

# ATTACHMENT C

**INITIATIVE MEASURE TO BE SUBMITTED  
DIRECTLY TO THE VOTERS**

The County Council of Santa Barbara has prepared the following title and summary of the chief purpose and points of the proposed measure.

**Initiative to Ban “High-Intensity Petroleum Operations” including but not limited to Well Stimulation Treatments and Secondary and Enhanced Recovery Operations such as Hydraulic Fracturing, Steam Injection and Acid Well Stimulation Treatment on all Lands within Santa Barbara County’s Unincorporated Area**

The proposed Initiative amends Santa Barbara County Comprehensive Plan policies and the Santa Barbara County Code to prohibit the use of any land within the County’s unincorporated area for, or in support of, High-Intensity Petroleum Operations, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. The proposed Initiative states that the prohibition, if adopted, would not apply to onshore facilities that support offshore exploration or production from offshore wells. The prohibition also would not apply to off-site facilities or infrastructure, such as refineries and pipelines that do not directly support High-Intensity Petroleum Operations. The prohibition would apply in any zoning district within the County.

High-Intensity Petroleum Operations are defined by the Initiative to include well stimulation treatments and secondary and enhanced recovery operations such as hydraulic fracturing, cyclic steam, waterflood or steamflood injection and acid well stimulation treatments.

The proposed Initiative authorizes the Board of Supervisors to grant an exception to the application of any provision of the Initiative if the Board of Supervisors finds, based on substantial evidence, that both:

- (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of property, and
- (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.

The provisions of the proposed Initiative would not be applicable to any person or entity that has obtained, as of the effective date of this Initiative, a vested right, pursuant to State law, to conduct a High-Intensity Petroleum Operation as defined by the Initiative.

The proposed Initiative provides that the Board of Supervisors must take all steps reasonably necessary to enforce the Initiative and defend it against any challenge.

Comprehensive Plan policies and County Code provisions amended and adopted through the Initiative may only subsequently be amended or repealed by the vote of County voters.

**To the Honorable Registrar of Voters of the County of Santa Barbara:** We, the undersigned, registered and qualified voters of the County of Santa Barbara, hereby propose an initiative measure to amend the Santa Barbara County Comprehensive Plan and the Santa Barbara County Code. We petition you to submit this measure to the Board of Supervisors of the County of Santa Barbara for submission of the measure to the voters of the County of Santa Barbara at the earliest special or general election for which it qualifies.

The measure provides as follows:

**The Healthy Air and Water Initiative to Ban Fracking**

The people of the County of Santa Barbara do hereby ordain as follows:

**SECTION 1: PURPOSE AND FINDINGS**

**Purpose of Initiative:** The purpose of this Initiative is to protect the health and environment of Santa Barbara County—its air and water quality, water supplies, agricultural lands, scenic vistas, and quality of life—by prohibiting the use of any land within the County’s unincorporated area for High-Intensity Petroleum Operations. High-Intensity Petroleum Operations include hydraulic fracturing (also known as fracking), acid well stimulation treatments, cyclic steam injection and other types of oil and gas development that use advanced well stimulation technologies.

This Initiative recognizes and builds upon Santa Barbara County’s land use plans and adopted rules and regulations governing oil and gas development, including County of Santa Barbara Measure A, adopted in 1996. The Initiative includes provisions to protect vested rights and constitutionally protected property rights. The Initiative does not apply to off-site facilities or infrastructure, such as refineries and pipelines, that do not directly support High-Intensity Petroleum Operation(s).

**A. Findings:** The people of Santa Barbara County find that this Initiative promotes and protects the health, safety, welfare, and quality of life of County residents, based upon the following findings, any one of which would be sufficient reason to adopt this Initiative:

**1. High-Intensity Petroleum Operations Are Different.** “Low-intensity” petroleum operations generally involve drilling wells through which oil or gas flows naturally under its own pressure or through which oil is pumped up to the surface. High-Intensity Petroleum Operations are different. Fracking, acid well stimulation treatments, and cyclic steam injection typically include high-pressure injections of solvents, acids, and other chemicals, and/or steam to fracture, heat, or

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dissolve underground formations in order to free oil and/or natural gas. High-Intensity Petroleum Operations pose additional threats to our air and water beyond those posed by low-intensity petroleum operations.

Some High-Intensity Petroleum Operations have previously occurred in Santa Barbara County and they are now occurring with greater frequency. New advances in extraction technologies have enabled oil and gas recovery in fields and formations that were previously uneconomical to produce. For example, the petroleum industry has recently shown great interest in extracting oil and gas from the Monterey Shale Formation in Santa Barbara and elsewhere. Use of High-Intensity Petroleum Operations to extract oil and gas from the Monterey Shale Formation or other formations could lead to an increase in the number of new wells in the County.

The County's existing Comprehensive Plan explains that use of these extraction technologies creates a conflict with the County's core goal of environmental protection:

Expansion of production is almost certain to be accompanied by the use of enhanced recovery techniques, particularly steam injection. If steam injection is based on current technology, such production will have significant air quality implications. In general terms, the two stated objectives of the [Comprehensive Plan Conservation Element] – to encourage oil and gas development yet protect the environment – will come into conflict.

This Initiative addresses and resolves that conflict in favor of environmental protection and the protection of human health and safety. The impacts and risks associated with High-Intensity Petroleum Operations are too great for County residents to accept. In order to protect local resources and interests, residents want to prohibit this land use before it further endangers human health and the environment in Santa Barbara County.

**2. Emissions From High-Intensity Petroleum Operations Will Degrade Our Air Quality and Contribute to Global Climate Change.** Studies suggest that High-Intensity Petroleum Operations increase emissions of air pollutants linked to poor health outcomes and reduced agricultural yields. The County's current Comprehensive Plan states that "the use of steam injection methods can also result in a significant increase in emissions from oil field operations." Air pollutants including benzene, toluene, ethylbenzene, xylene, particulate matter and others have been measured in elevated concentrations close to High-Intensity Petroleum Operations. Ground-level ozone from emissions of nitrogen oxide (NOx), methane and volatile organic compounds (VOCs) from oil and gas development

have also been observed. The Orcutt Community Plan notes that the petroleum industry is a “major source of NOx.”

High-Intensity Petroleum Operations can also generate large quantities of greenhouse gas emissions that are known to contribute to global climate change and its negative effects. For example, the generators used for cyclic steam injections emit high levels of carbon dioxide.

Santa Barbara’s air already falls below state standards for ozone and particulate matter, and Santa Barbara is threatened by the effects of global climate change, including sea level rise, wildfire, and reduced water supplies.

**3. Our Limited Water Supplies Should Be Preserved For Agricultural and Municipal Uses.** Water is a valuable and limited commodity in Santa Barbara County. The County relies on groundwater as a primary water supply source. The County also receives water from the State Water Project, but that source is unreliable and has been reduced over the years.

The County’s Comprehensive Plan already recognizes that “a large amount of water is used during oil recovery operations.” High-Intensity Petroleum Operations can be water-intensive. For example, according to a 2013 study by the University of California, Berkeley, hydraulic fracturing in California often requires hundreds of thousands of gallons of water per well. Some California operators have reported water use rates in excess of one million gallons per “frack.” Steam injection is also water-intensive; for example, the existing Tunnell Facility in Santa Barbara County uses nearly six million gallons of freshwater per year for its operations.

The County currently suffers from drought, water supply shortages, and groundwater overdraft. Some residents are already experiencing increases in water rates and cannot afford further rate increases. Santa Barbara voters want to preserve our limited water supplies for local farmers and residents, not for High-Intensity Petroleum Operations.

**4. Santa Barbara County Cannot Afford the Risks of Groundwater and Surface Water Pollution.** Accidents happen. Many High-Intensity Petroleum Operations mix, transport, and/or store toxic and hazardous chemicals. They also generate a considerable amount of wastewater that can contain these chemicals along with hydrocarbons, naturally occurring radioactive materials, dissolved salts, and other elements harmful to human health and safety. The chemicals and wastewater from these operations could contaminate Santa Barbara County’s groundwater—and surface water—through improper storage or disposal, surface spills, or other means. Treating groundwater pollution is extremely expensive and may not be economically feasible. Given the County’s heavy reliance on

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groundwater, groundwater contamination could have devastating effects on drinking water supplies, agriculture, and our local economy. Santa Barbara residents are not willing to accept the risks of water pollution posed by High-Intensity Petroleum Operations.

**5. High-Intensity Petroleum Operations Are Inconsistent With Our Agricultural Heritage.** Santa Barbara County takes pride in its agricultural heritage and strives to protect its rural areas. Agriculture is the largest production industry in the County and is important to the economic and cultural well-being of County residents.

The County's Comprehensive Plan has long aimed to "assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County." New High-Intensity Petroleum Operations threaten this goal by converting agricultural lands to oil fields, fragmenting existing grazing and other agricultural operations, endangering the health of livestock, and placing water supplies at risk. This could threaten consumer perception of the quality and safety of the food, wine, and other agricultural goods produced in the County and cost the agricultural industry substantial revenue.

**6. Earthquake Risks in Santa Barbara County Are Already Too High.** Seismic activity is a matter of particular concern in Santa Barbara County. The County borders the San Andreas Fault. Other major active geologic faults, including the Mesa and Santa Ynez Faults, run through the County and numerous other potentially active faults have been mapped in the region. Coastline earthquakes can create tsunamis, which could inundate major areas of the County.

Activities associated with High-Intensity Petroleum Operations have been shown to induce and/or exacerbate earthquakes. The risk of increased seismic activity in Santa Barbara County from these activities threatens public health and safety and the built environment.

High-Intensity Petroleum Operations can also lead to subsidence, exacerbate natural oil seeps, and create sinkholes in the earth that are a danger to public health and safety. These so-called "surface expressions" have already proved fatal in Kern County, where an oil worker was killed when he fell into a sinkhole that unexpectedly opened up near a drill site. Steam injection operations in Santa Barbara County have already exacerbated oil seeps and resulted in surface expressions.

**7. High-Intensity Petroleum Operations Will Degrade Our Scenic Vistas and Rural Areas.** The beautiful scenic qualities of Santa Barbara County, including the Gaviota Coast and the Santa Ynez Valley, are a major attraction to both residents and visitors. Views of mountains, grazing lands, agricultural crops,

vineyards, natural ridgelines, and annual grasslands provide some of the prominent elements of the County's rural landscape.

High-Intensity Petroleum Operations will increase the number of unsightly oil derricks along with more conspicuous drill rigs, pumping units, and other surface equipment and facilities in the County. Smog from increased VOC emissions will cloud our cherished scenic views. Our rural roads will be increasingly used by heavy industrial trucks, which will degrade road conditions and heighten noise, traffic, and safety concerns.

**8. High-Intensity Petroleum Operations Could Harm the County's Biological Resources.** Santa Barbara County contains a variety of habitats including grasslands, riparian woodlands, and aquatic habitats. These and other habitat types provide high conservation value for the preservation of rare, threatened, and endangered plant and wildlife species.

High-Intensity Petroleum Operations will harm important biological resources within the County by encouraging well exploration and expanding the footprint of oil and gas operations. Industrial activity at well sites, including well drilling, surface pad and road construction, and the associated noise and air pollution, are known to degrade and destroy habitat.

**9. Permitting High-Intensity Petroleum Operations Is Not the Way to Grow a Healthy Economy.** High-Intensity Petroleum Operations do not provide the long-term local job opportunities that are necessary for a healthy, sustainable local economy. Rather, rapid development of oil resources can lead to "boom-and-bust" growth that is ultimately harmful to the local economy. It is debatable whether High-Intensity Petroleum Operations will create many new jobs in Santa Barbara County in the long term, and they could degrade the assets and resources upon which a prosperous future for the County depends.

The people of Santa Barbara County wish to create 21<sup>st</sup> Century job opportunities in agriculture, visitor services, clean energy, renewables, and high technology that can be compatible with our existing economic strengths and the quality of our communities. Residents wish to protect and enhance a tourism sector that leverages our existing scenic, historical, agricultural, and environmental assets.

A healthy, sustainable economy requires developing a diversity of energy resources, such as wind and solar. The voters wish to support new renewable energy development to help meet California greenhouse gas reduction targets and to stimulate local businesses and the economy. High-Intensity Petroleum Operations are non-renewable, carbon-emitting extractive technologies that are incompatible with these goals and with preserving what makes Santa Barbara County a desirable place to live and work.

## **SECTION 2: COMPREHENSIVE PLAN AMENDMENTS**

The Healthy Air and Water Initiative to Ban Fracking (“Initiative”) hereby amends the Santa Barbara County Comprehensive Plan (“Comprehensive Plan”), as amended through March 18, 2014 (“submittal date”). Text to be inserted in the Comprehensive Plan is indicated in **bold** type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

- A. The Land Use Element is hereby amended to add the following new “Land Use Development” Policy number 14.

### **Policy 14. Land Uses Supporting High-Intensity Petroleum Operations Are Prohibited**

- 1. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s) is prohibited on all lands within the County’s unincorporated area.**

**This Policy applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Policy does not apply to onshore facilities that support offshore exploration or production from offshore wells.**

- 2. Definitions.**

**“High-Intensity Petroleum Operations” mean (1) Well Stimulation Treatments and/or (2) Secondary and Enhanced Recovery Operations.**

**“Well Stimulation Treatment” means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments.**

**“Hydraulic Fracturing Treatment” means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.**



“Acid Well Stimulation Treatment” means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.

“Secondary and Enhanced Recovery Operation” means any operation where the flow of hydrocarbons into a well are aided or induced with the use of injected substances including but are not limited to the introduction or injection of water and natural gas, steam, air, CO<sub>2</sub>, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

“Effective Date” means the date that the Healthy Air and Water Initiative to Ban Fracking became effective pursuant to State law.

3. This Policy 14, along with other implementing provisions in the County Code, were adopted by the Healthy Air and Water Initiative to Ban Fracking and may not be amended or repealed except by a vote of the people.
- B. Coastal Land Use Plan (which is part of the Local Coastal Program) Section 3.6.4 “Land Use Plan Proposals,” regarding “Oil and Gas Wells,” is hereby amended to add the following new Policy number 6-5D. Amendments to the Local Coastal Program require certification by the Coastal Commission before they may take effect.

**Policy 6-5D. Land Uses Supporting High-Intensity Petroleum Operations Are Prohibited**

1. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s) is prohibited on all lands within the County’s unincorporated area.

This Policy applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area,

including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Policy does not apply to onshore facilities that support offshore exploration or production from offshore wells.

**2. Definitions.**

**“High-Intensity Petroleum Operations” mean (1) Well Stimulation Treatments and/or (2) Secondary and Enhanced Recovery Operations.**

**“Well Stimulation Treatment” means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments.**

**“Hydraulic Fracturing Treatment” means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.**

**“Acid Well Stimulation Treatment” means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.**

**“Secondary and Enhanced Recovery Operation” means any operation where the flow of hydrocarbons into a well are aided or induced with the use of injected substances including but are not limited to the introduction or injection of water and natural gas, steam, air, CO<sub>2</sub>, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.**

**“Effective Date” means the date that the Healthy Air and Water Initiative to Ban Fracking became effective pursuant to State law.**

3. This Policy 6-5D, along with other implementing provisions in the County Code, were adopted by the Healthy Air and Water Initiative to Ban Fracking and may not be amended or repealed except by a vote of the people.

### SECTION 3: COMPREHENSIVE PLAN CONFORMING AMENDMENTS

In light of the Comprehensive Plan amendments set forth above in Section 2 of this Initiative, the Comprehensive Plan is hereby further amended as set forth below in order to promote internal consistency among the various sections of the Comprehensive Plan. Text to be inserted in the Comprehensive Plan is indicated in **bold** type. Text to be deleted from the Comprehensive Plan is indicated in ~~strikethrough~~ type. Text in standard type currently appears in the Comprehensive Plan and is not changed or readopted by this Initiative. The page numbers referenced in these amendments are the page numbers shown on the individual Comprehensive Plan elements posted on the County's webpage. To prevent confusion, text that already appears in bold type in the Comprehensive Plan has been unbolded in this Initiative, and footnotes in the Comprehensive Plan that are not amended by this Initiative have not been included in the text shown in the Initiative. The language in the following amendments may be further amended without a vote of the people in the course of future updates and revisions to the Comprehensive Plan, provided that any such amendments do not conflict with any provisions of Section 2 of this Initiative.

A. To the Land Use Element make the following changes:

- (i) To "Agriculture," on page 135, add the following **bold** text:

#### AGRICULTURE

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals. For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form which have been grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities.

In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (ii) To "Coastal-Related Industry," on page 141, add the following **bold** text:

Coastal-Related Industry

The intent of this designation is to recognize that, although certain industrial uses are directly dependent on coastal-dependent development or uses, they themselves do not strictly qualify as coastal-dependent uses. Examples include those industrial and energy facilities which support coastal-dependent uses such as offshore oil platforms, but do not require a site on or adjacent to the sea to be able to function at all. Determination of what types of uses qualify as coastal-related industry rather than coastal dependent industry must be made case-by-case since several project specific or geographic-specific variables may influence such determination, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (iii) To "General Industry," on page 141, add the following **bold** text:

General Industry

All industrial uses, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (iv) To "Mineral Resource Area," on page 144, add the following **bold** text:

Mineral Resource Area - An area of known deposit of metallic and non-metallic resources and mineral fuel. Extraction is permitted in these areas with the required permits and environmental safeguards, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (v) To "Petroleum Resource Industry," on page 145, add the following **bold** text:

Petroleum Resource Industry - An area for the processing with or without extraction of petroleum products, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (vi) To "Urban Area," on page 145, add the following **bold** text:

Urban Area - An area shown on the land use map within which is permitted the development of residential, commercial, and industrial activity, and their related uses, buildings and structures, including schools, parks, utilities, etc. Mineral extraction (including oil) and related uses are permitted in urban areas outside the coastal zone, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these areas and all other designations in accordance with Policy 14.** Open spaces and recreational activities and related uses are permitted and encouraged throughout the Urban area. Agriculture is permitted and encouraged in the Urban area when it is surrounded by urban uses. When adjacent to a Rural area, agriculture shall be in the Rural area.

- (vii) To "Inner-Rural Area," on page 146, add the following **bold** text:

Inner-Rural Area - An area shown on the land use map within which development is limited to rural uses such as agriculture and its accessory uses, mineral extraction (including oil) and its accessory uses, recreation (public or private), ranchette development, agricultural parcels, and uses of a public or quasi-public nature, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this area and all other designations in accordance with Policy 14.** These areas shall be adjacent to designated Urban Areas. The minimum permitted lot size shall be five acres, with the sole exception of any parcel(s) to be owned and used solely by a public agency, consistent with the "Public Facilities" Policies of this Element. Residential development denser than one unit per five acres, commercial, industrial, and other intensive urban uses shall be reserved for Urban Areas and excluded from areas designated Inner-Rural. Agricultural and open space preserves and related uses are to be encouraged. Recreational activities in these areas should be compatible with ranchette and agricultural uses. Existing smaller lot neighborhood developments are permitted within the Inner-Rural area only in designated locations.

- (viii) To "Rural Area," on page 146, add the following **bold** text:

Rural Area: An area shown on the land use map within which development is limited to agriculture and related uses, mineral (including oil) extraction

and related uses and activities, recreation (public or private), low density residential and related uses and uses of a public or quasi-public nature, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this area and all other designations in accordance with Policy 14.** The minimum lot size permitted within this area is 40 acres, with the sole exception of any parcel(s) to be owned and used solely by a public agency, consistent with the "Public Facilities" Policies of this Element. Existing smaller lot neighborhood developments are permitted within the Rural Area only in designated locations.

- (ix) To "North County Consolidation Planning Area (NCCPA)," on page 149, add the following **bold** text:

**NORTH COUNTY CONSOLIDATION PLANNING AREA (NCCPA) –**  
A planning area for oil and gas development (**other than land uses in support of High-Intensity Petroleum Operations prohibited under Policy 14**) in the western portion of Santa Barbara County, defined by the following boundaries: the Santa Barbara County – San Luis Obispo County boundary to the north, the three-mile offshore limit line to the west, the Santa Ynez Mountain ridge line to the south, and to the east, U.S. 101 north to CA 154, east along CA 154 to CA 176, north along CA 176 until it turns in a general northwesterly direction, east to the Los Padres National Forest boundary just south of Lookout Mountain, north along the National forest boundary to the County Line. Maps of this oil and gas consolidation planning area are provided in the siting study incorporated into this element under Land Use Development Policy #11.

- B.** To the Coastal Land Use Plan (which is part of the Local Coastal Program), make the following changes:

- (i) To section 3.6.3 "Planning Areas and Applicable County Regulations," on pages 60-61, add the following **bold** text:

**3.6.3 PLANNING AREAS AND APPLICABLE COUNTY REGULATIONS**

Oil and gas is produced from onshore fields, State Tidelands fields, and the Federal Outer Continental Shelf (OCS). The State Tidelands encompass submerged lands that extend 3 nautical miles seaward of the mean high tide. The OCS extends seaward of the 3-mile line.

Historically, oil and gas development within the Coastal Zone was extensive.

The County established three oil and gas planning regions as follows:

- a. The Carpinteria Valley Consolidation Planning Area (CVCPA): an oil and gas planning region that is bounded by the Santa Barbara County - Ventura County boundary to the east, the three-mile offshore limit line to the south, the City of Santa Barbara eastern boundary to the west, and to the north ridge of the Santa Ynez Mountains.
- b. The South Coast Consolidation Planning Area (SCCPA): an oil and gas planning region that is bounded by the City of Santa Barbara to the east, the three-mile offshore limit line to the south, Point Arguello to the west, and the ridge of the Santa Ynez Mountains to the north.
- c. The North County Consolidation Planning Area (NCCPA): an oil and gas planning area that is bounded by the Santa Barbara County-San Luis Obispo County boundary to the north, the three-mile offshore limit line to the west, the ridge of the Santa Ynez Mountains to the south, and to the east U.S. 101 north to CA 154; east to CA 176; north until it turns in a northwesterly direction, east to the Los Padres National Forest boundary just south of Lookout Mountain, and National Forest boundary north to the County line.

On March 26, 1996 the voters approved an initiative, Measure A96, that makes legislative approvals for directional drilling projects (as well as other onshore facilities that support offshore oil and gas development) subject to voter approval unless they are located within the Gaviota Consolidated Oil and Gas Planning Area (defined by the initiative as APNs 81-130-07 and 83-220-19 in their entirety as of June 13, 1995). A portion of these two sites is partially designated for industrial uses to accommodate facilities for processing oil and gas production from offshore reservoirs (M-CD and M-CR zone designations). Based on current projections of future oil and gas production, there is no need to expand the M-CD and M-CR designated portions of these two planning areas to accommodate additional processing facilities. In response to the Molino Project proposal and Measure A96, the County determined that onshore exploration and production of offshore oil and gas reserves is allowed from the Consolidated Planning Areas. Moreover, any new exploration and production operations within the two Consolidated Planning Areas will likely be safer if these exploration and production operations are separated from consolidated processing activities. Consequently, the County has designated M-CD and M-CR zones within the Consolidated Planning Areas for processing, and the AG-II and M-CR zones within the Consolidated Planning Areas for exploration and production of offshore reserves, in order to separate these activities within the Consolidated Planning Areas to accommodate safety concerns.

Although production and processing may occur within the M-CR zone designation, specific production projects can be separated from processing facilities based on a case-by-case analysis of safety impacts.

**As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to onshore exploration and/or production of offshore oil and gas reservoirs.**

- (ii) To section 3.6.4 “Where,” on page 62, add the following **bold** text:

Where

Oil and gas wells dedicated solely to exploration or production of onshore oil and gas fields are permitted in Coastal Dependent Industry and Agriculture II designations and are conditionally permitted uses in Mountainous Areas, Open Lands, Rural Residential, and all other Industrial classifications (refer to Table 3-1), **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these and all other designations in accordance with Policy 6-5D.** Oil and gas wells dedicated to exploration or production of offshore oil and gas fields are permitted in Coastal Related Industry and Agricultural II designations only within the Las Flores Canyon Consolidated Oil and Gas Processing Site as specified in policies 6-5B and 6-5C, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these and all other designations in accordance with Policy 6-5D.** By retaining the AG-II designation within the Consolidated Oil and Gas Processing Site, the County limits the use of industrially zone (MC-R and MC-D) areas within the Consolidated Oil and Gas Processing Site available for processing facilities; and also, by allowing **certain** exploration and production in AG districts, but not processing, the County provides for the separation of processing and production to accommodate safety concerns.

- (iii) To Section 3.6.4 “Policy 6-5C,” on page 64, add the following **bold** text:

Policy 6-5C: Exploration or production of offshore oil and gas reservoirs (including reservoirs which traverse the mean high tide line) from onshore sites shall be restricted to locations within the Las Flores Canyon Consolidated Oil and Gas Planning Site which comprises the parcels identified in Policy 6-5B.2 above. Such exploration and production is compatible with AG-II and MC-R designated land uses within this Consolidated Oil and Gas Processing Site. **The Healthy Air and Water**



**Initiative to Ban Fracking applies to such exploration and/or production, however, such that land uses in support of High-Intensity Petroleum Operations are prohibited pursuant to the Initiative.**

- (iv) To Appendix B, "Agriculture," on page 221, add the following **bold** text:

AGRICULTURE

The purpose of an agriculture designation is to identify and preserve agricultural land for the cultivation of plant crops and the raising of animals. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land (see Appendix A), land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts. Plant crops include food and fiber crops, orchards, field crops, nurseries, and greenhouses. Animal raising includes grazing and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses, buildings and structures related to the agricultural use of the site, and uses of a public works, public service, or public utility nature. In the coastal zone, oil drilling and related activities are permitted in AG II, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 6-5D.**

- (v) To Appendix B, "Open Lands (100 or 320 Acres Minimum Parcel Size)," on page 222, add the following **bold** text:

OPEN LANDS (100 OR 320 ACRES MINIMUM PARCEL SIZE)

These areas are lands which have outstanding resource values, are subject to environmental constraints on development, and have no agricultural potential. One principal residence and one guest house (no kitchen) per specified minimum parcel size are permitted in this category provided that the dwelling is sited to minimize impacts on sensitive areas. Resource dependent uses such as sand-mining and oil well drilling may be allowed subject to a conditional use permit, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 6-5D.**

- (vi) To Appendix B "Coastal-Dependent Industry," on page 225, add the following **bold** text:

Coastal-Dependent Industry - the intent of this land use designation is to recognize that certain industrial uses are coastal-dependent industrial uses.

Coastal-Dependent Industrial Uses are those industrial uses which require a site on, or adjacent to, the sea to be able to function at all. Determination of what types of uses qualify as coastal-dependent industry shall be made on a case by case basis because the project-specific variables so directly influence such determination. Examples of coastal-dependent industrial uses, as identified in Section 30001.2 of the Coastal Act, include offshore petroleum and gas development, commercial fishing facilities and ports (i.e., those industrial components of commercial fishing facilities and port/harbor areas). Additional examples of industrial uses which could be determined to be coastal-dependent based on the project-specific variables include: oil and gas processing facilities, marine terminals, industrial piers and staging areas, port and harbor areas, fishing facilities, ocean-oriented aquaculture including fish hatcheries, and areas for deploying oil spill cleanup equipment. Uses that are not strictly coastal-dependent, but either need access to the ocean under special conditions (for example, thermal power plants sited to take advantage of ocean cooling water) or are directly dependent on a coastal-dependent use (such as processing facilities which do not require a site on or adjacent to the sea to be able to function at all) are classified as Coastal-Related Industry (see definition below). Policies governing these uses are specified in section 3.6. **As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to land uses in this and all other designations.**

- (vii) To Appendix B "Coastal-Related Industry," on page 225, add the following bold text:

Coastal-Related Industry - the intent of this designation is to recognize that certain industrial uses are coastal-related industrial uses. Coastal Related Industrial Uses are those industrial uses which are directly dependent on coastal-dependent development or uses. Determination of what types of uses qualify as coastal-related industry rather than coastal-dependent industry shall be made on a case-by-case basis since the project-specific variables so directly influence such determination. Examples of coastal-related industry include those industrial and energy facilities which directly support coastal dependent uses as offshore oil platforms, but may not require a site on or adjacent to the sea to function at all. Policies governing these uses are specified in Section 3.6. **As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to land uses in this and all other designations.**

C. To the Agricultural Element make the following changes:

- (i) To "Agricultural Land Use Definitions," on page 10, add the following **bold** text:

#### AGRICULTURAL LAND USE DEFINITIONS

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals.

For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including appropriate related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

The following designations provide a description of agricultural lands that identify the more essential and productive agricultural areas as well as the average, and marginally productive lands. These land use designations have the following priority ranking for the identification of agricultural value:

1. AC Agriculture Commercial
2. A-II Agriculture - II
3. A-I Agriculture - I

D. To the Conservation Element make the following changes:

- (i) To "Environmental Impacts," on pages 165-167, add the following bold text:

#### ENVIRONMENTAL IMPACTS

Generally, knowledge about potential adverse environmental impacts resulting from mineral resource extraction in the County is quite limited. Only a few activities have been studied in detail, and even for these the record still is spotty. As a result, it has not been possible to assess systematically the environmental impacts of each mineral extraction activity in the County. Before suggesting a procedure that might increase the flow of knowledge and improve the state of information on this subject, it may be helpful to review some of the problems that presently exist and to indicate some of the actions being taken to mitigate the adverse impacts.

The repercussions of an oil spill or blow-out at an onshore drilling site have been well documented in the popular press as well as in scientific journals. Under the direction of the California Oil and Gas Division, oil spill contingency plans for District 3, which includes Santa Barbara County, have been prepared. These plans are designed primarily to minimize adverse environmental impacts, particularly on natural drainage systems. State requirements also have been promulgated to curtail wastewater discharges into the ocean and to regulate Class I dump sites for disposal of oil field wastes. But the oil industry still needs to refine its fail-safe programs so that its imperfect record can be improved.

The major problems associated with mercury mining stems from the proximity of the Cachuma District Quicksilver Mines to Lake Cachuma. Because leaching from an open pit operation could reach the lake, the potential adverse impact on water quality must be scrutinized carefully. An environmental impact report being prepared in conjunction with a proposal to reopen these mines will examine the ability of the proposed new leaching method to meet federal standards and to safeguard water quality.

Mining diatomaceous earth presents similar problems that have not yet been fully resolved. Airblown particulate matter has a serious impact on air quality. In northern Santa Barbara County in 1970, over nine tons of particulate matter were emitted by mineral operations - a figure representing close to 70 per cent of the total amount of particulate matter emitted daily in this area. County Air Pollution Control District regulations have been relatively effective in reducing these emissions. To further reduce the level of emissions, the federal Environmental Protection Agency recently ordered that additional dust collectors be installed at the Lompoc mines. Buffer zones surrounding the diatomite mines, as well as around

other mineral extraction activities, may be the only viable way to reduce their impact on particularly sensitive members of the population, including people with respiratory problems, young children, and the elderly.

Adverse environmental impacts from, rock, sand, and gravel operations are manifold. For example, the activities can undermine adjacent development, reduce detrital material flowing to the ocean, thereby aggravating coastal erosion problems, and pollute groundwater basins if the pits are backfilled without proper precautions. According to one study, sand and gravel mining in the Santa Ynez River and the Santa Maria River during the period from 1945-55 removed one quarter to two-thirds, respectively, of these rivers' annual estimated sediment yield. Continued production at this rate could seriously impair beach formation along the northern section of the Santa Barbara Coast (Bowen and Inman, 1966, as cited in the South Central Coast Regional Commission's Report on Geology, 1974). The extent and severity of these potential problems in the County has not been studied in a systematic fashion, so it is not possible to determine what action might be necessary to correct potential adverse impacts.

In order for the County to be able to minimize adverse direct or indirect environmental impacts, it should have discretionary review authority over all mineral extraction activities on an annual basis, particularly over the expansion of present activities. This review should be conducted as prescribed under the California Environmental Quality Act. It may be that certain small operations do not have significant adverse environmental impacts, in which case they should be allowed to continue as at present or to expand if desired. However, in those instances in which the impacts of mining would pose a serious threat to the natural or human environment, the County should be able to curtail operations or to require that remedial action be taken in a timely fashion. In reviewing mineral resource activities' potential impacts, cumulative impacts on the environment must be considered, as well as the impacts of individual operations. For example, all of the sand and gravel operations in a river basin have to be analyzed collectively as well as individually, and the cumulative impact on sediment yield for beach formation and replenishment assessed. Similarly, projected waste discharges into the air or water from a proposed activity must be considered in the light of background levels of pollutants already being emitted and projected to be emitted by existing activities (and other projected activities) before reaching a decision on the particular proposal.

**Pursuant to the Healthy Air and Water Initiative to Ban Fracking, the people of Santa Barbara County have found that High-Intensity Petroleum Operations create a serious and unacceptable threat to the**

County's air and water quality, water supplies, agricultural resources, scenic vistas, and environmental quality. Accordingly, the Initiative prohibits land uses in support of such High-Intensity Petroleum Operations in all designations in the County's unincorporated area as provided in Land Use Development Policy 14.

- (ii) To "Conclusions and Recommendations," on page 169, add the following bold text:

#### CONCLUSIONS AND RECOMMENDATIONS

Mineral resource extraction in the County makes a relatively important contribution to the local, state, and national economies, and, as such, should be encouraged, **provided that it is consistent with Land Use Development Policy 14.** At the same time, every effort should be made to minimize direct and indirect adverse environmental impacts, and to achieve and maintain federal and State standards of emissions controls and environmental quality. Much already has been done by the County to achieve these goals, the oil drilling ordinances and the air and water pollution control regulations being prime examples. However, the County and the cities should continue to push for necessary environmental safeguards, as well as to encourage exploration for new resource sites **provided that such exploration is consistent with Land Use Development Policy 14.** To meet these general objectives, the County and the cities should adopt the following policies on mineral resource extraction:

- In addition to the relevant policies within this Element, all proposed surface mining operations shall be required to be consistent with the policies contained in the other elements of the Santa Barbara County Comprehensive General Plan, all relevant sections of the Santa Barbara County Code, and all relevant sections of State law.

- Under provisions of the Surface Mining and Reclamation Act of 1975, the County must adopt ordinances to establish procedures for the review of site reclamation plans and issuance of permits to conduct surface mining operations. Within one year after State geologists map areas of mineral deposits, the County must establish resource management policies for incorporation into the Comprehensive Plan. The Board of Supervisors on October 23, 1978, adopted Ordinance No. 3065 (Case No. 77-0A-33), amending Santa Barbara County Zoning Ordinance No. 661 relative to surface

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mining operations and reclamation plan requirements. The State has not yet mapped County mineral resources.

- The County, in cooperation with responsible federal and State agencies, should undertake a study to evaluate its mineral resources, particularly rock, sand, and gravel, to determine how to protect and exploit them to meet future needs without adverse environmental impacts. The Comprehensive Plan then should be examined in light of the new information gleaned from this analysis, and revisions of the plan made as necessary to achieve maximum compatibility of mineral resource extraction programs with other planned land uses. The results of studies of offshore oil drilling also should be considered in this analysis.

- (iii) To "Extraction," on page 240, add the following **bold** text:

#### EXTRACTION

Most of the oil in Santa Barbara County is both "heavy" and "sour," meaning it is low gravity and high in sulfur content. Because of its low gravity, continued production of most of Santa Barbara County oil requires the use of enhanced recovery techniques, typically steam injection (the heat from the steam being necessary to increase the flow of the oil). This operation frequently requires a considerable consumption of fuel. In some cases as much as one barrel of oil is consumed for every two barrels produced under steam injection. The use of steam injection methods can also result in a significant increase in emissions from oil field operations. **Due to this and other serious and unacceptable impacts, the people of Santa Barbara County adopted the Healthy Air and Water Initiative to Ban Fracking, which prohibits land uses in support of steam injection and other High-Intensity Petroleum Operations in all designations in the County's unincorporated area, as provided in Land Use Development Policy 14.**

An additional problem faced by oil producers in recent years has been a dramatic rise in the cost of electricity, necessary to operate oil well pumps. Although information on Santa Barbara oil production electrical costs is not available, it has been estimated that electrical costs in the Long Beach area have escalated 300 percent in recent years, the single most important increase in operation costs.

- (iv) To "Marketing," on pages 240-241, add the following **bold** text and remove the following ~~strikethrough~~ text:

## MARKETING

The "heavy" and "sour" characteristics of Santa Barbara and California crude have produced additional problems at the consumer stage. The ability to market heavier fuel oils, the cheapest and most logical product for California crude, has been made difficult not only because of the new surge of supplies mentioned previously, but because of existing environmental restrictions on the consumption of these fuels. The electric utility companies are a large consumer of fuel oils, but growing air quality concerns have led to restrictions on the percentage of sulfur content permitted in the fuel consumed. The result has been an increasing dependence of West Coast refiners and utility companies on low-sulfur oil sources, notably Indonesia.

Because of problems associated with extraction, processing, and consumption of California oil, production of Santa Barbara County oil has not responded to the opportunities arising from the worldwide increase in the price of petroleum. By 1977-78, the problem became one of not only continued decline in production, but the threat of production being "shut-in." Some 200-300 wells were reported shut-in in California. Only a few of these occurred in Santa Barbara County, but a number of other operators felt compelled to restrict production.

Belated action on the part of the federal government finally came in 1978. Since the prospect of losing California oil production contradicted the stated federal objective of increasing domestic production, the Department of Energy has taken several steps to remove a number of the obstacles mentioned above. The entitlement program was restructured to permit greater incentives to refiners to accept the heavier California crude, and exemptions have been granted to permit the "export" of California crude to refineries elsewhere in the U.S. which have a need for this crude. Several measures of the pending National Energy Plan are likely to continue or extend the incentives necessary to encourage California oil production.

With the removal of many of the constraints, oil production in the County can be expected to reverse its decline and could conceivably lead to both an expansion of production in existing fields and an interest in new development. Opportunities for expansion could exist in both the North County inland areas as well as along the Coast.

It is at this point that the County will play an important role in the future of mineral resources in the area. Expansion of production ~~is almost certain to be~~ **has been** accompanied by the use of enhanced recovery techniques, particularly steam injection, ~~if steam injection is based on current~~



~~technology, such production will have~~ **which has** significant air quality implications. In general terms, the two stated **original** objectives of the Conservation Element (p. 181) - to encourage oil and gas development yet protect the environment - ~~will have~~ come into conflict. **Pursuant to the Healthy Air and Water Initiative to Ban Fracking, the people of Santa Barbara County decided to resolve that conflict in favor of environmental protection and the protection of human health and safety. Accordingly the Initiative prohibits the use of any land within the County's unincorporated area in support of steam injection and other High-Intensity Petroleum Operations, as provided in Land Use Development Policy 14.**

At a minimum, effective planning at the County level should include a coordination of oil developments in the inland areas, the coastal areas, and offshore. Since the County will be facing the prospects of new oil development in all these areas simultaneously, and since developments in one area could impact those in other areas, coordination will be essential. This is particularly true in terms of proposals for new oil-related facilities. Since much of the new activity onshore and offshore will be located in the North County, the County may be presented with new opportunities, perhaps in the form of consolidation of facilities, and new problems, most likely in the form of environmental quality.

#### SECTION 4: SANTA BARBARA COUNTY CODE AMENDMENTS

This Initiative hereby amends the Code of Santa Barbara County, California, also referred to as the Santa Barbara County Code (herein "County Code"). Text to be inserted in the County Code is indicated in **bold** type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

- A. To Chapter 35.42 of the Santa Barbara County Land Use and Development Code, add the following section 35.42.175.

##### **35.42.175. High-Intensity Petroleum Operations.**

**High-Intensity Petroleum Operations Prohibited. Notwithstanding anything in this County Land Use and Development Code or any other County ordinance or resolution to the contrary, the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s), as defined in the Comprehensive Plan Land Use Development Policy 14, is prohibited and is not allowed in any zoning district (including special purpose zones and overlay zones), specific plan areas, or planned development areas, and shall**

not be approved through a Use Determination (Section 35.82.190) or any other action or inaction by the County.

This Section applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Section does not apply to onshore facilities that support offshore exploration or production from offshore wells.

- B. To Chapter 35.50 of the Santa Barbara County Land Use and Development Code, add the following section 35.50.030:

**35.50.030. Compliance with the Healthy Air and Water Initiative to Ban Fracking.**

The Healthy Air and Water Initiative to Ban Fracking (“Initiative”), adopted by County voters, prohibits land uses in support of High-Intensity Petroleum Operations, as provided in Section 34.42.175 of this Land Use and Development Code and in Comprehensive Plan Land Use Development Policy 14. Nothing in this Article 35.5 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Article shall be consistent and in compliance with the provisions of the Initiative. No use permit, development plan, exploration plan, production plan, specific plan, coastal development permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

- C. To Chapter 25, “Petroleum Code,” add the following Section 25-44:

**Sec. 25-44. Compliance with the Healthy Air and Water Initiative to Ban Fracking Initiative.**

The Healthy Air and Water Initiative to Ban Fracking (“Initiative”), adopted by County voters, builds upon the provisions of this Chapter 25 by providing whether and where land uses in support of certain Petroleum Operations may occur within the County’s unincorporated areas. Nothing in this Chapter 25 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Chapter 25 shall be consistent and in compliance with the provisions of the Initiative. No well permit, drilling permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

- D. To Chapter 35, "Zoning," Article II, "Coastal Zoning Ordinance of Santa Barbara County" (which is part of the Local Coastal Program) add the following Section 35-144M.

**Section 35-144M. High-Intensity Petroleum Operations Prohibited.** The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s), as defined in Comprehensive Plan Land Use Development Policy 14, is prohibited and is not allowed in any zoning district (including special purpose zones and overlay zones), specific plan areas, or planned development areas within the County's unincorporated area, and shall not be considered a similar use under Division 4, Zone Districts (Section 35-68 through 35-93A) or be approved through any other action or inaction by the County.

This Section 35-144M applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Section does not apply to onshore facilities that support offshore exploration or production from offshore wells.

- E. To Chapter 35, "Zoning," Article II, "Coastal Zoning Ordinance of Santa Barbara County" (which is part of the Local Coastal Program) add the following section 35.150.2.

**Section 35.150.2. Compliance with the Healthy Air and Water Initiative to Ban Fracking.**

The Healthy Air and Water Initiative to Ban Fracking ("Initiative"), adopted by County voters, prohibits land uses in support of High-Intensity Petroleum Operations, as provided in Section 35-144M of this Coastal Zoning Ordinance and Policy 6-5D of the Coastal Land Use Plan. Nothing in this Division 9 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Division shall be consistent and in compliance with the provisions of the Initiative. No use permit, development plan, exploration plan, production plan, specific plan, coastal development permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

## **SECTION 5: EXEMPTIONS FOR CERTAIN PROJECTS**

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- A. The provisions of this Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or of the State of California.
- B. In the event a property owner contends that application of this Initiative effects an unconstitutional taking of property, the property owner may request, and the Board of Supervisors may grant, an exception to application of any provision of this Initiative if the Board of Supervisors finds, based on substantial evidence, that both (1) the application of any aspect of this Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- C. The provisions of this Initiative shall not be applicable to any person or entity that has obtained, as of the Effective Date of this Initiative, a vested right, pursuant to State law, to conduct a High-Intensity Petroleum Operation.

#### SECTION 6: IMPLEMENTATION

- A. **Effective Date:** Upon the effective date of this Initiative, (1) the provisions of Sections 2 and 3 of the Initiative are hereby inserted into the County of Santa Barbara Comprehensive Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the Comprehensive Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this Comprehensive Plan amendment shall be the first amendment inserted into the County of Santa Barbara Comprehensive Plan on January 1 of the next year; and (2) the provisions of Section 4 of the Initiative are hereby inserted into the Santa Barbara County Code as an amendment thereof. Upon the effective date of this Initiative, any provisions of the County Code or of any other County of Santa Barbara ordinance or resolution that are inconsistent with the Comprehensive Plan amendments and County Code amendments adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- B. **Interim Amendments:** The date that the notice of intention to circulate this Initiative was submitted to the elections official of the County of Santa Barbara is referenced herein as the "submittal date." The County of Santa Barbara Comprehensive Plan in effect on the submittal date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the County of Santa Barbara. In order to ensure that nothing in this Initiative measure would prevent the Comprehensive Plan from being an integrated, internally consistent, and compatible statement of the policies of the County, 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 Comprehensive Plan that is adopted between the submittal date and the date that

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the Comprehensive Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the Comprehensive 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 Comprehensive Plan. Likewise, any amendment to the County Code that is adopted between the submittal date and the date that the County Code is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the County Code 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 County Code.

- C. **Other County Ordinances and Policies:** The County of Santa Barbara is hereby authorized and directed to amend the County of Santa Barbara Comprehensive Plan, all specific or community plans, the County Code, including the County Land Use and Development Code, the Coastal Zoning Ordinance, and the Petroleum Code, and other ordinances and policies affected by this Initiative as soon as possible as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the Comprehensive Plan; specific or community plans; the County Code, including the County Land Use and Development Code, the Coastal Zoning Ordinance, and the Petroleum Code; and other County ordinances and policies.
- D. **Reorganization:** The Comprehensive Plan and County Code may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the Comprehensive Plan and County Code, provided that the provisions of Section 2 this Initiative shall remain in the Comprehensive Plan, and the provisions of Section 4 of this Initiative shall remain in the County Code, unless earlier repealed or amended by vote of the people of the County.
- E. **Implementing Ordinances:** The Board of Supervisors 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. **Enforcement and Defense of Initiative:** The Board of Supervisors shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.
- G. **Project Approvals:** Upon the effective date of this Initiative, the County and its departments, boards, commissions, officers, and employees shall not grant, or by inaction allow to be approved by operation of law, any comprehensive plan amendment, rezoning, specific plan, subdivision map, use permit, development plan, exploration plan, production plan, coastal development permit, building

permit, development agreement, or any other discretionary entitlement which is inconsistent with this Initiative.

- H. Coastal Commission Certification:** Following the effective date of this Initiative, the County of Santa Barbara is hereby authorized and directed to submit the Initiative's amendments to the Coastal Land Use Plan and the Coastal Zoning Ordinances, along with any necessary supporting documents, to the California Coastal Commission for certification as an amendment to the Santa Barbara County Local Coastal Program. If the three amendments to the Santa Barbara Local Coastal Program permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this amendment to the Santa Barbara Local Coastal Program shall be the first amendment submitted to the California Coastal Commission for certification on January 1 of the next year. The voters further wish to submit the Initiative's amendment to the Local Coastal Program as an amendment that will take effect automatically upon the California Coastal Commission's approval.

#### **SECTION 7: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT**

This Initiative adopts a comprehensive scheme for managing whether and where land uses in support of High-Intensity Petroleum Operations may occur within the County's unincorporated areas. 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 location of land uses supporting petroleum operations, 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 Santa Barbara County 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 7, 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 8: SEVERABILITY AND INTERPRETATION**

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 are declared invalid or unconstitutional. If

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any provision of this Initiative is held invalid as applied to any person or circumstances 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 its purpose. 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 9: AMENDMENT OR REPEAL**

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the County.