



COUNTY OF SANTA BARBARA
INLAND ZONING ORDINANCE

ARTICLE III OF CHAPTER 35

Division 8 - Energy Facilities And Related Ordinances

SANTA BARBARA COUNTY CODE

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Pipelines

Sec. 35-290. Pipelines.

Sec. 35-290.1. Applicability.

The specific regulations contained within this section shall apply to:

1. All oil transmission and distribution pipelines.
2. All gas transmission and distribution lines excluding public utility gas lines less than 12 inches in diameter.
3. Wastewater pipelines excluding those incidental to and located within an onshore oil production lease area.
4. All pipelines associated with offshore oil and gas production.
5. Facilities related to the above pipelines (e.g., pumping stations, etc.).

This section shall not apply to pipelines that are incidental to oil and gas production operations covered by regulations in Sec. 35-295. (Oil drilling and Production).

For all districts in which oil and gas pipelines or related facilities are permitted uses, the district regulations shall be inapplicable to said use.

Sec. 35-290.2. Permitted Districts.

Pipelines shall be a permitted use in all zone districts.

Sec. 35-290.3. Processing.

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

The following information, in place of that listed in Sec. 35-317., must be filed with a Preliminary or Final Development Plan application:

1. A brief statement of the proposed project.
2. A plot plan showing:
 - a. Property, easement, and pipeline right-of-way boundaries.
 - b. Proposed road construction or modification.
 - c. Area to be used for construction.
 - d. Area to be used for access and maintenance during pipeline operation.
 - e. Existing roads, water courses and pipelines within the pipeline right-of-way.
 - f. Location and type of existing and proposed structures within 50 feet of the pipeline right-of-way.

- g. Proposed alteration of surface drainages.
- 3. A contour map showing existing and proposed contours.
- 4. Measures to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, and to prevent danger to life and property.
- 5. A revegetation and site restoration plan shall be prepared by the applicant which includes provisions for restoration of any biologically important habitats which will be disturbed by construction or operational procedures. Said plan shall be subject to approval by the Planning and Development Department during project review.
- 6. Any other reasonable information as deemed necessary by the Planning and Development Department.
- 7. In addition, for oil and gas pipelines, an updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires shall be submitted. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department unless said plan has received previous approval by the Public Utilities Commission.

Sec. 290.4. Findings Required for Approval of Development Plans. *(Amended by Ord. 3586, 08/25/86)*

In addition to the findings for Development Plans set forth in Sec. 35-317.7. (Development Plans), no Preliminary or Final Development Plan which proposes new pipeline construction outside of industry facilities shall be approved unless the Planning Commission also makes the findings that:

- a. Use of available or planned common carrier and multiple-user pipelines is not feasible; and
- b. Pipelines will be constructed, operated, and maintained as common carrier or multiple-user pipelines unless the Planning Commission determines it is not feasible. Applicants have taken into account the reasonable, foreseeable needs of other potential shippers in the design of their common carrier and multiple-user pipelines. Multiple-user pipelines provide equitable access to all shippers with physically compatible stock on a nondiscriminatory basis; and,
- c. New pipelines are routed in approved corridors that have undergone comprehensive environmental review unless the Planning Commission determines that such corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed new pipeline; and

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- d. When a new pipeline route is proposed, it is environmentally preferable to all feasible alternative routes; and,
- e. When a new pipeline is proposed, the project's environmental review has analyzed the cumulative impacts that might result from locating additional pipelines in that corridor in a future; and
- f. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

Sec. 35-290.5. Development Standards.

- 1. The following standards shall apply to all pipeline projects:
 - a. Except in an emergency, no materials, equipment, tools, or pipes shall be delivered to or removed from a pipeline construction site through streets within any residential zone district between the hours of 9:00 p.m. and 7:00 a.m. of the next day.
 - b. After completion of back-filling and compacting of the pipeline ditch, the site shall be returned to grade where practical and the excess soil shall be removed to an appropriate disposal site.
 - c. During construction of the pipeline, there shall be no permanent blocking of surface drainages.
 - d. A pipeline corridor shall be sited so as to avoid significant impacts to resources (e.g., aquatic habitats, archaeological areas) to the maximum extent feasible.
 - e. Where pipeline segments carrying hydrocarbon liquids pass through sensitive resource areas (e.g., aquatic habitats) as identified by the project environmental review, provisions identified in the environmental review shall be applied to minimize the amount of liquids released in the sensitive areas in the event of a spill. The potential for damage in those areas shall be minimized by considering spill volumes, duration, and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and cleanup (e.g., catch basins to contain a spill) shall be included as part of the required emergency response plan.
 - f. Permits for new pipeline construction shall require engineering of pipe placement and burial within a corridor to minimize incremental widening of the corridor during subsequent pipeline projects, unless the proposed route is determined to be unacceptable for additional pipelines. *(Amended by Ord. 3586, 08/25/86)*

2. In addition, the following standards may be applied to the extent deemed necessary by the Planning Commission.
 - a. A performance security shall be provided in an amount sufficient to ensure completion of all requirements of the approved revegetation and restoration plan and shall be released upon satisfactory completion.
 - b. Disturbed areas shall be jointly inspected by the applicant and County staff one year after completion of construction to assess the effectiveness of the revegetation and restoration program. This inspection shall continue on an annual basis to monitor progress in returning the site to pre-construction conditions or until no additional monitoring is deemed necessary to the Planning and Development Department. Inspection results shall be submitted annually to the Planning and Development Department, and additional treatment of the site will be applied as deemed necessary by said department.
 - c. Above ground sections of the pipeline and related facilities excepting those emplaced on a temporary basis for a testing period not to exceed one year, shall be visually compatible with the present and anticipated surrounding by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; and camouflage and/or blending colors.
 - d. Proposed facilities shall be designed and housed such that the noise generated by the facilities as measured at the property boundaries shall be equal to or below the existing noise level of the surrounding area except under temporary testing or emergency situations. Measures to reduce adverse impacts (due to noise, vibration, etc.) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations as identified in the Comprehensive Plan Noise Element.

DIVISION 8

ENERGY FACILITIES

Sec. 35-293. Purpose, Intent, and Applicability.

The purpose of this Division is to identify those energy facilities which are permitted or conditionally permitted uses within the zoning districts governed by this Article and to set forth specific regulations for those energy facilities.

In addition to these regulations, all projects shall comply with the requirements of the County Air Pollution Control District and all other applicable governmental agencies.

Sec. 35-294. Definitions.

Unless otherwise defined within this Article, the definitions of energy and petroleum related terms shall be those set forth in Section 25-3 of Chapter 25 of the Santa Barbara County Code (Petroleum Ordinance).

Sec. 35-295. Oil Drilling and Production.

Sec. 35-295.1. Applicability.

The specific regulations contained within this section shall apply to all equipment, buildings, 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 production of oil and gas from a well.
3. Re-entering 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 (i.e., 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 which 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 oil/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife cleanup equipment.
10. Colocated treatment and processing facilities on the drill site in AG-II, M-CR and M-2 districts determined by the Planning Commission to be incidental to proposed production operations. *(Amended by Ord. 3939, 9/3/91)*

For all districts in which oil and gas drilling and production is a permitted use or a use permitted with a Conditional Use Permit, the district regulations shall be inapplicable to said use.

Sec. 35-295.2. Permitted Districts.

1. Oil and gas drilling, production, and related facilities shall be permitted uses in the following districts:
 - a. Agriculture II (AG-II)
 - b. Coastal-Related Industry (M-CR) *(Amended by Ord. 3939, 9/3/91)*
 - c. General Industry (M-2)
2. Oil and gas drilling, production, and related facilities shall be permitted subject to a Major Conditional Use Permit (Sec. 35-315.) in the following districts:
 - a. Agriculture I (AG-I)
 - b. Resource Management (RES)
 - c. Residential Ranchettes (RR)
 - d. Retail Commercial (C-2)
 - e. General Commercial (C-3)
 - f. Industrial/Research Park (M-RP)
 - g. Light Industry (M-1)
 - h. Recreation (REC) - only in County parks and subject to the requirements of Sec. 25-4 d. of the County Petroleum Ordinance

Sec. 35-295.3. Processing.

1. Only a Land Use Permit as set forth in Sec. 35-314. with the submittal requirements as set forth in paragraph 2. below shall be required for oil and gas drilling which meet all of the criteria listed below. A site visit may be conducted by the Planning and Development Department to aid in the evaluation of the project
 - a. The project is located on Agriculture II (AG-II), M-2 or M-CR zoned property

(Amended by Ord. 3939, 9/3/91).

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- b. The project is located within a state designated oil field.
- c. The project is located no closer than 100 feet to the top of the bank of any 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 no closer than 1000 feet to any district other than AG-II, M-2 or M-CR. *(Amended by Ord. 3939, 9/3/91)*
- e. The project will not be located on, or cause disruption to, mapped historical or archaeological sites as maintained by the Planning and Development Department or identified during a site visit.
- f. No treatment or processing facilities are proposed.
- g. The project will not disturb mapped locations of rare or endangered species, unusual or delicate habitats, prime examples of ecological communities, or scientific study areas, as maintained by the Planning and Development Department or identified during a site visit.
- h. The project, if over one-half acre in site size, will not be located on prime agricultural lands. However, the site size may be exceeded during the period of drilling operations but in no case longer than 90 days. After drilling is complete, the site shall be restored for agricultural use. Prime agricultural land shall be defined in this section as having a soil capability classification of I or II.
- i. The project is not located within a Scenic Highway corridor as designated on the Scenic Highway Element Map (GP-23).
- j. No water flooding or steam injection using fresh groundwater for enhanced oil recovery is proposed.
- k. The project will not result in any other potentially significant adverse impacts identified during a site visit.

For oil and gas drilling projects that do not meet all of the above criteria, an Oil Drilling and Production Plan shall be required prior to the issuance of a Land Use Permit, which includes environmental review and discretionary action by the Planning Commission. The Oil Drilling and Production Plan shall be approved in accordance with Sec. 35-319. (Oil Drilling and Production Plans).

2. When applying for a Land Use Permit under paragraph 1. above, the application submittal requirements in Sec. 35-314.3. (Land Use Permits) shall be inapplicable and only the following information shall be required as part of the Land Use Permit application.
 - a. Assessors Parcel Number
 - b. Name of the State Department of Oil and Gas designated oil field within which the project is located, if any.
 - c. The type of facilities proposed, including any enhanced oil recovery facilities.
 - d. A U.S.G.S. map (7.5 minute series topographic) or facsimile showing the facility site(s), lease boundaries, proposed roads and pipelines.
 - e. A plot plan, drawn to scale, showing the facility site(s), property lines, proposed access roads, and water courses within 200 feet of the site(s).
 - f. Photographs of the site.
 - g. Any other reasonable information as deemed necessary by the Planning and Development Department.
3. In the AG-II, M-2 or M-CR districts, accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities, shall not require Land Use Permits when the installation of such equipment will not require grading or expansion of the site. *(Amended by Ord. 3939, 9/3/91)*

Sec. 35-295.4. Development Standards for Oil & Gas Drilling and Production.

1. The following standards shall apply to all projects:
 - a. In addition to the well spacing and setback requirements of Section 25-23 of the County Code (Petroleum Ordinance), no oil or gas drilling or related facilities shall be permitted within 500 feet of an occupied residence within a residential or commercial zone district.
 - b. In order to minimize the area disturbed for drilling, the drill site shall not exceed one acre in size unless the Planning Commission (discretionary permits) or Director (ministerial permits) finds that additional area is necessary.
 - c. Oil and gas production and related facilities shall be consolidated or colocated to the maximum extent feasible in order to minimize the area of disturbance.
 - d. Grading and alteration of natural drainage patterns shall be minimized to preserve the natural contour of the lands.
 - e. All lights shall be shielded so that all lighting is confined to the project site.

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- f. Drilling or production operations which are within or adjacent to a residential or commercial zone district shall not exceed a maximum daytime noise level of 65 dB(A) and shall not be conducted between the hours of 9:00 p.m. and 7:00 a.m. of any day, unless all noise generating facilities are sufficiently insulated to reduce the outside night time level to 50 dB(A) at or beyond the project property boundary.
- g. Production facilities shall be designed and housed such that the noise generated by the facilities as measured at any noise sensitive location shall be equal to or below the existing noise level of said location. Measures to reduce adverse impacts (due to noise, vibration, etc.) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations as identified in the Comprehensive Plan Noise Element (i.e., use of electrical hydraulic surface pumping units).
- h. 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.
- i. All production equipment and facilities shall be recessed, covered, or otherwise screened from view from any designated Scenic Highway.
- j. No noxious odors associated with the project shall be detectable at the project property boundary.
- k. In addition to the requirements for abandonment and removal of equipment of Sec. 25-34 and 25-35 of the County Code (Petroleum Ordinance), the site upon well abandonment, shall be recontoured, reseeded, and landscaped to approximate original conditions or other conditions recommended by the applicant or property owner and approved by the Director (Land Use Permits) or Planning Commission (Discretionary Permits). Compliance with said provisions shall be determined by the County Petroleum Office, in consultation with the Planning and Development Department.

2. In addition, the following development standards may be applied to production operations to the extent deemed necessary by the Director or Planning Commission.
 - a. Each producing well site shall be completed in such a manner that all production equipment and facilities shall be recessed, covered, or otherwise screened from view. Trees or shrubbery shall be planted and maintained so as to develop attractive landscaping and to screen the site and production equipment, structure, tanks, and facilities thereon from public view, unless such equipment, structures, tanks, and facilities are screened from public view by reason of an isolated location, existing trees or shrubbery, intervening surface contours, or a wall constructed as herein provided.
 - b. The site shall be enclosed with an adequate non-combustible type fence, wall, screen, or housing sufficient to prevent unauthorized access thereto and having a height of at least six feet, unless public access is prevented by reason of an isolated location.
 - c. A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, may be required as a condition of approval.
 - d. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.

Sec. 35-296. Treatment and Processing Facilities

Sec. 35-296.1. Applicability (Amended 12/14/87, Ord. 3674)

The specific regulations of this section shall apply to structures, equipment, or facilities necessary and incidental to:

- a. Dehydration and/or separation of oil, gas and water obtained from an offshore area.
- b. Processing and/or treatment plants, excluding those described under Sec. 35-295 (Production).

For the specific regulations listed under 35.296.4B, the terms "new production" or "new oil and gas production" or "new gas production" refer to:

- c. the development of any oil and/or gas after the adoption of these policies which requires new discretionary local, state, or federal permits unless its from an existing well or platform; or
- d. the development of any oil and/or gas which, after the adoption of these policies, requires approval of a new platform, or a new subsea or onshore well completion.

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An operator who claims a constitutionally-protected vested right exists within the scope of existing permits to process new production at a facility which is not at a County-designated consolidated site may request the Planning Commission for a determination of exemption to allow processing of that production at the nonconsolidated site.

The request must be accompanied by evidentiary support reasonably available at the time of filing. The Planning Commission shall hold a hearing on the request within 60 days of filing. The Planning Commission shall determine the scope of the applicant's existing permits and whether the applicant, by obtaining and relying on such permits prior to the adoption of these policies, has acquired, under California law, a vested right to process new production at a facility other than a County-designated consolidated site.

The Commission may continue the hearing (1) with the consent of the applicant and the County or (2) to permit or require the applicant or the County to submit additional evidence or legal analysis. No more than 90 days total continuance shall be granted unless the parties consent or the Commission finds that additional evidence is needed for a decision cannot feasibly be presented within the allotted time. The Commission shall decide the matter within 30 days after all such evidence and analysis has been submitted.

The applicant shall reimburse the County for all reasonable costs incurred in determining the claim of exemption. *(Amended by Ord. 3702, 5/16/88)*

Sec. 35-296.2. Permitted Districts.

1. Treatment and processing facilities shall be permitted uses in the following districts.
 - a. General Industry (M-2)
 - b. Coastal-Related Industry (M-CR) *(Amended by Ord. 3939, 9/3/91)*
2. Treatment and processing facilities for oil and gas obtained from an onshore area shall be permitted subject to a Major Conditional Use Permit in the Agriculture I and II (AG-I, AG-II) districts.

Sec. 35-296.3. Processing.

No permits for development including grading shall be issued except 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 applicable 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. These emergency response plans 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.35-296.4A. Findings Required for Approval of Development Plans Outside the South Coast Consolidation Planning Area. (Amended by Ord. 3702, and Ord. 3674)

In addition to the findings for Development Plans set forth in Sec. 35-174.7 (Development Plans), no Preliminary or Final Development Plan is to be approved for a project in an area outside the South Coast Consolidation Planning Area unless the Planning Commission also makes all of the following findings:

1. Consolidation or colocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.
2. There are no feasible alternative locations for the proposed processing facility that are less environmentally damaging.
3. Where consolidation or colocation on or adjacent to an existing processing facility is not proposed, for coastal areas east of the City of Santa Barbara, there are no existing processing facilities within three (3) miles of the proposed site.
4. The proposed facility is compatible with the present and permitted recreational and residential development and the scenic resources of the surrounding area.
5. Gas processing facilities proposed in the North County Consolidation Planning Area (NCCPA), including expansion of existing facilities, have been sited in accordance with criteria set forth in Santa Barbara County Comprehensive Plan study entitled, Siting Gas Processing Facilities. Additionally, sites are selected with adequate consideration of all future gas processing needs in the NCCPA to optimize siting and consolidation strategies. The "expansion" of an existing facility shall mean any structural modification, alteration, expansion or enlargement which results in increased facility capacity, or changed in facility use, operation, or other limitations imposed by permit or other law. The "expansion" of an existing facility shall also mean introduction of production from a field not served by the processing facility since January 1, 1986, or from any new production well that increases the current area extent of a field presently served by the facility. Expansion shall not include

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modification to existing facilities that is required to comply with current health and safety standards, regulations, and codes.

Sec. 35-296.4B. Findings Required for Approval of Development Plans for Facilities in the South Coast Consolidation Planning Area. (Amended by Ord. 3702 and Ord. 3674)

In addition to the findings for Development Plans set forth in Sec. 35-174.7 (Development Plans), no Preliminary or Final Development Plan for processing facilities shall be approved unless the Planning Commission also makes one or more of the following findings:

1. Existing and approved processing capacity at the County-designated consolidation sites is insufficient to accommodate proposed new production for a period of time that would render development of the proposed offshore reservoir(s) infeasible. This finding shall take into account feasible delays in development of the offshore reservoir(s) to maximize use of existing and approved processing capacity, and feasible expansion of existing processing facilities to provide sufficient capacity.
2. The specific properties of oil or gas from a particular reservoir -- considering available information on the physical and chemical characteristics of the stock, including but not limited to API gravity, sulfur and water content, viscosity, and pour point -- would render development of the resource technically infeasible unless specialized units can be built. Such finding shall consider partial dehydration as a specialized unit if it is required to adapt a resource to the technical requirements of a processing facility. Modifications or additions to existing facilities shall be favored over construction of redundant processing capacity insofar as such modifications or additions render the resource characteristics and the technical processing requirements of a facility compatible with one another.
3. Commingling the production in existing or already-approved facilities at designated consolidated sites is environmentally unacceptable. Additionally, no Preliminary or Final Development Plan for expansion or construction of processing facilities shall be approved unless the Planning Commission makes the following findings to restrict industrialization of the area.
4. The expansion of existing facilities or construction of new facilities are to be located at a County-designated consolidated oil and gas processing site at Gaviota or Las Flores Canyon, or
5. The proposed processing facilities will use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

Sec. 35-296.5. Development Standards.

1. In addition to the regulations of the applicable zone district, the following regulations shall apply to treatment and processing facilities:
 - a. The level of noise generated by the facility at or beyond the property boundary shall not exceed 70 db(A).
 - b. All lights shall be shielded so that all lighting is confined to the project site.
 - c. Visible gas flares shall not be permitted except for emergency purposes unless deemed infeasible for a particular operator.
 - d. Grading and alteration of natural drainages shall be minimized.
 - e. Adequate provisions shall be made to prevent erosion and flood damage.
 - f. The site shall be enclosed with a fence or wall to prevent unauthorized access.
 - g. 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 neighborhoods. 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.
 - 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.
 - i. No noxious odors associated with the facilities shall be detectable at the property boundary.
 - j. Within the South Coast Consolidation Planning Area, operators and owners of County-designated consolidated facilities and sites shall make their facilities and property available for commingled processing and consolidation of oil and gas facilities on an equitable and nondiscriminatory basis. If existing processing capacity is insufficient to accommodate proposed production and necessary new facilities are not permissible pursuant to the County's consolidation policies,

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operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers. *(Amended by Ord. 3674, 12/14/87)*

- k. Permits for expanding, modifying, or constructing crude-oil processing or related 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 by pipeline as soon as the shipper's oil-refining center of choice is served by pipeline.

Transportation by mode other than pipeline may be permitted only:

- 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) 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 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)*

2. In addition, the following development standards may be applied to the extent deemed necessary by the Planning Commission.
 - a. 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, and camouflage and/or blending colors.
 - b. A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, shall be required as a condition of approval.

Sec. 35-296.6. Facility and Site Abandonment Within the South Coast Consolidation Planning Area. *(Amended by Ord. 3674, 12/14/87)*

1. The County shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic mean) over any 12 consecutive months, does not exceed three percent of the facility's maximum permitted operating capacity. The review shall be conducted in a duly-noticed public hearing to determine if facility abandonment or facility modifications are appropriate.

Sec. 35-297. Refining.

Sec. 35-297.1. Applicability.

The specific regulations of this section shall apply to structures, equipment, or facilities necessary and incidental to the refining of oil.

Sec. 35-297.2. Permitted Districts.

1. Refining facilities for oil development shall be permitted subject to a Major Conditional Use Permit only in the General Industry (M-2) District.
2. Based on Planning Commission Resolution No. 67-22, adopted by the Board of Supervisors on April 12, 1967, no facilities for the refining of oil shall be permitted in the portion of Santa Barbara County east of Point Conception and south of the ridge line of the Santa Ynez mountains.

Sec. 35-297.3. Processing.

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No permits for development including grading shall be issued except 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 applicable 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. These emergency response plans 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. 35-297.4. 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. Consolidation or colocation on or adjacent to an existing refining facility to accommodate the proposed refinery is not feasible or is more environmentally damaging.
2. There are no feasible alternative locations for the proposed refining facility that are less environmentally damaging.
3. The facility is compatible with the scenic quality and land uses of the surrounding area.

Sec. 35-297.5. Development Standards.

In addition to the regulations of the M-2 zone district, the following regulations shall apply to refining facilities:

1. The facilities shall be visually compatible with the existing and anticipated surroundings by use of any of all of the following measures where applicable: Buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; and camouflage and/or blending colors.
2. All lights shall be shielded so that all lighting is confined to the project site.
3. Visible gas flares shall not be permitted except for emergency purposes unless deemed infeasible for a particular operator.
4. Grading and alteration of natural drainages shall be minimized

5. Adequate provisions shall be made to prevent erosion and flood damage.
6. The site shall be enclosed with a fence or wall to prevent unauthorized access.
7. A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, may be required as a condition of approval.
8. No noxious odors associated with the facility shall be detectable at the property boundary.
9. 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.

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 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 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

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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.

Sec. 35-299. Cogeneration Facilities.

Sec. 35-299.1. Permitted Districts

1. Cogeneration facilities shall be a permitted use in the M-2 and M-CR zone districts except when located within 1000 feet to any other zone district, in which case a Major Conditional Use Permit shall be required. *(Amended by Ord. 3939, 9/3/91)*
2. Cogeneration facilities shall be permitted subject to a Major Conditional Use Permit in the M-1, AG-I and AG-II zone district.

Sec. 35-299.2. Processing.

No permits for cogeneration facilities including grading shall be issued except in conformance with an approved Final Development Plan as provided in Sec. 35-317. and Sec. 35-314. (Land Use Permits), and when required Sec. 35-315. (Conditional Use Permits).

Sec. 35-299.3. Development Standards.

In addition to the regulations of the applicable zone district, the following noise mitigation regulations shall apply to cogeneration facilities:

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1. Measures to reduce adverse noise or vibration impacts to the maximum extent feasible shall be used for facilities adjacent to noise sensitive locations as identified in the Comprehensive Plan Noise Element.
2. Operation of facilities within 1000 feet of an occupied residence shall be conducted such that the noise generated is reduced to an outside night time level of 50 dB(A) at the impacted residence.

Sec. 35-300. Wind Energy Systems

Sec. 35-300.1. Applicability

The specific regulations contained in this section shall apply to Wind Energy Conversion Systems used for electrical power generation. Wind machines used for direct climate control or water pumping are governed as accessory uses to agriculture. These provisions are intended to encourage wind energy development while protecting public health and safety.

Sec. 35-300.2. Processing *(Amended by Ord. 4463, 5/21/02)*

No permits for development subject to the provisions of this section shall be approved or issued except in conformance with the following requirements.

1. The following development requires the approval and issuance of a land use permit pursuant to Sec. 35-314:
 - a. Wind energy conversion systems located in all agricultural zone districts when all of the following criteria are met:
 - (1) The maximum power output of each proposed wind turbine is 25 KW or less.
 - (2) The wind turbines are spaced at least 300 feet apart.
 - (3) The total maximum power output of the wind energy conversion system is 200 KW or less.
2. The following development requires a minor conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-315 and the approval and issuance of a land use permit pursuant to Sec. 35-314:
 - a. Wind energy conversion systems having a maximum power output that is less than or equal to 200 KW located in all commercial, industrial, mixed use, recreational, public utility and resource management zone districts.
3. The following development requires a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-315 and the approval and issuance of a land use permit pursuant to Sec. 35-314:

- a. Wind energy conversion systems having maximum power output that exceeds 200 KW located in all agricultural and industrial zones.

Sec. 35-300.3. Application Submittal Requirements. (Amended by Ord. 4463, 5/21/02)

1. Land Use Permits

- a. In addition to the applicable contents identified in Sec. 35-314.3., (Land Use Permits), the site plan shall include the height of all structures and trees within 300 feet of proposed wind turbines, the maximum power output of proposed wind turbines, the intended use of the generated power, and documentation of overspeed protection devices.
- b. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

2. Conditional Use Permits

As many copies of a Minor or Major Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Director, the information to be submitted as part of said application shall consist of the following instead of the information required under 35-315. (Conditional Use Permits).

- a. A plot plan of the proposed development drawn to scale showing:
 - 1) Acreage and boundaries of the property.
 - 2) Location of all existing and proposed structures, their use, and square footage within 500 feet of the turbine.
 - 3) The height of all structures and trees within 300 feet of the proposed wind turbines.
- b. Elevations of the components of the proposed wind energy conversion system.
- c. Documentation of the maximum noise levels generated by the wind turbine, if available.
- d. The intended use of the generated power.
- e. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including but not limited to overspeed protection devices and methods to prevent public access to the structure.

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- f. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

Sec. 35-300.4. Development Standards. (Amended by Ord. 4463, 5/21/02)

All wind turbine generators and wind energy conversion systems shall meet the following standards:

1. Wind turbines shall comply with all setback requirements in the applicable zone districts.
2. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - a. Tower-climbing apparatus located no closer than 12 feet from the ground.
 - b. A locked anti-climb device installed on the tower.
 - c. A locked, protective fence at least six feet in height that encloses the tower.
3. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
4. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
5. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
6. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.
7. Horizontal axis wind turbines shall be placed at a distance of at least two times the total tower height from any occupied structure. Additionally, the base of the tower shall be setback from all property lines a minimum distance equal to the height of the system,

- including the wind turbine, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
8. Vertical axis wind turbines shall be placed at a distance of at least 10 blade diameters from any structure or tree. A modification may be granted for good cause shown, however, in no case shall the turbine be located closer than three blade diameters to any occupied structure. Additionally, the base of the tower shall be setback from all property lines a minimum distance equal to the height of the system, including the wind turbine, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
 9. The system shall be operated such that no electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
 10. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
 11. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails) to the greatest extent feasible. The system:
 - a. Shall not project above the top of ridgelines.
 - b. If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.
 - c. Shall not cause a significantly adverse visual impact to a scenic vista from a County or State designated scenic corridor.
 - d. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
 12. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
 13. All onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

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14. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
15. Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to a the pre-existing natural condition after completion of installation.

Sec. 35-301. Small Wind Energy Systems

(Added by Ord. 4463, 5/21/02)

Sec. 35-301.1 Purpose and Intent

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of small wind energy systems designed for onsite home, farm, and small commercial use that are used primarily to reduce onsite consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of small wind energy systems that comply with the standards as provided in Government Code Section 65892.13.

Sec. 35-301.2 Definitions.

Unless otherwise specified, the following definitions shall apply within this section:

Onsite: The premises upon which the small wind energy system and its associated structure(s) are located and the location upon which the generated electrical power is primarily used.

Primarily: Greater than 50 percent.

Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission, and which will be used primarily to reduce onsite consumption of utility power.

Tower: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a small wind energy system.

Tower Height: The height above grade of the upper-most fixed portion of the tower excluding the length of any vertical axial-rotating turbine blades.

Urbanized Area: As defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code which states that urbanized area means a central city or cities and surrounding

closely settled territory, as defined by the United States Department of Commerce Bureau of the Census in the Federal Register, Volume 39, Number 85, for Wednesday, May 1, 1974, at pages 15202 and 15203, and as periodically updated.

Wind Energy System Height: The height above grade of the fixed portion of the tower including the vertical length of any extensions such as the rotor blade.

Sec. 35-301.3 Permitted Areas.

1. Wind energy systems that may not be permitted under Sec. 35-300 but do qualify as small wind energy systems under Sec. 35-301 may be located outside of urbanized areas unless prohibited by any of the following:
 - a. The Santa Barbara County Airport Land Use Plan and any implementing regulations adopted by the Santa Barbara County Airport Land Use Commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
 - b. The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
 - c. The Santa Barbara County Board of Supervisors to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.
 - d. The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.
 - e. The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
 - f. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.
 - g. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
 - h. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

Sec. 35-301.4 Processing.

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No permits for development subject to the provisions of this Section shall be approved except in conformance with the following requirements:

1. Small wind energy systems located in residential zone districts as identified in Section 35-202 may be allowed by a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-315 and the approval and issuance of a land use permit pursuant to Sec. 35-314.
2. Small wind energy systems located in non-residential zone districts as identified in Section 35-202 may be allowed pursuant to a minor conditional use permit under the jurisdiction of the Zoning Administrator pursuant to Sec. 35-315 and the approval and issuance of a land use permit pursuant to Sec. 35-314.

Sec. 35-301.5 Development Standards.

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

1. A system shall be located on a lot a minimum of one acre in size.
2. Only one small wind energy system tower per legal lot shall be allowed, and the system shall be used primarily to reduce the onsite consumption of electricity.
3. Towers appurtenant to small wind energy systems are not subject to Sec. 35-459 (General Regulations - Height). Tower heights may be allowed as follows:
 - a. 65 feet or less on parcels between one and five acres.
 - b. 80 feet or less on parcels of five or more acres.

The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code.

4. The base of the tower shall be setback from all property lines a minimum distance equal to the height of the system, including the wind turbine, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code. Additionally, the base of the wind energy system tower shall be located no closer than 10 feet to any other structure.

5. Noise levels generated by small wind energy systems shall not exceed the noise levels established for noise-sensitive uses by the Noise Element of the Santa Barbara County Comprehensive Plan, or 60 decibels (dBA), whichever is less, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
6. The system's turbine must be currently approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the Commission's Renewables Investment Plan or certified by a national program recognized and approved by the California Energy Commission. The maximum turbine power output is limited to 10 KW.
7. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
8. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system:
 - a. Shall not project above the top of ridgelines.
 - b. If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.
 - c. Shall not cause a significant adverse visual impact to a scenic vista as viewed from a County or State designated scenic corridor.
 - d. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
9. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
10. All onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
11. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the

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- system operator shall promptly mitigate the harmful interference or cease operation of the system.
12. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner
 13. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - a. Tower-climbing apparatus located no closer than 15 feet from the ground.
 - b. A locked anti-climb device installed on the tower.
 - c. A locked, protective fence at least six feet in height that encloses the tower.
 14. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.
 15. Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.
 16. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
 17. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
 18. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

Sec. 35-301.6 Notice.

In addition to the requirements of Sec. 35-488 (Noticing), if deemed necessary by Planning and Development due to circumstances specific to the proposed installation, notice shall also be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Santa Barbara County. Examples of such circumstances include, but are not limited to, when the system would be significantly visible from public viewing areas, or where the standard notice requirement would not provide notice to nearby residential areas that might be adversely impacted by the system.

Sec. 35-301.7 Application Requirements.

In addition to the requirements of Sec. 35-172.6 (Conditional Use Permits - Contents of Application), the following materials shall also be submitted with an application for a small wind energy system.

1. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
2. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by California. However, a wet stamp shall not be required on the drawings and analysis, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by the Building and Safety Division.
3. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
4. Sufficient information demonstrating that the system will be used primarily to reduce onsite consumption of electricity, including but not limited to a complete listing of onsite electrical demands.
5. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

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6. A visual analysis of the proposed system as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from one or more strategic vantage points, if deemed necessary by Planning & Development. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

Sec. 35-301.8 Repeal of Ordinance.

This Section 35-301 of this Article shall become inoperative on July 1, 2005, and is repealed as of January 1, 2006, unless, on or before January 1, 2006, Government Code Section 65892.13 is extended by statute enacted by the State of California.

Sec. 35-302. Reserved for a Future Section.

Sec. 35-303. Reserved for a Future Section.

Sec. 35-304. Reserved for a Future Section.

Sec. 35-323. Abandonment of Certain Oil/Gas Land Uses.

(Added by Ord. 4551, 9/21/04)

Sec. 35-323.1. Purpose and Intent.

This section establishes procedures to achieve the timely abandonment of applicable land uses, and following such abandonment, the timely and proper removal of applicable oil and gas facilities, reclamation of host sites, and final disposition of pipelines, in compliance with applicable laws and permits. Such procedures ensure appropriate due process in differentiating idled from abandoned facilities and protect the vested rights of permittees while also ensuring that facilities with no reasonable expectation of restarting are removed, pursuant to the intent of enabling development permits. Timely abandonment provides a public benefit by avoiding unnecessary delays in remediating any residual contamination that may result during operations, and providing an effective means of mitigating several significant environmental and socioeconomic effects, including aesthetics, compatibility with surrounding land uses, and risk of default on demolition and reclamation obligations by the permittee.

Sec. 35-323.2. Applicability.

Section 35-323 shall apply to the following land uses within the unincorporated area of the County:

1. All permitted uses defined in Sections 35-296 and 35-298 of this Chapter that handle, or at one time handled, oil, natural gas, natural gas liquids, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in accordance with this Chapter or any preceding ordinance.
2. All permitted uses defined in Section 35-297 of this Chapter, regardless of whether these uses were permitted in accordance with this Chapter or any preceding ordinance.
3. All pipeline systems defined in Section 35-290, except for public utility natural gas transmission and distribution systems such as The Gas Company, that transport, or at one time transported, oil, natural gas, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in accordance with this Chapter or any preceding zoning ordinance.
4. Unless specifically stated otherwise, reclamation of sites and corridors used to support any of the operations identified in 35-323.2.1, 2 or 3, above.

Sec. 35-323.3. Requirement to File an Application.

1. The permittee of a permitted land use shall submit an application to the Director for a Demolition & Reclamation Permit (ref. Sec. 35-323.9 *et seq.*) upon intentional abandonment of a permitted land use, or an independent business function thereof.

ABANDONMENT OF OIL/GAS LEASES

2. The permittee of a permitted land use shall submit an application to the Director either to defer abandonment (ref: Section 35-323.4 *et seq.*) or to obtain a Demolition & Reclamation Permit (ref: Section 35-323.9 *et seq.*) upon the occurrence of either of the following:
 - a. Any event designated in an existing County permit that would require consideration of abandonment; or
 - b. The permitted land use or an independent business function of a permitted land use has become idle.

Sec. 35-323.4. Filing an Application to Defer Abandonment.

Any permittee subject to the requirements of Section 323.3.2 may file an application to defer abandonment, which shall be considered by the Director. The application shall be filed no later than 90 days after an event specified in Section 323.3.2 has occurred.

Sec. 35-323.5. Contents of Application to Defer Abandonment.

The application to defer abandonment shall be in a form and content specified by the Director and this chapter. Such applications shall contain the following:

1. Name, address, and contact information for permittee;
2. Name, address, and general description of the permitted land use
3. Date when permitted land use first became idle.
4. Reason for idle status.
5. Status of upstream production facilities, where applicable.
6. Listing of facility equipment that has been identified on a plan (submitted in satisfaction of a County, Fire, or APCD permit) and has been either removed from the site or is not currently in operational condition. Include an explanation of the affect this missing or inoperable equipment has on ability to restart operations and run all processes. Also explain measures necessary to bring inoperable equipment back into operational condition.
7. Plans and schedule to restart operations and identification of any facility components that would remain inactive after restart.
8. Identification of reasonable circumstances that may hinder the restart of operations according to plan and schedule.
9. Any other information deemed necessary by the Director.

Sec. 35-323.6. Processing of Application to Defer Abandonment.

ABANDONMENT OF OIL/GAS LEASES

The Director shall determine the completeness of any application and issue a completeness letter within 30 days of receipt. If the application is deemed incomplete, the Director shall specify in detail the deficiencies in the application.

1. The applicant shall submit information in response to an incompleteness letter within 60 days of receipt or, if it is not practicable to respond within a 60-day period, shall request an extension, not to exceed 60 additional days (total of 120 days to respond), within which to provide the required information.
2. The Director may choose, at his or her discretion, to conduct a public hearing to consider any application to defer abandonment. The public shall be given all reasonable opportunity to review the Director's recommended decision no less than ten days prior to conducting a public hearing on any application to defer abandonment in accordance with applicable noticing procedures specified in Sec. 35-326.
3. The Director shall refer an application to defer abandonment to the Fire Department and Air Pollution Control District for review and comment.

Sec. 35-323.7. Decision on Application to Defer Abandonment.

1. Decisions for Idle Facilities. The Director shall grant the application unless the evidence shows that an idle facility has no reasonable possibility of being restarted or the owner has no intent of restarting the facility within a reasonable period of time. Notwithstanding the above, the Director shall approve the application for any pipeline subject to the jurisdiction of the Federal Energy Regulatory Commission if that Commission has determined that abandonment is not appropriate. The Director shall consider all relevant evidence in determining if a permitted land use has been abandoned, including whether any of the following have occurred:
 - a. The oil and gas leases that have supplied the permitted land use with product have terminated.
 - b. The oil and gas operations that have supplied the permitted land use with product have been abandoned.
 - c. For oil/gas land uses designated as consolidated facilities and sites under the zoning code, there are no other existing offshore leases that may reasonably be expected to use the consolidated facility or site in the next 10 years.
 - d. Major and essential components of a land use, or an independent business function thereof, have been removed from the site or have fallen into such disrepair that they are no longer functional.

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- e. Permits or other entitlements for the land use, such as permits from the Air Pollution Control District, have been surrendered, expired, revoked or otherwise rendered invalid and no intent has been demonstrated to renew or reacquire such permits.
 - f. The Fire Department has issued an order requiring abandonment.
 - g. Any other evidence that shows clear intent to abandon.
2. Decisions for Consideration of Abandonment under Permit Conditions. The Director shall grant the application unless:
- a. The Director finds under the applicable existing permit condition that abandonment of the permitted land use or independent business function thereof is required without further delay; and
 - b. The permittee no longer has a vested right to continue operation.
3. The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-326.
4. The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-327.

Sec. 35-323.8. Deferral Period and Extensions of Approval to Defer Abandonment.

The Director may approve an abandonment deferral for a period not to exceed 24 months from the occurrence of an event defined in Sec. 35-323.3.2.a or b. The Director may extend this period for one-year increments upon timely application by the operator. Applications for extensions shall be filed 90 days prior to the end of the approved abandonment-deferral period and shall contain the information specified in section 35-323.5, above. Deferrals and extensions shall not be granted if another County agency, such as the Fire Department, has properly denied the deferral or extension.

Section 35-323.9. Filing an Application for a Demolition & Reclamation Permit.

Any permittee of a permitted land use that has not filed an application to defer abandonment pursuant to Section 35-323.4, or who has filed and that application has been denied, shall file an application for a Demolition & Reclamation Permit. The application for a Demolition & Reclamation Permit shall be filed no later than 180 days after an application to defer abandonment has been denied and all administrative appeals have been exhausted. If no application to defer abandonment has been filed, an application for a Demolition & Reclamation

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Permit shall be filed no later than 180 days after an event in Section 35-323.3.1 or 35-323.3.2 has occurred. The Director may grant extensions of time for good cause.

Section 35-323.10. Content of Application for a Demolition & Reclamation Permit.

The application for a Demolition & Reclamation Permit shall contain the following.

1. Name, address, and contact information for permittee.
2. Name, address, and general description of the permitted land use.
3. Gross and net acreage and boundaries of the property.
4. Location of all structures, above and underground, proposed to be removed.
5. Location of all structures, above and underground, proposed to remain in-place.
6. Location of all utilities on the property.
7. Location of all easements on or adjacent to the property that may be affected by demolition or reclamation.
8. To the extent known, the type and extent of all contamination and proposed remedial actions to the level of detail that can be assessed through environmental review. This information does not require a new or modified Phase 2 site assessment in advance of any such requirement by the Fire Department or State agencies with regulatory oversight of site assessments.
9. Location of areas of geologic, seismic, flood, and other hazards.
10. Location of areas of prime scenic quality, habitat resources, archeological sites, water bodies and significant existing vegetation.
11. Location and use of all buildings and structures within 50 feet of the boundaries of the property.
12. A proposed decommissioning plan that details the activities involved in removing structures from the site, including the following details: estimated number of workers required on site to decommission facilities and structures, disposition of equipment and structures proposed for decommissioning, projected method of transporting equipment, structures, and estimated debris from the site to the place of disposition as well as number of trips required, and an estimated schedule for decommissioning facilities.
13. A proposed waste-management plan to maximize recycling and minimize wastes.
14. Other permit applications as may be required by the Santa Barbara County Code to retain any existing structures, roadways, and other improvements to the property that were ancillary to the oil or gas operations and are proposed to be retained to support other

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existing or proposed uses of the property following abandonment of the oil and gas operations.

15. A proposed grading and drainage plan.
16. A proposed plan to convert site to natural condition or convert to another proposed land use, including a detailed schedule for restoring the site. In the latter case, include other applicable permit applications required, if any, for the proposed land use.
17. A statement of intent as to the disposition of utilities that served the oil and gas operations, including water, power, sewage disposal, fire protection, and transportation.
18. Measures proposed to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property.
19. Any other information deemed necessary by the Director to address site-specific factors.

Section 35-323.11. Processing of Demolition & Reclamation Permit.

1. The Planning and Development Department shall process applications for Demolition & Reclamation Permits through environmental review after determining such applications to be complete.
2. The Planning and Development Department shall process complete applications for Demolition & Reclamation Permits independently of any other permit applications to develop the site in question. However, Demolition & Reclamation Permits may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-326.
4. The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-327.
5. Upon approval of the Demolition & Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition & Reclamation Permit shall supersede any discretionary use permit issued for construction and operation of the facilities.

Section 35-323.12. Findings Required for Approval of a Demolition & Reclamation Permit.

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A Demolition & Reclamation Permit shall only be approved if all of the following findings are made:

1. That significant adverse impacts to the environment due to demolition and reclamation are mitigated to a level of insignificance or, where impacts cannot feasibly be mitigated to insignificance, they are mitigated to the maximum extent feasible.
2. That, where applicable, streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed demolition and reclamation.
3. That any conditions placed upon the operator or responsible party for assessment or remediation of soil or water contamination fully conform with the permitting process and requirements of the Regional Water Quality Control Board and the Santa Barbara County Fire Department.
4. That the proposed reclamation 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.
5. That the site will be restored to natural conditions unless any of the following conditions apply:
 - a. Areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the newly permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived, provided that such development is permitted within five years and the permittee has posted financial assurances acceptable to the Director to assure restoration to natural conditions if the proposed development is not permitted.
 - b. Areas within the site are subject to agricultural uses that do not require a County permit, in which case the restoration will conform to conditions appropriate for such agricultural uses where they occur.

For purposes of this finding, the Director may allow abandonment in-place of specific improvements such as retaining walls or emergency access roads if the Director finds that their removal would be detrimental to the health, safety or welfare of the public or the environment (e.g., undesired destabilization of slopes due to removal of a retaining wall).

6. That any retention of improvements to land has been duly permitted in accordance with the County Code where permits are required.

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7. That the proposed reclamation will leave the site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property.
8. That the permit conditions contain specific enforceable requirements to ensure the timely closure of the host site and completion of post-closure activities.

Section 35-323.13. Performance Standards for Demolition & Reclamation Permits.

1. All equipment shall be cleaned of oil or other contaminants prior to dismantlement in order to reduce any risk of contamination of soils or water during demolition of the facility to the maximum extent feasible. Where applicable, the permittee shall prepare and submit a Spill Contingency Plan to the Fire Department. This plan shall identify measures to prevent and contain spills during dismantling and removal of facilities, as well as how spills will be cleaned up once they have occurred.
2. The permittee shall obtain all other necessary permits from other agencies and, where applicable, submit proof of permits issued by the California Division of Oil, Gas, and Geothermal Resources to plug and abandon wells or to inject waste water for purposes of disposal into any State oil and gas field prior to issuance of the Demolition & Reclamation Permit.
3. The demolition and reclamation shall be adequately monitored by a qualified individual, funded by the permittee and retained by the County, to ensure compliance with those conditions designed to mitigate anticipated significant, adverse effects on the environment, and to provide recommendation instances where effects were not anticipated or mitigated by the conditions in the permit. Pre- and post-reclamation surveys of sensitive resources shall be employed as appropriate to measure compliance.
4. Topsoil shall be stockpiled, covered, and saved for use as topsoil when excavated areas are backfilled, unless such soil is treated onsite or removed for offsite disposal due to contamination.
5. If appropriate, truck traffic transporting materials to and from the site shall avoid arriving or departing the site during the peak traffic hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. weekdays (or other peak-hour periods applicable to the location of the traffic).
6. Adequacy of sight distance, ingress/egress and emergency access shall be verified by the Public Works Department and Fire Department.

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7. Measures shall be implemented to inhibit dust generation, where appropriate. Unavoidable generation of dust shall be kept to a minimum through effective controls.
8. The permittee implements a viable recycling plan that meets County approval and includes provisions to maximize recycling of equipment, asphalt, and concrete, and to minimize disposal of wastes into hazardous waste and solid waste management facilities to the maximum extent feasible.
9. Contouring of the land shall be compatible with the surrounding natural topography, unless otherwise approved to accommodate another permitted use or required drainages.
10. Appropriate measures shall be implemented to control erosion both during and after site closure.
11. Establishment of vegetation shall be in conformance with an approved revegetation plan and the following standards:
 - a. In accordance with the County's Fire Plan, as implemented by the County Fire Department, all disturbed areas identified for vegetation shall be disked or ripped to an appropriate depth to eliminate compaction and establish a suitable root zone in preparation for planting, except where such requirement poses a significant adverse environmental impact.
 - b. Native seeds and plants shall be used when returning the area to natural conditions. The Director shall define an acceptable geographic area from which genetically compatible, native –seed stocks may be selected for site restoration in order to protect the genetic integrity and the habitat value of the site and its surrounding area. Other seeds, such a pasture mix, shall be allowed in areas designated for such use.
12. Subsurface segments of inter-facility pipelines may be abandoned in-place except under the following circumstances:
 - a. Presence of the pipeline would inhibit future land uses proposed in an active development application.
 - b. Modeling approved by the U.S. Army Corp. of Engineers or U.S. Bureau of Reclamation indicates that segments of the pipeline in erosive locations would become exposed at some time during the next 100 years, and environmental review determines that impacts from exposure and subsequent removal during inclement weather are more significant than removal at the time of abandonment.

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13. Appropriate notification has been recorded with the County Clerk-Recorder to update, supersede, or release the recorded rights-of-way where a subsurface pipeline is abandoned in-place. This notice shall describe the presence and location of the abandoned pipeline, any material placed in the pipeline for abandonment, and the operator and owner of the pipeline prior to abandonment.
14. The site shall be assessed for previously unidentified contamination. Any discovery of contamination shall be reported to the Director and the Fire Department. The permittee shall diligently seek all necessary permit approvals, including revisions to the Demolition & Reclamation Permit, if any are required in order to remediate the contamination.
15. The Director, in consultation with other County agencies, may impose other appropriate and reasonable conditions or require any changes to the project as deemed necessary to protect the health, safety, and welfare of the public, protect property, preserve the character, natural resources, or scenic quality of the area, or implement the purpose of this Chapter or any other chapter of the County Code.
16. In the case of an Independent Business function of a Permitted Land Use, the Director shall have discretion to determine the timing and extent of the requirements of the Demolition & Reclamation Permit. Factors that the Director may consider include:
 - a. Whether removal of the Independent Business function would substantially reduce the overall footprint of the Permitted Land Use, reduce any significant visual impact, or reduce any significant risk to public safety.
 - b. Whether site restoration is feasible at the time the Independent Business function is removed, compared to deferring site restoration to such time that the entire Permitted Land Use is removed.
17. Appropriate notification has been recorded with the County Clerk-Recorder to describe the presence and location of any contamination left in place under the authority of the Fire Department.

Sec. 35-323.14. Revocation of Entitlement to Land Use.

1. All entitlements provided in any use permits issued under this ordinance, or under any preceding zoning ordinance, to use the facilities shall be automatically revoked and no longer effective upon the County's denial of an application to defer abandonment and exhaustion of available administrative remedies. Requirements of use permits necessary to ensure continued protection of public and environmental health, safety and welfare shall continue in full force and effect, including:

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- a. Conditions that specify liability of the owner, operator, and other persons.
- b. Conditions that specify payment of County fees and costs.
- c. Conditions that indemnify the County.
- d. Where applicable, conditions that specify the County's authority to require abatement of public nuisances or require mitigation of environmental impacts that may occur prior to issuance of a Demolition & Reclamation Permit.
- e. Where applicable, conditions that require oil spill prevention, preparedness, and response.
- f. Where applicable, conditions that require emergency preparedness and response.
- g. Where applicable, conditions that require safety inspections, maintenance, and quality assurance.
- h. Where applicable, conditions that require site security.
- i. Where applicable, conditions that require fire prevention, preparedness, protection and response.
- j. Where applicable, conditions that require payment of fees, including fees that provide mitigation for ongoing impacts to the environment (e.g., payments to the Coastal Resource Enhancement Fund).
- k. Substantive conditions that address abandonment; however procedural requirements for abandonment, demolition, and reclamation shall conform to Section 35-323 of this Chapter.

Upon revocation of entitlements in a use permit, the Director shall notify the owner or operator and include a list of permit conditions that remain in full or partial force.

2. All use permits issued under this ordinance, or under any preceding zoning ordinance, shall be automatically revised to remove any entitlement to continue the use of any independent business function of a permitted land use determined to be abandoned in accordance with Section 35-323. However, permit conditions necessary to ensure continued protection of public and environmental health, safety and welfare, such as those identified in Sec. 35-323.14.1, shall continue in full force and effect.
3. The permittee shall have a grace period of two years from the date of revocation of entitlements in use permits in order to secure a Demolition & Reclamation Permit. The Director may extend the grace period no more than one year, cumulatively, for good cause, or for longer periods for delays attributable to circumstances beyond the permittee's control.

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4. Upon completion of the grace period, the abandoned land use or independent business function shall be treated as a deserted and illegal land use until such time that the permittee secures approval of a Demolition & Reclamation Permit.

Sec. 35-323.15. Expiration of a Demolition & Reclamation Permit.

1. Requirements. The permittee shall complete all requirements of the Demolition & Reclamation Permit prior to the expiration of the permit, including any extensions thereof. Failure to do so shall constitute a violation of this Article.
2. Term. Demolition & Reclamation Permits shall expire upon issuance of a “Reclamation Complete” letter by the Director, which shall be issued upon the satisfactory completion of the required work, or seven years after the date of issuance, whichever occurs sooner. Director’s “Reclamation Complete” letter shall certify completion of all required work except for remediation of contamination, which is certified by other agencies.
3. Extensions. The Director may extend the expiration date of the permit without penalty if the closure or re-vegetation of the site was delayed by circumstances reasonably beyond the permittee’s control. Otherwise, Director may extend the expiration date of the permit with penalties, pursuant to Section 35-330 of this Article, in order to realize completion of all site closure and post-closure requirements. If the permittee requests a time extension for this project, the Director may revise the Demolition & Reclamation Permit to revise conditions and mitigating measures or to add new conditions and mitigating measures, which reflect changed circumstances, including newly identified impacts.

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