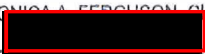




County of Sonoma  
State of California

THE WITHIN INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

ATTEST: **AUG 02 2016**

VERNONIA A. FERGUSON, Clerk/Secretary  
BY  DEPUTY CLERK/ASST. SECRETARY

Date: August 2, 2016

Item Number: 9

Resolution Number: 16-0282

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Calling  
A Special Election On The Community Separators Protection Ordinance, To Be Consolidated  
With The November 8, 2016 General Election**

**Whereas**, in November 1996, the voters of Sonoma County approved Ordinance 5003R requiring voter approval of certain revisions of or amendments to the boundaries of or land use regulations applicable to Community Separators created by the 1989 Sonoma County General Plan, and in November 1998, the voters of Sonoma County approved Ordinance 5145R requiring voter approval of any increase in the allowed density or intensity of land uses allowed within the expanded Petaluma/Novato Community Separator, specifying certain highway design criteria, and providing for bicycle lanes; and

**Whereas**, Ordinance 5003R and its voter approval protections will expire at the end of 2016, and Ordinance 5145R and its voter approval protections will expire at the end of 2018; and

**Whereas**, Elections Code section 9140 authorizes this Board to submit ordinances to the voters without the prior presentation of an initiative; and

**Whereas**, in December 2015, this Board approved a Community Separators work plan and directed County staff to prepare a ballot measure for the November 2016 general election to extend the voter approval protections for Community Separators; and

**Whereas**, in accordance with the provisions of law, the Sonoma County Planning Commission ("the Planning Commission") conducted duly noticed public hearings on the proposed ballot measure ("the Community Separators Protection Ordinance") on June 23, 2016, and June 30, 2016, at which time all interested persons were given an opportunity to be heard on the matter, and the Planning Commission recommended that the Community Separators Protection Ordinance be placed on the November 8, 2016 general election ballot; and

**Whereas**, in accordance with the provisions of law, this Board conducted a duly noticed public hearing on the Community Separator Protection Ordinance on July 19, 2016, at which time all interested persons were given an opportunity to be heard; and

**Whereas**, this Board finds that the Community Separators Protection Ordinance is a matter of significant public policy that is appropriate for the voters of Sonoma County to decide;

**Now, Therefore, Be It Resolved that** the Board of Supervisors of the County of Sonoma hereby finds, declares, determines, and orders as follows:

1. A special election is hereby called for November 8, 2016, on the proposed Community Separators Protection Ordinance, which is attached hereto, marked Exhibit "A," and incorporated herein, and this election is hereby ordered to be consolidated with the general election occurring on that date.
2. The measure shall be submitted to the voters in the following form:

In order to preserve rural open space and agricultural land, maintain community identities, and prevent sprawl, shall the "Community Separators Protection Ordinance" be adopted to amend the Sonoma County General Plan to require voter approval of changes to the General Plan that increase the allowed density or intensity of development within Community Separators until December 31, 2036, and to repeal Ordinance 5145R?	Yes
	No

3. As required by law, the full text of the Community Separators Protection Ordinance shall be printed in the voter information pamphlet distributed to voters. A map(s) showing the locations of the Community Separators in the county shall also be included in the voter information pamphlet distributed to voters.
4. The County Clerk is hereby authorized, instructed, and directed to provide 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 an election.

5. The County Clerk is hereby further directed to take the necessary and appropriate actions to provide the necessary election officers, polling places, and voting precincts.
6. Arguments for and against the measure may be submitted to the Registrar of Voters Office in accordance with the deadlines established for the November 8, 2016 election.
7. In accordance with the provisions of the Elections Code, the County Counsel is authorized to prepare an impartial analysis of the measure.
8. The polls for the election shall be open during the hours required by law and the election, with respect to the foregoing ballot measure, shall be held and conducted as provided by law for the holding of County elections.
9. Notice of time and place of holding the election, together with any other notices required by law, shall be given to the County Clerk.
10. Pursuant to State CEQA Guidelines section 15168(c)(2), a program environmental impact report may be relied upon for CEQA compliance for later activities if the lead agency determines that no new effects will occur or no new mitigation measures would be required as a result of the later activity. The Board of Supervisors finds that, as discussed more fully in the staff report provided to the Board, the activity described herein falls within the scope of the project analyzed in the Program Environmental Impact Report prepared for Sonoma County General Plan 2020 and certified by the Board in June 2008. No new environmental effects could occur and no new mitigation measures would be required as a result of the activity. Therefore, pursuant to State CEQA Guidelines sections 15162 and 15168(c)(2), and Public Resources Code section 21166, no further environmental review is necessary.

**Supervisors:**

Gorin: Aye      Rabbitt: Aye      Zane: Aye      Gore: Aye      Carrillo: Aye

Ayes: 5                      Noes: 0                      Absent: 0                      Abstain: 0

**So Ordered.**

EXHIBIT "A"

Ordinance No. \_\_\_\_\_R

**An Ordinance Of The County Of Sonoma, State Of California, Amending The Sonoma County General Plan To Require Voter Approval Of Amendments To The Boundaries Of Urban Service Areas Of Unincorporated Communities To Include Lands Within Community Separators, And Amendments To The Boundaries Of Community Separators Or The Land Use Designations Or Densities Of Lands Within Community Separators, Until December 31, 2036, And Repealing Ordinance 5145R.**

The People of the County of Sonoma ordain as follows:

Section 1. Title.

This ordinance shall be known and may be cited as the Community Separators Protection Ordinance.

Section 2. Statement of Purpose.

A. Community Separators are rural open space and agricultural land around cities and unincorporated communities in Sonoma County that maintain community identities, prevent sprawl, protect natural resources, and provide visual separation between cities and unincorporated communities. Community Separators are designated on the maps in the Open Space and Resource Conservation Element of the Sonoma County General Plan.

B. Twenty years ago, the voters of Sonoma County approved Ordinance 5003R requiring voter approval of certain revisions of or amendments to the boundaries of or land use regulations applicable to Community Separators. Eighteen years ago, the voters of Sonoma County approved Ordinance 5145R requiring voter approval of any increase in the allowed density or intensity of land uses allowed within the expanded Petaluma/Novato Community Separator, specifying certain highway design criteria, and providing for bicycle lanes. Ordinance 5003R and its voter approval protections will expire at the end of 2016, and Ordinance 5145R and its voter approval protections will expire at the end of 2018. The purpose of this ordinance is to renew and strengthen the voter approval protections of Ordinances 5003R and 5145R, and to apply those protections to all Community Separators designated in the Sonoma County General Plan. This ordinance is intended to continue to give a higher level of assurance that Community Separators designated in the Sonoma County General Plan will be maintained and that their land use designations will not be changed to increase the allowed density or intensity of development. This ordinance is further intended to encourage the County's cities to establish and maintain voter-approved urban growth boundaries that do not encroach into Community Separators.

C. Community Separators implement a long-standing policy of the Sonoma County General Plan that the physical development of the County should be city-centered. The city-centered growth policy further implements several state level policies, including:

(1) Article XIII, section 8 of the California Constitution encouraging the “conservation, preservation and continued existence of open space lands” for “recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber.”

(2) Articles XIII A and XIII B of the California Constitution limiting local government tax revenues and spending and thereby encouraging the efficient physical development of communities that will reduce expenditures for public safety, streets, utilities, and other publicly financed, operated and maintained improvements.

(3) The Planning and Zoning Law (Government Code section 65562) assuring “that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible” and that they will “prepare and carry out open-space plans.”

(4) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 et seq.) discouraging annexations and other changes in organization that result in urban sprawl and its implementation in Sonoma County by Resolution No. 2119, dated May 7, 1992, of the Sonoma County Local Agency Formation Commission.

### Section 3. Addition of General Plan Policy LU-3e.

This ordinance hereby adds, and adopts until December 31, 2036, Policy LU-3e of the Land Use Element of Sonoma County General Plan 2020 adopted September 23, 2008, as amended through August 2, 2016, as indicated below (text to be added is shown in ***bold italics***):

***Policy LU-3e: Until December 31, 2036, the boundaries of Urban Service Areas of unincorporated communities as shown on the Land Use Maps shall not be amended to include lands within Community Separators as shown on the Open Space Maps unless such amendment is approved by the voters of Sonoma County.***

***For the purposes of this policy, approval by the voters of Sonoma County shall be accomplished when a general plan amendment is placed on the ballot through any procedure provided for in the Elections Code, and a majority of the voters vote in favor of it. The Board of Supervisors may adopt a general plan amendment prior to securing the approval of the voters of Sonoma County; provided, however, that whenever the Board of Supervisors adopts an amendment requiring approval of the voters of Sonoma County pursuant to the provisions of this policy, the Board action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The Board of Supervisors shall follow the provisions of the Elections Code in all matters pertaining to such an election.***

Section 4. Amendment of General Plan Policy OSRC-1k.

This ordinance hereby amends, and readopts as amended until December 31, 2036, Policy OSRC-1k of the Open Space and Resource Conservation Element of Sonoma County General Plan 2020 adopted September 23, 2008, as amended through August 2, 2016, as indicated below (text to be added is shown in ***bold italics***, text to be deleted is shown in ~~strikethrough~~):

***Policy OSRC-1k: Until the expiration of Ordinance No. 5145R (2018), the General Plan land use regulations for the lands within the Petaluma/Novato Community Separator shall not be changed so as to increase either the allowed intensity or density of development by changing the land use designations in Figure LU-2h of the Land Use Element without the prior approval of the voters of Sonoma County December 31, 2036, the boundaries of Community Separators as shown on the Open Space Maps and the land use designations and densities of lands within Community Separators as shown on the Land Use Maps shall not be amended unless such amendment is approved by the voters of Sonoma County, except that the following types of amendments may be approved by the Board of Supervisors pursuant to its usual procedures and without the approval of the voters of Sonoma County:***

- (1) An amendment designating additional lands as Community Separator.***
- (2) An amendment reducing the allowed density or intensity of development within a Community Separator.***
- (3) An amendment both adding and removing lands from a Community Separator, where there is no net loss in land area within the Community Separator.***
- (4) An amendment correcting a mapping error, where lands that do not meet the designation criteria for Community Separators have been inadvertently included within a Community Separator.***

***For the purposes of this policy, approval by the voters of Sonoma County shall be accomplished when a general plan amendment is placed on the ballot through any procedure provided for in the Elections Code, and a majority of the voters vote in favor of it. The Board of Supervisors may adopt a general plan amendment prior to securing the approval of the voters of Sonoma County; provided, however, that whenever the Board of Supervisors adopts an amendment requiring approval of the voters of Sonoma County pursuant to the provisions of this policy, the Board action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The Board of Supervisors shall follow the provisions of the Elections Code in all matters pertaining to such an election.***

## Section 5. Applicability.

The provisions of Sections 3 and 4 of this ordinance shall apply to all Community Separators shown on the Open Space Maps of the Sonoma County General Plan on the effective date of this ordinance, and to any additional lands designated as Community Separator during the term of this ordinance.

## Section 6. Implementation.

A. Upon the effective date of this ordinance, the provisions of Section 3 of this ordinance are hereby inserted into the Land Use Element of the Sonoma County General Plan and the provisions of Section 4 of this ordinance are hereby inserted into the Open Space and Resource Conservation Element of the Sonoma County General Plan, as amendments thereto. At such time as these General Plan amendments are inserted in the Sonoma County General Plan, any provisions of the Sonoma County Zoning Ordinance, as reflected in the ordinance itself or in the Sonoma County Zoning Database, that are inconsistent with these General Plan amendments shall not be enforced.

B. The Sonoma County General Plan, including the provisions added or amended and readopted by this ordinance, may be reorganized, and individual provisions may be renumbered or reordered, in the course of ongoing amendments or updates of the Sonoma County General Plan in accordance with the requirements of State law; provided, however, that the substance of Policy LU-3e, as added by this ordinance, and Policy OSRC-1k, as amended and readopted by this ordinance, shall continue to be included in the Sonoma County General Plan until December 31, 2036, unless earlier repealed or amended by the voters of Sonoma County.

C. All County plans, policies, ordinances, rules, and regulations constituting legislative acts shall be amended as necessary as soon as possible and in the time and manner required by any applicable State law to ensure consistency between those policies and the provisions adopted in this ordinance.

D. Upon the date of insertion of the provisions of Sections 3 and 4 of this ordinance into the Sonoma County General Plan, all General Plan amendments, rezonings, specific plans, tentative subdivision maps, parcel maps, conditional use permits, building permits, or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the policies and provisions of this ordinance.

## Section 7. Severability and Interpretation.

This ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The voters hereby declare that this ordinance, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof

would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the voters that the provisions of this ordinance shall be interpreted by the County in a manner that facilitates the protection of lands within Community Separators.

Section 8. Amendment or Repeal.

This ordinance may be amended or repealed only by the voters of Sonoma County.

Section 9. Repeal of Ordinance 5145R.

Ordinance 5145R shall be repealed on the effective date of this ordinance.

Section 10. Effective Date.

This ordinance shall be in full force and effect from and after January 1, 2017.

Section 11. Expiration.

This ordinance shall be of no further force or effect after December 31, 2036.

APPROVED BY THE FOLLOWING VOTE OF THE VOTERS OF SONOMA COUNTY AT THE GENERAL ELECTION HELD ON NOVEMBER 8, 2016.

YES \_\_\_\_\_

NO \_\_\_\_\_

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Chair, Board of Supervisors  
County of Sonoma

**Attest:**  
Veronica A. Ferguson,  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Chief Deputy Clerk of the Board