

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

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

**BALLOT TITLE AND SUMMARY FOR  
AN INITIATIVE TO AMEND THE COUNTY GENERAL PLAN AND COUNTY  
CODE TO PROHIBIT PETROLEUM EXTRACTION AND WELL  
STIMULATION TREATMENTS, INCLUDING HYDRAULIC FRACTURING  
AND ACID WELL STIMULATION, ON ALL LANDS WITHIN THE  
UNINCORPORATED AREA OF THE COUNTY**

The purpose of this initiative is to amend the San Luis Obispo County General Plan, including the Local Coastal Program, and Title 22 and Title 23 of the San Luis Obispo County Code, to prohibit well stimulation treatments and any new petroleum extraction on all land within the unincorporated area of the county.

The initiative amends provisions of the General Plan, including the Land Use Element, the Land Use Plan portion of the Local Coastal Program, and the Conservation and Open Space Element. The amendments prohibit the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment for petroleum extraction and well stimulation, including hydraulic fracturing and acid well stimulation treatments, within the unincorporated areas of the county. The initiative defines these prohibited activities (e.g, petroleum extraction, well stimulation and acid well stimulation treatments, and hydraulic fracturing).

The initiative also amends Title 22 and Title 23 of the County Code to conform to the General Plan amendments prohibiting petroleum extraction and defining prohibited activities within the unincorporated areas of the county. These amendments (1) include a prohibition on petroleum extraction within any zoning district in the "Coastal Zone," any area covered by a specific plan, area plan, or community plan, or any planned development area; (2) remove "petroleum extraction" from the list of allowable land uses contained in Title 22; and (3) prohibit the granting of any drilling permit that is inconsistent with the General Plan amendments made by the initiative.

The initiative provides that petroleum extraction land uses lawfully existing on the effective dates of the applicable amendments may continue as nonconforming uses to the extent allowed by state or local law, but such uses may not be enlarged, increased, or extended. If the initiative is approved, the provisions of the initiative may only be amended or repealed by San Luis Obispo County voters.

The initiative also expressly provides that nothing contained in it shall prohibit any person or entity from exercising a vested right obtained pursuant to state or local law, as of the effective date of the initiative, and shall not apply to the extent that its provisions would violate the United States or California constitutions. The initiative allows the Board of Supervisors to grant an exception to the application of any provision of the initiative if a property owner contends that any provision effects an unconstitutional taking of that person's property, but only if the board finds, based on substantial evidence, that: (1) application of that provision could constitute such a taking and (2) any exception granted allows additional land uses only to the minimum extent necessary to avoid the taking.

/s/

RITA L. NEAL County Counsel

**Notice of Intention to Circulate Petition**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of San Luis Obispo for the purpose of prohibiting the use of any land within the County's unincorporated area for petroleum extraction or well stimulation treatments, while allowing existing petroleum extraction to continue as a nonconforming use. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

San Luis Obispo County residents are concerned about unabated drilling of new oil and gas wells and the potential use of fracking, acidizing, and other well stimulation treatments in the County. We can no longer accept the dangers posed by these land uses.

- **Water and Soil** are precious resources in the County, both for urban dwellers and the County's agricultural economy. Petroleum extraction draws heavily on our limited water supply and threatens to contaminate our water and soil.
- **Air Quality and Climate** must be guarded so our residents can breathe and live safely. Petroleum extraction generates air pollution linked to poor health and emits greenhouse gases that contribute to harmful climate change.
- **Renewable Energy** will power the County's future. Petroleum extraction is incompatible with the County's plans to support renewable energy development.

To protect San Luis Obispo County's water, agricultural lands, tourism, environmental quality and climate, rural character, scenic vistas, and quality of life, expansion and intensification of petroleum extraction and well stimulation treatments should be prohibited.

Submitted: January 31, 2018

Signed by:

/s/

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/s/

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/s/

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/s/

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/s/

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The text of the initiative measure is as follows:

**To the Honorable Registrar of Voters of the County of San Luis Obispo:** We, the undersigned, registered and qualified voters of the County of San Luis Obispo, hereby propose an initiative measure to amend the San Luis Obispo County General Plan, the San Luis Obispo County Local Coastal Program, and the San Luis Obispo County Code. We petition you to submit this measure to

the Board of Supervisors of the County of San Luis Obispo for adoption of the measure outright, or for submission of the measure to the voters of the County of San Luis Obispo at the earliest election for which it qualifies.

The measure provides as follows:

***Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative***

The people of the County of San Luis Obispo ordain as follows:

**SECTION 1: PURPOSE, EFFECT, AND FINDINGS**

- A. **Purpose:** The purpose of this *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative* (“Initiative”) is to protect San Luis Obispo County’s water, agricultural lands, tourism, environmental quality and climate, rural character, scenic vistas, and quality of life, and to further the County’s transition to renewable energy. This Initiative does so by prohibiting the use of any land within the County’s unincorporated area for petroleum extraction or well stimulation treatments, while allowing existing petroleum extraction to continue as a nonconforming use.
- B. **Effect:** This Initiative amends San Luis Obispo County’s land use plans, including the San Luis Obispo County General Plan, Local Coastal Program, and County Code, to prohibit the use of any land within the County’s unincorporated area for petroleum extraction or well stimulation treatments, and it re-adopts the County’s existing definition of “petroleum extraction” for land use purposes. The Initiative prohibits new petroleum extraction and well stimulation treatment land uses. Petroleum extraction uses lawfully existing on the Effective Date of this Initiative may continue as nonconforming uses under State and local law, so long as they are not enlarged, increased, extended, or otherwise expanded or intensified.
- C. **Findings:** The people of San Luis Obispo County find that this Initiative promotes and protects the health, safety, welfare, and quality of life of County residents, and protects the County’s unique environment and resources, based upon the following findings:
1. **Expanding Petroleum Extraction and Well Stimulation Treatments Is Incompatible With San Luis Obispo County’s Vision for the Future.** New petroleum extraction projects and well stimulation treatments are at odds with the qualities and values that make San Luis Obispo County unique and prosperous. The County General Plan’s first strategic growth principle for land use directs the County to “[p]reserve open space, scenic natural beauty and natural resources”; “[c]onserve energy resources”; and “[p]rotect agricultural land and resources.” Petroleum extraction and well stimulation treatments can have considerable land use and environmental effects, including impacts on scenic and biological resources, water supply, water quality, air quality, climate, earthquake risk, energy resources, and the County’s rural and agricultural way of life. These impacts threaten the health, safety, welfare, and quality of life of County residents, as well as the County’s unique environment and resources. Allowing petroleum extraction to expand or intensify or allowing well stimulation treatments in San Luis Obispo County would increase these threats.
  2. **The County Code Recognizes that Petroleum Extraction Poses Unique Problems in San Luis Obispo County.** San Luis Obispo County Code Section 22.34.010 recognizes that the County regulates petroleum extraction “to address particular problems in the County that do not apply generally throughout the state. These problems include a limited water supply for agricultural and domestic uses in a county that depends heavily on agriculture and tourism for its economic welfare.” The County Code states that “[t]he fresh water supply must be fully protected from pollution by petroleum operations.” Prohibiting expansion and intensification of petroleum extraction in San Luis Obispo County will help address these County-specific problems.
  3. **This Initiative Prohibits Petroleum Extraction in San Luis Obispo County While Allowing Existing Operations to Continue as Nonconforming Uses that Cannot Be Expanded or Intensified.** This Initiative makes petroleum extraction a prohibited land use in San Luis Obispo County. As a result, existing petroleum extraction establishments may continue, but may become nonconforming uses under the County’s land use ordinances. Nonconforming uses cannot be enlarged, increased, extended, or otherwise expanded or intensified. Drilling new petroleum exploration or development wells is an expansion and an intensification of petroleum extraction prohibited by this Initiative because such new wells would require more County land and may create new impacts, including increased construction activity, energy use, pollution, seismic impacts, and more. As a result of this Initiative, the impacts of petroleum extraction will decrease over time because existing petroleum extraction will likely be phased out as production from existing wells declines. However, this Initiative does not prohibit routine maintenance of existing petroleum extraction operations, wastewater disposal, or the exercise of any vested right.
  4. **Allowing Well Stimulation Treatments in San Luis Obispo County Would Increase the Petroleum-Related Threats to the County.** Fracking, acidizing, and other types of well stimulation treatments used for petroleum extraction are not currently prevalent in San Luis Obispo County. However, the Monterey Shale formation underlies substantial portions of the County, and fracking and acid well stimulation might be used to extract petroleum from the Monterey Shale in the future. In addition, existing petroleum extraction establishments might seek to enhance recovery with well stimulation treatments as yields from existing wells decline.

Well stimulation treatments use additional land, equipment, chemicals, water, and vehicles that exacerbate the negative impacts of petroleum extraction. For example, the trucks used for fracking operations would increase traffic, noise, and aesthetic impacts in the vicinity of these projects. In addition, fracking in San Luis Obispo County could use more County water and store, move, and use more chemicals than conventional petroleum extraction, and therefore pose an even greater threat to the County’s soil and water than existing operations. By facilitating more petroleum extraction, fracking could also generate substantially more produced water requiring risky storage, treatment, and disposal. Further, fracking can induce earthquakes. This is an enormous concern in our already seismically active State.

In order to protect the County from these and other heightened risks, residents want to prohibit the use of County land for well stimulation treatments.

5. **Petroleum Extraction Presents a Risk of Water Pollution and Soil Contamination that San Luis Obispo County Cannot Afford.** Petroleum producers transport toxic and hazardous chemicals to their drill sites, and may also mix and store them there. Such chemicals include methylene chloride, hydrochloric and hydrofluoric acid, and many others. Some petroleum companies withhold information about the chemicals they use from the public by claiming the information is proprietary. Many toxic and carcinogenic chemicals used in petroleum extraction are water-soluble and pose a great risk to the water we drink. In addition, “BTEX” chemicals (benzene, toluene, ethylbenzene, and xylene) are directly associated with fossil fuels and the “produced water” generated as a by-product of petroleum extraction. This suite of chemicals poses threats to our bodies, including the sensory, gastrointestinal, immune, reproductive, cardiovascular, endocrine, and nervous systems.

The wastewater and chemicals from petroleum operations could contaminate San Luis Obispo County’s surface water, groundwater, and soil through improper storage or disposal, surface spills, or accidents. Given the County’s heavy reliance on clean local water and soil, contamination could have devastating impacts on agriculture, the local economy, and residential uses. San Luis Obispo County residents are unwilling to accept the heightened risks of surface water, groundwater, and soil pollution posed by expanded or intensified petroleum extraction.

6. **Petroleum Extraction Consumes Scarce Water Supplies that Should Be Preserved for Agricultural and Municipal Uses.** Water is a valuable and limited commodity in San Luis Obispo County, and water demand has already exceeded the dependable supply in some parts of the County. Urban uses draw substantial water from the County’s aquifers, and County agriculture relies almost entirely on groundwater. The County depends heavily on agriculture and tourism for its economic welfare. In addition, forestalling water shortages in the County becomes especially challenging during drought conditions like those we experienced from 2012 to 2015, which led to acute water shortages, groundwater overdraft, critically low streamflow, and enhanced wildfire risk. Such droughts are forecast to become much more frequent in the future due to climate change.

Petroleum extraction in California is water intensive. Expanded or intensified petroleum extraction could significantly increase the demands on the County’s limited water supplies. San Luis Obispo County voters want to ensure that the County’s water is preserved for local farmers, residents, and visitors, not for petroleum extraction.

7. **The Value of Mineral Rights in San Luis Obispo County Is Speculative.** Parties holding mineral rights in San Luis Obispo County may not be able to act on those rights, for a variety of reasons. The value of mineral rights may vary dramatically, depending on market conditions and other factors. The distribution of mineral deposits below County land is also poorly mapped, so the value of certain mineral rights may be entirely speculative. In addition, petroleum extraction may not be feasible or economically viable in certain locations in the County, due to permitting requirements, natural resources, technological limitations, environmental regulations, and neighboring properties, among other factors. Further, even if petroleum extraction is not economically viable or permitted at a particular location, it may be possible to extract other resources. Accordingly, it cannot be assumed that mineral rights have value at any given time or that prohibiting petroleum extraction will eliminate all value of mineral rights. This Initiative allows the County to grant an exception to the Initiative’s provisions to avoid any unconstitutional taking of property. Because any financial impacts of prohibiting petroleum extraction on any particular property owner may vary widely, any contention that the Initiative effects an unconstitutional taking must be evaluated on a case-by-case basis.

8. **Expanding Petroleum Extraction in San Luis Obispo County Is Inconsistent with the County’s Agricultural Heritage and Rural Character.** San Luis Obispo County takes pride in its agricultural heritage and the reputation of its agricultural products, including its wineries and vineyards. The County is home to unique, diverse, and valuable agricultural resources, including the rich croplands of Arroyo Grande and Cienega Valleys and north county, the award-winning wines from vineyards in Arroyo Grande, Edna Valley, and Paso Robles, the orchards and plant nurseries of Nipomo, and the grazing lands in the coastal hills and the interior valleys across the County. Residents choose to live in these and other parts of the County because of the quiet, slower pace of life, natural recreational opportunities, and pastoral atmosphere.

Agriculture is also a major component of the County’s economy. In 2016, San Luis Obispo County agricultural crops were valued at \$915 million. In addition, a 2013 study produced for the County found that the full economic impact of agriculture far exceeds the value of crops alone; including the economic output of agriculture companies and their employees, in 2013 agriculture contributed \$1.87 billion to the County’s economy and provided over 20,000 local jobs (over 10% of the County’s total jobs).

Expansion and intensification of petroleum extraction threaten the County’s agricultural economy and could lead to the conversion of agricultural lands and rangelands to oil fields and the fragmentation of existing agricultural and rangeland operations.

9. **New Petroleum Extraction Is Incompatible with San Luis Obispo’s Clean Energy Future.** The people of San Luis Obispo County wish to create twenty-first century job opportunities in renewable and clean energy and green technology that are compatible with the County’s existing economic strengths and the quality of its communities. The Energy Chapter of the County’s General Plan Conservation and Open Space Element recognizes that a healthy, sustainable economy requires developing renewable energy resources, such as wind and solar, and improving energy efficiency. The County plans to reduce greenhouse gas emissions and stimulate local businesses and the economy by supporting new renewable energy development. Expansion and intensification of petroleum extraction operations, which are non-renewable and carbon-emitting, are incompatible with these goals.

10. **San Luis Obispo County’s General Plan Calls for a Transition to Renewable Energy.** The County’s General Plan states that San Luis Obispo County seeks to transition from non-renewable fossil fuel energy sources to environmentally sustainable, renewable energy supplies that do not degrade ecosystems. It identifies several priority actions that will contribute to the sustainability of the County’s natural resources and quality of life, including conserving water, reducing greenhouse gas emissions, and increasing use of renewable energy sources. It also recognizes that these priority actions are intimately connected because the production of energy from fossil fuels

causes significant harm to the environment. By prohibiting the use of County land for expanded or intensified petroleum extraction, this Initiative takes an important step in the County's renewable energy transition.

11. **Petroleum Extraction Is Not the Way to Grow a Healthy Economy in San Luis Obispo County.** Petroleum extraction operations do not adequately provide the long-term local job opportunities that are necessary to sustain a healthy local economy. Since 2012, renewable energy jobs have grown by an average of 6% per year in the United States. By contrast, jobs in petroleum and fossil fuel extraction have been subject to a boom-and-bust cycle and declined overall by 4.25% during the same period. Rural counties are often harmed by the boom-and-bust nature of petroleum extraction. Moreover, petroleum extraction is inherently speculative and does not ensure long-term economic stability. In contrast, investment in renewable energy leads to far greater job creation than does investment in fossil fuel production. San Luis Obispo County residents do not want to rely on the petroleum industry for jobs and local economic development.
12. **Petroleum Is a Limited Resource that Should Be Preserved for Future Generations.** A finite amount of petroleum underlies San Luis Obispo County. With the methods currently available, the use of County land for petroleum extraction harms the County's land, air, water, and residents. In addition, petroleum extraction is a primary driver of climate change and must be curbed immediately to mitigate climate impacts. However, it is possible that innovations could facilitate less destructive petroleum extraction in the future. San Luis Obispo County residents want to conserve the County's energy resources by prohibiting expansion and intensification of petroleum extraction.
13. **The County's Renewable Resources Are Underutilized.** The County has abundant renewable resources that can be used to generate energy, including wind and solar power. However, only a small portion of these resources are currently used. County renewable energy goals identified in the General Plan Conservation and Open Space Element include having an environmentally sustainable supply of energy for all County residents and businesses and increasing the use of local renewable energy. San Luis Obispo County residents want to ensure that no more County land is committed to petroleum extraction uses, so more land may be available for renewable energy production.
14. **Central California Has Had to Combat Major Oil-Related Threats for a Nearly Century.** San Luis Obispo County and its neighbors have a long history of disasters and threats of expansion from the oil industry that have required local residents and County officials to take action to protect the County, its residents, and the environment, including:

- 1926: A lightning strike to Union Oil's Tank Farm Road oil storage facility set off a series of explosions and fires. Flaming oil spread across the land, ran down San Luis Obispo Creek, and resulted in massive pollution. Nearly 100 years later, the land is still deemed toxic and a rehabilitation and development project is just beginning.
- 1969: Union Oil's offshore platform in the Santa Barbara Channel blew its safety valve and gushed nearly 100,000 barrels into the ocean and nearby beaches for over a week. The spill affected over forty miles of coastline. This disaster sparked a national environmental movement that resulted in creation of the United States Environmental Protection Agency in 1970.
- 1986: The Federal government proposed offshore oil and gas leasing in Federal waters off the California coast. In response, a San Luis Obispo County voter initiative invoked the County's local land use power to ban any onshore infrastructure (such as pipelines, storage, or pump stations) in support of offshore oil or gas development.
- 1988: The public began to uncover what Unocal officials had known for decades: nearly 12 million gallons of oil leaked from Guadalupe Dunes oil field into the dune complex that straddles San Luis Obispo and Santa Barbara Counties, contaminating groundwater, the dunes, the beaches, and the Pacific Ocean. The spill is still being cleaned up 30 years later.
- 1989: Avila Beach residents discovered a massive oil spill under their homes and businesses. Over many decades, corroded pipes that ran under the town had leaked over 400,000 gallons of toxic petroleum. After years of litigation, in 1998 a court ordered Unocal to clean up the damage. The original town was razed and rebuilt, but many locals were forced out in the process.
- 2013: Phillips 66 proposed to build a crude oil train terminal at its Nipomo Dunes refinery in San Luis Obispo County (the same location involved in the Guadalupe Dunes oil spill), to import Alberta tar sand oil in mile-long oil tanker trains. The project would have resulted in numerous documented negative and significant environmental and public health threats. After local residents and statewide allies brought these impacts to their attention, the County Planning Commission and County Supervisors acted to protect health and safety by denying the project.
- 2015: In the worst spill event in the region since the 1969 disaster, Plains All American Pipeline Line 901 ruptured and dumped more than 120,000 gallons of heavy crude oil along the Gaviota coast, damaging natural habitats and wildlife. Federal investigators blamed the spill on numerous human errors, including poor inspection, faulty valves and pumps, and operator errors. Plains filed an application to rebuild the pipeline last year.

San Luis Obispo County residents want to end this harmful cycle by prohibiting expansion and intensification of petroleum extraction.

15. **San Luis Obispo County Produces Some of the Dirtiest Oil on the Planet.** Much of the oil in California is among the heaviest and dirtiest on Earth. Because of the thick, sludge-like nature of this heavy oil, extraction requires far more energy-intensive operations than operations targeting lighter oil. Three quarters of California's oil production is as carbon-intensive as Canada's notoriously dirty tar sands crude, in terms of lifecycle greenhouse gas emissions.

The Arroyo Grande oil field, in particular, is one of the most climate damaging in the state, producing very heavy oil that is worse for the climate than oil from the Alberta tar sands. Arroyo Grande's extremely dirty crude is the second most carbon-intensive in California, in terms of production emissions, and the third most carbon-intensive in California, in terms of total lifecycle greenhouse gas emissions. Prohibiting expansion and intensification of

petroleum extraction in San Luis Obispo County will prevent substantial energy waste and reduce the County's contribution to climate change.

16. **Expanding Petroleum Extraction Will Further Degrade the County's Air Quality.** Petroleum extraction increases emissions of air pollutants linked to poor health outcomes and reduced agricultural yields. Air pollutants, including BTEX, radon, particulate matter, sulfur dioxide, and others, have been measured in elevated concentrations close to petroleum extraction operations. Emissions of nitrogen oxide, methane, and volatile organic compounds from petroleum extraction also contribute to ground-level ozone, or smog. In particular, people living near drilling sites have higher risks for cancer, asthma attacks, hospitalization, upper respiratory problems, and rashes. Pregnant women living close to drilling sites are particularly vulnerable; they face a higher risk of having babies with birth defects, premature births, high-risk pregnancies, and low-birthweight babies.

San Luis Obispo's air already periodically violates state and federal standards for some air pollutants, and petroleum extraction is one of the County's primary sources of smog. County residents want to protect their air from the threats posed by expanding and intensifying petroleum extraction.

17. **Expanding Petroleum Extraction Operations Could Degrade San Luis Obispo's Scenic Vistas, Reputation as a Destination, and Rural Quality of Life.** The beautiful scenic qualities of San Luis Obispo County are a major attraction for both residents and visitors. Views of oak-studded ranches, agricultural operations, ocean scenery, mountain landscapes, and unique geologic features form some of the prominent elements of the County's pastoral landscape.

This scenery is essential to recreation and tourism, which are major contributors to the local economy. A recent report found that in 2016, San Luis Obispo County tourism accounted for \$1.6 billion in sales and services, produced \$62 million in County tax revenue (an average of \$1,250 for every household), and accounted for one in every eight County jobs.

If new petroleum extraction in San Luis Obispo County is not curtailed, the number of unsightly oil derricks, along with conspicuous drill rigs, pumping units, and other surface equipment and facilities could grow. Furthermore, the County's rural roads could increasingly be used by heavy industrial trucks, which degrade road conditions and air quality, and contribute to noise, traffic, and safety concerns. These impacts of petroleum extraction will negatively affect quality of life and tourism in San Luis Obispo County.

18. **Expanding Petroleum Extraction Could Harm the County's Biological Resources.** San Luis Obispo County contains a variety of biologically important habitats. These habitats provide high conservation value for the preservation of rare, threatened, and endangered plant and wildlife species. Federally listed endangered species that are endemic to San Luis Obispo County include, among others, the Pismo clarkia and Nipomo Mesa lupine (both rare flowering plants), the Morro shoulderband (banded dune) snail, and the Morro Bay kangaroo rat.

Activity at well sites, including well drilling, grading, surface pad and road construction, and the associated noise, light, vibration, and air pollution, can degrade and destroy habitat for these and other species. The potential for water contamination poses a further threat to wildlife. Preventing the expansion and intensification of petroleum extraction operations will protect valuable biological resources within the County.

19. **San Luis Obispo County Has a Strong Interest in Curbing Climate Change.** Greenhouse gas emissions, from both the production and the combustion of oil and gas produced in San Luis Obispo County, will contribute to global climate change and its negative effects. In September 2017, the National Oceanic and Atmospheric Administration reported atmospheric concentrations of carbon dioxide reached 407 parts per million, the highest recorded since the Pliocene, 3.5 million years ago. At that time the Earth's sea levels were approximately 60 feet higher than present.

Climate change poses serious risks to coastal San Luis Obispo County. These risks include changes in temperature, precipitation patterns, fire risks, and water availability, as well as rising sea levels and altered coastal conditions. Rising ocean levels and increasing storm surges threaten San Luis Obispo's coastal communities and infrastructure. Rising temperatures and droughts will have significant impacts on the County's water supply and agricultural economy. The length of the fire season and area burned in wildfires are predicted to increase. Greatly intensified storms and flooding, also predicted as a result of climate change, will harm the entire County. San Luis Obispo County residents want to lead efforts to slow climate change by reducing greenhouse gas emissions and developing a clean energy economy.

20. **Prohibiting Expansion and Intensification of Petroleum Extraction in the Near Term Is Particularly Important in Light of Greenhouse Gas Reduction Goals.** To avoid the worst dangers of climate change, it is necessary to leave most of the world's remaining fossil fuels in the ground. In the 2015 Paris climate accord, the international community agreed to limit global warming to "well below 2°C above pre-industrial levels," in recognition of the international consensus that climate change is an "urgent threat" of global concern and that 2°C of warming is no longer considered a safe guardrail for avoiding dangerous climate impacts. Burning just the fossil fuels that are in already developed production fields globally will push the world beyond the 2°C threshold. To comply with the Paris accord and avoid the worst dangers of climate change, San Luis Obispo County residents want to do their part to keep petroleum in the ground.

21. **Earthquake Risks in San Luis Obispo County Are Already Too High.** Seismic activity is a particular concern in San Luis Obispo County. Numerous faults cross through the County. In particular, the Price Canyon fault underlies the Arroyo Grande oil field. In addition, the San Andreas fault, one of the most seismically active faults in California, presents a significant risk to the County. Further, as the General Plan Safety Element recognizes, the County's geological complexity and seismic activity makes fault identification difficult.

In addition to using infrastructure that can suffer catastrophic damage in an earthquake, petroleum extraction often includes or leads to activities, including fracking, underground injection of oil and gas wastewater, enhanced oil recovery such as steam flooding and cyclic steam injection, and fluid extraction, that may increase the threat of earthquakes. Petroleum extraction can also lead to subsidence, seeps, or sinkholes in the earth that are dangerous to public health and safety. These so-called “surface expressions” proved fatal in Kern County, where an oil worker was killed when he fell into a sinkhole that unexpectedly opened near a drill site.

County residents want to avoid any increased risk of injury, dangerous infrastructure damage, and water contamination from earthquakes that may result from expanded or intensified petroleum extraction.

## SECTION 2: SAN LUIS OBISPO COUNTY GENERAL PLAN AMENDMENTS

- A. This Initiative hereby amends the San Luis Obispo County General Plan (“General Plan”) Framework for Planning (Inland) (which is part of the Land Use Element of the General Plan), as amended through January 31, 2018 (“submittal date”). Text to be inserted in the General 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.
- B. The following new Policy 8 is added to Strategic Growth Principle 1, which begins on page 1-15 of the Framework for Planning (Inland):
8. **The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, for petroleum extraction is prohibited on all lands within the County’s unincorporated area.**
    - a. **Petroleum extraction land uses lawfully existing on the Effective Date may continue as nonconforming uses to the extent allowed under State and local law. Such uses shall not be enlarged, increased, extended, or otherwise expanded or intensified.**
    - b. **“Petroleum extraction” is defined as resource extraction establishments primarily engaged in: producing crude petroleum and natural gas; recovering oil from oil sands and shales; and producing natural gasoline and cycle condensate. Activities include exploration, drilling, oil and gas well operation and maintenance, operation of natural gas and cycle plants, the mining and extraction of oil from oil sands and shales, and on-site processing only to the extent necessary to permit extraction (e.g., enhanced recovery techniques including the use of steam generators), or to conform extracted crude to pipeline requirements.**
    - c. **“Effective Date” is defined as the date that the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative* became effective pursuant to State law.**
    - d. **This Policy 8 was added by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. It may be repealed or amended only by a vote of the people. The Initiative also amended the San Luis Obispo County Code to be consistent with this Policy 8.**
    - e. **Nothing in this Policy 8 is intended to affect any existing County authority to terminate operations found to be a nuisance or that are otherwise operating unlawfully.**
- C. The following new Policy 9 is added to Strategic Growth Principle 1, which begins on page 1-15 of the Framework for Planning (Inland):
9. **The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, for well stimulation treatments is prohibited on all lands within the County’s unincorporated area.**
    - a. **“Well stimulation treatment” is defined as 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. Well stimulation treatments do not include steam flooding, water flooding, or cyclic steaming and do not include routine well cleanout work, routine well maintenance, routine removal of formation damage due to drilling, bottom hole pressure surveys, or routine activities that do not affect the integrity of the well or the formation.**
    - b. **“Hydraulic fracturing treatment” is defined as 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.**
    - c. **“Acid well stimulation treatment” is defined as 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.**

- d. **This Policy 9 was added by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. It may be repealed or amended only by a vote of the people. The Initiative also amended the San Luis Obispo County Code to be consistent with this Policy 9.**

**SECTION 3: SAN LUIS OBISPO COUNTY LOCAL COASTAL PROGRAM AMENDMENTS**

- A. This Initiative hereby amends the San Luis Obispo County Local Coastal Program (“LCP”), as amended through the submittal date. The LCP includes the Land Use Plan (which is the Land Use Element of the General Plan for the Coastal Zone, and includes the Framework for Planning Coastal Zone; the Coastal Plan Policies Document; the North Coast, Estero, San Luis Bay, and South County Area Plans; and Land Use Category maps) and the Coastal Zone Land Use Ordinance (which is Title 23 of the San Luis Obispo County Code). Text to be inserted in the LCP or re-adopted is indicated in **bold** type. The language adopted or re-adopted in the following amendments may be repealed or amended only by a vote of the people. Amendments to the LCP require certification by the California Coastal Commission before they may take effect.
- B. The following new Objective 7 is added to Strategic Growth Goal 1, which begins on page 1-12 of the Framework for Planning Coastal Zone:

- 7. **The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, for petroleum extraction is prohibited on all lands within the County’s Coastal Zone.**
  - a. **Petroleum extraction land uses lawfully existing on the Effective Date may continue as nonconforming uses to the extent allowed under State and local law. Such uses shall not be enlarged, increased, extended, or otherwise expanded or intensified.**
  - b. **“Effective Date” is defined as the date that the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative* became effective pursuant to State law.**
  - c. **This Objective 7 was added by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. It may be repealed or amended only by a vote of the people. The Initiative also amended the Coastal Zone Land Use Ordinance to be consistent with this Objective 7.**
  - d. **Nothing in this Objective 7 is intended to affect any existing County authority to terminate operations found to be a nuisance or that are otherwise operating unlawfully.**

- C. The following new Objective 8 is added to Strategic Growth Goal 1, which begins on page 1-12 of the Framework for Planning Coastal Zone:

- 8. **The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, for well stimulation treatments is prohibited on all lands within the County’s Coastal Zone.**
  - a. **This Objective 8 was added by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. It may be repealed or amended only by a vote of the people. The Initiative also amended the Coastal Zone Land Use Ordinance to be consistent with this Objective 8.**

- D. The definition of “Petroleum Extraction” on page 6-45 of the Framework for Planning Coastal Zone, Chapter 6, Section D, “Land Use Definitions,” is re-adopted, as follows:

**Petroleum Extraction**  
Resource extraction establishments primarily engaged in: producing crude petroleum and natural gas; recovering oil from oil sands and shales; and producing natural gasoline and cycle condensate. Activities include exploration, drilling, oil and gas well operation and maintenance, operation of natural gas and cycle plants, the mining and extraction of oil from oil sands and shales, and on-site processing only to the extent necessary to permit extraction (e.g., enhanced recovery techniques including the use of steam generators), or to conform on-site extracted crude to pipeline requirements.

- E. The following definitions of “well stimulation treatment,” “hydraulic fracturing treatment,” and “acid well stimulation treatment,” are added to the Framework for Planning Coastal Zone, Chapter 6, Section D, “Land Use Definitions”:

**Well stimulation treatment**  
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. Well stimulation treatments do not include steam flooding, water flooding, or cyclic steaming and do not include routine well cleanout work, routine well maintenance, routine removal of formation damage due to drilling, bottom hole pressure surveys, or routine activities that do not affect the integrity of the well or the formation.

**Hydraulic fracturing treatment**  
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**

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.

F. The following new Section 23.08.171.1 is added to the Coastal Zone Land Use Ordinance:

**23.08.171.1 – Compliance with General Plan Framework for Planning Coastal Zone, Strategic Goal 1, Objective 7.**

- a. Strategic Goal 1, Objective 7, of the General Plan Framework for Planning Coastal Zone was adopted by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. Objective 7 prohibits the use of land for petroleum extraction within the County’s Coastal Zone, and this Section implements Objective 7. Nothing in the Coastal Zone Land Use Ordinance shall be construed as authorizing or allowing land uses prohibited by Objective 7. All actions taken under the Coastal Zone Land Use Ordinance shall be consistent and in compliance with Objective 7.
- b. Notwithstanding anything in the Coastal Zone Land Use Ordinance 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, for petroleum extraction is prohibited and not allowed in any zoning district in the Coastal Zone (including special purpose zones and overlay zones), any area covered by a specific plan, area plan, or community plan, or any planned development area, and shall not be approved through any action or inaction by the County.
- c. Petroleum extraction uses lawfully existing on the Effective Date may continue as nonconforming uses to the extent allowed under State and local law. Such uses shall not be enlarged, increased, extended, or otherwise expanded or intensified.
- d. “Effective Date” is defined as the date that the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative* became effective pursuant to State law.
- e. This Section may be repealed or amended only by a vote of the people.

G. The following new Section 23.08.171.2 is added to the Coastal Zone Land Use Ordinance:

**23.08.171.2 – Compliance with General Plan Framework for Planning Coastal Zone, Strategic Goal 1, Objective 8.**

- a. Strategic Goal 1, Objective 8, of the General Plan Framework for Planning Coastal Zone was adopted by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. Objective 8 prohibits the use of land for well stimulation treatments within the County’s Coastal Zone, and this Section implements Objective 8. Nothing in the Coastal Zone Land Use Ordinance shall be construed as authorizing or allowing land uses prohibited by Objective 8. All actions taken under the Coastal Zone Land Use Ordinance shall be consistent and in compliance with Objective 8.
- b. Notwithstanding anything in the Coastal Zone Land Use Ordinance 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, for well stimulation treatments is prohibited and not allowed in any zoning district in the Coastal Zone (including special purpose zones and overlay zones), any area covered by a specific plan, area plan, or community plan, or any planned development area, and shall not be approved through any action or inaction by the County.
- c. This Section may be repealed or amended only by a vote of the people.

**SECTION 4: SAN LUIS OBISPO COUNTY CODE AMENDMENTS**

A. This Initiative hereby amends the San Luis Obispo County Code (“County Code”), as amended through the submittal date. Text to be inserted in the County Code is indicated in **bold** type. The changes adopted in the following amendments may be repealed or amended only by a vote of the people.

B. The following new Section 22.34.005.1, is added to the County Code:

**22.34.005.1 – Compliance with General Plan Framework for Planning (Inland), Strategic Principle 1, Policy 8.**

- A. Strategic Principle 1, Policy 8, of the General Plan Framework for Planning (Inland) was adopted by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. Policy 8 prohibits the use of land for petroleum extraction in all zones within the County’s unincorporated areas, and this Section implements Policy 8. Nothing in the San Luis Obispo County Code shall be construed as authorizing or allowing land uses prohibited by Policy 8. All actions taken under the San Luis Obispo County Code shall be consistent and in compliance with Policy 8.

- B. Notwithstanding anything in the San Luis Obispo County 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, for petroleum extraction is prohibited and not allowed in any zoning district (including special purpose zones and overlay zones), any area covered by a specific plan, area plan, or community plan, or any planned development area, and shall not be approved through any action or inaction by the County.
  - C. Petroleum extraction uses lawfully existing on the Effective Date may continue as nonconforming uses to the extent allowed under State and local law. Such uses shall not be enlarged, increased, extended, or otherwise expanded or intensified.
  - D. “Effective Date” is defined as the date that the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative* became effective pursuant to State law.
  - E. This Section may be repealed or amended only by a vote of the people.
- C. The following new Section 22.34.005.2, is added to the County Code:

**22.34.005.2 – Compliance with General Plan Framework for Planning (Inland), Strategic Principle 1, Policy 9.**

- A. Strategic Principle 1, Policy 9, of the General Plan Framework for Planning (Inland) was adopted by the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative*. Policy 9 prohibits the use of land for well stimulation treatments within the County’s unincorporated areas, and this Section implements Policy 9. Nothing in the San Luis Obispo County Code shall be construed as authorizing or allowing land uses prohibited by Policy 9. All actions taken under the San Luis Obispo County Code shall be consistent and in compliance with Policy 9.
- B. Notwithstanding anything in the San Luis Obispo County 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, for well stimulation treatments is prohibited and not allowed in any zoning district (including special purpose zones and overlay zones), any area covered by a specific plan, area plan, or community plan, or any planned development area, and shall not be approved through any action or inaction by the County.
- C. This Section may be repealed or amended only by a vote of the people.

**SECTION 5: CONFORMING AMENDMENTS**

- A. In order to promote internal consistency among the various sections of the documents amended by this Initiative, the Initiative makes the following conforming amendments. Text to be inserted in the relevant document is indicated in **bold** type, and text to be deleted is indicated in ~~striketrough~~ type. Non-bolded text currently appears in the relevant document and is not changed or re-adopted by this Initiative. The language adopted or amended in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the documents amended by this Initiative. Amendments to the Local Coastal Program require certification by the California Coastal Commission before they may take effect.
- B. Policy E 7.1 of the General Plan Conservation and Open Space Element (which is part of the General Plan), which begins on page 5.24, is amended, as follows:
 

*Policy E 7.1 Non-Renewable Energy Facility Siting*

Energy, fossil fuel, and related facilities will be sited, constructed, and operated **in conformance with General Plan Framework for Planning (Inland) Strategic Growth Principle 1, Policies 8 and 9, and Framework for Planning Coastal Zone Strategic Growth Goal 1, Objectives 7 and 8,** and in a manner to protect the public from potential hazards and significant environmental impacts.
- C. “Petroleum Extraction” is removed from the list of allowable land uses in Coastal Table O on page 6-29 of the Framework for Planning Coastal Zone, as depicted in Exhibit A, attached to this Initiative.
- D. “Petroleum Extraction” is removed from the list of allowable land uses in Coastal Table O on page D-20 of the Estero Area Plan (which is part of the Local Coastal Program), as depicted in Exhibit B, attached to this Initiative.
- E. The description of the “Rural Lands” category on page 6-4 of the South County Coastal Area Plan (which is part of the Local Coastal Program) is amended, as follows:

The Rural Lands category is applied to three parcels on a major portion of the Guadalupe Dunes oilfield. A planning area standard for this area is contained in Chapter 8. It limits allowable uses to agricultural accessory structures, aquaculture, crop production and grazing, coastal accessways, fisheries and game preserves, water wells and impoundments, ~~petroleum extraction~~, accessory storage, and pipelines and power transmission. The purpose of this standard is to provide for uses such as agriculture and aquaculture which could be compatible with existing oil extraction operations in this area. The duration of any proposed aquaculture use on portions of this Rural Lands category should be tied to the life of the oil operations. An aquaculture use should therefore be terminated at the

same time as or soon after termination of oil extraction activities so that the ultimate use of the area for limited recreation can be realized.

~~While the use of the area for energy development is appropriate, †The long-range use of the area should be for limited passive recreational activities. †~~**General Plan Framework for Planning Coastal Zone Strategic Goal 1, Objectives 7 and 8, prohibit the use of land for petroleum extraction and well stimulation treatments within the County’s Coastal Zone.** Any proposals for expansion or intensification of the petroleum extraction operations **not prohibited by Objectives 7 and 8** should be preceded by approval of a Development Plan covering the entire property. In passing the California Coastal Act of 1976, the Legislature recognized the potential for conflicts between energy development and coastal protection and they developed specific policies to ensure orderly industrial development while providing maximum protection of sensitive resources. ~~While the area is appropriate for energy development use because of the existing oil resources, †The ultimate use of the area should be planned for limited passive recreational activities. ...~~

F. The “Rural Lands” standards on page 8-12 of the South County Coastal Area Plan are amended, as follows:

RURAL LANDS: The following standards apply only to lands in the Rural Lands land use category.

Guadalupe Dunes Oilfield. The following standards apply to three parcels comprising the 1,062-acre Rural Lands category within and adjacent to the Guadalupe Dunes oilfield Leroy Lease.

1. Limitation on Use. Uses allowed by Coastal Table O of the Land Use Element and Local Coastal Plan are limited to: agricultural accessory structures; aquaculture; crop production and grazing; coastal accessways; fisheries and game preserves; water wells and impoundments; ~~petroleum extraction~~; accessory storage; pipelines and power transmission.

G. “Petroleum Extraction” is removed from the list of allowable land uses in Table 2-2 in Section 22.06.030 of the County Code, as follows:

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific Use Standards
	AG(8)	RL	RR	RS	RSF	RMF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES							
...							
Petroleum Extraction	<del>A2</del>	<del>A2</del>	<del>A2</del>	<del>A2</del>			22.34

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES								
...								
Petroleum Extraction			<del>A2</del>	<del>A2</del>	<del>SP(5)</del>	<del>A2</del>	<del>A2</del>	22.34

H. Section 22.34.030 of the County Code is amended, as follows:

22.34.030 - Drilling Permit Requirements.

A drilling permit shall be obtained to authorize exploration or production wells for oil, gas, geothermal steam or any other subterranean resource except water (water wells are subject to Chapter 8.40 of this code), as follows. **No drilling permit shall be granted that is inconsistent with General Plan Framework for Planning (Inland) Strategic Principle 1, Policies 8 and 9.**  
...

I. Section 23.08.172 of the Coastal Zone Land Use Ordinance is amended, as follows:

23.08.172 - Resource Extraction Wells.

...  
A drilling permit shall be obtained to authorize wells for extraction of oil, gas, geothermal steam or any other subterranean resource except water, whether for purposes of exploration or production. (Water wells are instead subject to the provisions of Section 23.08.178 of this chapter and Chapter 8.40 of this code.) Such operations

shall be conducted in accordance with the standards in Sections 23.08.173 through 23.08.174. Exploratory wells are those drilled to explore for subterranean resources, including verifying their location, extent, or determining the feasibility of commercial extraction. Production wells are permanent installations for the extraction and preparation for transportation of a proven resource. (Note: The extraction of petroleum from oil sands or shales by any method other than wells is subject to the standards of Sections 23.08.180 through 23.08.187 for surface mining operations). **No drilling permit shall be granted that is inconsistent with General Plan Framework for Planning Coastal Zone Strategic Goal 1, Objectives 7 and 8.**

J. Section 23.08.173 of the Coastal Zone Land Use Ordinance is amended, as follows:

23.08.173 - Drilling Permit Requirements.

A drilling permit shall be obtained to authorize wells for the extraction of oil, gas, geothermal steam or any other subterranean resource except water (water wells are instead subject to Section 23.08.178 of this chapter and chapter 8.40 of this code), whether for purposes of exploration or production, as follows: **No drilling permit shall be granted that is inconsistent with General Plan Framework for Planning Coastal Zone Strategic Goal 1, Objectives 7 and 8.**

...

#### SECTION 6: EXEMPTIONS FOR CERTAIN PROJECTS

- A. Nothing in this Initiative shall apply to prohibit any person or entity from exercising a vested right obtained pursuant to local or State law as of the Effective Date of this Initiative.
- B. The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California.
- C. Takings:
  - 1. If a property owner contends that any provision of this Initiative effects an unconstitutional taking of that owner's property, the County shall grant an exception to the application of that provision if the County finds, based on substantial evidence, that (1) application of that provision could constitute an unconstitutional taking of that owner's property, and (2) that any exception granted will allow additional land uses only to the minimum extent necessary to avoid such a taking.
  - 2. This takings subsection is intended to prevent this Initiative from unconstitutionally interfering with property rights and to avoid the potential fiscal impacts to the County of claims for just compensation based on allegations of such interference. This subsection is therefore intended to avoid a taking of property, not to provide a remedy for such a taking.

#### SECTION 7: IMPLEMENTATION

- A. **Effective Date:** "Effective Date" means the date that the *Protect Our Water, Air, and Land: Ban Fracking and Oil Expansion in SLO County Initiative* became effective pursuant to State law.
- B. **San Luis Obispo County General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the San Luis Obispo County General Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been used in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the San Luis Obispo County General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the County Code or any other San Luis Obispo County ordinance or resolution that are inconsistent with the provisions adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- C. **San Luis Obispo County Local Coastal Program and Coastal Commission Certification:** Following the Effective Date of this Initiative, the County of San Luis Obispo is hereby authorized and directed to submit the Initiative's amendments to the Local Coastal Program, along with any necessary supporting documents, to the California Coastal Commission for certification as an amendment to the San Luis Obispo County Local Coastal Program. If the three amendments to the San Luis Obispo County Local Coastal Program permitted by State law for any given calendar year have already been used in the year in which the Initiative becomes effective, this amendment to the San Luis Obispo County Local Coastal Program shall be the first amendment submitted to the California Coastal Commission for certification on January 1 of the following year. The voters further intend that the Initiative's amendment to the Local Coastal Program will take effect automatically upon the California Coastal Commission's approval.
- D. **Interim Amendments:** The San Luis Obispo County General 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 San Luis Obispo. In order to ensure that nothing in this Initiative would prevent the General 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 General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the General 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 General Plan.
- E. **Other County Plans, Ordinances, and Policies:** The County of San Luis Obispo is hereby authorized and directed to amend the San Luis Obispo County General Plan, Local Coastal Program, area plans, specific plans, community plans, County Code, including the Land Use Ordinance and the Coastal Zone Land Use Ordinance, and other ordinances and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan, Local Coastal Program, area plans, specific plans,

community plans, County Code, including the Land Use Ordinance and the Coastal Zone Land Use Ordinance, and other County plans, ordinances, and policies.

- F. **Reorganization:** The San Luis Obispo General Plan, Local Coastal Program, 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 General Plan, Local Coastal Program, and County Code, provided that the provisions of Sections 2, 3, and 4 of this Initiative shall remain in the General Plan, Local Coastal Program, and County Code, respectively, unless repealed or amended by a vote of the people of the County.
- G. **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.
- H. **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.

**SECTION 8: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT**

This Initiative adopts a comprehensive scheme prohibiting use of land for petroleum extraction and well stimulation treatments 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 petroleum extraction or well stimulation treatments within the County’s unincorporated areas, or conflicts with any provision of this Initiative, shall be deemed to conflict with this Initiative. Because of this conflict, if this Initiative and any such other San Luis Obispo 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 8, 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 9: SEVERABILITY AND INTERPRETATION**

This Initiative shall be broadly construed in order to achieve its purpose.

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 were 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.

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 10: AMENDMENT OR REPEAL**

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



**Exhibit B**

Excerpt of Coastal Table O, "Allowable Uses" (Estero Area Plan, p. D-20), as amended by Section 5.D of this Initiative.

LAND USE CATEGORY	PAGE NUMBER OF USE				
	1	2	3	4	5
<i>Open Space</i>					S-14
<i>Public Facilities</i>					S-9
<i>Industrial</i>					<del>S-9</del>
<i>Commercial Service</i>					<del>S-9</del>
<i>Commercial Retail</i>					S-9-P
<i>Office &amp; Professional</i>					S-9-P
<i>Residential Multi-Family</i>					S-9-P
<i>Residential Single-Family</i>					S-9-P
<i>Residential Suburban</i>		A			<del>S-9</del>
<i>Residential Rural</i>	A	A			S-9-P
<i>Recreation</i>	A	A			S-9-P
<i>Rural Lands</i>	A	A	S-9		S-9-P
<i>Agriculture - Non-Prime Soils</i>	A				S-9-P
<i>Agriculture - Prime Soils</i>					S-9-P

**USE GROUP**

F) RESOURCE EXTRACTION	
1	Fisheries & Game Preserves
2	Forestry
3	Mining
4	Petroleum Extraction
5	Water Wells & Impoundments