

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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SANTA BARBARA, CALIF. 93101-2058
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF SEPTEMBER 9, 2015

RE: *E&B Natural Gas Pipeline Project; 14DVP-00000-00018, 15RZN-00000-00007*

Hearing on the request of Robert Booher, agent for the applicant, E&B Natural Resources (E&B), to consider the following:

- a) **14DVP-00000-00018** [application filed on October 7, 2014], for approval of a Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code (LUDC), on property zoned U (Unlimited Agriculture), to construct and operate an above-ground natural gas pipeline (1,125-feet);
- b) **15RZN-00000-00007**, proposing to rezone one lot (10.47 gross acres) from Unlimited Agriculture, 10 acre minimum lot area (U) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) in compliance with Chapter 35.104 of the LUDC; and to

adopt the Mitigated Negative Declaration (15NGD-00000-00007) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetic/Visual Resources, Air Quality, Biological Resources, Cultural Resources, and Noise. The application involves AP No. 147-030-025, located approximately 0.7-miles east of the intersection of Aliso Canyon Road and State Highway 166, in the Cuyama Valley area, First Supervisorial District. The MND and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of September 9, 2015, Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 5-0 to do the following:

1. Recommend that the Board of Supervisors make the required findings for approval of the project specified in Attachment A of the staff report, dated August 20, 2015, including California Environmental Quality Act (CEQA) findings;

2. Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration (15NGD-00000-00007 included as Attachment C of the staff report, dated August 20, 2015) and adopt the mitigation monitoring program contained in the conditions of approval;
3. Recommend that the Board of Supervisors approve the project (14DVP-00000-00018) subject to the conditions included as Attachment B of the staff report, dated August 20, 2015; and
4. Adopt the resolution in Attachment E of the staff report, dated August 20, 2015, recommending that the Board of Supervisors adopt an ordinance and approve a rezone (15RZN-00000-00007), changing the zone district on the subject parcel from Unlimited Agriculture (Ordinance 661) to AG-II-40 (County Land Use and Development Code).

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 14DVP-00000-00018, 15RZN-00000-00007
Planning Commission File
Dianne M. Black, Assistant Director
Agent: Robert Booher, Robert A. Booher Consulting, Environmental Planning and Management, 3287 Congressional Court, Fairfield, CA 94534
Owner: Shams Hasan, E&B Natural Resources Management Corporation, 1600 Norris Road, Bakersfield, CA 93308
Deputy County Counsel
Christine Louie, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Development Plan Conditions of Approval
 Attachment E – Resolution and Ordinance for Rezone

DMB/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 **Consideration of the Negative Declaration and Full Disclosure**

The Final Mitigated Negative Declaration (MND) (15NGD-00000-00007) prepared by the County Planning & Development Department for the E&B Natural Resources Natural Gas Pipeline Project and dated September 9, 2015, was presented to the Planning Commission. The Planning Commission has reviewed and considered the MND, together with the comments received and considered during the public review process. The MND reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with the California Environmental Quality Act, and is adequate for this proposal.

1.2 **Finding of No Significant Effect**

On the basis of the whole record, including the Mitigated Negative Declaration (MND) 15NGD-00000-00007 dated September 9, 2015 and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the potentially significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

1.3 **Location of Documents**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.4 **Environmental Reporting and Monitoring Program**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description for the E&B Natural Resources Natural Gas Pipeline Project and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 DEVELOPMENT PLAN FINDINGS

2.1 **Findings required for all Preliminary or Final Development Plans. In compliance with Section 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority first makes all of the following findings, as applicable:**

2.1.1 The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.

The proposed project would include construction and operation of a 1,125-foot above-ground, natural gas pipeline and associated above-ground equipment (tie-in points, pig launcher/receiver valves, condensate drop out, basket strainer, gas meter) and a consistency rezone. As discussed in Section 4.13 of the MND (Attachment C), and hereby incorporated by reference, the proposed project would not result in any change in existing utilities or service systems. The project would be constructed within an

existing oil and gas facility, which is relatively flat and clear of vegetation. Pipeline construction would not expand existing areas of disturbance. The location of the proposed pipeline route would allow E&B to connect to two existing pipelines extending from the Russell Ranch and South Cuyama Oilfields. The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the proposed pipeline. Therefore, this finding can be made.

2.1.2 *Adverse impacts will be mitigated to the maximum extent feasible.*

The project description of the proposed E&B Natural Resources Natural Gas Pipeline Project and all conditions of approval in Attachment B of this Staff Report dated August 20, 2015 and the MND (Attachment C), and hereby incorporated by reference, would ensure that adverse impacts would be mitigated to the maximum extent feasible. Therefore, this finding can be made.

2.1.3 *Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

Any change in the type and quantity of traffic generated by the proposed pipeline would be primarily limited to use of construction-related vehicles and equipment for approximately three days. Once the construction process has been completed, operation of the proposed pipeline would not require any regular traffic, and only occasional trips to conduct inspections or maintenance activities. The processing of natural gas production from the Russell Ranch Field facility at the South Cuyama Gas Plant would represent a de minimis increase in natural gas processing and would not result in additional truck trips to and/or from the Gas Plant. Regional access to the project site would be provided by State Highway 166. Local access to the project site would be provided by existing interior roads. All streets and highways would be adequate and properly designed to carry the type and quantity of traffic generated by the proposed pipeline. Therefore, this finding can be made.

2.1.4 *There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.*

As discussed in Section 5.1 of the Staff Report dated August 20, 2015, and hereby incorporated by reference, there are adequate public services to serve the proposed project. Therefore, this finding can be made.

2.1.5 *The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.*

The proposed project would not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood or incompatible with the surrounding area. The project would be located within an existing oil and gas facility and included as part of the existing operations. The project would be limited to construction and operation of a 1,125-foot above-ground natural gas pipeline and associated above-ground equipment (tie-in points, pig launcher/receiver valves, condensate drop out, basket strainer, gas meter) and a consistency rezone. The pipeline would be located approximately 450-feet in distance from three residential dwellings located on the northern side of State Highway 166. However, this distance is sufficient to reduce risk, as discussed in Section 4.9 of the MND (Attachment C), and hereby incorporated by reference. Construction activities would last approximately 3 days and would be confined to the project site. The pipeline would operate at a low pressure and operations would not require regular onsite monitoring; however, locating the project

within the gated facility would provide 24-hour security to all above-ground structures. As discussed above in Section 6.2 of this Staff Report dated August 20, 2015, and hereby incorporated by reference, the pipeline would be inspected by County Petroleum Unit staff prior to being placed into service and then subject to maintenance testing and held to current industry standards to ensure safe operations. The Petroleum Unit has monitoring authority under Chapter 25 (Petroleum Code), Section 25-28 of the Santa Barbara County Code. Operational changes to the South Cuyama Gas Plant would also be monitored by the System Safety and Reliability Review Committee (SSRRC) under the Safety Inspection, Maintenance and Quality Assurance Program (SIMQAP) for E&B's South Cuyama Gas Plant to the extent that it modifies its operations. In addition, the required periodic safety inspections and maintenance activities for the entire inter-field line between E&B's Russell Ranch and South Cuyama facilities would be monitored by the U.S. Department of Transportation Pipeline Hazardous Materials Safety Administration (PHMSA) pursuant to the Natural Gas Pipeline Safety Act of 1968. Therefore, this finding can be made.

2.1.6 *The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.*

As discussed in Sections 6.2 and 6.3 of this Staff Report dated August 20, 2015, and hereby incorporated by reference, the proposed project is consistent with the applicable provisions of the Comprehensive Plan and the Land Use and Development Code. The proposed consistency rezone is an administrative action that would replace an outdated U (Unlimited Agriculture) zone district under Zoning Ordinance 661 with the current AG-II-40 zoning under the County Land Use and Development Code (LUDC). The proposed rezone would increase the minimum lot size from 10 acres to 40 acres, which would be consistent with the land use designation of the parcel, A-II, 40-acre minimum parcel size, under the County's Comprehensive Plan. Therefore, this finding can be made.

2.1.7 *Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.*

As discussed in Section 6.2 of this Staff Report dated August 20, 2015, and hereby incorporated by reference, the proposed project would be compatible with and subordinate to the agricultural, rural, and scenic character of the rural area. The proposed project would include construction of an above-ground pipeline (1,125-ft) and associated equipment (i.e. tie-in points, pig launcher/receiver valves, condensate drop out, a gas meter, and a basket strainer) and a consistency rezone. These structures would be limited to 4-feet in height and would not intrude into the skyline from public viewing places. The proposed structures would be located within an existing oil and gas facility, which contains above-ground equipment much larger in size. Painting the proposed structures natural colors to match surrounding areas (Condition 3 of Attachment B) would ensure that above-ground project equipment is compatible with the surrounding natural environment. Following construction, the project site and all work areas would be restored to pre-construction condition with respect to natural contour and grade. Long-term operation of the new pipeline would not change the agricultural or rural nature of the ranch road. Therefore, this finding can be made.

2.1.8 *The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.*

There are no easements required for public access through, or public use of a portion of

the subject property. Therefore, this finding can be made.

2.2 Additional finding required for Final Development Plans. § 35.82.080.E2.

2.2.1 *Substantial conformity. The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.*

There is no previously approved Preliminary Development Plan for the proposed pipeline. The review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan. Therefore, this finding can be made.

2.2.2 *If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the review authority that approved the Preliminary Development Plan for a decision on the Final Development Plan.*

The Final Development Plan is not under the jurisdiction of the Director. Therefore, this finding does not apply.

3.0 REZONE FINDINGS

3.1 In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

3.1.1 *The request is in the interests of the general community welfare.*

The subject parcel is zoned for agricultural use and would remain zoned for agricultural use. All types of agriculture activities allowed under the current U (Unlimited Agriculture) zone district would be allowed under the AG-II-40 zone district. Rezoning the subject parcel from U under the outdated Ordinance 661 to the AG-II-40 zone designation is in the interest of the general community welfare because it would bring the subject parcel into conformance with the current ordinance, the County's Land use and Development Code (LUDC), and would assist in the implementation of a uniform and up-to-date zoning ordinance throughout the inland area. Doing so would also ensure the subject parcel is governed by the same zoning regulations as those zoned AG-II around it. Therefore, this finding can be made.

3.1.2 *The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.*

The subject parcel land use designation is A-II, 40 acre minimum lot area under the County Comprehensive Plan. The request would rezone the subject parcel from the outdated U zone district under Ordinance 661 to the current AG-II-40 zone district under the LUDC, which would provide for consistency between the parcel's land use designation and its zoning. The AG-II-40 zone district is consistent with the objectives, policies, and general land uses in the A-II plan designation. In accordance with Sections 6.1 and 6.3 of this Staff Report dated August 20, 2015, and hereby incorporated by reference, the project is consistent with the Comprehensive Plan and the LUDC. Therefore, this finding can be made.

3.1.3 *The request is consistent with good zoning and planning practices.*

The subject parcel is one of the few parcels in the surrounding rural areas currently subject to the outdated Ordinance 661. Ordinance 661 was first adopted by the County in 1950. It was later replaced in 1983 with Article III, and then replaced again in 2006 with the Inland Santa Barbara County Land Use and Development Code (LUDC). Rezoning the subject parcel from Unlimited Agriculture under the outdated Ordinance 661 to the current AG-II-40 zone designation is consistent with good zoning and planning practices because it will bring the subject parcel into conformance with the current ordinance, the County's Land Use and Development Code (LUDC), and would assist in the implementation of a uniform and up-to-date zoning ordinance throughout the inland area. The proposed consistency rezone is consistent with the County's Comprehensive Plan. Therefore, this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL

PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked A-E, dated September 9, 2015, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

E&B Natural Resources (E&B) has requested a to consider Case No. 14DVP-00000-00018 [application filed on October 7, 2014], for a Development Plan in compliance with Section 35.82.080 of the County Land Use & Development Code (LUDC), on property zoned U (Unlimited Agriculture) to allow for construction and operation of an above-ground natural gas pipeline (1,125-feet) located approximately 0.7-miles east of the intersection of Aliso Canyon Road and State Highway 166 in the Cuyama Valley; and to consider Case No. 15RZN-00000-00007, proposing to rezone one lot (10.47 gross acres) from Unlimited Agriculture, 10 acre minimum lot area (U) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) in compliance with Chapter 35.104 of the LUDC.

The proposed pipeline would be approximately 1,125-feet in length and placed above-ground on sleepers within the existing Cuyama Pumping Station (PS) facility, located between the State-Designated Russell Ranch Oilfield and South Cuyama Oilfield. The pipeline would connect two existing pipelines (3- and 8-inches) and transport natural gas from E&B's existing Russell Ranch Field facility to its existing South Cuyama Gas Plant for processing and sale. The proposed project would replace E&B's current practice of disposing of excess natural gas by reinjection at its Russell Ranch Field facility. The entire length of the inter-field pipeline between the Russell Ranch Oilfield and the South Cuyama Oilfield would be comprised of existing, previously abandoned pipelines except for the 1,125-foot segment of new pipeline.

The pipeline would be located within the Cuyama PS facility and parallel to an existing fence surrounding the northwest and southwest sides of the facility. The pipeline would tie-in to E&B's existing 3-inch pipeline on the south and existing 8-inch pipeline on the north. Once connected, an existing 8-inch pipeline would transport natural gas from E&B's Russell Ranch Field facility to the new pipeline at the Cuyama PS, and an existing 3-inch pipeline would then transport the gas directly to the South Cuyama Gas Plant. The new line would be 3-inches in diameter, except for a 100-foot segment where it would be 8-inches to tie-in to the existing 8-inch line.

The inter-field pipeline would require upgrades to existing equipment at the Russell Ranch Field facility (located in San Luis Obispo County) and installation of new equipment at the Cuyama PS and South Cuyama Gas Plant facilities. Within the PS facility, a set of pig launcher and receiver valves, two tie-in points to connect the new pipeline to the existing 3-inch and 8-inch lines, a basket strainer, and associated piping would be installed. The valves would be surrounded by steel posts (4.0-feet in height) and would cover a permanent footprint of approximately 196-square feet (8.5-ft width by 23-ft length). A new dual-purpose isolation valve and gas meter would be installed at the Gas Plant, which would enable E&B to perform maintenance and monitoring activities over the pipeline. A new condensate drop-out (a pressure vessel used to prevent pipeline

debris from collecting) and associated piping would be installed adjacent to the Gas Plant, where the existing 3-inch pipeline to existing infrastructure.

Upon completion of construction activities, the following permanent equipment would be installed: 3-inch coated steel schedule 40 pipeline, 8-inch coated steel schedule 40 pipeline, pig launcher and receiver valves, tie-in points, 4-foot high steel posts surrounding the valves, condensate drop-out, basket strainer, gas meter, and associated piping. The valves would be installed at the start, end, and connection points of the inter-field line and would allow for pipeline shutdown in case of an emergency, isolation of leaks, and use of smart pigs to clean and maintain the entire length of the inter-field line. All pipelines, valves, and fittings would be tested and proven safe to operate before they are put into service. E&B would implement the following measures to ensure the safe condition and operations of the inter-field pipeline: Cathodic protection to prevent corrosion; hydro-testing of the line to detect for leaks; a Supervisory Control and Data Acquisition (SCADA) system to actively monitor pipeline conditions; pigging operations to clear pipeline debris and detect for anomalies; flow meters to control balance; and other measures to prevent and monitor existing corrosion.

No grading is proposed. However, the project would involve minor amounts of excavation for the proposed tie-in points. Project activities, including staging and storage of construction-related vehicles and equipment, would occur within previously disturbed areas (an existing oil and gas facility) which are clear of vegetation and subject to regular vehicle use and maintenance. No habitat disturbance or removal is proposed.

Regional access to the project site would be provided by Highway 166. The project site is surrounded by an existing chain-link fence and would continue to be gated (to prevent public access) during construction activities.

The property is comprised of 10.47-acres (APN 147-030-025). The parcel is zoned U (Unlimited Agriculture) and is located approximately 0.7-miles east of Aliso Canyon Road and south of Highway 166 in the Cuyama Valley area, First Supervisorial District. The project would rezone the subject parcel from the zone district U under Zoning Ordinance 661 to the current AG-II-40 zoning district under the County Land Use and Development Code (LUDC). The proposed consistency rezone would increase the minimum lot size from 10 acres to 40 acres, which would be consistent with the existing land use designation of the parcel, A-II, 40 acre minimum parcel size, under the County's Comprehensive Plan. The subject parcel is zoned for agricultural uses and would remain zoned for agricultural uses.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES FROM 15NGD-00000-00007

3. **Aest-06 Building Materials.** Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on surfaces of all above-ground structures. **PLAN REQUIREMENT:** Materials shall be denoted on all plans associated with Zoning Clearance. **TIMING:** Structures shall be painted prior to project operations. **MONITORING:** P&D compliance monitoring staff shall inspect prior to project completion.
4. **Aest-09 Construction Clean-up.** The developer shall clear the project site of all excess construction debris. **PLAN REQUIREMENT:** This requirement shall be noted on all plans associated with Zoning Clearance. **TIMING:** Debris clearance shall occur prior to project operations. **MONITORING:** P&D compliance monitoring staff shall site inspect project operations.
5. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
 - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all plans associated with Zoning Clearance. **PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

 - a. Assure all dust control requirements are complied with including those covering weekends and holidays.
 - b. Order increased watering as necessary to prevent transport of dust offsite.
 - c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to issuance of Zoning Clearance. The dust control components apply from the beginning of any grading or construction throughout all development activities until project completion.

MONITORING: P&D processing planner shall ensure measures are on all plans associated with Zoning Clearance. P&D permit compliance staff shall ensure measures are on plans.

P&D permit compliance staff shall spot check and perform site inspections as necessary to ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

6. **Spec MM Bio-1 Environmental Awareness Training.** An Environmental Awareness Program shall be conducted to orient all employees involved in construction. The training shall be conducted by a County-approved biologist. The program shall consist of a brief pre-construction presentation in which a qualified biologist approved by P&D and knowledgeable of endangered species biology and legislative protection explains endangered species concerns. The program shall include a discussion of sensitive wildlife species identification, life history, habitat requirements, status under the State and/or Federal Endangered Species Acts (as applicable), and required project-specific measures to protect these species and their habitats. The training shall be conducted as necessary for new workers entering the project site. This training shall be incorporated into the pre-construction meeting(s) with construction personnel to perform the work. Training materials shall be submitted to P&D staff for approval 3 weeks prior to the commencement of Project activities. **TIMING:** The Owner/Applicant shall submit training materials 3 weeks prior to commencement of Project activities and provide training prior to the start of work activities and as needed for new personnel accessing the Project site. **MONITORING:** The County-approved biologist shall notify P&D (1) at least 3 days prior to the training; and (2) after the required training has been conducted. The required notifications shall be provided prior to the start of any project activities. The Owner/Applicant shall submit documentation of training (i.e. signatures of trained employees) to P&D staff prior to construction and after project completion if there are any additional training logs.
7. **Spec MM Bio-2 Final Pre-Construction Biological Survey.** As close to the beginning of project activities as possible, but not more than 14 days prior, a qualified biologist approved by P&D shall conduct a final pre-construction biological survey of the proposed project site and adjacent 500-foot buffer area to verify that no special-status species have become established in the project site. **TIMING:** Final pre-construction survey shall be conducted no more than 14 days prior to the start of construction activities. The survey report shall be distributed to P&D, CDFW, and USFWS at least one week prior to the start of construction. **MONITORING:** A qualified biologist approved by P&D shall monitor all grading activities to ensure permit compliance. The Applicant shall obtain P&D approval and retain the monitor at least 14 days prior to the start of project construction. The monitor shall attend any pre-construction meetings. The monitor shall take daily notes, which shall be made available to the County upon request. P&D permit compliance personnel shall perform site inspections as appropriate.
8. **Spec MM Bio-4 Avoidance of Burrows.** All small mammal burrows that may serve as potential refugia for special-status species shall be avoided during all phases of the project. The project biologist shall conduct a site inspection of the project site and within a 50-foot avoidance buffer. Any burrows discovered within the project site or buffer shall be clearly marked with flags, fencing, ropes, or cords and avoided. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. Initial survey shall be completed prior to construction. **MONITORING:** The project biologist shall inspect the site to ensure burrow avoidance measures, if necessary, are consistent with approved plans.
9. **Spec MM Bio-5 Blunt-Nosed Leopard Lizards Season Avoidance, Surveys, and Monitoring.** To avoid disturbance to blunt-nosed leopard lizards, proposed project activities shall take place at temperatures when lizards are inactive (generally when temperatures are below 77° F and/or above 95° F). Proposed project activities shall take place outside of the seasonal period of above-ground activity for blunt-nosed leopard lizard (mid-April through mid-October). If proposed

project activities cannot avoid the period of peak activity, a qualified biologist approved by P&D shall conduct a final clearance survey of the project site to ensure that no blunt-nosed leopard lizard are present and no burrows have become established in the project site or within a 50-foot avoidance buffer. If a pre-construction survey discovers evidence of blunt-nosed leopard lizard, a buffer zone of 50-feet shall be established. Buffer zones shall be clearly marked with lath and survey flagging and all project-related vehicles and foot traffic shall be directed away from these zones. Pre-construction survey work, subsequent written reports, if any, and proposed buffer zones shall be coordinated with and approved by the P&D staff biologist. This measure shall apply to all areas subject to disturbance due to clearing, trenching, and/or grading activities. If small mammal burrows that may serve as potential refugia for blunt-nosed leopard lizards cannot be avoided within the project site or a minimum 50-foot avoidance buffer cannot be maintained, then additional surveys to detect the species shall be completed in accordance with CDFW's Approved Survey Methodology For The Blunt-Nosed Leopard Lizard (CDFG 2004). A biological monitor shall be on site during ground disturbing activities. The biological monitor shall check the project site(s) and access route(s) daily during the blunt-nosed leopard lizard active season (mid-April through mid-October) to determine presence or absence of lizards in or near the work areas. If blunt-nosed leopard lizards are observed during monitoring, the biologist shall take action to avoid impacts to lizards. If a blunt-nosed leopard lizard is observed during project pre-construction or clearance surveys, or at any time during construction, P&D, CDFW, and USFWS shall be immediately notified for further guidance. Measures to protect blunt-nosed leopard lizards during their period of peak activity may be discontinued once site preparation activities are complete, or upon determination by the biological monitor that temperature patterns at the project site are no longer conducive to blunt-nosed leopard lizard activity for the season. **PLAN REQUIREMENTS & TIMING:** This condition shall be printed on all plans associated with Zoning Clearance. P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. **MONITORING:** A qualified biologist approved by P&D shall monitor all grading activities to ensure permit compliance. The monitor shall be retained by the Applicant at least 14 days prior to the start of project construction and shall attend any preconstruction meetings. The monitor shall take daily and weekly notes, which shall be made available to the County upon request. P&D permit compliance personnel shall perform site inspections as appropriate.

10. **Spec MM Bio-6 Avoidance of San Joaquin Kit Fox.** If San Joaquin kit foxes become established within the proposed project sites prior to project implementation, measures (7-12) contained in the USFWS's *Standardized Recommendations For Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) shall be implemented and the USFWS and CDFW shall be consulted. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. **MONITORING:** P&D permit compliance personnel shall perform site inspections as appropriate.
11. **Spec MM Bio-7 Kit Fox Pre-Construction Surveys and Den Management.** As close to the beginning of project construction as possible, a qualified biologist approved by P&D shall survey for and examine any dens occurring near the construction area. All discoveries and/or encounters with kit foxes, dens, and den management activities shall be coordinated with the P&D staff biologist and the USFWS and CDFW. If a natal/pupping den is discovered within the project site or within 200 feet of the project boundaries, P&D, CDFW, and USFWS shall be immediately notified and under no circumstances shall the den be disturbed or destroyed without prior authorization. If the pre-construction biological surveys reveal an active natal den or new information, the Applicant shall contact the USFWS and CDFW immediately to obtain the necessary take authorization/permit. If any den is considered to be a potential den, but is later determined during monitoring or construction to be currently, or previously used by kit fox (e.g.,

if kit fox sign is found inside), then all construction activities shall cease and the USFWS and CDFW shall be notified immediately. **PLAN REQUIREMENTS AND TIMING:** Survey reports shall be distributed to P&D, CDFW, and USFWS at least one week prior to the start of construction. **MONITORING:** A qualified biologist approved by P&D shall monitor all grading activities to ensure permit compliance. The monitor shall be retained by the Applicant at least 14 days prior to the start of project construction and shall attend any preconstruction meetings. The monitor shall take daily notes, which shall be made available to the County upon request. P&D permit compliance personnel shall perform site inspections as appropriate.

12. **Spec MM Bio-8 Nesting Season Avoidance and Surveys.** To avoid disturbance to nesting migratory avian or raptor species, proposed project activities shall take place outside of the bird breeding season (February through mid-September). If proposed project activities cannot avoid the bird breeding season (February through mid-September), pre-project nest surveys shall be conducted by a qualified biologist approved by P&D for nesting migratory avian and raptor species in the project site and buffer area no more than 10 days prior to the start of project activities. Pre-construction biological surveys shall occur prior to the proposed project implementation, and shall follow required CDFW and USFWS protocols, where applicable. A qualified biologist approved by P&D shall survey suitable habitat for the presence of these species. If a pre-construction survey discovers evidence of nesting, a buffer zone shall be established to avoid impacts to the active nest. Buffer zones shall be clearly marked with lath and survey flagging and all project-related vehicles and foot traffic shall be directed away from these zones. Pre-construction survey work, subsequent written reports, and proposed buffer zones shall be coordinated with and approved by the P&D staff biologist. If a project buffer area is established around an active nest, the buffer area shall be observed until the young birds have fledged the nest. If nesting birds of another sensitive species is discovered, the mitigation protocol shall be conducted with the P&D staff biologist. This measure shall apply to all areas subject to disturbance due to clearing, trenching, and/or grading activities. These areas include access roadways and pipeline corridors, if any. Identified nests shall be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If no nesting avian species are found, project activities may proceed and no further minimization measures shall be required. If active nesting sites are found, the following exclusion buffers shall be established, and no project activities shall occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest and parental care for survival:
- a. Minimum no disturbance of 250 feet around active nest of non-listed bird species;
 - b. Minimum no disturbance of 500 feet around active nest of all raptor species; and 0.5-mile no disturbance buffer from listed species and fully protected bird species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival;
 - c. Once work commences, all nests shall be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change shall cease and the appropriate regulatory agencies (i.e. P&D, CDFW, USFWS, etc.) shall be consulted for additional avoidance and minimization measures; and
 - d. A variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and P&D, CDFW, and USFWS shall be notified

in advance of implementation of a no disturbance buffer variance. Agency concurrence with the variance must be obtained.

PLAN REQUIREMENTS AND TIMING: Pre-construction surveys shall be conducted no more than 10 days prior to the start of project construction. Survey reports shall be distributed to P&D, CDFW, and USFWS at least one week prior to the start of construction. **MONITORING:** A qualified biologist approved by P&D shall monitor all grading activities to ensure permit compliance. The monitor shall be retained by the Applicant at least 14 days prior to the start of project construction and shall attend any preconstruction meetings. The monitor shall take daily notes, which shall be made available to the County upon request. P&D permit compliance personnel shall perform site inspections as appropriate.

13. **Spec MM Bio-9 Traffic Management.** Project-related traffic shall observe a 10 mph speed limit in all project areas except on County roads and State and federal highways to avoid impacts to special-status and common wildlife species. Off-road traffic outside of designated project sites shall be prohibited. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. **MONITORING:** P&D permit compliance personnel shall perform site inspections as appropriate.
14. **Spec MM Bio-10 Spill Management.** Hazardous materials, fuels, lubricants, and solvents that spill accidentally during project-related activities shall be cleaned up and removed from the project as soon as possible according to applicable federal, state and local regulations. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. **MONITORING:** P&D permit compliance personnel shall perform site inspections as appropriate.
15. **Spec MM Bio-11 Coverage/Inspection of Open Holes.** To avoid the potential for entrapment of wildlife, any open holes shall be securely covered at night and inspected for entrapped wildlife each morning prior to onset of project activities and immediately prior to the end of each working day. Before such holes or trenches are backfilled, they shall be inspected thoroughly for entrapped animals. Any animals discovered shall be allowed to escape voluntarily without harassment before project activities related to the trench resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded. If state and/or federally listed wildlife species become entrapped, USFS and CDFW must be consulted prior to any capture or handling, which would constitute "harassment" under the State/Federal Endangered Species Acts. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. **MONITORING:** P&D permit compliance personnel shall perform site inspections as appropriate.
16. **Spec MM Bio-12 Equipment Inspection.** All pipes, culverts, or similar structures stored at the proposed project sites overnight having a diameter of three (3) inches or greater shall be inspected thoroughly for wildlife species before being buried, capped, or otherwise used or moved in any way. Pipes left on the project site overnight shall be capped. If, during project implementation, a wildlife species is discovered inside a pipe, that section of pipe shall not be moved or, if necessary, moved only once to remove it from the path of project activity, until the animal has escaped. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to

issuance of Zoning Clearance. **MONITORING:** The project biologist shall inspect the site to ensure consistency with approved plans.

17. **Spec MM Bio-13 Waste Management.** All food-related trash items such as wrappers, cans, bottles or food scraps generated during project activities will be disposed of only in closed containers and regularly removed from the proposed project sites. Food items may attract wildlife species onto the proposed project sites, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife will be allowed. To prevent harassment or mortality of wildlife species via predation, or destruction of their dens or nests, no domestic pets shall be permitted on the project sites. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. **MONITORING:** P&D permit compliance personnel shall perform site inspections as appropriate.
18. **Spec MM Bio-14 Pet Restriction.** To prevent harassment or mortality of wildlife species via predation, or destruction of their dens or nests, no domestic pets shall be permitted on the project site. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of Zoning Clearance. **MONITORING:** P&D permit compliance personnel shall perform site inspections as appropriate.
19. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all plans associated with Zoning Clearance. **TIMING:** P&D shall review the plans with this requirement prior to issuance of a Zoning Clearance for this Development Plan. **MONITORING:** P&D permit processing planner shall check plans prior to issuance of Zoning Clearance. P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
20. **Noise-02 Construction Hours.** The Owner/Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to Zoning Clearance issuance and pre-construction meeting. P&D permit compliance staff shall spot check and respond to complaints.

PROJECT-SPECIFIC CONDITIONS

21. **Spec Condition Revised Safety Inspection Maintenance and Quality Assurance Program (modified).** The applicant shall revise the Safety Inspection, Maintenance and Quality Assurance Program (SIMQAP) for the South Cuyama Gas Plant to include any operational changes at the Gas Plant which are associated with and result from the current project. Operational changes at the South Cuyama Gas Plant which are associated with the current project shall be subject to Condition of Approval Nos. 11 and 12 of Conditional Use Permit 87-CP-94 for the South Cuyama Gas Plant 10. **PLAN REQUIREMENTS:** The applicant shall submit a revised SIMQAP to the SSRRC which includes operational changes at the South Cuyama Gas Plant associated with the current project, as determined by the SSRRC. **TIMING:** The revised SIMQAP shall be reviewed and approved by the SSRRC and/or its consultants prior to project operation. **MONITORING:** The SSRRC shall monitor compliance with the SIMQAP through site inspections and regular status updates from the applicant.

COUNTY RULES & REGULATIONS / LEGAL REQUIREMENTS


22. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
23. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
24. **Rules-07 DP Conformance.** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit B, dated September 9, 2015.
25. **Rules-14 Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
26. **Rules-23 Processing Fees Required.** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
27. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District dated April 29, 2015;
28. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of plans associated with

Zoning Clearance plans submitted to P&D. These shall be graphically illustrated where feasible.

29. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Pay a \$1,500.00 deposit fee prior to approval of Zoning Clearance to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
 - c. Note the following on each page of all plans associated with Zoning Clearance “This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Mitigated Negative Declaration #15NGD-00000-00007.
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
30. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
31. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
32. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



**Santa Barbara County
Air Pollution Control District**

Our Vision  Clean Air

April 29, 2015

Christine Louie
Santa Barbara County
Planning and Development
Energy and Minerals Division
123 E. Anapamu Street
Santa Barbara, CA 93101

RECEIVED

APR 30 2015

S.B. COUNTY
PLANNING & DEVELOPMENT

Re: **Mitigated Negative Declaration for the E&B Natural Resources – Natural Gas Pipeline Project, 15NGD-00000-00007**

Dear Ms. Louie:

The Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Draft Mitigated Negative Declaration for the E&B Natural Resources Natural Gas Pipeline Project. The proposed project consists of constructing a pipeline to transport natural gas from the Russell Ranch Field to a point of sale in the South Cuyama Field. One 3-inch coated steel natural gas pipeline of approximately 1,125 feet in length would be installed. As part of the project, pig launcher and pig receiver valves would be installed to enable the applicant to perform pigging maintenance activities. Grading for the project consists of approximately 406 cubic yards of cut and fill. The subject property, a 7,326-acre parcel zoned AG-II-100, and identified in the Assessor Parcel Map Book as APN 147-030-060, is located adjacent to Highway 166 approximately 0.7 miles east of Aliso Canyon Road in the Cuyama Valley area.

The proposed project will involve modifications to the applicant's stationary source of emissions that is currently subject to APCD permit requirements, operational conditions, and prohibitory rules. Therefore, APCD will be a responsible agency under the California Environmental Quality Act (CEQA), and will rely on the County's CEQA analysis when evaluating APCD permits or permit modifications for the proposed project. APCD staff will work closely with your agency's staff to ensure that the CEQA document that is generated adequately addresses air quality and climate change impacts. The following information will be necessary to evaluate the air quality and climate change impacts of the proposed project in the context of CEQA:

Air Pollution Control District staff provides the following comments on the MND:

1. **Section 4.3, Air Quality, Impact Discussion, Page 7:** The text states the project, "...*would not involve new stationary sources (i.e., equipment, machinery, hazardous materials storage, industrial or chemical processing, etc.) that would increase the amount of pollutants released into the atmosphere.*" It should be noted that the project, as proposed, will add additional fugitive components and associated emissions; a valid APCD Authority to Construct is required before construction may commence.
2. **Section 4.3, Air Quality, Impact Discussion, (a-c) Potential Air Quality Impacts, Page 7:** It is recommended that temporary/short-term and long-term emissions be quantified and presented in the environmental document. The long term emissions should be

compared to Santa Barbara County's CEQA significance thresholds. For additional information, please refer to Section 5.2 of the APCD's "Scope and Content of Air Quality Sections in Environmental Documents" document, available at www.ourair.org/land-use.

3. **Section 4.3, Air Quality, Impact Discussion, (a-c) Potential Air Quality Impacts, Long-Term Operation Emissions, Page 7:**
 - a. The text mentions that "Long-term emissions are typically estimated using the URBEMIS computer model." It should be noted that URBEMIS is an outdated model, and the APCD no longer recommends its use.
 - b. The text cites the APCD's "screening table." This table, located within the APCD's "Scope and Content of Air Quality Sections in Environmental Documents" document, does not address the emissions of natural gas pipelines. Accordingly, this reference should be removed.

Additionally, Air Pollution Control District staff offers the following suggested conditions:

1. Standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
2. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities* establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at www.ourair.org/wp-content/uploads/rule345.pdf.
3. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
4. If the proposed project requires an APCD permit/permit modification, permits must be received prior to commencing construction activities.
5. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
6. At all times, idling of heavy-duty diesel trucks should be minimized; auxiliary power units should be used whenever possible. State law requires that:
 - Drivers of diesel-fueled commercial vehicles shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location.
 - Drivers of diesel-fueled commercial vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle. Trucks with 2007 or newer model year engines must meet additional requirements (verified clean APS label required).
 - See www.arb.ca.gov/noidle for more information.

April 29, 2015

Page 3

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8831, or via email at bdk@sbcapcd.org.

Sincerely,

A handwritten signature in cursive script that reads "Brent Kraushaar". The signature is written in black ink and has a long horizontal flourish extending to the right.

Brent Kraushaar
Air Quality Specialist
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: Robert Booher
TEA Chron File



ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Plan Requirements: All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

MONITORING: Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

ATTACHMENT E: RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING)	RESOLUTION NO.: 15 - <u>17</u>
TO THE BOARD OF SUPERVISORS THE)	
ADOPTION OF AN AMENDMENT TO SECTION)	CASE NO.: 15RZN-00000-00007
35-1, THE SANTA BARBARA COUNTY LAND)	
USE AND DEVELOPMENT CODE, THAT)	
AMENDS THE COUNTY ZONING MAP BY)	
REDESIGNATING ASSESSOR'S PARCEL)	
NUMBER 147-030-025 FROM UNLIMITED)	
AGRICULTURE, 10 ACRE MINIMUM LOT)	
AREA (U), TO AGRICULTURE II, FORTY)	
ACRE MINIMUM LOT AREA (AG-II-40).)	

WITH REFERENCE TO THE FOLLOWING:

- A. Whereas on September 29, 1958 by Ordinance 971, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 of Chapter 35 of the Santa Barbara County Code; and
- B. Whereas on November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code which included the County Zoning Map that designates property within the unincorporated area of the County of Santa Barbara with specific zones; and
- C. Whereas the County Planning Commission now finds that it is in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 15RZN-00000-00007) amending Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, by amending the County Zoning Map by redesignating Assessor's Parcel Number 147-030-025 from Unlimited Agriculture, 10 acre minimum lot area (U), to Agriculture II, 40 acre minimum lot area (AG-II-40), as shown on Exhibit 1 of Attachment A attached hereto.

Said Ordinance is attached hereto as Attachment A, and is incorporated by reference.

- D. Section 65855 of the Government Code requires inclusion of the reason for the recommendation and the relationship of the zoning map amendment to the applicable general and specific plans. The proposed Ordinance is in the interest of the general community welfare as it will assist in the implementation of a uniform and up-to-date zoning ordinance throughout the inland area by rezoning the subject parcel from U (Unlimited Agriculture) under the outdated Ordinance 661 to the current AG-II-40 zoning under the Santa Barbara County Land Use and Development Code.

E. Whereas this County Planning Commission has held a duly noticed public hearing, as required by Section 65484 of the Government Code, on the proposed ordinance, at which hearing the proposed Ordinance was explained and comments invited from persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Planning Commission, based on the findings included as Attachment A of the Planning Commission staff report dated August 20, 2015.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to show the above mentioned action by the Planning Commission.

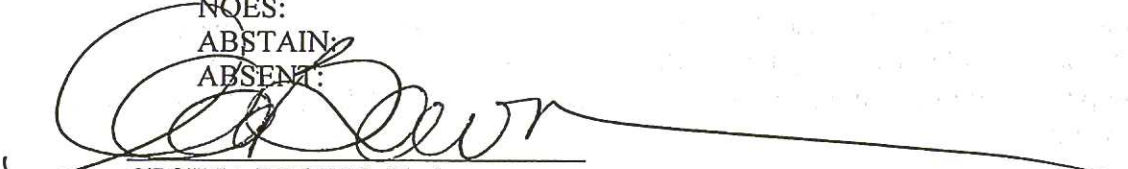
PASSED, APPROVED AND ADOPTED this 9th day of September, 2015 by the following vote:

AYES: Cooney, Brown, Hartmann, Ferini, Blough

NOES:

ABSTAIN:

ABSENT:



CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:



DIANNE M. BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBITS:

A. Board of Supervisors' Ordinance

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP BY REDESIGNATING ASSESSOR'S PARCEL NUMBER 147-030-025 FROM UNLIMITED AGRICULTURE, 10 ACRE MINIMUM LOT SIZE (U) TO AGRICULTURE II, 40 ACRE MINIMUM LOT SIZE (AG-II-40).

Case No. 15RZN-00000-00007

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

SECTION 1

All zoning maps and zone designations previously adopted under the provisions of Section 35.14.020, Zoning Map and Zones, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, State of California, are hereby repealed as they related to Assessor's Parcel Number 147-030-025 shown on the map attached hereto as Exhibit 1 and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35.14.020, Zoning Map and Zones, of Section 35-1, the Santa Barbara County Land Use Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, State of California, the Board of Supervisors hereby amends the County Zoning Map by redesignating Assessor's Parcel Number 147-030-025 from Unlimited Agriculture, 10 acre minimum lot size (U) to Agriculture II, 40 acre minimum lot size (AG-II-40) as shown on Exhibit 1 attached hereto and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit 1, and which is made part of said action by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit 1 to show that said exhibit map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Article 35.4 and Article 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force 30 days from the date of its passage; and before the expiration of 15 days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel

Attachments:

Exhibit 1

EXHIBIT 1

