (including the BIA) being much more active in fighting the voter-approved development measure. The business community also joined in fighting Merced County's Measure C; numerous local Chambers of Commerce outwardly opposed Measure C.<sup>160</sup> Measure C opponents, Merced County Family Farm Coalition, had support from the Merced County Economic Development Corporation; University of California, Merced (UC Merced); and many local developers; including the University Community Land Company, which was charge of developing the University Community that would support the UC Merced campus.<sup>161</sup>

In particular, one developer was arguably the most active in fighting Merced County's Measure C; the Gallo Family, with Joseph Gallo Farms CEO Mike Gallo being the most prominent opponent, financially contributed much of Merced County Family Farm Coalition's campaign funds.<sup>162</sup> The BIA and many businesses also provided financial contributions to Measure C opponents.<sup>163</sup>

While the opposition was joined by a variety of stakeholders from businesspeople to farmers, many of the major contributors had financial stakes in the development of and around Merced and UC Merced.<sup>164</sup> Since the continued expansion of UC Merced was a big local and regional economic engine representing more than \$1 billion of economic activity over the next ten years, it was not surprising that the business and development communities joined to fight Measure C since the measure did not exempt UC Merced or the accompanying University Community.<sup>165</sup>

### 5.1.4 Local Community

Without the support of community members, placing initiatives such as Stanislaus County's Measure E and Merced County's Measure C onto election ballots would not have happened. Community members play a large role in local land use issues. As such, it would be difficult to campaign on local issues without reaching out to community members. This subsection discusses the important roles that community members had in the organizing of voter-approved initiatives in Stanislaus and Merced Counties (Measures E and C, respectively), campaigning for these initiatives, and fighting competing County Board-sponsored initiatives.

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<sup>159</sup> Garth Stapley, "Stanislaus Farmland Mitigation Case Denied," *The Modesto Bee*, February 16, 2011.

<sup>160</sup> Merced County Family Farmers Coalition, "Endorsements," <http://www.mercedcountymfarmers.org/endorsements.htm> (accessed June 16, 2011).

<sup>161</sup> "County Economic Development Corporation's Board Votes to Oppose Measure C," *Merced Sun-Star*, October 30, 2010; Ralph S. Temple Jr., "Too Many Hurdles," *Merced Sun-Star*, October 28, 2010; Merced County, "Summary Action Minutes – Board of Supervisors, Regular Meeting – Tuesday, July 13, 2010," under <http://www.co.merced.ca.us/documents/Board%20of%20Supervisors/Board%20Meetings/2010/07-13-2010/07132010.PDF> (accessed September 19, 2011), 16-17.

<sup>162</sup> Jonah Owen Lamb, "Measure C Vote Drives Wedge in Community," *Merced Sun-Star*, October 30, 2010.

<sup>163</sup> Merced County Clerk, *Recipient Committee Campaign Statement, California Form 460*, November 2, 2010 Election.

<sup>164</sup> David Spaur, "Poor Planning not the Problem," *Merced Sun-Star*, October 30, 2010; "Measure C: Two Camps on Growth," *Merced Sun-Star*, October 30, 2010.

<sup>165</sup> Jamie Oppenheim, "UC Merced Campus Construction Plan Approved," *Merced Sun-Star*, April 3, 2010.

### **Community Activists**

Local community activists, many of whom were almost heavily involved in agriculture, were the main drivers and organizers of Stanislaus County's Measure E and Merced County's Measure C. Whereas Measure E organizers were longtime activists in land use issues; some of whom were members of the local Modesto community group Growth: Orderly, Affordable, and Livable (GOAL); few Measure C organizers had substantial experience in politics.<sup>166</sup>

Experience gave Measure E organizers a major advantage over their Measure C counterparts. Measure E organizers were well known in Stanislaus County, especially to County Supervisors, as longtime supporters of smart growth and farmland preservation. In past newspaper articles about agriculture, development, and growth in Stanislaus County, Measure E organizers typically had substantial involvement in the debates; Measure C organizers lacked that type of history and recognition in Merced County.

Measure E organizers also found it beneficial to have no official opponents, which gave them the opportunity to consistently provide a focused campaign message. Measure C organizers in Merced County, on the other hand, contended with a late opponent that constantly attacked the initiative; Measure C organizers were generally on the defensive for much of the time leading up to Election Day.<sup>167</sup>

Like many local community organizations, Measures E and C organizers had limited campaign resources. Measure E proponents campaigned mostly through word of mouth, a leaflet, a newspaper ad, and a couple of op-ed pieces for the *Modesto Bee*.<sup>168</sup> Measure E organizers felt this effort was sufficient since they did not have to compete with any organized opposition in Stanislaus County.<sup>169</sup>

Similarly constrained by limited resources, Measure C proponents targeted specific markets with print advertisements and mailing inserts; although they did not use television advertisements, they did buy some radio advertising spots during the weeks leading up to the election.<sup>170</sup>

### **Environmental Organizations**

Stanislaus County's Measure E and Merced County's Measure C received different responses from local environmental organizations. While measure organizers generally welcomed any support, there was a divergent view between organizers as to whether support from such environmental groups as Sierra Club and Greenbelt Alliance would hurt or help them.

Measure E proponents intentionally did not solicit support from environment organizations because these organizations tended to be associated with anti-development or anti-growth.<sup>171</sup> Since support from these organizations was likely regardless, Measure E proponents thought it would be best to just focus on the initiative's main goal to preserve farmland and avoid any issues that were not related to their two core ideas: preserve agriculture and reduce costs related to providing services for sprawl.<sup>172</sup>

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<sup>166</sup> Denny Jackman, interview by author, July 28, 2011; Interview with farmer, July 25, 2011.

<sup>167</sup> Interview with farmer, July 26, 2011.

<sup>168</sup> Garth Stapley, "2 Growth Measures Fight it Out on Ballot," *The Modesto Bee*, January 20, 2008.

<sup>169</sup> Denny Jackman, interview by author, July 28, 2011.

<sup>170</sup> Alan Schoff, interview by author, August 8, 2011.

<sup>171</sup> Denny Jackman, interview by author, July 28, 2011.

<sup>172</sup> *Ibid.*



Measure C proponents, Citizens for Quality Growth, took the opposite approach. They spoke with the local chapter of the Sierra Club, received its endorsement, and even posted that official endorsement on their website.<sup>173</sup> While it may have seemed beneficial at first, the endorsement may have possibly harmed proponents by allowing opponents to emphasize the implicit notion that the measure would reduce development and thus hurt jobs in an already down economy.

Measure C opponents were able to spin the issue from preserving farmland to halting economic activity, especially in the path of an expanding UC Merced. Unfortunately, it is unclear what role local environmental organizations had on either Stanislaus County's Measure E or Merced County's Measure C.

### Local Chapters of League of Women Voters

The League of Women Voters (LWV) is one community organization that typically provides guidance on specific issues like the environment. The LWV is a nonpartisan political organization that encourages civic engagement and public participation in the pursuit of improving public policy.<sup>174</sup> The LWV tends to be perceived as non-bias and analytical, which grants the organization some influence among voters on how to vote on certain issues.<sup>175</sup> The local Stanislaus and Merced County chapters took different roles in the campaigns of Measures E and C, respectively; but it is unclear how those roles affected the eventual election outcomes for those two measures.

Although it did not hold any community meetings, the Stanislaus County Chapter produced some opinion pieces in local newspapers, including *The Modesto Bee*, that affirmed its support for Measure E.<sup>176</sup> Similarly the Merced County Chapter did not hold any community meetings regarding Measure C; however in contrast to the Stanislaus County Chapter, the Merced County Chapter of the League of Women Voters had no official position.<sup>177</sup>

### 5.1.5 Media

Local media coverage provided invaluable information to residents about the measures and the issues surrounding those measures, especially in the absence of nonpartisan information sources like the League of Women Voters. The media have the ability to persuade undecided voters with seemingly impartial coverage so that voters can make informed decisions.

#### Newspapers

The dominant form of media coverage on the Stanislaus County's Measure E and Merced County's Measure C was the local newspaper. Local newspapers printed numerous articles about Measures E and C. Table 19 shows the number of printed articles from a variety of the major print and online newspapers in Merced and Stanislaus Counties. As expected, the two major newspapers in Merced and Stanislaus Counties, *Merced Sun-Star* and *The Modesto Bee* respectively, provided the most coverage about the two measures.

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<sup>173</sup> Alan Schoff, interview by author, August 8, 2011; Citizens for Quality Growth, "Endorsements," <http://savefarmland.org/endorsements> (accessed June 16, 2011).

<sup>174</sup> League of Women Voters, "About the League," [http://www.lwv.org/AM/Template.cfm?Section=About\\_Us](http://www.lwv.org/AM/Template.cfm?Section=About_Us) (accessed September 19, 2011).

<sup>175</sup> Marie Bairey, interview by author, September 9, 2011.

<sup>176</sup> Ibid.

<sup>177</sup> Ann Andersen, letter to author, September 26, 2011.

**Table 19: Local Coverage of Merced County's Measure C and Stanislaus County's Measure E**

Measure	Newspaper	Total Number of Articles	Number of Op-Ed Articles
C	Badlands Journal	3	0
	Los Banos Enterprise	4	1
	Merced County Times	4	0
	Merced Sun-Star	19	47
	Modesto Bee	9	2
	West-Side Connect	2	2
E	Badlands Journal	5	0
	The Modesto Bee	20	5
	Patterson Irrigator	2	0

Notes: These articles were found using the search functions on the newspapers' websites (see above), as of June 18, 2011. It is possible that there may be additional published articles on Measures C and E, but they were not accessible from keyword searches used on the respective newspaper websites.

Even though newspapers aim to report impartial coverage on issues, there are sections that allow newspapers to present more opinionated and commentary pieces: columns and editorials. Columnists generally receive more latitude because they write from their point of view. For example, *Modesto Bee* columnist Jeff Jardine wrote a couple of columns about his views on Stanislaus County's Measures E and L; his opinions were apparent in the headlines: "County's Stand-in for SOS is Suspect" and "County's Shenanigans Didn't Stop Measure E."<sup>178</sup>

Both the *Merced Sun-Star* and *The Modesto Bee* provided numerous opportunities for people to write op-eds. *Merced Sun-Star* published at least 47 op-eds regarding Measure C. Op-eds are useful in fostering discussion and providing thoughtful arguments on the issues.

In addition to columns, editorials give newspapers the ability to persuade readers with a succinct argument and official endorsement on certain issues. Table 20 shows the endorsements made by local newspapers on Merced County's Measures C and D and Stanislaus County's Measures E and L. It is possible that some local residents agreed with the judgment of their local newspaper editorials and formulated their personal opinions to match, which would make editorials valuable to the communities; especially considering the editorial endorsements of the *Merced Sun-Star* and *The Modesto Bee* corresponded with the actual voter outcomes of the Measures C and E respectively.

<sup>178</sup> Jeff Jardine, "County's Stand-in for SOS is Suspect," *The Modesto Bee*, October 10, 2007; ---, "County's Shenanigans Didn't Stop Measure E," *The Modesto Bee*, February 7, 2008.

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**Table 20: Local Editorial Endorsements for Measures C, D, E, and L**

County	Newspaper	Measure	Editorial Endorsement
Merced	Badlands Journal	C	No
	Badlands Journal	D	None
	Merced County Times	C	Unknown
	Merced County Times	D	Unknown
	Merced Sun-Star	C	No
	Merced Sun-Star	D	None
Stanislaus	Modesto Bee	E	Yes
	Modesto Bee	L	None
	Patterson Irrigator	E	Unknown
	Patterson Irrigator	L	Unknown

Sources: "Badlands, SJRRC, POW, CVSEN and San Joaquin et al position on Measure C," *Badlands Journal*, October 31, 2010, <http://www.badlandsjournal.com/2010-10-31/007589> (accessed May 24, 2011); "ELECTION DAY: Merced Sun-Star's Endorsements," *Merced Sun-Star*, November 2, 2010; Garth Stapley, "Stanislaus County Voters Back Growth Limits," *The Modesto Bee*, February 6, 2008.

Of course, not everyone agrees with local newspaper editorials. The *Merced Sun-Star* hosted a poll that asked readers if they agreed with its "No on Measure C" editorial; as of June 17, 2011, 67 percent of respondents disagreed with the editorial.<sup>179</sup>

In spite of the editorial differences, the majority of the content from both the *Merced Sun-Star* and *The Modesto Bee* contained generally supportive coverage of the two measures.<sup>180</sup> Former *Merced Sun-Star* reporter Jonah Owen Lamb speculated, with respect to his coverage, that the seemingly pro-Measure C sentiment of his reporting was possibly due to the difficulty getting information directly from Measure C opponents, and in that absence the coverage leaned toward covering Measure C proponents.

It is worth noting that *The Modesto Bee* also published numerous articles about Merced County's Measure C, perhaps because the newspaper and its reporters were aware of how their earlier coverage of Stanislaus County's Measure E may have impacted the placing of Measure C onto Merced County election ballots.

### Radio and Television

Identifying and documenting coverage on local radio and television stations was difficult given how long it has passed since the voting on Stanislaus County's Measure E and Merced County's Measure C took place. There was no discernable way to identify this type of information outside of interviews from measure organizers; however, it was still unclear how these two information mediums impacted the election outcomes for the two measures.

In Stanislaus County, Measure E proponents did not use radio or television advertisements as part of their campaign, mainly due to the lack of any organized opposition to the measure.<sup>181</sup> In Merced County, Measure C proponents did not use

<sup>179</sup> "Our View: Protect Farmland, But not this Way," *Merced Sun-Star*, October 30, 2010.

<sup>180</sup> *Note:* No content analysis on the newspaper articles was performed. This statement was based on the impression gathered after reading the numerous articles found on the two measures.

<sup>181</sup> Denny Jackman, interview by author, July 28, 2011.

television advertisements, but they did use radio advertisements in the weeks leading up to the November 2, 2010 election.<sup>182</sup> In contrast, Measure C opponents extensively used both radio and television advertisements in its campaign.<sup>183</sup> On the Merced County Family Farmer Coalition's website, there is an audio interview with Merced County Family Farmer Coalition representative Greg Thompson on KMJ-AM 580's "Inga Barks Show."<sup>184</sup>

### **Internet and Social Media**

The internet and various social media can have a big impact on political issues in making information easily accessible to people. For those that do not read newspapers, listen to the radio, or watch television, the internet can be a valuable information source. Social media can also be a valuable information source by directing friends and acquaintances to relevant webpages. This subsection documents the use of the internet and social media by proponents and opponents of Stanislaus County's Measure E and Merced County's Measure C.

In Stanislaus County, Measure E proponents did not use social media as part of their campaign since there was no organized opposition.<sup>185</sup> In Merced County, both Measure C proponents and opponents created Internet webpages to provide the public with better access to their respective positions. Measure C proponents had a website "Save Farmland | Vote 'Yes' on C!" that was accessible as of October 7, 2011 (see Figure 4).<sup>186</sup> It contained pages that provided Measure C ballot language text, a list of people who supported Measure C, links to op-eds and other articles about supporting Measure C, and agriculture statistics.<sup>187</sup>

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<sup>182</sup> Alan Schoff, interview by author, August 8, 2011.

<sup>183</sup> Ibid.

<sup>184</sup> Merced County Family Farmer Coalition, "Merced County Farmers – NO! on C," <http://mercedcountymfarmers.org/inga.wmv> (accessed September 18, 2011). *Note:* Greg Thompson also held titles of Development Director for Joseph Gallo Farms and Merced City Planning Commissioner at the time of that radio interview.

<sup>185</sup> Denny Jackman, interview by author, July 28, 2011.

<sup>186</sup> Citizens for Quality Growth, "Save Farmland | Vote 'Yes' on C!" <http://savefarmland.org> (accessed August 7, 2011).

<sup>187</sup> Ibid.



Figure 4: Screen Capture of SaveFarmland.org. Source: Citizens for Quality Growth, “Save Farmland | Vote ‘Yes’ on C!” <http://savefarmland.org> (accessed August 7, 2011).

Measure C opponents also had a website “Merced County Farmers | NO! on C” that was accessible as of October 7, 2011 (see Figure 5).<sup>188</sup> It contained pages a list of people who opposed Measure C, letters and articles about opposing Measure C, a forum, a guest book, and placeholders for embedded YouTube videos that are no longer playable.<sup>189</sup>

<sup>188</sup> Merced County Family Farmers Coalition, “Merced County Farmers | NO! on C,” <http://www.mercedcountymfarmers.org> (accessed June 16, 2011).

<sup>189</sup> Ibid.



**Figure 5: Screen Capture of MercedCountyFarmers.org. Source: Merced County Family Farmers Coalition, “Merced County Farmers | NO! on C,” <http://www.mercedcountyfarmers.org> (accessed June 16, 2011).**

Measure C opponents also utilized Facebook with their “No on Measure C” page (see Figure 6); as of June 16, 2011, there were 298 Facebook users who were connected to it.<sup>190</sup>

<sup>190</sup> “No on Measure C,” 2011, <http://www.facebook.com/no.onmeasurec> (accessed June 16, 2011).



Figure 6: Screen Capture of Facebook.com/no.onmeasurec. Source: “No on Measure C,” 2011, <http://www.facebook.com/no.onmeasurec> (accessed June 16, 2011).

It is unclear how the use of the internet and social media impacted the voting outcomes of Stanislaus County's Measure E and Merced County's Measure C, but it is worth noting that both measure proponents and opponents attempted this type of outreach.

## 5.2 Issues That Influenced Initiative Outcomes

As land use initiatives, Stanislaus County's Measure E and Merced County's Measure C sought to preserve agriculture through the implementation of an additional barrier for development in the planning process. Regardless, there were additional issues and factors that were identified during the respective campaigns that uniquely motivated different residents. This subsection documents the issues raised during the campaigns in Stanislaus and Merced Counties; including politics and electioneering, campaign finances, the economy, misinformation and voter confusion, and property rights; in greater detail and discusses their impacts on the final outcomes of the two measures.

### Politics and Political Campaigning

Direct democracy can be troublesome for elected officials. On one hand, direct democracy represents an engaged electorate, which few elected officials would reject as terrible.<sup>191</sup> On the other hand, it also represents the perception that citizens think their elected officials are either not listening to them or not willing to act, at least on the issues raised by specific initiatives. However, the fact remains that the use of direct democracy shifts decision-making from elected officials to the voting public, which possibly

<sup>191</sup> Ferraiolo, 433.

influenced the Stanislaus County and Merced County Boards to act accordingly in order to preserve their respective land use authorities.<sup>192</sup>

One point that can be most frustrating is the fine line that elected officials must navigate when reacting to an initiative that explicitly takes away some of their land use authority, such as Stanislaus County's Measure E and Merced County's Measure C. Ferraiolo found that “reluctant” and “intent” were two terms widely used by leaders regarding their subsequent legislative tinkering with past voter-approved initiatives.<sup>193</sup> These same two terms seem relevant in describing both the specific policy and ballot initiative tinkering because of the soon-to-be-decided voter-approved development measures (Measures E and C). Regarding their reactions to Measures E and C, the Stanislaus and Merced County Boards, respectively, took different paths, yet the aforementioned terms are still appropriate descriptions.

Even though there was no organized opposition to Measure E in Stanislaus County, the Stamp Out Sprawl Committee still received stiff resistance, mainly from the Stanislaus County Board of Supervisors. The Stamp Out Sprawl Committee actually gathered enough signatures to qualify Measure E for the ballot two years earlier in 2006, but the Board delayed placing the initiative on a ballot until 2008.<sup>194</sup> In addition to placing a “decoy” initiative (County Board-sponsored Measure L) to compete and conflict with Measure E, and approving the Salida Now Initiative outright only months earlier, these actions (*The Modesto Bee* described them as “shenanigans”) represented deliberate attempts by the Stanislaus County Board to use the initiative process in order to preserve its own decision-making abilities.<sup>195</sup>

Except for initiative delay event, Citizens for Quality Growth had similar experiences with the Stamp Out Sprawl Committee campaigning for Measure C in Merced County, as proponents received much of their initial resistance from the Merced County Board of Supervisors, although for arguably a different reason. Similar to Stanislaus County Supervisors, Merced County Supervisors also placed an initiative to compete with the voter-approved development measure; however, Merced County Board's Measure D did not conflict policy-wise with Measure C since the Board sought to only improve Measure C by amending it to protect previously entitled developments, such as the University Community, and the future expansion of the UC Merced.<sup>196</sup>

It was around that same time that UC Merced and the development community joined to challenge Measure C as well.<sup>197</sup> Considering how significant UC Merced was to Merced County and the entire Valley, it was not surprising that protecting the university's expansion and growth became a shared cause for Measure C opponents.

Both the Stanislaus and Merced County Boards reacted to the voter-approved development initiatives (Measures E and C, respectively) that went before their residents at the ballot box. The reactions differed according to the priorities of each Board: Stanislaus County Supervisors valued preserving their land use authority and Merced County Supervisors valued preserving the unhindered expansion of UC Merced.

### *Campaign Contributions and Finances*

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<sup>192</sup> Ferraiolo, 434.

<sup>193</sup> *Ibid.*, 436.

<sup>194</sup> Denny Jackman, interview by author, July 28, 2011.

<sup>195</sup> Garth Stapley, interview by author, August 24, 2011.

<sup>196</sup> Deidre Kelsey, interview by author, June 8, 2011; John Pedrozo, interview by author, July 5, 2011.

<sup>197</sup> Denny Jackman, interview by author, July 28, 2011.



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Campaign finance is a significant factor in election campaigning, which could impact election outcomes. Organizers typically need a significant amount of funds in order to run effective campaigns. For instance, ballot initiatives typically require organizers to collect a certain number of signatures from eligible residents in order to be placed on an election ballot; organizers generally pay signature gatherers for this task. Additional campaign expenses include creating promotional materials and advertising.

Proponents for Stanislaus County's Measure E and Merced County's Measure C raised varying amounts, mainly because Measure E proponents did not have to compete with an opposing group and Measure C proponents did. Table 21 shows the campaign finance totals for the supporting and opposing groups of Measures E and C. Measure E proponents raised a total of approximately \$42,417 for their campaign; Measure C proponents raised a total of \$63,338 or about 50 percent more than their Stanislaus County counterparts.

**Table 21: Total Campaign Finances for Measures E and C**

	Stanislaus County		Merced County	
	Measure E Proponents	Measure E Opponents	Measure C Proponents	Measure C Opponents
	(\$)	(\$)	(\$)	(\$)
Monetary Contributions	39,142	0	61,038	141,032
Total Contributions Received	42,418	0	63,338	151,388
Payments Made	39,142	0	62,879	141,122
Total Expenditures Made	39,142	0	65,179	151,478

Sources: Data adapted from Stamp Out Sprawl (SOS) Committee for Measure E, "Campaign Disclosure Statement Summary Page," January 1, 2006 through June 30, 2008; Data adapted from Citizens for Quality Growth, "Campaign Disclosure Statement Summary Page," December 2, 2009 through December 31, 2010; Merced County Family Farmer Coalition Against Measure C, "Campaign Disclosure Statement Summary Page," July 1, 2010 through December 31, 2010.

Notes: Figures are rounded. Total contributions received include both monetary and nonmonetary contributions. Total expenditures made include the following categories: payments made, loans made, accrued expenses (unpaid bills), and nonmonetary expenditures.

Whereas Measure E proponents had no official group opposing them, Measure C proponents competed with an opposition group that raised approximately \$151,478 or almost \$86,299 (about 132 percent) more than them. According to campaign disclosure statements, Measure C opponents raised and spent most of their campaign funds within the final three months leading up to the November 2, 2010 election.<sup>198</sup>

Most of the big financial contributors were found in the Measure C campaign. Table 22 shows the contribution breakdowns for Measures E and C. There were 18 contributors of \$5,000 and higher in the Measure C campaigns; there was only one such contributor in the Measure E campaign.

<sup>198</sup> Citizens for Quality Growth, "Campaign Disclosure Statement Summary Page," December 2, 2009 through December 31, 2010; Merced County Family Farmer Coalition Against Measure C, "Campaign Disclosure Statement Summary Page," July 1, 2010 through December 31, 2010.

**Table 22: Top Campaign Contributors for Measures E and C**

Amount Total (\$)	Number of Contributors	Percent of Total
Measure E		
Stamp Out Sprawl Committee		
<1,000	14	10
1,000-2,499	8	24
2,500-4,999	8	54
5,000-9,999	1	12
10,000+	0	0
Total	31	100
Measure C		
Citizens for Quality Growth		
<1,000	64	20
1,000-2,499	11	20
2,500-4,999	3	17
5,000-9,999	4	42
10,000+	0	0
Total	82	100
Merced County Family Farmers Coalition		
<1,000	32	7
1,000-2,499	16	13
2,500-4,999	4	9
5,000-9,999	9	33
10,000+	5	39
Total	65	100

Sources: Data adapted from Stanislaus County Registration and Elections Division, "Recipient Committee Campaign Statement, California Form 460," February 5, 2008 Election; Data adapted from Merced County Clerk, "Recipient Committee Campaign Statement, California Form 460," November 2, 2010 Election; Data adapted from Merced County Clerk, "Late Contribution Report, California Form 497," November 2, 2010 Election.

Notes: Figures are rounded. This table reflects amendments and revisions made to subsequent campaign disclosure statements as provided by Stanislaus and Merced Counties. In some instances, the same contributors were listed multiple times, which meant they contributed on multiple occasions. The contributions were totaled, and no contributor was listed more than once. Also, in a few instances, contributors were named differently (but not substantially) on multiple sheets, and this table reflects accurate consolidation of those contributors.

Citizens for Quality Growth received over 42 percent of its total fundraising from four contributors of \$5,000 to \$9,999 and none over \$10,000; the Merced County Family Farmers Coalition, on the other hand, received almost 72 percent of its total fundraising from 14 contributors of \$5,000 and higher, with five contributing over \$10,000. Those five were all members of the Gallo Family, who also owned 5 G's Corp., that proposed the

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Yosemite Lakes development project near UC Merced, which would have been negatively affected if Measure C passed.<sup>199</sup>

In one newspaper article, The *Merced Sun-Star* published a partial list of specific contributors for both Measure C proponents and opponents. Many contributors identified as Measure C proponents were either farmers or involved in the farming community, such as the Merced County Farm Bureau; the Merced County Farm Bureau was Citizens for Quality Growth's biggest contributor.<sup>200</sup> The contributors identified as Measure C opponents had more mixed backgrounds; some were developers, some were farmers, one listed contributor was a farm that was located on land within the future University Community boundaries, and another was the Building Industry Association of Central California.<sup>201</sup>

With 63,121 yes votes, Measure E proponents spent approximately \$0.62 per vote. With 19,438 yes votes, Measure C proponents spent approximately \$3.35 per vote; on the other hand, with 24,953 no votes, Measure C opponents spent approximately \$6.07 per vote. And with their successful defeat of Measure C in Merced County, opponents also proved contrary to earlier academic research that stated outspending proponents by less than a 6:1 ratio ensured a very high likelihood of voters approving similar pro-environmental measures.<sup>202</sup> As found in previous research, business groups proved adept at defeating measures, and their collective actions in Merced County were successful in defeating Measure C.<sup>203</sup> Unfortunately for Measure C proponents, they were significantly underfunded and were forced to compete against opponents that outspent them by almost double. If they have organized opponents, proponents of growth management measures should raise campaign contributions at similar amounts to their counterparts or risk having to play catch-up for the entire election campaign.

### **Economy**

It was difficult to analyze how the economy impacted the outcome of either Stanislaus County's Measure E or Merced County's Measure C since there was not much data available for appropriate evaluation, such as specific employment statistics for agricultural and construction workers. The latter workforce statistics may correspond to the amount of local construction and development that occurred. With little to no data, it was unclear whether the economy affected whether the voting outcomes of either Measure E or Measure C.

However, one statistic that may point to the economy having a potential impact is the unemployment rate. In Merced County, the unemployment rate was about 18 percent in 2010; in Stanislaus County, the unemployment rate was much lower at about 11 percent in 2008 when residents there decided on Measure E. It is reasonable to assume that any potential impact to Merced County's economic recovery would have influenced voters' decisions on whether to approve or reject Measure C. Figure 7 shows the unemployment rates of California, Merced and Stanislaus Counties from 1990 to 2010. It is worth noting that since 1990 both Stanislaus and Merced Counties have had higher unemployment rates than the entire state average over the same time period.

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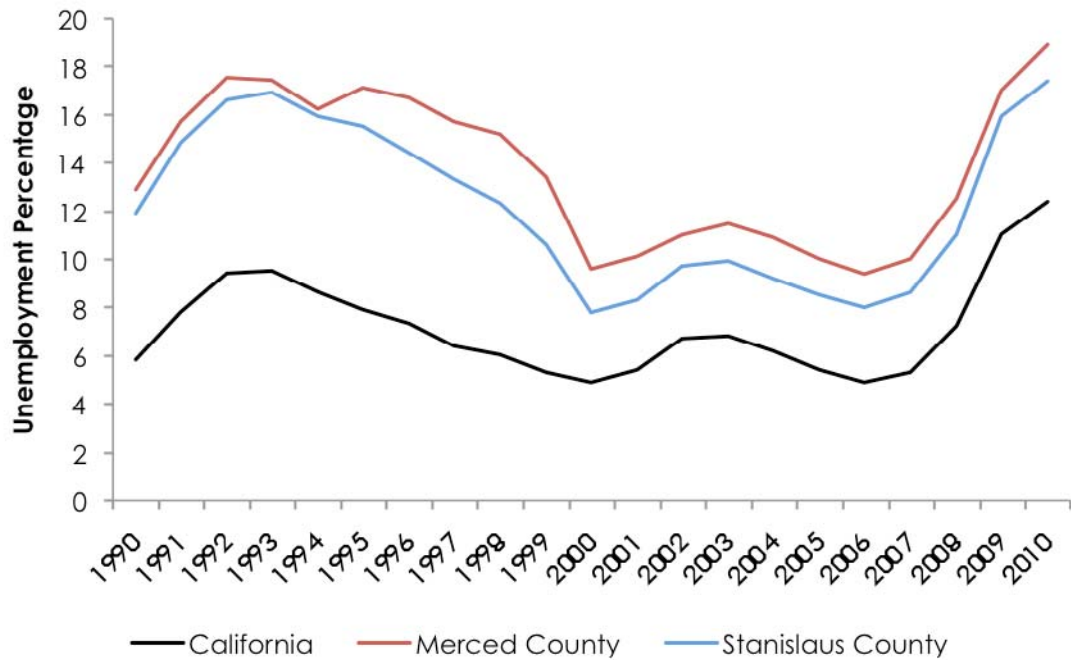
<sup>199</sup> "Measure C: Two Camps on Growth," *Merced Sun-Star*, October 30, 2010.

<sup>200</sup> *Ibid.*

<sup>201</sup> *Ibid.*

<sup>202</sup> Glickfeld, Graymer, and Morrison, 7.

<sup>203</sup> Lupia and Matsusaka, 471.



**Figure 7: Unemployment in California, Merced and Stanislaus Counties, 1990-2010.**  
**Source:** Data downloaded from California Employment Development Department, “Labor Force & Unemployment Data,” October 2011, <http://www.labormarketinfo.edd.ca.gov/Content.asp?pageid=164> (accessed October 17, 2011). *Note:* Statistics are not seasonally-adjusted.

Stanislaus County voters decided on Measure E during what turned out to be near the start of the recent recession in 2008, while Merced County voters decided on Measure C during the middle of the recession in 2010. Many interviewees were unsure if the economy played a role in the outcome of either measure. Likewise, many interviewees were also undecided if the outcome of either Stanislaus County’s Measure E or Merced County’s Measure C effected development given the current state of the economy.<sup>204</sup> Unfortunately, there was not enough data to measure the economy’s role in influencing voters in Stanislaus and Merced Counties.

**Misinformation and Voter Confusion**

Many interviewees stated that misinformation and voter confusion were two of the most significant factors in both campaigns for Measures E and C. Unlike Measure E proponents, Measure C proponents experienced such misinformation from organized opponents that helped add to voter confusion.

*Did Residents Understand the Initiatives?*

Measure E proponents crafted an initiative that did not get formal opposition in Stanislaus County. The Stanislaus County Supervisors who were interviewed stated that they did not disagree much with Measure E and stated that their competing Measure L was an attempt to compromise and allow the Board to retain some land use discretion that it would have lost if Measure E were approved.<sup>205</sup>

<sup>204</sup> Garth Stapley, interview by author, August 24, 2011.  
<sup>205</sup> Jim DeMartini, interview by author, June 10, 2011.

On the other hand, many interviewees stated that Merced County's Measure C was poorly written since it did not include exemptions for the University Community and other previously approved UC Merced-supporting developments.<sup>206</sup> Measure C appeared to be written using the same language as Stanislaus County's earlier Measure E and unmodified to fit the different political and economic environments of Merced County. By the time organizers determined the measure language needed to be revised in response to those criticisms, it was too late to change the ballot language.<sup>207</sup>

Also, there was a printing mistake on some mailed absentee ballots in which Measure C's working title was put on Measure D.<sup>208</sup> Unfortunately, since these materials were already mailed, it was difficult to recall them and no revised materials were printed or mailed ahead of Election Day.

### *Competing Initiatives Further Confused Residents*

Both Measure E and Measure C proponents experienced firm opposition from their respective Stanislaus and Merced County Boards of Supervisors. The results were inevitable politics, viewed as calculated tactics that confused and possibly alienated some voters. The Board-sponsored counter measures potentially impacted the agricultural preservation measures by contributing more to already confusing issues and initiatives.

While the two Boards publicly supported citizen rights, ultimately neither Board wanted to lose any land use authority to voters.<sup>209</sup> To protect their governing and other stated interests, both Boards crafted competing initiatives that, at best, served to clarify confusing items and draft better land use policy (Merced County Board), or, at worse, confused and distracted voters from truly understanding the measures (Stanislaus County Board).<sup>210</sup>

*Modesto Bee* columnist Jeff Jardine suggested the latter intent was obvious, stating that over 5,500 “under votes” in the final voting results indicated that voters were either confused or plain apathetic to both Measures E and L.<sup>211</sup> An “under vote” occurs when a voter fails to register a vote for a particular ballot item after registering votes on other items.<sup>212</sup> In addition, considering that both Measure E and L received more than 50 percent of the vote total, it was possible that many overlapping voters did not fully understand that the two measures actually conflicted with each other.

By one person's account, Stanislaus County's Measure L was not written as well as Merced County's Measure D.<sup>213</sup> Another person complimented the latter initiative in successfully confusing the main issues of Merced County's Measure C.<sup>214</sup> In addition, many voters seemed confused about how the competing initiatives (Merced County's Measure D and Stanislaus County's Measure L) actually differed, if at all, to the farmland preservation initiatives (Measures C and E, respectively). For instance, some Merced County voters thought voting for County Board-sponsored Measure D actually affirmed or expressed approval for Measure C; this may explain why Measure D received so many

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<sup>206</sup> Deidre Kelsey, interview by author, June 8, 2011; Alan Schoff, interview by author, August 8, 2011.

<sup>207</sup> Deidre Kelsey, interview by author, June 8, 2011.

<sup>208</sup> Alan Schoff, interview by author, August 8, 2011.

<sup>209</sup> Jonah Owen Lamb, interview by author, August 24, 2011.

<sup>210</sup> Deidre Kelsey, interview by author, June 8, 2011; Garth Stapley, interview by author, August 24, 2011.

<sup>211</sup> Jeff Jardine, “County's Shenanigans Didn't Stop Measure E,” *The Modesto Bee*, February 7, 2008.

<sup>212</sup> Election Data Services, Inc., “Overvotes and Undervotes,” *2004 Election Day Survey Report, Part 2 Survey Results*, September 27, 2005, under <http://www.eac.gov/assets/1/AssetManager/2004%20EAVS%20Chapter%208.pdf> (accessed November 14, 2011), 8-1.

<sup>213</sup> Alan Schoff, interview by author, August 8, 2011.

<sup>214</sup> Interview with farmer, July 26, 2011.

more yes votes compared to Measure C, and remarkable considering many Save Farmland proponents were congratulated afterwards by many supporting voters.<sup>215</sup> It seems that many Merced County voters did not understand that approving Measure D also required approving Measure C.

Conversely in Stanislaus County, in order for Measure L to be implemented, it needed to receive more total votes than Measure E, which it did not receive. Considering that so many voters approved Measure L, the Stanislaus County Board almost succeeded in limiting Measure E's impact, but it seems that enough voters were aware that supporting Measure E meant that they also needed to reject the County Board-sponsored Measure L.

Competing Board-sponsored initiatives serve to give voters alternative choices at the ballot box. Regardless of their intents, Board-sponsored initiatives add further confusion to already chaotic campaigns and elections, which may possibly turn off residents from voting completely on any particularly confusing ballot initiative. Considering that there were over 5,500 “under votes” representing almost 6 percent of the total ballots cast in the Stanislaus County’s Measures E and L election, it was possible that many more voters who filled out their ballots completely were not fully confident in their vote choices.

### *Do Such Initiatives Take Away Property Rights?*

One main argument against planning measures and policies, in general, is that they impede on property rights. The property rights issue served to greatly distract and confuse voters. In Stanislaus County, Measure E proponents rightfully avoided it.<sup>216</sup> In Merced County however, Measure C proponents could not avoid the issue as easily since they faced so much opposition and it became such a discussed issue.

Although property rights have always been a main talking point in urban planning, courts have consistently maintained that legal planning principles require some limit of property rights for the good of the public/community.<sup>217</sup> In abstract terms, however, property rights are a big concern for many residents, especially homeowners. An oft-repeated objection to Stanislaus County's Measure E and Merced County's Measure C was how it was unacceptable to allow non-neighboring city residents in deciding what happens to county farmland or rural properties.<sup>218</sup>

It may also be possible that some residents lacked a solid understanding of the planning and development processes. As Merced County Supervisor Kelsey stated, despite property owners having certain rights that property owners were not guaranteed any use of their property beyond what the current zoning allowed.<sup>219</sup> For Merced County voters, when it came down to deciding between the protection of county farmland protection and protection of individual property rights, they showed that property rights were very important to them.

### *Public Services and Public Safety*

The issue of public services differed between Stanislaus and Merced Counties, and as such it was unclear whether the costs of providing public services were a motivating factor for voters. In Stanislaus County, Measure E proponents highlighted the increasing

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<sup>215</sup> Alan Schoff, interview by author, August 8, 2011.

<sup>216</sup> Denny Jackman, interview by author, July 28, 2011.

<sup>217</sup> Fulton and Shigley, 48-57.

<sup>218</sup> John Pedrozo, interview by author, July 5, 2011.

<sup>219</sup> Deirdre Kelsey, interview by author, June 8, 2011.

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costs to provide services, such as sewer lines and police services, to far-flung developments as one reason to vote for Measure E and help reduce sprawl.<sup>220</sup>

In Merced County, Measure C opponents directed the issue toward the risk of having possibly reduced public services by restricting growth; the subsequent property tax losses would harm services like law enforcement.<sup>221</sup> Education and public safety were two big concerns among residents, and unfortunately Measure C proponents were never able to successfully counter these arguments.

It is worth noting that two officials from the Merced Office of Education were listed as endorsers in opposition to Measure C.<sup>222</sup> Additionally, the Merced County Deputy Sheriff's Association opposed Measure C and contributed \$1,000 to Merced County Family Farmers Coalition, which possibly validated concerns that Measure C would impact public safety to voters.<sup>223</sup> The latter issue, however, was not limited to Merced County since it could have just as easily been a talking point in Stanislaus County had it been brought up, as Stanislaus County Supervisor Chiesa stated public safety being the current leading issue among residents.<sup>224</sup>

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<sup>220</sup> Denny Jackman, interview by author, July 28, 2011.

<sup>221</sup> Alan Schoff, interview by author, August 8, 2011.

<sup>222</sup> Merced County Family Farmers Coalition, "Endorsements," <http://www.mercedcountyfarmers.org/endorsements.htm> (accessed June 16, 2011).

<sup>223</sup> Ibid; Merced County Family Farmer Coalition Against Measure C, "Campaign Disclosure Statement Summary Page," July 1, 2010 through December 31, 2010.

<sup>224</sup> Vito Chiesa, interview by author, June 15, 2011.

## 6.0 Conclusion and Recommendations

This section concludes by summarizing the report findings and predicting how the election outcomes in Stanislaus and Merced Counties will affect land use and growth in the future. This section also suggests recommendations for stakeholders based on information and data gathered for this report.

### 6.1 Conclusion

This subsection summarizes the research findings from this report.

#### 6.1.1 Findings

There were three main motivating factors that likely led Stanislaus County voters to approve Measure E:

1. No development projects in Stanislaus County that compared to the UC Merced campus expansion in size or economic impact
2. Voter resentment of elected officials
3. Lack of formal opposition

Conversely, the three main motivating factors that likely led Merced County voters to reject the similar Measure C were the opposite of the three motivating factors for Stanislaus County voters (Measure E):

1. There was at least one major development project in Merced County, the UC Merced campus expansion, that had a significant local and regional economic impact
2. No voter resentment of elected officials
3. Formal opposition that was well-funded

While preserving agricultural lands continues to a big priority for Valley residents, it clearly could not compete against the desire to promote growth and the economic activity that results from development. As Merced County residents confirmed in opposing Measure C and supporting Measure D, the benefits of the continued expansion of the UC Merced campus seemed more important than preserving farmland, at least at the time of the November 2, 2010 election.

Had supporting UC Merced projects been protected in Measure C, there might have been a different outcome in Merced County. At the time of the Measure E election, Stanislaus County had no comparable definite development project that resulted in the comparable economic benefits as UC Merced. Considering how much the recession impacted Merced County, it was doubtful that voters would approve anything that would possibly hurt the county's biggest economic engine: UC Merced.

In addition, the different political environments in Stanislaus and Merced Counties affected how county voters perceived the respective Measures. In the months leading up to the Measure E election, Stanislaus County Supervisors circumvented the initiative process entirely by approving the controversial Salida Now Initiative without receiving any voter input. Many in Stanislaus County denounced the Board's decision, which



further added to the perception that the County Board did not respect the opinions of the electorate. Since that Stanislaus County Board decision occurred so soon ahead of the Measure E vote, it is possible that the anger was still fresh in the voters' minds as evident in Measure E's passing.

While Merced County leaders showed a pro-development agenda over the years, there had not been a similar single event that represented enough of a lack of confidence in elected officials to galvanize local residents against them.<sup>225</sup> In Stanislaus County, Measure E proponents could point to Salida as a prime example of County Supervisors promoting growth over farmland protection; Measure C proponents could not point such a definitive target, which enabled opponents to unleash a variety of tangential issues that stuck with voters, but that proponents could never successfully counter.

Also, Stanislaus County residents embraced the initiative process more than Merced County residents. Between 1990 and 2000, voters in Stanislaus County qualified between 50 and 70 percent of local initiatives for subsequent elections; within that same timeframe, voters in Merced County qualified zero local initiatives.<sup>226</sup> Overall, Merced County voters did not seem to view the initiative process as positively as Stanislaus County voters, which probably contributed to Merced County residents feeling reluctant to implement such a far-reaching policy.

Unfortunately, the regression analyses conducted for this report could not yield reliable insight into voter behavior or confirm whether specific demographic and socioeconomic variables likely correlated with the election outcomes of Stanislaus County's Measure E or Merced County's Measure C. In the absence of external factors like formally opposing stakeholders or competing ballot initiatives, demographic and socioeconomic factors of residents might be a better predictor than for outcomes of initiatives, similar to the case for predicting the outcome of voter-approved development measures.

### 6.1.2 Looking Ahead—Can the Initiative Process be Avoided?

The initiative process represents a last resort for people who felt their elected officials were not making the right decisions. As Merced County experienced with Measure C, these issues and campaigns can be divisive. While there will always be policy disagreements, communities could possibly avoid the use of such extreme decision-making in three ways:

1. **Plan for growth.** Increased planning can alleviate land use conflicts by allowing all stakeholders to contribute equally to the discussion regarding their community's growth. Planning processes like the General Plan Update are perfect forums for such discussions.
2. **Encourage public participation.** Attempts to circumvent the authority of elected officials with initiatives like voter-approved development measures were borne out of voters' dissatisfaction with their local leaders and the need for some way to get their attention.<sup>227</sup> Having more opportunities to participate would allow residents to voice their opinions and be engaged in their communities.

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<sup>225</sup> Jeff Freitas, *Minor Subdivisions of Agricultural Land in Merced County: A Study of the Agricultural Resources and Potential Cumulative Impacts of Minor Subdivisions in Merced County, 1998-2008* (Valley Land Alliance, 2011), ii.

<sup>226</sup> Gordon, "The Local Initiative in California," 31.

<sup>227</sup> Garth Stapley, interview by author, August 24, 2011.

3. **Provide a diverse range of policies and tools.** Not everyone will agree on specific policies and tools to achieve their community's goals, such as agriculture preservation, so having a flexible approach provides numerous options and reduces potential conflicts.

### 6.1.3 Further Research Opportunities

Research for this report revealed three further opportunities for additional analyses on the topic of voter-approved development measures.

1. Interview participants and stakeholders who opposed such measures. Only proponents of voter-approved development measures were interviewed for this report because no opponents responded to interview requests. Former *Merced Sun-Star* reporter Jonah Owen Lamb received a similar lack of responses from opponents during his earlier coverage of Merced County's Measure C, which he speculated was one possible reason that his reporting may have seemed supportive of Measure C: no opponent would talk to him.<sup>228</sup>
2. Analyze whether earlier initiatives in Napa and Ventura Counties (Measures J and B, respectively) actually succeeded in preserving agricultural lands and reducing sprawl. Local leaders and farm advocates in Napa and Ventura Counties generally agreed that the two initiatives were successful, but the evidence was more anecdotal than analytical.<sup>229</sup> Analyzing the impacts in Napa and Ventura Counties would provide further evidence to the true success or failure in voter-approved development measures in preserving agriculture.
3. Similarly, analyzing Stanislaus and Merced Counties in the future (assuming nothing changes regarding voter-approved development measures) would help determine whether Stanislaus County's Measure E preserved agricultural lands as intended or not, especially when compared to how Merced County developed without such a similar restriction.

## 6.2 Recommendations

This subsection provides suggested recommendations for appropriate stakeholders regarding their individual involvement with Stanislaus County's Measures E and Merced County's Measure C, as well as similar measures. Since this report analyzed how each stakeholder group impacted its respective measure, it seems appropriate to qualify those impacts and recommend actions that seemed beneficial to the each group's position, including which talking points to possibly highlight during future campaigns.

### 6.2.1 Elected Officials

#### Place Counter Measure on Same Ballot

Elected officials should consider placing counter measures on the same ballots as the voter-approved development measures. With the exception of Napa County, Boards of Supervisors from Ventura, Stanislaus, and Merced Counties placed counter measures to serve as alternatives to what might otherwise be one-sided issues of implementing specific agricultural preservation policies.

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<sup>228</sup> Jonah Owen Lamb, interview by author, August 24, 2011.

<sup>229</sup> ---, "Measure C: Three Other California Counties Have Passed Measures to Save Farmland; What Happened? *Merced Sun-Star*, October 28, 2010.

## VOTER-APPROVED DEVELOPMENT

As the voting results pointed out, for various reasons not everyone supported voter-approved development measures; many people even supported the County Board-sponsored counter measures. A counter measure would serve two main purposes:

1. Affirm voter support in local elected officials.
2. Present an alternative viewpoint and provide a different choice.

First, some residents still supported and trusted their elected officials to make good decisions of their behalf; votes for the counter measures affirmed that support. In fact, the counter measures in both Stanislaus and Merced Counties both received majority support from voters. With regard to Measure D, Merced County voters overwhelmingly supported it over Measure C, concluding that most county voters seem to have agreed with Supervisors in protecting existing development projects like the UC Merced campus expansion and proposed University Community from Measure C policies.

Second, some residents considered voter-approved development measures as being a very extreme policy (i.e., being far different from the status quo). By providing an alternative measure, Supervisors contribute more to the discussion by presenting voters with additional choices. Since voters would rather have incremental policy changes than extreme changes, a more conservative approach (at least compared to an “extreme” approach) may satisfy their need for change while not having to resort to approving policies that were relatively radical in comparison.<sup>230</sup>

### 6.2.2 Proponents

#### **Keep the Message Simple**

Proponents should consider maintaining a simple focused message when promoting their respective initiatives. In Stanislaus County, Measure E proponents benefited from a lack of organized opposition and were able maintain their message that Measure E sought to preserve agricultural lands while reducing the costs of providing services to sprawling developments. It was a simple message.

On the other hand, in Merced County, Measure C proponents could not simplify their message and thus it became something convoluted that did not resonate with many residents. Measure C proponents constantly needed to counter arguments made by opponents, such as Measure C would harm property rights and reduce public services. Measure C proponents spent so much effort proving what Measure C would not do and spent little effort emphasizing what Measure C would do: preserve farmland.

#### **Get More Community Input Before Going All-In**

One consistent complaint from Board Supervisors was that proponents of Measures E and C never attempted to contact or consult with them before organizing their initiatives and corresponding election campaigns. While it may seem redundant and tedious for proponents to discuss the Measures with the elected officials they hoped to strip away some land use authority, doing so might have strengthened proponents' arguments by knowing what the potential counter arguments were.

For example, Stanislaus County Supervisors emphasized implementing more comprehensive community planning by sponsoring Measure L, such as updating the County's decades-old General Plan and addressing community grievances on growth and

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<sup>230</sup> Gerber and Phillips, “Evaluating the Effects of Direct Democracy on Public Policy: California's Urban Growth Boundaries,” 327.

deficient agricultural preservation policies. Since many voters liked Measure L, as evident by the large number of voters that approved it, perhaps Measure E organizers may have possibly chosen the less extreme route of Measure E and instead pushed for a comprehensive General Plan Update instead. Had Measure E failed, it possibly would have been a major factor.

In Merced County, had Measure C organizers sought more community input, they might have recognized the importance of not hindering the UC Merced campus expansion and related development projects; Measure C proponents surely would have exempted those projects.<sup>231</sup> Instead, preserving the economic activity generated by UC Merced became a shared value for Measure C opponents, as affirmed by Measure D's overwhelming approval from Merced County voters.<sup>232</sup>

### **Expect Opposition**

It is likely that there will be opposition so proponents should expect to fight during their campaigns. In Stanislaus County, while Measure E proponents did not officially compete with an organized opponent, they clearly campaigned as if they actually competed with one. Measure E proponents had a focused game plan for the campaign, giving many presentations about the issue at public meetings and raising almost \$40,000 in total campaign funds.

On the other hand, in Merced County, Measure C proponents seemed to be entirely on the defensive during the latter part of the campaign. They raised more money than their Stanislaus County counterparts, but the total was nowhere near what Measure C opponents raised. Merced County Family Farmer Coalition did not receive its first monetary contributions until August 12, 2010 (less than three months from the November 2, 2010 election) and its biggest financial contributions from the Gallo Family until October 4, 2010 (less than one month), but the late opposition surge was enough to overwhelm Citizens for Quality Growth.<sup>233</sup>

Measure C proponents probably did not expect opposition since (1) Measure E proponents did not face opponents two years earlier, and (2) it seemed unlikely that opponents would organize so late in the campaign. These two points allowed Citizens for Quality Growth to be somewhat complacent in the campaign; when Merced County Family Farmer Coalition quickly organized to campaign against Measure C, proponents were clearly not ready to compete.

### **6.2.3 Opponents**

#### **Organize and Formally Oppose**

Opponents should consider organizing and formally opposing the measures they disagree with rather than leave it a one-sided issue. Measure E proponents were able to campaign free from a formal opponent; Measure C proponents were not as fortunate. In Merced County, Merced County Family Farmer Coalition emphasized faults in Measure C's policies that conflicted with residents' community values and disrupted Citizens for Quality Growth's overall campaign and message. With formal opposition, the issue of agricultural lands preservation did not seem as clear-cut; Merced County Family Farmer Coalition served as an opposing viewpoint to force residents to consider additional potential impacts that may not have been readily apparent in a one-sided argument.

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<sup>231</sup> Alan Schoff, interview by author, August 8, 2011.

<sup>232</sup> Jamie Oppenheim, "Measure C Shouldn't Thwart UC Merced Community," *Merced Sun-Star*, October 27, 2010.

<sup>233</sup> Merced County Clerk, "Campaign Disclosure Statement, California Form 460," November 2, 2010 Election, July 1, 2010 through December 31, 2010.

**Present Many Counter Arguments**

Measure C opponents developed many talking points during the campaign. While some had questionable logic as to their actual relationship to Measure C, such as the effect on public safety, these talking points contributed to increased voter confusion and dispersed the argument from simply farmland protection into many other issues. With so many legitimate and tangential issues added to the discussion, voters were able to cling to the issues that were important to them and voted based on those issues rather than the main point of farmland protection. Measure C proponents were not able to clearly establish a central message since they had to address so many different topics.

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# Appendix A. List of Persons Interviewed for this Report

This appendix lists the elected officials and stakeholders interviewed for report.

## **Elected Officials**

Merced County Board of Supervisors

- Supervisor Deidre Kelsey
- Supervisor John Pedrozo

Stanislaus County Board of Supervisors

- Supervisor Vito Chiesa
- Supervisor Jim DeMartini
- Supervisor Terry Withrow

## **Stakeholders**

*The Modesto Bee*

- Garth Stapley, Reporter

*San Luis Obispo Tribune*

- Jonah Owen Lamb, Reporter

Merced County Farm Bureau

- Amanda Carvajal, Executive Director

San Joaquin County Farm Bureau Federation

- Katie Patterson, Program Director

Stanislaus County Farm Bureau

- Wayne Zipser, Executive Director

League of Women Voters of Stanislaus County

- Marie Bairey, Local Action

Stamp Out Sprawl Committee

- George Bairey
- Denny Jackman

Citizens for Quality Growth

- Alan Schoff



## Appendix B. Sample Interview Questions

This appendix includes sample interview questions given to participants as part of research for this report. Below are sets of questions intended for different stakeholders: County Supervisors from Merced and Stanislaus Counties, newspaper reporters, and community members.

### Merced County Supervisors

- What were your thoughts on Measure C, titled “Merced County Voter Confirmation of Zoning Changes Initiative” that was voted on November 2, 2010?
- Did you support or oppose the measure? Why or why not?
- What impact do you think Stanislaus County voters’ approval of Measure E in 2008 had on Merced County voters’ disapproval of Measure C last year?
- Why do you think the measure failed at the ballot box? Any significant events or circumstances?
- How much impact do you think the measure would have had on your decision-making ability?
- Do you think this measure will lead to renewed interest in planning within the community, and possibly an attempt to pass a similar measure in the future?
- How does the measure’s failure reflect the community’s interest in public participation?

### Stanislaus County Supervisors

- What were your thoughts on Measure E, titled “Thirty (30) Year Land Use Restriction Initiative” that was voted on February 5, 2008?
- Did you support or oppose the measure? Why or why not?
- What impact do you think Stanislaus County voters’ approval of Measure E in 2008 had on Merced County voters’ disapproval of Measure C last year?
- Why do you think the measure succeeded at the ballot box? Any significant events or circumstances?
- How much impact do you think the measure has had on your decision-making ability?
- Do you think this measure will lead to renewed interest in planning within the community, especially since residents have more authority in decision-making on certain land use issues?
- How does the measure’s approval reflect the community’s interest in public participation?

### Newspaper Reporters

- What were your thoughts on the (respective) measure?
- Did you support or oppose the measure? Why or why not?



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- Why do you think the measure passed or failed at the ballot box? Any significant events or circumstances?
- Going forward, what impact do you think the measure and the election outcome will have on the community in terms of public participation and interest in the planning process?

### **Community Members**

- What were your thoughts on the (respective) measure?
- Did you support or oppose the measure? Why or why not?
- How did your organization help to pass or defeat the measure?
- How do you think the action(s) contributed to the measure's success or failure?
- Why do you think the measure passed or failed at the ballot box? Any significant events or circumstances?

## **Appendix C. Official Language of Referenced Measures in County Sample Ballots**

Appendix C contains measure text for Sample Ballots that were provided by the respective County Clerk Offices and Registrars of Voters.

Text is exact, including spelling and grammar errors and except where a Spanish translation was provided. Punctuation is exact. Formatting is exact, except in instances for consistency and readability within this report.

This appendix does not include any accompanying Spanish translation text or maps and figures.

### **Appendix C Contents**

- C-1. Napa County – Measure J: Agricultural Lands Preservation Initiative
- C-2. Ventura County – Measure A: County SOAR Advisory Measure
- C-3. Ventura County – Measure B: Save Open-Space and Agricultural Resources Initiative
- C-4. Stanislaus County – Measure E: Thirty (3) Year Land Use Restriction Initiative
- C-5. Stanislaus County – Measure L: Stanislaus County Responsible Planning and Growth Control Initiative
- C-6. Merced County – Measure C: Merced County Citizen's Right to Vote on Expansion of Residential Areas Initiative
- C-7. Merced County – Measure D: The Citizen's Right to Vote on Expansion of Residential Areas Initiative

## **C-1. Napa County – Measure J: Agricultural Lands Preservation Initiative<sup>234</sup>**

### **General Election Date**

November 6, 1990

### **Ballot Heading**

INITIATIVE TO REQUIRE VOTER APPROVAL UNTIL 2020 OF CHANGES TO PROVISION OF THE NAPA COUNTY GENERAL PLAN PERTAINING TO AGRICULTURE/OPEN SPACE POLICIES AND LAND USE DESIGNATIONS

### **Ballot Question**

Shall the ordinance proposed by initiative petition to require voter approval until 2020 of changes to provisions of the Napa County General Plan pertaining to Agriculture/Open Space policies and land use designations be adopted?

### **Full Text of Ordinance**

The people of the County of Napa do hereby ordain as follows:

#### Section 1. Findings and Purpose.

A. The protection of existing agricultural and watershed lands is of critical importance to present and future residents of Napa County. Agriculture has been and remains the major contributor to the economy of the County, creating employment for many people, directly and indirectly, and generating substantial tax revenues for the County.

B. In particular, the Napa Valley and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest grape-growing regions in the world. Wines produced from grapes grown in Napa County are winning international acclaim, enhancing the County's economy and reputation.

C. Uncontrolled urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment, or "leap-frog development," would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.

D. The unique character of Napa County and quality of life of County residents depend on the protection of a substantial amount of open space lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

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<sup>234</sup> Napa County Election Division, "Sample Ballot and Voter Information Pamphlet," General Election, November 6, 1990 (1990).

E. The County's General Plan adopted June 7, 1983, as amended through February 1, 1990, contains the following policies protecting agricultural, watershed and open space lands from the adverse effects of urban uses:

1. The Plan provides that the intent of the "Agriculture, Watershed and Open Space" designation is "[t]o provide areas where the predominant use is agriculturally oriented; where watershed areas, reservoirs, floodplain tributaries, geologic hazards, soil conditions and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact on all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare."

2. The Plan provides that the intent of the "Agricultural Resource" designation is "[t]o identify areas in the fertile valley and foothill areas of the County in which agriculture is and should continue to be the predominate land use, where uses incompatible with agriculture should be precluded and where the development or urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa."

3. The Plan provides that the minimum parcel size for lands designated "Agriculture, Watershed and Open Space" is 40 to 160 acres and the minimum size for lands designated "Agricultural Resource" is 40 acres.

4. The Plan provides that the maximum building intensity for lands designated "Agriculture, Watershed and Open Space" and "Agricultural Resources" is one dwelling unit per parcel (except as specified in the Housing Element).

F. The purpose of this initiative is to ensure that agricultural, watershed and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses. Accordingly, the initiative ensures that until December 31, 2020, the foregoing general plan provisions governing intent and maximum building intensity may not be changed except by vote of the people, and that the provisions governing minimum parcel size may not be changed to reduce minimum parcel size except by vote of the people. In addition, the initiative provides that any lands designated as "Agriculture, Watershed and Open Space" or "Agricultural Resource" on the Napa County General Plan Land Use Map adopted by the Board of Supervisors on September 8, 1975, as amended through February 1, 1990 (a reduced copy of which is attached hereto as Exhibit A), will remain so designated until December 31, 2020 unless the land is annexed to or otherwise included within a city or town, redesignated to another land use category by vote of the people, or redesignated by the Board of Supervisors pursuant to the procedures set forth in this initiative.

G. This initiative allows the Board to redesignate Agriculture, Watershed and Open Space, or Agricultural Resource lands only if certain findings can be made, including (among other things) that the land is proven to be unsuitable for any form of agriculture and is not likely to be annexed to a city or town; if redesignation is necessary to avoid an unconstitutional taking of property without just compensation; or if redesignation of Agriculture, Watershed and Open Space land is necessary to comply with state statutes concerning siting of solid waste facilities for solid waste generated within Napa County (or the cities within the County).

H. The County recently completed amendments to its land use laws pertaining to wineries and their accessory uses and/or structures located in areas designated Agriculture, Watershed and Open Space, and Agricultural Resource in the County

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General Plan. This initiative ensures that future amendments concerning such wineries and their related uses and/or structures conform to the initiative's general purpose of protecting agricultural and agricultural watershed lands.

### Section 2. General Plan Amendment.

The Agricultural Lands Preservation Initiative hereby reaffirms and readopts, until December 31, 2020, Sections 3.F.7.a, 3.F.7.c, 3.F.7.d, 3.F.8.a, 3.F.8.c, and 3.F.8.d of the Land Use Element of the Napa County General Plan adopted June 7, 1983, as amended through February 1, 1990. In addition, the initiative hereby reaffirms and readopts until December 31, 2020, the “Agriculture, Watershed and Open Space” and “Agricultural Resource” designations of the Napa County General Plan Land Use Map adopted by the Board of Supervisors on September 8, 1975, as amended through February 1, 1990, which map is incorporated herein by reference. Finally, the text of Section 3.F of the Land Use Element of the Napa County General Plan adopted June 7, 1983, as amended through February 1, 1990, shall be amended to add new subsection 9, which provides:

(9) Limitations on General Plan Amendments Relating to “Agricultural, Watershed and Open Space” and “Agricultural Resource” Lands.

Until December 31, 2020, the provisions governing the intent and maximum building intensity for lands designated “Agriculture, Watershed and Open Space” and “Agricultural Resource” set forth in Sections 3.F.7.a, 3.F.7.d, 3.F.8.a, and 3.F.8.d of the Land Use Element adopted on June 7, 1983, as amended through February 1, 1990 (hereinafter the “Land Use Element”), shall not be amended unless such amendment is approved by vote of the people. Until December 31, 2020, the provisions governing minimum parcel size for lands designated “Agriculture, Watershed and Open Space” and “Agricultural Resource” set forth in Sections 3.F.7.c and 3.F.8.c of the Land Use Element shall not be amended to reduce minimum parcel sizes unless such amendment is approved by vote of the people.

All those lands designated as “Agriculture, Watershed and Open Space” or “Agricultural Resource” on the Napa County General Plan Land Use Map adopted by the Board of Supervisors (hereinafter, “Board”) on September 8, 1975, as amended through February 1, 1990 (hereinafter “Land Use Map”), shall remain so designated until December 31, 2020 unless said land is annexed to or otherwise included within a city or town, redesignated to another general plan land use category by vote of the people, or redesignated by the Board pursuant to the procedures set forth in subsections c, d or e, below.

Land designated as “Agriculture, Watershed and Open Space” on the Land Use Map may be redesignated to a “Public Institutional” general plan area classification by the Board pursuant to its usual procedures if such redesignation is necessary to comply with the countywide siting element requirements of Public Resources Code section 41700 et seq. as those sections currently exist or as they may be amended from time to time, but only to the extent of designating solid waste transformation or disposal facilities needed for solid waste generated within Napa County (including the cities within the County).

Except as provided in subsection (e) below, land designated as “Agriculture, Watershed and Open Space” or “Agricultural Resource” on the Land Use Map may be redesignated to a land use designation other than “Agriculture, Watershed and Open Space” or “Agricultural Resource” by the Board pursuant to its usual procedures only if the Board makes all of the following findings:

Annexation to or otherwise including the land within a city or town is not likely;

The land is immediately adjacent to areas developed in a manner comparable to the proposed use;

Adequate public services and facilities are available and have the capability to accommodate the proposed use by virtue of the property being within or annexed to appropriate service districts;

The proposed use is compatible with agricultural uses, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area;

The land proposed for redesignation has not been used for agricultural purposes in the past 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons; and

The land proposed for redesignation pursuant to subsection (d) does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation in the general plan of "Agriculture, Watershed and Open Space" or "Agricultural Resource" land pursuant to subsection (d) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

Land designated as "Agriculture, Watershed and Open Space" or "Agricultural Resource" on the Land Use Map may be redesignated to another land use category by the Board if each of the following conditions are satisfied:

The Board makes a finding that the application of Section 3.F.9.b would constitute an unconstitutional taking of the landowner's property; and

In permitting the redesignation, the Board allows additional land uses only to the extent necessary to avoid said unconstitutional taking of the landowner's property.

Approval by a vote of the people is accomplished when a general plan amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters vote in favor of it. Whenever the Board adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the Board action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The Board shall follow the provisions of the Election Code in all matters pertaining to such an election.

### Section 3. Implementation.

A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the Land Use Element of the Napa County's 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 1990 prior to the effective date of this initiative, this general plan amendment shall be deemed inserted in the County General Plan on January 1, 1991. At such time as this general plan amendment is deemed inserted in the County General Plan (hereinafter, the "insertion date"), any provisions of the County Zoning Ordinance inconsistent with that amendment shall not be enforced to the extent of the inconsistency. Within 180 days of the insertion date, the County shall complete such revisions of its General Plan, including, but not limited to, the General Plan Land Use Map adopted by the Board of

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Supervisors on September 8, 1975 (as amended through February 1, 1990) and accompanying text, as are necessary to achieve consistency with all provisions of this initiative. Also within 180 days of the insertion date, the County shall complete such revisions of its Zoning Ordinance and other land use regulations as are necessary to conform to all provisions of the initiative.

B. The provisions of this initiative shall prevail over any revisions to the Napa County General Plan as amended through February 1, 1990, or to the Napa County Land Use Map as amended through February 1, 1990 which conflict with the initiative. Except as provided in Section 4 below, upon the insertion date 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 policies and provisions of this initiative. In particular, any land use provisions or actions, including but not limited to general plan amendments and zoning measures, pertaining to wineries or their accessory uses or structures located on lands designated "Agriculture, Watershed and Open Space", or "Agricultural Resource", shall conform to the intent and purposes of this initiative; and no new commercial general plan designation may be created for the purpose of accommodating such wineries and their related accessory uses and/or structures.

### Section 4. Exemptions for Certain Projects.

This initiative shall not apply to any development project which has obtained as of the effective date of the initiative:

- A. A vested right pursuant to state law;
- B. A validly approved and fully executed development agreement with the County; or
- C. Approval of a vesting tentative map.

### Section 5. Severability.

If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

### Section 6. Amendment or Repeal.

This initiative may be amended or repealed only by the voters at a County election.

## **Impartial Analysis by County Counsel**

### A. SUMMARY OF MEASURE

Measure "J" readopts certain General Plan Open Space policies and the portion of the General Plan Map identifying county open space land. If Measure "J" passes, changing these before January 1, 2021, with limited exceptions, will require a majority affirmative vote of the people. There are two open space designations in the General Plan, AWOS and AR. Approximately 90% of the County, excluding cities, is included within these two designations.

The General Plan policies that cannot be changed without a majority vote state the intent of the AR/AWOS designations, establish minimum parcel size of 40 acres for AR and 40-

160 acres for AWOS and limit density to one dwelling per parcel unless the Housing Element provides otherwise.

Changes to the General Plan Map not requiring a vote: (1) changes reflecting annexations to cities; (2) changes permitting solid waste disposal facilities involving waste generated solely within Napa County; (3) changes involving land physically unusable for agriculture providing certain conditions are met; (4) changes to avoid the County condemning private property.

Amendments to the General Plan occurring after February 1, 1990, conflicting with Measure “J” are effectively repealed. Projects vested by November 16, 1990, are not subject to Measure “J”.

## B. EXISTING LAW

Each county must adopt a general plan. The general plan controls the development permitted in the county. State law permits the Board of Supervisors to amend the General Plan, but only four times each year. No other limitations regarding the types of lawful changes the Board may make exists.

## C. EFFECT OF MEASURE “J” ON EXISTING LAW

Measure “J” limits the right of the Board of Supervisors to amend the General Plan provisions referenced in Part “A” by readopting those portions of the General Plan referenced above and authorizing those provisions to be amended only by a majority vote of the people or by a majority vote of the Board of Supervisors and the people. The voter approval requirement is eliminated in some cases. (See third paragraph of Part “A”.)

Local measures conflicting with statutory procedures that are of statewide concern are invalid. The siting of facilities to process solid waste regardless of its origin is a matter of statewide concern. Measure “J” permits amending the General Plan Map to allow such sitings without a vote of the people but only if the solid waste to be processed is limited to waste produced in Napa County. A legal question therefore exists as to the validity of that portion of Measure “J” which eliminates the ability of the Board to amend the General Plan to allow siting of solid waste disposal facilities within the county that will process Napa County and out-of-county waste unless a vote of the people is secured.

A YES VOTE MEANS you want to retain the current policies and map designations discussed in Part “A” above through the year 2020 unless changed by a vote of the people, or amended by the Board without a vote of the people in the limited circumstances set forth in Part “A” above.

A NO VOTE MEANS you want the Board to continue to decide whether those General Plan policies and map designations discussed in Part “A” above should be changed, without a vote of the people.

Robert Westmeyer

County Counsel

## **Argument in Favor of Measure J**

Measure J, the 2020 Agricultural Lands Preservation Initiative, will protect agriculture and open space in Napa County. It will transfer the power to develop our open space lands from the politicians to the people for the next 30 years.



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Napa County is under tremendous pressure to grow from the same forces that produced mushrooming urban sprawl in Contra Costa and Solano Counties. Napa County is a desirable place to live within commuting distance to Bay area jobs, putting it in danger of going the way of other Bay area counties. Napa County has already zoned thousands of acres outside the cities for future industrial, commercial and residential development. Measure J will not affect this.

If we want to keep our scenic mountains and farmlands, we must prevent the rezoning of agricultural land by the vote of any three supervisors. Measure J will provide immediate protection for our lands. Its passage will give the voters of Napa County the ability to decide, for the next 30 years, whether or not agricultural lands should be developed to non-agricultural uses.

The current system to protect our lands is insufficient. Our General Plan can be changed by a vote of any three county supervisors. Measure A, the County's growth management system, will expire in nine years, and it does not protect against massive rezoning.

Measure J will not change any current zoning. It will simply guarantee that any change from agricultural to other uses must be voted upon by the people of Napa County. Measure J will preserve our land and give our children the opportunity to decide their own future.

**VOTE YES ON MEASURE J!**

s/ Ruth Von Uhlit, Chair 2020 Vision

s/ Janet Altman, Vice President

League of Women Voters of Napa County

s/ Volker Eisele, Vice President

Napa County Farm Bureau

s/ Mel Varrelman Supervisor

District 3

s/ Paul Batttsti, Supervisor

District 4

**NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED**

## **C-2. Ventura County – Measure A: County SOAR Advisory Measure<sup>235</sup>**

### **General Election Date**

November 3, 1998

### **Ballot Heading**

None.

### **Ballot Question**

Should the County and each of its ten cities establish growth boundaries preserving farmland, open space and scenic vistas by: (1) adopting by ordinance six existing and five proposed greenbelts and preventing uses incompatible with commercial agriculture; (2) prohibiting changes to external community boundaries unless approved by voters, including amendments no more than once every ten years; and (3) forming an Open Space/Agriculture Conservation District to receive public/private funds to acquire open space lands and farmland?

### **Full Text of Ordinance**

*Information was not available from the Ventura County Elections Division at the time of the request.<sup>236</sup>*

### **Impartial Analysis by County Counsel**

County Measure A is an advisory ballot measure of the Ventura County Board of Supervisors seeking an indication of general voter opinion on the recommendations of the Agriculture Policy Working Group (APWG).

The APWG is a diverse twenty-five member group formed by the Ventura County Board of Supervisors to recommend an agricultural preservation policy and strategies for the preservation and protection of agriculture. The APWG met fifteen times between May 1997 and April 1998.

The Final Report and Recommendations of the APWG of June 9, 1998, included three core elements: (1) An Urban Growth Boundary program, which recommended that Ventura County and each of the ten cities in the County prohibit changes to exterior boundaries of their communities until Urban Growth Boundaries are developed and approved by their voters, and once approved, amend the Urban Growth Boundaries no more than once every ten years, subject to voter approval; (2) A Greenbelt program, which recommended that the six existing and five proposed greenbelts described in the Ventura County General Plan be adopted by ordinance or joint powers agreement and that uses within greenbelts which are incompatible with commercial agriculture be eliminated or restricted; and (3) A Public Education program.

The Ventura County Board of Supervisors is also seeking an indication of general voter opinion on the formation of an Open Space\Agriculture Protection District, which would

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<sup>235</sup> Ventura County Clerk, Elections Division, *Sample Ballot and Voter Information Pamphlet*, Consolidated General Election, County of Ventura (1998).

<sup>236</sup> Monica Terrones, e-mail message to author, June 14, 2011.

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provide a private and public funding mechanism for the acquisition of farmland and open space lands.

Since this measure is an advisory measure, if it were approved by a majority of the voters, the measure would have no effect on existing law in the ten cities or in the unincorporated areas of Ventura County. If the measure were approved by a majority of the voters and the ten cities and the County followed voter opinion on the measure, the General Plans and the Zoning Ordinances of the cities and the County would be amended to implement the APWG recommendations and an Open Space\Agriculture Protection District would be formed for purposes of funding the preservation of farmland and open space lands.

### **Argument in Favor of Measure A**

For over a year, Ventura County's Agriculture Policy Working Group, composed of farmers, environmentalists, civic leaders and County Supervisors, met and developed an Urban Growth Boundary and Greenbelt program which was accepted by your County Supervisors for study and implementation. Measure A is an advisory measure which will provide the Supervisors with guidance in carrying out this far-reaching plan designed to preserve our farmland and stop urban sprawl.

Measure A will advise local governments to:

Provide a two year moratorium prohibiting any changes to the current exterior boundaries of the county's ten cities until Urban Growth Boundaries are developed and approved by the voters. Once they are approved, they can be amended no more than once every ten years, again subject to voter approval.

Adopt by ordinance the six existing and five proposed greenbelts described in the County General Plan which will permanently separate our cities and stop urban sprawl. The passage of this measure will also prevent any uses within the greenbelts that are incompatible with commercial agriculture.

Establish an Open Space Conservation District that will receive public and private funds to acquire open-space lands and farmland. The lands acquired by the District will be dedicated as open space in perpetuity. This will protect the farmers' property rights and let them decide how best to use their land.

We need to save our farmland from development. Agriculture is our county's number one industry not only in dollar revenue, but in employment too. Ventura County is the 15th largest agricultural county in America, and 11<sup>th</sup> largest in California. It's our heritage.

A "yes" vote on Measure A will protect our farmland and open-space from needless development. It will assure that our county remain semi-rural not only for today, but forever.

s/Frank Schillo

Supervisor, 2nd District

s/John K. Flynn

Supervisor, 5th District

**NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED**

### **C-3. Ventura County – Measure B: Save Open-Space and Agricultural Resources Initiative<sup>237</sup>**

#### **General Election Date**

November 3, 1998

#### **Ballot Heading**

None.

#### **Ballot Question**

Should an ordinance be adopted requiring, with limited exceptions, a vote of the people for changes to the County's General Plan Open Space, Agricultural, and Rural policies and land use designations for the unincorporated areas of the county until the year 2021 or until the ordinance is earlier repealed by vote of the people?

#### **Full Text of Ordinance**

*(Not included in the Sample Ballot)*

The people of the County of Ventura do hereby ordain as follows:

##### Section 1. Findings and Purpose.

A. In concert with the currently existing Ventura County General Plan, adopted May 24, 1988, and as amended through September 16, 1997, we believe that the protection of existing agricultural, open space and rural lands is of critical importance to present and future residents of the County of Ventura.

B. Agriculture has been and remains the major contributor to the economy of the County of Ventura, directly and indirectly creating employment for many people, creating enormous actual income which multiplies through the community and generating substantial tax revenues for the County.

Specifically, the General Plan provides as follows:

"Agriculture plays an important role in the National, State, and County economy. Ventura County is one of the principal agricultural counties in the State ranking tenth in 1987, with a total income of over 610 million dollars and ranking seventeenth in farm earnings out of 3,175 counties nationally. This high productivity is made possible by the County's abundance of the natural resources required for agricultural production, primarily soils, water, climate and topography."

[General Plan, 111.6, page 20],

C. More recent data confirms the importance of agriculture to the County of Ventura. Ventura County is one of the principal agricultural counties in the State ranking eleventh in 1996 with a total income of over 851 million dollars and ranking fourteenth in farm earnings out of 3,175 counties nationally.

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<sup>237</sup> Ventura County Clerk, Elections Division, *Sample Ballot and Voter Information Pamphlet*, Consolidated General Election, County of Ventura (1998).

D. The County of Ventura with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Vegetable and fruit production from the County of Ventura and, in particular, production from the soils and silt from the Santa Clara and Ventura rivers have achieved international acclaim, enhancing the County's economy and reputation and standard of living.

E. Open space likewise contributes to the welfare of the County, as recognized in Section 3.2 of the General Plan, not only through the productive use of the land for grazing and other non-irrigated usage, such as forest lands, rangelands, and agricultural lands not designated Agricultural, but through the preservation of unique natural resources including, but not limited to, areas required for the preservation of plant and animal life, habitat for fish and wildlife, areas required for ecologic and other scientific study purposes, rivers, bays estuaries, coastal beaches, lakeshores, banks of rivers and streams and watershed lands. Open space contributes to the public health and safety additionally by setting aside from development those lands 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. Open space promotes the formation and continuation of cohesive communities by defining the boundaries and by helping to prevent urban sprawl. Open space promotes efficient municipal services and facilities by confining urban development to defined development areas.

F. As importantly, the Rural designation under the General Plan serves not only to buffer intense urban usage from agricultural and open space lands, but it fosters small scale agricultural production while allowing for low-density and low intensity land uses and is a critical component in accommodating the full range of residential environments.

G. Urban encroachment into Agricultural, Open Space and Rural designated areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in the unnecessary and expensive extension of public services and facilities as well as inevitable conflicts between urban and open space and agricultural uses.

H. The unique character of the County of Ventura and quality of life of County residents depend on the protection of a substantial amount of open space lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

I. The purpose of this initiative\* is to ensure that Agricultural, Open Space and Rural lands are not prematurely or unnecessarily converted to other more intensive development uses. Accordingly, this initiative\* ensures that until December 31, 2020, the general plan provisions governing Agricultural, Open Space and Rural land use designations, as amended herein, may not be changed except by vote of the people. In addition, the initiative\* provides, subject to limited exceptions, that any lands designated as Agricultural, Open Space or Rural on the County of Ventura's General Plan "General Land Use Maps" (North Half and South Half) adopted by the Board of Supervisors May 24, 1988 as revised through September 16, 1997 will remain so designated at least until December 31, 2020, unless, prior to December 31, 2020, the land is redesignated to another land use category by vote of the people, or redesignated by the Board of

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Supervisors for the County of Ventura pursuant to the procedures set forth in this initiative\*.

J. With limited exceptions, this initiative\* allows the Board of Supervisors to redesignate Agricultural, Open Space and Rural lands only if certain findings can be made, including, among other things, that the land is proven to be unsuitable for any form of utilitarian use, and redesignation is necessary to avoid an unconstitutional taking of property without just compensation.

### Section 2. General Plan Amendment.

A. The Save Open-space and Agricultural Resources (SOAR) Initiative\* hereby reaffirms and readopts the Agricultural, Open Space and Rural designations and the goals and policies as they specifically apply to said designations set forth at Sections 3.1 and 3.2 of the Ventura County General Plan, "Goals, Policies and Programs," adopted May 24, 1988, and as amended through September 16, 1997.

B. In addition, this initiative\* General Plan Amendment hereby reaffirms and readopts the Agricultural, Open Space and Rural designations of the County of Ventura General Plan as reflected on the "General Land Use Maps" (South Half of County and North Half of County) adopted by the Board of Supervisors on May 24, 1988, and as revised through September 16, 1997 which maps are referenced in the "Introduction" section describing the "Form and Content" of the document entitled "Ventura County General Plan Goals, Policies and Programs" adopted May 24, 1988, and as amended through September 16, 1997. Said Maps are incorporated herein by reference.

C. The text of the Ventura County General Plan Goals, Policies and Programs adopted May 24, 1988, as amended through September 16, 1997, shall be amended to add to the Introduction portion at the end of the provisions entitled "General Plan Amendments", at page 7, a new subsection which provides:

#### LIMITATIONS ON GENERAL PLAN AMENDMENTS RELATING TO AGRICULTURAL, OPEN SPACE AND RURAL DESIGNATIONS.

Pursuant to the provisions of the SAVE OPEN-SPACE and AGRICULTURAL RESOURCES (S.O.A.R) INITIATIVE\* the following shall obtain until December 31, 2020:

a) The provisions setting forth the Agricultural, Open Space and Rural land use designations, and the goals and policies as they specifically apply to those land use designations in Sections 3.1 and 3.2 of this General Plan shall not be further amended unless such amendment is approved by vote of the people or by the Board of Supervisors pursuant to the procedures set forth herein.

b) Those lands designated as Agricultural, Open Space or Rural on the "General Land Use Maps" adopted by the Board of Supervisors for Ventura County on May 24, 1988, and amended through September 16, 1997 shall remain so designated unless redesignated to another general plan land use category by vote of the people, or redesignated by the Board of Supervisors pursuant to the procedures set forth herein.

c) The Board of Supervisors, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to land use designations of Agricultural, Open

Space or Rural, or any provision, goal or policy as set forth in subsection "a", above, on the ballot pursuant to the mechanisms provided by State Law.

d) The Board of Supervisors without a vote of the people may reorganize, reorder, or renumber individual provisions of the General Plan, as well as the provisions herein, in the course of ongoing updates of the General Plan in accordance with the requirements of state law. Additional technical, non-substantive language modifications may be made to the General Plan with reference to Agricultural, Open Space or Rural designations for clarification and internal consistency provided such modifications are consistent with the Findings and Purpose of the initiative\* creating these provisions.

e) The Board of Supervisors, without a vote of the people, may redesignate Rural designated properties to either Agricultural or Open Space, or may redesignate Open Space to Agriculture pursuant to the provisions for making such amendments set forth in state law and Board adopted policies.

f) The Board of Supervisors, without a vote of the people, may redesignate Agricultural designated properties to Open Space if the Board of Supervisors makes all of the following findings supported by substantial evidence:

The land proposed for redesignation has not been used for agricultural purposes in the past 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons;

The land proposed for redesignation is immediately adjacent to areas developed in a manner compatible with the uses allowed under Open Space;

Adequate public services and facilities are available and have the capacity and capability to accommodate the Open Space uses allowed;

The proposed redesignation is compatible with agricultural uses, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and

The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation pursuant to this subdivision (f) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

g) The Board of Supervisors, without a vote of the people, may redesignate Agricultural, Open Space or Rural properties provided the Board complies with the following two conditions:

i) The Board makes a finding based upon the advice of the County Counsel that the designation of the property effects an unconstitutional taking of the landowners' property; and

ii) In permitting the redesignation, the Board allows a less restrictive designation to be applied to the property only to the extent necessary to avoid the unconstitutional taking of the landowner's property.

h) The Board of Supervisors, without a vote of the people, may amend the provisions of the General Plan which apply to the Agricultural, Open Space or Rural designations, as set forth in subsection "a", above, for the express purpose of further protecting and preserving resources identified in the General Plan, provided that said amendment(s)



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are consistent with the Findings and Purpose of the initiative adopting these provisions of the General Plan.

i) In recognition of the urban nature of the Piru community and to provide essential flexibility to the Board of Supervisors to address the special needs of that community, the Board of Supervisors, without a vote of the people, may amend the land use designations on the General Land Use Map, as set forth in subsection "b", above, for land located within the Piru Redevelopment Area or land described by the following Assessor Parcel Numbers.

056-0-180-01            056-0-180-08

056-0-180-02            056-6-190-05

056-0-180-06            056-0-190-06

056-0-180-07            056-0-190-09

The total land represented by this subsection "i" is set forth on Exhibit "A" (*not included.*)

j) The Board of Supervisors, without a vote of the people, may amend the land use designations on the General Land Use Map, as set forth in subsection "b", above, to any Existing Community designation for land which, prior to the effective date of the initiative\* setting forth these provisions, is found to contain lawfully established urban building intensities or urban land uses, to the minimum extent necessary to validate such pre-existing uses consistent with the Findings and Purpose of the initiative\* adopting these provisions of the General Plan.

k) Following December 31, 2020, redesignations of then existing General Plan designations may be occasioned by the Board of Supervisors without a vote of the people. Until then, approval by a vote of the people is accomplished when a General Plan amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters vote in favor of it. Whenever the Board of Supervisors adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the Board's action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it.

### Section 3. Implementation.

A. Upon the effective date of this initiative\*, the General Plan Amendment shall be deemed inserted in the Ventura County General Plan, Goals, Policies and Programs document 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 1998, prior to the effective date of this initiative\*, this General Plan amendment shall be deemed inserted in the County General Plan on the first day of January of the following calendar year.

B. The provisions of this General Plan Amendment shall prevail over any revisions to the County of Ventura's General Plan as amended through September 16, 1997, which conflict with the initiative\*. Upon the adoption date 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

policies and provisions of this General Plan Amendment initiative\*. Other than for the exceptions provided herein, upon the effective date of this General Plan Amendment initiative\*, the County and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan Amendment initiative\* unless in accordance with the provisions of this General Plan Amendment initiative\*.

#### Section 4. Exemptions for Certain Projects.

This General Plan Amendment shall not apply to or affect any development project that has obtained as of the effective date of the General Plan Amendment a contractually vested right or vested right pursuant to state or local law.

#### Section 5. Severability.

This measure 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 measure 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 measure. The voters hereby declare, that this measure, and each section, subsection, 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 declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure 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\*. It is the intent of the voters that the provisions of this measure shall be interpreted by the County and others in a manner that facilitates the confinement of urban uses thereby protecting agricultural, open space and rural lands, and preventing urban sprawl.

#### **Section 6. Amendment or Repeal.**

Until December 31, 2020, this General Plan Amendment initiative may be amended or repealed only by the voters at a general election.

\*ordinance

#### **Impartial Analysis by County Counsel**

"Under this measure, the Board of Supervisors of the County of Ventura is submitting an ordinance, described below, to the voters for approval. The ordinance will become effective only if a majority of the voters vote in favor of the measure.

"The ordinance would readopt September 16, 1997 General Plan Agricultural, Open Space, and Rural policies and land use designations, as found in the County of Ventura General Plan as of that date, and require that changes to those policies and designations in unincorporated areas (lands outside city boundaries) be made only by a vote of the people at a general election. The measure's provisions would remain in effect until the year 2021, or until an earlier repeal of the measure by the voters at a general election. The ordinance would provide that amendments to the General Plan for these policies and land use designations could be made after the board of supervisors first conducts a public hearing on any suggested amendment and, thereafter, places the suggested

## VOTER-APPROVED DEVELOPMENT

amendment on the ballot, pursuant to the terms of the state's election laws. A proposed amendment could only be placed on the ballot after the County had complied with the California Environmental Quality Act.

"The ordinance allows the board to change Agricultural, Open Space, and Rural General Plan policies and land designations without a vote of the people under seven specified circumstances: (1) to reorganize, reorder, or renumber individual provisions of the General Plan in the course of ongoing updates of the General Plan in accordance with state law; (2) to redesignate properties from Rural to either Agricultural or Open Space, or from Open Space to Agricultural, pursuant to state law and adopted board policies; (3) to redesignate Agricultural land to Open Space provided five findings (spelled out in the ordinance) are made; (4) to redesignate Agricultural, Open Space, and Rural lands after making findings (a) that the land at issue is unsuitable for its current use and (b) that redesignation of the land is necessary to avoid an unlawful taking of private property; (5) to amend provisions regarding Agricultural, Open Space, and Rural land designations to further protect and preserve General Plan resources if consistent with the terms of this measure; (6) to redesignate lands within the Piru community; and (7) to amend land use designations on the General Land Use Map to any Existing Community designation where, prior to the effective date of the measure, such lands are found to contain lawfully established urban buildings or uses, to the extent necessary to validate such preexisting uses.

"The ordinance does not apply to or affect any development project that has obtained any contractually vested right or vested right pursuant to state or local law as of the ordinance's effective date. The ordinance provides that, after December 31, 2020, any General Plan changes may be made without a vote of the people."

"The above statement is an impartial analysis of Measure "B". If you desire a copy of the measure, please call the elections official's office at 654-2664 and a copy will be mailed at no cost to you."

### **Argument in Favor of Measure B**

Preserving open space. Protecting our agricultural heritage. Carefully planning for the future. This is what SOAR, Measure B, will accomplish.

The county-wide SOAR initiative is designed effectively to preserve open space and farmland in Ventura County from unnecessary development. Measure B requires a vote of the people for changes to the open space, agriculture and rural policies and land use designations for unincorporated areas until the year 2021, or until an earlier repeal of the measure by the voters.

Measure B give the voters a direct voice in the future of Ventura County. You will be able to stop development in its tracks, keeping our county as it is, semi-rural, and leaving our farmland and open space intact.

Measure B is the most far-reaching growth management plan ever imagined county-wide. SOAR complements the county's Guidelines for Orderly Development and will treat property owners fairly. Measure B preserves the property owners rights by providing relief to avoid any unlawful taking of private property.

Ventura County's uniqueness is too rare to become choked by urban sprawl. The county-wide SOAR will work with the cities urban restriction boundaries to keep sprawl from bursting through those boundaries and spilling out over open space and farmland.

A yes vote will effectively preserve open space and farmland in Ventura County. That is what thousands of Ventura County voters have told us they want. With the passage of Measure B, there will be no change in agriculture, open space or rural land uses without voter approval, your approval. We need SOAR not only for today, but for tomorrow.

VOTE YES ON SOAR – MEASURE B – AND HELP SAVE VENTURA COUNTY.

s/Frank Schillo

Supervisor, 2nd District

s/John K. Flynn

Supervisor, 5th District

s/Sue Kelley

President, League of Women Voters, Ventura County

### **Rebuttal to Argument in Favor of Measure B**

VOTE NO ON MEASURE B

An effective plan to preserve open-space and farmland requires cooperation and input from everyone in our community. Supporters of Measure B drafted their law behind closed doors. No one from agriculture was consulted; community leaders and city officials were excluded. The result is a take-it-or-leave-it law that hurts people and endangers Ventura County's future.

Measure B is unfair to farming families. Farmers would have to prove to county bureaucrats that nothing could be grown on their land before seeking countywide approval to sell their land for non-agricultural uses.

Measure B contains loopholes that threaten local communities. Governments could build anything they want on prime farmland, while developers could use clever political campaigns to win approval of projects opposed by local residents.

It doesn't have to be this way. We can preserve our hillsides and valleys. We can accommodate carefully planned growth while protecting farmland and open space.

After a year of hearings and input from environmental groups, farmers, public officials and business leaders, Ventura County's Agricultural Policy Working Group recommended a plan to protect agriculture and open-space while preserving farmer's rights. It requires cities and the county to establish growth boundaries around cities to contain urban sprawl. Ventura County's Supervisors unanimously endorsed this plan. Voters will be asked to approve the boundaries next year. This plan will be in place for ten years and can only be changed by a vote of the people.

There is a better way. Please vote NO on Measure B.

s/Richard Pidduck, Ventura County Farm Bureau

## VOTER-APPROVED DEVELOPMENT

s/Robert P. Roy, Ventura County Agricultural Association

s/Penny M. Bohannon, Pres. Ventura County Economic Development Assoc.

s/Kioren Moss, MAI, Chairman, Coalition For Community Planning

### **Argument Against Measure B**

Measure B is the most extreme no-growth scheme ever proposed for Ventura County. It was written by no-growth activists without public hearings and without participation by county planners or the Board of Supervisors.

The result is a poorly written law with loopholes for influential developers and unintended consequences for farmers.

**SPECIAL DEALS FOR DEVELOPERS.** Measure B authors drew the maps so certain politically powerful developers can still use their land, while farmers and ordinary citizens lose their rights. Back room deals are the wrong way to plan our future.

**FARMERS LOSE CONTROL OF THEIR LAND.** Under Measure B, farmers are prohibited from selling their own land for uses other than agriculture. Even worse, they'll be required to pay for expensive studies to prove their land isn't suitable for farming before seeking approval of county voters for a change. That's why farm organizations oppose Measure B.

**THE WRONG WAY TO PLAN.** Measure B exempts farmland within city boundaries – leaving this prime farmland unprotected from development. The high-density building that follows, like apartments and condos, won't be compatible with existing neighborhoods. Forcing more development, more congestion, and more problems on our neighborhoods is a planning disaster.

**ENDS LOCAL CONTROL.** Measure B gives control of planning to voters who don't live anywhere near your community. Even small local decisions require approval of the entire county. Putting every land use decision to a countywide vote robs communities of local control and guarantees that only developers – who can finance costly political campaigns – will get zoning changes.

Everyone supports preservation of farmland and open space – but we must do it the right way. That's why the Board of Supervisors unanimously supports the Guidelines for Orderly Development as a better way to preserve natural areas and plan our future.

Measure B is the wrong solution. Please vote NO on this extreme measure.

s/Robert P. Roy, President, Ventura County Agricultural Association

s/Kioren Moss, MAI, Chairman, Coalition for Community Planning

s/Penny M. Bohannon, Pres. Ventura Co. Economic Development Assoc.

### **Rebuttal to Argument Against Measure B**

The SOAR initiative that was signed by more than 45-thousand voters is being MISCHARACTERIZED BY ITS OPPONENTS.

Measure B deals only with unincorporated County land. It was CAREFULLY PREPARED by SOAR based on input from scores of citizens, recognized farm preservation groups and the County Planning Department.

The Board of Supervisors thought enough about Measure B and its positive effects on managing growth that they placed it on the ballot. The County's role has been to PRESERVE THE RURAL NATURE of our unincorporated land and MEASURE B WILL DO THAT.

The League of Women Voters of Ventura County, known for their careful and independent analysis, studied SOAR and found it to be a POSITIVE AND EFFECTIVE GROWTH MANAGEMENT POLICY.

In response to the opposition:

Farmers will have the SAME CONTROL over their land as they have now.

There are NO SPECIAL DEALS because Measure B affects only unincorporated land, not land within cities.

Voters in the City of Ventura and Napa County have passed SOAR type initiatives and, like Measure B, were CAREFULLY WRITTEN TO WITHSTAND RIGOROUS LEGAL CHALLENGES through the courts.

Measure B preserves LOCAL CONTROL. Each city may designate land use for any parcel in their sphere of influence.

MEASURE B IS A THOUGHTFUL METHOD TO SLOW URBAN SPRAWL through sensible growth management. It will not limit housing starts, rezone land, restrict property rights or destroy our economy. Measure B simply brings you, the voter, into the process letting you decide on managed growth. Vote Yes on Measure B.

s/Frank Schillo

Supervisor, 2nd District

s/John K. Flynn

Supervisor, 5th District

s/Sue Kelley

President, League of Women Voters, Ventura County

## **C-4. Stanislaus County – Measure E: Thirty (30) Year Land Use Restriction Initiative<sup>238</sup>**

### **General Election Date**

February 27, 2008

### **Ballot Heading**

None.

### **Ballot Question**

Should the 30-Year Land Use Restriction Initiative be approved, which would require majority approval of County-wide voters for each change in County General Plan land use designation from “agriculture” to “residential” in Stanislaus County, except within the nine cities of the County?

### **Full Text of Ordinance**

The people of the County of Stanislaus do hereby ordain as follows:

#### **I. Purpose and Findings.**

A. Purpose. The purposes of this initiative measure are to: (1) establish a mechanism for direct citizen participation in land-use decisions affecting County policies, and (2) minimize sprawl, reduce transportation costs, maintain farmland, and secure the fees necessary to provide for the cost of needed services by directing development into incorporated cities.

#### **B. Findings. The voters of Stanislaus County find:**

1. The protection of existing agricultural and open space lands in Stanislaus County is of critical importance to the County's present and future residents. Agriculture has been and remains a major contributor to local and regional economy. Agriculture creates direct and indirect employment for many people, provides valuable food crops distributed worldwide, and defines the County's identity and way of life.

2. Continued urban residential encroachment into agricultural and open space lands impairs agriculture and threatens the public health, safety, and welfare. Such encroachment causes increased traffic congestion and air pollution, and threatens the quantity and quality of water supplies. Continued urban encroachment into agricultural lands also requires significant new public infrastructures and facilities, places additional stresses on existing public infrastructure and facilities, and increases costs on existing residents.

3. The unique character of Stanislaus County and the quality of life enjoyed by County residents depend on the protection of agricultural and open space lands. The protection of such lands aids the continued viability of agriculture, defines urban/rural boundary, and brings mental and physical benefits from the broad vistas at the urban edge.

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<sup>238</sup> Stanislaus County Clerk Recorder & Registrar of Voters, “Sample Ballot and Voter Information Pamphlet,” General Election, February 27, 2008 (2008).

4. This Citizen's Right to Vote on Expansion of Residential Areas policy establishes a mechanism for direct voter participation into land-use decisions authorizing residential development of lands designated for agricultural or open space uses. Providing for such participation is consistent with, and builds upon, existing General Plan policies designed to protect agricultural land and open space.

## II. General Plan Amendment

The Stanislaus County General Plan (as adopted in October 1994, and as amended through the effective date of this initiative measure), is amended as follows:

A. The following Goal and Policies are inserted at page 1 -16 of the General Plan Land-Use Element, immediately following Goal Five:

### GOAL SIX

Provide for direct citizen participation in land-use decisions involving the expansion of residential uses into agricultural and open-space areas in order to encourage compact urban form and to preserve agricultural land.

### POLICY TWENTY-FIVE

A. Any decision by the Board of Supervisors of the County of Stanislaus to approve the redesignation or rezoning of land from an agricultural or open space use to a residential use shall require, and be contingent upon, approval by a majority vote of the County voters at a general or special local election. In the event the Board approves the redesignation or rezoning of such land for a residential use, such approval shall not take effect unless and until that decision is approved by an affirmative majority vote of the voters of the County voting on the proposal.

B. The requirement set forth in paragraph (A) shall apply to all such decisions affecting land that is designated for agricultural or open space use on the Land Use Map of the County's General Plan as of the effective date of this policy, even if the affected land is, after the effective date, redesignated or rezoned to a use other than an agricultural or open space use. The intent of this paragraph is to ensure that a developer does not "launder" land by obtaining County approval for a non-residential use (e.g., an industrial or commercial use), and then subsequently obtain County approval for a residential use.

C. The Board's decision to approve the redesignation or rezoning of land from an agricultural or open space use to a residential use constitutes the "approval" of a "project" for purposes of CEQA. For this reason, the County shall comply with CEQA prior to the Board's decision to approve the redesignation or rezoning, notwithstanding the requirement that the voters approve such redesignation or rezoning.

D. Once the voters have approved a land use map designation or land use entitlement for a property, additional voter approval shall not be required for: (1) subsequent entitlement requests that are consistent with the overall approved development project or land-use designation and zoning; and (2) any requested modification to a land-use or zoning designation that does not decrease the number of permitted dwellings, as specified in the exhibits and plans approved by the voters.

E. Exemptions. The requirement for voter approval set forth in this policy shall not apply to any of the following:



## VOTER-APPROVED DEVELOPMENT

1. After notice and hearing as required by state law and after compliance with CEQA, the Board of Supervisors may, without a vote of the electorate of the County, approve residential development on land designated for agricultural or open space uses if the Board finds, based on substantial evidence in the record, and HCD certifies in writing, that all of the following circumstances exist: (a) the approval is necessary and required to meet the County's legal fair share housing requirement; and (b) there is no other land in the County or the cities in the County already designated for urban use that can accommodate the County's legal fair share housing requirement. The Board shall not redesignate more than ten (10) acres per year for residential use under this paragraph.
2. Additional acreage may be designated for residential use if the Board finds, and HCD certifies in writing, that the additional acreage is necessary to meet the Board's legal fair share obligation based on maximum multi-family densities. Any proposal approved under this subsection shall be required to have all housing units permanently affordable to persons or families of moderate, low and very low income. The intent of this exemption is to provide sufficient land for housing to accommodate moderate, low and very low income housing, as may be necessary over time under State law.
3. Any development project that has obtained a vested right pursuant to state law prior to the effective date of this policy.
4. Any development project consisting entirely of farm worker housing.

### F. Definitions.

The following definitions apply to this policy:

1. "Residential use" means any land-use designation, zoning district or other legislative entitlement authorizing, allowing, or consistent with residential development at a density greater than one (1) dwelling unit per ten (10) gross acres. Such density shall not include (a) caretaker housing or other residential uses incidental to the primary use, or (b) farm worker housing. "Residential use" includes the following land-use designations set forth in the General Plan (1994), all land-use designations that may be adopted by the County in the future that are comparable to such designations, and all zoning district compatible with such designations: Estate Residential, Low-Density Residential, Medium-Density Residential, Medium High-Density Residential, Planned Development, and Specific Plan.
2. "Agricultural or open space use" means any land-use designation or zoning district authorizing, allowing, or consistent with residential development at a density of equal to or less than one (1) dwelling unit per ten (10) gross acres. "Agricultural or open space use" includes the following land-use designations set forth in the General Plan (1994), all land-use designations that may be adopted by the County in the future that are comparable to such designations, and all zoning district compatible with such designations: Agriculture, Urban Transition, Mineral Resources.
3. "General Plan" means the Stanislaus County General Plan adopted in or about October 1994, as amended through the effective date.
4. "Effective date" means the effective date of the Citizen's Right to Vote on Expansion of Residential Areas initiative measure, as established by the California Elections Code.
5. "Board" or "Board of Supervisors" means the Stanislaus County Board of Supervisors

6. "County" means Stanislaus County.
7. "CEQA" means the California Environmental Quality Act.
8. "HCD" means the California Department of Housing and Community Development.

### III. Implementation

A. Elections: Except of the renewal or repeal of this Goal Six and Policy Twenty-Five, any direct or indirect costs to the County caused by the elections mandated by this goal and policy shall be borne by the applicants of the amendment of the General Plan land-use map designation or other development proposal requiring the election, unless otherwise prohibited by State law. Elections mandated by this goal and policy shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

B. Interim Amendments: The County of Stanislaus General Plan in effect at the time the Notice of Intent to circulate this Initiative was submitted to the County of Stanislaus Elections Official on April 17, 2006 ("submittal date"), and that General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the County of Stanislaus. In order to ensure that the County of Stanislaus General Plan remains an integrated, internally consistent and compatible statement of policies for the county as required by State law and to ensure that the actions of the voters in enacting this Initiative are given effect, any provision is inconsistent with the General Plan provisions adopted by 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 County's General Plan.

C. Duration; Amendment: This Initiative, including Goal Six and Policy Twenty-Five, shall remain in effect until December 31, 2036, and may be amended or repealed only by the voters of the County at an election held in accordance with State law.

D. Interpretation; Severability: This Initiative shall be interpreted so as to be consistent with all Federal and State laws, rules, and regulations. If any word, sentence, paragraph, subparagraph, section, subsection or portion of this Goal and Policy is declared unconstitutional or otherwise in violation of state or federal law by a court, the remaining works, sentences, paragraphs, subparagraphs, sections, subsections or portions are to remain valid and enforceable. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

E. If, after the effective date but before the date of the election on this initiative measure, the Board amends the General Plan such that the General Plan is not consistent with this initiative measure, then any such amendments shall automatically become null and void, to the extent necessary to be consistent with this policy. This provision is intended to ensure that the Board, in an effort to thwart the reserved initiative power of the people, does not amend the General Plan after the effective date so as to create an internal inconsistency in the General Plan as of the date the voters approve this Goal and Policy.

### **Impartial Analysis by County Counsel**

This Initiative is intended to amend the Land Use Element of Stanislaus County's General Plan by adding Goal 6 and Policy 25 to restrict for a period of thirty (30) years the Board of Supervisors of Stanislaus County from approving the redesignation or

## VOTER-APPROVED DEVELOPMENT

rezoning of land in the unincorporated area of the County from an agricultural or open space use to a residential use without the approval of a majority of voters of the County.

This Initiative provides that a majority vote requirement of County voters at a General or Special Election shall be in effect until December 31, 2036, for decisions by the Board of Supervisors affecting land that is designated for agricultural or open space use and is proposed to be changed to residential use on the Land use map of the County General Plan as of April 17, 2006. A legal question exists as to whether the April 17, 2006, date is valid and enforceable.

This Initiative has no effect on growth and General Plans of the nine cities in Stanislaus County and will not affect requests by cities to expand their sphere of influence or annexations for residential development. The intended measure will not limit residential development by cities within existing or amended spheres of influence of cities, or preclude cities from annexing additional areas for residential development.

These General Plan changes affect agricultural or open space land that lies outside the present and future city limits.

This Initiative provides that once a majority of County voters have approved a land use map designation or land use entitlement for a property then additional voter approval is not required for subsequent entitlement requests that are consistent with the overall approved development project or land use designation and zoning or any requested modification to a land use or zoning designation that does not decrease the number of permitted dwellings as specified in the exhibits and plans approved by the voters.

This Initiative exempt from the voter approval requirements:

- (1) Not more than ten acres per year for residential housing to meet the County's Fair Housing requirement imposed by State law.
- (2) Additional acreage to meet the County Legal Fair Share Obligations based on maximum multi-family densities to accommodate moderate, low and very low income housing.
- (3) Any development project that has obtained a vested right pursuant to State law prior to April 17, 2006.
- (4) Any development project consisting entirely of farm worker housing.

A YES VOTE will restrict until December 31, 2036, the redesignation or rezoning by the County of agricultural or open space to residential use in the unincorporated areas of the County without approval of a majority of the voters of the county unless certain exemptions set forth in the Initiative apply.

A NO VOTE will retain the County's current General Plan policies and permit the Board of Supervisors to amend the General Plan in response to the changing needs of Stanislaus County residents pursuant to State planning and zoning laws.

### **Argument in Favor of Measure E**

Vote "Yes on E" if you are fed-up with ever growing traffic congestion, loss of our best farmland, a reduction in your quality of life, and you want to Stamp Out Sprawl (haphazard growth).

"Yes on E" does not change property rights and makes real the policy of our County Supervisors to direct housing growth into cities.

"Yes on E" stops piece-meal, haphazard housing projects outside our cities that cost taxpayers millions of dollars annually for services.

"Yes on E" only affects county zoning changes from agriculture to residential. It does not affect commercial or industrial zoning. It does not stop any county planning. As a county measure, by law Measure E cannot apply to cities.

If housing projects are good enough to be outside cities they are good enough to be approved by the taxpayers of Stanislaus County. Almost every housing development outside our cities has been a financial failure for taxpayers. There are hundreds of millions of dollars of road, sidewalk, sewer, water, and storm-drain deficiencies in county residential developments. It's time to say enough!

Sprawling Los Angeles County should be a good lesson. Until 1960 it was the leading agricultural county in the United States. Their Supervisors talked about preserving some of the richest lands available to farmers in the world. Developer money trumped that talk and today Los Angeles County is the poster child for sprawl. We can do better. We must do better.

For years, planning in Stanislaus County has been "of the developers, by the developers, for the developers."

For your "Quality of Life!" For your children's future. Vote "Yes on E!"

Respectfully,

s/ Jeani Ferrari, farming family

s/ John R. Hamm, MD, cardiologist

s/ Denny Jackman, former Modesto City Council member

s/ Vance Kennedy, PhD., hydrologist/farmer

s/ Vicki Morales, teacher

**Argument Against Measure E**

NONE SUBMITTED.

## **C-5. Stanislaus County – Measure L: Stanislaus County Responsible Planning and Growth Control Initiative<sup>239</sup>**

### **General Election Date**

February 27, 2008

### **Ballot Heading**

None.

### **Ballot Question**

Should the Stanislaus County Responsible Planning and Growth Control Initiative be approved, which would initiate a comprehensive update of the County General Plan by a broad-based citizen committee; would require voter approval of the updated General Plan; and would limit residential development until a new General Plan is approved?

### **Full Text of Ordinance**

The People of the County of Stanislaus do ordain as follows:

#### Section 1. Title and Intent.

This Initiative measure (this “Initiative”) shall be known as the “Stanislaus County Responsible Planning and Growth Control Initiative.”

#### Section 2. Intent.

This Initiative is an alternative to the Thirty Year Land Use Restriction Initiative (“Measure E”), which has qualified for the ballot at the February 5, 2008 election. Under Measure E, certain amendments to the existing General Plan and specified land use approvals must be submitted to the voters on a case by case basis for approval prior to becoming effective. A more comprehensive and fundamental method is necessary to allow citizen involvement in the planning process through the establishment of a broad-based commission of Stanislaus County residents to recommend a new General Plan, guided by the principles contained in this Initiative. The recommended General Plan would be submitted to the voters for their approval.

#### Section 3. Findings.

A. In order to promote conservation of agricultural lands and orderly growth in the unincorporated areas of the County, the new General Plan should include the following principles:

(1) It is essential to have broad public participation in creating and approving Stanislaus County's land use blueprint for its future. This Initiative establishes a process for citizens to participate in the development of a new General Plan that would be submitted to voters countywide for their approval. The drafters of this new General Plan will be a broad-based coalition of citizens that represent a variety of stakeholder interests countywide.

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<sup>239</sup> Stanislaus County Clerk Recorder & Registrar of Voters, “Sample Ballot and Voter Information Pamphlet,” General Election, February 27, 2008 (2008).

(2) Maintaining Stanislaus County's agricultural heritage and the quality of life enjoyed by County residents depends on the protection and conservation of agricultural and open space lands. The protection of such lands aids the continued viability of agriculture and defines urban/rural boundaries.

(3) The protection of agricultural lands in Stanislaus County is of critical importance to present and future residents. Agriculture has been and remains a major contributor to the local and regional economy. Agriculture creates direct and indirect employment for many people and provides valuable food crops distributed worldwide.

(4) Proper planning must occur for Stanislaus County's projected growth. New growth must be placed in locations that discourage urban sprawl, minimize impacts to agriculture and encourage economic development. New growth must be supported by adequate in-place infrastructure to prevent degradation of the quality of life of existing residents. Most importantly, new growth must be required to pay its own way so that existing residents are not left to bear the burden of the financial cost of providing essential services to new residents.

B. Measure E's stated intent is to "maintain farmland," but Measure E has no such provisions. The only way to guarantee farmland preservation is to require it. By contrast, this Initiative, promotes the development of mitigation measures to permanently protect farmland.

C. Another concern with Measure E, is its stated intent to provide for "direct citizen participation in land use decisions affecting County policies." A likely result of this policy would be to encourage uncoordinated piecemeal, developer-driven planning initiatives. This form of planning does not address regional consideration of and imposition of mitigation measures for traffic, education and public safety issues that our communities need.

D. Measure E requires voters to approve every subdivision of 10 or more lots. By contrast, this Initiative proposes that a new General Plan be drafted by a broad-based coalition of citizens that represent a variety of stakeholder interests countywide. The new General Plan would be guided by the principles contained in this Initiative and would be submitted to the voters countywide for their approval. Instead of the entire electorate potentially voting on every subdivision of 10 or more lots throughout the County, the voters would give direction on the broader question of where, how and to what degree the County should grow.

E. This Initiative places a limitation on General Plan amendments which would redesignate land from an agricultural or open space use to a residential use until a new General Plan is adopted, unless required by state law. The existing General Plan is legally sufficient and adequate to allow orderly development of the County and to assure that no property owner is denied economic use of their property for the two-year period during the development of the new General Plan. This provision is included to ensure that uses are not approved that would be in conflict with or otherwise inconsistent with the intent of the contemplated new General Plan.

F. This Initiative establishes a process and guiding principles to amend the General Plan. It is not intended to be an amendment of the County's existing General Plan.

#### Section 4. Establishment of General Plan Review Commission.

## VOTER-APPROVED DEVELOPMENT

A. Within sixty (60) days following the effective date of this Initiative ordinance, the Board of Supervisors shall appoint a 15-member commission. The membership of this commission shall be a broad-based coalition of citizens from throughout the County representing diverse stakeholder interests including, but not limited to, residents, agriculture, business/manufacturing, environmental, development and community based organizations.

B. The Board of Supervisors shall adopt procedures for appointing and replacing members on the General Plan Review Commission, and shall adopt rules for conduct of Commission proceedings.

### Section 5. Task of Commission.

A. The General Plan Review Commission, appointed by the Board of Supervisors under Section 4 above, shall undertake such studies and work as may be necessary to draft a new General Plan. In creating a new General Plan, a reasonable range of alternatives will be considered as set forth in Section 6. The Commission shall take into consideration the principles set forth in Section 3. The work of the Commission shall be pursued with diligence so that the General Plan drafted by the Commission may be submitted to the voters prior to expiration of the two-year period established under Section 8 of this ordinance. The work of the Commission shall conclude upon adoption of the new General Plan.

B. The policies contained in this section shall be considered by the General Plan Review Commission in preparation of a new General Plan, in accordance with the California Environmental Quality Act and State Planning Law.

#### (1) Farmland Preservation Policies

The General Plan Review Commission shall consider new General Plan Agricultural Element standards, policies and implementation measures designed to protect the economic viability of agricultural land.

The Commission shall consider a policy that would require new development to permanently protect farmland of equivalent quality elsewhere in Stanislaus County through the establishment of permanent conservation easement(s) at a 1:1 ratio. The Commission shall recommend guidelines that address both the purchase of, and payment of fees for the purchase of farmland conservation easements.

#### (2) Growth Management Policies

(a) The Commission shall consider and, if appropriate, recommend establishment of a residential development allocation program which sets an annual limit on the number of single-family residential units which may be constructed in the unincorporated portions of the County in any given year. The Commission should consider exemptions to this annual limit for the following types of uses:

1. Income-restricted housing needed to meet quantified objectives for very low and low income housing, along with “density bonus” dwelling units.

2. Dwelling units designed for one or more Special Needs Groups (i.e., disabled, income-restricted senior housing), as needed to meet quantified objectives for housing of special needs groups.

3. Dwelling units within development projects having vested rights prior to the effective date of this Initiative through a valid (unexpired) development agreement or vesting map.

4. Single dwelling unit by or for the owner of the lot of record on which the dwelling unit is to be constructed.

5. Second dwelling unit on a lot of record consistent with the current zone classification.

(b) The Commission shall consider whether or not growth should be directed to areas of poorer quality or less productive farmland, such as areas with poorer soils in the foothill regions of the County.

(c) The Commission shall consider policies that would encourage cities to adopt community boundaries and buffers to develop community identities.

(d) The Commission shall ensure that the Housing Element of the new General Plan conforms to state housing requirements and ensures its capacity to accommodate a variety of housing types throughout the County as required by the State Planning Act.

(3) Fiscal, Service and Infrastructure Policies.

The Commission shall consider fiscal policies that would require projects to pay their own way, meaning that the project will generate adequate revenues to cover the service needs of the project. These policies should include a requirement that all projects prepare a fiscal analysis demonstrating that the project completely covers the cost of providing infrastructure and ongoing services. Notwithstanding the foregoing, the Board of Supervisors may make findings of necessity that exceptions be made to the foregoing policies to allow the County to meet its fair share of affordable housing and other state housing requirements.

C. No violation of Law by this Section

(1) Nothing contained in this Section shall constitute an amendment of the existing General Plan. Upon approval of this Initiative by the voters, the County shall take all necessary and appropriate steps to implement the procedures set forth in this Initiative consistent with the requirements of California Environmental Quality Act and in conformance with State Planning Law.

(2) Nothing in this Section shall be construed or interpreted in such a manner as to operate to deprive any landowner of substantially all of the market value of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of any of the provisions of this chapter to any specific project or landowner would create an unconstitutional taking, the Board of Supervisors may take such other actions to the extent necessary to avoid what otherwise might be construed to be a taking, and any actions shall be designed to carry out the goals and provisions of this Section to the maximum extent feasible.

Section 6. Voter Approval.

A. The General Plan Review Commission shall forward a preferred alternative for the new General Plan, along with a reasonable range of alternatives, to the Planning Commission and the Board of Supervisors prior to conducting the environmental review of the Plan pursuant to the California Environmental Quality Act (Public Resources Code, section 21000 et seq.). Upon completion of the environmental review for the new



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General Plan, the Board of Supervisors shall select its preferred alternative from the General Plan Review Commission's range of alternatives. The Board of Supervisors shall submit its preferred alternative to the voters at either a special or regular election.

B. The new General Plan will become effective upon approval by the voters. If the voters reject the new General Plan, the Board of Supervisors shall submit a revised plan to the voters for their subsequent consideration. If the voters reject the revised plan, the Board of Supervisors should consider the reasons for rejection, and given the legal requirement to update the General Plan, is authorized to proceed with the adoption of a further revised General Plan in accordance with applicable law and consistent with the principles of this Initiative.

### Section 7. Subsequent Amendment of General Plan.

The General Plan adopted pursuant to Section 6 may only be amended or updated by a 4/5 vote of the Board of Supervisors. The Board of Supervisors shall not vote until the Planning Commission has made a recommendation on the amendment and the Board of Supervisors has heard the matter at two separate Board of Supervisors meetings at least 14 days apart, with the vote being taken at an evening meeting. Notice of these meetings shall be published in accordance with applicable State law.

### Section 8. Limitation of General Plan Amendments.

For a period of two years from the effective date of this ordinance the General Plan of the County of Stanislaus may not be amended in a manner which would redesignate land from an agricultural or open space use to a residential use without voter approval. If the General Plan has not been adopted by the voters within the initial two-year period, the Board of Supervisors shall, in a manner consistent with State law and upon making all required findings, adopt a moratorium on any General Plan amendments that would change the permitted use of land designated for agricultural or open space use to residential use. Notwithstanding the foregoing, the County may process and take action, including approval or denial, of any proposed amendments resulting from completed applications that are on file with the County prior to the effective date of this Initiative, or which are required to allow the County to meet its fair share of affordable housing and other state housing requirements.

### Section 9. Severability.

If any portion of this Initiative ordinance is declared invalid by a court of proper jurisdiction, the remaining portions shall remain valid and enforceable. In the event the Board of Supervisors can cure any such deficiency in a manner consistent with the intent of this ordinance, the Board of Supervisors shall take whatever action may be necessary to cure the defect in compliance with applicable State law relating to the adoption and amendment of general plans.

### Section 10. Effective Date.

Pursuant to subdivision (b) of Elections Code section 9141, this Initiative ordinance shall become effective 30 days from and after the date of final passage.

### Section 11. Conflicting Measures.

A. There is a clear conflict between this Initiative and Measure E. If both measures are approved on February 5, 2008, the measure receiving the greater number of affirmative

votes shall supersede the other measure. No provision of the superseded measure shall be implemented or enforced.

B. In the event that the voters approve any initiative or referendum other than Measure E related to the County's general plan contemporaneously with the approval of this ordinance, the measure receiving the greater number of affirmative votes shall supersede the other measure(s). No provision of the superseded measure(s) shall be implemented or enforced.

#### Section 12. Duration.

The provisions of this Initiative shall remain in effect until 30 years after its effective date.

#### **Impartial Analysis by County Counsel**

This initiative is intended to place a limitation on General Plan amendments which redesignate land from agricultural use to a residential use for two years until a new General Plan is placed before and adopted by voters. This initiative would establish a 15-member General Plan Review Commission made up from a broad-based coalition of citizens appointed by the Board of Supervisors that would be tasked with creating the new General Plan. The General Plan Review Commission is directed to consider integrating policies into the new General Plan that would consider mitigation measures to permanently protect farmland; consider establishing a residential growth cap; consider whether or not growth should be directed to areas of poorer quality or less productive farmland, such as areas with poorer soils in the foothill regions of the County; encourage cities to adopt community boundaries; and require new development to provide adequate infrastructure and pay for services to support growth. Development of a new General Plan must ensure that proper planning occurs to address Stanislaus County's projected growth.

The initiative provides that the General Plan Review Commission shall draft a new General Plan that would be submitted to the voters within two years after the measure is passed. The new General plan shall become effective if approved by the voters. If voters reject the plan, the Board of Supervisors would be required to submit a revised plan to the voters for consideration. If the voters reject the Revised Plan, the Board of Supervisors would be authorized to proceed with the adoption of a further revised General Plan consistent with the principles of the initiative.

The initiative also provides that for a period of two years the General Plan may not be amended to redesignate land from agricultural or open space to a residential use without voter approval.

A YES VOTE will set a two year limitation on the conversion of agricultural lands to residential land use designations in the unincorporated portion of the County until a new, comprehensive General Plan is adopted by the voters which would be prepared by a General Plan Review Commission following guiding principles to establish policies that promote farmland preservation, discourage urban sprawl, and require each development project to pay its own way.

A NO VOTE will retain the County's current General Plan policies and permit the Board of Supervisors to amend the General Plan in response to the changing needs of Stanislaus County residents pursuant to State planning and zoning law.

#### **Argument in Favor of Measure L**

## VOTER-APPROVED DEVELOPMENT

Vote YES On Measure L if you want to place a limitation on the conversion of farmland until a new County General Plan is prepared and adopted by the voters of Stanislaus County. Growth requires proper planning, not slick campaign ads designed to convince voters to approve individual projects on a piecemeal basis. Responsible growth requires planning for needs related to transportation, schools, public safety, sewer and water. The County General Plan guides future development and should ensure that growth occurs in a logical and orderly manner and does not waste our precious resources. These challenging issues require broad public input, extensive master planning and careful consideration by our leaders. Responsible planning requires more than a simple yes or no vote on individual development projects. It requires comprehensive General Plan policies that balance competing interests. Measure L does just that.

Measure L requires responsible planning and growth control by putting local citizens in the driver's seat when it comes to preparing a new General Plan and let's the voters decide if the new General Plan does what they want. When developing the new General Plan, local citizens would consider policies that would make sure that our agricultural heritage and quality of life are protected, urban sprawl is limited and growth is adequately planned for and pays it own way. Measure L restricts conversion of agriculture land for residential uses until a new General Plan is adopted.

Help develop a responsible plan for the future growth that is coming. Vote YES on Measure L

/s/ Kevin Chiesa

President, Stanislaus County Farm Bureau

### **Rebuttal to Argument in Favor of Measure L**

Boy, that argument in favor of Measure L sure sounds nice. Just like a Con Man would sound while he's stealing your quality of life.

If it were only that simple. In reality, the Board of Supervisors now has the freedom to do everything listed above without this vote. They are just offer this to make themselves look better following their Crows Landing and Salida fiascos. Measure L? No!

All the reasons they give for needing responsible growth is exactly what the County has failed to do over and over again. Look at the county residential areas around our cities; lacking planning and infrastructure needs like sewer, sidewalks, and lighting.

The Sups say they will let you vote on the General Plan. True. But if you turn it down a couple of times, then they are free to enact any General Plan they, and their big-time developer friends, want. It gives developers open season on our agricultural lands. Measure L? No!

The Board says this restricts conversion of Ag Land for residential until a new General Plan is adopted. Again, sound very good. Actually, this is the biggest fake of all. It lets their developer friends in Crows Landing and Salida have their development without any worry of anyone else sitting at the banquet table. They have a monopoly. What more could they ask of "their" Supervisors.

Not just no, "L? NO!"

/s/ Charles Neal, former Riverbank Mayor

## **Argument Against Measure L**

Vote NO on Measure L Don't be confused by this Board of Supervisors fake.

It's time to say NO; "L NO" to their tricks.

"L NO" to the Loss of farmland and the Supervisors' Lies about protecting farmland while they commit over 6,000 acres of prime farmland (Salida-over 3,000, Crows Landing-over 3,000) to concrete and congestion.

"L NO" to the phony Lure of empty promises to hear the public. Don't get hooked! Ask a Westsider if they trust these Supervisors.

"L NO" to Supervisors who took away your vote on Salida. Over 30,000 citizens signed a petition to vote on the Salida growth and they still won't let you.

"L NO" to the Supervisors being Loose with your tax dollars. Board of Supervisors paid Bay Area developers \$400,000 after not letting you vote.

"L NO" to this Lousy plan. The Supervisors will pack the committee with developer friends. If you don't like it, too bad! This lets the Supervisors enact the plan you vote against.

"L NO" to this Loser plan designed to protect the developers from the taxpayers. Shouldn't it be the other way around?

Vote NO on L.

Respectfully,

s/ Robert Weatherbee, Turlock area farmer & former County  
Planning Commission member

s/ E. Timothy Parker, former Newman City Council member

s/ Phil Rockey, former Oakdale City Council member

s/ Tim Fisher, former Modesto City Council member

s/ Garrad Marsh, Modesto City Council member

## **Rebuttal to Argument Against Measure L**

Voters beware! The argument against Measure L is false, misleading and plays on voters' emotions. Don't be fooled by smoke and mirrors.

Measure L does not cause or result in any loss of farmland, and it's not about our County Supervisors. It's about placing you – the citizens – in the driver's seat to help plan the County's future.

Measure L requires broad-based public participation in developing growth policies that will be the guiding document, the constitution, for all future development in the County. County voters decide if the new General Plan got it right.

## VOTER-APPROVED DEVELOPMENT

Measure L is about proper planning for future growth, not about Salida developers. The Salida Initiative provides that developers could be paid for up-front planning costs from development fees in that area, not from tax dollars.

Measure L is about County residents deciding what policies should control future growth in the County. Measure L requires a citizen committee to develop those policies that represent diverse stakeholder interests including residents, agriculture, business/manufacturing, environmental, development and community based organizations. County residents get to vote whether the new General Plan does what they want. If not, the General Plan must be revised to reflect the voters' intent, and the voters again get to decide if the County got it right.

Vote YES on L if you want a broad-based citizen group to revise the County General Plan to permanently build protections for farmland, and if you want County residents to participate in and decide how Stanislaus County grows.

Vote YES on L

s/ Kevin Chiesa

President, Stanislaus County Farm Bureau

## **C-6. Merced County – Measure C: Merced County Citizen's Right to Vote on Expansion of Residential Areas Initiative<sup>240</sup>**

### **General Election Date**

November 2, 2010

### **Ballot Heading**

None.

### **Ballot Question**

Shall the ordinance, which would amend the County's General Plan to require a confirming vote of the County electorate when the Board of Supervisors approves conversion of agricultural land to residential use, be adopted?

### **Full Text of Ordinance**

The people of the County of Merced do hereby ordain as follows:

#### **I. Findings and Purpose.**

A. Purpose. The purposes of this initiative are to: (1) establish a mechanism for direct citizen participation in land use decisions affecting County policies; and (2) minimize sprawl, reduce transportation costs, maintain farmland, and secure the fees necessary to provide for the cost of needed services by directing development into incorporated cities.

#### **B. Findings. The voters of Merced County find:**

1. The protection of existing agricultural and open space lands is of critical importance to present and future residents of the County of Merced. Agriculture has been and remains the major contributor to the local and regional economy. Agriculture creates direct and indirect employment for many people, provides valuable crops distributed worldwide and defines the County's identity and way of life.
2. Continued encroachment into Agricultural, Foothill Pasture and Open Space designated areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in the expensive extension of public services and facilities as well as increasing the costs on existing residents.
3. The unique character of the County of Merced and quality of life of County residents depend on the protection of agricultural and open space lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.
4. This Citizen's Right to Vote on Expansion of Residential Areas policy establishes a mechanism for direct voter participation into land-use decisions authorizing residential

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<sup>240</sup> Merced County Clerk, Registrar of Voters, "Sample Ballot and Voter Information Pamphlet," General Election, November 2, 2010 (2010).

## VOTER-APPROVED DEVELOPMENT

development of lands designated for agricultural or open space uses. Providing for such participation is consistent with, and builds upon, existing General Plan policies designed to protect agricultural land and open space.

### II. General Plan Amendment.

1. Except as otherwise provided herein, the Citizen's Right to Vote on Expansion of Residential Areas Initiative hereby reaffirms and readopts the Agricultural, Foothill Pasture and Open Space designations and the goals and policies as they specifically apply to said designations set forth in Chapters I, VI and VII of the Merced County General Plan, adopted December 4, 1990, and as amended.

2. In addition, this initiative General Plan Amendment hereby reaffirms and readopts the "Agricultural", "Foothill Pasture" and "Open Space" designations of the County of Merced General Plan as reflected on the "Land Use Policy Diagram" and the map entitled "Land Use Designations Outside of Specific Urban Development Plans and Rural Residential Centers," adopted by the Board of Supervisors on December 4, 1990, and as amended, which diagram and map are referenced in the section B(7) of the "Land Use Chapter" of the document entitled "Merced County Year 2000 General Plan" adopted December 4, 1990, and as amended. Said Diagram and map are incorporated herein by reference.

3. The following Goal and Policies are inserted at page I-66 of the Merced County General Plan, Land Use Chapter, Goals, Objectives, Policies and Implementation adopted December 4, 1990, immediately following Goal 12:

#### LIMITATIONS ON GENERAL PLAN AMENDMENTS RELATING TO "FOOTHILL PASTURE" "AGRICULTURAL" AND "OPEN SPACE" DESIGNATIONS.

Pursuant to the provisions of the Citizen's Right to Vote on Expansion of Residential Areas Initiative, the following shall obtain until December 31, 2040:

#### GOAL 13

Provide for direct citizen participation in land-use decisions involving the expansion of residential uses into agricultural and open-space areas in order to encourage compact urban form and to preserve agricultural land and natural resources.

#### POLICIES:

1. Any decision by the Board of Supervisors of the County of Merced to approve the redesignation or rezoning of land from an agricultural or open space use to a residential use shall require, and be contingent upon, approval by a majority vote of the County voters at a general or special local election. In the event the Board approves the redesignation or rezoning of such land for a residential use, such approval shall not take effect unless and until that decision is approved by an affirmative majority vote of the voters of the County voting on the proposal.

2. The requirement set forth in paragraph (A) shall apply to all such decisions affecting land that is designated for agricultural or open space use on the Land Use Map of the County's General Plan as of the effective date of this policy, even if the affected land is, after the effective date, redesignated or rezoned to a use other than an agricultural or open space use. The intent of this paragraph is to ensure that a developer does not

“launder” land by obtaining County approval for a non-residential use (e.g., an industrial or commercial use), and then subsequently obtain County approval for a residential use.

3. The Board's decision to approve the redesignation or rezoning of land from an agricultural or open space use to a residential use constitutes the “approval” of a “project” for purposes of CEQA. For this reason, the County shall comply with CEQA prior to the Board's decision to approve the redesignation or rezoning, notwithstanding the requirement that the voters approve such redesignation or rezoning.
4. Once the voters have approved a land use map designation or land use entitlement for a property, additional voter approval shall not be required for: (1) subsequent entitlement requests that are consistent with the overall approved development project or land-use designation and zoning; and (2) any requested modification to a land-use or zoning designation that does not decrease the number of permitted dwellings, as specified in the exhibits and plans approved by the voters.
5. Exemptions. The requirement for voter approval set forth in this policy shall not apply to any of the following:

- a. After notice and hearing as required by state law and after compliance with CEQA, the Board of Supervisors may, without a vote of the electorate of the County, approve residential development on land designated for agricultural or open space uses if the Board finds, based on substantial evidence in the record, and HCD certifies in writing, that all of the following circumstances exist:

- (i) the approval is necessary and required to meet the County's legal fair share housing requirement; and

- (ii) there is no other land in the County or the cities in the County already designated for urban use that can accommodate the County's legal fair share housing requirement. The Board shall not redesignate more than ten (10) acres per year for residential use under this paragraph.

- b. Additional acreage may be designated for residential use if the Board finds, and HCD certifies in writing, that the additional acreage is necessary to meet the Board's legal fair share obligation based on maximum multi-family densities. Any proposal approved under this subsection shall be required to have all housing units permanently affordable to persons or families of moderate, low and very low income. The intent of this exemption is to provide sufficient land for housing to accommodate moderate, low and very low income housing, as may be necessary over time under State law.

- c. Any development project that has obtained a vested right pursuant to state law prior to the effective date of this policy.

- d. Any development project consisting entirely of farm worker housing.

#### DEFINITIONS:

The following definitions apply to this policy:

- a. “Residential use” means any land-use designation, zoning district or other legislative entitlement authorizing, allowing, or consistent with residential development at a density greater than one (1) dwelling unit per ten (10) gross acres. Such density shall not include (a) caretaker housing or other residential uses incidental to the primary use, or



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(b) farm worker housing. “Residential use” includes the following land use designations set forth in the General Plan (1990), all land-use designations that may be adopted by the County in the future that are comparable to such designations, and all zoning districts compatible with such designations: Agricultural Residential, Very Low-Density Residential, Low-Density Residential, Medium-Density Residential, High-Density Residential, Specific Urban Development Plan, Rural Residential Center, Planned Unit Development, and Community Specific Plan.

b. “Agricultural or open space use” means any land-use designation or zoning district authorizing, allowing, or consistent with residential development at a density of equal to or less than one (1) dwelling unit per ten (10) gross acres. “Agricultural or open space use” includes the following land-use designations set forth in the General Plan (1990), all land-use designations that may be adopted by the County in the future that are comparable to such designations, and all zoning districts compatible with such designations: Agricultural, Foothill Pasture or Open Space on the “Land Use Policy Diagram” or the map entitled “Land Use Designations Outside of Specific Urban Development Plans and Rural Residential Centers,”

c. “General Plan” means the Merced County General Plan adopted on or about December 4, 1999, as amended through the effective date.

d. “Effective date” means the effective date of the Citizen's Right to Vote on Expansion of Residential Areas initiative measure, as established by the California Elections Code.

e. “Board” or “Board of Supervisors” means the Merced County Board of Supervisors.

f. “County” means Merced County.

g. “CEQA” means the California Environmental Quality Act (Public Resources Code section 21000 et seq.).

h. “HCD” means the California Department of Housing and Community Development.

## IMPLEMENTATION

1. Elections: Except for the renewal or repeal of this Goal 13 and related Policies, any direct or indirect costs to the County caused by the elections mandated by this goal and policy shall be borne by the applicants of the amendment of the General Plan land-use map designation or other development proposal requiring the election, unless otherwise prohibited by State law. Elections mandated by this goal and policy shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

2. Interim Amendments: The County of Merced General Plan adopted on or about December 4, 1990, was in effect at the time the Notice of Intent to circulate this Initiative was submitted to the County of Merced Elections Official on February 1, 2010 (“submittal date”), and that General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the County of Merced. In order to ensure that the County of Merced General Plan remains an integrated, internally consistent and compatible statement of policies for the county as required by State law and to ensure that the actions of the voters in enacting this Initiative are given effect, any provision, amendment or update of the General Plan that is adopted between the submittal date and the Effective Date 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 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 County's General Plan.

3. Duration; Amendment: This Initiative, including Goal 13 and related Policies shall remain in effect until December 31, 2040, and may be amended or repealed only by the voters of the County at an election held in accordance with State law.

4. Interpretation: Severability: This Initiative shall be interpreted so as to be consistent with all Federal and State laws, rules, and regulations. If any word, sentence, paragraph, subparagraph, section, subsection or portion of this Goal and Policy is declared unconstitutional or otherwise in violation of state or federal law by a court, the remaining words, sentences, paragraphs, subparagraphs, sections, subsections or portions are to remain valid and enforceable. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

5. If, after the effective date but before the date of the election on this initiative measure, the Board amends the General Plan such that the General Plan is not consistent with this initiative measure, then any such amendments shall automatically become null and void, to the extent necessary to be consistent with this policy. This provision is intended to ensure that the Board, in an effort to thwart the reserved initiative power of the people, does not amend the General Plan after the effective date so as to create an internal inconsistency in the General Plan as of the date the voters approve this Goal and Policy.

### **Impartial Analysis by County Counsel**

The Citizen's Right to Vote on Expansion of Residential Areas Initiative (the "Initiative") would amend the County's General Plan. The General Plan sets forth policies for how land within Merced County is used. The Initiative would impose a rule that, until December 31, 2040, land currently designated for either agricultural or open space use could not be converted to residential use without a county-wide vote of the public.

Presently, land use designations can be changed by public officials, usually after public input. No vote of the electorate is required.

Under the new law as proposed, if the Board of Supervisors approved creating or expanding a residential area in what is now farmland, that decision would need to be confirmed by County voters. This new public vote requirement would extend to cases where land was designated as agricultural or open space on the effective date of the Initiative, but was later changed to another designation such as commercial or industrial, and then later proposed for further redesignation as residential.

If the Board of Supervisors made any change to the County's General Plan at any time while the Initiative was pending or after it became law, such changes would have to be consistent with the Initiative. Otherwise, they would be void.

The Initiative would require that farmland conversions would always be treated as a "project" under the California Environmental Quality Act ("CEQA"). Under CEQA, an environmental analysis of the conversion would be required before the Board of Supervisors could place the action before the voters, unless the conversion fell within one of CEQA's exemptions.

Under the Initiative, zones allowing less than ten acres per home would be considered residential. If more than ten acres per home were required, the land would be considered

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agricultural. Caretaker and farm worker housing would not count as dwellings. Any “rezoning or redesignation” by the Board of Supervisors, if it would shift land from the agricultural category to the residential category, would be subject to a county-wide vote.

There would be an exemption from the public vote requirement if the law required a residential designation to meet the County's “fair share housing” obligation, and no other land was available to meet that requirement. If more than ten acres per year were exempted for fair share housing, the excess would be required to remain permanently affordable to moderate, low, and very low income families. Also exempted would be any land with a “vested right” to redesignation, under state law, as of the date of the amendment, and any development involving only farm worker housing.

Land use decisions by cities within the County would not be subject to the Initiative. One of the Initiative's stated goals is to direct growth toward cities.

Applicants for redesignation would bear the cost of any resulting elections. The elections would be consolidated with other elections, wherever feasible.

A “Yes” vote would subject future conversions of farmland to a county-wide vote. A “No” vote would keep such decisions with the County Board of Supervisors.

### **Argument in Favor of Measure C**

Your vote will decide if we Save Farmland or Pave Farmland in Merced County.

This is an important time in our history. It is time to better manage our growth so sprawling development doesn't pave over our productive farmland, deplete our property values and devastate our local economy. It is time to preserve a farming heritage that provides 35% of the jobs in Merced County.

"Yes on C" preserves farmland and open space by directing housing into cities. If residential development is proposed outside city limits, then it provides for direct citizen oversight – a majority vote – whenever county government plans to re-zone agricultural or open-space land for housing subdivisions. It's really that simple.

Our cities are the best option to deliver services and provide infrastructure at a lower cost to taxpayers. Our cities already have thousands of acres planned for housing... when the day comes that we need it. Residential development outside city limits costs county taxpayers for infrastructure and services, double-taxing city residents for both city and county services.

"Yes on C" changes no zoning laws, changes no property rights, and has no impact on development inside cities or on farm housing. It doesn't alter a city's ability to annex new land. It affects no commercial or industrial zoning. It makes certain that our elected officials and planners meet the expectations of citizens and taxpayers without the undue influence of outside developers and lobbyists.

By directing housing into cities, we can revitalize our urban areas with smart economic growth that will also preserve farmland for our #1 economy: agriculture. Let's stop unchecked urban sprawl. Let's ensure we have sustainable growth, with real economic development, and well-designed, welcoming communities that offer a promising future for generations to come.

"Yes on C". It's really that simple.

s/Les McCabe

Clerk, Merced College Board of Trustees

s/Bob Giampoli

Farmer, Le Grand

s/John Carlisle

Council Member, City of Merced

s/Bill Stockard

Retired Superintendent,

Merced County Office of Education

s/Irene De La Cruz

Publisher of *Between Friends/Entre Amigos*, Planada

### **Rebuttal Argument in Opposition**

The Fagundes, Cunningham, Clark and Kelley families have been farming in Merced County for generations.

We have worked to protect farmland in this area for, in some cases, nearly 100 years.

We can assure you that Measure C is bad for farmers.

Many local farmers, including some of those listed below, have already put their land in conservation easements, protecting it from future development. There are several ways to preserve farmland without resorting to the extreme measures proposed under Measure C.

Measure C will have a direct impact on property values, potentially reducing land values and making it harder for many farmers to remain in farming.

But farmers are not the only ones hurt by Measure C.

Measure C attempts to direct all growth into existing cities increasing local traffic. That means local residents face longer commute times, more traffic delays and more smog from car exhausts.

Measure C jeopardizes funding for vital police and fire services, road improvements and essential public facilities.

Measure C threatens potential scholarship dollars for area students that will result from development of the University Community. Delay in the University Community will result in lost opportunities for high school graduates seeking to attend college.

Vote No on C – it's bad for farmers, bad for Merced County and it's bad for you and the members of your family.

s/Robert D. Kelley Jr.

## VOTER-APPROVED DEVELOPMENT

President, James J. Stevinson Corporation

s/Ralph Fagundes

3rd Generation Farmer/Rancher

s/Allan Clark

3rd Generation Farmer

s/Frank Swiggart

Past President of the Deputy Sheriff Association

s/Jim Cunningham

4th Generation Farmer

### **Argument Against Measure C**

Measure C is bad news for Merced County and its farmers.

Measure C attacks private property rights and reduces property values that provide the equity farmers rely on to finance planting of crops, buy new equipment and make improvements to farms. Farmers lose.

Measure C jeopardizes the future expansion of UC Merced and the much-needed jobs that our new University will bring to our area. Education and opportunities for our children suffer. Important programs such as a future school of medicine may be delayed.

Measure C jeopardizes funding for vital police and fire services, road improvements and essential public facilities. Fewer cops and firefighters.

Measure C requires expensive elections, more political campaigns and additional costs to job-creating projects for Merced County. Businesses will take their jobs to other Counties rather than take a chance on an uncertain election. We lose jobs.

Measure C benefits big developers. Only they will have the money necessary to conduct expensive political campaigns—the “little guy” loses.

Measure C was developed in secret, by a small group of extremists led by activists from outside our county. It did not have the benefit of public review or public hearings. Hired signature gatherers were paid thousands of dollars to collect signatures.

Measure C doesn't save farmland and it doesn't help farmers.

Vote No on Measure C—it simply goes too far.

s/Pat Palazzo

Farmer

s/Bob Carpenter

Businessman

s/Kim Rogina

Farmer

s/Steve Gomes

School Superintendent

s/David H. Long

Farmer/Businessman

### **Rebuttal to Argument in Opposition of Measure C**

Measure C is great news for Merced County, while Measure D directly conflicts with the Save Farmland Initiative's intent by exempting land from citizen oversight.

"Yes on C" puts Merced among the smart-growth counties in California that plan ahead to preserve agricultural land and open space. "Yes on C" ensures planning that lessens the impact of population growth expected to consume 55,000 acres of Merced County farmland by 2040.

"Yes on C" changes no property rights or zoning laws. "Yes on C" affects no commercial or industrial development. "Yes on C" allows land outside city limits to be converted to housing tracts only if the plans make sense to the taxpayers.

"Yes on C" saves taxpayers by directing residential development into our cities. It gives citizens direct control over plummeting property values created by an overabundance of housing subdivisions.

"Yes on C". It's really that simple.

s/Rich Ford

Mayor, City of Gustine

s/Grant Medefind, MD

Family Practice Physician

s/Kandy Coburn

Coburn Ranch Dos Palos

s/Joe Alvernaz

Sweet Potato Farmer, Livingston

s/Joseph Enos

Merced County Farm Bureau Board Member

## C-7. Merced County – Measure D: The Citizen's Right to Vote on Expansion of Residential Areas Initiative<sup>241</sup>

### General Election Date

November 2, 2010

### Ballot Heading

None.

### Ballot Question

Shall the Ordinance correcting and clarifying the Citizen's Right to Vote on Expansion of Residential Areas Initiative be adopted?

### Full Text of Ordinance

ORDINANCE D

AN ORDINANCE CORRECTING TYPOGRAPHICAL AND DRAFTSMANSHIP ERRORS IN THE MERCED COUNTY CITIZEN'S RIGHT TO VOTE ON EXPANSION OF RESIDENTIAL AREAS INITIATIVE AND CLARIFYING THE INTENT OF THE VOTERS IN ADOPTING THE INITIATIVE.

The people of the County of Merced do hereby ordain as follows:

A. Purpose. The purposes of this Ordinance are to: (1) correct typographical and draftsmanship errors in the Merced County Citizen's Right to Vote on Expansion of Residential Areas Initiative (the "Initiative"); and (2) clarify that the intent of the voters, in adopting the Initiative to subject certain land use conversions to county-wide referenda, was not to extend that requirement to the future rezoning for residential use of lands that have, as of the effective date of the Initiative, already been approved for residential use in an adopted Specific Urban Development Plan boundary.

B. Conditional Adoption. This Ordinance shall only take effect if the Initiative is approved by the voters of Merced County and becomes law.

C. Amendments to General Plan as Amended by Initiative. If the Merced County General Plan is amended by the insertion at page I-66 of the Goal and Policies set forth in the Initiative, the following clarifying and corrective amendments to the General Plan as amended by the Initiative are hereby adopted (deletions shown in ~~striketrough~~ text; additions shown in underline text):

1. Definitions, (c) ("General Plan") is amended to read as follows:

c. "General Plan" means the Merced County General Plan adopted on or about December 4, ~~1999~~ 1990, as amended through the effective date.

2. Paragraph 5 ("Exemptions") under "POLICIES" is amended, after subparagraph "d" by adding a new subparagraph "e" as follows:

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<sup>241</sup> Merced County Clerk, Registrar of Voters, "Sample Ballot and Voter Information Pamphlet," General Election, November 2, 2010 (2010).

e. Lands within Specific Urban Development Plans (SUDPs) and study areas reflected on the County's General Plan Land Use Diagram as of the effective date, even if the implementation of such SUDPs in whole or in part requires rezoning or redesignation actions that would otherwise be subject to the voter approval requirement of this initiative.

3. Paragraph 5 under "IMPLEMENTATION" is amended to read as follows:

5. If, after the effective date ~~but before the date of the election on~~ this initiative measure, the Board amends the General Plan such that the General Plan is not consistent with this initiative measure, then any such amendments shall automatically become null and void, to the extent necessary to be consistent with this policy. This provision is intended to ensure that the Board, in an effort to thwart the reserved initiative power of the people, does not amend the General Plan after the effective date so as to create an internal inconsistency in the General Plan ~~as amended by the~~ of the date the voters approve to add this Goal and Policy.

D. Intent. It is the intent of the voters, in enacting this Ordinance, merely to provide clarification of the Initiative by addressing errors and ambiguities therein. The voters declare that this Ordinance is not intended to effect any substantive change in the policy embodied in the Initiative, but instead merely to clarify it to reflect the voters' intent in adopting the Initiative.

E. Effective Date. This Ordinance shall become effective at the time prescribed by the California Elections Code, or upon the day immediately following the effective date of the Initiative, whichever occurs later.

F. For purposes of section 9123 of the Elections Code, this Ordinance does not conflict with the Initiative, and if each is approved by the voters, each shall take effect.

### **Impartial Analysis by County Counsel**

This Referendum measure (the "Referendum") was placed on the ballot by the County Board of Supervisors. The stated purposes are to correct errors and clarify ambiguities in the Citizen's Right to Vote on Expansion of Residential Areas Initiative (the "Initiative"). The Initiative, placed before the voters by a petition drive, appears on the same ballot as this Referendum. The Initiative would amend the County's General Plan to require a county-wide public vote to convert farmland to residential use. The Referendum would only take effect if the Initiative also passed.

The Referendum would make three amendments to the Initiative. First, it would correct an instance where the wrong date is given for the County's General Plan. Second, it would clarify language regarding the changes to the General Plan that the Board of Supervisors might make after the effective date of the Initiative. The Initiative referred to changes that might be made "after the effective date but before the date of the election on" the Initiative. No such changes are possible, since the effective date would fall after the election date. The Referendum would make clear that General Plan amendments made after the effective date would be invalid if they were inconsistent with the Initiative.

Third, the Referendum would clear up an ambiguity regarding Specific Urban Development Plans ("SUDPs"), which are areas that the County plans to urbanize. The question of converting land within each existing SUDP has already undergone environmental review and public hearings. The Referendum would allow these areas to



## VOTER-APPROVED DEVELOPMENT

be rezoned for residential use without an election. More than 2,000 acres of land within SUDPs in the County have been “designated” for conversion from agricultural to residential use, but are “zoned” agricultural. This land would have to be rezoned before residential development would be allowed.

The Initiative says that it is meant to require elections before any conversion to residential use of land that currently is designated as agricultural or open space land on the County's “Land Use Map.” The designation of land for residential use within SUDPs appears on the Land Use Map. This would seem to mean that the Initiative is not meant to require a confirming vote on the rezoning of such land. But the Initiative also says it would require a confirming vote for any “rezoning or redesignation” of agricultural land to residential use. This would seem to mean that a confirming vote is required to rezone land, even where it was previously “designated” for residential use. The two provisions therefore seem to conflict. To resolve this conflict, the Board of Supervisors has placed this Referendum before the voters.

A “Yes” vote is a vote in favor of allowing land in SUDPs to be rezoned without a confirming vote, and to correct the minor drafting errors noted above. A “No” vote is a vote in favor of requiring a confirming vote for the rezoning of such land, even though it is already “designated” for residential use, and to leave the minor drafting errors uncorrected.

### **Argument in Favor of Measure D**

Measure D protects Merced County taxpayers from expensive litigation.

Hundreds of thousand of dollars and many hours on the part of planning experts, community leaders and local residents have been invested in developing the County General Plan.

Projects like the UC Merced Community that will bring thousands of jobs to our County have gone through extensive public review.

Now, a small group of activists working largely behind closed doors, has placed an initiative on the ballot, Measure C, that would unravel all the planning that has gone into several key job creating projects.

These projects have been designated SUDP's—Special Urban Development Projects and have received preliminary approvals to go forward.

Measure C overturns these projects and exposes Merced County to millions of dollars in potential lawsuits.

Your elected representatives placed Measure D on the ballot to protect the County from needless litigation.

In these difficult economic times it's important to preserve county revenes (sic) for services to the citizens of Merced County—not waste funds on lawyers and lawsuits.

If Measure C fails to pass, Measure D is unnecessary. If however, Measure C were to pass, the County potentially faces millions of dollars of legal costs and important projects like the UC Merced expansion will face years of delay.

Vote YES on Measure D - Vote NO on Measure C

Measure D protects local jobs.

s/Jeanette Benson

Farmer

s/Bert Crane Sr.

Farmer

s/Jim Cunningham

Farmer

s/Joe Ramirez

Businessman

s/Roger Wood

Retired Farmer

### **Rebuttal to Argument in Favor of Measure D**

Measure D is in direct conflict with the intent of the Save Farmland Initiative by exempting over 2500 acres of land from the voters' rights enacted by Measure C.

The “draftsmanship errors” it corrects have no legal consequence. All the County's “clarification” referendum does is add a paragraph to keep more ag land from public oversight.

The key elements of Measure C have already been upheld in California's courts because it was carefully written for Merced County based on what has worked to save farmland in other counties.

Measure C lets the taxpayers who face the risks of more housing subdivisions decide if the plans, including the UC Merced Community, are good for our citizens. It focuses the County on real job creation and economic development by directing housing into cities.

We trust the voters will make the best choices.

"Yes on C" and "No on D".

s/Russell Dutra

Merced County Farm Bureau Board of Director

s/William B. Thompson

Merced County Farm Bureau Board Member

s/Ann Ahmadi

Mercy Medical Center, Director Transition Planning

s/Kenneth J. Leap

Major USAF, Retired

## VOTER-APPROVED DEVELOPMENT

s/William C. Sanford

United Methodist Minister, Vet

### **Argument Against Measure D**

Vote "No on D".

The only thing Measure D clearly does is exempt 2500 or more acres from the citizen oversight that Measure C puts into place.

"Yes on C" preserves farmland and open space by directing housing tracts into cities. No exceptions. If new housing is proposed outside city limits, then it provides for direct citizen oversight – a simple majority vote – whenever county government wants to convert (sic) agricultural land or open space to residential zoning. It's really that simple.

"Yes on C" changes no zoning laws, changes no property rights, and has no impact on development inside any city limits. It doesn't alter a city's ability to annex new land. It affects no commercial or industrial zoning. It makes certain that our elected officials and planners meet the expectations of citizens and taxpayers without undue influence of developers and lobbyists.

"Yes on C" saves farmland. No clarification needed.

Vote "Yes on C", and vote "No on D".

s/Charlie Magneson

Farmer, Ballico

s/Jean Okuye

Citizens for Quality Growth

s/Rochelle Koch

Rancher, Winton

s/Ward Burroughs

Almond and Dairy Farmer, Denair

s/William R. Bell

Veterinarian/Rancher

### **Rebuttal to Argument in Opposition of Measure D**

None submitted.