

ORDINANCE NO. 3961

A ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 17-28.010 OF THE SANTA ROSA CITY CODE TO RESTRICT CHANGES TO THE URBAN BOUNDARY

THE PEOPLE OF THE CITY OF SANTA ROSA DO ORDAIN AS FOLLOWS:

Section 1. Purpose.

The purposes of this ordinance are to provide for the health, safety, and welfare of the residents of the City of Santa Rosa, to preserve agricultural uses which are vital to the region's economy, to discourage urban sprawl, and to implement the goals, objectives and policies of the Santa Rosa General Plan.

Section 2. Findings.

The People of the City of Santa Rosa find that this ordinance:

- (1) Protects agricultural uses outside the urban boundary;
- (2) Encourages residential, commercial, and industrial growth in areas already served by urban services;
- (3) Improves the City's ability to provide transportation, utilities, and other City services;
- (4) Protects open space surrounding the city;
- (5) Discourages the provision of City services to sprawling developments in outlying agricultural and open space lands which greatly increases the cost of such services;
- (6) Does not impose any numerical or percentage limit on the development of housing units in the City of Santa Rosa; and
- (7) Does not limit the supply of undeveloped land within the present urban boundary of the City of Santa Rosa which is adequate to allow the City to provide its fair share of the affordable and low cost housing needs of the region.

Section 3. Section 17-28.010 of the Santa Rosa City Code is amended to read as follows:

"17-28.010. Changes in Urban Boundary.

(A) Except as provided in subsections (B), (C) and (D) of this section, the urban boundary of the City as depicted in the General Plan's Parcel Specific Land Use Diagram shall not be changed until December 31, 2035, and then only as part of a General Plan update process.

(B) At any time the Council may act by General Plan amendment to change the urban boundary as follows:

(1) To adjust the boundary to include or exclude ten acres or less for the purpose of aligning the boundary with property lines as they existed on the date the ordinance codified in this chapter was approved by the voters;

(2) To adjust the boundary for the purpose of protecting open space or a natural resource;

(3) To add lands to be permanently maintained as public parks or open space, to protect natural resources, or for sewage treatment or disposal uses;

(4) To add lands for the purpose of providing sewer or water to eliminate health hazards existing in improvements constructed prior to the date the ordinance codified in this chapter was approved by the voters; provided that no land designated as community separator or with agricultural land use categories LEA, LIA or DA by the Sonoma County General Plan shall be included within the urban boundary under subsections (B)(1), (2), (3) and (4).

(C) As part of a General Plan Update process, by the affirmative vote of at least 2/3 of the total membership of the Council, the Council may act by General Plan Amendment to change the urban boundary to replace land inside the urban boundary established in the 2009 General Plan Update which has been designated for a particular land use and is subsequently determined to be unsuitable for that land use due to unforeseeable environmental constraints, and only upon the Council making all of the following findings:

(1) That the evidence of unsuitability is provided by a public agency other than the City of Santa Rosa or by court decision;

(2) That the Council has determined that there is insufficient remaining land designated within the then current urban boundary to meet the demand, within the following five-year period, for the particular land use designation and that it is infeasible to redesignate land within the urban boundary to meet the demand for that land use;

(3) That the projected population and commercial/industrial land development estimates in the 2009 General Plan Update or subsequent General Plan have been met or exceeded by the population and commercial/industrial land development existing at the time the Council considers a General Plan Amendment;

(4) That the adjustment to the urban boundary does not include land designated as community separator in the Sonoma County General Plan;

(5) That the adjustment to the urban boundary does not include land designated

with the agricultural land use categories LEA, LIA, or DA by the Sonoma County General Plan.

(D) By affirmative vote of at least 2/3 of the total membership of the Council, the Council may act by General Plan Amendment to change the urban boundary to provide an overriding public benefit to Santa Rosa that cannot feasibly be accommodated within the existing urban boundary, in order to provide a unique educational, cultural or economic opportunity for the City. This provision shall not apply to residential or retail commercial projects. During each 20 year period, adjustments allowed by this subsection may not exceed a total of 1% (approximately 280 acres) of the area within the 1996 General Plan Update urban boundary. The change in the urban boundary allowed by this subsection shall be made only upon all of the following findings:

(1) That the proposed land use cannot feasibly be accommodated within the existing urban boundary;

(2) That land designated as community separator in the Sonoma County General Plan is not included within the proposed urban boundary amendment;

(3) That land designated as agricultural land use category LEA, LIA, or DA in the County General Plan is not included within the proposed urban boundary amendment.”

Section 4. No Taking. This ordinance 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 therefor, but shall be interpreted, applied and implemented so as to accomplish its purposes to the maximum permissible extent, by all constitutional means. If application of this ordinance to a specific property of record as of the date of its adoption would create a taking, then pursuant to this ordinance, the City Council may take any action necessary to avoid a taking, to the greatest extent possible consistent with the purposes of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Amendment and Repeal. No part of this ordinance may be amended or repealed except by a vote of the electors of the City of Santa Rosa at a regularly scheduled general election or at a special election called for that purpose.

Section 7. Effective Date. This ordinance shall take effect ten days after the vote is declared by the Council if a majority of the voters voting on the ordinance vote in favor of its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 14th day of December, 2010.

AYES: (4) Mayor Olivares, Councilmembers Sawyer, Gorin, Wysocky

NOES: (0)

ABSENT: (1) Councilmember Vas Dupre

ABSTAIN: (2) Vice Mayor Ours, Councilmember Bartley

ATTEST: Gayle Petersen, Interim City Clerk

APPROVED: Ernesto Olivares, Mayor

APPROVED AS TO FORM:
Caroline Fowler, City Attorney