

**RESOLUTION NO. 2019-095**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK  
1) CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO  
ASK VOTERS TO A) EXTEND THE DURATION OF THE CITY OF ROHNERT PARK  
URBAN GROWTH BOUNDARY (“UGB”) TO DECEMBER 31, 2040, AND (B) REVISE THE  
BOUNDARIES OF THE UGB TO EXCLUDE APPROXIMATELY 80 ACRES OF LAND  
LOCATED AT ASSESSOR’S PARCEL NUMBER 047-111-050; 2) REQUESTING THAT  
THE SONOMA COUNTY BOARD OF SUPERVISORS CONSENT TO THE  
CONSOLIDATION BY THE SONOMA COUNTY ELECTIONS OFFICIAL OF THE  
SPECIAL ELECTION WITH THE ESTABLISHED ELECTION TO BE HELD NOVEMBER  
5, 2019 AND DIRECT THE SONOMA COUNTY REGISTRAR OF VOTERS TO CONDUCT  
THE ELECTION ON THE CITY’S BEHALF; AND 3) REQUESTING THE CITY  
ATTORNEY TO PREPARE AND FILE AN IMPARTIAL ANALYSIS OF THE PROPOSED  
BALLOT MEASURE**

**WHEREAS**, Rohnert Park voters approved ballot initiative “Measure N” in January 2000 to establish a 20-year Urban Growth Boundary (“UGB”) and related policies; and

**WHEREAS**, by its terms, Measure N sunsets on June 30, 2020; and

**WHEREAS**, the City Council has expressed intent to place a measure on the ballot to extend the duration of the UGB until December 31, 2040 and reduce the boundaries of the UGB to exclude an approximately 80-acre site located at the southeasterly corner of the City; and

**WHEREAS**, the City Council considered a CEQA Exemption Analysis prepared under the California Environmental Quality Act for this proposed ballot measure and determines that the proposed ballot measure has no environmental impacts and is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment since: (1) it does not authorize any changes or increases in density or any physical construction; and (2) it aligns the City’s proposed UGB with the City’s Sphere of Influence, the County’s General Plan and Penngrove Area Plan, and supports the implementation of the City’s prior agreements regarding land use. Any future projects within the UGB would undergo project-specific environmental review prior to approval by the City; and

**WHEREAS**, the City Council is authorized by statute (Elections Code section 9222) to submit the proposed ordinance to the voters.

**NOW, THEREFORE**, the City Council of the City of Rohnert Park does resolve, declare, determine and order as follows:

Section 1. Call for Election. Pursuant to California Elections Code Section 9222, the City Council hereby calls a special election at which it shall submit to the qualified voters of the City of Rohnert Park a measure that, if approved, would extend the duration of the City of Rohnert

Park Urban Growth Boundary (UGB) to December 31, 2040, and revise the boundaries of the UGB to exclude approximately 80 acres of land located at APN 047-111-050. This measure shall be designated by letter by the Sonoma County Registrar of Voters.

Section 2. Ballot Language. The City Council, pursuant to its right and authority, does hereby order the following question submitted to the voters at the consolidated special election to be held on November 5, 2019:

<i>To continue the existing protections provided by the current Urban Growth Boundary (“UGB”), such as preventing urban sprawl, protecting community separators, and preserving agricultural land and open space, shall the City of Rohnert Park extend its UGB until December 31, 2040, exclude approximately 80 acres located in the County and south of Valley House Drive and west of Petaluma Hill Road, and require that future changes to the UGB be approved by the voters?</i>	<b>YES</b>	
	<b>NO</b>	

Section 3. Proposed Ordinance. The proposed measure to be submitted to the voters is attached hereto as Exhibit A. The City Council hereby approves the proposed ordinance, in the form thereof, and its submission to the voters of the City at the November 5, 2019 election.

Section 4. Notice of Measure. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the City Clerk is hereby authorized and directed to cause notice of the measure to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Rohnert Park and hereby designated for that purpose by the City Council of the City of Rohnert Park. The City Clerk may request that the County of Sonoma Elections Department prepare and publish the required notice.

Section 5. Request to Consolidate and Conduct Election and Canvass Returns.

(a) Pursuant to the requirements of Sections 10400 et seq. and 9222 of the Elections Code, the Board of Supervisors of the County of Sonoma is hereby requested to consent and agree to the consolidation of a special election on Tuesday, November 5, 2019, for the purpose of submitting a measure to the voters. The City acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Election Code 10418.

(b) The election on the measure set forth in Section 2 shall be held and conducted, the votes canvassed and returns made, and the results ascertained and determined as provided for herein. In all particulars, the election shall be held in accordance with the Elections Code of the State of California.

(c) In accordance with California Elections Code 10002, the Board of Supervisors of the County of Sonoma permit the Registrar of Voters Office to render such election services, prepare all required notices and election materials of holding of the municipal election, to give all such required notices and send to the City’s registered voters all required election materials, conduct the special municipal election and canvass the vote received, and take all steps

necessary and required for the holding of this election within the City of Rohnert Park. That the County Registrar of Voters of Sonoma County is authorized to specify the location for the tally of ballots and certify the results to the City Council of the City of Rohnert Park.

(d) The County of Sonoma is requested to procure and furnish any and all official ballots, notices, printed matter and all supplies equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

(e) At the next regular meeting of the City Council of the City of Rohnert Park occurring after the returns of the election for the measure set forth in Section 3 have been canvassed, and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

Section 6. Notice of Election. The notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 7. Submission of Ballot Arguments and Impartial Analysis.

(a) The City Clerk is directed to set the deadlines, in accordance with statute, for the submission of ballot arguments (E.C. 9282, 9286) and rebuttals (9285).

(b) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.

(c) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the direct arguments.

(d) The City Attorney is directed to prepare the Impartial Analysis in accordance with statute (E.C. 9280).

(e) The Mayor is hereby authorized to file a written argument, not to exceed three hundred (300) words, in favor of the proposed measure, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event that an argument is filed against the measure, the Mayor is also authorized to file a rebuttal argument, not to exceed two hundred fifty (250) words, on behalf of the City Council. The rebuttal argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote.

(f) Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against it, and copies of the argument against it to the authors of the argument in

favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

Section 8. Appropriation of Necessary Funds. The City of Rohnert Park recognizes that additional costs will be incurred by the County by reason of this special election and agrees to reimburse the County for any costs. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing the measure on the election ballot.

Section 9. Time for Election. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

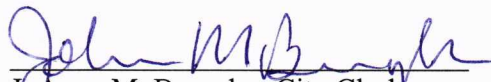
Section 10. Services of City Clerk. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Sonoma on or before August 9, 2019 and enter this resolution into the book of original resolutions. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request.

**DULY AND REGULARLY ADOPTED** this 23<sup>rd</sup> day of July, 2019.

**CITY OF ROHNERT PARK**

  
\_\_\_\_\_  
Gina Belforte, Mayor

**ATTEST:**

  
\_\_\_\_\_  
JoAnne M. Buerger, City Clerk

Attachment: Exhibit A- Proposed Ordinance



ADAMS: Aye MACKENZIE: Absent STAFFORD: Aye CALLINAN: Aye BELFORTE: Aye

AYES: ( 4 ) NOES: ( ☒ ) ABSENT: ( 1 ) ABSTAIN: ( ☒ )

**EXHIBIT “A”**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF ROHNERT PARK, CALIFORNIA  
AMENDING THE CITY OF ROHNERT PARK GENERAL PLAN TO  
RENEW AND REVISE THE URBAN GROWTH BOUNDARY**

**THE PEOPLE OF THE CITY OF ROHNERT PARK DO HEREBY ORDAIN AS FOLLOWS:**

**Section A. Statement of Purpose and Effect.**

- 1. Purpose.** For the last 20 years, the Rohnert Park Urban Growth Boundary (“UGB”) encouraged a cohesive pattern of urbanization, promoted efficient and orderly growth patterns, supported stability and certainty in long term planning, ensured that lands outside the UGB are not prematurely or unnecessarily converted to urban uses, and protected what is unique about Rohnert Park. This ordinance will renew the UGB and extend the purposes of the UGB until December 31, 2040. This ordinance will remove approximately 80 acres of land located in the southeasterly corner of the UGB and outside the City’s Sphere of Influence from the UGB.
- 2. Effect.** The renewed UGB will continue to:
  - Encourage efficient growth patterns and protect the quality of life in Rohnert Park by concentrating future development within existing developed areas;
  - Foster and protect lands to the east and west of the City that are dominated by 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;
  - Allow housing needs for all economic segments of the population to be met, especially lower and moderate income households, by directing the development of housing into areas where services and infrastructure can be provided more cost effectively and with fewer environmental impacts.

**Section B. General Plan Amendment.**

The People of the City of Rohnert Park hereby adopt the following amendment to the text and maps of the land use element of the General Plan of the City of Rohnert Park. It is the intent of the People of the City of Rohnert Park that Sections B.1 and B.2 are each part of the amendment to the General Plan adopted by this measure.

- 1. Land Use Map Amendments.** All figures and maps in the General Plan of the City of Rohnert Park, adopted July 25, 2000 (as amended) illustrating the UGB are amended as shown on Attachment 1. The revised UGB excludes Assessor’s Parcel Number 047-111-050.



**2. Land Use Element Text Amendments.** The Land Use Element of the City of Rohnert Park adopted July 25, 2000, as amended, is amended as follows:

- a) Amend Policy GM-2 to read as follows:

A Twenty-Year (Year 2040) Urban Growth Boundary is extended in accordance with ballot Measure [NEW BALLOT MEASURE LETTER] (2019) as follows:

- b) Amend Section 1 of an Ordinance of the City of Rohnert Park Amending the City of Rohnert Park General Plan by Establishing an Urban Growth Boundary to read as follows:

Section 1. Purpose and Findings.

- 1.1 This measure reaffirms and readopts The City of Rohnert Park's commitment to planned growth through the designation of an urban growth boundary. This measure establishes the City of Rohnert Park's Urban Growth Boundary ("UGB") as depicted on the map attached to this Ordinance (Attachment 1) as the area within which the City generally projects that development will occur within a specified period. Until December 31, 2040, the UGB shall be changed only by a vote of the people, except in certain circumstances and according to specific procedures set forth in this measure.
- 1.2 Encouraging a cohesive pattern of urbanization. Adoption of a UGB will encourage a cohesive pattern of urbanization by (1) promoting efficient and orderly growth patterns; (2) supporting stability and certainty in long term planning by advancing the concept of planned growth; and (3) ensuring that lands outside the UGB are not prematurely or unnecessarily converted to urban uses.
- 1.3 Protecting what is unique about Rohnert Park. The City of Rohnert Park is bordered to the east and to the west by unincorporated lands that are dominated by hills, farms, and fields. This unincorporated landscape is enjoyed by the persons who work and live in Rohnert Park and forms a part of the environment of Rohnert Park even though it is outside the city limits. Adoption of a UGB will preserve and protect this aspect of Rohnert Park by requiring urbanization to stop where the unincorporated landscape begins.
- 1.4 This General Plan Amendment is not intended to prevent the City from meeting its obligation under state housing or zoning and planning law. The City's Housing Element, including the sites identified therein for housing, and the programs and activities adopted to promote and encourage the development of housing, will allow the City of Rohnert Park to meet its obligations for the preservation, improvement, and development of housing. This measure establishing 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. It is fully expected that the policies and programs in the City's Housing Element, including the sites identified therein for housing, will allow the City of Rohnert Park to meet the requirements of State law to provide housing opportunities for all economic segments of the community. 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.

- 1.5 The UGB outlines the area within which the City generally projects that development will occur within the next twenty years. However, the General Plan of the City of Rohnert Park Growth Management Policies prohibit growth from commencing, if the necessary public facilities - streets, water, wastewater, solid waste, and parks - are not in place when the growth is completed. In addition, the General Plan of the City of Rohnert Park Specific Plan Policies require that new growth will not be permitted unless and until the specific plan for the area in which the growth is proposed, has been adopted.

c) Amend Section 2 of an Ordinance of the City of Rohnert Park Amending the City of Rohnert Park General Plan by Establishing an Urban Growth Boundary to read:

Section 2. Extending the Urban Growth Boundary.

The following policies shall apply to the Urban Growth Boundary:

- 2.1 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; provided, however, that open space uses, parks, agricultural uses, community fields and golf courses beyond the Urban Growth Boundary that are provided with municipal or public services, shall not be defined as "urban development."
- 2.2 The Urban Growth Boundary shall be in effect until December 31, 2040.
- 2.3 The Urban Growth Boundary may be amended only by a vote of the people or as provided for in Section 2.4.
- 2.4 The Urban Growth Boundary may be amended by a majority vote (three affirmative votes) of the City Council under the following circumstances:
  - 2.4.1 Affordable Housing. To comply with state law regarding the provision of housing for low and very-low income families, the City Council may amend the Urban Growth Boundary in order to include within the UGB, lands to be

developed primarily (51%) for low and very-low income families provided, however:

- (a) An amendment to the UGB pursuant to this Section 2.4.1 may not be made earlier than January 1, 2035;
- (b) No more than 10 acres may be brought into the UGB in any calendar year;
- (c) If in any year, fewer than 10 acres are brought within the UGB, then the unused increment, up to a maximum of 5 acres, may be brought within the UGB in a subsequent year;
- (d) Such amendment may be adopted only if the City Council makes each of the following findings:
  - (i) That the land is immediately adjacent to comparably developed areas;
  - (ii) That there is no existing residentially designated land available within the UGB that can feasibly accommodate the proposed development;
  - (iii) That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB for housing;
  - (iv) That there has been an application submitted to provide housing primarily for low and very-low income families, and the applicant has provided substantial evidence that sufficient and adequate capacity is available in all city services and facilities, all school district facilities, and any other relevant public agency facilities, to accommodate the proposed development.
  - (v) That the application to provide housing primarily for low and very low income families is consistent with GM-4 in General Plan 2000.

For purposes of this section, the concept of "feasibility" shall include considerations of market feasibility, environmental feasibility, and other rules and regulations affecting the development of the property.

- 2.4.2 To adjust the UGB exclusively for the purpose of protecting agricultural or open space lands.
- 2.4.3 To add lands exclusively to protect natural resources.
- 2.4.4 To add lands exclusively to be maintained as public parks or public open space.
- 2.4.5 To add lands to provide exclusively for the disposal of treated wastewater and/or sewage treatment and disposal use.
- 2.5 This General Plan Amendment is not intended, and shall not be applied or construed, to authorize the City to exercise its powers in a manner which will take private property for public use without the payment of just compensation. This General Plan Amendment will be interpreted, applied and implemented so as to accomplish its purposes to the maximum permissible extent, by all constitutional means. If the application of this General Plan Amendment to a specific property would take private property for public use without the



payment of just compensation ("taking"), then the City Council may take any action necessary to avoid a taking.

- 2.6 This General Plan Amendment is not intended, and shall not apply to any development project that has obtained as of the effective date of this resolution, a vested right pursuant to state law.

d) Amend Section 3 of an Ordinance of the City of Rohnert Park Amending the City of Rohnert Park General Plan by Establishing an Urban Growth Boundary to read:

Section 3. Amending the General Plan to Manage Growth within the Urban Growth Boundary.

- 3.1 The UGB establishes the area within which urban development will be contained through the year 2040. This limitation restricts development to lands within the UGB. Such restriction is necessary to implement and to be consistent with the following community goals:
- 3.1.1 Efficient and orderly growth patterns.
- 3.1.2 A well-designed mix of residential, commercial, business park, and open space uses, featuring a pedestrian-oriented community focal point with a small town, village-like character.
- 3.1.3 Stability and certainty in long term planning through planned growth.
- 3.1.4 Adequate and efficient delivery of public services and facilities.
- 3.2 In order to manage development within the UGB in a manner that is consistent with these community goals, a growth management program shall be adopted that includes each of the following components:
- 3.2.1 An annual standard to determine the number of residential development approvals that are consistent with the goals and policies of the City's General Plan.
- 3.2.2 A requirement to implement the growth management program, including the annual standard in a manner that is consistent with the goals, objectives, obligations and policies of the City's Land Use and Housing Elements.
- 3.2.3 A population growth rate in accordance with the City's then existing growth management program.
- 3.2.4 An annual review by the City Council to determine the consistency of each of the components of the growth management program with the goals, plans, and policies of the General Plan and State housing, planning, and zoning law.

- 3.2.5 A requirement to coordinate the development in each of the specific plan areas with the growth management ordinance.

Housing that is affordable to very low and low income households shall be exempt from the growth management program.

### **Section C. Amendment or Repeal.**

Except as otherwise provided herein, no part of this General Plan Amendment may be amended or repealed except by a vote of the voters of the City of Rohnert Park at a regularly scheduled general election or at a special election called for that purpose.

### **Section D. Interpretation.**

This measure shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. This measure shall be broadly construed and interpreted in order to achieve the purposes stated herein.

### **Section E. Effective Date.**

This ordinance shall take effect upon certification if a majority of the voters, voting on the ordinance, vote in favor of its adoption at the general municipal election to be held on November 5, 2019. Upon the effective date of this ordinance, the provisions of Section B are hereby inserted into the General Plan of the City of Rohnert Park as an amendment thereof. At such time as this general plan amendment is inserted into the City of Rohnert Park General Plan, any provisions of the City of Rohnert Park Zoning Ordinance or any other ordinances of the City of Rohnert Park inconsistent with this general plan amendment, shall not be enforced.

### **Section E. Severability.**

If any section, subsection, sentence, clause, phrase or word of this resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. The voters hereby declare that they would have passed and adopted this resolution, and each and all provisions hereof, irrespective of the fact that one or more of the provisions, either alone or as applied in connection with other provisions, may be declared invalid.

### **Section F. Project Approvals.**

Upon the effective date of this ordinance, the City, 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 is inconsistent with this ordinance. Nothing in this ordinance shall prevent the City from redesignating or relabeling the maps or the policies described herein, so long as the text of the amended policies is not changed and the geographical scope of the Urban Growth Boundary is not changed. Nothing in this ordinance shall be construed to prohibit the City from complying with State laws requiring density bonuses and/or other

incentives for affordable housing development projects, as defined by State law.

**Section G. Exemptions for Certain Projects.**

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

**Section H. Amended or Repeal.**

Except as specifically provided herein, this ordinance may be amended or repealed only by the voters of the City of Rohnert Park at a City election.

**Section I. Publication.**

The Clerk of the City of Rohnert Park 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 Rohnert Park:

Contingent upon majority voter approval, this ordinance will renew the City's existing urban growth boundary until December 31, 2040, and remove an 80-acre parcel known as Assessor's Parcel Number 047-111-050 consistent with the City's sphere of influence.

**THIS ORDINANCE WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ON JULY 23, 2019, BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**THIS ORDINANCE WAS APPROVED BY THE FOLLOWING VOTE OF THE PEOPLE ON NOVEMBER 5, 2019**

**YES** \_\_\_\_

**NO** \_\_\_\_

Adopted by declaration of the vote by the City Council of the City of Rohnert Park on  
\_\_\_\_\_ effective \_\_\_\_\_ 2019.

\_\_\_\_\_  
**GINA BELFORTE, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOANNE BUERGLER, CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**MICHELLE MARCHETTA KENYON, CITY ATTORNEY**

## **Attachment 1**

**Proposed Rohnert Park Urban Growth Boundary**

