

# URBAN GROWTH BOUNDARY



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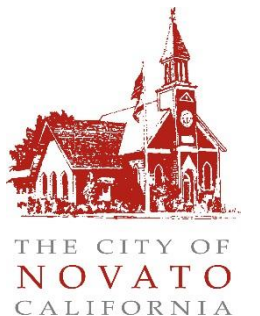
- Adopted by voters in 1997 for 20 years – UGB and City boundary are essentially coterminous
- Could not legally preclude annexation of property into the City
- “The City...shall not grant or approve any general plan amendment, rezoning, or zoning ordinance amendment, specific plan, master plan, precise development plan, tentative or final subdivision map, conditional use permit, building permit or any other discretionary or ministerial land use or development approval or entitlement for urban land uses outside the Urban Growth Boundary except as provided in this policy.”



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## Other permitting agencies:

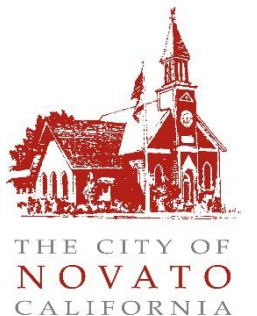
- Marin Local Agency Formation Commission
- Novato Sanitary District
- North Marin Water District
- County of Marin



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## How the UGB Ordinance is implemented by the City:

- City refuses to grant any needed City permits for extension of sewer or water lines
- City opposes utility extensions and annexation into utility districts when no City permit is needed



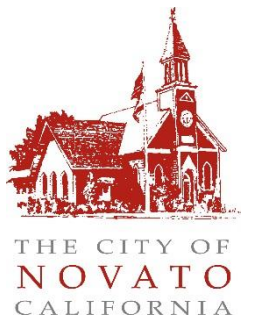
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## Exemptions allowing City Council to amend UGB or waive:

- Affordable housing (if no other land inside UGB is available)
- To avoid a regulatory taking
- For a public park, facility, school or open space project
- For public health and safety (e.g., failing septic system)
  - Only feasible way to rectify
  - Only for developed lots
  - Only where no further development is possible



# URBAN GROWTH BOUNDARY



Connection of **undeveloped** County site to sewer:

- No health & safety exemption available. Site must develop on septic.

Connection of **developed** County site to sewer:

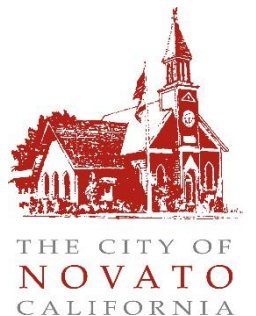
- Can secure an exemption for failing septic system.

## URBAN GROWTH BOUNDARY

### Proposed revision of Health and Safety Exemption for New Residential Development Outside the UGB:

City Council can grant exemption to build one single-family home and an accessory dwelling unit (required by state law) on a lot existing in November 2017 if:

- The owner enters into a deed restriction precluding subsequent development, and
- The proposed development is consistent with the applicable jurisdiction's General Plan, Neighborhood Plan, zoning regulations & design guidelines.
- Alternative: *“and compatible with the size and character of properties in the surrounding area.”*

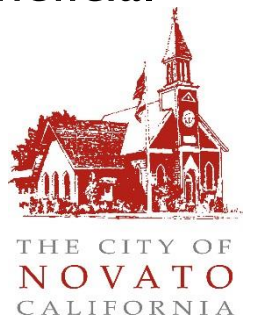




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## Rationale for Staff Recommendation:

- Existing health & safety exemption for developed parcels outside the UGB for a failing septic system while not providing a comparable exemption for undeveloped lots by forcing them to be on septic creates inequitable situations.
- Existing h & s exemption creates situations where City policies conflict with those of the County and Sanitary District.
- Existing h & s exemption increases chances of litigation against the City.
- Revised version eliminates the difficult process for evaluating claims of a failing septic system.
- Staff believes getting a deed restriction precluding subsequent development is a beneficial trade-off to allow sewer connection.
- If the concern is development in the unincorporated area at the County's development standards, the issue should be addressed with the County and Sanitary District, rather than inserting the City in a conflicting position.

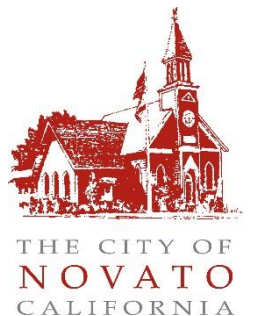


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## Petaluma UGB Exemption:

For existing lots within Petaluma's Sphere of Influence allows connection to sewer:

- Vacant Residential Lots: Allows development of one single-family home (and possible second unit) to connect to sewer without City Council review.
- Developed Residential Lots: Allows connection for existing development without City Council review.
- Non-Residential Lots: Allows connection for non-residential uses with Council approval.
- No requirement for restrictions on future development.



## URBAN GROWTH BOUNDARY

### Alternate Version of Health and Safety Exemption for New Residential Development Outside the UGB:

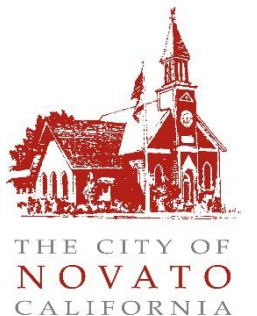
City Council can grant exemption to build one single-family home and an accessory dwelling unit (required by state law) on a lot existing in November 2017 which either: 1) “has an existing septic or sewer connection which has failed or is in imminent danger of failure such that it presents significant threat to public health, safety or welfare or 2) is required by applicable County laws, rules or regulations to connect to the Novato Sanitary District in order to construct or expand such Single Family Residence”; and

- The owner enters into a deed restriction precluding subsequent development, and
- The proposed development is consistent with the applicable jurisdiction’s General Plan, Neighborhood Plan, zoning regulations & design guidelines.

## URBAN GROWTH BOUNDARY

### Alternate Version of Health and Safety Exemption for Development Outside the UGB:

**“Such a threat (to public health, safety or welfare) may be demonstrated by evidence of contamination clearly stated in a letter from the County Health Department with documentation by an independent civil engineer deemed appropriate by City staff.”**



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## Other Proposed Revisions:

- Extended term for 24 years, until December 31, 2042
- Added an annual reporting requirement to inform Council and the public re: number of amendment/exemption applications and approvals

