



City of Sonoma

Agenda Item Summary

Meeting: Joint City Council and
Planning Commission - Jan 27 2020

Department

Planning & Community Services

Staff Contact

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Agenda Item Title

Updates, Discussion and Consideration of Housing Legislation, General Plan, Development Code, Housing Element / Regional Housing Needs Allocation, and Urban Growth Boundary with Direction from City Council for Further Actions

Summary

On July 29, 2019, and September 4, 2019, the City Council met to discuss the 2020 General Plan (and in particular the Housing Element), the Urban Growth Boundary (UGB) and the Development Code (Zoning Code). The meetings provided a grounding of information for the City Council and public, with the City Council providing direction to staff on future tasks and requesting a Joint Study Session with the Planning Commission. This was planned for November, however was postponed because during the months of October and November, City staff was focused on responding to PG&E's Public Safety Power Shutoff, a high wind event, and the Kincade Fire. In addition, the City's Emergency Operations Center was activated numerous times.

Also, the State legislature has been very busy and new laws have taken effect as of January 1, 2020, which largely relate to the need for local agencies to provide new regulatory mechanisms/procedures to produce more housing in the State. Further, it is very likely that legislation adopted this year will increase the pressure on local agencies to produce more housing, the likes of which have never been seen before. These new legal requirements are creating additional timelines and requirements for the City to meet and shifting staff's focus. At the upcoming Joint Study Session meeting (among other items), staff will provide a summary of the new legislation that is currently in effect and how that legislation impacts the City's Development (Zoning) Code and other planning documents such as the Housing Element.

Items to be discussed at the Joint Study Session include the subjects described on the following list. Staff recommends that the focus of the time be spent on the UGB and Development Code items.

1. Housing Legislation Summary – Staff will provide a brief summary update of new legislation already impacting the City (SB 330 – “The Housing Crisis Act of 2019”) and an update regarding SB50, which may be adopted in some form this year. The purpose of this briefing is to outline the State's broadening role into housing policy, the resulting reduction in local control and authority, and impacts/new requirements for the City.
2. General Plan / Development Code – The City Council and Planning Commission have independently discussed the need for updates to the Development Code for greater clarity, consistency and ease of use and understanding. Staff believes that much of the General Plan is still relevant, but that there are major updates, clarifications, and consistency issues that need to be addressed in the Development Code as a higher priority, especially given the passage of SB 330. While typically, a community would

complete its General Plan update first and then update the Development Code to be consistent with any updates of the General Plan. At this time, staff recommends that a number of areas of the Development Code be updated. In the future after the General Plan is updated, further updates to the Development Code can occur. As stated above, SB 330 also requires the City to remove subjective criteria in the Development Code because, as of January 1, 2020, such criteria can no longer be applied to residential projects, and replace them with objective criteria. Consultant staff has commenced its review. Sonoma can create “Design Guidelines” which are suggestions but not enforceable. This is another reason to focus on the Development Code before launching the General Plan Update process.

3. Housing Element Regional Housing Needs Allocation (RHNA) – The City will receive its RHNA housing allocation within the next year for the 6th Cycle (2022-2030). The City is required to complete an update to its Housing Element to accommodate these new RHNA numbers by December 2022. Staff has received prior direction from the City Council to commence the Vacant Land Inventory and has retained a consultant to assist in this effort. Staff will provide a preliminary review of our updated RHNA status (Draft Annual Progress Report) that will be presented to the State Department of Housing and Community Development (HCD) on or before April 1st, 2020. The RHNA numbers from other areas of the State indicate that the City will likely receive a much larger allocation of affordable housing – perhaps even doubling or tripling of our current allocation of 137 units.
4. Urban Growth Boundary (UGB) – An overview of the UGB, background on outside area water connections, timeline, and technical/clarification issues to be considered will be presented. Staff believes that there are language changes and clarifications to the current UGB measure that should be considered if the City Council seeks to place the UGB before the voters at the November 2020 election. Staff has prepared a preliminary working draft to illustrate some of the potential clarifications that could assist in the administration of a future UGB. Council direction to staff is needed regarding the policy direction on the UGB for its term and any modifications. Modifications to the boundaries of the UGB by the City Council for the November ballot would require extensive CEQA review (which is likely to be an EIR or Negative Declaration) which is not possible to complete before the November 2020 election.

Recommended Council Action

It is recommended that the following occur:

1. Hear an update and background on various planning initiatives discussed above.
2. Hear feedback from the Planning Commission especially regarding the General Plan, Housing Element, UGB and Development Code.
3. Hear from the public.
4. City Council provide direction to staff on next steps regarding any of the items within the Joint Session, but specifically:
 - a. UGB – voter initiative, time frame for initiative, and policy/technical areas for staff to review or revise.
 - b. Development Code – areas of interest for updating.
 - c. Overall sequencing with a focus on the Housing Element, UGB and Development Code for 2020.

Alternative Actions

Council discretion.

Financial Impact

The budget for FY 2019-20 contains \$500,000 reserves that are assigned for the City to update its General Plan and prepare any associated environmental review pursuant to CEQA. State SB2 funding up to a maximum amount of \$160,000 has been approved for the City of Sonoma and HCD will reimburse the City for tasks that accelerate the production of housing. The City Council also authorized \$30,000 to hire contract planning assistance to respond to new State legislation and prepare amendments to the Development Code. The FY 2019/20 approved budget also allocates \$100,000 to the UGB process.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments

[Supplemental Report](#)

[Attachment A - Subjective vs Objective Criteria – Development Code Examples](#)

[Attachment B - ABAG 2022 - 2030 RHNA Milestones](#)

[Attachment C - Draft Revisions to UGB in Tracked Changes format to Measure S for November 2020 Ballot](#)

[Attachment D - Measure S Current UGB Language with Exhibits](#)

[Attachment E - Thornsberry Area Water Assessment District Boundary Map
Public Correspondence](#)

Alignment with Council Goals:

Not Applicable

Compliance with Climate Action 2020 Target Goals:

N/A

CC:

N/A

SUPPLEMENTAL REPORT

Joint Study Session with City Council and Planning Commission –
Interim Update, Discussion and Initial City Council Direction on Timelines, Milestones and Sequencing
of Long-Range Planning Efforts Including Updating Housing Element / Regional Housing Needs
Allocation Numbers, Urban Growth Boundary Update, General Plan and Development Code

For the Joint City Council & Planning Commission Meeting of January 27, 2020

Housing Legislation & Sonoma Impacts

For the 2019 legislative cycle, on October 13th, 2019, the Governor signed 870 bills (vetoing 172) which included many bills related to residential housing production (i.e., ADUs, the Housing Accountability Act, the Housing Crisis Act of 2019 and the Permit Streamlining Act). Some very high-profile/hot bills were made two-year bills before the Legislature adjourned and are likely to re-appear during the next legislative session (i.e., SB 50/Wiener - mandating higher housing density around transit and jobs, and AB 1484/Grayson – changes in Impact Fees).

There were six new bills regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) that were signed into law and went into effect on January 1, 2020 (AB 68/Ting, AB 587/Friedman, AB 670/Friedman, AB 67/Friedman, AB 881/Bloom and SB 13/Wieckowski). The City Council adopted an urgency ordinance to update the City's Accessory Dwelling Unit ordinance on December 16, 2019 to comply with State law. Staff has already commenced the process to bring back a permanent ordinance to the Planning Commission and it should be ready for City Council review in the next month or two.

SB 330 (Skinner), a streamlining bill, also known as the "Housing Crisis Act of 2019", is now effective as of January 1, 2020, and until 2025 requires cities and counties to reduce the time it takes to process permits for housing that meets existing rules. It also caps the number of public hearing/meetings on a housing project proposal at five and prohibits local agencies from raising fees or changing permit requirements once a project applicant has submitted all the "preliminary" information that the Act requires. Local agencies were required to have application requirements ready as of January 1, 2020 for clear delineation to planning applicants. Sonoma City staff has completed this work.

Additionally, local agencies are barred from changing building design standards, reducing the number of housing units allowed ("down-zoning"), establishing population caps, or enacting moratoriums on new housing construction. SB 330 requires the City to adopt objective design standards as soon as possible, as denial of projects based on subjective standards is prohibited. The City Council approved a Housing Moratorium to give staff time to respond to these State changes through March 31, 2020. During this time period, housing applications may still be submitted, but may not be approved. Staff is actively working on potential changes to the Development Code based on SB 330.

It is important to note that some of the subjective standards described above are items that the City Council and staff have previously discussed as part of future updates needed to the Development Code. The State's SB 2 grant funding application can be used to reimburse for many of these efforts.

General Plan & Development Code

The City's 2020 General Plan (and related EIR) was adopted in 2006, approximately four years after the "Development Code" (Sonoma's Zoning Code) which was adopted in 2002. As such, both land use planning documents could be considered "dated" even though since their adoption they have each been amended from time to time. The General Plan was last updated when the Circulation Element was adopted in 2016. The "Development Code" has been updated fairly regularly and recently when the City Council approved regulations regarding commercial cannabis businesses, wireless telecommunication facilities and accessory dwelling units.

The 2020 General Plan can be modified anytime the City chooses to do so – there is no legal timing requirements. Generally, cities update their General Plan on a 10 to 20-year horizon. Historically, the City's General Plan has been updated on average every ten years since the adoption of its first General Plan in the 1960's. It could be considered to be time to start the process for a new General Plan, which in and of itself is a multi-year process and would require a significant budget to complete it and any necessary/associated environmental review. Typical costs for a General Plan update could exceed \$1 million for a city the size of Sonoma and may be much higher.

A comprehensive update of a General Plan is a large investment in terms of financial expenditures, community engagement and outreach, staff resources and project management, and time/effort of the City Council and commissions. Before launching, it is important for the City Council to take some time determining what are the priorities and needs for the community since there are some required and deadline driven projects (i.e., the UGB and Housing Element), while other can be done later. It is also important to sequence and prioritize these long-range planning projects since there is not enough staff capacity (even with additional contract or consultant assistance) to initiate all of these projects at once.

Staff believes that much of the General Plan is still relevant, but that there are major updates, clarifications, and consistency issues that need to be addressed in the Development Code as a higher priority, especially given the passage of SB 330. While typically, a community would complete their General Plan first and then update the Development Code to be consistent with any updates of the General Plan, here in Sonoma, staff would recommend that the City should flip that process. As stated above, SB 330 also requires the City to remove subjective criteria in the Development Code as it is no longer applicable and replace it with objective criteria. This is another reason to focus on the Development Code before launching the General Plan process.

Removal of Subjective Criteria and Creation of Objective Criteria

Staff is actively working on removing subjective criteria and creating objective criteria from the Development Code now. Attachment A shows some illustrations of what this will require.

Proposed Changes to the Development Code

The Planning Commission has advice for the City Council regarding the Development Code based on concerns/problems it has experienced as projects are being reviewed. While not an exhaustive list below, Staff is providing some areas of the Municipal Code that are worthy of review in the coming months.

- 1) Remove Subdivision ordinance to its own title – Title 16
- 2) Add Signage requirements to Zoning (Title 19)
- 3) Remove "Planning Area Standards" (19.16) to Division IV (keeping the regulations intact) and delete "Design Guidelines" and recommendations" to an external

document (Citywide Design Guidelines) that can be adopted by the Planning Commission.

- 4) Remove “Guidelines for in-fill development” to the same document
- 5) Remove graphics/drawings where practicable and place in “Design Guidelines”
- 6) Simplify and make clear the development process – (“concurrency” and order – DRHPC before PC and CC actions)
- 7) Reduce Public Notice time to 10 days from 20 days as is provided in the Government Code.
- 8) Allow Multi-Family projects by right in certain zones.
- 9) Change site standards for development:
 - Building coverage
 - Dimensions
 - Setbacks
 - Height
 - Density
 - Pad size, etc.
 - Temporary tents
- 10) Exceptions/Variances. As presently constituted, there is confusion for the development community as Sonoma’s use of exceptions is commonplace and often takes the form of a de facto Variance.
- 11) Review of off-street parking and on-site loading requirements
- 12) Provide minimum Open Space requirement for residential developments (25%)
- 13) Review of affordability requirements – add Very Low Income (VLI) Units

Housing Element / Regional Housing Needs Allocation

The State of California requires the Housing Element of a General Plan to be updated on an established cycle. It is the only Element of a General Plan to have a mandatory timing mechanism. In the case of the City of Sonoma, it is to be updated every 8 years. The City’s current Housing Element covers a period from 2015 to 2023 and the time for a required update is fast approaching. Called the “Sixth Cycle”, the City’s new Housing Element must be adopted by December 2022 and cover a period from 2023 to 2030. The State Department of Housing and Community Development (HCD) has commenced the Regional Housing Needs Allocation (“RHNA”) process, which is a precursor to any Housing Element update requirement. See Attachment B.

The RHNA is the State required process that seeks to ensure cities and counties are planning for enough housing to accommodate all economic segments of the community. The process is split into three steps:

Step #1. *Regional Determination:* HCD provides each region (through the Association of Bay Area Governments – “ABAG” in the City’s case) a regional determination of housing need, which includes a total number of units split into four income categories (Very Low Income – “VLI”, Low Income – “LI”, Moderate Income and Above Moderate Income).

Step #2. *RHNA Methodology and Allocation:* ABAG is then responsible for developing a RHNA Methodology for allocating the regional determination to each jurisdiction in the region. This methodology must further a series of State objectives. Once the “Allocation” is provided by ABAG to the City, an Element can then be updated that incorporates the City’s “Allocation”. These policy conversations are actively underway.

The City’s current RHNA allocation (5th Cycle) is set forth below along with other allocations

established for the agencies within Sonoma County. As noted, for the RHNA period 2015 to 2023, the City of Sonoma was allocated 137 housing units. (For the table below, please note Area Median Income (AMI) is defined into the following categories: (Very Low = 0-50%), (Low = 51-80%), (Moderate = 81-120%), and (Above Moderate = 120%+).

Sonoma County					
	Very Low	Low	Moderate	Above Moderate	Total
Cloverdale	39	29	31	112	211
Cotati	35	18	18	66	137
Healdsburg	31	24	26	76	157
Petaluma	199	103	121	322	745
Rohnert Park	181	107	127	484	899
Santa Rosa**	1,041	671	759	2,612	5,083
Sebastopol	22	17	19	62	120
Sonoma	24	23	27	63	137
Windsor	120	65	67	188	440
Unincorporated**	126	37	160	192	515
Sonoma Total	1,818	1,094	1,355	4,177	8,444

** Revised to reflect a transfer of RHNA responsibility for very low-, low-, and above moderate-income units from Sonoma County to Santa Rosa as part of the Roseland Area Annexation. This transfer was approved by the ABAG Executive Board in January 2018.

The City’s current RHNA allocation and projected status at the end of 2020 is provided in the table below. With the addition of the Mockingbird Lane project and the SAHA project, the City is projected to exceed its allocation (for all economic segments/income levels of the community) for the current planning cycle, as we will have another 25% of the planning period remaining after the City reports to HCD for building permits issued for activity in 2020.

Regional Housing Needs Allocation (2015 - 2023)				
City of Sonoma - Allocation				
Very Low	Low	Moderate	Above Moderate	Total
31 - 50%	51 - 80%	81 - 120%	Over 120%	AMI \$\$\$
24	23	27	63	137
(18%)	(17%)	(20%)	(46%)	(100%)

City of Sonoma - Projected Estimate Status at End of 2020				
Cumulative with Mockingbird and SAHA building permits in 2020				75% of cycle
Very Low	Low	Moderate	Above Moderate	Total
38	18	46	101	203
+(158%)	(78%)	+(170%)	+(160%)	+(148%)

Given that the Governor has announced that it is his goal to increase housing production in the State, for jurisdictions that have begun their 6th Cycle (almost a year ahead of ABAG), it is clear that RHNA numbers assigned to Council’s of Governments (COG’s) by HCD are much higher than previous allocations. For example, the “COG” in the Los Angeles – SCAG - received a “Determination” from HCD that was 329% higher than their prior allocation and resultantly passed

along allocations to local municipalities to work with in their Housing Element updates. Within the Sacramento area, the Sacramento Area Council of Governments (SACOG) has been given a determination that is 146% above their prior determination from HCD and has provided those increases to its member jurisdictions. The City of Sonoma can expect an allocation that is well above the current 137 units, probably being in the range of a doubling or tripling of prior allocations and should plan accordingly.

RHNA Cycle 6 – Examples from Other Council of Governments

	RHNA 5	RHNA 6	Percent Increase
Los Angeles region (SCAG)	409,060	1,344,740	329%
Sacramento region (SACOG)	104,970	153,512	146%

For reference, the Bay Area’s RHND for the 5th Cycle of RHNA was 187,990.

Step #3. *Housing Element Updates*: The City will need to initiate a process for review and update which generally includes an inventory of vacant land, review of housing policies, and identification of potential housing opportunity sites. A draft Housing Element is then written and undergoes CEQA review before formal City Council review and adoption. Jurisdictions must adopt a Housing Element that demonstrates, among other things, how it can accommodate its assigned RHNA number through its zoning. When completed, the Housing Element is submitted to the State Housing & Community Development Department which reviews it for compliance. HCD “certification” establishes a “rebuttable presumption of validity” that the Housing Element is adequate under state law, which would support the City’s legal defense should there be a challenge in the courts. The City must have its new Housing Element adopted by December 2022.

For the above reasons, City staff recommends a focus on preparing for the RHNA numbers and the Housing Element. Below is a high-level work plan to complete the Housing Element.



Urban Growth Boundary

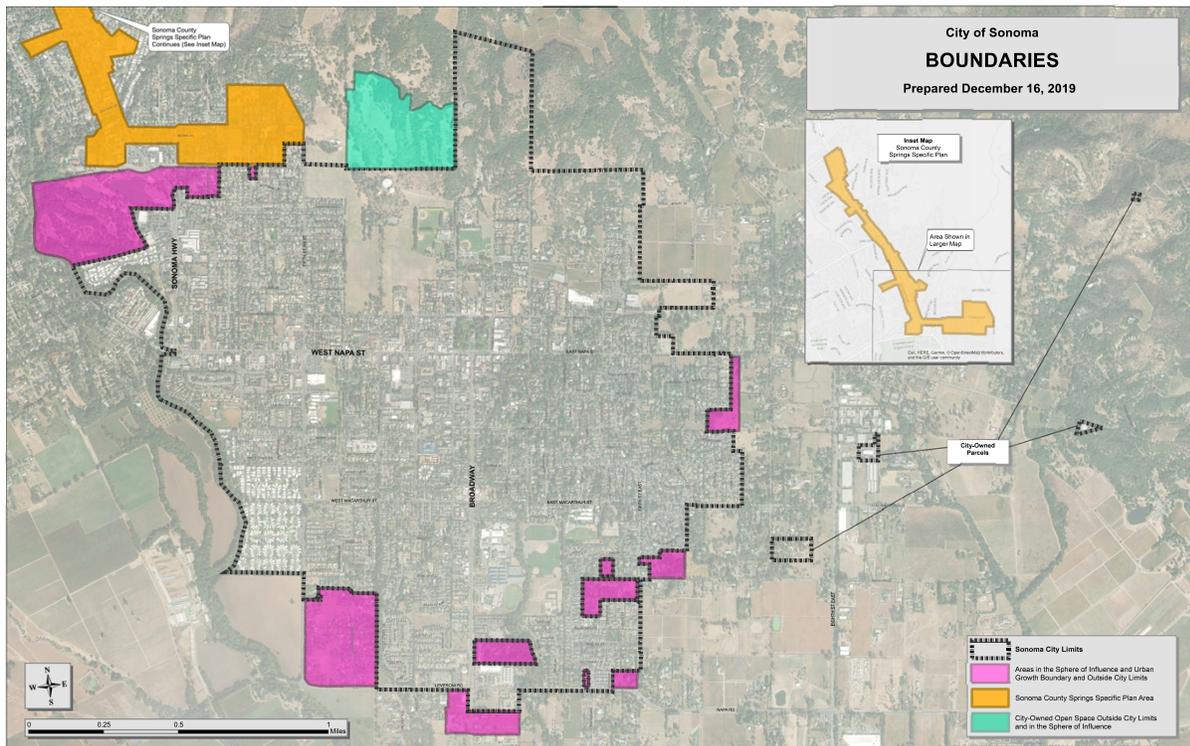
The purpose of the UGB, as adopted by the voters in 2000, was to amend the City of Sonoma 1995 -2005 General Plan to establish an Urban Growth Boundary ("UGB") for the City of Sonoma. It was created to promote stability in long-term planning for the City of Sonoma by setting a cornerstone policy within 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 is 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 and "open space lands" as set forth in Government Code section 65560(b) as of February 25,2000, are to 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.

At the previous City Council Study Sessions, staff provided the City Council an overview of the City's Urban Growth Boundary (UGB) that was approved by the voters in 2000. (See attachment D – Measure S Ballot Language).

The current Boundaries Map (below) shows the City limits, the Sphere of Influence (SOI) and the approved Urban Growth Boundary (UGB). The areas shaded purple are those lands within the UGB and not in the City limits. The area in green ("Montini Preserve" – owned by the City) is outside the City limits but within the SOI and outside the UGB.

CURRENT BOUNDARIES MAP



UGB – Legal Authority to Modify

During the term of the UGB, no changes to the UGB language or boundaries can be done without a vote of the people. There are some exceptions in the current UGB that authorize allowances for

schools, parks, open space and agricultural uses. For affordable housing, the City Council has the power to amend the UGB within parameters of the Measure with findings and then provide urban services.

UGB Measure for November

At the September 4, 2019 City Council meeting, the feedback from all individual Council Members communicated support of a UGB measure on the ballot for November 2020. The City Council requested additional information on the affordable housing provisions, water connections and other areas of clarification discussed by staff.

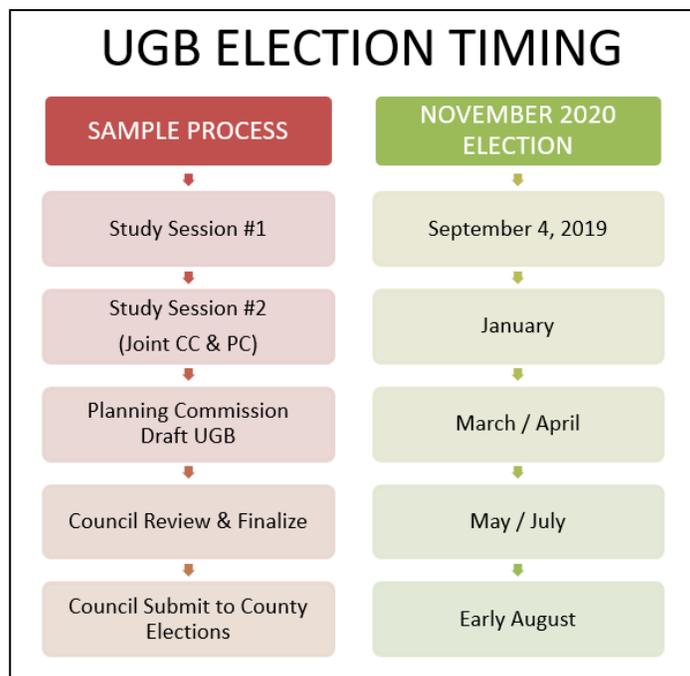
UGB Process / Draft Timeline & Constraints

Below is a draft UGB process for Council consideration and input based on current timing. Should the City Council wish to expand the boundary of the UGB (for consideration by the voters in November 2020) to include additional lands for future growth that it wishes to encourage, an Initial Study would very likely determine that an EIR would be necessary. The preparation and adoption of an EIR (or Negative Declaration) would not be able to be completed in order to meet the November 2020 election timeline.

It is important to note that if a City places a land use initiative on a ballot for the voters to consider, CEQA is mandated. If a group of citizens places a land use initiative on a ballot for the voters to consider, CEQA is not required.

Over the next few years, it is anticipated that the City will launch a review of its General Plan and update its Housing Element based on actual RHNA numbers set by HCD/ABAG. Specifically as mentioned prior, the City will need to have its Housing Element adopted by December 2022. With more information and continuing changes by the State, there may be the need to modify the boundaries of the UGB and/or to increase density and height allowances. There is a larger community conversation and more information/data that would be present for that discussion.

DRAFT UGB PROCESS



Policy Issues and Clarification for Potential Revised UGB

Staff has prepared a preliminary working draft for discussion purposes (See Attachment C). In order for the City Council and Planning Commission to discuss the details of the UGB, it is necessary to outline some areas for clarification and edits to be considered.

Members of the public have also submitted correspondence with ideas for edits to the UGB as well.

Areas for potential modification and Council/Planning Commission discussion.

- 1) TERM – The term of the UGB is a policy decision for the City Council. Not term has been included in the preliminary working draft.
- 2) FUTURE EXPANSION OF BOUNDARIES -- The UGB /City limits may need to be expanded in the future if the City receives a RHNA from ABAG that is not able to be accommodated given the current location of the aforementioned boundaries. If placed on the November ballot with boundaries the same as current, this would require a voter update to the UGB in the future.
- 3) AFFORDABLE HOUSING ACREAGE EXEMPTION – The current UGB allow for 5 acres within any one year to be developed for affordable housing and a total of 20 acres to be added over the life of the UGB. It is unclear how this UGB language is to be implemented – for example (1) “gross” versus “net” development acres to allow for setback and environmental features such as wetlands, creeks, etc., and (2) timing of the 5 acres and can a project receive 5 acres in one year and additional acreage in the following year not to exceed 5 acres in the second year. Page 6 (Section 3 a) provides a preliminary example of how this could be clarified.

b. 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, 2020. In determining how much acreage any single development proposal encompasses for purposes of this subparagraph b., the total acreage specified in the development application shall control; provided, however, the area included in required setbacks (side yard, back yard, riparian, etc.) in which the construction of structures is precluded shall not be counted. Such an amendment may be adopted only if the City Council makes the following findings based on substantial evidence:

- 4) AFFORDABLE HOUSING LOW INCOME HOUSING REQUIREMENT – The current UGB requires that a proposed development consist of “primarily” low income housing. However, “primarily” is not defined in the initiative nor is there a term of “affordable housing”. For discussion purposes, below is a preliminary example (Page 6 Section 3a.2) that includes a definition of “primarily” and “low income housing”.

(2) That the proposed development will consist of primarily (51%) low- and/or very low/very low-income housing pursuant to the Housing Element of this General Plan. “Low income” is defined as 60% of the area median income (adjusted for family size) as determined by the State Department of Housing and Community Development and “very low income” is defined as 50% of the area median income (adjusted for family size) as determined by the State Department of Housing and Community Development; and

- 5) AFFORDABLE HOUSING “FEASIBILITY” REQUIREMENT – The current UGB states that the UGB can be amended by the City Council if there is no existing, vacant or undeveloped residentially designated land within the UGB and it is not reasonably feasible to accommodate the development by predesignating lands within the UGB for affordable housing. For discussion purposes, below is a preliminary example (Page 6 Section 3a.3) that includes additional clarification about reasonable feasibility.

(3) ~~That~~ there is no existing vacant or undeveloped 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/or very low-income housing. For purposes of this subparagraph, “feasibility” shall include considerations of market feasibility, environmental feasibility and other rules and regulations affecting the development of the property; and

- 6) OUTSIDE WATER CONNECTIONS -- Does the City’s existing policy regarding new water meter connections need to be modified to be consistent with language within the UGB? A more detailed historical overview is below. From 1970 (formation of the Thornsberry Road Area Water Assessment District) to 2000 (approval of the UGB), City water was provided to a number of parcels outside the city limits. Since the UGB’s passage, there have only been a few outside water services approved. A map further below shows that the City has four “OSA’s” (Outside Service Agreements) that have been recorded since 2009 and has also approved 7 non-OSA’s agreements to provide water service dating from 2000. One of the aforementioned non-OSA agreements was entered into in 2001 for a property located in the TAD.

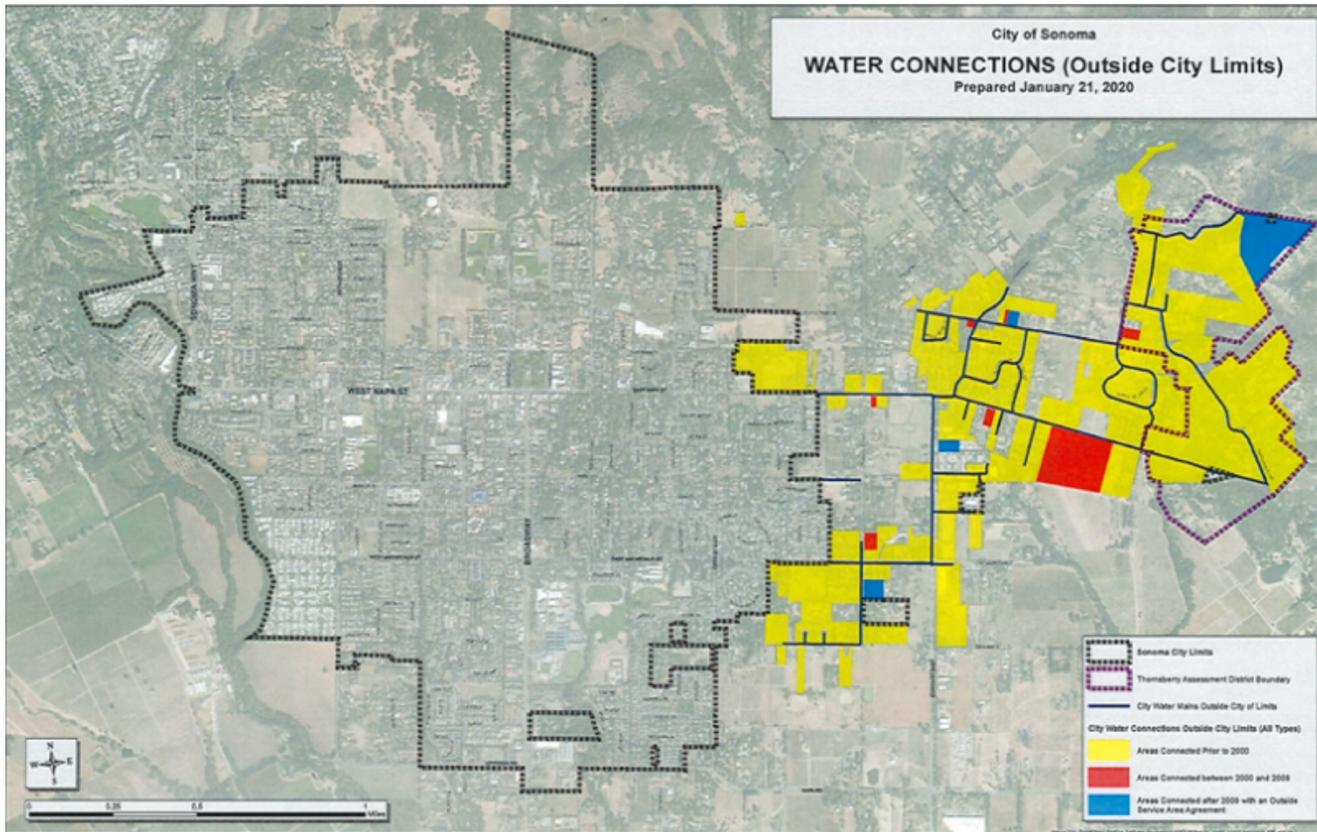
There were a number of legal commitments made prior to the 2000 UGB that need to be better recognized in an update to the UGB. Page 5 of the preliminary working draft UGB shows the following potential clarifications for this issue.

1.54.4 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, except for public parks, and 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 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. -Only "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 the definition of "open space lands" as defined set forth in Government Code section 65560(b) as of February 25, 2000. -will be allowed beyond the UGB.

Background Information on Provision of Water Services by the City of Sonoma outside the UGB

Currently, there are approximately 300 parcels that are metered with city water that are outside of the UGB. There is extensive history for the servicing of these parcels. At prior City Council meetings, staff discussed the provision of water outside the UGB in some circumstances. Direction was given to staff to return with information relating to the provision of water connections to areas outside the UGB. Below is some of the history and background that has been compiled.

The Thornsberry Road Area Water Assessment District (TAD) was formed in 1970. The Thornsberry water tank was built in 1971. At that time, the City agreed to provide water to parcels within the Assessment District area which was then and still is currently about 60-65 parcels. Shown below and attached is a copy of the formation of the Assessment District boundary map (Attachment E).



On February 9th, 1976, the City Council unanimously approved a moratorium on water connections outside of the City limits after the State Public Utilities Commission (PUC) made a recommendation for it to do so. Staff recommended that the moratorium was to be in effect until the “outside water rates litigation” was settled and after a water study and determination was made “regarding the amounts of water required to serve the City of Sonoma at maximum development in accordance with the City’s General Plan and existing outside-the-city water customers, including an estimate of the excess amount of water which will be available to the City of Sonoma through the Sonoma Aqueduct for use by additional outside-the-city customers”. The moratorium was not to apply to: 1) new connections to the TAD per TAD conditions; 2) approved subdivisions that the City had agreed to serve needing water main extensions/connections; 3) water service connections to mains covered by a valid water main reimbursement agreement; and 4) water main extensions that provided better circulation/reliability in areas where the City already provided service. At the request of staff, two additional exceptions were approved: 5) water service where front footage charge had been paid; and 6) water service for public facilities.

On November 22nd, 1976, the City Council unanimously extended the moratorium (beyond the date of any lawsuit resolution) with the same prior six adopted exceptions. No further water main extensions and no service connections were to be allowed except for: 1) new connections to the TAD per TAD conditions; 2) approved subdivisions the City had agreed to serve needing water main extensions/connections; 3) water service connections to mains covered by a valid water main reimbursement agreement; 4) water main extensions that provide better circulation/reliability in areas where the City provided service; 5) water service where front footage charge had been paid; and 6) water service for public facilities.

On November 7, 2000, the citizens of Sonoma approved Measure S and put in place the Urban

Growth Boundary.

On April 4th, 2001, the City Council held a Study Session on two issues: 1) Service areas outside the City and 2) to require all in the City to connect. The City Council gave direction to staff to follow the recommendations of the Public Works Director and City Engineer (per a letter to the City Manager, dated March 29th, 2001) which modified the then current moratorium regarding areas outside the city. The City Council did not discuss the requirement to have all residents and businesses within the city connect to city water services.

On April 18, 2001, the City Council amended the policy establishing a moratorium which included an updated/expanded list of exceptions. (The substantive exception that was added is contained in exception No. 6.)

1. New service connections to parcels within the Thornsberry Assessment District in accordance with the conditions established by the assessment District.
2. Water main extensions and new service connections within subdivisions or planned subdivisions which the City has already agreed to serve.
3. Water service connections to mains covered by a valid water main reimbursement agreement.
4. Water services to properties for which the front footage charge has already been paid.
5. Water services to serve public facilities.
6. Properties less than 1.50 acres in size when all of the following criteria are met:
 - a. The property owner does not own or have an interest in an adjacent parcel of such size that the total size of the two parcels is greater than 3.00 acres, and thus cannot increase the size of the parcel in question by means of Lot Line Adjustment.
 - b. The property has an existing residential dwelling unit.
 - c. The property has frontage on an existing City water main, or is situated on an access easement that fronts on an existing City water main, or is situated at the end of an existing City water main where no main extension is required to provide service, i.e., an existing main must touch the property at some point.
 - d. The property has an existing well that has failed either as to water quality or inability to produce more than 4 gallons per minute, and such failure has written documentation from a professional well driller or other qualified professional.
 - e. Written documentation has been provided showing that a connection to a sanitary sewer system has been denied or there is not existing sanitary sewer within 200 feet of the property.
 - f. The owners have retrofitted toilets and showers with low flow fixtures prior to connection.
 - g. Allocation of water from the Sonoma County Water Agency is not reduced below the allocation under Amendment 11 of the master water supply agreement.
 - h. Adding the water service connection for the residential dwelling unit will not result in exceeding the number of units per year allowed under the City's Growth Management Ordinance.

On January 21, 2009, the City Council made changes to the exceptions contained in Exception No.

3 and 6 (d, f, g and h). See italics/underlines:

1. New service connections to parcels within the Thornsberry Assessment District in accordance with the conditions established by the assessment District.
2. Water main extensions and new service connections within subdivisions or planned subdivisions which the City has already agreed to serve.
3. Water service connections to mains covered by a valid water main reimbursement agreement for the property requesting the service connection.
4. Water services to properties for which the front footage charge has already been paid.
5. Water services to serve public facilities.
6. Properties less than 1.50 acres in size when all of the following criteria are met:
 - a. The property owner does not own or have an interest in an adjacent parcel of such size that the total size of the two parcels is greater than 3.00 acres, and thus cannot increase the size of the parcel in question by means of Lot Line Adjustment.
 - b. The property has an existing residential dwelling unit.
 - c. The property has frontage on an existing City water main, or is situated on an access easement that fronts on an existing City water main, or is situated at the end of an existing City water main where no main extension is required to provide service, i.e., an existing main must touch the property at some point.
 - d. The property has an existing well that has failed either as to meeting State primary drinking water quality standards or inability to produce more than one (1.0) gallon per minute (gpm), and such failure has been confirmed through pump testing and a written documentation from a professional well driller or other qualified professional. Additionally, the well driller or qualified professional must also certify that repairing the pump, replacing the pump, or drilling a new pump on the property will not result in increasing the pump production to 1.0 gpm or greater.
 - e. Written documentation has been provided showing that a connection to a sanitary sewer system has been denied or there is not existing sanitary sewer within 200 feet of the property.
 - f. The owners have retrofitted toilets and showers with low flow fixtures prior to connection and low water-use landscaping and efficient irrigation system.
 - g. Allocation of the City of Sonoma's water entitlement from the Sonoma County Water Agency is not reduced below the annual entitlement provided for under the Water Supply Agreement with the Sonoma County Water Agency and other water contractors executed in 2006.
 - h. Adding the water service connection for the residential dwelling unit will not result in exceeding the number of units per year allowed under the City's Growth Management Ordinance.

The following language was made a part of the policy:

"As of January 21, 2009 all out-of-City water connections are subject to approval by the Local Agency Formation Commission. It will be the responsibility of the applicant to submit the application and pay any fees required by this agency. Each out-of-City water connection customer shall be required to enter into an Outside Service Area (OSA) Agreement with the

City.”

As outlined above, there is extensive history of outside water connections, but much limited after 2000. There were a number of legal commitments made prior to the 2000 UGB that need to be better recognized in an update to the UGB and overall clarification of water service connections going forward.

ATTACHMENT A

EXAMPLES OF SUBJECTIVE CRITERIA & OBJECTIVE CRITERIA Excerpts from various Development Code Sections

Subjective Criteria:

1. *Natural Features.* Natural environmental amenities including creeks, streams and other drainage courses; and mature trees shall be preserved by being incorporated into site plan design and layout. Appropriate enhancement or protective measures shall be included in plans where determined necessary by the planning commission. See creek development (SMC 19.40.020) and landscaping standards and design guidelines (SMC 19.40.060), and the tree preservation ordinance for specific tree preservation requirements and guidelines.

2. *Building Types – Guidelines for Commercial and Mixed Use Structures.* New commercial and mixed use buildings and alterations to existing structures should contribute to the established Broadway streetscape. In reviewing proposals for commercial and mixed development and redevelopment, the review authority (the planning commission or the design review and historic preservation commission, as applicable) shall make use of the following guidelines:

b. Buildings should reinforce the scale, massing, proportions and detailing established by other significant historic buildings in the vicinity (if any).

c. The massing of larger commercial and mixed use buildings (5,000 square feet or greater) should be broken down to an appropriate scale through the use of storefronts and breaks in the facade.

d. Architectural styles and details that reflect the Sonoma vernacular should be used. Along Broadway, Victorian and other residential architectural styles are more typical than purely commercial building types. The use of durable, high quality materials is encouraged.

e. Site design and architectural features that contribute to pedestrian comfort and interest, such as awnings, recessed entrances, and alleys, are encouraged.

f. In renovations involving historic buildings, authentic architectural details should be preserved and any new detailing and materials should be compatible with those of the existing structure. Pre-existing alterations that diminish a building's historic qualities should be removed when the opportunity arises. (See Chapter 19.42 SMC, Historic Preservation and Infill in the Historic Zone.)

g. Building types, architectural details and signs having a generic or corporate appearance are strongly discouraged. Chain stores and franchises are not prohibited along Broadway, but such uses must respect and contribute to the historic qualities of the area in terms of building design and signs.

Objective Criteria:

Broadway Corridor: Additions and Replacement Structures

Development Feature	Requirements by Zoning District <i>Setbacks, Site Coverage, Open Space and Height</i>	
	C	MX
Setbacks	<i>Minimum setbacks required for primary structures. See SMC 19.40.110 for setback measurement, allowed projections into setbacks, exceptions, and design guidelines for setbacks.</i>	
<i>Front/Street-side</i> ¹	Replacement structures: The same location as the original structure. ² Additions to existing structures: 15 ft.	Replacement structures: The same location as the original structure. ² Additions to existing structures: 20 ft.
<i>Side: One-Story</i>	None required, except when abutting a residential zone, in which case the corresponding setback in the residential zone shall apply.	5 ft. minimum, 15 ft. combined
<i>Side: Two-Story</i>		2 ft. for every 5 ft. (or fraction thereof) of height above 15 ft., ³ in addition to the normal requirement for one-story structures.
<i>Rear</i>		15 ft., except when abutting a residential zone, in which case the corresponding setback in the residential zone shall apply.
<i>Parking Areas</i>	Garages shall be set back 20 feet from the main structure.	
F.A.R./ Coverage	<i>Floor Area Ratio: Maximum building area as a ratio of site area, excluding porches, cellars, attics, detached garages (up to 400 square feet), and underground parking. Coverage: Maximum site coverage as percentage of site area, excluding porches and detached garages.</i>	
<i>F.A.R.</i>	0.60	1.0
<i>Coverage</i>	60%	60%
Open Space	<i>See SMC 19.40.070 for design requirements.</i>	
<i>Commercial</i>	7% – 11% of site	7% – 11% of site
<i>Residential</i>	300 sq. ft. per unit (any combination of shared or private)	300 sq. ft. per unit (any combination of shared or private)
Height	<i>Ridge height measured from finished grade. See SMC 19.40.040 for applicability and exceptions.</i>	
<i>Primary Structure</i>	30 ft.	30 ft.

Notes:

1. A front porch may extend up to 10 feet into front setback (or street-side setback for wrap-around porches).
2. A replacement structure shall not exceed 10 percent of the height or area of the original structure unless a use permit is obtained.
3. Measured at wall, not ridge.

ATTACHMENT B

ABAG 2022-2030 RHNA and Plan Bay Area 2050 Key Milestones

Per Government Code §65588(e)(3)(A), the Housing Element Due Date is 18 months after adoption of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Plan Bay Area 2050, the next regional plan, is scheduled to be adopted in June 2021, with the Housing Element Due Date in December 2022. This schedule assumes that there are subregions. Dates are tentative and subject to change.

	Key Milestones	Deadline
1	Plan Bay Area 2050 and RHNA Kickoff	September 2019
2	Release Draft Plan Bay Area 2050 Regional Growth Forecast, Adopt Growth Framework Update	September 2019
3	Jurisdiction Survey on RHNA factors, Fair Housing ¹	December 2019
4	Deadline for Subregions to Form ²	February 2020
5	Adopt Final Plan Bay Area 2050 Regional Growth Forecast; Release Plan Bay Area 2050 Draft Preferred Scenario	April 2020
6	Dept. of Housing and Community Development (HCD) Issues RHND ³	April 2020
7	Release Proposed Methodology, ⁴ Release Draft Subregion Shares	May 2020
8	Public Hearing on Proposed Methodology, Subregion Shares	June 2020
9	Adopt Plan Bay Area 2050 Preferred Scenario	July 2020
10	Assign Subregion Shares ⁵	July 2020
11	Release Draft Methodology and Submit to HCD for Review ⁶	September 2020
12	Release Plan Bay Area 2050 Draft Plan and EIR	January 2021
13	Adopt Final Methodology after 60-day HCD Review Period ⁷	January 2021
14	Release Draft Allocation ⁸	January 2021
15	Deadline for Appeals to Draft Allocation ⁹	March 2021
16	Comment Period on Appeals Received ¹⁰	April 2021
17	Public Hearing on Local Appeals ¹¹	May 2021
18	Decision on Appeals, Issue Final Allocation ¹²	May 2021
19	Adopt Plan Bay Area 2050 Final Plan and EIR	June 2021
20	Public Hearing to Adopt Final Allocation Plan ¹³	July 2021
21	HCD Determination of Consistency with Housing Element Law ¹⁴	August 2021
22	Local Governments Adopt Housing Element Update	December 2022

Glossary of Acronyms

ABAG – Association of Bay Area Governments
 EIR – Environmental Impact Report
 HCD – California Department of Housing and Community Development
 RHNA – Regional Housing Need Allocation
 RHND – Regional Housing Need Determination
 RTP – Regional Transportation Plan
 SCS – Sustainable Communities Strategy

¹ GC §65584.04(b). No more than 6 months before draft methodology release.
² GC §65584.03(a). No later than Aug 2020.
³ GC §65584.01(b)(1). No later than Oct 2020.
⁴ GC §65584.04. ABAG/Subregion must conduct at least one public hearing prior to releasing draft methodology. No later than Dec 2020.
⁵ GC §65584.03(c). No later than Nov 2020.
⁶ GC §65584.04(h).
⁷ GC §65584.04(i).
⁸ GC §65584.05(a). No later than Jun 2021.
⁹ GC §65584.05(b). Within 45 days of draft allocation.
¹⁰ GC §65584.05(c). Within 45 days of appeal deadline.
¹¹ GC §65584.05(d) Hearing must be no later than 30 days after the appeals comment period ends, with 21 days prior notice.
¹² GC §65584.05(e). No later than 45 days after public hearing.
¹³ GC §65584.05(g). Within 45 days after final allocation issued.
¹⁴ Within 30 days after HCD receives Final Plan.

ATTACHMENT C

PRELIMINARY WORKING DRAFT – FOR DISCUSSION

ORDINANCE NO.

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

City of Sonoma Urban Growth Boundary Initiative

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

Section 1. Statement of Purpose and Effect.

Section 1. Purpose and Finding

- A. ~~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 ~~The purpose of this initiative is~~ “to amend the City of Sonoma 1995-2005 General Plan (“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 ~~exists~~ 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~~ ~~this~~ UGB ~~could not~~~~cannot~~ 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

_____.

- B. **Effect.** The renewed UGB will continue to:

- Encourage efficient growth patterns and protect the quality of life in Sonoma by concentrating future development within existing development areas;
- Foster and protect lands surrounding the City that are dominated by vineyards, agricultural uses, hills, farms and fields;

- [Concentrate growth within the boundary in order to limit the extent of required City services and restrain increases in their costs;](#)

Section 2.B- Findings. The people of the City of Sonoma find that this [initiative ordinance](#) promotes the health, safety, welfare, and quality of life of the residents of the City of Sonoma, based upon the following:

A.1- The City of Sonoma's Small-Town Character. The City of Sonoma was founded in 1835 as a mission town and has maintained its unique historic and small-town character through development that reveals a strong sense of relationship to its historic features. This [initiative ordinance](#) promotes the City's commitment to its small-town character by concentrating future development largely within existing developed areas.

B2. 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 [initiative 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.

C3. 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 [initiative 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.

D4. 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](#) promotes 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,~~ [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 [initiative 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 bring land into the UGB without a public vote for very low- and low-income housing only, 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.](#)

E5. 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 [initiative ordinance](#) promotes the City of Sonoma's economy by fostering and protecting the small-town character of the City while allowing appropriate economic development in accordance with the City's unique local conditions.

~~F6. **The City of Sonoma's Existing Urban Boundary Goal and Policies.** Goal CDE-1 of the General Plan, adopted on August 30, 1995 by the City Council, calls for establishing and maintaining "a definitive urban boundary beyond which only uses compatible with preserving agriculture and open space resources shall be allowed." General Plan policies that further Goal CDE-1 identify this urban boundary as the City of Sonoma's designated sphere of influence line. This initiative implements Goal CDE-1 of the General Plan by expressly establishing the envisioned urban growth boundary as coextensive with the limits of the City of Sonoma's designated sphere of influence as of February 25, 2000.~~

~~7. **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](#), [as shown in the attached Exhibit C \(copy of the City's most current Land Use Plan map\)](#), 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 sphere of influence](#) line in accordance with state law. The two lines ([the UGB line and the City's SOI line](#)), although [coterminous eoextensive](#) as of one point in time, are independent one from the other in legal significance and purpose. Whereas the [SOI sphere of influence](#) 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 initiative](#). [Attached for illustrative purposes only is a map of the City's Planning Area \(attached as Exhibit D\).](#)~~

Section 32. 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 [The City of Sonoma 2006-2020 1995-2005](#) General Plan, adopted [October 2006 August 30, 1995](#), as amended through [July 31, 2020 February 25, 2000](#) ("[General Plan](#)"), [is hereby amended as follows:](#) [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 [The General Plan Land Use Plan map, at page 30 of the General Plan Community Development Element is hereby amended to establish show](#) an Urban Growth Boundary in a location identical to the line designating the location of the [Urban Growth Boundary sphere of influence](#) as shown in the attached Exhibit C. [Though the location of the two lines is identical as of a certain point in time,](#)~~

~~the lines are independent from another in legal significance and purpose, and a change in one would not cause a change in the other.~~

B. General Plan Text Amendments:

1. Explanation of Urban Growth Boundary.

The following text, as indicated in bold type, ~~replaces the text at~~ is added to page 87 of the General Plan Community Development Element after the section entitled "~~GROWTH MANAGEMENT~~" "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~~ (TERM/YEARS) -year period to protect the unique, small-town 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 ,-except for public parks, and public schools, agricultural land uses and opens 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 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.-Only "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 the definition of "open space lands" as defined set forth in Government Code section 65560(b) as of February 25, 2000 ~~are allowed beyond the UGB~~. The UGB is established by the policies implementing Goal CDE-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 Amendment of Urban Boundary Goal.**

Goal CDE-1 on page 19 of the General Plan Community Development Element is hereby restated amended as set forth below. ~~In this section 2.B.2. of the initiative, text to be inserted into the General Plan is indicated in bold type. Text in standard type currently appears in the General Plan:~~

Goal CDE-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 ~~ppolicies 1.5 and Implementation Measure 1.5.1~~, as indicated in bold type, replace Policy 1.5 and Implementation Measure 1.5.1 appearing on ~~are added to~~ pages 20 and 21 of the General Plan Community Development Element; ~~immediately following Community Development Element Policy 4.~~

~~1.5.4.1~~ 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, except for public parks, and 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 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. Only “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 the definition of "open space lands" as defined set forth in Government Code section 65560(b) as of February 25, 2000. will be allowed beyond the UGB.

1.5.14.2 UGB Implementation: Until December 31, 2020, the following General Plan provisions, as adopted by the 2020 City of Sonoma Urban Growth Boundary ~~Initiative~~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 CDE-1; (iii) Community Development Element Policy 1.5 y 4.1; and (iv) this Implementation Measure policy 1.5.14.2. Until December 31, 2020, 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. (a) through c.(d) below.

a. ~~The City Council may, if it deems it to be in the public interest, amend the location of the UGB depicted in the Land Use Plan map, provided that the amended boundary is within or~~

~~coextensive with the limits of the UGB as established by the City of Sonoma Urban Growth Boundary Initiative.~~

~~b.~~ 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, 2020. In determining how much acreage any single development proposal encompasses for purposes of this subparagraph b., the total acreage specified in the development application shall control; provided, however, the area included in required setbacks (side yard, back yard, riparian, etc.) in which the construction of structures is precluded shall not be counted. Such an amendment may be adopted only if the City Council makes the following findings based on substantial evidence:

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

(2) That the proposed development will consist of primarily (51%) low- ~~and/or very low~~very low-income housing pursuant to the Housing Element of this General Plan. “Low income” is defined as 60% of the area median income (adjusted for family size) as determined by the State Department of Housing and Community Development and “very low income” is defined as 50% of the area median income (adjusted for family size) as determined by the State Department of Housing and Community Development; and

(3) That there is no existing vacant or undeveloped 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/or~~ very low-income housing. For purposes of this subparagraph, “feasibility” shall include considerations of market feasibility, environmental feasibility and other rules and regulations affecting the development of the property; and

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

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

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

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

cd. Prior to amending the location of the UGB pursuant to subparagraphs ab. or be. 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.

de. 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, 2020, 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 CDE-1; (iii) Community Development Element Policy 1.5.4.1; (iv) the location of the UGB depicted on the Land Use Plan map; and (v) this Implementation Measure policy 1.5.14.2. After December 31, 2020, this Implementation Measure policy 1.5.14.2 shall not apply, and the City Council, if it deems it in the public interest, may amend the above-referenced General Plan provisions addressed by this policy in accordance with state law without a vote of the people.

ef. Except as is expressly permitted in this ordinance, ~~t~~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. which is inconsistent with the following provisions of the General Plan: (i) the section entitled "URBAN GROWTH BOUNDARY" in the Community Development Element; (ii) Goal CDE-1; (iii) Community Development Element Policy 4.1; (iv) the location of the UGB depicted on the Land Use Plan map; and (v) this policy 4.2. 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. (b) or (e) of this Implementation Measure policy 1.5.14.2 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 43. Implementation.

A. **Effective Date.** Upon the effective date of this initiative ordinance, ~~the provisions of Section 2 of this initiative are hereby inserted into~~ 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, 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 ~~2020~~ prior to the effective date of this ordinance initiative, this general plan amendment shall be the first amendment of inserted into 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 is inserted in 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~~not be enforced~~.

B. **Interim Amendments.** ~~The City of Sonoma General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City of Sonoma Election Official on February 25, 2000, and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City of Sonoma. In order to ensure that the City of Sonoma General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voters in enacting this initiative are given effect, any provision of the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by section 2 of this initiative measure, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this initiative and other elements of the City's General Plan.~~

~~C.~~ **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 zoning ordinance, and other ordinances and policies affected by this initiative 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 32 of this ordinance initiative and other elements of the City's General Plan, all specific plans, the development code zoning ordinance, and other City ordinances and policies.

Section 54. Exemptions for Certain Projects.

This ordinance initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of this ordinance initiative a vested right pursuant to state or local law to proceed without complying with this ordinance; and ~~(2) any area contained within a~~

~~Redevelopment Plan, under California law that is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.~~ Nothing in this ordinance ~~initiative~~ precludes the use of density bonuses in accordance with state law.

Section 65. Construction and Severability.

This ~~initiative~~ ordinance shall be broadly construed in order to achieve the purposes stated in this ~~initiative~~ ordinance. This ~~initiative~~ 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 ~~initiative~~ 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 ~~initiative~~ ordinance. The voters hereby declare that this ~~initiative~~ 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 ~~initiative~~ ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ~~initiative~~ ordinance that can be given effect without the invalid application.

Section 76. Amendment or Repeal.

Except as otherwise provided herein, this ~~initiative~~ 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 _____.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS APPROVED BY THE FOLLOWING VOTE OF THE PEOPLE ON NOVEMBER 10, 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.)

ATTACHMENT D

Measure S – November 7, 2000

Shall the ordinance amending the City of Sonoma General Plan to establish an urban growth boundary be adopted?

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE S

If adopted by a majority of those voting on the measure, this measure would amend the City of Sonoma General Plan to establish an urban growth boundary (UGB). Although a city's General Plan and zoning ordinances only have legal effect within the city's boundaries, under state law, a city's general plan must, among other things, address "land outside its boundaries which ... bear relation to its planning." The County Local Agency Formation Commission (LAFCo) establishes for all cities a "Sphere of Influence." A sphere of influence is the area that LAFCo anticipates would eventually be included within the city's boundaries. The City of Sonoma 1995-2005 General Plan includes as one of its goals the goal to "establish and maintain a definitive urban boundary beyond which only uses compatible with preserving agriculture and open space resources shall be allowed." The City has generally used its sphere of influence as that boundary, prohibiting annexations from areas outside the boundary and limiting the extension of public utilities to areas outside the boundary. This measure would revise the above goal to provide as follows: "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." The measure would place an urban growth boundary line on the general plan land use map which would be located along the same line currently established as the City's sphere of influence (as of February 25, 2000). The measure acknowledges that although LAFCo could reconfigure the location of the sphere of influence, the UGB would remain as established by this measure, or as changed pursuant to provisions in the measure.

If area outside of the UGB is annexed into the City, the measure would restrict such area to open spaces uses, agricultural uses, public schools and public parks. Under certain narrow conditions listed in the ordinance, the City Council could amend the location of the UGB to allow certain other specified uses of the land affected.

The measure would permit the UGB to be amended by the City Council in three situations. The first allows for the UGB to be changed to provide for housing primarily for low and very low income households. This exception can be used only in limited situations, for a maximum of five acres in one year and a total of twenty acres during the life of the measure. The second allows for the UGB to be relocated where to not do so would result in an unconstitutional taking of a person's property and only to the extent necessary to avoid a taking. The two provisions above may occur only after notice and a public hearing. Separately, the City Council could amend the location of the boundary to constrict the boundary. The measure would continue in effect until December 31, 2020, and until that date could only be amended by a vote of the people.

s/ John W. Truxaw, City Attorney

ARGUMENT IN FAVOR OF MEASURE S

A "yes" vote on Measure S will prevent continued urban sprawl and will help shift city development from a developer to a citizen-driven process.

Measure S stops sprawl by creating a boundary around the city of Sonoma for the next 20 years which can only be changed by a vote of the citizens. This measure is a formidable solution to the problems of sprawl and the lack of opportunity for citizens to participate in development decisions about Sonoma's future. The UGB does not change the city's existing Growth Management Ordinance, which limits residential development to 100 homes a year, and provides more than enough land to accommodate such growth. When the UGB is enacted Sonoma will Join the vast majority of cities in Sonoma County, which have approved UGBs.

There is no evidence that the UGB will increase housing costs. In fact, in other Sonoma County cities with UGBs, housing costs rise less quickly than in cities which don't have UGBs. The UGB can be modified by a simple vote of the people to accommodate special needs such as a hospital or school.

The citizens of Sonoma strongly support the preservation of open space, agriculture and a smaller-scale community with livable neighborhoods and an exceptionally fine quality of life. The UGB will reinforce these goals as development pressure mounts over the next 20 years.

Give our citizens the power to decide how large our city will grow. Vote "yes" on Measure S.

s/ Larry Barnett, Mayor of Sonoma

s/ Evelyn Berger

s/ J. Wylie Hartman, M.D., Sonoma Planning Commission

SONOMA COUNTY CONSERVATION ACTION, s/Mark Green, Executive Director

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE S

The citizens of Sonoma, by electing intelligent and caring people to serve on their city council, have always had the power to decide how their city will develop. Do not give that option away to special interest groups.

The City of Sonoma, along with the County of Sonoma has made great strides to make sure sprawl does not occur here. They have joined together to form an Urban Service Boundary that encompasses not only the city but the unincorporated area of the valley as well to ensure against sprawl. An Urban Growth Boundary will divide our valley and the efforts we have gained as an extended community.

It takes good planning to ensure good land use, open spaces and housing opportunities. The majority of the community was not involved in the creation of this measure. Planning, not plotting is the key to a continued successful City (and Valley) of Sonoma.

Sonoma is not like any other city in Sonoma County. Prices for land and homes will increase. The pressure put on properties to develop outside the UGB will multiply. The open space and agricultural areas you enjoy will be in jeopardy.

Unnecessary elections cost money; your money. There are already protections in place to guard against sprawl. We do not need this legislation. Vote No on Measure S

s/ Phyllis Carter, Member, Sonoma City Council
s/ Louis Ramponi, Member, Sonoma City Council
s/ Irving J. Mills, Resident, City of Sonoma

ARGUMENT AGAINST MEASURE S

The City of Sonoma already has a restricted sphere of influence. Reinforcing the sphere of influence, the City and the County, with community input, jointly adopted an urban service boundary that prevents sewer connections outside of the sphere of influence and sanitation district service area through the year 2008. In addition, Sonoma's Growth Management Ordinance, adopted in 1980, limits residential development within Sonoma to a maximum of 100 units per year. Effective controls are in place right now to prevent sprawl. The proposed UGB measure would short-circuit the normal process, cutting out planning, the environment, and the public.

In Oregon where the concept originated, planning studies were undertaken first in order to determine the optimal size of the UGB. A UGB based on thorough study of land supply, and developed with full public participation, may indeed be a good planning tool. A UGB lacking these essential qualities, as is the case with the current proposal, can be a danger for the future balance of the area.

Rising land costs associated with the constricted supply will inflate housing prices. This will greatly increase the difficulty and expense of developing affordable housing. Since low and very-low income housing can only be built with government subsidies, these costs are ultimately borne by local taxpayers.

The UGB has nothing to do with agriculture. The line itself is the city's existing sphere of influence. There is no thought given to adjusting this boundary to correspond to agricultural uses. Instead, the public would be "protected": from the annexation of existing uses such as homes and small businesses that might be more appropriately located within city limits.

We urge you to vote No on Measure S.

s/ Phyllis Carter, Member, Sonoma City Council
s/ Albert Mazza, Member, Sonoma City Council

REBUTTAL TO ARGUMENT AGAINST MEASURE S

Currently, Sonoma's sphere of influence can be expanded through a vote of the City Council. Similarly, the Urban Service Boundary can be enlarged by a vote of the three-member sanitation district board. Under the UGB, such expansion would only be possible with voter approval. The UGB is powerful insurance against a future growth-oriented council majority that might want to expand the city.

The Growth Management Ordinance limits the total number of homes that can be built, but not where they can be built. It does nothing to control the expansion of commercial development. The UGB is a proven method to prevent both types of sprawl.

The UGB has been extensively discussed in numerous public meetings for six years by the City Council and the Sonoma Valley Citizens Advisory Commission. It has been thoroughly studied, researched and approved by professional planners. It allows for the expansion of the city limit, if needed, for the creation of affordable housing. Affordable housing costs are not borne by the taxpayer, but are mandated by the state and built with funds set aside in the City's Redevelopment Agency. The UGB will not raise home prices. Sonoma and Cloverdale are the only cities in Sonoma County without a UGB, and their home prices are rising faster than in the other Sonoma County cities.

Sonomans consistently vote to protect precious open space, as the vote against Rosewood proved. Now it's time to draw the line on sprawl.

Stop Sprawl! Vote Yes on Measure S

s/ Ken Brown, Councilman, City of Sonoma

s/ David F. Leland, President, Sonoma Ecology Ctr. Bd. of Dir.

s/ Joseph L. Costello, Attorney

s/ Bernadine Fredell, Resident, Pueblo Serena MHP

s/ Howard Egger-Bovet, Chair, Sonomans for Urban Growth Boundary

FULL TEXT OF MEASURE S

The people of the City of Sonoma do hereby ordain as follows:

City of Sonoma Urban Growth Boundary Initiative

Section 1. Purpose and Findings.

A. Purpose. The purpose of this initiative is to amend the City of Sonoma 1995-2005 General Plan ("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 exists 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, this UGB cannot be amended until December 31, 2020, except by a vote of the people.

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

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

2. 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 initiative 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.

3. 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 initiative 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.

4. The City of Sonoma's Housing Supply. The General Plan promotes 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, 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 initiative will not impede the City's ability to continue to meet the housing needs of all economic segments of the population, including 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.

5. 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 initiative promotes the City of Sonoma's economy by fostering and protecting the small-town character of the City while allowing appropriate economic development in accordance with the City's unique local conditions.

6. The City of Sonoma's Existing Urban Boundary Goal and Policies. Goal CDE-1 of the General Plan, adopted on August 30, 1995 by the City Council, calls for establishing and maintaining "a definitive urban boundary beyond which only uses compatible with preserving agriculture and open space resources shall be allowed." General Plan policies that further Goal CDE-1 identify this urban boundary as the City of Sonoma's designated sphere of influence line. This initiative implements Goal CDE-1 of the General Plan by expressly establishing the envisioned urban growth boundary as coextensive with the limits of the City of Sonoma's designated sphere of influence as of February 25, 2000.

7. Inapplicability to Sonoma's Sphere of Influence. Although established in the same location as the sphere of influence line as it exists as of February 25, 2000, as shown in the attached Exhibit C (copy of the City's most current Land Use Plan map), the UGB is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the sphere of influence line in accordance with state law. The two lines, although coextensive as of one point in time, are independent one from the other in legal significance and purpose. Whereas the sphere of influence 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 initiative. Attached for illustrative purposes only is a map of the City's Planning Area (attached as Exhibit D).

Section 2. General Plan Amendment.

The City of Sonoma 1995-2005 General Plan, adopted August 30, 1995, as amended through February 25, 2000 ("General Plan"), is hereby amended as follows:

A. General Plan Land Use Plan Map Amendment:

The General Plan Land Use Plan map, at page 30 of the General Plan Community Development Element is hereby amended to establish an Urban Growth Boundary in a location identical to the line designating the location of the sphere of influence as shown in the attached Exhibit C. Though the location of the two lines is identical as of a certain point in time, the lines are independent from another in legal significance and purpose, and a change in one would not cause a change in the other.

B. General Plan Text Amendments:

1. Explanation of Urban Growth Boundary.

The following text, as indicated in bold type, is added to page 7 of the General Plan Community Development Element after the section entitled "GROWTH MANAGEMENT":

URBAN GROWTH BOUNDARY

The People of the City of Sonoma approved an Urban Growth Boundary (UGB) in 2000 to protect the unique small-town 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, except for

public parks and public schools. Only uses consistent with the General Plan "agricultural" land use designation as it exists on February 25, 2000 and the definition of "open space lands" set forth in Government Code section 65560(b) as of February 25, 2000 are allowed beyond the UGB. The UGB is established by the policies implementing Goal CDE-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. Amendment of Urban Boundary Goal.

Goal CDE-1 on page 19 of the General Plan Community Development Element is hereby amended as set forth below. In this section 2.B.2. of the initiative, text to be inserted into the General Plan is indicated in bold type. Text in standard type currently appears in the General Plan:

Goal CDE-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 policies, as indicated in bold type, are added to page 20 of the General Plan Community Development Element, immediately following Community Development Element Policy 4.

4.1 **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, except for public parks and public schools. Only uses consistent with the General Plan "agricultural" land use designation as it exists on February 25,2000 and the definition of "open space lands" set forth in Government Code section 65560(b) as of February 25, 2000 will be allowed beyond the UGB.

4.2 **UGB Implementation:** Until December 31, 2020, the following General Plan provisions, as adopted by the City of Sonoma Urban Growth Boundary Initiative, 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 CDE-1; (iii) Community Development Element Policy 4.1; and (iv) this policy 4.2. Until December 31, 2020, 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 (a) through (d) below.

a. The City Council may, if it deems it to be in the public interest, amend the location of the UGB depicted in the Land Use Plan map, provided that the amended boundary is within or coextensive with the limits of the UGB as established by the City of Sonoma Urban Growth Boundary Initiative.

b. 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, 2020. 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) serviceable water and sewer connections; and

(2) That the proposed development will consist of primarily low- and very low-income housing pursuant to the Housing Element of this General Plan; and

(3) That there is no existing vacant or undeveloped 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

(4) That the proposed development is necessary to comply with state law requirements for the 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.

c. 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 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.

d. Prior to amending the location of the UGB pursuant to subparagraphs b. or c. 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.

e. 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, 2020, 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 above: (i) the section entitled "URBAN GROWTH BOUNDARY" in the Community Development Element; (ii) Goal CDE-1; (iii) Community Development Element Policy 4.1; (iv) the location of the UGB depicted on the Land Use Plan map; and (v) this policy 4.2. After December 31, 2020, this policy 4.2 shall not apply, and the City Council, if it deems it in the public interest, may amend the above-referenced General Plan provisions addressed by this policy in accordance with state law without a vote of the people.

f. The City, and its departments, boards, commissions, officers and employees, shall not approve any general plan amendment, zoning amendment, specific plan, specific plan amendment, rezoning,

subdivision map, conditional use permit, or any other entitlement which is inconsistent with the following provisions of the General Plan: (i) the section entitled "URBAN GROWTH BOUNDARY" in the Community Development Element; (ii) Goal CDE-1; (iii) Community Development Element Policy 4.1; (iv) the location of the UGB depicted on the Land Use Plan map; and (v) this policy 4.2. 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 (b) or (c) of this policy 4.2 must be consistent with the findings made in connection with that land's inclusion within the UGB.

Section 3. Implementation.

A. Effective Date. Upon the effective date of this initiative, the provisions of section 2 of this initiative are hereby inserted into the Community Development Element of the City of Sonoma 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 2000 prior to the effective date of this initiative, this general plan amendment shall be the first amendment inserted into the City's General Plan on January 1, 2001. At such time as this general plan amendment is inserted in the City of Sonoma General Plan, any provisions of the City of Sonoma Zoning Ordinance, as reflected in the ordinance text itself or in the City of Sonoma Zoning Map, inconsistent with this general plan amendment shall not be enforced.

B. Interim Amendments. The City of Sonoma General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City of Sonoma Election Official on February 25, 2000, and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City of Sonoma. In order to ensure that the City of Sonoma General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voters in enacting this initiative are given effect, any provision of the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by section 2 of this initiative measure, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this initiative and other elements of the City's General Plan.

C. Other City Ordinances and Policies. The City of Sonoma is hereby authorized and directed to amend the General Plan, all specific plans, the zoning ordinance, and other ordinances and policies affected by this initiative 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 2 of this initiative and other elements of the City's General Plan, all specific plans, the zoning ordinance, and other City ordinances and policies.

Section 4. Exemptions for Certain Projects.

This initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law; and (2) any area contained within a Redevelopment Plan, under California law that is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution. Nothing in this initiative precludes the use of density bonuses in accordance with state law.

Section 5. Construction and Severability.

This initiative shall be broadly construed in order to achieve the purposes stated in this initiative. This initiative 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 initiative 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 initiative. The voters hereby declare that this initiative, 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 initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application.

Section 6. Amendment or Repeal.

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

EXHIBIT A

The following language appears on 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.)

1995-2005 General Plan

Land Use Plan

RR	Rural Residential (2 D.U./acre, maximum)
LR	Low Density Residential (2.5 D.U./acre)
SR	Sonoma Residential (3.8 D.U./acre)
MR	Medium Density Residential (6-10 D.U./acre)
HR	High Density (9-12 D.U./acre)
HO	Housing Opportunity (1.5-2.0 D.U./acre)
MH	Mobile Home Park (7 D.U./acre, maximum)
MU	Mixed Use (12 D.U./acre, maximum)
C	Commercial (1.5 D.U./acre, maximum)
GC	Gateway Commercial (1.5 D.U./acre, maximum)
WP	Wine Production
PF	Public Facility
Pk	Park
H	Hillside (1 D.U./10 acres, maximum)
A	Agriculture

	Specific Plan Area
	Potential School Site
	Land Use Boundary
	City Limit
	Sphere of Influence/Urban Growth Boundary

Note: Pursuant to State law, residential density bonuses of up to 25% of maximum base density are possible in all commercial and residential land use designations for certain types of affordable housing development.

City of Sonoma
Community Development Department

Scale in Feet: 0 1000 2000 3000 4000 5000

North Arrow

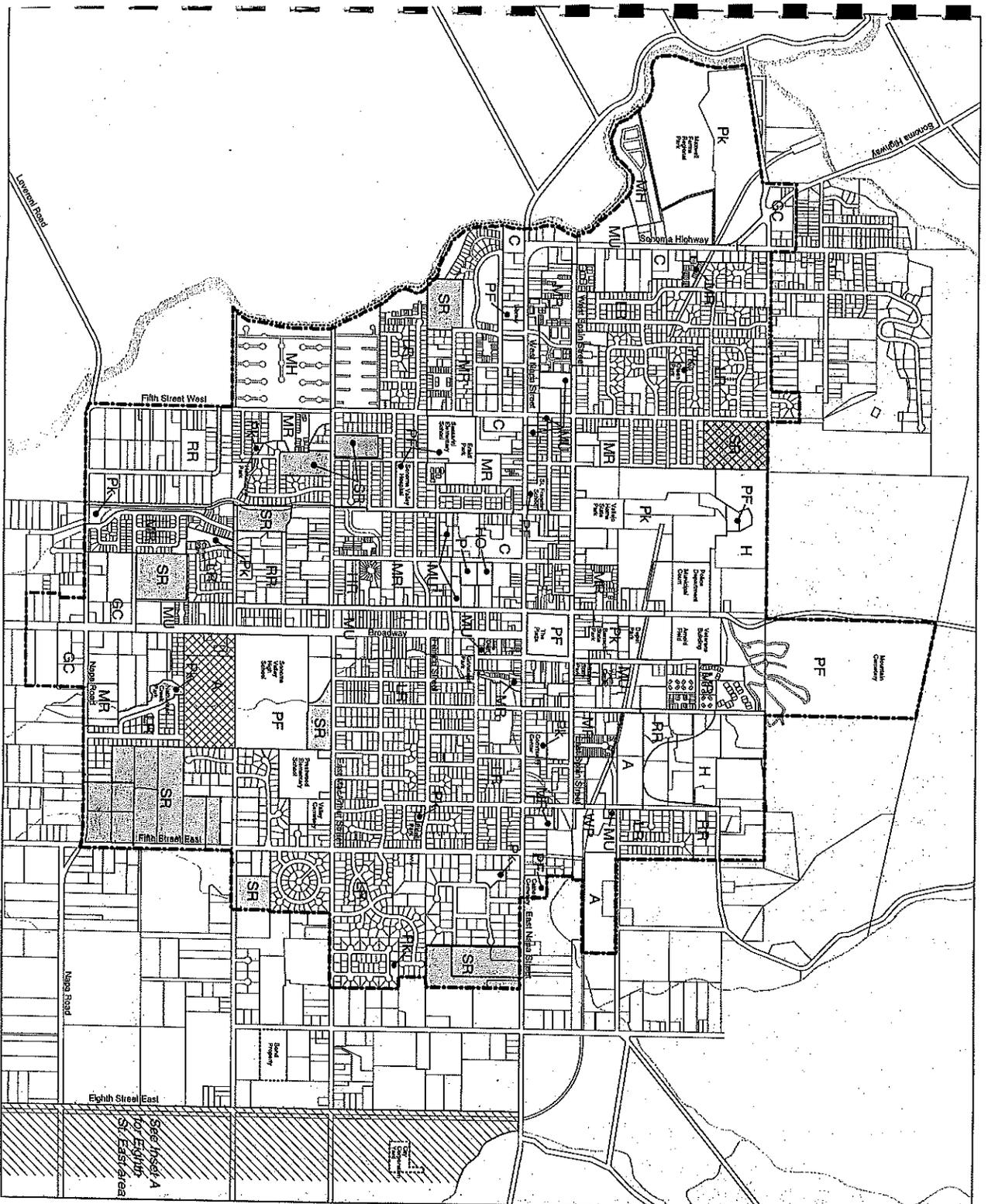
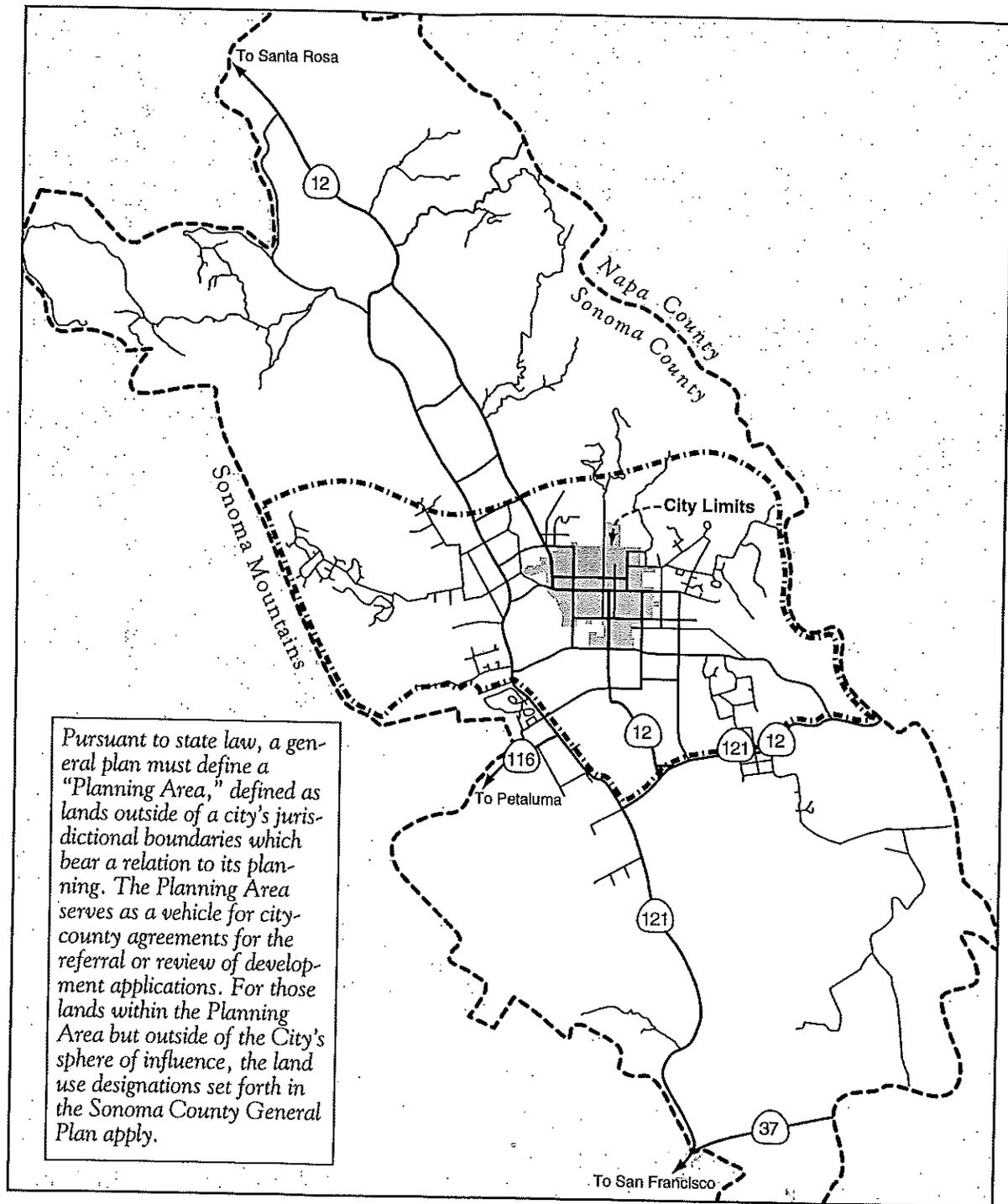


Exhibit C



Planning Area

- Sonoma County General Plan Area 9 (Sonoma Valley)
- .-.-.-.- City of Sonoma Planning Area Boundary



Not to Scale

Exhibit D

THORNSBERRY ROAD AREA WATER ASSESSMENT DISTRICT

CITY OF SONOMA
SONOMA COUNTY
STATE OF CALIFORNIA

FOR IMPROVEMENTS CONSISTING OF
WATER MAINS AND APPURTENANCES

IN THE VICINITY OF
THORNSBERRY ROAD

JUNE 1970

CITY COUNCIL

TALBERT W. BEAN, MAYOR
JOHN LOBSINGER
NANCY PARMELEE
HENRY RIBONI
HOWARD SHONE

DIRECTOR OF PUBLIC WORKS

CHARLES T. ECHOLS

ENGINEER OF WORK

TROTTER AND ASSOCIATES, INC.

SPECIAL BOND COUNSEL

STURGIS, DEN - DULK, DOUGLASS & ANDERSON

FILED IN THE OFFICE OF THE CITY CLERK, CITY OF SONOMA, COUNTY, STATE OF CALIFORNIA, THIS 27th DAY OF July, 1970
BY Edmond J. DeLo, CITY CLERK
CITY OF SONOMA, SONOMA COUNTY, STATE OF CALIFORNIA

RECORDED IN THE OFFICE OF THE PUBLIC WORKS DIRECTOR, THIS 28th DAY OF August, 1970.

Charles T. Echols, P.E., Dist. Dir.
CITY OF SONOMA, SONOMA COUNTY, STATE OF CALIFORNIA
BY Charles T. Echols

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF SONOMA ON THE LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. SAID ASSESSMENT WAS LEVIED ON THE 27th DAY OF July, 1970. SAID ASSESSMENT DIAGRAM AND ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE PUBLIC WORKS DIRECTOR OF THE CITY OF SONOMA ON THE 28th DAY OF August, 1970. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE PUBLIC WORKS DIRECTOR FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

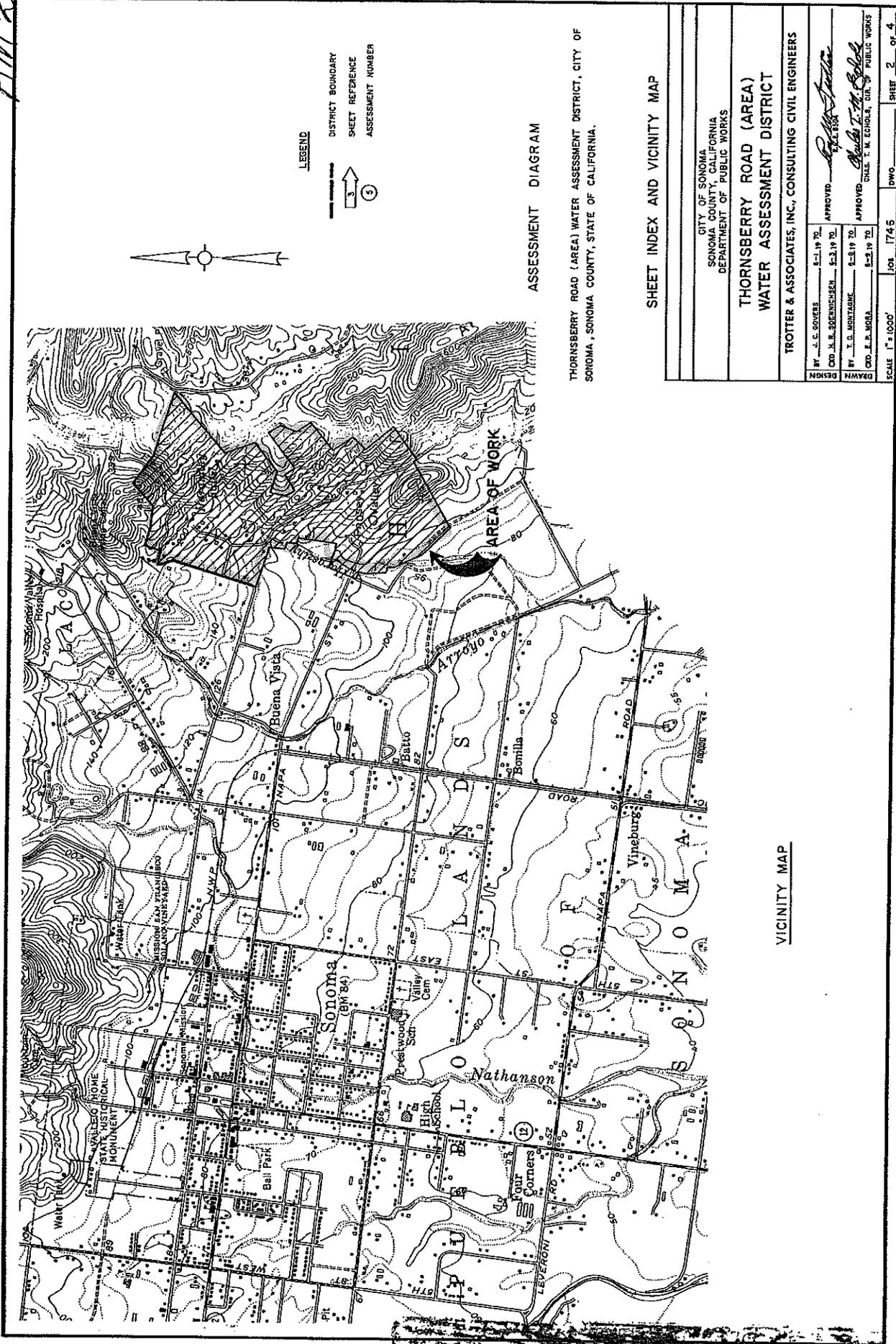
Edmond J. DeLo, CITY CLERK
CITY OF SONOMA, SONOMA COUNTY, STATE OF CALIFORNIA
BY Edmond J. DeLo

FILED THIS 3rd DAY OF August, 1970, AT THE HOUR OF 12:40 O'CLOCK P. M. IN BOOK 119120 OF MAPS OF ASSESSMENT DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF Sonoma, STATE OF CALIFORNIA, AT PAGES 119120, 121, 122

Herb S. Johnson, COUNTY RECORDER
STATE OF CALIFORNIA
BY Herb S. Johnson, Deputy
Dec 11 1970

119
1111 K

AMR
120



LEGEND
 DISTRICT BOUNDARY
 SHEET REFERENCE
 ASSESSMENT NUMBER

ASSESSMENT DIAGRAM

THORNSBERRY ROAD (AREA) WATER ASSESSMENT DISTRICT, CITY OF SONOMA, SONOMA COUNTY, STATE OF CALIFORNIA.

SHEET INDEX AND VICINITY MAP

CITY OF SONOMA
 SONOMA COUNTY, CALIFORNIA
 DEPARTMENT OF PUBLIC WORKS

THORNSBERRY ROAD (AREA)
 WATER ASSESSMENT DISTRICT

TROTTER & ASSOCIATES, INC., CONSULTING CIVIL ENGINEERS

BY J. C. BOYER	5-11-70	APPROVED	<i>[Signature]</i>
BY N. H. SCHEENCKEN	5-11-70	APPROVED	<i>[Signature]</i>
BY T. G. MONTAGNE	5-11-70	APPROVED	<i>[Signature]</i>
BY E. P. WOLA	5-11-70	APPROVED	<i>[Signature]</i>

SCALE 1" = 1000' JOB 1745 SHEET 2 OF 4

VICINITY MAP

4-797



PUBLIC COMMENT TO THE CITY COUNCIL OR ONE OF THE CITY'S COMMISSIONS

Any Public Correspondence Received by the City Regarding an Item that Will be Considered at a Public Meeting by the City Council or One of Its Commissions Can be Found on the City's CivicWeb Portal at the Following Link. It is Updated as New Correspondence is Received.

<https://sonomacity.civicweb.net/filepro/documents>

STAFF CONTACTS:

City Council	City Clerk	(707) 933-2216
Planning, DRHP, CSEC	Planning	(707) 933-2204