

A. Findings (Land Use and Development Code)

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 11ORD-00000-00022, is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35.104.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Land Use and Development Code (LUDC), the following findings shall be made by the County Planning Commission in order to recommend approval of a text amendment to the LUDC, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the LUDC:

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

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will serve to clarify the discretionary development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendments will clarify that, in all applications of hydraulic fracturing to new or existing wells, discretionary approval of an Oil Drilling and Production Plan by the County Planning Commission is required. This process will result in full disclosure of potential impacts and potential alternatives and mitigation to avoid or minimize any potentially significant impacts. These amendments further revise the preliminary determination of potential adverse impacts of a proposed oil/gas project subject to Section 35.52.050, clarifying that such determination is made by the Director, and deletes language that suggests that such determination is made during a site visit, for reasons described in the staff report.

2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the County Land Use and Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by clarifying the permit process for conducting hydraulic fracturing on new or existing wells. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Community and Area Plans, but merely clarifies the applicability of those policies and development standards with regard to hydraulic fracturing. The proposed ordinance amendment is also consistent with the remaining portions of the County Land Use and Development Code that would not be revised by this ordinance. Therefore, this ordinance may be found consistent with the Comprehensive Plan including the Community and Area Plans, the requirements of State Planning and Zoning Laws, and the County Land Use and Development Code.

The proposed ordinance does not involve an amendment to the Local Coastal Program.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will clarify the discretionary permit process required for hydraulic fracturing. This process requires adequate environmental review to identify and disclose potential significant environmental impacts, including those to public health and safety, along with an examination of alternatives and mitigation to avoid or minimize such impacts. These amendments further revise the preliminary determination of potential adverse impacts of a proposed oil/gas project subject to Section 35.52.050, clarifying that such determination is made by the Director, and deletes language that suggests such determination is made during a site visit, for reasons stated in the staff report.

As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Community and Area Plans, and the County Land Use and Development Code.