

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF NOVEMBER 3, 2021

RE: ExxonMobil Interim Trucking for SYU Phased Restart Project; 17RVP-00000-00081

Hearing on the request of ExxonMobil Production Company (ExxonMobil), to consider Case No. 17RVP-00000-00081 (application filed on September 22, 2017) to:

- Approve Revised Development Plan No. 87-DP-32cz to allow 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 DOT 407 tanker trucks from the LFC to two receiving terminals: Phillips 66 Santa Maria Pump Station (SMPS) at 1580 E. Battles Road in Santa Barbara County, and the Plains Pentland Terminal at 2311 Basic School Road in Kern County; and
- Certify Supplemental Environmental Impact Report (Final SEIR) No. 19EIR-00000-00001 (SCH#2018061035), pursuant to the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. As a result of this project, significant and unavoidable effects on the environment are anticipated in the following category: Hazardous Materials/Risk of Upset.

The SEIR is available at the County's Planning and Development Department website at:

<https://www.countyofsb.org/plndev/projects/energy/ExxonMobil-InterimTrucking.sbc>.

Hard copies of the SEIR are available for review at the County office at 123 East Anapamu Street, Santa Barbara via appointment with the project planner. Appointments shall be based on guidance from the California Department of Public Health, and the County of Santa Barbara's Public Health Department regarding COVID-19.

The proposed project involves Assessor Parcel No. 081-220-014, 081-230-019, and 081-230-025 which contain the LFC facilities, located at 12000 Calle Real on the Gaviota coast, approximately 12 miles west of the City of Goleta and one mile north of Highway 101, in the Third Supervisorial District. (Continued from 9/29/21)

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of November 3, 2021, Commissioner Parke moved, seconded by Commissioner Cooney and carried by a vote of 3 to 2 (Ferini and Blough no) to:

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;
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 of the staff memorandum dated November 2, 2021); and
3. Recommend that the Board of Supervisors deny the modified project, Case No. 17RVP-00000-00081.

The attached findings reflect the Planning Commission's actions of November 3, 2021.

Sincerely,

Jeff Wilson
Secretary Planning Commission

cc: Case File: 17RVP-00000-00081
Planning Commission File
Owner: ExxonMobil Production Company, P.O. Box 30151, College Station, TX 77842
Applicant: Bryan Anderson, SYU Asset Manager, ExxonMobil Production Company, 12000 Calle Real, Santa Barbara, CA 93117
County Chief Appraiser
Fire Department
Public Works
APCD
Joan Hartmann, Third District Supervisor
John Parke, Third District Planning Commissioner
Errin Briggs, Supervising Planner

Attachments: Attachment A – Findings for Denial

JW/dmv

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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.