

County of Santa Barbara Planning and Development



Lisa Plowman, Director

Jeff Wilson, Assistant Director

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May 3, 2023

Tautrim Revocable Trust
Attn: A. Barry Cappello
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831 State Street
Santa Barbara, CA 93101

Gaviota Coast Conservancy
Attn: Ana Citrin
Law Office of Marc Chytilo, APC
P.O. Box 92233
Santa Barbara, CA 93190

GreyFox, LLC
Attn: Christopher Jacobs
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street
Santa Barbara, CA 93101

PLANNING COMMISSION
HEARING OF APRIL 26, 2023

RE: *Tautrim, Gaviota Coast Conservancy, and GreyFox LLC Appeals of the Zoning Administrator Approval of Plains Line 901-903 Valve Upgrade Project; 22APL-00000-00024, 22APL-00000-00025, 22APL-00000-00026*

Hearing to consider the request of Tautrim, Gaviota Coast Conservancy and GreyFox, LLC, Appellants, to consider the three Appeals, Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026, of the Zoning Administrator's (ZA) August 25, 2022 approval of the Plains Line 901/903 Valve Upgrade Project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, in compliance with Section 35-182 (Appeals) of the Article II Coastal Zoning Ordinance; on property located in the AG-II zone and to approve the Addendum to the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902, and consider the project exempt from CEQA pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines]. The project involves installation of 16 new valves on existing Line 901 and Line 903 running from the Gaviota Coast to the Los Padres National Forest within Santa Barbara County. The original EIR/EIS identified significant effects on the environment in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hazards & Risk, Land Use, Noise, Recreation, Transportation, & Water Resources. The Addendum to the EIR, CEQA Exemption, and all related documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or on the County Website at <https://www.countyofsb.org/3360/Plains-Valve-Upgrade-Project>. (Continued from 03/01/23)

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Dear Mr. Capello, Ms. Citrin, and Mr. Jacobs:

At the Planning Commission hearing of April 26, 2023, Commissioner Cooney moved, seconded by Commissioner Bridley and carried by a vote of 3 to 2 (Ferini and Martinez no) to:

1. Make the required findings for denial of the project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, as presented at the April 26, 2023 hearing and included below;
2. Determine that denial of the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15270(a);
3. Approve the appeals, Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026; and
4. Deny the project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048.

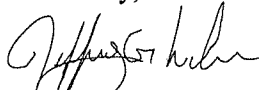
The attached findings reflect the Planning Commission's actions of April 26, 2023.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved person the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, May 8, 2023 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,



Jeff Wilson

Secretary to the Planning Commission

cc: Case File: 22APL-00000-00024, 22APL-00000-00025, 22APL-00000-00026
Applicant: Steve Greig, Plains Pipeline, LP, 5951 Encina Rd., Suite 100, Goleta CA 93110
Joan Hartmann, Third District Supervisor
Katie Nall, Planner

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Attachments: Findings for Denial

JW/dmv

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Planning Commission\04 Action Letter\04-26-23actltr.doc

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2.0 ADMINISTRATIVE FINDINGS

2.1 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS

2.1.1 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1.1.3 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 Coastal 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 decision-maker shall first make all of the following findings:

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

The Planning Commission finds that the project will not be compatible with the established physical scale of the project area because the Motor Operated Valve stations require construction of permanent above-ground equipment within the Gaviota Coast which will be visible from public view sheds. The Gaviota Coast is not an adequate location for the valves because they will add scattered industrial infrastructure to the otherwise rural landscape. Therefore, this finding cannot be made.

2.1.2 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (ARTICLE II)

2.1.2.1 In compliance with Section 35-172.11.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Major or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:

A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.

The County Planning Commission finds that the following finding required for initial approval of the original Development Plan, Case Nos. 85-DPF-066cz and 83-CP-97z, does not remain valid to accommodate the project as revised with the new development proposed by the current Amendment.

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Finding 1.1.e: 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 areas.

In May 2015, the subject pipeline ruptured due to external corrosion, and released crude oil on land and into the Pacific Ocean near Refugio Beach. The Planning Commission determines that while the severity of a potential future oil spill could be minimized through installation of the proposed sixteen new valves, the frequency of a potential future spill may be increased because of the degradation to the pipeline's integrity that has occurred since its commissioning in 1994. Oil spill related impacts may still occur even after successful implementation of mitigation measures imposed as part of the original project approval, as well as the proposed valve installations, due to several factors that have acted in combination to cause degradation of the line including inadequate inspection intervals, a lack of adequate anomaly repairs, internal corrosion, and corrosion under insulation (external corrosion). The risks of an oil spill are elevated above what was previously approved and the project would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and environment.

2.1.3 DEVELOPMENT PLAN AMENDMENT FINDINGS (ARTICLE II)

2.1.3.1 Findings required for all Development Plan Amendments. In compliance with Section 35-174.10.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Final Development Plan that would allow for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

2.2 COUNTY LAND USE DEVELOPMENT CODE FINDINGS

2.2.1 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (LUDC)

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2.2.1.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

- A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

2.2.2 DEVELOPMENT PLAN AMENDMENT FINDINGS (LUDC)

2.2.2.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Development Permit the review authority shall first make all of the following findings, as applicable:

- A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.