

RESOLUTION NO. 2020-75

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA SUBMITTING
TO THE VOTERS AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION
A MEASURE APPROVING A GENERAL PLAN AMENDMENT AND LOCAL
COASTAL PROGRAM AMENDMENT EXTENDING THE EXPIRATION DATE OF
THE OPERATIVE PROVISIONS OF THE 2000 MARINA URBAN GROWTH
BOUNDARY INITIATIVE TO DECEMBER 31, 2040; REQUESTING MONTEREY
COUNTY ELECTIONS TO CONDUCT THE ELECTION
AND REQUESTING CONSOLIDATION OF THE ELECTION**

WHEREAS, by its Resolution No. 2020-44, adopted on May 5, 2020, the City Council called a General Municipal Election for November 3, 2020, and requested that such election be conducted by Monterey County election officials and consolidated with the statewide general election to be held on that date; and

WHEREAS, in November 2000 a majority of the voters of the City of Marina approved Measure E, the “Marina Urban Growth Boundary Initiative,” which amended the City’s General Plan and Local Coastal Program to: (a) adopt an Urban Growth Boundary Line located generally along the northerly side of the City, and (b) to prohibit for a period of twenty (20) years any new development other than park and open space uses to the north of or above such Urban Growth Boundary Line; and

WHEREAS, the City Council finds that since 2000, the Urban Growth Boundary provisions of Measure E have encouraged efficient growth patterns and protected the City of Marina’s quality of life by concentrating development largely within or directly adjacent to existing developed areas, consistent with the availability of infrastructure and services; and

WHEREAS, the City Council further finds that these Urban Growth Boundary provisions have enabled the City to manage the City’s growth in a manner that fosters and protects the small town character of Marina, while encouraging appropriate economic development in accordance with the City’s unique local conditions; and

WHEREAS, the City Council further finds that these Urban Growth Boundary provisions have encouraged, and if left in place will continue to encourage, infill development within the existing urban areas of the City of Marina while also encouraging ongoing agricultural, open space and natural resource uses on lands outside the urban growth boundary; and

WHEREAS, the City Council further finds that these Urban Growth Boundary provisions have ensured, and if left in place will continue to ensure, that development within the urban growth boundary has proceeded in an orderly and logical manner, while minimizing adverse environmental impacts of new development on existing residential areas within the City; and

WHEREAS, the City Council further finds that these Urban Growth Boundary provisions have allowed, and if left in place will continue to allow, the City to meet its reasonable housing needs for all economic segments of the population, especially very low, low and moderate-income households, by directing the development of housing into areas where services and infrastructure are more efficiently available; and

WHEREAS, the City Council further finds that these Urban Growth Boundary provisions have promoted, and if left in place will continue to promote, stability in long-term planning for the City by maintaining a cornerstone policy within the General Plan that designates appropriate geographic limits for urban development over the next twenty years, and that allows sufficient flexibility within those geographic limits to respond to the City's changing needs over time; and

WHEREAS, the Urban Growth Boundary provisions of Measure E will expire automatically on December 31, 2020, unless extended or amended by the voters of the City of Marina; and

WHEREAS, by its own provisions, Measure E may be amended only by the voters of the City of Marina; and

WHEREAS, on June 11, 2020, the City of Marina Planning Commission held a noticed public hearing pursuant to the requirements of Government Code §65353 and recommended to the City Council that the City Council amend the General Plan and the Local Coastal Program Land Use Plan to extend the 2000 Urban Growth Boundary, with amendment of the General Plan to be specifically conditioned on approval by the voters at the November 3, 2020 General Municipal Election; and

WHEREAS, the City Council is authorized by California Elections Code Section 9222 to place a measure extending the expiration date of Measure E, the Marina Urban Growth Boundary Initiative, before the voters; and

WHEREAS, as required by law, the City Council desires to submit a measure extending the Urban Growth Boundary provisions of Measure E until December 31, 2040, to the voters at the November 3, 2020, election; and

WHEREAS, pursuant to Elections Code 10002, the City Council may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the City shall reimburse the county in full for the services performed upon presentation of a bill to the City; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting consolidation, and setting forth the exact form of any questions, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

NOW THEREFORE BE IT RESOLVED AND ORDERED by the City Council of the City of Marina as follows:

1. The foregoing recitals are true and correct and are hereby adopted by the City Council; and

2. The City Council amends the General Plan to extend the Urban Growth Boundary to December 31, 2040, contingent upon its approval by the voters and certification of the election results pursuant to Section 15372 of the California Elections Code, where upon the General Plan shall be amended.

3. That pursuant to Elections Code Section 10400 and 10403, the City Council of the City of Marina hereby orders an election be called and consolidated with any and all elections also called to be held on November 3, 2020, within the same territory.

4. Pursuant to California Constitution Article XIIC, Section 2; Government Code Section 53724; and Elections Code Section 9222 the City Council of the City of Marina hereby calls an election at which it shall submit to the qualified voters of the City, a proposition that, if approved, would extend the expiration date of the operative provisions of the Marina Urban Growth Boundary Initiative as approved by voters in November 2000 through and including December 31, 2040. This proposition shall be designated by letter by the Monterey County Elections Department.

5. Pursuant to Elections Code Section 10002 said City Council hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Election Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full.

6. The Monterey County Elections Department shall conduct the election to be held on November 3, 2020, and submit to the electorate the following question:

**“CITY OF MARINA URBAN GROWTH BOUNDARY EXPIRATION DATE
EXTENSION.**

To protect the City of Marina from development in current open space areas north of the City limits and along its coast, and to encourage efficient development in central Marina and within Marina's portion of former Fort Ord, shall an ordinance be adopted extending the expiration date of the Marina Urban Growth Boundary Initiative to December 31, 2040?

YES

NO”

7. The full text of the measure extending the expiration date of the Marina Urban Growth Boundary Initiative to December 31, 2040, to be approved by the voters pursuant to Sections 3 and 5 of this resolution is as set forth in **Exhibit A** attached hereto. The City Council hereby approves the form thereof, and its submission to the voters of the City at the November 3, 2020, election.

8. The Monterey County Elections Department is requested not to print the entire text of the measure attached hereto in the voter information guide for the November 3, 2020, election, but a copy of the entire text of the measure will be mailed at the City's cost to any voter upon request. In addition, the entire text of the measure will be available on the City's website at the following website address: <https://cityofmarina.org>.

9. The voter approval requirement is approval of a majority of qualified electors casting votes.

10. Arguments for and against the ballot measure may be filed consistent with Elections Code Section 9282 *et seq.* The last day for submission of direct arguments for or against the ballot measure shall be by 5:00 P.M. on August 13, 2020. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.

11. Rebuttals to arguments for and against the ballot measure may be filed. The last day for submission of rebuttal arguments for or against the ballot measure shall be 5:00 P.M. on August 20, 2020. Rebuttal arguments shall not exceed two hundred-fifty words and shall be signed by not more than five persons, those persons may be different persons than the persons who signed direct arguments.

12. Pursuant to Election Code Section 9280, the City Council hereby directs the City Attorney to prepare by August 13, 2020, an impartial analysis of the ballot measure.

13. The Deputy City Clerk is hereby designated as the City's Election Official and is instructed, directed and authorized to do all things required by law to effectuate the November 3, 2020, General Municipal Election and to present the ballot measure submitted herewith to the electorate, including but not limited to working with the Monterey County Elections Department as needed in order to properly and lawfully conduct the election, posting, noticing and filing required publication postings. The ballots to be used in the election shall be in form and content as required by law. The Deputy City Clerk is hereby directed to forward a copy of this resolution to the City Attorney for preparation of the impartial analysis of the ballot measure submitted. Pursuant to Election Code section 9285, when the Deputy City Clerk has selected the arguments for and against the ballot measure, which will be printed and distributed to voters, the Deputy City Clerk shall send copies of the arguments in favor of the ballot 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 which it seeks to rebut. The County Elections Department is authorized to canvass the returns of the general municipal election and certify the results to the City Council. Thereafter, in accordance with the time prescribed by the Elections Code, the City Council shall declare and cause to be entered in its minutes a statement of the results of the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

14. The Deputy City Clerk is directed to file forthwith a certified copies of this Resolution with the Board of Supervisors, the County Clerk, and the Registrar of Voters of the County of Monterey, together with the attached ballot measure; and certify as to the passage and adoption of this resolution and enter it into the book of original resolutions.

15. The City Council finds that extending the expiration date of Measure E, the Marina Urban Growth Boundary initiative is exempt from environmental review under the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq., pursuant to CEQA Guidelines sections 15307 (actions for protection of natural resources), and 15308 (actions for protection of the environment), and alternatively under CEQA Guidelines sections 15060 and 15378 is not a “project” subject to CEQA because as regulatory action maintaining existing General Plan and Local Coastal Program policies in effect, it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

16. The City Council further finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378(a), that this Resolution is exempt from the requirements of CEQA in that it is not a project which has the potential for causing a significant effect on the environment. This Resolution is further exempt under the definition of “Project” in Section 15378(b)(2) in that it concerns general policy and procedure making.

17. The City Council directs that Notices of CEQA exemptions be filed.

18. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on this 16th day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS: Berkley, Urrutia, O’Connell, Morton, Delgado

NOES, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Shepherd-Sharp, Deputy City Clerk

EXHIBIT A
[To the Resolution]

Measure ____

**A MEASURE OF THE VOTERS OF THE CITY OF MARINA APPROVING A
GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT
EXTENDING THE EXPIRATION DATE OF THE PROVISIONS OF THE MARINA
URBAN GROWTH BOUNDARY INITIATIVE THROUGH DECEMBER 31, 2040**

The people of the City of Marina do ordain as follows:

Section 1: Purpose

The purpose of this measure is to extend the expiration date of the operative provisions of Measure E, the “Marina Urban Growth Boundary (“UGB”) Initiative,” a set of amendments to the City of Marina General Plan and Local Coastal Program approved by the voters of the City of Marina in November 2000, through December 31, 2040. A true and correct copy of the full text of Measure E, as approved, adopted, and now in force is attached to this resolution as **EXHIBIT 1**. A true and correct copy of the Land Use Diagram showing the geographic location of the current Urban Growth Boundary is attached as **EXHIBIT 2**.

The purposes of the Urban Growth Boundary Initiative as approved by the voters in November 2000 are:

- a. To encourage efficient patterns for future growth and development and to protect the City of Marina’s quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services.
- b. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan that designates appropriate geographic limits for urban development along the northerly boundary of the City over the next twenty years, and that allows sufficient flexibility within the specified geographic limits to respond to the City’s changing needs over time.
- c. To manage the City’s future growth and development in a manner that fosters and protects the small-town character of Marina, while encouraging appropriate economic development in accordance with the City’s unique local conditions.
- d. To encourage infill development within the existing urban areas of the City of Marina and to discourage sprawling, or “leapfrog,” development outside such areas.
- e. To encourage ongoing agricultural, open space and natural resource uses on lands outside the urban growth boundary.
- f. To ensure that future development within the urban growth boundary proceeds in an orderly and logical manner, and that adverse environmental impacts on existing residential areas within the City are minimized as new development occurs.

g. To allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially very low, low and moderate income households, by directing the development of housing into areas where services and infrastructure are more efficiently available.

h. To ensure that the General Plan Update that the City was undertaking at the time Measure E was approved by the voters reflected the will of the people as expressed in their adoption of Measure E.

Section 2: Findings

The voters of the City of Marina find as follows:

a. Since 2000, the UGB provisions of Measure E have encouraged efficient growth patterns and protected the City of Marina's quality of life by concentrating development largely within or directly adjacent to existing developed areas, consistent with the availability of infrastructure and services; and

b. The UGB provisions have enabled the City to manage growth in a manner that fosters and protects the small-town character of Marina, while encouraging appropriate economic development in accordance with the City's unique local conditions; and

c. The UGB provisions have encouraged, and if left in place will continue to encourage, infill development within the existing urban areas of the City of Marina while also encouraging ongoing agricultural, open space and natural resource uses on lands outside the urban growth boundary; and

d. The UGB provisions have ensured, and if left in place will continue to ensure, that development within the urban growth boundary has proceeded in an orderly and logical manner, while minimizing adverse environmental impacts of new development on existing residential areas within the City; and

e. The UGB provisions have allowed, and if left in place will continue to allow, the City to meet its reasonable housing needs for all economic segments of the population, especially very low, low and moderate-income households, by directing the development of housing into areas where services and infrastructure are more efficiently available; and

f. The UGB provisions have promoted, and if left in place will continue to promote, stability in long-term planning for the City by maintaining a cornerstone policy within the General Plan that designates appropriate geographic limits for urban development over the next twenty years, and that allows sufficient flexibility within those geographic limits to respond to the City's changing needs over time.

g. The UGB provisions have supported a stronger City budget due to efficient land use, which has provided the City funds needed to maintain and improve for Marina residents environmental and social justice benefits, such as better parks, streets, public safety, and recreation resources.

h. Extending the operative provisions of the Marina Urban Growth Boundary Initiative through 2040 is both necessary and appropriate to ensure continued efficient growth patterns and protection of the City of Marina's unique quality of life, and to preserve and protect the public health, safety, and welfare of Marina citizens generally.

Section 3: General Plan Amendments

The City of Marina General Plan, as adopted October 31, 2000 and as updated with amendments through August 4, 2010, is hereby amended as follows, with affected portions shown in ***bold italics***, deletions in ~~striketrough~~ text and additions in underline:

a. Chapter 1, Introduction.

- On page 13, the last sentence of paragraph 1.4 is amended to read as follows:

Figure 1.1 also depicts the City's Urban Growth Boundary - that is, the area within which the City will concentrate growth and new development, along with required community services until ~~2020~~ 2040.

- On page 16, item 4 under paragraph 1.13 is amended to read as follows:

The Marina Planning Area is the entire geographic territory covered by this General Plan and as depicted in its various figures, including Figure 1.1. The Urban Growth Boundary defines the area within which the City will concentrate development and urban services until the year ~~2020~~ 2040.

- On page 21, paragraph 1.21 is amended to read as follows:

The following provisions are excerpted from Section 2 of the Marina Urban Growth Boundary (UGB) Initiative. These, along with other provisions added to this Plan by Section 2 of the UGB Initiative, shall continue to be included in the Marina General Plan until December 31, ~~2020~~ 2040, unless earlier repealed or amended pursuant to the procedures set forth herein.

Until December 31, ~~2020~~ 2040, the location of the Urban Growth Boundary or UGB may be amended only by a vote of the people, or by the City according to the following provisions and procedures[.]

b. Chapter 2, Community Land Use Element.

- On page 26, item 1 under paragraph 2.4 (Primary Policies) is amended to read as follows:

The City shall provide a land supply within (i.e., south of) its Urban Growth Boundary sufficient in size and appropriately located to accommodate a fair share of the future population and employment growth within Monterey County. Unless otherwise amended by a vote of the Marina electorate, until December 31, ~~2020~~ 2040, the City's Urban Growth Boundary— as shown on Figures 1.1, 2.1 and 2.2 of this plan—may be amended by the City Council only to accommodate lands designated for affordable housing in accordance with Sections 1.21 through 1.24 of this Plan.

Section 4: Local Coastal Program Land Use Plan Amendments

This Section enacts amendments to City of Marina *Local Coastal Program – Land Use Plan* approved by the Marina City Council on February 17 and June 2, 1981 and certified by the California Coastal Commission on April 20, 1982, as that 1981 Land Use Plan has been modified by amendments up to and including April 10, 2008 (hereinafter “Land Use Plan”). The language adopted in the following amendments may be further amended as appropriate without a vote of the people.

In this Section, text to be inserted in the Land Use Plan is indicated in **bold type**. The Land Use Plan is hereby amended by adding the following new policies on page 14:

43. To provide for orderly growth and development patterns, all development in the coastal zone shall be subject to the timing and other limitations established by the Marina Urban Growth Boundary Initiative, which is incorporated herein by reference. Until December 31, 2040, subject to the exceptions set forth in the Marina Urban Growth Boundary Initiative, no new development other than public parks and open space uses (including agricultural uses) shall be permitted outside the Urban Growth Boundary delineated on Land Use Diagram 1 as adopted by the Marina Urban Growth Boundary Initiative in 2000 and re-adopted in 2020 and incorporated into the Land Use Element of the City of Marina General Plan. For the purpose of this policy, open space uses are those uses defined in Government Code section 65560, as that section of law exists on November 3, 2020.

44. Until December 31, 2040, lands that, as of November 3, 2020, are designated Coastal Conservation and Development on the North of Reservation Road Planning Area Map and are outside the Urban Growth Boundary, but within the City of Marina, shall be subject to an Urban Growth Boundary Overlay (“UGB Overlay”). The UGB Overlay shall limit new development to those uses permitted by the underlying land use designation that are also allowed outside the Urban Growth Boundary pursuant to the City of Marina General Plan.

Section 5. Implementation

a. Effective Date. Upon the effective date of the approval of this Measure by the voters of the City of Marina, the provisions of Section 3 of the Measure are hereby inserted into the City of Marina General Plan, and the provisions of Section 4 of the Measure are inserted into the City of Marina Local Coastal Program; except that if the four amendments of the mandatory elements of the General Plan permitted by state law for any given calendar year have already been utilized in the year in which the Measure becomes effective, this General Plan amendment shall be the first amendment inserted into the City of Marina General Plan and Local Coastal Program, respectively, on January 1 of the next year. At such time as this General Plan amendment is inserted in the City of Marina General Plan, any provisions of the City of Marina Zoning Ordinance, as reflected in the ordinance itself or in the City of Marina Zoning Map, inconsistent with this General Plan amendment shall not be enforced.

b. Other City Ordinances and Policies. The City of Marina and its City Council are hereby authorized and directed to amend the General Plan, the Local Coastal Program, all specific plans, the Zoning Ordinance, the Zoning Map, Land Use Program Maps, and other ordinances and policies affected by this Measure as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this Measure and other elements of the City of Marina General Plan, the Local Coastal Program, all specific plans, the City of Marina Zoning Ordinance, the City of Marina Zoning Map, and other City ordinances and policies.

Section 6: Exemptions

Nothing in this Measure shall apply to any of the following: (1) any development project or ongoing activity that has obtained, as of the effective date of the Measure, a vested right pursuant to state or local law; and (2) any area contained within a Habitat Conservation Plan (“HCP”) developed pursuant to the Endangered Species Act, 16 U.S.C. § 1531 et seq., that has been given formal approval by the City between the submittal date and the effective date of this Measure, but only to the extent federal or state law preempts application of this Measure to such areas.

Section 7: Severability and Interpretation

This Measure shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Measure 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 Measure. The voters hereby declare that this Measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Measure that can be given effect without the invalid application. This Measure shall be broadly construed in order to achieve the purposes stated in this Measure. It is the intent of the voters that the provisions of this measure shall be interpreted by the City in a manner that facilitates the protection for agricultural, open space, and natural resource uses of areas outside the Urban Growth Boundary established herein.

Section 8: Amendment or Repeal

Except as otherwise provided herein, this Measure may be amended or repealed only by the voters of the City of Marina.

EXHIBIT LIST:

Exhibit 1: Full Text of Measure E, the “Marina Urban Growth Boundary Initiative,” as approved by the voters in November 2000.

Exhibit 2: Land Use Diagram showing Urban Growth Boundary area.

EXHIBIT 1
[To Exhibit A to the Resolution]

Marina Urban Growth Boundary Initiative

The people of the City of Marina hereby ordain as follows:

Section 1: Purpose

The purpose of this Initiative is to amend the City of Marina General Plan and City of Marina Local Coastal Program to establish a twenty- year Urban Growth Boundary for the City of Marina, to adopt related General Plan policies, and to make conforming changes to the General Plan and Local Coastal Program policies in effect on March 8, 2000.

The purposes of the Urban Growth Boundary, the related General Plan policies, and the conforming changes are:

- a. To encourage efficient patterns for future growth and development and to protect the City of Marina's quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services.
- b. To promote stability in long-term planning for the City by establishing a cornerstone policy within the General Plan that designates appropriate geographic limits for urban development along the northerly boundary of the City over the next twenty years, and that allows sufficient flexibility within the specified geographic limits to respond to the City's changing needs over time.
- c. To manage the City's future growth and development in a manner that fosters and protects the small-town character of Marina, while encouraging appropriate economic development in accordance with the City's unique local conditions.
- d. To encourage infill development within the existing urban areas of the City of Marina and to discourage sprawling, or "leapfrog," development outside such areas.
- e. To encourage ongoing agricultural, open space and natural resource uses on lands outside the urban growth boundary. For the purposes of this Initiative, open space uses are those uses identified in Government Code section 65560, as that section of law exists on March 8, 2000. A copy of Government Code section 65560 is attached to this Initiative as Exhibit A.
- f. To ensure that future development within the urban growth boundary proceeds in an orderly and logical manner, and that adverse environmental impacts on existing residential areas within the City are minimized as new development occurs.
- g. To allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially very low, low and moderate-income households, by directing the development of housing into areas where services and infrastructure are more efficiently available.
- h. To ensure that the General Plan Update that the City is presently undertaking reflects the will of the people as expressed in this Initiative.

Section 2: General Plan Urban Growth Boundary Amendments

This Section of the Initiative enacts amendments to the City of Marina General Plan adopted on June 1, 1982, as that 1982 General Plan has been modified by any amendments adopted up to and including March 8, 2000. All further references herein to the "General Plan" are to the City of Marina General Plan adopted on June 1, 1982, as modified by any amendments to that General Plan adopted up to and including March 8, 2000. In this Section, text to be inserted in the General Plan is indicated in **bold** type.

- a. **Urban Growth Boundary Goals:** The General Plan is hereby amended by adding the following new text immediately preceding "Section 2.0 CONDITIONS AND TRENDS" on page 10-3 of the General Plan. Land Use Diagram I, referenced below, is attached to this Initiative as Exhibit B.

1.1 Urban Growth Boundary Goals. as Adopted by the Marina Urban Growth Boundary Initiative

- **To provide for orderly growth and development patterns, an Urban Growth Boundary is established for the City of Marina. The Urban Growth Boundary, which affects areas generally on the northerly side of the City, is shown on Land Use Diagram 1. Land Use Diagram 1 is hereby incorporated into the General Plan by this reference. This Urban Growth Boundary shall be in effect until December 31, 2020.**
- **Until December 31, 2020, no new development other than public parks and open space uses (including agricultural uses) shall be permitted outside the Urban Growth Boundary delineated on Land Use Diagram 1. For the purpose of this policy, open space uses are those uses defined in Government Code section 65560, as that section of law exists on March 8, 2000.**
- **For the purposes of the Marina Urban Growth Boundary Initiative, the term "outside the Urban Growth Boundary" shall mean lands to the north of or above the Marina Urban Growth Boundary delineated on Land Use Diagram 1, and the term "within the Urban Growth Boundary" shall mean lands within the City of Marina that are also south of or below the Marina Urban Growth Boundary delineated on Land Use Diagram 1.**

1.2 Limitations on General Plan Amendments Relating to Urban Growth Boundary Diagram. Goals. and Policies

Until December 31, 2020, the provisions of Land Use Element Sections 1.1, 1.2, 1.3, and 3.1, including the location of the Urban Growth Boundary shown on Land Use Diagram 1 and the Urban Growth Boundary Goals and Policies enacted by Section 2 of the Marina Urban Growth Boundary Initiative, may be amended only by a vote of the people, or according to the procedures set forth below:

(a) To comply with any applicable state law relating to the provision of housing for all economic segments of the community, the City Council may amend the Urban Growth Boundary designated on Land Use Diagram 1n order to accommodate lands to be designated for affordable housing, provided that no more than 10 acres of land may be brought within the Urban Growth Boundary for this purpose in any one calendar year. Such amendment may be adopted only if, based on substantial evidence, the City Council makes each of the following findings:

(1) That the land to be included within the Urban Growth Boundary is immediately adjacent to an area where development already exists, and that specific evidence in the administrative record relating to the amendment demonstrates that the Public Safety Department and Department of Public Works have adequate capacity to accommodate the proposed development and to provide adequate public services for the proposed development; and

(2) That the proposed development will consist of housing primarily for low, very low, or moderate Income persons, and that effective restrictions will maintain the housing as available to such persons In perpetuity; and

(3) That there is no existing residentially designated land available within the Urban Growth Boundary to accommodate the proposed low, very low, or moderate Income housing development; and

(4) That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the Urban Growth Boundary for low, very low, or moderate income housing; and

(5) The proposed development is necessary to comply with state law requirements for provision of housing to persons of low, very low, or moderate income.

(b) Upon request of an affected landowner, the City Council may amend any of the goals or policies enacted by Section 2 of the Marina Urban Growth Boundary Initiative, Including the Urban Growth Boundary designated on Land Use Diagram 1, if it does so pursuant to a finding based on substantial evidence in the administrative record, and without substantial evidence to the contrary, that the application of one or more of such policies to any specific property constitutes an unconstitutional taking of a landowner's property; however, any such amendment shall be made only to the minimum extent necessary to avoid such an unconstitutional taking of a landowner's property.

- (c) **Prior to approving any amendments pursuant to subparagraphs (a) or (b), above, the City Council shall hold at least one noticed public hearing for the purpose of receiving testimony and evidence from the applicant and the public on the proposed amendment and any finding proposed in connection with such amendment. The hearing shall be in addition to any other public hearings regularly required for a General Plan amendment.**
- (d) **The provisions of the General Plan added by the Marina Urban Growth Boundary Initiative may be updated, amended, or reorganized in the course of ongoing updates of the General Plan, In accordance with the requirements of state law, and Individual provisions may be renumbered or reordered. Land Use Diagram 1 may be updated, amended, or revised in accordance with the requirements of state law. Notwithstanding the above, the provisions added by Section 2 of the Marina Urban Growth Boundary Initiative, including the location of the Urban Growth Boundary shown on Land Use Diagram 1, shall continue to be included in the General Plan until December 31, 2020, unless earlier repealed or amended pursuant to the procedures set forth above, or by the voters of the City.**

1.3 Prohibition on Inconsistent Actions:

Upon the effective date of the Marina Urban Growth Boundary Initiative, the City, and its departments, boards, commissions, officers and employees, shall not approve or grant any General Plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other entitlement which is inconsistent with this Initiative.

- b. **Urban Growth Boundary Policies:** The General Plan is hereby amended by adding the following text on page 10-14, immediately following the last bulleted item:

3.1 Urban Growth Boundary Policies. as Adopted by the Marina Urban Growth Boundary Initiative

- **In connection with any development proposed or permitted on lands within the Urban Growth Boundary that are immediately adjacent to the Urban Growth Boundary, a natural, park, or other open space buffer shall be provided between the new development and existing residential areas, to eliminate, or to minimize to the greatest extent possible, any adverse environmental impacts to existing residential uses.**

- With respect to phasing and timing, whenever feasible, new development shall be encouraged to locate within the urban or existing developed areas of the City of Marina, In preference to the development of currently vacant, undeveloped lands located within the Urban Growth Boundary.

Section 3: Local Coastal Program Land Use Plan Amendments

This Section of the Initiative enacts amendments to the Land Use Plan of the City of Marina Local Coastal Program approved by the Marina City Council on February 17, 1981, as that 1981 Land Use Plan has been modified by any amendments up to and including March 8, 2000 (hereinafter "Land Use Plan"). The language adopted in the following amendments may be further amended as appropriate without a vote of the people. In this Section, text to be inserted in the Land Use Plan is indicated in **bold** type. Certain portions of the Land Use Plan are attached to this Initiative for reference. These include the North of Reservation Road Planning Area Map, as shown on page 35 of the Land Use Plan, attached hereto as Exhibit C, and the description of the Coastal Conservation and Development land use designation, reproduced from page 20 of the Land Use Plan, attached hereto as Exhibit D. Exhibits C and D are provided for illustrative purposes only. Except as expressly indicated herein, this Initiative does not adopt or amend any of the policies, designations, or text contained in or referred to in these exhibits. The Land Use Plan is hereby amended by adding the following new policies on page 8:

43. **To provide for orderly growth and development patterns, all development in the coastal zone shall be subject to the timing and other limitations established by the Marina Urban Growth Boundary Initiative, which is incorporated herein by reference. Until December 31, 2020, subject to the exceptions set forth in the Marina Urban Growth Boundary Initiative, no new development other than public parks and open space uses (including agricultural uses) shall be permitted outside the Urban Growth Boundary delineated on Land Use Diagram 1 as adopted by the Marina Urban Growth Boundary Initiative and incorporated into the Land Use Element of the City of Marina General Plan. For the purpose of this policy, open space uses are those uses defined in Government Code Section 65560, as that section of law exists on March 8, 2000.**
44. **Until December 31, 2020, lands that, as of March 8, 2000, are designated Coastal Conservation and Development on the North of Reservation Road Planning Area Map (p. 35) and are outside the Urban Growth Boundary, but within the City of Marina, shall be subject to an Urban Growth Boundary Overlay ("UGB Overlay"). The UGB Overlay shall limit new development to those uses permitted by the underlying land use designation that are also allowed outside the Urban Growth Boundary pursuant to Land Use Goal 11 of the City of Marina General Plan.**

Section 4: Conforming General Plan Amendments.

In light of the General Plan amendments set forth above in Sections 2 and 3 of this Initiative, the City of Marina General Plan adopted on June 1, 1982, as amended through March 8, 2000, is hereby further amended as set forth below in order to promote internal consistency among the various elements of the General Plan. In this Section, text to be inserted into the General Plan is indicated in **bold italic** type while text to be stricken is presented in ~~strikethrough~~ type; text in standard type currently appears in the General Plan and remains unchanged by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people in the course of future updates and revisions to the General Plan. The General Plan land use

map entitled "City of Marina: Land Use and Circulation Element," referenced below as the "General Plan Land Use Designations Map," is attached to this Initiative as Exhibit E. Exhibit E, which is the most current land use plan map available from the City of Marina, has not been updated since 1985, and thus does not show intervening changes. Exhibit E is provided for reference only and, except as expressly amended by subparagraphs a and b below, is not changed or readopted by this Initiative.

a. **Urban Growth Boundary Overlay and Land Use Designations:** The General Plan is hereby amended by adding the following new text to the end of the Land Use Element, immediately following the text of Policy 3.I inserted by Section 2(b) of this Initiative:

3.2 Urban Growth Boundary Overlay and Land Use Designations

- ***Until December 31, 2020, lands that, as of March 8, 2000, are designated Coastal Development on the General Plan Land Use Designations Map and are outside the Urban Growth Boundary, but within the City of Marina, shall be subject to an Urban Growth Boundary Overlay ("UGB Overlay"). The UGB Overlay shall limit new development to those uses permitted by the underlying land use designation that are also allowed outside the Urban Growth Boundary pursuant to Land Use Goal 1.1.***
- ***To implement Land Use Goal 1.1, all lands that are located both outside the Urban Growth Boundary and outside the City limits, and that, as of March 8, 2000, have land use designations other than (1) Parks and Open Space or (2) Agriculture, are redesignated to Parks and Open Space. Figure 10-1, General Plan Land Use Designations Map, shall be updated or replaced as soon as possible to reflect, in graphic form, the changes implemented by this policy.***

b. The General Plan land use map entitled "City of Marina: Land Use and Circulation Element," attached hereto as Exhibit E, is hereby amended as follows:

- (i) By adding the words: "***Figure 10-1: General Plan Land Use Designations Map***" to the title; and
- (ii) By adding an asterisk (*) immediately following the term LEGEND; and
- (iii) By adding the following at the bottom of the legend:

- ***Pursuant to the Marina Urban Growth Boundary Initiative, all lands that are located both outside the Urban Growth Boundary and outside the City limits, and that, as of March 8, 2000, have any land use designations indicated below other than (1) Parks and Open Space or (2) Agriculture, are redesignated to Parks and Open Space.***

c. The first two bulleted items on page 3-10 of the General Plan Conservation Element are amended as follows:

- Coastal-dependent uses shall be allowed on the west side of Dunes Drive ***but only within the Urban Growth Boundary shown on Land Use Diagram 1***. These activities shall include, but not be limited to, marine aquaculture, off-shore and sun-zone sand mining, and other commercial activities dependent for economic survival on proximity to the ocean, salt water or other such elements. Development in this area should be limited to already disturbed areas. Visitor-serving commercial use may be permitted in this area, ***but only within the Urban Growth Boundary shown on Land Use Diagram 1***, where it can be shown that coastal dependent uses are not feasible.

- ~~—Development in the meadowland area in the Monterey County Coastal Zone adjacent to the end of Dunes Drive should be compatible with uses on the east side of Dunes Drive in Marina (visitor oriented commercial)~~

d. The first full paragraph on page 10-9 of the General Plan Land Use Element is amended as follows:

The placement of industrial development is very important with respect to its relationship to adjacent land uses. The U.S. Supreme Court has determined that industrial developments under the "nuisance doctrine" are liable and can be forced to shut down if they are adversely affecting surrounding residential uses. The courts have not considered the fact that new residences were built and occupied adjacent to an established manufacturing plant as grounds for favorable consideration on industry's behalf. The City, then, has the responsibility of protecting its high-investment manufacturing uses from future encroachment by residential development, as well as protecting residents from the nuisances which industry can create if located within close proximity. The thrust of the industrial policies set forth in the Land Use Element will be to assure protection for both industrial and residential land uses through wise land use management techniques *and subject to the timing and other limitations imposed by the Marina Urban Growth Boundary Initiative.*

e. The second bulleted policy on page 10-13 of the General Plan Land Use Element is amended as follows:

- The City shall encourage and provide for industrial development in the northwestern portion of the community *within the Urban Growth Boundary established by the Marina Urban Growth Boundary Initiative and consistent with the Urban Growth Boundary Goals and Policies set forth in sections 1.1, 1.2 and 3.1 of the Land Use Element.*

f. The last bulleted policy on page 10-13 of the General Plan Land Use Element is amended as follows:

- Development of *those portions* of the Armstrong Ranch *within the Urban Growth Boundary* shall be subject to an overall Specific Plan, including specifications for population density *and the distribution of various residential, commercial and industrial land uses. Any development of those portions of the Armstrong Ranch outside the Urban Growth Boundary shall, in addition to being subject to the timing and other limitations established by the Marina Urban Growth Boundary Initiative, also be subject to an overall Specific Plan.*

Due to the nature of Specific Plans, it may be necessary and appropriate to modify the land use and circulation patterns shown for the Armstrong Ranch. Such plans shall, however, be in compliance with the spirit and intent of the General Plan, *including the Urban Growth Boundary Goals and Policies.* Overall densities shall not exceed that contained in the Land Use and Circulation Plan.

g. The last bulleted policy on page 10-14 of the General Plan Land Use Element is deleted as follows:

- ~~—That the professional office use shall be encouraged, to the extent possible and practical, along those portions of Del Monte Boulevard and other arterials within the Armstrong Ranch. Furthermore, the Multi Family Residential (N.T.E. 21 DU/GROSS ACRE) land use designation should be utilized to provide a buffer where professional office land uses would be located adjacent to Single Family Residential (N.T.E. 7/DU GROSS ACRE) land uses. Adequate provisions to attain compliance with the policy shall be contained in the Specific Plan for the Armstrong Ranch.~~

- h. The second paragraph on page 11-10 of the General Plan Circulation Element is amended as follows:

The City's land use plan indicates the location of new low-density residential land uses primarily to the north of the Downtown in the Armstrong Ranch area ***within the Urban Growth Boundary adopted by the Marina Urban Growth Boundary Initiative***, an increase in residential densities in the downtown area, additional commercial facilities on Reservation Road, and, ***subject to the timing and other limitations imposed by the Urban Growth Boundary Initiative***, additional industrial uses north of the City limits.

- i. The first paragraph on page 11-13 of the General Plan Circulation Element is amended as shown below. A copy of Figure 11-8, referenced below, is attached hereto for reference as Exhibit F. Exhibit F is provided for illustrative purposes only. This Initiative does not adopt or amend Figure 11-8. The amendment to page 11-13 is as follows:

Figure 11-8 graphically shows these designations and new roadways planned for the Armstrong Ranch area. ***Construction of new roads in this area shall be coordinated with the timing and other limitations enacted by the Marina Urban Growth Boundary Initiative.*** This street classification distribution is also reflected in the street network depicted in the summary Land Use and Circulation Plan.

- j. The two bulleted items on page 11-15 of the General Plan Circulation Element and the bulleted item on page 11-16 are amended as follows:

- ***Any*** development of the northern Planning Area including the Armstrong Ranch shall be ***subject to the timing and other limitations of the Marina Urban Growth Boundary Initiative*** and to a Specific Plan which shall provide for adequate traffic circulation including specifications for arterials, collector and local streets to serve the proposed developments. Due to the nature of Specific Plans it may be necessary and appropriate to modify the circulation patterns shown on Figures 10-1 and 11-8. Such plans shall, however, be in compliance with the spirit and intent of this General Plan, ***including the Urban Growth Boundary Goals and Policies***. The overriding policy in the implementation of the traffic circulation patterns of the Specific Plan shall be the long range protection of currently existing residential areas from traffic generated by the proposed adjacent industrial uses ***within the Urban Growth Boundary***.
- That the general circulation concepts embodied in this Circulation Element are predicated on the need for the following:
 1. Development of a freeway interchange at the present Lapis Spur Overhead in conjunction with an arterial connecting this interchange with Del Monte Boulevard.
 2. Designation of the segment of Beach Road between Del Monte Boulevard and the Reservation Road interchange as an arterial.
 3. Upgrading Del Monte Boulevard and Beach Road to the greatest feasible extent to maximize utilization of the Reservation Road interchange.
 4. Extension of California Avenue northward as an arterial from its present terminus at Reservation Road to connect with Del Monte Boulevard.

Items 1, 2, and 3 shall be verified prior to the adoption of a Specific Plan for the ***portion of the*** northern Planning Area, ***within the Urban Growth Boundary***. ***In addition, implementation of all four items shall be coordinated with the timing and other limitations imposed by the Marina Urban Growth Boundary Initiative.***

- That the proposed industrial area northerly of the existing developed portion of the City (Cardoza Avenue vicinity) ***within the Urban Growth Boundary*** be served by a collector street system and further that truck traffic (commercial type truck traffic generated by the proposed industrial development) not be permitted to adversely impact adjacent residential areas over the long- term. Said truck traffic and other traffic generated by the development in the northern portion of the Planning Area ***within the Urban Growth Boundary*** should ultimately be directed towards a new freeway interchange proposed in the area of the Lapis railroad spur.

Section 5: Implementation

5. **Effective Date.** Upon the effective date of this Initiative, the provisions of Sections 2 and 4 of the Initiative are hereby inserted into the City of Marina General Plan and the provisions of Section 3 are hereby inserted into the Local Coastal Program, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by state law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the City of Marina General Plan and Local Coastal Program, respectively, on January 1 of the next year. At such time as this General Plan amendment is inserted in the City of Marina General Plan, any provisions of the City of Marina Zoning Ordinance, as reflected in the ordinance itself or in the City of Marina Zoning Map, inconsistent with this General Plan amendment shall not be enforced.
- a. **Interim Amendment.** The date that the Notice of Intention to circulate this Initiative measure was submitted to the Elections official of the City of Marina is referenced herein as the "submittal date." The City of Marina General Plan in effect on the submittal date and the General Plan as amended by this Initiative comprise an integrated, internally consistent and compatible statement of policies for the City of Marina. In order to ensure that nothing in this Initiative measure would prevent the City of Marina General Plan from being an integrated, internally consistent and compatible statement of the policies of the City, as required by state law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by Sections 2 through 4 of this Initiative measure, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this Initiative and other elements of the City of Marina General Plan.
- c. **Other City Ordinances and Policies.** The City of Marina is hereby authorized and directed to amend the General Plan, the Local Coastal Program, all specific plans, the Zoning Ordinance, the Zoning Map, and other ordinances and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this Initiative and other elements of the City of Marina General Plan, the Local Coastal Program, all specific plans, the City of Marina Zoning Ordinance, the City of Marina Zoning Map, and other City ordinances and policies.

Section 6: Exemptions

Nothing in this Initiative shall apply to any of the following: (1) any development project or ongoing activity that has obtained, as of the effective date of the Initiative, a vested right pursuant to state or local law; and (2) any area contained within a Habitat Conservation Plan ("HCP") developed pursuant to the Endangered Species Act, 16 U.S.C. § 1531 *et. Seq.*, that has been given formal approval by the City between the submittal date and the effective date of this Initiative, but only to the extent federal or state law preempts application of this Initiative to such areas.

Section 7: Severability and Interpretation

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative 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 Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative shall be interpreted by the City in a manner that facilitates the protection for agricultural, open space, and natural resource uses of areas outside the Urban Growth Boundary established herein.

Section 8: Amendment or Repeal

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Marina.

EXHIBIT LIST

EXHIBIT A:	Government Code section 65560
EXHIBIT B:	Land Use Diagram 1
EXHIBIT C:	City of Marina Local Coastal Program Land Use Plan, North of Reservation Road Planning Area Map, reproduced from page 35 of the City of Marina Local Coastal Program Land Use Plan.
EXHIBIT D:	Description of the uses for the Coastal Conservation and Development land use designation, reproduced from page 20 of the City of Marina Local Coastal Program Land Use Plan.
EXHIBIT E:	Reduced Copy of the General Plan Land Use Map entitled "City of Marina Land Use and Circulation Element," referenced in this Initiative as "Figure 10-1: General Plan Land Use Designation Map;" (For the readers convenience, the names of certain roads, as well as the Salinas River, have been enlarged from the original.)
EXHIBIT F:	Figure 11-8, Circulation Plan reproduced from the General Plan Circulation Element.

EXHIBITS FOR EXHIBIT 1
[To Exhibit A to the Resolution]

EXHIBIT 2
[To Exhibit A to the Resolution]

Land Use Diagram showing Urban Growth Boundary area.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 16, 2020

CITY COUNCIL CONSIDER OPENING A PUBLIC HEARING AND TAKING ANY TESTIMONY FROM THE PUBLIC; RECEIVE THE RECOMMENDATION OF THE PLANNING COMMISSION; AND CONSIDER ADOPTING RESOLUTION 2020-, SUBMITTING TO THE VOTERS AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION A MEASURE APPROVING A GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT EXTENDING THE EXPIRATION DATE OF THE OPERATIVE PROVISIONS OF THE 2000 MARINA URBAN GROWTH BOUNDARY INITIATIVE TO DECEMBER 31, 2040, SUBSTANTIALLY IN THE FORM ATTACHED HERETO, SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY; AND REQUESTING MONTEREY COUNTY ELECTIONS TO CONDUCT THE ELECTION AND REQUESTING CONSOLIDATION OF THE ELECTION.

RECOMMENDATION:

It is recommended that the City Council:

1. Consider opening a noticed public hearing and take any testimony from members of the public; and
2. Receive the recommendation of the Planning Commission; and
3. Consider adoption of Resolution 2020-, submitting to the voters at the November 3, 2020 General Municipal Election a Measure approving a General Plan Amendment and Local Coastal Program Amendment extending the expiration date of the operative provisions of the 2000 Marina Urban Growth Boundary Initiative to December 31, 2040, substantially in the form attached hereto, subject to final review and approval by the City Attorney; requesting Monterey County Elections to conduct the election and requesting consolidation of the election.

SUMMARY:

At a regular meeting held on February 4, 2020, the City Council directed that a Measure be placed on the ballot for the November 3, 2020, General Municipal Election as a Council-sponsored initiative which if approved by the voters would extend for an additional period of twenty years the Marina Urban Growth Boundary Initiative (the "2000 Urban Growth Boundary") adopted by the voters at the November 7, 2000, General Municipal Election as Measure E which would otherwise expire by its terms on December 31, 2020. At a regular meeting held on June 11, 2020, the Planning Commission held a noticed public hearing to consider the matter of making a recommendation to the City Council regarding amendments to the General Plan and Local Coastal Program extending the 2000 Urban Growth Boundary by placement of the matter on the ballot for the November 3, 2020 General Municipal Election. The Planning Commission adopted Resolution 2020-___ recommending that the City Council amend the General Plan and the Local Coastal Program Land Use Plan Amendment to extend the operative provisions of the 2000 Urban Growth Boundary Initiative, said amendment of the General Plan specifically condition upon the City Council placing the matter on the November 3, 2020 General Municipal Election as a Council-sponsored initiative and approval of the ballot measure by the voters.

BACKGROUND:

On November 7, 2000, by a 52.4 to 47.6% margin, the voters in the City of Marina's General Municipal Election approved a voter-sponsored initiative measure to: (a) adopt an Urban Growth Boundary line, located generally along the northerly edge of the City of Marina; and (b) to discourage for a period of approximately twenty years any new development other than park and open space uses to the north of or above the Urban Growth Boundary line.

The 2000 Urban Growth Boundary and the restrictions it imposed on new development were established by amending both the City of Marina's General Plan and the Local Coastal Program Land Use Plan.

With regard to lands presently located within the city limits, and south of and below the 2000 Urban Growth Boundary line, the 2000 Urban Growth Boundary adopted General Plan policies providing that immediately adjacent to the Urban Growth Boundary line an open space buffer is required between new development and existing residential areas and new development is thereby encouraged to locate within existing developed areas, rather than on currently vacant or undeveloped land.

The 2000 Urban Growth Boundary prohibits the City from taking any actions inconsistent with its provisions. The location of the 2000 Urban Growth Boundary and the prohibitions of or limitations on new development it imposed can only be amended by a vote of the people or by the City Council in three very limited situations. The first is to allow for the 2000 Urban Growth Boundary to be amended to provide for housing primarily for low, very low or moderate income persons. The second situation allows the City Council to amend the 2000 Urban Growth Boundary when it determines that denial of an amendment would constitute an unconstitutional taking or a landowner's property, but only to the minimum extent necessary to avoid such an unconstitutional taking. These two provisions can only occur after notice and a public hearing. Finally, the City Council can amend the 2000 Urban Growth Boundary provisions of the General Plan for the limited purpose of reorganizing the General Plan or reordering and renumbering individual General Plan provisions.

ANALYSIS:

Since 2000, the provisions of the 2000 Urban Growth Boundary have been intended to encourage efficient growth patterns and protected the City by concentrating development largely within or directly adjacent to existing developed areas consistent with the availability of infrastructure and services. The goals of the 2000 Urban Growth Boundary have encouraged infill development in an orderly and logical manner while minimizing adverse environmental impacts of new development on existing residential areas within the existing urban areas of the City while also encouraging ongoing agricultural, open space and natural resource uses on lands outside the 2000 Urban Growth Boundary.

The 2000 Urban Growth Boundary's provisions are intended to afford the ability for the City to meet reasonable housing needs for all economic segments in the population, especially very low, low, and moderate income households by directing development of housing into area where services and infrastructure are more efficiently available.

The 2000 Urban Growth Boundary seeks to promote stability in long-term planning for the City by acting as a cornerstone policy within the General Plan to designate appropriate geographic limits for urban development for a twenty-year period and allowing sufficient flexibility within those geographic limits to respond to the City's changing needs over time.

The 2000 Urban Growth Boundary amended the Land Use Plan of the City's Local Coastal Program by adding Policies 43 and 44 prohibiting in the North Reservation Road Planning Area outside the 2000 Urban Growth Boundary but within the City limits until December 31, 2020: (1) new development other than public parks and open space uses (including agriculture) outside the Urban Growth Boundary line; and (2) making the North of Reservation Road Planning Area subject to an Urban Growth Boundary Overlay to limit new development to those uses permitted by the underlying land use designations that are also allowed outside the Urban Growth Boundary pursuant to the 1982 General Plan Land Use Goal 1.1.

The 2000 Urban Growth Boundary will expire automatically on December 31, 2020, unless extended or amended by the voters of the City. By its own provisions, the 2000 Urban Growth Boundary may be amended only by the voters.

The form of a Resolution for the November 3, 2020 General Municipal Election is attached as **EXHIBIT A**.

ENVIRONMENTAL DETERMINATION:

Staff has evaluated the General Plan Amendment and Local Coastal Program Land Use Plan Amendment to extend the Urban Growth Boundary for an additional twenty years, that is, from January 1, 2021 through December 31, 2040, and to amend the Land Use Plan of the City's Local Coastal Program is exempt from environmental review under CEQA pursuant to CEQA Guidelines sections 15307 (actions for protection of natural resources) and 15308 (actions for protection of the environment) and alternatively under CEQA Guidelines sections 15060 and 15378 as adoption of the General Plan Amendment and Local Coastal Program Land Use Plan Amendment are not a "project" because individually and collectively they do not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and recommends that the City Council place the matter on the ballot for the November 3, 2020 General Municipal Election.

FISCAL IMPACT/ SOURCE OF FUNDING:

Should the City Council approve this request, adequate funding is included in the FY 2019-20 and FY 20-21 Budgets, and will be charged to General Fund, City Administration, Elections, Account No. 11.112.65895. The County Elections Department has estimated the cost to the City for the consolidation of the November 3, 2020 election to be between \$60,426 and \$80,568. 2021 Budgets and will be charged to General Fund, City Administration, Elections, Account No. 11.112.65895.

CONCLUSION:

This request is submitted for the City Council consideration and possible action.

Respectfully submitted,

Robert W. Rathie

Robert W. Rathie
City Attorney's Office

REVIEWED/CONCUR:

Alec Barton
Assistant Planner
City of Marina

Christy Hopper
Planning Services Manager
City of Marina

Fred Aegerter
Community Developer Director
City of Marina

Layne Long
City Manager
City of Marina