



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and Development
Department No.: 053
For Agenda Of: August 29, 2023 Set
Hearing
for September 19, 2023
Placement: Administrative
Estimated Time: 1.5 hours on September 19,
2023
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning & Development
Director(s) (805) 568-2086
Contact Info: John Zorovich, Deputy Director, Energy & Minerals Division
(805) 568-2519
SUBJECT: Set Hearing for Appeal of the Planning Commission Approval of the Change of Ownership, Change of Guarantor, and Change of Operator for the Las Flores Pipeline System (formerly Plains All American Lines 901/903), Third, Fourth, and First Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On August 29, 2023, set a hearing for September 19, 2023 to consider the appeal of the Planning Commission's July 14, 2023 approval of the Change of Ownership, Change of Guarantor, and Change of Operator for the Las Flores Pipeline System (formerly Plains All American Lines 901/903).

On September 19, 2023, staff recommends that the Board deny the appeal, and approve the project by taking the following actions:

- a) Deny the appeal, Case No. 23APL-00027;
- b) Make the required findings for approval for the Change of Ownership, Change of Guarantor, and Change of Operator, including CEQA findings;
- c) Determine the request is not a project pursuant to CEQA Guidelines Section 15378(b)(5); and

- d) Grant *de novo* approval of the Change of Ownership, Change of Guarantor, and Change of Operator for Final Development Plan Permit No. 88-DPF-033 (RV01)z, 88-CP-60 (RV01)(88-DPF-25cz; 85-DP-66cz; 83-DP-25cz), subject to the Conditions of Approval.

Summary Text:

This Board Letter sets a hearing for September 19, 2023 to review the Planning Commission’s approval of the Change of Ownership, Change of Guarantor, and Change of Operator for the Las Flores Pipeline System, a 122 mile crude oil pipeline system from Gaviota to Kern County. The Planning Commission approved the request in June 2023, finding the request exempt from CEQA review and consistent with County Ordinance. Grey Fox, LLC appealed the decision on the grounds that the change would allow for the restart of the Las Flores Pipeline System, which would have environmental impacts and require CEQA review. A subsequent Board Letter will detail the appellant’s appeal issues and provide staff responses.

Background:

The 901 and 903 pipeline system (now known as the Las Flores Pipeline System) is an existing 122 linear mile crude oil pipeline that runs from the Gaviota Coast in Santa Barbara County to the Pentland Delivery Station in Kern County. The pipeline system is permitted under Santa Barbara County Final Development Plan Permit 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz), approved on February 18, 1986, revised in 1988, and last modified in May 2003.

Pacific Pipeline Company (PPC) formally acquired ownership of the pipeline system from Plains All American Pipeline (Plains) on October 13, 2022. PPC and ExxonMobil Pipeline Company (EMPCo) submitted applications for a Change of Owner (Plains to PPC), Change of Guarantor (Plains to ExxonMobil Corporation), and Change of Operator (Plains to EMPCo) to the County on November 15, 2022. On June 14, 2023, the Planning Commission approved the Las Flores Pipelines Change of Ownership, Change of Guarantor, and Change of Operator by a vote of 3 to 1. On June 22, 2023, an appeal of the Planning Commission’s action was filed by one party, Grey Fox Class Members c/o A. Barry Cappello (Case No. 23APL-00027). This appeal is now scheduled to be heard by your Board on September 19, 2023.

The record for the project is attached. The appeal letter is included as Attachment 1. The Planning Commission Action Letter is included as Attachment 2. The Planning Commission Staff Report is included as Attachment 3. The Director’s Action Letter is included as Attachment 4. The Director’s Staff Memo is included as Attachment 5. The Facilitation Report is included as Attachment 6.

Impacts:

Budgeted: Yes

The costs to process the project were borne by the applicant through the payment of processing fees. Funding for this project is budgeted in the Planning and Development’s Permitting Budget Program on page D-316 of the County of Santa Barbara Fiscal Year 2023-24 Adopted Budget.

Special Instructions:

The Planning and Development Department will satisfy all noticing requirements for the September 19, 2023 hearing.

Attachments:

1. Grey Fox Class Members c/o A. Barry Cappello Appeal Application dated June 22, 2023
2. Planning Commission Action Letter, dated June 16, 2023
3. Planning Commission Staff Report, dated June 6, 2023
4. Director Action Letter, dated March 13, 2023
5. Director Staff Memorandum, dated February 28, 2023
6. Facilitation Report, dated July 17, 2023

Authored by:

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Energy, Minerals & Compliance Division
Planning and Development Department