

***PLANNING AND DEVELOPMENT
DEPARTMENT
DRAFT NEGATIVE DECLARATION
06NGD-00000-00022
Height Ordinance Amendment 06ORD-00000-
00007 and 00008***



(Form Revised 07/99)

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT
FINAL NEGATIVE DECLARATION CHECKLIST & REPORT
FOR 06ORD-00000-00007 & 00008 (Art. II and Art. III - Height Revisions)**

1.0 REQUEST/PROJECT DESCRIPTION

This negative declaration (06NGD-00000-00022) covers ordinance amendments to Article III of Chapter 35 of the Santa Barbara County Code pertaining to oil and gas drilling and production, ethanol manufacturing, diatomaceous earth mining and processing, various general industrial operations and wind energy turbines.

The document also provides the necessary information so that the California Coastal Commission can conduct its CEQA-equivalent analysis of the proposed amendments to Article II of Chapter 35 of the Santa Barbara County Code.

Specifically, Article II of Chapter 35 of the Santa Barbara County Code, Division 2, Definitions, is proposed to be amended to include definitions of structures commonly used for oil and gas development such as drilling rigs, flare stacks distillation columns. In addition, Division 7, General Regulations, is proposed to be amended to allow height limitation exceptions for structures necessary for oil and gas production.

Article III of Chapter 35 of the Santa Barbara County Code, Division 2, Definitions, and Division 7, General Regulations is proposed to be amended. Division 2 is proposed to be amended to include definitions of structures commonly used for oil and gas development, for ethanol manufacturing, for diatomaceous earth processing, and various general industrial operations such as those that produce asphalt hot mix and concrete. Division 7 is proposed to be amended to include height limitation exemptions for structures commonly used for oil and gas development, for ethanol manufacturing, for diatomaceous earth mining and processing, for generation of electricity by wind turbines and for other specified industrial uses permitted in the M-1 Light Industry and M-2 General Industry zone districts. Division 8 would be amended to add a new development standard pertaining to oil and gas development.

The proposed language of the amendments is included in Attachment A.

PROJECT LOCATION

The project affects the entire unincorporated area of the County of Santa Barbara except for Summerland and Montecito. Therefore, there is no specific site location for this project although potential development is restricted to certain zone districts as defined in both Articles. The proposed amendments pertain to modifications to existing development as well as newly proposed projects.

3.0 ENVIRONMENTAL SETTING

There is no single environmental setting that typifies the lands likely to be affected by the proposed amendments, although all of the operations affected by the amendments are or would likely be sited in rural agricultural or light-industrial areas, and more often than not are or would be sited in the inland portions of the County.

As examples, the County is currently processing one application to develop an ethanol manufacturing facility, and another application for a wind energy project, both located in the North County. Both of the proposed sites are in rural locations and are in active agricultural use. Oil and gas development is spread throughout the County, both in the coastal zone and more so in the inland areas. Most of the inland oil and gas operations are conducted by independent operators and are generally small scale with few large structures other than the temporary presence of a drilling rig. Many of the smaller oil and gas operations share parcels with active agricultural or ranching operations, and even with limited residential development. A few of the larger inland operations are industrially significant in appearance, with tall processing vessels, pressure vessels and storage tanks, with the largest located near the City of Lompoc on Harris Grade road. There are few remaining independent oil and gas operations remaining in the coastal zone. There are two large oil and gas facilities remaining in the coastal zone; located at Las Flores Canyon and at Gaviota. There are no drilling operations at either of these facilities, and only Las Flores Canyon processes oil and gas. The Gaviota facility serves as an oil heating, storage and transportation terminal.

There is currently one diatomaceous earth mining and processing operation in the County, located just outside the City of Lompoc and is owned and operated by the Celite Corporation.

At this time, it is not known if and when any other oil and gas, ethanol, diatomaceous earth mining and processing, other general light industry or wind energy projects may be proposed and at what locations. Oil and gas development sites are restricted by the zoning code and their specific locations are generally determined by the location of the target reservoirs. Similarly, a diatomaceous earth operation is also restricted by zoning and the location of the resource. In addition to the mining sites, these operations generally require large open and flat areas for stockpiling, processing and trucking operations. Ethanol facilities are industrial operations and would be sited away from populated areas, most likely on agricultural or industrially zoned sites. The location of a wind energy project is dictated primarily by wind conditions, which often is most favorable along ridgelines or hillsides. Wind energy projects are not restricted to a particular zone district(s) because of the unknown variable of wind. Wind energy facilities would require large expanses of land for development to support the wind turbines and would need to tie into a power transmission infrastructure.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Signif.: Known significant environmental impacts.

Unknown Poten. Signif.: Unknown potentially significant impacts which need further review to determine significance level.

Poten. Signif. and Mitig.: Potentially significant impacts which can be mitigated to less than significant levels.

Not Signif.: Impacts which are not considered significant.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case. Discussion should include reference to the previous documents, a citation of the page or pages where the information is found, and identification of mitigation measures incorporated from those previous documents. **NOTE:** Where applicable, this box should be checked in addition to one indicating significance of the potential environmental impact.

Background

The proposed ordinance amendments include definitions and focus on defining narrow exceptions to an overall 50-foot height limitation for structures and equipment that either have been permitted in the past or may yet be permitted. The ordinance amendments analyzed below affect the height of certain structures, but do not establish project location or other project design considerations. Current policies and regulations that protect environmental resources in the County remain in effect. With one exception, all uses affected by the proposed amendments require discretionary permits, the issuance of which must comply with the County's protections for agricultural resources. The one exception, oil and gas exploration and production, may be allowed via a ministerial permit in the inland area, provided that certain environmentally protective criteria are met.

The proposed amendments are primarily intended to avoid inconsistencies of specific sections within the Article II and Article III zoning ordinances. Sections 35-152, 153, 154, and 159 of the Coastal Zoning Ordinance apply to and enable oil and gas land uses that, by their very nature, use structures and equipment that exceed 50 feet in height (e.g., oil and gas drilling rigs, distillation and stripper columns, and flare stacks). Such land uses are also contemplated in policies of Chapter 3.6 of the Coastal Land Use Plan (specifically, Policies 6-1, 6-2, 6-3, 6-4, 6-5, 6-6A through 6-6F, and 6-13A through 6-13C). These policies also require consolidation of production and processing facilities that support development of offshore oil and gas as a means of reducing visual impacts of such activities. Facilities in excess of 50 feet have been permitted in the past, including the Gaviota Oil and Gas Processing Facility, through an earlier interpretation of the Coastal Zoning Ordinance. This was done pursuant to an interpretation that concluded that height limits could be modified for any specific project by the decision maker during the approval of a Conditional Use Permit or Development Plan (Sections 35-172.12.1 and 35-174.8.1, respectively).

In 1999, in the context of a dispute over a proposed FM antenna that exceeded 50 feet, the County first recognized that Section 35-127 as written prohibits any structure from exceeding the 50-foot maximum height limit. The proposed amendments respond to the need to allow flexibility under the Codes for certain facilities that would otherwise be prohibited because it would be technically infeasible to function under the 50-foot maximum height limitation. In so doing, the amendments enhance internal consistency in the ordinance.

Similarly, Sections 35-235 (General Industry), 35-295 (Oil Drilling and Production), 35-296 (Treatment and Processing Facilities), 35-297 (Refining), and 35-300 (Wind Energy Systems) of

the Inland Zoning Ordinance provide for land uses that, by their very nature, often use structures and equipment that must exceed 50 feet in height. The Agriculture, Coastal-Related Industry, and General Industry land use designations, and the Minerals Resource Industry and Petroleum Industry Overlay designation overlays of the County’s Land Use Element provide for these uses. The Land Use Element also contemplates land use considerations for development of conventional and alternative energy. However, Section 35-276 of the same ordinance prohibits such land uses where heights of structures and equipment exceed 50 feet. Similarly, the proposed amendments enhance internal consistency in the ordinance and reconcile the change in interpreting height restrictions with other sections that provide for development with structures and equipment that, due to technical requirements exceed such restrictions.

The following analysis examines the effect of amending the zoning code to include new definitions and to allow specified structures to exceed the current height limitation of 50 feet, as defined in the General Regulations of both Article II (Section 35-127) and Article III (Section 35-276). The amendments do not propose any new development. As is described below in each issue area analysis, amending the ordinances to allow narrow exceptions to the 50-foot height limit would not result in any new impacts that require mitigation, as the current County development controls for such projects (policies, zoning/siting requirements and developments standards) are adequate to address any potential new impacts. Additionally, it is too speculative at this point in time to attempt to analyze whether future new or revised development could result in new impacts (significant or other). Therefore, each project would need to be evaluated when an application is submitted according to its own merits.

4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?				X	
b. Change to the visual character of an area?				X	
c. Glare or night lighting which may affect adjoining areas?				X	
d. Visually incompatible structures?				X	

Impact Discussion:

- a-d. While it is possible that structures over 50 feet would be more visible than those less than 50 feet in height, height in and of itself is not the sole determining factor in assessing visual impacts. More often than not, location of a facility or structure is the primary factor in determining visual impacts.

A review of the County’s Comprehensive Plan, Local Coastal Program, zoning ordinances, and Environmental Thresholds and Guidelines Manual indicates that height is but one of a number of factors that may adversely impact visual resources and compatibility with surrounding land uses. These documents invoke qualitative methods to determine whether such impacts are significant or not, rather than a set quantitative measure, and none list the

current 50-foot height limitation either as a screening or determining factor when evaluating the significance of a potential adverse impact. For example, the Environmental Thresholds Manual lists criteria for assessing visual impacts during the initial study process. The two following examples demonstrate how factors other than height are considered when evaluating potential visual impacts:

- Does the project site have significant visual resources by virtue of surface waters, vegetation, elevation, slope, or other natural or man-made features which are publicly visible?
- Does the project have the potential to create a significantly adverse aesthetic impact through obstruction of public views, incompatibility with surrounding uses, structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alternation of natural character, lack of adequate landscaping, or extensive grading visible from public areas?

As practical examples, a structure measuring 49 feet in height would be no less noticeable than one 50 feet high, if in the same location, and result in the same visual impact. Conversely, a 200 foot structure could be effectively screened in a canyon setting, or placed in an open, remote location with minimal visual impacts. When the County permitted the Las Flores Canyon oil and gas processing facility, it did so consistent with the County's Oil and Gas Consolidation policies, with one of the goals to screen tall and otherwise visually incompatible structures from public views. The project is highly successful in this regard. These examples demonstrate that the current 50-foot height limit in itself does not constitute a significant impact, that location, use, longevity, overall appearance and other factors all add to the complexity of analysis.

The proposed amendments only provide exemption to height limitations where technical requirements dictate otherwise, consistent with Visual Resources Policy 2 and Coastal Plan Policy 4-3, which read as follows:

*Visual Resources Policy 2
Coastal Plan Policy 4-3*

*In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, **except where technical requirements dictate otherwise.** Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places. (emphasis added)*

The amendments affect the height of structures and equipment associated with land uses that are predominantly located in rural areas. Currently, all such operations are located in the Rural Area (e.g., Las Flores Canyon and Lompoc Oil and Gas processing facilities, Gaviota pipeline terminal, Celite's diatomaceous earth processing plant near Lompoc). The only likely potential for structures addressed in the proposed amendments to be located in the

Urban Area would be temporary oil and gas drilling rigs. Because of the development controls already in place in the County policies and zoning ordinances, the impacts of the proposed ordinance amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.2 AGRICULTURAL RESOURCES

Will the proposal:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	
b. An effect upon any unique or other farmland of State or Local Importance?				X	

Impact Discussion:

a-b The proposed ordinance amendments would not convert prime agricultural land to non-agricultural use, would not impair agricultural productivity or conflict with any agricultural preserve programs, nor would they negatively affect any unique or other farmland of State or Local importance. The zoning code has already found oil and gas exploration and production to be generally compatible with agriculture, depending upon site-specific factors. The same holds true for wind energy projects and other specified light industrial operations. Many small agricultural operations depend on these types of ancillary industries to subsidize agricultural operations, and these uses have routinely been found to conform to Williamson Act contracts, noting that the Uniform Rules specifically allow for oil and gas development. The proposed Uniform Rules for wind energy projects also allow for agricultural operations as a compatible use.

In the inland area, diatomaceous earth mining and production is a permitted use on Agricultural II zoned parcels, subject to discretionary review for larger operations. As with oil and gas and wind energy projects, allowing structures to exceed 50 feet in height would have no negative effect on the project parcels. Therefore, impacts from adopting the proposed amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant and in some cases beneficial. No mitigation is required.

4.3 AIR QUALITY

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
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Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?				X	
b. The creation of objectionable smoke, ash or odors?				X	
c. Extensive dust generation?				X	

Impact Discussion:

a.b.c. The proposed amendments would not cause the violation of any air quality standards, create objectionable smoke, ash or odors, or result in extensive dust generation. The amendments would not allow development that is not already permitted in certain zones to occur, whether through a ministerial permit process or discretionary review, as defined in the ordinances. The amendments would define narrow exceptions to an overall 50-foot height limitation for structures and equipment that either have been permitted in the past or may yet be permitted. All other County development standards and policies would remain active to protect air quality standards. One past example where a relaxed height limit facilitated lessening of an air quality impact was during the permitting of the Gaviota Oil and Gas Processing Facility. The existing flare stack far exceeds the current height limit, towering over the rest of the facility at approximately 180 feet. The County decision-makers approved this exemption in order to satisfy a stringent air quality mitigation measure that required a high flare stack for mixing flare emissions at higher elevations, thus avoiding creating pollution “hot spots”. Impacts from adopting the proposed amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?				X	
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?				X	
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?				X	
e. The loss of healthy native specimen trees?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?				X	
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?				X	
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?				X	
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?				X	
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?				X	
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?				X	

Impact Discussion:

a.-k The amendments would not allow development that is not already permitted in certain zones to occur, whether through a ministerial permit process or discretionary review, as defined in the ordinances. The amendments would define narrow exceptions to an overall 50-foot height limitation for structures and equipment that either have been permitted in the past or may yet be permitted. Relaxing the height limitation for certain structures would not alone have a negative effect on biological resources as there are other ordinance requirements and policies already in place that protect these resources from development impacts, and those protections would remain in place. Impacts from adopting the proposed amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.5 CULTURAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site (note site number below)?				X	
b. Disruption or removal of human remains?				X	
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?				X	
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?				X	
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?				X	
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?				X	

Impact Discussion:

a.-g. Although it is unknown whether the proposed development sites would have significant cultural resources impacts, allowing structures to exceed the current height limitations would not cause any additional impacts to those resources. Less than significant impacts are anticipated.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.6 ENERGY

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
b. Requirement for the development or extension of new sources of energy?				X	

Impact Discussion:

a.b. Adding new definitions and allowing specified structures to exceed the current height limitations would have no impact or beneficial impacts upon energy resources, especially in the case of wind energy projects. The definitions describe structures that facilitate energy and resource production that may have to exceed current height limitations due to technical considerations. Additionally, neither the definitions nor the height amendments would require the development or extension of new sources of energy, as the height of the specified structures is not relevant to the amount of energy that is consumed, therefore the impact to energy resources would be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant and in some cases beneficial. No mitigation is required.

4.7 FIRE PROTECTION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area?				X	
b. Project-caused high fire hazard?				X	
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?				X	
d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	
e. Development of structures beyond safe Fire Dept. response time?				X	

Impact Discussion:

a.-e. The proposed amendments are necessary to allow certain structures to exceed 50 feet in height in order to be technically feasible. Allowing this height increase would have no impact on fire protection resources, as the affected industries are already subject to stringent fire protection and other safety measures through State, Federal and County codes and as required through both the ministerial and discretionary permit processes. The Fire Department has established procedures for dealing with industrial emergency response situations and increasing the height of such structures is not anticipated to cause any additional fire prevention or fire fighting impacts. The impacts from adopting the proposed amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.8 GEOLOGIC PROCESSES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?				X	
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?				X	
c. Permanent changes in topography?				X	
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
e. Any increase in wind or water erosion of soils, either on or off the site?				X	
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?				X	
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?				X	
j. Sand or gravel removal or loss of topsoil?				X	
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	
l. Excessive spoils, tailings or over-burden?				X	

Impact Discussion:

a.-l. Adoption of the proposed amendments to allow a narrow exemption of facilities to exceed the current height restriction of 50 feet would not adversely affect geologic resources. All of the facilities that would be eligible for the exemption are either able to be permitted through the ministerial permit process or through discretionary review. In both cases, the County has adopted policies, ordinance requirements and general development standards already in place that would ensure that the project is mitigated. Typically, energy and mining operations are subject to environmental review which includes analysis of possible geologic hazards, both occurring from and to the operations. However, allowing structures to exceed the current height limitations is not anticipated to result in any additional impacts to geologic resources. Impacts from adopting the proposed amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?				X	
b. The use, storage or distribution of hazardous or toxic materials?				X	
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
d. Possible interference with an emergency response plan or an emergency evacuation plan?				X	
e. The creation of a potential public health hazard?				X	
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?				X	
g. Exposure to hazards from oil or gas pipelines or oil well facilities?				X	
h. The contamination of a public water supply?				X	

Impact Discussion:

a-h The proposed amendments do not permit any new activities or structures that are not already in use, or are commonly used in energy development or mining operations. Only the height of such structures could change with the proposed amendments, and this increase in height is not anticipated to have any potential for impact related to hazardous materials. Therefore, impacts are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.10 HISTORIC RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?				X	
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?				X	

Impact Discussion:

a.b. It is unknown whether future project sites may be located in or adjacent to historic sites, and if structures in excess of 50 feet in height may be more visible than those under 50 feet as seen from or impeding the view of an historic site. As discussed in other analysis areas, height in and of itself is not often a lone determining factor in assessing visual impacts. There are existing development controls in place such as policy and zoning codes, siting and screening criteria, development standards as well as State and federal protection policies that would protect historic resources. The Santa Barbara County Historic Landmark Advisory Committee would also review proposals that could have the potential to impact historical landmarks and make its recommendations which may be voluntarily adopted by the project proponent to further mitigate any visual impacts and even enhance the condition of the

historic resource. With all of the current controls in place, no new impacts are expected from adoption of the proposed ordinance amendments.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.11 LAND USE

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding of mitigating an environmental effect?				X	
c. The induction of substantial growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

Impact Discussion:

a-i The ordinance amendments will allow specified structures to exceed the current 50-foot height limit in agricultural and industrial zones, and additionally in the Public Utilities (PU) zone district in the Coastal Zone to address the La Goleta Gas Field operations. These structures would only be allowed to exceed the 50-foot height limit if it is technically necessary for them to function. No other development is proposed as part of the amendments.

Allowing specified structures to exceed the current height limitation would not be incompatible with existing land uses, policies or other regulations as the base operations are that which must qualify as a permitted use, not its height. As examples, and as noted in the discussion under Section 4.2, Agricultural Resources, oil and gas, mining, and wind energy projects are developments which historically have been found compatible with agricultural operations, often providing financial benefits to the landowner.

Allowing structures to exceed current height restrictions would not introduce substantial growth to an area, nor would it require any sewer lines or other similar public services. There would be no impact to affordable dwellings, nor would there be a displacement of any existing housing or persons. As noted above, the types of development that would benefit from adoption of the ordinance amendments would be sited on agricultural and industrial properties only. No open space would be lost due to adoption of the proposed amendments, although the base projects could occupy those areas, and would be subject to existing development controls. There would also be no economic or social effect from adopting the proposed amendments.

- j Currently, many of the structures already are required to meet general Federal air safety standards as well as to comply with the F Airport Approach Overlay District, if so located. Typically, these types of facilities require sites outside of airport approach zones and other high-flight areas, and are required to have day/night illumination for enhanced safety visibility. These same requirements would be applied to any new structures that may be approved under the proposed amendments. In fact, the proposed amendments of Section 35-276 recognize this fact and state that certain identified structures may exceed the current 50-foot height limit where compliance would render such facilities technically infeasible, *subject to compliance with the F Airport Approach Overlay District* (emphasis added). Because of the development controls already in place in the County policies and zoning ordinances, the impacts of the proposed ordinance amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.12 NOISE

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?				X	
b. Short-term exposure of people to noise levels exceeding County thresholds?				X	
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?				X	

Impact Discussion:

- a.-c. No additional development is proposed as part of the amendments. Adding the definitions and allowing specified structures to exceed current height limitations would not expose persons to short- or long-term noise impacts that exceed County thresholds, nor would the amendments result in project-related substantial increases in ambient noise levels in adjoining areas. Less than significant impacts are anticipated.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.13 PUBLIC FACILITIES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?				X	
b. Student generation exceeding school capacity?				X	
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	
d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	

Impact Discussion:

- a.-d. The ordinance amendments would not require any new or altered police protection or health care services, cause any school impacts, result in creation of significant amounts of waste, or result in the need for a new or altered sewer line. The amendments would only allow certain structures to exceed current height restriction in order to be technically feasible. No additional development would be permitted with the amendments and any new structures permitted under the amendments would be regulated under existing County controls. No new public service impacts are anticipated.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.14 RECREATION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

Impact Discussion:

- a.-c. The proposed new definitions and relief on height restrictions would apply to specified existing and new operations. The relief on height restrictions is to permit structures for specified operations where the project otherwise would be technically infeasible. Allowing the additional height is not anticipated to conflict with established recreational uses, biking, equestrian or hiking trails, or impact the quality or quantity of existing recreational opportunities. The reason is that there are controls in place within the County policies and zoning codes that would restrict development that could have significant impacts on recreational resources.

As noted in Section 4.1, Aesthetic/Visual Resources, determining whether a project would result in adverse visual impacts is far more complex than a measurement of height, and includes other important factors such as location and longevity in use. An example of a complex visual impact mitigation program is the Gaviota oil heating and transportation facility. Beginning operations in the early 1990s and located adjacent to north-bound Highway 101, the facility began its life as an oil and gas processing facility with numerous large tanks and vessels, highly visible to recreational users on nearby State Park property as well as hikers, bicyclists, surfers and other recreational users of that area of the Gaviota Coast. Based upon the development controls in place at that time, the site was able to be significantly developed, although other more inland and less obtrusive sites would have served equally as well. Facility design and screening were required to mitigate the visual impacts, but even today after over 15 years of effort, and with the majority of the large structures removed, the facility remains highly visible.

The Gaviota facility has been partially decommissioned and although still highly visible, has significantly been reduced in appearance due to new limited operations, including policy changes to eliminate it as a consolidated processing site. The site has also been rezoned to coastal-related industry from coastal-dependent, offering greater future development controls. The only other site remaining on the Gaviota Coast for this type of development is located in Las Flores Canyon, away from public views. This example is not presented to demonstrate any shortcomings in current policies or zoning ordinances, but on the contrary is meant to point out that current policies and ordinances offer greater controls that should prevent such future occurrences.

Other oil and gas development may be permitted via ministerial permits in the inland areas, but must meet specific development standards less a discretionary permit process would be necessary. Large structures such as drilling rigs would by design only be necessary for short periods and as such generally are not considered significant visual impacts. Given the existing and new controls in place, the allowance for possible additional height is not anticipated to result in any new impacts to recreational activities. Less than significant impacts are anticipated from the proposed amendments.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.15 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?				X	
b. A need for private or public road maintenance, or need for new road(s)?				X	
c. Effects on existing parking facilities, or demand for new parking?				X	
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?				X	
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?				X	
g. Inadequate sight distance?				X	
ingress/egress?				X	
general road capacity?				X	
emergency access?				X	
h. Impacts to Congestion Management Plan system?				X	

Impact Discussion:

a.-h. The base projects which would support the larger structures are already governed through either a ministerial or discretionary review process, policy analysis and other development controls to minimize traffic impacts during all phases of project development. It is not anticipated that relaxing height restrictions would have any impact on traffic. Therefore, the impacts to traffic from the proposed amendments are anticipated to be less than significant.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

4.16 WATER RESOURCES/FLOODING

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?				X	
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?				X	
c. Change in the amount of surface water in any water body?				X	
d. Discharge into surface waters, or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
e. Alterations to the course or flow of flood water or need for private or public flood control projects?				X	
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?				X	
g. Alteration of the direction or rate of flow of groundwater?				X	
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?				X	
i. Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?				X	
j. The substantial degradation of groundwater quality including saltwater intrusion?				X	
k. Substantial reduction in the amount of water otherwise available for public water supplies?				X	

Impact Discussion:

a.-k. The base projects which would support the taller facilities permitted under the proposed amendments would have or will be permitted under existing County land use and other development controls. These same controls would be applied to the taller structures and no additional impacts to water resources are anticipated from adoption of the proposed amendments.

Mitigation and Residual Impact:

Impacts are less than significant. No mitigation is required.

INFORMATION SOURCES

5.1 County Departments Consulted

Planning and Development, County Counsel

5.2 Comprehensive Plan

- | | |
|--------------------------------------------|-----------------------------------|
| <u> X </u> Seismic Safety/Safety Element | <u> X </u> Conservation Element |
| <u> X </u> Open Space Element | <u> X </u> Noise Element |
| <u> X </u> Coastal Plan and Maps | <u> X </u> Circulation Element |
| <u> X </u> ERME | <u> </u> |

5.3 Other Sources

- | | |
|-------------------------------|--------------------------------------------------------------------|
| <u> X </u> Field work | <u> </u> Ag Preserve maps |
| <u> </u> Calculations | <u> </u> Flood Control maps |
| <u> </u> Project plans | <u> X </u> Other technical references
(reports, survey, etc.) |
| <u> </u> Traffic studies | <u> X </u> Planning files, maps, reports |
| <u> </u> Records | |

<input type="checkbox"/>	Grading plans	<input checked="" type="checkbox"/>	Zoning maps
<input type="checkbox"/>	Elevation, architectural renderings	<input type="checkbox"/>	Soils maps/reports
<input type="checkbox"/>	Published geological map/reports	<input type="checkbox"/>	Plant maps
<input type="checkbox"/>	Topographical maps	<input type="checkbox"/>	Archaeological maps and reports
		<input type="checkbox"/>	Other
		<input type="checkbox"/>	
		<input type="checkbox"/>	
		<input type="checkbox"/>	

6.0 PROJECT SPECIFIC (short- and long-term) AND CUMULATIVE IMPACT SUMMARY

There were no potentially significant or significant and mitigable impacts identified in the analysis. All impacts are less than significant.

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?				X	
3. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)				X	
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?				X	

The ordinance amendments do not permit any new development, but would allow certain structures to exceed the current 50-foot height limit if technically necessary. The base projects at which these higher structures would be located are already subject to either ministerial or discretionary review, and are governed by zoning requirements, policies and developments standards. Given the existing controls already in place, adopting the

proposed amendments would have no potential to degrade the quality of the environment. Relaxing the height standard for specified development would not achieve a short-term goal to the detriment of a long-term environmental goal. Importantly, the adoption of the amendments is not anticipated to result in impact that are either individually limited or cumulatively considerable, as the height amendments would be captured by existing County development standards and other controls. There would be no substantial impact on human beings, and there is no disagreement that a Negative Declaration is the appropriate level of environmental review for this proposed action.

8.0 PROJECT ALTERNATIVES

Not applicable.

INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

Zoning

The ordinance amendment would be consistent with Article II and Article III upon approval of this ordinance amendment. The County of Santa Barbara adopted its Coastal and Inland Zoning Ordinances in 1982 and 1982, respectively, to protect and promoted the general welfare of its citizenry, among other things. The proposed amendments reconcile internal inconsistencies between sections of the two ordinances that resulted from a re-interpretation of the applicability of general height restrictions in 1999.

Comprehensive Plan

The following policies of the Coastal Act and the County's Comprehensive Plan and Coastal Plan are applicable to the proposed project:

Coastal Act Policy 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual quality in visually downgraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed amendments seek to exempt from the 50-foot height limit, those facilities that, by their very nature, exceed 50 feet. The facilities in the Coastal Zone include (1) temporary oil/gas drilling rigs, and (2) columns and gas flares associated with gas processing/transportation. Any

developer proposing such facilities must still comply with Section 30251, which may be accomplished by either finding an appropriate location or qualifying as a coastal-dependant use. Because development approved pursuant to the proposed amendments would need to conform to this and other protective policies, the amendments may be found consistent.

Coastal Act Policy 30260

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of the division, they may nonetheless be permitted in accordance with this section and Section 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

The Coastal Act defines “coastal-dependent development or use” as any development or use which requires a site on, or adjacent to, the sea to be able to function at all (Section 30101). Section 30260 provides opportunity to approve coastal-dependent industrial facilities even if they do not comply with the coastal protective policies of the Act, provided certain conditions are met, as described in Policy 30260 above.

Therefore, structures and equipment that exceed 50 feet in height and are not consistent with the coastal protective policies of the Act may be approved provided they are considered to be a component of a coastal-dependent industrial facility and meet the provisions of Section 30260.

Past experience also demonstrates that the proposed amendments are consistent with the Coastal Act. The County has permitted a temporary gas drilling rig and a gas processing facility in the Coastal Zone in compliance with the Coastal Act. In 1985, the County approved the Gaviota Oil and Gas Processing Facility, with 12 processing columns and a process flare, all which exceeded the 50-foot height limit. In this case, the project was considered to be a coastal-dependent use at the time. In 1996, the County also approved a temporary 185-foot gas drilling rig at Gaviota (Molino Gas Project). The drilling rig was located within a designated oil and gas consolidated planning area in proximity to the Gaviota processing facility. These cases demonstrate that, depending upon project-specific circumstances, oil/gas drilling rigs and gas processing facilities may be approved in a manner that is consistent with the California Coastal Act and in particular consistent with this policy.

Coastal Plan Policy 2-11

All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat area shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

The proposed amendments would allow structures greater than 50 feet in height if required to be technically feasible. The base projects at which these structures would be placed would be subject to either ministerial permit requirements or discretionary review and permitting, each process requiring specific development standards as required by ordinance and policies to minimize impacts to these identified sensitive resources. Although there are limited exemptions, such as coastal-dependent uses, the proposed amendments may be found consistent with this policy for such development as all of the aforementioned regulatory measures would be required to mitigate any additional impacts related to height.

Coastal Plan Policy 4-3

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

The proposed amendments only provide exemption to height limitations where technical requirements dictate otherwise. The amendments affect the height of structures and equipment associated with land uses that are predominantly located in rural areas. Currently, all such operations are located in the Rural Area (e.g., Las Flores Canyon and Lompoc Oil and Gas processing facilities, Gaviota pipeline terminal, Celite's diatomaceous earth processing plant near Lompoc). The only likely potential for structures addressed in the proposed amendments to be located in the Urban Area would be temporary oil and gas drilling rigs. Because of the development controls already in place in the County policies and zoning ordinances, the proposed amendments may be found consistent with this policy.

Coastal Plan Policy 6-1

To assist the Petroleum Administrator in granting permits for petroleum wells in the coastal zone, a plan shall be prepared by the applicant and approved by the County. This plan shall consist of an Exploratory Plan for an exploratory well and a Development Plan for development wells. The purpose of the Exploratory Plan is to enable the Petroleum Administrator to make a preliminary assessment of potential coastal resource impacts, since the presence of oil or gas, and its depth and location, would be unknown. The Exploratory Plan would be less detailed than the Development Plan, but would address the same issues as the Development Plan.

Coastal Plan Policy 6-2

The Development Plan shall accompany the application for permit filed with the Petroleum Administrator. It shall be reviewed annually by the Petroleum Administrator and updated as needed or when additional changes in facilities or operating conditions are proposed and accepted. The Development Plan shall consist of the following:

- a. *A plot plan of the entire area under lease or ownership, showing relationship of proposed facilities, including location of well(s) to ultimate potential development.*

- b. A map (1" = 50') showing relationship of proposed facilities to other buildings, structures, and/or natural or artificial features, including habitats, prime agricultural land, recreational areas, scenic resources, and archaeological sites within 1,000 feet of the well(s).*
- c. A plan for eliminating or substantially mitigating adverse impacts on habitat areas, prime agricultural lands, recreational areas, scenic resources, and archaeological sites due to siting, construction, or operation of facilities.*
- d. An oil spill contingency plan indicating location and type of cleanup equipment, designation of responsibilities for monitoring cleanup, disposition of wastes, and reporting of incident.*
- e. An analysis of the potential for consolidation of facilities, including clustering of wells on production islands, but especially for consolidation with other operators.*
- f. A phasing plan for the staging of development which indicates the approximate anticipated timetable for project installation, completion, consolidation, and decommissioning.*

Coastal Plan Policy 6-3

All oil and gas development in areas designated as environmentally sensitive habitats in the land use plan shall be subject to environmental review.

Coastal Plan Policy 6-4

Upon completion of production, the area affected by the drilling, processing, or other related petroleum activity, shall be appropriately contoured, reseeded, and landscaped to conform with the surrounding topography and vegetation.

Coastal Plan Policy 6-5

Future projects for increasing or modifying production at the Shell Capitan or Thriftway oil wells shall be permitted only if the net overall impact of production on coastal visual resources is improved. In particular, the impact of storage tanks and pumping equipment on visual resources shall be mitigated by appropriate measures such as siting, depression below grade, and vegetative screening.

Coastal Plan 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).

Coastal Plan Policy 6-6B

Except for facilities not-directly related to oil and gas processing as referenced in Policy 6-11B (Marine Terminals), 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.

Policies 6-6C through 6-6G (applicability): The intent and purpose of Policies 6-6C through 6-6G apply to the South Coast Consolidation Planning Area (SCCPA), delineated as the unincorporated area from Point Arguello to the City of Santa Barbara, and from the ridge of the Santa Ynez Mountains to the three-mile offshore limit line. (Added 12/14/87, B/S Resol. #87-616).

The terms "new production" and "new oil and gas production" and "new gas production" are used to refer to:

- 1. The development of any oil and/or gas after the adoption of these policies which requires new discretionary local, state, or federal permits unless its from an existing well or platform; or*
- 2. The development of any oil and/or gas which, after the adoption of these policies, requires approval of a new platform, or a new subsea or onshore well completion.*

If the operator contends that a Constitutionally-protected vested right exists within the context of existing permits to process new production at a facility which is not at a County-designated consolidated site, the operator may file a request for a determination to allow processing of that production at the nonconsolidated site. (Added 12/14/87, B/S Resol. #87-616).

Coastal Plan Policy 6-6C:

Consolidation of Oil and Gas Processing Facilities in the South Coast Consolidation Planning Area. (Added 12/14/87, B/S Resol. #87-616).

New oil and gas production from offshore reservoirs or zones shall be processed at facilities approved for consolidated processing to the maximum extent technically and environmentally feasible. Commingled processing shall be required to avoid or reduce project and cumulative impacts -- considering environmental, socioeconomic, safety, and land use concerns -- that otherwise would result from construction and/or operation of redundant processing capacity, redundant pipelines, or redundant ancillary facilities. Construction of new processing facilities at consolidated sites will be considered only if the Planning Commission determines that said facilities are not redundant, finding that one or more of the following conditions apply:

Condition 1: Existing and approved processing capacity at the sites designated for consolidation is insufficient to accommodate proposed new production for a period of time that would render development of the offshore reservoir(s) infeasible. In making the determination that existing and approved capacity is insufficient, the County shall consider feasible delays in development of the offshore reservoir(s) to maximize use of existing and approved processing capacity. The County also shall consider expansion of facilities at consolidated sites to provide sufficient processing capacity for the new production.

Condition 2: The specific chemical characteristics and physical properties of oil or gas from a particular reservoir would render development of the resource technically infeasible unless specialized units can be built. Specialized units may include partial dehydration equipment if it is required to adapt a resource to the technical requirements of a processing facility. Modifications or additions to existing units at consolidated sites shall be favored over construction of an entire separate processing facility insofar as such modifications or additions render the resource characteristics and the technical processing requirements of a facility compatible with one another.

Condition 3: Commingling the production in currently approved facilities at consolidated sites is environmentally unacceptable.

Policy Implementation

Approval of a new processing facility at a consolidated site shall be contingent upon shared use of existing ancillary facilities to the maximum extent feasible.

Coastal Plan Policy 6-6D

Consolidation of Oil and Gas Processing Sites in the South Coast Consolidation Planning Area. (Added 7/14/87, B/S Resol #87-616).

The oil and gas processing sites at Gaviota (APNs 81-130-07, 81-130-52, and APN 81-130-53) and Las Flores Canyon (APNs 81-220-14 and 81-230-19) are designated as consolidated sites for processing oil and gas production from offshore reservoirs and zones. Any new oil and gas production from offshore reservoirs or zones that is processed within the SCCPA shall be processed at these two sites. (Added 7/14/87, B/S Resol #87-616). (corrections to APNs made 9/93)

Coastal Plan Policy 6-6E

Equitable, Nondiscriminatory Access to Consolidated Facilities and Sites.

Operators and owners of County-designated consolidated facilities and sites shall make their facilities and property available for commingled processing and consolidation of oil and gas facilities on an equitable and nondiscriminatory basis.

If existing processing capacity is insufficient to accommodate proposed production and new facilities are not permissible pursuant to the County's consolidation policies, operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers.

Coastal Plan Policy 6-6F

Review of Oil and Gas Facility Permits. (Added 12/14/87, B/S Resol #87-616).

The Planning Commission shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic mean) over any twelve (12) consecutive months, does not exceed 3 percent of the facility's maximum permitted operating capacity. The review shall be conducted in a duly-noticed public hearing to determine if facility abandonment or facility modifications are appropriate.

The above oil and gas development policies require consolidation of production and processing facilities that support development of offshore oil and gas as a means of reducing visual impacts of such facilities. Such facilities have been permitted in the past, including the Gaviota oil and gas processing facility, through an earlier interpretation of the Coastal Zoning Ordinance; that is, height limits could be modified for any specific project by the decision-maker during the approval of a Conditional Use Permit or Development Plan. In 1999, in the context of a dispute over a proposed FM antenna that exceeded 50 feet, the County changes its interpretation of Section 35-127 so that it is now interpreted to prohibit such structures from exceeding the 50-foot maximum height limit, except where explicitly stated otherwise in the ordinance. The proposed amendments respond to the new interpretation by enabling certain oil and gas development that would otherwise be prohibited because it would be technically infeasible to function under the 50-foot maximum height limitation. In doing so, the amendments enhance internal consistency not only in the ordinances by clarifying competing interpretations over the years, but enhance internal consistency between the ordinances and the guiding policies in the Coastal Land Use Plan and Land Use Element.

Coastal Plan Policy 8-2

If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.

The proposed amendments seek to exempt from the 50-foot height limit, those facilities that, by their very nature, exceed 50 feet. The facilities in the Coastal Zone include (1) temporary oil/gas drilling rigs, and (2) columns and gas flares associated with gas processing/transportation. These types of facilities have typically been found to be compatible with agricultural operations, and in fact often provide a financial benefit to the landowner with little or no effect on the existing agricultural operations. Any developer proposing such facilities must still comply with Section 30251 of the Coastal Act, which may be accomplished by either finding an appropriate location or qualifying as a coastal-dependant use. Because development approved pursuant to the proposed

amendments would need to conform to this and other protective policies, the amendments may be found consistent with this policy.

Land Use Element: Visual Resources Policy #2

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

See Coastal Plan Policy 4-3, above.

Scenic Highway Element: Goal a

To enhance and preserve the valuable scenic resources located along roadways within the County.

The ordinance amendment would permit certain structures to exceed the current 50-foot height limit. The existing development standards, ordinance controls and policies in place will serve to ensure that development is carried out consistent with this goal.

Agricultural Element: Policy I.A.

The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.

The structures that could be permitted as a result of the proposed amendments are typically used in projects that are permitted uses on agricultural and rural industrial parcels. Whether through a ministerial or discretionary permit process, the projects that would support these structures would need to satisfy development criteria and findings for consistency with the base parcel zoning. In addition, any project site located on Ag Preserve land must also be found consistent with the Uniform Rules, and the draft Uniform Rules for wind energy projects require the same consistency. Because these types of facilities are potentially permissible under this amendment, the ordinance amendment is potentially consistent with this policy.

Agricultural Element: Goal III

Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.

Allowing the height of existing and possible future specified structures to exceed 50 feet in height will not modify the potential size of a facility and the resulting conversion of agricultural lands to non-agricultural uses. Each structure permitted over 50 feet would need to conform to the existing development standards for the base site, which originally was found compatible with agricultural

operations. Because these structures are potentially permissible under this amendment, the ordinance amendment is potentially consistent with this policy.

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

Finds that the proposed projects WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

N/A

With Public Hearing Without Public Hearing

PREVIOUS DOCUMENT: Not applicable.

PROJECT EVALUATOR: Kevin Drude **DATE:** July 17, 2006

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

I agree with staff conclusions. Preparation of the appropriate document may proceed.

I DO NOT agree with staff conclusions. The following actions will be taken:

I require consultation and further information prior to making my determination.

SIGNATURE: _____

INITIAL STUDY DATE: _____

SIGNATURE: _____

DRAFT ND DATE: _____

SIGNATURE: _____

REVISION DATE: _____

SIGNATURE: _____

FINAL ND DATE: _____

Height Ord. Amend. – Art. II and Art. III
Case Nos. 06ORD-00000-00007 & 00008
Draft Negative Declaration
July 17, 2006
Page 30

G:group/energy/wp/policy/zorpreviews/height amendment ND

Attachment A

Proposed Amendments

Amend Article II (Coastal Zoning Ordinance) of Chapter 35 of the Santa Barbara County Code as follows.

A. Revise Division 2 (Definitions) by adding the following definitions:

AMINE COLUMN OR TOWER: A tall, cylindrical vessel used to remove contaminants, such as hydrogen sulfide and carbon dioxide, from natural gas with the use of amines.

DISTILLATION COLUMN OR TOWER: A tall, cylindrical vessel in which a liquid or vapor mixture of two or more substances is separated into its component fractions of desired purity, by the application and removal of heat.

FLARE STACK: A tall, specially constructed vertical pipe or stack used to safely dispose of hydrocarbon vapors or, in an emergency, to dispose of process feed.

OIL/GAS DRILLING RIG: The derrick or mast, draw works, and attendant surface equipment used to drill for oil, natural gas, or both from underground reservoirs, and to drill injection wells for disposal of fluids into subsurface reservoirs. Drilling rigs are also used to complete (prepare for production) a well, or redrill or rework a well. The derrick consists of a large load-bearing structure, usually bolted construction of metal beams. In drilling, the standard derrick has four legs standing at the corners of the substructure and reaching to the crown block. The substructure is an assembly of heavy beams used to elevate the derrick and provide space underneath to install the blowout-preventive equipment, casing head, and other equipment.

OIL/GAS WORKOVER/PULLING RIG: The derrick or mast, draw works, and attendant surface equipment to service oil/gas or injection wells, including, among other things, running the pump and tubing, replacing parts, fixing casing, and plugging and abandoning a well. These rigs differ from oil/gas drilling rigs in that they are mobile, wheel-based trucks capable of moving from one well to another.

STRIPPER COLUMN OR TOWER: A tall, cylindrical vessel used to physically remove contaminants from gas or liquid.

B. Revise Section 35-127 (Height) of Division 7 (General Regulations) by adding and deleting the following language (additions shown in *underlined italics*; deletions shown as ~~crossed-out~~):

Sec. 35-127. Height.

A. The following shall apply to structures located outside the Summerland Planning Area.

1. The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Section 35-127.A.2. The height of any structure shall not exceed the applicable height limit except as provided below.
 - a. Exceptions. The following structures may exceed the applicable height limit subject to compliance with the F Airport Approach Overlay District.
 - 1) Chimneys, church spires, elevator, mechanical and stair housings, flag poles, ~~oil and gas derricks~~, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the ~~F Airport Approach~~ or VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.
 - 2) Portions of a structure may exceed the height limit applicable to the subject structure by no more than three feet where the roof exhibits a pitch of 4 in 12 (rise to run) or greater.
 - 3) In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.
 - 4) *Temporary drilling rigs and workover/pulling rigs necessary to explore for and develop oil and gas reservoirs or to operate the La Goleta gas storage reservoir (located on APN 071-210-001, as of June 30, 2006) may exceed the applicable height limit for a period of four years or less, provided the temporary use is completed in a diligent manner. Upon written request by the operator, the Director may grant up to two one-year extensions, provided that diligence in completing an established drilling program or for well abandonment.*

- 5) *Amine columns, distillation columns, stripper columns, and flare stacks associated with oil and gas production, gas processing, or oil/gas transportation, as allowed in compliance with Division 9 of this Article, may exceed the applicable height limit where compliance would render such facilities technically infeasible.*

~~D. Specific exceptions to this limitation for the height of temporary drilling rigs to explore and produce offshore oil and/or gas reservoirs from onshore sites may be permitted until cessation of drilling in accordance with an approved plan that requires due diligence; however, the height limitation shall not be exceeded for a total period of time of four years. Upon written request by the operator, the Director of Planning and Development may grant up to two one year extensions provided that, for each extension, the operator has demonstrated it has proceeded with due diligence in completing an established drilling program, or for well maintenance, or for well abandonment.~~

Amend Articles III (Inland Zoning Ordinance) of Chapter 35 of the Santa Barbara County Code as follows.

A. Revise Division 2 (Definitions) by adding the following definitions:

AMINE COLUMN OR TOWER: A tall, cylindrical vessel used to remove contaminants, such as hydrogen sulfide and carbon dioxide, from natural gas with the use of amines.

DISTILLATION COLUMN OR TOWER: A tall, cylindrical vessel in which a liquid or vapor mixture of two or more substances is separated into its component fractions of desired purity, by the application and removal of heat.

FLARE STACK: A tall, specially constructed vertical pipe or stack used to safely dispose of hydrocarbon vapors or, in an emergency, to dispose of process feed.

OIL/GAS DRILLING RIG: The derrick or mast, draw works, and attendant surface equipment used to drill for oil, natural gas, or both from underground reservoirs, and to drill injection wells for disposal of fluids into subsurface reservoirs. Drilling rigs are also used to complete (prepare for production) a well, or redrill or rework a well. The derrick consists of a large load-bearing structure, usually bolted construction of metal beams. In drilling, the standard derrick has four legs standing at the corners of the substructure and reaching to the crown block. The substructure is an assembly of heavy beams used to elevate the derrick and provide space

underneath to install the blowout-preventive equipment, casing head, and other equipment.

OIL/GAS WORKOVER/PULLING RIG: The derrick or mast, draw works, and attendant surface equipment to service oil/gas or injection wells, including, among other things, running the pump and tubing, replacing parts, fixing casing, and plugging and abandoning a well. These rigs differ from oil/gas drilling rigs in that they are mobile, wheel-based trucks capable of moving from one well to another.

SILO (INDUSTRIAL): A large, cylindrical vessel used to store processed or unprocessed minerals, powders, plastic raw materials, calcium carbonate, processed grain products, asphalt hot-mix, or concrete ready-mix. Accessory equipment may include light poles, emission-control equipment, walkway access, conveyors, loading and unloading elevators, weighing equipment, and other equipment for filling and emptying the silo.

STRIPPER COLUMN OR TOWER: A tall, cylindrical vessel used to physically remove contaminants from gas or liquid.

B. Revise Section 35-276 (Height) of Division 7 (General Regulations) as follows:

Sec. 35-276. Height.

A. The following shall apply to structures located outside the Summerland Planning Area.

1. The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade. The height of any structure shall not exceed the applicable height limit except as provided below.

a. Exceptions. The following structures and equipment may exceed the applicable height limit subject to compliance with F Airport Approach Overlay District.

1) Chimneys, church spires, elevator, mechanical and stair housings, flag poles, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts ~~subject to compliance with the F Airport Approach Overlay District.~~ The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

- 2) Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.
- 3) In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.
- 4) *Temporary drilling rigs and workover/pulling rigs necessary to drill, service, and plug/abandon wells used to explore for development oil and gas from subsurface reservoirs, or to inject gas or fluids into subsurface reservoirs, allowed in compliance with Division 8 of this Article.*
- 5) *Amine columns, distillation columns, stripper columns, and flare stacks associated with oil/gas production, gas processing, or oil/gas transportation, allowed in compliance with Division 8 of this Article, may exceed the applicable height limit where compliance would render such facilities technically infeasible.*
- 6) *Wind turbines allowed in compliance with Section 35-300.2.3 of this Article may exceed applicable height limits where compliance would render operations technically infeasible.*
- 7) *Silos used to store and load concrete ready-mix in the M-1 zone district may exceed applicable height limits where compliance would render operations technically infeasible.*
- 8) *Structures and equipment associated with facilities in the M-2 zone district may exceed applicable height limits where compliance would render operations technically infeasible.*