

**ATTACHMENT 1 – A**  
**FINDINGS FOR APPROVAL**

**1.0 CEQA FINDINGS**

**1.1 CEQA EXEMPTION**

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 21080.23(a) [Pipeline Projects; Application of Division]. Please see Attachment C, Notice of Exemption.

**1.2 ADDENDA TO ENVIRONMENTAL IMPACT REPORT OR NEGATIVE DECLARATION SECTIONS 15162 and 15164**

**1.2.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE**

The Board of Supervisors has considered the Addendum dated July 25, 2022 together with the previously certified Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902 for the Plains All American Pipeline Project Valve Installation project. The Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the EIR SCH No. 1983110902, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to CEQA Guideline 15162.

**1.2.2 LOCATION OF DOCUMENTS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

**1.2.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

These conditions also require that an Environmental Quality and Assurance Program (EQAP) be prepared to ensure compliance during project implementation with those measures included in the project description and with those conditions imposed on the project in order to mitigate or avoid significant effects on the environment.

#### **1.2.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS**

The Addendum prepared for the project addressed the following issues: Aesthetics, Biological Resources, Cultural Resources, and Hazards and Risks. Each of these issue areas is summarized below.

**Aesthetics:** The pipeline traverses through the Gaviota Coast then north and east toward Cuyama. The EIR/EIS for the originally approved project identified impacts to visual resources from visual changes at the pump station sites along the pipeline ROW as a significant and unavoidable (Class I) impact. In order to reduce this impact several measures were required under the EIR/EIS (SCH No. 1983110902). These include limiting the vegetative clearing of riparian and oak woodland communities, screening project components with native vegetation, reducing the construction corridor to 50 feet, and feathering of the edges of the cleared ROW to soften and partially disguise the visual impact resulting from cutting a path through the trees and brush. The All American Plains Pipeline was constructed in conformance with these requirements and the current application does not propose that they be changed.

At the time of preparation of EIR/EIS (SCH No. 1983110902), the most significant source of potential visual impact of the project was the view of grading from US Highway 101 during construction activities. The proposed project will include temporary visual impacts from construction activities, and 11 sites with new permanent above-ground equipment will be constructed. Most above-ground sites will be screened by existing intervening topography and vegetation and will not be visible from public viewing locations. No signs or new lighting sources are proposed. None of the proposed valve sites will obstruct views of scenic coastal areas, or alter natural landforms. All graded areas will be restored to existing conditions by revegetation of disturbed areas. The screening mitigation measures applied to the originally approved project will be applied to the proposed project and will reduce the impacts of the currently proposed project to a less than significant level. Therefore, no new impacts on visual resources are anticipated.

**Biological Resources:** Impacts from potential pipeline spills were identified in the EIR/EIS (SCH No. 1983110902) as a significant and unavoidable (Class I) impact on Biological Resources. The EIR/EIS identified impacts to biology which included a reduction in biodiversity due to spills into coastal streams within the Gaviota Coast area, the loss of riparian and oak woodlands from construction activities, and construction activity affecting wildlife and sensitive plants and communities. To reduce these impacts, the EIR/EIS identified mitigation measures including the use of automatic block valves and check valves and implementation of an oil spill contingency plan to substantially reduce the risk of an oil spill. Additionally, the construction ROW was reduced to 50-foot wide in sensitive community areas to avoid vegetation clearing in riparian and oak habitat areas. Finally, raptor nesting habitat and special status species pre-construction surveys performed by a wildlife biologist were required. The EIR/EIS concluded that even with

the incorporation of these measures, impacts to terrestrial and aquatic biology were still significant.

The level of construction activities evaluated in the EIR/EIS (SCH No. 1983110902) was significantly more environmentally invasive than those proposed for installation of the valves and the applicable mitigation measures applied to the originally approved project will be applied to the proposed project to reduce potential biological impacts to a less than significant level. The proposed project will increase the number of valves significantly reducing the volume of a potential pipeline release by providing best available technology. Disturbance areas will be restricted to within the existing 50 foot ROW and such disturbances will be revegetated and restored after construction activities conclude. The existing mitigation measures identified in the EIR/EIS (SCH No. 1983110902) will be adequate to mitigate the impacts of the proposed project.

**Cultural Resources:** The EIR/EIS (SCH No. 1983110902) identified that the originally approved project will have a potentially significant impact on individual cultural sites. Measures to avoid or minimize disturbance to these cultural resource sites included intensive cultural resource survey to be conducted in all affected areas. For the proposed project, a combination of field surveys and historical records research was conducted. The proposed valve sites were then chosen with the intention of avoiding known cultural resources. Accordingly, no cultural resources will be impacted at the proposed valve installation sites. Any previously undiscovered sites identified during construction or as the result of monitoring will be required to be evaluated and a treatment plan will developed as needed. The proposed project will be less impactful to cultural resources when compared to the originally approved project.

**Hazards and Risk:** Impacts to hazards and risk of upset due to oil spills associated with the pipeline operation were determined in EIR/EIS (SCH No. 1983110902) to be significant and unavoidable (Class I). The EIR/EIS identified oil spill probabilities based on geographic pipeline features and pipeline capacity in combination with topography and the location of various valves. The EIR/EIS identified design specifications to include block and check valves to decrease the volume of potential spills. These spills could cause significant impacts to various resources depending on the size and location of the spill. The proposed project will install BAT elements to reduce the existing conditions' baseline worst case spill volume by 48%. As proposed, the project is consistent with the EIR, impacts to hazards and risk of upset from the proposed project will be less than those of the originally approved project and no new measures will be needed to address these impacts.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS**

#### **2.1.1 COASTAL DEVELOPMENT PERMIT FINDINGS**

**2.1.1.1 Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information**

**provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.**

As discussed in section 5.2 of the Zoning Administrator staff report dated July 7, 2022 and incorporated herein by reference, adequate public and private services and resources are available to serve the proposed project. Wastewater services for site workers will be provided by portable toilets and water for dust suppression during construction and grading activities will be trucked in from offsite. Power required for the MOV station will come from nearby existing power lines (above or below ground connections) where practical, and solar panels will provide power to remote valve locations. Access to each location is provided along the maintenance corridor established when the pipeline was originally installed. Existing paved and dirt access roads will be used without modification or grading. Therefore, adequate services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

**2.1.1.2 Additional findings required for Coastal Development Permits approved in conjunction with an application for an Amendment to a Final Development Plan for development that may be appealed to the Coastal Commission.** 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 a Coastal Development Permit that is approved in conjunction with an application for an Amendment to a Final Development Plan for development that may be appealed to the Coastal Commission, the decision-maker shall first make all of the findings required in compliance with Subsection 35-169.5.2.

**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:

**A. The proposed development conforms:**

- 1. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- 2. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

The Board of Supervisors finds that, as discussed in Sections 5.2 and 5.3 of the Zoning Administrator staff report dated July 7, 2022, and incorporated herein by reference, the project will be consistent with the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan, Land Use Development Code, the Santa Ynez and Gaviota Coast Community Plans, as well as with the Article II Coastal Zoning Ordinance.

**B. The proposed development is located on a legally created lot.**

The 16 valves are located across 14 separate parcels. The Board of Supervisors finds that each of these parcels have been legally created through the permitting of the original pipeline and/or other existing permitted development on each parcel.

- C. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

The subject properties and development thereon is in compliance with the requirements of the Article II Coastal Zoning Ordinance and conforms to all legal uses. There are no outstanding zoning violations or enforcement fees due on the 14 subject properties. Therefore, this finding can be made.

- D. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The Board of Supervisors finds that, as discussed in Section 5.2 of the Zoning Administrator Staff Report dated July 7, 2022 and hereby incorporated by reference, the proposed project will not obstruct public views of the coast from Highway 101 or other public viewing locations. During construction of the project, large equipment working along the pipeline corridor may partially be visible from Highway 101, however this will be temporary and once complete, all equipment will be removed from the project construction sites. Therefore, this finding can be made.

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

The Board of Supervisors finds that because the project includes the installation of valves on the existing underground pipelines 901 & 903, it will be compatible with the established physical scale of the project area. MOV stations will require construction of permanent above-ground equipment which will be screened by existing topography and vegetation. No proposed location will cause the alteration of natural landforms. All graded areas will be restored to existing conditions after construction. The project will be compatible with the established scale of the area; therefore, this finding can be made.

- F. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

As discussed in Section 5.2 of the Zoning Administrator Staff Report dated July 7, 2022 and hereby incorporated by reference, the proposed project will comply with the public access and recreation policies of this Article and the Comprehensive Plan, including the Coastal Land Use Plan. Staging areas, workspaces and permanent equipment will be placed out of road right of ways and will not impact any recreational areas or public trails. Once construction is complete, equipment will be removed from each site, and revegetation activities will occur. Therefore, this finding can 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 Board of Supervisors finds that the findings made when the Final Development Plan, Case No. 85-DP-66cz, was initially approved area still applicable to the proposed project. Development Plan 85-DP-66cz was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

- B. That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.**

The Board of Supervisors finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally approved Final Development Plan. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed Project will not increase in the severity of any environmental impacts not identified in associated with the Final Development Plan.

## **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 the findings made when the Final Development Plan, Case No. 85-DP-66cz, was initially approved area still applicable to the proposed project. Development Plan 85-DP-66cz was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

- B. That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.**

The Board of Supervisors finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally approved Final Development Plan. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed Project will not increase in the severity of any environmental impacts not identified in associated with the Final Development Plan.

## **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 the findings made when the Final Development Plan, Case No. 85-DP-66cz, was initially approved are still applicable to the proposed project. Development Plan 85-DP-66cz was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

- B. That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.**

The Board of Supervisors finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally approved Final Development Plan. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed Project will not increase in the severity of any environmental impacts not identified in associated with the Final Development Plan.

## **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 the findings made when the Final Development Plan, Case No. 85-DP-66cz, was initially approved are still applicable to the proposed project. Development Plan 85-DP-66cz was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

**B. The environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.**

The Board of Supervisors finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally approved Final Development Plan. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed Project will not increase in the severity of any environmental impacts not identified in associated with the Final Development Plan.