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City of Sebastopol

Mayor
Sarah Glade Gurney

City Council
Una Glass, Vice

Mayor
John Eder
Robert Jacob
Patrick Slayter

City Manager/City
Attorney
Larry McLaughlin
City Clerk
Mary Gourley

Meeting Date:
To:
From:
Subject:
Recommendation:
Funding:

Meeting of February 16, 2016
Mayor and City Council
Kenyon Webster, Planning Director
Review of Draft Urban Growth Boundary Renewal Measure
Provide Comments or Any Direction
Currently Budgeted: ___ Yes ___ No x N/A
Net General Fund Cost:
If Cost to Other Fund(s),

Agenda Report Reviewed by:
City Manager/City Attorney *[Signature]*

Introduction: This staff report discusses a draft measure for renewal of the City's Urban Growth Boundary (UGB).

Background: In 1996, a group of local citizens qualified a ballot initiative to create an 'Urban Growth Boundary' for Sebastopol. The UGB matched the 'Sphere of Influence' or potential annexation area that had been adopted as part of the 1994 General Plan.

Around that time, many jurisdictions adopted UGBs as an innovative way to limit sprawl and instead promote infill and city-centered growth. The use of voter-approved initiatives was intended to make it more difficult for city councils to change UGBs.

The UGB initiative, Measure O (attached) was approved by the voters. It included various exceptions, including for affordable housing, parks, and schools in certain circumstances.

By its own terms, Measure O will expire at the end of 2016.

General Plan Update: Cities generally conduct a comprehensive update of their General Plans every 15 to 20 years. It has been over 20 years since Sebastopol has conducted a comprehensive review of its General Plan. For over a year, Sebastopol has been working on a comprehensive General Plan update. A major milestone was recently achieved, with the General Plan Advisory Committee (GPAC) forwarding their recommended draft General Plan to the Planning Commission and City Council.

As recommended by the GPAC, the Sphere of Influence would remain substantially similar to the current Sphere and UGB, with just a few relatively minor changes.

Preparation of the General Plan and EIR, together with a mandatory review period and public hearings before the Planning Commission and then the City Council will take considerable time. If this process moves as planned, the current schedule calls for certification of the EIR and adoption of the General Plan by fall 2016.

UGB Renewal Issues: As the updated General Plan and its Sphere of Influence are being developed in an extensive public process and will ultimately be reviewed and adopted by the community's elected representatives, it would be desirable for a new UGB measure to be as consistent as possible with the General Plan process, as it was more than twenty years ago, with Measure O.

At a prior meeting to review these issues, the City Council discussed two primary ways UGB renewal might be accomplished:

Citizen Initiative. A group of citizens could propose and qualify an initiative to renew the UGB. Such an initiative would have to be written well prior to the new General Plan and its Sphere having gone through the full public process.

Address in General Plan, enact a special ordinance, place on future ballot. The General Plan is the traditional way that jurisdictions address land use and growth issues. The Sphere of Influence identifies lands outside present boundaries that may be appropriate for annexation within the life of the General Plan. Neither General Plans nor Spheres are easy to amend, requiring CEQA compliance, hearings before the Planning Commission and City Council, and for changing the Sphere, approval by LAFCO (the Local Agency Formation Commission, a County agency).

The General Plan could include demanding provisions for maintaining a UGB, as well as requiring a special process for any amendments. The existing draft includes such provisions.

A special UGB ordinance could be enacted in advance of, or subsequent to the adoption of the General Plan, with the expectation that the City Council would place a UGB measure on a future election ballot.

If the UGB is not renewed via a citizen initiative, the City Council should consider this option prior to the expiration of the current UGB.

Draft UGB Renewal Measure: Pursuant to Council direction, staff has prepared the attached renewal measure. For ease of drafting, it is presented as a draft ballot measure, however it can be readily converted into ordinance form.

The draft measure is substantially similar to the existing Measure O. Changes include:

- Editing for clarity;
- Instead of a 20-year term, a 25-year term;
- No exemption for school projects. Public schools have the ability to exempt themselves from local land use laws, so the exemption that was included in Measure O appears unnecessary;
- Specifying that an exception for a housing project must meet the same demanding criteria set forth in Measure O, but also establishing a specific affordable housing threshold of 50% affordable units, which helps set a high bar for making a UGB exception;
- A limit on total acres for amendments for housing during the life of the UGB;
- Requiring that in addition to the City Council, the Planning Commission make recommendations on housing- and park-type exceptions prior to City Council consideration, to facilitate thorough public review of these types of exceptions.

Map: A map is necessary to illustrate the UGB boundaries. A map is attached to the draft UGB measure, based on the staff's and General Plan consultant's understanding of GPAC, Council, and Planning Commission direction to date. This includes minimal changes from the present UGB boundaries. One area where staff understands Council members may have a question is whether one, or more parcels should be added to the UGB area on Hurlbut Avenue. At present, the draft map shows one parcel added. Options include no change, showing one parcel, or showing two parcels. The Council may wish to provide direction on this aspect.

Comments: The purpose of this agenda item is to provide an opportunity for any public or Council member comments on the draft measure as well as the map, and for the Council to provide any direction on this matter.

If the Council wishes staff to prepare an ordinance, this could return for Council action in late summer or early fall of this year.

Attachments:

Draft Renewal Measure
Measure O

Sebastopol Urban Growth Boundary

Section 1. Purpose and Findings.

- A. Purpose. The purpose of this initiative is to protect the public health, safety, welfare and environment by reaffirming and reenacting General Plan and voter-approved policies establishing a Sebastopol Urban Growth Boundary (UGB). UGB provisions have restricted urban development outside the UGB, including by stipulating that City water, sewer, and other services shall not be extended to new development outside of the boundary. The regulations set forth in this initiative would, with certain exceptions, require any geographic expansion of the UGB to be approved by a vote of the people.
- B. Relation to General Plan. The City of Sebastopol General Plan, adopted in 1994, established a 20-year UGB for Sebastopol. An initiative, Measure O, was subsequently approved by the voters in 1996 which affirmed the General Plan's UGB, and created restrictions on changes to it. Measure O will expire at the end of 2016. A comprehensive General Plan Update (the "Update") to the 1994 General Plan is underway, which will include policies supporting a UGB. The Update may not be completed prior to the expiration of Measure O, raising a concern that there will be a gap in the voter protections created by Measure O. This initiative is intended to reflect and reaffirm the policy concepts of Measure O, as well as the policies of the draft General Plan, which has been developed in a community-based public process.
- C. Sebastopol's Agricultural Heritage. Located between the Highway 101 corridor to the east, and the rural areas of apple orchards, vineyards, dairy farms and rural residential uses to the west, Sebastopol functions as a market center for West Sonoma County, including communities from the Sonoma Coast to the Russian River. Sebastopol's character and economy depend on this agricultural heritage and rural surroundings.
- D. Sebastopol's Natural Environment. Sebastopol's character is further defined by Atascadero Creek on the west and by the Laguna de Santa Rosa ecosystem on the east. These scenic wetlands, offering large expanses of open space, along with a gently sloping topography and diverse native flora and fauna, frame Sebastopol's urban environment and are essential components of the community's character.
- E. Sebastopol's Urban Environment. Sebastopol is a small town that has had a well-defined street network, a focus on the downtown, and a general pattern of development that has only incrementally changed in recent decades. This pattern of development reflects a decades-long policy commitment to limiting sprawl; protecting agricultural and open space lands; providing parks and community facilities; promoting a denser form of development to encourage alternatives to the automobile; reducing pollution including greenhouse gases; and to promoting more efficient energy use. Along with the City's agricultural heritage and its natural setting, the built environment also contributes to the special community character.
- F. Sebastopol's Housing Supply. Adequate housing is essential to a thriving community. The adopted Housing Element of the General Plan supports provision of adequate housing to all economic segments of the community. The Element accomplishes this through measures such as

encouraging infill development, requiring affordable housing units, promoting housing for special-needs populations, supporting development of second dwelling units, and maintaining appropriate development standards and procedures. Other General Plan Elements, such as the Land Use Element, also support housing objectives by ensuring provision of adequate housing sites and appropriate density allowances. As a result, residential and other land use designations in the General Plan are sufficient to accommodate housing needs.

- G. Sebastopol's Economy. Sebastopol's local economy is closely tied to its agricultural heritage, its natural setting, its unique local businesses, and its special small-town character. These attributes, which are critical to the local economy, have been protected and fostered by Sebastopol's land use policies, including urban growth boundary policies, as well as by carefully-planned development that respects infrastructure capacity and community values.
- H. Sebastopol's Urban Growth Boundary. Sebastopol's UGB demonstrates a commitment consistent with the General Plan to protect the public health, safety, welfare and environment by focusing future growth on infill development to prevent urban sprawl, reduce pollution including greenhouse gases, protect agricultural and natural lands, and generally protect Sebastopol's special small-town character while addressing housing needs and promoting a strong local economy. The UGB is based on these objectives, as well as on a careful assessment of Sebastopol's ability to provide City services such as wastewater, water, and roads. The UGB will:
 - a. Encourage efficient growth patterns and protect the City's quality of life by concentrating future development largely within existing developed areas;
 - b. Promote uses that foster public health and safety and productive investment for agricultural and rural residential uses on lands outside of the UGB;
 - c. Foster and protect the rural character of Sebastopol, while encouraging appropriate economic development in accordance with unique local conditions;
 - d. Concentrate growth within the UGB in order to limit the extent of required City services and restrain increases in their costs and impacts;
 - e. Allow the City to continue to meet the housing needs of all economic segments of the community, particularly low- and moderate-income households, by directing the development of housing in areas where services and infrastructure are already in place, so that housing can be provided more cost-effectively; and
 - f. 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.
- I. Urban Growth Boundary Initiative. This initiative ensures that lands outside Sebastopol's UGB area are not prematurely or unnecessarily converted to urban uses. Accordingly, the initiative ensures that until December 31, 2041, the UGB designated on the map attached as Exhibit A shall only be changed by a vote of the people, except in those circumstances and according to the specific procedures set forth in this initiative.

Section 2. Urban Growth Boundary.

- A. The Sebastopol Urban Growth Boundary initiative hereby adopts, until December 31, 2041, the Urban Growth Boundary (UGB) designated on the map attached as Exhibit A to this initiative.
- B. The UGB is a line beyond which amendment of the Sphere of Influence, annexation, or City-approved development will not be allowed, except as may be specifically permitted by this initiative.
- C. Extensions of wastewater, water, and other City services to development outside the UGB are prohibited, except as allowed under extraordinary circumstances pursuant to this section, or as may be otherwise allowed by this initiative, or required by state law. 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 January 1, 2016, 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 the extension is not in conflict with policies of the Sonoma County Local Agency Formation Commission, or State law; and
 - f. That substantial evidence demonstrates that the proposed City service extension will not cause the Levels of Service specified in the Land Use Element and Circulation Element of the City of Sebastopol General Plan, to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic.

Section 3. UGB Administration. Until December 31, 2041, the policies set forth in this initiative and the UGB designated on Exhibit A to this 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 map attached as Exhibit A to this initiative, provided that the amended boundary is within or coextensive with the limits of the UGB as designated on Exhibit A.
- b. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council, after receipt of any recommendations by the Planning Commission, may amend the UGB and approve annexation in order to accommodate lands to be designated for residential uses. No more than three (3) acres of land may be brought within the UGB for this purpose in any calendar year, and no more than a total of ten (10)

acres may be brought within the UGB for this purpose during the term of this initiative. Such amendment may be adopted only if the City Council makes all of the following findings in an affirmative manner:

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; and
 2. That the land is immediately adjacent to (a) the existing UGB, and (b) serviceable water, sewer, and roadway connections; and
 3. That the proposed development will provide a minimum of fifty percent (50%) of its dwelling units for low- and very-low income households, as defined by the Housing Element of this General Plan; and
 4. That the proposed development will be developed at medium density or greater, as defined by the General Plan; and
 5. That the proposed development will provide safe access for pedestrians, bicyclists and vehicles to local schools, parks, and the downtown; and
 6. 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
 7. 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
 8. That substantial evidence demonstrates that the proposed development will not cause the Levels of Service specified in the Land Use Element or the Circulation Element of the City of Sebastopol General Plan to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic; and
 9. That the proposed development is consistent with other applicable policies of the General Plan.
- c. The City Council may amend the UGB and allow annexation if, following consideration of any recommendations by the Planning Commission, it makes both of the following findings:
1. That the application of any aspect of UGB policies 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.

- d. Following consideration of any recommendations by the Planning Commission, the City Council may amend the UGB and allow annexation in the following additional circumstances:
 - 1. For open space or lands used for agriculture, provided the land is restricted in perpetuity by a permanent covenant maintaining the open space or agricultural use, as may be applicable, and is consistent with the purposes set forth in Government Code section 65560 as of January 1, 2016, and is not in conflict with any provision of the Sebastopol General Plan; and
 - 2. For public parks and public recreational facilities as defined by and developed to implement the goals and policies set forth in the City of Sebastopol General Plan.
- e. 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 must be consistent with this initiative.
- f. In the event of any conflict between the provisions of this initiative and the General Plan, the provisions of this initiative shall prevail.
- g. The General Plan shall be amended as necessary to include the policies set forth in this initiative or to resolve any conflicts between this initiative and the General Plan.
- h. The City of Sebastopol shall coordinate planning efforts with the County of Sonoma to reinforce the UGB, and thus to protect adjacent agricultural, rural residential, open space, and other unincorporated lands.
- i. The City of Sebastopol shall coordinate with the Sonoma County Local Agency Formation Commission to establish and maintain the Sphere of Influence Boundary to coincide with the UGB.
- j. A minimum of two years prior to the expiration of this initiative, the City Council shall, at a publicly-noticed meeting, consider what steps may be appropriate relative to expiration of the initiative.

Section 4. Exemption.

This initiative shall not apply to any project that the City Council determines has obtained a vested right for development as defined by state law as of the date the City Council takes action to place this initiative on a ballot.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this initiative is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this initiative.

Section 6. Amendment or Repeal.

This initiative may only be amended or repealed by the voters of the City of Sebastopol at a duly-noticed election.

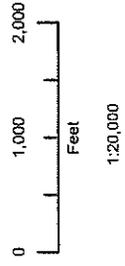
Section 7. Effective Date.

This initiative shall be effective upon its approval by a majority of voters of the City of Sebastopol in a duly-noticed election.

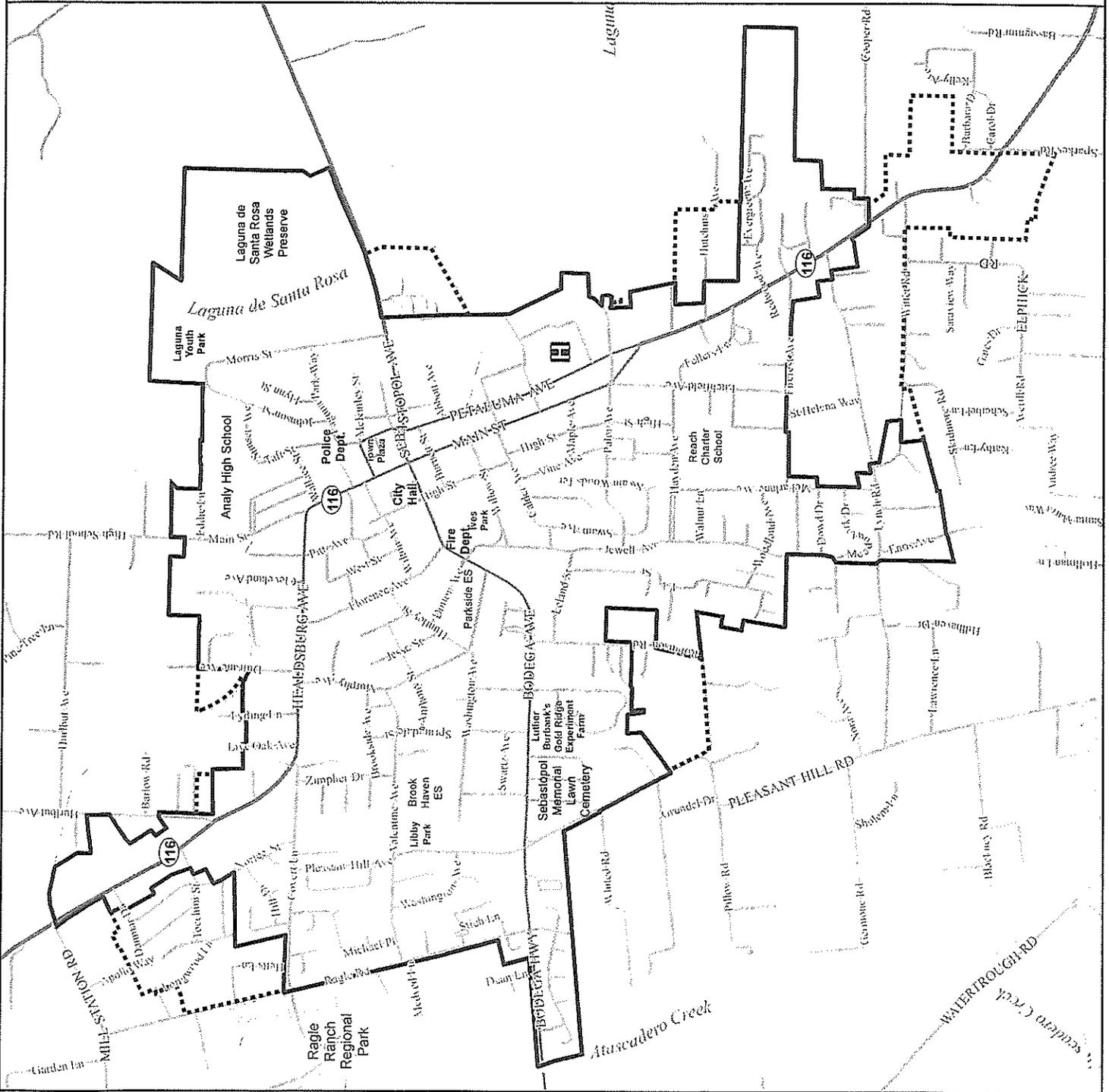
Proposed Urban Growth Limit Boundary

Legend

-  City Limits
-  Proposed Urban Growth Limit



PLANNING GROUP
Land Use Planning for City and Environmental Health



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 I. 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

