

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SONOMA, CALIFORNIA, AMENDING THE CITY OF SONOMA GENERAL PLAN TO CONTINUE THE URBAN GROWTH BOUNDARY

THE PEOPLE OF THE CITY OF SONOMA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Statement of Purpose and Effect.

- A. **Purpose.** In November 2000, the voters of the City of Sonoma passed Measure S which amended the then existing General Plan to incorporate into that General Plan an Urban Growth Boundary beyond which certain urban development was not permitted, except under certain circumstances. The stated purpose of that initiative was “to amend the City of Sonoma 1995-2005 General Plan to establish an Urban Growth Boundary ("UGB") for the City of Sonoma. This initiative promotes stability in long-term planning for the City of Sonoma by setting a cornerstone policy within the General Plan establishing the geographic limits of long-term development, while allowing sufficient flexibility within those limits to respond to the City's changing needs over time. The UGB is a line beyond which urban development will not be allowed, except for public schools and public parks. Only uses consistent with the General Plan "agricultural" land use designation as it [existed] on February 25, 2000 (the provision defining such uses is attached hereto as Exhibit A) and the definition of "open space lands" as set forth in Government Code section 65560(b) as of February 25, 2000 (attached hereto as Exhibit B) will be allowed beyond the UGB. With certain exceptions, [the] UGB [could not] be amended until December 31, 2020, except by a vote of the people.”

This ordinance will renew the UGB by amending the City of Sonoma’s 2006-2020 General Plan (“General Plan”) to (i) insure the UGB’s salutary purposes continue to be served and (ii) extend the operative effect of the UGB until December 31, 2040.

Section 2. Findings. The people of the City of Sonoma find that this ordinance promotes the health, safety, welfare, and quality of life of the residents of the City of Sonoma, based upon the following:

A. **The City of Sonoma's Small-Scale Character.** The City of Sonoma was founded in 1835 as a mission town and has maintained its unique historic and small-scale character through development that reveals a strong sense of relationship to its historic features. This ordinance promotes the City's commitment to its small-scale character by concentrating future development largely within existing developed areas.

B. **The City of Sonoma's Agricultural Heritage.** The City of Sonoma is surrounded largely by agricultural land and open space. The greenbelt around the City supports a healthy agricultural industry that is the mainstay of the vibrant local economy. This ordinance protects the City's rich agricultural heritage by directing future urban development inside the UGB and promoting uses

that foster public health and safety and productive investment in agriculture on lands outside the UGB.

C. **The City of Sonoma's Natural Environment.** The physical boundaries surrounding the City of Sonoma include hillsides, agriculture, riparian corridors, and parks, which provide a natural greenbelt that contributes to the scenic beauty of Sonoma. This ordinance protects these natural resources by directing future development inside the UGB and promoting open space uses that are compatible with the natural environment outside of the UGB while encouraging development of affordable housing.

D. **The City of Sonoma's Housing Supply.** This General Plan Amendment is not intended to prevent the City from meeting its obligation under state housing or zoning and planning law. This measure re-establishing and extending a UGB is consistent with the objectives of the City's Housing Element and with the other mandatory elements of the City's General Plan. The General Plan and its Housing Element promote efficient and affordable housing development in the City through measures such as the requirement of inclusionary units, density bonuses, encouraging infill development, facilitating the construction of second dwelling units, and seeking to diversify housing opportunities in the City. As a result, it is fully expected that the residential and other land use policies and provisions established by the General Plan are sufficient to address the expected increase in the City's population. This ordinance will not impede the City's ability to continue to meet the housing needs of all economic segments of the population, including very low, lower and moderate-income households. It will promote this goal by directing housing development into areas where services and infrastructure can be provided more cost-effectively. This measure allows the City Council to amend the UGB for the purpose of bringing land into the UGB without a public vote for development of housing which is 100% affordable (provided that 51% of the units are affordable to low and/or very-low income families), in recognition of the fact that sometimes it is necessary for a local government to take special steps to provide opportunities for very low- and low-income housing. This measure also allows the City Council to bring land into the UGB without a public vote in order to avoid an unconstitutional taking of private property without compensation.

E. **The City of Sonoma's Economy.** Carefully planned non-residential development in the City of Sonoma can help match jobs with housing opportunities in the area, by taking into account both housing costs and prevailing wages. A true balance of jobs and housing will reduce traffic congestion, improve air quality, and lessen pressures for urban sprawl. This ordinance promotes the City of Sonoma's economy by fostering and protecting the small-scale character of the City while allowing appropriate economic development in accordance with the City's unique local conditions.

F. **Inapplicability to Sonoma's Sphere of Influence.** Although the passage of Measure S established and this measure re-establishes and renews the UGB in the same location as the City's sphere of influence line ("SOI") as it existed as of February 25, 2000, the UGB renewed and re-established by this measure is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the City's SOI line in accordance with state law. The two lines (the UGB line and the City's SOI line), although coterminous as of one point in time, are independent one from the other in legal significance and purpose. Whereas the SOI line may be altered by the Local Agency Formation Commission in accordance with the provisions of

state law, the UGB is a local land use policy of the City and shall not be repealed or altered except as expressly provided in this measure.

Section 3. General Plan Amendment.

The people of the City of Sonoma hereby adopt the following amendment to the text and maps of the land use element of the City of Sonoma 2006-2020 General Plan, adopted October 2006, as amended through _____, 2020 [**Comment: Insert date Council approves this Ordinance and orders it placed on the November 2020 ballot.**] (“General Plan”). It is the intent of the people of the City of Sonoma that Sections 3(A) and 3(B), below, are each part of the amendment to the General Plan adopted by this measure.

A. General Plan Land Use Plan Map Amendment:

All figures and maps in the General Plan of the City of Sonoma adopted October 2006 (and as amended) illustrating the Urban Growth Boundary (“UGB”) are amended to show an Urban Growth Boundary in a location identical to the line designating the location of the Urban Growth Boundary as shown in the attached Exhibit C.

B. General Plan Text Amendments:

1. Explanation of Urban Growth Boundary.

The following text replaces the text at page 8 of the General Plan Community Development Element after the section entitled “**URBAN GROWTH BOUNDARY:**”

URBAN GROWTH BOUNDARY

The People of the City of Sonoma approved an Urban Growth Boundary (UGB) in 2000 and renewed and re-established that same UGB in 2020 for an additional twenty-year period to protect the unique, small-scale character of the City and the agricultural and open space character of the surrounding areas. The UGB is a line beyond which urban development will not be allowed. “Urban development” shall mean development requiring one or more basic municipal services including but not limited to, water service, sewer, improved storm drainage facilities, fire hydrants and other physical public facilities and services; provided, however, that public parks, public schools, agricultural land uses and open space land uses beyond the UGB that are provided with municipal or public services shall not be defined as “urban development.” Except to support the uses listed in the proviso of the immediately preceding sentence, except as to properties located within the boundaries of the Thornsberry Assessment District, and except as to properties whose owner(s) have, as of _____, 2020, [Comment: Insert date Council approves this measure and orders it placed on the November 2020 ballot.] a vested right or contractual right (based on an enforceable contract with the City) to receive City water service, City water service may not be extended to urban development outside of the UGB. “Agricultural land uses” shall mean those uses consistent with the 1995-2005 General Plan “agricultural” land use designation as it existed on February 25, 2000 and “open space land uses”

shall mean "open space lands" as defined in Government Code section 65560(b) as of February 25, 2000. The UGB is established by the policies implementing Goal CD-1; its location is shown in this General Plan's Land Use Plan map.

Sonoma's UGB reflects a commitment to focus future growth within the City in order to prevent urban sprawl into the agriculturally and environmentally sensitive areas surrounding the City. The UGB protects the health, safety, welfare, and quality of life of the residents of Sonoma by concentrating future residential, commercial, and industrial growth in areas already served by urban services. The policies implementing the UGB allow sufficient flexibility within its limits to respond to the City's changing needs over time. The UGB complements General Plan policies promoting additional housing opportunities, emphasizing infill development, and supporting a thriving downtown center.

2. Re-establishment of Urban Boundary Goal.

Goal CD-1 on page 19 of the General Plan Community Development Element is hereby restated as set forth below.

Goal CD-1: Establish and maintain a definitive urban growth boundary (UGB), which shall be set forth on the Land Use Plan map, beyond which only uses compatible with preserving agriculture and open space resources shall be allowed.

3. Adoption of Urban Growth Boundary Policies.

The following Policy 1.5 and Implementation Measure 1.5.1 replace Policy 1.5 and Implementation Measure 1.5.1 appearing on pages 20 and 21 of the General Plan Community Development Element:

1.5 Urban Growth Boundary: An Urban Growth Boundary (UGB) is established at the location shown on this General Plan's Land Use Plan map. The UGB is a line beyond which urban development will not be allowed. "Urban development" shall mean development requiring one or more basic municipal services including but not limited to, water service, sewer, improved storm drainage facilities, fire hydrants and other physical public facilities and services; provided, however, that, public parks, public schools, agricultural land uses, and open space land uses beyond the UGB that are provided with municipal or public services shall not be defined as "urban development." Except to support the uses listed in the proviso of the immediately preceding sentence, except as to properties located within the boundaries of the Thornsberry Assessment District, and except as to properties whose owner(s) have, as of _____, 2020, [Comment: Insert date Council approves this measure and orders it placed on the November 2020 ballot.] a vested right or contractual right (based on an enforceable contract with the City) to receive City water service, City water service may not be extended to urban development outside of the UGB. "Agricultural land uses" shall mean those uses consistent with the 1995-2005 General Plan "agricultural" land use designation as it existed on February 25, 2000 and "open space land uses" shall mean "open space lands" as defined in Government Code section 65560(b) as of February 25, 2000.

1.5.1 UGB Implementation: Until December 31, 2040, the following General Plan provisions, as adopted by the 2020 City of Sonoma Urban Growth Boundary Ordinance, may not be amended except by a vote of the people: (i) the section entitled "URBAN GROWTH BOUNDARY" in the Community Development Element; (ii) Goal CD-1; (iii) Community Development Element Policy 1.5 ; and (iv) this Implementation Measure 1.5.1. Until December 31, 2040, the location of the UGB depicted on the Land Use Plan map may be amended only by a vote of the people, or by the City Council pursuant to the procedures set forth in subparagraphs a. through c. below.

a. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the location of the UGB depicted on the Land Use Plan map to accommodate lands to be designated for residential uses provided that no more than five (5) acres of land may be brought within the UGB in any calendar year, and that no more than a total of twenty (20) acres may be brought within the UGB under this provision prior to December 31, 2040. In determining how much acreage any single development proposal encompasses for purposes of this subparagraph b., the total acreage specified in the development application shall control; provided, however, the area included in setbacks imposed as the result of the existence of hazardous wastes, riparian corridors, other natural resources and/or similar physical conditions which preclude the construction of structures shall not be counted. Such an amendment may be adopted only if the City Council makes the following findings based on substantial evidence:

(1) That the land is immediately adjacent to (a) the existing UGB, and (b) water and sewer service lines; and

(2) That 100% of the proposed development will consist of affordable housing units consistent with the Housing Element of this General Plan; provided, however, that at least 51% of the housing units shall be affordable to low- and/or very low-income families. For affordable rental housing units, "low income" and "very low income" are defined to have the same meaning ascribed to those terms in Cal. Health & Safety Code, section 50053, as it may be amended from time to time. In 2020, said section 50053 defines "low income" as 60% of the area median income (adjusted for family size) as determined by the State Department of Housing and Community Development ("HCD") and defines "very low income" as 50% of the area median income (adjusted for family size) as determined by HCD. For affordable for-sale housing units, "low income" and "very low income" are defined to have the same meaning ascribed to those terms in Cal. Health & Safety Code, section 50093, as it may be amended from time to time. In 2020, said section 50093 defines "low income" as 80% of the area median income (adjusted for family size) as determined by HCD and defines "very low income" as 50% of the area median income (adjusted for family size) as determined by HCD; and

(3) That the proposed development is necessary to comply with state law requirements for the provision of low- and/or very low-income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law.

b. Upon request of an affected landowner with a pending development application, the City Council may amend the location of the UGB depicted on the Land Use Plan map if it makes both of the following findings based on substantial evidence:

(1) That the application of any aspect of the UGB depicted on the Land Use Plan map and the application of Policy 1.5 and/or Implementation Measure 1.5.1 would constitute an unconstitutional taking of a landowner’s property, and

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

c. Prior to amending the location of the UGB pursuant to subparagraphs a. or b. of this policy, the City Council shall hold at least one noticed public hearing for the purpose of receiving testimony and evidence from the applicant and the public on the proposed amendment and any findings proposed in connection with such amendment. This hearing shall be in addition to any other public hearings regularly required for a General Plan amendment. To be effective, any vote by the City Council to amend the UGB pursuant to subparagraphs a. or b. above, must secure the favorable vote of at least _____ councilmembers.

d. The General Plan may be reorganized, and individual provisions may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of state law, but the following General Plan provisions shall continue to be included in the General Plan until December 31, 2040, unless earlier repealed or amended by the voters of the City or, with respect to the location of the UGB as depicted on the Land Use Plan map, by the voters of the City or pursuant to the procedures set forth in subparagraphs a. through c., above: (i) the section entitled "URBAN GROWTH BOUNDARY" in the Community Development Element; (ii) Goal CD-1; (iii) Community Development Element Policy 1.5; (iv) the location of the UGB depicted on the Land Use Plan map; and (v) this Implementation Measure 1.5.1.

e. Except as is expressly permitted in this ordinance, the City, and its departments, boards, commissions, officers and employees, shall not grant or approve any general plan amendment, zoning amendment, specific plan, specific plan amendment, rezoning, subdivision map, conditional use permit, application, building permit, variance, encroachment permit, water service extension, outside water service area agreement, annexation, discretionary or ministerial land use or development approval or any other entitlement (collectively “permits”) for or with respect to urban land uses outside of the UGB. All City departments, boards, commissions, officers and employees shall act on all referrals from other agencies regarding the extension or connection of municipal or public services such as sewer or water service, outside the UGB consistent with the requirements and proscriptions of this Implementation Measure and Policy 1.5. Any general plan amendment, zoning amendment, rezoning, specific plan, specific plan amendment subdivision map, conditional use permit or any other entitlement approved by the City on land brought within the UGB under paragraphs a. or b. of this Implementation Measure

1.5.1 must be consistent with the findings made in connection with that land's inclusion within the UGB.

- (1) All City departments, boards, commissions, officers and employees shall act on applications for permits on, for or with respect to properties outside the UGB consistent with the requirements and proscriptions of this Implementation Measure and state law in a manner that avoids any approval of such applications by operation of state or other law.**

- (2) All City departments, boards, commissions, officers and employees shall act on all referrals from other agencies regarding the extension or connection of municipal or public services such as sewer or water service, outside the UGB consistent with the requirements and proscriptions of this Implementation Measure and state law in a manner that avoids any approval of such extensions or connections by operation of state or other law.**

Section 4. Implementation.

A. **Effective Date.** Upon the effective date of this ordinance, the Community Development Element of the City of Sonoma 2006-2020 General Plan is amended in accordance with the provisions of Section 3 of this ordinance, 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 2020 prior to the effective date of this ordinance, this general plan amendment shall be the first amendment of the City's 2006-2020 General Plan on January 1, 2021 and take effect on January 1, 2021. At such time as this general plan amendment amends the City of Sonoma's 2006-2020 General Plan, any provisions of the City of Sonoma Zoning Ordinance, as reflected in the zoning ordinance text itself or in the City of Sonoma Zoning Map, inconsistent with this general plan amendment shall be null and void and deemed unenforceable.

B. **Other City Ordinances and Policies.** The City of Sonoma is hereby authorized and directed to amend the General Plan, all specific plans, the development code, and other ordinances and policies affected by this ordinance as soon as possible and in the manner and time required by any applicable state law to ensure consistency between the goals, objectives and policies adopted in Section 3 of this ordinance and other elements of the City's General Plan, all specific plans, the development code, and other City ordinances and policies.

Section 5. Exemptions for Certain Projects.

This ordinance shall not apply to any of the following: (1) any project that has obtained as of the effective date of this ordinance a vested right pursuant to state or local law to proceed without complying with this ordinance. Nothing in this ordinance precludes the use of density bonuses in accordance with state law.

Section 6. Construction and Severability.

This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. This ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, sentence, clause, phrase, part, or portion of this ordinance 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 the ordinance. The voters hereby declare that this ordinance, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application.

Section 7. Amendment or Repeal.

Except as otherwise provided herein, this ordinance may be amended or repealed only by the voters of the City of Sonoma at a City election.

Section 8. Publication.

The Clerk of the City of Sonoma is hereby directed to cause the following summary of the ordinance to be published by a newspaper of general circulation, published and circulated in the City of Sonoma:

Contingent upon majority voter approval, this ordinance will renew the City’s existing urban growth boundary until December 31, 2040.

THIS ORDINANCE WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF SONOMA ON _____ 2020, BY THE FOLLOWING VOTE:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

THIS ORDINANCE WAS APPROVED BY THE FOLLOWING VOTE OF THE PEOPLE ON NOVEMBER 3, 2020:

YES _____
NO _____

Adopted by declaration of the vote by the City Council of the City of Sonoma on _____ effective _____ 2020.

Logan Harvey, Mayor

ATTEST:

Rebekah Barr, City Clerk

APPROVED AS TO FORM:

Jeffrey A. Walter, City Attorney

EXHIBIT A

The following language appears at page 17 of the Community Development Element of the City of Sonoma 1995-2005 General Plan:

Agricultural: This designation is to protect remaining tracts of productive agriculture within city limits, including grazing lands, truck farms, vineyards, and crop production.

Density: 1 unit per 10 acres (excluding second units). Density bonus of 25%.

Intensity. 30-foot height limit (excluding agricultural processing facilities, which may be higher subject to use permit review) and a maximum coverage of 30%.

EXHIBIT B

GOVERNMENT CODE SECTION 65560

Sec. 65560. Definitions

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

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

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

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

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

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, water sheds, 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.

(Added by Stats. 1972, c. 251, p. 501, Sec. 2, cff. June 30, 1972.)

EXHIBIT C

LAND USE MAP