

IMPARTIAL ANALYSIS BY COUNTY COUNSEL
MEASURE P2014

FILED

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SANTA BARBARA COUNTY
ELECTIONS

Measure P was placed on the ballot following a petition signed by the requisite number of voters:

If approved by a majority of the voters voting thereon, Measure P would, upon becoming effective:

1. Where it applies, generally prohibit the "development, construction, installation, or use" of any facility or aboveground equipment "in support of" what it defines as "High-Intensity Petroleum Operations," including:

- "Well Stimulation Treatments," which Measure P defines as "designed to enhance oil and gas production or recovery by increasing the permeability of the formation," including but not limited to hydraulic fracturing treatments and acid well stimulation treatments; and/or
- Operations where the flow of hydrocarbons into a well are aided or induced by "introduction or injection of" water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals, or any other substance. Measure P states that examples of this include: "waterflood injection," "steam flood injection," and "cyclic steam injection;"

2. Apply to land uses in the unincorporated area of Santa Barbara County "in support of all onshore exploration and onshore production in the County's unincorporated area," but not apply to onshore facilities that support offshore exploration or production from offshore wells;

3. Provide exemptions, where the general prohibition described above otherwise would:

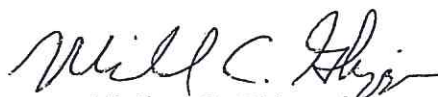
- Violate the constitution or laws of the United States or the State of California; or
- Constitute an "unconstitutional taking of property;" or
- Apply to a person or entity that has obtained, as of Measure P's effective date, a "vested right" pursuant to State law to conduct what Measure P defines to be "High-Intensity Petroleum Operations."

In applying these exemptions, Measure P: generally states how the Board of Supervisors may grant a limited exception to avoid an "unconstitutional taking of property," does not state a County process for considering and applying the other two exemptions, but states that the Board of Supervisors may adopt implementing ordinances to further Measure P's purposes; and

4. Act through:

- Itself amending parts of the County's: Comprehensive Plan; Land Use and Development Code; Coastal Zoning Ordinance; and Petroleum Code; and
- Directing the County to further amend County plans, ordinances and policies to ensure consistency with Measure P.

State law expressly regulates and/or approves certain oil and gas production methods statewide, while Measure P generally would prohibit land uses in support of some of those methods in the unincorporated area of Santa Barbara County, including: "well stimulation treatments," "waterflood injection," "steamflood injection" and "cyclic steam injection." (Cal. Code Regs., tit. 14, §§ 1714, 1724.6, 1761, 1780-1788.) Concerning any potential effect of State law on it, Measure P: states the exemptions in numbered paragraph 3 above; directs that it be interpreted "so as to be consistent with all applicable Federal, State and County laws, rules and regulations;" and provides that if a court holds part of Measure P invalid or unconstitutional, the remaining parts of Measure P shall remain valid.



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County Counsel

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ATTACHMENT A