

## **ATTACHMENT A: FINDINGS**

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS** (Pursuant to PRC §21081 and CEQA Guidelines §15090 and §15091)

#### **1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT**

The Final Environmental Impact Report 10EIR-00000-00001 dated May 2013 (Final EIR) was presented to the Board of Supervisors and all voting members of the Board of Supervisors have reviewed and considered the information contained in the Final EIR 10EIR-00000-00001 and its appendices prior to approving the project. In addition, all voting members of the Board of Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearings on the project. The Final EIR reflects the independent judgment and analysis of the Board of Supervisors and is adequate for this proposal.

#### **1.2 FULL DISCLOSURE**

The Board of Supervisors finds and certifies that the Final EIR 10EIR-00000-00001 constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and certifies that the Final EIR has been completed in compliance with CEQA.

#### **1.3 LOCATION OF RECORD OF PROCEEDINGS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

#### **1.4 UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE**

The Final EIR (10EIR-00000-00001) for the Southern California Gas Company La Goleta Storage Field Enhancement Project (SoCal Gas project) identifies two significant environmental impacts which cannot be fully mitigated and are therefore considered unavoidable (Class I). These impacts are related to the visibility of the temporary drilling rig (EIR Impact Aest-1) and its FAA-required lighting (EIR Impact Aest-3) from public viewing areas, including Goleta Beach County Park. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein (Finding 1.8, below). For each of these Class I impacts identified by the Final EIR 10EIR-00000-00001, no feasible changes or alterations are available to avoid or substantially lessen these significant environmental effects. The Board of Supervisors finds that a feasible mitigation measure (MM Special Aest-3, Condition 5) has been adopted which requires that the drilling rig be removed from the site within 30 days of completion of well drilling and that this measure will not fully mitigate these significant adverse impacts. The drilling rig height (~172 feet) is required to accomplish the proposed well drilling and the FAA-required lighting must be placed at the highest point of the drilling rig. The Board of Supervisors also finds that no other feasible measures are known that would further reduce these impacts. Thus, the Board of Supervisors finds that the significant and unavoidable adverse impacts associated with the SoCal Gas project are mitigated to the maximum extent feasible.

#### **1.5 FEASIBLE MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL**

The EIR identified significant impacts in most issue areas that would be reduced to less than significant levels with implementation of specific mitigation measures. These Class II impacts

and adopted mitigation measures/conditions of approval are summarized below. The impacts and mitigation measures are more fully described in the respective resource area discussions in the Final EIR and the full text of each condition of approval is provided in Attachment B to the May 29, 2013 Planning Commission staff report.

### **Class II Impacts**

Long-term visual impacts of gas wells and dehydration unit.

*Impact Aest-2*

Construction air quality impacts due to internal combustion engines of construction machinery, commuter vehicles, and fugitive dust.

*Impact AQ-2*

Disturbance to wetland area.

*Impact Bio-1*

Impacts to native vegetation.

*Impact Bio-2*

Impacts to nesting and foraging special-status birds.

*Impact Bio-3*

Impacts to Tidewater goby from sediment in runoff.

*Impact Bio-4*

Impacts to wildlife from lighting, noise and dust.

*Impact Bio-5*

### **Mitigation Measures**

Special-Aest-1: Landscape Plan for screening facilities with landscaping.

Special-Aest-2: Equipment painted in non-reflective earth tones.

Special-Aest-4: Low-impact temporary and permanent night lighting

***Conditions 3, 4, 6***

Special-AQ-1: APCD-compliant dust control measures.

Special-AQ-2: APCD-compliant emission control measures.

***Conditions 7, 8***

Bio-13a: Habitat Protection Plan to minimize disturbance to wetland.

***Condition 9***

Bio-13a: Habitat Protection Plan to minimize disturbance to wetland vegetation.

***Condition 9***

Special-Bio-1: Construction buffer zones, avoidance of breeding season.

***Condition 10***

Special-Bio-3: Best management practices to minimize sediment discharge.

Special-Geo-4: Erosion and sediment control plan.

WatConv-05, NPDES-25, and Special-Wat-1 to Special-Wat-7 (see below for *Impact Wat-1*)

***Conditions 12, 21, 31-37***

Special-Aest-4: Low-impact temporary and permanent night lighting.

Special-Aq-1: Construction dust control measures.

Special-Bio-2: Minimum size of construction equipment engines; minimize simultaneous operation of equipment.

***Conditions 6, 7, 11***

### **Class II Impacts**

Possible disruption of or adverse effect on archaeological sites; disruption or removal of human remains; increased potential for trespassing, vandalizing, or sabotaging archaeological resources; and ground disturbances in an area with potential cultural resource sensitivity.

*Impact Cul-1*

Potential fire hazard due to extraction, processing and distribution of natural gas.

*Impact Fire-1*

Potential to create unstable earth conditions or cause slope failure.

*Impact Geo-1*

Potential erosion and sedimentation due to surface disturbance.

*Impact Geo-2*

Construction noise within 1,600 feet of sensitive receptors.

*Impact Noise-2*

### **Mitigation Measures**

Special-Cul-1: Fencing of exclusion areas during construction.

Special-Cul-2: Worker orientation meeting.

Special-Cul-3: Construction monitoring by Native American consultant and archeologist.

Special-Cul-4: Stop work in case of archeological discovery.

***Conditions 13-16***

Special-Fire-1: Update *Injury and Illness Prevention Program, Emergency Action and Fire Protection Plan* and *Emergency Response Plan* to include new development.

***Condition 17***

Special-Geo-1: Minimum 32-foot setback from bluff.

Special-Geo-2: Building and grading plans to incorporate the recommendations of geotechnical reports.

***Conditions 18, 19***

Special-Geo-3: Excavation limited to dry season.

Special-Geo-4: Implement Erosion and Sediment Control Plan.

***Conditions 20, 21***

Special-Noise-1: Limited construction hours.

Special-Noise-2: Soundproofing and silencers on construction equipment.

Special-Noise-3: Shielding on permanent stationary equipment.

Special-Noise-4: Implementation of Construction Noise Reduction Plan (CNRP) and monitoring. Noise barrier and quiet mode work required at drilling rig. Stop work and further noise reduction if noise levels exceed criteria.

Special-Noise-5: Noise barriers, noise controls, noise monitoring.

***Conditions 22-26***

### **Class II Impacts**

Continuous drilling noise within 1,600 feet of sensitive receptors

*Impact Noise-3*

Solid waste disposal, drill cuttings.

*Impact Pub-1*

Construction traffic impacts to circulation.

*Impact Traf-1*

Wear and tear on public and private roads.

*Impact Traf-2*

Intermittent obstruction of traffic on More Ranch Road – crane assisted transit of large loads.

*Impact Traf-3*

Increased traffic hazards and limited visibility due to large loads and crane use.

*Impact Traf-4*

Construction traffic interference with access to residences and floral businesses on More Ranch Road.

*Impact Traf-5*

### **Mitigation Measures**

Special-Noise-2: Soundproofing and silencers on construction equipment.

Special-Noise-4: Implementation of Construction Noise Reduction Plan (CNRP) and monitoring. Noise barrier and quiet mode work required at drilling rig. Stop work and further noise reduction if noise levels exceed criteria.

***Conditions 23, 25***

Special-Pub-1: Implement a Solid Waste Management Program to recycle waste where possible and properly dispose of non-recyclables.

***Condition 27***

Traf-1: Implementation of Traffic Management Plan (TMP) – Construction traffic limited to off-peak hours.

***Condition 28***

Traf-1: Implementation of TMP – Maintenance and restoration of public and private roads.

***Condition 28***

Traf-1: Implementation of TMP – Restricted hours of crane use and flagmen to direct traffic, safety briefings for project-related drivers, temporary caution signs.

***Condition 28***

Traf-1: Implementation of TMP – Traffic control using flagmen, safety briefings for project-related drivers, temporary caution signs.

***Condition 28***

Traf-1: Implementation of TMP – Notice to affected residents and businesses of construction traffic and delivery timing. Coordination of scheduling with affected floral businesses.

***Condition 28***

### **Class II Impacts**

Discharge of sediment into surface waters or alteration of surface water quality.

*Impact Wat-1*

### **Mitigation Measures**

WatConv-05: Containment of construction wash water.

NPDES-25: Enclosures, secondary containment, and impervious surfaces to prevent spills of materials stored outdoors.

Special-Wat-1: Construction General Permit of the National Pollutant Discharge Elimination System or implementation of Erosion and Sediment Control plan.

Special-Wat-2: Disposal of liquid and solid wastes in accordance with DOGGR regulations.

Special-Wat-3: Update existing facility Spill Prevention Control and Countermeasure Plan.

Special-Wat-4: Implementation of Best Management Practices to prevent entry of pollutants into storm drains.

Special-Wat-5: Materials handling in manner to minimize storm water contamination.

Special-Wat-6: Trash container requirements.

Special-Wat-7: Loading dock design criteria to prevent storm water contamination.

***Conditions 29-37***

Introduction of storm water pollutants (e.g., oil, fuels, grease, drilling fluids, coatings, debris, and coolants) into groundwater or surface water.

*Impact Wat-2*

WatConv-05, NPDES-25, and Special-Wat-1 to Special-Wat-7 (see above)

***Conditions 29-37***

Class III impacts are also identified in the EIR and summarized in Table 2.4-3 of the EIR Executive Summary. These impacts are adverse but not significant according to the County's adopted significance thresholds and thus do not require additional mitigation pursuant to CEQA. However, noise from the new dehydration plant (EIR Impact Noise-1) could cause adverse impacts during operations and noise from the drilling rig could cause adverse impacts during 24-hour drilling activities, especially during the quietest times of the night. Mitigation measures Special-Noise-1, -2, and -3 have been adopted as conditions of approval (Conditions 21, 22, and 23) to mitigate these adverse impacts to the maximum extent feasible.

Potential public safety risks are below the County's thresholds of significance and are classified as Class III impacts for the gas storage expansion project, as discussed in the project EIR, Section 4.9. Additional mitigation measures have not been identified that would further reduce public safety risks and that are not already incorporated into the project design. Based on the foregoing, the Board of Supervisors finds that all feasible mitigation measures have been adopted as conditions of approval and that the adverse effects of the SoCal Gas storage expansion project will be mitigated to the maximum extent feasible.

## **1.6 FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

Changes or alterations to the project which could avoid or substantially lessen the following significant environmental impacts have been adopted as conditions of approval and County

departments will be responsible for monitoring compliance with these conditions of approval. Responsibility for monitoring and enforcement of certain mitigation measures will be shared with other agencies that have similar oversight authority. These include: (1) the California Public Utilities Commission for safety measures, including pipeline inspection and maintenance; (2) the California Department of Conservation, Division of Oil Gas and Geothermal Resources to monitor and enforce safe well drilling and completion practices and proper well abandonment; and (3) the Santa Barbara County Air Pollution Control District for dust control and monitoring and enforcement of limits on criteria pollutant emissions. Therefore, this finding is not required for the SoCal Gas project.

## **1.7 IDENTIFIED PROJECT ALTERNATIVES OR MITIGATION MEASURES ARE NOT FEASIBLE**

Public agencies may not approve projects as proposed if “feasible” alternatives or mitigation measures would substantially lessen the significant environmental effects, pursuant to the California Public Resources Code §21002. The Board of Supervisors finds that no mitigation measures identified in the Final EIR are infeasible and all recommended mitigation measures from the Final EIR have been adopted as conditions of approval.

The Final EIR (10EIR-00000-00001) considered the No Project alternative, a No Amendment to the Zoning Ordinance alternative, an offsite drilling location alternative, potential offsite storage location alternative, alternative sites within the project site for the dehydration plant and well drilling, a reduced project (reduced number of wells), and use of a smaller drilling rig. The Board of Supervisors has declined to adopt any of these alternatives, as discussed below.

**NO PROJECT.** With the No Project Alternative, the new wells would not be drilled, the gas storage capacity would not be increased, and no additional supplies of natural gas would be produced into the local system. No zoning ordinance amendment would be adopted. SoCal Gas’s customers would not benefit from their 50% share of the value of the natural gas reserves, or in the value of the expanded storage capacity. Implementation of the No Project alternative would eliminate the significant and unmitigable visual impacts of the drilling rig and the significant but mitigable to less than significant impacts in other resource areas, as well as the beneficial effect of providing increased local gas storage capacity. Adoption of the No Project alternative would not eliminate the existing gas storage operations which include the presence of a workover drilling rig from time to time and slightly lower risks to public safety. Because the No Project alternative would not achieve any of the project objectives, the Board of Supervisors finds that this alternative is not feasible and declines to adopt it.

**NO AMENDMENT TO ZONING ORDINANCE.** If the amendments to the Coastal Zoning Ordinance were not adopted to allow for the project at the La Goleta site, the proposed project could not be approved. A similar project potentially could be approved at an alternative location in a different zone district in which natural gas exploration and production is allowed. The EIR identified that such sites are limited and use of them likely would result in greater environmental impacts than the proposed project, as discussed for the “Onshore Drilling Sites Outside the La Goleta Storage Facility” alternative below, which discussion is incorporated herein by reference. This No Amendment alternative could achieve some of the project objectives if a suitable location for drilling is identified. However, it is likely that development of such site would involve greater expense to ratepayers and longer drilling duration, and would not substantially lessen significant environmental impacts. Therefore, the Board of Supervisors finds that this alternative is not feasible and declines to adopt it.

**ONSHORE DRILLING SITES OUTSIDE THE LA GOLETA STORAGE FACILITY.** This alternative would include the same components as the proposed project (drilling rig, well pads, dehydration

plant, and pipelines). However, drilling would be prolonged as drilling distances would be greater to reach the target reservoirs. In addition, a much longer pipeline would be required from the drilling site to the storage facility and it likely would pass through residential areas. Construction impacts associated with this alternative would be greater than for the proposed project. The Class I impacts of the drilling rig likely would remain Class I due to visibility from public areas. This alternative could achieve some of the project objectives if a suitable location for drilling is identified, but it would not substantially lessen significant environmental impacts. Therefore, the Board of Supervisors finds this alternative is not feasible and declines to adopt it.

**OTHER SOCAL GAS STORAGE FIELDS.** Three other storage fields are used by SoCal Gas to store and withdraw gas. Two of these fields do not have known undeveloped gas reservoirs that could be depleted and converted to storage. The third field (Aliso Canyon) could provide a relatively small amount of additional storage capacity (~0.5 billion cubic feet), well below the estimated storage capacity of the La Goleta target reservoirs (3-5 billion cubic feet). Furthermore, development of additional storage capacity at either site would not preclude expansion of the other storage field. Significant impacts may not be substantially lessened with implementation of this alternative at Aliso Canyon because, depending on where the drillsites would be located within that storage facility site, the drilling rig and safety lighting could be visible from residential and public areas. In addition, this alternative would not meet most of the project objectives. Therefore the Board of Supervisors finds that this alternative is not feasible and declines to adopt it.

**ALTERNATIVE SITES WITHIN THE LA GOLETA STORAGE FACILITY SITE.** The EIR examined three areas within the La Goleta site for well drilling. All project components, including the Coastal Zoning Ordinance amendments, would be the same as for the proposed project. The three alternative areas for the well pads and well drilling are the existing compressor area, the proposed dehydration plant site, and the proposed southwestern drillsite with the dehydration plant site located about 400 feet east of this consolidated drillsite. These alternatives likely would achieve the project objectives, but would not substantially lessen significant impacts, as noted below:

*Compressor Area:* This alternative would locate the well drilling about 800 feet closer to the Rancho Goleta Mobile Home Park and decrease the distance to the Monarch butterfly ESH to about 300 feet.

*Dehydration Area:* The drilling equipment would be about 500 feet closer to the residential area at the entrance to More Ranch Road.

*Consolidated Drilling and Gas Processing (Dehydration) Area:* The drilling equipment would be located farther from the More Ranch Road area (Caird Barn) and would reduce risk and noise impacts to areas east of the project site. However, this alternative has the potential to expose more people in the event of a failure of the gas condensate vessel, though overall risk would remain low and well below the County's risk threshold.

These alternative project layouts would meet the project objectives, but would not substantially lessen significant environmental impacts and could increase public exposure to risk, though overall risks to public safety risk would remain less than significant. Based on the foregoing, the Board of Supervisors finds that these alternative sites are not feasible and declines to adopt any of them.

**ALTERNATIVE PROJECT DESIGN.** The EIR identified two alternative project designs, *Reduced Number of Wells* and *Smaller Drilling Rig*. All other project components would be the same for these alternatives, including the Coastal Zoning Ordinance amendments. These alternatives may achieve some of the project objectives, but over a longer period of time and neither would



substantially lessen significant environmental impacts of the proposed project. A smaller drilling rig potentially would be visible from Goleta Beach County Park and would operate 24 hours per day until drilling is completed. Because these alternatives would not substantially lessen significant environmental impacts and would likely increase the duration of the Class I visual impacts, the Board of Supervisors finds that they are not feasible and declines to adopt either of them.

## **1.8 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Final EIR 10EIR-00000-00001 for the SoCal Gas project identifies significant unavoidable impacts to aesthetic resources due to the temporary presence of a 172-foot drilling rig and attendant FAA-required lighting as significant adverse environmental effects which are considered unavoidable. The Board of Supervisors therefore makes the following Statement of Overriding Considerations which warrants approval of the project notwithstanding that all identified effects on the environment are not fully mitigated. With respect to each of the environmental effects of the project listed below, the Board of Supervisors finds that the stated overriding benefits of the project outweigh the significant effects on the environment and that there is no feasible way to lessen or avoid the significant effects. Having balanced these benefits against the significant and unavoidable environmental impacts of the project, and pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092 and 15093, the Board of Supervisors hereby determines that these significant and unavoidable environmental impacts are acceptable due to these overriding considerations. This statement is supported by substantial evidence in the record, the final EIR, the staff report(s) and analyses, and oral and written testimony.

### **Beneficial Impact – Additional Local Gas Storage Capacity**

The EIR identified one beneficial impact to public facilities of the SoCal Gas project (EIR Impact Pub-5): an estimated 3 to 5 billion cubic feet of natural gas storage would help provide for future increases in natural gas consumption in SoCal Gas's service territory, which includes Santa Barbara County. The additional storage capacity will help meet regional demand and will increase local supplies and benefit residential, commercial and other customers in the event of a regional emergency.

### **Economic Benefit – Reduced Rates and Profit-Sharing**

SoCal Gas ratepayers will benefit from the sale of the locally produced natural gas and from reduced rates that result from the increased storage capacity. SoCal Gas will be able to purchase and store more gas when prices and seasonal demand are lower and provide that gas to rate-payers at a lower cost when prices and demand are higher. The California Public Utilities Commission (CPUC) authorized (Decision 06-06-065) SoCal Gas to explore and produce native natural gas and to use the known native gas reservoir to provide storage service to its customers. This Decision sets forth the financial sharing mechanism between SoCal Gas's shareholders and rate-payers for costs and revenues associated with exploration and production of native gas, and from the sale of storage services from the new reservoir at the La Goleta site.

### **Economic Benefit – Addition of Temporary Construction and Drilling Jobs:**

The project would provide temporary work to about 50-75 contractors during construction of the project and drilling of the wells for grading, installation of pipelines and equipment, landscaping, and drilling of the wells around the clock. These jobs will result in indirect benefits to local businesses through individual employee expenditures into the economy.

### **Significant and Unavoidable Impacts are Temporary**

The drilling rig and its attendant FAA-required lighting will be onsite for approximately 89 days

during the first phase/year of the project and will be moved offsite until the final phase of the project. This final well drilling phase will commence approximately 10 to 12 months after the completion of the first phase of well drilling and construction, which will require approximately 290 days. The second phase of well drilling will take about 68 days and upon completion, the drilling rig will be removed from the site. The drilling rig thus will be onsite for a total of 5 to 6 months to complete all four new wells. When the drilling rig is not onsite between the first and second well drilling phases, the significant adverse aesthetic impact identified in the Final EIR will not be occurring. Similarly, once all four wells are completed, the drilling will be permanently removed from the site and the significant impact will no longer occur.

## **1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS REQUIRED FOR APPROVAL OF AMENDMENTS**

In compliance with Section 35-180.6, Findings Required for Approval of Rezone or Ordinance Amendment, of Article II, Chapter 35 of the Santa Barbara County Code (Coastal Zoning Ordinance), the following findings shall be made by the County Planning Commission in order to recommend approval of a text amendment to the County Coastal Zoning Ordinance, and the Board of Supervisors shall make the following findings in order to approve a text amendment to the County's Coastal Zoning Ordinance:

#### **2.1.a The request is in the interests of the general community welfare.**

The Coastal Zoning Ordinance (CZO) amendment is in the interests of the general community welfare because it will provide for a long-term increase in the reliability and availability of natural gas to help meet the local and regional demand for natural gas within the Southern California Gas Company's (SoCal Gas) service territory, including Santa Barbara County. The additional gas storage capacity will help moderate fluctuations in gas prices for SoCal Gas customers pricing because it will allow SoCal Gas to buy more gas when demand and prices are lower and make the gas available for use by customers when demand is higher. Expanding the capacity of the La Goleta storage facility will enable SoCal Gas to rely more on local withdrawal than on importing natural gas to meet the demands of residential, commercial and industrial customers in the region. In addition, until the natural gas reservoir is depleted, ratepayers will also benefit from the production of the native natural gas.

The California Public Utilities Commission has authorized SoCal Gas to explore for and produce native natural gas from reservoirs at or adjacent to its existing storage fields. CPUC Decision 06-06-065 also authorized SoCal Gas to utilize the known native gas reservoir at its La Goleta field to provide storage service to its customers. The existing language in the CZO regarding permitted uses at the La Goleta storage facility does not expressly allow for exploration and production of native natural gas. The proposed CZO amendment provides for implementation of the CPUC's authorization of exploration and production of native natural gas in a manner

consistent with the intent and other provisions of the CZO which specifically address the La Goleta storage facility.

Based on the foregoing, the Board of Supervisors finds that the proposed amendments to Article II, Chapter 35 of the Santa Barbara County Code are in the interests of the general community welfare.

**2.1.b The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.**

Adoption of the proposed Coastal Zoning Ordinance amendments is consistent with the Comprehensive Plan, Coastal Land Use Plan, and Goleta Community Plan, as discussed in Section 6.2 of the May 29, 2013 Planning Commission staff report, which discussion is incorporated herein by reference. The proposed amendments are consistent with the unaltered portions of the CZO and conform to the land use designation (UT – Public Utility) for the site in the Coastal Land Use Plan. Adoption of the proposed CZO amendments is consistent with State planning and zoning laws in that it will facilitate a Decision by the California Public Utilities Commission to allow for exploration and production of native natural gas, as discussed above. Based on the foregoing, the Board of Supervisors finds that the proposed amendments to Article II, Chapter 35 of the Santa Barbara County Code are consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and Article II, Chapter 35 of the Santa Barbara County Code.

**2.1.c The request is consistent with good zoning and planning practices.**

The proposed Coastal Zoning Ordinance amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment, public safety, and community values. The amendments are concise and limited to the PU zone district and allow for exploration and production of native natural gas by a public utility company only within the PU zone district. The amendments allow SoCal Gas, a public utility company, to exercise the California Public Utilities Commission's authorization to explore for and produce native gas in order to expand storage capacity at or near existing storage fields consistent with current requirements for permit processing and environmental review. As discussed above, the amendments are consistent with the County's Comprehensive Plan, including the certified Coastal Land Use Plan and Goleta Community Plan. Therefore, the Board of Supervisors finds that the requested amendments are consistent with good zoning and planning practices.

**2.2 COASTAL DEVELOPMENT PERMIT FINDINGS**

**2.2.1 A. Finding required for all Coastal Development Permits.** In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The Board of Supervisors finds that adequate public services and resources are available to serve the proposed development based on the information in the project EIR (10EIR-00000-00001) and the analysis provided in the Planning Commission staff report dated May 29, 2013, including the discussion and finding that the project is consistent with Coastal Land Use Plan Policy 2-6, which discussion and findings are included herein by reference.

**2.2.2 E. Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.** In compliance

with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:

**1. The development conforms:**

**a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**

The Board of Supervisors finds that the proposed development conforms to the provisions of the Comprehensive Plan, including the Coastal Land Use Plan, as discussed in Section 6.2 of the May 29, 2013 Planning Commission staff report and which discussion is incorporated herein by reference.

**b. The applicable provisions of this Article or the project fall within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

Not applicable.

**2. The development is located on a legally created lot.**

A discretionary permit, 09DVP-00000-00012, was issued for the La Goleta Storage Field in May 2009. Therefore, the Board of Supervisors finds that the development is located on a legally created lot.

**3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

The Board of Supervisors finds that the subject property and development is in compliance with the provisions of Article II as described above and discussed in Section 6.3 of the May 29, 2013 Planning Commission staff report, which discussion is incorporated herein by reference.

**4. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

Certain public views will be temporarily affected by the presence of the drilling rig. Once the rig is removed from the site, the significant impact will be eliminated. Therefore, the Board of Supervisors finds that no public views from any public road or from a public recreation area to, and along the coast will be significantly obstructed by permanent project facilities, as discussed in the project EIR (10EIR-00000-00001), Section 4.1, which discussion is incorporated herein by reference.

**5. The proposed development will be compatible with the established physical scale of the area.**

The new dehydration plant and well pads will conform to the scale and character of the surrounding area. The new gas pipeline will be buried, the well pads will not be visible during operations and the dehydration plant will be screened from views from More Ranch Road, (a private road) and neighboring agricultural and residential development to the east of the subject parcel. The new structures will be of the same scale and nature as existing facilities currently used for gas storage on the site, and with existing radio towers

and agricultural structures in the area. Therefore, the project will be compatible with the established physical scale of the area.

**6. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

The project is consistent with Coastal Access and Recreation Policies 7.2 and 7.3 of the County's Comprehensive Plan, Coastal Land Use Plan, as discussed in Section 6.2 of the May 29, 2013 Planning Commission staff report. Based on that discussion, which is incorporated herein by reference, the Board of Supervisors finds that the development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

**2.2.3 F. Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay.** In compliance with Section 35-97.6 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay zone the review authority shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 35-97.19.

None of the proposed project facilities are located within the designated ESH areas on and near the project site and no dredging will occur in or near wetland areas. The Board of Supervisors finds that the proposed development meets the following applicable development standards in Section 35-97.8 through Section 35-97.19, as discussed below. (ESH Overlay standards not discussed below are not applicable to the proposed development.)

***Sec. 35-97.9.6.** Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.*

***Sec.35-97.9.9.** New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.*

Wastewater will not be discharged into any wetland. Waste disposal, spill prevention and control and storm water discharge requirements have been adopted as conditions of approval (Conditions 29-37) to protect nearby sensitive habitats, including the wetland area, from accidental spills or discharges. The wetland will be protected from encroachment during construction and the buried gas pipeline will not affect, and will be compatible with, the continued biological productivity of the wetland. Therefore, the proposed development meets this development standard.

***Sec. 35-97.9.8.** No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.*

Condition 9 requires exclusionary fencing of the wetland area adjacent to the pipeline route during construction. The project site is gated and fenced such that unauthorized vehicles and pedestrian traffic are not allowed onsite. Therefore, the proposed development meets this development standard.

***Sec. 35-97.12.2.** [Butterfly Tree Habitats] Adjacent development shall be set back a minimum of 50 feet from the trees.*

Development will not occur within 250 feet of the Monarch butterfly tree habitats on the property. Therefore, the proposed development meets this development standard.

## **2.3 DEVELOPMENT PLAN FINDINGS**

**2.3.1 A. Findings required for all Preliminary and Final Development Plans.** In compliance with Section 35-174.7.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings, as applicable:

**1. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.**

The new facilities, including new roadways, to be constructed for the expanded gas storage project will cover about 1 acre of the 147.4-acre SoCal Gas parcel which is currently developed with similar facilities. The new structures have been sited to avoid biologically sensitive areas and to take advantage of existing roadways and previously disturbed areas within the site to the extent feasible. The site is relatively level and the locations of the new well pads and dehydration plant will not require excessive grading. Therefore, the Board of Supervisors finds that the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

**2. That adverse impacts are mitigated to the maximum extent feasible.**

As discussed above for Finding 1.4, which is incorporated herein by reference, the significant, adverse effects associated with visibility of the drilling rig will be temporary during the two drilling periods and will be eliminated when well drilling is completed and the drilling rig is removed from the site. However, these impacts cannot be mitigated to less than significant levels. In this case, the only feasible mitigation measure to address these temporary significant effects is to require prompt removal of the drilling from the site when it is no longer needed. This mitigation measure (Special-Aest-3) has been adopted as a condition of approval (Condition 5). Other development associated with the project will be painted and screened from public viewing points pursuant to Conditions 4 and 5. Other adverse impacts are identified above under Finding 1.5 and will be mitigated to the maximum extent feasible with implementation of adopted mitigation measures, as specified in the discussion of Finding 1.5, which discussion is incorporated herein by reference.

Risks to life and property will be minimized through implementation of safety measures incorporated into the project design and required by the California Department of Conservation's Division of Oil, Gas and Geothermal Resources, the California Public Utilities Commission and the U.S. Department of Transportation, as discussed for Coastal Act Policy 30253 in Section 6.2 of the May 29, 2013 Planning Commission staff report, which discussion and finding are incorporated herein by reference. As noted therein, additional mitigation measures have not been identified that would further reduce public safety risks and that are not already incorporated into the project design.

Based on the foregoing the Board of Supervisors finds that adverse impacts are mitigated to the maximum extent feasible.

**3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The Board of Supervisors finds that the streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use, as discussed in the policy consistency section (6.2) of the May 29, 2013 Planning Commission staff report for Coastal Land Use Policy 2-6. That discussion and finding of consistency are incorporated herein by reference. Specifically, the Board of Supervisors also finds that More Ranch Road,

a private road, is adequate to provide access to the project site and to carry the type and quantity of traffic generated by both construction and operation of the expanded gas storage facility, as approved by the County.

**4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

The Board of Supervisors finds that there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project, as discussed for Coastal Land Use Policy 2-6 in the policy consistency section (6.2) of the May 29, 2013 Planning Commission staff report. That discussion and finding of consistency are incorporated herein by reference.

**5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

Public Safety. The project EIR evaluated the risks associated with both the existing gas storage facility and the proposed expanded facility and identified that in both cases, the maximum existing risk from the facility to generate serious injuries or fatalities to members of the public is well below the County's significant public safety risk threshold. The EIR further identified that the proposed project would increase the existing risk only slightly. Of the range of hazards assessed for the expansion project in the EIR, the two hazards that have the potential to impact offsite populations are a failure of the new gas pipeline linking the new wells to the new dehydration facility or a failure of the gas condensate storage tank (EIR Section 4.9.4.3). The probability of a gas pipeline failure (or "failure rate") is once in an 11,100-year period and the failure rate for the gas condensate storage tank is once in a two million-year period. Therefore, the project risk analysis shows that catastrophic accidents that could result in offsite injuries or fatalities as a result of the proposed project are remote, the proposed project would add only a small amount of risk to the existing facility, and the risks associated with the La Goleta gas storage facility if the proposed project is implemented would still be well below the County's public safety risk thresholds (see EIR Figure 4.9-3). Operation of the expanded storage facility must be conducted in accordance with safety regulations and requirements enforced by local, state and federal agencies. These measures are in place today for the existing facility which has been in operation since 1941 and the expansion project will not result in any changes in operating procedures or parameters, such as pipeline pressures, that would reduce the current level of safety at the La Goleta storage facility.

A portion of More Ranch Road will be temporarily blocked to move the drilling rig to and from the site using a mobile 80-ton crane to assist the trailers around the sharp (short-radius) bend in More Ranch Road. The road will be blocked for approximately 20 minutes for each of 6 to 8 "crane assistance events" during each of the two well-drilling periods. During construction, including the crane assistance events, SoCal Gas will implement the notification and safety measures required by a condition of approval (Condition 28). The County Fire Department is aware of the potential road blockages and has acknowledged that they do not pose a safety concern for the Department (see EIR p. 11.4-43, Responses to Comments PH9-6 and PH9-7). Vehicle traffic associated with construction workers will be mitigated to the extent feasible through other requirements of Condition 28 (e.g., car pooling) and there will be no long-term increase in worker traffic and minimal increase in truck traffic during project operations.

Noise. Baseline noise and vibration levels associated with the existing SoCal Gas storage facility were measured for the EIR assessment (see EIR Table 4.12-4) and the EIR

determined that operation of the expanded storage facility would not exceed noise or vibration thresholds and thus would not create significant noise impacts. However, the EIR also found that operation of the new dehydration plant potentially could result in adverse (but less than significant) noise impacts to residences located east and south of the project property, especially at night when ambient noise levels are lowest. Increased noise from construction and drilling would also be below the County's significance threshold at neighboring properties (see EIR Table 4.12-11). For the existing SoCal Gas storage facility operations, primary noise generating sources include large-scale compressors, natural gas micro-turbines, and dehydration equipment. The compressors generate a percussive type of sound similar to a steam locomotive engine but they will not be used for operating the expanded portion of the storage facility. Micro-turbines currently used to generate electricity for plant operations create a steady sound characterized as a whine or high-pitched hum. In response to public complaints, the existing micro-turbines were equipped with mufflers to dampen the sound and SoCal Gas has stated that complaints have abated since the retrofit. Dehydration equipment that is used during gas extraction makes a typical fan-type noise. Feasible mitigation measures have been adopted (Conditions 24 and 26) to reduce the noise from the new dehydration plant to ambient noise levels at sensitive receptors.

Because ambient noise nighttime noise levels are low in areas outside of the project site, around-the-clock operation of the drilling rig during the quietest times of the night could result in a significant impact for nearby residents. Feasible mitigation measures have been adopted (Conditions 23 and 25) to ensure that drilling noise levels at sensitive receptor locations are kept to no more than a 3-dB(A) increase over ambient levels during the well drilling periods. Three dB(A) is generally taken to be the smallest noise increase noticeable to most people.

The project will result in short-term, temporary inconveniences to other users of More Ranch Road, as discussed above and in the project EIR. However, once drilling and construction are completed, traffic levels will return to nearly current levels and permanent facilities constructed for the expansion project will either be screened from views or for noise dampening, or will otherwise not be visible. Based on the foregoing, the Board of Supervisors finds that the La Goleta gas storage expansion project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

**6. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.**

The Board of Supervisors finds that the project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan and with the applicable provisions of Article II, as discussed in Sections 6.2 and 6.3 of the May 29, 2013 Planning Commission staff report, which discussions are incorporated herein by reference.

**7. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.**

This finding is not applicable because the expanded gas storage use would not be located within a designated rural area. However, the new permanent facilities will be compatible with and subordinate to the scenic and agricultural character of the area. Drilling-related impacts to visual resources will be temporary during the 89-day and 68-day drilling periods and will not occur once the wells have been completed and the drilling rig moved offsite.



**8. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.**

There are no public access easements on or required for the project site and no public use of the property. Therefore, the Board of Supervisors finds that the project will not conflict with any easements required for public access through, or public use of a portion of the property.