

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE W

The City of Sonoma City Council has placed Measure W on the ballot. If approved by the voters, Measure W would adopt an ordinance renewing the City's existing Urban Growth Boundary ("UGB") for another 20 years until December 31, 2040.

On November 7, 2000, the City voters passed Measure S which amended the City's then existing General Plan to incorporate into that General Plan a line beyond which certain urban development was not permitted, except under certain circumstances. Measure S stated that adoption of its boundary "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." Measure W makes the same commitment. The boundary set by Measure S was the same as the then existing sphere of influence ("SOI") approved by the Sonoma County Local Agency Formation Commission. The boundary of the SOI (and, thus, the UGB) were largely the same as the corporate limits of the City.

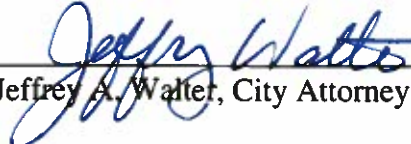
Measure W preserves the same UGB boundary as that approved by the voters in 2000. Like Measure S, Measure W states that urban development will not be allowed beyond the UGB boundary and clarifies that "urban development" means development requiring one or more basic municipal services. Like Measure S, Measure W allows public parks, schools, agricultural land uses and open space uses served by municipal services to be located outside of the UGB.

Although Measure S prohibited urban growth beyond the UGB, it did not expressly prevent the City from extending its water service to properties outside the UGB. Measure W expressly prohibits the extension of City water service to properties outside the UGB except: (a) to serve public parks, schools, agricultural uses and open space uses; (b) to serve properties located in the Thornsberry Assessment District whose property owners have paid assessments for the provision of water; and (c) to serve properties whose owners have contractual or vested rights to receive water.

Like Measure S, Measure W and its UGB cannot be amended except by a vote of the people except in two circumstances. First, like Measure S, Measure W allows the UGB to be enlarged to accommodate affordable housing with a five acre limit each calendar year and a total limit of twenty acres over the 20-year life of the measure. However, instead of Measure S' requirement that the housing projects eligible for this exception be "primarily" for low and very low-income housing, Measure W requires the project to be 100% affordable, with at least 51% being affordable to low and very low-income families. Second, Measure W retains Measure S's second exception which allows the UGB to be amended where to not do so would result in an unconstitutional taking of a person's real property without compensation. These exceptions can only be approved by the City Council after notice and hearing, and upon a 4/5ths vote of the Council.

In short, Measure W is an extension of Measure S, with some modifications.

This measure will be approved if a simple majority of voters vote "Yes".



Jeffrey A. Walter, City Attorney

TO COUNTY ELECTIONS OFFICIALS:

IF THE ENTIRE TEXT OF THE MEASURE IS NOT PRINTED ON THE BALLOT, NOR IN THE VOTER INFORMATION PORTION OF THE SAMPLE BALLOT, PLEASE PRINT THE FOLLOWING LANGUAGE IMMEDIATELY BELOW MY IMPARTIAL ANALYSIS, AND BEFORE MY SIGNATURE BLOCK. THANK YOU.

The above statement is an impartial analysis of Measure. If you desire a copy of the Measure, please call the elections official's office at 707-933-2216 and a copy will be mailed at no cost to you.