

ARTICLE 35.5

Oil and Gas, Wind Energy and Cogeneration Facilities

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CHAPTER 35.50 - PURPOSE AND EFFECT OF ARTICLE

Sections:

- 35.50.010 - Purpose and Intent
- 35.50.020 - Applicability

35.50.010 - Purpose and Intent

- A. **Purpose.** It is the purpose of [Article 35.5 \(Energy Facilities\)](#) to set forth regulations for oil and gas facilities, wind energy systems and cogeneration facilities that are allowed or conditionally allowed in applicable zones of this Code.

35.50.020 - Applicability

The various chapters in [Article 35.5 \(Energy Facilities\)](#) identify the types of oil and gas facilities, wind energy systems and cogeneration facilities that are allowed in the County within certain zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#); determine required types of planning permits and plans; and provide regulations for the operation of the oil and gas facilities, wind energy systems and cogeneration facilities.

CHAPTER 35.51 - OIL AND GAS FACILITIES - COASTAL ZONE

Sections:

- 35.51.010 - Purpose
- 35.51.020 - Voter Approval Required
- 35.51.030 - Definitions
- 35.51.040 - Allowed Uses and Permit/Plan Requirements
- 35.51.050 - Onshore Exploratory Oil and Gas Drilling of Onshore Oil and Gas Reservoirs
- 35.51.060 - Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs
- 35.51.070 - Onshore Processing Facilities Related to Offshore Oil and Gas Development
- 35.51.080 - Onshore Supply Base, Pier, and Staging Areas Related to Offshore Oil and Gas Development
- 35.51.090 - Consolidated Pipeline Terminals
- 35.51.100 - Oil and Gas Pipelines - Coastal Zone
- 35.51.110 - Onshore Exploration or Production of Offshore Oil and Gas Reservoirs
- 35.51.120 - Marine Terminals - Coastal Zone

35.51.010 - Purpose

This Chapter identifies the types of oil and gas facilities that are allowed in the Coastal Zone within certain zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#); determines required types of permits and plans; and provides regulations for the operation of oil and gas facilities.

35.51.020 - Voter Approval Required

- A. Projects and facilities subject to voter approval.** Any legislative approval (e.g., zoning amendment, General Plan amendment, Local Coastal Plan amendment, Development Plan, or other legislative action) that would authorize or allow the development, construction, installation, or expansion of an onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless the authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purposes of this Chapter, the term "onshore support facility" means any land use, installation, or activity proposed to effectuate or support the exploration, development, production, or storage, processing, or other activities related to offshore energy resources.
- B. Excluded projects and facilities.** The voter approval requirement set forth in A above, shall not apply to onshore pipeline projects or to onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing site at Las Flores Canyon (designated as of June 13, 1995 as APN 081-220-14 and 081-230-19) or the former consolidated oil and gas processing site at Gaviota (designated as of June 13, 1995 as APN 081-130-07, 081-130-52, 081-130-53).
- C. Expiration.** The terms, policies, and zoning amendments identified in this Section shall expire at the end of 25 years after May 14, 1997 unless extended by the Board or by another vote of the electorate.
- D. Administrative Guidelines.** See [Appendix B - Administrative Guidelines for Implementing Measure A96 - Voter Approval Initiative](#).

35.51.030 - Definitions

Unless otherwise defined within this Development Code, the definitions of the oil and gas related terms used in this Chapter shall be in County Code Chapter 25 (Oil and Petroleum Wells), Section 25-3 (Definitions).

35.51.040 - Allowed Uses and Permit/Plan Requirements

- A. Types of allowed oil and gas facility uses and zones where allowed.** Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone) identifies the types of oil and gas facilities that are allowed in the Coastal Zone and the zones in which they are allowed. The “Use” column in the table provides references to specific code sections that further describe and define the uses. The “Permit Required by Zone” column indicates the zones in which the oil and gas facilities are allowed.
- B. Permit and plan requirements.** In addition, Table 5-1 identifies the permit requirements and the plan requirements for energy facility uses in the Coastal Zone. Proposed oil and gas facilities shall comply with the permit requirements and plan requirements, in addition to other permits required by the County Code. Table 5-1 provides for energy facility uses that are:
1. Allowed subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#) as applicable. These are shown as "P" uses in the table.
 2. Allowed subject to the approval of a Conditional Use Permit [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), and shown as "CUP" uses in the table. However, following approval of a Conditional Use Permit, a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#) is also required.
 3. Allowed subject to the approval of a Final Development Plan, Exploration Plan, or Production Plan, and shown as specific Section names and Section numbers in the “Required Plan” column in the table. However, following approval of a Development Plan, a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#) is also required.
 4. Allowed subject to specific development standards outlined in this Chapter, and shown as Section numbers in the “Development Standards” column in the table. The referenced Section numbers may establish other requirements and standards applicable to energy facility uses.
 5. Not allowed in particular zones, and shown as "—" in the table.
- C. Land Use Permit requirements.** This Article establishes procedures for the issuance of Land Use Permits in compliance with [Section 35.82.100 \(Land Use Permits\)](#) in cases where the County approves certain discretionary permits for new development, but the Coastal Commission issues the Coastal Development Permit because the development is either exempt from the provisions of this Article or is located in areas where the County's Coastal Plan has not been certified by the Coastal Commission. In these cases, the Land Use Permit is the final permit required by the Department, following issuance of the Coastal Development Permit by the Coastal Commission.

Table 5-1 - Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone

USE	Permit Required by Zone								REQUIRED PLAN	DEVELOPMENT STANDARDS
	P = Coastal Development Permit CUP = Conditional Use Permit — = Use not allowed									
	AG-II	RES	RR	M-1	M-2	M-RP	M-CD	M-CR		
Onshore Exploratory Oil and Gas Drilling of Onshore Oil and Gas Reservoirs (35.51.050)	P (1)(2)	CUP	CUP	CUP	CUP	CUP	P (1)(2)	P (1)(2)	Exploration Plan (35.53.040)	
Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs (35.51.060)	P (1)(2)	CUP	CUP	CUP	CUP	CUP	P (1)(2)	P (1)(2)	Production Plan (35.53.040)	
Onshore Processing Facilities Related to Offshore Oil and Gas Development (35.51.070)	—	—	—	—	—	—	P (2)(3)(4)	P (2)(3)	Development Plan (Final) (35.53.030) (35.72.050)	
Onshore Supply Base, Pier, and Staging Areas Related to Offshore Oil and Gas Development (35.51.080)										
Supply bases, piers and staging areas	—	—	—	—	—	—	P (2)(3)(4)	P (2)(3)	Development Plan (Final) (6) (35.53.030) (35.72.050)	35.51.080
Piers and staging areas	CUP	—	CUP	—	—	—	—	—		
Consolidated Pipeline Terminals	P	—	—	—	—	—	—	P	Development Plan (Final) (35.53.030) (35.72.050)	35.51.090
Oil and gas pipelines (35.51.100)	Allowed in all zones identified in Article 35.2 (Zones and Allowable Land Uses) P (1)								Development Plan (Final) (35.53.030) (35.72.050)	35.51.100
Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs (35.51.110)										
Onshore exploration	CUP (1)(7)	—	—	—	—	—	—	P (1)(7)	Exploration Plan (35.53.040)	35.51.110
Onshore production	CUP (1)(7)	—	—	—	—	—	—	P (1)(7)		
Marine Terminals (35.51.120)							CUP	CUP	Development Plan (Final) (35.53.030) (35.72.050)	35.51.120

Notes:

- (1) A Conditional Use Permit shall be required if site is also within an Environmentally Sensitive Habitat Area (ESH) overlay zone.
- (2) A Conditional Use Permit shall be required if site is also within a View Corridor (VC) overlay zone.
- (3) Facilities shall not be allowed if site is also within an Environmentally Sensitive Habitat Area (ESH) overlay zone.
- (4) If the use requires a site on or adjacent to the sea to be able to function at all.
- (5) Facilities shall be allowed provided that the site is designated in the Coastal Land Use Plan as a consolidated pipeline terminal.
- (6) Supply bases shall also be subject to an approved Specific Plan in compliance with Chapter 35.88 (Specific Plans). See Subsection 35.53.030 (E) (Additional filing requirements for specific plan applications.).
- (7) Within the South Coast Consolidation Planning Area, onshore exploration and/or production of offshore oil and gas reservoirs shall be restricted to sites designated in the Coastal Plan as consolidated oil and gas processing sites.
- (8) Where the land to be used for the onshore portions of the marine terminal is also subject to the Environmentally Sensitive Habitat Area Overlay District (ESH), such facilities shall not be permitted. Major oil storage facilities shall be consolidated and shall support the most environmentally preferred oil transportation system. Minor storage facilities may be allowed at specific operating areas where clearly needed, where it can be shown that it is not feasible to provide such storage at the consolidated site(s), where it is located in the least environmentally damaging location and where the adverse environmental impacts are mitigated to the maximum extent feasible.

35.51.050 - Onshore Exploratory Oil and Gas Drilling of Onshore Oil and Gas Reservoirs

This Section describes onshore exploratory oil and gas drilling uses in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

- A. Applicability.** The regulations of this Section shall apply to equipment, structures, and appurtenances necessary for exploration for oil and gas resources from an onshore hydrocarbon area outside the limits of an established oil field.
- B. Development standards.**
- 1. Zone regulations not applicable.** The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#), for the zones in which onshore exploratory oil and gas drilling uses are allowed, shall not apply to the onshore exploratory oil and gas drilling uses. See Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone) above.
 - 2. Height.** The height of oil and gas derricks shall be limited to 50 feet, except as restricted by the F (Airport Approach) overlay or the VC (View Corridor) overlay zones.
 - 3. Setbacks.** In addition to the well spacing and setback requirements of County Code Chapter 25 (Oil and Petroleum Wells), Section 25-21 (Spacing), exploratory oil or gas wells or related facilities shall not be allowed within 300 feet of either the average high tide line or an occupied residence.
 - 4. Maximum site size.** A drill site shall not exceed one acre in size, but may contain any number of boreholes.
 - 5. Delivery hours.** Except in an emergency, materials, equipment, tools, or pipe used for drilling shall not be delivered to or removed from a drilling site within or through streets within a residential zone, between the hours of 7 p.m. and 7 a.m. of the next day.
 - 6. Grading and drainage.** Grading and alteration of natural drainages shall be minimized.
 - 7. Submittal of Production Plan if drilling program successful.** If the exploratory drilling program is successful, a Production Plan in compliance with [Section 35.53.040 \(Application Filing, Processing, and Review for Oil Drilling and Production Plans \[Inland Area\] and Exploration Plans and Production Plans \[Coastal Zone\]\)](#) shall be submitted within 12 months of the issuance of the Coastal Development Permit for the exploratory drilling unless the Director deems this schedule to be infeasible.
 - 8. Abandonment of well if drilling program unsuccessful.** If the exploratory drilling program is unsuccessful the well shall be abandoned within 12 months of the issuance of the Coastal Development Permit or Land Use Permit, unless the Director deems this schedule to be infeasible.
 - 9. Authority to construct.** The applicant shall receive "authority to construct" from the Air Pollution Control District.

35.51.060 - Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs

This Section describes onshore oil and gas production uses in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

- A. Applicability.** The regulations in this Section shall apply to oil and gas production from an onshore

hydrocarbon area and related facilities, equipment, structures, or appurtenances including:

1. Drilling a new well or reentering a previously abandoned well for the production of petroleum.
2. Structures, equipment, or facilities necessary and incidental to dehydration and/or separation of oil, gas, and condensate obtained from an onshore hydrocarbon area.
3. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of production wastes.
4. Equipment and facilities necessary for enhanced oil recovery including waterflooding, steam injection, air injection, carbon dioxide injection, or introduction of polymers, or other agents.
5. Pipelines located within an onshore oil and gas lease area that are necessary for oil and gas production operations.
6. Storage tanks necessary or incidental to separation/treatment of oil and gas, or temporary storage of separated hydrocarbons, and equipment for transfer of the produced hydrocarbons to pipelines or tanker trucks.
7. Access roads.
8. 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.

B. Development standards.

1. **Zone regulations not applicable.** The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the zones in which onshore oil and gas production are allowed, shall not apply to the onshore oil and gas production uses. See Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone) above.
2. **Height.** The height of oil and gas derricks shall be limited to 50 feet, except where restricted by the Airport Approach (F) overlay or View Corridor (VC) overlay zones.
3. **Setbacks.** In addition to the well spacing and setback requirements of County Code Chapter 25 (Oil and Petroleum Wells), Section 25-21 (Spacing) oil and gas production wells or related facilities shall not be allowed within 300 feet of either the average high tide line, or an occupied residence.
4. **Delivery hours.** Except in an emergency, materials, equipment, tools, or pipe used for drilling or production operations shall not be delivered to or removed from a site within or through streets within a residential zone between the hours of 7 p.m. and 7 a.m. of the next day.
5. **Maximum number of drilling/production sites.** Not more than one drilling/production site shall be allowed for each 10 acres of land area within a lease so as to minimize the area of disturbance. A drill site may contain any number of wells.
6. **Prevention of access.** The site or the moving parts of operating machinery shall be enclosed with an adequate noncombustible type fence, wall, screen, or housing sufficient to prevent unauthorized access to it, and having a height of at least six feet unless public access is prevented by reason of an isolated location.

7. **Screening from public view.** Following drilling and testing of the reservoir, production equipment and facilities shall be recessed, covered, or otherwise screened from view. Trees or shrubbery shall be planted and maintained to develop attractive landscaping and to screen the site and production equipment, structures, tanks, and facilities on the site from public view, unless the 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.
8. **Noise and vibration.** Machinery used in the production and/or processing shall be designed and housed to ensure that noise and vibration shall be reduced to a minimum and the operation of machinery shall be compatible with the noise and vibration level of surrounding areas.
9. **Authority to construct.** The applicant shall receive "authority to construct" from the Air Pollution Control District.
10. **Outdoor lighting.** Lights shall be shielded to ensure that they shall not shine directly on adjacent properties.
11. **Exterior color.** Permanent structures and equipment shall be painted a neutral color to ensure that they blend in with natural surroundings.
12. **Other applicable development standards.** The development standards contained in Subsection [35.51.070.B](#) (Development standards) shall also be applicable to the processing facilities that are allowed as a component of an onshore production area.

35.51.070 - Onshore Processing Facilities Related to Offshore Oil and Gas Development

This Section describes onshore processing facilities related to offshore oil and gas development in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

A. Applicability. The regulations in this Section shall apply to structures, equipment, or facilities necessary and incidental to:

1. Dehydration and/or separation of oil, gas, and condensate obtained from an offshore hydrocarbon area, not including dehydration and separation incidental to onshore wells that shall be subject to regulations of [Section 35.51.110 \(Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs\)](#) and Chapter 35.53 (Permit Requirements and Plan Applications, Processing, and Review).

2. Oil and gas processing/treatment facilities.

For the specific regulations listed under Subsection [35.54.050.B](#) (Onshore processing facilities within the South Coast Consolidated planning area) the terms "new production" or "new oil and gas production" or "new gas production" refer to:

3. The development of oil and/or gas after June 7, 1988 that requires new discretionary local, State, or Federal permits unless it is from an existing well or platform, or
4. The development of oil and/or gas that, after June 7, 1988, requires approval of a new platform, or a new subsea or onshore well completion.

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

production at the nonconsolidated site.

The request shall be accompanied by evidentiary support reasonably available at the time of filing. The Commission shall hold a hearing on the request within 60 days of filing. The Commission shall determine if the scope of the applicant's existing permits before 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 either with the consent of the applicant and the Department, or to allow or require the applicant or the Department to submit additional evidence or legal analysis. More than 90 days total continuance shall not be granted unless the parties consent or the Commission finds that additional evidence is needed or a decision cannot feasibly be presented within the allotted time. The Commission shall decide the matter within 30 days after all evidence and analysis has been submitted.

The applicant shall reimburse the County for all reasonable costs incurred in determining the claim of exemption.

B. Development standards. In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the zones in which onshore processing facilities related to offshore oil and gas development are allowed, the following regulations shall apply to onshore processing facilities related to offshore oil and gas development:

1. **Noise.** The level of noise generated by the facility at the property boundary shall not exceed 70 dB(A).
2. **Authority to construct.** The applicant shall receive "authority to construct" from the Air Pollution Control District.
3. **Smoke.** There shall not be visible emission of smoke.
4. **Visual compatibility.** The installation shall be visually compatible with the potential 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.
5. **Outdoor lighting.** Lights shall be shielded to ensure that they do not directly shine on adjacent properties.
6. **Grading.** Grading and alteration of natural drainages shall be minimized.
7. **Erosion.** Adequate provisions shall be made to prevent erosion and flood damage.
8. **Exterior color.** Permanent structures and equipment shall be painted a neutral color to ensure that they blend in with natural surroundings.
9. **Transportation of processed oil.** Permits for expanding, modifying, or constructing crude oil processing or related facilities 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 a mode other than pipeline may be permitted only:

- a. Within the limited of the permitted capacity of the alternative mode; and

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

A permit based on finding d.(2) or d.(4) above, may be granted by the Director and shall be subject to appeal to the Commission. A permit based on findings d.(1) and d.(3) above may be granted by the Board. All permits in this Section are subject to appeal to the Coastal Commission.

A permit for the use of a 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 d.(2) 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 d.(1), d.(3), or d.(4) above. 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.

- 10. **Delivery hours.** Except in an emergency, materials, equipment, tools, or pipes used for plant operations shall not be delivered to or removed from the plant site through streets within a residential zone between the hours of 7 p.m. and 7 a.m. of the next day.
- 11. **Equitable, nondiscriminatory access to consolidated facilities.** 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 allowable in compliance with the County's consolidation policies, operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers.
- 12. **Facility and site abandonment within the South Coast Consolidation Planning Area.** 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.

35.51.080 - Onshore Supply Base, Pier, and Staging Areas Related to Offshore Oil and Gas Development

This Section describes onshore supply base, pier and staging areas related to offshore oil and gas development in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

- A. Applicability.** The regulations in this Section shall apply to the onshore portion of supply bases and/or piers and staging areas established for shipping equipment, supplies, and personnel to offshore areas during exploratory, development, or petroleum production operations.
- B. Development standards.**
- 1. Zone regulations not applicable.** The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#), for the zones in which onshore supply bases, piers, and staging areas related to offshore oil and gas development are allowed, shall not apply to the onshore supply bases, piers, and staging areas related to offshore oil and gas development. See Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone) above.
 - 2. County right of first refusal.** When a pier is no longer needed for petroleum operations, the County shall be given the right of first refusal to purchase the pier. A pier shall not be dismantled or sold to a private party unless the Board decides not to purchase it.
 - 3. Exterior color.** Permanent structures and equipment shall be painted in a neutral color to ensure that they blend in with natural surroundings.
 - 4. Authority to construct.** Where applicable, the applicant shall receive "authority to construct" from the Air Pollution Control District.
 - 5. Setbacks.** Setbacks for structures other than piers:
 - a. Front. 50 feet from the centerline and 20 feet from the right-of-way line of the street.
 - b. Side. 10 feet, except on corner lots, the side setback along the street shall comply with the above front setback regulations.
 - c. Rear. 10 feet, except for a lot that has a rear boundary that abuts a lot zoned residential, and then it shall be 50 feet.
 - 6. Height limit.** Structures shall not exceed a height of 45 feet.
 - 7. Parking.** Parking shall be as provided in [Chapter 35.36 \(Parking and Loading Standards\)](#).
 - 8. Landscaping/screening.** Property lines shall be provided with landscaping sufficient to screen structures from view. In addition, where a portion of a lot subject to these regulations abuts a lot in a residential zone, a masonry wall not less than six feet in height shall be provided.
 - 9. Landscaping/screening of outdoor storage.** Outdoor storage areas shall be screened from view of a street by a wall or fence six feet in height. The wall or fence shall be located not closer than five feet to the street right-of-way line. The space between the wall and fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped by a row of trees of a type approved by the County Landscape Planner to provide

continuous screening to an appropriate height of not less than 20 feet nor more than 40 feet when mature.

35.51.090 - Consolidated Pipeline Terminals

This Section describes consolidated pipeline terminals in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

A. Applicability.

1. This Section shall apply to pipeline terminals wholly or partially engaged in the transport of oil, gas, or natural gas liquids extracted from offshore reserves. A pipeline terminal is defined as any facility with the primary function of transferring crude oil, natural gas, or natural gas liquids between pipeline systems or between a pipeline and another mode of transportation. A consolidated pipeline terminal provides open, non-discriminatory access to all shippers. Pipeline terminals may include some of the following components:
 - a. Oil storage facilities.
 - b. Oil heating equipment.
 - c. Gas-fired co-generation of steam and electricity, including as many as five turbines, primarily to support terminal operations.
 - d. Desalinization plant to convert saltwater to water for steam generation and miscellaneous uses at the terminal.
 - e. Hydrogen sulfide polishing operation to safely address potential upset conditions.
 - f. Oil pumps and natural gas compressors necessary for transferring product between pipelines.
 - g. Access roads and staging areas.
 - h. Oil spill containment and recovery equipment and structures.
 - i. Produced water disposal equipment.
 - j. Other equipment and structures that are determined by the applicable review authority to be ancillary to the pipeline terminal.
2. The Section shall not apply to the following:
 - a. Public works utilities regulated under [Section 35.26.070 \(PU Zone Additional Standards\)](#).
 - b. Simple, in-line booster pump stations in crude oil pipelines, which are considered ancillary to pipelines, regulated under [Section 35.51.100 \(Oil and Gas Pipelines - Coastal Zone\)](#).
 - c. Pipeline terminals that are located within oil and/or gas processing facilities and regulated under the provisions of [Section 35.51.070 \(Onshore Processing Facilities Related to Offshore Oil and Gas Development\)](#).

B. Development Standards. In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zones in which consolidated pipeline terminals are allowed, the following standards

shall apply to pipeline terminals.

1. **Oil Storage Capacity.** Total oil storage capacity shall be limited to the minimum amount necessary to accommodate reasonably foreseeable needs. Total oil storage capacity at the Gaviota Consolidated Pipeline Terminal shall not exceed 130,000 barrels.
2. **Noise.** The level of noise generated by the facility, measured outside the property boundary, shall not exceed 70 dB(A).
3. **Other required permits.** The permittee shall obtain all necessary permits from other agencies before commencing operations.
4. **Odors, fumes, gases, liquids, and smoke.** No offensive odors, fumes, noxious gases, liquids, or smoke (i.e., visible combustion products, not including steam) generated at the facility, other than from motor vehicles, shall be detectable outside the facility boundary.
5. **Mitigation of visual impacts.** Visual impacts shall be mitigated to the extent necessary to comply with the policies and regulations of the coastal Act and the County's Local Coastal Program. New or modified facilities shall be sited and designed to avoid adverse visual impacts, protect views to and along the ocean and scenic coastal areas, and be visually compatible with the surrounding area. Potential mitigation measures may include:
 - a. Location and alternative tank configurations (e.g., one large tank versus multiple smaller ones).
 - b. Buffer strips and depressions, natural or artificial.
 - c. Screen planting and landscaping continually maintained.
 - d. Camouflage and/or colors that blend with the surroundings.
 - e. Lighting positioned, directed, and shielded so as to not directly shine offsite and to minimize offsite glare.
 - f. Prompt removal or timely painting and upkeep of facilities, tanks, and equipment to prevent deterioration of appearance.
 - g. Good housekeeping practices.
6. **Grading.** Grading and alteration of natural drainages, watersheds, and hillsides shall be minimized to control erosion, minimize flooding, and minimize environmental degradation during facility construction and operation. Where grading and alteration of natural drainages, watersheds, or hillsides is required to carry forth a project, adequate mitigation shall be required, including use of temporary vegetation, seeding, mulching, or other suitable stabilization to minimize impacts to affected areas. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices. Significant impacts to surface water due to short-term sedimentation of streams shall be mitigated to the maximum extent feasible through adequate erosion and sediment controls, including containment of loose soil.
7. **Erosion and flood damage.** Adequate provision shall be made to prevent on-site or off-site erosion and flood damage and sediment controls, including containment of loose soil.

8. **Environmentally sensitive resources.** New or modified facilities shall be designed and located to avoid significant adverse impacts to known or potential significant habitat for locally rare or regionally endemic and to comply with the policies and regulations of the Coastal Act and the County's Local Coastal Program. Environmentally sensitive resources shall be protected in accordance with policies in Chapter 3 (The Resource Protection and Development Policies), Section 3.9 (Environmentally Sensitive Habitat Areas) of the Santa Barbara County Coastal Plan.
9. **Spills.** Risks of oil spills and associated impacts shall be mitigated to the extent necessary to comply with the policies and regulations of the Coastal Act and the County's Local Coastal Program. New or modified facilities shall be designed and operated to protect against the spillage of crude oil, petroleum products, or hazardous substances. Effective containment and clean-up shall be provided for accidental spills that do occur. Appropriate preventive measures may include: appropriate location to avoid damage, best-available design, and best-available operational procedures. Added measures to minimize adverse consequences of spills may include: best-available containment designed for worst-case spills, automatic shutdown, leak detection, best-available operational procedures, adequate planning for emergency response, oil spill contingencies, fire protection, and adequate financial assurances to ensure appropriate clean-up and restoration.
10. **Transportation of oil.** All oil transported from the facility shall be transported by overland pipeline, with the following exception. Temporary transportation by a mode other than pipeline may be permitted under an emergency permit only:
 - a. When the County has made a finding that a declared emergency, which may include a national state of emergency, precludes use of a pipeline.
 - b. If an alternate pipeline does not exist, or exists, but is technically infeasible to utilize.
 - c. For that fraction of the oil that cannot feasibly be transported by pipeline.
 - d. When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible.
11. **Emergency Permits.** Emergency permits issued in accordance with Section 35.51.090.B.10.a. shall adhere to the procedures of Section 35.82.090 (Emergency Permits) with the following exceptions:
 - a. Emergency permits shall be issued for no more than 90 days and may be renewed if the emergency persists.
 - b. Permits shall expire when the County determines that the emergency has ended or that it no longer precludes use of the pipeline.
12. **Transportation of gas liquids.** All transportation of natural gas liquids shall be accomplished in accordance with County-approved practices to protect public safety.
13. **Archaeological and historical resources.** Archaeological and historical resources shall be protected in accordance with Chapter 3 (The Resource Protection and Development Policies), Section 3.10 (Archaeological and Historical Resources) of the Santa Barbara County Coastal Plan and Section 35.60.040 (Archaeological Resources) of this Development Code. Where adverse impacts to archaeological and historical resources cannot be avoided, reasonable mitigation shall be required and designed in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

14. **Consolidated use.** Owners and operators of County-designated consolidated pipeline terminals shall make their facilities and property available for consolidated use of terminal facilities and commingled shipping on an equitable and nondiscriminatory basis. Prorated access shall be provided to all shippers if existing transport capacity is insufficient to accommodate proposed production and necessary new facilities are not permissible.
15. **Safe conduct of activities.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons who may be present in the vicinity of the facility by reason of danger to life or property.

35.51.100 - Oil and Gas Pipelines - Coastal Zone

This Section describes oil and gas pipelines in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

A. Applicability. The regulations in this Section shall apply to the following uses:

1. Oil and gas pipelines that extend outside the applicants' lease area (i.e., transmission and distribution lines).
2. Oil and gas pipelines transporting oil and gas from or to an offshore area.
3. Facilities related to the pipeline, including simple, in-line pump stations, but not including pipeline terminals regulated under [Section 35.51.090 \(Consolidated Pipeline Terminals\)](#).
4. Oil storage facilities associated with pipelines shall be subject to the regulations in [Section 35.51.090 \(Consolidated Pipeline Terminals\)](#).
5. Pipelines located within a lease area that are necessary for oil and gas production operations shall be subject to the regulations contained in Subsection [35.51.060.B \(Development Standards\)](#).

B. Development standards.

1. **Zone regulations not applicable.** The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zones in which oil and gas pipelines are allowed in the Coastal Zone, shall not apply to the oil and gas pipelines. See Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone) above.
2. **Delivery hours.** Except in an emergency, materials, equipment, or tools used for pipeline construction shall not be delivered to or removed from a pipeline construction site through streets within a residential zone between the hours of 7 p.m. and 7 a.m. of the next day.
3. **Revegetation/habitat restoration.**
 - a. **Performance security.** For projects in which a revegetation plan and/or habitat restoration plan has been prepared, a performance security shall be provided in an amount sufficient to ensure completion of all requirements of the approved revegetation and/or restoration program and shall be released upon satisfactory completion.
 - b. **Annual surveys to assess effectiveness.** For projects in which a revegetation plan and/or habitat restoration plan has been prepared, the affected pipeline segment shall be resurveyed 12 months after completion of construction to assess the effectiveness of the revegetation and restoration program. This survey shall continue on an annual basis to monitor progress

in returning the site to preconstruction conditions or until additional monitoring is not deemed necessary by the County.

4. **Herbicides prohibited.** Herbicides shall not be used during pipeline construction.
5. **Equipment/activities confined to right-of-way.** Equipment and activities shall be restricted to the pipeline right-of-way to the maximum extent feasible.
6. **Grading.** After completion of backfilling and compacting of the pipeline ditch, the site shall be returned to grade where practical and the excess soil shall be removed to an approved disposal site.
7. **Drainage.** During construction of the pipeline, permanent blocking of surface drainages shall be avoided.
8. **Location of pipeline corridor.** A pipeline corridor shall be sited so as to avoid important coastal resources (e.g., recreation, habitat, archaeological areas) to the maximum extent feasible.
9. **Spills.** Where pipeline segments carrying hydrocarbon liquids pass through important coastal resource areas (e.g., recreation, habitat, archaeological, or other areas of significant coastal resource value) automatic shutoff valves shall be utilized to minimize the amount of spilled liquids in the sensitive area. 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.
10. **Use of right-of-way.** Following installation of a pipeline, use of the right-of-way shall be restricted to the pipeline easement.
11. **Authority to construct.** The applicant shall receive "authority to construct" from the Air Pollution Control District.
12. **Burial within corridor.** 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.

35.51.110 - Onshore Exploration or Production of Offshore Oil and Gas Reservoirs

This Section describes onshore exploration or production of offshore oil and gas reservoirs in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

A. Applicability.

1. **Designated sites.** Onshore exploration or production of offshore oil and gas reservoirs shall be restricted within the South Coast Consolidation Planning Area to sites designated in the Coastal Plan as consolidated oil and gas processing sites.
2. **Activities regulated.** The regulations contained within this Section shall apply to equipment, structures, activities, and appurtenances necessary for the exploration and production of offshore oil and gas reservoirs from an onshore location including:

- a. Collocated structures, equipment, or facilities necessary and incidental to drilling, dehydration, and separation of oil, gas, and condensate obtained from an offshore oil and/or gas reservoir including secondary recovery methods as identified in County Code Chapter 25 (Oil and Petroleum Wells), Section 25-31 (Secondary operations).
 - b. Injection wells and incidental equipment necessary for gas reinjection or disposal of oil and gas exploration and production wastes.
 - c. Surge tanks necessary or incidental to separation and dehydration of oil and gas at the drill site and pipeline transportation to processing facilities.
 - d. Temporary storage facilities required during exploration, during emergency circumstances, during remediation of contaminated soils, and during abandonment.
 - e. Access roads and staging areas.
 - f. 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.
3. **Exemptions.** The regulations contained within this Section shall not apply to the injection, storage, or withdrawal of natural gas from the Southern California Gas Company's storage field in Goleta, as described in [Section 35.26.070 \(PU Zone Additional Standards\)](#) and regulated in the Public Utilities zone.

B. Development standards for exploration activities. In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zones in which onshore exploration or production of offshore oil and gas reservoirs are allowed, the following standards shall apply.

1. **Other applicable development standards.** The development standards required for onshore exploratory oil and gas drilling, as identified in Subsection [35.51.050.B \(Development standards\)](#), shall apply. Where applicants seek an Exploration Plan in conjunction with a Production Plan simultaneously, only the development standards in Subsection C. (Development standards for production activities) below, shall apply.
2. **Height.** Temporary oil and gas drilling rigs may exceed the 50 feet in height, only if the applicable review authority determines that this height restriction would render the development of the oil and/or gas reservoir to be technically infeasible.
3. **Maximum site size.** A drill site shall not exceed one acre in size.
4. **Screening and soundproofing.** Drilling rigs shall be shielded and soundproofed to be compatible with the surrounding area.
5. **Outdoor lighting.** Lights shall be shielded and directed to ensure that they do not directly shine on adjacent properties.
6. **Grading and alterations.** Grading and alteration of natural drainages, watersheds, and hillsides shall be minimized to control erosion, minimize flooding, and minimize environmental degradation during construction, operation, and abandonment of oil and gas facilities. Where grading and alteration of natural drainages, watersheds, and hillsides are necessary to proceed with a project, adequate mitigation shall be required, including minimizing the affected area of impact by employing temporary vegetation, seeding, mulching, or other suitable stabilization. Cut and fill

slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.

7. **Site restoration.** A site-specific restoration, erosion control, and revegetation plan shall be prepared for areas impacted by construction.
 8. **Deadline for submittal of Production Plan.** An application for approval of a Production Plan shall be submitted within 12 months of the issuance of the Coastal Development Permit or Land Use Permit for the exploratory drilling. The application shall be submitted in compliance with [Section 35.53.040 \(Application Filing, Processing, and Review for Oil Drilling and Production Plans \[Inland Area\] and Exploration Plans and Production Plans \[Coastal Zone\]\)](#). The Director may extend this deadline by not more than 12 months upon written request by the operator and demonstration of good cause. Failure to submit a Production Plan within the required period shall require that the operator abandon the exploration wells and related facilities in compliance with the Demolition and Reclamation Permit adopted on September 21, 2004 and any other abandonment and restoration policies and procedures in place at that time.
 9. **Abandonment plan.** The operator shall submit an abandonment plan addressing the abandonment of the facilities to be built during exploration in compliance with [Chapter 35.56 \(Oil/Gas Land Uses - Abandonment and Removal Procedures\)](#). The submittal shall be made within 12 months of the issuance of a Coastal Development Permit for an exploratory drilling, if a Production Plan is not submitted.
 10. **Performance security.** To ensure that abandonment is carried out, a performance bond or other acceptable financial mechanism shall be posted by the operator before issuance of a Coastal Development Permit in an amount commensurate with the estimated costs of obtaining permits for site abandonment, and the costs of abandonment and restoration of the site. The bond or other financial security shall be returned to the applicant upon successful abandonment and restoration of the site.
 11. **Authority to construct.** The applicant shall obtain an "authority to construct" from the Air Pollution Control District.
 12. **Contingency plans.** An Emergency Response Plan, a Fire Protection Plan, a Hazardous Materials and Waste Management Plan, and a Hydrogen Sulfide Incident Plan shall be prepared for the facilities. Additional contingency plans (e.g., Flood Control Plan) shall be required on a project-by-project basis.
 13. **Adequate water source.** The proposed development shall have an adequate water source consistent with County water conservation and use policies.
 14. **Mitigation and remediation of impacts to water and soil.** Significant impacts to surface water due to short-term sedimentation of streams shall be mitigated to insignificance through adequate erosion and sediment controls, including containment of loose soil. Additionally, significant impacts to surface and groundwater due to oil spills shall be mitigated to the maximum extent feasible through adequate preventative and protective measures, including containment basins, dikes, and timely remediation of contaminated soils during operations. Specific mitigation shall be based on project specific potential for causing significant impacts.
- C. **Development standards for production activities.** In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zones in which onshore exploration or production of offshore oil and gas reservoirs are allowed, the following standards shall apply.

1. **Onshore oil and gas production.** The development standards required for onshore oil and gas production, as identified in Subsection [35.51.060.B](#) (Development standards) shall apply.
2. **Height.** Temporary oil and gas drilling rigs may exceed the 50 feet in height, only if the applicable review authority determines that this height restriction would render the development of the oil and/or gas reservoir to be technically infeasible.
3. **Delivery hours.** Except in an emergency, materials, equipment, tools, or pipe used for production shall not be transported through streets within a residential zone, between the hours of 7 p.m. and 7 a.m. of the next day.
4. **Prevention of access.** The site or the moving parts of operating machinery shall be enclosed with an adequate noncombustible type fence, wall, screen, or housing sufficient to prevent unauthorized access to them, and having a height of at least six feet. Fences are subject to the permit requirements of [Section 35.30.070](#) (Fences and Walls).
5. **Screening and soundproofing.** Drilling rigs shall be shielded and soundproofed to be compatible with the surrounding area.
6. **Mitigation of visual impacts.** Visual impacts shall be mitigated to the maximum extent feasible, including the following measures:
 - a. Drilling operations shall be located to ensure the minimum intrusion of drill rigs into publicly accessible viewsheds.
 - b. A Site Screening and Lighting Plan, including provisions for screening equipment and directing and shielding lighting ensuring that it does not directly shine off-site or produce excessive glare, shall be submitted to the Department for review and approval before issuance of a Coastal Development Permit in compliance with [Section 35.82.050](#) (Coastal Development Permits) or Land Use Permit in compliance with [Section 35.82.100](#) (Land Use Permits). These provisions shall be applied to the drill rig to the maximum extent feasible.
7. **Noise and vibration.** Machinery used in the production shall be designed and housed to reduce noise and vibration to a minimum and their operation shall be compatible with the noise and vibration levels of surrounding areas.
8. **Authority to construct.** The applicant shall obtain an "authority to construct" from the Air Pollution Control District.
9. **Grading and alterations.** Grading and alteration of natural drainages, watersheds, and hillsides shall be minimized to control erosion, minimize flooding, and minimize environmental degradation during construction, operation and abandonment of oil and gas facilities. Where grading and alteration of natural drainages, watersheds, and hillsides is required to proceed with a project, adequate mitigation shall be required, including minimizing the effected area of impact by employing temporary vegetation, seeding, mulching, or other suitable stabilization. Cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.
10. **Site restoration.** A site-specific restoration, erosion control, and revegetation plan shall be submitted with the Production Plan application and shall address areas impacted by construction.
11. **Earthquake design.** Drill site facilities and pipelines shall be designed to withstand maximum credible earthquakes and associated peak ground accelerations that have been determined for the

site.

12. **Secondary recovery operations.** Any proposed secondary recovery operations shall be carried out in compliance with County Code Chapter 25 (Oil and Petroleum Wells) Section 25-31 (Secondary operations) if the operations were included as part of the project description, processed through environmental review, and made part of the allowed project. Secondary recovery operations proposed after initial project approval shall be subject to additional environmental review and permitting.
13. **Transportation of oil and gas.** Transportation of oil to a refinery center shall be subject to the policies of Santa Barbara County Coastal Plan Policy 6-8 and the development standards identified in Subsection 35.51.070.B.9 (Transportation of processed oil) above. Transportation of natural gas liquids shall be accomplished in compliance with County approved practices to protect public safety, including the following precautions:
 - a. Butane and heavier gas-liquid fractions shall be blended with crude oil for shipment by pipeline to the extent feasible or marine tanker.
 - b. Shipments by highway shall be limited to routes approved by the County.
 - c. Carriers shall be selected and monitored in compliance with a County approved Transportation Risk Reduction and Prevention Program prepared by the shipper.
 - d. Additional public services (e.g., increased enforcement of traffic regulations by the California Highway Patrol) shall be funded by the shippers on a prorated basis.
14. **Performance security.** To ensure that abandonment is carried out, a performance bond or other acceptable financial mechanism shall be posted by the operator before commencement of operations in an amount commensurate with the estimated costs of obtaining permits for site abandonment, and the costs of abandonment and restoration of the site. The bond or other financial security shall be returned to the applicant upon successful abandonment and restoration of the site.
15. **Protection from ruptures and leaks.** Off-site pipelines shall be protected from rupture and leaks in the following manner:
 - a. External corrosion shall be reduced to insignificance through appropriate measures, including cathodic protection and proper coating.
 - b. Internal corrosion shall be reduced to insignificance through deployment of scrapers, corrosion inhibitors, and single-phased streams as appropriate.
 - c. External mechanical interference shall be reduced to insignificance through adequate warning devices, participation in an acceptable one-call system to warn third-party excavation of a pipeline presence, and adequate protection and emergency access to pipeline right-of-ways.
 - d. Adequate testing of pipelines following ground movement or subsidence.
 - e. Where technically feasible and at appropriate time intervals, off-site pipelines shall be tested with state of the art "smart pigs" to identify occurrences of corrosion, pipe wall thinning, dents, cracks, and other defects.
16. **Quantitative risk analysis.** For production and handling of gas and natural gas liquids (or other

hazardous material used in production in volumes sufficiently large to pose a significant risk to public safety), a quantitative risk analysis shall be prepared as part of the environmental review. The risk analysis shall be further revised as needed to reflect reduction of risk based on required mitigation and other changes in risk due to changes in factors that define the risk.

17. **Hazard and Operability Study.** A Hazard and Operability Study (HAZOP) shall be prepared for the production of ancillary facilities.
18. **Safety, Inspection, Maintenance, and Quality Assurance Program.** A Safety, Inspection, Maintenance, and Quality Assurance Program (SIMQAP) shall be prepared for construction and operation of the production of ancillary facilities.
19. **Adequate water source.** The proposed development shall have an adequate water source consistent with all County water conservation and policies.
20. **Mitigation and remediation of impacts to water and soil.** Significant impacts to surface water due to short-term sedimentation of streams shall be mitigated to insignificance through adequate erosion and sediment controls, including containment of loose soil. Additionally, significant impacts to surface and groundwater due to oil spills shall be mitigated to the maximum extent feasible through adequate preventative and protective measures, including containment basins, dikes, and timely remediation of contaminated soils during operations. Specific mitigation shall be based on project specific potential for causing significant impacts.
21. **Adequate services and resources.** In compliance with Santa Barbara County Coastal Plan Policy 2-6, the proposed development shall have adequate public and private services and resources.
22. **Spills, fires, and explosions.** Adequate setbacks, grading controls, measures to prevent, contain, and minimize damage from oil and gas liquid spills, or from fires and explosions, shall be required as necessary to protect potentially impacted environmentally sensitive habitat areas. Areas damaged by spills, fires, or explosions shall be restored to pre-spill conditions at the expense of the project operator or owner who shall provide the County with inventories of sensitive species and surveys as well as emergency response and restoration plans for approval by the Department before commencement of production.
23. **Protection of environmentally sensitive resources and exaction of mitigation fees.** Environmentally sensitive resources shall be protected in compliance with polices in Chapter 3 (The Resource Protection and Development Policies), Section 3.9 (Environmentally Sensitive Habit Areas) of the Santa Barbara County Coastal Plan. Residual significant impacts shall be offset with exaction of mitigation fees, paid to the Coastal Resources Enhancement Fund.
24. **Protection of archaeological and historical resources.** Archaeological and historical resources shall be protected in compliance with Chapter 3 (The Resource Protection and Development Policies), Section 3.10 (Archaeological and Historical Resources) of the Santa Barbara County Coastal Plan, and significant impacts shall be mitigated to the maximum extent feasible, potentially including the following measures:
 - a. Consider alternative sites and pipeline corridors within the designated planning area that lessen impacts to archaeological and historic resources.
 - b. As necessary, Phase I, II, and III assessments shall be conducted at the expense of the applicant.
 - c. Areas containing resources shall be fenced and appropriately protected during grading and

construction, and the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American as applicable.

- d. An educational workshop shall be conducted for construction workers before and during construction, as the County deems necessary for specific projects.

35.51.120 - Marine Terminals - Coastal Zone

This Section describes marine terminals in the Coastal Zone that are subject to regulation and provides standards for their location and operation.

A. Applicability. The specific regulations contained within this Section shall apply to the onshore portion of the components of a marine terminal which include 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 [Section 35.51.100 \(Oil and Gas Pipelines - Coastal Zone\)](#). These regulations shall apply to existing and new marine terminals.

B. Development Standards.

1. **Noise.** The level of noise generated by the facility at the property boundary shall not exceed 70 dB(A).
2. **Authority to construct.** The applicant has received "authority to construct" from the Air Pollution Control District.
3. **Smoke.** There shall be no visible emission of smoke.
4. **Exterior color.** Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.
5. **Visual compatibility.** The installation shall be visually compatible with the potential 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.
6. **Outdoor lighting.** All lights shall be shielded so as not to directly shine on adjacent properties.
7. **Grading.** Grading and alteration of natural drainages shall be minimized.
8. **Erosion.** Adequate provision shall be made to prevent erosion and flood damage.
9. **Delivery hours.** Except in an emergency, no materials, equipment, tools, or pipes used for marine terminal operations shall be delivered to or removed from the plant site through streets within a residential district between the hours of 7 p.m. and 7 a.m. of the next day.
10. **Offsite mitigation.** The following standards must be achieved on site or through off-site mitigation:
 - a. The facility shall not have a significant visual impact.
 - b. The significance of visual impact shall be determined based on a visual contrast rating developed according to the United States Bureau of Land Management Scenic Quality

Inventory and Evaluation System (1981), which utilizes a scale ranging from 0 (best) to 33 (worst). A score of 7 or greater (more severe) following mitigation shall be considered significant.

- c. No known or potential significant habitat for locally rare or regionally endemic species shall be adversely affected by the facility.

11. Mitigation for oil storage facilities. Oil storage facilities shall meet each of the following goals on site or through off-site mitigation except where aggregate impacts, notwithstanding one or more exceedances of the following goals, demonstrate that a particular site is the least environmentally damaging reasonable site available:

- a. To ensure public health and safety, human exposure to risk of an accident at the tank farm shall be limited to an aggregate of 240 person hours per day on average, exclusive of facility employees, within one-half mile of the proposed facility;
- b. Not more than 1.6 acres or their equivalent of high productivity terrestrial habitat (equivalent to 1025 acres of industrial use land) shall be disturbed. Impacts on terrestrial habitat shall be assessed based on a detailed environmental analysis of site-specific conditions. "Equivalent acres" shall be determined according to the following guidelines based on a standard of high productivity terrestrial habitat based on wetland productivity and biological assessments, but the determination of the environmentally preferable site and mitigation programs shall be based on site-specific environmental data.

High Productivity Habitat Type	Habitat Equivalent
Wetland	1 acre
Native Grassland	3 acres
Undisturbed Riparian	3 acres
Coastal Strand	5 acres
Disturbed Riparian	9 acres
Coastal Bluff Scrub	10 acres
Oak Woodland/Forest	10 acres
Coastal Sage Scrub	15 acres
Chaparral	20 acres
Cismontane Introduced Grassland	50 acres
Agricultural/Introduced Plantings	200 acres
Recently Disturbed	200 acres
Industrial	640 acres

(e.g., 40 acres Coastal Bluff Scrub is equivalent to 4 acres of high productivity habitat.)

The interpretation of the Coastal Zoning Ordinance shall not result in less resource protection than mandated by Environmentally Sensitive Habitat areas protection policies and other policies contained within this Coastal Plan.

- c. Not more than 0.064 acres or their equivalent of high productivity marine habitat (equivalent to 1.19 acres of sandy beach) shall be disturbed by a ballast water treatment outfall associated with a marine terminal. Impacts on marine ecology shall be assessed based on a detailed environmental analysis of site-specific conditions. "Equivalent acres" shall be determined according to the following guidelines based on a standard of high productivity

rocky bottom kelp habitat, but the determination of the environmentally preferable site and mitigation programs shall be based on site-specific environmental data:

High Productivity Habitat Type	Habitat Equivalent
Kelp, rocky bottom	1 acre
High relieve boulder/exposed intertidal reefs	1.6 acres
Kelp, sandy bottom	3 acres
Low relief intertidal bedrock reefs	6.9 acres
Cobble/gravel beach	8.1 acres
Hard bottom/deep water (no kelp)	10.8 acres
Silty/mud bottom	17.1 acres
Sand beach	18.6 acres

- d. No residents shall be subject to greater than a 9 dB increment above baseline in ambient noise level;
- e. No significant cultural resources shall be adversely affected.

CHAPTER 35.52 - OIL AND GAS FACILITIES - INLAND AREA

Sections:

35.52.010 - Purpose

35.52.020 - Voter Approval - Facilities on South Coast That Support Offshore Oil and Gas Activities

35.52.030 - Definitions

35.52.040 - Allowed Uses and Permit/Plan Requirements

35.52.050 - Oil Drilling and Production

35.52.060 - Treatment and Processing Facilities

35.52.070 - Refining

35.52.080 - Oil and Gas Pipelines - Inland area

35.52.010 - Purpose

This Chapter identifies the types of oil and gas facilities that are allowed within the Inland Area within certain zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#); determines required types of permits and plans; and provides regulations for the operation of the oil and gas facilities.

35.52.020 - Voter Approval - Facilities on South Coast That Support Offshore Oil and Gas Activities

- A. Projects and facilities subject to voter approval.** Any legislative approvals (e.g., zoning amendment, Comprehensive Plan amendment, Local Coastal Plan Amendment, Development Plan, or other legislative action) which would authorize or allow the development, construction, installation, or expansion of an onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purposes of this Chapter, the term "onshore support facility" means a land use, installation, or activity proposed to effectuate or support the exploration, development, production, or storage, processing, or other activities related to offshore energy resources.
- B. Excluded projects and facilities.** The voter approval requirement set forth in A above, shall not apply to onshore pipeline projects or to onshore support facilities that are located entirely within an existing approved consolidated oil and gas processing site at Las Flores Canyon (designated as of June 13, 1995 as APN 081-220-14, 081-230-19) or the former consolidated oil and gas processing site at Gaviota (designated as of June 13, 1995 as APN 081-130-07, 081-130-52, 081-130-53).
- C. Expiration.** The terms, policies, and zoning amendments identified in this Section shall expire at the end of 25 years after September 20, 1996 unless extended by the Board or by another vote of the electorate.
- D. Administrative Guidelines.** See Appendix B - Administrative Guidelines for Implementing Measure A96 -Voter Approval Initiative.

35.52.030 - Definitions

Unless otherwise defined within this Chapter, the definitions of energy and petroleum related terms shall be those identified in County Code Chapter 25 (Oil and Petroleum Wells), Section 25-3 (Definitions).

35.52.040 - Allowed Uses and Permit/Plan Requirements

- A. Types of allowed energy facility uses and zones where allowed.** Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area) identifies the types of oil and gas facilities that are allowed in the Inland Area and the zones in which they are allowed. The “Use” column in the table provides references to specific code sections that further describe and define the uses. The “Permit Required by Zone” column indicates the zones in which oil and gas facilities are allowed.
- B. Permit and plan requirements.** In addition, Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area) identifies the permit requirements and the plan requirements for oil and gas facility uses in the Inland Area. Proposed oil and gas facilities shall comply with the permit requirements and plan requirements, in addition to other permits required by the County Code. Table 5-2 provides for energy facility uses that are:
1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Land Use Permit [Section 35.82.100 \(Land Use Permits\)](#). These are shown as "P" uses in the table.
 2. Allowed subject to the approval of a Conditional Use Permit [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), and shown as "CUP" uses in the table. However, following approval of a Conditional Use Permit, a Land Use Permit is also required in compliance with [Section 35.82.100 \(Land Use Permits\)](#).
 3. Allowed subject to the approval of an Oil Drilling and Production Plan or a Final Development Plan, and shown as specific Section names and Section numbers in the “Required Plan” column in the table. However, following approval of a Development Plan, a Land Use Permit is also required in compliance with [Section 35.82.100 \(Land Use Permits\)](#).
 4. Allowed subject to specific development standards outlined in this [Chapter 35.52](#), and shown as Section numbers in the “Development Standards” column in the table. The referenced Section numbers may establish other requirements and standards applicable to energy facility uses.
 5. Not allowed in particular zones, and shown as "—" in the table.

**TABLE 5-2
Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area**

USE	Permit Required By Zone											REQUIRED PLAN	DEVELOPMENT STANDARDS
	P = Land Use Permit CUP = Conditional Use Permit — = Use not allowed												
	AG-I	AG-II	RES	RR	C-2	C-3	REC	M-1	M-2	M-RP	M-CR		
Drilling and Production of Onshore Oil and Gas Reservoirs (35.52.050)	CUP	P ^(4,5)	CUP	CUP	CUP	CUP	CUP ⁽¹⁾	CUP	P ^(4,5)	CUP	P ^(4,5)	Oil Drilling and Production Plan ⁽⁴⁾ (35.53.040)	35.52.050
Treatment and Processing Facilities (35.52.060)	CUP ⁽²⁾	CUP ⁽²⁾	—	—	—	—	—	—	P	—	P	Development Plan (Final) (35.53.030) (35.72.050)	35.52.060
Refining (35.52.070)	—	—	—	—	—	—	—	—	CUP ⁽³⁾	—	—	Development Plan (Final) (35.53.030) (35.72.050)	35.52.070
Oil and Gas Pipelines (35.52.080)	Allowed in all zones identified in Article 35.2 (Zones and Allowable Land Uses) P											Development Plan (Final) (35.53.030) (35.72.050)	35.52.080

Notes:

- (1) Use may be approved only within a County park and subject to the requirements of County Code Section 25-4(d) (Permits generally-Prohibited) (Petroleum Ordinance).
- (2) For oil and gas obtained from an onshore area.
- (3) Based on Commission Resolution 67-22, adopted by the Board on April 12, 1967, facilities for oil refining shall not be allowed in the portion of Santa Barbara County east of Point Conception and south of the ridge line of the Santa Ynez mountains.
- (4) See Subsection [35.52.050.C](#) (Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan).
- (5) In the AG-II, M-2, or M-CR zones, 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 the equipment shall not require grading or expansion of the site.

35.52.050 - Oil Drilling and Production

This Section describes oil drilling and production uses in the Inland Area that are subject to regulation and provides standards for their location and operation.

A. Applicability. The regulations contained within this Section shall apply to equipment, structures, and appurtenances necessary for the exploration and production of oil and gas resources from an onshore area including:

1. The drilling of a new well.
2. Facilities for the new production of oil and gas from a well.
3. Reentering a previously abandoned well for the production of oil and gas.
4. Structures, equipment, or facilities necessary and incidental to the separation of oil, gas, and water obtained from an onshore area (e.g., oil and gas separation plant).

5. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of production wastes including equipment and facilities necessary for waterflooding, steam injection, air injection, carbon dioxide injection, or introduction of polymers or other agents.
6. Pipelines that are incidental to production operations.
7. Storage tanks necessary or incidental to oil and gas separation, or temporary storage of separated hydrocarbons, and equipment for transfer of the produced hydrocarbons to pipelines or tanker trucks.
8. Proposed access roads.
9. Oil spill containment and recovery equipment including central office space and vehicles for the storage of floating air/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife cleanup equipment.
10. Collocated treatment and processing facilities located on the drill site in AG-II, M-2 and M-CR, zones determined by the Commission to be incidental to proposed production operations.

B. Development standards for oil and gas drilling and production.

1. **Standards applicable to all drilling and production.** The following standards shall apply to all projects:
 - a. Zone regulations not applicable. The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#), for the applicable zones in which oil and gas drilling and production are allowed, shall not apply to the oil and gas drilling and production activities and uses. See Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area) above.
 - b. Setbacks. In addition to the well spacing and setback requirements of County Code Chapter 35 (Oil and Petroleum Wells), Section 25-21 (Spacing), oil or gas drilling or related facilities shall not be allowed within 500 feet of an occupied residence within a residential or commercial zone.
 - c. Maximum site size. In order to minimize the area disturbed for drilling, the drill site shall not exceed one acre in size unless review authority finds that additional area is necessary.
 - d. Consolidation or collocation. Oil and gas production and related facilities shall be consolidated or collocated to the maximum extent feasible in order to minimize the area of disturbance.
 - e. Grading. Grading and alteration of natural drainage patterns shall be minimized to preserve the natural contour of the lands.
 - f. Outdoor lighting. Lights shall be shielded to ensure that lighting is confined to the project site.
 - g. Noise. Drilling or production operations that are within or adjacent to a lot zoned residential or commercial shall not exceed a maximum daytime noise level of 65 dB(A) and shall not be conducted between the hours of 9 p.m. and 7 a.m. of the next day, unless noise generating facilities are sufficiently insulated to reduce the outside night time level to 50 dB(A) at or beyond the project property boundary.

- h. Noise sensitive locations. Production facilities shall be designed and housed to ensure the noise generated by the facilities as measured at any noise sensitive location shall be equal to or below the existing noise level of the that noise sensitive 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 Noise Element of the Comprehensive Plan (e.g., use of electrical hydraulic surface pumping units).
 - i. Truck operation hours and routes. It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. upon streets within a residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff, Fire Department, or Petroleum Administrator. This regulation shall go into effect and apply to streets and parts of streets only after signs giving notice of the prohibition are posted at entrances to the affected streets or parts of streets. Truck routes shall be reviewed for proposed oil and gas facilities to ensure that oil field support traffic is not routed through residential neighborhoods, unless alternative routes do not exist.
 - j. Screening from designated scenic highway. Production equipment and facilities shall be recessed, covered, or otherwise screened from view from a designated Scenic Highway that is indicated on the Scenic Highway Element Map (GP-23).
 - k. Odors. Noxious odors associated with the project shall not be detectible at the project property boundary.
 - l. Abandonment. In addition to the requirements for abandonment and removal of equipment in County Code Chapter 25 (Oil and Petroleum Wells) Sections 25-32 (Abandonment procedure) and 25-33 (Removal of equipment), 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 review authority. The Department shall determine compliance with this provision.
2. **Additional standards applicable to production operations.** In addition, the following development standards may be applied to production operations to the extent deemed necessary by the review authority:
- a. Screening and landscaping. Following drilling and testing of the reservoir, production equipment and facilities shall be recessed, covered, or otherwise screened from view. Trees or shrubbery shall be planted and maintained to develop attractive landscaping and to screen the site and production equipment, structures, tanks, and facilities on the site from public view, unless the 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 required in this Subsection.
 - b. Prevention of access. The site shall be enclosed with an adequate noncombustible type fence, wall, screen, or housing sufficient to prevent unauthorized access to the site and having a height of at least six feet, unless public access is prevented by reason of an isolated location.
 - c. Monitoring system. 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. Exterior color. Permanent structures and equipment shall be painted a neutral color in order

to ensure they blend in with natural surroundings.

C. Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan. Only a Land Use Permit shall be required for oil and gas drilling that meets all of the criteria and standards listed below. See Subsection 35.53.030.D (Alternative filing requirements for Land Use Permit applications) below. For oil and gas drilling projects that do not meet the listed criteria, approval of an Oil Drilling and Production Plan shall be required before the issuance of a Land Use Permit.

1. Location.

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

2. Uses not proposed.

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

3. Resource conservation.

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

4. No other significant impacts. The project shall not result in other potentially significant adverse impacts identified during a site visit.

35.52.060 - Treatment and Processing Facilities

This Section describes treatment and processing facilities and uses in the Inland area that are subject to regulation and provides standards for their location and operation.

A. Applicability. The requirements of this Section shall apply to structures, equipment, or facilities necessary and incidental to:

1. Separation and/or dehydration of oil, gas, and water obtained from an offshore area.
2. Treatment and/or processing plants, excluding those described under [Section 35.52.050 \(Oil Drilling and Production\)](#) above.

For the regulations listed under Subsection [35.55.040.B](#) (Treatment and Processing Facilities - Findings for Development Plans approval within the South Coast Consolidated Planning Area) below, the terms "new production" or "new oil and gas production" or "new gas production" refer to:

3. The development of oil and/or gas that, after June 10, 1988, requires new discretionary local, State, or Federal permits unless it is from an existing well or platform; or
4. The development of oil and/or gas that, after June 10, 1988, requires approval of a new platform, or a new subsea or onshore well completion.

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

The request shall be accompanied by evidentiary support reasonably available at the time of filing. The Commission shall hold a hearing on the request within 60 days of filing. The Commission shall determine the scope of the applicant's existing permits and whether the applicant, by obtaining and relying on the permits before 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 either with the consent of the applicant and the Department, or to allow or require the applicant or the Department to submit additional evidence or legal analysis. More than 90 days total continuance shall not be granted unless the parties consent or the Commission finds that additional evidence is needed because a decision cannot feasibly be presented within the allotted time. The Commission shall decide the matter within 30 days after the evidence and analysis has been submitted.

The applicant shall reimburse the County for all reasonable costs incurred in determining the claim of exemption.

B. Development standards. In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zone in which treatment and processing facilities are allowed, the following standards shall apply.

1. **Noise.** The level of noise generated by the facility at or beyond the property boundary shall not exceed 70 dB(A).
2. **Outdoor lighting.** Lights shall be shielded to ensure that lighting is confined to the project site.

3. **Visible gas flares.** Visible gas flares shall not be allowed except for emergency purposes unless deemed infeasible for a particular operator.
4. **Grading.** Grading and alteration of natural drainages shall be minimized.
5. **Erosion.** Adequate provisions shall be made to prevent erosion and flood damage.
6. **Prevention of access.** The site shall be enclosed with a fence or wall to prevent unauthorized access.
7. **Truck operation hours and routes.** It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. of the next day upon streets within a residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff, Fire Department, or Petroleum Administrator. This regulation shall go into effect and shall apply to streets or parts of streets only after signs giving notice of the prohibition are posted at entrances to the affected streets or parts of streets. Truck routes shall be reviewed for proposed oil or gas facilities to ensure that oil field support traffic is not routed through residential neighborhoods, unless alternative routes do not exist.
8. **Noxious odors.** Noxious odors associated with the facilities shall not be detectable at the property boundary.
9. **Equitable, nondiscriminatory access to consolidated facilities.** 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 allowed in compliance with the County's consolidated policies, operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers.
10. **Transportation of processed oil.**
 - a. Overland pipeline transport. Oil processed by facilities that receive oil from offshore fields exclusively or from both offshore and onshore fields shall be transported from the facility and the County to the final refining destination by overland pipeline, except in the case of highly viscous oil or during an emergency, as stipulated below. For the purposes of this Subsection, final refining destination shall mean a refinery in California where final refining of the subject oil into products is accomplished. In addition, oil shall be considered to reach its final refining destination if the oil has been:
 - (1) Transported out of the State of California, and does not reenter before final refining; or
 - (2) Transferred to truck or train after leaving the County by pipeline and does not re-enter the County by truck or train, and is not transferred to a marine terminal vessel for further shipment to a port in California before final refining.
 - b. Other transportation methods. Transportation by a mode other than pipeline may be allowed only:
 - (1) For that fraction of the oil that cannot feasibly be transported by pipeline; and

- (2) When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible.

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

- c. Highway or rail transport of highly viscous oil. A Development Plan may allow transportation of highly viscous oil by highway or rail only if the Director finds that the oil is so highly viscous that pipeline transport is infeasible, taking into account available options (e.g., modifications to existing pipelines, blending of natural gas liquids). This finding shall be in addition to findings required for approval of Development Plans in Subsection [35.82.080.E](#) (Findings required for approval), [Section 35.55.040](#) (Treatment and Processing Facilities - Findings for Development Plans).
- d. Emergency temporary transport by waterborne vessel. Temporary transport of oil by waterborne vessel may be authorized under an Emergency Permit if the Governor of the State of California declares a state of emergency in compliance with Public Resources Code Section 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced offshore of the County. In this case, the oil transported by waterborne vessel shall be limited to that fraction that cannot feasibly be transported by pipeline. Transport by waterborne vessel shall cease immediately when it becomes technically feasible to resume pipeline transport.

11. Additional standards if deemed necessary by Commission. In addition, the following development standards shall be applied to the extent deemed necessary by the Commission.

- a. Visual compatibility. 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. Monitoring system. 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.

12. Facility and site abandonment within the South Coast Consolidation Planning Area. 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.

35.52.070 - Refining

This Section describes refining facilities and uses in the Inland area that are subject to regulation and provides standards for their location and operation.

- A. Applicability.** The regulations of this Section shall apply to structures, equipment, or facilities necessary and incidental to the refining of oil.
- B. Development standards.** In addition to the regulations in [Article 35.2](#) (Zones and Allowable Land Uses) for the applicable zones in which refining is allowed, the following standards shall apply.

1. **Compatibility with surroundings.** The facilities 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.
2. **Outdoor lighting.** Lights shall be shielded to ensure that lighting is confined to the project site.
3. **Visible gas flares.** Visible gas flares shall not be allowed except for emergency purposes unless deemed infeasible for a particular situation.
4. **Grading.** Grading and alteration of natural drainages shall be minimized.
5. **Erosion.** Adequate provisions shall be made to prevent erosion and flood damage.
6. **Prevention of access.** The site shall be enclosed with a fence or wall to prevent unauthorized access.
7. **Monitoring system.** 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. **Noxious odors.** Noxious odors associated with the facility shall not be detectable at the property boundary.
9. **Truck operation hours and routes.** It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. of the next day upon streets within residential neighborhoods. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator. This regulation shall go into effect and shall apply to streets or parts of streets only after signs giving notice of the prohibition are posted at entrances to the affected streets or parts of streets. Truck routes shall be reviewed for proposed oil or gas facilities to ensure that oil field support traffic is not routed through residential neighborhoods, unless alternative routes do not exist.

35.52.080 - Oil and Gas Pipelines - Inland area

This Section describes oil and gas pipelines in the Inland Area that are subject to regulation and provides standards for their location and operation.

A. Applicability.

1. The regulations contained within this Section shall apply to:
 - a. Oil transmission and distribution pipelines.
 - b. Gas transmission and distribution lines excluding public utility gas lines less than 12 inches in diameter.
 - c. Wastewater pipelines excluding those that are incidental to and located within an onshore oil production lease area.
 - d. Pipelines associated with offshore oil and gas production.
 - e. Facilities related to the above pipelines (e.g., pumping stations).

2. This Section shall not apply to pipelines that are incidental to oil and gas production operations covered by regulations in [Section 35.52.050 \(Oil Drilling and Production\)](#).

B. Development standards.

1. **Standards applicable to pipeline operations.** The following standards shall apply to pipeline projects:
 - a. Zone regulations not applicable. The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#), for the applicable zones in which oil and gas pipelines are allowed, shall not apply to the oil and gas pipelines. See Table 5-2 (Allowed Uses and Permit/Plan Requirements for Energy Facilities in the Oil and Gas Area) above.
 - b. Delivery hours. Except in an emergency, materials, equipment, tools, or pipes shall not be delivered to or removed from a pipeline construction site through streets within a residential zone between the hours of 9 p.m. and 7 a.m. of the next day.
 - c. Post-installation requirements. 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.
 - d. Drainage. During construction of the pipeline, there shall not be permanent blocking of surface drainages.
 - e. Location of pipeline corridor. A pipeline corridor shall be sited so as to avoid significant impacts to resources (e.g., aquatic habitats, and archaeological areas) to the maximum extent feasible.
 - f. Spills. 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.
 - g. Burial within corridor. 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.
2. **Additional development standards as deemed necessary by Commission.** In addition, the following standards may be applied to the extent deemed necessary by the Commission:
 - a. Performance security. A performance security shall be provided in an amount sufficient to ensure completion of requirements of the approved revegetation and restoration plan and shall be released upon satisfactory completion.
 - b. Inspection of disturbed areas. Disturbed areas shall be jointly inspected by the applicant and staff 12 months 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 additional

monitoring is not deemed necessary by the Department. Inspection results shall be submitted annually to the Department, and additional treatment of the site shall be applied as deemed necessary by the Department.

- c. Visual compatibility. Above-ground sections of the pipeline and related facilities, excepting those installed on a temporary basis for a testing period not to exceed 12 months, shall be visually compatible with the present 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.
- d. Noise. Proposed facilities shall be designed and housed so 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 (e.g., due to noise, vibration) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations as identified in the Comprehensive Plan.

CHAPTER 35.53 - PERMIT REQUIREMENTS AND PLAN APPLICATIONS, PROCESSING, AND REVIEW

Sections:

35.53.010 - Purpose

35.53.020 - Applicability

35.53.030 - Filing Requirements for Permit, Development Plan, and Specific Plan Applications

35.53.040 - Application Filing, Processing, and Review for Oil Drilling and Production Plans
(Inland Area) and Exploration Plans and Production Plans (Coastal Zone)

35.53.050 - Notice of Decision

35.53.060 - Conditions, Restrictions, and Modifications under Approved Plans

35.53.070 - Post-Review Procedures

35.53.010 - Purpose

A. Purpose. The purpose of this Chapter is to:

1. Provide filing requirements and procedures for the discretionary review of:
 - a. Exploration Plans and Production Plans - Coastal Zone. Exploration Plans for oil and gas drilling and Production Plans for production facilities that may, because of scale or location of development, have a potential to significantly impact natural resources or public health or safety, or if located in the Coastal Zone, have the potential to significantly impact coastal resources and public health and safety.
 - b. Oil Drilling and Production Plans - Inland Area. Oil Drilling and Production Plans for oil and gas drilling and/or production facilities that may, because of scale or location of development, have a potential to significantly impact natural resources or public health and safety for properties located within the Inland Area.
2. Provide additional or alternative filing requirements for Development Plans, Specific Plans, and Land Use Permits for certain types of development regulated under [Article 35.5 \(Energy Facilities\)](#).

B. Intent. The intent of the requirements in this Chapter for the filing, processing, and review of Exploration Plans, Production Plans, and Oil Drilling and Production Plans and for the additional or alternative filing requirements for Development Plans, Specific Plans, and Land Use Permits is to ensure that impacts on natural resources from oil and gas drilling and production activities shall be minimized to the maximum extent feasible.

35.53.020 - Applicability

A. Applicability of Development Plans (Coastal Zone and Inland Area). Development Plans shall be required in compliance with Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone), Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area), and Table 5-3 (Allowed Uses and Permit/Plan Requirements for Wind Energy Facilities in the Inland Area).

1. **Plan approval required before issuance of permits.** A Development Plan shall be approved in compliance with the procedures in [Section 35.82.080 \(Development Plans\)](#) and with the additional

filing requirements of Subsection [35.53.030.A](#) (Additional filing requirements for Development Plan applications - Coastal Zone) or Subsection [35.53.030.B](#) (Additional filing requirements for Development Plan applications - Inland Area) before issuance of a Coastal Development Permit, a Land Use Permit, or other permits for development, including grading regulated under [Article 35.5 \(Energy Facilities\)](#).

2. **Property location required within boundaries of approved plan.** Only property included within the boundaries of an approved Development Plan shall be entitled to a Coastal Development Permit or a Land Use Permit for facilities and activities related the exploration and production of oil and gas.

B. Applicability of Oil Drilling and Production Plans (Inland area). Oil Drilling and Production Plans shall be required in compliance with Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area).

1. **Plan approval required before issuance of permits.** An Oil Drilling and Production Plan shall be approved in compliance with the procedures in [Section 35.53.040 \(Application Filing, Processing, and Review for Oil Drilling and Production Plans \[Inland Area\] and Exploration Plans and Production Plans \[Coastal Zone\]\)](#) before issuance of a Land Use Permit or other permits for oil and gas facilities development, including grading, in the Inland area.
2. **Property location required within boundaries of approved plan.** Only property included within the boundaries of an approved Oil Drilling and Production Plan shall be entitled to a Land Use Permit for facilities and activities for the exploration and production of oil and gas.

C. Applicability of Exploration Plans and Production Plans (Coastal Zone). Exploration Plans and Production Plans shall be required in compliance with Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone).

1. **Plan approval required before issuance of permits.** An Exploration Plan or a Production Plan shall be approved in compliance with the procedures in [Section 35.53.040 \(Application Filing, Processing, and Review for Oil Drilling and Production Plans \[Inland Area\] and Exploration Plans and Production Plans \[Coastal Zone\]\)](#) before issuance of a Coastal Development Permit or other permits for oil and gas facilities development, including grading, in the Coastal Zone.
2. **Property location required within boundaries of approved plan.** Only property included within the boundaries of an approved Exploration Plan or Production Plan shall be entitled to a Coastal Development Permit for facilities and activities for the exploration and production of oil and gas.

D. Review authority. The review authority for Development Plans, Exploration Plans, Production Plans, and Oil Drilling and Production Plans is identified in Table 7-1 (Review Authority).

35.53.030 - Filing Requirements for Permit, Development Plan, and Specific Plan Applications

A. Additional filing requirements for Development Plan applications - Coastal Zone. In addition to the other information required in [Section 35.82.080 \(Development Plans\)](#), the following information shall be filed with a Preliminary or Final Development Plan application for the uses indicated:

1. **Onshore processing facilities necessary or related to offshore oil and gas development.**
 - a. An updated emergency response plan to deal with 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.

- b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.

2. Consolidated Pipeline Terminals.

- a. An updated emergency response plan to deal with 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.
- b. An estimated timetable for project construction, operation, and abandonment, including all phases of planned development.

3. Oil and gas pipelines.

- a. An updated emergency response plan to deal with 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 the Fire Department.
- b. A survey of the pipeline corridor to identify the potential impacts on Coastal resources. The survey shall be conducted by a consultant approved by the County, the Department of Fish and Game, and the applicant.
- c. If it is determined by the survey that a portion of the pipeline corridor to be disturbed will not revegetate naturally or in sufficient time to avoid other damage (e.g., erosion), a revegetation or restoration plan shall be prepared. The plan shall also include provisions for restoration of habitats that will be disturbed by construction or operational procedures.

4. Marine Terminals.

- a. An updated emergency response plan to deal with 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.
- b. A phasing plan for the staging of development which includes an estimated timetable for project construction, operation, and abandonment, as well as location and amount of land reserved for future expansion.

B. Additional filing requirements for Development Plan applications - Inland area. In addition to the other information required in [Section 35.82.080 \(Development Plans\)](#), the following information shall be filed with a Preliminary or Final Development Plan application for the uses indicated:

1. Treatment and processing facilities addressed in [Section 35.52.060](#)

- a. An updated emergency response plan to deal with 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.
- b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, and completion, as well as location and amount of land reserved for future expansion.

2. Refining.

- a. An updated emergency response plan to deal with 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.
- b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, and completion, as well as location and amount of land reserved for future expansion.

C. Alternative filing requirements for Development Plan applications - Inland area. For pipeline construction in the Inland Area, the following information, in place of that listed in [Section 35.82.080 \(Development Plans\)](#), shall 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 (e.g., dust, fumes, glare, noise, odor, smoke, vibration) and to prevent danger to life and property.
5. A revegetation and site restoration plan shall be prepared by the applicant that includes provisions for restoration of biologically important habitats that shall be disturbed by construction or operational procedures. This plan will be subject to approval by the Department during project review.
6. Other reasonable information as deemed necessary by the Department.
7. In addition, for oil and gas pipelines, an updated emergency response plan to deal with 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 the plan has received previous approval by the Public Utilities Commission.

D. Alternative filing requirements for Land Use Permit application - Inland Area. When applying for a Land Use Permit for oil drilling and production in the Inland area that meets the criteria noted in

Subsection 35.52.050.C (Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan), the application submittal requirements in Section 35.82.100 (Land Use Permits) shall be inapplicable and only the following information shall be required as part of the Land Use Permit application.

1. Assessors Parcel Number.
2. Name of the State Department of Oil and Gas designated oil field within which the project is located, if any.
3. The type of facilities proposed, including any enhanced oil recovery facilities.
4. A U.S.G.S. map (7.5 minute series topographic) or facsimile showing the facility site, lease boundaries, proposed roads and pipelines.
5. A plot plan, drawn to scale, showing the facility site, property lines, proposed access roads, and water courses within 200 feet of the site.
6. Photographs of the site.
7. Other reasonable information as deemed necessary by the Department.

E. Additional filing requirements for specific plan applications - Supply Bases. In addition to an approved Final Development Plan and a Coastal Development Permit in compliance with Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone), supply bases shall also be subject to an approved specific plan as provided in Chapter 35.88 (Specific Plans). In addition to the other information required under Chapter 35.88 (Specific Plans), the following shall be filed with a Supply Base Specific Plan Application:

1. Purpose and need for the project, including a description of the service area.
2. Applicable County Coastal Plan goals and policies and project compatibility, including mitigation measures and provisions for resource protection.
3. Consistency with and relationship to local, State, and Federal regulations and coordination with government agencies.
4. Circulation plan and transportation analysis.
5. Open Space and Coastal Access plan.
6. Phasing plan, including abandonment.
7. Description of public services/utilities, including mitigation of identified constraints.
8. Socioeconomic data, including proposed employment and generation of expenditures.
9. Description of facilities screening from public viewing places and buffering from adjacent land uses.
10. Description of safety features.
11. Air quality data, including emissions inventory and offsets.

12. Identification of site constraints due to biological, geological, and cultural resources and similar factors.
13. Identification of recreation resources and mitigation of potential impacts.
14. Description of proposed operating policies that ensure the facilities shall be open to all potential users on fair and equitable terms.

35.53.040 - Application Filing, Processing, and Review for Oil Drilling and Production Plans (Inland Area) and Exploration Plans and Production Plans (Coastal Zone)

A. Filing of applications. The following plans shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#):

1. Oil Drilling and Production Plans (Inland area).
2. Exploration Plans (Coastal Zone).
3. Production Plans (Coastal Zone).

B. Contents of applications. Applications for each type of plan shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department applications for Oil Drilling and Production Plans, Exploration Plans, and Production Plans. It is the responsibility of the applicant to establish evidence in support of the findings required by [Chapter 35.54 \(Findings for Oil and Gas Facilities - Coastal Zone\)](#) and [Chapter 35.55 \(Findings for Oil and Gas Facilities - Inland Area\)](#).

C. Processing of Oil Drilling and Production Plan - Inland area.

1. The applicant may apply for:
 - a. The drilling operations only;
 - b. The production facilities only; or
 - c. Both the drilling and production facilities.
2. After receipt of the Oil Drilling and Production Plan, the Department shall process the plan through environmental review.
3. The Department shall refer the Oil Drilling and Production Plan to appropriate County departments for review and comment.
4. The Commission shall consider the Oil Drilling and Production Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan.
5. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
6. The action of the Commission is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

7. If the Oil Drilling and Production Plan is filed in conjunction with a Conditional Use Permit application, the Oil Drilling and Production Plan shall be processed as part of the Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

D. Processing of Exploration Plans and Production Plans - Coastal Zone.

1. After receipt of the Exploration Plan or the Production Plan, the Department shall process the plan through environmental review. The exemption from environmental review in County Code Chapter 25 (Oil and Petroleum Wells), Section 25-4(e) (Permits generally - Discretionary and ministerial) shall not apply to properties located within the Coastal Zone.
2. The Department shall refer the Exploration Plan or the Production Plan to the Subdivision/Development Review Committee for review and the Subdivision/Development Review Committee shall consider the plan and make their recommendations to the Commission. The referral of the Production Plan shall take place only after certification of the final environmental document for the project subject to the Production Plan.
3. The Commission shall then consider the Exploration Plan or Production Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan.
4. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
5. The action of the Commission is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
6. If the Exploration Plan or Production Plan is filed in conjunction with a Conditional Use Permit application, the Conditional Use Permit shall be processed as part of the Exploration Plan in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
7. The Director may approve minor changes to an approved Exploration Plan or Production Plan, provided the changes do not allow additional wells to be drilled or allow an increase in the lease production capacity by more than 10 percent. Substantial changes to an Exploration Plan or a Production Plan shall be processed in the same manner as the original plan, except as provided for under Subsection [35.82.050.H \(Coastal Commission changes to the County's action on Coastal Development Permits\)](#). When approved by the Commission, the revised Exploration Plan or Production Plan shall automatically supersede any previously approved plan.

35.53.050 - Notice of Decision

Following appropriate review, the Commission, or the Board on appeal, shall record the decision in writing with the findings on which the decision is based. The decision shall be transmitted by a public notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

35.53.060 - Conditions, Restrictions, and Modifications under Approved Plans

A. Modifications of development standards under an approved Oil Drilling and Production Plan (Inland area).

1. At the time an Oil Drilling and Production Plan is approved, the Commission may modify the development standards specified in Subsection [35.52.050.B \(Development standards for oil and gas drilling and production\)](#), when the Commission first finds that the modification is justified.

2. As a condition of approval of any Oil Drilling or Production Plan, the Commission may impose appropriate conditions as deemed reasonable and necessary to protect persons or property, to preserve the natural resources or scenic quality of the area, to preserve the public health, peace, safety, and general welfare, and to implement the purposes of this Development Code and/or the Comprehensive Plan.
3. If drilling only is requested in the Oil Drilling and Production Plan, the following time limits shall apply:
 - a. If the drilling program is successful, a new Oil Drilling and Production Plan for the production phase shall be submitted within 12 months of initiating site preparation for the drilling. A time extension may be granted by the Commission for good cause shown.
 - b. If the drilling program is unsuccessful, the well shall undergo plugging and abandonment and the Department shall be notified of the plugging and abandonment within 12 months of initiating site preparation for the drilling. A time extension may be granted by the Commission for good cause shown.

B. Modifications of development standards under an approved Exploration Plan (Coastal Zone).

1. At the time an Exploration Plan is approved, the Commission may modify the development standards specified in Subsection [35.51.050.B](#) (Development standards) and Subsection [35.51.110.B](#) (Development standards for exploration activities) where necessary or appropriate to permit drilling in compliance with the approved plan.
2. As a condition of approval of an Exploration Plan, the Commission may impose appropriate conditions deemed reasonable and necessary or require any redesign of the project as deemed necessary to protect persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety, and general welfare, and to implement the purposes of this Development Code.

C. Modifications of development standards under an approved Production Plan (Coastal Zone).

1. At the time a Production Plan is approved, the Commission may modify the development standards specified Subsection [35.51.060.B](#) (Development standards) and Subsection [35.51.110.B](#) (Development standards for exploration activities) where necessary or appropriate to permit oil and gas development and production in compliance with the approved plan.
2. As a condition of approval of an Production Plan, the Commission may impose appropriate conditions deemed reasonable and necessary or require any redesign of the project as deemed necessary to protect persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety, and general welfare, and to implement the purposes of this Development Code.

35.53.070 - Post-Review Procedures

- A. Abandonment of facilities within the South Coast Consolidation planning area.** The County shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic average) over a period of 12 consecutive months, does not exceed three percent of the facility's maximum allowed operating capacity. The review shall be conducted in a duly noticed public hearing to determine if facility abandonment or facility modifications are appropriate in compliance with [Chapter 35.56 \(Oil/Gas Land Uses - Abandonment and Removal Procedures\)](#). This provision shall apply to the following uses:

1. Onshore processing facilities necessary or related to offshore oil and gas development (Coastal Zone) as described in [Section 35.51.070 \(Onshore Processing Facilities Related to Offshore Oil and Gas Development\)](#).
2. Treatment and processing facilities (Inland Area), as described in [Section 35.52.060 \(Treatment and Processing Facilities\)](#).

B. Post approval procedures. After the decision on an application for a Development Plan, Oil Drilling/Exploration Plan, Exploration Plan, or Production Plan, the following post-approval procedures shall apply:

1. Procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#).
2. Procedures and requirements related to appeals and revocation in [Article 35.10 \(Land Use and Development Code Administration\)](#).
3. For facilities allowed under [Section 35.51.110 \(Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs\)](#), procedures and requirements related to abandonment and removal in [Chapter 35.56 \(Oil/Gas Land Uses - Abandonment and Removal Procedures\)](#).
4. For facilities allowed under [Section 35.51.110 \(Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs\)](#), procedures and requirements related to change of operator, owner, or guarantor in County Code Chapter 25B (Change of Owner, Operator, or Guarantor for Certain Oil and gas facilities).
5. Procedures and requirements in County Code Chapter 25 (Oil and Petroleum Wells).

CHAPTER 35.54 - FINDINGS FOR OIL AND GAS FACILITIES - COASTAL ZONE

Sections:

- 35.54.010 - Purpose
- 35.54.020 - Applicability
- 35.54.030 - Onshore Exploratory Oil and Gas Drilling of Onshore Oil and Gas Reservoirs - Findings for Exploration Plans
- 35.54.040 - Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs - Findings for Production Plans
- 35.54.050 - Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development - Findings for Development Plans
- 35.54.060 - Onshore Supply Base, Pier, and Staging Areas Necessary or Related to Offshore Oil and Gas Development - Findings for Development Plans and Specific Plans
- 35.54.070 - Consolidated Pipeline Terminals (Coastal Zone) - Findings for Development Plans
- 35.54.080 - Oil and Gas Pipelines (Coastal Zone) - Findings for Development Plans
- 35.54.090 - Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs - Findings for Exploration Plans
- 35.54.100 - Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs - Findings for Production Plans
- 35.54.110 - Marine Terminals - Findings for Development Plans

35.54.010 - Purpose

The purpose of this Chapter is to provide findings required for approvals of the following plans related to oil and gas facilities located in the Coastal Zone.

- A. Final Development Plans.
- B. Supply base specific plans.
- C. Exploration Plans.
- D. Production Plans.

35.54.020 - Applicability

Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone) indicates the plans required for approval of oil and gas facilities located in the Coastal Zone. During the review process for the approval of oil and gas facilities, the Commission, or the Board on appeal, shall make the findings or additional findings required in this Chapter. It is the responsibility of the applicant to establish evidence in support of the required findings.

35.54.030 - Onshore Exploratory Oil and Gas Drilling of Onshore Oil and Gas Reservoirs - Findings for Exploration Plans

An Exploration Plan for oil and gas exploration in the Coastal Zone shall be approved only if all of the following findings are first made:

- A. There are no feasible alternative locations for the proposed exploratory drilling program that are less environmentally damaging.
- B. Adverse environmental effects are mitigated to the maximum extent feasible.
- C. The project will not be detrimental to the health, safety, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
- D. The development is in conformance with the applicable provisions of this Article and the policies of the Coastal Plan.
- E. The site is appropriate for subsequent oil and gas production, should the proposed drilling program be successful.

35.54.040 - Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs - Findings for Production Plans

A Production Plan for oil and gas production in the Coastal Zone shall be approved only if all of the following findings are first made:

- A. There are no feasible alternative locations for the proposed production drilling program that are less environmentally damaging.
- B. Adverse environmental effects will be mitigated to the maximum extent feasible.
- C. The project will not be detrimental to the health, safety, and general welfare of the neighborhood, and will not be incompatible with the surrounding area.
- D. The development is in compliance with the applicable provisions of this Development Code and the policies of the Comprehensive Plan, including the Coastal Plan.

35.54.050 - Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development - Findings for Development Plans

- A. **Onshore processing facilities outside of South Coast Consolidated Planning Area.** In addition to the findings for Development Plans in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan for onshore processing facilities necessary or related to offshore oil and gas development in the Coastal Zone shall not be approved for an area outside the South Coast Consolidated Planning Area unless the review authority also makes all of the following findings:
 1. Consolidation or collocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.
 2. There are not feasible alternative locations for the proposed processing facility that are less environmentally damaging.
 3. Where consolidation or collocation on or adjacent to an existing processing facility is not proposed, within the Coastal Zone east of the City of Santa Barbara, there are no existing processing facilities within three miles of the proposed site.
 4. The proposed facility is compatible with the present and allowed recreational and residential development and the scenic resources of the surrounding area.

B. Onshore processing facilities within the South Coast Consolidated Planning Area. In addition to the findings for the Development Plans in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan for onshore processing facilities necessary or related to offshore oil and gas development in the Coastal Zone shall not be approved unless the review authority 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 infeasible. This finding shall take into account feasible delays in development of the offshore reservoir 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 for 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. This 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 the 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, Preliminary or Final Development Plans for expansion or construction of processing facilities shall not be approved unless the review authority makes all of 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.
5. The proposed facilities shall use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

35.54.060 - Onshore Supply Base, Pier, and Staging Areas Necessary or Related to Offshore Oil and Gas Development - Findings for Development Plans and Specific Plans

A. Findings for approval of Development Plans. In addition to the findings in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan for onshore supply base, pier, and staging areas necessary or related to offshore oil and gas development in the Coastal Zone shall not be approved unless the review authority also makes all of the following findings:

1. There are not feasible alternative locations for the proposed pier or staging area that are less environmentally damaging.
2. The proposed facility is compatible with the present and allowed recreational and residential development and the scenic resources of the surrounding area.
3. Consolidation at an existing facility is not feasible or is more environmentally damaging.

B. Findings for approval of specific plan applications. In addition to the findings in [Section 35.88.050 \(Findings Required for Approval\)](#), a Specific Plan shall not be approved for a supply base in the Coastal Zone unless the review authority also makes all of the following findings:

1. There is a proven need for the project.
2. The project provides a net environmental advantage as determined during the environmental review process.

35.54.070 - Consolidated Pipeline Terminals (Coastal Zone) - Findings for Development Plans

In addition to the findings in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan for a consolidated pipeline terminal in the Coastal Zone shall not be approved unless the review authority also makes all of the following findings:

- A. The new or modified facilities are to be located at a County-designated consolidated pipeline terminal.
- B. The new or modified facilities will use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.
- C. Avoidance of significant adverse impacts or application of feasible mitigation measures renders the new or modified facility fully compliant with the policies of the Coastal Act and Local Coastal Program.

35.54.080 - Oil and Gas Pipelines (Coastal Zone) - Findings for Development Plans

In addition to the findings in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan that proposes new pipeline construction outside of industry facilities in the Coastal Zone shall not be approved unless the review authority also makes all of the following findings:

- A. Use of available or planned common carrier and multiple user pipelines is not feasible.
- B. Pipelines shall be constructed, operated, and maintained as a common carrier or multiple user pipelines unless the applicable review authority 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 shippers with physically compatible stock on a nondiscriminatory basis.
- C. New pipelines are routed in approved corridors that have undergone comprehensive environmental review unless the applicable review authority determines that these corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed new pipeline.
- D. When a new pipeline route is proposed, it is environmentally preferable to feasible alternative routes.
- 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 the future.
- F. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

35.54.090 - Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs - Findings for Exploration Plans

An Exploration Plan for oil and gas exploration in the Coastal Zone shall be approved only if all of the following findings are first made:

- A. There are no feasible alternative locations for the proposed exploratory drilling program that are less environmentally damaging.
- B. Adverse environmental effects are mitigated to the maximum extent feasible.
- C. The project will not be detrimental to the health, safety, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
- D. The development is in conformance with the applicable provisions of this Development Code and the policies of the Coastal Plan.
- E. The site is appropriate for subsequent oil and gas production, should the proposed drilling program be successful.
- F. Exploration occurring within a County designated site for consolidated oil and gas processing does not jeopardize space requirements for existing and projected consolidated processing and does not subject processing operations to undue risk.
- G. Exploration sites are collocated with other exploration and/or production sites approved after January 1, 1996, to the maximum extent feasible.

35.54.100 - Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs - Findings for Production Plans

Production Plan for oil and gas production in the Coastal Zone shall be approved only if all of the following findings are first made:

- A. There are no feasible alternative locations for the proposed production drilling program that are less environmentally damaging.
- B. Adverse environmental effects will be mitigated to the maximum extent feasible.
- C. The project will not be detrimental to the health, safety, and general welfare of the neighborhood, and will not be incompatible with the surrounding area.
- D. The development is in compliance with the applicable provisions of this Development Code and the policies of the Comprehensive Plan.
- E. Production occurring within a County designated site for consolidated oil and gas processing does not jeopardize space requirements for existing and projected consolidated processing.
- F. Production sites are collocated with other exploration and/or production sites approved after January 1, 1996, to the maximum extent feasible.
- G. Sufficient pipeline capacity to transport processed crude oil, processed natural gas, and heavier fractions of natural gas liquids is reasonably available for the life of the project.

35.54.110 - Marine Terminals - Findings for Development Plans

In addition to the findings in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan for a marine terminal in the Coastal Zone shall not be approved unless the review authority also makes all of the following findings:

- A. There are no feasible alternative locations for the proposed marine terminal that are less environmentally damaging.
- B. Expansion of an existing marine terminal onto adjacent lands is not feasible or is more environmentally damaging.
- C. The proposed facility is compatible with the present and permitted recreation, educational, and residential development and the scenic resources of the surrounding area.

CHAPTER 35.55 - FINDINGS FOR OIL AND GAS FACILITIES - INLAND AREA

Sections:

35.55.010 - Purpose

35.55.020 - Applicability

35.55.030 - Oil Drilling and Production - Findings for Oil Drilling and Production Plans

35.55.040 - Treatment and Processing Facilities - Findings for Development Plans

35.55.050 - Refining - Findings for Development Plans

35.55.060 - Oil and Gas Pipelines (Inland Area) - Findings for Development Plans

35.55.010 - Purpose

The purpose of this Chapter is to provide findings required for approvals of the following plans related to oil and gas facilities located in the Inland Area.

- A. Final Development Plans.
- B. Oil Drilling and Production Plans.
- C. Exploration Plans.
- D. Production Plans.

35.55.020 - Applicability

Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area) indicates the plans required for approval of oil and gas facilities located in the Inland area. During the review process for the approval of oil and gas facilities, the Commission, or the Board on appeal, shall make the findings or additional findings required in this Chapter. It is the responsibility of the applicant to establish evidence in support of the required findings.

35.55.030 - Oil Drilling and Production - Findings for Oil Drilling and Production Plans

An Oil Drilling and Production Plan shall be approved only if all of the following applicable findings are first made:

- A. There are no feasible alternative locations for the proposed drilling of an onshore reservoir that are less environmentally damaging.
- B. Significant adverse environmental effects will be mitigated to the maximum extent feasible.
- C. The project will not be detrimental to health, safety, and general welfare of the neighborhood and will not be incompatible with uses of the surrounding area.
- D. The development is in conformance with the applicable provisions of this Development Code and the Comprehensive Plan.
- E. The site is able to accommodate subsequent oil and gas production, should the proposed drilling program be successful.

- F. For projects requiring a Conditional Use Permit, the findings identified in [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) shall also apply.

35.55.040 - Treatment and Processing Facilities - Findings for Development Plans

- A. Treatment and processing facilities outside of the South Coast Consolidated Planning Area.** In addition to the findings for Development Plans in [Section 35.82.080 \(Development Plans\)](#) and in Subsection [35.52.060.B.10.c](#) (Highway or rail transport of highly viscous oil), a Preliminary or Final Development Plan for treatment and processing facilities in the Inland area shall not be approved for a project in an area outside the South Coast Consolidated Planning Area unless the review authority also makes all of the following findings:

1. Consolidation or collocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.
2. There are not feasible alternative locations for the proposed processing facility that are less environmentally damaging.
3. Where consolidation or collocation 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 miles of the proposed site.
4. The proposed facility is compatible with the present and allowed 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 compliance with criteria in the Comprehensive Plan study entitled, Siting Gas Processing Facilities. Additionally, sites are selected with adequate consideration of future gas processing needs in the NCCPA to optimize siting and consolidation strategies. The "expansion" of an existing facility shall mean structural modifications, alterations, expansions, or enlargements that result in increased facility capacity, or changes 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 a new production well that increases the current area extent of a field presently served by the facility. Expansion shall not include modification to existing facilities that is required to comply with current health and safety regulations, and codes.

- B. Treatment and processing facilities within the South Coast Consolidated Planning Area.** In addition to the findings in [Section 35.82.080 \(Development Plans\)](#) and in Subsection [35.52.060.B.10.c](#) (Highway or rail transport of highly viscous oil), Preliminary or Final Development Plans for processing facilities shall not be approved unless the review authority 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 infeasible. This finding shall take into account feasible delays in development of the offshore reservoir 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. This 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 as long as the 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 consolidation sites is environmentally unacceptable.

Additionally, Preliminary or Final Development Plan for expansion or construction of processing facilities shall not be approved unless the review authority also makes all of 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 consolidated oil and gas processing site as designated in the Comprehensive Plan.
5. The proposed processing facilities shall use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

35.55.050 - Refining - Findings for Development Plans

In addition to the findings in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan shall not be approved unless the review authority also makes all of the following findings:

- A. Consolidation or collocation on or adjacent to an existing refining facility to accommodate the proposed refinery is not feasible or is more environmentally damaging.
- B. There are not feasible alternative locations for the proposed refining facility that are less environmentally damaging.
- C. The facility is compatible with the scenic quality and land uses of the surrounding area.

35.55.060 - Oil and Gas Pipelines (Inland Area) - Findings for Development Plans

In addition to the findings for Development Plans in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan that proposes new pipeline construction outside of industry facilities in the Inland area shall not be approved unless the review authority also makes all of the following findings:

- A. Use of available or planned common carrier and multiple-user pipelines is not feasible.
- B. Pipelines shall be constructed, operated, and maintained as common carrier or multiple-user pipelines unless the applicable review authority 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 shippers with physically compatible stock on a nondiscriminatory basis.
- C. New pipelines are routed in approved corridors that have undergone comprehensive environmental review unless the applicable review authority determines that the corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed new pipeline.
- D. When a new pipeline route is proposed, it is environmentally preferable to other feasible alternative routes.

- 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 the future.
- F. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

CHAPTER 35.56 - OIL/GAS LAND USES - ABANDONMENT AND REMOVAL PROCEDURES

Sections:

- 35.56.010 - Purpose and Intent
- 35.56.020 - Applicability
- 35.56.030 - Requirement to File an Application
- 35.56.040 - Filing an Application to Defer Abandonment
- 35.56.050 - Contents of Application to Defer Abandonment
- 35.56.060 - Processing of Application to Defer Abandonment
- 35.56.070 - Decision on Application to Defer Abandonment
- 35.56.080 - Deferral Period and Extensions of Approval to Defer Abandonment
- 35.56.090 - Filing an Application for a Demolition and Reclamation Permit
- 35.56.100 - Content of Application for a Demolition and Reclamation Permit
- 35.56.110 - Processing of Demolition and Reclamation Permit
- 35.56.120 - Findings Required for Approval of a Demolition and Reclamation Permit
- 35.56.130 - Performance Standards for Demolition and Reclamation Permits
- 35.56.140 - Revocation of Entitlement to Land Use
- 35.56.150 - Expiration of a Demolition and Reclamation Permit

35.56.010 - Purpose and Intent

A. Purpose.

1. This Chapter establishes procedures to achieve the timely abandonment of applicable land uses, and following the 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.
2. The procedures ensure appropriate due process in differentiating idled from abandoned facilities and protecting the vested rights of permittees while also ensuring that facilities with no reasonable expectation of restarting are removed, in compliance with the intent of enabling development permits.

B. Intent. 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.

35.56.020 - Applicability

This Chapter applies to the following land uses:

- A. All permitted uses identified in the Sections listed below that handle, or at one time handled, natural gas, natural gas liquids, oil, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in compliance with this Development Code or any preceding ordinance.
 1. [Section 35.51.070 \(Onshore Processing Facilities Related to Offshore Oil and Gas Development\)](#).

2. [Section 35.51.080 \(Onshore Supply Base, Pier, and Staging Areas Related to Offshore Oil and Gas Development\)](#).
 3. [Section 35.51.090 \(Consolidated Pipeline Terminals\)](#).
 4. [Section 35.51.110 \(Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs\)](#).
 5. [Section 35.52.060 \(Treatment and Processing Facilities\)](#).
- B. All permitted uses identified in [Section 35.52.070 \(Refining\)](#) regardless of whether these uses were permitted in compliance with this Development Code or any preceding ordinance.
- C. All marine terminals and oil storage tanks serving those terminals, regardless of whether these uses were permitted in compliance with this Development Code or any preceding ordinance.
- D. All pipeline systems identified in [Section 35.51.100 \(Oil and Gas Pipelines - Coastal Zone\)](#) and [Section 35.52.080 \(Oil and Gas Pipelines - Inland Area\)](#), except for public utility natural gas transmission and distribution systems (e.g., The Gas Company), that either transport or at one time transported natural gas, oil, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in compliance with this Development Code or any preceding zoning ordinance.
- E. Unless specifically stated otherwise, reclamation of sites and corridors used to support any of the operations identified in Subsections A. through D. above.

This Chapter does not apply to land uses allowed under Sections [35.51.050](#), [35.51.060](#), and [35.52.050](#), which address exploration and production of onshore hydrocarbon reserves.

35.56.030 - Requirement to File an Application

- A. **Intentional abandonment.** The permittee of a permitted land use shall submit an application to the Director for a Demolition and Reclamation Permit in compliance with [Section 35.56.090 \(Filing an Application for a Demolition and Reclamation Permit\)](#) upon intentional abandonment of a permitted land use, or a major business function of the permitted land use.
- B. **Other events that trigger submittal of application.** The permittee of a permitted land use shall submit an application to the Director either to defer abandonment in compliance with [Section 35.56.040 \(Filing an Application to Defer Abandonment\)](#) or to obtain a Demolition and Reclamation Permit in compliance with [Section 35.56.090 \(Filing an Application for a Demolition and Reclamation Permit\)](#) upon the occurrence of either of the following:
1. **County permit requirement.** Any event designated in an existing County permit that would require consideration of abandonment; or
 2. **Idle land use or business function.** The permitted land use or an independent business function of a permitted land use has become idle.

35.56.040 - Filing an Application to Defer Abandonment

- A. **Eligible applicant.** Any permittee subject to the requirements of Subsection [35.56.030.B](#) (Other events that trigger submittal of application) above, may file an application to defer abandonment, which shall be considered by the Director.
- B. **Time period.** The application shall be filed no later than 90 days after an event specified in Subsection

35.54.030.B (Other events that trigger submittal of application) above, has occurred.

35.56.050 - Contents of Application to Defer Abandonment

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

- A. Name, address, and contact information for the permittee.
- B. Name, address, and general description of the permitted land use.
- C. Date when the permitted land use first became idle.
- D. Reason for idle status.
- E. Status of upstream production facilities, where applicable.
- F. Listing of any facility equipment that has been identified on a plan (submitted in satisfaction of a County, Fire, or Air Pollution Control District permit) and has been either removed from the site or is not currently in operational condition. Include an explanation of the effect this missing or inoperable equipment has on the ability to restart operations and runs all processes. Also explain measures necessary to bring inoperable equipment back into operational condition.
- G. Plans and schedule to restart operations and identification of any facility components that would remain inactive after restart.
- H. Identification of reasonable circumstances that would hinder restart of operations in compliance with the plan and schedule.
- I. Any other information deemed necessary by the Director.

35.56.060 - Processing of Application to Defer Abandonment

- A. Determination of completeness or incompleteness.** 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.
- B. Time period to respond to incompleteness letter.** 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 (for a total of 120 days), within which to provide the required information.
- C. Referral of application to other review authorities.** The Director shall refer an application to defer abandonment to the Fire Department and Air Pollution Control District for review and comment before the Director makes a final determination on the application.
- D. Public hearing.** The Director may choose, at the Director's sole discretion, to conduct a public hearing to consider any application to defer abandonment.
- E. Time period for public review.** The public shall be given all reasonable opportunity to review the Director's recommended decision no less than 10 days before conducting a public hearing, or the date of the Director's scheduled action if no hearing is required, on any application to defer abandonment in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

35.56.070 - Decision on Application to Defer Abandonment**A. Decisions for idle facilities.**

1. The Director shall grant the application for deferral of abandonment 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.
2. Notwithstanding Subsection A.1 above, the Director shall approve the application for deferral of abandonment for any pipeline subject to the jurisdiction of the Federal Energy Regulatory Commission if that Commission has determined that abandonment is not appropriate.
3. 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 this Development 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 of a land use, have been removed from the site or have fallen into disrepair so that they are no longer functional.
 - e. Permits or other entitlements for the land use (e.g., 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 the permits.
 - f. The Fire Department has issued an order requiring abandonment.
 - g. Any other evidence that shows clear intent to abandon.

B. Decisions for consideration of abandonment under permit conditions. The Director shall grant the application for deferral of abandonment unless:

1. The Director finds under the applicable permit conditions that abandonment of the permitted land use or independent business function of a land use is required without further delay; and
2. The permittee no longer has a vested right to continue operation.

C. Transmittal of Director's decision. The Director's decision shall be transmitted by a public notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).**D. Appeal of Director's decision.**

1. The decision of the Director is final subject to appeal to the Commission in compliance with [Chapter 35.102 \(Appeals\)](#).

2. The appeal shall be filed within 30 days of the provision of notice of the decision.

35.56.080 - Deferral Period and Extensions of Approval to Defer Abandonment

- A. **Deferral time period.** The Director may approve an abandonment deferral for a period not to exceed 24 months from the occurrence of an event identified in Subsection [35.56.030.B](#) (Other events that trigger submittal of application) above.
- B. **Extensions of deferral time period.** The Director may extend this period for 12-month increments upon timely application by the operator.
- C. **Deadline for applications for extensions.** Applications for extensions shall be filed at least 90 days before the end of the approved abandonment-deferral period and shall contain the information identified in [Section 35.56.050 \(Contents of Application to Defer Abandonment\)](#).

35.56.090 - Filing an Application for a Demolition and Reclamation Permit

- A. **When application required.** A permittee of a permitted land use that has not filed an application to defer abandonment in compliance with [Section 35.56.040 \(Filing an Application to Defer Abandonment\)](#), or who has filed and that application has been disapproved, shall file an application for a Demolition and Reclamation Permit.
- B. **Deadline for filing application.**
 1. The application for a Demolition and Reclamation Permit shall be filed no later than 180 days after an application to defer abandonment has been denied and administrative appeals have been exhausted in compliance with [Chapter 35.102 \(Appeals\)](#).
 2. If an application to defer abandonment has not been filed, an application for a Demolition and Reclamation Permit shall be filed no later than 180 days after an event identified in [Section 35.56.030 \(Requirement to File an Application\)](#) has occurred.
- C. **Extensions of time.** The Director may grant extensions of time for good cause.

35.56.100 - Content of Application for a Demolition and Reclamation Permit

The application for a Demolition and Reclamation Permit shall be in a form and content specified by the Director and this Section. The applications shall contain the following:

- A. Name, address, and contact information for the permittee.
- B. Name, address, and general description of the permitted land use.
- C. Gross and net acreage and boundaries of the subject property.
- D. Location of all structures, above and underground, proposed to be removed.
- E. Location of all structures, above and underground, proposed to remain in-place.
- F. Location of all utilities on the subject property.
- G. Location of all easements on or adjacent to the subject property that may be affected by demolition or reclamation.

- H. 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 requirement by the Fire Department or State agencies with regulatory oversight of site assessments.
- I. Location of areas of flood, geologic, seismic, and other hazards.
- J. Location of areas of archeological sites, habitat resources, prime scenic quality, water bodies, and significant existing vegetation.
- K. Location and use of all structures within 50 feet of the boundaries of the subject property.
- L. 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 the number of trips required, and an estimated schedule for decommissioning the facilities.
- M. A proposed waste-management plan to maximize recycling and minimize wastes.
- N. Other permit applications that may be required by the 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 existing or proposed uses of the property following abandonment of the oil and gas operations.
- O. A proposed grading and drainage plan.
- P. A proposed plan to convert the site to natural condition or convert to other 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.
- Q. A statement of intent regarding the disposition of utilities that served the oil and gas operations, including fire protection, power, sewage disposal, transportation, and water.
- R. Measures proposed to be used to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, smoke, traffic congestion, vibration) and to prevent danger to life and property.
- S. Any other information deemed necessary by the Director to address site-specific factors.

35.56.110 - Processing of Demolition and Reclamation Permit

- A. Processing of complete applications.** The Department shall process complete applications for Demolition and Reclamation Permits through environmental review after determining the applications to be complete in compliance with [Section 35.80.050 \(Initial Application Review\)](#).
- B. Independent or concurrent processing of applications.** The Department shall process complete applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question. However, Demolition and 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.
- C. Director's decision.** The Director shall consider complete applications for Demolition and Reclamation Permits and shall approve, conditionally approve, or deny the application. A denial shall be accompanied

by an explanation of changes necessary in order to allow the application to be approved.

- D. Transmittal of Director's decision.** The Director's decision shall be transmitted by a public notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- E. Appeal of Director's decision.**
1. The decision of the Director is final subject to appeal to the Commission in compliance with [Chapter 35.102 \(Appeals\)](#).
 2. The appeal shall be filed within 30 days of the provision of notice of the decision.
- F. Demolition and Reclamation Permit shall supersede.** Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary permit approved for construction and operation of the facilities.

35.56.120 - Findings Required for Approval of a Demolition and Reclamation Permit

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

- A. Mitigation of adverse impacts.** 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.
- B. Streets and highways.** 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.
- C. Conformance to requirements of other local, regional, or State entities.** Any condition placed upon the operator or responsible party for assessment or remediation of soil or water contamination fully conforms to the permitting process and requirements of the Regional Water Quality Control Board and the County Fire Department.
- D. Protection of health, safety, and welfare.** The proposed reclamation will not be detrimental to the comfort, convenience, health, safety, and general welfare of the neighborhood, and will not be incompatible with the surrounding area.
- E. Restoration to natural condition.** The subject site will be restored to natural conditions unless any of the following conditions apply:
1. 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, the development is permitted within five years and the permittee has posted financial assurances acceptable to the Director to ensure restoration to natural conditions if the proposed development is not permitted.
 2. 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 agricultural uses.

For purposes of this finding, the Director may allow abandonment in-place of specific improvements (e.g., emergency access roads or retaining walls) if the Director first finds that their removal will be detrimental to the health, safety, or general welfare of the public or the environment (e.g., undesired

destabilization of slopes due to removal of a retaining wall, or eliminating a needed public evacuation route).

- F. Retention of improvements.** Any retention of improvements to land is properly permitted in compliance with the County Code where permits are required.
- G. Public access or use.** The proposed reclamation will leave the subject 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.
- H. Completion of post-closure activities.** The permit conditions contain specific enforceable requirements to ensure the timely closure of the host site and completion of post-closure activities.

35.56.130 - Performance Standards for Demolition and Reclamation Permits

The following performance standards shall apply to approved Demolition and Reclamation Permits.

- A. Contamination and spills.** All equipment shall be cleaned of oil or other contaminants before dismantlement in order to reduce any risk of contamination of soils or water during demolition of the facility to the maximum extent feasible.
 - 1. Where applicable, the permittee shall prepare and submit a Spill Contingency Plan to the County Fire Department.
 - 2. The 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.
- B. Other permits.** 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 before issuance of the Demolition and Reclamation Permit.
- C. Monitoring to ensure compliance and provide recommendations.** 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 recommendations in instances where effects were not anticipated or mitigated by the conditions imposed on the Demolition and Reclamation Permit. Pre-reclamation and post-reclamation surveys of sensitive resources shall be employed as appropriate to measure compliance.
- D. Topsoil.** Topsoil shall be stockpiled, covered, and saved for use as topsoil when excavated areas are back-filled unless the soil is treated onsite or removed for off-site disposal due to contamination.
- E. Truck traffic.** If appropriate, truck traffic transporting materials to and from the subject 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).
- F. Sight distance and access.** Adequacy of sight distance, ingress/egress, and emergency access shall be verified by the County Public Works and Fire Departments.
- G. Dust.** Measures shall be implemented to inhibit dust generation, where appropriate. Unavoidable generation of dust shall be kept to a minimum through effective controls.

- H. Recycling.** The permittee shall implement a viable recycling plan that meets County approval and includes provisions to maximize recycling of asphalt, concrete, and equipment, and to minimize disposal of wastes into hazardous waste and solid waste management facilities to the maximum extent feasible.
- I. Contouring.** Contouring of the land shall be compatible with the surrounding natural topography, unless otherwise approved to accommodate another permitted use or required drainage.
- J. Erosion control.** The permittee shall implement appropriate measures to control erosion both during and after site closure.
- K. Revegetation.** Establishment of vegetation shall be in compliance with an approved revegetation plan and the following standards:
1. In compliance 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 the requirement poses a significant adverse environmental impact.
 2. 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 (e.g., pasture mix) shall be permitted in areas designated for the use.
- L. Subsurface pipeline segments.** Subsurface segments of inter-facility pipelines may be abandoned in-place, except under the following circumstances:
1. Presence of the pipeline would inhibit future land uses.
 2. Modeling approved by the United States Army Corp. of Engineers or United States 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.
- M. Recorded notice or abandoned pipeline.** The permittee shall ensure that 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 before abandonment.
- N. Previously unidentified contamination.** The site shall be assessed for previously unidentified contamination.
1. The permittee shall ensure that any discovery of contamination shall be reported to the Director and the County Fire Department.
 2. The permittee shall diligently seek all necessary permit approvals, including revisions to the Demolition and Reclamation Permit, if any are required, in order to remediate the contamination.
- O. Other conditions or requirements.** The Director in consultation with other County agencies, may impose any other appropriate, necessary and reasonable conditions or require any changes to the project as deemed necessary to protect the health, safety and general welfare of the public, protect property,

preserve the character, natural resources, or scenic quality of the area, or implement the purpose of this Section or any other provisions of the County Code.

- P. Independent business function.** 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 and Reclamation Permit. Factors that the Director may consider shall include:
1. 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.
 2. Whether site restoration is feasible at the time the independent business function is removed, compared to deferring site restoration to a time that the entire permitted land use is removed.
- Q. Recorded notice of contamination left in place.** The permittee shall ensure that 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 County Fire Department.

35.56.140 - Revocation of Entitlement to Land Use

- A. Events that trigger revocation of entitlements.** All entitlements provided in any use permits issued under this Development Code, or under any preceding 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 the exhaustion of available administrative remedies.
- B. Continued protection of health, safety and welfare.** Requirements of use permits necessary to ensure continued protection of public and environmental health, safety, and general welfare shall continue in full force and effect, including all of the following:
1. Conditions that:
 - a. Specify the liability of the owner, operator, and other persons;
 - b. Specify payment of County fees and costs; and
 - c. Indemnify the County.
 2. Where applicable, conditions that specify the County's authority to require abatement of public nuisances or require mitigation of environmental impacts that may occur before issuance of a Demolition and Reclamation Permit.
 3. Where applicable, conditions that require:
 - a. Emergency preparedness and response;
 - b. Fire prevention, preparedness, protection, and response;
 - c. Oil spill prevention, preparedness, and response;
 - d. Payment of fees, including fees that provide mitigation for ongoing impacts to the environment (e.g., payments to the Coastal Resource Enhancement Fund).
 - e. Safety inspections, maintenance, and quality assurance; and

- f. Site security.
- 4. Substantive conditions that address abandonment; however, procedural requirements for abandonment, demolition, and reclamation shall be in compliance with this Section.
- C. **Conditions remaining in full force.** Upon revocation of entitlements in a planning permit, the Director shall notify the owner or operator and include a list of permit conditions that remain in full or partial force.
- D. **Automatic revision of permits.** A planning permit issued under this Development Code, or under any preceding 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 compliance with this Chapter. However, permit conditions necessary to ensure continued protection of public and environmental health, safety, and general welfare, including those identified in Subsection B. (Continued protection of health, safety and welfare) above, shall continue in full force and effect.
- E. **Grace period.** The permittee shall have a grace period of 24 months from the date of revocation of entitlements in use permits in order to secure a Demolition and Reclamation Permit. The Director may extend the grace period for no more than one additional 12 month period, for good cause, or for longer periods for delays attributable to circumstances reasonably beyond the permittee's control.
- F. **Deserted and illegal land use.** 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 the permittee secures approval of a Demolition and Reclamation Permit in compliance with this Chapter.

35.56.150 - Expiration of a Demolition and Reclamation Permit

- A. **Completion of permit requirements.** The permittee shall complete all requirements of the Demolition and Reclamation Permit before the expiration of the permit, including any extensions of the permit. Failure to do so shall constitute a violation of this Chapter.
- B. **Term.** Demolition and 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 first. The Director's "Reclamation Complete" letter shall certify completion of all required work except for remediation of contamination, which is certified by other agencies.
- C. **Extensions.**
 - 1. The Director may extend the expiration date of the permit without penalty if the closure or revegetation of the site was delayed by circumstances reasonably beyond the permittee's control.
 - 2. Otherwise, the Director may extend the expiration date of the permit with penalties, in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#) in order to realize completion of all site closure and post-closure requirements.
 - 3. If the permittee requests a time extension of the permit in compliance with Subsections C.1 and C.2 above, the Director may revise the Demolition and Reclamation Permit to revise conditions and mitigating measures or to add new conditions and mitigating measures, which reflect changed circumstances, including newly identified impacts.

CHAPTER 35.57 - WIND ENERGY SYSTEMS

Sections:

- [35.57.010 - Purpose](#)
- [35.57.020 - Applicability](#)
- [35.57.030 - Allowed Uses and Permit/Plan Requirements](#)
- [35.57.040 - Application Filing, Processing, and Review](#)
- [35.57.050 - Development Standards](#)
- [35.57.060 - Post-Review Procedures](#)

35.57.010 - Purpose

This Chapter identifies the types of wind energy conversion facilities that are allowed in the Inland area and the zones in which they are allowed; determines the required types of permits; and provides regulations for their location and operation. These provisions are intended to encourage wind energy development while protecting public health and safety.

35.57.020 - Applicability

The regulations contained in this Chapter shall apply to wind energy conversion systems used for electrical power generation. Wind machines used for climate control or water pumping are considered [accessory uses to agriculture](#).

35.57.030 - Allowed Uses and Permit/Plan Requirements

- A. Types of allowed wind energy facilities uses and zone districts where allowed.** Table 5-3 (Allowed Uses and Permit/Plan Requirements for Wind Energy Facilities in the Inland Area) identifies the types of wind energy conversion systems that are allowed in the Inland area and the zone districts in which they are allowed. A proposed wind energy facility use that is not listed in the table is not allowed.
- B. Permit and plan requirements.** In addition, Table 5-3 identifies the permit requirements and the plan requirements for wind energy uses in the Inland area. Proposed wind energy conversion systems shall comply with the permit requirements and plan requirements, in addition to other permits required by the County Code. Table 5-3 provides for wind energy conversion systems that are:
1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Land Use Permit [Section 35.82.100 \(Land Use Permits\)](#). These are shown as "P" uses in the table.
 2. Allowed subject to the approval of a Minor Conditional Use Permit [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) and shown as "MCUP" uses in the table. However, following approval of a Minor Conditional Use Permit, a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#) is also required.
 3. Allowed subject to the approval of a Conditional Use Permit [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), and shown as "CUP" uses in the table. However, following approval of a Conditional Use Permit, a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#) is also required.

4. Allowed subject to the approval of a Final Development Plan, and shown as a specific Section name and Section number in the “Required Plan” column in the table. However, following the approval of a Final Development Plan, a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#) is also required.
5. Allowed subject to specific development standards outlined in this Chapter and shown as a Section number in the “Development Standards” column in the table. The referenced Section number may establish other requirements and standards applicable to wind energy conversion systems.
6. Not allowed in particular zones, and shown as “—” in the table.

TABLE 5-3 Allowed Uses and Permit/Plan Requirements for Wind Energy Facilities in the Inland Area

USE	Permit Required by Zone						REQUIRED PLAN	DEVELOPMENT STANDARDS
	P = Land Use Permit CUP = Conditional Use Permit — = Use not allowed MCUP = Minor Conditional Use Permit							
	AG-I AG-II	MT-GOL MT-TORO RMZ RES	RR R-1 EX-1 R-2 DR PRD SLP SR-M SR-H MHP MHS OT	C-1 C-2 C-3 C-S CH CN CV SC PI	M-1 M-2 M-RP M-CR	MU PU REC		
Wind turbines and wind energy conversion systems							Development Plan (Final) 35.55.040 (B) (2, 3)	35.55.050
Total maximum power output = 200 KW or less	P (1)	MCUP	—	MCUP	MCUP	MCUP		
Total maximum power output = Exceeds 200 KW	CUP	—	—	—	CUP	—		

Notes:

- (1) The maximum power output of each proposed wind turbine shall be 25 KW or less. The wind turbines shall be spaced at least 300 feet apart.
- (2) Development Plan approval required: Final Development Plan approval is required before the approval of a Land Use Permit as follows:
 - a. AG-I and AG-II zones. Final Development Plan approval is required for a structure that is not otherwise required by this Development Code to have a discretionary permit, and is 20,000 or more square feet in area, or is an attached or a detached addition that, together with existing structures on the site will total 20,000 square feet or more.
- (3) Development Plan approval required: Final Development Plan approval is required in conjunction with the approval of a Minor Conditional Use Permit or a Conditional Use Permit as follows:
 - a. CN and C-1 zones. Final Development Plan approval is required for structures that exceed 5,000 square feet in gross floor area.
 - b. C-2 and C-3 zones: Final Development Plan approval is required for structures that have 5,000 or more square feet in gross floor area or where on-site structures and outdoor areas designated for sales or storage total 20,000 square feet or more.
 - c. CH, C-S, C-V, M-1, M-2, M-RP, M-CR, MU, PI, PU, REC, RES, SC. Final Development Plan approval for all proposed development.

35.57.040 - Application Filing, Processing, and Review**A. Application submittal requirements.****1. Land Use Permits.**

- a. In addition to the applicable contents identified in Subsection [35.80.030.A](#) (Application contents), the site plan shall include the height of 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. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect in the application.

2. Conditional Use Permits. The applicant shall submit as many copies of a Minor or Major Conditional Use Permit application as required by the Department. Unless otherwise specifically waived by the Director, the information to be submitted as part of the application shall consist of the following instead of the information required under [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

- a. A plot plan of the proposed development drawn to scale showing:
 - (1) Acreage and boundaries of the property.
 - (2) Location of existing and proposed structures, their use, and square footage within 500 feet of the turbine.
 - (3) The height of 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.
- f. Written evidence that the electricity utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect in the application.

B. Development Plan. The approval of a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#):

1. Is required before the approval of a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#) for wind energy systems development, including grading.
2. May be required in addition to the approval of a Minor Conditional Use Permit or Conditional Use

Permit in compliance with Subsection [35.82.060.D.7](#).

- C. Permit entitlement.** Only property included within the boundaries of an approved Development Plan shall be entitled to a permit.

35.57.050 - Development Standards

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

- A. Setbacks.** Wind turbines shall comply with all setback requirements of the applicable zone.
- B. Access control.** Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access control:
1. Tower-climbing apparatus located no closer than 12 feet from the ground.
 2. A locked anti-climb device installed on the tower.
 3. A locked, protective fence at least six feet in height that encloses the tower.
- C. Tower structures.** 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.
- D. Over-speed controls.** 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 manufacture.
- E. Height**
1. **Minimum height.** 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 allowed when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
- F. Guy wires.** 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.
- G. Horizontal axis wind turbines.** 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 in compliance with Public Resources Code Section 4290.
- H. Vertical axis wind turbines.** 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 set back 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 in compliance with Public Resources Code Section 4290.

- I. Electromagnetic interference.** The system shall be operated so that no electromagnetic interference is caused. If it is demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
- J. Color and nonreflective surfaces.** 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.
- K. Visual impact.** 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 wind energy system:
1. Shall not project above the top of ridgelines.
 2. If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.
 3. Shall not cause a significantly adverse visual impact to a scenic vista from a County or State designated scenic corridor.
 4. 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.
- L. Exterior lighting.** Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- M. Underground electrical wires.** 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 review authority if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
- N. Signage.** 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.
- O. Access roads.** 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.

35.57.060 - Post-Review Procedures

The following post-approval procedures shall apply:

- A. Procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#).
- B. Procedures and requirements in [Chapter 35.102 \(Appeals\)](#).

CHAPTER 35.58 - COGENERATION FACILITIES - INLAND AREA

Sections:

- 35.58.010 - Purpose
- 35.58.020 - Applicability
- 35.58.030 - Allowed Zones and Permit/Plan Requirements
- 35.58.040 - Development Standards
- 35.58.050 - Application Filing, Processing, and Review
- 35.58.060 - Post-Review Procedures

35.58.010 - Purpose

This Chapter identifies the types of cogeneration facilities that are allowed in the Inland area and the zones in which they are allowed, determines the required types of permits, and provides regulations for their operation. These provisions are intended to encourage cogeneration facilities development while protecting public health and safety.

35.58.020 - Applicability

The regulations contained in this Chapter shall apply to cogeneration facilities where allowed in compliance with [Section 35.58.030 \(Allowed Zones and Permit/Plan Requirements\)](#).

35.58.030 - Allowed Zones and Permit/Plan Requirements

- A. **AG-I, AG-II, and M-1 zones.** Cogeneration facilities may be allowed in the AG-I, AG-II, and M-1 zones subject to a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
- B. **M-2 zone.** Cogeneration facilities may be allowed in the M-2 zone subject to a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) except when located within 1,000 feet of another zone, in which case a Conditional Use Permit shall also be required in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
- C. **M-CR zone.** Cogeneration facilities may be allowed in the M-CR zone subject to a Land Use Permit in compliance with [Section 35.82.100 \(Land Use Permits\)](#), except when located within 1,000 feet of another zone, in which case a Conditional Use Permit shall first be required in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

35.58.040 - Development Standards

In addition to the regulations of the applicable zone in which the cogeneration facility is located, the following noise mitigation regulations shall apply to cogeneration facilities:

- A. **Facilities adjacent to noise sensitive locations.** 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 Noise Element of the Comprehensive Plan.
- B. **Facilities adjacent to occupied residence.** Operation of facilities within 1,000 feet of an occupied residence shall be conducted to ensure that the noise generated is reduced to an outside nighttime level of

50 dB(A) at the impacted residence.

35.58.050 - Application Filing, Processing, and Review

Applications for Conditional Use Permits, Development Plans and Land Use Permits for cogeneration facilities shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

35.58.060 - Post-Review Procedures

The following post-approval procedures shall apply:

- A. Procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#).
- B. Procedures and requirements in [Chapter 35.102 \(Appeals\)](#).