

ATTACHMENT C: 11ORD-00000-00022 ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.5, OIL AND GAS, WIND ENERGY AND COGENERATION FACILITIES, AND ARTICLE 11, GLOSSARY, TO CLARIFY THE REQUIRED PERMIT FOR HYDRAULIC FRACTURING OF ANY NEW OR EXISTING OIL AND/OR GAS WELL.

Case No. 11ORD-00000-00022

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

SECTION 1: ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 5-2, Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area, of Section 35.52.040, Allowed Uses and Permit/Plan Requirements, of Chapter 35.52, Oil and Gas Facilities - Inland Area, to read as follows:

TABLE 5-2		P <u>Permitted use, Land Use Permit or Development Plan required</u>										
<u>Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area</u>		CUP <u>Conditional Use Permit required</u>										
		= <u>Use Not Allowed</u>										
<u>LAND USE (1)</u>	<u>PERMIT REQUIRED BY ZONE</u>											<u>Specific Use Regulations</u>
	<u>AG-I</u>	<u>AG-II</u>	<u>RES</u>	<u>RR</u>	<u>C-2</u>	<u>C-3</u>	<u>REC</u>	<u>M-1</u>	<u>M-2</u>	<u>M-RP</u>	<u>M-CR</u>	
Drilling and Production of Onshore Oil and Gas Reservoirs	CUP	P (2)(3)(4)	CUP	CUP	CUP	CUP	CUP (5)	CUP	P (2)(3)(4)	CUP	P (2)(3)(4)	35.52.050
Treatment and Processing Facilities	CUP (6)(7)	CUP (6)(7)	—	—	—	—	—	—	P (6)	—	P (6)	35.52.060
Refining	—	—	—	—	—	—	—	—	P (6)(8)(9)	—	—	35.52.070
Oil and Gas Pipelines	Allowed in all zones identified in Article 35.2 (Zones and Allowable Land Uses) P(6)											35.52.080

Notes:

- (1) Sections 35.52.050, 35.52.060, 35.52.070 and 35.52.080 further describe and define the uses allowed as Drilling and Production of Onshore Oil and Gas Reservoirs, Treatment and Processing Facilities, Refining, and Oil and Gas Pipelines.
- (2) Oil Drilling and Production Plan in compliance with Section 35.52.050 required. See Section 35.53.040 for specific application requirements. In the M-2 and M-CR zones a Development Plan in compliance with Section 35.82.080 is not required in addition to the Oil Drilling and Production Plan.
- (3) See Subsection 35.52.050.C (Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan).
- (4) In the AG-II, M-2, or M-CR zones, accessory equipment, excluding the installation of *hydraulic fracturing*, water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities, shall not require Land Use Permits when the installation of the equipment shall not require grading or expansion of the site.
- (5) Use may be approved only within a County park and subject to the requirements of County Code Section 25-4(d) (Permits generally-Prohibited) (Petroleum Ordinance).
- (6) Final Development Plan in compliance with Section 35.82.080 required. See Section 35.53.030 for specific application requirements.
- (7) Conditional Use Permit in compliance with Section 35.82.060 is also required for treatment and processing facilities for oil and gas obtained from an onshore area.
- (8) Conditional Use Permit in compliance with Section 35.82.060 is also required.
- (9) Based on Commission Resolution 67-22, adopted by the Board on April 12, 1967, facilities for oil refining shall not be allowed in the portion of Santa Barbara County east of Point Conception and south of the ridge line of the Santa Ynez mountains.

SECTION 2: ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A, Applicability, of Section 35.52.050, Oil Drilling and Production, of Chapter 35.52, Oil and Gas Facilities - Inland Area, to read as follows:

- A. Applicability.** The regulations contained within this Section shall apply to equipment, structures, and appurtenances necessary for the exploration and production of oil and gas resources from an onshore area including:
1. The drilling of a new well.
 2. Facilities for the new production of oil and gas from a well.
 3. Reentering a previously abandoned well for the production of oil and gas.
 4. Structures, equipment, or facilities necessary and incidental to the separation of oil, gas, and water obtained from an onshore area (e.g., oil and gas separation plant).
 5. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of production wastes including equipment and facilities necessary for waterflooding, steam injection, air injection, carbon dioxide injection, or introduction of polymers or other agents.
 6. Pipelines that are incidental to production operations.
 7. Storage tanks necessary or incidental to oil and gas separation, or temporary storage of separated hydrocarbons, and equipment for transfer of the produced hydrocarbons to pipelines or tanker trucks.
 8. Proposed access roads.
 9. Oil spill containment and recovery equipment including central office space and vehicles for the storage of floating air/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife cleanup equipment.
 10. Collocated treatment and processing facilities located on the drill site in AG-II, M-2 and M-CR, zones determined by the Commission to be incidental to proposed production operations.
 11. Hydraulic fracturing of any new or existing well.

SECTION 3: ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan, of Section 35.52.050, Oil Drilling and Production, of Chapter 35.52, Oil and Gas Facilities - Inland Area, to read as follows:

- C. Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan.** Only a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for oil and gas drilling that meets all of the criteria and standards listed below. See Subsection 35.53.030.D (Alternative filing requirements for Land Use Permit applications) below. For oil and gas drilling projects that do not meet the listed criteria, approval of an Oil Drilling and Production Plan shall be required. Development or land uses authorized through a Land Use Permit or Oil Drilling and Production Plan shall be established only as approved by the review authority and in compliance with the project description and any conditions of approval, except where a change to the project is approved pursuant to Section 35.84.040 of this Code.

1. Location.

- a. The project is located on AG-II, M-2, or M-CR zoned property.
- b. The project is located within a State designated oil field.
- c. The project is located not closer than 100 feet to the top of the bank of a watercourse (shown as intermittent or perennial on U.S.G.S. 7.5 minute series topographic maps) or 200 feet from the top of the bank of the Santa Ynez, Santa Maria, Sisquoc, or Cuyama River.
- d. The project is located not closer than 1,000 feet to a zone other than AG-II, M-2, or M-CR.
- e. The project is not located on mapped historical or archaeological sites as maintained by the Department or identified during a site visit.
- f. The project is not located within a Scenic Highway corridor as designated on the Scenic Highway Element Map (GP-23).
- g. The project, if over one-half acre in site size, is not located on prime agricultural lands. However, if a drilling site of a project is less than one-half acre in size and the land is classified as prime agricultural land, the project may exceed the site size during the period of drilling operations but in no case for longer than 90 days. After drilling is complete, the site shall be restored for agricultural use. For the purposes of this provision, prime agricultural land shall mean land having a soil capability classification of I or II.

2. Uses not proposed.

- a. Treatment or processing facilities are not proposed.
- b. Water flooding or steam injection using fresh groundwater for enhanced oil recovery is not proposed.
- c. Hydraulic fracturing.

3. Resource conservation.

- a. The project shall not disturb mapped locations of rare or endangered, unusual or delicate habitats, prime examples of ecological communities, or scientific study areas, as maintained by the Department or identified during a site visit.
- b. The project shall not cause disruption to mapped historical or archaeological sites as maintained by the Department or identified during a site visit.

4. No other significant impacts. The project shall not result in other potentially significant adverse impacts as determined by the Director identified during a site visit.

SECTION 4: ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add a new definition of “Hydraulic Fracturing,” to read as follows:

Hydraulic Fracturing. *A well stimulation technique that consists of pumping fluid, typically with a propping agent such as sand, down the wellbore under pressure to create or enlarge fractures in a targeted formation.*

SECTION 5: All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35. Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 6: Except as amended by this Ordinance, Article 35.5, and Article 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County

Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7: 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 a summary of it shall be published once together 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 _____, 2011, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
William M. Dillon
Deputy County Counsel