

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY CODE
BY REVISING ARTICLE III OF CHAPTER 35, TITLED "INLAND ZONING ORDINANCE"

CASE No.: 04-ORD-00000-00015

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

SECTION 1:

Division 4 "Zoning Districts" of Article III of the Santa Barbara County Code in hereby amended by deleting Section 35-236.3.3, as follows:

[Section 35-236.3.3. M-CR Coastal Related Industry -- Permitted Uses]

- ~~3. Onshore components of marine terminals required for waterborne shipments of crude oil or petroleum products subject to the regulations of DIVISION 8, ENERGY FACILITIES.~~

SECTION 2:

Division 8 "Energy Facilities" in Article III, Chapter 35 of the Santa Barbara County Code is hereby amended, by deleting Section 35-296.5.1.h, revising Section 35-296.5.1.k, and deleting Section 35-298, as follows:

[Section 35-296.5.1.h. Treatment and Processing Facilities -- Development Standards]

- ~~h. After adoption of a Resolution by the County Board of Supervisors that an onshore pipeline for transporting crude oil to refineries is technically and economically feasible, proposals for expansion, modification, or construction of new onshore treatment and processing facilities for offshore oil and gas shall be conditioned to require transshipment of oil through the pipeline when constructed, unless such conditions would not be feasible for a particular operator.~~

[Section 35-296.5.1.k. Treatment and Processing Facilities -- Development Standards]

- ~~k. Permits for expanding, modifying, or constructing crude oil processing or related facilities; All oil processed by facilities which receive oil from offshore fields exclusively or from both offshore and onshore fields, shall be conditioned to require that all oil processed by the facility shall be transported from the facility and the County to the final refining destination by overland pipeline, as soon as the shipper's oil refining center of choice is served by pipeline except in the case of highly viscous oil or during an emergency, as stipulated below.~~

“Final Refining Destination” shall mean a refinery in California where final refining of the subject oil into products is accomplished. Exceptions: Oil shall be considered to reach its final refining destination if (a) the oil has been transported out of the State of California, and does not reenter before final refining; or (b) the oil has been transferred to truck or train after leaving the County by pipeline and does not reenter the County by truck or train, and is not transferred to a marine terminal vessel for further shipment to a port in California prior to final refining.

Transportation by a mode other than pipeline may be permitted only:

- (1) For that fraction of the oil that cannot feasibly be transported by pipeline; and
- (2) When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible.

In all cases, the burden of proof as to the infeasibility of transport by pipeline and the need for alternate transportation modes shall be on the shipper.

Highly Viscous Oil:

A Development Plan may permit transportation of oil by highway or rail only if the Director makes the following finding, in addition to those required for approval of Development Plans in Sections 35-296.4A, 35-296.4B, and 35-174.7: The oil is so highly viscous that pipeline transport is infeasible, taking into account available options such as modifications to existing pipelines, blending of NGLs, etc.

Declared Emergency:

Temporary transport of oil by waterborne vessel may be authorized under an emergency permit if the Governor of the State of California declares a state of emergency pursuant to Public Resources Code Sec. 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced offshore Santa Barbara County. In such a case, the oil transported by waterborne vessel shall be limited to that fraction which cannot feasibly be transported by pipeline. Transport by waterborne vessel shall cease immediately when it becomes technically feasible to resume pipeline transport.

- ~~(1) Within the limits of the permitted capacity of the alternative mode; and~~
- ~~(2) When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible; and~~
- ~~(3) when the shipper has made a commitment to the use of a pipeline when operations to the shipper's refining center of choice; and~~
- ~~(4) When the County has determined use of a pipeline is not feasible by making one of the following findings:
 - ~~(a) A pipeline to the shipper's refining center of choice has inadequate capacity or is unavailable within a reasonable period of time;~~
 - ~~(b) A refinery upset has occurred, which lasts less than two months, precludes the use of pipeline to that refinery, and required temporary transportation of oil to an alternative refining center not served by pipeline;~~
 - ~~(c) The costs of transportation of oil by common carrier pipeline are unreasonable taking into account alternative transportation modes, economic costs, and environmental impacts; or~~~~

(d) — An emergency, which may include a national state of emergency, has precluded use of pipeline.

~~A permit based on finding (b) or (d) may be granted by the Director of the Planning and Development Department and shall be subject to appeal to the Planning Commission. A permit based on findings (a) and (c) may be granted by the Board of Supervisors.~~

~~All permits for the use of non-pipeline mode of transportation may specify the duration for such permitted use. Such permit may be extended upon a showing of good cause based upon a consideration of the findings listed above. A permit based on finding (b) (a) i. shall be granted for two months only. If refinery upset conditions continue beyond two months and the shipper wishes to continue use of a non-pipeline transportation mode, the shipper must seek a new or modified permit that is based on a consideration of finding (a), (c), or (d).~~

~~In all cases, the burden of proof as to by pipeline unavailability or inadequate capacity, unreasonable tariffs, and the need for and use of other transportation systems shall be on the shipper. (Amended by Ord. 3940, 9/3/91)~~

~~Sec. 35-298. Marine Terminals.~~

~~Sec. 35-298.1. Applicability.~~

~~The specific regulations contained within this section shall apply to the onshore portion of the components of a marine terminal (except LNG facility) which include facilities for loading and/or unloading equipment, storage tanks, terminal control and safety equipment, and navigational facilities, but not including pipelines. (The regulations for pipelines and related facilities are located in Sec. 35-290.) This section shall apply to existing and new marine terminals and as of April 12, 1967, there exists in the County four (4) marine terminals which are located at Cojo Bay, Gaviota, El Capitan, and Coal Oil Point.~~

~~Sec. 35-298.2. Permitted Districts.~~

~~Marine terminals are a permitted use in the Coastal-Related Industry (M-CR) district, except:~~

- ~~1. — No more than one (1) additional marine terminal to the number in existence within the County as of April 12, 1967 shall be permitted in the area east of Pt. Conception and south of the ridge line of the Santa Ynez mountains.~~
- ~~2. — After adoption of a Resolution by the County Board of Supervisors that an onshore pipeline for transporting crude oil to refineries is technically and economically feasible, new marine terminals shall not be a permitted use in any district and existing marine terminals shall continue to be a permitted use until the pipeline is operational, at which time they shall become legal nonconforming uses. After the pipeline is operational, marine terminals shall be a use permitted subject to a Major Conditional Use Permit in the Coastal-Related Industry (M-CR) District, but only upon a finding, in addition to those normally required for a marine terminal, as set forth in paragraph 4, that transshipment of oil by onshore pipeline is not feasible for the particular operator. (Amended by Ord. 3939, 9/3/91)~~

~~Sec. 35-298.3. Processing.~~

~~No permits for development including grading shall be issued in conformance with an approved Final Development Plan, as provided in Sec. 35-317. (Development Plans), and with Sec. 35-314. (Land Use Permits).~~

In addition to the other information required under Sec. 35-317. (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application:

1. — An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.
2. — A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, and completion, as well as location and amount of any land reserved for future expansion.

Sec. 35-298.4. Findings Required for Approval of Development Plans.

In addition to the findings for Development Plans set forth in Sec. 35-317.7. (Development Plans), no Preliminary or Final Development Plan shall be approved unless the Planning Commission also makes all of the following findings:

1. — There are no feasible alternative locations for the proposed marine terminal that are less environmentally damaging.
2. — Expansion of an existing marine terminal onto adjacent lands is not feasible or is more environmentally damaging.
3. — The proposed facility is compatible with the scenic quality and land uses of the surrounding area.

Sec. 35-298.5. Development Standards.

1. — The level of noise generated by the facility at or beyond the property boundary shall not exceed 70 db(A).
2. — The installation shall be visually compatible with the existing and anticipated surroundings by use of any or all of the following measures where applicable: Buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; camouflage and/or blending colors.
3. — All lights shall be shielded so that all lighting is confined to the project site.
4. — Grading and alteration of natural drainages shall be minimized.
5. — Adequate provisions shall be made to prevent erosion and flood damage.
6. — It is prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9:00 p.m. and 7:00 a.m. upon streets within any residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator.

This ordinance shall not be effective as to any street or part thereof unless and until signs giving notice of the prohibition are posted at entrances to the street or parts thereof affected.

Truck routes shall be reviewed for proposed oil or gas facilities to insure that oil field support traffic is not routed through residential neighborhoods, unless no alternative routes exist.

SECTION 4:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary of it, shall be published once, together with the names 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 twenty-sixth day of October, 2004, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Joseph Centeno, Chair
Board of Supervisors of the County of Santa Barbara
State of California

ATTEST:

MICHAEL F. BROWN
County Clerk of the Board

By _____
Deputy Clerk of the Board

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel