



**TO:** Mayor and Councilmembers

**SUBMITTED BY:** Peter Imhof, Planning and Environmental Review Director

**PREPARED BY:** Anne Wells, Advance Planning Manager  
Cam Audras, Assistant Planner

**SUBJECT:** Measure G2012 Agricultural Land Protection Initiative Update

**RECOMMENDATION:**

Provide feedback and direction regarding Measure G2012: Agricultural Land Protection Initiative (Measure G) and its corresponding language in the General Plan Land Use Element Subpolicy LU 7.5 Goleta Heritage Farmlands.

**BACKGROUND:**

Measure G was approved by a majority of the voters of the City on November 6, 2012 (Attachment 1). Under the measure, some authority over the Goleta General Plan was transferred from the City Council to the voters. Until December 31, 2032, the City Council is generally prohibited from amending its General Plan to allow for changes on certain properties that have a land use designation of Agriculture unless the amendment is approved by the voters of the City. Measure G also added Subpolicy LU 7.5 Goleta Heritage Farmlands (LU 7.5) to the General Plan Land Use Element, further ensuring the protection of certain Agriculture-designated properties (Attachment 2).

Heritage farmland protections under Measure G and in LU 7.5 include properties:

1. Within the City currently having a land use designation of Agriculture and which are ten (10) or more acres in size; and,
2. Outside of the City but within the City Planning Area currently having a land use designation of Agriculture by the County of Santa Barbara and which are ten (10) acres or more in size.

Measure G does not apply to Agriculture parcels of less than ten acres. It also does not apply to vested rights a property owner acquired in a pending development application. Measure G would preplan heritage farmlands outside of the City as Agriculture. Approximately 121 parcels outside of the City would be subject to Measure G, even

though their owners are not allowed to vote on the measure. These properties could only be annexed to the City as Agriculture if approved by the voters of the City.

As previously stated, before December 31, 2032, any change to the land use designation of heritage farmlands or any change to the existing and proposed General Plan language adopted by Measure G would only be effective if approved by the voters of the City. Measure G provides three exceptions to the voter approval requirement. The City Council can make the following changes without the approval of the voters of the City, if the City Council makes certain findings specified in the initiative:

1. Changes needed to provide State mandated housing within the City of Goleta;
2. Changes needed because the application of the policies would result in a violation of the Constitutional rights of the property owner; and
3. Changes needed for the land to be developed for a public school or public park.

At the City Council meeting on June 20, 2023, City Council directed staff to return with a Measure G item to consider the measure, LU 7.5, and a possible 20-year renewal of the initiative.

**DISCUSSION:**

The purpose of this item is to seek Council feedback and any direction regarding the status of Measure G and the General Plan language in Land Use Element Subpolicy LU 7.5 City of Goleta Heritage Farmlands.

Staff is seeking direction from Council on whether to proceed with the preparation of an ordinance to place a ballot measure on the November 2024 election to extend Measure G2012 Agricultural Land Protection Initiative.

Staff also seeks direction from the Council on whether to conduct polling. If polling is recommended, the results are likely to be presented to the Council in late May or early June. However, the decision to include a ballot measure in the November 2024 election must be finalized by the second City Council meeting on June 18, 2024. This timeline is crucial as the first Council meeting in July has been canceled and the docketing deadline for consolidating the election is July 3, 2024.

**LEGAL REVIEW BY:** Megan Garibaldi, City Attorney

**APPROVED BY:** Robert Nisbet, City Manager

**ATTACHMENTS:**

1. Resolution No. 12-40: City of Goleta Heritage Farmlands Initiative
2. Goleta General Plan Land Use Element Subpolicy LU 7.5 City of Goleta Heritage Farmlands

## **Attachment 1**

Resolution No. 12-40: City of Goleta Heritage Farmlands Initiative

**RESOLUTION NO. 12-40**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAW OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO GOLETA TRANSIENT OCCUPANCY TAX MEASURE AND GOLETA AGRICULTURAL LAND PROTECTION INITIATIVE**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 6, 2012, for the election of Municipal Officers; and

**WHEREAS**, on February 22, 2012 a Notice of Intention to Circulate a Petition was received by the City Clerk from the Initiative Proponents regarding the Initiative Petition for the Goleta Agricultural Land Protection; and

**WHEREAS**, on May 30, 2012 the County Elections office verified that of 2,192 signatures obtained from the Initiative Proponents regarding the Initiative Petition for the Goleta Agricultural Land Protection, 1,986 signatures were found to be valid signatures of registered voters of Goleta and, accordingly, because the petition was signed by not less than 10% percent of the voters of the City, the Initiative Petition for the Goleta Agricultural Land Protection is qualified as a local initiative measure pursuant to the terms of California Election Code section 9215; and

**WHEREAS**, pursuant to California Election Code section 9215, if the City Council does not adopt the ordinance contained in the initiative, it shall submit the ordinance, without alteration, to the voters to allow the voters to decide the measure; and

**WHEREAS**, the City Council desires to submit to the voters at the election a Question Relating to Goleta Transient Occupancy Tax Measure and Goleta Agricultural Land Protection Initiative.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:**

**SECTION 1.**

That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Goleta, California, on Tuesday, November 6, 2012, a General

Municipal Election for the purpose of electing two Members of the City Council for the full term of four years.

**SECTION 2.**

That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Goleta, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of Submitting to the Voters the adoption of Ordinance No.12-07 increasing the rate of the City's Transient Occupancy Tax to twelve percent

**SECTION 3.**

That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Goleta, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of Submitting to the Voters the Goleta Agricultural Land Protection Initiative

**SECTION 4.**

That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election to be held on November 6, 2012, the following question:

<b>Goleta Agricultural Land Protection Initiative.</b> Should the City of Goleta General Plan be amended to require that for the next twenty years any changes to specified policies and designation of certain land 10 acres or more currently designated as Agriculture be required to be approved by the voters as well as the City Council, subject to certain limited exceptions?	Yes
	No

**SECTION 6.**

That the proposed complete text of the measure submitted to the voters is attached as Exhibit "A" and incorporated herein by reference. The complete text of the measure will not be printed in the voter pamphlet, but will be made available to the public and to any voter upon request, pursuant to the requirements of the Election Code.

**SECTION 7.**

That in the event a majority of City Electors voting on the ballot measure set forth above vote in favor thereof, Ordinance No.12-07 shall be automatically adopted and shall amend the Goleta Municipal Code to read as set forth in Exhibit "A", effective ten (10) days following the certification of the election results with no further action by the Council.

**SECTION 8.**

That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election to be held on November 6, 2012, the following question:

<b>Goleta Transient Occupancy Tax Measure.</b> In order to provide additional funding to enhance city services such as public safety, road maintenance, revitalization efforts in Old Town, and provide support for other fundamental City services, shall an ordinance be adopted increasing the Transient Occupancy Tax ("Bed Tax") charged to hotel guests staying in Goleta from 10% to 12%, with the proceeds placed in the City's General Fund?	Yes
	No

**SECTION 9.**

That the proposed complete text of the measure submitted to the voters is attached as Exhibit "B" and incorporated herein by reference. The complete text of the measure will not be printed in the voter pamphlet, but will be made available to the public and to any voter upon request, pursuant to the requirements of the Election Code.

**SECTION 10.**

That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 11.**

The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 12.**

That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in section 14401 of the Elections Code of the State of California.

**SECTION 13.**

That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 14.**

That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 15.**

That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 16**

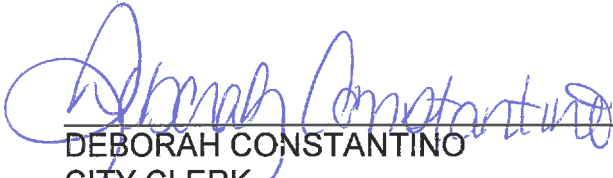
That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill. .

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
EDWARD EASTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

  
\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY



STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 12-40 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 19<sup>th</sup> day of June 2012, by the following vote of the Council:

AYES: MAYOR EASTON, MAYOR PRO TEMPORE ACEVES,  
COUNCILMEMBERS, BENNETT, CONNELL AND PEROTTE.

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH CONSTANTINO  
CITY CLERK

THE FULL TEXT OF THE PROPOSED INITIATIVE IS AS FOLLOWS:

**CITY OF GOLETA HERITAGE FARMLANDS INITIATIVE  
FULL TEXT OF INITIATIVE**

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

**Section 1. Title.**

This initiative measure shall be known as the City of Goleta Heritage Farmlands Initiative.

**Section 2. Purpose and Findings.**

*A. Purpose.* The purpose of this initiative is to ensure that Heritage Farmlands within the City of Goleta are not prematurely or unnecessarily converted to non-agricultural or non-open space uses. The initiative provides that any parcels designated "Agriculture" on the City of Goleta General Plan Land Use Map adopted by the City Council on October 2, 2006, as amended through February 21, 2012 ("Goleta Land Use Map," a reduced copy of which is attached hereto as Exhibit A), and which are ten (10) or more acres in size as of February 21, 2012, will remain so designated until December 31, 2032, unless the land is redesignated to another land use category by a vote of the people, or redesignated by the City Council pursuant to the procedures set forth in this initiative. In addition, the initiative provides that any lands designated as "Agriculture" on the County of Santa Barbara Comprehensive Plan Land Use Map adopted by the Board of Supervisors on December 22, 1980, as amended through February 21, 2012 ("Santa Barbara County Land Use Map," a reduced copy of which is attached hereto as Exhibit B), and which are within the Goleta Planning Area as defined by the City of Goleta General Plan Land Use Element Figure 2-3, adopted by the City Council on October 2, 2006, as amended through February 21, 2012 ("Goleta Planning Area," a reduced copy of which is attached hereto as Exhibit C), and which are ten (10) or more acres in size as of February 21, 2012, will not be redesignated by the City of Goleta except by vote of the people of the City of Goleta or by the City Council pursuant to the procedures set forth in this initiative. The City of Goleta Heritage Farmlands Initiative will achieve the following objectives:

1. For the purposes of the City of Goleta General Plan, define "Heritage Farmlands" as lands that, as of February 21, 2012, are ten (10) or more acres in size, are currently designated "Agriculture" on the City of Goleta General Plan Land Use Map or the Santa Barbara County Land Use Map and are located within the Goleta Planning Area;

2. Ensure that Heritage Farmlands within the City of Goleta and the Goleta Planning Area, which contribute to the quality of life in Goleta, are not prematurely or unnecessarily re-designated for non-agricultural uses without public debate and a vote of the people;

3. Manage the City of Goleta's growth in a manner that fosters and protects the character and quality of life of Goleta;

4. Promote stability in long-term planning for the City of Goleta by establishing a cornerstone policy within the General Plan that emphasizes the importance of agricultural lands to the people of Goleta;

5. Promote local production of food commodities and minimize the impacts of traffic congestion, associated air pollution and increased greenhouse gas emissions;

6. Allow the City of Goleta to continue to meet its reasonable housing needs for all economic segments of the population, especially low and moderate income households; and

7. On agricultural lands within the Goleta Planning Area, promote ongoing agricultural and open space uses, such as productive investment for farming enterprises, preservation of natural resources, and uses that foster public health and safety.

The Goleta Heritage Farmlands Initiative does not extend or exert any jurisdiction over or regulate lands outside the City of Goleta, nor will it change or affect the Santa Barbara County Land Use Map.

#### B. Findings.

1. The unique character of the City of Goleta and the quality of life of its residents depend on the protection of Heritage Farmlands.

2. As recognized by the City of Goleta General Plan:

"Land use decisions in Goleta are shaped by the community's desire to preserve and protect its natural resources, its livable neighborhoods, existing land use patterns, and quality of life."

"The community continues to derive an essential and valued character from the remaining agricultural and rural lands that are intermixed with its various neighborhoods."

The objective of the "Agriculture" land use designation is "to preserve agricultural lands and reserve vacant lands suitable for agriculture to maintain the option of future agricultural uses, including local production of food commodities."

"The Agriculture use designation shall identify land areas reserved for or used for agricultural production. The intent of this designation is to preserve lands used for agriculture, as well as lands with characteristics that make them suitable for agriculture, to meet the needs of present and future generations."

On County lands north of Cathedral Oaks Road, "low-intensity rural and agricultural uses are appropriate."

On County lands west of Goleta, "the City supports County policies and zoning that will retain rural uses and the low-intensity, undeveloped character of this segment of the coastal terrace and nearby foothill areas . . . . Low-intensity rural and agricultural uses are appropriate in this area."

3. Continued pressures to convert agricultural lands threaten to impair agricultural production and eliminate the option of future agricultural uses, including local production of food commodities. The conversion of agricultural lands threatens the public health, safety and welfare by reducing beneficial

production, causing increased traffic congestion and associated air pollution, increasing greenhouse gas emissions, and depleting habitats for local species.

4. Participatory democracy is a key component of informed decision-making, and this initiative gives City residents the power to ratify decisions that will affect Goleta today and in the future. It is important that lands designated for Agriculture are not prematurely or unnecessarily converted to non-agricultural or non-open space uses without a vote of the people.

### C. Exhibits.

1. City of Goleta General Plan Land Use Map adopted by the City Council on October 2, 2006, as amended through February 21, 2012, is attached hereto as Exhibit A.

2. County of Santa Barbara Comprehensive Plan Land Use Map adopted by the Board of Supervisors on December 22, 1980, as amended through February 21, 2012, is attached hereto as Exhibit B.

3. City of Goleta General Plan Land Use Element Figure 2-3, adopted by the City Council on October 2, 2006, as amended through February 21, 2012, is attached hereto as Exhibit C.

4. City of Goleta General Plan Land Use Element Table 2-4, adopted by the City Council on October 2, 2006, as amended through February 21, 2012, is attached hereto as Exhibit D.

## **Section 3. General Plan Amendment.**

### **A. Reaffirmation and Readoption of General Plan Text.**

Upon the effective date of this initiative, the following provisions and policies of the City of Goleta General Plan Chapter 2.0 Land Use Element, adopted October 2, 2006, and as amended through February 21, 2012, are hereby reaffirmed and readopted:

#### **i. 2.1 INTRODUCTION**

“Land use decisions in Goleta are shaped by the community’s desire to preserve and protect its natural resources, its livable neighborhoods, existing land use patterns, and quality of life.”

“The community continues to derive an essential and valued character from the remaining agricultural and rural lands that are intermixed with its various neighborhoods.”

#### **ii. 2.2 GUIDING PRINCIPLES AND GOALS**

“2. Preserve agricultural lands to allow future potential for agricultural production, including a locally grown food supply, specialty agriculture, and floriculture.”

#### **iii. Policy LU 7: AGRICULTURE**

**“Objective:** *To preserve agricultural lands and reserve vacant lands suitable for agriculture to maintain the option of future agricultural uses, including local production of food commodities.*”

“LU 7.1 **General.** Table 2-4 shows the permitted uses and recommended standards for building intensity for the Agriculture land use category.” Table 2-4 is readopted in its entirety and attached hereto as Exhibit D.

“LU 7.2 **Purpose.** The Agriculture use designation shall identify land areas reserved for or used for agricultural production. The intent of this designation is to preserve lands used for

agriculture, as well as lands with characteristics that make them suitable for agriculture, to meet the needs of present and future generations.”

**iv. Policy LU 12: Land Use In Goleta's Environs**

“LU 12.6 County Lands North of Cathedral Oaks Road. Low-intensity rural and agricultural uses are appropriate in this area . . . .”

“LU 12.8 County Lands West of Goleta.

a. The City supports County policies and zoning that will retain rural uses and the low-intensity, undeveloped character of this segment of the coastal terrace and nearby foothill areas. . . .

d. Low-intensity rural and agricultural uses are appropriate in this area . . . .”

**B. Reaffirmation and Readoption of “Agriculture” Designations.**

i. For lands designated “Agriculture” on the City of Goleta General Plan Land Use Map and which are ten (10) or more acres in size as of February 21, 2012, the designation of “Agriculture” is hereby reaffirmed and readopted.

ii. Pursuant to the City’s authority to pre-plan within its Planning Area, lands designated “Agriculture” on the County of Santa Barbara Comprehensive Land Use Map and which are ten (10) or more acres in size as of February 21, 2012, and which are located within the City of Goleta’s Planning Area, are hereby designated “Agriculture.” By pre-planning these areas for agricultural use, the City does not exert any jurisdiction over nor does it regulate these lands unless and until they are included within the City’s jurisdictional boundary.

C. Upon the effective date of this initiative, the following policy is hereby inserted into the City of Goleta General Plan, adopted October 2, 2006, and as amended through February 21, 2012, beginning at page 2-23 of the General Plan Land Use Element, after the section entitled “LU 7.4 Permitted Uses”:

“LU 7.5 City of Goleta Heritage Farmlands

The voters of the City of Goleta have, through the City of Goleta Heritage Farmlands Initiative (“Initiative”), established and adopted a Heritage Farmlands Policy in the City of Goleta General Plan. Section 3 of the Initiative: (1) reaffirmed and readopted General Plan goals and policies regarding agricultural lands; (2) reaffirmed and readopted the General Plan Land Use Map’s designations for lands designated “Agriculture,” which were ten (10) or more acres in size as of February 21, 2012; and (3) designated as “Agriculture” lands which were on the County of Santa Barbara Comprehensive Land Use Map and which were ten (10) or more acres in size as of February 21, 2012, and which were located within the City of Goleta’s Planning Area. The lands affected by the Initiative are “Heritage Farmlands.”

Until December 31, 2032, the General Plan provisions readopted and/or amended by Section 3 of the Initiative (“Initiative’s Plan Amendments”) may not be further amended or repealed except by a vote of the people or as follows:

a) The City Council, following at least one public hearing, may amend the Initiative’s Plan Amendments to comply with state law regarding the provision of housing for all economic segments of the community. Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence:

i) That the proposed development is necessary to comply with a state law imposing a mandatory housing obligation (e.g., the provision of low and very low income housing), and the area of land within the

proposed development will not exceed the minimum necessary to comply with the mandatory housing obligation; and

ii) That there is no existing non-agricultural land available within the City of Goleta to accommodate development that will address the housing need identified in the analysis by which the City has determined that it is not in compliance with state law.

b) Upon request of an affected landowner, the City Council may, following at least one public hearing, amend the Initiative's Plan Amendments if the City Council does so pursuant to a finding, based on substantial evidence in the record, that the application of such Policy to any specific property for which a development application has been submitted constitutes an unconstitutional taking of the landowner's property; however, any such amendment shall be made only to the extent necessary to avoid such unconstitutional taking.

c) The City Council may, following at least one public hearing, amend the Initiative's Plan Amendments to exempt land contemplated for construction of public schools or public parks. Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence:

i) The land is immediately adjacent to existing compatibly developed areas and there is evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, and the applicable water and sewer districts with jurisdiction over such land have or will have adequate capacity to accommodate the proposed development and provide it with adequate public services; and

ii) That there is no existing non-agricultural or open space land available to accommodate the proposed development.

d) The City Council may reorganize, reorder and renumber the Initiative's Plan Amendments."

#### **Section 4. Implementation**

A. At such time as **Section 3. General Plan Amendment**, above, is inserted in the City of Goleta General Plan, any provisions of the General Plan that are inconsistent with **Section 3. General Plan Amendment**, above, shall not be enforced.

B. The date that the notice of intention to circulate this initiative measure was submitted to the elections official of the City of Goleta is referenced herein as the "submittal date." The City of Goleta 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 Goleta. In order to ensure that nothing in this initiative measure would prevent the City of Goleta 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 Section 3 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 Goleta General Plan.

C. The City of Goleta is hereby authorized and directed to amend the City of Goleta General Plan, all specific plans, the City Zoning Ordinance, the City 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 Goleta General Plan, all specific plans, the City Zoning Ordinance, the City Zoning Map, and other City ordinances and policies.

#### **Section 6. Exemptions for Certain Projects.**

A. This initiative shall not apply to any development project or ongoing activity that has obtained, as of the effective date of this initiative, a vested right pursuant to state law.

B. This initiative shall not be interpreted to apply to any land use that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

C. Nothing in this initiative shall be applied to preclude the City's compliance with housing obligations under state law or the use of density bonuses where authorized by state law.

**Section 7. Severability and Interpretation.**

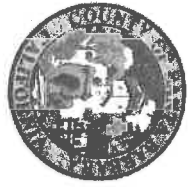
This initiative shall be interpreted so as to be consistent with all federal and state laws, rules and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion of this initiative is held to be invalid or unconstitutional by a final judgment of a court 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, paragraphs, subparagraphs, 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.

# **EXHIBIT A**





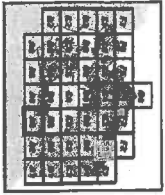
## **EXHIBIT B**



# Planning & Development

## General Zoning

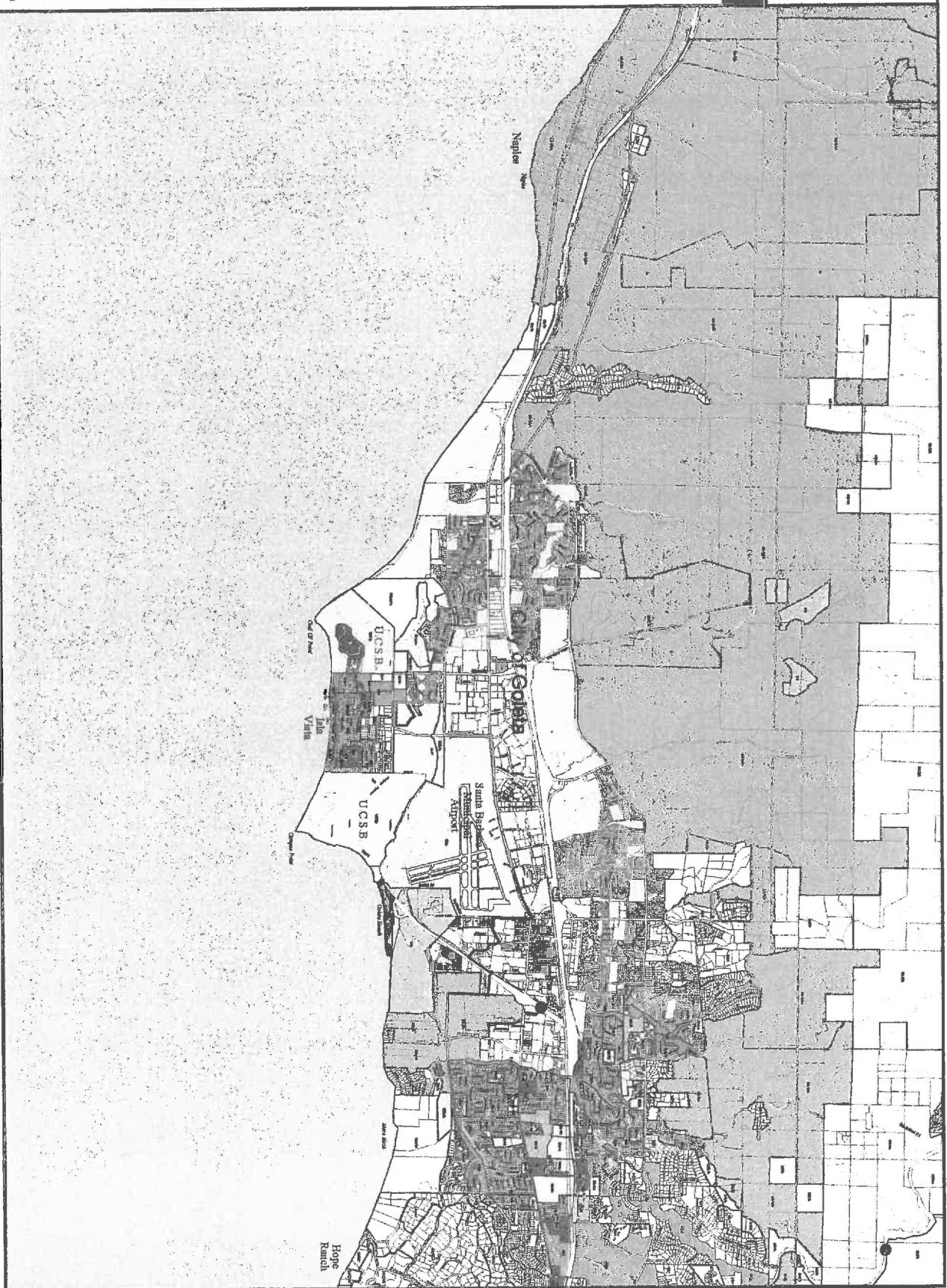
- Agriculture
- Open Lands
- Metropolitan Area
- Residential
- Commercial
- Industrial - Residential/Commercial
- Industrial - Commercial/Industrial
- Industrial
- Utility
- Transportation Corridor
- Other Jurisdiction
- Coastal Zone Boundary
- Los Padres National Forest Boundary



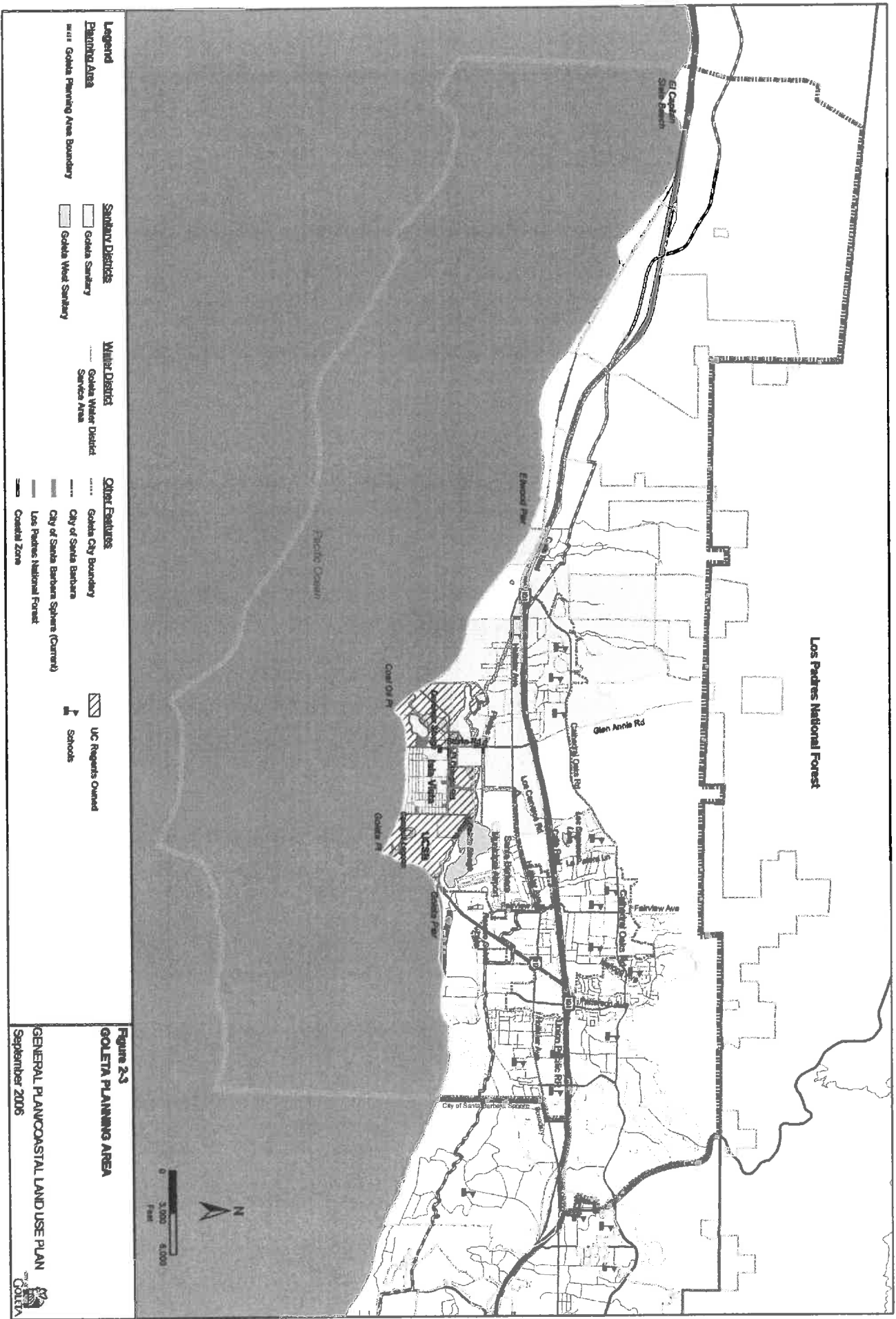
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Scale correct for all printed sheets.  
 Map prepared by Santa Barbara County Planning Department  
 Map No. 1000-1000-1000



## **EXHIBIT C**



## **EXHIBIT D**

**TABLE 2-4  
ALLOWABLE USES AND STANDARDS FOR OTHER LAND USE CATEGORIES**

Allowed Uses and Standards	Other Land Use Categories			
	AG	OS-PR	OS-AR	P-S
<b>Residential Uses</b>				
One Single-Family Detached Dwelling per Lot	X	-	-	-
Farmworker Residential Units	X	-	-	-
Second Residential Dwelling Unit	X	-	-	-
Caretaker Residential Unit	-	-	X	X
<b>Agricultural Uses</b>				
Orchards and Vineyards	X	-	-	-
Row Crop Production	X	-	-	-
Specialty Agriculture and Floriculture	X	-	-	-
Livestock Grazing	X	-	-	-
Small-Scale Confined Animal Operations	X	-	-	-
Small-Scale Agricultural Processing	X	-	-	-
Small-Scale Greenhouses	X	-	-	-
Sale of On-Site Agricultural Products	X	-	-	-
Other	X	-	-	-
<b>Open Space and Outdoor Recreation</b>				
Active Recreation	-	-	X	X
Open Space and Passive Recreation	-	X	X	X
Golf Course, including customary ancillary uses and structures	-	-	X	X
Nature Preserve	-	X	X	X
<b>Public and Quasi-public Uses</b>				
General Government Administration	-	-	-	X
Fire Stations	X	-	-	X
Schools (Public and Private)	-	-	-	X
Other Government Facilities	-	-	-	X
<b>Other Uses</b>				
Religious Institutions	-	-	-	X
Small-Scale Residential Care Facility	X	-	-	-
Small-Scale Day Care Center	-	-	-	X
Wireless Communications/Telecommunications	X	-	-	X
<b>Recommended Standards for Building Intensity</b>				
Structure Height	N/A	N/A	N/A	N/A
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A
<p><b>Notes:</b></p> <p>1. Use Categories: AG: Agriculture; OS-PR: Open Space/Passive Recreation; OS-AR: Open Space/Active Recreation; P-S: Public and Quasi-public Uses.</p> <p>2. X indicates use is allowed in the use category; - indicates use not allowed.</p> <p>3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code.</p> <p>4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause.</p> <p>5. N/A = Not Applicable.</p> <p>(Amended by Reso. 08-30, 6/17/08 and Reso. 09-32, 5/19/08)</p>				

EXHIBIT B  
ORDINANCE NO. 12-07

**A COUNCIL-SPONSORED INITIATIVE ORDINANCE OF THE CITY OF GOLETA  
ADDING A NEW CHAPTER 3.06 TO THE GOLETA MUNICIPAL CODE RELATING  
TO ESTABLISHING THE TRANSIENT OCCUPANCY TAX AT TWELVE PERCENT  
(12%) WITHIN THE CITY OF GOLETA**

The people of the City of Goleta ordain as follows:

**SECTION 1. Enactment of Ordinance.**

The following Chapter 3.06 is hereby added to the Goleta Municipal Code to read in its entirety as follows

"Chapter 3.06 –Transient Occupancy Tax

Sections:

- 3.06.01 Definitions
- 3.06.02 Tax-Imposed on transients; rate; when payable
- 3.06.03 Duty of operator to collect; to be separately stated; certificate to be posted
- 3.06.04 Reporting and remitting amount
- 3.06.05 Penalties and interest
- 3.06.06 Determination by tax collector upon failure to collect and report
- 3.06.07 Appeal from determination of tax collector
- 3.06.08 Records
- 3.06.09 Refunds
- 3.06.10 Actions to collect
- 3.06.11 Exemptions

**Sec. 3.06.01- Definitions.**

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Hotel.** Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes.

**Occupancy.** The use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

**Operator.** The person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or



character other than an employee, the managing agent shall also be deemed an operator for the purposes of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however be considered to be compliance by both.

Rent. The consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

Transient. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

**Sec. 3.06.02 - Tax—imposed on transients; rate; when payable.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of twelve percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax is not paid to the operator of the hotel, the City may require that such tax shall be paid directly to the City.

**Sec. 3.06.03 - Duty of operator to collect; to be separately stated; certificate to be posted.**

Each operator shall collect the tax imposed by this article to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

Before commencing business, each operator of any hotel renting occupancy to transients shall register their hotel with the City of Goleta and obtain from City a "Certificate of Authority to Collect Transient Occupancy Tax" to be at all times posted in

a conspicuous place on the premises. The certificate shall, among other things, state the following:

- (a) The name of the operator;
- (b) The address of the hotel;
- (c) The date upon which the certificate was issued;
- (d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Ordinance by registering with the City for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the City. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City. This certificate does not constitute a permit."

**Sec. 3.06.04 - Reporting and remitting amount.**

Each operator shall, on or before the last day of the month following the close of the prior month, or at the close of any shorter reporting period which may be established by the City, make a return to the City, on forms provided by them, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the City. The City may establish shorter reporting periods for any certificate holder if deemed necessary in order to insure collection of the tax and they may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this article shall be held in trust for the account of the City until payment thereof is made to the City.

**Sec. 3.06.05 - Penalties and interest.**

- (a) Original Delinquency. Any operator who fails to remit any tax imposed by this article within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.
- (b) Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay additional delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.
- (c) Fraud. If the City determines that the nonpayment of any remittance due under this article is due to fraud, a penalty of twenty-five percent of the

amount of the tax shall be added thereto in addition to the penalties stated in subsections (a) and (b) of this section.

- (d) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this article shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- (e) Penalties Merged With Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

**Sec. 3.06.06 - Determination by tax collector upon failure to collect and report.**

If any operator shall fail or refuse to collect such tax and to make, within the time provided in this article any report and remittance of such tax or any portion thereof required by this article, the City shall proceed in such manner as it may deem best to obtain facts and information on which to base its estimate of the tax due. As soon as the City shall procure such facts and information as it is able to obtain upon which to base the assessment of any tax imposed by this article and payable by any operator who has failed or refused to collect the same to make such report and remittance, it shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this article. In case such determination is made, the City shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at their last known place of address. Such operator may within ten days after the serving or mailing of such notice make application in writing to the City Clerk's Office for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the City shall become final and conclusive and immediately due and payable. If such application is made, the City shall give not less than five days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why such amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the City shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in section 3.06.07.

**Sec. 3.06.07 - Appeal from determination of tax collector.**

Any operator aggrieved by any decision of the City with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice

of appeal with the City Clerk within fifteen days of the serving or mailing of the determination of tax due. The City Council shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at their last known place of address. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

**Sec. 3.06.08 - Records.**

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this article to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of any payment to the City, which records the City shall have the right to inspect at all reasonable times.

**Sec. 3.06.09 - Refunds.**

- (a) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this article it may be refunded as provided in subsections (b) and (c) of this section provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the City within three years of the date of payment.
- (b) An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the City that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.
- (c) A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the City by filing a claim in the manner provided in subsection (a) of this section, but only when the tax was paid by the transient directly to the City, or when the transient having paid the tax to the operator, establishes to the satisfaction of the City that the transient has been unable to obtain a refund from the operator who collected the tax.

- (d) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

**Sec. 3.06.10 - Actions to collect.**

Any tax required to be paid by any transient under the provisions of this article shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this article shall be liable to an action brought in the name of the City for the recovery of such amount.

**Sec. 3.06.11 – Exemptions**

No tax shall be imposed upon:

- (a) Any person as to whom, or any occupancy as to which, is beyond the power of the City to impose the tax provided for in this Section; or
- (b) Any officer or employee of a foreign government who is exempt by reason of express provision of Federal Law or International Treaty.
- (c) Any person(s) who is allowed the right of occupancy by the operator of a hotel without rent.

No exemption shall be granted except upon a claim therefor made under penalty of perjury at the time rent is collected upon a form prescribed by the City.

## **Attachment 2**

Goleta General Plan Land Use Element Subpolicy LU 7.5

**LU 7.5 City of Goleta Heritage Farmlands. [GP]** The voters of the City of Goleta have, through the City of Goleta Heritage Farmlands Initiative (“Initiative”), established and adopted a Heritage Farmlands Policy in the City of Goleta General Plan. Section 3 of the Initiative: (1) reaffirmed and readopted General Plan goals and policies regarding agricultural lands; (2) reaffirmed and readopted the General Plan Land Use Map’s designations for lands designated “Agriculture,” which were ten (10) or more acres in size as of February 21, 2012; and (3) designated as “Agriculture” lands which were on the County of Santa Barbara Comprehensive Land Use Map and which were ten (10) or more acres in size as of February 21, 2012, and which were located within the City of Goleta’s Planning Area. The lands affected by the Initiative are “Heritage Farmlands.”

Until December 31, 2032, the General Plan provisions readopted and/or amended by Section 3 of the Initiative (“Initiative’s Plan Amendments”) may not be further amended or repealed except by a vote of the people or as follows:

- a. The City Council, following at least one public hearing, may amend the Initiative’s Plan Amendments to comply with state law regarding the provision of housing for all economic segments of the community. Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence:
  1. That the proposed development is necessary to comply with a state law imposing a mandatory housing obligation (e.g., the provision of low and very low income housing), and the area of land within the proposed development will not exceed the minimum necessary to comply with the mandatory housing obligation; and
  2. That there is no existing non-agricultural land available within the City of Goleta to accommodate development that will address the housing need identified in the analysis by which the City has determined that it is not in compliance with state.
- b. Upon request of an affected landowner, the City Council may, following at least one public hearing, amend the Initiative’s Plan Amendments if the City Council does so pursuant to a finding, based on substantial evidence in the record, that the application of such Policy to any specific property for which a development application has been submitted constitutes an unconstitutional taking of the landowner’s property; however, any such amendment shall be made only to the extent necessary to avoid such unconstitutional taking.
- c. The City Council may, following at least one public hearing, amend the Initiative’s Plan Amendments to exempt land contemplated for construction of public schools or public parks. Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence:
  1. The land is immediately adjacent to existing compatibly developed areas and there is evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, and the applicable water and sewer districts with jurisdiction over such land have or will have adequate capacity to accommodate the proposed development and provide it with adequate public services; and
  2. That there is no existing non-agricultural or open space land available to accommodate the proposed development.
- d. The City Council may reorganize, reorder, and renumber the Initiative’s Plan Amendments. *(Amended by Measure G, 11/06/12)*