

Winters Urban Growth Boundary and Community-Based Planning Initiative

The people of the City of Winters do hereby ordain as follows:

SECTION 1: PURPOSE, EFFECT, AND FINDINGS

- A. Purpose and effect:** This *Winters Urban Growth Boundary and Community-Based Planning Initiative* (‘‘Initiative’’) promotes stability and community participation in long-term planning for the City of Winters by creating a cornerstone policy within the General Plan that establishes geographic limits for long-term development while allowing sufficient flexibility within those limits to respond to the City’s changing needs over time, and developing a community driven approach to planning that will solicit input from a broad range of stakeholders to plan for the future of certain areas located outside the existing City limits that have been contemplated for potential future urban development. This Initiative amends the City’s General Plan to establish an Urban Growth Boundary (‘‘UGB’’) for the City. The UGB is a boundary outside of which urban development will not be allowed, except for certain public facilities. Only uses consistent with the General Plan ‘‘Open Space’’ land use designation and certain provisions of Government Code section 65560(h) that define ‘‘Open-space land’’ are permitted outside the UGB. The Initiative will also establish a community driven specific planning process, pursuant to which the City will appoint a committee consisting of a diverse group of stakeholders to develop a proposed specific plan that encompasses areas located outside of the City’s existing jurisdictional boundaries but within the City’s current sphere of influence and other areas within the City’s boundaries as necessary or appropriate to provide for an integrated, cohesive planning effort. The specific plan that is developed through this process must be approved by a vote of the people, and following voter approval the UGB would be extended to the outer limits of the specific plan area outside the City limits, but not beyond the City’s current sphere of influence. With certain limited exceptions where the City Council makes specific findings, this UGB may not be amended until November 3, 2040, except by a vote of the people.
- B. Findings:** The people of the City of Winters find that this Initiative promotes the health, safety, welfare, and quality of life of the City’s residents, based upon the following:
- 1. The City’s Small-Town Character and Rural Identity.** Incorporated in 1898, the City has long maintained its unique, small-town character by ensuring that development reflects the City’s strong relationship to its historic features. This Initiative promotes the City’s commitment to its small-town character by concentrating future development within existing City limits. This Initiative protects the City’s rural identity by ensuring that Winters remains bounded by natural open space and working agricultural lands that separate it from adjacent communities. At the same time, the Initiative promotes Winters’ economy by allowing appropriate economic development in accordance with the City’s unique local conditions.
 - 2. The City’s Agricultural Heritage.** The City has a rich agricultural heritage, which remains a vital part of the local economy. This Initiative promotes the continued viability

of agriculture and agri-tourism in the Winters area by protecting agricultural lands from urban encroachment and ensuring that agricultural lands remain a natural buffer between Winters and surrounding communities.

3. **The City's Open Spaces and Natural Environment.** The City is surrounded by working agricultural lands, as well as ranchlands, open spaces, and scenic areas. Protecting and maintaining the City's natural open space resources which include creeks, meadows, hills, woodlands, and vistas is necessary to preserve their watershed protection, habitat preservation, recreational, and aesthetic values.
4. **The City's Future Development.** The City's General Plan calls for compact, sequenced development to promote well-planned and efficient growth consistent with the limits imposed by the City's infrastructure. The Plan prioritizes commercial infill development in the Central Business District and calls for new development only where the capacity of public services is sufficient to accommodate that development. This Initiative will promote sustainable job creation by encouraging infill development that will enhance and revitalize the Central Business District, guide growth in a compact and efficient manner, foster neighborhood development, and encourage community driven planning that engages the entirety of the Winters community in planning for the future of the City. This Initiative is designed to minimize traffic and reduce air pollution and greenhouse gas emissions.
5. **The City's Prosperity and Fiscal Health.** Winters residents wish to avoid premature investments in expensive new and expanded infrastructure. This Initiative will ensure that new growth in the City will be planned in light of resource capacity constraints. By encouraging infill development and well planned growth, the Initiative will ensure the efficient use of the City's existing infrastructure.
6. **The City's Housing Supply and the Provision of Affordable Housing.** The City's General Plan promotes efficient and affordable housing in Winters through measures that encourage mixed use development in the Central Business District, housing infill, and the construction of accessory units. The City's housing plan shows that land within the UGB can accommodate more than 400% of the residential units required to meet current State housing goals at all affordability levels. As a result, the land use and housing policies established in the General Plan, including policies relating to land already within the UGB, are sufficient to address the expected increase in the City's population. This Initiative will further encourage the City to continue to meet the housing needs of all economic segments of the population, including lower and moderate income households, by, among other things, directing housing development into areas where services and infrastructure can be provided more cost-effectively.
7. **The City's Water Needs.** The City is dependent on groundwater to meet its residents' water needs. It is critical that the City conserve its water supplies and protect its aquifers from overdraft. Infill development, such as that encouraged by this Initiative, promotes water conservation by reducing lot size and landscaping.

8. **Community Planning Effort.** In planning for the future of those areas outside the existing City limits but within the City's sphere of influence, the City desires to engage in a community driven planning effort, utilizing the expertise and drawing on the experience of local residents, business people, and other stakeholders. The planning effort will be led by a committee of interested stakeholders reflecting a range of perspectives and backgrounds. This community driven planning effort is intended to culminate in the development of a specific plan covering those lands outside of the City limits but within the City's sphere of influence, along with those lands within the City limits as are necessary or appropriate to provide for thoughtful, cohesive planning of undeveloped areas within the City's sphere of influence. The specific plan then must be approved by a vote of the people in order to take effect. This process allows the community as a whole to have a dialogue over how to best plan for the future of the undeveloped areas north of the developed City as an integrated whole, and gives the people of the City the opportunity to vote on the specific plan developed through this process.
9. **No Effect on Lands Within the UGB.** This Initiative will not affect land use regulations or land use designations within the UGB, or the City Council's ability to change them.
10. **No Effect on County Land Use Designations Outside of the UGB.** The County of Yolo has land use regulatory control of the lands north of the UGB, and has designated those lands as "Agricultural Intensive." This Initiative will not affect those designations.
11. **Relationship to the Urban Limit Line.** As part of its May 19, 1992 adoption of the General Plan, the City adopted an Urban Limit Line. The General Plan Background Report, also adopted on May 19, 1992, provides that the Urban Limit Line is "[a] boundary located to mark the outer limit beyond which urban development will not be allowed. It has the aim of discouraging urban sprawl by containing urban development during a specified period, and its location may be modified over time." General Plan Policy I.A.2. provides that the City "shall designate an Urban Limit Line delineating the area to be urbanized within the time frame of the General Plan and designed to accommodate a population of 12,500 by the year 2010." Notwithstanding these references to the Urban Limit Line, the City's current General Plan Land Use Diagram does not depict or reference the Urban Limit Line. Winters residents desire a compact and enforceable Urban Growth Boundary that will actually limit urban sprawl, encourage appropriate infill development, protect the open spaces and agricultural areas surrounding the City, and which may be modified only under certain conditions. This Initiative will accomplish those goals consistent with the General Plan's statements about the need for an Urban Limit Line.

12. **Exception to Voter Approval Requirement for Compliance with State and Federal Housing Law.** This Initiative allows the City Council to amend the location of the UGB and/or redesignate lands outside the UGB before November 3, 2040 only under certain limited circumstances, including where the City Council determines that doing so is necessary to comply with State or federal housing law. The City may invoke this exception only if it first makes certain factual findings, supported by substantial evidence. This exception protects the City by providing an “escape hatch” in the unlikely event that application of the UGB results in violation of a specific provision of State or federal law. It also protects the intent of the voters, by (i) ensuring that the UGB is consistent with State and federal housing law, and (ii) delineating the narrow circumstances under which the City Council may avoid the Initiative’s voter approval requirement.

SECTION 2: GENERAL PLAN AMENDMENTS

This Initiative hereby amends the City of Winters General Plan (“General Plan”), as amended through July 21, 2020, the date that the Winters City Council voted to submit the Initiative to the voters (“Submittal Date”). The amendments in subsections A and B of this Section 2 may be changed before November 3, 2040 only by a vote of the people.

A. General Plan Land Use Diagram Amendments:

The General Plan Land Use Diagram, attached as Exhibit A for informational purposes only, is hereby amended to include an Urban Growth Boundary (“UGB”), established in the location indicated on the diagram attached as Exhibit B. Although the UGB is in places coterminous with the City Limit, the two lines are independent of one another in legal significance and purpose.

As shown on the diagram attached as Exhibit B, the General Plan Land Use Diagram is further amended to designate as “Specific Plan” lands outside of the UGB that were previously designated as of the Submittal Date, with the exception of the incorporated island of City land to the northwest of the City, beyond the UGB, which retains its Public / Quasi-Public designation. The UGB shall remain in the location as set forth in Exhibit B and the lands designated as “Specific Plan” shall retain that designation until such time that a new specific plan is approved by a vote of the people in accordance with Policy I.A.15 as established by this Initiative. Upon the approval of the specific plan by the voters of the City, the UGB shall be extended to the outer boundaries of the specific plan area that are outside the City limits, but not further than the City’s existing sphere of influence, and lands designated as “Specific Plan” shall be redesignated in a manner consistent with the provisions of the approved specific plan.

Except for the location of the UGB and the designation of certain lands outside the UGB as “Specific Plan,” the information depicted on Exhibit B is provided for informational purposes only and is not readopted by this Initiative.

B. General Plan Text Amendments:

Text to be inserted in the General Plan is indicated in **bold** type. The General Plan is hereby amended to add the following new Policies:

1. On Page II-2 of the General Plan, add the following Policies I.A.12., I.A.13., I.A.14., and I.A.15. below existing Policy I.A.11.:

Policy I.A.12.

Creation of Urban Growth Boundary. In 2020, the people of the City of Winters approved the Winters Urban Growth Boundary and Community-Based Planning Initiative, which created an Urban Growth Boundary (“UGB”) to protect the unique character of the City of Winters and the agriculture and open space character of the surrounding areas. The UGB is a line beyond which urban development is not allowed. Except for public parks, public educational facilities (such as public schools and public colleges), and public wastewater, sewer, storm drain, and water recycling facilities, only uses consistent with both (1) the General Plan “Open Space” land use designation as this designation existed on July 21, 2020¹; and (2) the uses of “Open-space land” as set forth in Government Code section 65560, subsections (h), (h)(1), (h)(2), (h)(3), and (h)(4), in effect on July 21, 2020², are allowed outside the UGB.

¹ Open Space (OS): “This designation provides for agricultural uses, recreational uses, riparian vegetation and wildlife habitat protection, water retention, public and quasi-public uses, and similar and compatible uses consistent with the open space purposes of this designation. The FAR shall not exceed 0.05. The precise location of the boundary of the Open Space designation along Putah and Dry Creeks shall be determined by the City in conjunction with individual project proposals based on creek setback requirements and site-specific conditions.”

² Government Code section 65560(h): “ ‘Open-space land’ means any parcel or area of land or water that is devoted to an open-space use as defined in this section, and that is designated on a local, regional, or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources, including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers, and streams that are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas that

(footnote continued on next page)

The City of Winter’s UGB reflects a commitment to direct future growth within (i) the City’s existing urban areas (ii) those areas planned for urban development in the existing City limits and (iii) those areas included in a specific plan approved by a vote of the people in accordance with Policy I.A.15. in order to prevent urban sprawl into the agriculturally and environmentally important areas surrounding the City. The UGB protects the health, safety, welfare, and quality of life of the City’s residents by concentrating future residential, commercial, and industrial growth in areas already served by urban services. The UGB complements General Plan policies encouraging infill development and supporting a thriving Central Business District. The policies implementing the UGB allow sufficient flexibility within its limits to respond to the City’s changing needs over time.

Policy I.A.13.

Implementation of Urban Growth Boundary. Until November 3, 2040, the following General Plan provisions, as adopted by the Winters Urban Growth Boundary and Community-Based Planning Initiative, may not be amended or repealed except by a vote of the people: Policy I.A.12., Policy I.A.13., Policy I.A.14., and Policy I.A.15.

(a) Until November 3, 2040, lands outside the UGB as shown on the Land Use Diagram may be redesignated, and the location of the UGB depicted on the General Plan Land Use Diagram may be amended, only in accordance with the Community-Based Specific Planning Process established by Policy I.A.15., by a vote of the people, or by the City Council pursuant to the procedures set forth in subsections (b) and (c) below.

(b) The City Council may, if it deems it to be in the public interest, amend the location of the UGB depicted on the General Plan Land Use Diagram, provided that the amended boundary is within or coextensive with the limits of the UGB as established by the Winters Urban Growth Boundary and Community-Based Planning Initiative. The City Council may, if it deems it to be in the public interest, redesignate lands outside the UGB, provided that the new designation allows only uses consistent with both: (1) the General Plan “Open Space” land use designation as this designation existed on July 21, 2020; and (2) the uses of “Open-space land” as set forth in Government

serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas that require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.”

Code section 65560, subsections (h), (h)(1), (h)(2), (h)(3), and (h)(4), in effect on July 21, 2020.

(c) The City Council may amend the location of the UGB located on the General Plan Land Use Diagram and/or redesignate lands outside the UGB, if the City Council determines that doing so is necessary to comply with State or federal law regarding the provision of housing for all segments of the community. The City Council may do so only if it first makes each of the following findings based on substantial evidence:

- (1) A specific provision of State or federal law requires the City to accommodate the housing that will be permitted by the amendment;**
- (2) The amendment permits no greater density than that necessary to accommodate the required housing;**
- (3) An alternative site that is within the UGB is not available to satisfy the specific State or federal housing law; and**
- (4) The land proposed to be brought within the UGB is as close as feasible to (i) the existing UGB, and (ii) available water and sewer connections.**

(d) After November 3, 2040, this Policy I.A.13. shall have no further force and effect, and the City Council, if it deems it in the public interest, may amend the General Plan Land Use Diagram, the location of the UGB, and other General Plan provisions addressed by this Policy I.A.13. in accordance with State law without a vote of the people. However, unless and until the City Council makes any such amendment, the UGB shall remain in place and Policy I.A.12. shall retain its full force and effect.

(e) The City shall not take any action that is inconsistent with Policy I.A.12., Policy I.A.13., Policy I.A.14. or Policy I.A.15. of the General Plan.

Policy I.A.14.

No Effect on Existing Facilities.

(a) Nothing in the Winters Urban Growth Boundary and Community-Based Planning Initiative is intended to prohibit the City from providing urban services, including sewer services, to the El Rio Villa Housing Development, located at 63 Shams Way.

(b) Notwithstanding the fact that a portion of the City's Wastewater Treatment Facility is located on an incorporated island to the northwest of the City beyond the UGB, nothing in the Winters Urban Growth Boundary and Community-Based Planning Initiative is intended to prohibit or otherwise affect the City's operation of its Wastewater Treatment Facility.

Policy I.A.15

Community-Based Specific Planning Process.

Those areas that are located outside the UGB but within the City’s sphere of influence³ may be developed for urban uses following the approval of, and to the extent consist with, a specific plan in accordance with this Policy. Following the approval of such specific plan in accordance with this Policy, the UGB shall be relocated to the outer limits of the specific plan area outside the existing City limits, but not further than the City’s existing sphere of influence. The Community-Based Specific Planning Process shall be as follows:

(a) The initial Community-Based Specific Planning Process shall develop a specific plan that includes (i) all lands north of the existing City limits that are within the City’s sphere of influence, and (2) all lands within the City limits that are north of Moody Slough Road. If the initial process does not result in a specific plan that is approved by a vote of the people, the City may thereafter initiate a community based specific planning process that includes some or all of the areas designated “Specific Plan” with such other areas as the City Council deems appropriate, provided that the development and approval of the specific plan must comply with this Policy. The goal of this process is to develop an integrated land use plan for the undeveloped land to the north of the developed area of the City with substantial community input and direction, and in a manner that makes sense for the City of Winters today and into the future.

(b) The development of the specific plan will be directed by a Specific Plan Committee that will include two members from each of the following groups:

- (i) City residents at large
- (ii) City Council
- (iii) Planning Commission
- (iv) Keep Winters Winters, a local community organization
- (v) Representatives of the Winters business community
- (vi) Non-resident stakeholders

For subsequent specific planning processes in the event that the initial process does not result in an approved specific plan, if Keep Winters Winters is no longer operating as an active organization in the City, the City may appoint two members of a local organization or organizations engaged in local land use planning issues to the two seats on the committee that are designated for Keep Winters Winters.

³ All references to the City’s “sphere of influence” in this Policy I.A.15 are to the City’s sphere of influence as it existed (i.e., at the boundaries in effect) as of July 21, 2020.

(c) **Once appointed the Specific Plan Committee will establish its own operating procedures, subject to City Council approval. The Specific Plan Committee may appoint an executive committee from its own members. The Committee will be subject to the requirements of the Brown Act (Government Code Section 54950 *et seq.*) and members of the public and interested parties shall have the right to attend and participate in the Specific Plan Committee’s meetings.**

(d) **The Specific Plan Committee shall develop, through a public process with substantial community input, a specific plan for consideration by the City Council in accordance with Government Code Section 65450 *et seq.* The City will provide staff and consulting assistance to further the development of the specific plan as directed by the City Council, provided that the City staff and consultants will not direct the development of the Specific Plan.**

(e) **The Specific Plan shall include “Baseline Plan Features” such as the total number of residential units in the specific plan area, residential densities total open space acreage, public facilities, recreational facilities, or other similar features and requirements that cannot be eliminated, significantly modified or reduced without voter approval.**

(f) **In order to take effect and allow for the relocation of the UGB as provided herein, the final specific plan developed through this process must be approved by the voters. Prior to submitting a specific plan developed pursuant to this process to the voters, the City Council must comply with all applicable laws, including the California Environmental Quality Act (“CEQA”).**

(g) **Nothing in this Policy is intended to, or shall be construed as, limiting the power of the voters to change or otherwise affect the areas subject to this Initiative.**

C. **General Plan Conforming Amendments:** The General Plan is further amended as set forth below in this Section 2.C in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in **bold** type. Text to be deleted from the General Plan is indicated in ~~strikeout~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with Policies I.A.12., I.A.13., I.A.14. and I.A.15. of the General Plan.

1. The second full paragraph on page I-1 of Part 1, Land Use/Circulation Diagrams and Standards, is amended as follows:

The *Land Use Diagram* (inserted separately) depicts proposed land use for Winters within the Urban Limit Line through the year 2010. **The Winters Urban Growth Boundary and Community-Based Planning Initiative, adopted by voters in 2020, created an Urban Growth Boundary, a line beyond which urban development is not allowed, with limited exceptions for certain public facilities. The Urban Growth Boundary is also depicted on the Land Use Diagram, and, as a general rule, may not be amended until November 3, 2040 without approval by the voters of a specific plan in accordance with the Community-Based Specific Planning Process set forth in Policy I.A.15., or a vote of the people.** The boundary lines between most land use designations are delineated as specifically as possible, generally following parcel lines. In the case of future parks and schools, however, the locations shown on the Land Use Diagram are conceptual, not parcel specific.

2. On Page I-4 of the General Plan, add the following paragraph below the third full paragraph entitled "Agriculture (AG)":

Specific Plan (SP)

This designation requires that a specific plan be approved for the applicable area in accordance with Government Code Section 65450 *et seq.* and Policy I.A.15. of this General Plan. This designation only applies to lands that are outside of the existing City boundaries and therefore until a specific plan is approved for the applicable area the zoning and land use designations of the County of Yolo shall apply to the designated areas. Upon approval of a specific plan by the voters of the City in accordance with Policy I.A.15., the land use designation shall be amended in a manner consistent with the approved specific plan.

3. Policy I.A.2., on page II-1 of Section I, Land Use, is amended as follows:

The City shall designate an Urban Limit Line delineating the area to be urbanized within the time frame of the General Plan and designed to accommodate a population of 12,500 by the year 2010. **In 2020, the voters adopted the Winters Urban Growth Boundary and Community-Based Planning Initiative, which created an Urban Growth Boundary, a line beyond which urban development is not allowed, with limited exceptions for certain public facilities. As a general rule, the Urban Growth Boundary may not be amended until November 3, 2040 without approval by the voters of a specific plan in accordance with the Community-Based Specific Planning Process set forth in Policy I.A.15., or a vote of the people.**

4. Policy I.A.10., on page II-2 of Section I, Land Use, is amended as follows:

~~The City shall designate land adjacent to the Urban Limit Line in the northwest part of Winters as Urban Study Area for future consideration of incorporated development. (See Figure II-2.)~~ **[Intentionally Omitted]**

5. Implementation Program II.3., on page II-13 of Section II, Housing, is deleted as follows:

~~The City shall work with property owners and developers in the preparation and processing of master development plans and specific plans for unincorporated areas and in the expeditions annexation of such lands.~~

6. Policy VI.B.1., on page II-45 of Section VI, Natural Resources, is amended as follows:

The City shall support the continuation of agricultural and related uses on lands within the Urban Limit Line designated for urban uses until urban development is imminent, **provided that any such development must be consistent with the Winters Urban Growth Boundary and Community-Based Planning Initiative, adopted by voters in 2020.**

7. Policy VI.B.3., on page II-46 of Section VI, Natural Resources, is amended as follows:

~~Along the northern and western portion of the Urban Limit Line~~ nNew residential development that abuts designated and active agricultural land shall incorporate buffers to minimize agricultural-residential conflicts and nuisance problems. The size of the buffer zone shall be determined by the type of agricultural activities involved. The buffer zone may consist of open space, recreational uses, landscaped areas, streets or other non-intensive uses.

8. Implementation Program VI.11., on page II-53 of Section VI, Natural Resources, is amended as follows:

The City shall prepare guidelines for the type and width of buffers between new residential developments and active agricultural uses ~~outside the Urban Limit Line~~ to be used in the review of subdivision proposals.

SECTION 3: IMPLEMENTATION

- A. Effective Date:** “Effective Date” means the date that the Initiative became effective pursuant to State law.
- B. City of Winters General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the City of Winters General Plan, 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 Winters General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any

provisions of the Municipal Code or of any other City of Winters ordinance or resolution that are inconsistent with the provisions adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.

- C. Interim Amendments:** The City of Winters General Plan in effect on the Submittal Date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the City of Winters. In order to ensure that nothing in this Initiative measure would prevent the 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 or update 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 this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.
- D. Reorganization:** The General Plan may be reorganized or updated, or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of State law, provided that the provisions of Section 2.A and 2.B of this Initiative shall remain in the General Plan through at least November 3, 2040, unless earlier repealed or amended by vote of the people of the City of Winters.
- E. Implementing Ordinances:** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- F. Exemptions:** The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California. Should any application of the Initiative effect an unconstitutional taking of private property, an exemption is permitted only to the minimum extent necessary to avoid such a taking. Likewise, this Initiative shall not apply to any development project or ongoing activity that has obtained, as of the Effective Date of the Initiative, a vested right pursuant to State law.

SECTION 4: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT

This Initiative adopts a comprehensive scheme to establish an Urban Growth Boundary for the City of Winters. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses the existence or location of an Urban Growth Boundary for the City of Winters, or conflicts with any provision of this Initiative, shall be deemed to conflict with the entire cohesive scheme adopted by this Initiative. Because of this conflict, if this Initiative and any such other City of Winters measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take

effect. For the purposes of this Section 4, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 5: SEVERABILITY AND INTERPRETATION

This Initiative shall be broadly construed in order to achieve its purpose.

This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and County laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, 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, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were 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.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 6: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by a vote of the people of the City of Winters.

Exhibits:

Exhibit A: City of Winters General Plan Land Use Diagram

Exhibit B: City of Winters General Plan Land Use Diagram (as amended by the *Winters Urban Growth Boundary and Community-Based Planning Initiative*, showing location of UGB and designation of lands outside of the UGB)

1265113.2