

SEBASTOPOL URBAN GROWTH BOUNDARY INITIATIVE

To the Honorable Elections Official of the City of Sebastopol: We, the undersigned, registered and qualified voters of the City of Sebastopol, hereby propose an initiative measure to amend the City of Sebastopol General Plan. We petition you to submit this measure to the City Council for the City of Sebastopol for adoption without change, or for submission of the measure to the voters of the City of Sebastopol at a general election. The measure provides as follows:

SEBASTOPOL URBAN GROWTH BOUNDARY INITIATIVE

The people of the City of Sebastopol hereby ordain as follows:

Section 1. Purpose and Findings.

- A. **Purpose.** The purpose of this initiative is to reaffirm and readopt General Plan policies establishing Sebastopol's Urban Growth Boundary ("UGB"). The City of Sebastopol General Plan, adopted in 1994, established a 20-year UGB for Sebastopol. The General Plan restricts urban development outside the boundary, stipulating that city water, sewer, and other services shall not be extended to new development outside of the boundary. This initiative would, with certain exceptions, require any geographic expansion of the UGB before December 31, 2016 to be approved by a vote of the people.
- B. **Sebastopol's Agricultural Heritage.** Located between the urbanized US Highway 101 corridor to the east, and the rural country of large dairy farms and apple orchards to the west, Sebastopol functions as a market center: a town which serves the surrounding region, from Guerneville and the River area, to Graton, Bodega, and Bloomfield. Sebastopol's character and economy depend on its agricultural heritage and semi-rural surroundings.
- C. **Sebastopol's Natural Environment.** Sebastopol's character is further defined by Atascadero Creek and Ragle Ranch Regional park on the west and by the Laguna de Santa Rosa on the east. These scenic wetlands, offering large expanses of open space, along with a gently sloping topography and many heritage trees, frame Sebastopol's manmade environment. The street configuration, the character of the residential neighborhoods, and the parks and community facilities all serve to strengthen the city's identity.
- D. **Sebastopol's Housing Supply.** Adequate housing is essential to a thriving community. The Sebastopol General Plan promotes efficient housing development in the City through measures such as encouraging infill development, facilitating construction of second dwelling units, requiring the creation of affordable housing units, and seeking to diversify housing opportunities in the City. As a result, residential and other land use designations in the General Plan are sufficient to accommodate the expected increase in the City's population.
- E. **Sebastopol's Growing Economy.** Carefully planned non-residential development in Sebastopol can help match jobs with housing opportunities in the area, by taking into account both housing costs and prevailing wages in the area. A true balance of jobs and housing would reduce traffic congestion, improve air quality, and lessen pressures for urban sprawl.

- F. **Sebastopol's Urban Growth Boundary.** Sebastopol's UGB reflects a commitment to focus future growth within the City to prevent urban sprawl. The UGB is based on a realistic assessment of Sebastopol's ability to extend City services such as sewer and water and is designed to protect environmentally sensitive areas such as the Laguna de Santa Rosa and Atascadero Creek. The UGB complements General Plan policies promoting additional housing opportunities, emphasizing infill development, and supporting a thriving downtown center. The UGB will:
1. Encourage efficient growth patterns and protect the City of Sebastopol's quality of life by concentrating future development largely within existing developed areas;
 2. Promote uses that foster public health and safety and productive investment for farming enterprises on lands outside the boundary;
 3. Foster and protect the rural character of Sebastopol while encouraging appropriate economic development in accordance with the City's unique local conditions;
 4. Concentrate growth within the boundary in order to limit the extent of required City services and restrain increases in their costs;
 5. Allow the City to continue to meet the housing needs for all economic segments of the population, especially lower and moderate income households, by directing the development of housing into areas where services and infrastructure can be provided more cost effectively; and
 6. Promote stability in long-term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long-term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.
- G. **Urban Growth Boundary Initiative.** This initiative ensures that lands outside Sebastopol's UGB are not prematurely or unnecessarily converted to urban uses. Accordingly, the initiative ensures that until December 31, 2016, the UGB designated on the Land Use Designations Map of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996, shall be changed only by a vote of the people, except in certain circumstances and according to specific procedures set forth in this initiative.

Section 2. General Plan Amendment.

A. **Reaffirmation and Readoption of Urban Growth Boundary.**

The Sebastopol Urban Growth Boundary Initiative hereby reaffirms and readopts, until December 31, 2016, the Urban Growth Boundary designated on the Land Use Designations Map of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996, a reduced copy of which is attached to the initiative as Exhibit A (for illustrative purposes, the Urban Growth Boundary on the Land Use Designations Map has been enhanced).

B. Amendment of City Services Policy

Land Use Policy P.8, set forth in the City of Sebastopol General Plan Land Use Element (Chapter I, Land Use) adopted May 31, 1994, as amended through April 9, 1996, is hereby reaffirmed, readopted, and amended as set forth below (in this section 2.B of this initiative, text to be inserted into the General Plan is indicated in *bold italic* type while text to be stricken is presented in ~~strikeout~~; text in standard type currently appears in the General Plan):

P.8 ~~Extension of City Services Outside Urban Growth Boundary Sphere of Influence~~: Prohibit extensions of wastewater, water, and other City services to new development in unincorporated areas outside the *Urban Growth Boundary (UGB) Sphere of Influence*, *except as allowed under extraordinary circumstances pursuant to other applicable General Plan policies. Extraordinary circumstances justifying extension of City services outside of the UGB shall be deemed to exist only if the City Council makes all of the following findings:*

- a. *That the land use to which the City service would be extended is consistent with all applicable policies of the City's General Plan; and*
- b. *That the land use to which the City service would be extended is compatible with open space uses as defined in Government Code section 65560 as of April 9, 1996, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and*
- c. *That the property to which the City service would be extended is immediately adjacent to land already served by the service(s) to be extended; and*
- d. *That specific circumstances, unique to the property to which the City service would be extended, would otherwise deprive the property of privileges enjoyed by other comparable property outside the UGB and in the vicinity of the property to be served; and*
- e. *That substantial evidence demonstrates that the proposed City service extension will not cause the Levels of Service specified in Program 1.4 of the Land Use Element (Chapter I, Land Use) and Policy P.16 of the Circulation Element (Chapter II, Transportation) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic.*

C. Amendment of Urban Growth Boundary Policy.

Land Use Policy P.9, set forth in the City of Sebastopol General Plan Land Use Element (Chapter I, Land Use) adopted May 31, 1994, as amended through April 9, 1996, is hereby reaffirmed, readopted, and amended as set forth below (in this section 2.C of this initiative, text to be inserted into the General Plan is indicated in *bold italic* type while text to be stricken is presented in ~~strikeout~~; text in standard type currently appears in the General Plan):

P.9 Urban Growth Boundary: An Urban Growth Boundary (UGB) is established. The Urban Growth Boundary is a line beyond which development will not be allowed,

except for public parks and public schools. ~~The~~ *Except as set forth in policy P.9A, below, the* UGB shall be in effect *until December 31, 2016.* ~~during the 20-year time frame of this General Plan.~~

D. Adoption of Urban Growth Boundary Amendment Policy.

The following text is added to the Land Use Element of the City of Sebastopol General Plan (Chapter I, Land Use) adopted May 31, 1994, as amended through April 9, 1996, immediately preceding Land Use policy P.10:

P.9A UGB Administration: Until December 31, 2016, the foregoing policies P.8 and P.9, and the Urban Growth Boundary designated on the Land Use Designations Map of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 and as readopted by the Sebastopol Urban Growth Boundary Initiative, shall be amended only by a vote of the people or pursuant to one of the procedures set forth in paragraphs (a) through (d), below.

- a. The City Council may, if it deems it to be in the public interest, amend the UGB designated on the Land Use Designations Map provided that the amended boundary is within or coextensive with the limits of the UGB as designated on the Land Use Designations Map as of April 9, 1996.
- b. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the UGB in order to accommodate lands to be designated for residential uses. No more than 3 acres of land may be brought within the UGB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes all of the following findings:
 - (1) That the land to be included within the UGB is not designated as Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, Community Separator, Scenic Landscape Unit, or Critical Habitat Area in the Sonoma County General Plan adopted March 23, 1989, as amended through April 9, 1996; and
 - (2) That the land is immediately adjacent to (a) the existing UGB, and (b) serviceable water and sewer connections; and
 - (3) That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and
 - (4) That there is no existing vacant or underdeveloped residentially designated land within the UGB to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB for low and very low income housing; and
 - (5) That the proposed development is necessary to comply with state law requirements for provision of low and very low income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law; and

- (6) That substantial evidence demonstrates that the proposed development will not cause the Levels of Service specified in Program 1.4 of the Land Use Element (Chapter I, Land Use) and Policy P.16 of the Circulation Element (Chapter II, Transportation) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic.
- c. The City Council may amend the UGB to accommodate lands to be designated for Office or Light Industrial uses to improve local employment. No more than a total of 25 acres of land may be brought within the UGB for this purpose prior to December 31, 2016. Such amendment(s) may be adopted only if the City Council makes all of the following findings:
- (1) That the land to be included within the UGB is not designated as Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, Community Separator, Scenic Landscape Unit, or Critical Habitat Area in the Sonoma County General Plan adopted March 23, 1989, as amended through April 9, 1996; and
 - (2) That the land to be included is immediately adjacent to (a) the existing UGB, and (b) serviceable water and sewer connections; and
 - (3) That there is no existing office or light industrial designated land available within the UGB to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB for office and light industrial uses; and
 - (4) That substantial evidence demonstrates that the proposed development will not cause the Levels of Service specified in Program 1.4 of the Land Use Element (Chapter I, Land Use) and Policy P.16 of the Circulation Element (Chapter II, Transportation) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic; and
 - (5) That the proposed development would:
 - (i) be consistent with (a) protecting and increasing the economic vitality of the Downtown, and (b) maintaining the Downtown as the retail center of the community and as a place for community and cultural activities; and
 - (ii) pay its "fair share" of capital improvements for public services and facilities to maintain adequate Levels of Service in the City; and
 - (iii) make a significant contribution to local employment and provide a significant and sustainable economic benefit to the community consistent with the goals and policies of the Economic Vitality chapter (Chapter VI) of the City of Sebastopol General Plan.

- d. The City Council may amend the UGB if it makes both of the following findings:
- (1) That the application of any aspect of Land Use policies P.8, P.9, or P.9A 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 said unconstitutional taking of the landowner's property.
- e. For the purposes of implementing Land Use policy P.9, the following uses shall not be considered "development," and shall be permitted beyond the UGB:
- (1) Open space used for agriculture or any of the purposes set forth in Government Code section 65560 as of April 9, 1996; and
 - (2) Community facilities developed to implement the goals and policies set forth in Chapter III (Conservation, Parks and Open Space) or section 1 of Chapter VI (Safety) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996.
- f. Any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, or any other discretionary entitlement approved by the City on land brought within the UGB pursuant to paragraphs (b), (c), or (d) of this Policy 9A must be consistent with the findings made in connection with that land's inclusion within the UGB.
- g. 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 Land Use Policies P.8, P.9, and P.9A shall continue to be included in the General Plan until December 31, 2016, unless earlier repealed or amended pursuant to the procedures set forth above or by the voters of the City.

Section 3. Implementation.

- A. **Effective Date.** Upon the effective date of this initiative, the provisions of section 2 of the initiative are hereby inserted into the Land Use Element of the City of Sebastopol 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 1996 prior to the effective date of this initiative, this general plan amendment shall be the first amendment inserted in the City's General Plan on January 1, 1997. At such time as this general plan amendment is inserted in the City of Sebastopol General Plan, any provisions of the City of Sebastopol Zoning Ordinance, as reflected in the ordinance text itself or the City of Sebastopol Zoning Map, inconsistent with this general plan amendment shall not be enforced.
- B. **Interim Amendments.** The City of Sebastopol General Plan in effect at the time the Notice of Intention to propose this initiative measure was submitted to the City of Sebastopol City Elections Official ("submittal date"), and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Sebastopol General Plan remains an integrated, internally consistent and

compatible statement of policies for the City as required by state law, the General Plan provisions adopted by section 2 of this initiative shall prevail over any revisions to the City of Sebastopol General Plan that conflict with said General Plan amendment and were adopted between the submittal date and the date the amendments adopted by this initiative measure are inserted into the General Plan.

- C. **Project Approvals.** Upon the effective date of this initiative, the City, 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 this initiative.

Section 4. Exemptions for Certain Projects.

This initiative shall not apply to any development project that has obtained as of the effective date of the initiative a vested right pursuant to state law.

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 of the City of Sebastopol at a City election.

Exhibit A

City of Sebastopol Land Use Designations Map

