

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 039-2010**

A RESOLUTION ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF AN ORDINANCE TO ESTABLISH AND MAINTAIN A 20-YEAR URBAN GROWTH BOUNDARY (UGB) AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010; REQUESTING THE SONOMA COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE SAID ELECTION WITH THE NOVEMBER 2, 2010, STATEWIDE GENERAL ELECTION; PROVIDING FOR SUBMISSION OF BALLOT ARGUMENTS AND REBUTTALS; AND DIRECTING THE CITY ATTORNEY TO FILE AN IMPARTIAL ANALYSIS.

Whereas, by Resolution 22-2009 adopted May 13, 2009, the City Council of the City of Cloverdale adopted an updated General Plan ("General Plan") governing land use, development and environmental quality throughout the City; and

Whereas, the City's 2009 General Plan land use element includes policies and programs concerning development, adoption and implementation of an Urban Growth Boundary ("UGB"); and

Whereas, Policy LU-3-1 of the City's General Plan requires developing a UGB that allows urban development within the UGB boundaries and does not allow urban development outside the UGB boundaries except in two existing developed areas, referred to as the Industrial and Asti exception areas; and

Whereas, General Plan Policy LU 3-1, as amended by Resolution No. 031-2010 adopted June 28, 2010, provides that a UGB be adopted by the City Council, then presented to the Cloverdale voters for adoption as a voter-approved ordinance, which, upon approval by the Cloverdale voters in a general election, shall not be amended except by a vote of the people or as otherwise provided in Policy LU 3-1; and

Whereas, on June 2, 2010, the Planning Commission held a public hearing and considered all written and oral communications, the staff report and all supporting documents relating to adopting a UGB; and

Whereas, the Planning Commission voted to recommend that the City Council place on the November 2, 2010, ballot a measure to establish and maintain a 20-year UGB and to amend the General Plan to limit the development of the western hills and restrict uses in the Asti exception area, and make other amendments to the General Plan; and

Whereas, on June 23, 2010, at a duly-noticed public hearing, the City Council considered the Planning Commission's recommendations to place a ballot measure on the November 2, 2010, ballot establishing and maintaining for 20 years a UGB and amending the General Plan to limit the

development of the western hills and restrict uses in the Asti exception area, along with other changes to the General Plan; and

Whereas, the City Council continued the hearing to June 28, 2010, and directed staff to amend the proposed changes limiting the development of the western hills and restricting uses in the Asti exception area; and

Whereas, on June 28, 2010, the City Council adopted Resolution No. 031-2010, Approving a General Plan Amendment with Specific Provisions to Clarify the City Urban Growth Boundary (UGB) to Serve as the Basis for a Public Vote in November 2010, a copy of which resolution is attached hereto as Exhibit A; and

Whereas, by Resolution No. 020-2009 adopted May 13, 2009, the City Council certified the Environmental Impact Report for the General Plan, in accordance with the requirements of the California Environmental Quality Act; and

Whereas, all potential adverse environmental impacts of the present ballot measure were fully evaluated as part of the Environmental Impact Report for the City of Cloverdale General Plan certified by the City Council by Resolution No. 022-2009 on May 13, 2009; and

Whereas, section 1.08.020 of the Cloverdale Municipal Code provides that all regular City elections are to be held on the same day as the statewide general election; and

Whereas, November 2, 2010, is the date of the City's next regular municipal election; and

Whereas, provisions of the Elections Code set forth the procedures and requirements for the submission of measures to the voters, including: consolidation of municipal and statewide elections, placement on the ballot, amendment and withdrawal, submission of ballot arguments, and preparation of impartial analysis and rebuttal arguments.

Now, therefore, be it resolved by the City Council of the City of Cloverdale as follows:

1. The above recitals are hereby declared to be true and correct and findings of the City Council of the City of Cloverdale.
2. Pursuant to the requirements of the Cloverdale Municipal Code and other applicable law, there is called and ordered to be held in the City of Cloverdale, California, on Tuesday, November 2, 2010, an election for the purpose of submitting to the voters a measure that would create an Urban Growth Boundary as set forth in Exhibits A and A-1.
3. The ballot language for the proposed ordinance shall be as follows:

MEASURE _____		
"Shall an ordinance be adopted creating an Urban Growth Boundary for the City of Cloverdale?"	YES	
	NO	

4. The measure to be presented to the voters pursuant to Section 3 of this resolution is as set forth in Exhibit A attached hereto.

5. (a) An election on the measure set forth in Exhibit A shall be held in conjunction with the municipal election to be held in the City of Cloverdale on Tuesday, November 2, 2010. In accordance with the Cloverdale Municipal Code and California Elections Code section 10403, the City Council requests that the Board of Supervisors of Sonoma County consolidate the election on the measure with the statewide general election on the same day and issue instructions to the Sonoma County Elections Department to take any and all steps necessary for the holding of the consolidated election.

(b) The election on the measure set forth in Exhibit A shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined as provided for herein and in the Elections Code.

(c) The election for the measure set forth in Exhibit A shall be held in Sonoma County in the City of Cloverdale on November 2, 2010, as required by law, and the Sonoma County Elections Department is authorized to canvas the returns of that election with respect to the votes cast in the City of Cloverdale.

(d) At the next regular meeting of the City Council of the City of Cloverdale occurring after the returns of the election for the measure set forth in Exhibit A have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

6. (a) In accordance with Elections Code sections 9282 and 9283, arguments submitted for or against the measure shall not exceed 300 words in length, and shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election and may be signed by not more than five persons.

(b) In accordance with Elections Code section 9282, the following heading, as appropriate, shall precede the arguments' wording, but shall not be counted in the 300 word maximum: "Argument Against Measure ____" or, "Argument For Measure ____" (the blank spaces being filled only with the letter or number, if any, designating the measure).

(c) In accordance with Elections Code section 9283, printed arguments submitted to voters in accordance with section 9282 of the Elections Code shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and printed name and signature of at least one of its principal officers. Arguments are due in the office of the City Clerk prior to 5:00 p.m. on Monday, August 16, 2010.

(d) The City Council may authorize, by motion, a member or members 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. In accordance with Elections Code section 9287, any Council members authorized by the City Council to do so may sign the

argument for the measure. However, in accordance with the Brown Act, if the argument for the measure is signed by more than two council members, such signature must occur at a meeting of the City Council.

(e) Alternatively, the City Council may authorize, by motion, a member or members of the City Council to cooperate with members of the community and/or interested parties and/or organizations to prepare a draft argument for the measure.

7. (a) Pursuant to Elections Code section 9285, when the City Clerk has selected the arguments for and against the measure that will be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of the measure to the authors of the argument against, and copies of the argument against 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.

(b) Rebuttal arguments shall not exceed 250 words. The persons who sign the rebuttal arguments may be different from the persons who signed the direct arguments.

(c) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on Thursday, August 26, 2010.

(d) All previous resolutions providing for the filing of rebuttal arguments for City of Cloverdale measures are repealed. The provisions of this resolution concerning rebuttal arguments shall only apply to the election to be held on November 2, 2010, and following the conclusion of that election are repealed.

8. In accordance with Elections Code section 9280, the City Attorney is directed to file with the City Clerk by August 16, 2010, an impartial analysis of the measure, not to exceed 500 words, showing the effect of the measure.

9. The City of Cloverdale recognizes that additional costs may be incurred by the County by reason of the measure and agrees to reimburse the County for such 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.

10. (a) The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Sonoma County and the Sonoma County Elections Department on or before August 6, 2010. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the measure attached as Exhibit A to be published once in a newspaper of general circulation, or any other newspaper designated as the official newspaper of the City of Cloverdale, in accordance with California Elections Code section 12111 and California Government Code section 6061. A copy of the measure shall be made available to any voter upon request. The City Clerk is authorized and directed to give further additional notice of the measure in time, form and manner as required by law.

(b) In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

11. Each portion of this resolution is severable. Should any portion of this resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Cloverdale hereby declares that it would have adopted this resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section, subsection, clause, sentence, phrase or other portion may be held invalid or unconstitutional.

It is hereby certified that the foregoing Resolution No. 039-2010 was duly introduced and legally adopted by the City Council of the City of Cloverdale at its regular meeting on this 14th day of July, 2010, by the following voice vote: (4-ayes, 0-noes, 1-absent)

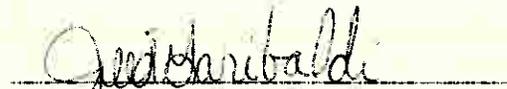
AYES: Councilmember Palla, Vice Mayor Raymond, Councilmember Brigham and Mayor Russell
NOES: None
ABSENT: Councilmember Wolter
ABSTAIN: None

Approved

Attested



Carol Russell, Mayor



Jill Garibaldi, Deputy City Clerk

EXHIBIT A
MEASURE TO BE SUBMITTED TO THE VOTERS
CLOVERDALE URBAN GROWTH BOUNDARY

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

1. An Urban Growth Boundary for the City of Cloverdale is hereby adopted as a voter-approved measure. Accordingly, the following provisions of the City of Cloverdale General Plan adopted May 13, 2009 by Resolution No. 022-2009, and as amended by Resolution No. 031-2010 adopted by the City Council of the City of Cloverdale on June 28, 2010, shall read as follows:

a. Goal LU-1 of the General Plan shall read as follows:

Provide a balance of land uses within the Urban Growth Boundary and UGB Exception Areas for housing, jobs, economic development, recreation, conservation and destination commercial uses

b. Policy LU 3-1 of the General Plan shall read as follows:

Establish and maintain a 20-year Urban Growth Boundary to: restrict urban development outside the Urban Growth Boundary and specified exception areas; stipulate that City water and sewer service shall not be extended to development outside of the Urban Growth Boundary, except as specified in this Policy LU 3-1 and permitted by law; manage growth in a manner that fosters and protects the small town character of Cloverdale while encouraging economic development appropriate to Cloverdale; and promote stability in long term planning for the City. The Urban Growth Boundary shall first be adopted by the City Council as an amendment to the General Plan, and then presented to the Cloverdale voters for adoption as a voter-approved General Plan amendment. Upon approval by the Cloverdale voters in a general election, the Urban Growth Boundary shall not be amended except by a vote of the people or as provided in this Policy LU 3-1.

In accordance with this Policy LU 3-1, an Urban Growth Boundary ("UGB") is established in the City of Cloverdale as depicted in Exhibit 2.4 to the General Plan, as amended pursuant to Exhibit A attached hereto and incorporated herein by reference, subject to the following:

1. The UGB adopted in this Policy LU 3-1 and depicted in Exhibit A hereto shall not be amended prior to January 1, 2030, except as permitted in this Policy LU 3-1.
2. No urban development shall be located or services provided outside the UGB, except as otherwise provided in this Policy LU 3-1.

A. For purposes of this Policy LU 3-1, urban development shall mean construction, alteration, or addition of any building or structure requiring one or more services.

B. For purposes of this Policy LU 3-1, services shall mean one or more basic municipal services including, but not limited to, water, sewer, or drainage services.

3. The prohibition against urban development and provision of services outside the UGB pursuant to provision 2 of this Policy LU 3-1 does not apply:

A. To industrial uses and utilities and improvements required for industrial uses in the Industrial Exception Area depicted in Exhibit 2-4 of the General Plan. For purposes of this Policy LU 3-1, industrial uses means uses allowed in the M-1 and M-P zoning districts in the Zoning Code of the City of Cloverdale, except that such permitted industrial uses outside the UGB exclude residential uses and retail uses other than sale of goods incidental to industrial uses.

B. To preservation of agricultural uses, winery-related uses, and improvements required for agricultural and/or winery related uses in the Asti Exception Area depicted in Exhibit 2-4 of the General Plan as further limited by this provision. For purposes of this Policy LU 3-1, winery-related uses in the Asti Exception Area that are exempt from the prohibition in provision 2 of this Policy are maintenance of the historic Asti Winery and appropriate expansion of the winery for production and storage of wine and wine products; and maintenance and appropriate expansion of visitor uses consistent with those which have been historically held at Asti including wine tasting, wine sales, and wine-related events.

C. To acquisition or acceptance by the City of dedication of rights to water supply facilities and improvements or annexation of some or all of the land within the Rains Creek Water District, and in the event of such acquisition, acceptance or annexation, provision of services to the land and facilities so acquired or accepted, and to properties served by the Rains Creek Water District; except that, provision of services shall be limited to structures and uses in existence as of the date of said acquisition or acceptance by the City.

D. To provision of services to public park, recreation and open space uses consistent with the General Plan.

E. To provision of services to relocated Citrus Fair facilities.

F. To provision of services to or annexation of land outside and adjacent to the western City limit/Urban Growth Boundary, subject to the following:

i. Provision of services to or annexation of land outside and adjacent to the western City limit/Urban Growth Boundary shall be subject to discretionary approval by the City Council in consideration for permanent dedication of western hills open space in a form acceptable to the City Council. Dedication of western hills open space pursuant

to this provision must be to an open space district, land trust, or the City and be pursuant to an agreement to which the City is a party that prohibits revocation of the dedication and that creates permanent access for public use in accordance with policies PR 1-4 and PR 1-5 of the General Plan. Open space dedicated pursuant to this provision is intended to serve as a buffer between urban land uses within the City limit/Urban Growth Boundary and rural and agricultural land uses outside the City limit/Urban Growth Boundary and as a permanent open space amenity for the entire community consistent with General Plan Goal LU-3 and Policies LU 3-2 and 3-3. Open space dedicated pursuant to this provision must provide for public access and the potential for trails as outlined in the Open Space Element of the General Plan. Open space dedicated pursuant to this provision must extend from the 400 or 550 foot elevation of the parcel to be annexed or receive services pursuant to this provision (whichever is applicable to the development proposed for annexation or to receive City services pursuant to paragraph a or b, below) to and include the highest elevation of the parcel or the ridgeline, whichever is highest. Such dedicated open space may, but need not, include land beyond the parcel ridgeline, provided that the dedicated land shall include sufficient lands beyond the ridgeline to assure that any development beyond the ridgeline will not be visible from the valley floor. Development on parcels on which open space is dedicated pursuant to this provision may not include structures, lighting or other features beyond the parcel ridgeline that are visible from the valley floor. For purposes of this provision, "ridgeline" means the highest points of the western hillside which are generally visible from the valley floor of the City. A line along the highest points of an individual parcel is not necessarily a ridgeline for purposes of this section. "Generally visible" means visible from multiple or several areas on the valley floor, rather than from a single isolated vantage point below the 400 foot elevation. "Valley floor" means gently sloping, level or nearly level areas within the City limits and below the 400 foot elevation.

ii. Services may only be provided to land outside and adjacent to the western City limit/Urban Growth Boundary pursuant to this exception for the following land uses:

(a) residential development with a finished grade below the 550 foot elevation consistent with all of the land use requirements applicable to rural residential (R-R) zoning districts as defined in General Plan Exhibit 2-2, and providing that any grading will not be detrimental to the views from the valley floor.

(b) development below the 400 foot elevation consistent with all of the land use requirements applicable to R-1 zoning districts within the City limit/Urban Growth Boundary.

(c) provision of services to structures in existence as of November 2, 2010, provided that such structures or any related access ways, lighting or other features are not visible from the valley floor.

iii. Provision of services to or annexation of land outside and adjacent to the western City limit/Urban Growth Boundary will be subject to an outside area

services agreement or pre-annexation agreement or similar transaction meeting the requirements of this provision F and approved by the City Council and any other government agency with jurisdiction over such transaction.

G. Where application of this Policy LU 3-1 would constitute an uncompensated taking of private property pursuant to the United States and/or California constitutions, but only to the minimum extent necessary to avoid an unconstitutional taking of property.

H. Where application of this Policy LU 3-1 would impermissibly conflict with a specific provision of State law regarding the provision of housing, including affordable housing, but only to the minimum extent necessary to comply with State housing law, and where it is not reasonably feasible to use existing residentially designated land within the UGB or Exception Areas or to re-designate land available within the UGB or Exception Areas to comply with State housing law. To the maximum feasible extent and subject to applicable law, proposed housing outside the UGB that meets the requirements of this paragraph must be located adjacent to existing developed lands and infrastructure.

c. Implementation LU 3-1.a. of the General Plan shall read as follows:

Present an Urban Growth Boundary measure for adoption by Cloverdale voters substantially in accordance with Policy LU 3-1 of the General Plan as amended by Resolution No. 031-2010 and as depicted in Exhibit 2.4 of the General Plan.

d. Policy LU 3-2 of the General Plan shall read as follows:

Hillside areas are generally outside of the proposed Urban Growth Boundary, and any development shall conform to the Urban Growth Boundary requirements. Development shall not be allowed on hillsides outside the UGB, except as provided in General Plan Policy LU 3-1. Development on hillside areas within the UGB shall be consistent with the Conservation, Design and Open Space Element, to eliminate or minimize visual, access and lighting impacts in hillside areas, particularly in the western hillsides.

2. This ordinance shall become effective in the manner and at the time provided by law.

3. Each portion of this ordinance is severable. Should any portion of this ordinance be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining ordinance portions shall be and continue in full force and effect, except as to those ordinance portions that have been adjudged invalid. The People of the City of Cloverdale hereby declare that they would have adopted this ordinance and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section, subsection, clause, sentence, phrase or other portion may be held invalid or unconstitutional.

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

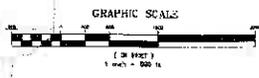
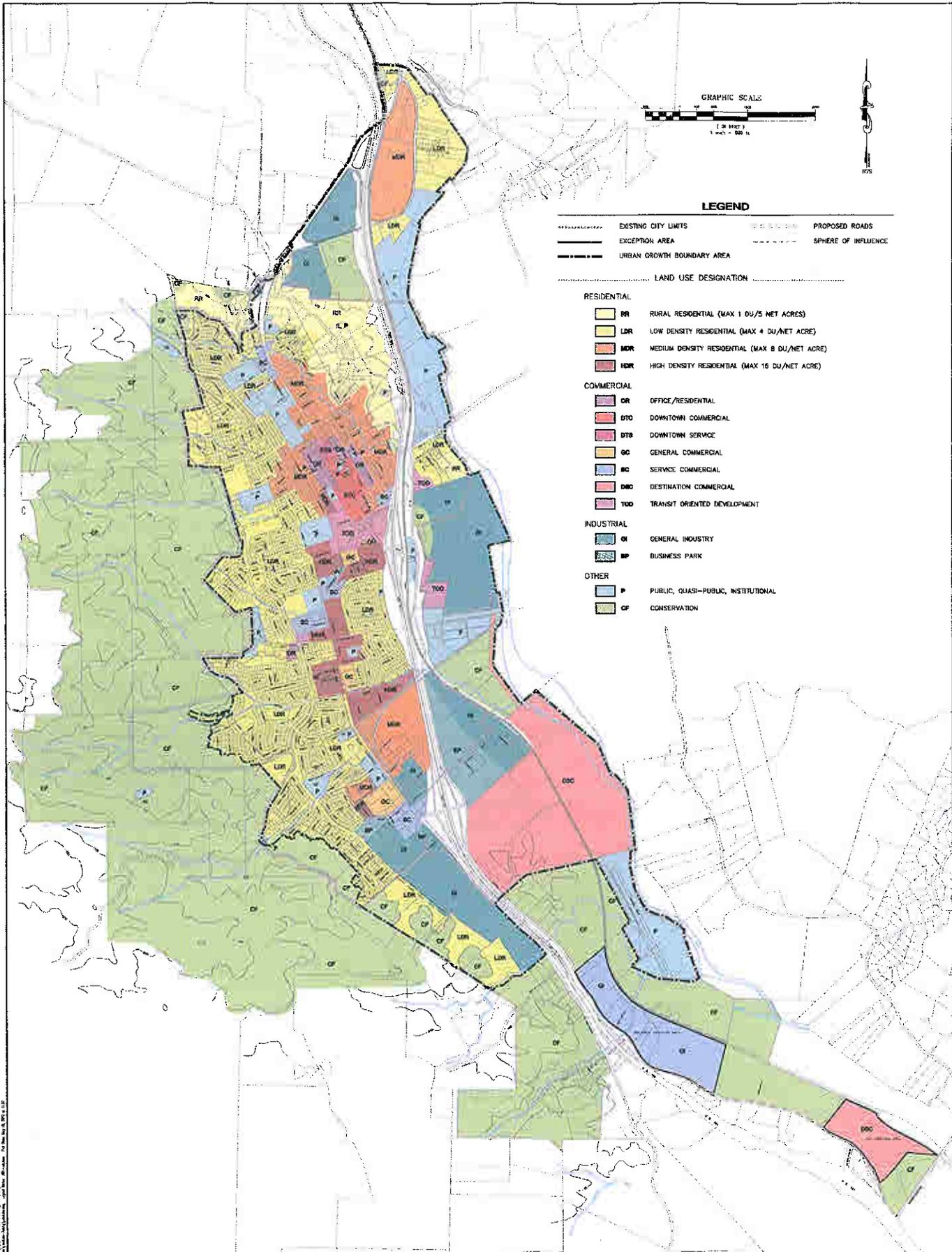
5. All resolutions, ordinances and measures in conflict with the provisions of this measure are superseded and repealed upon the effective date of this measure. However, rights or liabilities accrued prior to the effective date of this measure under any chapter, measure, ordinance or resolution shall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

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

Exhibit List

Exhibit A-1 – Urban Growth Boundary, Exhibit 2-4 to 2009 General Plan as amended by Resolution 031-2010 adopted by the City Council on June 28, 2010

1479177.1



LEGEND

- EXISTING CITY LIMITS
- EXCEPTION AREA
- URBAN GROWTH BOUNDARY AREA
- PROPOSED ROADS
- SPHERE OF INFLUENCE

LAND USE DESIGNATION

- RESIDENTIAL**
- RR RURAL RESIDENTIAL (MAX 1 DU/5 NET ACRES)
 - LDR LOW DENSITY RESIDENTIAL (MAX 4 DU/NET ACRE)
 - MDR MEDIUM DENSITY RESIDENTIAL (MAX 8 DU/NET ACRE)
 - HDR HIGH DENSITY RESIDENTIAL (MAX 16 DU/NET ACRE)
- COMMERCIAL**
- OR OFFICE/RESIDENTIAL
 - OTC DOWNTOWN COMMERCIAL
 - OTS DOWNTOWN SERVICE
 - OC GENERAL COMMERCIAL
 - SC SERVICE COMMERCIAL
 - DBC DESTINATION COMMERCIAL
 - TOD TRANSIT ORIENTED DEVELOPMENT
- INDUSTRIAL**
- OI GENERAL INDUSTRY
 - BP BUSINESS PARK
- OTHER**
- P PUBLIC, QUASI-PUBLIC, INSTITUTIONAL
 - CP CONSERVATION

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GENERAL PLAN LAND USE PLAN
URBAN GROWTH BOUNDARY
 ADOPTED MAY 13, 2009

MAP REVISION	
DATE	DESCRIPTION
JULY 28, 2009	General Plan Amendment 3-09
AUG 24, 2009	
AUG 26, 2009	Adopted
NOV 13, 2009	
DEC 3, 2009	
MAY 15, 2009	