



How to Stop the Construction of New Gasoline Stations: A Guide for Communities

COALITION OPPOSING NEW GAS STATIONS

August 2022



Designed for California communities, this “how-to” is a step-by-step guide that shares experiences and information about efforts to halt new gasoline station proposals and to secure ordinances permanently prohibiting the construction of new gasoline stations at the city and county local government level.

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Introduction

This guide is intended for California cities and counties. California has unique climate, energy, and greenhouse gas emission reduction goals which can be used as a policy basis for a campaign to stop new gas station construction. Although much of this guide can be used in any state in the U.S., some of the activities are only possible in California.

There are two main categories in the effort to stop the construction of new gas stations so this guide is divided into two main sections:

Part 1) Stopping individual gas stations; and

Part 2) Convincing local governments – cities and counties – to adopt ordinances or make revisions to their land use code that prohibit construction of new gas stations. No one wants to spend their time battling gas station proposals. It makes far more sense to update obsolete 20th century land use codes with 21st century realities in mind.

The Coalition Opposing New Gas Stations (CONGAS) emerged in early 2019 when Sonoma County residents became aware of a proposal for a 16-pump gas station, carwash, and minimart in a rural location. At a community meeting on June 25, 2019 hosted by the developer, 45 people attended to express their opposition to the project. Two weeks later, the developer withdrew the application. During the course of this campaign, the organizers became aware of other gas station proposals, and CONGAS was born.

Over the course of the next 24 months, three additional proposals were withdrawn by applicants in the face of fierce public opposition organized by CONGAS. A proposal for a large Safeway gas station in Petaluma was also defeated, thanks to another group, [NoGasHere](#), and this led to Petaluma becoming the first city in the nation to adopt an ordinance prohibiting the construction of new gas stations.¹

CONGAS has been engaged in campaigns to stop specific gas station proposals out of necessity. We would rather not be spending our time doing this. Obsolete 20th century local land use planning codes that allow gasoline stations leave it to developers to decide whether to propose a gas station. The more effective and long-lasting goal is to convince local governments – cities and counties – to revise their land use codes so that gasoline stations are no longer permitted uses within their jurisdictional boundaries.

We are working at stopping the construction or permitting of *new* gas stations and the expansion of fossil fueling infrastructure at existing stations. CONGAS engages in no activity relating to operating gas stations apart from the suggested provision about expanding fossil fuel

¹ <https://secureservercdn.net/192.169.221.188/83d.73e.myftpupload.com/wp-content/uploads/2021/08/Argus-Courier-7-19-21.pdf>

infrastructure at existing stations. This approach is not based on an assertion that gasoline stations themselves are high greenhouse gas emitters. The purpose is to stop the expansion of fossil fuel infrastructure that extends, prolongs, or facilitates dependency on fossil fuels into the future, and to prevent a major new source of air, soil and groundwater contamination in our communities. We contend that for multiple reasons – social, economic, and environmental – gasoline stations are a bad investment in the 2020s.

Why stop the construction of new gas stations?

Climate crisis imperative

The message from the August 2021 Intergovernmental Panel on Climate Change was unequivocal: this is a “code red for humanity,”² according to the UN Secretary General. Human activity is changing the climate in unprecedented and probably irreversible ways due to a massive expansion of greenhouse gas emissions. We are already experiencing and should continue to expect increasingly extreme weather events including unprecedented wildfire, heatwaves, drought, flooding, and more. There may still be time to mitigate the worst effects, but we need to move fast. According to the latest Intergovernmental Panel on Climate Change Report, “Any further delay in concerted global climate action will miss a rapidly closing window.”³ Ceasing to throw fuel on the fire by stopping the expansion of fossil fuel infrastructure is a good place to start.

Environmental justice imperative

In every drop that comes out of a gasoline dispenser, there is a trail of devastation for communities and the environment around the world that leads all the way back to the point of extraction of the crude oil from the ground. Low-income communities of color in the US and around the world – “frontline communities” – are poisoned and/or displaced by effluent and emissions from these operations. Low-income communities along rail and roadways are threatened by the hazard of oil and gas transportation. Historically disadvantaged communities of color near refineries and gas processing facilities, “fenceline communities,” face respiratory disorders, cancer, and death rates much higher than the national average. Indigenous communities around the world are severely impacted by pumping and pipelines, which often lead to a series of disasters, from leaks and spills impacting drinking water supplies to social disruption. See the Resources section of this guide for a brief list of environmental justice organizations that focus on these injustices.

Local impacts

There are many reasons why gasoline stations do not make for good neighbors in a community. Gasoline stations pose hazards and impacts including increased crime, night-time light pollution,

² UN News: <https://news.un.org/en/story/2021/08/1097362>

³ <https://www.ipcc.ch/2022/04/04/ipcc-remarks-wgiii-ar6-press-conference/>

noise, environmental impacts, public health impacts, traffic congestion and safety issues, and more. In Part 1 of this guide we explore some of the impacts in more detail. In the Resources section see Coltura’s “The Polluter Nextdoor” and “Governing the Gasoline Spigot” which go into great detail about the local impacts.⁴

Alignment with existing climate policies

Find out whether your state, county or local town or city has policies that address the climate crisis such as a Climate Emergency Resolution, or any other statements about taking care of the environment, water and the health of the local community. The General Plan may be a good place to start. Many jurisdictions have Climate Action Plans.

State

Since the passage of the Global Warming Solutions Act in 2006 (AB 32) the state of California has been on a policy trajectory toward statewide decarbonization of its economy. These policies are revised and strengthened nearly every year. On September 23, 2020, Governor Newsom issued an Executive Order mandating that by 2035 no new cars or passenger trucks may be registered in the state.⁵ This policy is consistent with overarching state policies aimed at radically reducing California’s greenhouse gas (GHG) emissions over the coming decade or two. Ceasing to permit or construct new gasoline and diesel fueling infrastructure is squarely in line with these state goals. More detailed lists of some of the milestones are contained in the model ordinances and resolutions in the “Resources” section of this guide.

County

In 2009, the Sonoma County [Regional Climate Protection Authority \(RCPA\)](#) was formed to coordinate countywide climate protection efforts among Sonoma County’s nine cities and multiple agencies.

On September 17, 2019, Sonoma County adopted a [Climate Emergency Resolution](#).

On September 13, 2021, the RCPA adopted a resolution agreeing to encourage and support each municipality to adopt its own ordinance prohibiting the construction of new gas stations in its jurisdiction.⁶

Municipal

On May 6, 2019, the Petaluma City Council became the first city in Sonoma County to adopt a [Climate Emergency Resolution](#). Other cities followed suit, until in March 2021,

⁴ <https://www.coltura.org/gas-stations>

⁵ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

⁶ More info here, item 4.2: <https://scta.ca.gov/wp-content/uploads/2021/09/SCTA-RCPA-Board-of-Directors-Agenda-Packet-09.13.2021.pdf>

Rohnert Park became the last of Sonoma County's nine cities to adopt a Climate Emergency Resolution.⁷

Working with your city or county to adopt a climate emergency resolution may be a needed first step in securing a permanent prohibition on new gas stations. If that is not a chosen path, language in climate action plans, if they exist, can be pointed to as a policy basis for adopting a prohibition. On March 1, 2021, Petaluma became the first City in the nation to prohibit the construction of new gas stations. This is no doubt the first of what will be many to follow.

When is enough enough? or... Don't we have enough gas stations already?

How many gas stations already exist in your community? Do you really need any more? Are there long lines of cars queuing up for gas? How far do residents have to drive for gas? A quick Google search for local gas stations will often reveal that there are several gas stations within a short distance of one another. Petaluma's analysis found that there is a gas station within a five-minute drive traveling at 25 miles per hour from any point in the city. CONGAS' analysis of two gas station proposals in Santa Rosa found that there were at least ten operating gas stations within a five-mile radius of both proposals. Research by Coltura has found that the U.S. has roughly twice the number of gas stations per capita and per car as in Europe. Clearly, the purpose of new gas stations in many cases is not a matter of community need.

Economics & market trends

The number of gasoline stations in the U.S. has been on the decline in the United States since the 1990s.⁸ Much of this is due to consolidation and the emergence of high volume discount retailers. Smaller, independent "Mom-and-Pop" businesses are being overtaken by large "big box" players like Costco, Walmart, Safeway, and others. These are high-volume discount outlets that offer gasoline at low prices in order to attract new members. In California gasoline sales have been flat and even declining for more than ten years.⁹

Sales of electric cars are booming,¹⁰ new models are being introduced frequently, and upfront sticker prices are coming down. Multiple independent analyses have substantiated that the lifetime cost of electric vehicles is significantly lower than gasoline equivalents.¹¹

Overall, the economic and market trend is heading away from fossil fuels, including gasoline and diesel, toward cleaner electric vehicles and charging infrastructure.

⁷ <https://www.theclimatemobilization.org/blog/2021/03/16/first-in-the-nation-sonoma-county-united-in-acknowledging-climate-emergency/>

⁸ <https://thehill.com/opinion/technology/352884-gas-stations-will-disappear-sooner-than-you-think>

⁹ <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=A103650061&f=M>

¹⁰ <https://www.marketwatch.com/story/with-more-choices-available-electric-vehicles-sales-are-booming-11643308453>

¹¹ <https://www.consumerreports.org/hybrids-evs/evs-offer-big-savings-over-traditional-gas-powered-cars/>

Part 1. Stopping newly proposed gas stations and gas stations “in the pipeline”

Deciding when to act

In many instances there is no question about whether or not to take action. A permit application has been filed for a new gas station in an area where it is not needed or wanted by the community and there is general agreement to work to oppose it.

Decision Tree

Not all gasoline station proposals are simple permit applications for a new gas station. More complicated cases can include things like a closed station reopening, and existing stations wanting to expand. It can sometimes be a judgment call as to whether a community group has the bandwidth to address every case and sometimes a decision needs to be made. In the course of our work, grappling with a variety of cases, we developed a [Decision Tree](#) to help guide our thinking.

Local site-specific issues

Gasoline station permitting decisions are made as part of a land use planning process. The Institute for Local Government provides a useful [Land Use & Planning Guide](#)

When a new permit application is filed with a city or county, it is assigned a file number. All of the documents related to the permit application should be contained in that file. In the 2020s, these files are maintained online and there is usually no need to visit the Planning Department.

Gas station permits usually require conditional use permits¹² and California Environmental Quality Act (CEQA)¹³ review. One of the first things you will need to do is research the project proposal and, specifically, what land use zone the project is in. Look at details for the plan which should be available from, for example, the local Planning Department.

Conditional use permits (CUPs) are not a matter of right but reserved for special uses that may be essential or desirable for a particular community.¹⁴ Any county or city decision-making body that has a CUP coming before them has the authority to deny the CUP if they find that the use is not in the best interest of the community.

It is important to receive notice of new project permit applications at the earliest possible point and to get on an email list to be notified of any new actions on a project. Developers are more likely to withdraw a project proposal if they learn of public opposition early, before they have

¹² https://opr.ca.gov/docs/theconditionalusepermit_071997.pdf

¹³ <https://opr.ca.gov/ceqa/>

¹⁴ Letter making this point: https://docs.google.com/document/d/11IHtcU1ZKS_TuzY3KZP_u-DXJ_ezslVljcFwFYdg3o/edit?usp=sharing

sunk a lot of money and time into pre-development work. This, in fact, was the experience in several of the campaigns CONGAS took part in. Get to know who the point person is, typically a staff or consultant land use planner. Have them place you on the noticing list for the project and check in with them occasionally if you have not received any updates in a while.

Consider how this project could impact the local community and environment. Try to find local experts on specific issues, for example:

Geology

- Earthquake hazards, faults, zones of liquefaction;
- Areas prone to landslide or subsidence;
- Areas built on fill; unstable foundations.

Water

- Proximity to wetlands, riparian areas;
- Potential for flooding, sea level rise;¹⁵
- Surface water; impacts on wildlife;
- Ground water; impacts on drinking water, wells. Search the State Water Resources Control board [GeoTracker](#) for sites that impact or have the potential to impact water quality in California, with emphasis on groundwater;¹⁶
- Increase in area of impermeable surface affecting run-off;
- California has laws relating to underground fuel storage tanks (USTs). All single-walled USTs are to be removed and replaced with double-wall tanks in 2025 per Senate Bill 445, enacted in 2014.¹⁷

Air quality

Air quality is not the same issue as the climate, greenhouse gas emissions issue. The climate issue is about carbon dioxide and other gases that contribute to the global problem of climate change. Air quality refers to the local “nose level” pollution at, in this case, gas stations.

Gas stations emit a number of toxic compounds from the vapors escaping from fueling nozzles, tank vent pipes, and spillage. This includes known carcinogens such as benzene. This is why we see the Prop 65 health hazard warnings¹⁸ at gas stations. A 2018 Columbia University study found that these emissions are higher than previously estimated.¹⁹

The state of California has a range of rules, regulations, and measures, like the familiar vapor recovery nozzles that attempt to mitigate the hazards to human health. But none of these measures eliminate the hazard. See the Resources section for a deeper dive into state regulations and academic papers on the topic.

¹⁵ People can look up the flood risk for a particular address here: <https://msc.fema.gov/portal/home>

¹⁶ These include Leaking Underground Storage Tank (LUST) sites: see <https://geotracker.waterboards.ca.gov/>

¹⁷ SB 445 (Hill, 2014) https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB445

¹⁸ <https://www.p65warnings.ca.gov/places/service-stations>

¹⁹ <https://www.sciencedaily.com/releases/2018/10/181004110021.htm>

Health issues and sensitive people

- Proximity to schools, playing fields, child care etc., e.g. Petaluma;²⁰
- Air quality issues;
- Noise impacts - hours of opening; traffic;
- Lights: night-time lights; hours of opening.

Wildlife habitat, sensitive species

Are there sensitive species that will be affected by, for example:

- Polluted water from leaks and spills into streams, wetlands;
- Loss of habitat from vegetation removal, additional paving or asphalt;
- Noise;
- Night-time lights.

Historical/cultural resources

Sites of historical or cultural significance, historical landmarks and Districts, may have special protections. Check with the local Planning Department.

Traffic safety and traffic congestion

- In relation to local traffic patterns, safety/accident records;
- Internally on the site itself - pedestrian safety, space for tankers to turn, etc.

Long-term costs to government and taxpayers

- Using site for a gas station now may leave a brownfield in the future that cannot be used for more important land uses such as housing;
- Risk that the local government could get stuck with cleanup costs for the site if owners abandon it when demand for gas declines.

Community Outreach

How to raise awareness, reach local community members who may share your concerns, spread the word about what is happening:

- Word of mouth to friends and neighbors;
- Fliers, door-to-door and on community bulletin boards, in libraries, etc.;
- Petition: collect signatures to present to decision-makers, and use contact information to build up a contact list as well;
- Local media including radio and print media (note: an article about a gas station proposal in a local free monthly paper is part of the story of how CONGAS was born);
- Email lists, Facebook, local social media.

²⁰ These factors were relevant in the Petaluma case. See: <https://www.nogashere.com/>

Work in coalition – build alliances with other local organizations:

In many communities, organizations exist that may share your concern about a new gas station. Seek them out. Find out what organizations are active in your community that address social, economic, or environmental concerns. If you know people with expertise in e.g. geology, biology, traffic, ask for their help with reviewing planning documents.

Consider who will be affected and connect with local groups involved in:

- Climate, environment, protecting wildlife;
- Eco-social justice, racial equity;
- Human health and safety, sensitive people, marginalized groups;
- Advocates for bicycle and pedestrian safety;
- Advocates for better public transportation;
- Advocates for improved electric vehicle charging access and infrastructure;
- Socially responsible and active businesses, business owners, and business groups.

Media Strategy

It is important to get your story “out there.” Part of the reason for this is that doing so can help build your local effort and bring in new recruits. An article in a local free monthly paper is what sparked the formation of CONGAS. There is a risk, depending on local politics, culture, and other local dynamics, that publicizing your efforts could also make supporters of a gas station proposal come forward and make things difficult. In our experience, this happens mostly in cases where a proposed station is one that will offer discount gas. For some members of the community, low cost is a consideration that overrides any concern about local impacts on the planet. Again based on experience, we have found that making the campaign known in the community via a media strategy is a net benefit.

Media List – In order to engage with the media, you need to start with knowing who they are in your community. Create a media list that includes key information such as news editors, reporters, publishers, etc., with contact information and anything else that is important to know. When you have something going on that you think is newsworthy, there is a three-step process for using the list and getting the word out to the media.

Media Advisory – The first is the media advisory. A media advisory is a brief “heads up” to reporters that something is happening in the future that they may want to prepare for and cover. You usually put this out a few days before the event in question. The point is to spark interest on the part of a news editor or reporter. A successful media advisory will result in emails or calls from reporters. If you don’t hear from them, and you want to make sure they are aware, a few phone calls to top reporters are in order.

News Release – The second is a news release or press release. A news release is a mock-up of an actual story that you want the reporter to publish. It should include compelling quotes from community leaders. Some small outlets just print your release as though it is their own news

story, so it needs to say what you want it to say and be complete. Typically you send this out right after the event happens. Sometimes you need to draft two versions if you're unsure how a vote or something will go.

Conventional Media:

- Newspapers
 - Articles
 - Guest editorials
 - Letters to the editor²¹
- Radio and TV
 - Interviews
- Website

Social Media

- Facebook, Twitter, Instagram, LinkedIn, etc.

Street Action

- Demonstrations, protests
- Organize
- Informational pamphlet

Documentation

It is super important to retain good records of just about everything you do. For one thing, if your case goes to court, it will be important to demonstrate that you exercised every step in the public decision-making process and every administrative opportunity to have your concerns addressed.

Keeping good records can come in very handy in another way. A case in point involves the third gas station proposal that CONGAS had a hand in thwarting. A few months after the 2019 project at Highway 116 and Stony Point was defeated, CONGAS was contacted by a representative of Renner Petroleum, the parent company of Rotten Robbie gasoline outlets.

The representative stated that they were in escrow on the property and had plans to develop a project at that site very similar to the plan we had defeated – many pumps, carwash, minimart. They had been informed by the county planner that we had had a hand in stopping a previous project at that location. What the representative wanted to know was, is it just the two of you? Just a handful of people? And do we think there will be opposition again if we try to proceed?

We were able to provide them with ample records of letters and emails – some 145 documents in all, stating opposition to the previous project. We assured them that they would face just as much resistance if not even more now that the community is familiarized with the location and on alert for any additional proposals. A few hours later we received word that Renner had

²¹ We have learned that the staff of elected officials always read letters to the editor to get a sense of what constituents are concerned about

withdrawn from escrow and canceled their plans. Doing the tedious work of keeping records can pay off.

Things to avoid

- Don't try to claim that stopping a gas station is going to reduce GHGs now. There are energy intensive local land uses such as restaurants, coffee roasters, and microbreweries that emit more GHGs than gas stations. The vehicles the gas stations serve emit GHGs, but those emissions cannot be attributed to any specific gas station and are accounted for by different means. The purpose of stopping the construction of new gas stations is to avoid prolonging dependency on fossil fuels into the future, bearing in mind that modern gas stations and storage tanks are built to last for 40 years.
- Don't attack or interfere in any way with operating gas stations, their owners, managers, employees, or customers. The transition away from gasoline is inevitable, and market forces will gradually reduce and eventually eliminate all gasoline stations in the U.S.

Administrative appeals

In the course of opposing a permit application, there will be several opportunities to intervene and get on the public record with points of opposition, reasons why the project is bad for the community and should not be approved. It is important to get these points on the record as they become important in the event that the case goes to court. Comments can be submitted both in writing in advance and in person during the time for comment at the board meeting.

Local government bodies which review permit applications vary from case to case, but typically include a design review board, a zoning board, a planning department or Commission, and ultimately the city council or board of supervisors. Make your case at each of these stops.

There are often time limits on individual comments before boards and commissions. It can help to have several people comment, each focusing on one point.

While decision makers are heavily influenced by emotional appeals, they need reasons that are within the board's specific decision-making authority to justify their actions. Be sure to understand what is within each board's scope and address some comments to those issues. For example, Design Review Boards are narrowly focused on matters relating to the physical design of the project in question. Issues like greenhouse gas emissions are not in their purview. Zoning Boards, as the name implies, are narrowly focused on matters relating to the land use code and zoning designations.

Resorting to the courts

If all of your efforts fail to persuade your elected representatives to reject a gas station proposal and they grant approval to the project, there is a period of time (often 30 days) during which an appeal of the decision can be filed in the court having jurisdiction. It is important to know the

deadline and file your appeal as soon as possible. Seek advice from pro bono attorneys (your local Sierra Club may have connections) on when, where, and how to file the appeal.

Case Studies

Highway 116 & Stony Point Road

This was the gas station proposal that started it all. In February of 2019, one of us was alerted about a County Design Review Committee when this proposal to build a 16-pump gas station with carwash and minimart was on the agenda.



About 45 Sonoma County residents attended a public meeting on June 25, 2019 to unanimously oppose the project. Less than two weeks later, on July 8, the developer withdrew their application. Photo credit: Woody Hastings

The gas station proposal was for a new 16-pump gas station, with carwash and minimart, in a rural area two miles west of Cotati in Sonoma County. It was an inappropriate site for a number of reasons: in a rural agricultural area, in seasonal wetlands, adjacent to endangered species habitat, with a drainage ditch running to a significant waterway. Some small, local, independently-owned, businesses on site would be evicted. There were several existing gas stations within a few miles of the site.

The strategy to defeat it. Initially just three people attended the initial Design Review meeting. They researched the documents to learn as much as possible about the background to the project, and spoke about their concerns at the meeting, as well as submitting them in writing, for the record. They created a flier, visited neighbors door-to-door on foot to let them know about the proposal and gauge their opinion, and circulated the information on email lists.

The tactics used. An article in the Sonoma Gazette, a local newspaper, attracted the attention of an individual with expertise in climate and energy issues and experience as a community organizer and that individual rapidly became more involved as co-coordinator of CONGAS. Thanks to successful community outreach, 45 people showed up at a public meeting organized

by the developer, and expressed their strong opposition to the project. Two weeks later the developer – a large development corporation – withdrew their proposal.

The outcome and lessons learned. Stay on top of relevant meetings and agenda items. Research the issues. Attend public meetings and be prepared to speak, write to and/or meet with elected officials. Reach out to neighbors and publicize the issue through local media. Be persistent! Find experts and allies with concerns in common. Meet with them in person if you can. Be ready to reciprocate by supporting their issues when needed. Speak to anyone you can think of who may be impacted by the project.

5300 Sebastopol Road

While working to defeat the proposal at Hwy 116 and Stony Point, CONGAS became aware of another proposal at 5300 Sebastopol Road, just east of Sebastopol.



About 30 Sonoma County residents attended an early-morning demonstration at the project location on June 18, 2020. Shortly after, as preparations were underway for a July 2 public hearing about the project, the applicant abruptly withdrew the application. Photo credit: Press Democrat

The gas station proposal: This proposal for a gas station, carwash, RV storage area and minimart raised many significant concerns due to its location, including surface and groundwater contamination, potential for flooding, intensification of land use in a rural area between two towns, and proximity to a popular bike trail. There are already several gas stations within a 5-mile radius. One of the main concerns was the number of inconsistencies with policies in the County General Plan and relevant zoning ordinances.

The strategy to defeat it: Build local community opposition strengthened by a growing countywide coalition to put pressure on the developer to withdraw the proposal.

The tactics used: We attended meetings, wrote letters, and highlighted in detail inconsistencies with General Plan and zoning. Various experts chimed in with their knowledge on particular issues. We spoke to site neighbors to let them know about it and ask for their input. We

submitted over 140 letters in opposition, including group sign-on letters, and 600 petition signatures. We held a bicycle-only demonstration at the site, visible to passing motorists.

The outcome and lessons learned: The strategy of putting pressure on developers based in the community can work. A lot of time and effort goes into fact finding. Someone needs to have the time and patience to trawl through detailed documents. Use every opportunity for outreach/education. Find your experts in the various fields. Use any opportunity for a highly visible protest to attract media attention and carry out a proactive media campaign.

Part 2. Local ordinances prohibiting new gas stations

No one wants to spend their time battling gas station proposals one at a time. One way to avoid having to do that is by getting your local government leaders to update antiquated 20th century zoning codes that still allow gas stations to be permitted as though they were harmless ice cream shops. This section offers some pointers for how to go about securing a prohibition on new gas stations in your community.

Defining “prohibition,” “prevention,” or “ban”

When we say we want to prohibit, prevent, or ban the construction of new gas stations, what this actually means to local government is not usually a simple matter. Local governments have existing land use zoning codes where gas stations may appear as permitted uses in more than one place throughout the code. In some cases, especially in smaller cities, the measure can be carried out by simply removing gas stations as permitted uses. In other cities it can be more complex. Some cities have areas within their city limits that have their own land use planning rules. Each city or county will have its own complexities, so the actual actions taken that will result in the cessation of accepting and processing permit applications will vary.

Defining “gas station”

In the course of pursuing prohibitions, CONGAS has learned that some local governments don't have the term “gas station” in their zoning code, but use terms like “service station.” It has been necessary to define what we mean when we say gas station. There are fueling facilities for special uses, such as “card-lock” fueling facilities used by long-haul diesel truck operators and other fleet fueling facilities. It has also become important to be explicit about what is being prohibited. For example, there is no intention to prohibit new or expanded electric vehicle charging. Some jurisdictions also feel the need to be explicit about not including other prospective emerging clean or purportedly clean fuels such as hydrogen or biofuels. In all these cases, the act of preventing new gasoline stations does not foreclose future consideration of non-fossil fueling systems, whether they are truly beneficial or not. At least one jurisdiction, Rohnert Park, chose to define what they are prohibiting as facilities that deliver combustion fuels. This is a more broad categorization that does indeed foreclose biofuels as they are all combustion fuels and are fraught with downsides in scale-up. Cities and counties may want to consider that option.

The first step – research

The first step in this process is to review the current city or county zoning code where gas stations are addressed. Depending on how gas stations are handled in the code will determine what actions will need to be taken and what the ultimate ordinance will look like. That said, there

are several models that now exist. They can be tailored for your own city or county. Please see the “Resources” section of this guide for examples.

If your local government has adopted a climate action plan, climate emergency resolution, signed on to the Fossil Fuel Nonproliferation declaration,²² or other document that declares the city or county to acknowledge the climate crisis and act accordingly, you may find language there that you can use in the “whereas” preamble.

FAQs:

There are several frequently asked questions that will likely be asked as you approach your local government about an ordinance. It is advisable to carry out research before contacting local electeds about the idea.

- How many gas stations do we currently have?
- Are there any complaints about not enough gas stations?
- Are there any permit applications in the pipeline for new gas station/s?
- How do the owners or managers of the existing gas stations feel about the ordinance?

The Model Ordinance

One important lesson learned is to keep the ordinance as simple as possible. It needs to do only two things:

1. Prohibit the construction of new gas stations by removing them as a permitted use in all land use zones in the city or county, and
2. Prohibit the expansion of fossil fueling infrastructure at existing gas stations.

Complicating the ordinance with anything else that impacts existing stations or includes things that a local government might want to promote like EV charging or bike paths or anything else risks slowing the process down and even derailing the effort. This is a very important point. The very first ban in Petaluma was almost derailed and went past midnight due to the addition of unnecessary elements. **KEEP IT SIMPLE!**

CONGAS’s policy is that the ordinance does not apply to permit applications already “in the pipeline,” where significant investments by the developer may have been made. This is discretionary. Local coalitions may choose to have their ordinance apply to plans underway for new stations. There are risks associated with doing that.

The “whereas’s”: Each community will have its own set of “whereas’s” depending on what kind of previous relevant actions have been taken on the part of the city or county. Whereas’s should include the California policies that have the state on a trajectory toward decarbonization by 2045. See model ordinances.²³

²² <https://fossilfueltreaty.org/>

²³ <http://con-gas.org/resources/>

The urgency ordinance imposing a moratorium

It may be important to suggest an urgency moratorium, with immediate effect, which will give the staff time to work out the details of a local ordinance, which will require changes to their local zoning codes. This gives them breathing space and avoids developers submitting a proposal or applying for a permit for a new gas station before the permanent prohibition takes effect. In California, urgency ordinances require a vote of four fifths of the governing body. They are also limited in time to a maximum of two years and must be renewed periodically until the two-year maximum is reached.²⁴

Step 2 – Decision-makers

The next step is to get to know your local elected leaders if you don't already have a relationship with them, and identify one that is willing to serve as a “champion” of the cause, who will help guide the ordinance through the process.

Who are the decision-makers in your community, e.g. Planning Commission, City Council, County Board of Supervisors?

Find out how to reach them as individuals, ask for a phone call or meeting, and if you are not a constituent of a particular official you would like to meet with, try to recruit someone who is a constituent who is supportive of the measure to join you for the meeting or perhaps even make the first contact. Always be polite, respectful, tell them the facts and your concerns and don't stray from the issue you asked to meet about.

Elected officials and their staff are usually extremely busy people who juggle many competing priorities. Prohibiting new gas stations will probably not be high on their list. It is important to recognize that elected officials are responsible for the health and well-being of the community and our call to stop a gas station project or enact a prohibition should not obstruct efforts to meet fundamental community needs that relate to food security, housing, health, crime, etc. Our intention and hope is that eliminating gas station proposals from the catalog of projects that come before a local governing body can free up staff time to address urgent issues and do all the proactive things that need to be done to address the climate crisis.

Find agendas for meetings. Find out how to add your name to email lists for notifications of meetings so that you can be alert for items coming up on the agenda for a particular group - Planning Commission, City Council, etc.

Step 3 – Organize, organize, organize

Many of the strategies and tactics outlined in the first section of this guide about individual gas station proposals can be applied to the effort to institute a prohibition on new gas stations. One key difference is that without a controversial proposal of a new gas station to rally around, the

²⁴ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65858.&lawCode=GOV

ability to garner excitement and activity on the part of supporters is limited. The key to overcoming this is two-fold: Recruit individuals who already actively engage with the council or board, and who generally have their respect, and identify the member of the decision-making body that is interested in making it their issue and moving it forward.

General Plans

Some local governments may choose to try to address gas stations in the context of their General Plans. Although we agree that General Plans should be consistent with new gas station prohibitions, and that when General Plan updates are underway they should be modified to be consistent, making a new gas station prohibition dependent on a General Plan update risks adding a significant delay and does not obviate the need to make the changes in the land use code. We advise against using the General Plan process as a means of addressing a prohibition on new gas stations.

A Vision of the future... What do we want?

We've made what we *don't* want clear. And how about what we *do* want? While we think that to be most effective, we need to keep our focus narrow on the single issue of "no new gas stations," the vision beyond gas stations is a liveable, carbon-negative, equity-positive world with clean air, clean water, and full access to variety of efficient, sustainable, and reliable mobility modes. Here is a brief snapshot of what we have in mind.

- Better planning to reduce the need for driving. Cities and counties should be redesigned over time to make them more walkable and bikeable, with complete streets²⁵ and transit-oriented development²⁶ concepts at the forefront.
- State, regional, and local governments should all prioritize funding for improved zero or clean-emission public transportation that is safe, affordable, accessible, connected, reliable, frequent, and convenient.
- Better amenities for bicyclists, micromobility, and pedestrians that are safe, connected, and accessible.
- For those that must drive a personal vehicle, we need vastly increased and expanded EV charging in places where people already spend time – where they live, work, shop, and recreate.

While all of these above are very important, it is also important to remember to keep the gas station ordinances as simple as possible and not try to accomplish these goals in that measure. They can and should be addressed in separate arenas.

²⁵ <https://mtc.ca.gov/planning/transportation/complete-streets>

²⁶ <http://www.tod.org/>

Conclusion

We hope this guide is helpful in your efforts to create a more healthful, equitable, safe, and climate-friendly community. We see this guide as a living document and as the movement matures, we expect to make revisions and refinements along the way. Please feel free to contact us at congas.contact@gmail.com if you would like to suggest any corrections, updates, ideas, or new information to include.

Resources

Organizations focusing specifically on gas stations

- Coalition Opposing New Gas Stations (CONGAS): <http://con-gas.org/>
- Coltura: <https://www.coltura.org/> Coltura’s mission is “To improve climate, health and equity by accelerating the switch from gasoline and diesel to cleaner alternatives.” Their vision is “a gasoline-free America by 2040 or sooner.” See Coltura’s in-depth analysis on local impacts of gas stations in “[The Polluter Nextdoor](#)” and “[Governing the Gasoline Spigot](#).”
- No Gas Here: <https://www.nogashere.com/> NoGasHere is a 501(c)(3) non-profit which “strives to educate communities about the harm of gas stations near children.” They “aim to support communities in their efforts to protect themselves, children, and other vulnerable residents from the toxic exposures associated with fueling centers.”
- No New Gas: <http://nonewgas.com/> “No New Gas has one simple and easy-to-understand goal: preventing the construction of any new gas stations. Not in Novato. Not in Marin. Not in the Bay Area. Not anywhere. No New Gas seeks not only to educate people but also to create a tool kit for others to use.”
- Stand.earth SAFE Cities program “**Stand Against Fossil Fuel Expansion**”
<https://www.stand.earth/page/fossil-fuel-free/what-are-safe-cities>

Environmental Justice Organizations

- Asian Pacific Environmental Network: <https://apen4ej.org/>
- California Environmental Justice Alliance: <https://caleja.org/>
- Communities for a Better Environment: <https://www.cbecal.org/>
- Center on Race, Poverty, and the Environment: <https://crpe-ej.org/>
- EarthJustice: <https://earthjustice.org/>
- Greenlining Institute: <https://greenlining.org/>

Environmental Review

Air Quality:

- California Air Resources Board:
<https://ww2.arb.ca.gov/resources/documents/gasoline-service-station-industrywide-risk-assessment-guidance>

- California Office of Environmental Health Hazard Assessment:
<https://oehha.ca.gov/media/downloads/air/report/gasolinereportbriefoverview.pdf>

Water:

- State Water Resources Control Board GeoTracker:
<https://geotracker.waterboards.ca.gov/>

Geology/Soils:

- Check your local community college or university for geology professors and instructors. Perhaps they could assign research on your project to students.

Biology:

- Check your local community college or university for environmental studies professors and instructors. Perhaps they could assign research on your project to students.

Cultural heritage:

- Public library staff can help you find resources on local history. Local Indian tribes may know about burial sites and other locations sacred to their people.

Model Ordinances and Resolutions

- **CONGAS** [model ordinance](#)
- **Petaluma**. The first city in the United States to institute a prohibition on new gas stations was Petaluma, California, approved unanimously on February 22, 2021. Here is the [Petaluma Ordinance and attachments 1-7](#).
- **Calistoga** (Napa County). The second city, December 2021. Agenda [Staff Report](#) which includes the draft ordinance.
- **Rohnert Park**. [Moratorium](#) (January 2022), and [Permanent Prohibition](#) (March 2022)
- **Sebastopol**. April 5, 2022 - [Ordinance](#).
- **Cotati**. [Resolution](#) - July 26, 2022
- **Sonoma County Regional Climate Protection Authority** [Resolution and model ordinance](#), adopted September 13, 2021
- **Sierra Club California** [Resolution](#) supporting ordinances prohibiting or restricting new gas stations, adopted September 6, 2021

Media resources and links

- CONGAS media “hits” page: <http://con-gas.org/news-media/>
- Sample [Media Advisory](#)
- Sample [News Release](#) (aka “press” release)

News stories about other gas station campaigns from other areas:

- Ada Township, Michigan, Nov. 2019:
<https://www.abc10.com/article/news/local/ada-cascade/ada-proposed-gas-station/69-71c68025-a8ba-4469-a9d7-be0b9a96bcfb> – see excellent video. The applicants decided not to move forward with the project, Nov 2019:
<https://www.fox17online.com/news/local-news/kent/j-h-not-moving-forward-with-ada-township-gas-station>
- Elmhurst, IL – gas station proposed Jan. 2019, application withdrawn May 2019!
<https://keepelmhurstvibrant.org>
- McHenry, Mokena, IL. June 2020:
<https://www.change.org/p/mchenry-city-council-oppose-the-construction-of-a-gas-station-in-historic-downtown-mchenry> and <https://themchenrymessenger.com/gas-station/>
- Pleasanton, March 2020:
<https://www.mercurynews.com/2020/11/16/east-bay-community-fights-against-new-mega-costco-gas-station/>
- San Ramon, East Bay, Nov. 2020:
<https://www.mercurynews.com/2020/11/16/east-bay-community-fights-against-new-mega-costco-gas-station/>
- West Clay, near Carmel: <https://keepourvillageclean.com/>

Sample Letters

Letters are very important. They can be written by individuals, organizations, or groups of organizations in sign-on letters. Below are some examples.

- CONGAS's [Letter of Support](#) for the February 2021 first vote of Petaluma's prohibition.
- [Sign-on letter](#) to Sonoma County Board of Supervisors for April 19, 2022 urging a countywide prohibition
- [Sign-on letter](#) opposing new gas station
- [Letter](#) opposing gas station from a single organization
- Letters of opposition from individuals should not be cookie cutter, based on a template. Ask people to write letters from the heart. It's OK to use a talking point or two, but the letter should be unique, touching on site-specific issues.

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– Woody Hastings and Jenny Blaker, co-authors.