

Sebastopol Urban Growth Boundary

Ordinance Number 1090

Section 1. Purpose and Findings.

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

- F. Sebastopol's Housing Supply. Adequate housing is essential to a thriving community. The adopted Housing Element of the General Plan supports provision of adequate housing to all economic segments of the community. The Element accomplishes this through measures such as encouraging infill development, requiring affordable housing units, promoting housing for special-needs populations, supporting development of second dwelling units, and maintaining appropriate development standards and procedures. Other General Plan Elements, such as the Land Use Element, also support housing objectives by ensuring provision of adequate housing sites and appropriate density allowances. As a result, residential and other land use designations in the General Plan are sufficient to accommodate housing needs.
- G. Sebastopol's Economy. Sebastopol's local economy is closely tied to its agricultural heritage, its natural setting, its unique local businesses, and its special small-town character. These attributes, which are critical to the local economy, have been protected and fostered by Sebastopol's land use policies, including urban growth boundary policies, as well as by carefully-planned development that respects infrastructure capacity and community values.
- H. Sebastopol's Urban Growth Boundary. Sebastopol's UGB demonstrates a commitment consistent with the General Plan to protect the public health, safety, welfare and environment by focusing future growth on infill development to prevent urban sprawl, reduce pollution including greenhouse gases, protect agricultural and natural lands, and generally protect Sebastopol's special small-town character while addressing housing needs and promoting a strong local economy. The UGB is based on these objectives, as well as on a careful assessment of Sebastopol's ability to provide City services such as wastewater, water, and roads. The UGB will:
- a. Encourage efficient growth patterns and protect the City's quality of life by concentrating future development largely within existing developed areas;
 - b. Promote uses that foster public health and safety and productive investment for agricultural and rural residential uses on lands outside of the UGB;
 - c. Foster and protect the rural character of Sebastopol, while encouraging appropriate economic development in accordance with unique local conditions;
 - d. Concentrate growth within the UGB in order to limit the extent of required City services and restrain increases in their costs and impacts;
 - e. Allow the City to continue to meet the housing needs of all economic segments of the community, particularly low- and moderate-income households, by directing the development of housing in areas where services and infrastructure are already in place, so that housing can be provided more cost-effectively; and
 - f. Promote stability in long-term planning for the City by establishing a cornerstone policy within the General Plan, designating the geographic limits of long-term urban development, and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

- I. Urban Growth Boundary Initiative. This initiative ensures that lands outside Sebastopol's UGB area are not prematurely or unnecessarily converted to urban uses. Accordingly, the initiative ensures that until December 31, 2041, the UGB designated on the map attached as Exhibit A shall only be changed by a vote of the people, except in those circumstances and according to the specific procedures set forth in this initiative.

Section 2. Urban Growth Boundary.

- A. The Sebastopol Urban Growth Boundary initiative hereby adopts, until December 31, 2041, the Urban Growth Boundary (UGB) designated on the map attached as Exhibit A to this initiative.
- B. The UGB is a line beyond which amendment of the Sphere of Influence, annexation, or City-approved development will not be allowed, except as may be specifically permitted by this initiative.
- C. Extensions of wastewater, water, and other City services to development outside the UGB are prohibited, except as allowed under extraordinary circumstances pursuant to this section, or as may be otherwise allowed by this initiative, or required by state law. Extraordinary circumstances justifying extension of City services outside of the UGB shall be deemed to exist only if the City Council makes all of the following findings:
 - a. That the land use to which the City service would be extended is consistent with all applicable policies of the City's General Plan; and
 - b. That the land use to which the City service would be extended is compatible with open space uses as defined in Government Code Section 65560 as of January 1, 2016, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and
 - c. That the property to which the City service would be extended is immediately adjacent to land already served by the service(s) to be extended; and
 - d. That specific circumstances, unique to the property to which the City service would be extended, would otherwise deprive the property of privileges enjoyed by other comparable property outside the UGB and in the vicinity of the property to be served; and
 - e. That the extension is not in conflict with policies of the Sonoma County Local Agency Formation Commission, or State law; and
 - f. That substantial evidence demonstrates that the proposed City service extension will not cause the Levels of Service specified in the Land Use Element and Circulation Element of the City of Sebastopol General Plan, to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic.

Section 3. UGB Administration. Until December 31, 2041, the policies set forth in this initiative and the UGB designated on Exhibit A to this initiative shall be amended only by a vote of the people or pursuant to one of the procedures set forth in paragraphs (a) through (d), below.

- a. The City Council may, if it deems it to be in the public interest, amend the UGB designated on the map attached as Exhibit A to this initiative, provided that the amended boundary is within or coextensive with the limits of the UGB as designated on Exhibit A.
- b. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council, after receipt of any recommendations by the Planning Commission, may amend the UGB and approve annexation in order to accommodate lands to be designated for residential uses. No more than three (3) acres of land may be brought within the UGB for this purpose in any calendar year, and no more than a total of ten (10) acres may be brought within the UGB for this purpose during the term of this initiative. Such amendment may be adopted only if the City Council makes all of the following findings in an affirmative manner:
 1. That the land to be included within the UGB is not designated as Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, Community Separator, Scenic Landscape Unit, or Critical Habitat Area in the Sonoma County General Plan; and
 2. That the land is immediately adjacent to (a) the existing UGB, and (b) serviceable water, sewer, and roadway connections; and
 3. That the proposed development will provide a minimum of fifty percent (50%) of its dwelling units for low- and very-low income households, as defined by the Housing Element of this General Plan; and
 4. That the proposed development will be developed at medium density or greater, as defined by the General Plan; and
 5. That the proposed development will provide safe access for pedestrians, bicyclists and vehicles to local schools, parks, and the downtown; and
 6. That there is no existing vacant or underdeveloped residentially designated land within the UGB to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB for low- and very-low income housing; and
 7. That the proposed development is necessary to comply with state law requirements for provision of low- and very-low income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law; and

8. That substantial evidence demonstrates that the proposed development will not cause the Levels of Service specified in the Land Use Element or the Circulation Element of the City of Sebastopol General Plan to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic; and
 9. That the proposed development is consistent with other applicable policies of the General Plan.
- c. The City Council may amend the UGB and allow annexation if, following consideration of any recommendations by the Planning Commission, it makes both of the following findings:
1. That the application of any aspect of UGB policies would constitute an unconstitutional taking of a landowner's property, and
 2. That the amendment and associated land use designation will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.
- d. Following consideration of any recommendations by the Planning Commission, the City Council may amend the UGB and allow annexation in the following additional circumstances:
1. For open space or lands used for agriculture, provided the land is restricted in perpetuity by a permanent covenant maintaining the open space or agricultural use, as may be applicable, and is consistent with the purposes set forth in Government Code section 65560 as of January 1, 2016, and is not in conflict with any provision of the Sebastopol General Plan; and
 2. For public parks and public recreational facilities as defined by and developed to implement the goals and policies set forth in the City of Sebastopol General Plan.
- e. Any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, or any other discretionary entitlement approved by the City on land brought within the UGB must be consistent with this initiative.
- f. In the event of any conflict between the provisions of this initiative and the General Plan, the provisions of this initiative shall prevail.
- g. The General Plan shall be amended as necessary to include the policies set forth in this initiative or to resolve any conflicts between this initiative and the General Plan.
- h. The City of Sebastopol shall coordinate planning efforts with the County of Sonoma to reinforce the UGB, and thus to protect adjacent agricultural, rural residential, open space, and other unincorporated lands.

- i. The City of Sebastopol shall coordinate with the Sonoma County Local Agency Formation Commission to establish and maintain the Sphere of Influence Boundary to coincide with the UGB.
- j. A minium of two years prior to the expiration of this initiative, the City Council shall, at a publicly-noticed meeting, consider what steps may be appropriate relative to expiration of the initiative.

Section 4. Exemption.

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

Section 5. Severability.

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

Section 6. Amendment or Repeal.

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

Section 7. Effective Date.

This initiative shall be effective upon its approval by the City of Sebastopol upon adoption of the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented.

IN COUNCIL DULY PASSED THIS 7th day of June, 2016.

VOTE:

Ayes: Councilmembers Eder, Slayter, Vice Mayor Glass and Mayor Gurney

Noes: None

Abstain: None

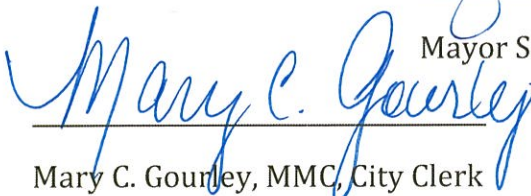
Absent: Councilmember Jacob

Approved:



Mayor Sarah Glade Gurney

Attest:



Mary C. Gourley, MMC, City Clerk

