

SANTA CRUZ COUNTY MEASURE A
ORDINANCE OPPOSING ONSHORE FACILITIES
FOR OFFSHORE OIL AND GAS DRILLING
(Full Text of Ordinance)

The Board of Supervisors of the County of Santa Cruz hereby submit to the voters this ordinance for enactment of the following ordinance.

ORDINANCE NO.

ORDINANCE REQUIRING VOTER APPROVAL FOR NEW MAJOR ONSHORE FACILITIES SUPPORTING OFFSHORE OIL AND GAS EXPLORATION AND DEVELOPMENT, AND EXPRESSING THE STRONG OPPOSITION OF THE CITIZENS OF SANTA CRUZ COUNTY TO PROPOSED OFFSHORE OIL DEVELOPMENTS AFFECTING THE SANTA CRUZ COUNTY COAST, AND THE ENVIRONMENT, CHARACTER AND ECONOMY OF SANTA CRUZ COUNTY

The people of the County of Santa Cruz do ordain as follows:

SECTION I

The purpose of this ordinance is to express the strong opposition of the people of Santa Cruz County to proposed offshore oil developments which would negatively affect the Santa Cruz County coast, the character and environment of the community, and the local Santa Cruz County economy. A further purpose of this ordinance is to assure that any proposed onshore facilities to support the exploration for and development of offshore oil and gas will be permitted only after a vote of the people.

SECTION II

The citizens of the County of Santa Cruz hereby declare their opposition to offshore oil developments affecting Santa Cruz County, and the Santa Cruz County Coast, for the reasons stated in Section III of this ordinance.

SECTION III

The Santa Cruz County Code is hereby amended by adding Chapter 16.55, to read as follows:

CHAPTER 16.55

**ONSHORE FACILITIES SUPPORTING OFFSHORE
OIL AND GAS EXPLORATION AND DEVELOPMENT**

Sections:

16.55.010 FINDINGS

16.55.020 VOTER APPROVAL FOR ONSHORE FACILITIES

16.55.030 RECODIFICATION AND AMENDMENT

16.55.040 SEVERABILITY

SECTION 16.55.010 FINDINGS. It is hereby found and determined as follows:

1. The federal government has proposed to open up virtually the entire California coastline to offshore oil and gas exploration and development, including the coastline off Santa Cruz County.
2. Coastal areas off Santa Cruz County have been determined to be high priority areas for offshore oil and gas exploration and development by various multinational oil companies.
3. Offshore oil and gas development off Santa Cruz County would have the following significant effects upon this community:
 - a. If offshore oil and gas development occurs off the Santa Cruz County coast, significant new air pollution is absolutely inevitable. One drillship produces approximately the same amount of air pollution as 23,000 cars driving fifty miles per day. Despite this fact, the federal government does not presently require that offshore oil and gas developments comply with State and local air pollution rules.
 - b. Offshore oil and gas development off the Santa Cruz County coast would expose the coast to the danger of massive oil spills, from an oil well blowout or a tanker accident. Even if a major accident never occurs, routine small oil releases are absolutely inevitable if offshore oil and gas development is permitted. Such small releases of oil would degrade our sensitive marine environment, put oil on our beaches, and expose both marine mammals and seabirds to great danger.
 - c. Offshore oil and gas development off the Santa Cruz County coast would inevitably result in the discharge of large volumes of highly toxic drilling muds onto the ocean floor. These toxic materials would degrade our sensitive marine environment, put all forms of marine life at greater risk, and pose a threat to human beings who might later eat fish contaminated with accumulated toxics.
 - d. Offshore oil and gas development off the Santa Cruz County coast would put the existing local economy in jeopardy, because: (1) such offshore oil and gas development would significantly and substantially interfere with the operations of our fishing industry; (2) would detract from the experience of visitors to our coast, and, particularly if a massive oil spill occurs, place our tourism industry in danger; and (3) place significant pressures on coastal lands and water needed for agriculture, and would hence threaten our agricultural industry.
4. The onshore impacts of offshore oil and gas development would be substantial:
 - a. The recreational use of local port facilities could be usurped by oil industry boats.
 - b. Noisy helicopter traffic could become a significant irritant to County residents.

- c. The massive fresh water supplies needed for offshore oil and gas development might require that water be diverted from existing users, or that costly and environmentally-damaging dam and water projects be constructed.
- d. Coastal agricultural and other lands would be needed for oil processing, treatment, and transportation facilities, or for supply bases for offshore oil and gas development, potentially transforming our open and agricultural lands along the coast into the industrial staging area for oil and gas developments offshore.
5. Rather than consuming offshore oil and gas resources now, our nation should conserve these resources, since they are non-renewable. Our nation should develop a national energy strategy based on energy conservation and the increasing use of renewable energy sources. Instead, the federal government has presently reduced or eliminated efforts to increase energy conservation, and to develop renewable energy sources, at the same time that it is attempting to increase the development of non-renewable energy sources like offshore oil and gas. The citizens of Santa Cruz County are willing and able to do their part in conserving energy, and in developing a society less dependent on non-renewable fossil fuel resources.
6. The citizens of Santa Cruz County have no legal way directly to control offshore oil and gas exploration or development, since oil and gas developments which occur offshore are under the jurisdiction of the federal government. The citizens of Santa Cruz County do, however, have the legal ability to make significant decisions about onshore facilities which support offshore oil and gas exploration and development.
7. Since the effects of offshore oil and gas development on the people of Santa Cruz County would be significant, it is appropriate that the people of Santa Cruz County reserve for themselves, to the maximum degree possible, decisions on major new onshore facilities which support offshore oil and gas exploration and development.

SECTION 16.55.020 VOTER APPROVAL FOR ONSHORE FACILITIES.

1. No permit, entitlement, lease, or other authorization of any kind within the County of Santa Cruz which would authorize or allow the development, construction, or installation of any onshore facility necessary for or intended to support offshore oil or gas exploration or development shall be granted unless such authorization is approved by a majority vote of the qualified electors of Santa Cruz County, in a general or special election. For the purpose of this ordinance, the term "onshore facility" means any facility or land use of at least 20,000 square feet necessary for or intended to support offshore oil or gas exploration, or the development, production, storage, processing, or transportation of oil or gas resources produced or developed offshore, or other activities related to the development of offshore oil or gas resources.
2. When any person proposes to undertake the development within Santa Cruz County of any onshore energy facility related to the exploration or development of offshore oil or gas resources, and requests an amendment of the County's certified Local Coastal Program to facilitate such development, the local government determination required by Public Resources Code Section 30515 shall include a vote of the qualified electors of Santa Cruz County, in a general or special election, and no local government determination approving such an amendment shall be valid unless a majority of the electors voting in such election approve the amendment proposed. The Board of Supervisors of Santa Cruz County are hereby authorized and directed to enact any further ordinances or regulations necessary to give effect to this paragraph, and specifically to require that the person seeking any such amendment to the County's certified Local Coastal Program pay all costs associated with the special or general election required herein.

SECTION 16.55.030 RECODIFICATION AND AMENDMENT. Nothing shall prevent the Board of Supervisors of Santa Cruz County from recodifying the substantive provisions of this ordinance from time to time to incorporate the provisions of this ordinance into the County Code in the most appropriate location. No substantive provision of this ordinance, however, shall be amended or repealed, except by a vote of the people.

SECTION 16.55.040 SEVERABILITY. If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in full force and effect, and to this extent, the provisions of this ordinance are severable.

SECTION IV

Within thirty (30) days after the certification of the adoption of this referendum ordinance, the Board of Supervisors shall send a copy of this measure, with a letter stating the results of the election, to all of the following persons: The President of the United States; the United States Secretary of the Interior; the Chairperson of the United States Senate Committee on Energy and Natural Resources; the Chairperson of the United States House of Representatives Committee on Interior and Insular Affairs; the United States Senators and United States Representatives representing the State of California in the United States Congress; the Governor of the State of California; the California State Senator representing Santa Cruz County; and the California State Assembly Member representing Santa Cruz County.

SECTION V

This ordinance shall take effect as provided by law.

PASSED AND ADOPTED by the People of the County of Santa Cruz at a duly held election on June 3, 1986, by majority vote.

Approved as to form:

s/ Jonathan Wittwer
Chief Deputy County Counsel

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IMPARTIAL ANALYSIS OF MEASURE A

Under existing law, there is no requirement for prior voter approval of any authorization by the County of Santa Cruz for any new major onshore facilities supporting offshore oil and gas exploration and development. Nor has there been any Countywide election held by which the citizens of the County of Santa Cruz may express their position regarding proposed offshore oil developments affecting the Santa Cruz County coast, and the environment, character, and economy of Santa Cruz County. The effect of Measure A, if approved by the voters, will be as follows: (1) to enact an ordinance prohibiting authorization by the County of Santa Cruz for any new major onshore facilities supporting offshore oil and gas exploration and development without prior voter approval; and (2) to require the Board of Supervisors of the County of Santa Cruz to send to specified governmental officials a copy of Measure A, together with a letter stating the results of the election whereby the citizens of Santa Cruz County express their strong opposition to proposed offshore oil developments affecting the Santa Cruz County coast, and the environment, character and economy of Santa Cruz County.

Measure A will operate as follows. The People of the County of Santa Cruz make findings regarding significant effects and substantial impacts of offshore oil and gas development upon the Santa Cruz County community. Based on such findings, authorization of any permit, entitlement, lease, amendment of certified Local Coastal Program, or other authorization of any kind, within the unincorporated area of the County of Santa Cruz, for the development, construction, or installation of any onshore facility necessary for or intended to support offshore oil or gas exploration or development shall be prohibited in the absence of prior approval by a majority vote of the qualified electors of the County of Santa Cruz in a general or special election. The term "onshore facility" is defined to mean any facility or land use of at least 20,000 square feet necessary for or intended to support offshore oil or gas exploration or development.

Measure A will also operate to express the strong opposition of the citizens of the County of Santa Cruz to proposed offshore oil developments which would negatively affect the Santa Cruz County coast, and the environment, character, and economy of Santa Cruz County. The Board of Supervisors of the County of Santa Cruz will be required to send a copy of this measure, together with a letter stating the results of this election to: The President of the United States, the United States Secretary of the Interior, specified members of Congress, the Governor of the State of California, and specified members of the California Legislature.

DWIGHT L. HERR
COUNTY COUNSEL

by/ Jonathan Wittwer
Chief Deputy County Counsel

ARGUMENT IN FAVOR OF MEASURE A

Vote YES on Measure A. This measure expresses our opposition to proposed offshore oil developments affecting our coast, and reserves for the people the approval of onshore facilities which support offshore oil development. The future of our community is at stake!

Offshore oil development would mean the transformation of our coastal lands into industrial staging areas for the oil industry. Our coastal agriculture might be displaced by oil processing, treatment, and transportation facilities. Noisy helicopters would become part of our daily life.

One result of offshore oil development would be substantial new air pollution. Offshore oil development would also bring the threat of massive oil spills, and the certainty of numerous small spills, which would degrade our sensitive ocean environment, put oil on our beaches, and expose marine mammals and seabirds to life-threatening danger.

Offshore oil development would mean the discharge of toxic drilling muds onto the ocean floor. Such toxic materials would harm the marine environment, and pose a threat to human beings, who may later eat fish contaminated with accumulated toxics.

Offshore oil development would pose a significant danger to our local economy, which is based on fishing, agriculture, and tourism. The energy needs of our nation can largely be met by increasing energy conservation and the use of renewable energy sources. Offshore oil development puts our local community at risk, while doing little to meet our nation's future energy needs.

Our community cannot directly control offshore oil development. We can, however, let our voice be heard--in the most direct way possible--and we can keep control over onshore developments which facilitate offshore oil production. Measure A will make all such developments subject to a vote of the people.

Please vote YES on Measure A, to help preserve and protect this beautiful place we live.

s/ Dan Forbus, Supervisor, First District
s/ Robley Levy, Supervisor, Second District
s/ Gary Patton, Supervisor, Third District
s/ E. Wayne Moore, Jr., Supervisor, Fourth District
s/ Joe Cucchiara, Supervisor, Fifth District

NO ARGUMENT AGAINST THIS MEASURE
WAS SUBMITTED

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