

Appendix A: Urban Growth Boundary, Measure H

The following policy revisions, shown in track changes, reflect the proposed General Plan text amendment included in Measure H, which will be placed on the ballot in 2017 for voter consideration.

Goal LU-7: Urban Growth Boundary

~~Establish~~ Renew an Urban Growth Boundary with sufficient land to accommodate the Town's growth ~~for the next 20 years until December 31, 2040.~~ (Source: Existing General Plan, Policy B.1, modified per Ballot Measure H)

See Implementation Program LU-4:
Urban Growth Boundary Ballot Measure

Policies

- LU-7.1 Establish Urban Growth Boundary.** An Urban Growth Boundary is established as shown on the Land Use Plan Map (Figure LU-1) to encourage a compact, cohesive pattern of urbanization with definite, identifiable boundaries that more readily create a sense of community identity. No new Town development other than that authorized by the Open Space, Parks, and Public/Quasi-Public/Institutional land use designations shall be permitted outside the Urban Growth Boundary. (Source: Existing General Plan, Policy B.1.1, modified per Ballot Measure H)
- LU-7.2 Factors.** The Urban Growth Boundary is based on a number of factors intended to promote orderly and efficient development within the Town. These factors include natural features, such as creeks and hills, Sonoma County's community separators, availability of utilities, proximity to existing urban uses, property lines, and the productivity of farmlands, and the need to accommodate future growth of the Town. (Source: Existing General Plan, Policy B.1.2, modified per Ballot Measure H)
- LU-7.3 Exclude Natural Areas from UGB.** Areas that have limited potential to accommodate urban development are not included in Windsor's Urban Growth Boundary. Such areas may include those that have extensive sensitive biological habitats supporting rare and endangered species, oak woodlands, and wetlands; active and viable agricultural production; or extensive areas of community separators. (Source: Existing General Plan, Policy B.1.3)
- LU-7.4 SOI Boundary Consistent with UGB.** ~~Propose~~ Maintain a Sphere of Influence that is consistent with the Urban Growth Boundary. (Source: Existing General Plan, Policy B.2, modified per Ballot Measure H)

~~LU-7.5~~ ~~SOI Boundary Exceptions.~~ The Sphere of Influence proposed by the Town should be contiguous with the Urban Growth Boundary except that the Town may proposed that land outside the Urban Growth Boundary may be proposed for inclusion within the Sphere of Influence if its intended use will not require urban services and its inclusion is necessary or desirable for implementation of General Plan non urban land use goals and policies, such as the dedication of an open space or scenic easement. (Source: Existing General Plan, Policy B.2.1)

~~LU-7.6~~ ~~Non-contiguous Areas of SOI.~~ Although the Town has well fields along the Russian River, irrigation sites, and wastewater storage ponds that are not adjacent to the town limits and not within the Urban Growth Boundary, the Town should seek to include them as part of a non-contiguous Sphere of Influence in order to promote compatible land uses in the vicinity. (Source: Existing General Plan, Policy B.2.2)

~~LU-7.57~~ **Set Development Priority Areas.** Set priorities for the development of areas within the Sphere of Influence, considering proximity to existing urban development, availability of public services and utilities, fiscal effects for the Town, and protection of Williamson Act land contracts. (Source: Existing General Plan, Policy B.3)

~~LU-7.68~~ **Assign Development Priority Areas.** The Town should ~~assign priorities for~~ prioritize areas for development ~~of areas~~ within the Urban Growth Boundary. The designation ~~of priority areas~~ priorities should be reevaluated ~~every five years, at a minimum~~ periodically. The purpose of the prioritization is to direct the location and timing of development so that it occurs in an orderly manner consistent with the availability of community services and utilities. (Source: Existing General Plan, Policy B.3.1, modified per Ballot Measure H)

~~Note: The Town Council has expressed interest in removing policies that would assign priority for annexation to certain areas within the Urban Growth Boundary; however, most of the policies in this section cannot be modified because they were included in Measure A, which was adopted by the voters. There is an opportunity to revisit this language in 2017 when a measure to renew the UGB through the year 2040 will placed on the ballot for voter approval.~~

~~LU-7.79~~ **Factors for Identifying Development Priority Areas.** ~~The Town shall identify development priority areas considering~~ Prioritization of development with the Urban Growth Boundary shall consider the following factors:

- a. Are urban services and facilities provided by the Town and other public agencies available or expected to be available?
- b. Is the area adjacent to existing urban uses?
- c. Will the development of the area promote “infill” development within the existing town limits?
- d. If residential, would the development maintain Windsor's single family character, ~~as described in Policy LU-2.1 of this chapter?~~

- e. Would the development encourage neighborhood centers which may include complementary retail services, public facilities, and uses/amenities that enliven the streets?
- f. Would the development avoid lands under Williamson Acts contracts, unless such contracts are due to expire through nonrenewal prior to construction?
- g. Is the area desired for future public facilities, such as schools and fire stations?
- h. Would the development have a net adverse fiscal effect on the Town?
- i. Would the development of the area provide an opportunity to protect public health and safety by upgrading failing septic systems that may degrade water quality? (Source: Existing General Plan, Policy B.3.2, modified per Ballot Measure H)

LU-7.108 Annexation Initiation. The Town does not actively seek to annex unincorporated lands. Annexation should generally be initiated by the property owner. (Source: Existing General Plan, Policy B.3.3)

LU-7.119 Concurrency. Ensure that growth occurs concurrently with the provision of adequate services and infrastructure. (Source: Existing General Plan, Policy B.4)

LU-7.12-10 — Limit Service Extensions Outside UGB. Sewer, water, and other Town services shall not be extended to new development outside the Urban Growth Boundary nor shall service to existing development outside the Urban Growth Boundary be expanded unless the Town Council makes each of the following findings:

- a. The land use to which the service would be extended or expanded is consistent with all applicable policies of the Town's General Plan ~~in effect as of October 2, 1997~~; and
- b. The land use to which the sewer service would be extended or expanded is compatible with open space uses as defined in the General Plan ~~in effect as of October 2, 1997~~, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and
- c. The property to which the service would be extended or expanded is immediately adjacent to land already served by the service(s) to be extended; and
- d. Specific Circumstances, unique to the property to which the service would be extended or expanded would otherwise deprive the property of privileges enjoyed by other comparable property outside the Urban Growth Boundary and in the vicinity of the property to be served; and
- e. In addition to payment of applicable capacity fees and connection charges, the property to which the service would be extended or expanded shall bear the cost of extending and/or

expanding the Town pipes and appurtenances for water, sewer, and/or recycled water service to property, including an alignment of the service that is determined by the Town Engineer and in compliance with Town Standards; and

d.f. The property to which the service would be extended or expanded shall be subject to the same rules and regulations as other Town customers for water, sewer, and/or recycled water service to the property, said rules and regulations at the time of application including but not limited to water conservation measures, metering of individual residential units, pretreatment, fire service, etc. (Source: Existing General Plan, Policy B.4.1, modified per Ballot Measure H)

LU-7.13-11 — **Exceptions to Policy LU-7.10.** Policy LU-7.10 shall not be applied:

- a. In any manner that impairs the rights of any recipient of Town services outside the Urban Growth Boundary where those rights are granted to the recipient by a valid contract between the recipient and the Town and entered into prior to ~~October 2, 1997~~November 7, 2017; or
- b. In any manner that impairs the Town's ability to supply treated wastewater for the irrigation of agricultural land; or
- c. To limit the extension of water and/or sewer service to existing development if the Town Council finds, based on substantial evidence in the record before it, that the extension is necessary to replace failing septic and/or water systems and that the capacity of the extension does not exceed that required to serve development existing in the area receiving the extension as of ~~October 2, 1997~~November 7, 2017. (Source: Existing General Plan, Policy B.4.2, modified per Ballot Measure H)

LU-7.14-12 — **Public Services and Facilities Availability.** To the extent allowed by law, the Town may support annexation of all or portions of unincorporated residential areas within the Urban Growth Boundary only when public services and facilities meeting Town standards are available or plans are in place demonstrating their ~~availability~~future installation by developers or property owners in the near future to the lands proposed for inclusion in the Town. The Town shall seek to ensure that the newly annexed lands pay for the additional public services and facilities required to serve the area. Funds for these services and facilities may be generated through such methods, including but not limited to, the establishment of special assessment districts or through payments by the developers/property owners. (Source: Existing General Plan, Policy B.4.3, modified per Ballot Measure H)

LU-7.15-13 — **Changing Priority Areas.** The Town may consider changing the priority of an area for annexation if requested by property owners. However, if existing and/or proposed public facilities and utilities are inadequate to serve the area of concern, the priority of the area for annexation shall be reconsidered only if it can be demonstrated that all necessary facilities will be provided by the property owner, and that such re-prioritization will not have unacceptable adverse fiscal or environmental impacts on the Town. (Source: Existing General Plan, Policy B.4.4)

LU-7.16-14 — **Process for Amending UGB Policies.** In order to promote long-range planning, it is intended that the foregoing Goal LU-7.1, and policies LU-7.1, LU-7.4, LU-7.9~~11~~, LU-7.12~~10~~, LU-7.13~~11~~, LU-7.14~~12~~, LU-7.15~~13~~, as well as this policy LU-7.16-14 and its subsidiary policies, LU-17~~15~~, LU-18~~17~~, and LU-19 remain in effect until December 31, 2017~~2040~~. Any amendments before that date shall be adopted pursuant to the procedures set forth below. (Source: Existing General Plan, Policy B.5, modified per Ballot Measure H)

LU-7.17-15 — **Amending UGB to Accommodate State-Mandated Housing Need.** To comply with state law regarding the provision of housing for all economic segments of the community, the Town council may amend the Urban Growth Boundary designated on the Land Use Map in order to accommodate lands to be designated for residential uses, provided that no more than 10 acres of land may be brought within the Urban Growth Boundary for this purpose in any calendar year. A request for such an amendment must be accompanied by a specific housing proposal. Such amendment may be adopted only if the Town Council makes each of the following findings:

1. That the land is immediately adjacent to existing comparably developed areas and the applicant for the redesignation has provided evidence that the Windsor Fire Protection District, Police Department, ~~Department of~~Public Works ~~Department~~, the Community ~~Services-Development~~ Department, and the Windsor Unified School District, or successor departments and agencies have adequate capacity to accommodate the proposed development and provide it with adequate public services; and
2. That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and-
3. That there is no existing residentially designated land available within the Urban Growth Boundary to accommodate the proposed development; and
4. That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the Urban Growth Boundary for low and very low income housing; and
5. The proposed development contributes to satisfying state law requirements for provision of low and very low-income housing.

(Source: Existing General Plan, Policy B.5.1, modified per Ballot Measure H)

LU-7.168 Amending the UGB to Avoid Taking. The Town Council may amend the Urban Growth Boundary designated on the Land Use Plan Map if it finds that:

1. The application of Policy LU-7.1 and the Urban Growth Boundary designated on the Land Use Plan Map, would constitute an unconstitutional taking of a landowner's property, and
2. The amendment and associated land use designation will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.
(Source: Existing General Plan, Policy B.5.2)

LU-7.179 Amending the UGB to Add Commercial and Industrial Land. The Town Council may amend the Urban Growth Boundary designated on the Land Use Plan Map to add up to a total of 20 acres of land to the area lying within the Urban Growth Boundary if it finds that:

1. The addition will provide for commercial and/or industrial uses which will promote local employment and strengthen the community's tax base; and
2. There is no existing commercial and/or industrial land available within the UGB to accommodate the proposed economic opportunity; and
- 2.3. There is sufficient water and sewer capacity, as determined by the Public Works Department, to serve the addition and still meet the Town's General Plan commitments; and
- 3.4. The addition is contiguous to the Urban Growth Boundary.
- 4.5. In addition, a request for such an amendment must be accompanied by a specific development proposal. (Source: Existing General Plan, Policy B.5.3, modified per Ballot Measure H)