

ATTACHMENT A: FINDINGS FOR DENIAL

The Board of Supervisors adopts the following Findings for Denial of the ExxonMobil Modified Interim Trucking Project (17RVP-00000-00081, 19EIR-00000-00001). The following Findings for Denial reflect the independent judgment of the Board of Supervisors. Only findings that cannot be made are discussed below.

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Board of Supervisors finds that denial of the proposed project (Case No. 17RVP-00000-00081) is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see the Notice of Exemption, included as Attachment B.

1.2 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final SEIR (19EIR-00000-00001) and Final SEIR Revision Letter No. 1 identifies one significant and unavoidable impact to sensitive resources (biological, water, and cultural) due to potential oil spills. Several mitigation measures would serve to reduce these impacts, but even with the inclusion of these measures, the impacts cannot be reduced to less than significant levels. In order to approve a project with a significant and unavoidable impact, the decision-maker must make a statement of overriding considerations that the benefits of the project outweigh the unavoidable adverse environmental impacts.

A draft statement of overriding considerations was provided by staff to the Planning Commission for the hearing of September 30, 2021 which is included in the Board of Supervisors hearing packet dated February 8, 2022 as Attachment D. However, the Board of Supervisors finds that there is not substantial evidence in the record to support a determination that the benefits of the Project outweigh the project's significant and unmitigable impacts on the environment. For example, the amount of local oil this project would provide would only have a de minimus impact on domestic oil use and demand. Additionally, the Applicant did not present substantial evidence to support conclusory statements that the project would increase local jobs or expenditures at local businesses. Therefore, the Board of Supervisors is unable to make the finding that there is substantial evidence that benefits outweigh the significant and unavoidable impact of the project.

Pursuant to Public Resources Code Section 21081(b), and CEQA Guidelines Sections 15043, 15092 and 15093, because the Board of Supervisors cannot find that the specific overriding considerations of the project outweigh the significant effects on the environment, the Board of Supervisors is unable to make a finding of Overriding Considerations and thus cannot approve the project.

2.0 ADMINISTRATIVE FINDINGS

2.1 LUDC DEVELOPMENT PLAN FINDINGS

Findings required for all Preliminary or Final Development Plans. Section 35.82.080.E.1 of the County Land Use and Development Code requires that the review authority make all required findings as applicable for final development plans.

The Board of Supervisors finds that there is insufficient evidence in the record to support findings 35.82.080.E.1(c & e) below based on the following:

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

- e. 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 project would create significant but mitigable impacts (for CEQA significance of impact determinations) regarding traffic safety along Calle Real, Highway 101, and State Route 166 due to the addition of tanker truck trips to and from Las Flores Canyon to the Pentland Terminal. The Project would generate up to 78 daily round truck trips along Calle Real, Highway 101, and Highway 166 after the permanent closure of the Santa Maria Pump Station, expected for some time in 2023. Existing accident rates on certain segments of Highway 101 and State Route 166 within the project area are currently above the state average (see SEIR page 4.5-7), and the project would add an additional risk for accidents above these existing conditions (SEIR section 4.5 pages 20-22). Of particular concern to the Board of Supervisors is traffic safety along State Route 166, a narrow two-lane highway connecting the Central Coast to the southern San Joaquin Valley, with few turnouts and passing lanes. The risk of transporting oil by truck on State Route 166 was highlighted when Santa Barbara County experienced an accident on March 21, 2020 where a tanker truck overturned down an embankment causing 6,600 gallons of crude oil to spill into the Cuyama River, ten miles upstream from Twitchell Dam and reservoir. Additionally, the September 27, 2021 Environmental Defense Center comment letter to the Planning Commission, incorporated herein by reference, cites four recent tanker truck accidents on Highway 166 that either resulted in injuries or fatalities and/or in the release of the truck's crude oil contents (September 13, 2016, May 20, 2018, December 12, 2018 and March 21, 2020).

The Board of Supervisors finds this additional risk to traffic safety impedes their ability to find that the project meets the requirements of LUDC Sections 35.82.080.E.1(c & e) because of the increase of hazards on the route that would be detrimental to the general welfare, health, and safety of other users, even if considered "mitigable" for CEQA impact classification purposes.

Due to the impact of the project on the residents of the County and other users of the proposed route related to traffic safety, the Board of Supervisors finds that: 1) streets and highways are not adequate or properly designed to carry the type and quantity of traffic generated by the project; and 2) approval of the project would be detrimental to the comfort, convenience, general welfare, health and safety of the community. The Board of Supervisors therefore cannot make these findings.

2.2 COASTAL ZONING ORDINANCE FINDINGS FOR DEVELOPMENT PLANS

Findings required for all Preliminary and Final Development Plans. Section 35-174.7.1 of the Article II Coastal Zoning Ordinance requires that the review authority make all required findings as applicable for preliminary and final development plans.

The Board of Supervisors finds that there is insufficient evidence in the record to support finding 35-174.7.1(c & e) below based on the following:

- c. ***That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.***
- e. ***That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.***

The project would create significant but mitigable impacts (for CEQA significance of impact determinations) regarding traffic safety along Calle Real, Highway 101, and State Route 166 due to the addition of tanker truck trips to and from Las Flores Canyon to the Pentland Terminal. The Project would generate up to 78 daily round truck trips along Calle Real, Highway 101, and Highway 166 after the permanent closure of the Santa Maria Pump Station, expected for some time in 2023. Existing accident rates on certain segments of Highway 101 and State Route 166 within the project area are currently above the state average (see SEIR page 4.5-7), and the project would add an additional risk for accidents above these existing conditions (SEIR section 4.5 pages 20-22). Of particular concern to the Board of Supervisors is traffic safety along State Route 166, a narrow two-lane highway connecting the Central Coast to the southern San Joaquin Valley, with few turnouts and passing lanes. The risk of transporting oil by truck on State Route 166 was highlighted when Santa Barbara County experienced an accident on March 21, 2020 where a tanker truck overturned down an embankment causing 6,600 gallons of crude oil to spill into the Cuyama River, ten miles upstream from Twitchell Dam and reservoir. Additionally, the September 27, 2021 Environmental Defense Center comment letter to the Planning Commission, incorporated herein by reference, cites four recent tanker truck accidents on Highway 166 that either resulted in injuries or fatalities and/or in the release of the truck's crude oil contents (September 13, 2016, May 20, 2018, December 12, 2018 and March 21, 2020).

The Board of Supervisors finds this additional risk to traffic safety impedes their ability to find that the project meets the requirements of Article II Sections 35-174.7.1(c & e) because of the increase of hazards on the route that would be detrimental to the

general welfare, health, and safety of other users, even if considered “mitigable” for CEQA impact classification purposes.

Due to the impact of the project on the residents of the County and other users of the proposed route related to traffic safety, the Board of Supervisors finds that: 1) streets and highways are not adequate or properly designed to carry the type and quantity of traffic generated by the project; and 2) approval of the project would be detrimental to the health, safety, comfort, convenience and general welfare of the community. The Board of Supervisors therefore cannot make these findings.