

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

The measure provides as follows:

**Protect Our Water and Health: Ban Fracking Initiative**

The people of the County of San Benito do hereby ordain as follows:

**SECTION 1: PURPOSE AND FINDINGS**

- A. Purpose:** The purpose of this Initiative is to protect San Benito County’s water quality and supplies, agricultural lands, environmental quality, rural character, scenic vistas, and quality of life by prohibiting: (a) the use of any land within the County’s unincorporated area for High-Intensity Petroleum Operations, including for example hydraulic fracturing (also known as fracking), acid well stimulation treatments, and cyclic steam injection; and (b) the use of residentially designated land within the County’s unincorporated area for any petroleum operations.
  
- B. Effect of this Initiative:** This Initiative recognizes and builds upon San Benito County’s recently adopted oil and gas well regulations. This Initiative prohibits the use of any land within the County’s unincorporated area for fracking, acid fracking, acid matrix stimulation, steam injection and other types of oil and gas development with advanced well stimulation technologies (collectively referred to in this Initiative as High-Intensity Petroleum Operations). It also prohibits the new use of land for any Petroleum Operations in unincorporated areas designated for residential use. This Initiative includes reasonable provisions to protect property rights and any vested rights.
  
- C. Findings:** The people of San Benito 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 to support adoption of this Initiative:
  - 1. High-Intensity Petroleum Operations Are Different.** Low-Intensity Petroleum Operations generally involve drilling wells through which oil or gas flows naturally or is pumped up to the surface. High-Intensity Petroleum Operations are different. Fracking, acid fracking, acid matrix stimulation, and cyclic steam injection typically include high-pressure injections of solvents, acids, and other chemicals, and/or steam to fracture, heat, or dissolve underground

formations. High-Intensity Petroleum Operations threaten our limited water resources in ways that Low-Intensity Petroleum Operations do not.

While some High-Intensity Petroleum Operations have previously occurred, new advances in fracturing and stimulation technologies enable 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. Use of High-Intensity Petroleum Operations to extract oil and gas from the Monterey Shale Formation could lead to an increase in the number of active wells in the County.

There are currently hundreds of inactive or plugged oil and gas wells scattered throughout the County. High-Intensity Petroleum Operations may be used not only to drill new wells but also to reactivate these old wells.

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 stop this land use before it spreads across the County.

**2. Our Limited Water Supplies Should Be Preserved for Agricultural and Municipal Uses.** Water is a valuable and limited commodity in San Benito County. The County relies on groundwater as its primary water supply source. The County also receives water from the federal Central Valley Project, but that source has been significantly reduced over the years. As a result, farmers have had to rely increasingly on groundwater, which also serves municipal and industrial uses.

High-Intensity Petroleum Operations in California are water intensive. According to a 2013 study by the University of California, Berkeley, hydraulic fracturing in California often requires hundreds of thousands of gallons per well. Some operators have reported water use rates in excess of one million gallons per “frack.” The County’s recently approved Indian Wells pilot oil project relies on cyclic steam injection technology, and is authorized to use more than 17 million gallons of water, all from groundwater sources.

The County has suffered from groundwater overdrafts and is working to forestall water shortages. Doing so becomes especially challenging during drought conditions like those we are currently experiencing. Some residents are already experiencing unprecedented increases in water rates and cannot afford further rate increases. Other residents who depend on private domestic wells are at risk of well failure because of depleted aquifers. San Benito voters want to preserve our limited water supplies for local farmers and residents, not for High-Intensity Petroleum Operations.

**3. San Benito Cannot Afford the Risks of Groundwater Pollution.** Accidents happen. Many High-Intensity Petroleum Operations mix, transport, or store toxic and hazardous chemicals for use in fracking or acidizing fluid. They also generate a considerable amount of wastewater that can contain these chemicals along with hydrocarbons, naturally occurring radiation, dissolved salts, and other elements harmful to human health and safety. The wastewater and chemicals from these operations could contaminate San Benito County's groundwater through improper storage or disposal, surface spills, or other means. Given the County's heavy reliance on groundwater, groundwater contamination could have devastating impacts on agriculture, our local economy, and our water supplies. San Benito residents are unwilling to accept the risk of groundwater pollution posed by High-Intensity Petroleum Operations.

**4. High-Intensity Petroleum Operations Are Inconsistent With Our Agricultural Heritage and Rural Character.** San Benito County takes pride in its agricultural heritage and strives to protect its rural character. Residents choose San Benito County over neighboring urban areas like Silicon Valley because of the County's quiet, slower pace of life and rural atmosphere. Over 80% of unincorporated land in San Benito County is used for rangeland and agricultural production and operations. As the County's leading industry and one of its largest employers, agriculture is a vital part of our economy.

The County's General Plan has long aimed to "maintain the County's rural atmosphere," "protect prime agricultural areas," and "protect agriculture as a major industry in the County." New High-Intensity Petroleum Operations threaten these goals by converting agricultural lands to oil fields and fragmenting existing agricultural and rangelands operations.

**5. Earthquake Risks in San Benito County Are Already Too High.** Seismic activity is a matter of particular concern in San Benito County. Major active geologic faults, including the San Andreas and Calaveras faults, run through the County. Numerous other faults have been mapped in the region, and many additional fault traces remain unmapped.

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

The combination of artificially induced and naturally occurring seismic activity also increases the risk of damage to oil and gas infrastructure located in San Benito County. County residents do not accept this heightened risk of infrastructure damage and water contamination.

High-Intensity Petroleum Operations can also lead to subsidence, seeps, or 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.

**6. High-Intensity Petroleum Operations Will Further Degrade Our Air Quality.** Studies suggest that High-Intensity Petroleum Operations increase emissions of air pollutants linked to poor health outcomes and reduced agricultural yields. Air pollutants including benzene, toluene, ethylbenzene, xylene, radon, particulate matter, and others have been measured in elevated concentrations close to High-Intensity Petroleum Operations. Ground-level ozone from emissions of nitrogen oxide, methane, and volatile organic compounds from oil and gas development have also been observed.

San Benito’s air already falls below state standards for some of these pollutants. Residents want to protect the air they breathe from these threats.

**7. High-Intensity Petroleum Operations Will Degrade Our Scenic Vistas and Rural Quality of Life.** The beautiful scenic qualities of San Benito County are a major attraction for both residents and visitors. Pinnacles National Park, Fremont Peak State Park, Pacheco State Park, San Juan Bautista State Historic Park, Clear Creek Management Area, San Benito Mountain Research Natural Area, State Scenic Highway 25, and Juan Bautista de Anza National Historic Trail are popular destinations. Views of mountains, undeveloped rangelands, large agricultural fields and croplands, natural ridgelines along the Diablo and Gabilan Ranges, 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 in the County, along with more conspicuous drill rigs, pumping units, and other surface equipment and facilities. 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.** San Benito County contains a variety of habitats including grasslands, riparian woodlands, and aquatic habitats. These habitat types provide high conservation value for the preservation of rare, threatened, and endangered plant and wildlife species, such as the iconic California Condor.

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 any new jobs in San Benito 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 San Benito County wish to create 21<sup>st</sup> Century job opportunities in clean energy, renewables, and green technology, which can be compatible with our existing economic strengths and the quality of our communities. Residents also envision a growing tourism sector that leverages our existing agricultural, historical, and environmental assets. A healthy, sustainable economy requires developing a diversity of energy resources, such as wind and solar. The County plans to meet California greenhouse gas reduction targets and stimulate local businesses and the economy by supporting new renewable energy development. High-Intensity Petroleum Operations are non-renewable, carbon emitting, and extractive technologies that are incompatible with these goals and with preserving what makes San Benito County a desirable place to live and work.

**10. Petroleum Operations Are Incompatible With Residential Uses.** Oil and gas development projects are industrial operations that are incompatible with residential uses and quality of life. Petroleum operations often generate noise, odor, visual effects, significant heavy truck traffic, and other impacts that create safety and general welfare concerns in residential areas. For these reasons, all petroleum operations should be directed away from areas with residential land use designations.

## **SECTION 2: GENERAL PLAN AMENDMENTS**

This Protect Our Water and Health: Ban Fracking Initiative (“Initiative”) hereby amends the County of San Benito General Plan (“General Plan”), as amended through February 27, 2014 (“submittal date”). Text to be inserted in the General Plan is indicated in **bold** type. The language adopted in the following amendments may only be changed by a vote of the people.

- A. The General Plan Land Use Element and the San Benito County General Plan Policy Abstract are hereby amended to add the following new Policies 41 and 42.

**Policy 41: 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.

2. Definitions:

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

**“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.**

**“Enhanced Recovery Wells” means wells that are injected with brine, water, steam, polymers, carbon dioxide, or other gasses into oil-bearing formations to recover residual oil and in some limited applications natural gas. The injected fluid thins (decreases the viscosity) or displaces small amounts of extractable oil and gas, which is then**

available for recovery. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

“Effective Date” means the date that the Protect Our Water and Health: Ban Fracking Initiative became effective pursuant to State law.

3. **Vested rights/legal nonconforming uses:** The Protect Our Water and Health: Ban Fracking Initiative (“Initiative”) establishes a reasonable amortization period of one year after the Effective Date for any land use in support of a High-Intensity Petroleum Operation(s) that has obtained, as of the Effective Date, a vested right pursuant to State law (including legal nonconforming High-Intensity Petroleum Operations) as determined by the Planning Commission.

Within one year of the Effective Date, the owners and operators of all vested High-Intensity Petroleum Operations shall bring land uses into conformity with this Policy. Land uses may support Low-Intensity Petroleum Operations, in compliance with all applicable law, on properties formerly supporting High-Intensity Petroleum Operations.

The one-year amortization period may be extended on a case-by-case basis if the Planning Commission determines that a well owner or operator has shown that one year is not a reasonable amortization period pursuant to State law. Any extension shall not exceed two years (in addition to the initial one-year period for a total of three years) and may be only for the minimum length of time necessary to provide a reasonable amortization period.

All Planning Commission determinations made under this Policy must be made at a duly noticed public hearing. The Planning Commission’s determinations may be appealed to the Board of Supervisors.

Nothing in this Policy is intended to affect any existing County authority to terminate operations found to be a nuisance.

4. **This Policy 41, along with Policy 42 and Articles VII and VIII of Chapter 25.29, § 19.21.031, and related definitions in the San Benito County Code were adopted by the Protect Our Water and Health: Ban Fracking Initiative and may not be amended or repealed except by a vote of the people.**

**Policy 42. Land Uses Supporting Petroleum Operations Are Prohibited in All Residential Land Use Designations**

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 Petroleum Operation(s) is prohibited on all lands designated Rural, Rural Transitional, Rural Residential, Rural/Urban, and Sphere of Influence Rural/Urban, within the County’s unincorporated area. “Petroleum Operations” mean all activities in connection with the exploration, drilling for and the production of petroleum, gas and other hydrocarbons, together with all incidental equipment and appurtenances thereto until the abandonment of all wells in accordance with applicable law.**
  
2. **Vested rights/legal nonconforming uses:**

**This Policy 42 shall not apply to prohibit the use of land in support of any Low-Intensity Petroleum Operation that has obtained, as of the Effective Date of this Policy, a vested right (including legal nonconforming Low-Intensity Petroleum Operations) pursuant to State law. “Low-Intensity Petroleum Operations” mean all Petroleum Operations that are not High-Intensity Petroleum Operations as defined by Land Use Policy 41.**

- B. The General Plan Open Space and Conservation Element Update and the San Benito County General Plan Policy Abstract are hereby amended to add the following new Policy 23.5.

**Policy 23.5. High-Intensity Petroleum Operations**

**The County shall require the use of all lands within the County’s unincorporated area to comply with Land Use Policies 41 and 42.**

**SECTION 3: SAN BENITO COUNTY CODE AMENDMENTS**

This Initiative hereby amends the Code of San Benito County, California, also referred to as the San Benito 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 only be changed by a vote of the people.

- A. To Title 25, “Zoning,” Chapter 25.29, “General Requirements,” add the following new Articles VII and VIII:

**ARTICLE VII. HIGH-INTENSITY PETROLEUM OPERATIONS**

**§ 25.29.161. PROHIBITION OF LAND USES SUPPORTING HIGH-INTENSITY PETROLEUM OPERATIONS**



(a) 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, and is not a permitted use in any zoning districts, specific plan areas, or planned development areas. No application for a building permit, use permit, variance, or any other entitlement authorizing the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment in support of High-Intensity Petroleum Operations shall be approved by, or deemed to be approved through inaction by, the County of San Benito or any officer or employee thereof.

(b) This Section 25.29.161 shall be applied to land uses in support of vested (including legal nonconforming) High-Intensity Petroleum Operations as provided in General Plan Land Use Policy 41.

#### **ARTICLE VIII. PETROLEUM OPERATIONS IN RURAL AND RESIDENTIAL DISTRICTS**

##### **§ 25.29.162. PROHIBITION OF LAND USES SUPPORTING PETROLEUM OPERATIONS IN RURAL AND RESIDENTIAL DISTRICTS**

(a) 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 Petroleum Operation(s) is a prohibited use in Rural (R), Rural Transitional (RT), Rural Residential (RR), Single-Family Residential (R1), and Residential Multiple (RM) base zoning districts (even if such a district is combined with a Mineral Resource Area (MR) District or other overlay district). No application for a building permit, use permit, variance, or any other entitlement authorizing the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment in support of Petroleum Operation(s) in these zoning Districts shall be approved by, or deemed to be approved through inaction by, the County of San Benito or any officer or employee thereof.

(b) This Section 25.29.162 shall not apply to any land use in support of Low-Intensity Petroleum Operations that has obtained a vested right (including any legal nonconforming operations) as of this Section's effective date.

- B. To Title 25, "Zoning," Chapter 25.01, "General Provisions," § 25.03.002, "Definition of Certain Terms," add the following **bold text** definitions:

***High-Intensity Petroleum Operations.* High-Intensity Petroleum Operations as defined in General Plan Land Use Policy 41.**

***Low-Intensity Petroleum Operations.* Low-Intensity Petroleum Operations as defined in General Plan Land Use Policy 42.**

- C. To Title 19, “Land Use and Environmental Regulations,” “Chapter 19.21: Oil and Gas Wells,” add the following new § 19.21.031.

**§ 19.21.031 COMPLIANCE WITH THE PROTECT OUR WATER AND HEALTH: BAN FRACKING INITIATIVE**

**The Protect Our Water and Health: Ban Fracking Initiative (“Initiative”), adopted by County voters, builds upon the provisions of this Chapter 19.21 (“this Chapter”) 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 shall be construed as authorizing or allowing land uses prohibited by the Protect Our Water and Health: Ban Fracking Initiative. Notwithstanding anything in this Chapter to the contrary, the owners and operators of all vested High-Intensity Petroleum Operations (including legal non-conforming High-Intensity Petroleum Operations), as defined and determined under the provisions of the Initiative, shall bring land uses into conformity with the provisions of the Initiative as provided therein. All actions taken under this Chapter shall be consistent and in compliance with the provisions of the Initiative. No use permit, modification to a use permit, or other entitlement shall be granted, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.**

**SECTION 4: GENERAL PLAN CONFORMING AMENDMENTS**

In light of the General Plan amendments set forth above in Section 2 of this Initiative, the General Plan is hereby further amended as set forth below in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in **bold** type. Text to be deleted from the General Plan is indicated in ~~strike through~~ type. Text in standard type currently appears in the General Plan and is not changed by this Initiative. The language in the following amendment may be further amended without a vote of the people in the course of future updates and revisions to the General Plan, provided that any such amendments do not conflict with any provisions of Sections 2 and 3 of this Initiative.

The General Plan Land Use Element, “Land Use Policies and Actions,” “Industrial,” and the San Benito County General Plan Policy Abstract are hereby amended to make the following changes to Policy 31.

A general plan amendment shall be required for the establishment of new heavy industrial areas or quarries outside the areas identified for Mineral Resources in the Open Space/Conservation Element. An environmental impact analysis shall be required for consideration of the general plan amendment to minimize near- and long-term effects on the environment. In some limited situations, new small scale isolated industrial operations will be allowed as overlay zoning in other land use categories., **provided the overlay zoning does not permit land uses in support of Petroleum Operations inconsistent with the provisions of the Protect Our Water and Health: Ban Fracking Initiative.**

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

- 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.

## **SECTION 6: IMPLEMENTATION**

- A. Effective Date:** Upon the effective date of this Initiative, (1) the provisions of Sections 2 and 4 of the Initiative are hereby inserted into the County of San Benito 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 utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the County of San Benito General Plan on January 1 of the next year; and (2) the provisions of Section 3 of the Initiative are hereby inserted into the 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 San Benito ordinance or resolution that are inconsistent with the General 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 San Benito is referenced herein as the “submittal date.” The County of San Benito 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 Benito. In order to ensure that nothing in this Initiative measure 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 measure 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. 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 San Benito is hereby authorized and directed to amend the County of San Benito General Plan, all specific plans, the County Code, including the Zoning Code, the Zoning map, the Oil and Gas Wells Code, and other ordinances and polices 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 General Plan, all specific plans, the Zoning map, and other County ordinances and policies.
- D. Reorganization:** The General 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 General Plan and County Code, provided that the provisions of this Initiative shall remain in the General Plan and 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 general plan amendment, rezoning, specific plan, subdivision map, use permit, amended use permit,

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

## **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 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 San Benito 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 any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve 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. It is not the intent of this Initiative to regulate public utility operations for the storage or distribution of natural gas.

## **SECTION 9: AMENDMENT OR REPEAL**

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

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