



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: John Zorovich, Deputy Director, Energy, Minerals, and Compliance Division

STAFF CONTACT: Errin Briggs, Supervising Planner, (805) 568-2047

DATE: October 26, 2021

HEARING DATE: November 3, 2021

RE: Findings for Denial for the proposed ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart Project, Case No. 17RVP-00000-00081, 19EIR-00000-00001/SCH #2018061035

Background

The proposed project is a request for approval of a Development Plan revision to 87-DP-32cz to allow for the operation of a new oil tanker truck loading rack and appurtenant equipment at the ExxonMobil Las Flores Canyon (LFC) processing facility, and the transport of produced crude oil from the Santa Ynez Unit and LFC to the Philips 66 Santa Maria Pump Station and the Plains Pentland Terminal (Project).

On September 29, 2021, the Planning Commission held a noticed public hearing on the Project, allowed all interested parties an opportunity to provide public comment, and considered all evidence presented by County staff and the applicant. At the hearing, the Planning Commission considered the conclusions of the SEIR and Revision Letter that the proposed Project could create significant and unavoidable environmental impacts to sensitive resources due to the potential for oil spills from tanker trucks. The Planning Commission expressed concern that the project could contribute to existing traffic safety issues to the detriment of the health, safety, comfort, convenience, and general welfare of the area where the trucking would occur. Due to these impacts, the Planning Commission determined it was unable to recommend that the Board make the necessary findings to approve the Project, including the statement of overriding considerations that would support that the benefits of the Project outweigh the related environmental impacts.

The Planning Commission continued the item by a vote of 3 to 2 to November 3, 2021 and directed staff to return with Findings for Recommended Denial for the Project based on: CEQA

Finding 1.7, *Statement of Overriding Considerations*, and Administrative Findings 2.1 (c, and e), and 2.2 (c, and e): *streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use; and the proposed project would not be Detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood.*

The findings to recommend denial are included as Attachment A, which reflect your Commission's direction to staff at the conclusion of the September 29 hearing. The findings include: the inability to make the required Statement of Overriding Considerations to approve the project; a discussion of how the Project would be detrimental to the comfort, convenience, health, safety, and welfare of the community, and a statement that highways used for the Project are not properly designed to carry the type and quantity of traffic generated by the Project. The attached findings also include a CEQA exemption that relies on CEQA Guidelines Section 15270(a). A CEQA Notice of Exemption is included as Attachment B.

Recommendations

On November 3, 2021, staff recommends that your Commission take the following actions:

1. Recommend that the Board of Supervisor make the findings for denial of the modified Project, Case No. 17RVP-00000-00081, included as Attachment A to this memorandum;
2. Recommend that the Board of Supervisors determine that denial of the modified Project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a) (Attachment B); and
3. Recommend that the Board of Supervisors deny the modified project, Case No. 17RVP-00000-000.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings.

Attachments

Attachment A: Findings for Denial
Attachment B: CEQA Notice of Exemption

ATTACHMENT A: FINDINGS FOR DENIAL

The Planning Commission recommends that the Board of Supervisors adopt 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 County Planning Commission. Only findings that cannot be made are discussed below.

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Planning Commission recommends that the Board of Supervisors find 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 for the hearing of September 30, 2021. However, the Planning Commission 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 Planning Commission is unable to make the finding that there is substantial evidence of benefits that could 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 Planning Commission cannot find that the specific overriding considerations of the project outweigh the significant effects on the

environment, the Planning Commission recommends that the Board of Supervisors finds that the Board is unable to make a finding of Overriding Considerations and thus cannot approve the project.

2.0 ADMINISTRATIVE FINDINGS

2.1.5 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 Planning Commission recommends that 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 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. Of particular concern to the Planning Commission 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. Mitigation measures developed for the project would reduce traffic impacts to less than significant levels according to CEQA; however, the Planning Commission 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.

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 Planning Commission 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 Planning Commission therefore recommends the Board of Supervisors deny the project.

2.2.e 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 Planning Commission 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 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. Of particular concern to the Planning Commission 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. Mitigation measures developed for the project would reduce traffic impacts to less than significant levels according to CEQA; however, the Planning Commission 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.

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 Planning Commission 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 Planning Commission therefore recommends the Board of Supervisors deny the project.

ATTACHMENT B: CEQA 15270 NOTICE OF EXEMPTION

TO: Santa Barbara County Planning Commission

FROM: Jacquelynn Ybarra, Staff Planner, Planning and Development Department
Errin Briggs, Supervising Planner, Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA), as defined in the State and County Guidelines for the implementation of CEQA.

APN(s): 081-220-014, 081-230-019, 081-230-025

Case Nos.: 17RVP-00000-00081

Location: The project is located at the ExxonMobil Las Flores Canyon Processing Facility at 12000 Calle Real, approximately 12 miles west of the City of Goleta within the Third Supervisorial District.

Project Title: ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart Project

Project Applicant:

Bryan Anderson, SYU Asset Manager
ExxonMobil Production Company
12000 Calle Real
Santa Barbara, CA 93117
(805) 961-4078

Project Description: Disapproval of the ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart Project, which in summary, includes denial of the following:

1. Revision to Development Plan No. 87-DP-32cz for the installation and operation of a new oil tanker truck loading rack and appurtenant equipment at ExxonMobil's onshore Las Flores Canyon (LFC) processing facility in order to transport produced crude oil via diesel-driven Department of Transportation 407 tanker trucks from the LFC to two receiving terminals: Phillips 66 Santa Maria Pump Station at 1580 E. Battles Road in Santa Barbara County, and the Plains Pentland Terminal at 2311 Basic School Road in Kern County.

A full project description can be found in Attachment C (Planning Commission Staff Report) of the County of Santa Barbara's Planning and Development Memorandum to the County Planning Commission for the set hearing date of November 3, 2021, incorporated herein by reference.

Name of Public Agency Denying Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Santa Barbara County Planning & Development

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption (15270)
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section 15270 of the CEQA Guidelines [Projects which are Disapproved].

Reasons to support exemption findings: CEQA Guidelines Section 15270 states that “CEQA does not apply to projects which a public agency rejects or disapproves.” The County Planning Commission recommends that the Board of Supervisors deny the project. If the recommendation is accepted by the Board, the project denial would not be subject to additional CEQA analysis, and a statutory exemption consistent with CEQA Guidelines Section 15270 would be adequate CEQA review.

Lead Agency Contact Person: Errin Briggs, Supervising Planner Phone #: (805) 568-2047

Department/Division Representative: John Zorovich, Deputy Director Date: October 11, 2021

Acceptance Date: November 3, 2021

Distribution: Hearing Support Staff

Date Filed by County Clerk: _____