



DATE: July 15, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Eric Danly, City Attorney
Heather Hines, Special Projects Manager
Brian Oh, Director of Community Development

SUBJECT: Resolution to Approve the Ballot Argument for Measure XX, entitled “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”

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution approving the ballot argument for Measure XX, entitled “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”.

BACKGROUND

At its July 1, 2024, City Council meeting, the City Council, by a vote of 6-0, with Council Member Nau absent, adopted Resolution No. 2024-081 N.C.S. entitled “Resolution of the Petaluma City Council Making Findings of Exemption under the California Environmental Quality Act, Ordering the Submission to the Qualified Electors of the City of an Ordinance to Modify Existing References to Specific Possible Expansion Areas, Modify Criteria Specific to Transit Oriented Development, Extend the Term of the Petaluma Urban Growth Boundary through December 31, 2050, and Make Confirming Amendments to the Petaluma General Plan 2025 at the General Election to be held on Tuesday, November 5, 2024, Requesting the Sonoma County Board of Supervisors to Consolidate said Election with the November 5, 2023 Statewide General Election and Providing for Submission of Ballot Arguments and Rebuttals and Related Matters.” The effect of the Council action was to place a measure on the November 2024 General Election ballot to extend the term of the City’s Urban Growth Boundary or UGB through December 2050, the term of the City’s forthcoming updated General Plan.

Section 6, “Ballot Arguments” of Resolution No. 2024-081 N.C.S. noted, in accordance with Section 9282 of the Elections Code, that the City Council may authorize, by motion, a member

or members of the Council to prepare a draft argument for the measure and to return the draft for consideration and adoption by the City Council at a duly noticed meeting of the City Council. The City Council approved such a motion by the same vote as the vote adopting the resolution placing the measure on the ballot, and appointed Mayor McDonnell, and Council Members Barnacle and Healy to an ad-hoc subcommittee to draft the argument, and to draft a rebuttal argument if an argument is filed opposing the measure. The draft argument in favor of the measure prepared by the ad-hoc City Council subcommittee is attached to and made a part of the Resolution included with this staff report (Attachment 1) as Exhibit A to the resolution.

DISCUSSION

A draft ballot argument in support of the measure to extend the City's UGB through December 2050, has been prepared by Mayor McDonnell and Council Members Barnacle and Healy in accordance with the City Council's direction at its July 1, 2024, meeting, and is attached for the City Council's consideration and possible approval. The draft argument summarizes the history of the City's UGB, which was first established in 1998 with the primary purposes of preventing sprawl and containing urban development. The argument notes that the UGB helps preserve open space, greenways and urban separators at the City's jurisdictional boundaries, and that extension of the UGB's term through 2050 would synchronize the term of the UGB with the term of the City's forthcoming General Plan, while leaving the UGB boundary unchanged. The ballot argument also notes that in containing growth, the UGB also limits infrastructure costs, and that the emphasis on infill development pursuant to the UGB promotes alternative transportation models such as walking, biking and public transit.

The draft argument (Attachment 1 Exhibit A) includes signature lines for all seven councilmembers to sign the argument. However, in accordance with Elections Code Section 9283, if the argument for the measure is signed by more than five council members, only the signatures of the first five council members to sign the ballot argument will be printed with the ballot argument.

The motion approved by the City Council on July 1, 2024 to establish an ad hoc to draft the argument for the measure also provided that if an argument against the measure was submitted that the ad hoc was authorized to draft a rebuttal argument. Given the timeline for rebuttal arguments as outlined in the Elections Code, any rebuttal argument drafted by the ad hoc would not be brought before the full City Council prior to submittal to the Registrar of Voters no later than August 23, 2024.

PUBLIC OUTREACH

This agenda item has been noticed in accordance with Brown Act requirements.

COUNCIL GOAL ALIGNMENT

Extension of the UGB is aligned with the City Council's goal to preserve and protect Petaluma's environment for future generations and to become a municipal leader in sustainability by protecting our river and open space; reducing and drawing down greenhouse gas emissions; and

encouraging sustainable development. Furthermore, the extension of the UGB is a top Council priority for fiscal year 2024/2025.

CLIMATE ACTION/SUSTAINABILITY EFFORTS

The objectives of the UGB to encourage efficient growth, foster public health, protect Petaluma's natural setting, and promote stability in long-term planning for the City are all aligned with the City's climate goals. While not specifically identified in the Draft Blueprint for Carbon Neutrality, the principle of centralized growth supports many of the goals of the Blueprint to reduce greenhouse gas emissions.

ENVIRONMENTAL REVIEW

Approval of the ballot argument in favor of Measure XX has no environmental impacts in and of itself. The Project to extend the term of the City of Petaluma UGB through 2050 and associated modifications, is eligible for the following exemptions in accordance with the California Environmental Quality Act (CEQA):

- Section 15061(b)(3), Common Sense
- Section 15307 Protection of Natural Resources, and
- Section 15308 Protection of Natural Environment. The Project is eligible for the Common Sense statutory exemption as there is no physical development that would occur outside the boundary, and it can be seen with certainty that no adverse direct or indirect environmental impacts would result from the extension of the UGB term. Further, the project is categorically exempt pursuant to CEQA Guidelines Sections 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment) as it involves continuing well established policies and regulations that create a boundary within which urban growth is limited. Without the proposed extension, the UGB will sunset at the end of 2025, which would remove all limits on urban growth development afforded by the UGB. The Project would reestablish the UGB with limited modifications as described herein and make no changes to the physical boundaries of the existing December 31, 2050.

The UGB restricts development within the city's planning area to urban and infill properties and prevents urban sprawl. The UGB preserves urban separators, open space, and agricultural lands surrounding the City of Petaluma, thereby protecting natural resources and the environment. The UGB reinforces the General Plan's intent to accommodate planned future growth and to buildout in areas planned for development, in a manner consistent with goals and policies to protect natural resources and the environment, as well as public health and safety, while accommodating a diversity of housing options, and reducing greenhouse gas emissions to advance the City's goal of achieving carbon neutrality by 2030. The proposed extension of the UGB with modifications through 2050 serves to further the protections afforded to natural resources and the environment since the UGB's establishment in 1998. As such, the Project is categorical exempt pursuant to CEQA Guidelines Sections 15307 and 15308. Furthermore, since the Project will not result in physical impacts and as it can be seen with certainty that the Project will not result in environmental impacts, the Project is statutorily exempt pursuant to Section 15061(b)(3).

FINANCIAL IMPACTS

The cost of placing Measure XX on the November 2024 ballot is estimated between approximately \$58,902 and \$98,170 for County election charges. This does not include staff time from City departments involved in preparing the measure in the City Attorney's Department, Community Development Department, City Clerk's Office, and City Managers Office. These costs will be paid from the City's FY 2024-25 adopted budget; no additional budget appropriations are requested.

ALTERNATIVES

There are no recommended alternatives to approval of the ballot argument in favor of the measure to extend the term of the City's UGB. This action has been prepared for the Council consistent with its direction at the July 1, 2024 City Council meeting.

ATTACHMENTS

1. Resolution Approving Argument in Favor of Measure XX
 - A. Argument in Favor of Measure XX