

THE FULL TEXT OF THE PROPOSED INITIATIVE IS AS FOLLOWS:

**CITY OF BUELLTON URBAN GROWTH BOUNDARY  
FULL TEXT OF INITIATIVE**

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

**Section 1. Title.**

This initiative measure shall be known as the Buellton Urban Growth Boundary initiative.

**Section 2. Purpose and Findings.**

*A. Purpose.* The purpose of this initiative is to adopt for the City of Buellton an Urban Growth Boundary (UGB) line which is coterminous with the current City Limits and Sphere of Influence. The Buellton UGB will achieve the following objectives:

1. Ensure that transitory short-term political decisions do not harm the City of Buellton's quality of life, and ensure that agricultural, watershed, viewshed or open space uses which contribute to that quality of life are not prematurely or unnecessarily converted to non-agricultural or non-open space uses without public debate and a vote of the people;
2. Manage the City of Buellton's growth in a manner that fosters and protects the small town character of Buellton while encouraging appropriate economic development in and/or near the downtown Revitalization Area, as described in the 2025 General Plan Land Use Element Avenue of Flags/Highway 246 Urban Design Plan, and in accordance with the City's unique local conditions;
3. Encourage efficient growth patterns and protect the City of Buellton's quality of life by concentrating future development largely within existing developed areas consistent with the availability of infrastructure and services;
4. Promote stability in long-term planning for the City of Buellton by establishing a cornerstone policy within the General Plan designating the geographic limits of long-term urban development, consistent with the existing City Limits and Sphere of Influence, and allowing sufficient flexibility within those limits to respond to the City's changing needs over time;

5. Allow the City of Buellton to continue to meet its reasonable housing needs for all economic segments of the population, especially low and moderate income households, by encouraging the development of housing in areas where services and infrastructure are more efficiently available; and

6. Promote on lands outside the Buellton UGB 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.

B. Findings.

1. The unique character of the City of Buellton and the quality of life of its residents depend on the protection of a substantial amount of surrounding open space and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but protects the available water supply and also contributes to flood control and the protection of wildlife, environmentally sensitive areas and irreplaceable natural resources. As importantly, adopting a UGB around the City of Buellton would promote the formation and continuation of a cohesive community by defining the boundaries, by encouraging economic development of the Buellton Revitalization Area and by helping to prevent urban sprawl. Such a UGB would promote efficient municipal services and facilities by confining urban development to defined development areas.

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

“Many of the properties in the commercial core of the City, bisected by Avenue of Flags and Highway 246 near Highway 101, are underutilized.”

“[R]esidential development should take advantage of existing infrastructure, as well as be located in the core area of Buellton.”

“Compact contiguous development within the City boundaries is preferred over annexation and sprawling development.”

3. Continued urban encroachment onto agricultural and watershed and open space areas will impair agricultural production and threaten the public health, safety and welfare by reducing beneficial production, causing increased traffic congestion, associated air pollution, and potentially serious water problems such as pollution, depletion and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.

4. This initiative ensures that the agricultural and open space uses outside of the Buellton UGB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands as set forth in Government Code section 65560(b) as of March 31, 2008, (attached as Exhibit “A”) outside the UGB are not prematurely or unnecessarily converted to non-agricultural or non-open space uses without public debate and a vote of the people. Accordingly, the initiative requires that until December 31, 2025, the City of Buellton may not allow the provision of urban services or the creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the UGB.

5. Although established in the same location as the Sphere of Influence line as it existed as of March 31, 2008, and as it is depicted in Figure LU-1 of the Buellton 2025 General Plan (attached as Exhibit “B”), the UGB is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the Sphere of Influence line in accordance with state law. The two lines, although coterminous as of one point in time, are independent one from the other in legal significance and purpose. While the Sphere of Influence line may be altered by the Local Agency Formation Commission in accordance with the provisions of state law, the UGB is a local land use policy of the City and shall not be changed except as provided herein.

**Section 3. General Plan Amendment.**

Upon the effective date of this initiative, the provisions in **Section 3. General Plan Amendment**, below, are hereby inserted into the City of Buellton 2025 General Plan, adopted November 17, 1993, and as amended through March 31, 2008, beginning at page LU-2 of the General Plan Land Use Element, after the section entitled **“Relationship to Other General Plan Elements and the Zoning Ordinance”**:

## **“CITY OF BUELLTON URBAN GROWTH BOUNDARY**

### **Introduction**

The voters of the City of Buellton have, through the initiative process, established and adopted an urban growth boundary line denominated the Buellton Urban Growth Boundary (UGB). Its purpose, principals, implementation procedures and methodologies for amendment are set forth in this subsection.

### **1. PURPOSE**

The purpose of this UGB is to ensure that the development policies and underlying goals, objectives and principles set forth in the Buellton 2025 General Plan relating to Land Use are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people.

### **2. PRINCIPLES**

Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems such as pollution, depletion and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and open space/agricultural uses.

The unique character of the City of Buellton and the quality of life of its residents depend on the protection of a substantial amount of surrounding open space, natural resources and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a UGB will promote the formation and continuation of a cohesive community by defining the boundaries, by encouraging economic development of the Buellton Revitalization Area and by helping to prevent urban sprawl. Such a UGB will promote efficient municipal services and facilities by confining urban development to defined development areas.

### **3. IMPLEMENTATION**

a) The City of Buellton hereby establishes and adopts a UGB. The UGB is established coterminous with the existing City Limits and in the same location as the Sphere of Influence line. The City Limits, Sphere of Influence line and the UGB line are illustrated in Figure LU-1.

b) Until December 31, 2025, the City of Buellton shall restrict urban services (except temporary mutual assistance with other jurisdictions) to within the UGB, and only uses consistent with agriculture and the preservation of open space lands as set forth in Government Code section 65560(b) as of March 31, 2008, shall be allowed beyond the UGB, except as provided herein. Other than the exceptions provided herein, upon the effective date of this General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any General Plan amendment, rezoning, specific plan, tentative subdivision map, special use permit, building permit or any other discretionary entitlement which is inconsistent with the UGB, unless in accordance with the amendment procedures of this General Plan amendment.

c) “Urban services” shall include, but not be limited to, water and sewer services.

### **4. AMENDMENT PROCEDURES**

Until December 31, 2025, the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article I of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:

a). The City Council may amend the UGB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the UGB established by the Buellton Urban Growth Boundary Initiative.

b) The City Council, following at least one public hearing, may amend the UGB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the UGB as described herein and as designated on Figure LU-1 in order to include lands to be designated for residential uses. Such amendment may be adopted only if the City Council makes each of the following findings based on substantial evidence:

i) That the land is immediately adjacent to the existing UGB and to serviceable water and sewer connections; and

ii) 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

iii) That there is no existing land available within the UGB 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.

c) The City Council, following at least one public hearing, may amend the UGB if the City Council makes each of the following findings:

i) Application of the provisions of subsections 1 or 2 of these amendment procedures are unworkable as applied to a specific parcel, and failure to amend the UGB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and

ii) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

d) The City Council, following at least one public hearing, may place any amendment to the UGB or provisions of this initiative on the ballot in the manner provided by state law.

e) The City Council may, following at least one public hearing, amend the UGB to include 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:

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 provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and

ii) That there is no existing land available within the UGB to accommodate the proposed development.

f) The City Council may reorganize, reorder and renumber General Plan provisions, including the provisions of this General Plan amendment."

#### **Section 4. Conforming Amendments.**

In light of the General Plan amendments set forth above, the City of Buellton 2025 General Plan adopted November 17, 1993, and as amended through March 31, 2008, is hereby further amended as set forth below in order to promote internal consistency among the various elements of the General Plan. Text to be inserted into the General Plan is indicated in **bold italic** type. Text to be deleted is presented in ~~struckthrough~~ type. Text in standard, bold or italic type currently appears in that fashion in the General Plan and remains unchanged by this amendment.

The following amendments may be further amended by the City Council without a vote of the people, provided that no inconsistencies with the UGB or with the balance of the 2025 General Plan are created thereby.

a) Page LU-1, **Introduction**, amended to read:

“The City Limits, **the Buellton Urban Growth Boundary**, and the boundaries of the City’s Sphere of Influence and Planning Area are depicted on Figure LU-1. This Land Use Element provides for the opportunity for infill development within the City limits and the **Buellton Urban Growth Boundary line**. The City’s Sphere of Influence is currently coterminous with the City limits and the **Buellton Urban Growth Boundary line**, and the Land Use Element does not currently project growth outside of the existing City limits and the **Buellton Urban Growth Boundary line**. However, the Land Use Element contains policies and programs that *may* call for a Sphere of Influence study to identify planned growth areas ~~to include in the City’s Sphere of Influence and indicate the maximum potential geographical boundaries to which the City may grow in the foreseeable~~ **in the future**. The City also has a “Comment Area” that consists of County lands for which the City will review future development applications for consistency with City goals and policies and present comments to the County as appropriate.

~~As the City grows,~~ The Land Use Element goals, policies, and programs, **particularly as they relate to the Buellton Urban Growth Boundary**, are intended to preserve the small town character of Buellton.”

b) Figure LU-1 text amended to read:

“City Limits, **Buellton Urban Growth Boundary** and Sphere of Influence

**Existing City Limits, Buellton Urban Growth Boundary and Sphere of Influence”**

c) Page LU-18, **General Policies**, amended to read:

“L-1 The Buellton **Urban Growth Boundary**, sphere of influence, planning area, and land use designations are shown on Figures LU-1 and LU-3. The land use designations and policies of this General Plan apply to the sphere of influence. Public improvements and significant new private development proposed in the planning area shall be reviewed by the City.

L-2 Further annexations to the City may occur when:

- a. Substantial public benefit may be realized through the annexations, such as the provision of open space, additional parkland, or the protection of scenic vistas, or natural resources; or special type of use is proposed that cannot be practically accommodated in the existing city limits.
- b. The annexations constitute fiscally sound additions to the City, as documented in a Fiscal Impact Report;
- c. Consistency with State law and Local Agency Formation Commission standards and criteria can be assured;
- d. Neighborhood identities are not compromised by the annexations;
- e. Adequate municipal services can be provided to the annexed area;

f. Annexations are complimentary to ongoing redevelopment efforts regarding infill housing and the vitality of the City's downtown commercial center.

g. Annexations support optimal return from public investment on existing and new roads and bridges, schools, utilities and drainage facilities, transit systems, or other public services and facilities.

h. Ample park land is provided for residential annexations, especially on the east end of the City.

The Planning Commission shall review the merits of a request for annexation based on these criteria, and make a recommendation to the City Council. *City Council shall then review the merits of a request for annexation, based on the above criteria, and make a presentation to the people of Buellton, as required by this General Plan.*"

### **Section 5. Implementation**

A. At such time as **Section 3. General Plan Amendment.** and **Section 4. Conforming Amendments.**, above, are inserted in the City of Buellton 2025 General Plan, any provisions of the General Plan that are inconsistent with **Section 3. General Plan Amendment.** and **Section 4. Conforming Amendments.**, 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 Buellton is referenced herein as the "submittal date." The Buellton 2025 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 Buellton. In order to ensure that nothing in this initiative measure would prevent the City of Buellton 2025 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 and Section 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 Buellton 2025 General Plan.

C. The City of Buellton is hereby authorized and directed to amend the Buellton 2025 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 Buellton 2025 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 or local 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.

### **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.