

Exhibit 1 to Resolution No. 2024-XXX N.C.S.

AN ORDINANCE OF THE CITY OF PETALUMA REPLACING THE EXISTING PETALUMA URBAN GROWTH BOUNDARY TO MODIFY EXISTING REFERENCES TO SPECIFIC POSSIBLE EXPANSION AREAS, MODIFY CRITERIA SPECIFIC TO TRANSIT ORIENTED DEVELOPMENT, AND EXTEND THE TERM OF THE PETALUMA URBAN GROWTH BOUNDARY THROUGH DECEMBER 31, 2050

The People of the City of Petaluma do ordain as follows:

Section 1: Purpose and Findings.

- A. **Purpose.** This measure reaffirms and readopts the City of Petaluma's longstanding goal of maintaining a well-defined and thriving urban community that serves and benefits from surrounding open space and agricultural resources. This measure extends the term of the City of Petaluma's Urban Growth Boundary (UGB) through December 31, 2050 and will help ensure that lands outside the UGB are not prematurely or unnecessarily converted to urban uses. This measure provides that through December 31, 2050, the UGB may only be changed by a vote of the people, or by the City Council, but only in certain circumstances and according to procedures set forth in this measure.
- B. **Protecting the Environment and the Economy.** The open space surrounding Petaluma is essential to grazing, agriculture, the dairy industry, and tourism, and thus important to the local and regional economy. These open space lands also provide valuable recreation opportunities, watershed, and wildlife habitat. By encouraging urban development within a clearly defined urban growth boundary, this measure will continue to:
1. Encourage efficient growth patterns and protect the quality of life by concentrating future development largely within existing developed areas;
 2. Promote uses that foster public health and safety and productive investment for farming enterprises on lands outside Petaluma's UGB;
 3. Foster and protect Petaluma's natural setting while encouraging appropriate economic development in accordance with the City's unique local conditions;
 4. Concentrate growth within a well-defined urban growth boundary in order to limit the extent of required City services and restrain increases in their cost;
 5. Allow the City to continue to meet the housing needs for all economic segments of the population, especially lower and moderate-income households, by directing the development of housing into areas where services and infrastructure can be provided most cost effectively; and

6. Promote stability in long-term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long-term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

C. **Future General Plan Updates.** This measure provides for maintaining in effect and unchanged, except as otherwise specified in this measure, the existing UGB as shown in the General Plan 2025 through December 31, 2050, the term of anticipated build out of the updated General Plan that is currently being developed and is expected to be adopted in 2025. If this measure is approved by the Petaluma voters, future amendments to the UGB prior to 2050 must either be made in accordance with procedures set forth in this measure that permit certain changes to the UGB adopted by the City Council or must be submitted to and approved by the Petaluma voters in accordance with applicable law.

Section 2: UGB Amendments

- A. Planning Boundaries Map, Land Use Map, and other Exhibits. The UGB as depicted in the General Plan 2025 Figure i-3 Planning Boundaries, Figure 2-1 Land Use, and other maps, exhibits and all references to the City of Petaluma UGB shall, if this measure is approved by the Petaluma voters, continue in effect unchanged; except that, all "Possible UGB Expansion Areas" are deleted; except for the Possible UGB Expansion Area at the northeast corner of the intersection of Corona Road and the SMART railroad, which shall remain in effect as amended pursuant to this measure. Exhibit A.1 to this measure depicts the UGB as amended pursuant to this measure.
- B. General Plan Text for Goals, Policies, and Programs. The following Goals, Policies, and Programs appearing in Section 1.4 of the Land Use, Growth Management, and the Built Environmental chapter of the Petaluma General Plan 2025 is hereby amended to read as set forth below. (New text is indicated in **underline bold** type while text to be stricken is in ~~strikeout~~; text in standard type is as it currently appears in the General Plan 2025). If this measure is approved by the Petaluma voters, the following Land Use, Growth Management, and Built Environment Goal 1-G-4 entitled "Urban Growth Boundary," and related policies and programs 1-P-29 through 1-P-36, shall repeal and replace the existing Built Environment Goal 1-G-4 entitled "Urban Growth Boundary," and related policies and programs 1-P-29 through 1-P-36 and become a part of the General Plan 2025 upon this measure taking effect, and shall be incorporated into and be a part of the successor General Plan expected to be adopted in 2025.

GOAL 1-G-4: Urban Growth Boundary
Maintain a parcel-specific Urban Growth Boundary
Policies and Programs:

Goal 1-G-4 and Policies 1-P-29 through 1-P-36 constitute the 2024 UGB ballot measure.

- 1-P-29 It is the policy of the City to build within the agreed upon Urban Growth Boundary. No urban development shall be permitted beyond the Urban Growth Boundary. "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; but shall not mean providing municipal or public services to open space uses, public or quasi-public uses such as schools or public safety facilities. Said municipal or public services or facilities can be developed beyond the UGB to provide services within the UGB.

- A. Maintain a time certain and parcel-specific Urban Growth Boundary around the city, beyond which urban development will not take place.
- B. Use the growth management system, design review, or other project review methods to assure that the density of new residential development is greatest within and adjoining existing urbanized areas and gradually and logically lessens as it approaches the urban edge.
- C. Encourage the County to continue to promote agricultural land use and to strictly limit further residential infilling on lands beyond the Urban Growth Boundary within the Petaluma Planning Referral Area.

1-P-30 No urban development beyond the Urban Growth Boundary shall be served by City services except for (1) extensions to residential dwellings in existence or approved for construction on parcels created on or before December 5, 1983; (2) extensions required pursuant to the terms of a service contract in effect as of July 20, 1998; (3) extensions to remedy a clear health hazard to residential dwellings in existence or approved for construction on parcels created on or before July 20, 1998 where there is no reasonable alternative means to remedy that health hazard; (4) extensions to open space and park uses; (5) expansion of service to public and quasi- public uses existing as of July 20, 1998; and (6) extraordinary circumstances pursuant to applicable General Plan policies. Extraordinary circumstances justifying extension of City services outside of the UGB shall be deemed to exist only if the City Council makes each of the following findings based on substantial evidence in the record:

- 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
- 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 July 1, 1998, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and
- 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
- Those 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
- That substantial evidence demonstrates that the proposed City service extension will not cause the Levels of Service specified in adopted City policies to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, traffic and other public facilities and services.

1-P-31 Except as set forth in Policy 1-P-32, the Urban Growth Boundary Policies 1-P-29, 1-P-30, 1-P-31, and 1-P-32 shall be in effect ~~until~~ **through** December 31, 2025 **2050**.

1-P-32 The Urban Growth Boundary designated on the Petaluma General Plan Land Use Map may be amended only by a vote of the people or pursuant to the procedures set forth below:

Exception I - Affordable Housing: To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the Urban Growth Boundary in order to include within the Urban Growth Boundary lands to be designated for residential uses, provided that no more than 5 acres of land may be brought within the Urban Growth Boundary for this purpose in any calendar year. If in any year, fewer than five acres are brought within the UGB pursuant to this policy, then the unused increment may be brought within the UGB in subsequent years, provided that; no more than 50 acres may be brought within the UGB before December 31, ~~2025~~ **2050**. (Thus, for example in ~~2008~~ **2050** the City Council could, upon making the findings below, bring up to 50 acres within the UGB under this exception, provided none had previously been brought within the UGB under this exception.) Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence in the record:

- The land is immediately adjacent to existing comparably developed areas and the applicant for the redesignation has provided sufficient evidence that the Fire Department, Police Department, Department of Public Works, the Community Development Department, Parks and Recreation Department, the School District(s) and other relevant City departments and public agencies have adequate capacity to accommodate the proposed development and provide it with adequate public services; and
- The proposed development will consist of at least 25 percent moderate income housing and at least 25 percent low and very low-income housing; and
- That there is no existing residentially designated land available within the Urban Growth Boundary to accommodate the proposed development; and
- That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the Urban Growth Boundary for low and very low-income housing; and
- The proposed development is necessary to comply with state law requirements for provision of low and very low-income housing; and
- The proposed development meets the intent of General Plan policies relative to density feathering.

Exception II -Takings: The City Council may amend the Urban Growth Boundary if it finds, by at least a six-sevenths vote and based on substantial evidence in the record, that:

- The application of the Urban Growth Boundary policies would constitute an unconstitutional taking of a landowner's property; and
- 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.

Exception III -Transit-Oriented or Industrial Development: The City Council may amend the Urban Growth Boundary if it finds, by at least a six-sevenths vote and based on substantial evidence in the record, that:

- The **parcels** to be included within the UGB will be used for transit oriented residential and local-serving commercial development, **and at least a portion of each included parcel must be located** within ~~1500 feet~~ **a ½ mile radius** of a rail transit station, **and/or within the area of the City bordered by Corona Road, Ely Road, and the SMART rail tracks, but excluding parcels north of APN: _____**; and the Fire Department, Police Department, Department of Public Works, the Community Development Department, Parks and Recreation Department, the School District(s), and other relevant City departments and public agencies have adequate capacity to accommodate the proposed development and provide it with adequate public services. No more than ~~140~~ acres of land may be brought within the UGB for this purpose before December 31, ~~2025~~ **2050**; or
- The lands to be included within the UGB will be used for office or light industrial uses to improve local employment. ~~No land may be brought within the UGB for this purpose before January 1, 2006.~~ No more than 100 acres of land may be brought within the UGB for this purpose **on or** before December 31, ~~2025~~ **2050**. Such amendments may be adopted only if the City Council makes all of the following findings:
 - That there is no existing office or light industrial designated land available within the UGB that could accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB for office and light industrial uses; and
 - That the Fire Department, Police Department, Department of Public Works, the ~~Planning~~ **Community Development** Department, Parks and Recreation Department, the School District(s), and other relevant City departments and public agencies have adequate capacity to accommodate the proposed development and provide it with adequate public services; and
 - That the land to be included (1) is immediately adjacent to the existing UGB, and (2) serviceable water and sewer connections can be provided; and
 - That the land to be included meets the intent of the General Plan pertaining to the preservation of open space or urban separator areas at the edge of the proposed UGB expansion area.
- The following areas **at the northeast corner of Corona Road and the railroad tracks north of Sonoma Mountain Parkway intersection** ~~has ve~~ been preliminarily identified as appropriate for potential future expansion of the UGB, subject to the Council making the findings set forth in **one of** the first two ~~sections~~ **paragraphs** of Exception III above. **Identification of this potential expansion area** ~~The list is not intended to be exclusive~~ **or to preclude other potential expansion areas.**
 - ~~1. East of Lakeville Highway in the vicinity South of Frates Road; or~~
 - ~~2. West of Old Redwood Highway near Denman Road/Orchard Lane; or~~

3. ~~The Haystack Landing area along Petaluma Boulevard South; or~~
4. ~~Northeast corner of Corona Road and railroad tracks, north of Sonoma Mountain Parkway intersection.~~

The specific boundaries of any amendment to the UGB will be determined at the time that the amendment is adopted.

Exception IV -Agriculture, Agriculture Support or Related Development: The City Council may amend the Urban Growth Boundary if it finds, by at least a six-sevenths vote and based on substantial evidence in the record, that the lands to be included within the UGB will be used for an agricultural or agricultural support use. Agricultural Support Use shall mean an industrial, manufacturing or mixed use project which is determined by the City to support the regional agricultural community and economy and is dependent on municipal services to exist. Such agricultural or agricultural support use amendments may be adopted only if the City Council makes all of the following findings:

- That there is no existing agricultural or compatible light industrial designated land available within the UGB to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by designating lands within the UGB for agricultural or agricultural support uses; and
- That the Fire Department, Police Department, Department of Public Works, the ~~Planning~~ **Community Development** Department, Parks and Recreation Department, the School District(s), and other relevant City departments and public agencies have adequate capacity to accommodate the proposed development and provide it with adequate public services; and
- That the land to be included (a) is immediately adjacent to the existing UGB, and (b) serviceable water and sewer connections can be provided; and
- That the land to be included meets the intent of the General Plan pertaining to the preservation of open space or urban separator areas at the edge of the proposed UGB expansion area.

Prior to adopting any General Plan amendment pursuant to Exceptions I, II, III, or IV of this Policy 1-P-32, P-the City Council shall hold at least one noticed public hearing for the purpose of receiving testimony and sufficient 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.

- 1-P-33 Every effort shall be made to keep the visual separation that now exists between communities outside the Urban Growth Boundary. All references to the Urban Limit Line in this General Plan and other City policies, ordinances, and regulations shall be considered references to the Urban Growth Boundary.
- 1-P-34 The Urban Growth Boundary shall coincide with the line shown on the official General Plan Land Use Map ~~until~~ **through** December 31, 2025 **2050**.
- 1-P-35 Growth shall be contained within the boundaries of the Urban Growth Boundary. The necessary infrastructure for growth will be provided within the Urban Growth Boundary.

1-P-36 For properties adjoining the Urban Growth Boundary, it is the intent of the City that projects developed in the City or requesting City services shall be of limited density (as shown on the General Plan Land Use Map), unless greater density is required to satisfy the requirements of state housing laws, and shall be designed to preserve the visual and physical openness and preserve the aesthetic and natural features of that portion of the property proximate to the rural areas outside of the designated Urban Growth Boundary.

1-P-37 Ensure that the UGB continues to serve the community while allowing for consideration of development to meet the goals of this document.

A. ~~Present a ballot measure to the community to extend the life of the existing UGB ballot measure to 2025, consistent with the General Plan 2025.~~

B. By, or during, year ~~2015~~ **2035**, independently or as part of comprehensive General Plan review, analyze the Urban Growth Boundary that includes assessment of a comprehensive range of factors, including:

- Availability of vacant land
- Growth trends and projections
- City's economic development and affordable housing needs, and
- Infrastructure capacity

Section 3: Conforming General Plan Amendments.

A. Consistent with the UGB amendments set forth above, if this measure is approved by the Petaluma voters, the following provisions of the General Plan 2025 are also hereby amended as set forth below for purposes of internal consistency among the various elements of the General Plan. Text to be inserted into the General Plan is indicated in **underline bold** type while text to be stricken is presented in ~~strikeout~~ type; text in standard type currently appears in the General Plan 2025.

- The first three sentences of the penultimate paragraph entitled "URBAN GROWTH BOUNDARY – UGB" on Page i-10 are amended to read as follows: The UGB was established by voter approval as part of Measure I in November 1998, and extended by **voter approval of Measure T in November 2010, and extended again in 2024 by Measure ____**. The ~~measure~~ **UGB helps** ensure that urban development and provision of city water and sewer services are contained within the UGB through December 31, ~~2025~~ **2050**. ~~Although four possible expansion areas were identified as locations where development could occur before the UGB expires in ~8 2025, the General Plan assumes that all growth through 2015 will occur within the current UGB, reflecting community sentiment.~~
- The second sentence on Page i-13 under the heading "SPECIFIC PLANS" is amended to read as follows: The 2025 General Plan does not anticipate any new Specific Plans within the 2025 UGB, **however it is anticipated that in 2024 the City will release a request for proposals for preparation of a Corona Station Priority Development Area Specific Plan to complement the opening of the new Corona SMART station.**

- The second sentence under the heading “CURRENT AND FUTURE DEVELOPMENT” on Page 1-3 is amended to read as follows: Development in the western half of the city is limited by hillsides and the UGB; while expansion to the east is constrained by the UGB until 2025 **2050**, a dedicated Urban Separator, as well as the presence of the Airport and its flight pattern.
- The text under the heading “• *Urban Growth Boundary (UGB)*.” on Page 1-12 is amended to read as follows: ~~Urban Growth Boundary (UGB)~~, Placed on the ballot by the City Council in 1998, city voters overwhelmingly adopted a fixed urban edge, which for the most part was coterminous with the 1987 ULL. Although the UGB did not affect the growth management numbers, it confined the growth and physical development of the city until 2018. In 2010, the City Council placed a ballot measure before the voters extending the UGB to 2025. **In 2024 the City Council placed a ballot measure before the voters to extend the UGB through 2050.**
- The final two sentences under the heading “Urban Growth Boundary” on Page 1- 13 are amended to read as follows: The voter-approved UGB will expire ~~in~~ **at the end of 2025 2050**. The General Plan provides direction to evaluate growth boundary expansion issues at the time of mid-term review in ~~2015~~ **2035**.
- The first sentence of the second paragraph under the heading “SETTING” on Page 2-2 is amended to read as follows: The city's Urban Growth Boundary (UGB), enacted by voters in 1998, ~~and~~ extended in 2010, **and further extended in 2024**, limits future development to areas immediately adjacent to, or within, the city's current boundaries ~~until~~ **through 2025 2050** (for more discussion of the UGB see Chapter 1: Land Use and Growth Management).
- The definition of “Urban Growth Boundary (UGB)” on Page G-9 is amended to read as follows: ~~Urban Growth Boundary (UGB)~~, Boundary adopted in 1998, and extended in 2010 **and 2024** by the City of Petaluma voters, within which all urban development is to be contained ~~until~~ **through 2025 2050**.

Section 4: All Other Provisions of General Plan 2025 to Continue in Effect

Except as amended pursuant to Sections 2 and 3, the General Plan 2025 shall remain unchanged and in full force and effect. Provisions of the General Plan 2025 other than the provisions of the UGB amended and reenacted pursuant to Section 2, including the conforming General Plan amendments pursuant to Section 3, may be amended without a vote of the people in accordance with applicable law as appropriate in the course of future updates and revisions to Petaluma General Plans.

Section 5: Implementation.

- A. Effective Date.** If approved by the Petaluma voters, this measure shall take effect following certification of the election results of the November, 2024 municipal election in accordance with applicable law. At such time as this measure takes effect, any provisions of the City of Petaluma Implementing Zoning Ordinance, including the City of Petaluma Zoning Map, that conflict with this measure shall no longer be in effect or enforced.

- B. **Project Approvals.** Upon the effective date of this measure and subject to applicable law, the City and its departments, boards, commissions, officers and employees, shall not grant or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which conflicts with this measure. Nothing in this measure shall be construed to prohibit the City from complying with State laws requiring density bonuses and/or other incentives for projects including housing for seniors or for low or very low-income households.

Section 6: Exemptions for Certain Projects.

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

Section 7: Interpretation and Severability.

This measure 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 measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such portion(s) of this measure determined to be invalid shall be severable and such decision on invalidity shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, subsection, sentence, clause, phrase, part, and portion hereof 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 portion of this measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This measure shall be broadly construed in order to achieve the purpose stated herein. It is the intent of the voters that the provisions of this measure shall be interpreted by the City in a manner that facilitates the protection of agricultural and open space resources outside the UGB.

Section 8: Prior Measures Repealed.

All resolutions, ordinances and measures in conflict with the provisions of this measure are superseded and repealed upon the effective date of this measure. However, rights or liabilities accrued prior to the effective date of this measure under any chapter, measure, ordinance or resolution shall be deemed to remain in full force and effect.

Section 9: Amendment or Repeal.

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