

**City of Sonoma**

**RESOLUTION # 39 - 2020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING AN ORDINANCE TO BE SUBMITTED TO THE VOTERS OF THE CITY TO CONTINUE THE URBAN GROWTH BOUNDARY; FINDING THAT THE ORDINANCE AND ADOPTION OF THIS RESOLUTION ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3); CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; REQUESTING THE ASSISTANCE OF THE COUNTY OF SONOMA IN CONNECTION WITH THAT ELECTION; REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATEWIDE GENERAL ELECTION HELD ON THAT DATE; AND AUTHORIZING THE CITY CLERK TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS THE QUESTION RELATING TO THE CONTINUATION OF THE URBAN GROWTH BOUNDARY**

**WHEREAS**, Sonoma voters approved the ballot initiative "Measure S" in November 2000 which amended the then existing City of Sonoma General Plan to incorporate into that General Plan a 20-year Urban Growth Boundary ("UGB") and related policies; and

**WHEREAS**, by its terms, Measure S sunsets on December 31, 2020; and

**WHEREAS**, the City Council has expressed the intent to place a measure on the ballot to extend the duration of the UGB (the "UGB Extension Ordinance") until December 31, 2040; and

**WHEREAS**, the proposed UGB Extension Ordinance qualifies for an exemption under CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the proposed UGB Extension Ordinance has the potential of having a significant adverse effect on the environment since the UGB Extension Ordinance is an extension of existing regulations within the General Plan and would not:

- 1) Involve an expansion of the UGB to capture additional territory;
- 2) Allow new, expanded, or different types of development than is already possible through the Sonoma General Plan;
- 3) Result in any change in land use designations; or
- 4) Authorize any changes or increases in density or any physical construction.

Moreover, any future projects within the UGB would undergo project-specific environmental review prior to approval by the City; and

**WHEREAS**, the City Council is authorized by statute (Elections Code section 9222) to submit the proposed UGB Extension Ordinance to the voters.

**NOW, THEREFORE**, the City Council of the City of Sonoma does resolve, declare, determine and order as follows:

Section 1. Call for Election. Pursuant to California Elections Code Section 9222, the City Council hereby calls a general election for Tuesday November 3, 2020, (the "Election") at which it shall submit to the qualified voters of the City of Sonoma the UGB Extension

Ordinance, a measure that, if approved, would extend the duration of the City of Sonoma's UGB to December 31, 2040. This measure shall be designated by letter by the Sonoma County Registrar of Voters.

Section 2. Ballot Language. The City Council, pursuant to its right and authority, does hereby order the following question submitted to the voters at the Election:

<p><i>To continue the existing protections provided by the current Urban Growth Boundary ("UGB"), such as preventing urban sprawl and preserving agricultural land and open space, shall the City of Sonoma extend its UGB until December 31, 2040, and, require that future changes to the UGB be approved by the voters except under limited circumstances requiring a 4/5ths vote of the Council?</i></p>	<p><b>YES</b></p>
	<p><b>NO</b></p>

Section 3. Proposed Ordinance. The proposed measure to be submitted to the voters is attached hereto as Exhibit A. The City Council hereby approves the proposed UGB Extension Ordinance, in the form thereof, and its submission to the voters of the City at the November 3, 2020 election. The Board of Supervisors of the County of Sonoma is requested to order the County Registrar of Voters to set forth in the voters information portion of all sample ballots to be mailed to qualified electors of the City the full text of the Ordinance and to mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together with the primary arguments and rebuttal arguments (if any) for and against the measure, and to provide absent voters ballots for the Election for use by qualified electors of the City who are entitled thereto in the manner provided by law.

Section 4. Notice of Measure. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the City Clerk is hereby authorized and directed to cause notice of the measure to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Sonoma and hereby designated for that purpose by the City Council of the City of Sonoma. The City Clerk may request that the County of Sonoma Registrar of Voters prepare and publish the required notice.

Section 5. Request to Consolidate and Conduct Election and Canvass Returns.

(a) Pursuant to the requirements of Sections 10400 et seq. and 9222 of the Elections Code, the Board of Supervisors of the County of Sonoma is hereby requested to consent and agree to the consolidation of the Election with the Statewide General Election held on the same day. The City acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Election Code Section 10418.

(b) The Election shall be held and conducted, the votes canvassed and returns made, and the results ascertained and determined as provided for herein. In all particulars, the Election shall be held in accordance with the Elections Code of the State of California.

(c) In accordance with California Elections Code Section 10002, the Board of Supervisors of the County of Sonoma is requested to permit the County Registrar of Voters to render such election services, prepare all required notices and election materials of holding of the municipal election, to give all such required notices and send to the City's registered

voters all required election materials, conduct the general municipal election and canvass the vote received, and take all steps necessary and required for the holding of this election within the City of Sonoma. The Registrar of Voters of Sonoma County is authorized to specify the location for the tally of ballots and certify the results to the City Council of the City of Sonoma.

(d) The County of Sonoma is requested to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the Election.

(e) At the next regular meeting of the City Council of the City of Sonoma occurring after the returns of the Election have been canvassed, and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the Election .  
Section 6. Notice of Election. The notice of the time and place of holding the Election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the Election, in time, form and manner as required by law.

Section 7. Submission of Ballot Arguments and Impartial Analysis.

(a) The City Clerk is directed to set the deadlines, in accordance with statute, for the submission of ballot arguments (Elections Code §§ 9282, 9286) and rebuttals (§ 9285).

(b) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.

(c) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the direct arguments.

(d) The City Attorney is directed to prepare the Impartial Analysis in accordance with statute (Elections Code § 9280).

(e) The Mayor is hereby authorized to file a written argument, not to exceed three hundred (300) words, in favor of the proposed measure, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event that an argument is filed against the measure, the Mayor is also authorized to file a rebuttal argument, not to exceed two hundred fifty (250) words, on behalf of the City Council. The rebuttal argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote.

(f) Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against it, and copies of the argument against it to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

(g) The provisions of Elections Code Section 9285(a) are hereby adopted.

Section 8. Appropriation of Necessary Funds. The City of Sonoma recognizes that additional

costs will be incurred by the County by reason of this general Election and agrees to reimburse the County for any costs. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing the measure on the election ballot.

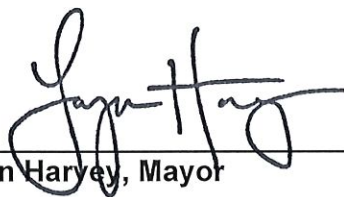
Section 9. Time for Election. The polls for the Election shall be open at 7:00 a.m. of the day of the Election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 10. Services of City Clerk. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Sonoma and enter this resolution into the book of the City's original resolutions. The City Clerk is hereby authorized and directed to take all steps necessary to place the UGB Extension Ordinance on the ballot and to cause the ordinance to be printed. A copy of the ordinance shall be made available to any voter upon request.

Section 11. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct and are hereby incorporated by reference.

**PASSED, APPROVED AND ADOPTED** this 29th day of June 2020, by the following vote:

**AYES:**                    *AGRIMONTI, COOK, HARRINGTON, HUNDLEY*  
**NOES:**                    *HARVEY*  
**ABSTAIN:**  
**ABSENT**

  
\_\_\_\_\_  
Logan Harvey, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Rebekah Barr, MMC  
City Clerk

## EXHIBIT A

ORDINANCE # \_\_\_\_ - 2020

### 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 June 29, 2020 ("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 June 29, 2020, 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 June 29, 2020, 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 a the total acreage specified in the development application shall control. 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 there is no available vacant or undeveloped residentially designated land within the UGB to accommodate the proposed development.

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 four 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 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**