

IMPARTIAL ANALYSIS BY THE CITY ATTORNEY - MEASURE K

Benicia's General Plan currently contains an urban growth boundary ("UGB") that separates Benicia's urban area from surrounding open lands. The General Plan prohibits urban development outside of the UGB. Urban development is defined as any development requiring municipal services (e.g., water, sewer, and other physical public facilities or services).

In 2003 a citizen-driven initiative was placed on the ballot (also called Measure K) that codified amendments made to Benicia's General Plan, which prohibited all urban development outside of the urban growth boundary and made adjustments to UGB so that certain properties were inside of the boundary. The 2003 adopted measure prohibited the City from serving development beyond the UGB with water or sewer service. The measure also established City policy to promote compact urban development within the UGB and to encourage development of public, semi- public, active recreation, and similar uses within the UGB. The 2003 measure also codified a rule that, the General Plan policies and the location of the UGB may be amended only by:

1. a vote of the people;
2. the City Council if it, by at least a four-fifths vote, finds that the UGB policies or boundary location would be an unconstitutional taking of property and the amendment will allow only land uses as necessary to avoid the taking of property; or
3. the City Council if it finds that state law requires the City to accommodate the proposed housing and there is no feasible alternative to siting all or some of the housing units outside the UGB.

Finally, the adopted measure secured that a vote of the people, as noted above, would be preserved to amend these policies or the location of the UGB, and that right of the people to vote on such a matter for a period of twenty years, until December 31, 2023.

The ballot question today asks voters to renew the exact language of the UGB as it was adopted in 2003 and extend the policy, with limited exceptions, that only a vote of the people can amend the policies or UGB for another term of twenty years, until December 31, 2043. The City Council placed this renewal measure on the ballot.

A "yes" vote consisting of a simple majority of the voters will renew the UGB and related policies for an additional twenty-year term.

A "no" vote would leave the General Plan unchanged. Meaning the changes approved by voters in 2003 would remain in effect, only the provision requiring a vote of the people to amend the policies and boundary would lapse.

The above statement is an impartial analysis of Measure K. If you desire a copy of the measure, please call the City Clerk's office at 746-4200 and a copy will be mailed at no cost to you.

s/Benjamin Stock
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City of Benicia

August 16, 2022

