

ATTACHMENT 1-B
FINDINGS FOR DENIAL

2.0 ADMINISTRATIVE FINDINGS

2.1 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS

2.1.1 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1.1.3 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.

In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

- E. The proposed development will be compatible with the established physical scale of the area.**

The Board of Supervisors finds that the project will not be compatible with the established physical scale of the project area because the Motor Operated Valve stations require construction of permanent above-ground equipment within the Gaviota Coast which will be visible from public view sheds. The Gaviota Coast is not an adequate location for the valves because they will add scattered industrial infrastructure to the otherwise rural landscape. Therefore, this finding cannot be made.

2.1.2 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (ARTICLE II)

2.1.2.1 In compliance with Section 35-172.11.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Major or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:

- A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The County Board of Supervisors finds that the following finding required for initial approval of the original Development Plan, Case Nos. 85-DPF-066cz and 83-CP-97z, does not remain valid to accommodate the project as revised with the new development proposed by the current Amendment.

Finding 1.1.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 areas.

In May 2015, the subject pipeline ruptured due to external corrosion, and released crude oil on land and into the Pacific Ocean near Refugio Beach. The Board of Supervisors determines that while the severity of a potential future oil spill could be minimized through installation of the proposed sixteen new valves, the frequency of a potential future spill may be increased because of the degradation to the pipeline's integrity that has occurred since its commissioning in 1994. Oil spill related impacts may still occur even after successful implementation of mitigation measures imposed as part of the original project approval, as well as the proposed valve installations, due to several factors that have acted in combination to cause degradation of the line including inadequate inspection intervals, a lack of adequate anomaly repairs, internal corrosion, and corrosion under insulation (external corrosion). The risks of an oil spill are elevated above what was previously approved and the project would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and environment.

2.1.3 DEVELOPMENT PLAN AMENDMENT FINDINGS (ARTICLE II)

2.1.3.1 Findings required for all Development Plan Amendments. In compliance with Section 35-174.10.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Final Development Plan that would allow for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

- A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The Board of Supervisors finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

2.2 COUNTY LAND USE DEVELOPMENT CODE FINDINGS

2.2.1 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (LUDC)

2.2.1.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

- A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Board of Supervisors finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

2.2.2 DEVELOPMENT PLAN AMENDMENT FINDINGS (LUDC)

2.2.2.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Development Permit the review authority shall first make all of the following findings, as applicable:

- A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Board of Supervisors finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.