

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: October 7, 2004
Department Name: Planning & Development
Department No.: 053
Agenda Date: October 19, 2004
Placement: Departmental
Estimate Time: 5 Minutes
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Dev_Rev\Ca Coastal
Commission\BOS LTR 10-19-
04.doc

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development Department

STAFF CONTACT: Jackie Campbell, Deputy Director,
Development Review – South, 568-2076

SUBJECT: **Submittal of Local Coastal Program Amendments to the California Coastal Commission:** Abandonment of Oil and Gas Facilities; Oil Transportation; Ocean Meadows Residences; and Ellwood-Devereux Open Space Plan.

Recommendation(s):

That the Board of Supervisors:

1. Adopt the attached resolution and direct staff to submit the following Local Coastal Program (LCP) amendments to the California Coastal Commission:
 - A. Amendments concerning proper and timely abandonment of oil and gas facilities (04GPA-00000-00006 and 04ORD-00000-00008).
 - B. Amendments to update oil transportation policies and ordinances (04GPA-00000-00014 and 04ORD-00000-00014).
 - C. Amendment and rezone for Ocean Meadows Residences project (03GPA-00000-00003 and 03RZN-00000-00002).
 - D. Amendments concerning the Ellwood-Devereux Open Space and Habitat Management Plan (04GPA-00000-00008 and 04GPA-00000-00009).

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary & Discussion:

All cases referenced above amend the County's Local Coastal Program (LCP) and require certification by the California Coastal Commission. The amendments concerning abandonment of oil and gas facilities have previously been approved by the Board of Supervisors. The amendments concerning Oil Transportation, Ocean Meadows Residences project, and Ellwood-Devereux Open Space and Habitat Management Plan are scheduled for approval at the Board of Supervisors on October 19, 2004. Staff recommends that you approve the attached resolution incorporating all cases into the submittal package.

Mandates and Service Levels:

State law and local ordinance require certification of Board-approved LCP amendments by the California Coastal Commission.

Fiscal and Facilities Impacts:

- Item A: This project does not impact the County fiscally. Project expenditures are funded by revenues from two grant sources, the State of California's Coastal Resource Grant program (AB 1431) and the Federal Coastal Impact Assistance Program. No facilities impacts.
- Item B: This project is funded by a combination of State (AB 1431) and Federal (Coastal Impact Assistance Program), as shown on page D-300 of the FY 04-05 budget, under Sources of Grants Summary. Expenditures are shown on the same page under Use of Funds Summary, Long Range Planning. No facilities impacts.
- Item C: The cost of the general plan amendment, rezoning, tract map, development plans, coastal development permits, conditional use permits, and environmental impact report is off-set with revenue from the applicant and this cost and revenue are part of the Fiscal Year 04/05 adopted budget as detailed on Page D-290.
- The Ocean Meadows Residences project has facilities impacts with respect to recreation, transportation, Fire, Public Administration, and Sheriff which are covered by the applicant through payment of the County's standard development impact fees. Further, there are site-specific conditions of approval addressing environmental impacts wherein the applicant is required to pay its pro-rata share of fees toward a future Storke Road widening project and to fund 50% of an endowment for a full-time snowy plover docent coordinator at the Coal Oil Point Reserve (COPR).
- Item D: Funding for the adoption and implementation of these amendments is in Planning & Development's recommended Fiscal Year 2004-2005 budget on page D-286 under Comprehensive Planning Division Programs - Community Plan and General Plan Elements. No facilities impacts.

Special Instructions:

Clerk of the Board shall forward copies of the Minute Order and executed Resolution to Jackie Campbell in Planning & Development. The Clerk of the Board shall also forward a copy of the Minute Order to Planning and Development Hearing Support staff, Attn.: Cintia Mendoza.

Concurrence: County Counsel

Attachments:

Board of Supervisors Resolution submitting the Local Coastal Program Amendments to the California Coastal Commission.

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTING TO THE)	RESOLUTION NO:
COASTAL COMMISSION AMENDMENTS TO THE)	CASE NO.s:
TEXT AND MAPS OF THE SANTA BARBARA)	04GPA-00000-00006, 04ORD-00000-00008;
COUNTY LOCAL COASTAL PROGRAM)	04GPA-00000-00014, 04ORD-00000-00014;
_____)	03GPA-00000-00003, 03RZN-00000-00002;
	04GPA-00000-00008, 04GPA-00000-00009.

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below.

Abandonment of Oil and Gas Facilities, attached as **Exhibit A:**

- 1. **04GPA-00000-00006**, amend the Resource Protection and Development Policies of the Santa Barbara County Coastal Plan (Industrial and Energy Development), as follows: Add a new Section 3.6.8, titled **Abandonment of Onshore Infrastructure**.
- 2. **04ORD-00000-00008**, amend Article II of Chapter 35 of the Santa Barbara County Code, to implement the new abandonment policies, as follows: Amend existing sections **Definitions; Oil and Gas Facilities; Permit Procedures; and Administration**.

Oil Transportation, attached as **Exhibit B:**

- 1. **04GPA-00000-00014**, amend the Resource Protection and Development Policies of the Santa Barbara County Coastal Plan (Industrial and Energy Development), as follows: Amend existing section 3.6.4 **Land Use Proposals** to update oil transportation policies.
- 2. **04ORD-00000-00014**, amend Article II of Chapter 35 of the Santa Barbara County Code, to implement the revised oil transportation policies and repeal sections concerning marine terminals, as follows: Amend existing sections **Zoning Districts; and Oil and Gas Facilities**.

Ocean Meadows Residences project General Plan Amendment and Rezone, attached as **Exhibit C:**

- 1. **03GPA-00000-00003**, amend the Santa Barbara County Coastal Plan by changing the Land Use Designation of Lot 41, resulting after subdivision under TM 14,628, from Planned Residential Development to Recreation.
- 2. **03RZN-00000-00002**, rezone Lot 41 from Planned Residential Development (PRD-58) to Recreation and amend the Coastal Zoning Map for the Coastal Plan Zoning Districts accordingly, under the provisions of Article II of Chapter 35 of the Santa Barbara County Code.

Ellwood-Devereux Open Space and Habitat Management Plan, attached as **Exhibit D**:

1. **04GPA-00000-00008**, amend the Santa Barbara County Comprehensive Plan, Goleta Community Plan to add policies incorporating the Ellwood-Devereux Open Space and Habitat Management Plan (OSP).
 2. **04GPA-00000-00009**, amend the Santa Barbara County Comprehensive Plan, Parks, Recreation and Trails Goleta-Santa Barbara Area Map to add new trails provided by the OSP.
- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Coastal Plan, Coastal Zoning Ordinance text, and Coastal Zoning Maps.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
5. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 19th day of October, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

(SIGNATURES ON FOLLOWING PAGE)

JOSEPH CENTENO, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

Exhibit A

Abandonment of Oil and Gas Facilities

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

RESOLUTION NO. 04-263

Case No. 04GPA-00000-00006

IN THE MATTER OF ADOPTING AN
AMENDMENT TO THE COASTAL PLAN,
ADDING A NEW SECTION AND POLICY
TO CHAPTER 3.6 "INDUSTRIAL AND
ENERGY DEVELOPMENT," PROMOTING
TIMELY AND PROPER ABANDONMENT
OF CERTAIN OIL AND GAS FACILITIES

WITH REFERENCE TO THE FOLLOWING:

- A. Santa Barbara County seeks to promote, by way of a formal process where one does not currently exist, the timely removal of facilities and appropriate reclamation of host sites following permanent cessation of an oil, gas, or oil/gas operation.
- B. The Santa Barbara County Planning Commission has recommended adding of a new section and policy that would provide the foregoing formal process.
- C. The Board has held a duly notice public hearing, as required by Section 65355 of the Government Code, at which this amendment to the Coastal Plan was explained and comments invited from the persons in attendance.
- D. It is now deemed in the interest of the orderly development of the County of Santa Barbara and important to the preservation of the health and safety of the residents of said County to amend the Coastal Plan of the Local Coastal Program by adopting the following section to Chapter 3.6, "Industrial and Energy Development:"

"3.6.8 Abandonment of Onshore Infrastructure

3.6.8.1 Infrastructure Related to Recovery of Offshore Oil and Gas

Abandonment of onshore infrastructure entails permanent cessation of an entire land use or an independent business function of a land use. Several tasks to reclaim sites follow abandonment. Facilities are dismantled and removed from the site, while inter-facility gathering and transmission pipelines may either be abandoned in-place or removed. Some facilities (e.g., water tanks) and other improvements (e.g., roads) may be permitted at the site for future use. Any contamination of soils and water is remedied and the host site is returned to natural conditions or reclaimed to accommodate any approved future use of the site.

Historically, the County has experienced mixed results with regard to the timely demolition of facilities and reclamation of oil and gas sites following the abandonment of use. Some operators have diligently closed sites within 3-5 years following abandonment, while others have delayed commencement of site closure for unreasonably long periods (10-26 years). Other experience

indicates that remediation of contamination may lag several years behind initial dismantling and removal of surface facilities.

Whereas

The County seeks to encourage, by way of a formal public process, the timely removal of facilities and appropriate reclamation of host sites following permanent cessation of an oil, gas, or oil/gas operation in the coastal zone.

Policy 6-30: Oil and gas facilities shall be dismantled and removed, and their host sites cleaned of contamination and reclaimed to natural conditions, or conditions to accommodate reasonably foreseeable development, in an orderly and timely manner that avoids long-term impacts to the health, safety, and welfare of the public and environment.

Applicability

Policy 6-30 applies to all onshore land uses that are, or at one time were, wholly or partially dedicated to the production, processing, storage, and transportation of oil or gas derived from offshore reservoirs.

Implementing Procedures

- (a) The County shall establish a process in its Coastal and Inland Zoning Codes for determining if, based on reasonable evidence, permitted land uses or independent business functions thereof have discontinued operations permanently. The County shall also establish a discretionary process to permit the removal, retention, or abandonment in-place of facilities, structures, and improvements associated with permitted land uses determined to be abandoned, and to reclaim host sites to natural conditions, or other conditions, in compliance with applicable laws and permits. This permit shall be independent of any development permits associated with future use of the land, but may be processed concurrently with development permits.
- (b) Permittees shall obtain all applicable permits to remove (or retain) facilities, structures, and other improvements, and reclaim the host site upon the intentional abandonment of operations of a permitted land use. Otherwise, the permittee shall obtain either County approval to defer abandonment or all applicable permits to remove facilities and reclaim host sites under the following circumstances:
 - (1) Any event designated in an existing County permit that would require consideration of abandonment; or
 - (2) The permitted land use has become idled.
- (c) Long-term salvage operations, recycling facilities, or junkyards shall not be considered ancillary to permitted land uses. For the purpose of this procedure, “long-term” shall be a period of 2 or more consecutive years. Permittees who desire to operate long-term salvage or recycling operations at an oil/gas site shall first obtain the appropriate permits to do so, and such permits shall be issued independent of the oil/gas operation.”

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Pursuant to the provisions of Section 65356 of the Government Code, this Board adopts the foregoing section to the Chapter 3.6 of the Coastal Plan.
2. A copy of this Resolution shall be made available pursuant to Section 65357 of the Government Code.

PASSED, APPROVED, AND ADOPTED this 21st day of September, 2004, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

Joseph Centeno, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
County Clerk of the Board

By _____
Deputy Clerk of the Board

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

ORDINANCE NO. 4550

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY CODE
BY REVISING ARTICLE II OF CHAPTER 35, TITLED “COASTAL ZONING ORDINANCE”

CASE No.: 04-ORD-0000-00008

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

Division 2 “Definitions” of Article II of the Santa Barbara County Code is hereby amended, by adding the following new definitions to read:

ABANDONED (or ABANDONMENT), as used in Section 35-170 of this Article, shall mean the discontinuance of any permitted land use, or any independent business function of a permitted land use, and there is no evidence of a clear intent on the part of the owner to restart operations of the permitted land use, or the independent business function of a permitted land use.

IDLED (or IDLE), as used in Section 35-170 of this Article, shall mean a permitted land use or an independent business function of a permitted land use has had a zero throughput (enter and exit) for a period of one continuous year.

NATURAL CONDITIONS, as used in Section 35-170 of this Article, shall mean the reasonable and feasible return of land to a state that reflects the natural environment of the area without development. Retention of certain improvements or other items such as pipeline support footings would qualify as natural conditions if their removal would result in undesired environmental outcomes such as undesired destabilization of slopes due to removal of a retaining wall. Natural conditions do not necessarily equate to original or pre-development conditions.

PERMITTED LAND USE shall mean any land use, facility, activity, or site subject to this Chapter.

RECLAMATION, as used in Section 35-170 of this Article, shall mean conversion of a host site to natural conditions, or other conditions, in compliance with applicable laws and permits, including remediation of contamination, contouring of topography, re-vegetation and landscaping.

SECTION 2:

Division 9 “Oil and Gas Facilities” in Article II, Chapter 35 of the Santa Barbara County Code is hereby amended, by deleting Section 35-158.7.m, which reads:

m. Within 60 days of abandonment of facility operations, the operator shall submit an Abandonment and Restoration Plan addressing the abandonment of the wells and removal of all production equipment pursuant to Sec. 25-32 and 25-33 of the County Code and include provision for site restoration and revegetation.

SECTION 3:

Division 11 “Permit Procedures” in Article II, Chapter 35 of the Santa Barbara County Code is hereby amended, by adding a new Section 35-170 to read:

Sec. 35-170. Abandonment of Certain Oil/Gas Land Uses.

Sec. 35-170.1. Purpose and Intent.

This section establishes procedures to achieve the timely abandonment of applicable land uses, and following such abandonment, the timely and proper removal of applicable oil and gas facilities, reclamation of host sites, and final disposition of pipelines, in compliance with applicable laws and permits. Such procedures ensure appropriate due process in differentiating idled from abandoned facilities and protect the vested rights of permittees while also ensuring that facilities with no reasonable expectation of restarting are removed, pursuant to the intent of enabling development permits. Timely abandonment provides a public benefit by avoiding unnecessary delays in remediating any residual contamination that may result during operations, and providing an effective means of mitigating several significant environmental and socioeconomic effects, including aesthetics, compatibility with surrounding land uses, and risk of default on demolition and reclamation obligations by the permittee.

Sec. 35-170.2. Applicability.

Section 35-170 shall apply to the following land uses within the unincorporated area of the County:

1. All permitted uses defined in Sections 35-154, 35-155, 35-156, and 35-158 of this Chapter that handle, or at one time handled, oil, natural gas, natural gas liquids, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in accordance with this Chapter or any preceding ordinance.
2. All marine terminals and oil storage tanks, regardless of whether these uses were permitted in accordance with this Chapter or any preceding ordinance.
3. All pipeline systems defined in Section 35-157 that, except for public utility natural gas transmission and distribution systems such as The Gas Company, either transport, or at one time transported, oil, natural gas, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in accordance with this Chapter or any preceding zoning ordinance.
4. Unless specifically stated otherwise, reclamation of sites and corridors used to support any of the operations identified in 35-170.2.1, 2 or 3, above.

Sec. 35-170.3. Requirement to File an Application.

1. The permittee of a permitted land use shall submit an application to the Director for a Demolition & Reclamation Permit (ref. Sec. 35-170.9 *et. seq.*) upon intentional abandonment of a permitted land use, or a major business function thereof.

2. The permittee of a permitted land use shall submit an application to the Director either to defer abandonment (ref: Section 35-170.4 *et. seq.*) or to obtain a Demolition & Reclamation Permit (ref: Section 35-170.9 *et. seq.*) upon the occurrence of either of the following:
 - a. Any event designated in an existing County permit that would require consideration of abandonment; or
 - b. The permitted land use or an independent business function of a permitted land use has become idle.

Sec. 35-170.4. Filing an Application to Defer Abandonment.

Any permittee subject to the requirements of Section 35-170.3.2 may file an application to defer abandonment, which shall be considered by the Director. The application shall be filed no later than 90 days after an event specified in Section 35-170.3.2 has occurred.

Sec. 35-170.5. Contents of Application to Defer Abandonment.

The application to defer abandonment shall be in a form and content specified by the Director and this chapter. Such applications shall contain the following:

1. Name, address, and contact information for permittee;
2. Name, address, and general description of the permitted land use
3. Date when permitted land use first became idle.
4. Reason for idle status.
5. Status of upstream production facilities, where applicable.
6. Listing of any facility equipment that has been identified on a plan (submitted in satisfaction of a County, Fire, or APCD permit) and has been either removed from the site or is not currently in operational condition. Include an explanation of the effect this missing or inoperable equipment has on the ability to restart operations and runs all processes. Also explain measures necessary to bring inoperable equipment back into operational condition.
7. Plans and schedule to restart operations and identification of any facility components that would remain inactive after restart.
8. Identification of reasonable circumstances that would hinder restart of operations according to plan and schedule.
9. Any other information deemed necessary by the Director.

Sec. 35-170.6. Processing of Application to Defer Abandonment.

1. The Director shall determine the completeness of any application and issue a completeness letter within 30 days of receipt. If the application is deemed incomplete, the Director shall specify in detail the deficiencies in the application.
2. The applicant shall submit information in response to an incompleteness letter within 60 days of receipt or, if it is not practicable to respond within a 60-day period, shall request an extension, not to exceed 60 additional days (total of 120 days to respond), within which to provide the required information.
3. The Director may choose, at his or her discretion, to conduct a public hearing to consider any application to defer abandonment. The public shall be given all reasonable opportunity to review the Director's recommended decision no less than ten days prior to conducting a public hearing on any application to defer abandonment in accordance with applicable procedures specified in Sec. 35-181.

4. The Director shall refer an application to defer abandonment to the Fire Department and Air Pollution Control District for review and comment.

Sec. 35-170.7. Decision on Application to Defer Abandonment.

1. Decisions for Idle Facilities. The Director shall grant the application unless the evidence shows that an idle facility has no reasonable possibility of being restarted or the owner has no intent of restarting the facility within a reasonable period of time. Notwithstanding the above, the Director shall approve the application for any pipeline subject to the jurisdiction of the Federal Energy Regulatory Commission if that Commission has determined that abandonment is not appropriate. The Director shall consider all relevant evidence in determining if a permitted land use has been abandoned, including whether any of the following have occurred:
 - a. The oil and gas leases that have supplied the permitted land use with product have terminated.
 - b. The oil and gas operations that have supplied the permitted land use with product have been abandoned.
 - c. For oil/gas land uses designated as consolidated facilities and sites under the zoning code, there are no other existing offshore leases that may reasonably be expected to use the consolidated facility or site in the next 10 years.
 - d. Major and essential components of a land use, or an independent business function thereof, have been removed from the site or have fallen into such disrepair that they are no longer functional.
 - e. Permits or other entitlements for the land use, such as permits from the Air Pollution Control District, have been surrendered, expired, revoked or otherwise rendered invalid and no intent has been demonstrated to renew or reacquire such permits.
 - f. The Fire Department has issued an order requiring abandonment.
 - g. Any other evidence that shows clear intent to abandon.
2. Decisions For Consideration of Abandonment Under Permit Conditions. The Director shall grant the application unless:
 - a. The Director finds under the applicable permit condition that abandonment of the permitted land use or independent business function thereof is required without further delay, and
 - b. The permittee no longer has a vested right to continue operation.
3. The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-181.
4. The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-182.

Sec. 35-170.8. Deferral Period and Extensions of Approval to Defer Abandonment.

The Director may approve an abandonment deferral for a period not to exceed 24 months from the occurrence of an event defined in Sec. 35-170.3.2.a or b. The Director may extend this period for one-year increments upon timely application by the operator. Applications for extensions shall be filed 90 days prior to the end of the approved abandonment-deferral period and shall contain the information specified in section 35-170.5, above.

Section 35-170.9. Filing an Application for a Demolition & Reclamation Permit.

Any permittee of a permitted land use that has not filed an application to defer abandonment pursuant to Section 35-170.4, or who has filed and that application has been denied, shall file an application for a Demolition & Reclamation Permit. The application for a Demolition & Reclamation Permit shall be filed no later than 180 days after an application to defer abandonment has been denied and all administrative appeals have been exhausted. If no application to defer abandonment has been filed, an application for a Demolition & Reclamation Permit shall be filed no later than 180 days after an event in Section 35-170.3.1 or 35-170.3.2 has occurred. The Director may grant extensions of time for good cause.

Section 35-170.10. Content of Application for a Demolition & Reclamation Permit.

The application for a Demolition & Reclamation Permit shall contain the following.

1. Name, address, and contact information for permittee.
2. Name, address, and general description of the permitted land use.
3. Gross and net acreage and boundaries of the property.
4. Location of all structures, above and underground, proposed to be removed.
5. Location of all structures, above and underground, proposed to remain in-place.
6. Location of all utilities on the property.
7. Location of all easements on or adjacent to the property that may be affected by demolition or reclamation.
8. To the extent known, the type and extent of all contamination and proposed remedial actions to the level of detail that can be assessed through environmental review. This information does not require a new or modified Phase 2 site assessment in advance of any such requirement by the Fire Department or State agencies with regulatory oversight of site assessments.
9. Location of areas of geologic, seismic, flood, and other hazards.
10. Location of areas of prime scenic quality, habitat resources, archeological sites, water bodies and significant existing vegetation.
11. Location and use of all buildings and structures within 50 feet of the boundaries of the property.
12. A proposed decommissioning plan that details the activities involved in removing structures from the site, including the following details: estimated number of workers required on site to decommission facilities and structures, disposition of equipment and structures proposed for decommissioning, projected method of transporting equipment, structures, and estimated debris from the site to the place of disposition as well as number of trips required, and an estimated schedule for decommissioning facilities.
13. A proposed waste-management plan to maximize recycling and minimize wastes.
14. Other permit applications as may be required by the Santa Barbara County Code to retain any existing structures, roadways, and other improvements to the property that were ancillary to the oil or gas operations and are proposed to be retained to support other existing or proposed uses of the property following abandonment of the oil and gas operations.
15. A proposed grading and drainage plan.
16. A proposed plan to convert the site to natural condition or convert to other proposed land use, including a detailed schedule for restoring the site. In the latter case, include other applicable permit applications required, if any, for the proposed land use.

17. A statement of intent as to the disposition of utilities that served the oil and gas operations, including water, power, sewage disposal, fire protection, and transportation.
18. Measures proposed to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property.
19. Any other information deemed necessary by the Director to address site-specific factors.

Section 35-170.11. Processing of Demolition & Reclamation Permit.

1. The Planning and Development Department shall process complete applications for Demolition & Reclamation Permits through environmental review after determining such applications to be complete.
2. The Planning and Development Department shall process complete applications for Demolition & Reclamation Permits independently of any other permit applications to develop the site in question. However, Demolition & Reclamation Permits may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. The Planning and Development Director shall consider complete applications for Demolition & Reclamation Permits and shall approve, conditionally approve, or deny the application. Any denial shall be accompanied by an explanation of changes necessary to render approval of the application.
4. The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-181.
5. The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-182.
6. Upon approval of the Demolition & Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition & Reclamation Permit shall supercede any discretionary use permit issued for construction and operation of the facilities.

Section 35-170.12. Findings Required for Approval of a Demolition & Reclamation Permit.

A Demolition & Reclamation Permit shall only be approved if all of the following findings are made:

1. That significant adverse impacts to the environment due to demolition and reclamation are mitigated to a level of insignificance or, where impacts cannot feasibly be mitigated to insignificance, they are mitigated to the maximum extent feasible.
2. That, where applicable, streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed demolition and reclamation.
3. That any condition placed upon the operator or responsible party for assessment or remediation of soil or water contamination fully conform with the permitting process and requirements of the Regional Water Quality Control Board and the Santa Barbara County Fire Department.
4. That the proposed reclamation 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.

5. That the site will be restored to natural conditions unless any of the following conditions apply:
 - a. Areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the newly permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived, provided that such development is permitted within five years and the permittee has posted financial assurances acceptable to the Director to assure restoration to natural conditions if the proposed development is not permitted.
 - b. Areas within the site are subject to agricultural uses that do not require a County permit, in which case the restoration will conform to conditions appropriate for such agricultural uses.

For purposes of this finding, the Director may allow abandonment in-place of specific improvements such as retaining walls or emergency access roads if the Director finds that their removal would be detrimental to the health, safety or welfare of the public or the environment (e.g., undesired destabilization of slopes due to removal of a retaining wall, or eliminating a needed public evacuation route).
6. That any retention of improvements to land has been duly permitted in accordance with the County Code where permits are required.
7. That the proposed reclamation will leave the site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property.
8. That the permit conditions contain specific enforceable requirements to ensure the timely closure of the host site and completion of post-closure activities.

Section 35-170.13. Performance Standards for Demolition & Reclamation Permits.

1. All equipment shall be cleaned of oil or other contaminants prior to dismantlement in order to reduce any risk of contamination of soils or water during demolition of the facility to the maximum extent feasible. Where applicable, the permittee shall prepare and submit a Spill Contingency Plan to the Fire Department. This plan shall identify measures to prevent and contain spills during dismantling and removal of facilities, as well as how spills will be cleaned up once they have occurred.
2. The permittee shall obtain all other necessary permits from other agencies and, where applicable, submit proof of permits issued by the California Division of Oil, Gas, and Geothermal Resources to plug and abandon wells or to inject waste water for purposes of disposal into any State oil and gas field prior to issuance of the Demolition & Reclamation Permit.
3. The demolition and reclamation shall be adequately monitored by a qualified individual, funded by the permittee and retained by the County, to ensure compliance with those conditions designed to mitigate anticipated significant adverse effects on the environment, and to provide recommendations in instances where effects were not anticipated or mitigated by the conditions in the permit.
Pre- and post-reclamation surveys of sensitive resources shall be employed as appropriate to measure compliance.
4. Topsoil shall be stockpiled, covered, and saved for use as topsoil when excavated areas are back-filled, unless such soil is treated onsite or removed for offsite disposal due to contamination.

5. If appropriate, truck traffic transporting materials to and from the site shall avoid arriving or departing the site during the peak traffic hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. weekdays (or other peak-hour periods applicable to the location of the traffic).
6. Adequacy of sight distance, ingress/egress and emergency access shall be verified by the Public Works Department and Fire Department.
7. Measures shall be implemented to inhibit dust generation, where appropriate. Unavoidable generation of dust shall be kept to a minimum through effective controls.
8. The permittee implements a viable recycling plan that meets County approval and includes provisions to maximize recycling of equipment, asphalt, and concrete, and to minimize disposal of wastes into hazardous waste and solid waste management facilities to the maximum extent feasible.
9. Contouring of the land shall be compatible with the surrounding natural topography, unless otherwise approved to accommodate another permitted use or required drainages.
10. Appropriate measures shall be implemented to control erosion both during and after site closure.
11. Establishment of vegetation shall be in conformance with an approved revegetation plan and the following standards:
 - a. In accordance with the County's Fire Plan, as implemented by the County Fire Department, all disturbed areas identified for vegetation shall be disked or ripped to an appropriate depth to eliminate compaction and establish a suitable root zone in preparation for planting, except where such requirement poses a significant adverse environmental impact.
 - b. Native seeds and plants shall be used when returning the area to natural conditions. The Director shall define an acceptable geographic area from which genetically compatible, native-seed stocks may be selected for site restoration in order to protect the genetic integrity and the habitat value of the site and its surrounding area. Other seeds, such a pasture mix, shall be allowed in areas designated for such use.
12. Subsurface segments of inter-facility pipelines may be abandoned in-place except under the following circumstances:
 - a. Presence of the pipeline would inhibit future land uses.
 - b. Modeling approved by the U.S. Army Corp. of Engineers or U.S. Bureau of Reclamation indicates that segments of the pipeline in erosive locations would become exposed at some time during the next 100 years, and environmental review determines that impacts from exposure and subsequent removal during inclement weather are more significant than removal at the time of abandonment.
13. Appropriate notification has been recorded with the County Clerk-Recorder to update, supersede or release the recorded rights-of-way where a subsurface pipeline is abandoned in-place. This notice shall describe the presence and location of the abandoned pipeline, any material placed in the pipeline for abandonment, and the operator and owner of the pipeline prior to abandonment.
14. The site shall be assessed for previously unidentified contamination. Any discovery of contamination shall be reported to the Director and the Fire Department. The permittee shall diligently seek all necessary permit approvals, including revisions to the Demolition & Reclamation Permit, if any are required in order to remediate the contamination.
15. The Director, in consultation with other County agencies, may impose other appropriate and reasonable conditions or require any changes to the project as deemed necessary to protect the health, safety, and welfare of the public, protect property, preserve the character, natural

resources, or scenic quality of the area, or implement the purpose of this Chapter or any other chapter of the County Code.

16. In the case of an Independent Business function of a Permitted Land Use, the Director shall have discretion to determine the timing and extent of the requirements of the Demolition & Reclamation Permit. Factors that the Director may consider include:
 - a. Whether removal of the Independent Business function would substantially reduce the overall footprint of the Permitted Land Use, reduce any significant visual impact, or reduce any significant risk to public safety.
 - b. Whether site restoration is feasible at the time the Independent Business function is removed, compared to deferring site restoration to such time that the entire Permitted Land Use is removed.
17. Appropriate notification has been recorded with the County Clerk-Recorder to describe the presence and location of any contamination left in place under the authority of the Fire Department.

Sec. 35-170.14. Revocation of Entitlement to Land Use.

1. All entitlements provided in any use permits issued under this ordinance, or under any preceding zoning ordinance, to use the facilities shall be automatically revoked and no longer effective upon the County's denial of an application to defer abandonment and the exhaustion of available administrative remedies. Requirements of use permits necessary to ensure continued protection of public and environmental health, safety and welfare shall continue in full force and effect, including:
 - a. Conditions that specify liability of the owner, operator, and other persons.
 - b. Conditions that specify payment of County fees and costs.
 - c. Conditions that indemnify the County.
 - d. Where applicable, conditions that specify the County's authority to require abatement of public nuisances or require mitigation of environmental impacts that may occur prior to issuance of a Demolition & Reclamation Permit.
 - e. Where applicable, conditions that require oil spill prevention, preparedness, and response.
 - f. Where applicable, conditions that require emergency preparedness and response.
 - g. Where applicable, conditions that require safety inspections, maintenance, and quality assurance.
 - h. Where applicable, conditions that require site security.
 - i. Where applicable, conditions that require fire prevention, preparedness, protection and response.
 - j. Where applicable, conditions that require payment of fees, including fees that provide mitigation for ongoing impacts to the environment (e.g., payments to the Coastal Resource Enhancement Fund).
 - k. Substantive conditions that address abandonment; however procedural requirements for abandonment, demolition, and reclamation shall conform to Section 35-323 of this Chapter.

Upon revocation of entitlements in a use permit, the Director shall notify the owner or operator and include a list of permit conditions that remain in full or partial force.

2. All use permits issued under this ordinance, or under any preceding zoning ordinance, shall be automatically revised to remove any entitlement to continue the use any independent business function of a permitted land use determined to be abandoned in accordance with

Section 35-170. However, permit conditions necessary to ensure continued protection of public and environmental health, safety and welfare, such as those identified in Sec. 35-170.14.1, shall continue in full force and effect.

3. The permittee shall have a grace period of two years from the date of revocation of entitlements in use permits in order to secure a Demolition & Reclamation Permit. The Director may extend the grace period no more than one year, cumulatively, for good cause, or for longer periods for delays attributable to circumstances beyond the permittee's control.
4. Upon completion of the grace period, the abandoned land use or independent business function shall be treated as a deserted and illegal land use until such time that the permittee secures approval of a Demolition & Reclamation Permit.

Sec. 35-170.15. Expiration of a Demolition & Reclamation Permit.

1. Requirements. The permittee shall complete all requirements of the Demolition & Reclamation Permit prior to the expiration of the permit, including any extensions thereof. Failure to do so shall constitute a violation of this Article.
2. Term. Demolition & Reclamation Permits shall expire upon issuance of a "Reclamation Complete" letter by the Director, which shall be issued upon the satisfactory completion of the required work, or seven years after the date of issuance, whichever occurs sooner. The Director's "Reclamation Complete" letter shall certify completion of all required work except for remediation of contamination, which is certified by other agencies.
3. Extensions. The Director may extend the expiration date of the permit without penalty if the closure or re-vegetation of the site was delayed by circumstances reasonably beyond the permittee's control. Otherwise, Director may extend the expiration date of the permit with penalties, pursuant to Section 35-185 of this Article, in order to realize completion of all site closure and post-closure requirements. If the permittee requests a time extension for this project, the Director may revise the Demolition & Reclamation Permit to revise conditions and mitigating measures or to add new conditions and mitigating measures, which reflect changed circumstances, including newly identified impacts.

SECTION 4:

Division 12 “Oil and Gas Facilities” in Article II, Chapter 35 of the Santa Barbara County Code is hereby amended, by revising Section 35-182.2, “Appeals” to read:

Sec. 35-182.2.

1. Except for those actions on Coastal Development Permits which are appealable to the Coastal Commission as provided for under Sec. 35-182.4., the decisions of the Planning and Development Department on the approval, denial, or revocation of Coastal Development Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal and accompanying fee must be filed with the Planning and Development Department as follows:
 - a. Within the ten calendar days following the date of decision for projects under the jurisdiction of the Director, ***except for appeals pursuant to Sec. 35-170, in which case, filing shall occur within thirty calendar days following the date of decision.***
 - b. Within the ten calendar days following the posting date for the notice of Coastal Development Permit approval, as required by Section 35-181.3, or if denied, within the ten calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten calendar days following the date of final decision by the Board of Architectural Review (BAR). If final approval by the BAR is appealed, the hearing on the appeal shall only be held after the decisions on the Coastal Development Permit but, prior to the issuance of the Coastal Development Permit for such project. The BAR appeal shall be processed concurrently with any appeal of the Coastal Development Permit. If a denial by the BAR is appealed, a separate hearing shall be held on the BAR appeal prior to the decision on the Coastal Development Permit. No permits shall be issued until all appeals have been heard and/or resolved.
 - d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Coastal Development Permit ***or on applications under Sec. 35-170***, or a decision of the Director of the Board of Architectural Review is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or BAR. If the approval of a Coastal Development Permit (not subject to Section 35-182.4) required by a previously approved discretionary permit is appealed, the appellant must identify how the Coastal Development Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit’s conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-181. (Noticing).

SECTION 5:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage, this ordinance, or a summary of it, shall be published once, together with the names of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this twenty-first day of September, 2004, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Joseph Centeno, Chair
Board of Supervisors of the County of Santa Barbara
State of California

ATTEST:

MICHAEL F. BROWN
County Clerk of the Board

By _____
Deputy Clerk of the Board

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

Exhibit B

Oil Transportation Updates

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF ADOPTING
AMENDMENTS TO SECTION 3.6.4 OF
THE COASTAL PLAN, REVISING OIL
TRANSPORTATION POLICIES AND
REPEALING MARINE TERMINAL
POLICIES, TO ENSURE THAT OIL
PRODUCED OFFSHORE OF THE COUNTY
WILL BE TRANSPORTED BY PIPELINE.

RESOLUTION NO. _____

Case No. 04GPA-00000-00014

WITH REFERENCE TO THE FOLLOWING:

- A. Santa Barbara County seeks to ensure that oil produced offshore is transported to onshore facilities and thence to refinery by pipeline, and that construction or expansion of marine oil terminals shall not occur, in order to minimize adverse impacts of oil transportation on marine and coastal resources.
- B. The Santa Barbara County Planning Commission has recommended policy amendments to assure that oil produced offshore is transported by pipeline, with certain exceptions, consistent with State law.
- C. The Board has held a duly notice public hearing, as required by Section 65355 of the Government Code, at which the amendments to the Coastal Plan were explained and comments invited from the persons in attendance.
- D. It is now deemed in the interest of the orderly development of the County of Santa Barbara and important to the preservation of the health and safety of the residents of said County to amend the Coastal Plan of the Local Coastal Program by adopting the following amendments to Section 3.6.4, "Land Use Plan Proposals:"

Repeal Portions of the preamble to Oil and Gas Processing Facilities policies (pp. 62-63):

~~“ Oil transportation is one of the key issues associated with oil development in Santa Barbara County. Pipelines have been found to be environmentally superior to tankers. Tanker transportation presents greater impacts to marine, visual, recreation and air resources than do pipelines. General pipeline "feasibility" will be determined through the market based on producer choice of refining center, refining capacity in that center, and economic feasibility being tested through ability to obtain financing and the choice to build and operate the pipeline. Once constructed and operational to the refining center of a producer's choice (e.g. Houston, San Francisco, Los Angeles), pipelines shall be the required mode of transportation because they are less environmentally damaging than other modes of transportation. This requirement is based on the assumption that, when operational, pipelines serving various refining centers will have adequate capacity and that the tariffs and costs of transporting the oil to its ultimate refining destination will be reasonable. This "reasonableness" will be based on the balancing of public and~~

private interests in economic and environmental factors. (Adopted by B/S 6/18/84, Resol. #84 284).

~~The County should assure that producers have access to competitive markets, however, the County need not provide unlimited flexibility to all producers. Since pipelines are not yet in place and may not be constructed to all refining centers, other methods of oil transportation are needed for production that precedes pipeline construction and operation and for refining centers not served by pipeline. (Adopted by B/S 6/18/84, Resol. #84 284).~~

~~The County recognizes the potential for transportation demand to exceed system capacity and should take affirmative measures to ensure equitable, pro rata access to the transportation system by all shippers consistent with the County's goals of consolidation. (Adopted by B/S 6/18/84, Resol. #84 284).~~

~~Because of uncertainty regarding crude oil production volumes, industry economics, and permits, there is a need for periodic review of the County's oil transportation policies. (Adopted by B/S 6/18/84, Resol. #84 284)."~~

Renumber Policy 6-6A (as 6-10F) and delete reference in the text preceding it (p. 63):

~~" Policy 6-6A applies to oil and gas processing facilities and sites that serve offshore producers. "~~

~~" Policy 6-6A If upper throughput limits exist in any new oil transportation system, the County shall, to the maximum extent feasible and legally permissible, assure equitable, pro rata access for all shippers. Permits for oil transportation systems shall require the permittee to achieve County's goals for consolidation. County shall retain continuing permit jurisdiction to assure that these goals are met. For the purposes of this plan, "shipper" shall refer to the entity in legal ownership of the oil to be transported. (Added 7/88). "~~

Revise Policy 6-6B (p. 64):

~~" Policy 6-6B: Except for facilities not directly related to oil and gas processing as referenced in Policy 6-11B (Marine Terminals), t~~This policy applies to areas of the coastal zone that are outside the South Coast Consolidation Planning Area (SCCPA). The SCCPA is the unincorporated area from Point Arguello to the western boundary of the City of Santa Barbara, and from the ridge of the Santa Ynez Mountains to the three mile offshore limit. (Added 12/14/87, B/S Resol. #87 616)

If new sites for processing facilities to serve offshore oil and gas development are needed, expansion of facilities on existing sites or on land adjacent to existing sites shall take precedence over opening up additional areas, unless it can be shown that the environmental impacts of opening up a new site are less than the impacts of expansion on or adjacent to existing sites. Consideration shall also be given to economic feasibility. "

Revise Policy 6-8 (p. 66):

~~" Policy 6-8: If an onshore pipeline for transporting crude oil to refineries is determined to be technically and economically feasible, proposals Any permit approval for expansion, modification, or construction of new oil and gas processing facilities shall be conditioned to require~~

transportation of oil *by pipeline, in accordance with policies on Oil Transportation (Policies 6-10A through 6-10F)*. ~~through the pipeline when constructed, unless such condition would not be feasible for a particular shipper. (Revised 6/18/84, B/S Resol #84-284; 11/19/91, B/S Resol #91-670)~~”

Repeal Policies 6-8a through 6-8e (pp. 66-67):

- ~~a) Pipeline transportation of crude oil to a refining center served by a pipeline is presumed to be technically and economically feasible and the required method of transportation to that center. (Revised 6/18/84, B/S Resol #84-284).~~
- ~~b) Pipeline transportation of crude oil is presumed feasible for a particular shipper if a pipeline is in operation to the refining center of the shipper's choice. (Revised 6/18/84, B/S Resol #84-284).~~
- ~~c) Crude oil processing facilities shall be conditioned to require that each shipper's oil leaving those facilities be transported by pipeline when a pipeline is in operation to the refining center of the shipper's choice. (Revised 6/18/84, B/S Resol #84-284).~~
- ~~d) Until pipelines become available, and for refining centers not served by pipeline, other modes of oil transportation are allowed consistent with County policies. Rail is not preferred for large volume shipments of oil. (Revised 6/18/84, B/S Resol #84-284).~~
- ~~e) For refining centers served by pipeline, other modes of transportation up to the limits of permitted capacity for those modes, and with assurances that the shipper or transportation facility operator can and will mitigate the environmental impacts caused by the alternate transportation mode, are allowed only under the following circumstances:

 - ~~1) Pipeline unavailability or inadequate capacity; or~~
 - ~~2) A refinery upset lasting no longer than two (2) months and only where the alternate refining center is not served by pipeline; or~~
 - ~~3) An emergency which may include a national state of emergency. (Revised 6/18/84, B/S Resol #84-284).~~~~

Repeal the preamble to *Marine Terminals* policies (pp. 67-68):

~~“ Marine Terminals~~

~~The County has permit jurisdiction over those portions of a marine terminal that are on land (i.e., pipelines, storage tanks) except where the County has been granted jurisdiction over State Tidelands.² Those portions of a marine terminal which are seaward of the mean high tide line are regulated by the Coast Guard and the State Lands Commission. Further, the County's "Statement of Policy Relative to the Location of On Shore Oil Facilities" favors no more than one additional marine terminal along the South Coast.~~

~~While the existing policies and regulations appear consistent with the policies of the Coastal Act, policies addressing the location of new marine terminals need to be clarified in two aspects: (1) the status of marine terminals if an onshore pipeline proves to be feasible, and (2) the impact of lease sale #53 on the need for marine terminals between Point Conception and the Santa Maria River.~~

~~The County recognizes the potential for transportation demand to exceed system capacity and should take affirmative measures to ensure equitable access to the transportation system by all shippers entitled to use it consistent with the County's goals of consolidation. Equitable access is intended to prevent non owners of a facility from being forced out of, or not allowed into, transportation facilities. (Added 6/18/84, B/S Resol #84 284).~~

~~The County does not wish to encourage the long term use of marine transportation facilities which are incompatible with surrounding land uses or which possess technological limitations significantly affecting or potentially affecting public health and safety and the environment. (Added 6/18/84, B/S Resol #84 284).~~

~~—2— The County's only granted Tidelands are in Carpinteria. The existing Chevron marine terminal in Carpinteria is under the jurisdiction of the City.~~

Where

~~— Landward support facilities for the Gaviota Interim Marine Terminal are designated as Coastal Dependent Industry on the land use plan maps.~~

~~— Oil storage sites (tank farms) for transportation facilities should be consolidated and serve the entire oil transportation system (pipeline, marine, rail, other). A siting study was conducted in 1984 which identified the preferred environmental characteristics for an oil storage site on the Gaviota coast. These characteristics are based on those of Canada de la Pila for all attributes except geology and soils, which must meet standard County requirements through engineering and design review. Present County policy precludes the use of Canada de la Pila as a tank farm site. Proposed oil storage sites should meet these standards through project design and on and off site mitigation, though the County recognizes that environmental trade offs may be required to ensure than an environmentally preferable site is used. ”~~

Repeal Policies 6-10 through 6-12 (p. 68-69):

~~“ Policy 6 10: All relevant sections of Ordinance No. 661, the Petroleum Ordinance, and "Statement of Policy Relative to the location of On Shore Oil Facilities" are hereby incorporated by reference. ”~~

~~“ Policy 6 11: If an onshore pipeline is determined to be technically and economically feasible existing marine terminals shall become, after a specified period, non conforming uses. Crude oil shall be transported by pipeline, unless the County makes the finding that transportation of oil by pipeline is not feasible for a particular shipper according to the provisions of Policies 6 8 and 6 8A. (Revised 6/18/84, B/S Resol #84 284). ”~~

~~“ Policy 6 11B: Policies 6 6 and 6 6A regarding consolidation of oil and gas processing facilities shall be applied to all oil and gas facilities. Consolidated storage facilities shall be designed to support a complete oil transportation system including one or more transportation modes. Facilities approved by the County shall be sited to provide for reasonable expansion. (Added 6/18/84, B/S Resol #84 284). ”~~

~~“ Policy 6-12: Due to scenic and natural resources in areas between Point Conception and the Santa Maria River, marine terminals are not considered at present as appropriate development in that area. If activity under lease sale #53 results in a need for marine terminal(s) in the North County, detailed studies shall be undertaken to determine appropriate location(s). No onshore facilities, except pipelines, shall be located on any environmentally sensitive habitat areas. ”~~

Add a new preamble entitled *Oil Transportation* (to replace repealed preamble to *Marine Terminals*):

“ *Oil Transportation*

The following policies apply to the transportation of oil produced from any offshore reservoir and landed in Santa Barbara County and oil produced from a reservoir offshore Santa Barbara County, regardless of landing location. Pipelines are environmentally less damaging than other modes of crude oil transport, including highway, rail, and marine tank vessel. In particular, while tanker or barge accidents occur less frequently than pipeline spills, the adverse environmental impacts of tanker or barge spills can be far greater due to the large volumes of oil released, the extreme difficulty in containing and cleaning up offshore spills, and the overall sensitivities of marine and coastal resources.

Whereas:

The County seeks to minimize adverse environmental impacts of oil transportation, both onshore and offshore, by requiring crude oil produced from offshore reserves to be transported by pipeline to the maximum extent feasible.”

Add New Policies 6-10A through 6-10E:

“ *Policy 6-10A: Phase-out of Marine Terminals.*

No new marine oil terminals, or expansion of existing marine terminals, shall be permitted in the County. As used here, “expansion of existing facilities” means any activity beyond what an owner has a vested right to do under existing permits. Existing marine terminals shall remain classified as a legal, non-conforming uses, with the expressed intent that they be phased out of existence once the owner’s current vested right to operate under existing permits is exhausted.”

“ *Policy 6-10B: Transport of Crude Oil from Offshore to Onshore.*

1) *Crude oil produced from offshore production facilities shall be transported to onshore facilities exclusively by pipelines that conform to all applicable regulations and standards.*

2) *Any new pipeline shall be routed to maximize protection of coastal and marine resources. Factors to be balanced in selecting the route include, but are not limited to, minimizing the length of the offshore segment (to reduce the risk of oil spills in coastal waters), location of sensitive species and habitats both onshore and offshore, and anticipated hazards to pipeline integrity.*”

“ *Policy 6-10C: Transport of Crude Oil to Refineries.*

1) *Production from new offshore facilities.*

Crude oil received onshore from new or expanded offshore production facilities, or from onshore operations to extract oil from offshore reserves, shall be transported to processing

facilities and final refining destination by overland pipeline, except as provided for in Policy 6-10D and E. The pipelines shall conform to all applicable regulations and standards.

2) Production from existing offshore facilities.

Crude oil received onshore from existing offshore production facilities shall be transported to processing facilities and final refining destination by overland pipeline, except where an owner has a vested right to transport oil by marine vessel or as provided in Policy 6-10D and E. ”

“ Policy 6-10D: Exception to Policy 6-10C Requirement for Transport via Pipeline.

Crude oil received onshore from offshore production facilities may be transported by highway or rail if the Director determines that the oil is so highly viscous that pipeline transport is infeasible, taking into account available options such as modifications to existing pipelines, blending of NGLs, etc.

Any shipment of oil by highway or rail under this policy shall be limited to that fraction of the oil that is technically infeasible to transport by pipeline. The shipper or carrier shall mitigate to the maximum extent feasible any significant environmental impacts caused by use of the alternate transportation mode. ”

“ Policy 6-10E: Emergency Provision.

Notwithstanding the provisions of Policies 6-10A to 6-10D, temporary transport of oil by waterborne vessel may be authorized under an emergency permit if the Governor of the State of California declares a state of emergency pursuant to Public Resources Code Sec. 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced offshore Santa Barbara County. In such a case, the oil transported by alternate mode shall be limited to that fraction which cannot feasibly be transported by pipeline. Transport by the alternate mode shall cease immediately when it becomes technically feasible to resume pipeline transport. ”

Add Policy 6-10F (renumbered from previous Policy 6-6A):

“ Policy 6-10F: If upper throughput limits exist in any new oil transportation system, the County shall, to the maximum extent feasible and legally permissible, assure equitable, pro rata access for all shippers. Permits for oil transportation systems shall require the permittee to achieve County's goals for consolidation. County shall retain continuing permit jurisdiction to assure that these goals are met. For the purposes of this plan, "shipper" shall refer to the entity in legal ownership of the oil to be transported. (Added 7/88). ”

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Pursuant to the provisions of Section 65356 of the Government Code, this Board adopts the foregoing amendments to Section 3.6.4 of the Coastal Plan.
2. A copy of this Resolution shall be made available pursuant to Section 65357 of the Government Code.

PASSED, APPROVED, AND ADOPTED this 19th day of October, 2004, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTENTIONS:

Joseph Centeno, Chair
 Board of Supervisors
 County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
 County Clerk of the Board

By _____
 Deputy Clerk of the Board

APPROVED AS TO FORM:

STEPHEN SHANE STARK
 County Counsel

By _____
 Deputy County Counsel

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY CODE
BY REVISING ARTICLE II OF CHAPTER 35, TITLED "COASTAL ZONING ORDINANCE"

CASE No.: 04-ORD-0000-00014

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

Division 4 "Zoning Districts" of Article II of the Santa Barbara County Code is hereby amended, by deleting Sections 35-87.3.3 and 35-92.3.3, as follows:

[Section 35-87.3.3. M-CD Coastal Dependent Industry -- Permitted Uses]

- ~~3. Onshore components of marine terminals that are determined to be required for waterborne shipments of crude oil or petroleum products and that require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations of DIVISION 9 OIL AND GAS FACILITIES. (Amended by Ord. 3947, 11/19/91)~~

[Section 35-92.3.3. M-CR Coastal Related Industry -- Permitted Uses]

- ~~3. Onshore components of marine terminals required for waterborne shipments of crude oil or petroleum products, subject to the regulations of DIVISION 9 OIL AND GAS FACILITIES.~~

SECTION 2:

Division 9 "Oil and Gas Facilities" in Article II, Chapter 35 of the Santa Barbara County Code is hereby amended, by revising Section 35-154.5.i and deleting Section 35-156, as follows:

[Section 35-154.5.i. Onshore Processing Facilities]

- i. ~~Permits for expanding, modifying, or constructing crude oil processing or related facilities shall be conditioned to require that~~ All oil processed by the facility shall be transported from the facility and the County *to the final refining destination by overland pipeline, as soon as the shipper's oil refining center of choice is served by pipeline. with the following exceptions:*
- (1) *Emergency. Temporary transport of oil by waterborne vessel may be authorized under an emergency permit if the Governor of the State of California declares a state of emergency pursuant to Public Resources Code Sec. 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced offshore Santa Barbara County. In such a case, the oil transported by waterborne vessel shall be limited to that fraction which cannot feasibly be transported by pipeline. Transport by waterborne vessel shall cease immediately when it becomes technically feasible to resume pipeline transport.*

- (2) Highly Viscous Oil. A Development Plan may permit transportation of oil by highway or rail only if the Director makes the following finding, in addition to findings required for Development Plans under this section: The oil is so highly viscous that pipeline transport is infeasible, taking into account available options such as modifications to existing pipelines, blending of NGLs, etc.

Any shipment of oil by highway or rail under this policy shall be limited to that fraction of the oil that is technically infeasible to transport by pipeline. The shipper or carrier shall mitigate to the maximum extent feasible any significant environmental impacts caused by use of the alternate transportation mode.

Transportation by a mode other than pipeline may be permitted only:

- (1) within the limits of the permitted capacity of the alternative mode; and
- (2) when the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible; and
- (3) when the shipper has made a commitment to the use of a pipeline when operational to the shipper's refining center of choice; and
- (4) when the County has determined that use of a pipeline is not feasible by making one of the following findings:
 - (a) A pipeline to the shippers' refining center of choice has inadequate capacity or is unavailable within a reasonable period of time;
 - (b) A refinery upset has occurred, which lasts less than two months, precludes the use of a pipeline to that refinery, and requires temporary transportation of oil to an alternative refining center not served by pipeline;
 - (c) The costs of transportation of oil by common carrier pipeline is unreasonable taking into account alternative transportation modes, economic costs, and environmental impacts; or
 - (d) An emergency, which may include a national state of emergency, has precluded use of a pipeline.

— A permit based on findings (b) or (d) may be granted by the Director of the Planning and Development Department and shall be subject to appeal to the Planning Commission. A permit based on findings (a) and (c) may be granted by the Board of Supervisors. All permits in this section are subject to appeal to the Coastal Commission.

— All permits for the use of a non pipeline mode of transportation may specify the duration for such permitted use. Such permit may be extended upon a showing of good cause based upon a consideration of the findings listed above. A permit based on finding (b) shall be granted for two months only. If refinery upset conditions continue beyond two months and the shipper wishes to continue use of a non pipeline transportation mode, the shipper must seek a new or modified permit that is based on a consideration of finding (a), (c), or (d). In all cases, the burden of proof as to unavailability or inadequate capacity, unreasonable tariffs, and the need for and use of other transportation systems shall be on the shipper.

Sec. 35-156. Marine Terminals.

(Amended by Ord. 3745, 11/21/88)

1. ~~Applicability. The specific regulations contained within this section shall apply to the onshore portion of the components of a marine terminal which include loading and/or unloading equipment, storage tanks, terminal control and safety equipment and navigational facilities but not including pipelines. The regulations for pipelines and related facilities are located in Sec. 35-157. These regulations shall apply to existing and new marine terminals and as of April 12, 1967, there exists in the County four (4) marine terminals which are located at Cojo Bay, Gaviota, El Capitan and Coal Oil Point.~~
2. ~~Permitted Districts. Marine terminals are a permitted use in the Coastal Related Industry (M-CR) District. They are also permitted in the Coastal Dependent Industry (M-CD) District if such use is determined to require a site on or adjacent to the sea to be able to function at all. (Amended by Ord. 3947, 11/19/91) However,~~
 - a. ~~No more than one (1) additional marine terminal to the number in existence within the County as of April 12, 1967, shall be permitted in the area east of Point Conception.~~
 - b. ~~Where the land to be used for the onshore portions of the marine terminal is also subject to the Environmentally Sensitive Habitat Area Overlay District (ESH), such facilities shall not be permitted.~~
 - c. ~~Where the land to be used for the onshore portions of the marine terminal is also subject to the View Corridor Overlay District (VC), such facilities require a Major Conditional Use Permit, as provided in Section 35-172.~~
 - d. ~~After adoption of a Resolution by the County Board of Supervisors that an onshore pipeline for transporting crude oil to refineries is technically and economically feasible, new marine terminals shall not be a permitted use in any district and existing marine terminals shall continue to be a permitted use until the pipeline is operational, at which time they shall become legal nonconforming uses. After the pipeline is operational, marine terminals are a use permitted subject to a Major Conditional Use Permit in the Coastal Related Industry (M-CR) District, and if determined to require a site on or adjacent to the sea to be able to function at all in the Coastal Dependent Industry (M-CD) District. Marine terminals are permitted in these two districts only upon a finding, in addition to those normally required for a marine terminal, as set forth in paragraph 4, that transshipment of oil by onshore pipeline is not feasible for the particular operator. (Amended by Ord. 3947, 11/19/91)~~
 - e. ~~Major oil storage facilities shall be consolidated and shall support the most environmentally preferred oil transportation system. Minor storage facilities may be allowed at specific operating areas where clearly needed, where it can be shown that it is not feasible to provide such storage at the consolidated site(s), where it is located in the least environmentally damaging location and where the adverse environmental impacts are mitigated to the maximum extent feasible.~~
3. ~~Processing.~~
~~No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-174. (Development Plans), and with Sec. 35-169. (Coastal Development Permits).~~

In addition to the other information required under Sec. 35-174.3. (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application:

- a. ~~— An updated emergency response plan, that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.~~
 - b. ~~— A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.~~
4. ~~Findings Required for Approval of Development Plans.~~
 In addition to the findings for Development Plans set forth in Sec. 35-174.7. (Development Plans), no Preliminary or Final Development Plan shall be approved unless the Planning Commission also makes all of the following findings:
- a. ~~— There are no feasible alternative locations for the proposed marine terminal that are less environmentally damaging.~~
 - b. ~~— Expansion of an existing marine terminal onto adjacent lands is not feasible or is more environmentally damaging.~~
 - c. ~~— The proposed facility is compatible with the present and permitted recreational, educational, and residential development and the scenic resources of the surrounding area.~~
5. ~~Development Standards.~~
- a. ~~— The level of noise generated by the facility at the property boundary shall not exceed 70 dB(A).~~
 - b. ~~— The applicant has received "authority to construct" from the Air Pollution Control District.~~
 - c. ~~— There shall be no visible emission of smoke.~~
 - d. ~~— Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.~~
 - e. ~~— The installation shall be visually compatible with the potential surroundings by use of any or all of the following measures where applicable: Buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; camouflage and/or blending colors.~~
 - f. ~~— All lights shall be shielded so as not to directly shine on adjacent properties.~~
 - g. ~~— Grading and alteration of natural drainages shall be minimized.~~
 - h. ~~— Adequate provision shall be made to prevent erosion and flood damage.~~
 - i. ~~— Except in an emergency, no materials, equipment, tools, or pipes used for marine terminal operations shall be delivered to or removed from the plant site through streets within a residential district between the hours of 7 p.m. and 7 a.m. of the next day.~~
 - j. ~~— The following standards must be achieved on site or through off-site mitigation:~~
 - 1) ~~— The facility shall not have a significant visual impact.~~
 - 2) ~~— The significance of visual impact shall be determined based on a visual contrast rating developed according to the United States Bureau of Land Management Scenic Quality Inventory and Evaluation System (1981), which utilizes a scale ranging from 0 (best) to 33 (worst). A score of 7 or greater (more severe) following mitigation shall be considered significant.~~

- 3) — No known or potential significant habitat for locally rare or regionally endemic species shall be adversely affected by the facility.
- k. — Oil storage facilities shall meet each of the following goals on site or through off-site mitigation except where aggregate impacts, notwithstanding one or more exceedances of the following goals, demonstrate that a particular site is the least environmentally damaging reasonable site available:
 - 1) — To ensure public health and safety, human exposure to risk of an accident at the tank farm shall be limited to an aggregate of 240 person hours per day on average, exclusive of facility employees, within one-half (1/2) mile of the proposed facility;
 - 2) — Not more than 1.6 acres or their equivalent of high productivity terrestrial habitat (equivalent to 1025 acres of industrial use land) shall be disturbed;
 - a) — Impacts on terrestrial habitat shall be assessed based on a detailed environmental analysis of site-specific conditions. "Equivalent acres" shall be determined according to the following guidelines based on a standard of high productivity terrestrial habitat based on wetland productivity and biological assessments, but the determination of the environmentally preferable site and mitigation programs shall be based on site-specific environmental data.

<u>Habitat Type</u>	<u>High Productivity Habitat Equivalent</u>
Wetland	1 acre
Native Grassland	3 acres
Undisturbed Riparian	3 acres
Coastal Strand	5 acres
Disturbed Riparian	9 acres
Coastal Bluff Scrub	10 acres
Oak Woodland/Forest	10 acres
Coastal Sage Scrub	15 acres
Chaparral	20 acres
Cismontane Introduced Grassland	50 acres
Agricultural/Introduced Plantings	200 acres
Recently Disturbed	200 acres
Industrial	640 acres.

(eg., 40 acres Coastal Bluff Scrub is equivalent to 4 acres of high productivity habitat.)

The interpretation of the Coastal Zoning Ordinance shall not result in less resource protection than mandated by Environmentally Sensitive Habitat areas (ESH) protection policies and other policies contained within this Coastal Plan.

- 3) — Not more than 0.064 acres or their equivalent of high productivity marine habitat (equivalent to 1.19 acres of sandy beach) shall be disturbed by a ballast water treatment outfall associated with a marine terminal;
 - a) — Impacts on marine ecology shall be assessed based on a detailed environmental analysis of site-specific conditions. "Equivalent acres" shall be determined according to the following guidelines

based on a standard of high productivity rocky bottom kelp habitat, but the determination of the environmentally preferable site and mitigation programs shall be based on site-specific environmental data:

<u>Habitat Type</u>	<u>High Productivity Habitat Equivalent</u>
Kelp, rocky bottom	1 acre
High relief boulder/ Exposed intertidal reefs	1.6 acres
Kelp, sandy bottom	3 acres
Low relief intertidal bedrock reefs	6.9 acres
Cobble/gravel beach	8.1 acres
Hard bottom/deep water (no kelp)	10.8 acres
Silty/mud bottom	17.1 acres
Sand beach	18.6 acres

- 4) No residents shall be subject to greater than a 9 dB increment above baseline in ambient noise level;
- 5) No significant cultural resources shall be adversely affected.

SECTION 3:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary of it, shall be published once, together with the names of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this nineteenth day of October, 2004, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Joseph Centeno, Chair
Board of Supervisors of the County of Santa Barbara
State of California

ATTEST:

MICHAEL F. BROWN
County Clerk of the Board

By _____
Deputy Clerk of the Board

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

Exhibit C

Ocean Meadows Residences project

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING)
AN AMENDMENT TO)
THE GOLETA COMMUNITY PLAN)
COMPONENT OF THE COASTAL LAND)
USE PLAN TO CHANGE THE LAND USE)
DESIGNATION OF A PORTION OF APN)
073-090-062 FROM PLANNED)
DEVELOPMENT (PD) TO EXISTING)
PUBLIC OR PRIVATE PARK/)
RECREATION OR OPEN SPACE (REC))

RESOLUTION NO. 04-[REDACTED]
CASE NO. 03GPA-00000-00003

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. On July 20, 1993, by Resolution No. 93-401, the Board of Supervisors adopted the Goleta Community Plan update to the Coastal Land Use Plan.
- D. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to adopt a resolution to amend the Santa Barbara County Comprehensive Plan Land Use Element, the Goleta Community Plan and Coastal Land Use Plan by changing the Land Use Designation of a portion of Assessor Parcels Number 073-090-062 (Lot 41 resulting after subdivision under TM 14,628) from Residential to Recreation from Planned Development (PD) to Existing Public or Private Park/Recreation or Open Space (REC).
- E. The Planning Commission, after holding a duly noticed public hearing on the above described items, has endorsed and submitted this recommended change pursuant to Section 65354 of the Government Code and Planning Commission Resolution 04-4.
- F. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in a duly noticed public hearing pursuant to Section 65353 of the Government Code, and the Planning Commission hereby sends its written recommendations to the Board pursuant to Section 65354 of the Government Code.

G. This Board has held a duly noticed public hearing, as required by Section 65355 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Santa Barbara County Comprehensive Plan Land Use Element, the Goleta Community Plan and Coastal Land Use Plan.
3. This Board certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.
4. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of October, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOSEPH CENTENO, Chair
Board of Supervisors, Santa Barbara County

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ARTICLE II

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 35-54,
ADOPTING A NEW ZONING MAP,
OF ARTICLE II OF CHAPTER 35 OF THE
CODE OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,
BY ADOPTING ONE ZONING MAP IDENTIFIED AS
BOARD OF SUPERVISORS EXHIBIT NO. 35-54.X,
TO REZONE A PORTION OF ASSESSOR'S PARCEL NUMBER 073-090-062
FROM PLANNED RESIDENTIAL DEVELOPMENT (PRD) TO RECREATION (REC)

Case No. 03RZN-00000-00002

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

Section 35-54, "Adopting New Zoning Ordinances and Maps," of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, is hereby amended by adopting and adding one zoning map identified as Board of Supervisors Exhibit No. 35-54.20.4, attached, which rezones a portion of Assessor's Parcel Number 073-090-062 (Ocean Meadows Golf Course) from Planned Residential Development (PRD) to Recreation (REC).

SECTION 2.

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit No. 35-54.20.4 to show that said map has been adopted by this Board.

SECTION 3.

Except as amended by this Ordinance, Section 35-54 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 4.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this XXth day of XXXXXX 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOSEPH CENTENO
Chair of the Board of Supervisors

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By:
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

Exhibit D

Ellwood-Devereux Open Space
and Habitat Management Plan

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVING AN)
AN AMENDMENT TO THE GOLETA)
COMMUNITY PLAN COMPONENT)
OF THE COASTAL LAND USE PLAN)
TO INCORPORATE THE ELLWOOD-)
DEVEREUX OPEN SPACE AND)
HABITAT MANAGEMENT PLAN)
(OPEN SPACE PLAN))

RESOLUTION NO. ____
CASE NO. 04GPA-00000-00008

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. On July 20, 1993, by Resolution No. 93-402, the Board of Supervisors adopted the Goleta Community Plan update to the Coastal Land Use Plan.
- D. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to adopt an amendment to the Goleta Community Plan component of the Local Coastal Program to include the following new policies that incorporates the Ellwood-Devereux Open Space Plan:
 - 1. Policy BIO-GV-23: Recreational amenities, trail improvements and other open space area development on the Ocean Meadows property (APN 073-090-062 & -012), Camino Corto Open Space Reserve (APN 075-010-028), Del Sol Vernal Pool Reserve (APN 075-010-037), and Devereux School property (APN 073-090-029) shall be consistent with the Ellwood-Devereux Open Space Plan. (added by 04GPA-00000-00008, October 19, 2004).
 - 2. Policy PRT-GV-2A.1: In addition to the Goleta Trails Implementation Study, trail development and implementation on the Ocean Meadows property (APN 073-090-062 & -012), Camino Corto Open Space Reserve (APN 075-010-028), Del Sol Vernal Pool Reserve (APN 075-010-037), and Devereux School property (APN 073-090-029), shall be consistent with the Ellwood-Devereux Open Space Plan (added by 04GPA-00000-00008, October 19, 2004).
 - 3. During the California Coastal Commission review and certification of the Ellwood-Devereux Open Space Plan, submitted by the County of Santa Barbara,

City of Goleta and University of California at Santa Barbara, should be revised to include:

A) Add to OSP page 32:

Segment 5 (eastward): The JRP shall consider the feasibility of constructing a wildlife corridor within the drainage culvert during the widening of Storke Road.

B) Add to OSP page 79:

Future Improvement Opportunities:

- Wildlife corridor through future Storke Road drainage
- Riparian vegetation enhancement east of Segment 5 on UCSB property

E. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in a duly noticed public hearing pursuant to Section 65353 of the Government Code, and the Planning Commission hereby sends its written recommendations to the Board pursuant to Section 65354 of the Government Code.

F. This Board has held a duly noticed public hearing, as required by Section 65355 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Goleta Community Plan component of the Coastal Land Use Plan of the Santa Barbara County Comprehensive Plan.
3. The Chair and Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other material in accordance with this Resolution to show the above mentioned action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of October, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOE CENTENO, Chair
Board of Supervisors, Santa Barbara County

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVING)
AN AMENDMENT TO THE)
COMPREHENSIVE PLAN - PARKS,)
RECREATION AND TRAILS GOLETA-)
SANTA BARBARA AREA MAP (PRT-3))
TO INCORPORATE PUBLIC TRAILS)
PROVIDED IN THE ELLWOOD-)
DEVEREUX OPEN SPACE)
AND HABITAT MANAGEMENT)
PLAN (OPEN SPACE PLAN))

RESOLUTION NO. ____
CASE NO. 04GPA-00000-00009

WITH REFERENCE TO THE FOLLOWING:

- A. On December 22, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Comprehensive Plan and associated Parks, Recreation and Trails Maps.
- B. As part of the Community and Area Plan updates, the Comprehensive Plan Parks, Recreation and Trails Map is to be amended concurrently to ensure consistency.
- D. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to adopt an amendment to the Comprehensive Plan Parks, Recreation and Trails Goleta-Santa Barbara Area Map (PRT-3) to include the addition of proposed trail locations designated within the Ellwood-Devereux Open Space Plan on the Ocean Meadows property (APN 073-090-062 & -012), Camino Corto Open Space Reserve (APN 075-010-028), Del Sol Vernal Pool Reserve (APN 075-010-037), and Devereux School property (APN 073-090-029), shall be consistent with the Ellwood-Devereux Open Space Plan, as shown on Exhibit A.
- E. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in a duly noticed public hearing pursuant to Section 65353 of the Government Code, and the Planning Commission hereby sends its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- G. This Board has held a duly noticed public hearing, as required by Section 65355 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.

2. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Goleta Community Plan component of the Coastal Land Use Plan of the Santa Barbara County Comprehensive Plan.
3. This Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act.
4. The Chair and Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to show the above mentioned action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of October, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOE CENTENO, Chair
Board of Supervisors, Santa Barbara County

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

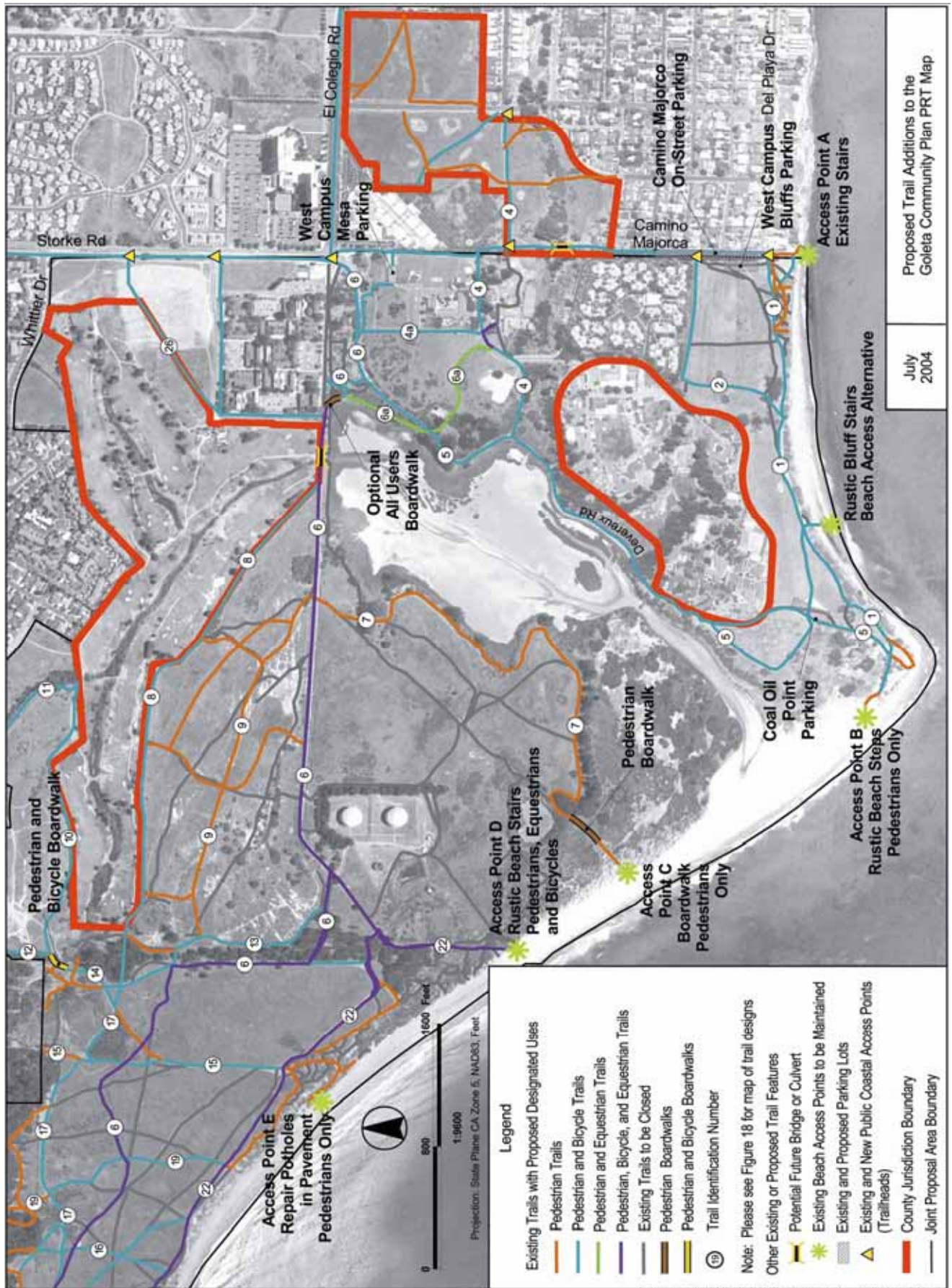


Exhibit A