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Via E-Mail and U.S. Mail

Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

Re: Measure P Implementing Ordinances: July 29 Board Meeting

Dear Honorable Supervisors:

Our firm, along with Environmental Defense Center, represents Santa Barbara County Water Guardians, the proponents of Measure P. We write to express Water Guardians' support of County staff's proposal to begin drafting implementing ordinances and general plan amendments for Measure P.

If the Measure is approved by the voters, it will be the County's responsibility to implement and enforce its provisions, including, for example, the new land use policies added to the County General Plan. For this reason, the Measure includes a provision expressly authorizing the Board of Supervisors to adopt implementing ordinances, guidelines, rules, and/or regulations to further the purposes of the Measure. Measure P § 6.E. Likewise, Measure P authorizes the County to amend the County General Plan and other local laws to ensure their internal consistency. *Id.* § 6.C. These provisions afford the County the flexibility necessary to integrate the Measure's land use policies into its existing, day-to-day regulatory practices.

In our experience, cities and counties regularly adopt implementing regulations to assist their departments in making the technical assessments associated with enforcing an initiative's policies. Doing so provides a clear road-map for county staff and citizens and can be very helpful in establishing a smooth transition period after the measure's adoption.

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Here, County staff notes that implementing regulations may be particularly helpful in establishing a process for considering and applying the exemptions set forth in Section 5 of Measure P. According to that Section, the Measure's ban on High-Intensity Petroleum Operations does not apply to owners of existing or proposed operations that have obtained, as of the effective date of the Measure, a vested right to continue operations. Measure P § 5. C. The Measure also would not apply in any unusual circumstance where the ban would result in an unconstitutional taking of property. *Id.* § 5. B. Water Guardians agrees with County staff that, to provide certainty to the community, it would be prudent to codify the processes for applying these exemptions prior to Measure P's effective date.

We appreciate that staff has proposed a public process to adopt these regulations and welcome the opportunity to participate in the future. We urge the Board to approve staff's recommendation and begin the process for adopting implementing ordinances for Measure P.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Rachel B. Hooper

cc: Michael C. Ghizzoni, County Counsel
Linda Krop

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