

City of Carpinteria
City Council Regular Meeting Agenda
Monday, October 13, 2014
Council Chamber, 5775 Carpinteria Avenue

5:30 p.m.

INFORMATION ABOUT CITY COUNCIL MEETINGS:

- The time at which an item on the agenda is scheduled to be heard is an estimate only. The City Council may consider and act on an agenda item in any order it deems appropriate. In addition, an item may be considered earlier or later than the Estimated Time, depending on the length of time which is devoted to other agenda items. All persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure that they are present when the item is called.
- The regular meeting will be broadcast live over Government Access Television Channel 21. The City Council meetings will be rebroadcast on Wednesdays at 8:00 p.m. and Saturdays at 5:00 p.m.
- Materials related to an Agenda item submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 5775 Carpinteria Avenue, Carpinteria, during normal business hours. Such documents are also available on the City of Carpinteria website at www.carpinteria.ca.us subject to staff's ability to post the documents before the meeting.
- Any written or printed material and/or exhibits presented at a City Council meeting or work session become the property of the City.
- Any information presented to the City Council by the public on any agenda item and during Public Comment using electronic media to be displayed on the overhead projector must be arranged with staff for review of materials in advance of the meeting and no later than close of business Wednesday prior to the Council meeting.
- As a courtesy to others and to avoid interference with the public address system, please refrain from using cell phones in the Council Chambers and please turn off all audible pagers and rings.
- If you wish to speak on a matter scheduled for consideration in a closed session, you will have an opportunity to address the City Council before the Council retires to its closed session deliberations.

**ESTIMATED
TIME:**

5:30 p.m. **CALL TO ORDER**

5:31 p.m. **ROLL CALL**

5:31 p.m. **PLEDGE OF ALLEGIANCE**

5:31 p.m. **INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS**

5:32 p.m. **PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS**

5:32 p.m. **CITY MANAGER'S REPORT**

The City Manager will report to the City Council regarding various City and/or community events and/or matters of interest. There will be no City Council discussion except to ask questions or refer matters to staff; and no action will be taken unless listed on a subsequent agenda.

5:35 p.m. **PRESENTATIONS BY CITIZENS/PUBLIC COMMENT**

This is a time for public comments on matters not otherwise on the agenda but within the subject matter jurisdiction of the City Council. The Public Comment period is limited to 15 minutes and divided among those persons desiring to speak. No person shall speak longer than three minutes; however, the Mayor may establish shorter periods based on the time available and/or the number of persons waiting to speak. Persons wishing to speak on a specific item will be recognized at the time the agenda item is considered.

Please be aware that items on the consent calendar are considered to be routine and are normally enacted by one unanimous vote of the Council. If you wish to speak on a consent calendar item, or on a matter scheduled for consideration in a closed session at the end of the agenda, please do so during the Public Comment portion of the meeting.

The City and the City Council are not responsible for the content of statements made during the public comment period, or the factual accuracy of any such statements.

5:45 p.m. **AGENDA MODIFICATIONS:** The City Council may modify the regular agenda by tabling items, adding urgency items to the agenda, or changing the order in which items are considered. Changes to the Consent Calendar are considered at the time the Consent Calendar is considered.

5:45 p.m. **CONSENT CALENDAR (to be approved by roll call vote on one motion with all resolutions and ordinances as read by title only).**
Individual items may be removed and considered separately at the request of a Councilmember. Any item, which is removed from the Consent Calendar, will be added to the end of the agenda under Other Business.

1. Expenditures for the period ending October 7, 2014.
2. Minutes of the special meeting of August 18, 2014; minutes of the special and regular meetings of September 8, 2014; minutes of the special meeting of September 16, 2014; and minutes of the regular meeting of September 22, 2014.
3. Report of Contracts Awarded by the City Manager for September 2014.
4. Release of Cash Bonds for Dahlia Court Expansion Project in the amounts of \$16,223.50 and \$35,000.

5:47 p.m. **ADMINISTRATIVE MATTERS: NONE**

5:47 p.m. **PUBLIC HEARING: NONE**

5:47 p.m. **OTHER BUSINESS:**

- 5:47 p.m. 5. A resolution of the City Council taking an official position of support for Measure U, which seeks voter approval for the Carpinteria Unified School District to authorize the sale of general obligation bonds in a principal amount not to exceed \$90 million, principal and interest thereon to be payable from property taxes levied on taxable property in the District, to provide for the specific school facilities projects listed in the District's Project List.

Recommendation: Take action as determined appropriate.

Staff presenter: Dave Durflinger, City Manager

- a. Staff Report
- b. Public Comment
- c. City Council Determination

- 6:47 p.m. 6. A resolution of the City of Carpinteria taking an official position in favor of Measure P2014, Initiative to Ban "High-Intensity Petroleum Operations."

Recommendation: Take action as determined appropriate.

Staff presenter: Dave Durflinger, City Manager

- a. Staff Report
- b. Public Comment
- c. City Council Determination

7:47 p.m. 7. Status report on City of Carpinteria oil and gas regulations.

Recommendation: Consider the options presented and direct staff as determined appropriate.

Staff presenters: Dave Durflinger, City Manager, Jackie Campbell, Director of Community Development, Peter Brown, City Attorney and Jena Shoaf, City Attorney's Office

- a. Staff Report
- b. Public Comment
- c. City Council Determination

8:15 p.m. **COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS
PRESENTED BY COUNCILMEMBERS**

Informational reports from Councilmember representatives on the committees, commissions and organizations listed below. This is also an opportunity for Councilmembers to request information from staff or seek support from fellow Councilmembers for future agenda items.

1. Representatives to Regional Agencies and Committees

- a. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) (Shaw/Alt. Carty)
- b. California Joint Powers Insurance Authority (CJPIA) (Clark/Alt. Shaw)
- c. Channel Counties Division, League of California Cities (Nomura/Alt. Shaw)
- d. Santa Barbara Association of Governments (SBCAG)(Clark/Alt. Nomura)
- e. Santa Barbara County Air Pollution Control District (APCD)(Clark/Alt. Nomura)
- f. Santa Barbara Joint Housing Task Group (Carty & Shaw)
- g. Central Coast Collaborative on Homelessness (C3H) (Carty)
- h. South Coast Task Force on Youth Gangs Leadership and Executive Council (Carty & Clark)

2. Joint and Standing Committees

- a. City Council/Chamber of Commerce Board of Directors Committee (Carty & Nomura)
- b. City Council/Public Safety Committee (Clark & Shaw)
- c. City Council/School Board Committee (Stein & Carty)
- d. City Council/Utilities Committee (Stein & Nomura)
- e. City Council/First District Supervisor Committee (Stein & Carty)
- f. City Council Finance/Budget Committee (Stein & Clark)

3. Ad Hoc Committees

- a. Public Facility Site Acquisition/Development Committee (Carty & Nomura)
- b. Transportation Committee (Stein & Shaw)
- c. Labor Relations Committee (Nomura & Shaw)
- d. Legal Services Committee (Clark & Shaw)
- e. 50th Anniversary Committee (Carty & Nomura)

4. City Representatives on other Committees

- a. Community Media Access Center (Gary Dobbins)
- b. Santa Barbara Coastal Vector Control District (Ronald Hurd)
- c. Santa Barbara Metropolitan Transit District (Chuck McQuary)

8:15 p.m. **ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS**

8:15 p.m. **ADJOURNMENT**

The next regular meeting to be held on **Monday, October 27, 2014** at **5:30 P.M.**, in the Council Chamber, City Hall, 5775 Carpinteria Avenue, Carpinteria, California.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at 684-5405, extension 403 or the California Relay Service at (866) 735-2929. Notification two business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

This agenda was posted on Wednesday, October 8, 2014, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

STAFF REPORT
CITY COUNCIL MEETING
October 13, 2014

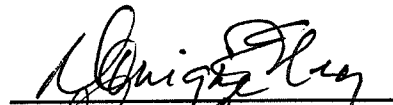
ITEM FOR COUNCIL CONSIDERATION

EXPENDITURES FOR THE PERIOD ENDING OCTOBER 7, 2014

Report prepared by: Monique Epley, Finance Supervisor

Reviewed by: John Thornberry,
Administrative Services Director

Reviewed by: Dave Durflinger, City Manager


Signature

Signature

Signature

STAFF RECOMMENDATION

Action Item ☐; Non-Action Item ☒

That the City Council accept this report concerning the current list of warrants pursuant to Carpinteria Municipal Code 2.08.150(F).

I. DISCUSSION

As part of each regular City Council agenda, staff prepares the attached listing of checks dispersed with staff certification that the expenditure transactions listed in the warrant register have been reviewed and are within the budgeted appropriations. Staff recommends that the City Council ratify the schedule of demands attached.

II. FINANCIAL CONSIDERATIONS

The warrant register included as an attachment is designed to communicate fiscal activity since the previous regular City Council agenda. No further action of a fiscal nature is requested as part of this report.

III. ATTACHMENT

A. Warrant Register for the period ending October 7, 2014

10:13 AM
10/07/14

CITY OF CARPINTERIA
Warrant Register
September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
83928	09/17/14	ALAMO SELF STORAGE	ALAMO SELF STO...	OFFSITE STORAGE FEES	1000101 · Operating Cash 10	
	09/17/14		ALAMO SELF STO...	OFFSITE STORAGE FEES	1013221 · Miscellaneous Contract...	(295.00)
TOTAL						(295.00)
83929	09/17/14	ALL AROUND LANDSCAPE SUPPLY	ALL AROUND LAN...		1000101 · Operating Cash 10	
S1749767.0...	08/15/14		ALL AROUND LAN...	ROW	3332225 · ROW Maintenance 32	(17.25)
S1750234.0...	08/18/14		ALL AROUND LAN...	ROW	3332225 · ROW Maintenance 32	(36.96)
S1750289.0...	08/19/14		ALL AROUND LAN...	ROW	3332225 · ROW Maintenance 32	(16.52)
TOTAL						(70.73)
83930	09/17/14	ANIMAL MEDICAL CLINIC	ANIMAL MEDICAL ...	INVOICE #150310	1000101 · Operating Cash 10	
150310	09/12/14		ANIMAL MEDICAL ...	ANIMAL SHELTERING	1047213 · Animal Sheltering	(1,630.00)
TOTAL						(1,630.00)
83931	09/17/14	AT & T MOBILITY	AT & T MOBILITY	ACCOUNT 828848611	1000101 · Operating Cash 10	
828848611	09/05/14		AT & T MOBILITY	POOL SUPT	4866308 · Supplies & Materials 66	(95.83)
			AT & T MOBILITY	ASPIAC	4868308 · Supplies & Materials 68	(57.06)
			AT & T MOBILITY	PARK MTC	2862308 · Supplies & Materials 62	(12.08)
			AT & T MOBILITY	JR GUARDS	2862308 · Supplies & Materials 62	(57.06)
TOTAL						(222.03)
83932	09/17/14	BEGA	BEGA	INVOICE #193870	1000101 · Operating Cash 10	
193870	09/09/14		BEGA	SEASIDE PARK	2923225 · Public Right of Way Lig...	(349.11)
TOTAL						(349.11)
83933	09/17/14	BOB TRAUTZ LAND DEV CO, INC	BOB TRAUTZ LAN...		1000101 · Operating Cash 10	
4898	08/05/14		BOB TRAUTZ LAN...	EL CARRO PARK TRELIS	2361221 · Miscellaneous Contracts	(2,120.00)
4897	08/13/14		BOB TRAUTZ LAN...	PARKS SIGNAGE	2361221 · Miscellaneous Contracts	(667.65)
TOTAL						(2,787.65)
83934	09/17/14	C3 INTELLIGENCE, INC	C3 INTELLIGENCE,...	INVOICE #4527	1000101 · Operating Cash 10	
4527	09/02/14		C3 INTELLIGENCE,...	RECRUITMENT	4866308 · Supplies & Materials 66	(40.50)
TOTAL						(40.50)
83935	09/17/14	CALIFORNIA STATE DISBURSEMENT UNIT	CALIFORNIA STAT...	CASE NUMBER 0850182383-01	1000101 · Operating Cash 10	
PAYROLL 0...	09/17/14		CALIFORNIA STAT...	PAYROLL WITHHOLDING 09-18-14	1000105 · ICMA Cash	(330.46)
TOTAL						(330.46)

CITY OF CARPINTERIA
Warrant Register
September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
83936	09/17/14	CARP EVENTS	CARP EVENTS	2014 TRIATHLON	1000101 · Operating Cash 10	
2014 TRIAT...	09/16/14		CARP EVENTS	2014 TRIATHLON	4863300 · Triathlon Expense	(4,100.00)
TOTAL						(4,100.00)
83937	09/17/14	CARPINTERIA BOYS & GIRLS CLUB	CARPINTERIA BOY...	FY 14/15 SERVICE GRANT	1000101 · Operating Cash 10	
14/15 GRANT	08/18/14		CARPINTERIA BOY...	FY 14/15 COMMUNITY SERVICES GRANT	1046212 · Boys & Girls Club Fundi...	(17,000.00)
TOTAL						(17,000.00)
83938	09/17/14	CARPINTERIA VALLEY LUMBER CO	CARPINTERIA VAL...	ACCOUNT 164	1000101 · Operating Cash 10	
JULY-AUG...	08/31/14		CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(38.77)
			CARPINTERIA VAL...	PW SHOP	3332308 · Supplies & Materials 32	(105.43)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(8.57)
			CARPINTERIA VAL...	POOL	4862329 · Jr. Lifeguard Expenses	(34.35)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(10.55)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(7.03)
			CARPINTERIA VAL...	JR GUARDS	4862329 · Jr. Lifeguard Expenses	(11.78)
			CARPINTERIA VAL...	STREET LIGHTING	2923225 · Public Right of Way Lig...	(93.77)
			CARPINTERIA VAL...	JR GUARDS	4862329 · Jr. Lifeguard Expenses	(16.99)
			CARPINTERIA VAL...	STREET LIGHTING	2923225 · Public Right of Way Lig...	(16.54)
			CARPINTERIA VAL...	STREET LIGHTING	2923225 · Public Right of Way Lig...	(5.13)
			CARPINTERIA VAL...	ROW	3332225 · ROW Maintenance 32	(93.23)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(25.36)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(27.33)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(30.85)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(8.66)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(9.01)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(10.04)
			CARPINTERIA VAL...	ROW	3332225 · ROW Maintenance 32	(9.32)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(136.98)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(138.29)
			CARPINTERIA VAL...	CITY HALL	1013224 · Interior Maintenance	(13.70)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(17.67)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(28.04)
			CARPINTERIA VAL...	ROPW	3332308 · Supplies & Materials 32	(9.32)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(14.10)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(9.78)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(49.27)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(14.69)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(25.96)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(9.10)
			CARPINTERIA VAL...	BEACH	2862308 · Supplies & Materials 62	(7.07)
			CARPINTERIA VAL...	POOL	4866308 · Supplies & Materials 66	(14.34)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(11.94)
			CARPINTERIA VAL...	ROW	3332308 · Supplies & Materials 32	(8.25)
			CARPINTERIA VAL...	POOL	4866308 · Supplies & Materials 66	(29.46)
			CARPINTERIA VAL...	POOL	4866308 · Supplies & Materials 66	(22.07)
			CARPINTERIA VAL...	PARKS	2361221 · Miscellaneous Contracts	(146.51)
TOTAL						(1,269.24)

83939 09/17/14 CENTRAL COAST IMAGING SOLUTIONS CENTRAL COAST I... INVOICE #AR28158

1000101 · Operating Cash 10

10:13 AM
10/07/14

CITY OF CARPINTERIA
Warrant Register
September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
AR28158	09/10/14		CENTRAL COAST I...	COPIER MAINTENANCE	1018222 · Equipment Maintenance	(714.59)
TOTAL						(714.59)
83940	09/17/14	CHANNEL ISLANDS DO IT BEST	CHANNEL ISLAND...	10001	1000101 · Operating Cash 10	
AUG 2014 B...	08/31/14		CHANNEL ISLAND...	CITY HALL	1013224 · Interior Maintenance	(28.44)
			CHANNEL ISLAND...	POOL	4866308 · Supplies & Materials 66	(21.54)
			CHANNEL ISLAND...	POOL	4866308 · Supplies & Materials 66	(12.63)
			CHANNEL ISLAND...	PARKS	2361221 · Miscellaneous Contracts	(34.93)
			CHANNEL ISLAND...	POOL	4866308 · Supplies & Materials 66	(26.24)
			CHANNEL ISLAND...	POOL	4866308 · Supplies & Materials 66	(11.64)
			CHANNEL ISLAND...	BEACH	2862308 · Supplies & Materials 62	(25.89)
			CHANNEL ISLAND...	PARKS	2361221 · Miscellaneous Contracts	(21.59)
			CHANNEL ISLAND...	PARKS	2361221 · Miscellaneous Contracts	(6.80)
			CHANNEL ISLAND...	PARKS	2361221 · Miscellaneous Contracts	(0.77)
			CHANNEL ISLAND...	VETS HALL	4865309 · Misc Operating Expens...	(5.34)
TOTAL						(195.81)
83941	09/17/14	COASTAL VIEW NEWS	COASTAL VIEW N...		1000101 · Operating Cash 10	
42992	07/01/14		COASTAL VIEW NE...	PET ADS	1047303 · Printing & Advertising 47	(80.00)
44090	09/04/14		COASTAL VIEW NE...	ABOP ADVERTISING	3937308 · Supplies & Materials 37	(215.00)
44132	09/11/14		COASTAL VIEW NE...	PET ADS	1047303 · Printing & Advertising 47	(60.00)
TOTAL						(355.00)
83942	09/17/14	DATA TICKET INC	DATA TICKET INC	INVOICE 56068	1000101 · Operating Cash 10	
56068	09/10/14		DATA TICKET INC	CITATION PROCESSING	1022214 · Hearing Officer	(200.00)
TOTAL						(200.00)
83943	09/17/14	DRAKE HAGLAN & ASSOCIATES, INC.	DRAKE HAGLAN &...	INVOICE #12034-20	1000101 · Operating Cash 10	
12034-20	09/08/14		DRAKE HAGLAN & ...	HBR GRANT	2000261 · Deferred Revenue 20	(4,918.13)
			DRAKE HAGLAN & ...	HBR GRANT	2079614 · FHWA HBR 20	(4,918.11)
			DRAKE HAGLAN & ...	DIF PROGRAM HIGHWAY BRIDGES & INTERC...	3100232 · DIF Highway Interchange	(637.19)
			DRAKE HAGLAN & ...	DIF PROGRAM HIGHWAY BRIDGES & INTERC...	3179616 · FHWA HBR 31	(637.19)
TOTAL						(11,110.62)
83944	09/17/14	DUDEK	DUDEK	INVOICE #20144128	1000101 · Operating Cash 10	
20144128	09/15/14		DUDEK	PROJ 1522	1000251 · Development Deposits	(300.00)
TOTAL						(300.00)
83945	09/17/14	EDD-SDI	EDD-SDI		1000101 · Operating Cash 10	
BONUS 09-...	09/15/14		EDD-SDI	BONUS 09-18-14	1000223 · SDI Withheld 10	(330.78)
PAYROLL 0...	09/17/14		EDD-SDI	PAYROLL 09-18-14	1000223 · SDI Withheld 10	(863.76)
TOTAL						(1,194.54)

10:13 AM

10/07/14

CITY OF CARPINTERIA

Warrant Register

September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
83946	09/17/14	EDD-SIT	EDD-SIT	VOID:	1000101 · Operating Cash 10	
TOTAL						0.00
83947	09/17/14	FEDEX	FEDEX	2-772-08781	1000101 · Operating Cash 10	
2-772-08781	09/05/14		FEDEX	DIF HWY INTERCHANGE	3100232 · DIF Highway Interchange	(35.56)
			FEDEX	DIF HWY INTERCHANGE	3179616 · FHWA HBR 31	(35.56)
TOTAL						(71.12)
83948	09/17/14	FIRST BANKCARD	FIRST BANKCARD	1644	1000101 · Operating Cash 10	
1644	08/27/14		FIRST BANKCARD	COUNCILMEMBER LODGING	1051306 · Meetings & Travel 51	(427.60)
			FIRST BANKCARD	TRAINING	1016228 · Employee Training	(50.00)
TOTAL						(477.60)
83949	09/17/14	FLOORING GROUP, INC.	FLOORING GROUP ...	INVOICE #CG400392	1000101 · Operating Cash 10	
CG400392	09/03/14		FLOORING GROUP ...	PROJ 4838 - LIBRARY LABOR	1000251 · Development Deposits	(2,717.50)
TOTAL						(2,717.50)
83950	09/17/14	HELP OF CARPINTERIA	HELP OF CARPINT...	COMMUNITY SERVICE GRANT FY14/15	1000101 · Operating Cash 10	
14-15 GRANT	08/11/14		HELP OF CARPINT ...	COMMUNITY SERVICE GRANT - FY 14/15	2734222 · Help of Carpinteria 27	(5,000.00)
TOTAL						(5,000.00)
83951	09/17/14	HUGO'S AUTO DETAIL	HUGO'S AUTO DE...	JULY 2014 MAINTENANCE	1000101 · Operating Cash 10	
JULY 2014 ...	09/05/14		HUGO'S AUTO DET...	JULY 2014 MAINTENANCE	1013307 · Vehicle Oper & Mainten...	(48.00)
TOTAL						(48.00)
83952	09/17/14	INTERNATIONAL LEAGUE OF CITIES, INC	INTERNATIONAL L...	2015 REGISTRATION	1000101 · Operating Cash 10	
2015 REGIS...	09/08/14		INTERNATIONAL L...	2015 REGISTRATION	1011305 · Dues & Subscriptions 11	(225.00)
TOTAL						(225.00)
83953	09/17/14	LEIGH, SHERI	LEIGH, SHERI	COMMUNITY PARK PROJECT	1000101 · Operating Cash 10	
COMMUNIT...	07/15/14		LEIGH, SHERI	COMMUNITY PARK PROJECT	3100242 · Park Improvements DIF	(1,000.00)
TOTAL						(1,000.00)
83954	09/17/14	LOS ANGELES PLUMBING	LOS ANGELES PL...	BIO;DOMG [ER,OT REFIMD	1000101 · Operating Cash 10	
PERMIT RE...	09/15/14		LOS ANGELES PL...	BUILDING PERMIT	1010173 · BUILDING/CONSTR P...	(275.70)
			LOS ANGELES PL...	SMIP	1000202 · SMIP Payable	(1.00)
			LOS ANGELES PL...	STATE FEE	1000226 · SB1473 State Building ...	(2.00)

10:13 AM

10/07/14

CITY OF CARPINTERIA

Warrant Register

September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
TOTAL						(278.70)
83955	09/17/14	MARANTETTE, WALLY	MARANTETTE, WA...	TRIATHLON 2014	1000101 · Operating Cash 10	
2014 TRIAT...	09/10/14		MARANTETTE, WA...	2014 CARP TRIATHLON	4863300 · Triathlon Expense	(941.61)
TOTAL						(941.61)
83956	09/17/14	QUALITY DISCOUNT ICE CREAM	QUALITY DISCOUN...	INVOICE 304001256	1000101 · Operating Cash 10	
30400256	09/16/14		QUALITY DISCOUN...	POOL RESALE ITEMS	4866350 · Supplies for Resale	(51.36)
TOTAL						(51.36)
83957	09/17/14	ROCKWELL PRINTING	ROCKWELL PRINT...	INVOICE #25149	1000101 · Operating Cash 10	
25149	09/05/14		ROCKWELL PRINTL...	BUSINESS ENVELOPES	1013308 · Supplies & Materials 13	(797.28)
TOTAL						(797.28)
83958	09/17/14	SANSUM CLINIC	SANSUM CLINIC	INVOICE 76957-005	1000101 · Operating Cash 10	
76957-005	09/03/14		SANSUM CLINIC	PHYSICAL - HICKEY	1016320 · Pre-placement Health S...	(219.00)
TOTAL						(219.00)
83959	09/17/14	SANTA BARBARA PUBLIC LIBRARY	SANTA BARBARA ...	COMMUNITY SERVICE GRANT FY 14/15	1000101 · Operating Cash 10	
14-15 GRANT	08/07/14		SANTA BARBARA ...	COMMUNITY SERVICE GRANT - FY 14/15	1046217 · SB County Branch Libr...	(35,500.00)
TOTAL						(35,500.00)
83960	09/17/14	SEUI LOCAL 620	SEUI LOCAL 620	PAYROLL 09-18-14	1000101 · Operating Cash 10	
PAYROLL 0...	09/17/14		SEUI LOCAL 620	PAYROLL 09-18-14	1000229 · SEIU Local 620	(146.19)
TOTAL						(146.19)
83961	09/17/14	SO CA EDISON	SO CA EDISON	2-01-201-6465	1000101 · Operating Cash 10	
2-01-201-64...	09/06/14		SO CA EDISON	STREET LIGHTS	2923220 · Street Lighting	(7,659.45)
TOTAL						(7,659.45)
83962	09/17/14	SOLID WASTE SOLUTIONS INC	SOLID WASTE SO...	INVOICE #108	1000101 · Operating Cash 10	
108	09/02/14		SOLID WASTE SOL...	AB949 COORDINATION	3937221 · Solid Waste	(1,933.75)
TOTAL						(1,933.75)
83963	09/17/14	SOUTHERN CALIFORNIA SWIMMING	SOUTHERN CALIF...	2015 REGISTRATION - YOUNGS	1000101 · Operating Cash 10	
2015 REGIS...	09/16/14		SOUTHERN CALIF...	REGISTRATION FEES - YOUNGS	4868308 · Supplies & Materials 68	(80.00)

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TOTAL						(80.00)
83964	09/17/14	STUDENT TRANSPORTATION OF AMERICA	STUDENT TRANSP...	INVOICE 0377588	1000101 · Operating Cash 10	
0377588	08/20/14		STUDENT TRANSP...	JR LIFEGUARD TRANSPORTATION	4862329 · Jr. Lifeguard Expenses	(279.00)
TOTAL						(279.00)
83965	09/17/14	T. ROWE PRICE	T. ROWE PRICE	PAYROLL CONTRIBUTION - ANTHONY VEGA	1000101 · Operating Cash 10	
PAYROLL 0...	09/17/14		T. ROWE PRICE	PAYROLL 09-18-14 - ANTHONY VEGA	1000105 · ICMA Cash	(50.00)
TOTAL						(50.00)
83966	09/17/14	THE STORAGE PLACE	THE STORAGE PL...	STORAGE RENTAL SEPTEMBER 2014	1000101 · Operating Cash 10	
SEPT 2014 ...	09/03/14		THE STORAGE PL...	OFFSITE STORAGE RENTAL	1013221 · Miscellaneous Contract...	(305.00)
TOTAL						(305.00)
83967	09/17/14	TOMMY'S DESIGNS INC	TOMMY'S DESIGN...	INVOICE 081282	1000101 · Operating Cash 10	
081282	07/01/14		TOMMY'S DESIGN...	BEACH RESALE ITEMS	4862329 · Jr. Lifeguard Expenses	(1,788.75)
TOTAL						(1,788.75)
83968	09/17/14	UNITED WAY OF SANTA BARBARA COUN...	UNITED WAY OF S...	PAYROLL 09-18-14	1000101 · Operating Cash 10	
PAYROLL 0...	09/17/14		UNITED WAY OF S...	PAYROLL 09-18-14	1000224 · United Way Payable	(20.00)
TOTAL						(20.00)
83969	09/17/14	VAN ATTA ASSOCIATES INC	VAN ATTA ASSOCI...		1000101 · Operating Cash 10	
4096	08/22/14		VAN ATTA ASSOCI...	COMMUNITY GARDEN PROJECT	3100242 · Park Improvements DIF	(4,085.00)
5032	08/22/14		VAN ATTA ASSOCI...	MEMORIAL PARK	3100242 · Park Improvements DIF	(1,727.50)
TOTAL						(5,812.50)
83970	09/17/14	VANTAGEPOINT TRANSFER AGENTS - 457	VANTAGEPOINT T...	PAYROLL 09-18-14	1000101 · Operating Cash 10	
PAYROLL 0...	09/17/14		VANTAGEPOINT T...	PAYROLL CONTRIBUTION 09-18-14	1000105 · ICMA Cash	(950.00)
TOTAL						(950.00)
83971	09/17/14	WEST GROUP	WEST GROUP	565-139-500	1000101 · Operating Cash 10	
830233823	09/01/14		WEST GROUP	SUBSCRIPTION PRODUCT CHARGES	1051305 · Dues & Subscriptions 51	(128.82)
TOTAL						(128.82)
83972	09/17/14	WESTERN EXTERMINATOR COMPANY	WESTERN EXTER...	AUGUST 2014 BILLING	1000101 · Operating Cash 10	
AUG 2014 B...	08/31/14		WESTERN EXTER...	PROJ 4865 PEST SERVICE	1000251 · Development Deposits	(46.50)

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TOTAL						
83973	09/17/14	WISSING, ALICE	WISSING, ALICE	PC 09-02-14	1000101 · Operating Cash 10	(46.50)
PC 09-02-14	09/15/14		WISSING, ALICE	MISC PC MINUTES	1041225 · Misc. Planning Contracts	(178.75)
TOTAL						(178.75)
83974	09/17/14	BIG GREEN CLEANING COMPANY	BIG GREEN CLEA...		1000101 · Operating Cash 10	
448686	08/26/14		BIG GREEN CLEAN...	ROW	3332221 · Miscellaneous Contract...	(192.00)
448836	08/28/14		BIG GREEN CLEAN...	ASH	2861225 · Marsh Park Maintenance	(192.00)
			BIG GREEN CLEAN...	5TH & 9TH	3332221 · Miscellaneous Contract...	(384.00)
			BIG GREEN CLEAN...	PARKS	2361225 · Park Maintenance 61	(192.00)
448823	08/28/14		BIG GREEN CLEAN...	VIOLA	2861225 · Marsh Park Maintenance	(64.00)
448838	08/28/14		BIG GREEN CLEAN...	CITY HALL	4865309 · Misc Operating Expens...	(598.00)
			BIG GREEN CLEAN...	ROW	3332221 · Miscellaneous Contract...	(192.00)
TOTAL						(1,814.00)
83975	09/17/14	CARQUEST OF VENTURA #7311	CARQUEST OF VE...	INVOICE #7294-428060	1000101 · Operating Cash 10	
7294-428060	08/27/14		CARQUEST OF VE...	VEHICLE REPAIR	2531307 · Vehicle Oper & Mainten...	(34.78)
TOTAL						(34.78)
83976	09/17/14	HASLER	HASLER	7900-0110-3770-5400	1000101 · Operating Cash 10	
7900011037...	09/07/14		HASLER	POSTAGE	1013302 · Postage 13	(1,059.58)
TOTAL						(1,059.58)
83977	09/17/14	HYDRO-FIT, INC	HYDRO-FIT, INC	INVOICE 14-1623	1000101 · Operating Cash 10	
14-1623	08/25/14		HYDRO-FIT, INC	POOL RESALE ITEMS	4866308 · Supplies & Materials 66	(376.50)
TOTAL						(376.50)
83978	09/17/14	KIMBALL MIDWEST	KIMBALL MIDWEST	INVOICE 3755405	1000101 · Operating Cash 10	
3755405	08/28/14		KIMBALL MIDWEST	PW SHOP	3332308 · Supplies & Materials 32	(166.16)
TOTAL						(166.16)
83979	09/17/14	PORT SUPPLY	PORT SUPPLY	INVOICE 1900172	1000101 · Operating Cash 10	
1900172	08/28/14		PORT SUPPLY	TRIATHLON	4863300 · Triathlon Expense	(235.04)
TOTAL						(235.04)
83980	09/17/14	ITTERBECK, J.	ITTERBECK, J.	TRIATHLON REFEREE SERVICES 2014	1000101 · Operating Cash 10	
2014 TRI S...	09/02/14		ITTERBECK, J.	TRIATHLON REFEREE SERVICES 2014	4863300 · Triathlon Expense	(167.62)
TOTAL						(167.62)

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83981	09/17/14	SANTA BARBARA COUNTY, SHERIFF'S D...	SANTA BARBARA ...	15-039	1000101 · Operating Cash 10	
15-039	08/28/14		SANTA BARBARA ... SANTA BARBARA ... SANTA BARBARA ...	CONTRACT SERVICES COPS GRANT SHERIFF SERVICES	1021214 · SB County Sheriff 1000150 · COPS Grant Receivable 1121214 · SB County Sheriff 11	(552,398.84) (16,666.66) (2,606.50)
TOTAL						(571,672.00)
83982	09/17/14	SO CA GAS COMPANY	SO CA GAS COMP...		1000101 · Operating Cash 10	
140-914-30...	09/05/14		SO CA GAS COMP ...	PROJ 4865 VETS HALL	1000251 · Development Deposits	(48.81)
014-914-32...	09/05/14		SO CA GAS COMP ...	VETS HALL UTILITIES	4865309 · Misc Operating Expens...	(24.04)
TOTAL				SEASIDE BUILDING	4865309 · Misc Operating Expens...	(3.15)
83983	09/17/14	STAPLES ADVANTAGE	STAPLES ADVANT...		1000101 · Operating Cash 10	(76.00)
3240498515	08/26/14		STAPLES ADVANT...	OFFICE SUPPLIES	1013308 · Supplies & Materials 13	(12.69)
3240593901	08/27/14		STAPLES ADVANT...	PARKS	2361221 · Miscellaneous Contracts	(186.20)
3240593902	08/27/14		STAPLES ADVANT...	PW SUPPLIES	2531308 · Supplies & Materials 31	(46.54)
3240593903	08/27/14		STAPLES ADVANT...	OFFICE SUPPLIES	1030308 · Supplies & Materials 30	(31.00)
3240593904	08/27/14		STAPLES ADVANT...	OFFICE SUPPLIES	1013308 · Supplies & Materials 13	(131.17)
3240593905	08/27/14		STAPLES ADVANT...	OFFICE SUPPLIES	1013308 · Supplies & Materials 13	(72.45)
TOTAL				PW	1013308 · Supplies & Materials 13	(62.17)
					2531308 · Supplies & Materials 31	(129.70)
						(671.92)
83984	09/17/14	TRI-CO BLUE PRINT & SUPPLY	TRI-CO BLUE PRIN...	10017	1000101 · Operating Cash 10	
10017	08/25/14		TRI-CO BLUE PRIN...	COPIES	1010181 · CITY CLERK CHARGES	(29.16)
TOTAL						(29.16)
83985	09/17/14	VERIZON CALIFORNIA	VERIZON CALIFOR...	011711121344992803	1000101 · Operating Cash 10	
0117111213...	09/07/14		VERIZON CALIFOR...	BOAT HOUSE	2862301 · Telephone 62	(187.64)
TOTAL						(187.64)
83986	09/17/14	WALLY'S WORLD OF LOCKS LLC	WALLY'S WORLD ...	INVOICE #373	1000101 · Operating Cash 10	
373	08/27/14		WALLY'S WORLD O...	LOCK SUPPLIES	1013224 · Interior Maintenance	(36.67)
TOTAL						(36.67)
83987	09/17/14	EDD-SIT	EDD-SIT		1000101 · Operating Cash 10	
PAYROLL 0...	09/17/14		EDD-SIT	PAYROLL 09-18-14	1000221 · SIT Withheld 10	(3,839.29)
BONUS 09-...	09/17/14		EDD-SIT	BONUS 09-18-14	1000221 · SIT Withheld 10	(885.24)
TOTAL						(4,724.53)
83988	09/24/14	BROWNSTEIN HYATT FARBER SCHRECK	BROWNSTEIN HYA...		1000101 · Operating Cash 10	

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577881	09/16/14		BROWNSTEIN HYA...	CITY ATTORNEY OFF RETAINER	1017229 · City Attorney Off-Retainer	(16,981.50)
577879	09/16/14		BROWNSTEIN HYA...	CITY ATTORNEY RETAINER	1017220 · City Attorney Retainer	(10,005.82)
577878	09/16/14		BROWNSTEIN HYA...	MHR SB	1017223 · MHRs Ordinance	(659.90)
577876	09/16/14		BROWNSTEIN HYA...	LITIGATION	1017228 · Litigation	(1,026.00)
577877	09/16/14		BROWNSTEIN HYA...	LITIGATION	1017228 · Litigation	(142.50)
TOTAL						(28,815.72)
83989	09/24/14	CaIPERS	CaIPERS	OCTOBER 2014 HEALTH	1000101 · Operating Cash 10	
OCT 2014 H...	09/15/14		CaIPERS	OCTOBER 2014 HEALTH	1051194 · Wellness 51	(4,558.35)
			CaIPERS	OCTOBER 2014 HEALTH	1011194 · Wellness 11	(1,011.70)
			CaIPERS	OCTOBER 2014 HEALTH	1012194 · Wellness 12	(1,834.02)
			CaIPERS	OCTOBER 2014 HEALTH	1013194 · Wellness 13	(1,221.77)
			CaIPERS	OCTOBER 2014 HEALTH	1014194 · Wellness 14	(4,130.00)
			CaIPERS	OCTOBER 2014 HEALTH	1016194 · Wellness 16	(599.19)
			CaIPERS	OCTOBER 2014 HEALTH	1030194 · Wellness 30	(4,305.11)
			CaIPERS	OCTOBER 2014 HEALTH	2531194 · Wellness 31	(3,665.31)
			CaIPERS	OCTOBER 2014 HEALTH	1041194 · Wellness 41	(4,190.45)
			CaIPERS	OCTOBER 2014 HEALTH	1042194 · Wellness 42	(1,408.65)
			CaIPERS	OCTOBER 2014 HEALTH	1069194 · Wellness 69	(2,157.08)
			CaIPERS	OCTOBER 2014 HEALTH	1022194 · Wellness 22	(2,161.59)
			CaIPERS	OCTOBER 2014 HEALTH	2361194 · Wellness 61	(1,221.77)
			CaIPERS	OCTOBER 2014 HEALTH	3332194 · Wellness 32	(2,161.59)
			CaIPERS	OCTOBER 2014 HEALTH	1044194 · Wellness 44	(1,221.77)
			CaIPERS	OCTOBER 2014 HEALTH	1000249 · Health Insurance Premi...	(298.21)
			CaIPERS	OCTOBER 2014 HEALTH	1016196 · Health Insurance Surch...	(142.70)
			CaIPERS	OCTOBER 2014 HEALTH	4868194 · Wellness 68	(939.82)
TOTAL						(37,229.08)
83990	09/24/14	CARPINTERIA-SUMMERLAND FIRE DISTR...	CARPINTERIA-SU...	JUNE -AUGUST 2014 FIRE FEES	1000101 · Operating Cash 10	
JUN-AUG 2...	09/19/14		CARPINTERIA-SU...	BP 11181	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	PROJ 1722	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	PROJ 1723	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	BP 11189	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	BP 11187	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	BP 11188	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	BP 11195	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	PROJ 1729	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	PROJ 1730	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	PROJ 1731	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	PROJ 1729	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	PROJ 1733	1000261 · Fire District Fees	(205.00)
			CARPINTERIA-SU...	BP 11220	1000261 · Fire District Fees	(205.00)
TOTAL						(2,665.00)
83991	09/24/14	CARPINTERIA MIDDLE SCHOOL	CARPINTERIA MID...	2014 TRIATHLON EXPENSE	1000101 · Operating Cash 10	
TRIATHLO...	09/24/14		CARPINTERIA MID...	2014 TRIATHLON REFRESHMENTS	4863300 · Triathlon Expense	(278.39)
TOTAL						(278.39)

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83992	09/24/14	CARPINTERIA VALLEY HISTORICAL SOCI...	CARPINTERIA VAL...	INVOICE #0087	1000101 · Operating Cash 10	
0087	09/16/14		CARPINTERIA VAL...	FY 14-15 ANNUAL MEMBERSHIP	1051305 · Dues & Subscriptions 51	(150.00)
TOTAL						(150.00)
83993	09/24/14	CC REGIONAL WATER QUALITY CONTRO...	CC REGIONAL WA...	2014 401 CERTIFICATION	1000101 · Operating Cash 10	
2014 401 C...	09/18/14		CC REGIONAL WA...	2014 401 WATER QUALITY CERTIFICATION	2862220 · Contract Services (Ber...	(1,201.00)
TOTAL						(1,201.00)
83994	09/24/14	CHEVRON & TEXACO BUSINESS CARD S...	CHEVRON & TEXA...	789-819-058-7	1000101 · Operating Cash 10	
607273	08/22/14		CHEVRON & TEXA...	VEHICLE FUEL	1013307 · Vehicle Oper & Mainten...	(231.24)
			CHEVRON & TEXA...	VEHICLE FUEL	3332307 · Vehicle Oper & Mainten...	(758.93)
			CHEVRON & TEXA...	VEHICLE FUEL	2531307 · Vehicle Oper & Mainten...	(272.28)
			CHEVRON & TEXA...	VEHICLE FUEL	2361307 · Vehicle Oper/Maintena...	(222.01)
			CHEVRON & TEXA...	VEHICLE FUEL	4868308 · Supplies & Materials 68	(176.60)
			CHEVRON & TEXA...	VEHICLE FUEL	1013307 · Vehicle Oper & Mainten...	(198.64)
			CHEVRON & TEXA...	VEHICLE FUEL	3332307 · Vehicle Oper & Mainten...	(572.84)
			CHEVRON & TEXA...	VEHICLE FUEL	2531307 · Vehicle Oper & Mainten...	(93.18)
			CHEVRON & TEXA...	VEHICLE FUEL	2361307 · Vehicle Oper/Maintena...	(89.95)
			CHEVRON & TEXA...	VEHICLE FUEL	4868308 · Supplies & Materials 68	(114.08)
TOTAL						(2,729.75)
83995	09/24/14	CLEAN HARBORS ENVIRONMENTAL SER...	CLEAN HARBORS ...	INVOICE #1000596282	1000101 · Operating Cash 10	
1000596282	08/09/14		CLEAN HARBORS ...	ABOP PICK-UP	3937224 · ABOP Collection	(726.00)
TOTAL						(726.00)
83996	09/24/14	COASTAL VIEW NEWS	COASTAL VIEW N...	INVOICE #44149	1000101 · Operating Cash 10	
44149	09/18/14		COASTAL VIEW NE...	LEGAL NOTICES	1030308 · Supplies & Materials 30	(181.50)
TOTAL						(181.50)
83997	09/24/14	COCA-COLA BOTTLING COMPANY OF SO...	COCA-COLA BOTT ...	8647365	1000101 · Operating Cash 10	
3066036416	09/16/14		COCA-COLA BOTT ...	SODA PURCHASES FOR RESALE @ POOL	4866350 · Supplies for Resale	(209.76)
TOTAL						(209.76)
83998	09/24/14	COLSON, MARY ANN	COLSON, MARY A...	STATE CONTROLLERS REPORT 2013	1000101 · Operating Cash 10	
SCC REPO...	09/24/14		COLSON, MARY ANN	2013 STATE CONTROLLERS REPORT	1014228 · Accounting Services	(74.73)
TOTAL						(74.73)
83999	09/24/14	DATA TICKET INC	DATA TICKET INC	INVOICE 55257	1000101 · Operating Cash 10	
55257	08/22/14		DATA TICKET INC	CITATION PROCESSING	1022214 · Hearing Officer	(200.00)
TOTAL						(200.00)

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84000	09/24/14	DIVERSIFIED INSPECTIONS	DIVERSIFIED INSP...	INVOICE #241377	1000101 · Operating Cash 10	
241377	08/31/14		DIVERSIFIED INSP...	EQUIPMENT SAFETY INSPECTION	2531307 · Vehicle Oper & Mainten...	(275.60)
TOTAL						(275.60)
84001	09/24/14	EVERSHADE EXTERIOR CLEANING SOLU...	EVERSHADE EXTE...	INVOICE 6897	1000101 · Operating Cash 10	
6897	09/08/14		EVERSHADE EXTE...	POWER WASHING/STEAM CLEANING SIDEW...	3332221 · Miscellaneous Contract...	(125.00)
TOTAL						(125.00)
84002	09/24/14	GENWORTH LIFE & ANNUITY INSURANCE...	GENWORTH LIFE ...	POLICY #5851777	1000101 · Operating Cash 10	
5851777	09/08/14		GENWORTH LIFE ...	LIFE INSURANCE POLICY PREMIUM FOR - DA...	1012191 · Life Insurance Premium...	(674.00)
TOTAL						(674.00)
84003	09/24/14	HOME DEPOT CREDIT SERVICES	HOME DEPOT CRE...	ACCT #1587	1000101 · Operating Cash 10	
1587	09/05/14		HOME DEPOT CRE...	PW SHOP	3332308 · Supplies & Materials 32	(95.26)
TOTAL						(95.26)
84004	09/24/14	IMPULSE INTERNET SERVICES	IMPULSE INTERNE...	INVOICE #776782	1000101 · Operating Cash 10	
776782	09/12/14		IMPULSE INTERNE...	EMAIL FILTERING SERVICES	1018222 · Equipment Maintenance	(89.95)
TOTAL						(89.95)
84005	09/24/14	JEAKLE, JULIE	JEAKLE, JULIE	MEETING REIMBURSEMENT	1000101 · Operating Cash 10	
REIMBURS...	09/19/14		JEAKLE, JULIE	MEETING REIMBURSEMENT	1024306 · Meetings & Travel 24	(67.57)
TOTAL						(67.57)
84006	09/24/14	LIPKA, TONY	LIPKA, TONY	INVOICE # CARP-1401	1000101 · Operating Cash 10	
CARP-1401	09/17/14		LIPKA, TONY	CAL/OSHA TRAINING - BAILEY & GONZALEZ	1016228 · Employee Training	(190.00)
TOTAL						(190.00)
84007	09/24/14	MAKER, ERIN	MAKER, ERIN	TRAVEL REIMBURSEMENT	1000101 · Operating Cash 10	
REIMBURS...	09/17/14		MAKER, ERIN	TRAVEL REIMBURSEMENT	1030306 · Meetings & Travel 30	(72.00)
TOTAL						(72.00)
84008	09/24/14	MCCORMIX CORP	MCCORMIX CORP	INVOICE #892708	1000101 · Operating Cash 10	
892708	08/31/14		MCCORMIX CORP	PW VEHICLE FUEL	3332307 · Vehicle Oper & Mainten...	(107.45)
TOTAL						(107.45)

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84009	09/24/14	METLIFE - GROUP BENEFITS	METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1000101 · Operating Cash 10	
OCT 2014 D...	09/15/14		METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1051194 · Wellness 51	(537.07)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1011194 · Wellness 11	(175.90)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1012194 · Wellness 12	(246.38)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1013194 · Wellness 13	(189.49)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1014194 · Wellness 14	(378.98)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1016194 · Wellness 16	(56.89)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1030194 · Wellness 30	(538.14)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	2531194 · Wellness 31	(568.47)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1041194 · Wellness 41	(551.73)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1042194 · Wellness 42	(189.49)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1069194 · Wellness 69	(246.38)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1022194 · Wellness 22	(232.79)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	3332194 · Wellness 32	(305.35)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	1044194 · Wellness 44	(189.49)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	2361194 · Wellness 61	(189.49)
			METLIFE - GROUP ...	OCTOBER 2014 DENTAL	4868194 · Wellness 68	(113.78)
TOTAL						(4,709.82)
84010	09/24/14	NATIONAL BUSINESS FURNITURE	NATIONAL BUSINE...	OFFICE FURNITURE	1000101 · Operating Cash 10	
OFFICE FU...	09/22/14		NATIONAL BUSINE...	OFFICE FURNITURE PURCHASE	1013224 · Interior Maintenance	(4,515.29)
TOTAL						(4,515.29)
84011	09/24/14	ON TRAC	ON TRAC	INVOICE 8034085	1000101 · Operating Cash 10	
8034085	09/06/14		ON TRAC	SHIPPING	1013302 · Postage 13	(10.70)
TOTAL						(10.70)
84012	09/24/14	PETTY CASH	PETTY CASH	PETTY CASH	1000101 · Operating Cash 10	
PETTY CASH	09/18/14		PETTY CASH	PETTY CASH	1012306 · Meetings & Travel 12	(3.00)
			PETTY CASH	PETTY CASH	1013308 · Supplies & Materials 13	(54.89)
			PETTY CASH	PETTY CASH	1014306 · Meetings & Travel 14	(3.00)
			PETTY CASH	PETTY CASH	1016308 · Supplies & Materials 16	(6.20)
			PETTY CASH	PETTY CASH	1030306 · Meetings & Travel 30	(19.00)
			PETTY CASH	PETTY CASH	1047306 · Meetings & Travel 47	(6.00)
			PETTY CASH	PETTY CASH	1047308 · Supplies & Materials	(8.09)
			PETTY CASH	PETTY CASH	4866308 · Supplies & Materials 66	(18.75)
TOTAL						(118.93)
84013	09/24/14	RISDON'S 76 AUTOCARE CENTER	RISDON'S 76 AUT...		1000101 · Operating Cash 10	
A53821	07/01/14		RISDON'S 76 AUTO...	UNIT 121 VEHICLE MAINTENANCE	1013307 · Vehicle Oper & Mainten...	(53.63)
A53822	08/30/14		RISDON'S 76 AUTO...	UNIT 120 VEHICLE MAINTENANCE	1013307 · Vehicle Oper & Mainten...	(53.63)
TOTAL						(107.26)
84014	09/24/14	SAFETY STRIPING SERVICE INC	SAFETY STRIPING ...	CUSTOMER #0302	1000101 · Operating Cash 10	
715667-F	08/30/14		SAFETY STRIPING ...	STREET MARKINGS @ VARIOUS LOCATIONS	2531225 · Thermoplast/Striping	(27,829.65)

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TOTAL						(27,829.65)
84015	09/24/14	SANTA BARBARA COUNTY, SHERIFF'S D...	SANTA BARBARA ...	15-043	1000101 · Operating Cash 10	
15-043	08/29/14		SANTA BARBARA ...	CONTRACT SERVICES	1021214 · SB County Sheriff	(276,199.42)
			SANTA BARBARA ...	COPS GRANT	1000150 · COPS Grant Receivable	(8,333.33)
			SANTA BARBARA ...	SHERIFF SERVICES	1121214 · SB County Sheriff 11	(1,303.25)
TOTAL						(285,836.00)
84016	09/24/14	SANTA BARBARA PEST CONTROL	SANTA BARBARA ...	INVOICE #53954	1000101 · Operating Cash 10	
53954	08/25/14		SANTA BARBARA ...	RODENT CONTROL	3332223 · Chemical Treatment	(65.00)
TOTAL						(65.00)
84017	09/24/14	SANTA BARBARA RAPE CRISIS	SANTA BARBARA ...	GRANT FUNDING FY 14-15	1000101 · Operating Cash 10	
14-15 GRA...	09/11/14		SANTA BARBARA ...	COMMUNITY SERVICE GRANT FUNDING FY 1...	1046228 · Rape Crisis Center	(4,000.00)
TOTAL						(4,000.00)
84018	09/24/14	SIGN CRAFT	SIGN CRAFT	PROJ 1707 REFUND	1000101 · Operating Cash 10	
PROJ 1707 ...	09/19/14		SIGN CRAFT	PROJ 1707 REFUND	1000251 · Development Deposits	(262.22)
TOTAL						(262.22)
84019	09/24/14	SIMON, MATT	SIMON, MATT	TRAVEL PERDIEM	1000101 · Operating Cash 10	
TRAVEL PE...	09/22/14		SIMON, MATT	CONFERENCE TRAVEL PERDIEM	2862306 · Meetings & Travel 62	(217.50)
TOTAL						(217.50)
84020	09/24/14	SOUTHERN CALIFORNIA SWIMMING	SOUTHERN CALIF...	REGISTRATION FEES - YOUNGS	1000101 · Operating Cash 10	
CLINIC FEE...	09/22/14		SOUTHERN CALIF...	REGISTRATION FEES - YOUNGS	4868308 · Supplies & Materials 68	(80.00)
TOTAL						(80.00)
84021	09/24/14	STRADLING YOCCA CARLSON & RAUTH	STRADLING YOCC...	291166-0001	1000101 · Operating Cash 10	
291166-0001	08/27/14		STRADLING YOCC...	MISC EMPLOYMENT MATTERS	1072211 · Personnel Services	(8,156.50)
TOTAL						(8,156.50)
84022	09/24/14	TRIBUNE MEDIA SERVICES, INC.	TRIBUNE MEDIA S...	INVOICE #0633382	1000101 · Operating Cash 10	
0633382	09/01/14		TRIBUNE MEDIA S...	PROJ 4863 LISTINGS GATV	1000251 · Development Deposits	(56.28)
TOTAL						(56.28)
84023	09/24/14	UC REGENTS	UC REGENTS	CALGRIP GRANT	1000101 · Operating Cash 10	

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2015 CALG...	07/01/14		UC REGENTS	CALGRIP GRANT	2000261 · Deferred Revenue 20	(7,500.00)
TOTAL						(7,500.00)
84024	09/24/14	VERIZON WIRELESS	VERIZON WIRELESS	INVOICE #9731733865	1000101 · Operating Cash 10	
9731733865	09/09/14		VERIZON WIRELESS	CELL PHONE - BUILDING INSPECTOR	1042308 · Supplies & Materials 42	(113.28)
TOTAL						(113.28)
84025	09/24/14	VULCAN MATERIALS COMPANY	VULCAN MATERIA...	INVOICE 70499172	1000101 · Operating Cash 10	
70499172	09/08/14		VULCAN MATERIA...	COLD MIX	2531308 · Supplies & Materials 31	(94.26)
TOTAL						(94.26)
84026	09/24/14	ADI	ADI	CUSTOMER #V6104-000	1000101 · Operating Cash 10	
TN7M3602	09/02/14		ADI	9TH STREET RESTROOM	3332225 · ROW Maintenance 32	(241.70)
TOTAL						(241.70)
84027	09/24/14	AFLAC	AFLAC	INVOICE # 610607	1000101 · Operating Cash 10	
610607	09/11/14		AFLAC	WELLNESS - SEPTEMBER	2361194 · Wellness 61	(48.80)
			AFLAC	WELLNESS - SEPTEMBER	1016194 · Wellness 16	(75.30)
			AFLAC	WELLNESS - SEPTEMBER	1041194 · Wellness 41	(24.10)
			AFLAC	WELLNESS - SEPTEMBER	1051194 · Wellness 51	(43.30)
			AFLAC	WELLNESS - SEPTEMBER	1012194 · Wellness 12	(62.60)
			AFLAC	WELLNESS - SEPTEMBER	1030194 · Wellness 30	(43.30)
			AFLAC	WELLNESS - SEPTEMBER	1022194 · Wellness 22	(23.60)
			AFLAC	WELLNESS - SEPTEMBER	1042194 · Wellness 42	(100.76)
			AFLAC	WELLNESS - SEPTEMBER	1041194 · Wellness 41	(32.20)
			AFLAC	WELLNESS - SEPTEMBER	1022194 · Wellness 22	(35.10)
			AFLAC	WELLNESS - SEPTEMBER	2531194 · Wellness 31	(48.80)
			AFLAC	WELLNESS - SEPTEMBER	1042194 · Wellness 42	(63.10)
			AFLAC	WELLNESS - SEPTEMBER	1030194 · Wellness 30	(29.60)
			AFLAC	WELLNESS - SEPTEMBER	2531194 · Wellness 31	(52.10)
			AFLAC	WELLNESS - SEPTEMBER	3332194 · Wellness 32	(106.80)
			AFLAC	WELLNESS - SEPTEMBER	1069194 · Wellness 69	(56.96)
			AFLAC	WELLNESS - SEPTEMBER	1014194 · Wellness 14	(50.31)
			AFLAC	WELLNESS - SEPTEMBER	1069194 · Wellness 69	(76.00)
			AFLAC	WELLNESS - SEPTEMBER	1051194 · Wellness 51	(32.20)
			AFLAC	WELLNESS - SEPTEMBER	2531194 · Wellness 31	(48.80)
TOTAL						(1,053.73)
84028	09/24/14	ALL AROUND LANDSCAPE SUPPLY	ALL AROUND LAN...		1000101 · Operating Cash 10	
S1753210.0...	09/02/14		ALL AROUND LAN...	ROW	3332225 · ROW Maintenance 32	(31.58)
S1753764.0...	09/04/14		ALL AROUND LAN...	ROW	3332225 · ROW Maintenance 32	(15.65)
TOTAL						(47.23)
84029	09/24/14	ARTESIA SAWDUST PRODUCTS INC	ARTESIA SAWDUS...	INVOICE 118918	1000101 · Operating Cash 10	

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118918	09/04/14		ARTESIA SAWDUS...	PLAYGROUD CHIPS - EL CARRO	2361221 · Miscellaneous Contracts	(3,860.00)
TOTAL						(3,860.00)
84030	09/24/14	BIG GREEN CLEANING COMPANY	BIG GREEN CLEA...		1000101 · Operating Cash 10	
448988	09/01/14		BIG GREEN CLEAN...	SEASIDE BUILDING	4865309 · Misc Operating Expens...	(177.00)
448993	09/01/14		BIG GREEN CLEAN...	ASH AVE	2861225 · Marsh Park Maintenance	(371.00)
			BIG GREEN CLEAN...	LOTS	3332221 · Miscellaneous Contract...	(742.00)
			BIG GREEN CLEAN...	PARKS	2361221 · Miscellaneous Contracts	(1,488.00)
448990	09/01/14		BIG GREEN CLEAN...	CITY HALL	1013224 · Interior Maintenance	(861.00)
			BIG GREEN CLEAN...	VETS HALL	4865224 · Custodial Services	(776.00)
TOTAL						(4,415.00)
84031	09/24/14	FEDEX	FEDEX	2-786-89123	1000101 · Operating Cash 10	
2-786-89123	09/19/14		FEDEX	DIF HWY INTERCHANGE	3100232 · DIF Highway Interchange	(15.34)
			FEDEX	DIF HWY INTERCHANGE	3179616 · FHWA HBR 31	(15.33)
TOTAL						(30.67)
84032	09/24/14	KIMBALL MIDWEST	KIMBALL MIDWEST	INVOICE 3761505	1000101 · Operating Cash 10	
3761505	09/03/14		KIMBALL MIDWEST	PW SHOP	3332308 · Supplies & Materials 32	(209.30)
TOTAL						(209.30)
84033	09/24/14	SATCOM GLOBAL FZE	SATCOM GLOBAL ...	INVOICE AS09140183	1000101 · Operating Cash 10	
AS09140183	09/01/14		SATCOM GLOBAL ...	IRIDIUM TRADE-UP	1024215 · Disaster Preparedness	(42.75)
TOTAL						(42.75)
84034	09/24/14	SO CA EDISON	SO CA EDISON		1000101 · Operating Cash 10	
2-27-939-99...	09/18/14		SO CA EDISON	HOCKEY RINK	1013314 · Utility - Natural Gas	(25.08)
2-25-126-20...	09/18/14		SO CA EDISON	VIOLA FIELDS	2361313 · Utility - Electric 23	(37.59)
TOTAL						(62.67)
84035	09/24/14	STAPLES ADVANTAGE	STAPLES ADVANT...		1000101 · Operating Cash 10	
3241760910	09/04/14		STAPLES ADVANT...	CDD DVD	1041308 · Supplies & Materials 41	(40.38)
3241832259	09/04/14		STAPLES ADVANT...	OFFICE SUPPLIES	1013308 · Supplies & Materials 13	(360.15)
			STAPLES ADVANT...	TRIATHLON	4863300 · Triathlon Expense	(6.43)
TOTAL						(406.96)
84036	09/24/14	TRANSAMERICA EMPLOYEE BENEFITS	TRANSAMERICA E...		1000101 · Operating Cash 10	
OCT 2014 ...	09/30/14		TRANSAMERICA E...	WELLNESS - OCT	1030194 · Wellness 30	(18.75)
			TRANSAMERICA E...	WELLNESS - OCT	1016194 · Wellness 16	(35.70)
			TRANSAMERICA E...	WELLNESS - OCT	1041194 · Wellness 41	(36.45)
			TRANSAMERICA E...	WELLNESS - OCT	1051194 · Wellness 51	(33.12)
			TRANSAMERICA E...	WELLNESS - OCT	4868194 · Wellness 68	(35.70)

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			TRANSAMERICA E...	WELLNESS - OCT	1011194 · Wellness 11	(18.75)
			TRANSAMERICA E...	WELLNESS - OCT	1030194 · Wellness 30	(40.68)
			TRANSAMERICA E...	WELLNESS - OCT	1022194 · Wellness 22	(35.70)
			TRANSAMERICA E...	WELLNESS - OCT	1042194 · Wellness 42	(99.37)
			TRANSAMERICA E...	WELLNESS - OCT	1041194 · Wellness 41	(87.43)
			TRANSAMERICA E...	WELLNESS - OCT	1041194 · Wellness 41	(33.12)
			TRANSAMERICA E...	WELLNESS - OCT	1022194 · Wellness 22	(72.48)
			TRANSAMERICA E...	WELLNESS - OCT	1012194 · Wellness 12	(18.75)
			TRANSAMERICA E...	WELLNESS - OCT	1042194 · Wellness 42	(67.40)
			TRANSAMERICA E...	WELLNESS - OCT	2531194 · Wellness 31	(109.37)
			TRANSAMERICA E...	WELLNESS - OCT	1030194 · Wellness 30	(35.70)
			TRANSAMERICA E...	WELLNESS - OCT	2531194 · Wellness 31	(67.40)
			TRANSAMERICA E...	WELLNESS - OCT	1011194 · Wellness 11	(35.70)
			TRANSAMERICA E...	WELLNESS - OCT	1022194 · Wellness 22	(18.75)
			TRANSAMERICA E...	WELLNESS - OCT	1012194 · Wellness 12	(33.12)
			TRANSAMERICA E...	WELLNESS - OCT	1030194 · Wellness 30	(56.75)
			TRANSAMERICA E...	WELLNESS - OCT	4868194 · Wellness 68	(18.75)
			TRANSAMERICA E...	WELLNESS - OCT	1041194 · Wellness 41	(205.68)
			TRANSAMERICA E...	ADJUSTMENT - ESPARZA	4868194 · Wellness 68	(18.75)
			TRANSAMERICA E...	ADJUSTMENT - YOUNGS		(1,233.37)
OCT 2014 ...	09/30/14					
TOTAL						
84037	09/24/14	TRI-CO BLUE PRINT & SUPPLY	TRI-CO BLUE PRIN...	10603	1000101 · Operating Cash 10	
10603	09/04/14		TRI-CO BLUE PRIN...	PROJ 1734 MIMAKI	1000251 · Development Deposits	(22.68)
TOTAL						(22.68)
84038	10/01/14	ATT	ATT	ACCOUNT 030-149-5366-001	1000101 · Operating Cash 10	
0301495366...	09/19/14		ATT	CIVIC CENTER	1013301 · Telephone 13	(637.89)
			ATT	PW	2531301 · Telephone 31	(28.44)
			ATT	BEACH	2862301 · Telephone 62	(120.80)
			ATT	POOL	4866301 · Telephone 66	(235.25)
			ATT	BEACH CONCESSION	2864308 · Supplies & Materials 64	(113.71)
TOTAL						(1,136.09)
84039	10/01/14	BALMADRID, ARLENE	BALMADRID, ARL...	CELL PHONE REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		BALMADRID, ARLE...	CELL PHONE REIMBURSEMENT	1016308 · Supplies & Materials 16	(65.00)
TOTAL						(65.00)
84040	10/01/14	BAYARD	BAYARD	INVOICE #INV-48540	1000101 · Operating Cash 10	
INV-48540	09/23/14		BAYARD	PARKS & REC ADVERTISING	1016303 · Recruitment Advertising	(1,125.00)
TOTAL						(1,125.00)
84041	10/01/14	CA STATE PARKS	CA STATE PARKS	FY 14-15 DAY USE FEES	1000101 · Operating Cash 10	
FY14-15 DA...	09/24/14		CA STATE PARKS	STATE PARK FEES	2323103 · STATE DAY USE PAR...	(37,021.62)
TOTAL						(37,021.62)

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84042	10/01/14	CALIFORNIA STATE DISBURSEMENT UNIT	CALIFORNIA STAT...	CASE NUMBER 0850182383-01	1000101 · Operating Cash 10	
PAYROLL 1...	10/01/14		CALIFORNIA STAT...	PAYROLL WITHHOLDING 10-02-14	1000105 · ICMA Cash	(330.46)
TOTAL						(330.46)
84043	10/01/14	CAMPBELL, JACQUELINE	CAMPBELL, JACQ...	CELL PHONE REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		CAMPBELL, JACQ...	CELL PHONE REIMBURSEMENT	1041308 · Supplies & Materials 41	(65.00)
TOTAL						(65.00)
84044	10/01/14	COASTAL VIEW NEWS	COASTAL VIEW N...		1000101 · Operating Cash 10	
44147	09/18/14		COASTAL VIEW NE...	CREEK AD	1037201 · Supplies & Materials 37	(1,124.00)
44177	09/25/14		COASTAL VIEW NE...	CREEK AD	1037201 · Supplies & Materials 37	(314.00)
44191	09/25/14		COASTAL VIEW NE...	PET ADS	1047303 · Printing & Advertising 47	(40.00)
TOTAL						(1,478.00)
84045	10/01/14	COLSON, MARY ANN	COLSON, MARY A...	WELLNESS REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		COLSON, MARY ANN	WELLNESS REIMBURSEMENT	1014194 · Wellness 14	(350.91)
TOTAL						(350.91)
84046	10/01/14	COUNCIL ON ALCOHOLISM & DRUG ABU...	COUNCIL ON ALC...	083114CALGRIP2	1000101 · Operating Cash 10	
083114CAL...	09/17/14		COUNCIL ON ALC...	CALGRIP GRANT	2000261 · Deferred Revenue 20	(14,777.76)
TOTAL						(14,777.76)
84047	10/01/14	DIAZ, JAYNE	DIAZ, JAYNE	WELLNESS REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		DIAZ, JAYNE	WELLNESS REIMBURSEMENT	1014194 · Wellness 14	(350.91)
TOTAL						(350.91)
84048	10/01/14	DRIGGERS, LARRY	DRIGGERS, LARRY	WELLNESS REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		DRIGGERS, LARRY	WELLNESS REIMBURSEMENT	1014194 · Wellness 14	(350.91)
TOTAL						(350.91)
84049	10/01/14	DURFLINGER, DAVID	DURFLINGER, DAV...	CELL PHONE REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		DURFLINGER, DAV...	CELL PHONE REIMBURSEMENT	1012308 · Supplies & Materials 12	(65.00)
TOTAL						(65.00)
84050	10/01/14	EBELING, CHARLES	EBELING, CHARLES	CELL PHONE REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		EBELING, CHARLES	CELL PHONE REIMBURSEMENT	1030308 · Supplies & Materials 30	(65.00)
TOTAL						(65.00)

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84051	10/01/14	EDD-SDI	EDD-SDI	776-5147-9	1000101 · Operating Cash 10	
PAYROLL 1...	10/01/14		EDD-SDI	PAYROLL 10-02-14	1000223 · SDI Withheld 10	(782.42)
TOTAL						(782.42)
84052	10/01/14	EDD-SIT	EDD-SIT	932-0283-6	1000101 · Operating Cash 10	
PAYROLL 1...	10/01/14		EDD-SIT	BONUS 10-02-14	1000221 · SIT Withheld 10	(3,709.66)
TOTAL						(3,709.66)
84053	10/01/14	EDWIN CIFUENTES	EDWIN CIFUENTES	BP #11193 REFUND	1000101 · Operating Cash 10	
BP #11193 ...	09/30/14		EDWIN CIFUENTES	SMIP OVERPAYMENT	1000202 · SMIP Payable	(1.71)
TOTAL						(1.71)
84054	10/01/14	FRONTADO, JOHN	FRONTADO, JOHN	WELLNESS PAYMENT	1000101 · Operating Cash 10	
	10/01/14		FRONTADO, JOHN	WELLNESS REIMBURSEMENT	1014194 · Wellness 14	(350.91)
TOTAL						(350.91)
84055	10/01/14	GARCIA, FIDELA	GARCIA, FIDELA	CELL PHONE REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		GARCIA, FIDELA	CELL PHONE REIMBURSEMENT	1011308 · Supplies & Materials 11	(65.00)
TOTAL						(65.00)
84056	10/01/14	GRANICUS	GRANICUS	INVOICE #58310	1000101 · Operating Cash 10	
58310	09/22/14		GRANICUS	OCT - DEC 2014 SERVICES	1018224 · Software Maintenance	(1,743.09)
TOTAL						(1,743.09)
84057	10/01/14	HIDALGO, BENNY	HIDALGO, BENNY	WELLNESS REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		HIDALGO, BENNY	WELLNESS REIMBURSEMENT	1014194 · Wellness 14	(350.91)
TOTAL						(350.91)
84058	10/01/14	ID WORKS, LLC	ID WORKS, LLC	INVOICE #E16906	1000101 · Operating Cash 10	
EG 16906	09/23/14		ID WORKS, LLC	PW SUPPLIES	2531308 · Supplies & Materials 31	(458.73)
TOTAL						(458.73)
84059	10/01/14	JIMENEZ, ERNEST	JIMENEZ, ERNEST	WELLNESS REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		JIMENEZ, ERNEST	WELLNESS REIMBURSEMENT	1014194 · Wellness 14	(350.91)
TOTAL						(350.91)

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84060	10/01/14	JOY EQUIPMENT PROTECTION INC	JOY EQUIPMENT P...	INVOICE #55141	1000101 · Operating Cash 10	
55141	09/05/14		JOY EQUIPMENT P...	FIRE EXTINGUISHERS	3332221 · Miscellaneous Contract...	(175.00)
TOTAL						(175.00)
84061	10/01/14	LAW OFFICES OF BRADFORD D. BROWN	LAW OFFICES OF ...	PROJECT 9062 REFUND	1000101 · Operating Cash 10	
PROJ 9062 ...	09/26/14		LAW OFFICES OF ...	PROJECT 9062 REFUND	1000251 · Development Deposits	(275.00)
TOTAL						(275.00)
84062	10/01/14	LEMERE, PATRICIA	LEMERE, PATRICIA	WELLNESS REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		LEMERE, PATRICIA	WELLNESS REIMBURSEMENT	1014194 · Wellness 14	(350.91)
TOTAL						(350.91)
84063	10/01/14	LINCOLN FINANCIAL GROUP	LINCOLN FINANCI...		1000101 · Operating Cash 10	
OCTOBER ...	09/19/14		LINCOLN FINANCIA...	OCTOBER 2014	1051191 · Life Insurance Premium...	(67.75)
			LINCOLN FINANCIA...	OCTOBER 2014	1011191 · Life Insurance Premium...	(90.83)
			LINCOLN FINANCIA...	OCTOBER 2014	1012191 · Life Insurance Premium...	(122.49)
			LINCOLN FINANCIA...	OCTOBER 2014	1013191 · Life Insurance Premium...	(32.07)
			LINCOLN FINANCIA...	OCTOBER 2014	1014191 · Life Insurance Premium...	(178.36)
			LINCOLN FINANCIA...	OCTOBER 2014	1016191 · Life Insurance Premium...	(172.37)
			LINCOLN FINANCIA...	OCTOBER 2014	1030191 · Life Insurance Premium...	(283.10)
			LINCOLN FINANCIA...	OCTOBER 2014	2531191 · Life Insurance Premium...	(181.69)
			LINCOLN FINANCIA...	OCTOBER 2014	1041191 · Life Insurance Premium...	(380.49)
			LINCOLN FINANCIA...	OCTOBER 2014	1042191 · Life Insurance Premium...	(184.15)
			LINCOLN FINANCIA...	OCTOBER 2014	1069191 · Life Insurance Premium...	(184.07)
			LINCOLN FINANCIA...	OCTOBER 2014	1022191 · Life Insurance Premium...	(129.06)
			LINCOLN FINANCIA...	OCTOBER 2014	3332191 · Life Insurance Premium...	(73.64)
			LINCOLN FINANCIA...	OCTOBER 2014	1044191 · Life Insurance Premium...	(91.90)
			LINCOLN FINANCIA...	OCTOBER 2014	2361191 · Life Insurance Premium...	(58.71)
			LINCOLN FINANCIA...	OCTOBER 2014	4868191 · Life Insurance Premium...	(65.04)
			LINCOLN FINANCIA...	OCTOBER 2014	1051191 · Life Insurance Premium...	(66.15)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1011191 · Life Insurance Premium...	(250.63)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1012191 · Life Insurance Premium...	(122.49)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1013191 · Life Insurance Premium...	(32.07)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1014191 · Life Insurance Premium...	(213.16)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1016191 · Life Insurance Premium...	(172.37)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1030191 · Life Insurance Premium...	(269.90)
			LINCOLN FINANCIA...	SEPTEMBER 2014	2531191 · Life Insurance Premium...	(181.69)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1041191 · Life Insurance Premium...	(321.69)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1042191 · Life Insurance Premium...	(186.15)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1069191 · Life Insurance Premium...	(184.07)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1022191 · Life Insurance Premium...	(129.06)
			LINCOLN FINANCIA...	SEPTEMBER 2014	3332191 · Life Insurance Premium...	(73.64)
			LINCOLN FINANCIA...	SEPTEMBER 2014	1044191 · Life Insurance Premium...	(91.90)
			LINCOLN FINANCIA...	SEPTEMBER 2014	2361191 · Life Insurance Premium...	(58.71)
			LINCOLN FINANCIA...	SEPTEMBER 2014	4868191 · Life Insurance Premium...	(65.04)
TOTAL						(4,714.44)
84064	10/01/14	MNS ENGINEERS INC	MNS ENGINEERS I...		1000101 · Operating Cash 10	

10:13 AM

10/07/14

CITY OF CARPINTERIA
Warrant Register
September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
64723	09/19/14		MNS ENGINEERS I...	GENERAL ENGINEERING SERVICES	2536226 · Engineering Retainer	(1,100.00)
64724	09/19/14		MNS ENGINEERS I...	PROJ 5436 FLORES	1000251 · Development Deposits	(3,250.00)
64725	09/19/14		MNS ENGINEERS I...	ENGINEERING SERVICES	2536226 · Engineering Retainer	(200.00)
TOTAL						(4,550.00)
84065	10/01/14	ROBERTS, MATTHEW	ROBERTS, MATTH...	CELL PHONE REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		ROBERTS, MATTH...	CELL PHONE REIMBURSEMENT	1069308 · Supplies & Materials 69	(65.00)
TOTAL						(65.00)
84066	10/01/14	SEUI LOCAL 620	SEUI LOCAL 620	PAYROLL 10-02-14	1000101 · Operating Cash 10	
PAYROLL 1...	10/01/14		SEUI LOCAL 620	PAYROLL 10-02-14	1000229 · SEIU Local 620	(146.19)
TOTAL						(146.19)
84067	10/01/14	SILK, KEVIN	SILK, KEVIN	CELL PHONE REIMBURSEMENT	1000101 · Operating Cash 10	
	10/01/14		SILK, KEVIN	CELL PHONE REIMBURSEMENT	1044308 · Supplies & Materials 44	(35.00)
TOTAL						(35.00)
84068	10/01/14	STAPLES ADVANTAGE	STAPLES ADVANT...	3241832264	1000101 · Operating Cash 10	
3241832264	09/05/14		STAPLES ADVANT...	PARKS & REC SUPPLIES	1069308 · Supplies & Materials 69	(34.75)
TOTAL						(34.75)
84069	10/01/14	SURF 'N SUDS	SURF 'N SUDS	PROJECT 5606 REFUND	1000101 · Operating Cash 10	
PROJ 5606 ...	09/26/14		SURF 'N SUDS	PROJ 5606 REFUND - BEER FESTIVAL SHERIFF	1000251 · Development Deposits	(237.05)
TOTAL						(237.05)
84070	10/01/14	T. ROWE PRICE	T. ROWE PRICE	PAYROLL CONTRIBUTION - ANTHONY VEGA	1000101 · Operating Cash 10	
PAYROLL 1...	10/01/14		T. ROWE PRICE	PAYROLL 10-02-14 - ANTHONY VEGA	1000105 · ICMA Cash	(50.00)
TOTAL						(50.00)
84071	10/01/14	THORNBERRY, JOHN	THORNBERRY, JO...	CELL PHONE REIMBURSEMENT - JAN 2014	1000101 · Operating Cash 10	
	10/01/14		THORNBERRY, JO...	CEL PHONE REIMBURSEMENT JAN 2014	1014308 · Supplies & Materials 14	(65.00)
TOTAL						(65.00)
84072	10/01/14	UNITED WAY OF SANTA BARBARA COUN...	UNITED WAY OF S...	PAYROLL 10-02-14	1000101 · Operating Cash 10	
PAYROLL 1...	10/01/14		UNITED WAY OF S...	PAYROLL 10-02-14	1000224 · United Way Payable	(20.00)
TOTAL						(20.00)

10:13 AM
10/07/14

CITY OF CARPINTERIA
Warrant Register
September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
84073	10/01/14	VANTAGEPOINT TRANSFER AGENTS - 457	VANTAGEPOINT T...	PAYROLL 10-02-14	1000101 · Operating Cash 10	
PAYROLL 1...	10/01/14		VANTAGEPOINT T...	PAYROLL CONTRIBUTION 10-02-14	1000105 · ICMA Cash	(950.00)
TOTAL						(950.00)
84074	10/01/14	FEDEX	FEDEX	2-794-30254	1000101 · Operating Cash 10	
2-794-30254	09/26/14		FEDEX	DIF HWY INTERCHANGE	3100232 · DIF Highway Interchange	(14.11)
			FEDEX	DIF HWY INTERCHANGE	3179616 · FHWA HBR 31	(14.11)
TOTAL						(28.22)
84075	10/01/14	FLAG FACTORY, THE	FLAG FACTORY, T...	INVOICE 21164	1000101 · Operating Cash 10	
21164	09/08/14		FLAG FACTORY, T...	TRIATHLON	4863300 · Triathlon Expense	(32.40)
TOTAL						(32.40)
84076	10/01/14	SANTA BARBARA COUNTY, SHERIFF'S D...	SANTA BARBARA ...	15-055	1000101 · Operating Cash 10	
15-055	09/11/14		SANTA BARBARA ...	SHERIFF OVERTIME	1021215 · Sheriff's Overtime	(2,098.45)
			SANTA BARBARA ...	PROJ 5606 - BEER FESTIVAL	1000251 · Development Deposits	(802.95)
TOTAL						(2,901.40)
84077	10/01/14	SO CA EDISON	SO CA EDISON		1000101 · Operating Cash 10	
2-00-378-20...	09/24/14		SO CA EDISON	CIVIC CENTER	1013313 · Utility - Electric 13	(3,475.67)
			SO CA EDISON	ROW	3332313 · Utility - Electric 32	(53.99)
			SO CA EDISON	PARKING	3332313 · Utility - Electric 32	(256.23)
			SO CA EDISON	PARKS	2361313 · Utility - Electric 23	(620.20)
			SO CA EDISON	POOL	4866313 · Utility - Electric 66	(1,762.42)
			SO CA EDISON	STREET LIGHTING	2923220 · Street Lighting	(597.43)
			SO CA EDISON	BIKEWAYS	2923225 · Public Right of Way Lig...	(70.37)
2-19-146-82...	09/26/14		SO CA EDISON	9TH STREET BATHROOM	2923220 · Street Lighting	(41.80)
2-17-070-74...	09/26/14		SO CA EDISON	1 CARP TC	2923220 · Street Lighting	(60.72)
TOTAL						(6,938.83)
84078	10/01/14	VENCO POWER SWEEPING INC	VENCO POWER S...	INVOICE 0045191-IN	1000101 · Operating Cash 10	
0045191-IN	09/15/14		VENCO POWER S...	STREET SWEEPING SERVICE	2531227 · Street Sweeping	(3,318.60)
TOTAL						(3,318.60)
84079	10/01/14	EDD-SDI	EDD-SDI	776-5147-9	1000101 · Operating Cash 10	
PAYROLL-2...	10/01/14		EDD-SDI	PAYROLL-2 10-02-14	1000223 · SDI Withheld 10	(27.65)
TOTAL						(27.65)
84080	10/01/14	EDD-SIT	EDD-SIT	932-0283-6	1000101 · Operating Cash 10	
PAYROLL-2...	10/01/14		EDD-SIT	PAYROLL-2 10-02-14	1000221 · SIT Withheld 10	(34.13)

10:13 AM
10/07/14

CITY OF CARPINTERIA
Warrant Register
September 17 through October 7, 2014

Num	Date	Name	Source Name	Memo	Account	Paid Amount
TOTAL						(34.13)
84081	10/02/14	KEISER, JON	KEISER, JON	VOID:	1000101 - Operating Cash 10	0.00
TOTAL						TOTAL \$1,211,523.80

2. Minutes for the following City Council meetings:

- Special meeting of August 18, 2014
- Special and regular meetings of and September 8, 2014
- Special meeting of September 16, 2014
- Regular meeting of September 22, 2014.

**City of Carpinteria
City Council Minutes
Special Meeting
Monday, August 18, 2014**

CALL TO ORDER

Mayor Stein called the meeting to order at 4:01 p.m.

ROLL CALL

Councilmembers present:

Councilmember Al Clark
Councilmember Wade Nomura
Councilmember Fred Shaw
Vice Mayor Gregg Carty
Mayor J. Bradley Stein

Staff members present:

Fidela Garcia, City Clerk
John Thornberry, Administrative Services Director

PLEDGE OF ALLEGIANCE

All present were led in the salute to the flag by Mayor Stein.

PUBLIC COMMENT: None

The City Council met meet to consider the following matter:

1. Cancellation of the November 4, 2014 General Municipal Election

Recommendation: That the City Council, adopt one of the two following resolutions relating to the November 4, 2014, General Municipal Election, as is deemed appropriate:

- a. Resolution No 5546, as read by title only, providing for the appointments to the Offices of City Council that were to be elected on Tuesday, November 4, 2014, and canceling the election; or

b. Resolution No. 5546, as read by title only, confirming the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of three members of the City Council.

City Clerk Fidela Garcia presented the staff report and noted that one email was received in favor of cancelling the November Election. Vice-Mayor Carty asked for clarification on the write-in candidate process. Ms. Garcia responded by stating, if the election were canceled per Elections Code Section 10229, she would be precluded from issuing papers for a write-in candidate.

There were no Public Comments.

Vice-Mayor Carty indicated that he was in favor of canceling the election; however, it seemed to him that doing so would seem to be a conflict of interest in that they would be voting to cancel their own election. Vice Mayor Stein stated that a write-in has never happened and that it would cost an additional \$10,000 to hold the election. Councilmember Nomura stated his observation that the call for candidacy was publicly noticed throughout and no one came forward so to hold out for a potential at a cost of \$10,000 for the election that someone might come forward as a write-in candidate would be counterproductive with regard to its fiduciary responsibility to the City.

Motion by Councilmember Nomura, seconded by Councilmember to adopt Resolution No. 5546, as read by title only, providing for the appointment of three members to the Offices of the City Council that were to be elected on Tuesday, November 4, 2014, and canceling the election.

Roll Call on motion:

AYES: Councilmembers Clark, Nomura, Shaw, Vice Mayor Carty, and Mayor Stein

NOES: None

ABSTAIN: None

ABSENT: None

ADJOURNMENT

The meeting was adjourned by Mayor Stain at 4:17 p.m.

J. Bradley Stein, Mayor

ATTEST:

Fidela Garcia, CMC, City Clerk

**City of Carpinteria
City Council Minutes
Special Meeting
Council Chambers
Monday, September 8, 2014**

CALL TO ORDER

Mayor Stein called the meeting to order at 3:30 p.m.

ROLL CALL

Councilmembers present:

Councilmember Fred Shaw
Councilmember Al Clark
Vice Mayor Gregg Carty
Mayor J. Bradley Stein

Councilmember Wade Nomura was absent.

Staff members present:

Dave Durflinger, City Manager
Fidela Garcia, City Clerk
Kevin Silk, Assistant to the City Manager

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: None

The City Council will meet to consider the following matter:

1. Approval of City Participation as a Partner and Collaborator with the Carpinteria Arts Center and County of Santa Barbara Arts Fund in Applying for and Carrying out a Santa Barbara Foundation Cultural Communities Grant

Recommendation: Consider the request from the Carpinteria Arts Center and, if determined appropriate, approve the City's participation in the subject grant collaboration and authorize the City Manager to enter into on behalf of the City an appropriate agreement.

Councilmember Clark declared a conflict of interest as he is a member of the Board of Directors of the Carpinteria Arts Funds. He stepped down from the dais and exited the Council Chambers at 3:31 p.m.

Dave Durflinger, City Manager, presented the staff report and video presentation.

Sherri Frazer, representing the Carpinteria Arts Center, spoke regarding the Santa Barbara Foundation Cultural Communities Grant for the creation of a Cultural Strategic Plan to identify

opportunities, carriers, and action steps. She introduced Brad Nack, Executive Director Santa Barbara Arts Fund

Mr. Nack spoke regarding the Santa Barbara Arts Fund Project and the Funk Zone.

Ms. Frazer presented a video of a cultural corridor.

It was moved by Councilmember Shaw, seconded by Vice Mayor Carty, to approve the City's participation, as described herein, in a partnership with the Carpinteria Arts Center and the County of Santa Barbara Arts Fund to apply for and carry out a Santa Barbara Foundation Cultural Communities Grant; and authorize the City Manager to negotiate and enter into an appropriate agreement with the Carpinteria Arts Center and the County of Santa Barbara Arts Fund concerning the subject grant.

Upon voice vote, Councilmember Shaw, Vice Mayor Carty, and Mayor Stein were in favor. Councilmember Clark and Nomura were absent.

Motion carried.

ADJOURNMENT

The meeting was adjourned at 4:52 p.m. by Mayor Stein.

J. Bradley Stein, Mayor

ATTEST:

Fidela Garcia, CMC, City Clerk

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, September 8, 2014**

CALL TO ORDER

Mayor Stein called the meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present:

Councilmember Wade Nomura
Councilmember Fred Shaw
Councilmember Al Clark
Vice Mayor Gregg Carty
Mayor J. Bradley Stein

Staff members present:

Dave Durflinger, City Manager
Peter Brown, City Attorney
Fidela Garcia, City Clerk
Erin Maker, Environmental Coordinator
John Thornberry, Administrative Services Manager
Nick Bobroff, Associate Planner
Jackie Campbell, Community Development Director

PLEDGE OF ALLEGIANCE

All present were led in the salute to the flag by Mayor Stein.

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS

1. Proclamation declaring October 19-25, 2014 "Freedom from Workplace Bullies Week."

Mayor Stein announced the proclamation declaring October 19 – 25, 2014 as "Freedom from Workplace Bullies Week."

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS

Councilmember Shaw announced that HopeNet of Carpinteria would hold a candlelight vigil on September 10 at 7:00 p.m. at Linden Field and the public was invited.

CITY MANAGER'S REPORT

- Caltrans has issued the Final Environmental Impact Report for the South Coast Highway 101 HOV Lanes Project. The report is available for review on the City and Caltrans' websites, and a hard copy is available at Carpinteria, Santa Barbara, and Montecito libraries, and at Caltrans District Office.
- Tree Review Board will review 16 requests for the Annual Tree Replacement Work. The Board will tour the trees on September 25 and provide a recommendation to the City Council at its meeting on November 6.
- Carpinteria-Summerland Fire Protection District will hold a 9/11 Memorial at Fire Station No. 1 on September 11, 2014, at 9:00 a.m.

PUBLIC COMMENT

Gary Mussell, representing Friends of Bates Beach, invited everyone to the Annual Beach Clean Up on September 20 from 9:00 a.m. to 12:00 p.m. He noted that 29 beaches in Santa Barbara County would be cleaned and volunteers were welcome to help with this effort.

Pat Kistler, representing Carpinteria Valley Chamber of Commerce, invited everyone to the 19th Annual Carpinteria Valley Chamber of Commerce Golf Tournament and festivities on September 18 at the Goleta Golf Course. She stated a bus would be available to provide transportation. She also announced the trip to Austria and Germany would depart on September 22 and participants were looking forward to a great trip. She invited everyone to the Business After Hours Mixer at Lions Club Park on September 24 from 5:00 p.m. to 7:00 p.m.

AGENDA MODIFICATIONS: None.

CONSENT CALENDAR

Mayor Stein noted that the expenditures were corrected from the period ending August 19 to September 2.

Motion by Mayor Stein, seconded by Councilmember Nomura, to approve the Consent Calendar and the resolution as read by title only.

Upon voice vote, motion carried unanimously.

2. Expenditures for the period ending September 2, 2014.
3. Adopt Resolution No. 5548, as read by title only, authorizing the destruction of certain obsolete records in the City Clerk's Office as specified in Exhibit A of the Staff Report.

ADMINISTRATIVE MATTER(S):

4. Special Event Permit for 2014 Avocado Festival

Recommendation: That the City Council: (1) Approve the issuance of a Special Event Permit for the 2014 Avocado Festival in accordance with the conditions of approval and Festival description; (2) Make the determination that during the hours of Festival operation the area within the beer garden boundaries, as set forth in the map attached to the staff report, is a Public Park pursuant to C.M.C. Section 10.68.010; and, (3) Authorize expenditure of City Resources as detailed in the staff report.

Vice Mayor Carty recused himself from this item as he sits on the Board of Directors for the Avocado Festival. He stepped down from the dais and exited the Council Chambers at 5:43 p.m.

Erin Maker, Environmental Coordinator, presented the staff report.

Leo Fortunado, President of the California Avocado Festival, thanked everyone for supporting this event.

Motion by Councilmember Shaw, seconded by Councilmember Nomura, to (1) approve the issuance of a Special Event Permit for the 2014 Avocado Festival in accordance with the conditions of approval and Festival description; (2) make the determination that during the hours of Festival operation the area within the beer garden boundaries, as set forth in the map attached to the staff report, is a Public Park pursuant to C.M.C. Section 10.68.010; and, (3) authorize expenditure of City Resources as detailed in the staff report.

Upon voice vote, Councilmember Clark, Councilmember Nomura, Councilmember Shaw, and Mayor Stein were in favor. Vice Mayor Carty was absent. Motion carried.

Vice Mayor Carty returned to the Council Chambers at 5:50 p.m.

PUBLIC HEARING:

5. Resolution No 5574 and Ordinance No. 669, Amending the City of Carpinteria's Local Coastal Program Specifically Consisting of Amendments to the City's Zoning Map, General Plan/Local Coastal Land Use Plan and Land Use Map to Ensure Vertical Consistency Between Zoning and Land Use Designations

Recommendation: That the Council: (1) Approve Resolution No. 5547, as read by title only, certifying that Ordinance No. 669 is intended to carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and direct threat the proposed Amendment, a part of Ordinance No. 669 be transmitted to the California

Coastal Commission; and (2) Approve Ordinance No. 669, as read by title only (first reading).

Nick Bobroff, Associate Planner, presented the staff report and PowerPoint presentation.

Vice Mayor Carty inquired whether changing the zoning would affect the value of some parcels such as Concha Loma and the legalities regarding the zone change. Peter Brown, City Attorney, responded that this item was a basic type of land use work that a city conducts in order to bring zoning into conformity with the General Plan, which is a legal requirement. He stated that from the point of view of impacting property owners and according to California law, as long as there is an economic use for the property, the City is granted broad discretion to determine the proper land use. He noted that staff's recommendations were to provide for economic use for all parcels.

Jackie Campbell, Community Development Director, noted that the land use designation was already determined to be low density residential in 2003 when the City adopted the General Plan. She stated that staff had not proposed any zoning that gives any property less opportunity for development than what was already designated by the land use designation.

Councilmember Clark inquired regarding the five lots on Aragon Drive. Mr. Bobroff responded that currently three of the lots have four units each and the other two lots have three units each for a total of 18 units. Councilmember Clark inquired how many units would be allowed on these lots under PRD 20. Mr. Bobroff responded there would be additional capacity for two more units.

Mayor Stein opened the Public Hearing at 6:13 p.m.

Vera Benson spoke in support of the changes to the General Plan and changing units to recreation. She asked the City Council to consider one additional zone change to convert to recreation. She stated there were many people using tee time and there was not enough room for everybody's use. Mayor Stein agreed and noted that the use was likely up to the owner of the parcel. Ms. Campbell stated that when the General Plan was adopted in 2003, the City took a comprehensive look at the land use designation. She noted that it was concluded at that time that the Bluffs I Viola Fields Nature Preserve would be designated Open Space/Recreation and the consistency rezone would follow. She stated she believed there was a conscious decision by the City Council at that time and the Coastal Commission certification process that the existing Plan Use Development (PUD) Land Use designation would be maintained at that location. She noted that the driving range could continue to operate with its Conditional Use Permit and the agricultural operation could continue to operate.

Mayor Stein closed the Public Hearing at 6:18 p.m.

Motion by Mayor Stein, seconded by Councilmember Shaw, to approve Resolution No. 5547, as read by title only, certifying that Ordinance No. 669 is intended to carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and direct threat the proposed Amendment, a part of Ordinance No. 669 be transmitted to the California Coastal Commission.

Upon voice vote, motion carried unanimously.

Motion by Mayor Stein, seconded by Councilmember Shaw, to approve Ordinance No. 669, as read by title only (first reading).

Upon voice vote, motion carried unanimously.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Nomura reported that he and Councilmember Shaw attended the Annual League of California Cities Conference in Los Angeles. He stated that he attended sessions on panhandling and prayer as affected by the First Amendment, partnering on infrastructure, minority youth challenges and how it affects inter-city areas, evaluation of the drought and possible rationing, and transforming cities with Blooms Across America.

Councilmember Shaw reported that he attended the Channel Counties Issues Group where they discussed fire rings. He also reported that he attended sessions on Proposition 1 Water Bond, coastal access, sea level rise, under-representation of women in elective offices, infrastructure investment and partnering with cities to increase community safety, budgeting stormwater, how to reach people in the community who do not watch or attend Council meetings, skatepark presentation, enhancing neighborhood livability through code enforcement receiverships, and sustainable development.

Councilmember Nomura noted that there was also discussion regarding trying to become sustainable in electrical energy by using solar and wind energy by 2020.

Vice Carty stated that he received letter from the local school bond committee with a copy of the Facilities Master Plan asking the City Council to take a stance. He requested that this item be placed on a future agenda.

Councilmember Nomura noted that the 50th Anniversary Committee would meet on September 16 at 5:30 p.m. in Council Chambers and the public was invited to attend.

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

All expected to attend the next Council meeting.

PUBLIC COMMENT ON CLOSED SESSION MATTERS: None

CLOSED SESSION

Peter Brown, City Attorney, announced that the City Council would temporarily adjourn to a Closed Session for the purpose of the following item:

1. Conference with City Attorney – Anticipated Litigation – Government Code Section 54956.9(b); One potential case.

TEMPORARY ADJOURNMENT TO CLOSED SESSION

The City Council recessed to Closed Session at 6:30 p.m.

All Councilmembers were present for the Closed Session. Staff present was Peter Brown, City Attorney; Jenna Shoaf, Attorney, Dave Durflinger, City Manager; Jackie Campbell, Director of Community Development.

RECONVENE IN OPEN SESSION

CLOSED SESSION REPORT

Peter Brown, City Attorney, announced there was no reportable action from the Closed Session.

ADJOURNMENT

The meeting was adjourned at 8:02 p.m. by Peter Brown, City Attorney.

J. Bradley Stein, Mayor

ATTEST:

Fidela Garcia, CMC, City Clerk

City of Carpinteria
City Council Special Meeting Minutes
Tuesday, September 16, 2014

CALL TO ORDER

Mayor Stein called the meeting to order at 3:30 p.m.

ROLL CALL

Councilmembers present:

Councilmember Fred Shaw
Councilmember Wade Nomura
Councilmember Al Clark
Mayor J. Bradley Stein

Vice Mayor Gregg Carty was absent.

Staff members present:

Dave Durflinger, City Manager
Fidela Garcia, City Clerk
Jena Shoaf, Attorney
Jackie Campbell, Community Development Director

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT ON CLOSED SESSION: None

CLOSED SESSION

Jena Shoaf, attorney, announced that the City Council would temporarily adjourn to a Closed Session for the purpose of the following item:

1. Conference with City Attorney – Existing Litigation – Government Code Section 54956.9(a)

Dario Pini, et al. v. City of Carpinteria, Santa Barbara County Superior Court,
Case No. 1467592

TEMPORARY ADJOURNMENT TO CLOSED SESSION

The City Council recessed to Closed Session at 3:31 p.m.

RECONVENE IN OPEN SESSION

CLOSED SESSION REPORT

Attorney Jenna Shoaf announced there was no reportable action from the Closed Session.

ADJOURNMENT

The meeting was adjourned at approximately 4:45 p.m. by Jena Shoaf, attorney.

J. Bradley Stein, Mayor

ATTEST:

Fidela Garcia, CMC, City Clerk

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, September 22, 2014**

CALL TO ORDER

Mayor Stein called the meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present:

Councilmember Wade Nomura
Councilmember Fred Shaw
Councilmember Al Clark
Mayor J. Bradley Stein

Vice Mayor Gregg Carty was absent during Roll Call.

Staff members present:

Dave Durlinger, City Manager
Beth Collins-Burgard, Deputy City Attorney
Fidela Garcia, City Clerk
Kevin Silk, Assistant to the City Manager
Shanna Farley-Judkins, Assistant Planner
Jackie Campbell, Community Development Director
Julie Jeakle, Volunteer and Emergency Services Coordinator
Charles Ebeling, Public Works Director
Matt Roberts, Parks & Recreation Director

PLEDGE OF ALLEGIANCE

All present were led in the salute to the flag by Mayor Stein.

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS: None

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS: None

Vice Mayor Carty arrived at 5:33 p.m.

CITY MANAGER'S REPORT

Jackie Campbell, Community Development Director, announced that the California Department of Housing and Community Development approved the City's Housing Element upon its first submittal. She stated that the Housing Element would be brought back to the City Council in October for certification and a discussion regarding second units. She also announced that the County Health Department declared the Lovable and Fixable Spay and Neuter Free Clinics for Pit Bulls during the month of October for the first 150 people who sign up.

Dave City Manager Durflinger reported:

- Construction on Ninth Street Bridge over Carpinteria Creek will begin next week. Reminder to all there will be a detour for a few months during construction. Project should be completed by early December.
- Carpinteria Triathlon will take place on September 28. The City is expecting over 800 participants. People interested in volunteering can contact Ann Meyer at City Hall. Additional information is available on the City's website.

PUBLIC COMMENT

Susan Allen stated it was her understanding that the City Council has engaged in settlement discussions with Dario Pini over his lawsuit against the City challenging City expenses and enforcing laws. She also stated she was confident that the charges were reasonable and accounted for extraordinary use of staff time, and she was pleased with the City's response. She expressed her concern that the Casa Del Sol Motel is featured on the Chamber of Commerce's website, and she shared a derogatory review from a recent guest. She questioned whether the City wanted to have this type of establishment within the City.

Kirsten McLaughlin introduced herself as the new Public Affairs Manager for Cox Communications in the Santa Barbara area. She thanked the City Council for hosting the Cox Conserves Heroes Honors and Awards.

Jim Taylor asked the City Council to consider officially endorsing Measure P on the November ballot, which would prohibit large scale expansion of oil extraction in Santa Barbara County.

Jane Benefield expressed her support of Measure P and asked that everyone do the same. She encouraged everyone to read the measure.

Avelina Donnelly, fifth grade student at Canalino School, encouraged the City Council to support Measure U.

Jamie Persoon, Principal of Canalino School and parent of a fifth and seventh grade students in the Carpinteria Unified School District, asked the City Council to endorse Measure U.

Allison Levitt, member of the Carpinteria Unified School District Board, asked the City Council to endorse Measure U.

Mary Beth Carty, Co-Chair of Yes on Measure U, asked the City Council to consider endorsing Measure U.

Paul Cordeiro, Superintendent of the Carpinteria Unified School District, thanked the City for displaying the Thrive Carpinteria Banners on Linden and Carpinteria Avenue during the month of August. He noted the following people were in the audience: Board member Donnelly, Allison Levitt, Principal Kristen Mavelle, Principal Holly Manier, Jamie Persoon, Leslie Gravitz, Assistant Superintendent Cindy Abbott, and Beth Cox. He stated they were receiving positive feedback from the community for Measure U, and he asked the City Council to consider adopting a resolution in support of the ballot measure.

Mayor Stein noted that an item to consider supporting Measure U would be placed on the next agenda.

Vice Mayor Carty inquired whether there would be a conflict of interest for the City taking a position on Measure P as it relates to the current active proposal to the City. Beth Collins-Burgard, Deputy City Attorney, responded that Measure P applies in the County and the unincorporated portions, and deals with oil exploration. She stated the measure would not have an impact to the City. Vice Mayor Carty asked to have this item placed on the next agenda.

AGENDA MODIFICATIONS: None

CONSENT CALENDAR.

Motion by Councilmember Clark, seconded by Councilmember Shaw, to approve the Consent Calendar and resolutions as read by title only.

Upon voice vote, motion carried unanimously.

1. Expenditures for the period ending September 16, 2014.
2. Minutes of the regular meeting of August 25, 2014.
3. Adopt of Resolution No. 5550, A Resolution of the City Council of the City of Carpinteria Approving an Amendment to the City's Conflict of Interest Code.
4. Authorize the purchase in the amount of \$42,233.00 to procure a prefabricated concrete 10'X12' utility building to serve as the base for the Holly Avenue Lifeguard Tower Project.

ADMINISTRATIVE MATTERS:

The following items were considered concurrently.

5. Adoption of Resolution No. 5551, Approving the Recommendations of the City's Traffic Safety Committee Made on July 24, 2014.
6. Adoption of Resolution No. 5552, Establishing a Red Curb Zone at 5103 Carpinteria Avenue; and Authorize the Removal and Relocation of the Bus Stop Located at 5085 Carpinteria Avenue to 5103 Carpinteria Avenue

Recommendation: Adopt Resolution No. 5551, as read by title only, approving the recommendations of the Traffic Safety Committee from its meeting of July 24, 2014; and

Recommendation: Adopt Resolution No. 5552, as read by title only, establishing a red curb zone at 5103 Carpinteria Avenue; and authorizing the removal and relocation of the bus stop located at 5085 Carpinteria Avenue to 5103 Carpinteria Avenue.

Charlie Ebeling, Public Works Director, presented the staff reports and PowerPoint presentations.

Councilmember Shaw requested bringing back a discussion for installation of a red zone or yellow curb in front of Linden Avenue and Dorrance. Mr. Ebeling noted that this item would be presented on the Traffic Safety Committee's agenda.

Jane Benefield inquired what happens to a handicap curb should the resident pass away or move. Mr. Ebeling responded that a provision is included in the resolution when a resident moves or when the handicap curb is no longer needed.

Motion by Councilmember Clark, seconded by Councilmember Shaw, to adopt Resolution No. 5551, as read by title only, approving the recommendations of the Traffic Safety Committee from its meeting of July 24, 2014; and adopt Resolution No. 5552, as read by title only, establishing a red curb zone at 5103 Carpinteria Avenue; and authorizing the removal and relocation of the bus stop located at 5085 Carpinteria Avenue to 5103 Carpinteria Avenue.

Upon voice vote, motion carried unanimously.

PUBLIC HEARING: None

OTHER BUSINESS:

7. Resolution No. 5549, Which Would Grant Consent to the City of Santa Barbara to Renew the Santa Barbara South Coast Tourism Business Improvement District to Operate Within the City of Carpinteria

Mayor Stein declared a conflict of interest and turned the meeting over to Vice Mayor Carty. He stepped down from the dais and exited the Council Chambers at 6:07 p.m.

Recommendation: Adopt a Resolution No. 5549, as read by title only, thereby granting consent to the City of Santa Barbara to renew the Santa Barbara South Coast Tourism Business Improvement District in the City of Carpinteria.

Dave Durflinger, City Manager, presented the staff report.

Kathy Janega-Dykes, Chief Executive Officer of Visit Santa Barbara, provided a PowerPoint presentation regarding tourism to Carpinteria and the Tourism Business Improvement District (TBID) renewal process.

Tom Patton, General Manager and partner of the Ramada Hotel in the Goleta Valley and Chair of the Santa Barbara TBID Committee, expressed appreciation for the City Council's support of the initial TBID, and urged its continuing participation.

Pat Kistler, representing the Carpinteria Valley Chamber of Commerce, spoke regarding the Chamber of Commerce's efforts to promote tourism. She expressed her support for the City Council renewing the TBID.

Mr. Durflinger noted that Visit Santa Barbara held an informational meeting in Carpinteria in August for the lodging community, including the vacation rental community. He responded to a question regarding the difference between Transient Occupancy Tax (TOT) and TBID by explaining that a TOT is a local tax that is paid by the hotel visitor to help offset service costs related to visitors that come to the community. He stated that revenue from the TOT is a General Fund revenue source. He also explained that a TBID is an assessment and revenue can only be used for the purpose set up by the district. He noted that this TBID is used to promote tourism for the benefitting properties.

Vice Mayor Carty inquired whether the local Best Western Hotel and Holiday Inn Express were in favor of the TBID. Mr. Durflinger responded that staff had not received any indication for or against the TBID from any of the lodging facilities. Vice Mayor Carty suggested that a representative from a destination hotel should serve on the TBID Committee rather than a representative from the local Motel 6.

Vice Mayor Carty closed public comment period at 6:55 p.m.

Councilmember Nomura expressed concern with the City having only one voice on the Committee and not knowing the make-up of the Committee. Ms. Janega-Dykes responded that the TBID Committee serves as oversight and assists in developing the marketing plan for the year. She noted that the City has a representative from Carpinteria Motel 6 and the Committee has invited other hotels to participate; however,

the Committee has been unable to secure their participation. She noted that Pat Kistler has been serving as the representative for the hotels, and she and Linda attend almost every meeting. She stated that the Committee is interested in securing more interest from Carpinteria hotels.

Councilmember Nomura stated he would like to see a plan set in place where Carpinteria would see the benefit from the TBID, including the Avocado Festival and plans for the City's 50th Anniversary.

Councilmember Shaw expressed support for including vacation rentals in the TBID. He also expressed support for promoting tourism between November and March, and noted that the seals come to the rookery from January through March.

Councilmember Clark stated he does not support the TBID at this time. He noted that he received a letter in opposition. He also noted that the City received 30,000 visitors at the Seal Rookery before the TBID was put in place. He stated that he believed Carpinteria is already well known as a tourist destination.

Vice Mayor Carty inquired regarding the number of hotels that support the TBID. Ms. Janega-Dykes responded there were currently three hotels in support. Vice Mayor Carty stated the he also would not support the TBID at this time. Ms. Janega-Dykes stated that should the City Council not support the TBID, Visit Santa Barbara would not be able to include Carpinteria in any of its marketing materials, website, or outreach.

Motion by Councilmember Nomura, seconded by Councilmember Shaw, for a continuance to the next meeting based on trying to get more information and finding out support specific from the business owners who do not have a voice right now.

Roll Call on motion:

AYES: Councilmembers Nomura and Shaw

NOES: Councilmember Clark and Vice Mayor Carty

ABSTAIN: None

ABSENT: Mayor Stein

Motion failed.

No action was taken.

Mayor Stein returned to the Council Chambers at 7:12 p.m. and took his seat at the dais.

8. Concha Loma Neighborhood Residential Design Guidelines

Recommendation: Receive presentation and any public comments on the Concha Loma Neighborhood Residential Design Guidelines.

Shanna Farley-Judkins, Assistant Planner presented the staff report and PowerPoint presentation.

Vice Mayor Carty inquired whether second story decks would be allowed in the rear yard setback due to negative impacts to neighbors. Ms. Farley-Judkins responded that it would depend on whether the deck level is raised to a level of being a structure and whether or not it is permitted. She stated that should a deck be raised to a level to be a structure, the deck is required to be outside of the setback.

Jackie Campbell, Community Development Director, stated that the Concha Loma Neighborhood Residential Design Guidelines are not a regulatory document and they do not create zoning regulations.

Councilmember Nomura noted that the Architectural Review Board (ARB) developed other guidelines, and the words "articulation in the architectural design" did not appear in these guidelines. He inquired regarding the reason the word "articulation" was not included. Ms. Farley-Judkins responded she was not sure there was a specific reason why this word was not chosen. She noted that typically interns work on many of the design guidelines and often the wording comes from the students.

Councilmember Nomura stated this was one item the ARB heavily focused on when they started to look at boxy designs because no guidance was given prior to that. He also stated that by using the word "articulation" people realized they were looking at setbacks, changes, and interest points specific to the design that would discourage the box designs. He expressed concern with the front yard fences, which does not show size specific, and he encouraged open design and discouraged 50/50. He suggested the use of more native plants for landscaping and noted that most municipalities include barking or mulching of bare soil with the native plant types. Ms. Campbell stated that staff could look into adding these changes. She noted that the City currently has water conservation guidelines in the Municipal Code that address barking and mulching, as well as open fences and walls. She addressed the use of the word "articulation" in the guidelines and stated staff would incorporate this word with the approval of the Planning Commission Chair.

Councilmember Shaw inquired whether there was any input during the review process regarding American with Disabilities Act (ADA) compliance for the Concha Loma area. He noted there were some areas that are difficult for people who use a walker or wheelchair. Ms. Farley-Judkins responded there were several questions posed through the design review process regarding what would happen in the public realm such as ADA requirements for sidewalks, lighting, and other items to change the neighborhood. She stated that staff had not addressed the public realm through the design guidelines as that would most likely be handled through the Public Works Department.

The report was received and filed.

9. 2014 Economic Vitality Program Report

Recommendation: Receive the 2014 Annual report regarding the City's Economic Vitality Program and direct staff as determined appropriate.

Dave Durlinger, City Manager, provided introductory remarks.

Kevin Silk, Assistant to the City Manager, provided a PowerPoint presentation and an overview of the General Government/Economic Vitality Program.

Julie Jeakle provided an update regarding the Host Program.

Pat Kistler provided an update regarding Carpinteria First Committee's activities.

Jackie Campbell, Community Development Director, provided an overview of the Community Development Department's role in economic vitality.

Charlie Ebeling, Public Works Director, provided an overview of the Public Works Department's role in economic vitality and maintenance of the City's infrastructure. Vice Mayor Carty recognized new Part-Time Maintenance Worker Tim for a job well done. Councilmember Shaw inquired regarding the possibility of installing a bicycle rack at Ash Street and the beach. Mr. Ebeling responded he would find a suitable location.

Matt Roberts, Parks and Recreation Director, provided an overview of the Parks and Recreation Department's role in economic vitality to support tourism and recreation activities.

The report was received and filed.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS: None

Councilmember Nomura reported that the 50th Anniversary Committee met the previous week and he would distribute copies of the minutes. He stated that he was in the process of creating a spreadsheet that will include all of the ideas for the year long event. Vice Mayor Carty noted that the City would need to create a financial account to accept donations to support the 50th anniversary. Councilmember Nomura noted that Vice Mayor Carty was named the Sponsorship Chair, and the event would have its kick-off with the Holiday Parade.

Councilmember Shaw reported he attended a meeting of the Joint Housing Task Force where they discussed second homes and vacation rentals, affordable housing in Santa Barbara, and the City of Goleta working with People's Self-Help Housing at Casa Esperanza. He noted that the Habitat for Humanity is considering a project in

Carpinteria. He also noted that South Santa Barbara jurisdictions are struggling with what has become a huge issue of whether or not to issue additional water meters.

Mayor Stein reported that he and City Manager Dave Durflinger met with the new County of Santa Barbara Chief Executive Officer Mona Miyasato, County Supervisor Salud Carbajal, and County staff to discuss green valley, homelessness, and other issues. He noted they would meet again in six months.

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

ADJOURNMENT

The meeting was adjourned at 8:12 p.m. by Mayor Stein.

J. Bradley Stein, Mayor

ATTEST:

Fidela Garcia, CMC, City Clerk

STAFF REPORT
CITY COUNCIL MEETING
October 13, 2014

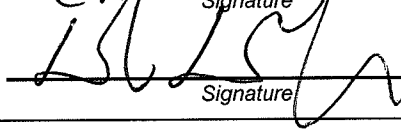
ITEM FOR COUNCIL CONSIDERATION:

Contracts Awarded by the City Manager for the Month Ending September 2014

Report prepared by: Fidela Garcia

Department: General Government

Reviewed by: Dave Durflinger, City Manager


Signature

Signature

STAFF RECOMMENDATION:

Action ☐ Non-Action ☒

Receive and file Report of Contracts Awarded by the City Manager for September 2014.

I. BACKGROUND/DISCUSSION:

The City Manager is delegated authority by the Carpinteria Municipal Code (CMC), §2.08.150B, to execute contracts on behalf of the City in the amount of \$30,000 or less. Pursuant to CMC §2.08.150C, a list of all contracts awarded by the City Manager is provided for City Council information and appended to this Staff Report as Attachment A. Attachment A lists all contracts entered into on behalf of the City for goods, construction and services for the month ending September 2014.

II. FINANCIAL CONSIDERATIONS:

All contracts entered into are within the appropriated budgeted amounts.

III. ATTACHMENTS:

A. Report of Contracts Awarded by the City Manager

ATTACHMENT A

Report of Contracts Awarded by the City Manager
for the Month Ending September 2014

VENDOR	PURPOSE	AMOUNT
KAT DEVLIN	FIRST FRIDAY ENTERTAINER	\$200.00
KELLY GREEN	FIRST FRIDAY ENTERTAINER	\$150.00
GRANITE CONSTRUCTION COMPANY	FOR MOVING K-RAILS TO AND FROM DOWNTOWN	\$7,800.00
RBF CONSULTING	DESIGN OF VIA REAL SIDEWALK	\$19,400.00

STAFF REPORT
COUNCIL MEETING
October 13, 2014

ITEMS FOR COUNCIL CONSIDERATION:

Release of Cash Bonds for Dahlia Court Expansion Project

Report prepared by: Melissa Angeles, Engineering Technician
Department: Public Works

Melissa Angeles
Signature

**Reviewed by
Director of
Public Works:**

Charles
Signature

**Reviewed by
City Manager:**

Lisa
Signature

ACTION X **NON-ACTION** **STAFF RECOMMENDATION:**

Recommendation: Authorize the City Finance Manager to release the cash bonds associated with the Dahlia Court Expansion project in the amounts of \$16,223.50 and \$35,000.

Sample Motion: I move to authorize the City Finance Manager to release the cash bonds associated with the Dahlia Court Expansion project in the amounts of \$16,223.50 and \$35,000.

I. BACKGROUND:

In 2012, the Public Works Department issued Engineering Permit 5051 to People's Self-Help Housing Corporation to conduct on-site grading and construct frontage improvements related to the Dahlia Court Expansion project. In conjunction with the permit, two performance bonds and a cash deposit in the amount of 10% of each performance bond were required to be posted with the City per Municipal Code Section 8.36.130. At its July 28, 2014 meeting, the City Council accepted the grading and frontage improvements and authorized the City Clerk to release the performance bonds.

The bond releases that are being brought forward for City Council consideration tonight are cash bonds in the amounts of \$16,223.50 and \$35,000 for the Dahlia Court Expansion project.

II. DISCUSSION:

At its July 28, 2014 meeting, the City Council accepted the grading and frontage improvements related to the Dahlia Court Expansion project. A Notice of Completion was signed by the City Manager on August 4, 2014 and recorded by the County of Santa Barbara Records Office on August 11, 2014.

III. POLICY:

The release of bonds for the Dahlia Court Expansion project by Council action is consistent with Municipal Code Section 2.17.110 - Release of Bonds.

IV. FINANCIAL CONSIDERATIONS:

Approval of the bond releases would be revenue neutral to the General Fund and Public Works Department budgets. The release of these funds is from the cash bond deposits made previously by the developer.

V. ATTACHMENTS:

Attachment A – Notice of Completion

Attachment A

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

City of Carpinteria
c/o City Clerk
5775 Carpinteria Avenue
Carpinteria, California 93013

RECEIVED

AUG 18 2014

CITY OF CARPINTERIA



2014-0036510

Recorded	REC FEE	0.00
Official Records		
County of		
Santa Barbara		
Joseph E. Holland		
County Clerk Recorder		
10:50AM 11-Aug-2014	JKH	Page 1 of 1

NO FEE PER GOVERNMENT CODE SECTION 27383

Space above this line is for Recorder's use.

APN 003-590-051

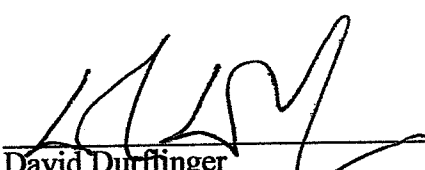
NOTICE OF COMPLETION

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is: City of Carpinteria, a Municipal Corporation
3. The full address of the owner is: 5775 Carpinteria Avenue
Carpinteria, CA 93013
4. The nature of the interest or estate of the owner is; in fee/easement.
5. A work of improvement on the property hereinafter described was completed on June 28, 2013 to the satisfaction of the City Engineer. The work done was: on-site grading and frontage improvements under Engineering Permit 5051.
6. The name of the contractor, if any, for such work of improvement was People's Self-Help Housing Corp.
7. The property on which said work of improvement was completed is in the City of Carpinteria, County of Santa Barbara, State of California, and is described as follows:

The Project Site is located at 1305 Dahlia Court, Carpinteria, CA 93013 (Santa Ynez Avenue, east of Via Real), APN 003-590-051.

Dated: August 4, 2014

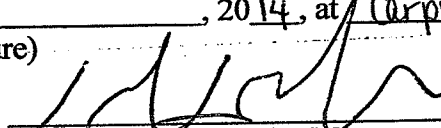

David Durrflinger
City Manager

VERIFICATION

I, the undersigned, say: I am the City Manager of the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 4, 2014, at Carpinteria
(Date of Signature) (City where signed)

California.

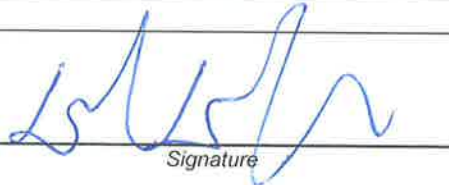

David Durrflinger, City Manager

CITY OF CARPINTERIA STAFF REPORT
CITY COUNCIL MEETING
October 13, 2014

ITEM FOR COUNCIL CONSIDERATION:

A resolution of the City Council taking an official position of support for Measure U, which seeks voter approval for the Carpinteria Unified School District to authorize the sale of general obligation bonds in a principal amount not to exceed \$90 million, principal and interest thereon to be payable from property taxes levied on taxable property in the District, to provide for the specific school facilities projects listed in the District's Project List.

City Manager


Signature

ACTION ITEM X ; NON-ACTION ITEM ____

STAFF RECOMMENDATION: Take action as determined appropriate.

SAMPLE MOTION: I move to approve Resolution No. 5554, as read by title only, thereby taking an official position in support of Measure U.

I. BACKGROUND:

At its regular meeting of September 22, 2014, the City Council received a request during the public comment period for its support of Measure U, which will be considered by voters residing within the jurisdiction of the Carpinteria Unified School District as a part of the November 4, 2014 election. The City Council directed that a matter be included on its next agenda that would provide it an opportunity to take a position of support for Measure U.

The question before voters of the District, including voters residing in the City of Carpinteria, reads as follows on the sample ballot:

**MEASURE U2014, CARPINTERIA UNIFIED SCHOOL DISTRICT
REPAIR, SAFETY AND COLLEGE/CAREER READINESS MEASURE.**

To improve schools, attract and retain quality teachers, and prepare students for college and careers by repairing deteriorating classrooms, bathrooms/leaky roofs, removing asbestos and lead paint, upgrading

electrical wiring and classroom technology, repairing, constructing, acquiring educational facilities, sites/equipment, shall Carpinteria Unified School District issue \$90,000,000 in bonds at legal rates, requiring annual independent audits, citizens' oversight, no money for administrators' salaries or pensions, and all funds used locally?

Ballot information about the measure can be found at the County elections website, <http://www.sbcassessor.com/Elections/UpcomingElections.aspx>, and is included as **Attachment B** to this report. The information includes the Impartial Analysis by County Counsel, the Tax Rate Statement by the District, Arguments For and Against and Rebuttals and the full text of the Measure.

The purpose of this agenda matter is to provide a fair presentation of the facts about the measure and to allow the City Council, if it chooses, to express the agency's views about the merits of the ballot measure. The purpose is not to encourage the public to adopt the agency's views, to vote one way or another, or to take any other actions in support or opposition to the measure. Should the City Council determine it wishes to take a position in support of Measure U, as requested, a draft resolution (**Attachment A**) has been prepared for its consideration.

II. DISCUSSION:

The Carpinteria Unified School District includes all of the area of the City of Carpinteria and unincorporated areas of Santa Barbara County from the Ventura County line to the east to approximately Ortega Hill Road in Summerland to the west.

In 2013, CUSD embarked on a process to determine its facilities needs. This process included recommendations from a community facilities committee¹ and the preparation of a Master Facilities Plan. The Master Facilities Plan includes an assessment of facilities needs throughout the district and includes the recommendations of the community facilities committee. The Plan and related documents can be found on the CUSD website: <http://www.cusd.net/system/app/pages/search?scope=search-site&q=Master+Facilities+Plan>.

The District Governing Board considered the Master Facilities Plan as a part of its consideration of requesting voter approval of the bond measure. Attached to this report are the District's Master Facilities Plan FAQ and two excerpted tables from the Plan: "History of Major Improvements to CUSD Facilities" and "Summary of Cost Projections".

III. LEGAL ISSUES:

It is permissible for California government agencies to take positions on ballot measures. Government agencies may not use public funds to take sides in a campaign to advocate the passage or defeat of a ballot measure. The courts have taken care to distinguish permissible informational activities from impermissible campaign expenditures. Adopting a resolution supporting Measure U, and communicating facts during an open meeting about the City Council's official position on Measure U are permissible activities.

¹ The City of Carpinteria's representative on the committee was Jackie Campbell, Community Development Director.

If adopted, Resolution No. 5554 will become a part of the public information available to voters on Measure U. The City may appropriately disseminate Resolution No. 5554 and other information about Measure U as a part of its normal activities aimed at informing the public about important local public policy matters.

IV. FINANCIAL ISSUES:

If approved by 55% or more of the voters, Measure U will authorize CUSD to arrange for the issuance of a \$90 million General Obligation Bond to be repaid over a 25 year term. General Obligation Bonds are guaranteed by property tax revenue and the District has estimated that principal and interest payments on the debt will result in an annual cost of \$47 per \$100,000 in assessed valuation.

There are two existing bond issues in the region that are secured in part by the City of Carpinteria property tax base. CUSD has outstanding debt on a 1995 issue of \$17.5 million that is scheduled to be retired in 2025. The Community College District has outstanding debt on a 2008 issue of \$77.2 million. Also, the College District is requesting voter approval as a part of the November 4 election for a \$288 million bond measure (Measure S2014) that would also be secured in part by the City of Carpinteria property tax base. Measure S is a 25 year bond measure that the Community College estimates would annually "cost homeowners \$16.65 per \$100,000 of their homes' assessed valuation (not market value)."

V. PRINCIPAL PARTIES EXPECTED TO ATTEND THE MEETING:

Representatives of the Yes on U campaign
Person(s) presenting the ballot argument against the measure
Representatives of the Carpinteria Unified School District

VI. ATTACHMENTS:

- A. Draft Resolution No. 5554
- B. Ballot Information on Measure U
- C. Facilities Master Plan FAQs and Plan excerpts

ATTACHMENT A

RESOLUTION NO. 5554

**A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL
SUPPORTING MEASURE U2014, CARPINTERIA UNIFIED SCHOOL DISTRICT
REPAIR, SAFETY AND COLLEGE/CAREER READINESS MEASURE.**

WHEREAS, Measure U2014 was placed on the ballot by the Carpinteria Unified School District Governing Board; and

WHEREAS, Measure U2014 is the culmination of the Carpinteria Unified School District's community outreach and Master Facilities planning process that, in part, identified a list of specific school facilities needs in the District and made associated cost estimates; and

WHEREAS, Establishing and maintaining safe and up to date school facilities are an essential part of meeting the educational needs and expectations of the Carpinteria community; and

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Carpinteria, California, as follows:

1. That the above recitals are true and correct.
2. The City of Carpinteria formally endorses Measure U2014, Carpinteria Unified School District Bond Measure.
3. That the City Council hereby authorizes the listing of the City of Carpinteria in support of Measure U2014, and instructs staff to transmit a copy of this resolution to the appropriate campaign offices.

PASSED, APPROVED AND ADOPTED this 13th day of October 2014, by the following called vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ATTEST:

Mayor, City of Carpinteria

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 13th day of October 2014.

APPROVED AS TO FORM:

City Clerk, City of Carpinteria

City Attorney

ATTACHMENT B

IMPARTIAL ANALYSIS BY COUNTY COUNSEL

MEASURE U2014

CARPINTERIA UNIFIED SCHOOL DISTRICT

This measure was placed on the ballot by the Carpinteria Unified School District Governing Board.

If approved by 55% of the voters, this measure authorizes the Carpinteria Unified School District (District) to authorize the sale of general obligation bonds on its behalf in a principal amount not to exceed \$90,000,000 to provide financing for the specific school facilities projects listed in the District's Project List. The Project List, as well as the full text of the measure, is printed in the ballot pamphlet. None of the proceeds from the sale of bonds may be used for salaries or operating expenses.

The bonds and interest thereon would be payable from property taxes levied on taxable property in the District. These taxes would be in addition to the property taxes currently levied on taxpayers in the District. The amount of the increased taxes each year would depend upon the amount needed to pay the principal and interest on the bonds.

The bond measure includes the following accountability requirements:

- A. A requirement that the proceeds from the bond sale be used only for the above purposes and not for any other purpose, including teacher and administrator salaries, and other school operating expenses.
- B. A list of the specific school facilities projects to be funded and certification that the school district board has evaluated safety, class size reduction, and information technology needs in developing that list.
- C. A requirement that the school district board conduct an annual, independent performance audit to ensure that the funds have been spent only on the specific school facilities projects listed in the proposition.
- D. A requirement that the school district board conduct an annual, independent financial audit of the bond proceeds until all of such proceeds have been spent for the school facilities projects listed in the Project List.

This measure, if approved, will also establish a citizens' oversight committee to monitor expenditures and ensure bond proceeds are used only to fund the specific projects listed in the Project List, as printed in the ballot pamphlet.

/s/ Gustavo E. Lavayen, Deputy County Counsel

TAX RATE STATEMENT

BOND MEASURE U2014

CARPINTERIA UNIFIED SCHOOL DISTRICT

To: The voters voting in the November 4, 2014 election on the question of the issuance of \$90,000,000 General Obligation Bonds of the Carpinteria Unified School District.

You are hereby notified in accordance with Section 9401 of the Elections Code of the State of California of the following:

1. The best estimate from official sources of the tax rate which would be required to be levied to fund principal and interest payments during the first fiscal year after the first sale of bonds (Fiscal Year 2015-2016), based on assessed valuations available at the time of the election and taking into account estimated future growth, is the following:

\$0.04700 per \$100 of assessed valuation, which equates to \$47.00 per \$100,000.

2. The best estimate from official sources of the tax rate which would be required to be levied to fund principal and interest payments during the first fiscal year after the last sale of bonds and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election and taking into account estimated future growth, is as follows:

\$0.04700 per \$100 of assessed valuation, which equates to \$47.00 per \$100,000.

First fiscal year after last sale of bonds: 2024-2025

3. The best estimate from official sources of the highest tax rate which would be required to be levied to fund principal and interest payments on the bonds and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election and taking into account estimated future growth, is as follows:

\$0.04700 per \$100 of assessed valuation, which equates to \$47.00 per \$100,000.

Year of highest tax rate: Tax is projected to be the same every year.

The attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The date of sale and the amount of bonds sold at any given time will be determined by the District based on its need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of sale. Actual future assessed valuations will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process. Accordingly, the actual tax rates and the years in which such rates are applicable may vary from those presently estimated as above stated.

Superintendent of the Carpinteria
Unified School District

/s/ Paul A. Cordeiro

ARGUMENT IN FAVOR OF

MEASURE U2014

CARPINTERIA UNIFIED SCHOOL DISTRICT

Protect the excellent education students receive at Carpinteria Unified schools, vote YES on Measure U.

Our aging Carpinteria schools need major repairs. Sixty-three portable classrooms need replacement and roofs and other basic infrastructure need work. Further, our high school students need facilities that support modern career and technical training.

Measure U authorizes funding for essential repairs and upgrades to prepare Carpinteria students for success in college and careers.

While neighboring communities have been on the ballot every few years, it has been almost **20 years** since we passed a bond to upgrade Carpinteria schools. Measure U is a prudent measure that will attract and retain our high quality teachers because it will:

- Abate asbestos and lead paint and rehabilitate leaky roofs, fire/safety systems, restrooms and more for schools **over 50 years old**;
- Modernize outdated classrooms and replace 63 deteriorating portables with permanent classrooms;
- Prepare students for college and careers with a new science wing and design and engineering classrooms at Carpinteria High School;
- Upgrade classrooms, libraries, science labs, and computer systems to keep pace with 21st century education technology.

By law, **ALL Measure U funds MUST stay local** and cannot be taken away by the State.

Taxpayer protections are REQUIRED. NO funds can be spent on administrators' salaries or pensions. ONLY facilities, technology and equipment upgrades are allowed. An independent citizens' oversight committee and mandatory annual performance and financial audits will ensure funds are spent properly.

Measure U is a smart investment. Good schools protect property values and our local economy.

Join Carpinteria's teachers, parents, business and civic leaders in supporting quality schools, student success in college and careers, and robust property values.

VOTE YES on Measure U.

YesonUforCUSD.com

The undersigned authors of the argument in favor of Ballot Measure U2014 at the Consolidated General Election for the Carpinteria Unified School District to be held on November 4, 2014, hereby state that such argument is true and correct to the best of their knowledge and belief.

/s/ J. Alex Pulido, Ph.D. Former CUSD Board Trustee

/s/ Christie Panizzon Cooney, Parent

/s/ John Cerda, 2014 Carpinterian of the Year

/s/ Donnette Nair, Local Community Volunteer

/s/ Terry Hickey Banks, CUSD Board Trustee

REBUTTAL TO ARGUMENT IN FAVOR OF

MEASURE U2014

CARPINTERIA UNIFIED SCHOOL DISTRICT

It is remarkable that 63 individual buildings should all fail at once. School upgrades should be limited to individual projects, as needed, that the public can monitor and understand.

Quality classrooms make only a minor contribution towards retaining competent teachers. The important thing is salary, which this bond issue does not address.

The undersigned author of the rebuttal to the argument in favor of Ballot Measure U2014 at the Consolidated General Election for the Carpinteria Unified School District to be held on November 4, 2014 hereby state that such argument is true and correct to the best of his knowledge and belief.

/s/ Bernard L. Fink

**ARGUMENT AGAINST
MEASURE U2014**

CARPINTERIA UNIFIED SCHOOL DISTRICT

This bond issue is too large, and the proposed uses to extensive, for the public to adequately monitor its use. The ballot measure states, "acquiring educational facilities, sites/equipment" This wording gives the district the right to buy addition land, something that has been disastrous in the past. The Bailard site purchased with the 1995, bond money, sits idle, and has never been used for any educational purpose. Neither the ballot wording, nor the additional "Full Text" mention any explicit project. The district is asking for a ninety million dollar blank check. Say No!

The undersigned author of the argument against Ballot Measure U2014 at the Consolidated General Election for the Carpinteria Unified School District to be held on November 4, 2014, hereby state that such argument is true and correct to the best of his knowledge and belief.

/s/ Royce D. Stauffer

**REBUTTAL TO ARGUMENT AGAINST
MEASURE U2014**

CARPINTERIA UNIFIED SCHOOL DISTRICT

The sole opponent of Measure U is misleading voters with inaccurate, untruthful statements.

As longtime Carpinteria residents, leaders, and community members - we know the facts, and we're voting **YES on Measure U**. Good schools strengthen property values and our local economy.

Measure U was placed on the ballot after extensive research into each school, resulting in a detailed facilities master plan. Visit www.cusd.net to see the assessed **needs** and detailed plan to provide safe schools and quality instruction to prepare our students for college and careers.

Portable classrooms—some installed over 35 years ago—are outdated and in need of permanent replacement. Additionally, many of our original school buildings desperately need repair.

Our schools are aging, and while nearby communities have ballot measures every few years, it's been almost **20 years** since we passed a bond to upgrade Carpinteria schools. The longer we wait for needed repairs and upgrades, the more expensive they will be.

Measure U can only be used for facilities, NOT administrators' salaries. Measure U will fund science, design and engineering, library, and technology facilities and fix leaky roofs, unsafe buildings and other basic infrastructure needs. Updated facilities will allow us to retain quality teachers, and prepare students for a bright future.

All funds must stay local and cannot be taken away by the State. An independent citizens' oversight committee and mandatory performance and financial audits are required to ensure **taxpayer protection**.

Join us! Please **Vote YES on Measure U** to protect Carpinteria schools.

YesonUforCUSD.com

The undersigned authors of the rebuttal to the argument against Ballot Measure U2014 at the Consolidated General Election for the Carpinteria Unified School District to be held on November 4, 2014 hereby state that such argument is true and correct to the best of their knowledge and belief.

/s/ Martha L. Hickey, Business Owner

/s/ Beth Cox, CUSD Parent

/s/ Marybeth Carty, Community Partnership Manager

/s/ John Franklin, Retired Banker/Community Activist

/s/ Winfred VanWingerden, Business Owner

FULL TEXT
BOND MEASURE U2014
CARPINTERIA UNIFIED SCHOOL DISTRICT

The following is the full proposition presented to the voters by the Carpinteria Unified School District.

"Carpinteria Unified School District Repair, Safety and College/Career Readiness Measure. To improve schools, attract and retain quality teachers, and prepare students for college and careers by repairing deteriorating classrooms, bathrooms/leaky roofs, removing asbestos and lead paint, upgrading electrical wiring and classroom technology, repairing, constructing, acquiring educational facilities, sites/equipment, shall Carpinteria Unified School District issue \$90,000,000 in bonds at legal rates, requiring annual independent audits, citizens' oversight, no money for administrators' salaries or pensions, and all funds used locally?"

PROJECT LIST

The Board of Education of the Carpinteria Unified School District is committed to providing local facilities and equipment needed for career and education classes so students are prepared for college and good paying jobs in fields like science, technology, design and engineering, mathematics and agriculture. To that end, the Board evaluated the District's urgent and critical facility needs, including safety issues, class size reduction, computer and information technology, and prepared a Facilities Master Plan dated June 10, 2014 (the "Master Plan") which is incorporated herein in its entirety, in developing the scope of projects to be funded. The District conducted a facilities evaluation and received public input in developing this Project List through school site meetings, community presentations, opinion leader input, and interactive materials. Staff, students, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. The Board concluded that if these needs are not addressed now, the problems will only become more pressing and expensive to address. **Therefore, in approving this Project List, the Board of Education determines that the District should:**

- (i) **provide the facilities and equipment needed for college and career readiness and to ATTRACT AND RETAIN QUALITY TEACHERS; and**
- (ii) **IMPROVE STUDENT SAFETY systems, including upgrading fire safety, safety doors, smoke alarms and detectors security; and**
- (iii) **REPAIR OR REPLACE OLD, LEAKY ROOFS, deteriorating plumbing, ventilation and heating systems; and**
- (iv) **adhere to specific FISCAL ACCOUNTABILITY safeguards such as:**
 - (a) **Require all funds to be used locally,**
 - (b) **Require annual independent financial audits, and**
 - (c) **Require the appointment of independent citizens' oversight committee must be appointed to ensure that all funds are spent only as authorized.**

The Project List includes the following types of upgrades and improvements at the District schools:

Renovation, Repair and Upgrade Projects

Goal and Purpose: Since several neighborhood schools were built in the 1930's, and most neighborhood schools need basic health and safety improvements, local schools will benefit from the removal of asbestos, lead paint and other hazardous substances, the upgrade of fire and safety system and the repair of deteriorating classrooms, as well as, projects such as:

- Repair or replace leaky roofs, worn out floors.
- Repair deteriorating plumbing, ventilation and heating systems.
- Upgrade classrooms, science labs, libraries, career-training facilities and computer systems to keep pace with changing technology.
- Repair and modernize outdated, deteriorating classrooms and school buildings.

- Upgrade classrooms and science labs so that they comply with current standards.
- Replace aging, outdated portables with permanent classrooms that meet 21st Century health, safety and academic standards.
- Add electrical wiring capacity so that it can handle modern instructional technology.
- Add/upgrade classrooms, science building, labs and school facilities to prepare students for careers and college, and attract and retain quality teachers.
- Upgrade vocational and career training classrooms, labs and equipment.
- Improve access for disabled persons.
- Repair deteriorating bathrooms.

Health, Safety and Energy Efficiency Projects

Goal and Purpose: Since good, safe and up-to-date schools are a wise investment to (i) help protect and improve local property values, (ii) help attract and retain quality teachers (iii) improve quality of education, and (iv) improve high school career education programs, especially for high-demand careers like agriculture, information technology, culinary arts, design and engineering and sports medicine, ensuring that students who do not attend a four-year college have the opportunity to learn the job skills needed to get good-paying jobs, schools and school sites will benefit from a variety of health and safety projects, such as:

Student Safety

- **Upgrade fire safety systems** including fire safety doors, smoke alarms and detectors to make students safe in the event of an emergency.
- Modernize schools and classrooms to improve access for students with disabilities.
- Upgrade and install new security systems, such as classroom door locking systems, security lighting, fencing, smoke detectors, and fire alarms and sprinklers.
- Replace aging, outdated portables with permanent classrooms that meet 21st Century health, safety and academic standards.
- **Repair leaky roofs.**
- **Remove** hazardous materials like **asbestos** and lead paint from older school sites.
- Retrofit classrooms to meet current earthquake safety standards.

Energy Efficiency – Returning Savings to the Classroom

- **Install energy efficient systems including efficient lighting and solar systems, to save money and protect the quality of instruction in core subjects like reading, math, science, engineering and technology.**
- Replace older heating, ventilation, air conditioning and lighting systems with building code compliant, energy efficient systems which will save money, allowing the District to **attract and retain quality teachers.**

Instructional Technology and Wiring Projects To Provide a 21st Century Education

Goal and Purpose: Since Carpinteria District schools were built in an era before computers and the internet, classrooms do not have the necessary wiring to support 21st Century technology. Thus by upgrading wiring to connect classrooms, labs and libraries in every District school to the internet will give the teachers and students the learning and instruction tools needed to excel:

- Upgrade instructional technology in the classroom for improved student learning.
- Provide and maintain up-to-date technology, data and communication equipment.

- Upgrade and expand wireless systems, telecommunications, Internet and network connections, upgrade electrical wiring.
- Provide improved, up-to-date technology infrastructure.

* * *

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program management, staff training expenses and a customary contingency, and escalation for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, inspection and permit fees, and temporary housing of dislocated District activities caused by bond projects. The upgrading of technology infrastructure includes, but is not limited to, servers, switches, routers, modules, smart boards, sound projection systems, wireless networks, portable interface devices, printers, upgrade voice-over-IP, phone systems, call manager and network security/firewall, and other miscellaneous equipment. The repair of school facilities includes improving campus accessibility, utilities, and grounds, playground equipment, hard court surfaces, shade structures for student assembly and protecting students from inclement weather during lunch, libraries, District support facilities, multi-purpose rooms, kitchens, cafeterias; enhance signage; install fire sensors; athletic facilities, gym bleachers and play fields including turf, may be upgraded for safety and operational efficiency; upgrade electrical wiring; construct labs, music and staff support rooms and restrooms; renovate and paint interior and exterior building surfaces to extend their useful life; improve physical education/athletic facilities; security, install safety and communication systems and equipment; window and floor coverings (including tiles and carpeting); acquire kitchen equipment; upgrade drinking fountains, irrigation systems; make improvements and acquire furnishings and/or other electronic equipment and systems; construct new campus in Summerland and math and science and auditorium, music and drama classrooms; convert workshop classrooms into design and engineering classrooms; install solar and water recycling and energy management systems, and upgrade/replace school site parking. The Project List also includes the refinancing of any outstanding lease obligations, or the bridge loans taken to initiate voter approved projects. The allocation of bond proceeds may be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District may not be able to complete some of the projects listed above. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating enhanced and operationally efficient campuses. Necessary site acquisition, preparation/restoration and landscaping, may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, redirecting fire access, and acquiring any necessary easements, licenses, or rights of way to the property.

Bond proceeds shall be expended only for the specific purposes identified herein. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

FISCAL ACCOUNTABILITY: IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF EDUCATION WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

No Administrator Salaries: Proceeds from the sale of the bonds authorized by this proposition shall be used only for the acquisition, construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose, including teacher and school administrator salaries and other operating expenses.

ATTACHMENT C

FACILITY MASTER PLAN FAQs

March 19, 2014

1. What is the Facilities Master Plan?

The Facilities Master Plan (or FMP) is a plan that assesses the existing condition of all buildings at the schools in the Carpinteria Unified School District to determine what needs to be done to upgrade them.

2. What are the goals of the FMP?

The goals of the FMP are that all schools have:

- Facilities that support teaching and learning
- Portable classrooms that are less than 25 years old or renovated
- Adequate security at all campuses
- Adequate infrastructure
- Facilities that comply with requirements of the Americans with Disabilities Act
- Facilities that are energy-efficient and sustainable

3. Why is the District preparing the FMP?

Documenting facility needs is the first step towards getting community support for financing projects through a general obligation bond. This type of financing must be approved by voters.

Most of the schools in the District were built between 1930 and 1970 and many are showing their age. Most require updated infrastructure improvements including roofing, plumbing, flooring and electrical power. In addition, there are 63 portable classrooms within the District that were intended to be temporary housing for students. Many are more than 50 years old and need to be discarded. Finally, schools need updated technology to ensure that students are prepared for college and their future careers.

Once approved by the Governing Board, the FMP will provide information regarding facility priorities for each of the District campuses.

4. How was Facilities Master Plan developed?

- The Governing Board initiated the process in early 2013. Since then the Board has heard updates and given input at public meetings throughout 2013 and early 2014.
- During 2013, each school's School Site Council (comprised of parents, teachers and principals) provided input.

In the past, the District has leveraged state facilities funding for approved modernization and new construction projects. These funds greatly expanded the scope of projects undertaken after the 1995 bond was approved by voters. Currently, the state has no facilities funding programs available for school districts.

Another possible source of funding is a General Obligation Bond.

8. What is a General Obligation Bond?

General obligation bonds are frequently used by school districts to provide financing for facilities improvements. This type of financing must be approved by at least 55% of voters. If approved, funds for repayment of the bonds are derived from additional assessments made on properties within district boundaries. Over the next few months, the Governing Board will be evaluating whether to place a bond measure on the ballot for the November 2014 election. No decision has yet been made by the Board as to what level of financing the District will be seeking.

9. Didn't the District's voters approve another bond about 20 years ago? How was it used?

District voters approved a \$17.5 million bond in 1995 that allowed for improvements to all the schools in the District. The most significant projects included: modernization of the main building and classrooms at Carpinteria Middle School (including additional new science classrooms), library and computer lab at Carpinteria High School, new facility for Rincon High School, modernization of classrooms at Aliso and Main Schools, and the parking and bus turnaround at Canalino. District-wide, a new energy management system was installed, many classrooms were painted and carpeted and portable classrooms were installed to accommodate additional enrollment.

During this period, the District applied for and received additional state facilities funding. These funds allowed the District to significantly stretch local dollars. In most cases, the District provided 20% to 60% of project costs and the state funding covered the balance.

10. How do facilities improvements impact the District's operating budget?

There are three categories defined in the FMP - deferred maintenance (i.e. roof replacements, plumbing repairs, flooring replacements, etc.), modernization (i.e. renovation of restrooms, classrooms, etc.) and new construction (replacement of portable classrooms, etc.). Due to budgetary constraints over the last ten years, deferred maintenance projects have been severely curtailed, and modernization and new construction projects have been accomplished only with outside funding such as government or private grants.

If a general obligation bond is approved by voters, projects included in the FMP can be completed to the extent that bond monies are available. If the bond is not approved, most projects will be placed on hold until specific facilities funding is available. Only critical deferred maintenance projects will be done, (i.e. those that affect student safety or are required to maintain the structural viability of existing buildings and improvements).

Table 2
History of Major Improvements to CUSD Facilities

Year	Facility	Action/Improvement
Early 1930s	Carpinteria MS	Carpinteria High School originally constructed (now Carp MS)
1934	Aliso Elementary	School originally constructed
1938	Main Elementary	School originally constructed
1961	Summerland & Whitney Avenue property	Summerland joined Carp Unified School District and Whitney Avenue property was transferred to CUSD
1965	Summerland Elementary	Moved to current site; Two portables were installed
1967	Carpinteria HS	School moved to present site on Foothill Road
1968	District Office	District Office was originally constructed on Linden Avenue
1985	Carpinteria MS	Community swimming pool constructed on CMS land under lease agreement with City of Carpinteria
1987	Rincon HS	School was established
1990	Main Elementary	Cafeteria, main building and library were renovated
1995	District-wide	General Obligation Bond (Measure A) for \$17.5M passed, mostly used to renovate CMS although other improvements at other schools as well
	Carpinteria MS	Outdoor fields completed (to replace Memorial Field) as joint project with City
1997	Canalino Elementary	New parking lot, bus turnaround and student drop-off areas; Outdoor play structure and lunch areas added
	Carpinteria MS	Library and computer lab remodel/additions
	Primarily elementary schools	Classrooms (mostly portables) added to accommodate class size reduction; Energy management systems; Modernization of portables; New play structures, etc.
1999	Carpinteria HS	Memorial Stadium relocated from Carpinteria MS to CHS
	Rincon and Foothill HS	Portables installed at current site to house school
2000	Canalino Elementary	New computer lab and renovated library in portables
	Summerland Elementary	Two portables added at site
	Bailard Ave. properties	Acquired by the District as possible future school site
2000-02	Carpinteria MS	New computer labs and classrooms, new gym (joint project with City), upgrades to floors, walls, plumbing and electrical, other site improvements. Improvements were also made at other schools
2003	Carpinteria Family School	Created and housed at Canalino Elementary
2004	Summerland Elementary	New play structure; Two classrooms and office were modernized
2007-08	Main School → Carpinteria Children's Project at Main	Main School closed in 2007; Oct. 2008 it was approved by the City as the Main Family Resource Center; Leased to Hutton Parker Foundation for non-profits that serve prenatal through 3 rd grade children; Play-ground converted to parking lot
2008	Summerland Elementary	Shade structure added over eating area
2009	Carpinteria MS	Outdoor fields completed (to replace Memorial Field) as joint project with City
2012	Aliso Elementary	Track added
	Carpinteria HS	Former home economics room renovated into state-of-the-art culinary arts classroom for new academy
	Toro Canyon site	Site is sold for \$2.4M with proceeds to be used for capital projects

Table 8
Summary of Cost Projections
Replace all Portable Classrooms with Gen-7 Style Modular Classrooms
Plus all Facility Projects
(includes High, Medium, Low and Deferred for Future Study Projects)

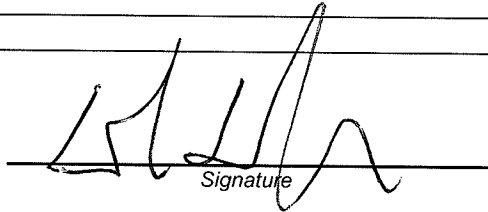
Facilities	<u>Def. Maint./ Modernization</u>	<u>New Construction</u>	<u>Total</u>
Aliso Elementary School	\$3,595,000	\$5,142,000	\$8,737,000
Canalino Elementary School	\$4,327,000	\$5,610,000	\$9,937,000
Summerland Elementary School	\$663,000	\$1,870,000	\$2,533,000
Carpinteria Middle School	\$6,568,000	\$3,366,000	\$9,934,000
Carpinteria High School	\$7,075,000	\$22,009,000	\$29,084,000
Rincon High School	\$88,000	\$1,496,000	\$1,584,000
Carpinteria Children's Project Main	\$2,222,000	\$2,831,000	\$5,053,000
District Office	<u>\$398,000</u>	<u>\$374,000</u>	<u>\$772,000</u>
Total Site Costs	\$24,936,000	\$42,698,000	\$67,634,000
 Technology infrastructure	\$1,000,000	\$--	\$1,000,000
Energy efficiency/solar projects	<u>\$-</u>	<u>\$2,246,000</u>	<u>\$2,246,000</u>
 TOTAL	\$25,936,000	\$44,944,000	\$70,880,000
 Project and bond oversight costs			\$5,000,000
Inflation @ 5% over 10 years			\$4,444,000
Classroom furnishings and equipment @ \$30,000 per room			\$3,870,000
Temporary housing costs			\$2,000,000
Contingency @ 10%			<u>\$7,088,000</u>
 GRAND TOTAL			<u>\$93,282,000</u>

CITY OF CARPINTERIA STAFF REPORT
CITY COUNCIL MEETING
October 13, 2014

ITEM FOR COUNCIL CONSIDERATION:

A resolution of the City Council taking an official position in favor of Measure P2014, Initiative to Ban "High-Intensity Petroleum Operations".

City Manager


Signature

ACTION ITEM X ; NON-ACTION ITEM ____

STAFF RECOMMENDATION: Take action as determined appropriate.

SAMPLE MOTION: I move to approve Resolution No. 5553, as read by title only, thereby taking an official position in favor of Measure P2014.

I. BACKGROUND:

At its regular meeting of September 22, 2014, the City Council received a request during the public comment period for its support of Measure P, which will be considered by Santa Barbara County voters as a part of the November 4, 2014 election. The City Council directed that a matter be included on its next agenda that would provide it an opportunity to take a position of support for Measure P.

The question before voters of the County, including Carpinteria, reads as follows on the sample ballot:

MEASURE P2014, ORDINANCE PROHIBITING CERTAIN PETROLEUM OPERATIONS

Shall the ordinance amending Santa Barbara County's Comprehensive Plan and County Code -- to prohibit on all lands within the unincorporated County, with certain exemptions, the construction or use of any facility, appurtenance, or aboveground equipment supporting certain petroleum operations, including but not limited to: hydraulic fracturing; acid well stimulation; or aiding hydrocarbon flow into a well by injecting water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals or other substances -- be adopted?

Ballot information about the measure can be found at the County elections website, <http://www.sbcassessor.com/Elections/UpcomingElections.aspx> , and is included as **Attachment B** to this report. The information includes the Impartial Analysis by County Counsel, and Fiscal Impact Statement by the County Auditor-Controller. There are also campaigns organized to support and oppose the measure.

The purpose of this agenda matter is to provide a fair presentation of the facts about the measure and to allow the City Council, if it chooses, to express the agency's views about the merits of the ballot measure. The purpose is not to encourage the public to adopt the agency's views, to vote one way or another, or to take any other actions in support or opposition to the measure. Should the City Council determine it wishes to take a position in support of Measure P, as requested, a draft resolution (**Attachment A**) has been prepared for its consideration.

II. DISCUSSION:

If approved by a majority of the voters, the Initiative would generally prohibit throughout the unincorporated area of Santa Barbara County the "development, construction, installation, or use" of any facility or above-ground equipment that supports what the Initiative labels as "High-Intensity Petroleum Operations" including:

- "Well Stimulation Treatments" which the Initiative defines as methods that are "designed to enhance oil and gas production or recovery by increasing the permeability of the formation," including hydraulic fracturing treatments and acid well stimulation treatments; and/or,
- Operations where the flow of hydrocarbons into a well are aided or induced by the introduction or injection of water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals or any other substance. Per the Initiative, examples of such operations include: "waterflood injection," "steam flood injection" and "cyclic steam injection."

In response to Measure P, the County of Santa Barbara has initiated amendments to its land use policies and development regulations that are intended to implement certain provisions of Measure P concerning exemptions. The Board of Supervisors considered these proposed changes at its meeting of October 7, 2014 (**See Attachment D**). Since these County land use policy and regulatory changes are a result of Measure P, it is appropriate for the City Council to consider them in addition to the provisions of Measure P in determining whether or not it wishes to support the Measure.

The policies and regulations of Measure P would not apply to oil and gas development and operations within the City of Carpinteria. The regulation of land use and development within the incorporated limits of the City of Carpinteria is the responsibility of the City and is a part of the City's General Plan/Local Coastal Land Use Plan and Zoning regulations of the Municipal Code.

The State of California has adopted a regulatory framework to address oil and gas well stimulation treatments (SB 4, 2013), established interim rules and initiated the rule making process for establishing permanent rules, including completing required scientific studies. Final rules are not expected to be in place until mid-2015.

At its regular meetings of February 24 and March 24, 2014, the City Council considered the states implementation of SB 4 and a request to endorse a state and federal moratorium on well stimulation treatments. As a part of its consideration of this matter, the City Council received staff reports, extensive information on oil and gas well

stimulation techniques and public testimony from residents and oil and gas industry representatives.

On March 24, 2014, the City of Carpinteria City Council authorized sending letters to Governor Brown and Congresswoman Capps (**Attachment C**) requesting their support to establish a moratorium on oil and gas well stimulation treatments in California and on public lands and tidelands such as platforms located in the Pacific Outer Continental Shelf Region, pending appropriate environmental review and permitting. In part the City wrote that "Clean air and water and the unique coastal resources that exist here are integral to what residents and visitors value about Carpinteria, and are a key driver of the local economy. "The City is very concerned that activities such as hydraulic fracturing could jeopardize these invaluable local resources..." , and "In order to adequately protect Californians and our precious resources, appropriate well stimulation regulations must apply to oil and gas operation under both state and federal jurisdictions." The Council also directed that a matter be scheduled on a future agenda

There are currently no active oil and gas wells within the City of Carpinteria. The Carpinteria Oil and Gas Plant, operated by Venoco Inc., receives oil and gas from offshore platforms located in the Santa Barbara Channel, processes the materials and transports them via pipelines. An oil and gas well development application by Venoco, known as the Paredon Project, proposes wells to be located on a portion of the Carpinteria Oil and Gas Plant site and was recently deemed complete and preparation of the environmental impact report will begin soon. Venoco has stated in the application that it has no plans to use hydraulic fracturing as a part of the Paredon Project.

Although, as stated above, County regulations including Measure P, should it be approved by voters, do not apply within the City of Carpinteria, State regulations established to implement SB 4 would apply to all oil and gas activities regulated by the State, including such development within the City of Carpinteria.

III. LEGAL ISSUES:

It is permissible for California government agencies to take positions on ballot measures. Government agencies may not use public funds to take sides in a campaign to advocate the passage or defeat of a ballot measure. The courts have taken care to distinguish permissible informational activities from impermissible campaign expenditures. Adopting a resolution supporting Measure P, and communicating facts during an open meeting about the City Council's official position on Measure P are permissible activities.

If adopted, Resolution No. 5553 will become a part of the public information available to voters on Measure P. The City may appropriately disseminate Resolution No. 5553 and other information about Measure P as a part of its normal activities aimed at informing the public about important local public policy matters.

IV. FINANCIAL ISSUES:

The County Auditor-Controller has concluded that by limiting the types of oil and gas extraction methods used in the County, Measure P would likely affect future related revenues and expenses (see attached Fiscal Impact Statement for details). To the degree that services are affected by any changes to revenues and/or expenses, this could have effects on services delivered by the County in the City of Carpinteria, e.g.,

public health. Also, to the degree that the potential for costly regional environmental damage is reduced or avoided, Carpinteria would benefit, e.g., air or water pollution.

V. PRINCIPAL PARTIES EXPECTED TO ATTEND THE MEETING:

Jim Taylor, Representative of the Yes on Measure P campaign
Jim Byrne, Communications Director, No on Measure P campaign

VI. ATTACHMENTS:

- A. Draft Resolution No. 5553
- B. Ballot Information on Measure P
- C. Letters to state and federal representatives, dated March 25, 2014
- D. County Board Letter concerning proposed oil & gas policy and regulatory amendments, October 7, 2014

ATTACHMENT A

RESOLUTION NO. 5553

**A RESOLUTION OF THE CITY OF CARPINTERIA CITY COUNCIL
SUPPORTING MEASURE P2014, A SANTA BARBARA COUNTY ORDINANCE
PROHIBITING CERTAIN PETROLEUM OPERATIONS.**

WHEREAS, Measure P was placed on the ballot following a petition signed by the requisite number of Santa Barbara County voters; and

WHEREAS, the City Council supports the County of Santa Barbara establishing regulations that will serve to protect its precious resources including air and water quality while also permitting reasonable and safe oil and gas exploration and production; and

WHEREAS, the City Council has reviewed all ballot materials, including the full text of Measure P2014, the County Counsel's Impartial Analysis and the County Auditor-Controller's Fiscal Impact Analysis of Measure P, Arguments For and Against the Measure and Rebuttals to the Arguments For and Against the Measure; and

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Carpinteria, California, as follows:

1. That the above recitals are true and correct.
2. The City of Carpinteria formally endorses Measure P2014, an Ordinance Prohibiting Certain Petroleum Operations.
3. That the City Council hereby authorizes the listing of the City of Carpinteria in support of Measure P2014, and instructs staff to transmit a copy of this resolution to the appropriate campaign offices.

PASSED, APPROVED AND ADOPTED this 13th day of October 2014, by the following called vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 13th day of October 2014.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

ATTACHMENT B

**IMPARTIAL ANALYSIS BY COUNTY COUNSEL
MEASURE P2014**

Measure P was placed on the ballot following a petition signed by the requisite number of voters.

If approved by a majority of the voters voting thereon, Measure P would, upon becoming effective:

1. Where it applies, generally prohibit the "development, construction, installation, or use" of any facility or aboveground equipment "in support of" what it defines as "High-Intensity Petroleum Operations," including:

- "Well Stimulation Treatments," which Measure P defines as "designed to enhance oil and gas production or recovery by increasing the permeability of the formation," including but not limited to hydraulic fracturing treatments and acid well stimulation treatments; and/or

- Operations where the flow of hydrocarbons into a well are aided or induced by "introduction or injection of" water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals, or any other substance. Measure P states that examples of this include: "waterflood injection," "steam flood injection," and "cyclic steam injection;"

2. Apply to land uses in the unincorporated area of Santa Barbara County "in support of all onshore exploration and onshore production in the County's unincorporated area," but not apply to onshore facilities that support offshore exploration or production from offshore wells;

3. Provide exemptions, where the general prohibition described above otherwise would:

- Violate the constitution or laws of the United States or the State of California; or

- Constitute an "unconstitutional taking of property;" or

- Apply to a person or entity that has obtained, as of Measure P's effective date, a "vested right" pursuant to State law to conduct what Measure P defines to be "High-Intensity Petroleum Operations."

In applying these exemptions, Measure P: generally states how the Board of Supervisors may grant a limited exception to avoid an "unconstitutional taking of property," does not state a County process for considering and applying the other two exemptions, but states that the Board of Supervisors may adopt implementing ordinances to further Measure P's purposes; and

4. Act through:

- Itself amending parts of the County's: Comprehensive Plan; Land Use and Development Code; Coastal Zoning Ordinance; and Petroleum Code; and

- Directing the County to further amend County plans, ordinances and policies to ensure consistency with Measure P.

State law expressly regulates and/or approves certain oil and gas production methods statewide, while Measure P generally would prohibit land uses in support of some of those methods in the unincorporated area of Santa Barbara County, including: "well stimulation treatments," "waterflood injection," "steamflood injection" and "cyclic steam injection." (Cal. Code Regs., tit. 14, §§ 1714, 1724.6, 1761, 1780-1788.) Concerning any potential effect of State law on it, Measure P: states the exemptions in numbered paragraph 3 above; directs that it be interpreted "so as to be consistent with all applicable Federal, State and County laws, rules and regulations;" and provides that if a court holds part of Measure P invalid or unconstitutional, the remaining parts of Measure P shall remain valid.

/s/ Michael C. Ghizzoni
County Counsel

**FISCAL IMPACT STATEMENT
BY COUNTY AUDITOR-CONTROLLER
MEASURE P2014**

Measure P2014, if approved, would prospectively have an impact on county revenues and expenses since many methods of oil extraction generally would be banned (examples include increasing pressure in a well by water or gas injection, steam injection, well stimulation treatments and fracturing). The following fiscal areas would likely be affected if oil and gas extraction decreases:

- This measure would affect property tax revenues. In 2014, taxpayers will pay \$651 million in property taxes. Oil and gas companies will pay approximately \$20.3 million or 3.1% of the total property tax. Since minerals deplete over time, property tax related to oil and gas production would also be expected to drop over time, unless new oil and gas reserves are discovered and are extracted using primary recovery methods (where recovery is driven by a number of natural mechanisms after drilling a well).

Property taxes generated by oil and gas companies are allocated as follows: Schools receive approximately \$12.7 million or 62%, the County General Fund \$4.4 million or 22%, the County Fire Protection District \$2.6 million or 13%, other special districts \$0.6 million or 3% and cities \$0.03 million or 0.2%. These agencies use taxes to provide services for education, health care, public safety, public assistance, public ways and facilities infrastructure, and recreation.

- To the extent Measure P applies to State tidelands, this measure could decrease royalties generated by oil and gas processing on State lands and paid to the State of California General Fund by oil companies. In FY 13/14, \$23 million was generated within the County from two leases. Although the State provides significant revenues to the schools and County for local program expenditures from the State's General Fund, there is no direct correlation to the oil royalty revenue. There are unproven oil and gas reserves that could be extracted in the future from State tideland leases.

- Other revenue and expenses are affected by decreased oil and gas processing activities. Costs of permitting and monitoring activities related to planning, development and enforcement would be incurred and offset by existing fees. While a cost cannot be put on environmental impacts, a decrease in oil and gas processing will benefit the County by lowering the risk of potential fiscal costs related to any environmental damage from the oil and gas extraction processes. Similarly, from an economic financial perspective, there would be an overall decline in fiscal benefits due to fewer jobs and wages in the oil service industries and related consumer spending along with decreases in sales and other taxes related to the industry.

- The County would incur costs in processing exemptions that Measure P states, including exemptions to avoid unconstitutional takings of property and where there are "vested rights." The amount of that potential cost cannot be estimated, and the County is not insured against court judgments for "takings" damages. It would also cost the County to defend any litigation, even if the County prevailed.

/s/ Robert W. Geis, C.P.A.
County Auditor-Controller

**ARGUMENT IN FAVOR OF
MEASURE P2014**

Santa Barbara County needs Measure P to protect against extreme oil extraction techniques like fracking, steam injection and matrix acidization. These processes can contaminate our water, endanger our families' health and increase the risk of earthquakes.

Measure P protects our health and natural resources **without cutting existing jobs or threatening our county's current tax revenue**.

Contrary to what opponents may claim, Measure P does not ban conventional oil drilling or affect existing lawful oil and gas operations. Nor does it prohibit operators from conducting routine well maintenance activities. Instead, it protects us against extreme techniques that can **waste and pollute our drinking water**, increase the risk of **cancer, asthma and other illnesses**, and generate **significant air pollution and carbon emissions that worsen climate change**.

MEASURE P WILL PROTECT OUR WATER: The extraction techniques that Measure P bans--fracking, steam injection and matrix acidization--use enormous amounts of water and turn it into hazardous waste that can contaminate drinking water and farmland. During extreme drought conditions, we must conserve our water for our homes and agriculture, not waste and pollute it.

MEASURE P WILL PROTECT OUR HEALTH: The toxic chemicals used in these techniques have been shown to cause cancer, birth defects and infertility. Children are at special risk for asthma and other respiratory ailments. Allowing these dangerous techniques poses an unacceptable risk to our families.

MEASURE P WILL PROTECT OUR AIR: These processes dramatically increase air pollution, and generate much higher greenhouse gas emissions than conventional methods. Measure P will allow us to keep producing energy while protecting our communities and natural resources.

Protect our water. Protect our health. Protect our air. Preserve Santa Barbara's natural beauty, at no cost to our economy. **Vote YES on Measure P.**

The undersigned authors of the argument in favor of Ballot Measure P2014 at the Consolidated General Election for Santa Barbara County to be held on November 4, 2014 hereby state that such argument is true and correct to the best of their knowledge and belief.

/s/ Das Williams, Assemblymember

/s/ Terri Zuniga, Santa Maria City Councilmember

/s/ Tom Shepherd, Shepherd Farms, Former President SB County Farmers Market Assoc.

/s/ Lauren Hanson, Vice President Goleta Water District Board, Cachuma Operation and Maintenance Board

Sierra Club Los Padres Chapter

/s/ David Gold, Chair

**REBUTTAL TO ARGUMENT IN FAVOR
MEASURE P2014**

MEASURE P WOULD FORCE THE SHUTDOWN OF EXISTING OIL AND GAS WELLS.

There is no hydraulic fracturing in Santa Barbara County. However, Measure P is so broadly written that it would ban common oil and gas production techniques used in 100% of the active wells in Santa Barbara County.

– Source: *Santa Barbara County Impact Analysis Report on Measure P*, 6/13/14

MEASURE P WOULD CREATE THE BIGGEST FINANCIAL LIABILITY IN COUNTY HISTORY.

"[W]hen asked whether he believed passing Measure P could lead to the biggest legal exposure the county could ever have, [Santa Barbara County Counsel] Ghizzoni gave a simple 'yes'." – KSBY News, 7/29/14

"[T]he County of Santa Barbara would be on the hook financially for all legal [takings] claims with no insurance". – KCOY News, 7/29/14

The County's liability to owners whose mineral rights would be violated by P is estimated at hundreds of millions of dollars. And, without insurance, the County and taxpayers could face drastic reductions in vital public services, or unprecedented tax increases.

MEASURE P WOULD REQUIRE SPENDING MILLIONS ON NEW BUREAUCRACY.

The County would be required to hire additional staff and attorneys to process exemption claims from Measure P and to defend against lawsuits driven by Measure P. – Source: *Santa Barbara County Counsel*, 7/29/14

Maintaining the quality of Santa Barbara County's air, water, and public health is important to all of us. What's needed is a balanced approach, not Measure P, which is flawed, drastic, and would be extremely costly to residents throughout Santa Barbara County.

Please Vote NO on P.

The undersigned authors of the rebuttal to the argument in favor of Ballot Measure P2014 at the Consolidated General Election for Santa Barbara County to be held on November 4, 2014 hereby state that such argument is true and correct to the best of their knowledge and belief.

/s/ Dr. James Boles, UCSB Professor Emeritus, Earth Sciences

/s/ Richard Russell, 3rd Generation Family Farmer, Cuyama Valley

Santa Barbara County Firefighters Local 2046

/s/ Tyler Gilliam, Vice President

/s/ Riccardo Magni, 2012 Santa Barbara County Teacher of the Year

Santa Barbara County Taxpayers Association
/s/ Don Oaks, President

ARGUMENT AGAINST MEASURE P2014

Measure P is yet another example of a poorly written, flawed and costly ballot initiative. Measure P would result in an entire industry shutting down in our County, hurting thousands of families.

Measure P would shut down oil and gas production.

- Santa Barbara County has concluded that 100% of the current oil and gas wells use one of the recovery methods banned by Measure P – these are normal production methods that have been safely used for decades.
- As a result, Measure P would shut down nearly all oil and gas production in Santa Barbara County.

Measure P would harm our families, communities and the County.

- Over 1,000 workers would lose their jobs.
- Over \$290 million annually in economic activity would be at risk.
- The County would lose millions in funding for vital government services.

"Measure P would hurt Santa Barbara County in many ways, including forcing cuts in funding for public safety services and schools." - *Adam Estabrook, President, Santa Barbara County Fire Fighters Local 2046*

Measure P would put the County at risk for hundreds of millions or more in legal damages.

- The County's liability for lawsuits brought by owners whose mineral rights would be taken away is estimated to be hundreds of millions of dollars or more.
- The County would be forced to spend millions to defend lawsuits and oversee claims, reducing funding for vital government services, such as firefighters and schools.

Measure P would increase dependence on foreign oil.

We need a balanced approach to meeting our energy needs that includes continuing local energy production under our state's strict environmental laws, and developing renewable energy resources.

We should allow our local oil and gas industry to continue operating under strict regulations, rather than shutting it down and importing more foreign oil from countries with little or no regulations.

Please Vote NO on P.

The undersigned authors of the argument against Ballot Measure P2014 at the Consolidated General Election to be held on November 4, 2014, hereby state that such argument is true and correct to the best of their knowledge and belief.

/S/ Dr. James Boles, UCSB Professor Emeritus, Earth Sciences

/S/ Richard Russell, 3rd Generation Family Farmer, Cuyama Valley

Santa Barbara County Firefighters Local 2046

/S/ Tyler Gilliam, Vice President,

/S/ Riccardo Magni, 2012 Santa Barbara County Teacher of the Year

Santa Barbara County Taxpayers Association

/S/ Don Oaks, President

REBUTTAL TO ARGUMENT AGAINST MEASURE P2014

The claims against Measure P are simply false. Oil industry boosters won't admit the serious risks posed by extreme extraction techniques like fracking, steam injection, and matrix acidization, so instead, they resort to making blatantly untrue claims about Measure P.

- **Measure P does NOT affect current oil and gas projects or cut a single job.** Existing oil and gas projects will continue to operate as usual and traditional oil and gas projects can still be developed. Any claim that Measure P will shut down oil production is wrong.

- **Measure P does NOT cut any current oil or gas revenues.** Opponents' misleading statements are based on the false claim that all production in the county will stop. **Funding for schools and public safety is NOT threatened.**

- **Measure P is legally sound.** Oil companies have been defeated in community after community, and courts across the country have ruled decisively that people have the right to ban these dangerous techniques.

- **Measure P will not affect fuel prices or increase reliance on foreign oil.** The small amount of oil produced here is sold on a global marketplace.

Here's what Measure P actually does:

- **Stops extreme extraction techniques**, including fracking and matrix acidization, from spreading right next to our farms and food, putting our economy and our health at risk.

- **Protects our precious water supply** from waste and pollution, preserves our families' health, and **reduces air pollution and carbon emissions that worsen climate change.**

Please vote YES on Measure P.

The undersigned authors of the rebuttal to the argument against Ballot Measure P2014 at the Consolidated General Election for Santa Barbara County to be held on November 4, 2014, hereby state that such argument is true and correct to the best of their knowledge and belief.

/s/ Marty Blum, Former Mayor of Santa Barbara

/s/ Warner McGrew, Former Santa Barbara City Fire Chief

/s/ Steve Beckmen, General Manager, Beckmen Vineyards

/s/ Susan Epstein, Goleta School Board

/s/ Stan Roden, Former Chamber of Commerce President
Former District Attorney

FULL TEXT OF MEASURE P2014

The people of the County of Santa Barbara do hereby ordain as follows:

SECTION 1: PURPOSE AND FINDINGS

Purpose of Initiative: The purpose of this Initiative is to protect the health and environment of Santa Barbara County—its air and water quality, water supplies, agricultural lands, scenic vistas, and quality of life—by prohibiting the use of any land within the County's unincorporated area for High-Intensity Petroleum Operations. High-Intensity Petroleum Operations include hydraulic fracturing (also known as fracking), acid well stimulation treatments, cyclic steam injection and other types of oil and gas development that use advanced well stimulation technologies.

This Initiative recognizes and builds upon Santa Barbara County's land use plans and adopted rules and regulations governing oil and gas development, including County of Santa Barbara Measure A, adopted in 1996. The Initiative includes provisions to protect vested rights and constitutionally protected property rights. The Initiative does not apply to off-site facilities or infrastructure, such as refineries and pipelines, that do not directly support High-Intensity Petroleum Operation(s).

A. Findings: The people of Santa Barbara County find that this Initiative promotes and protects the health, safety, welfare, and quality of life of County residents, based upon the following findings, any one of which would be sufficient reason to adopt this Initiative:

1. High-Intensity Petroleum Operations Are Different. "Low-intensity" petroleum operations generally involve drilling wells through which oil or gas flows naturally under its own pressure or through which oil is pumped up to the surface. High-Intensity Petroleum Operations are different. Fracking, acid well stimulation treatments, and cyclic steam injection typically include high-pressure injections of solvents, acids, and other chemicals, and/or steam to fracture, heat, or dissolve underground formations in order to free oil and/or natural gas. High-Intensity Petroleum Operations pose additional threats to our air and water beyond those posed by low-intensity petroleum operations.

Some High-Intensity Petroleum Operations have previously occurred in Santa Barbara County and they are now occurring with greater frequency. New advances in extraction technologies have enabled oil and gas recovery in fields and formations that were previously uneconomical to produce. For example, the petroleum industry has recently shown great interest in extracting oil and gas from the Monterey Shale Formation in Santa Barbara and elsewhere. Use of High-Intensity Petroleum Operations to extract oil and gas from the Monterey Shale Formation or other formations could lead to an increase in the number of new wells in the County.

The County's existing Comprehensive Plan explains that use of these extraction technologies creates a conflict with the County's core goal of environmental protection:

Expansion of production is almost certain to be accompanied by the use of enhanced recovery techniques, particularly steam injection. If steam injection is based on current technology, such production will have significant air quality implications. In general terms, the two stated objectives of the [Comprehensive Plan Conservation Element] – to encourage oil and gas development yet protect the environment – will come into conflict.

This Initiative addresses and resolves that conflict in favor of environmental protection and the protection of human health and safety. The impacts and risks associated with High-Intensity Petroleum Operations are too great for County residents to accept. In order to protect local resources and interests, residents want to prohibit this land use before it further endangers human health and the environment in Santa Barbara County.

2. Emissions From High-Intensity Petroleum Operations Will Degrade Our Air Quality and Contribute to Global Climate Change. Studies suggest that High-Intensity Petroleum Operations increase emissions of air pollutants linked to poor health outcomes and reduced agricultural yields. The County's current Comprehensive Plan states that "the use of

steam injection methods can also result in a significant increase in emissions from oil field operations.” Air pollutants including benzene, toluene, ethylbenzene, xylene, particulate matter and others have been measured in elevated concentrations close to High-Intensity Petroleum Operations. Ground-level ozone from emissions of nitrogen oxide (NOx), methane and volatile organic compounds (VOCs) from oil and gas development have also been observed. The Orcutt Community Plan notes that the petroleum industry is a “major source of NOx.”

High-Intensity Petroleum Operations can also generate large quantities of greenhouse gas emissions that are known to contribute to global climate change and its negative effects. For example, the generators used for cyclic steam injections emit high levels of carbon dioxide.

Santa Barbara's air already falls below state standards for ozone and particulate matter, and Santa Barbara is threatened by the effects of global climate change, including sea level rise, wildfire, and reduced water supplies.

3. Our Limited Water Supplies Should Be Preserved For Agricultural and Municipal Uses. Water is a valuable and limited commodity in Santa Barbara County. The County relies on groundwater as a primary water supply source. The County also receives water from the State Water Project, but that source is unreliable and has been reduced over the years.

The County's Comprehensive Plan already recognizes that “a large amount of water is used during oil recovery operations.” High-Intensity Petroleum Operations can be water-intensive. For example, according to a 2013 study by the University of California, Berkeley, hydraulic fracturing in California often requires hundreds of thousands of gallons of water per well. Some California operators have reported water use rates in excess of one million gallons per “frack.” Steam injection is also water-intensive; for example, the existing Tunnell Facility in Santa Barbara County uses nearly six million gallons of freshwater per year for its operations.

The County currently suffers from drought, water supply shortages, and groundwater overdraft. Some residents are already experiencing increases in water rates and cannot afford further rate increases. Santa Barbara voters want to preserve our limited water supplies for local farmers and residents, not for High-Intensity Petroleum Operations.

4. Santa Barbara County Cannot Afford the Risks of Groundwater and Surface Water Pollution. Accidents happen. Many High-Intensity Petroleum Operations mix, transport, and/or store toxic and hazardous chemicals. They also generate a considerable amount of wastewater that can contain these chemicals along with hydrocarbons, naturally occurring radioactive materials, dissolved salts, and other elements harmful to human health and safety. The chemicals and wastewater from these operations could contaminate Santa Barbara County's groundwater—and surface water—through improper storage or disposal, surface spills, or other means. Treating groundwater pollution is extremely expensive and may not be economically feasible. Given the County's heavy reliance on groundwater, groundwater contamination could have devastating impacts on drinking water supplies, agriculture, and our local economy. Santa Barbara residents are not willing to accept the risks of water pollution posed by High-Intensity Petroleum Operations.

5. High-Intensity Petroleum Operations Are Inconsistent With Our Agricultural Heritage. Santa Barbara County takes pride in its agricultural heritage and strives to protect its rural areas. Agriculture is the largest production industry in the County and is important to the economic and cultural well-being of County residents.

The County's Comprehensive Plan has long aimed to “assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County.” New High-Intensity Petroleum Operations threaten this goal by converting agricultural lands to oil fields, fragmenting existing grazing and other agricultural operations, endangering the health of livestock, and placing water supplies at risk. This could threaten consumer perception of the quality and safety of the food, wine, and other agricultural goods produced in the County and cost the agricultural industry substantial revenue.

6. Earthquake Risks in Santa Barbara County Are Already Too High. Seismic activity is a matter of particular concern in Santa Barbara County. The County borders the San Andreas Fault. Other major active geologic faults, including the Mesa and Santa Ynez Faults, run through the County and numerous other potentially active faults have been mapped in the region. Coastline earthquakes can create tsunamis, which could inundate major areas of the County.

Activities associated with High-Intensity Petroleum Operations have been shown to induce and/or exacerbate earthquakes. The risk of increased seismic activity in Santa Barbara County from these activities threatens public health and safety and the built environment.

High-Intensity Petroleum Operations can also lead to subsidence, exacerbate natural oil seeps, and create sinkholes in the earth that are a danger to public health and safety. These so-called "surface expressions" have already proved fatal in Kern County, where an oil worker was killed when he fell into a sinkhole that unexpectedly opened up near a drill site. Steam injection operations in Santa Barbara County have already exacerbated oil seeps and resulted in surface expressions.

7. High-Intensity Petroleum Operations Will Degrade Our Scenic Vistas and Rural Areas. The beautiful scenic qualities of Santa Barbara County, including the Gaviota Coast and the Santa Ynez Valley, are a major attraction to both residents and visitors. Views of mountains, grazing lands, agricultural crops, vineyards, natural ridgelines, and annual grasslands provide some of the prominent elements of the County's rural landscape.

High-Intensity Petroleum Operations will increase the number of unsightly oil derricks along with more conspicuous drill rigs, pumping units, and other surface equipment and facilities in the County. Smog from increased VOC emissions will cloud our cherished scenic views. Our rural roads will be increasingly used by heavy industrial trucks, which will degrade road conditions and heighten noise, traffic, and safety concerns.

8. High-Intensity Petroleum Operations Could Harm the County's Biological Resources. Santa Barbara County contains a variety of habitats including grasslands, riparian woodlands, and aquatic habitats. These and other habitat types provide high conservation value for the preservation of rare, threatened, and endangered plant and wildlife species.

High-Intensity Petroleum Operations will harm important biological resources within the County by encouraging well exploration and expanding the footprint of oil and gas operations. Industrial activity at well sites, including well drilling, surface pad and road construction, and the associated noise and air pollution, are known to degrade and destroy habitat.

9. Permitting High-Intensity Petroleum Operations Is Not the Way to Grow a Healthy Economy. High-Intensity Petroleum Operations do not provide the long-term local job opportunities that are necessary for a healthy, sustainable local economy. Rather, rapid development of oil resources can lead to "boom-and-bust" growth that is ultimately harmful to the local economy. It is debatable whether High-Intensity Petroleum Operations will create many new jobs in Santa Barbara County in the long term, and they could degrade the assets and resources upon which a prosperous future for the County depends.

The people of Santa Barbara County wish to create 21st Century job opportunities in agriculture, visitor services, clean energy, renewables, and high technology that can be compatible with our existing economic strengths and the quality of our communities. Residents wish to protect and enhance a tourism sector that leverages our existing scenic, historical, agricultural, and environmental assets.

A healthy, sustainable economy requires developing a diversity of energy resources, such as wind and solar. The voters wish to support new renewable energy development to help meet California greenhouse gas reduction targets and to stimulate local businesses and the economy. High-Intensity Petroleum Operations are non-renewable, carbon-emitting extractive technologies that are incompatible with these goals and with preserving what makes Santa Barbara County a desirable place to live and work.

SECTION 2: COMPREHENSIVE PLAN AMENDMENTS

The Healthy Air and Water Initiative to Ban Fracking ("Initiative") hereby amends the Santa Barbara County Comprehensive Plan ("Comprehensive Plan"), as amended through March 18, 2014 ("submittal date"). Text to be inserted in the Comprehensive Plan is indicated in **bold** type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

A. The Land Use Element is hereby amended to add the following new "Land Use Development" Policy number 14.

Policy 14. Land Uses Supporting High-Intensity Petroleum Operations Are Prohibited

- 1. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s) is prohibited on all lands within the County's unincorporated area.**

This Policy applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Policy does not apply to onshore facilities that support offshore exploration or production from offshore wells.

2. Definitions.

"High-Intensity Petroleum Operations" mean (1) Well Stimulation Treatments and/or (2) Secondary and Enhanced Recovery Operations.

"Well Stimulation Treatment" means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments.

"Hydraulic Fracturing Treatment" means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

"Acid Well Stimulation Treatment" means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.

"Secondary and Enhanced Recovery Operation" means any operation where the flow of hydrocarbons into a well are aided or induced with the use of injected substances including but are not limited to the introduction or injection of water and natural gas, steam, air, CO₂, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

"Effective Date" means the date that the Healthy Air and Water Initiative to Ban Fracking became effective pursuant to State law.

3. This Policy 14, along with other implementing provisions in the County Code, were adopted by the Healthy Air and Water Initiative to Ban Fracking and may not be amended or repealed except by a vote of the people.

- B. Coastal Land Use Plan (which is part of the Local Coastal Program) Section 3.6.4 "Land Use Plan Proposals," regarding "Oil and Gas Wells," is hereby amended to add the following new Policy number 6-5D. Amendments to the Local Coastal Program require certification by the Coastal Commission before they may take effect.

Policy 6-5D. Land Uses Supporting High-Intensity Petroleum Operations Are Prohibited

1. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s) is prohibited on all lands within the County's unincorporated area.

This Policy applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Policy does not apply to onshore facilities that support offshore exploration or production from offshore wells.

2. Definitions.

“High-Intensity Petroleum Operations” mean (1) Well Stimulation Treatments and/or (2) Secondary and Enhanced Recovery Operations.

“Well Stimulation Treatment” means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments.

“Hydraulic Fracturing Treatment” means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

“Acid Well Stimulation Treatment” means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.

“Secondary and Enhanced Recovery Operation” means any operation where the flow of hydrocarbons into a well are aided or induced with the use of injected substances including but are not limited to the introduction or injection of water and natural gas, steam, air, CO₂, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

“Effective Date” means the date that the Healthy Air and Water Initiative to Ban Fracking became effective pursuant to State law.

3. This Policy 6-5D, along with other implementing provisions in the County Code, were adopted by the Healthy Air and Water Initiative to Ban Fracking and may not be amended or repealed except by a vote of the people.

SECTION 3: COMPREHENSIVE PLAN CONFORMING AMENDMENTS

In light of the Comprehensive Plan amendments set forth above in Section 2 of this Initiative, the Comprehensive Plan is hereby further amended as set forth below in order to promote internal consistency among the various sections of the Comprehensive Plan. Text to be inserted in the Comprehensive Plan is indicated in **bold** type. Text to be deleted from the Comprehensive Plan is indicated in ~~striketrough~~ type. Text in standard type currently appears in the Comprehensive Plan and is not changed or readopted by this Initiative. The page numbers referenced in these amendments are the page numbers shown on the individual Comprehensive Plan elements posted on the County’s webpage. To prevent confusion, text that already appears in bold type in the Comprehensive Plan has been unbolded in this Initiative, and footnotes in the Comprehensive Plan that are not amended by this Initiative have not been included in the text shown in the Initiative. The language in the following amendments may be further amended without a vote of the people in the course of future updates and revisions to the Comprehensive Plan, provided that any such amendments do not conflict with any provisions of Section 2 of this Initiative.

A. To the Land Use Element make the following changes:

- (i) To “Agriculture,” on page 135, add the following **bold** text:

AGRICULTURE

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals. For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the

growing of plants, the raising and keeping of animals, aquaculture, the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form which have been grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (ii) To "Coastal-Related Industry," on page 141, add the following **bold** text:

Coastal-Related Industry

The intent of this designation is to recognize that, although certain industrial uses are directly dependent on coastal-dependent development or uses, they themselves do not strictly qualify as coastal-dependent uses. Examples include those industrial and energy facilities which support coastal-dependent uses such as offshore oil platforms, but do not require a site on or adjacent to the sea to be able to function at all. Determination of what types of uses qualify as coastal-related industry rather than coastal dependent industry must be made case-by-case since several project specific or geographic-specific variables may influence such determination, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (iii) To "General Industry," on page 141, add the following **bold** text:

General Industry

All industrial uses, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (iv) To "Mineral Resource Area," on page 144, add the following **bold** text:

Mineral Resource Area - An area of known deposit of metallic and non-metallic resources and mineral fuel. Extraction is permitted in these areas with the required permits and environmental safeguards, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (v) To "Petroleum Resource Industry," on page 145, add the following **bold** text:

Petroleum Resource Industry - An area for the processing with or without extraction of petroleum products, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

- (vi) To "Urban Area," on page 145, add the following **bold** text:

Urban Area - An area shown on the land use map within which is permitted the development of residential, commercial, and industrial activity, and their related uses, buildings and structures, including schools, parks, utilities, etc. Mineral extraction (including oil) and related uses are permitted in urban areas outside the coastal zone, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these areas and all other designations in accordance with Policy 14.** Open spaces and recreational activities and related uses are permitted and encouraged throughout the Urban area. Agriculture is permitted and encouraged in the Urban area when it is surrounded by urban uses. When adjacent to a Rural area, agriculture shall be in the Rural area.

- (vii) To "Inner-Rural Area," on page 146, add the following **bold** text:

Inner-Rural Area - An area shown on the land use map within which development is limited to rural uses such as agriculture and its accessory uses, mineral extraction (including oil) and its accessory uses, recreation (public or private), ranchette development, agricultural parcels, and uses of a public or quasi-public nature, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this area and all other designations in accordance with Policy 14.** These areas shall be adjacent to designated Urban Areas. The minimum permitted lot size shall be five acres, with the sole exception of any parcel(s) to be owned and used solely by a public agency, consistent with the "Public Facilities" Policies of this Element. Residential development denser than one unit per five acres, commercial, industrial, and other intensive urban uses shall be reserved for Urban Areas and excluded from areas designated Inner-Rural. Agricultural and open space preserves and related uses are to be encouraged. Recreational activities in these areas should be compatible with ranchette and agricultural uses. Existing smaller lot neighborhood developments are permitted within the Inner-Rural area only in designated locations.

- (viii) To "Rural Area," on page 146, add the following **bold** text:

Rural Area: An area shown on the land use map within which development is limited to agriculture and related uses, mineral (including oil) extraction and related uses and activities, recreation (public or private), low density residential and related uses and uses of a public or quasi-public nature, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this area and all other designations in accordance with Policy 14.** The minimum lot size permitted within this area is 40 acres, with the sole exception of any parcel(s) to be owned and used solely by a public agency, consistent with the "Public Facilities" Policies of this Element. Existing smaller lot neighborhood developments are permitted within the Rural Area only in designated locations.

- (ix) To "North County Consolidation Planning Area (NCCPA)," on page 149, add the following **bold** text:

NORTH COUNTY CONSOLIDATION PLANNING AREA (NCCPA) – A planning area for oil and gas development **(other than land uses in support of High-Intensity Petroleum Operations prohibited under Policy 14)** in the western portion of Santa Barbara County, defined by the following boundaries: the Santa Barbara County – San Luis Obispo County boundary to the north, the three-mile offshore limit line to the west, the Santa Ynez Mountain ridge line to the south, and to the east, U.S. 101 north to CA 154, east along CA 154 to CA 176, north along CA 176 until it turns in a general northwesterly direction, east to the Los Padres National Forest boundary just south of Lookout Mountain, north along the National forest boundary to the County Line. Maps of this oil and gas consolidation planning area are provided in the siting study incorporated into this element under Land Use Development Policy #11.

B. To the Coastal Land Use Plan (which is part of the Local Coastal Program), make the following changes:

- (i) To section 3.6.3 "Planning Areas and Applicable County Regulations," on pages 60-61, add the following **bold** text:

3.6.3 PLANNING AREAS AND APPLICABLE COUNTY REGULATIONS

Oil and gas is produced from onshore fields, State Tidelands fields, and the Federal Outer Continental Shelf (OCS). The State Tidelands encompass submerged lands that extend 3 nautical miles seaward of the mean high tide. The OCS extends seaward of the 3-mile line.

Historically, oil and gas development within the Coastal Zone was extensive.

The County established three oil and gas planning regions as follows:

- a. The Carpinteria Valley Consolidation Planning Area (CVCPA): an oil and gas planning region that is bounded by the Santa Barbara County - Ventura County boundary to the east, the three-mile offshore limit line to the south, the City of Santa Barbara eastern boundary to the west, and to the north ridge of the Santa Ynez Mountains.

b. The South Coast Consolidation Planning Area (SCCPA): an oil and gas planning region that is bounded by the City of Santa Barbara to the east, the three-mile offshore limit line to the south, Point Arguello to the west, and the ridge of the Santa Ynez Mountains to the north.

c. The North County Consolidation Planning Area (NCCPA): an oil and gas planning area that is bounded by the Santa Barbara County-San Luis Obispo County boundary to the north, the three-mile offshore limit line to the west, the ridge of the Santa Ynez Mountains to the south, and to the east U.S. 101 north to CA 154; east to CA 176; north until it turns in a northwesterly direction, east to the Los Padres National Forest boundary just south of Lookout Mountain, and National Forest boundary north to the County line.

On March 26, 1996 the voters approved an initiative, Measure A96, that makes legislative approvals for directional drilling projects (as well as other onshore facilities that support offshore oil and gas development) subject to voter approval unless they are located within the Gaviota Consolidated Oil and Gas Planning Area (defined by the initiative as APNs 81-130-07 and 83-220-19 in their entirety as of June 13, 1995). A portion of these two sites is partially designated for industrial uses to accommodate facilities for processing oil and gas production from offshore reservoirs (M-CD and M-CR zone designations). Based on current projections of future oil and gas production, there is no need to expand the M-CD and M-CR designated portions of these two planning areas to accommodate additional processing facilities. In response to the Molino Project proposal and Measure A96, the County determined that onshore exploration and production of offshore oil and gas reserves is allowed from the Consolidated Planning Areas. Moreover, any new exploration and production operations within the two Consolidated Planning Areas will likely be safer if these exploration and production operations are separated from consolidated processing activities. Consequently, the County has designated M-CD and M-CR zones within the Consolidated Planning Areas for processing, and the AG-II and M-CR zones within the Consolidated Planning Areas for exploration and production of offshore reserves, in order to separate these activities within the Consolidated Planning Areas to accommodate safety concerns. Although production and processing may occur within the M-CR zone designation, specific production projects can be separated from processing facilities based on a case-by-case analysis of safety impacts.

As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to onshore exploration and/or production of offshore oil and gas reservoirs.

- (ii) To section 3.6.4 "Where," on page 62, add the following **bold** text:

Where

Oil and gas wells dedicated solely to exploration or production of onshore oil and gas fields are permitted in Coastal Dependent Industry and Agriculture II designations and are conditionally permitted uses in Mountainous Areas, Open Lands, Rural Residential, and all other Industrial classifications (refer to Table 3-1), **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these and all other designations in accordance with Policy 6-5D.** Oil and gas wells dedicated to exploration or production of offshore oil and gas fields are permitted in Coastal Related Industry and Agricultural II designations only within the Las Flores Canyon Consolidated Oil and Gas Processing Site as specified in policies 6-5B and 6-5C, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these and all other designations in accordance with Policy 6-5D.** By retaining the AG-II designation within the Consolidated Oil and Gas Processing Site, the County limits the use of industrially zone (MC-R and MC-D) areas within the Consolidated Oil and Gas Processing Site available for processing facilities; and also, by allowing **certain** exploration and production in AG districts, but not processing, the County provides for the separation of processing and production to accommodate safety concerns.

- (iii) To Section 3.6.4 "Policy 6-5C," on page 64, add the following **bold** text:

Policy 6-5C: Exploration or production of offshore oil and gas reservoirs (including reservoirs which traverse the mean high tide line) from onshore sites shall be restricted to locations within the Las Flores Canyon Consolidated Oil and Gas Planning Site which comprises the parcels identified in Policy 6-5B.2 above. Such exploration and

production is compatible with AG-II and MC-R designated land uses within this Consolidated Oil and Gas Processing Site. **The Healthy Air and Water Initiative to Ban Fracking applies to such exploration and/or production, however, such that land uses in support of High-Intensity Petroleum Operations are prohibited pursuant to the Initiative.**

- (iv) To Appendix B, "Agriculture," on page 221, add the following **bold** text:

AGRICULTURE

The purpose of an agriculture designation is to identify and preserve agricultural land for the cultivation of plant crops and the raising of animals. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land (see Appendix A), land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts. Plant crops include food and fiber crops, orchards, field crops, nurseries, and greenhouses. Animal raising includes grazing and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses, buildings and structures related to the agricultural use of the site, and uses of a public works, public service, or public utility nature. In the coastal zone, oil drilling and related activities are permitted in AG II, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 6-5D.**

- (v) To Appendix B, "Open Lands (100 or 320 Acres Minimum Parcel Size)," on page 222, add the following **bold** text:

OPEN LANDS (100 OR 320 ACRES MINIMUM PARCEL SIZE)

These areas are lands which have outstanding resource values, are subject to environmental constraints on development, and have no agricultural potential. One principal residence and one guest house (no kitchen) per specified minimum parcel size are permitted in this category provided that the dwelling is sited to minimize impacts on sensitive areas. Resource dependent uses such as sand-mining and oil well drilling may be allowed subject to a conditional use permit, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 6-5D.**

- (vi) To Appendix B "Coastal-Dependent Industry," on page 225, add the following **bold** text:

Coastal-Dependent Industry - the intent of this land use designation is to recognize that certain industrial uses are coastal-dependent industrial uses. Coastal-Dependent Industrial Uses are those industrial uses which require a site on, or adjacent to, the sea to be able to function at all. Determination of what types of uses qualify as coastal-dependent industry shall be made on a case by case basis because the project-specific variables so directly influence such determination. Examples of coastal-dependent industrial uses, as identified in Section 30001.2 of the Coastal Act, include offshore petroleum and gas development, commercial fishing facilities and ports (i.e., those industrial components of commercial fishing facilities and port/harbor areas). Additional examples of industrial uses which could be determined to be coastal-dependent based on the project-specific variables include: oil and gas processing facilities, marine terminals, industrial piers and staging areas, port and harbor areas, fishing facilities, ocean-oriented aquaculture including fish hatcheries, and areas for deploying oil spill cleanup equipment. Uses that are not strictly coastal-dependent, but either need access to the ocean under special conditions (for example, thermal power plants sited to take advantage of ocean cooling water) or are directly dependent on a coastal-dependent use (such as processing facilities which do not require a site on or adjacent to the sea to be able to function at all) are classified as Coastal-Related Industry (see definition below). Policies governing these uses are specified in section 3.6. **As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to land uses in this and all other designations.**

- (vii) To Appendix B "Coastal-Related Industry," on page 225, add the following **bold** text:

Coastal-Related Industry - the intent of this designation is to recognize that certain industrial uses are coastal-related industrial uses. Coastal Related Industrial Uses are those industrial uses which are directly dependent on

coastal-dependent development or uses. Determination of what types of uses qualify as coastal-related industry rather than coastal-dependent industry shall be made on a case-by-case basis since the project-specific variables so directly influence such determination. Examples of coastal-related industry include those industrial and energy facilities which directly support coastal dependent uses as offshore oil platforms, but may not require a site on or adjacent to the sea to function at all. Policies governing these uses are specified in Section 3.6. **As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to land uses in this and all other designations.**

C. To the Agricultural Element make the following changes:

- (i) To "Agricultural Land Use Definitions," on page 10, add the following **bold** text:

AGRICULTURAL LAND USE DEFINITIONS

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals.

For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including appropriate related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted, **provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.**

The following designations provide a description of agricultural lands that identify the more essential and productive agricultural areas as well as the average, and marginally productive lands. These land use designations have the following priority ranking for the identification of agricultural value:

1. AC Agriculture Commercial
2. A-II Agriculture - II
3. A-I Agriculture - I

D. To the Conservation Element make the following changes:

- (i) To "Environmental Impacts," on pages 165-167, add the following **bold** text:

ENVIRONMENTAL IMPACTS

Generally, knowledge about potential adverse environmental impacts resulting from mineral resource extraction in the County is quite limited. Only a few activities have been studied in detail, and even for these the record still is spotty. As a result, it has not been possible to assess systematically the environmental impacts of each mineral extraction activity in the County. Before suggesting a procedure that might increase the flow of knowledge and improve the state of information on this subject, it may be helpful to review some of the problems that presently exist and to indicate some of the actions being taken to mitigate the adverse impacts.

The repercussions of an oil spill or blow-out at an onshore drilling site have been well documented in the popular press as well as in scientific journals. Under the direction of the California Oil and Gas Division, oil spill contingency plans for District 3, which includes Santa Barbara County, have been prepared. These plans are designed primarily to minimize adverse environmental impacts, particularly on natural drainage systems. State requirements also have been promulgated to curtail wastewater discharges into the ocean and to regulate Class I dump sites for disposal of oil field wastes. But the oil industry still needs to refine its fail-safe programs so that its imperfect record can be improved.

The major problems associated with mercury mining stems from the proximity of the Cachuma District Quicksilver Mines to Lake Cachuma. Because leaching from an open pit operation could reach the lake, the potential adverse impact on water quality must be scrutinized carefully. An environmental impact report being prepared in conjunction with a proposal to reopen these mines will examine the ability of the proposed new leaching method to meet federal standards and to safeguard water quality.

Mining diatomaceous earth presents similar problems that have not yet been fully resolved. Airblown particulate matter has a serious impact on air quality. In northern Santa Barbara County in 1970, over nine tons of particulate matter were emitted by mineral operations - a figure representing close to 70 per cent of the total amount of particulate matter emitted daily in this area. County Air Pollution Control District regulations have been relatively effective in reducing these emissions. To further reduce the level of emissions, the federal Environmental Protection Agency recently ordered that additional dust collectors be installed at the Lompoc mines. Buffer zones surrounding the diatomite mines, as well as around other mineral extraction activities, may be the only viable way to reduce their impact on particularly sensitive members of the population, including people with respiratory problems, young children, and the elderly.

Adverse environmental impacts from, rock, sand, and gravel operations are manifold. For example, the activities can undermine adjacent development, reduce detrital material flowing to the ocean, thereby aggravating coastal erosion problems, and pollute groundwater basins if the pits are backfilled without proper precautions. According to one study, sand and gravel mining in the Santa Ynez River and the Santa Maria River during the period from 1945-55 removed one quarter to two-thirds, respectively, of these rivers' annual estimated sediment yield. Continued production at this rate could seriously impair beach formation along the northern section of the Santa Barbara Coast (Bowen and Inman, 1966, as cited in the South Central Coast Regional Commission's Report on Geology, 1974). The extent and severity of these potential problems in the County has not been studied in a systematic fashion, so it is not possible to determine what action might be necessary to correct potential adverse impacts.

In order for the County to be able to minimize adverse direct or indirect environmental impacts, it should have discretionary review authority over all mineral extraction activities on an annual basis, particularly over the expansion of present activities. This review should be conducted as prescribed under the California Environmental Quality Act. It may be that certain small operations do not have significant adverse environmental impacts, in which case they should be allowed to continue as at present or to expand if desired. However, in those instances in which the impacts of mining would pose a serious threat to the natural or human environment, the County should be able to curtail operations or to require that remedial action be taken in a timely fashion. In reviewing mineral resource activities' potential impacts, cumulative impacts on the environment must be considered, as well as the impacts of individual operations. For example, all of the sand and gravel operations in a river basin have to be analyzed collectively as well as individually, and the cumulative impact on sediment yield for beach formation and replenishment assessed. Similarly, projected waste discharges into the air or water from a proposed activity must be considered in the light of background levels of pollutants already being emitted and projected to be emitted by existing activities (and other projected activities) before reaching a decision on the particular proposal.

Pursuant to the Healthy Air and Water Initiative to Ban Fracking, the people of Santa Barbara County have found that High-Intensity Petroleum Operations create a serious and unacceptable threat to the County's air and water quality, water supplies, agricultural resources, scenic vistas, and environmental quality. Accordingly, the Initiative prohibits land uses in support of such High-Intensity Petroleum Operations in all designations in the County's unincorporated area as provided in Land Use Development Policy 14.

- (ii) To "Conclusions and Recommendations," on page 169, add the following **bold** text:

CONCLUSIONS AND RECOMMENDATIONS

Mineral resource extraction in the County makes a relatively important contribution to the local, state, and national economies, and, as such, should be encouraged, **provided that it is consistent with Land Use Development Policy 14**. At the same time, every effort should be made to minimize direct and indirect adverse environmental impacts, and to achieve and maintain federal and State standards of emissions controls and environmental quality. Much already has been done by the County to achieve these goals, the oil drilling ordinances and the air and water pollution control regulations being prime examples. However, the County and the cities should continue to push for necessary environmental safeguards, as well as to encourage exploration for new resource sites **provided that such exploration is consistent with Land Use Development Policy 14**. To meet these general objectives, the County and the cities should adopt the following policies on mineral resource extraction:

- In addition to the relevant policies within this Element, all proposed surface mining operations shall be required to be consistent with the policies contained in the other elements of the Santa Barbara County Comprehensive General Plan, all relevant sections of the Santa Barbara County Code, and all relevant sections of State law.
- Under provisions of the Surface Mining and Reclamation Act of 1975, the County must adopt ordinances to establish procedures for the review of site reclamation plans and issuance of permits to conduct surface mining operations. Within one year after State geologists map areas of mineral deposits, the County must establish resource management policies for incorporation into the Comprehensive Plan. The Board of Supervisors on October 23, 1978, adopted Ordinance No. 3065 (Case No. 77-0A-33), amending Santa Barbara County Zoning Ordinance No. 661 relative to surface mining operations and reclamation plan requirements. The State has not yet mapped County mineral resources.
- The County, in cooperation with responsible federal and State agencies, should undertake a study to evaluate its mineral resources, particularly rock, sand, and gravel, to determine how to protect and exploit them to meet future needs without adverse environmental impacts. The Comprehensive Plan then should be examined in light of the new information gleaned from this analysis, and revisions of the plan made as necessary to achieve maximum compatibility of mineral resource extraction programs with other planned land uses. The results of studies of offshore oil drilling also should be considered in this analysis.

- (iii) To "Extraction," on page 240, add the following **bold** text:

EXTRACTION

Most of the oil in Santa Barbara County is both "heavy" and "sour," meaning it is low gravity and high in sulfur content. Because of its low gravity, continued production of most of Santa Barbara County oil requires the use of enhanced recovery techniques, typically steam injection (the heat from the steam being necessary to increase the flow of the oil). This operation frequently requires a considerable consumption of fuel. In some cases as much as one barrel of oil is consumed for every two barrels produced under steam injection. The use of steam injection methods can also result in a significant increase in emissions from oil field operations. **Due to this and other serious and unacceptable impacts, the people of Santa Barbara County adopted the Healthy Air and Water Initiative to Ban Fracking, which prohibits land uses in support of steam injection and other High-Intensity Petroleum Operations in all designations in the County's unincorporated area, as provided in Land Use Development Policy 14.**

An additional problem faced by oil producers in recent years has been a dramatic rise in the cost of electricity, necessary to operate oil well pumps. Although information on Santa Barbara oil production electrical costs is not available, it has been estimated that electrical costs in the Long Beach area have escalated 300 percent in recent years, the single most important increase in operation costs.

- (iv) To "Marketing," on pages 240-241, add the following **bold** text and remove the following ~~striketrough~~ text:

MARKETING

The "heavy" and "sour" characteristics of Santa Barbara and California crude have produced additional problems at the consumer stage. The ability to market heavier fuel oils, the cheapest and most logical product for California crude, has been made difficult not only because of the new surge of supplies mentioned previously, but because of existing environmental restrictions on the consumption of these fuels. The electric utility companies are a large consumer of fuel oils, but growing air quality concerns have led to restrictions on the percentage of sulfur content permitted in the fuel consumed. The result has been an increasing dependence of West Coast refiners and utility companies on low-sulfur oil sources, notably Indonesia.

Because of problems associated with extraction, processing, and consumption of California oil, production of Santa Barbara County oil has not responded to the opportunities arising from the worldwide increase in the price of petroleum. By 1977-78, the problem became one of not only continued decline in production, but the threat of production being "shut-in." Some 200-300 wells were reported shut-in in California. Only a few of these occurred in Santa Barbara County, but a number of other operators felt compelled to restrict production.

Belated action on the part of the federal government finally came in 1978. Since the prospect of losing California oil production contradicted the stated federal objective of increasing domestic production, the Department of Energy has taken several steps to remove a number of the obstacles mentioned above. The entitlement program was restructured to permit greater incentives to refiners to accept the heavier California crude, and exemptions have been granted to permit the "export" of California crude to refineries elsewhere in the U.S. which have a need for this crude. Several measures of the pending National Energy Plan are likely to continue or extend the incentives necessary to encourage California oil production.

With the removal of many of the constraints, oil production in the County can be expected to reverse its decline and could conceivably lead to both an expansion of production in existing fields and an interest in new development. Opportunities for expansion could exist in both the North County inland areas as well as along the Coast.

It is at this point that the County will play an important role in the future of mineral resources in the area. Expansion of production ~~is almost certain to be~~ **has been** accompanied by the use of enhanced recovery techniques, particularly steam injection, ~~if steam injection is based on current technology, such production will have~~ **which has** significant air quality implications. In general terms, the two ~~stated~~ **original** objectives of the Conservation Element (p. 181) - to encourage oil and gas development yet protect the environment - ~~will have~~ come into conflict. **Pursuant to the Healthy Air and Water Initiative to Ban Fracking, the people of Santa Barbara County decided to resolve that conflict in favor of environmental protection and the protection of human health and safety. Accordingly the Initiative prohibits the use of any land within the County's unincorporated area in support of steam injection and other High-Intensity Petroleum Operations, as provided in Land Use Development Policy 14.**

At a minimum, effective planning at the County level should include a coordination of oil developments in the inland areas, the coastal areas, and offshore. Since the County will be facing the prospects of new oil development in all these areas simultaneously, and since developments in one area could impact those in other areas, coordination will be essential. This is particularly true in terms of proposals for new oil-related facilities. Since much of the new activity onshore and offshore will be located in the North County, the County may be presented with new opportunities, perhaps in the form of consolidation of facilities, and new problems, most likely in the form of environmental quality.

SECTION 4: SANTA BARBARA COUNTY CODE AMENDMENTS

This Initiative hereby amends the Code of Santa Barbara County, California, also referred to as the Santa Barbara County Code (herein "County Code"). Text to be inserted in the County Code is indicated in **bold** type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

- A. To Chapter 35.42 of the Santa Barbara County Land Use and Development Code, add the following section 35.42.175.

35.42.175. High-Intensity Petroleum Operations.

High-Intensity Petroleum Operations Prohibited. Notwithstanding anything in this County Land Use and Development Code or any other County ordinance or resolution to the contrary, the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s), as defined in the Comprehensive Plan Land Use Development Policy 14, is prohibited and is not allowed in any zoning district (including special purpose zones and overlay zones), specific plan areas, or planned development areas, and shall not be approved through a Use Determination (Section 35.82.190) or any other action or inaction by the County.

This Section applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Section does not apply to onshore facilities that support offshore exploration or production from offshore wells.

- B. To Chapter 35.50 of the Santa Barbara County Land Use and Development Code, add the following section 35.50.030:

35.50.030. Compliance with the Healthy Air and Water Initiative to Ban Fracking.

The Healthy Air and Water Initiative to Ban Fracking ("Initiative"), adopted by County voters, prohibits land uses in support of High-Intensity Petroleum Operations, as provided in Section 34.42.175 of this Land Use and Development Code and in Comprehensive Plan Land Use Development Policy 14. Nothing in this Article 35.5 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Article shall be consistent and in compliance with the provisions of the Initiative. No use permit, development plan, exploration plan, production plan, specific plan, coastal development permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

- C. To Chapter 25, "Petroleum Code," add the following Section 25-44:

Sec. 25-44. Compliance with the Healthy Air and Water Initiative to Ban Fracking Initiative.

The Healthy Air and Water Initiative to Ban Fracking ("Initiative"), adopted by County voters, builds upon the provisions of this Chapter 25 by providing whether and where land uses in support of certain Petroleum Operations may occur within the County's unincorporated areas. Nothing in this Chapter 25 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Chapter 25 shall be consistent and in compliance with the provisions of the Initiative. No well permit, drilling permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

- D. To Chapter 35, "Zoning," Article II, "Coastal Zoning Ordinance of Santa Barbara County" (which is part of the Local Coastal Program) add the following Section 35-144M.

Section 35-144M. High-Intensity Petroleum Operations Prohibited. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s), as defined in Comprehensive Plan Land Use Development Policy 14, is prohibited and is not allowed in any zoning district (including special purpose zones and overlay zones), specific plan areas, or planned development areas within the County's unincorporated area, and shall not be considered a similar use under Division 4, Zone Districts (Section 35-68 through 35-93A) or be approved through any other action or inaction by the County.

This Section 35-144M applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore

oil and gas reservoirs. This Section does not apply to onshore facilities that support offshore exploration or production from offshore wells.

- E. To Chapter 35, "Zoning," Article II, "Coastal Zoning Ordinance of Santa Barbara County" (which is part of the Local Coastal Program) add the following section 35.150.2.

Section 35.150.2. Compliance with the Healthy Air and Water Initiative to Ban Fracking.

The Healthy Air and Water Initiative to Ban Fracking ("Initiative"), adopted by County voters, prohibits land uses in support of High-Intensity Petroleum Operations, as provided in Section 35-144M of this Coastal Zoning Ordinance and Policy 6-5D of the Coastal Land Use Plan. Nothing in this Division 9 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Division shall be consistent and in compliance with the provisions of the Initiative. No use permit, development plan, exploration plan, production plan, specific plan, coastal development permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

SECTION 5: EXEMPTIONS FOR CERTAIN PROJECTS

- A. The provisions of this Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or of the State of California.
- B. In the event a property owner contends that application of this Initiative effects an unconstitutional taking of property, the property owner may request, and the Board of Supervisors may grant, an exception to application of any provision of this Initiative if the Board of Supervisors finds, based on substantial evidence, that both (1) the application of any aspect of this Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- C. The provisions of this Initiative shall not be applicable to any person or entity that has obtained, as of the Effective Date of this Initiative, a vested right, pursuant to State law, to conduct a High-Intensity Petroleum Operation.

SECTION 6: IMPLEMENTATION

- A. **Effective Date:** Upon the effective date of this Initiative, (1) the provisions of Sections 2 and 3 of the Initiative are hereby inserted into the County of Santa Barbara Comprehensive Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the Comprehensive Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this Comprehensive Plan amendment shall be the first amendment inserted into the County of Santa Barbara Comprehensive Plan on January 1 of the next year; and (2) the provisions of Section 4 of the Initiative are hereby inserted into the Santa Barbara County Code as an amendment thereof. Upon the effective date of this Initiative, any provisions of the County Code or of any other County of Santa Barbara ordinance or resolution that are inconsistent with the Comprehensive Plan amendments and County Code amendments adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- B. **Interim Amendments:** The date that the notice of intention to circulate this Initiative was submitted to the elections official of the County of Santa Barbara is referenced herein as the "submittal date." The County of Santa Barbara Comprehensive Plan in effect on the submittal date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the County of Santa Barbara. In order to ensure that nothing in this Initiative measure would prevent the Comprehensive Plan from being an integrated, internally consistent, and compatible statement of the policies of the County, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the Comprehensive Plan that is adopted between the submittal date and the date that the Comprehensive Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the Comprehensive Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the Comprehensive Plan. Likewise, any amendment to the County Code that is adopted between the submittal date and the date that the County Code is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the

County Code provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the County Code.

- C. Other County Ordinances and Policies:** The County of Santa Barbara is hereby authorized and directed to amend the County of Santa Barbara Comprehensive Plan, all specific or community plans, the County Code, including the County Land Use and Development Code, the Coastal Zoning Ordinance, and the Petroleum Code, and other ordinances and policies affected by this Initiative as soon as possible as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the Comprehensive Plan; specific or community plans; the County Code, including the County Land Use and Development Code, the Coastal Zoning Ordinance, and the Petroleum Code; and other County ordinances and policies.
- D. Reorganization:** The Comprehensive Plan and County Code may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the Comprehensive Plan and County Code, provided that the provisions of Section 2 this Initiative shall remain in the Comprehensive Plan, and the provisions of Section 4 of this Initiative shall remain in the County Code, unless earlier repealed or amended by vote of the people of the County.
- E. Implementing Ordinances:** The Board of Supervisors is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- F. Enforcement and Defense of Initiative:** The Board of Supervisors shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.
- G. Project Approvals:** Upon the effective date of this Initiative, the County and its departments, boards, commissions, officers, and employees shall not grant, or by inaction allow to be approved by operation of law, any comprehensive plan amendment, rezoning, specific plan, subdivision map, use permit, development plan, exploration plan, production plan, coastal development permit, building permit, development agreement, or any other discretionary entitlement which is inconsistent with this Initiative.
- H. Coastal Commission Certification:** Following the effective date of this Initiative, the County of Santa Barbara is hereby authorized and directed to submit the Initiative's amendments to the Coastal Land Use Plan and the Coastal Zoning Ordinances, along with any necessary supporting documents, to the California Coastal Commission for certification as an amendment to the Santa Barbara County Local Coastal Program. If the three amendments to the Santa Barbara Local Coastal Program permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this amendment to the Santa Barbara Local Coastal Program shall be the first amendment submitted to the California Coastal Commission for certification on January 1 of the next year. The voters further wish to submit the Initiative's amendment to the Local Coastal Program as an amendment that will take effect automatically upon the California Coastal Commission's approval.

SECTION 7: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT

This Initiative adopts a comprehensive scheme for managing whether and where land uses in support of High-Intensity Petroleum Operations may occur within the County's unincorporated areas. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses the location of land uses supporting petroleum operations, or conflicts with any provision of this Initiative, shall be deemed to conflict with the entire cohesive scheme adopted by this Initiative. Because of this conflict, if this Initiative and any such other Santa Barbara County measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 7, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 8: SEVERABILITY AND INTERPRETATION

This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and County laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining

portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve its purpose. Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 9: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the County.

ATTACHMENT C

CITY of CARPINTERIA, CALIFORNIA



March 25, 2014

Members of the City Council

Honorable Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

J. Bradley Stein - *Mayor*
Gregg Carty - *Vice Mayor*
Al Clark
Wade Nomura
Fred Shaw

Dear Governor Brown:

The City of Carpinteria wishes to thank you for approving Senate Bill 4. SB 4 creates a science-based process that will allow for good decisions to be made with regard to establishing appropriate regulations of well stimulation practices. However, in the meantime potentially dangerous practices continue with very little oversight. I am writing on behalf of the City of Carpinteria City Council to express its concern over ongoing oil and gas well stimulation treatments being used in California and respectfully request that you use your authority as Governor to enact an interim moratorium on well stimulation treatments until such time as studies are completed that can be considered in establishing appropriate permanent rules pursuant to SB4.

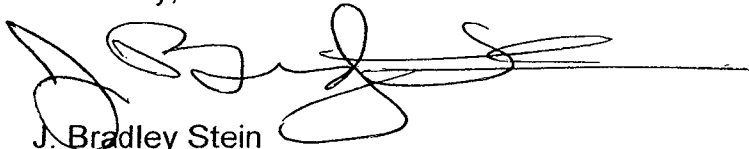
The City agrees with your SB4 signing statement that the bill needs some clarifying and respectfully requests that well stimulation techniques be studied as broadly and holistically as possible to ensure a complete understanding of these techniques and their potential environmental and human health impacts. It does not make sense to define the law too narrowly at this early stage, or to allow the law to be interpreted to exclude from environmental review projects that would otherwise be required to undergo CEQA analysis.

The City would also like to urge the state to include in SB4 a commitment to work with federal agencies to ensure consistency between state and federal law with regard to the regulation of well stimulation techniques involving California. Oil and gas operations on public and submerged lands managed by federal government agencies are integral to California. The Bureau of Land Management (BLM), for example, is having a study conducted on well stimulation treatments for its purposes in managing oil and gas development on public and Indian lands which exist throughout California. Operation of oil and gas platforms on the Pacific Outer Continental Shelf inherently have impacts on places in the state like Carpinteria where staging, processing, and transportation of oil and gas occurs daily, and where unique air, water, and unique coastal resources are enjoyed by residents and visitors and are critical to the regional and state economy. In order to adequately protect Californians and our precious resources, appropriate well stimulation regulations must apply to oil and gas operations under both state and federal jurisdictions.

Page 2
Honorable Governor Jerry Brown
March 25, 2014

Once again, the City of Carpinteria respectfully requests that current well stimulation treatment practices in California be halted until studies are complete and well stimulation proposals can be considered pursuant the new regulations/rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bradley Stein', with a long horizontal line extending to the right.

J. Bradley Stein
Mayor, City of Carpinteria

cc: Representative Lois Capps
Senator Hannah Beth Jackson
Assembly Member Das Williams
City Council members

CITY of CARPINTERIA, CALIFORNIA



Members of the City Council

J. Bradley Stein - *Mayor*
Gregg Carty - *Vice Mayor*
Al Clark
Wade Nomura
Fred Shaw

March 25, 2014

Honorable Congresswoman Lois Capps
24th Congressional District
301 E. Carrillo, Suite A
Santa Barbara, CA 93101

Dear Congresswoman Capps:

The City Council of the City of Carpinteria has asked that I write to thank and support you in your call for a federal moratorium on oil and gas well stimulation treatments occurring offshore Carpinteria and other parts of the Pacific Outer Continental Shelf, pending appropriate environmental review and permitting.

As you are aware, Carpinteria is a coastal community where facilities exist that serve offshore oil and gas platforms. Clean air and water and the unique coastal resources that exist here are integral to what residents and visitors value about Carpinteria, and are a key driver of the local economy. The City is very concerned that activities such as hydraulic fracturing could jeopardize these invaluable local resources and requests that you continue to do all you can to stop well stimulation treatments offshore in California until appropriate studies are completed and the safety of the public and the environment can be ensured.

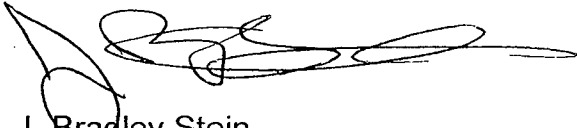
We understand that both federal and state agencies are currently conducting studies of the potential impacts of well stimulation treatments. It only seems prudent to halt these potentially harmful practices until the results of the studies are known and can be considered as a part of the establishment of appropriate regulations and in the context of permitting.

The City Council believes that the operation of oil and gas platforms in the Santa Barbara Channel should be required to be consistent with California policies and regulations concerning air and water quality. Granting exceptions to federal clean air and water standards and applying standards that are less rigorous than state standards, can only serve to undermine the protections that Californians have worked so hard to establish for its residents, visitors and this unique part of the ocean environment.

Honorable Congresswoman Lois Capps
March 25, 2014
Page 2

Once again, thank you for your work on this important issue and please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bradley Stein". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J. Bradley Stein,
Mayor, City of Carpinteria

cc: City Council members

ATTACHMENT D



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 10/07/2014
Placement: Departmental
Estimated Time: 2 hours
Continued Item: Yes
If Yes, date from: 09/16/2104
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Assistant Director (805) 568-2086
SUBJECT: Proposed Ordinances and General Plan Amendments to Implement Measure P2014:
Initiative to Ban "High-Intensity Petroleum Operations"

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions: Consider recommendations of the County and Montecito Planning Commissions and adopt amendments to County zoning codes and general plan policies as follows:

A. Case No. 14GPA-00000-00010 (Comprehensive Plan Agricultural Element Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Resolution;
2. Determine that the adoption of this Resolution is exempt from the California Environmental Quality Act in compliance with Sections 15061(b)(3) and 15378(b)(5) of the Guidelines for Implementation of CEQA;
3. Approve Case No. 14GPA-00000-00010, a Resolution amending the Agricultural Element of the Comprehensive Plan.

B. Case No. 14GPA-00000-00011 (Comprehensive Plan Conservation Element Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Resolution;
2. Determine that the adoption of this Resolution is exempt from the California Environmental Quality Act in compliance with Sections 15061(b)(3) and 15378(b)(5) of the Guidelines for Implementation of CEQA;
3. Approve Case No. 14GPA-00000-00011, a Resolution amending the Conservation Element of the Comprehensive Plan.

C. Case No. 14GPA-00000-00012 (Comprehensive Plan Land Use Element Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Resolution;

2. Determine that the adoption of this Resolution is exempt from the California Environmental Quality Act in compliance with Sections 15061(b)(3) and 15378(b)(5) of the Guidelines for Implementation of CEQA;
3. Approve Case No. 14GPA-00000-00012, a Resolution amending the Land Use Element of the Comprehensive Plan.

D. Case No. 14GPA-00000-00013 (Coastal Land Use Plan):

1. Make the findings for approval, including CEQA findings, of the proposed Resolution;
2. Determine that the adoption of this Resolution is exempt from the California Environmental Quality Act in compliance with Sections 15061(b)(3), 15265 and 15378(b)(5) of the Guidelines for Implementation of CEQA;
3. Approve Case No. 14GPA-00000-00013, a Resolution amending the Coastal Land Use Plan.

E. Case No. 14ORD-00000-00008 (County LUDC Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Ordinance;
2. Determine that the adoption of this Ordinance is exempt from the California Environmental Quality Act in compliance with Sections 15061(b)(3) and 15378(b)(5) of the Guidelines for Implementation of CEQA;
3. Approve Case No. 14ORD-00000-00008, an Ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code.

F. Case No. 14ORD-00000-00009 (Article II Coastal Zoning Ordinance Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Ordinance;
2. Determine that the adoption of this Ordinance is exempt from the California Environmental Quality Act in compliance with Sections 15061(b)(3), 15265 and 15378(b)(5) of the Guidelines for Implementation of CEQA;
3. Approve Case No. 14ORD-00000-00009, an Ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code.

G. Case No. 14ORD-00000-00010 (Montecito LUDC Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Ordinance;
2. Determine that the adoption of this Ordinance is exempt from the California Environmental Quality Act in compliance with Sections 15061(b)(3) and 15378(b)(5) of the Guidelines for Implementation of CEQA;
3. Approve Case No. 14ORD-00000-00010, an Ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code.

Summary Text:

1.0 General Information.

On June 13, 2014, the Board of Supervisors considered the initiative for Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations," hereafter "the Initiative." When the Board considered Measure P on June 13, 2014, California Elections Code § 9118 required the Board to either adopt the ordinance without alteration, or submit the ordinance without alteration to the [voters]. The Board of Supervisors on June 13, 2014 then voted to submit the proposed ordinance without alteration to the voters of the County at the November 2014 Statewide General Election. If approved by a majority of the voters, the Initiative would generally prohibit throughout the County the "development, construction, installation, or use" of any facility or above-ground equipment that supports what the Initiative labels as "High-Intensity Petroleum Operations" including:

- "Well Stimulation Treatments" which the Initiative defines as methods that are "designed to enhance oil and gas production or recovery by increasing the permeability of the formation," including hydraulic fracturing treatments and acid well stimulation treatments; and/or,
- Operations where the flow of hydrocarbons into a well are aided or induced by the introduction or injection of water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals or any other substance. Per the Initiative, examples of such operations include: "waterflood injection," "steam flood injection" and "cyclic steam injection."

The Initiative does not provide processes for the County to consider and apply the exemptions stated in the Measure. If approved by the voters, the Initiative would be effective within weeks of the vote. County staff believes that it is prudent to ensure that processes to consider and apply the exemptions are codified, which would be operative if and only if and immediately upon the Initiative becoming effective, to provide certainty for the community and to reduce litigation risks for the County.

The Initiative is attached to this Agenda Letter as Attachment R; also attached as Attachment S is the County Counsel's Impartial Analysis of the Initiative.

If approved by the voters, the Initiative (1) directs the County to amend County ordinances, plans and policies as necessary to ensure consistency with the Initiative, and (2) amends the following County planning documents to add language that prohibits High-Intensity Petroleum Operations:

- Agricultural, Conservation and Land Use Elements of the Comprehensive Plan
- Coastal Land Use Plan
- Coastal Zoning Ordinance (Article II of Chapter 35 of the County Code)
- County Land Use and Development Code (Section 35-1 of Chapter 35 of the County Code)
- Petroleum Code (Chapter 25 of the County Code)

This prohibition would apply to all land uses in the unincorporated area of the County that support onshore exploration and onshore production, but would not apply to onshore facilities that support offshore exploration or production from offshore wells. Section 5 of the Initiative (shown below) does provide that certain projects may be exempt from the general prohibition of High-Intensity Petroleum Operations if they meet the criteria listed under Subsections A, B or C of Section 5:

"SECTION 5: EXEMPTIONS FOR CERTAIN PROJECTS

- A. The provisions of this Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California.
- B. In the event a property owner contends that the application of this Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to application of any provision of this Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of this Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- C. The provisions of this Initiative shall not be applicable to any person or entity that has obtained, as of the Effective Date of this Initiative, a vested right, pursuant to State law, to conduct a High-Intensity Petroleum Operation."

As shown above in Subsection 5.B, the Initiative provides that Board may grant an exemption to the provisions of the Initiative based on a claim of unconstitutional taking of property; however, it is otherwise silent in regards to any process to determine the applicability of the exemptions to specific projects. On July 29, 2014, your Board directed the Planning and Development Department to process amendments to codify a process that, if the voters approve the Initiative, will allow the County to review and, if appropriate, determine exemptions from the provisions of the Initiative. The attached amendments implement the direction of your Board and are written so that they:

- Are procedural in nature and neither enlarge nor narrow the exemptions contained in Section 5 of the Initiative; and
- Will become operative only if the Initiative is approved by the voters in November.

County staff takes no position on whether or not the voters should approve Measure P2014, and the processing and adoption by your Board of these amendments does not presuppose that Measure P2014 will pass.

2.0 Project Description.

The following provides a summary of amendments prepared by the Planning and Development Department and the recommendations by the County and Montecito Planning Commissions. Each commission suggested changes to the Department's proposal, in particular each made recommendations regarding notice requirements for vested rights determinations by the Director. Additionally, the County Planning Commission recommended that exemption claims based on an unconstitutional taking of property be first heard by the Planning Commission for a recommendation that would be forwarded to the Board. As discussed in more detail below, the Department does not support this latter recommendation. Please refer to the County Planning Commission staff report (Attachment P) and the Montecito Planning Commission staff report (Attachment Q) for a more detailed analysis of the proposed amendments, and Attachments C through I for the specific language of the proposed amendments, and to the following sections of this Staff Report that detail the commissions' recommendations.

2.1 Zoning Ordinance Amendments.

The County Land Use and Development Code, Montecito Land Use and Development Code, and Article II Coastal Zoning Ordinances are all proposed to be amended to add a new procedure titled "Determination of Exemption" that will provide a process whereby any person subject to the Initiative may submit an application requesting that the County determine that their particular project is exempt from the prohibitions on High-Intensity Petroleum Operations. This process is not mandatory, but is available to persons requesting a determination by the County.

As proposed, this process would only apply to requests for exemption pursuant to Sections 5.B (constitutional takings claim) or 5.C (vested rights claim) of the Initiative. The proposed amendments do not include a process for exemptions claimed under Section 5.A of the Initiative which provides that High Intensity Petroleum Operations are exempt from the prohibitions of the Initiative if the prohibition would violate the constitution or laws of the United States or the State of California. Claims of exemption based on Section 5.A of the Initiative should be addressed through a judicial proceeding.

Please refer to Attachments G, H and I for the specific language of the proposed amendments to the County Zoning Ordinances.

2.1.1 Section 5.B Exemptions. The proposed process for reviewing applications for exemption under Section 5.B (constitutional takings claims) is summarized as follows:

Review authority: The Board of Supervisors, as required by the Initiative, would approve or deny the application for a Determination of Exemption.

Public hearing: A public hearing is required prior to action by the Board.

Findings: To approve the request, the Board must find that:

- There is sufficient evidence to establish a claim of unconstitutional taking; and,
- The Determination is limited to allowing land uses only to the minimum extent necessary to avoid a taking.

Appeal: The decision of the Board is not subject to appeal except through judicial review.

Notice: Notice of (1) the submittal of the application and (2) public hearings is required to be provided consistent with other discretionary applications that require a public hearing.

Companion application: The applicant for the Determination of Exemption must also submit an application for the development project that is the subject of the exemption.

- The Director of the Planning and Development Department may waive the requirement to submit the companion application for good cause.
- If the Board determines that such an application for a development project is necessary to determine if the exemption applies, then the Board may require that the application for the development project be filed and processed before the Board takes a final action on the application for the exemption.

If an application for the development project is submitted along with the application for the determination, then the two applications will be processed in conjunction with each other, meaning that the Department will review both applications concurrently. However, in this

circumstance:

- The review authority that would normally approve or deny the application for the development project would instead only make a recommendation on the application to the Board.
- The review authority would not review or provide a recommendation to the Board on the application for the exemption.

Timeline:

- **Companion application:** If a companion application is processed, then the timeline for processing the exemption would be the same as the companion application.
- **No companion application:** If there is no companion application, then the Board hearing would be held within 180 days after the application is determined to be complete for processing; however, the Director may extend the period for an additional 180 days for good cause.

As noted above, pursuant to Section 5.B of the Initiative, the Board is the designated review authority for all exemption determinations that are based on a claim of an unconstitutional taking of property. Based on that provision, the Department recommended that applications for such determinations be reviewed and decided by the Board only. The County Planning Commission, at their hearing on September 3, 2014, recommended that the ordinances be revised to require that exemption determinations based on an unconstitutional taking of property be heard first by the Planning Commission, who would make a recommendation to the Board.

County Counsel has advised that the law on determining whether a constitutionally protected property right exists requires the property owner be given a full and fair opportunity to present all evidence relevant to the taking issue, including potentially the swearing in of witnesses for the purpose of testimony by direct and cross examination. Since the Board's review of the Planning Commission's determinations is *de novo*, this process would need to be repeated in some form or fashion before the Board. Implementing the County Planning Commission's recommendation could lead to unnecessary dual hearings before the Planning Commission and the Board, each of which could be extremely long and expensive.

In light of County Counsel's advice, the Department recommends that your Board not follow the County Planning Commission recommendation, and not revise the ordinances to require that exemption determinations based on an unconstitutional taking of property be heard first by the Planning Commission.

2.1.2 Section 5.C Exemptions. The proposed process for reviewing applications for exemption under Section 5.C (vested rights claims) is summarized as follows:

Review authority: The Director of the Planning and Development Department.

Public hearing: A public hearing is not required.

Findings: To approve the application the Director must find that sufficient evidence exists to establish that the applicant has obtained a vested right prior to the effective date of the Initiative.

Appeal: The decision of the Director may be appealed to the Planning Commission; the decision of the Planning Commission may be appealed to the Board.

Notice: Notice of the decision of the Director is required to be provided as follows:

- Published in a local newspaper of general circulation
- Mailed to all persons who have requested notice.
- The listed on the Department's website.

Timeline: The decision of the Director shall be made within 60 days after the application is determined to be complete for processing; however, the Director may extend this time period to allow for and/or require the submittal of additional information or legal analysis, or for other good cause.

The ordinances as originally proposed by the Planning and Development Department did not include any noticing requirements for decisions on exemptions by the Director. However, at their hearing on August 25, 2014, the Montecito Planning Commission recommended that the ordinances be revised to require that the action of the Director be noticed (1) through publication in a local newspaper and (2) by mail to any interested party who has requested that they be sent notice. The County Planning Commission included this revision in their recommendation, and added an additional requirement that notice of the action of the Director be provided on the Planning and Development Department's website. The ordinances recommended for approval by your Board have been revised to incorporate these recommendations regarding notice of the Director's decision.

2.2 Comprehensive Plan and Coastal Land Use Plan Amendments.

If approved, the Initiative would amend the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and the Coastal Land Use Plan, to add language that generally prohibits High-Intensity Petroleum Operations, including adding a new Policy 14 to the Land Use Element and a new Policy 6-5D to the Coastal Land Use Plan (see pages 6 and 7 of Attachment R). However, this language does not include any reference to Section 5 of the Initiative that allows that certain projects may be exempt from the prohibitions on High-Intensity Petroleum Operations. Therefore, in order to provide vertical consistency between the Comprehensive Plan and the Coastal Land Use Plan, and the zoning ordinances that would contain the actual procedures regarding exemptions, the attached proposed amendments to the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and Coastal Land Use Plan, would add the following language that addresses Policy 14 and Policy 6-5D:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

Please refer to Attachments C, D, E and F for the specific sections of the Comprehensive Plan and Coastal Land Use Plan that are proposed to be amended.

2.3 Enforcement. The amendments to the County zoning ordinances includes language that provides that the Director shall not take any action to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed with the Department and the application has not expired or final action to deny the application has not occurred.

2.4 Application materials. Following submittal of the application, the Director would review the application to determine if it contains sufficient information to allow the applicable review authority to determine whether the granting of an exemption is appropriate based on the required findings. The Director may request that additional information be submitted if necessary. See Attachment T for a list of materials that may be required to be submitted with the application.

3.0 Petroleum Code (Chapter 25 of the County Code).

The purpose of the Petroleum Code is to regulate onshore petroleum operations including operations, abandonment and site restoration. The Petroleum Code is a regulatory tool for well and facility operational compliance that the County implements for all above-ground operations; all underground operations are under the authority of the State Division of Oil, Gas and Geothermal Resources (DOGGR). Any permit issued pursuant to Chapter 25 is contingent upon the permittee first obtaining the requisite planning land use permit. This procedural safeguard ensures that wells are permitted in a manner that is consistent with the provisions of the Coastal Land Use Plan, Comprehensive Plan and County zoning ordinances.

The Petroleum Code does address secondary and enhanced operations that are subject to the Initiative, sets standards for these types of operations, and allows the County to impose reasonable conditions upon such operations as deemed necessary to reduce the potential for impacts to public safety and the environment, primarily fresh water. The definition of these processes in the Petroleum Code is identical to those included in the Initiative.

The Initiative would add language similar to the language that would be added to the Coastal Land Use Plan, Comprehensive Plan and County zoning ordinances, and would require that all County actions taken under Chapter 25 shall be consistent and in compliance with the provisions of the Initiative. However, there are no sections of the Petroleum Code that conflict with the Initiative, and the provisions of the Petroleum Code do not allow the County to issue permits that would conflict with the language of the Initiative. Therefore, the County does not need to amend the Petroleum Code to add a process to grant exemptions from the prohibitions of the Initiative.

4.0 Processing Costs.

The Department's current application fee resolution does not include a specific category for Determinations of Exemption since this would be a new type of application. However, the fee resolution does allow that in situations where a project does not fall within any of the listed categories, the Director may determine the appropriate application fee or deposit based on similarity of processing requirements with other types of projects. Should the Initiative be adopted by the voters in November, then the Department will request that your Board amend the fee resolution to add an appropriate fee or deposit to cover the cost of application processing. Until amended, the Department proposes to use the existing Energy and Minerals Division category for Pre-Applications that requires an initial deposit of \$5,000 and processing on a cost reimbursement basis.

5.0 Planning Commission Review.

5.1 Montecito Planning Commission. The Montecito Planning Commission reviewed these amendments at their hearing on August 25, 2014, and, by a unanimous vote, adopted resolutions (Attachments M, N and O) recommending that the amendments to the Coastal Land Use Plan, the Comprehensive Plan, and the County zoning ordinances be approved. As discussed above, their recommendation included requiring that decisions of the Director on exemption determinations based on vested rights claims be published in a local newspaper and mailed to interested parties. The attached ordinances recommended for approval include this noticing requirement.

5.2 County Planning Commission. The County Planning Commission reviewed these amendments and the recommendation of the Montecito Planning Commission at their hearing on September 3, 2014, and, by a vote of three in favor to two opposed, also adopted resolutions (Attachments J, K and L) recommending that the amendments to the Coastal Land Use Plan, the Comprehensive Plan, and the County zoning ordinances be approved. As discussed above, their recommendation included (1) requiring that decision of the Director on exemption determinations based on vested rights claims be published in a local newspaper, mailed to interested parties, and posted on the Department's website, and (2) requiring that exemption determinations based on an unconstitutional taking of property be heard first by the Planning Commission, who would make a recommendation to your Board. The attached ordinances recommended for approval include the first but not the second recommendation.

The Commissioners who voted against adopting these Resolutions were concerned about the proposed costs to the applicant to process an application for an exemption, and that the proposed ordinances did not provide sufficient certainty to individual applicants regarding their specific projects.

Environmental Review:

The County and Montecito Planning Commissions recommended that your Board determine that the proposed project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), and, for those amendments to the Coastal Land Use Plan and the Coastal Zoning Ordinance, CEQA Guidelines Section 15265. Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. Section 15265, the exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission.

Subsequent to the Planning Commission hearings the County Counsel is recommending that the CEQA Notice of Exemption be augmented by referencing CEQA Guidelines Section 15378(b)(5). Section 15378(b)(5) provides that organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment are not a project as that term is used in CEQA, and therefore are not subject to CEQA. Attachment B, the CEQA Notice of Exemption, has been revised to also include Section 15378(b)(5).

Special Instructions:

- A. The Planning and Development Department will satisfy all noticing requirements.
- B. The Clerk of the Board will provide copies of all Minute Orders, signed Ordinances and Resolutions, and published Ordinances to the Planning and Development Department, attention Noel Langle, Senior Planner.

Authored by:

Noel Langle, Planner (805) 568-2067

Attachments:

- A. Findings
- B. CEQA Notice of Exemption
- C. Case No. 14GPA-00000-00010 Comprehensive Plan Agricultural Element Amendment Resolution
- D. Case No. 14GPA-00000-00011 Comprehensive Plan Conservation Element Amendment Resolution
- E. Case No. 14GPA-00000-00012 Comprehensive Plan Land Use Element Amendment Resolution
- F. Case No. 14GPA-00000-00013 Coastal Land Use Plan Amendment Resolution
- G. Case No. 14ORD-00000-00008 County LUDC Ordinance Amendment
- H. Case No. 14ORD-00000-00009 Article II Coastal Zoning Ordinance Amendment
- I. Case No. 14ORD-00000-00010 Montecito LUDC Ordinance Amendment
- J. County Planning Commission Resolution 14-24
- K. County Planning Commission Resolution 14-25
- L. County Planning Commission Resolution 14-26
- M. Montecito Planning Commission Resolution 14-21
- N. Montecito Planning Commission Resolution 14-22
- O. Montecito Planning Commission Resolution 14-23
- P. County Planning Commission Staff Report (w/o attachments)
- Q. Montecito Planning Commission Staff Report (w/o attachments)
- R. Measure P2014 Initiative to Ban "High-Intensity Petroleum Operations"
- S. County Counsel's Impartial Analysis of Measure P2014
- T. Proposed Application Materials for Determinations of Exemption

ATTACHMENT A: FINDINGS

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 Case Nos. 14GPA-00000-00013 (Coastal Land Use Plan Amendment) and 14ORD-00000-00009 (Article II Coastal Zoning Ordinance Amendment):

The Board of Supervisors finds that the proposed amendments to the Coastal Land Use Plan and the Article II Coastal Zoning Ordinance are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3), 15265 and 15378(b)(5) of the California Guidelines for Implementation of the CEQA.

1.1.2 Case Nos. 14GPA-00000-00010 (Agricultural Element Amendment), -00011 (Conservation Element Amendment) and -00012 (Land Use Element Amendment).

The Board of Supervisors finds that the proposed amendments to the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5) of the California Guidelines for Implementation of the CEQA.

1.1.3 Case Nos. 14ORD-00000-00008 (County Land Use and Development Code Amendment).

The Board of Supervisors finds that the proposed amendments to the County Land Use and Development Code are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5) of the California Guidelines for Implementation of the CEQA.

1.1.4 Case Nos. 14ORD-00000-00010 (Montecito Land Use and Development Code Amendment).

The Board of Supervisors finds that the proposed amendments to the Montecito Land Use and Development Code are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5) of the California Guidelines for Implementation of the CEQA.

2.0 ADMINISTRATIVE FINDINGS.

2.1 Findings for Case Nos. 14GPA-00000-00013 (Coastal Land Use Plan Amendment) and 14ORD-00000-00009 (Article II Coastal Zoning Ordinance Amendment):

In compliance with the Section 35-180 (Amendments to a Certified Local Coastal Program) of the Article II Coastal Zoning Ordinance and the California Government Code, the following findings shall be made by the Board of Supervisors in order to approve amendments to the Coastal Land Use Plan or the Article II Coastal Zoning Ordinance:

2.1.1 The request is in the interests of the general community welfare.

The proposed amendments are in the interest of the general community welfare since the amendments codify a process by which exemptions to the prohibitions against High-Intensity Petroleum Operations that will be added to the Coastal Land Use Plan, the Comprehensive Plan and the Article II Coastal Zoning Ordinance if Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” is approved by the voters in November. The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. Codification of this process will provide certainty for the community, including operators of existing oil and gas extraction operations, and will reduce litigation risks for the County.

2.1.2 The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, and Article II Coastal Zoning Ordinance.

Adoption of the proposed amendments will provide a codified method to approve exemptions to the prohibitions against High-Intensity Petroleum Operations as allowed by Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” which will benefit both the public and County staff. The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. The proposed amendments will not result in any inconsistencies with the adopted policies and development standards of the Coastal Land Use Plan or the Article II Coastal Zoning Ordinance. The proposed amendments are also consistent with the remaining portions of the Comprehensive Plan, Coastal Land Use Plan and the Article II Coastal Zoning Ordinance that would not be revised by these amendments. Therefore, these amendments may be found consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, and Article II Coastal Zoning Ordinance.

2.1.3 The request is consistent with good zoning and planning practices.

The proposed amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since they will provide a clear process to evaluate applications for exemptions from the prohibitions against High-Intensity Petroleum Operations as allowed by Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations.” The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. As discussed in Finding 2.1.2, above, the amendment is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, and Article II Coastal Zoning Ordinance.

2.1.4 The request is deemed to be in the public interest.

Similar to Finding 2.1.1, above, the proposed amendment to the Coastal Land Use Plan is deemed to be in the public interest since the amendments codify a process by which

exemptions to the prohibitions against High-Intensity Petroleum Operations that will be added to the Coastal Land Use Plan, the Comprehensive Plan and the Article II Coastal Zoning Ordinance if Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” is approved by the voters in November. The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. Codification of this process will provide certainty for the community, including operators of existing oil and gas extraction operations, and will reduce litigation risks for the County.

2.2 Findings for Case Nos. 14GPA-00000-00010 (Agricultural Element Amendment), -00011 (Conservation Element Amendment) and -00012 (Land Use Element Amendment), 14ORD-00000-00008 (County Land Use and Development Code Ordinance Amendment) and 14ORD-00000-00010 (Montecito Land Use and Development Code Ordinance Amendment):

In compliance with the Section 35.104.060 (Findings Required for Approval of Amendments) of the County Land Use and Development Code, Section 35.494.060 (Findings Required for Approval of Amendments) of the Montecito Land Use and Development Code, and the California Government Code, the following findings shall be made by the Board of Supervisors in order to approve amendments to the Comprehensive Plan, the County Land Use and Development Code, and the Montecito Land Use and Development Code:

2.2.1 The request is in the interests of the general community welfare.

The proposed amendments are in the interest of the general community welfare since the amendments codify a process by which exemptions to the prohibitions against High-Intensity Petroleum Operations that will be added to the Comprehensive Plan and the County Land Use and Development Code if Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” is approved by the voters in November. The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. Codification of this process will provide certainty for the community, including operators of existing oil and gas extraction operations, and will reduce litigation risks for the County.

2.2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, the County Land Use and Development Code, and the Montecito Land Use and Development Code.

Adoption of the proposed amendments will provide a codified method to approve exemptions to the prohibitions against High-Intensity Petroleum Operations as allowed by Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” which will benefit both the public and County staff. The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. The proposed amendments will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan, the County Land Use and Development Code or the Montecito Land Use and Development Code. The proposed amendments are also consistent with the remaining portions of the Comprehensive Plan, the County Land Use and Development Code, and the Montecito Land Use and

Development Code that would not be revised by these amendments. Therefore, these amendments may be found consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, the County Land Use and Development Code, and the Montecito Land Use and Development Code.

2.2.3 The request is consistent with good zoning and planning practices.

The proposed amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will provide a clear process to evaluate applications for exemptions from the prohibitions against High-Intensity Petroleum Operations as allowed by Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations.” The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. As discussed in Finding 2.2.2, above, the amendment is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, the County Land Use and Development Code, and the Montecito Land Use and Development Code.

2.1.4 The request is deemed to be in the public interest.

Similar to Finding 2.2.1, above, the proposed amendments to the Comprehensive Plan are deemed to be in the public interest since the amendments codify a process by which exemptions to the prohibitions against High-Intensity Petroleum Operations that will be added to the Comprehensive Plan and the County Land Use and Development Code if Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” is approved by the voters in November. The proposed amendments are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. Codification of this process will provide certainty for the community, including operators of existing oil and gas extraction operations, and will reduce litigation risks for the County.

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Senior Planner
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case Nos.:

14GPA-00000-00010	Agricultural Element Amendment
14GPA-00000-00011	Conservation Element Amendment
14GPA-00000-00012	Land Use Element Amendment
14GPA-00000-00013	Coastal Land Use Plan Amendment
14ORD-00000-00008	County Land Use and Development Code Amendment
14ORD-00000-00009	Article II Coastal Zoning Ordinance Amendment
14ORD-00000-00010	Montecito Land Use and Development Code Amendment

Location: The proposed amendments would apply solely to the unincorporated area of Santa Barbara County.

Project Title: Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” Comprehensive Plan and Ordinance Amendments

Project Description:

The Board of Supervisors placed Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” (the Initiative) on the upcoming November ballot as a result of a petition signed by the requisite number of voters. If approved by a majority of the voters, the Initiative would generally prohibit, throughout the unincorporated portions of the County, the “development, construction, installation, or use” of any facility or above-ground equipment that supports what the Initiative labels as “High-Intensity Petroleum Operations.”

The Initiative would amend the Agricultural Element, Conservation Element and Land Use Element of the Comprehensive Plan, the Coastal Land Use Plan, the Petroleum Code (Chapter 25 of the County Code), the Coastal Zoning Ordinance (Article II of Chapter 35 of the County Code), the County Land Use and Development Code (Section 35-1 of Chapter 35 of the County Code), and the Montecito Land Use and Development Code (Section 35-2 of Chapter 35 of the County Code) by adding language that prohibits High-Intensity Petroleum Operations. This prohibition would apply to all land uses in the unincorporated area of the County that support onshore exploration and onshore production, but would not apply to onshore facilities that support offshore exploration or production from offshore wells.

The Initiative does provide that certain activities may be exempt from the general prohibition of High-Intensity Petroleum Operations if the prohibition would:

- Violate the constitution or laws of the United States or the State of California; or
- Constitute an unconstitutional taking of property; or
- Apply to a person or entity that has obtained, as of the effective date of the Initiative, a vested right pursuant to State law to conduct High-Intensity Petroleum Operations.

The Initiative states that Board of Supervisors may grant an exemption based on a claim of unconstitutional taking of property, but is otherwise silent as to how the other two exemptions are applied, or any procedures as to how requests for exemptions are approved. The purpose of the subject amendments, therefore, is to codify a process by which these exemptions may be requested and, if appropriate, granted by the County. This process is procedural in nature and neither enlarges nor narrows the exemptions in Section 5 of the Initiative.

Comprehensive Plan and Coastal Land Use Plan Amendments

The actual process to grant exemptions to the prohibition on High-Intensity Petroleum Operations is proposed to be added to the County zoning ordinances: Coastal Zoning Ordinance (Article II), County Land Use and Development Code (County LUDC) and the Montecito Land Use and Development Code (Montecito LUDC). The following section (Zoning Ordinance Amendments) provides a summary of the proposed process.

The Initiative would amend the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and the Coastal Land Use Plan, to add the prohibition on High-Intensity Petroleum Operations as policy language. However, the policy language as included in the Initiative does not contain any reference to the ability of the County to grant exemptions to the prohibition.

In order to provide vertical consistency between the Comprehensive Plan, Coastal Land Use Plan, and the zoning ordinances, the Comprehensive Plan and Coastal Land Use Plan must be amended to add language that provides that exemptions to the prohibition may be granted by the County in compliance with the process which would be added to the zoning ordinances. Therefore, the proposed County amendments to the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and the Coastal Land Use Plan, each contain the following language that addresses Policy 6-5D of the Coastal Land Use Plan and Policy 14 of the Land Use Element that would added by the Initiative:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development, all of Chapter 35, Zoning, of the Santa Barbara County Code, as

applicable.

Zoning Ordinance Amendments

The County LUDC, Montecito LUDC, and Article II are all proposed to be amended to add a new process titled Determination of Exemption that will provide the procedures whereby any person subject to the Initiative may submit an application requesting recognition of an exemption under Sections 5.B or 5.C of the Initiative from the prohibition on High-Intensity Petroleum Operations. No administrative process is proposed for exemptions claimed pursuant to Section 5.A of the Initiative. A person subject to the Initiative may seek an exemption determination pursuant to Sections 5.B or 5.C of the Initiative but is not required to do so. As proposed, the process would provide that:

- An application for a Determination of Exemption, including the required processing fee, is submitted to the Planning and Development Department by an applicant seeking an exemption.
- Following submittal, the Director reviews the application to determine if it contains sufficient information to determine whether the granting of an exemption is appropriate. The Director may request that additional information be submitted if necessary.
- The Board of Supervisors is the review authority for Determinations of Exemption associated with a claim of unconstitutional taking of property. The Director is the review authority for Determinations of Exemption based on an assertion of vested rights.
- A public hearing is only required for Determinations where the Board of Supervisors is the review authority.
- In order for the Board of Supervisors to approve an application for an exemption based on a claim of unconstitutional taking, the Board would have to find that there is sufficient evidence in the record to determine that approving the application is required in order to avoid an unconstitutional taking of property, and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking. In order for the Director to approve an application for an exemption based on an assertion of vested rights, the Director would have to find that there is sufficient evidence in the record to establish that the applicant obtained, prior to the effective date of the Initiative, a vested right to conduct a high intensity petroleum operation.
- An application for a Determination of Exemption where the Board of Supervisors is the review authority must be accompanied by an application for the development project for which the exemption is requested unless this requirement is waived by the Director for good cause. However, if the Board determines that such an application for a development project is necessary to determine if the exemption applies, then the Board may require that the application for the development project be filed and processed before the Board takes a final action on the application for the exemption. If an

application for the development project is processed with the application for the Determination of Exemption, then the review authority that would normally approve or deny the application for the development would instead make a recommendation on the application to the Board of Supervisors.

- A public hearing is only required for Determinations of Exemption where the Board of Supervisors is the review authority. For applications for Determinations that are accompanied by an application for a development project, the processing timelines are the same as those for the development project. For applications that are not accompanied by an application for a development project, then the hearing shall be held within 180 days after the application is determined to be complete; however, the Director may extend this period by 180 days for good cause. Applications under the jurisdiction of the Director shall be acted on within 60 days after the application is determined to be complete; the Director may extend this period to allow or require the applicant or the Department to submit additional information or legal analysis, or for other good cause.
- Notice of the submittal of an application for the Determination of Exemption and any public hearing is required for Determinations where the Board of Supervisors is the review authority. The proposed amendments also require that notice of the decision of the Director on Determinations where the Director is the review authority be provided by (1) publishing a notice of the decision in a local newspaper, (2) providing mailed notice to any person who has requested notice of the decision, and (3) listing the decision on the Planning and Development Department's website.
- The action of the Director to approve or deny an application for a Determination of Exemption is subject to appeal to the Planning Commission; the action of the Planning Commission is subject to appeal to the Board of Supervisors. The action of the Board of Supervisors to approve or deny an application for a Determination is final.
- The Director shall not take any action to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed with the Department and the application has not expired or final action to deny the application has not occurred.

Exempt Status:

- ☐ Ministerial
- ☒ Statutory (Section 15265)
- ☐ Categorical Exemption
- ☐ Emergency Project
- ☒ No Possibility of Significant Effect (Section 15061(b)(3))
- ☒ Not a Project Under CEQA (Section 15378(b)(5))

Cite specific CEQA Guideline Sections:

Section 15265 - Adoption of Coastal Plans and Programs

Reasons to support exemption finding:

Section 15265, the exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission.

Section 15061(b)(3) - No possibility of significant effect.

Reasons to support exemption finding:

These amendments only provide a process whereby the County may approve an exemption to the prohibition of High-Intensity Petroleum Operations as allowed by Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" that will be added to the Coastal Land Use Plan, the Comprehensive Plan and the County zoning ordinance if Measure P2014 is approved by the voters in November. In particular, these amendments only codify a process for requesting acknowledgement of an exemption that neither enlarges nor narrows the exemptions contained in Section 5 of the Initiative.

The granting of an exemption to this prohibition does not in and of itself grant any entitlement for actual development, enhanced or otherwise, of oil and gas resources. In order for a development permit to be approved for oil and gas development projects based on an approved exemption, it still must be determined that the project is consistent with the policies and development standards of the Coastal Land Use Plan and the Comprehensive Plan, including the Community and Area Plans, as applicable. As part of this process, policy consistency and environmental review analysis will be performed during the review of the project application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Also, for exemptions that are approved to allow existing well activities to continue, it must be determined that these activities are within the scope of and are consistent with existing permits and permit conditions.

Therefore, no significant environmental impacts would occur as a result of these amendments.

Section 15378(b)(5) - Not a Project Under CEQA

Reasons to support exemption finding:

Section 15378(b)(5) provides that organizational or activities of governments that will not result in direct or indirect physical changes in the environment are not a project as that term is used in CEQA, and therefore are not subject to CEQA.

Department/Division Representative

Date

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days.

Distribution: (for posting six days prior to action, and posting original after project approval)
Hearing Support Staff

ATTACHMENT C: CASE NO. 14GPA-00000-00010
COMPREHENSIVE PLAN AGRICULTURAL ELEMENT AMENDMENT RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT	)	
TO THE AGRICULTURAL ELEMENT OF THE	)	
SANTA BARBARA COUNTY COMPREHENSIVE	)	
PLAN THAT ADDS POLICY LANGUAGE THAT	)	RESOLUTION NO. 14-_____
WOULD ALLOW THE COUNTY TO APPROVE	)	
LAND USES THAT ARE OTHERWISE PROHIBITED	)	CASE NO: 14GPA-00000-00010
BY POLICY 6-5D OF THE COASTAL LAND USE	)	
PLAN OF THE LOCAL COASTAL PROGRAM OR	)	
POLICY 14 OF THE LAND USE ELEMENT OF THE	)	
<u>COMPREHENSIVE PLAN.</u>	)	

WITH REFERENCE TO THE FOLLOWING:

- A. On September 3, 1991, by Resolution No. 91-542, the Board of Supervisors of the County of Santa Barbara adopted the Agricultural Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Whereas the Board of Supervisors now finds consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Agricultural Land Use Definitions section of the Agricultural Element of the Comprehensive Plan to add a new third paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an

Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Agricultural Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Agricultural Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Agricultural Element of the Comprehensive Plan during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Agricultural Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT D: CASE NO. 14ORD-00000-00011
COMPREHENSIVE PLAN CONSERVATION ELEMENT AMENDMENT RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT	)	
TO THE CONSERVATION ELEMENT OF THE	)	
SANTA BARBARA COUNTY COMPREHENSIVE	)	
PLAN THAT ADDS POLICY LANGUAGE THAT	)	RESOLUTION NO. 14-_____
WOULD ALLOW THE COUNTY TO APPROVE	)	
LAND USES THAT ARE OTHERWISE PROHIBITED	)	CASE NO: 14GPA-00000-00011
BY POLICY 6-5D OF THE COASTAL LAND USE	)	
PLAN OF THE LOCAL COASTAL PROGRAM OR	)	
POLICY 14 OF THE LAND USE ELEMENT OF THE	)	
<u>COMPREHENSIVE PLAN.</u>	)	

WITH REFERENCE TO THE FOLLOWING:

- A. On April 2, 1979, by Resolution No. 79-189, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Whereas the Board of Supervisors now finds, consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Conservation Element of the Comprehensive Plan as follows:
 - A. Amend the Environmental Impacts section of the Mineral Resources section to add a new final paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- B. Amend the Conclusions and Recommendations section of the Mineral Resources section to add a new final sentence to the opening paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- C. Amend the Extraction section of the Conservation and Energy section to add a new paragraph between the first and second paragraphs to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- D. Amend the Marketing section of the Conservation and Energy section to add a new paragraph between the fifth and sixth paragraphs to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described changes are hereby adopted as amendments to the Conservation Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Conservation Element of the

Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Conservation Element of the Comprehensive Plan during its preparation.

5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Conservation Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

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ATTACHMENT E: CASE NO. 14ORD-00000-00012
COMPREHENSIVE PLAN LAND USE ELEMENT AMENDMENT RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT	)	
TO THE LAND USE ELEMENT OF THE	)	
SANTA BARBARA COUNTY COMPREHENSIVE	)	RESOLUTION NO. 14-_____
PLAN THAT ADDS POLICY LANGUAGE THAT	)	
WOULD ALLOW THE COUNTY TO APPROVE	)	CASE NO: 14GPA-00000-00012
LAND USES THAT ARE OTHERWISE PROHIBITED	)	
BY POLICY 14 OF THE LAND USE ELEMENT OF	)	
<u>THE COMPREHENSIVE PLAN.</u>	)	

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Whereas the Board of Supervisors now finds consistent with the authority of Government Code Section 65358 that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Land Use Development Policies section of Section IV, Goals and Policies, of Land Use Element of the Comprehensive Plan to add a new Policy 15 to read as follows:

15. Notwithstanding the language of Policy 14 and any other reference to Policy 14 within the Land Use Element regarding prohibitions of land uses in support of High-Intensive Petroleum Operations, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 14 of the Land Use Element of the Comprehensive

Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the County Land Use and Development Code, or the Montecito Land Use and Development Code, both of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Land Use Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Land Use Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Land Use Element of the Comprehensive Plan during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Land Use Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT F: CASE NO. 14GPA-00000-00013
COASTAL LAND USE PLAN AMENDMENT RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE COASTAL LAND USE PLAN OF THE)
SANTA BARBARA COUNTY LOCAL COASTAL) RESOLUTION NO. 14-_____
PROGRAM THAT ADDS POLICY LANGUAGE THAT)
WOULD ALLOW THE COUNTY TO APPROVE) CASE NO: 14GPA-00000-00013
LAND USES THAT ARE OTHERWISE PROHIBITED)
BY POLICY 6-5D OF THE COASTAL LAND USE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan.
- B. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors now finds, consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Oil and Gas Wells section of Section 3.6.4, Land Use Proposals, of Section 3.6, Industrial and Energy Development, of Chapter 3, The Resource Protection and Development Policies, of the Santa Barbara County Coastal Land Use Plan to add a new Policy 6-5E to read as follows:

Notwithstanding the language of Policy 6-5D and any other reference to Policy 6-5D within the Coastal Land Use Plan regarding prohibitions of land uses in support of High-Intensive Petroleum Operations, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D within the Coastal Land Use Plan of the Local Coastal Program may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-

Intensity Petroleum Operations" allowing said uses applies in compliance with the Article II Coastal Zoning Ordinance.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Coastal Land Use Plan of the Local Coastal Program and shall take effect and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Coastal Land Use Plan of the Local Coastal Program, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Coastal Land Use Plan of the Local Coastal Program during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Coastal Land Use Plan of the Local Coastal Program, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT G: CASE NO. 14ORD-00000-00008
COUNTY LUDC ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.5, OIL AND GAS, WIND ENERGY AND COGENERATION FACILITIES, AND ARTICLE 35.8, PLANNING PERMIT PROCEDURES, TO IMPLEMENT NEW PROCEDURES REGARDING DETERMINATIONS OF EXEMPTION FROM MEASURE P2014: INITIATIVE TO BAN “HIGH-INTENSITY PETROLEUM OPERATIONS.”

Case No. 14ORD-00000-00008

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

SECTION 1.

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, is amended to add a new Section 35.50.040 titled “Determination of Exemption” to read as follows:

35.50.040 - Determination of Exemption

A. Purpose and Intent. The purpose and intent of this Section is to provide an administrative process for determining whether a land use that is normally not allowed in compliance with Section 35.42.175 (High-Intensity Petroleum Operations) or Section 35.50.030 (Compliance with the Healthy Air and Water Initiative to Ban Fracking) is exempt from the prohibitions of those Sections as allowed by Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” (“the Initiative”). This Section only codifies an administrative process for claims of exemption that neither enlarges nor narrows the exemptions contained in Section 5 (Exemptions for Certain Projects) of the Initiative which provides that:

1. The provisions of the Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California;
2. In the event a property owner contends that application of the Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to the application of any provision of the Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking; and
3. The provisions of the Initiative shall not be applicable to any person or entity that has obtained, as of the effective date of the Initiative, a vested right, pursuant to State law, to

conduct a High Intensity Petroleum Operation.

B. Applicability.

1. Persons subject to the Initiative may, but are not required to, file applications for exemption determinations associated with Subsections A.2 and A.3, above. This Section 35.50.040 (Determination of Exemption) applies to any person seeking such exemption determinations.
2. **Review authority.** The review authority for a Determination of Exemption is identified in Table 5-1 (Determination of Exemption Review Authorities) below.

Table 5-1 Determination of Exemption Review Authorities

<u>Type of Exemption</u>	<u>Role of Review Authority</u>		
	<u>Director</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Determination of Exemption associated with Subsection 35.50.040.A.2</u>			<u>Decision</u>
<u>Determination of Exemption associated with Subsection 35.50.040.A.3</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>

- a. **Applications.** A separate application for a Determination of Exemption shall be filed for each type of exemption requested.

C. Contents of Application and Review for Completeness. Any application for a Determination of Exemption allowed in compliance with Subsection B. (Applicability) shall be submitted by the applicant seeking the exemption in compliance with Chapter 35.80 (Permit Application Filing and Processing).

1. The applicant for any exemption shall submit as part of the application any and all evidentiary support reasonably available sufficient to establish the basis for the claim of exemption.
 - a. The filing of an application for a Determination of Exemption associated with Subsection 35.50.040.A.2 shall be accompanied by an application for the development project for which the exemption determination is requested.
 - (1) The Director may waive the requirement to submit the application for the development project for good cause.
 - (2) Where the Director has waived the requirement for a development application, if the Board determines such an application is necessary to determine if the exemption applies, the Board may require such application to be filed and processed before the County will take a final action on the application for the exemption.

D. Processing.

1. **Applications under the jurisdiction of the Board.** The following applies to the processing

of applications for Determinations of Exemption associated with Subsection 35.50.040.A.2.

a. Determination of Exemption processed in conjunction with a development project. When an application for a Determination of Exemption is filed concurrently with an application for a development project in compliance with Subsection C.1.a. above, then the application for the Determination of Exemption shall be processed in conjunction with the application for the development project and shall be subject to the same processing requirements and timelines of the development project except as follows:

- (1) Notwithstanding the provisions of Table 8-1 (Review Authority), the Board shall approve or deny the application for the Determination of Exemption and the application for the development project, and the review authority identified in Table 8-1 (Review Authority) as having decision authority on the application for the development project shall instead make a recommendation to the Board on the application.

b. Determination of Exemption not processed in conjunction with a development project. The following applies to applications for Determinations of Exemption where the Director has waived the requirement to submit the application for the development project for good cause in compliance with Subsection C.1.a.1, above.

- (1) Notice of the application for the Determination of Exemption shall be given in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action.)
- (2) The Board shall hold at least one noticed public hearing on the application and approve or deny the request.
- (3) The hearing shall be held within 180 days after the application is determined to be complete. The application shall be processed in compliance with Chapter 35.80 (Permit Application Filing and Processing).
 - (a) For good cause the Director may delay the holding of the hearing for an additional 180 days.
- (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 Board may continue the hearing to allow or require the applicant or Department to submit additional information or legal analysis.
- (6) The action of the Board shall be final.

2. Applications under the jurisdiction of the Director. The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35.50.040.A.3.

- a. The Director shall approve or deny the application for the Determination of Exemption. A public hearing is not required.
- b. The Director shall act on the application within 60 days after the application is determined to be complete. However, the Director may extend this period of time to allow or require the applicant or Department to submit additional information or legal analysis or other good cause.
- c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- d. Notice of the action of the Director shall be given as follows:
 - (1) **Newspaper publication.** Notice of the action of the Director shall be published in a least one newspaper of general circulation.
 - (2) **Mailed notice.** Notice of the action of the Director shall be to any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (3) The Department's website shall reflect the action of the Director.

E. Findings Required for Approval. A Determination of Exemption application shall be approved only if the review authority first makes one of the following findings, as applicable.

1. **Applications for Determinations of Exemption associated with Section 35.50.040.A.2.** There is sufficient evidence in the record to determine that approving or conditionally approving the application is required in order to avoid an unconstitutional taking of property and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
2. **Applications for Determinations of Exemption associated with Section 35.50.040.A.3.** There is sufficient evidence in the record to establish that the applicant obtained prior to [effective date of the Initiative] a vested right to conduct a High Intensity Petroleum Operation.

F. Enforcement. The Director shall not take any action under Chapter 35.108 (Enforcement and Penalties) to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed in compliance with this Section 35.50.040 (Determination of Exemption) and the application has not expired in compliance with Subsection 35.80.050.B.4 (Expiration of Application), or final action to deny the application has not occurred.

SECTION 2.

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code is amended to amend Subsection B.3 of Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.80, Permit Application Filing and Processing, to read as follows:

3. This Section shall not apply to applications for:
- a. Coastal Development Permits submitted in compliance with Section 35.82.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.82.050 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35.82.070 (Design Review).
 - c. Emergency Permits submitted in compliance with Section 35.82.090 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35.82.110 (Land Use Permits).
 - e. Sign Certificates of Compliance required in compliance with Chapter 35.38 (Sign Standards).
 - f. Zoning Clearances submitted in compliance with Section 35.82.210 (Zoning Clearance).
 - g. Determinations of Exemption submitted in compliance with Section 35.50.040 (Determination of Exemption). See Section 35.50.040 for specific requirements.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above. The Board further directs and authorizes the Planning and Development Department to specify the effective date of the Initiative where this Ordinance makes reference to "[effective date of the Initiative]" in the County Land Use and Development Code at the time this Code is updated to reflect the adoption of the Ordinance.

SECTION 4:

Except as amended by this Ordinance, Article 35.5 and Article 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance shall take effect 30 days after adoption and shall only become operative and be in force upon the date that the Initiative becomes effective pursuant to State law, and before the expiration of 15 days after its passage by the Board of Supervisors a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this 7th day of October, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT H: CASE NO. 14ORD-00000-00009
ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, ARTICLE II OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, AND DIVISION 9, OIL AND GAS FACILITIES, TO IMPLEMENT NEW PROCEDURES REGARDING DETERMINATIONS OF EXEMPTION FROM MEASURE P2014: INITIATIVE TO BAN “HIGH-INTENSITY PETROLEUM OPERATIONS.”

Case No. 14ORD-00000-00009

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

SECTION 1.

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection B.3, of Section 35-57C, Authority for Land Use and Zoning Decisions, to read as follows:

3. This Section shall not apply to applications for:
- a. Coastal Development Permits that do not require a public hearing in compliance with Section 35-169 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35-184 (Board of Architectural Review).
 - c. Emergency Permits submitted in compliance with Section 35-171 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35-178 (Land Use Permits).
 - e. Zoning Clearances submitted in compliance with Section 35-179A (Zoning Clearance).
 - f. Determinations of Exemption submitted in compliance with Section 35-150.3 (Determination of Exemption). See Section 35-150.3 for specific requirements.

SECTION 2.

DIVISION 9, OIL AND GAS FACILITIES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-150, Purpose and Intent, to add a new Section 35-150.3 titled “Determination of Exemption” and to read as follows:

Section 35-150.3 Determination of Exemption

A. Purpose and Intent. The purpose and intent of this Section is to provide an administrative process for determining whether a land use that is normally not allowed in compliance with Section 35-144O (High Intensity Petroleum Operations Prohibited) or Section 35-150.2 is exempt from the prohibitions of those Sections as allowed by Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" ("the Initiative"). This Section only codifies an administrative process for claims of exemption that neither enlarges nor narrows the exemptions contained in Section 5 (Exemptions for Certain Projects) of the Initiative which provides that:

1. The provisions of the Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California;
2. In the event a property owner contends that application of the Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to the application of any provision of the Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking; and
3. The provisions of the Initiative shall not be applicable to any person or entity that has obtained, as of the effective date of the Initiative, a vested right, pursuant to State law, to conduct a High Intensity Petroleum Operation.

B. Applicability.

1. Persons subject to the Initiative may, but are not required to, file applications for exemption determinations associated with Subsections A.2 and A.3, above. This Section 35-150.3 (Determination of Exemption) applies to any person seeking such exemption determinations.
2. **Decision-maker.** The decision-maker for a Determination of Exemption is identified in Table 9-1 (Determination of Exemption Decision-Makers) below.

Table 9-1 Determination of Exemption Decision-Makers

<u>Type of Exemption</u>	<u>Role of Decision-Maker</u>		
	<u>Director</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Determination of Exemption associated with Subsection 35-150.3.A.2</u>			<u>Decision</u>
<u>Determination of Exemption associated with Subsection 35-150.3.A.3</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>

- a. **Applications.** A separate application for a Determination of Exemption shall be filed for each type of exemption requested.

C. Contents of Application. Any application for a Determination of Exemption allowed in compliance with Subsection B. (Applicability) shall be submitted by the applicant seeking the exemption in compliance with Section 35-57A (Application Preparation and Filing).

- 1. The applicant for any exemption shall submit as part of the application any and all evidentiary support reasonably available sufficient to establish the basis for the claim of exemption.

- a. The filing of an application for a Determination of Exemption associated with Subsection 35-150.3.A.2 shall be accompanied by an application for the development project for which the exemption determination is requested.

- 1) The Director may waive the requirement to submit the application for the development project for good cause.
- 2) Where the Director has waived the requirement for a development application, if the Board determines such an application is necessary to determine if the exemption applies, the Board may require such application to be filed and processed before the County will take a final action on the application for the exemption.

D. Processing.

- 1. **Applications under the jurisdiction of the Board.** The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35-150.3.A.2.

- a. **Determination of Exemptions processed in conjunction with a development project.** When an application for a Determination of Exemption is filed concurrently with an application for a development project in compliance with Subsection C.1.a. above, then the application for the Determination of Exemption shall be processed in conjunction with the application for the development project and shall be subject to the same processing requirements and timelines of the development project except as follows:

- 1) Notwithstanding the provisions of Table 1-1 (Decision-Maker Authority), the Board shall approve or deny the application for the Determination of Exemption and the application for the development project, and the decision-maker identified in Table 1-1 (Decision-Maker Authority) as having decision authority on the application for the development project shall instead make a recommendation to the Board on the application.

- b. **Determination of Exemptions not processed in conjunction with a development project.** The following applies to applications for Determinations of Exemption where the Director has waived the requirement to submit the application for the development project for good cause in compliance with Subsection C.1.a.1, above.

- 1) Notice of the application for the Determination of Exemption shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action.)
- 2) The Board shall hold at least one noticed public hearing on the application and approve or deny the request.
- 3) The hearing shall be held within 180 days after the application is determined to be complete. The application shall be processed in compliance with Section 35-57A (Application Preparation and Filing).
 - a) For good cause the Director may delay the holding of the hearing for an additional 180 days.
- 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- 5) The Board may continue the hearing to allow or require the applicant or Department to submit additional information or legal analysis.
- 6) The action of the Board shall be final.

2. Applications under the jurisdiction of the Director. The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35-150.3.A.3.

- a. The Director shall approve or deny the application for the Determination of Exemption. A public hearing is not required.
- b. The Director shall act on the application within 60 days after the application is determined to be complete. However, the Director may extend this period of time to allow or require the applicant or Department to submit additional information or legal analysis or other good cause.
- c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- d. Notice of the action of the Director shall be given as follows:
 - 1) **Newspaper publication.** Notice of the action of the Director shall be published in a least one newspaper of general circulation.
 - 2) **Mailed notice.** Notice of the action of the Director shall be to any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - 3) The Department's website shall reflect the action of the Director.

E. Findings Required for Approval. A Determination of Exemption application shall be approved

only if the decision-maker first makes one of the following findings, as applicable.

- 1. Applications for Determinations of Exemption associated with Section 35-150.3.A.2.**
There is sufficient evidence in the record to determine that approving or conditionally approving the application is required in order to avoid an unconstitutional taking of property and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- 2. Applications for Determinations of Exemption associated with Section 35-150.3.A.3.**
There is sufficient evidence in the record to establish that the applicant obtained prior to [effective date of the Initiative] a vested right to conduct a High Intensity Petroleum Operation.

F. Enforcement. The Director shall not take any action under Section 35-185 (Enforcement, Legal Procedures, and Penalties) to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed in compliance with this Section 35-150.3 (Determination of Exemption) or final action to deny the application has not occurred.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above. The Board further directs and authorizes the Planning and Development Department to specify the effective date of the Initiative where this Ordinance makes reference to "[effective date of the Initiative]" in the Article II Coastal Zoning Ordinance at the time this Article is updated to reflect the certification of this Ordinance by the California Coastal Commission.

SECTION 4:

Except as amended by this Ordinance, Division 1, In General, and Division 9, Oil and Gas Facilities, of the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force upon the date that the Initiative becomes effective pursuant to State law or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later, and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

**ATTACHMENT I: CASE NO. 14ORD-00000-00010
MONTECITO LUDC ORDINANCE AMENDMENT**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, AND DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, TO IMPLEMENT NEW PROCEDURES REGARDING DETERMINATIONS OF EXEMPTION FROM MEASURE P2014: INITIATIVE TO BAN “HIGH-INTENSITY PETROLEUM OPERATIONS.”

Case No. 14ORD-00000-00010

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

SECTION 1.

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, is amended to add a new Chapter 35.448 titled “Determination of Exemption” to read as follows:

Chapter 35.448 - Determination of Exemption

Section 35.448.010 - Purpose and Intent.

The purpose and intent of this Chapter is to an administrative process for determining whether a land use that is normally not allowed in compliance with Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” (“the Initiative”) is exempt from the prohibitions of the Initiative. This Chapter only codifies an administrative process for claims of exemption that neither enlarges nor narrows the exemptions contained in Section 5 (Exemptions for Certain Projects) of the Initiative which provides that:

- A. The provisions of the Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California;
- B. In the event a property owner contends that application of the Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to the application of any provision of the Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking; and
- C. The provisions of the Initiative shall not be applicable to any person or entity that has obtained, as of the effective date of the Initiative, a vested right, pursuant to State law, to conduct a High Intensity Petroleum Operation.

Section 35.448.020 - Applicability.

- A.** Persons subject to the Initiative may, but are not required to, file applications for exemption determinations associated with Subsections 35.448.010.B and 35.448.010.C, above. This Chapter applies to any person seeking such exemption determinations.
- B.** **Review authority.** The review authority for a Determination of Exemption is identified in Table 4-13 (Determination of Exemption Review Authorities) below.

Table 4-13 Determination of Exemption Review Authorities

<u>Type of Exemption</u>	<u>Role of Review Authority</u>		
	<u>Director</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Determination of Exemption associated with Subsection 35.448.010.B</u>			<u>Decision</u>
<u>Determination of Exemption associated with Subsection 35.448.010.C</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>

- 1.** **Applications.** A separate application for a Determination of Exemption shall be filed for each type of exemption requested.

Section 35.448.030 - Contents of Application and Review for Completeness.

Any application for a Determination of Exemption allowed in compliance with Section 35.448.020 (Applicability) shall be submitted by the applicant seeking the exemption in compliance with Chapter 35.470 (Permit Application Filing and Processing).

- A.** The applicant for any exemption shall submit as part of the application any and all evidentiary support reasonably available sufficient to establish the basis for the claim of exemption.
- 1.** The filing of an application for a Determination of Exemption associated with Subsection 35.448.010.B shall be accompanied by an application for the development project for which the exemption determination is requested.
- a.** The Director may waive the requirement to submit the application for the development project for good cause.
- b.** Where the Director has waived the requirement for a development application, if the Board determines such an application is necessary to determine if the exemption applies, the Board may require such application to be filed and processed before the County will take a final action on the application for the exemption.

Section 35.448.040 - Processing.

- A.** **Applications under the jurisdiction of the Board.** The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35.448.010.B.
- 1.** **Determination of Exemptions processed in conjunction with a development project.** When an application for a Determination of Exemption is filed concurrently with an application for a development project in compliance with Subsection 35.448.030.A.1,

above, then the application for the Determination of Exemption shall be processed in conjunction with the application for the development project and shall be subject to the same processing requirements and timelines of the development project except as follows:

- a. Notwithstanding the provisions of Table 7-1 (Review Authority), the Board shall approve or deny the application for the Determination of Exemption and the application for the development project, and the review authority identified in Table 7-1 (Review Authority) as having decision authority on the application for the development project shall instead make a recommendation to the Board on the application.

2. Determination of Exemptions not processed in conjunction with a development project. The following applies to applications for Determinations of Exemption where the Director has waived the requirement to submit the application for the development project for good cause in compliance with Subsection 35.448.030.A.1.a, above.

- a. Notice of the application for the Determination of Exemption shall be given in compliance with Section 35.496.020 (Notice of Public Hearing and Review Authority Action.)
- b. The Board shall hold at least one noticed public hearing on the application and approve or deny the request.
- c. The hearing shall be held within 180 days after the application is determined to be complete. The application shall be processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).
 - (1) For good cause the Director may delay the holding of the hearing for an additional 180 days.
- d. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- e. The Board may continue the hearing to allow or require the applicant or Department to submit additional information or legal analysis.
- f. The action of the Board shall be final.

B. Applications under the jurisdiction of the Director. The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35.448.010.B.

1. The Director shall approve or deny the application for the Determination of Exemption. A public hearing is not required.
2. The Director shall act on the application within 60 days after the application is determined to be complete. However, the Director may extend this period of time to allow or require the applicant or Department to submit additional information or legal analysis or other good cause.

3. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
4. Notice of the action of the Director shall be given as follows:
 - a. **Newspaper publication.** Notice of the action of the Director shall be published in a least one newspaper of general circulation.
 - b. **Mailed notice.** Notice of the action of the Director shall be to any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - c. The Department's website shall reflect the action of the Director.

Section 35.448.050 - Findings Required for Approval.

A Determination of Exemption application shall be approved only if the review authority first makes one of the following findings, as applicable.

- A. **Applications for Determinations of Exemption associated with Section 35.448.010.B.** There is sufficient evidence in the record to determine that approving or conditionally approving the application is required in order to avoid an unconstitutional taking of property and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- B. **Applications for Determinations of Exemption associated with Section 35.448.010.C.** There is sufficient evidence in the record to establish that the applicant obtained prior to [effective date of the Initiative] a vested right to conduct a High Intensity Petroleum Operation.

Section 35.448.060 - Enforcement.

The Director shall not take any action under Chapter 35.498 (Enforcement and Penalties) to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed in compliance with this Chapter 35.448 (Determination of Exemption) and the application has not expired in compliance with Subsection 35.470.050.B.4 (Expiration of Application), or final action to deny the application has not occurred.

SECTION 2.

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code is amended to amend Subsection B.3 of Section 35.470.020, Authority for Land Use and Zoning Decisions, of Chapter 35.470, Permit Application Filing and Processing, to read as follows:

3. This Section shall not apply to applications for:

- a. Coastal Development Permits submitted in compliance with Section 35.82.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.472.050 (Coastal Development Permits).
- b. Design Review submitted in compliance with Section 35.472.070 (Design Review).
- c. Emergency Permits submitted in compliance with Section 35.472.090 (Emergency Permits).
- d. Land Use Permits submitted in compliance with Section 35.472.110 (Land Use Permits).
- e. Sign Certificates of Compliance required in compliance with Chapter 35.438 (Sign Standards).
- f. Zoning Clearances submitted in compliance with Section 35.472.190 (Zoning Clearance).
- g. Determinations of Exemption submitted in compliance with Chapter 35.448 (Determination of Exemption). See Chapter 35.448 for specific requirements.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above. The Board further directs and authorizes the Planning and Development Department to specify the effective date of the Initiative where this Ordinance makes reference to "[effective date of the Initiative]" in the Montecito Land Use and Development Code at the time this Code is updated to reflect the adoption of this Ordinance.

SECTION 4:

Except as amended by this Ordinance, Division 35.4 and Division 35.7 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance shall take effect 30 days after adoption and shall only become operative and be in force upon the date that the Initiative becomes effective pursuant to State law, and before the expiration of 15 days after its passage by the Board of Supervisors a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this 7th day of October, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT J: COUNTY PLANNING COMMISSION RESOLUTION 14-24

**RESOLUTION OF THE SANTA BARBARA COUNTY
COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
COUNTY BOARD OF SUPERVISORS THE ADOPTION)
OF AMENDMENTS TO THE LOCAL COASTAL)
PROGRAM THAT AMEND THE COASTAL LAND USE) RESOLUTION NO. 14 - 24
PLAN AND THE ARTICLE II COASTAL ZONING)
ORDINANCE BY ADDING POLICY AND ORDINANCE) CASE NOS: 14GPA-00000-00013
LANGUAGE THAT WOULD ALLOW THE COUNTY) 14ORD-00000-00009
TO APPROVE LAND USES THAT ARE OTHERWISE)
PROHIBITED BY POLICY 6-5D OF THE COASTAL)
LAND USE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan.
- B. On July 19, 1982, by Ordinance No. 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code.
- C. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- D. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Section 65351 of the Government Code.
- E. This County Planning Commission has held a duly noticed hearing in compliance with Government Code Sections 65353 and 65854 on the proposed amendments at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors:
 - a. Adopt a Resolution (Case No. 14GPA-00000-00013) amending the Santa Barbara County Local Coastal Program by amending the Coastal Land Use Plan to add policy language that would allow the County to approve land uses that are otherwise prohibited by Policy 6-5D of the Coastal Land Use Plan provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code.

Said Resolution is attached hereto as Exhibit 1 and is incorporated by reference.

- b. Adopt an Ordinance (Case No. 14ORD-00000-00009) amending Santa Barbara County Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, to add language that would allow the County to approve land uses that are otherwise prohibited by Policy 6-5D of the Coastal Land Use Plan provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code.

Said Ordinance is attached hereto as Exhibit 2 and is incorporated by reference.

3. This County Planning Commission recommends that the Board of Supervisors, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff report dated August 22, 2014.
4. This County Planning Commission endorses and transmits a certified copy of this resolution to the Board of Supervisors.
5. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this September 3, 2014 by the following vote:

AYES: Brown, Cooney, Hartmann
NOES: Blough, Ferini
ABSTAIN:
ABSENT:

(signed copy on file)

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

(signed copy on file)

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors Resolution Amending the Coastal Land Use Plan (Case No. 14GPA-00000-00013)
2. Board of Supervisors Ordinance Amending the Article II Coastal Zoning Ordinance (Case No. 14ORD-00000-00009)

EXHIBIT 1

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE COASTAL LAND USE PLAN OF THE)
SANTA BARBARA COUNTY LOCAL COASTAL) RESOLUTION NO. 14-_____
PROGRAM THAT ADDS POLICY LANGUAGE THAT)
WOULD ALLOW THE COUNTY TO APPROVE)
LAND USES THAT ARE OTHERWISE PROHIBITED)
BY POLICY 6-5D OF THE COASTAL LAND USE PLAN.) CASE NO: 14GPA-00000-00013

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan.
- B. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors now finds, consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Oil and Gas Wells section of Section 3.6.4, Land Use Proposals, of Section 3.6, Industrial and Energy Development, of Chapter 3, The Resource Protection and Development Policies, of the Santa Barbara County Coastal Land Use Plan to add a new Policy 6-5E to read as follows:

Notwithstanding the language of Policy 6-5D and any other reference to Policy 6-5D within the Coastal Land Use Plan regarding prohibitions of land uses in support of High-Intensive Petroleum Operations, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D within the Coastal Land Use Plan of the Local Coastal Program may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-

Intensity Petroleum Operations" allowing said uses applies in compliance with the Article II Coastal Zoning Ordinance.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Coastal Land Use Plan of the Local Coastal Program and shall take effect and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Coastal Land Use Plan of the Local Coastal Program, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Coastal Land Use Plan of the Local Coastal Program during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Coastal Land Use Plan of the Local Coastal Program, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT 2

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, ARTICLE II OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, AND DIVISION 9, OIL AND GAS FACILITIES, TO IMPLEMENT NEW PROCEDURES REGARDING DETERMINATIONS OF EXEMPTION FROM MEASURE P2014: INITIATIVE TO BAN "HIGH-INTENSITY PETROLEUM OPERATIONS."

Case No. 14ORD-00000-00009

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

SECTION 1.

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection B.3, of Section 35-57C, Authority for Land Use and Zoning Decisions, to read as follows:

3. This Section shall not apply to applications for:
 - a. Coastal Development Permits that do not require a public hearing in compliance with Section 35-169 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35-184 (Board of Architectural Review).
 - c. Emergency Permits submitted in compliance with Section 35-171 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35-178 (Land Use Permits).
 - e. Zoning Clearances submitted in compliance with Section 35-179A (Zoning Clearance).
 - f. Determinations of Exemption submitted in compliance with Section 35-150.3 (Determination of Exemption). See Section 35-150.3 for specific requirements.

SECTION 2.

DIVISION 9, OIL AND GAS FACILITIES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-150, Purpose and Intent, to add a new Section 35-150.3 titled "Determination of Exemption" and to read as follows:

Section 35-150.3 Determination of Exemption

A. Purpose and Intent. The purpose and intent of this Section is to provide an administrative process for determining whether a land use that is normally not allowed in compliance with Section 35-144O (High Intensity Petroleum Operations Prohibited) or Section 35-150.2 is exempt from the prohibitions of those Sections as allowed by Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" ("the Initiative"). This Section only codifies an administrative process for claims of exemption that neither enlarges nor narrows the exemptions contained in Section 5 (Exemptions for Certain Projects) of the Initiative which provides that:

1. The provisions of the Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California;
2. In the event a property owner contends that application of the Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to the application of any provision of the Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum

extent necessary to avoid such a taking; and

3. The provisions of the Initiative shall not be applicable to any person or entity that has obtained, as of the effective date of the Initiative, a vested right, pursuant to State law, to conduct a High Intensity Petroleum Operation.

B. Applicability.

1. Persons subject to the Initiative may, but are not required to, file applications for exemption determinations associated with Subsections A.2 and A.3, above. This Section 35-150.3 (Determination of Exemption) applies to any person seeking such exemption determinations.
2. **Decision-maker.** The decision-maker for a Determination of Exemption is identified in Table 9-1 (Determination of Exemption Decision-Makers) below.

Table 9-1 Determination of Exemption Decision-Makers

<u>Type of Exemption</u>	<u>Role of Decision-Maker</u>		
	<u>Director</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Determination of Exemption associated with Subsection 35-150.3.A.2</u>		<u>Recommend</u>	<u>Decision</u>
<u>Determination of Exemption associated with Subsection 35-150.3.A.3</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>

- a. **Applications.** A separate application for a Determination of Exemption shall be filed for each type of exemption requested.

C. Contents of Application. Any application for a Determination of Exemption allowed in compliance with Subsection B. (Applicability) shall be submitted by the applicant seeking the exemption in compliance with Section 35-57A (Application Preparation and Filing).

1. The applicant for any exemption shall submit as part of the application any and all evidentiary support reasonably available sufficient to establish the basis for the claim of exemption.
 - a. The filing of an application for a Determination of Exemption associated with Subsection 35-150.3.A.2 shall be accompanied by an application for the development project for which the exemption determination is requested.
 - 1) The Director may waive the requirement to submit the application for the development project for good cause.
 - 2) Where the Director has waived the requirement for a development application, if the Board determines such an application is necessary to determine if the exemption applies, the Board may require such application to be filed and processed before the County will take a final action on the application for the exemption.

D. Processing.

1. **Applications under the jurisdiction of the Board.** The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35-150.3.A.2.
 - a. **Determination of Exemptions processed in conjunction with a development project.** When an application for a Determination of Exemption is filed concurrently with an application for a development project in compliance with Subsection C.1.a, above, then the application for the Determination of Exemption shall be processed in conjunction with the application for the development project and shall be subject to the same processing requirements and timelines of the development project except as follows:
 - 1) Notwithstanding the provisions of Table 1-1 (Decision-Maker Authority), the Board shall approve or deny the application for the Determination of Exemption and the application for the development project, and the decision-maker identified in Table 1-1 (Decision-Maker Authority) as having decision authority on the application for the development project shall instead make a recommendation to the Board on the application.

b. Determination of Exemptions not processed in conjunction with a development project.
The following applies to applications for Determinations of Exemption where the Director has waived the requirement to submit the application for the development project for good cause in compliance with Subsection C.1.a.1, above.

- 1) Notice of the application for the Determination of Exemption shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action.)
- 2) The Commission shall hold at least one noticed public hearing on the application for the Determination of Exemption and, at the conclusion of the hearing, recommend that the Board approve or deny the application.
- 3) The Board shall hold at least one noticed public hearing on the application and approve or deny the request.
- 4) The Board hearing shall be held within 180 days after the application is determined to be complete. The application shall be processed in compliance with Section 35-57A (Application Preparation and Filing).
 - a) For good cause the Director may delay the holding of the hearing for an additional 180 days.
- 5) Notice of the time and place of the hearings shall be given and the hearings shall be conducted in compliance with Section 35-181 (Noticing).
- 6) The Board may continue the hearing to allow or require the applicant or Department to submit additional information or legal analysis.
- 7) The action of the Board shall be final.

2. Applications under the jurisdiction of the Director.
The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35-150.3.A.3.

- a. The Director shall approve or deny the application for the Determination of Exemption. A public hearing is not required.
- b. The Director shall act on the application within 60 days after the application is determined to be complete. However, the Director may extend this period of time to allow or require the applicant or Department to submit additional information or legal analysis or other good cause.
- c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- d. Notice of the action of the Director shall be given as follows:
 - (1) Newspaper publication.**Notice of the action of the Director shall be published in a least one newspaper of general circulation.
 - (2) Mailed notice.**Notice of the action of the Director shall be to any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (3) The Department's website shall reflect the action of the Director.

E. Findings Required for Approval.
A Determination of Exemption application shall be approved only if the decision-maker first makes one of the following findings, as applicable.

- 1. Applications for Determinations of Exemption associated with Section 35-150.3.A.2.**
There is sufficient evidence in the record to determine that approving or conditionally approving the application is required in order to avoid an unconstitutional taking of property and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- 2. Applications for Determinations of Exemption associated with Section 35-150.3.A.3.**
There is sufficient evidence in the record to establish that the applicant obtained prior to [effective date of

the Initiative] a vested right to conduct a High Intensity Petroleum Operation.

- F. Enforcement.** The Director shall not take any action under Section 35-185 (Enforcement, Legal Procedures, and Penalties) to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed in compliance with this Section 35-150.3 (Determination of Exemption) or final action to deny the application has not occurred.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Division 1, In General, and Division 9, Oil and Gas Facilities, of the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6.

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force upon the date that the Initiative becomes effective pursuant to State law or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later, and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT K: COUNTY PLANNING COMMISSION RESOLUTION 14-25

**RESOLUTION OF THE SANTA BARBARA COUNTY
COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)	
COUNTY BOARD OF SUPERVISORS THE ADOPTION)	
OF AMENDMENTS TO THE AGRICULTURAL)	
ELEMENT, CONSERVATION ELEMENT, AND LAND)	RESOLUTION NO. 14 - 25
USE ELEMENT OF THE SANTA BARBARA COUNTY)	
COMPREHENSIVE PLAN BY ADDING POLICY)	CASE NOS: 14GPA-00000-00010
LANGUAGE THAT WOULD ALLOW THE COUNTY)	14GPA-00000-00011
TO APPROVE LAND USES THAT ARE OTHERWISE)	14GPA-00000-00012
PROHIBITED BY POLICY 14 OF THE LAND USE)	
<u>ELEMENT OF THE COMPREHENSIVE PLAN.</u>)	

WITH REFERENCE TO THE FOLLOWING:

- A. On April 2, 1979, by Resolution No. 79-189, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Land Use Element of the Comprehensive Plan for the County of Santa Barbara.
- C. On September 3, 1991, by Resolution No. 91-542, the Board of Supervisors of the County of Santa Barbara adopted the Agricultural Element of the Comprehensive Plan for the County of Santa Barbara.
- D. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- E. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Section 65351 of the Government Code.
- F. This County Planning Commission has held a duly noticed hearing in compliance with Government Code Section 65353 on the proposed amendments at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt Resolutions amending the Agricultural Element (Case No. 14GPA-00000-00010), Conservation Element (Case No. 14GPA-00000-00011) and Land Use Element (Case No. 14GPA-00000-00012) of the Comprehensive Plan to add policy language that would allow the County to approve land uses that are otherwise prohibited by Policy 6-5D of the Coastal Land Use Plan or Policy 14 of the Land Use Element provided an Exemption from Measure P2014: Initiative to Ban "High-

Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

Said Resolutions are attached hereto as Exhibit 1 (Agricultural Element), Exhibit 2 (Conservation Element) and Exhibit 3 (Land Use Element) and are incorporated by reference.

3. This County Planning Commission recommends that the Board of Supervisors, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission Staff report dated August 22, 2014.
4. This County Planning Commission endorses and transmits a certified copy of this resolution to the Board of Supervisors.
5. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this September 3, 2014 by the following vote:

AYES: Brown, Cooney, Hartmann
NOES: Blough, Ferini
ABSTAIN:
ABSENT:

(signed copy on file)

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

(signed copy on file)

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors Resolution Amending the Agricultural Element (Case No. 14GPA-00000-00010)
2. Board of Supervisors Resolution Amending the Conservation Element (Case No. 14GPA-00000-00011)
3. Board of Supervisors Resolution Amending the Land Use Element (Case No. 14GPA-00000-00012)

EXHIBIT 1

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE AGRICULTURAL ELEMENT OF THE)
SANTA BARBARA COUNTY COMPREHENSIVE)
PLAN THAT ADDS POLICY LANGUAGE THAT) RESOLUTION NO. 14-_____
WOULD ALLOW THE COUNTY TO APPROVE)
LAND USES THAT ARE OTHERWISE PROHIBITED) CASE NO: 14GPA-00000-00010
BY POLICY 6-5D OF THE COASTAL LAND USE)
PLAN OF THE LOCAL COASTAL PROGRAM OR)
POLICY 14 OF THE LAND USE ELEMENT OF THE)
COMPREHENSIVE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On September 3, 1991, by Resolution No. 91-542, the Board of Supervisors of the County of Santa Barbara adopted the Agricultural Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Whereas the Board of Supervisors now finds consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Agricultural Land Use Definitions section of the Agricultural Element of the Comprehensive Plan to add a new third paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an

Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Agricultural Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Agricultural Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Agricultural Element of the Comprehensive Plan during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Agricultural Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT 2

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE CONSERVATION ELEMENT OF THE)
SANTA BARBARA COUNTY COMPREHENSIVE)
PLAN THAT ADDS POLICY LANGUAGE THAT) RESOLUTION NO. 14-_____
WOULD ALLOW THE COUNTY TO APPROVE)
LAND USES THAT ARE OTHERWISE PROHIBITED) CASE NO: 14GPA-00000-00011
BY POLICY 6-5D OF THE COASTAL LAND USE)
PLAN OF THE LOCAL COASTAL PROGRAM OR)
POLICY 14 OF THE LAND USE ELEMENT OF THE)
COMPREHENSIVE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On April 2, 1979, by Resolution No. 79-189, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Whereas the Board of Supervisors now finds, consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Conservation Element of the Comprehensive Plan as follows:

- A. Amend the Environmental Impacts section of the Mineral Resources section to add a new final paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited

in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- B. Amend the Conclusions and Recommendations section of the Mineral Resources section to add a new final sentence to the opening paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- C. Amend the Extraction section of the Conservation and Energy section to add a new paragraph between the first and second paragraphs to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- D. Amend the Marketing section of the Conservation and Energy section to add a new paragraph between the fifth and sixth paragraphs to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described changes are hereby adopted as amendments to the Conservation Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Conservation Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in

Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Conservation Element of the Comprehensive Plan during its preparation.

5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Conservation Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

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EXHIBIT 3

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE LAND USE ELEMENT OF THE)
SANTA BARBARA COUNTY COMPREHENSIVE) RESOLUTION NO. 14-_____
PLAN THAT ADDS POLICY LANGUAGE THAT)
WOULD ALLOW THE COUNTY TO APPROVE) CASE NO: 14GPA-00000-00012
LAND USES THAT ARE OTHERWISE PROHIBITED)
BY POLICY 14 OF THE LAND USE ELEMENT OF)
THE COMPREHENSIVE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Whereas the Board of Supervisors now finds consistent with the authority of Government Code Section 65358 that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Land Use Development Policies section of Section IV, Goals and Policies, of Land Use Element of the Comprehensive Plan to add a new Policy 15 to read as follows:
 - 15. Notwithstanding the language of Policy 14 and any other reference to Policy 14 within the Land Use Element regarding prohibitions of land uses in support of High-Intensive Petroleum Operations, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 14 of the Land Use Element of the Comprehensive

Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the County Land Use and Development Code, or the Montecito Land Use and Development Code, both of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Land Use Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Land Use Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Land Use Element of the Comprehensive Plan during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Land Use Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

**RESOLUTION OF THE SANTA BARBARA COUNTY
COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF AN)
ORDINANCE AMENDING SECTION 35-1, THE SANTA)
BARBARA COUNTY LAND USE AND DEVELOPMENT)
CODE, OF CHAPTER 35, ZONING, OF THE COUNTY)
CODE, BY ADDING ORDINANCE LANGUAGE THAT)
WOULD ALLOW THE COUNTY TO APPROVE LAND)
USES THAT ARE OTHERWISE PROHIBITED BY)
POLICY 14 OF THE LAND USE ELEMENT OF THE)
COMPREHENSIVE PLAN.)

RESOLUTION NO. 14 - 26
CASE NOS: 14ORD-00000-00008

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code.
- B. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. This County Planning Commission has held a duly noticed public hearing in compliance with Government Code Section 65854 on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 14ORD-00000-00008) that amends the County Land Use and Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, to add language that would allow the County to approve land uses that are otherwise prohibited by Policy 14 of the Land Use Element provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the County Land Use and Development Code, Section 35-1 of Chapter 35, Zoning, of the County Code.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated by reference.

- 3. This County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the Planning Staff report dated August 22, 2014.

4. In compliance with Government Code Section 65855 this County Planning Commission has endorsed and transmitted a certified copy of this resolution to the Board of Supervisors.
5. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this September 3, 2014 by the following vote:

AYES: Brown, Cooney, Hartmann
NOES: Blough, Ferini
ABSTAIN:
ABSENT:

(signed copy on file)
DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

(signed copy on file)
DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors Ordinance Amending the County Land Use and Development Code (Case No. 14ORD-00000-00008)

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.5, OIL AND GAS, WIND ENERGY AND COGENERATION FACILITIES, AND ARTICLE 35.8, PLANNING PERMIT PROCEDURES, TO IMPLEMENT NEW PROCEDURES REGARDING DETERMINATIONS OF EXEMPTION FROM MEASURE P2014: INITIATIVE TO BAN “HIGH-INTENSITY PETROLEUM OPERATIONS.”

Case No. 14ORD-00000-00008

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

SECTION 1.

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, is amended to add a new Section 35.50.040 titled “Determination of Exemption” to read as follows:

35.50.040 - Determination of Exemption

A. Purpose and Intent. The purpose and intent of this Section is to provide an administrative process for determining whether a land use that is normally not allowed in compliance with Section 35.42.175 (High-Intensity Petroleum Operations) or Section 35.50.030 (Compliance with the Healthy Air and Water Initiative to Ban Fracking) is exempt from the prohibitions of those Sections as allowed by Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” (“the Initiative”). This Section only codifies an administrative process for claims of exemption that neither enlarges nor narrows the exemptions contained in Section 5 (Exemptions for Certain Projects) of the Initiative which provides that:

1. The provisions of the Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California;
2. In the event a property owner contends that application of the Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to the application of any provision of the Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking; and
3. The provisions of the Initiative shall not be applicable to any person or entity that has obtained, as of the effective date of the Initiative, a vested right, pursuant to State law, to conduct a High Intensity Petroleum Operation.

B. Applicability.

1. Persons subject to the Initiative may, but are not required to, file applications for exemption determinations associated with Subsections A.2 and A.3, above. This Section 35.50.040 (Determination of Exemption) applies to any person seeking such exemption determinations.
2. Review authority. The review authority for a Determination of Exemption is identified in Table 5-1 (Determination of Exemption Review Authorities) below.

Table 5-1 Determination of Exemption Review Authorities

<u>Type of Exemption</u>	<u>Role of Review Authority</u>		
	<u>Director</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Determination of Exemption associated with Subsection 35.50.040.A.2</u>		<u>Recommend</u>	<u>Decision</u>
<u>Determination of Exemption associated with Subsection 35.50.040.A.3</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>

- a. **Applications.** A separate application for a Determination of Exemption shall be filed for each type of exemption requested.

C. Contents of Application and Review for Completeness. Any application for a Determination of Exemption allowed in compliance with Subsection B. (Applicability) shall be submitted by the applicant seeking the exemption in compliance with Chapter 35.80 (Permit Application Filing and Processing).

- 1. The applicant for any exemption shall submit as part of the application any and all evidentiary support reasonably available sufficient to establish the basis for the claim of exemption.
 - a. The filing of an application for a Determination of Exemption associated with Subsection 35.50.040.A.2 shall be accompanied by an application for the development project for which the exemption determination is requested.
 - (1) The Director may waive the requirement to submit the application for the development project for good cause.
 - (2) Where the Director has waived the requirement for a development application, if the Board determines such an application is necessary to determine if the exemption applies, the Board may require such application to be filed and processed before the County will take a final action on the application for the exemption.

D. Processing.

- 1. **Applications under the jurisdiction of the Board.** The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35.50.040.A.2.

- a. **Determination of Exemptions processed in conjunction with a development project.** When an application for a Determination of Exemption is filed concurrently with an application for a development project in compliance with Subsection C.1.a, above, then the application for the Determination of Exemption shall be processed in conjunction with the application for the development project and shall be subject to the same processing requirements and timelines of the development project except as follows:

- (1) Notwithstanding the provisions of Table 8-1 (Review Authority), the Board shall approve or deny the application for the Determination of Exemption and the application for the development project, and the review authority identified in Table 8-1 (Review Authority) as having decision authority on the application for the development project shall instead make a recommendation to the Board on the application.

- b. **Determination of Exemptions not processed in conjunction with a development project.** The following applies to applications for Determinations of Exemption where the Director has waived the requirement to submit the application for the development project for good cause in compliance with Subsection C.1.a.1, above.

- (1) Notice of the application for the Determination of Exemption shall be given in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action.)
 - (2) The Commission shall hold at least one noticed public hearing on the application for the Determination of Exemption and, at the conclusion of the hearing, recommend that the Board approve or deny the application.
 - (3) The Board shall hold at least one noticed public hearing on the application and approve or deny the request.
 - (4) The Board hearing shall be held within 180 days after the application is determined to be complete. The application shall be processed in compliance with Chapter 35.80 (Permit Application Filing and Processing).
 - (a) For good cause the Director may delay the holding of the hearing for an additional 180 days.
 - (5) Notice of the time and place of the hearings shall be given and the hearings shall be

conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

(6) The Board may continue the hearing to allow or require the applicant or Department to submit additional information or legal analysis.

(7) The action of the Board shall be final.

2. Applications under the jurisdiction of the Director. The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35.50.040.A.3.

a. The Director shall approve or deny the application for the Determination of Exemption. A public hearing is not required.

b. The Director shall act on the application within 60 days after the application is determined to be complete. However, the Director may extend this period of time to allow or require the applicant or Department to submit additional information or legal analysis or other good cause.

c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

d. Notice of the action of the Director shall be given as follows:

(1) **Newspaper publication.** Notice of the action of the Director shall be published in a least one newspaper of general circulation.

(2) **Mailed notice.** Notice of the action of the Director shall be to any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.

(3) The Department's website shall reflect the action of the Director.

E. Findings Required for Approval. A Determination of Exemption application shall be approved only if the review authority first makes one of the following findings, as applicable.

1. **Applications for Determinations of Exemption associated with Section 35.50.040.A.2.** There is sufficient evidence in the record to determine that approving or conditionally approving the application is required in order to avoid an unconstitutional taking of property and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.

2. **Applications for Determinations of Exemption associated with Section 35.50.040.A.3.** There is sufficient evidence in the record to establish that the applicant obtained prior to [effective date of the Initiative] a vested right to conduct a High Intensity Petroleum Operation.

F. Enforcement. The Director shall not take any action under Chapter 35.108 (Enforcement and Penalties) to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed in compliance with this Section 35.50.040 (Determination of Exemption) and the application has not expired in compliance with Subsection 35.80.050.B.4 (Expiration of Application), or final action to deny the application has not occurred.

SECTION 2.

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code is amended to amend Subsection B.3 of Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.80, Permit Application Filing and Processing, to read as follows:

3. This Section shall not apply to applications for:

a. Coastal Development Permits submitted in compliance with Section 35.82.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.82.050 (Coastal Development Permits).

b. Design Review submitted in compliance with Section 35.82.070 (Design Review).

- c. Emergency Permits submitted in compliance with Section 35.82.090 (Emergency Permits).
- d. Land Use Permits submitted in compliance with Section 35.82.110 (Land Use Permits).
- e. Sign Certificates of Compliance required in compliance with Chapter 35.38 (Sign Standards).
- f. Zoning Clearances submitted in compliance with Section 35.82.210 (Zoning Clearance).
- g. Determinations of Exemption submitted in compliance with Section 35.50.040 (Determination of Exemption). See Section 35.50.040 for specific requirements.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this Ordinance, Article 35.5 and Article 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance shall take effect 30 days after adoption and shall only become operative and be in force upon the date that the Initiative becomes effective pursuant to State law, and before the expiration of 15 days after its passage by the Board of Supervisors a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT M: MONTECITO PLANNING COMMISSION RESOLUTION 14-21

**RESOLUTION OF THE SANTA BARBARA COUNTY
MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
COUNTY PLANNING COMMISSION THE ADOPTION)
OF AMENDMENTS TO THE LOCAL COASTAL)
PROGRAM THAT AMEND THE COASTAL LAND USE) RESOLUTION NO. 14 - 21
PLAN AND THE ARTICLE II COASTAL ZONING)
ORDINANCE BY ADDING POLICY AND ORDINANCE) CASE NOS: 14GPA-00000-00013
LANGUAGE THAT WOULD ALLOW THE COUNTY) 14ORD-00000-00009
TO APPROVE LAND USES THAT ARE OTHERWISE)
PROHIBITED BY POLICY 6-5D OF THE COASTAL)
LAND USE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan.
- B. On July 19, 1982, by Ordinance No. 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code.
- C. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- D. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Section 65351 of the Government Code.
- E. This Montecito Planning Commission has held a duly noticed hearing in compliance with Government Code Sections 65353 and 65854 on the proposed amendments at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the County Planning Commission:
 - a. Adopt a Resolution recommending that the Board of Supervisors adopt a Resolution (Case No. 14GPA-00000-00013) amending the Santa Barbara County Local Coastal Program by amending the Coastal Land Use Plan to add policy language that would allow the County to approve land uses that are otherwise prohibited by Policy 6-5D of the Coastal Land Use Plan provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code.

Said Resolution is attached hereto as Exhibit 1 and is incorporated by reference.

- b. Adopt a Resolution recommending that the Board of Supervisors adopt an Ordinance (Case No. 14ORD-00000-00009) amending Santa Barbara County Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, to add language that would allow the County to approve land uses that are otherwise prohibited by Policy 6-5D of the Coastal Land Use Plan provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code.

Said Ordinance is attached hereto as Exhibit 2 and is incorporated by reference.

3. This Montecito Planning Commission recommends that the County Planning Commission, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated August 18, 2014.
4. This Montecito Planning Commission endorses and transmits a certified copy of this resolution to the County Planning Commission.
5. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this August 25, 2014 by the following vote:

AYES: Brown, Burrows, Eidelson, Overall, Phillips
NOES:
ABSTAIN:
ABSENT:

(signed copy on file)

DANIEL EIDELSON, Chair
Santa Barbara County Montecito Planning Commission

ATTEST:

(signed copy on file)

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors Resolution Amending the Coastal Land Use Plan (Case No. 14GPA-00000-00013)
2. Board of Supervisors Ordinance Amending the Article II Coastal Zoning Ordinance (Case No. 14ORD-00000-00009)

EXHIBIT 1

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE COASTAL LAND USE PLAN OF THE)
SANTA BARBARA COUNTY LOCAL COASTAL)
PROGRAM THAT ADDS POLICY LANGUAGE THAT)
WOULD ALLOW THE COUNTY TO APPROVE)
LAND USES THAT ARE OTHERWISE PROHIBITED)
BY POLICY 6-5D OF THE COASTAL LAND USE PLAN.)

RESOLUTION NO. 14-_____

CASE NO: 14GPA-00000-00013

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan.
- B. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors now finds, consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Oil and Gas Wells section of Section 3.6.4, Land Use Proposals, of Section 3.6, Industrial and Energy Development, of Chapter 3, The Resource Protection and Development Policies, of the Santa Barbara County Coastal Land Use Plan to add a new Policy 6-5E to read as follows:

Notwithstanding the language of Policy 6-5D and any other reference to Policy 6-5D within the Coastal Land Use Plan regarding prohibitions of land uses in support of High-Intensive Petroleum Operations, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D within the Coastal Land Use Plan of the Local Coastal

Program may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies in compliance with the Article II Coastal Zoning Ordinance.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Coastal Land Use Plan of the Local Coastal Program and shall take effect and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Coastal Land Use Plan of the Local Coastal Program, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Coastal Land Use Plan of the Local Coastal Program during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Coastal Land Use Plan of the Local Coastal Program, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT 2

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, ARTICLE II OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, AND DIVISION 9, OIL AND GAS FACILITIES, TO IMPLEMENT NEW PROCEDURES REGARDING DETERMINATIONS OF EXEMPTION FROM MEASURE P2014: INITIATIVE TO BAN "HIGH-INTENSITY PETROLEUM OPERATIONS."

Case No. 14ORD-00000-00009

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

SECTION 1.

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection B.3, of Section 35-57C, Authority for Land Use and Zoning Decisions, to read as follows:

3. This Section shall not apply to applications for:
 - a. Coastal Development Permits that do not require a public hearing in compliance with Section 35-169 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35-184 (Board of Architectural Review).
 - c. Emergency Permits submitted in compliance with Section 35-171 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35-178 (Land Use Permits).
 - e. Zoning Clearances submitted in compliance with Section 35-179A (Zoning Clearance).
 - f. Determinations of Exemption submitted in compliance with Section 35-150.3 (Determination of Exemption). See Section 35-150.3 for specific requirements.

SECTION 2.

DIVISION 9, OIL AND GAS FACILITIES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-150, Purpose and Intent, to add a new Section 35-150.3 titled "Determination of Exemption" and to read as follows:

Section 35-150.3 Determination of Exemption

- A. **Purpose and Intent.** The purpose and intent of this Section is to provide an administrative process for determining whether a land use that is normally not allowed in compliance with Section 35-144O (High Intensity Petroleum Operations Prohibited) or Section 35-150.2 is exempt from the prohibitions of those Sections as allowed by Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" ("the Initiative"). This Section only codifies an administrative process for claims of exemption that neither enlarges nor narrows the exemptions contained in Section 5 (Exemptions for Certain Projects) of the Initiative which provides that:
 1. The provisions of the Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California;
 2. In the event a property owner contends that application of the Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to the application of any provision of the Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of

property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking; and

3. The provisions of the Initiative shall not be applicable to any person or entity that has obtained, as of the effective date of the Initiative, a vested right, pursuant to State law, to conduct a High Intensity Petroleum Operation.

B. Applicability.

1. Persons subject to the Initiative may, but are not required to, file applications for exemption determinations associated with Subsections A.2 and A.3, above. This Section 35-150.3 (Determination of Exemption) applies to any person seeking such exemption determinations.
2. **Decision-maker.** The decision-maker for a Determination of Exemption is identified in Table 9-1 (Determination of Exemption Decision-Makers) below.

Table 9-1 Determination of Exemption Decision-Makers

<u>Type of Exemption</u>	<u>Role of Decision-Maker</u>		
	<u>Director</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Determination of Exemption associated with Subsection 35-150.3.A.2</u>			<u>Decision</u>
<u>Determination of Exemption associated with Subsection 35-150.3.A.3</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>

- a. **Applications.** A separate application for a Determination of Exemption shall be filed for each type of exemption requested.

C. Contents of Application. Any application for a Determination of Exemption allowed in compliance with Subsection B. (Applicability) shall be submitted by the applicant seeking the exemption in compliance with Section 35-57A (Application Preparation and Filing).

1. The applicant for any exemption shall submit as part of the application any and all evidentiary support reasonably available sufficient to establish the basis for the claim of exemption.
 - a. The filing of an application for a Determination of Exemption associated with Subsection 35-150.3.A.2 shall be accompanied by an application for the development project for which the exemption determination is requested.
 - 1) The Director may waive the requirement to submit the application for the development project for good cause.
 - 2) Where the Director has waived the requirement for a development application, if the Board determines such an application is necessary to determine if the exemption applies, the Board may require such application to be filed and processed before the County will take a final action on the application for the exemption.

D. Processing.

1. **Applications under the jurisdiction of the Board.** The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35-150.3.A.2.

- a. **Determination of Exemptions processed in conjunction with a development project.** When an application for a Determination of Exemption is filed concurrently with an application for a development project in compliance with Subsection C.1.a, above, then the application for the Determination of Exemption shall be processed in conjunction with the application for the development project and shall be subject to the same processing requirements and timelines of the development project except as follows:

- 1) Notwithstanding the provisions of Table 1-1 (Decision-Maker Authority), the Board shall approve or deny the application for the Determination of Exemption and the application for the development project, and the decision-maker identified in Table 1-1 (Decision-Maker Authority) as having decision authority on the application for the development project shall instead make a recommendation to the Board on the

application.

b. Determination of Exemptions not processed in conjunction with a development project.

The following applies to applications for Determinations of Exemption where the Director has waived the requirement to submit the application for the development project for good cause in compliance with Subsection C.1.a.1. above.

- 1) Notice of the application for the Determination of Exemption shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action.)
- 2) The Board shall hold at least one noticed public hearing on the application and approve or deny the request.
- 3) The hearing shall be held within 180 days after the application is determined to be complete. The application shall be processed in compliance with Section 35-57A (Application Preparation and Filing).
 - a) For good cause the Director may delay the holding of the hearing for an additional 180 days.
- 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- 5) The Board may continue the hearing to allow or require the applicant or Department to submit additional information or legal analysis.
- 6) The action of the Board shall be final.

2. Applications under the jurisdiction of the Director. The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35-150.3.A.3.

- a. The Director shall approve or deny the application for the Determination of Exemption. A public hearing is not required.
- b. The Director shall act on the application within 60 days after the application is determined to be complete. However, the Director may extend this period of time to allow or require the applicant or Department to submit additional information or legal analysis or other good cause.
- c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- d. Notice of the action of the Director shall be given as follows:
 - (1) Newspaper publication. Notice of the action of the Director shall be published in a least one newspaper of general circulation on the day following the day that the Director takes action on the application.
 - (2) Mailed notice. Notice of the action of the Director shall be mailed on the day following the day that the Director takes action to any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.

E. Findings Required for Approval. A Determination of Exemption application shall be approved only if the decision-maker first makes one of the following findings, as applicable.

- 1. Applications for Determinations of Exemption associated with Section 35-150.3.A.2.** There is sufficient evidence in the record to determine that approving or conditionally approving the application is required in order to avoid an unconstitutional taking of property and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- 2. Applications for Determinations of Exemption associated with Section 35-150.3.A.3.** There is sufficient evidence in the record to establish that the applicant obtained prior to [effective date of the Initiative] a vested right to conduct a High Intensity Petroleum Operation.

F. Enforcement. The Director shall not take any action under Section 35-185 (Enforcement, Legal Procedures, and Penalties) to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed in compliance with this Section 35-150.3 (Determination of Exemption) or final action to deny the application has not occurred.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Division 1, In General, and Division 9, Oil and Gas Facilities, of the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6.

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force upon the date that the Initiative becomes effective pursuant to State law or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later, and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT N: MONTECITO PLANNING COMMISSION RESOLUTION 14-22

**RESOLUTION OF THE SANTA BARBARA COUNTY
MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)	
COUNTY PLANNING COMMISSION THE ADOPTION)	
OF AMENDMENTS TO THE AGRICULTURAL)	
ELEMENT, CONSERVATION ELEMENT, AND LAND)	RESOLUTION NO. 14 - 22
USE ELEMENT OF THE SANTA BARBARA COUNTY)	
COMPREHENSIVE PLAN BY ADDING POLICY)	CASE NOS: 14GPA-00000-00010
LANGUAGE THAT WOULD ALLOW THE COUNTY)	14GPA-00000-00011
TO APPROVE LAND USES THAT ARE OTHERWISE)	14GPA-00000-00012
PROHIBITED BY POLICY 14 OF THE LAND USE)	
<u>ELEMENT OF THE COMPREHENSIVE PLAN.)</u>	

WITH REFERENCE TO THE FOLLOWING:

- A. On April 2, 1979, by Resolution No. 79-189, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Land Use Element of the Comprehensive Plan for the County of Santa Barbara.
- C. On September 3, 1991, by Resolution No. 91-542, the Board of Supervisors of the County of Santa Barbara adopted the Agricultural Element of the Comprehensive Plan for the County of Santa Barbara.
- D. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- E. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Section 65351 of the Government Code.
- F. This Montecito Planning Commission has held a duly noticed hearing in compliance with Government Code Section 65353 on the proposed amendments at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors adopt Resolutions amending the Agricultural Element (Case No. 14GPA-00000-00010), Conservation Element (Case No. 14GPA-00000-00011) and Land Use Element (Case No. 14GPA-00000-00012) of the Comprehensive Plan to add policy language that would allow the County to approve land uses that are otherwise prohibited by Policy 6-5D of the Coastal Land Use Plan or Policy 14 of the

Land Use Element provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

Said Resolutions are attached hereto as Exhibit 1 (Agricultural Element), Exhibit 2 (Conservation Element) and Exhibit 3 (Land Use Element) and are incorporated by reference.

3. This Montecito Planning Commission recommends that the County Planning Commission, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated August 18, 2014.
4. This Montecito Planning Commission endorses and transmits a certified copy of this resolution to the County Planning Commission.
5. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this August 25, 2014 by the following vote:

AYES: Brown, Burrows, Eidelson, Overall, Phillips

NOES:

ABSTAIN:

ABSENT:

(signed copy on file)

DANIEL EIDELSON, Chair
Santa Barbara County Montecito Planning Commission

ATTEST:

(signed copy on file)

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors Resolution Amending the Agricultural Element (Case No. 14GPA-00000-00010)
2. Board of Supervisors Resolution Amending the Conservation Element (Case No. 14GPA-00000-00011)
3. Board of Supervisors Resolution Amending the Land Use Element (Case No. 14GPA-00000-00012)

EXHIBIT 1

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE AGRICULTURAL ELEMENT OF THE)
SANTA BARBARA COUNTY COMPREHENSIVE)
PLAN THAT ADDS POLICY LANGUAGE THAT) RESOLUTION NO. 14-_____
WOULD ALLOW THE COUNTY TO APPROVE)
LAND USES THAT ARE OTHERWISE PROHIBITED) CASE NO: 14GPA-00000-00010
BY POLICY 6-5D OF THE COASTAL LAND USE)
PLAN OF THE LOCAL COASTAL PROGRAM OR)
POLICY 14 OF THE LAND USE ELEMENT OF THE)
COMPREHENSIVE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On September 3, 1991, by Resolution No. 91-542, the Board of Supervisors of the County of Santa Barbara adopted the Agricultural Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Whereas the Board of Supervisors now finds consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Agricultural Land Use Definitions section of the Agricultural Element of the Comprehensive Plan to add a new third paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an

Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Agricultural Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Agricultural Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Agricultural Element of the Comprehensive Plan during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Agricultural Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT 2

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE CONSERVATION ELEMENT OF THE)
SANTA BARBARA COUNTY COMPREHENSIVE)
PLAN THAT ADDS POLICY LANGUAGE THAT)
WOULD ALLOW THE COUNTY TO APPROVE)
LAND USES THAT ARE OTHERWISE PROHIBITED)
BY POLICY 6-5D OF THE COASTAL LAND USE)
PLAN OF THE LOCAL COASTAL PROGRAM OR)
POLICY 14 OF THE LAND USE ELEMENT OF THE)
COMPREHENSIVE PLAN.)

RESOLUTION NO. 14-_____

CASE NO: 14GPA-00000-00011

WITH REFERENCE TO THE FOLLOWING:

- A. On April 2, 1979, by Resolution No. 79-189, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Whereas the Board of Supervisors now finds, consistent with the authority of Government Code Section 65358, that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Conservation Element of the Comprehensive Plan as follows:

- A. Amend the Environmental Impacts section of the Mineral Resources section to add a new final paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited

in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- B. Amend the Conclusions and Recommendations section of the Mineral Resources section to add a new final sentence to the opening paragraph to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- C. Amend the Extraction section of the Conservation and Energy section to add a new paragraph between the first and second paragraphs to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

- D. Amend the Marketing section of the Conservation and Energy section to add a new paragraph between the fifth and sixth paragraphs to read as follows:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development Code, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described changes are hereby adopted as amendments to the Conservation Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Conservation Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in

Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Conservation Element of the Comprehensive Plan during its preparation.

5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Conservation Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI

COUNTY COUNSEL

By _____
Deputy County Counsel

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EXHIBIT 3

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING AN AMENDMENT)
TO THE LAND USE ELEMENT OF THE)
SANTA BARBARA COUNTY COMPREHENSIVE)
PLAN THAT ADDS POLICY LANGUAGE THAT)
WOULD ALLOW THE COUNTY TO APPROVE)
LAND USES THAT ARE OTHERWISE PROHIBITED)
BY POLICY 14 OF THE LAND USE ELEMENT OF)
THE COMPREHENSIVE PLAN.)

RESOLUTION NO. 14-_____
CASE NO: 14GPA-00000-00012

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Comprehensive Plan for the County of Santa Barbara.
- B. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. Citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- D. The County conducted consultations with Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- E. The County Planning Commission held a duly noticed hearing, in compliance with Government Code Section 65353 on the proposed amendment at which hearing the amendment was explained and comments invited from the persons in attendance, and has endorsed and transmitted a written recommendation to the Board of Supervisors in compliance with Government Code Section 65354.
- F. This Board has held a duly noticed public hearing in compliance with Government Code Section 65355 on the proposed amendments at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Whereas the Board of Supervisors now finds consistent with the authority of Government Code Section 65358 that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Land Use Development Policies section of Section IV, Goals and Policies, of Land Use Element of the Comprehensive Plan to add a new Policy 15 to read as follows:
 15. Notwithstanding the language of Policy 14 and any other reference to Policy 14 within the Land Use Element regarding prohibitions of land uses in support of High-Intensive Petroleum Operations, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 14 of the Land Use Element of the Comprehensive

Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the County Land Use and Development Code, or the Montecito Land Use and Development Code, both of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

3. In compliance with Government Code Section 65356, the above described change is hereby adopted as an amendment to the Land Use Element of the Comprehensive Plan and shall take effect 30 days after adoption and shall only be operative and be in force upon the date that Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" becomes effective pursuant to State law.
4. In compliance with Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Land Use Element of the Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the Land Use Element of the Comprehensive Plan during its preparation.
5. In compliance with Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Land Use Element of the Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of October, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT O: MONTECITO PLANNING COMMISSION RESOLUTION 14-23

**RESOLUTION OF THE SANTA BARBARA COUNTY
MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF AN)
ORDINANCE AMENDING SECTION 35-2, THE SANTA)
BARBARA COUNTY MONTECITO LAND USE AND) RESOLUTION NO. 14 - 23
DEVELOPMENT CODE, OF CHAPTER 35, ZONING,)
OF THE COUNTY CODE, BY ADDING ORDINANCE) CASE NOS: 14ORD-00000-00010
LANGUAGE THAT WOULD ALLOW THE COUNTY)
TO APPROVE LAND USES THAT ARE OTHERWISE)
PROHIBITED BY POLICY 14 OF THE LAND USE)
ELEMENT OF THE COMPREHENSIVE PLAN.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code.
- B. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California Planning, Zoning, and Development laws.
- C. This Montecito Planning Commission has held a duly noticed public hearing in compliance with Government Code Section 65854 on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 14ORD-00000-00010) that amends the Montecito Land Use and Development Code, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code, to add language that would allow the County to approve land uses that are otherwise prohibited by Policy 14 of the Land Use Element provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with the Montecito Land Use and Development Code, Section 35-2 of Chapter 35, Zoning, of the County Code.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated by reference.

- 3. This Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and

adopt the above mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Planning Staff report dated August 18, 2014.

4. In compliance with Government Code Section 65855 this Montecito Planning Commission has endorsed and transmitted a certified copy of this resolution to the Board of Supervisors.
5. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this August 25, 2014 by the following vote:

AYES: Brown, Burrows, Eidelson, Overall, Phillips
NOES:
ABSTAIN:
ABSENT:

(signed copy on file)
DANIEL EIDELSON, Chair
Santa Barbara County Montecito Planning Commission

ATTEST:

(signed copy on file)
DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors Ordinance Amending the Montecito Land Use and Development Code (Case No. 14ORD-00000-00010)

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, AND DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, TO IMPLEMENT NEW PROCEDURES REGARDING DETERMINATIONS OF EXEMPTION FROM MEASURE P2014: INITIATIVE TO BAN “HIGH-INTENSITY PETROLEUM OPERATIONS.”

Case No. 14ORD-00000-00010

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

SECTION 1.

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, is amended to add a new Chapter 35.448 titled “Determination of Exemption” to read as follows:

Chapter 35.448 - Determination of Exemption

Section 35.448.010 - Purpose and Intent.

The purpose and intent of this Chapter is to an administrative process for determining whether a land use that is normally not allowed in compliance with Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” (“the Initiative”) is exempt from the prohibitions of the Initiative. This Chapter only codifies an administrative process for claims of exemption that neither enlarges nor narrows the exemptions contained in Section 5 (Exemptions for Certain Projects) of the Initiative which provides that:

- A. The provisions of the Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California;
- B. In the event a property owner contends that application of the Initiative effects an unconstitutional taking of property, the property owner may request, and the Board may grant, an exception to the application of any provision of the Initiative if the Board finds, based on substantial evidence, that both (1) the application of any aspect of the Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking; and
- C. The provisions of the Initiative shall not be applicable to any person or entity that has obtained, as of the effective date of the Initiative, a vested right, pursuant to State law, to conduct a High Intensity Petroleum Operation.

Section 35.448.020 - Applicability.

- A. Persons subject to the Initiative may, but are not required to, file applications for exemption determinations associated with Subsections 35.448.010.B and 35.448.010.C, above. This Chapter applies to any person seeking such exemption determinations.
- B. **Review authority.** The review authority for a Determination of Exemption is identified in Table 4-13 (Determination of Exemption Review Authorities) below.

Table 4-13 Determination of Exemption Review Authorities

<u>Type of Exemption</u>	<u>Role of Review Authority</u>		
	<u>Director</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Determination of Exemption associated with Subsection 35.448.010.B</u>			<u>Decision</u>
<u>Determination of Exemption associated with Subsection 35.448.010.C</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>

- 1. Applications.** A separate application for a Determination of Exemption shall be filed for each type of exemption requested.

Section 35.448.030 - Contents of Application and Review for Completeness.

Any application for a Determination of Exemption allowed in compliance with Section 35.448.020 (Applicability) shall be submitted by the applicant seeking the exemption in compliance with Chapter 35.470 (Permit Application Filing and Processing).

- A.** The applicant for any exemption shall submit as part of the application any and all evidentiary support reasonably available sufficient to establish the basis for the claim of exemption.
 - 1.** The filing of an application for a Determination of Exemption associated with Subsection 35.448.010.B shall be accompanied by an application for the development project for which the exemption determination is requested.
 - a.** The Director may waive the requirement to submit the application for the development project for good cause.
 - b.** Where the Director has waived the requirement for a development application, if the Board determines such an application is necessary to determine if the exemption applies, the Board may require such application to be filed and processed before the County will take a final action on the application for the exemption.

Section 35.448.040 - Processing.

- A.** **Applications under the jurisdiction of the Board.** The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35.448.010.B.
 - 1. Determination of Exemptions processed in conjunction with a development project.** When an application for a Determination of Exemption is filed concurrently with an application for a development project in compliance with Subsection 35.448.030.A.1, above, then the application for the Determination of Exemption shall be processed in conjunction with the application for the development project and shall be subject to the same processing requirements and timelines of the development project except as follows:
 - a.** Notwithstanding the provisions of Table 7-1 (Review Authority), the Board shall approve or deny the application for the Determination of Exemption and the application for the development project, and the review authority identified in Table 7-1 (Review Authority) as having decision authority on the application for the development project shall instead make a recommendation to the Board on the application.
 - 2. Determination of Exemptions not processed in conjunction with a development project.** The following applies to applications for Determinations of Exemption where the Director has waived the requirement to submit the application for the development project for good cause in compliance with Subsection 35.448.030.A.1.a, above.
 - a.** Notice of the application for the Determination of Exemption shall be given in compliance with Section 35.496.020 (Notice of Public Hearing and Review Authority Action.)
 - b.** The Board shall hold at least one noticed public hearing on the application and approve or deny the request.
 - c.** The hearing shall be held within 180 days after the application is determined to be complete. The application shall be processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).
 - (1)** For good cause the Director may delay the holding of the hearing for an additional 180 days.
 - d.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - e.** The Board may continue the hearing to allow or require the applicant or Department to submit additional information or legal analysis.

f. The action of the Board shall be final.

B. Applications under the jurisdiction of the Director. The following applies to the processing of applications for Determinations of Exemption associated with Subsection 35.448.010.B.

1. The Director shall approve or deny the application for the Determination of Exemption. A public hearing is not required.
2. The Director shall act on the application within 60 days after the application is determined to be complete. However, the Director may extend this period of time to allow or require the applicant or Department to submit additional information or legal analysis or other good cause.
3. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
4. Notice of the action of the Director shall be given as follows:
 - (1) **Newspaper publication.** Notice of the action of the Director shall be published in a least one newspaper of general circulation on the day following the day that the Director takes action on the application.
 - (2) **Mailed notice.** Notice of the action of the Director shall be mailed on the day following the day that the Director takes action to any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.

Section 35.448.050 - Findings Required for Approval.

A Determination of Exemption application shall be approved only if the review authority first makes one of the following findings, as applicable.

- A. Applications for Determinations of Exemption associated with Section 35.448.010.B.** There is sufficient evidence in the record to determine that approving or conditionally approving the application is required in order to avoid an unconstitutional taking of property and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- B. Applications for Determinations of Exemption associated with Section 35.448.010.C.** There is sufficient evidence in the record to establish that the applicant obtained prior to [effective date of the Initiative] a vested right to conduct a High Intensity Petroleum Operation.

Section 35.448.060 - Enforcement.

The Director shall not take any action under Chapter 35.498 (Enforcement and Penalties) to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed in compliance with this Chapter 35.448 (Determination of Exemption) and the application has not expired in compliance with Subsection 35.470.050.B.4 (Expiration of Application), or final action to deny the application has not occurred.

SECTION 2.

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code is amended to amend Subsection B.3 of Section 35.470.020, Authority for Land Use and Zoning Decisions, of Chapter 35.470, Permit Application Filing and Processing, to read as follows:

3. This Section shall not apply to applications for:
 - a. Coastal Development Permits submitted in compliance with Section 35.82.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.472.050 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35.472.070 (Design Review).
 - c. Emergency Permits submitted in compliance with Section 35.472.090 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35.472.110 (Land Use Permits).

- e. Sign Certificates of Compliance required in compliance with Chapter 35.438 (Sign Standards).
- f. Zoning Clearances submitted in compliance with Section 35.472.190 (Zoning Clearance).
- g. Determinations of Exemption submitted in compliance with Chapter 35.448 (Determination of Exemption). See Chapter 35.448 for specific requirements.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this Ordinance, Division 35.4 and Division 35.7 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance shall take effect 30 days after adoption and shall only become operative and be in force upon the date that the Initiative becomes effective pursuant to State law, and before the expiration of 15 days after its passage by the Board of Supervisors a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT P: COUNTY PLANNING COMMISSION STAFF REPORT

SANTA BARBARA COUNTY PLANNING COMMISSION Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” Comprehensive Plan and Ordinance Amendments

Hearing Date: September 3, 2014

Assistant Director: Dianne Black

Staff Report Date: August 22, 2014

Staff Contact: Noel Langle

Case Nos. 14GPA-00000-00010, -00011, -00012 & -00013
14ORD-00000-00008 & -00009

Phone No.: (805) 568-2067

Environmental Documents:

Comprehensive Plan and County LUDC - CEQA Guidelines Section 15061(b)(3)

Coastal Land Use Plan and Article II CZO - CEQA Guidelines Sections 15061(b)(3) and Section 15265

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 **Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009.** Consider the recommendation of the Montecito Planning Commission and adopt a Resolution recommending that the Board of Supervisors adopt a Resolution (Case No. 14GPA-00000-00013) and an Ordinance (Case No. 14ORD-00000-00009) amending the Coastal Land Use Plan and the Coastal Zoning Ordinance as described in Attachment C;
- 1.2 **Case Nos. 14GPA-00000-00010, -00011 and -00012.** Consider the recommendation of the Montecito Planning Commission and adopt a Resolution recommending that the Board of Supervisors adopt Resolutions (Case Nos. 14GPA-00000-00010, 00011 & -00012) amending the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan as described in Attachment D; and,
- 1.3 **Case No. 14ORD-00000-00008.** Adopt a Resolution recommending that the Board of Supervisors adopt an Ordinance (Case No. 14ORD-00000-00008) amending County Land Use and Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code as described in Attachment E.

If approved by the voters, Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” would become effective within weeks of the November 2014 election. County Counsel’s attached statutory Impartial Analysis (Attachment G) describes: that Measure P2014 would generally prohibit land uses in support of many oil and gas production methods; and the three categories of exemptions that Measure P2014 would provide from that general prohibition. Therefore, in order to provide certainty for the community and to reduce litigation risks for the County, the purpose of these amendments is to codify a County process for considering and applying the exemptions stated in Section 5 of Measure P2014; these amendments would become operative only if and immediately upon Measure P2014 becoming effective. In order to implement Measure P2014, Section 6 of Measure P2014 authorizes the Board of Supervisors to amend the Comprehensive Plan and County Code, and to adopt implementing ordinances to further the purposes of Measure P2014. County staff takes no position on whether or not the voters should approve Measure P2014.

2.0 RECOMMENDATION AND PROCEDURES

2.1 Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009 as described in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendments (Attachment A);
2. Recommend that the Board of Supervisors determine that this project is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt a Resolution (Case No. 14GPA-00000-00013) amending the Coastal Land Use Plan, and an Ordinance (Case No. 14ORD-00000-00009) amending the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

2.2 Case Nos. 14GPA-00000-00010, -00011 and -00012. Follow the procedures outlined below and recommend that the Board of Supervisors adopt Resolutions (Case Nos. 14GPA-00000-00010, 00011 & -00012) as shown in Attachment D based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendments (Attachment A);
2. Recommend that the Board of Supervisors determine that this project is statutorily exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt Resolutions amending the Agricultural Element (Case No. 14GPA-00000-00010), Conservation Element (Case No. 14GPA-00000-00011) and Land Use Element (Case No. 14GPA-00000-00012) of the Comprehensive Plan (Attachment D).

2.3 Case Nos. 14ORD-00000-00008. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 14ORD-00000-00008 as shown in Attachment E based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
2. Recommend that the Board of Supervisors determine that this project is statutorily exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt an Ordinance (Case No. 14ORD-00000-00008) amending the County Land Use and Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment E).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

These projects are being considered by the County Planning Commission based upon Sections 65353 and 65854 of the California Government Code, Section 2-25.2 of Chapter 2 of the Santa Barbara County Code, Chapter 35.104 of the Santa Barbara County Land Use and Development Code, and Section 35-180 (Amendments to a Certified Local Coastal Program) of the Article II Coastal Zoning Ordinance, that provide that the County Planning Commission, as the planning agency for the County, may make recommendations to the Board of Supervisors on amendments to the Comprehensive Plan, the Coastal Land Use Plan, the County Land Use and Development Code, and the Article II Coastal Zoning Ordinance.

4.0 BACKGROUND AND PROJECT DESCRIPTION

4.1 General Information.

The Board of Supervisors placed Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” (the Initiative) on the upcoming November ballot as a result of a petition signed by the requisite number of voters. If approved by a majority of the voters, the Initiative would generally prohibit throughout the County the “development, construction, installation, or use” of any facility or above-ground equipment that supports what the Initiative labels as “High-Intensity Petroleum Operations” including:

- “Well Stimulation Treatments” which the Initiative defines as methods that are “designed to enhance oil and gas production or recovery by increasing the permeability of the formation,” including hydraulic fracturing treatments and acid well stimulation treatments; and/or,
- Operations where the flow of hydrocarbons into a well are aided or induced by the introduction or injection of water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals or any other substance. Per the Initiative, examples of such operations include: “waterflood injection,” “steam flood injection” and “cyclic steam injection.”

The Initiative is attached to this staff report as Attachment F. Attachment G of this staff report is the County Counsel’s Impartial Analysis of the Initiative.

The Initiative would amend the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, the Coastal Land Use Plan, the Petroleum Code (Chapter 25 of the County Code), the Coastal Zoning Ordinance (Article II of Chapter 35 of the County Code), and the County Land Use and Development Code (Section 35-1 of Chapter 35 of the County Code), by adding language that prohibits High-Intensity Petroleum Operations. This prohibition would apply to all land uses in the unincorporated area of the County that support onshore exploration and onshore production, but would not apply to onshore facilities that support offshore exploration or production from offshore wells.

The Initiative also directs the County to amend County ordinances, plans and policies as necessary to ensure consistency with the Initiative.

The Initiative does provide that certain activities may be exempt from the general prohibition of High-Intensity Petroleum Operations if the prohibition would:

- Violate the constitution or laws of the United States or the State of California; or
- Constitute an unconstitutional taking of property; or
- Apply to a person or entity that has obtained, as of the effective date of the Initiative, a vested right pursuant to State law to conduct High-Intensity Petroleum Operations.

The Initiative states that Board of Supervisors may grant an exemption based on a claim of unconstitutional taking of property, but is otherwise silent as to how the other two exemptions are applied, or any procedures as to how requests for exemptions are approved. The purpose of the subject amendments, therefore, is to codify a process by which these exemptions may be requested and, if appropriate, granted by the County.

On July 29, 2014, the Board of Supervisors directed the Planning and Development Department to begin processing amendments to the Coastal Land Use Plan, the Comprehensive Plan, and the County zoning ordinances to codify a process that will allow the County to review and grant applications for exemptions, if appropriate, from the Initiative. The attached amendments implement that direction and are written so that they will become operative only if the Initiative is approved by the voters this November.

4.2 Project Description.

Comprehensive Plan and Coastal Land Use Plan Amendments

The actual process to grant exemptions to the prohibition on High-Intensity Petroleum Operations is proposed to be added to the County zoning ordinances: Coastal Zoning Ordinance (Article II), County Land Use and Development Code (County LUDC) and the Montecito Land Use and Development Code (Montecito LUDC). The following section (Zoning Ordinance Amendments) provides a summary of the proposed process.

The Initiative would amend the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and the Coastal Land Use Plan, to add the prohibition on High-Intensity Petroleum Operations as policy language. However, the policy language as included in the Initiative does not contain any reference to the ability of the County to grant exemptions to the prohibition. Therefore, in order to provide vertical consistency between the Comprehensive Plan, Coastal Land Use Plan, and the zoning ordinances, the proposed County amendments to the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and Coastal Land Use Plan, would add the following language that addresses Policy 6-5D of the Coastal Land Use Plan and Policy 14 of the Land Use Element that would be added by the Initiative:

However, land uses in support of High-Intensity Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development, all of Chapter 35,

Zoning, of the Santa Barbara County Code, as applicable.

Please refer to Attachment 1 of Attachment C, and Attachments 1, 2 and 3 of Attachment D, for the specific sections of the Comprehensive Plan and Coastal Land Use Plan that are proposed to be amended by adding this language. These amendments will become effective only if the Initiative is approved by the voters this November.

Zoning Ordinance Amendments

The County LUDC, Montecito LUDC, and Article II are all proposed to be amended to add a new process titled Determination of Exemption that will provide the procedures whereby any person subject to the Initiative may submit an application requesting recognition of an exemption under Sections 5.B or 5.C of the Initiative from the prohibition on High-Intensity Petroleum Operations. No administrative process is proposed for exemptions claimed pursuant to Section 5.A of the Initiative which provides that the high intensity petroleum operations are exempt from the prohibitions of the Initiative if the prohibition would violate the constitution or laws of the United States or the State of California. Claims of exemption pursuant to Section 5.A of the Initiative should be addressed through a judicial proceeding.

On August 8, 2014, the Director of the Planning and Development Department held a workshop on the amendments, and, in response to the comments and questions posed at the workshop, the Department made two modifications to the proposed ordinances; these modifications are discussed below.

As proposed, the procedure would provide that:

- An application for a Determination of Exemption, including the required processing fee, is submitted to the Planning and Development Department by an applicant seeking an exemption.
- Following submittal, the Director reviews the application to determine if it contains sufficient information to determine whether the granting of an exemption is appropriate. The Director may request that additional information be submitted if necessary. See Attachment G for a list of materials that may be required to be submitted with the application.
- The Board of Supervisors is the review authority for Determinations of Exemption associated with a claim of unconstitutional taking of property, and the Director is the review authority for Determinations of Exemption based on an assertion of vested rights.

In order for the Board of Supervisors to approve an application for an exemption based on a claim of unconstitutional taking, the Board would have to find that there is sufficient evidence in the record to determine that approving the application is required in order to avoid an unconstitutional taking of property, and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.

In order for the Director to approve an application for an exemption based on an assertion of vested rights, the Director would have to find that there is sufficient evidence in the record to establish that the applicant obtained, prior to the effective date of the Initiative, a

vested right to conduct a high intensity petroleum operation.

As mentioned above, the proposed procedure does not address the third category of exemption included in the Initiative which provides that the high intensity petroleum operations are exempt from the prohibitions of the Initiative if the prohibition would violate the constitution or laws of the United States or the State of California.

- An application for a Determination of Exemption where the Board of Supervisors is the review authority must be accompanied by an application for the development project for which the exemption is requested unless this requirement is waived by the Director for good cause. However, if the Board determines that such an application for a development project is necessary to determine if the exemption applies, then the Board may require that the application for the development project be filed and processed before the Board takes a final action on the application for the exemption.

If an application for the development project is processed with the application for the Determination of Exemption, then the review authority that would normally approve or deny the application for the development would instead make a recommendation on the application to the Board of Supervisors.

- A public hearing is only required for Determinations of Exemption where the Board of Supervisors is the review authority. For applications for Determinations that are accompanied by an application for a development project, the processing timelines are the same as those for the development project. For applications that are not accompanied by an application for a development project, the hearing shall be held within 180 days after the application is determined to be complete; however, the Director may extend this period by 180 days for good cause.

Applications under the jurisdiction of the Director shall be acted on within 60 days after the application is determined to be complete; the Director may extend this period to allow or require the applicant or the Department to submit additional information or legal analysis, or for other good cause.

- Notice of the application for the Determination of Exemption and public hearing is only required for Determinations where the Board of Supervisors is the review authority. The proposed amendments do not require that notice be provided for Determinations where the Director is the review authority.
- The action of the Director to approve or deny an application for a Determination of Exemption is subject to appeal to the Planning Commission; the action of the Planning Commission is subject to appeal to the Board of Supervisors. The action of the Board of Supervisors to approve or deny an application for a Determination is final.
- The Director shall not take any action to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed with the Department and the application has not expired or final action to deny the application has not occurred.
- In response to public comment at the August 8, 2014, the proposed ordinances have been

modified from the draft originally made available to the public as follows:

- The "Purpose and Intent" sections (e.g., Section A in Exhibit 1 of Attachment E) have been revised to add language to clarify that the purpose of the section is to codify an administrative process for claims of exemption that neither enlarges nor narrows the exemptions in Section 5 of the Initiative.
- The "Applicability" sections (e.g., Section B in Exhibit 1 of Attachment E) have been revised to make clear that a person subject to the Initiative may seek an exemption determination pursuant to the ordinances (e.g., Subsections A.2 and A.3 in Exhibit 1 of Attachment E) but is not required to do so.

The proposed process provides that applications are under the jurisdiction of either the Board of Supervisor or the Director; however, your Commission may want to recommend other options (e.g., the Planning Commission instead of the Director) or that all requests for exemptions are heard by the Board of Supervisors.

Except for a grant of exemption from a Land Use Permit for the repair of a nonconforming structure (County LUDC Section 35.106.090), the existing zoning ordinances do not require notice for Director-level determinations. As proposed, the process for approving applications for Determinations of Exemption under the jurisdiction of the Director does not require notice of either the submittal of the application or the Director's action on the application; however, your Commission may want to consider that some level of noticing be required for such applications. Current Planning and Development Department administrative practice provides that a person or entity may request to be notified if an application is submitted for specific properties.

The Department's current application fee resolution (as approved by the Board of Supervisors) does not include a specific category for Determinations of Exemption since this would be a new type of application. However, the fee resolution does allow that in situations where a project does not fall within any of the listed categories, the Director may determine the appropriate application fee or deposit based on similarity of processing requirements with other types of projects. Should the Initiative be adopted by the voters in November, then the Department will amend the fee resolution to add an appropriate fee or deposit to cover the cost of application processing. Until amended, the Department proposes to use the existing Energy and Minerals Division category for Pre-Applications that requires an initial deposit of \$5,000 and processing on a cost reimbursement basis.

Petroleum Code (Chapter 25 of the County Code)

The purpose of the Petroleum Code is to reasonably regulate onshore petroleum operations including operations, abandonment and site restoration. The Petroleum Code is a regulatory tool for well and facility operational compliance that the County implements for all above-ground operations; all underground operations are under the sole authority of the State Division of Oil, Gas and Geothermal Resources (DOGGR). Any permit issued pursuant to Chapter 25 is contingent upon the permittee first obtaining the requisite planning land use permit. This procedural safeguard ensures that wells are not permitted in a manner that is inconsistent with the provisions of the Coastal Land Use Plan, Comprehensive Plan and County zoning ordinances.

The Petroleum Code does address secondary and enhanced operations that are addressed by the Initiative, sets standards for these types of operations, and allows the County to impose

reasonable conditions upon such operations as deemed necessary to reduce the potential for impacts to public safety and the environment, primarily fresh water. The definition of these processes in the Petroleum Code is identical to those included in the Initiative.

The Initiative would add language similar to the language that would be added to the Coastal Land Use Plan, Comprehensive Plan and County zoning ordinances, and would require that all County actions taken under Chapter 25 shall be consistent and in compliance with the provisions of the Initiative. However, there are no sections of the Petroleum Code that conflict with the Initiative, and the provisions of the Petroleum Code do not allow the County to issue permits that would conflict with the language of the Initiative. Therefore, the County does not need to amend the Petroleum Code to add a process to grant exemptions from the prohibitions of the Initiative.

- 4.3 Montecito Planning Commission.** A similar package of amendments was reviewed by the Montecito Planning Commission at their August 25, 2014 meeting. Staff will provide a summary of their comments and recommendations to your Commission at the September 3, 2014 hearing.

5.0 ENVIRONMENTAL REVIEW

- 5.1 Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009.** The proposed amendments to the Coastal Land Use Plan and the Article II Coastal Zoning Ordinance are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. Therefore, they are recommended to be determined to be exempt from environmental review pursuant to Sections 15061(b)(3) and 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA).

- Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, no significant environmental impacts would occur as a result of these amendments.
- Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission.

- 5.2 Case Nos. 14GPA-00000-00010, -00011 and -00012; Case Nos. 14ORD-00000-00008.** The proposed amendments to the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan and the County Land Use and Development Code are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. Therefore, they are recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, no significant environmental impacts would occur as a result of these amendments.

6.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any policies or development standards of the Coastal Land Use Plan or the Comprehensive Plan, including the Community and Area Plans, and the adoption of the proposed amendments will not result in any inconsistencies with existing policies and development standards. These amendments only provide a process by which the County may approve an exemption to the prohibitions against High-Intensity Petroleum Operations that will be added to the Coastal Land Use Plan and the Comprehensive Plan should Measure P2014 be approved by the voters in November.

The granting of an exemption to this prohibition does not in and of itself grant any entitlement for actual development, enhanced or otherwise, of oil and gas resources. In order for a development permit to be approved for oil and gas development projects based on an approved exemption, it still must be determined that the project is consistent with the policies and development standards of the Coastal Land Use Plan and the Comprehensive Plan, including the Community and Area Plans, as applicable. As part of this process, a policy consistency analysis will be performed during the review of the project application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Therefore, these amendments may be found consistent with the adopted Comprehensive Plan, including the Community and Area Plans, and the Coastal Land Use Plan.

Also, for exemptions that are approved to allow existing well activities to continue, it must be determined that these activities are either within the scope of and are consistent with existing permits and permit conditions, or, for nonconforming activities, are consistent with the applicable regulations.

7.0 ORDINANCE COMPLIANCE

The proposed ordinance amendments are consistent with the remaining portions of the Article II Coastal Zoning Ordinance and the County Land Use and Development Code that would not be revised by these ordinances. In order to approve any development project that may be allowed to proceed in reliance on an approved Determination of Exemption as provided by the ordinances amending Article II Coastal Zoning Ordinance and the County Land Use and Development Code, it still must be determined that the project is consistent with the whole of the Article II Coastal Zoning Ordinance and the County Land Use and Development Code as applicable.

8.0 PROCEDURES

Review the recommendations of the Montecito Planning Commission and recommend approval, approval with revisions, or denial of the proposed amendments and ordinances to the Board of Supervisors.

9.0 APPEALS PROCEDURE

Coastal Land Use Plan, Comprehensive Plan and Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal of the action by the County Planning Commission is required.

10.0 ATTACHMENTS

- A. Findings
- B. Notice of Exemption
- C. 14GPA-00000-00013 and 14ORD-00000-00009
 - Exhibit 1
 - Exhibit 2
- D. 14GPA-00000-00010, 00011 and -00012
 - Exhibit 1
 - Exhibit 2
 - Exhibit 3
- E. 14ORD-00000-00008
 - Exhibit 1
- F. Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations"
- G. County Counsel's Impartial Analysis of Measure P2014
- H. Materials Required to be Submitted With an Application for a Determination of Exemption

ATTACHMENT Q: MONTECITO PLANNING COMMISSION STAFF REPORT

SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION

Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” Comprehensive Plan and Ordinance Amendments

Hearing Date: August 25, 2014

Assistant Director: Dianne Black

Staff Report Date: August 18, 2014

Staff Contact: Noel Langle

Case Nos. 14GPA-00000-00010, -00011, -00012 & -00013

Phone No.: (805) 568-2067

14ORD-00000-00009 & -00010

Environmental Documents:

Comprehensive Plan and Montecito LUDC - CEQA Guidelines Section 15061(b)(3)

Coastal Land Use Plan and Article II CZO - CEQA Guidelines Sections 15061(b)(3) and Section 15265

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- 1.1 Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009.** Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors adopt a Resolution (Case No. 14GPA-00000-00013) and an Ordinance (Case No. 14ORD-00000-00009) amending the Coastal Land Use Plan and the Coastal Zoning Ordinance as described in Attachment C;
- 1.2 Case Nos. 14GPA-00000-00010, -00011 and -00012.** Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors adopt Resolutions (Case Nos. 14GPA-00000-00010, 00011 & -00012) amending the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan as described in Attachment D; and,
- 1.3 Case No. 14ORD-00000-00010.** Adopt a Resolution recommending that the Board of Supervisors adopt an Ordinance (Case No. 14ORD-00000-00010) amending Montecito Land Use and Development Code, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code as described in Attachment E.

If approved by the voters, Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” would become effective within weeks of the November 2014 election. County Counsel’s attached statutory Impartial Analysis (Attachment G) describes: that Measure P2014 would generally prohibit land uses in support of many oil and gas production methods; and the three categories of exemptions that Measure P2014 would provide from that general prohibition. Therefore, in order to provide certainty for the community and to reduce litigation risks for the County, the purpose of these amendments is to codify a County process for considering and applying the exemptions stated in Section 5 of Measure P2014; these amendments would become operative only if and immediately upon Measure P2014 becoming effective. In order to implement Measure P2014, Section 6 of Measure P2014 authorizes the Board of Supervisors to amend the Comprehensive Plan and County Code, and to adopt implementing ordinances to further the purposes of Measure P2014. County staff takes no position on whether or not the voters should approve Measure P2014.

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009.** Follow the procedures outlined below and recommend that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors approve Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009 as described in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:
1. Make the findings for approval, including CEQA findings, and recommend that the County Planning Commission and Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
 2. Recommend that the County Planning Commission and the Board of Supervisors determine that this project is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment B); and,
 3. Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors adopt a Resolution (Case No. 14GPA-00000-00013) amending the Coastal Land Use Plan, and an Ordinance (Case No. 14ORD-00000-00009) amending the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).
- 2.2 Case Nos. 14GPA-00000-00010, -00011 and -00012.** Follow the procedures outlined below and recommend that the Board of Supervisors adopt Resolutions (Case Nos. 14GPA-00000-00010, 00011 & -00012) as shown in Attachment D based upon the ability to make the appropriate findings. Your Commission's motion should include the following:
1. Make the findings for approval, including CEQA findings, and recommend that the County Planning Commission and Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
 2. Recommend that the County Planning Commission and the Board of Supervisors determine that this project is statutorily exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
 3. Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors adopt Resolutions amending the Agricultural Element (Case No. 14GPA-00000-00010), Conservation Element (Case No. 14GPA-00000-00011) and Land Use Element (Case No. 14GPA-00000-00012) of the Comprehensive Plan (Attachment D).
- 2.3 Case Nos. 14ORD-00000-00010.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 14ORD-00000-00010 as shown in Attachment E based upon the ability to make the appropriate findings. Your Commission's motion should include the following:
1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);

2. Recommend that the Board of Supervisors determine that this project is statutorily exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt an Ordinance (Case No. 14ORD-00000-00010) amending the Montecito Land Use and Development Code, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment E).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

- 3.1 **Case Nos. 14GPA-00000-00010, -00011, -00012 and -00013 and 14ORD-00000-00009.** These projects are being considered by the Montecito Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the Montecito Planning Commission may make recommendations to the County Planning Commission on amendments to the Comprehensive Plan and the Article II Coastal Zoning Ordinance that will affect land use decisions within the Montecito Community Plan area.
- 3.2 **Case No. 14ORD-00000-00010.** This project is being considered by the Montecito Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.494 of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC). The Government Code and the Montecito LUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Community Plan Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.

4.0 BACKGROUND AND PROJECT DESCRIPTION

4.1 General Information.

The Board of Supervisors placed Measure P2014: Initiative to Ban “High-Intensity Petroleum Operations” (the Initiative) on the upcoming November ballot as a result of a petition signed by the requisite number of voters. If approved by a majority of the voters, the Initiative would generally prohibit throughout the County the “development, construction, installation, or use” of any facility or above-ground equipment that supports what the Initiative labels as “High-Intensity Petroleum Operations” including:

- “Well Stimulation Treatments” which the Initiative defines as methods that are “designed to enhance oil and gas production or recovery by increasing the permeability of the formation,” including hydraulic fracturing treatments and acid well stimulation treatments; and/or,
- Operations where the flow of hydrocarbons into a well are aided or induced by the introduction or injection of water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals or any other substance. Per the Initiative, examples of such operations include: “waterflood injection,” “steam flood injection” and “cyclic steam injection.”

The Initiative is attached to this staff report as Attachment F. Attachment G of this staff report is the County Counsel’s Impartial Analysis of the Initiative.

The Initiative would amend the Agricultural Element, Conservation Element and Land Use Element of the Comprehensive Plan, the Coastal Land Use Plan, the Petroleum Code (Chapter 25 of the County Code), the Coastal Zoning Ordinance (Article II of Chapter 35 of the County Code), the County Land Use and Development Code (Section 35-1 of Chapter 35 of the County Code), and the Montecito Land Use and Development Code (Section 35-2 of Chapter 35 of the County Code) by adding language that prohibits High-Intensity Petroleum Operations. This prohibition would apply to all land uses in the unincorporated area of the County that support onshore exploration and onshore production, but would not apply to onshore facilities that support offshore exploration or production from offshore wells.

The Initiative also directs the County to amend County ordinances, plans and policies as necessary to ensure consistency with the Initiative.

The Initiative does provide that certain activities may be exempt from the general prohibition of High-Intensity Petroleum Operations if the prohibition would:

- Violate the constitution or laws of the United States or the State of California; or
- Constitute an unconstitutional taking of property; or
- Apply to a person or entity that has obtained, as of the effective date of the Initiative, a vested right pursuant to State law to conduct High-Intensity Petroleum Operations.

The Initiative states that Board of Supervisors may grant an exemption based on a claim of unconstitutional taking of property, but is otherwise silent as to how the other two exemptions are applied, or any procedures as to how requests for exemptions are approved. The purpose of the subject amendments, therefore, is to codify a process by which these exemptions may be requested and, if appropriate, granted by the County.

On July 29, 2014, the Board of Supervisors directed the Planning and Development Department to begin processing amendments to the Coastal Land Use Plan, the Comprehensive Plan, and the County zoning ordinances to codify a process that will allow the County to review and grant applications for exemptions, if appropriate, from the Initiative. The attached amendments implement that direction and are written so that they will become operative only if the Initiative is approved by the voters this November.

These amendments will have limited effect within the Montecito Community Plan area since there are no active oil and/or gas operations within the Montecito Community Plan area and oil and gas operations are not allowed in any zone within Montecito.

4.2 Project Description.

Comprehensive Plan and Coastal Land Use Plan Amendments

The actual process to grant exemptions to the prohibition on High-Intensity Petroleum Operations is proposed to be added to the County zoning ordinances: Coastal Zoning Ordinance (Article II), County Land Use and Development Code (County LUDC) and the Montecito Land Use and Development Code (Montecito LUDC). The following section (Zoning Ordinance Amendments) provides a summary of the proposed process.

The Initiative would amend the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and the Coastal Land Use Plan, to add the prohibition on High-Intensity Petroleum Operations as policy language. However, the policy language as included in the Initiative does not contain any reference to the ability of the County to grant exemptions to the prohibition. Therefore, in order to provide vertical consistency between the Comprehensive Plan, Coastal Land Use Plan, and the zoning ordinances, the proposed County amendments to the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan, and Coastal Land Use Plan, each contain the following language that addresses Policy 6-5D of the Coastal Land Use Plan and Policy 14 of the Land Use Element that would added by the Initiative:

However, land uses in support of High-Intensive Petroleum Operations that are prohibited in accordance with Policy 6-5D of the Coastal Land Use Plan of the Local Coastal Program or Policy 14 of the Land Use Element of the Comprehensive Plan may be allowed provided an Exemption from Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations" allowing said uses applies as provided in compliance with either the Article II Coastal Zoning Ordinance, or the County Land Use and Development Code, or the Montecito Land Use and Development, all of Chapter 35, Zoning, of the Santa Barbara County Code, as applicable.

Please refer to Attachment 1 of Attachment C, and Attachments 1, 2 and 3 of Attachment D, for the specific sections of the Comprehensive Plan and Coastal Land Use Plan that are proposed to be amended by adding this language. These amendments will become operative only if the Initiative is approved by the voters this November.

Zoning Ordinance Amendments

The County LUDC, Montecito LUDC, and Article II are all proposed to be amended to add a new process titled Determination of Exemption that will provide the procedures whereby any person subject to the Initiative may submit an application requesting recognition of an exemption under Sections 5.B or 5.C of the Initiative from the prohibition on High-Intensity Petroleum Operations. No administrative process is proposed for exemptions claimed pursuant to Section 5.A of the Initiative.

On August 8, 2014, the Director of the Planning and Development Department held a workshop on the amendments, and, in response to the comments and questions posed at the workshop, two additional modifications to the proposed ordinances have been made and are discussed below. As proposed, the procedure would provide that:

- An application for a Determination of Exemption, including the required processing fee, is submitted to the Planning and Development Department by an applicant seeking an exemption.
- Following submittal, the Director reviews the application to determine if it contains sufficient information to determine whether the granting of an exemption is appropriate. The Director may request that additional information be submitted if necessary. See Attachment G for a list of materials that may be required to be submitted with the application.
- The Board of Supervisors is the review authority for Determinations of Exemption

associated with a claim of unconstitutional taking of property, and the Director is the review authority for Determinations of Exemption based on an assertion of vested rights.

In order for the Board of Supervisors to approve an application for an exemption based on a claim of unconstitutional taking, the Board would have to find that there is sufficient evidence in the record to determine that approving the application is required in order to avoid an unconstitutional taking of property, and that the application, as approved, will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.

In order for the Director to approve an application for an exemption based on an assertion of vested rights, the Director would have to find that there is sufficient evidence in the record to establish that the applicant obtained, prior to the effective date of the Initiative, a vested right to conduct a high intensity petroleum operation.

The third category of exemption included in the Initiative provides that the high intensity petroleum operations are exempt from the prohibitions of the Initiative if the prohibition would violate the constitution or laws of the United States or the State of California. The proposed procedures do not include a process for reviewing claims of exemptions under this category since such claims should be addressed through a judicial proceeding.

- An application for a Determination of Exemption where the Board of Supervisors is the review authority must be accompanied by an application for the development project for which the exemption is requested unless this requirement is waived by the Director for good cause. However, if the Board determines that such an application for a development project is necessary to determine if the exemption applies, then the Board may require that the application for the development project be filed and processed before the Board takes a final action on the application for the exemption.

If an application for the development project is processed with the application for the Determination of Exemption, then the review authority that would normally approve or deny the application for the development would instead make a recommendation on the application to the Board of Supervisors.

- A public hearing is only required for Determinations of Exemption where the Board of Supervisors is the review authority. For applications for Determinations that are accompanied by an application for a development project, the processing timelines are the same as those for the development project. For applications that are not accompanied by an application for a development project, then the hearing shall be held within 180 days after the application is determined to be complete; however, the Director may extend this period by 180 days for good cause.

Applications under the jurisdiction of the Director shall be acted on within 60 days after the application is determined to be complete; the Director may extend this period to allow or require the applicant or the Department to submit additional information or legal analysis, or for other good cause.

- Notice of the application for the Determination of Exemption and public hearing is only required for Determinations where the Board of Supervisors is the review authority. The

proposed amendments do not require that notice be provided for Determinations where the Director is the review authority.

- The action of the Director to approve or deny an application for a Determination of Exemption is subject to appeal to the Planning Commission; the action of the Planning Commission is subject to appeal to the Board of Supervisors. The action of the Board of Supervisors to approve or deny an application for a Determination is final.
- The Director shall not take any action to enforce the Initiative against any owner or operator of an existing facility if an application for a Determination of Exemption has been filed with the Department and the application has not expired or final action to deny the application has not occurred.
- In response to public comment at the August 8, 2014, the proposed ordinances have been modified from the draft originally made available to the public as follows:
 - The "Purpose and Intent" sections (e.g., Section A in Exhibit 1 of Attachment E) have been revised to add language to clarify that the purpose is to codify an administrative process for claims of exemption that neither enlarges nor narrows the exemptions in Section 5 of the Initiative.
 - The "Applicability" sections (e.g., Section B in Exhibit 1 of Attachment E) have been revised to make clear that a person subject to the Initiative may seek an exemption determination pursuant to the ordinances (e.g., Subsections A.2 and A.3 in Exhibit 1 of Attachment E) but is not required to do so.

The proposed process provides that applications are under the jurisdiction of either the Board of Supervisor or the Director; however, your Commission may want to recommend other options (e.g., the Planning Commission instead of the Director) or that all requests for exemptions are heard by the Board of Supervisors.

Except for a grant of exemption from Land Use Permits for the repair of a nonconforming structure, the existing zoning ordinances do not require notice for Director-level determinations. As proposed, the process for approving applications for Determinations of Exemption under the jurisdiction of the Director does not require notice of either the submittal of the application or the Director's action on the application; however, your Commission may want to consider that some level of noticing be required for such applications. Current Planning and Development Department administrative practice provides that a person or entity may request to be notified if an application is submitted for specific properties.

The Department's current application fee resolution (as approved by the Board of Supervisors) does not include a specific category for Determinations of Exemption since they would be a new type of application. However, the fee resolution does allow that in situations where a project does not fall within any of the listed categories, the Director may determine the appropriate application fee or deposit based on similarity of processing requirements with other types of projects. Should the Initiative be adopted by the voters in November, then the Department will amend the fee resolution to add an appropriate fee or deposit to cover the cost of application processing. Until amended, the Department proposes to use the existing Energy and Minerals Division category for Pre-Applications that requires an initial deposit of \$5,000 and processing

on a cost reimbursement basis.

Petroleum Code (Chapter 25 of the County Code)

The purpose of the Petroleum Code is to reasonably regulate onshore petroleum operations including operations, abandonment and site restoration. The Petroleum Code is a regulatory tool for well and facility operational compliance that the County implements for all above-ground operations; all underground operations are under the sole authority of the State Division of Oil, Gas and Geothermal Resources (DOGGR). Any permit issued pursuant to Chapter 25 is contingent upon the permittee first obtaining the requisite planning land use permit. This procedural safeguard ensures that wells are not permitted in a manner that is inconsistent with the provisions of the Coastal Land Use Plan, Comprehensive Plan and County zoning ordinances.

The Petroleum Code does address secondary and enhanced operations that are addressed by the Initiative, sets standards for these types of operations, and allows the County to impose reasonable conditions upon such operations as deemed necessary to reduce the potential for impacts to public safety and the environment, primarily fresh water. The definition of these processes in the Petroleum Code is identical to those included in the Initiative.

The Initiative would add language similar to the language that would be added to the Coastal Land Use Plan, Comprehensive Plan and County zoning ordinances, and would require that all County actions taken under Chapter 25 shall be consistent and in compliance with the provisions of the Initiative. However, there are no sections of the Petroleum Code that conflict with the Initiative, and the provisions of the Petroleum Code do not allow the County to issue permits that would conflict with the language of the Initiative. Therefore, the County does not need to amend the Petroleum Code to add a process to grant exemptions from the prohibitions of the Initiative.

- 4.3 County Planning Commission.** A similar package of amendments will be reviewed by the County Planning Commission at their September 3, 2014 meeting. Staff will provide a summary of your comments and recommendations to the County Planning Commission at that hearing.

5.0 ENVIRONMENTAL REVIEW

- 5.1 Case Nos. 14GPA-00000-00013 and 14ORD-00000-00009.** The proposed amendments to the Coastal Land Use Plan and the Article II Coastal Zoning Ordinance are procedural in nature and neither enlarge nor narrow the exemptions in Section 5 of the Initiative. Therefore, they are recommended to be determined to be exempt from environmental review pursuant to Sections 15061(b)(3) and 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA).

- Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, no significant environmental impacts would occur as a result of these amendments.
- Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission.

5.2 Case Nos. 14GPA-00000-00010, -00011 and -00012; Case Nos. 14ORD-00000-00010. The proposed amendments to the Agricultural, Conservation and Land Use Elements of the Comprehensive Plan and the Montecito Land Use and Development Code are recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, the amendments are procedural in nature; no significant environmental impacts would occur as a result of these amendments.

6.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any policies or development standards of the Coastal Land Use Plan or the Comprehensive Plan, including the Community and Area Plans, and the adoption of the proposed amendments will not result in any inconsistencies with existing policies and development standards. These amendments only provide a process by which the County may approve an exemption to the prohibitions against High-Intensity Petroleum Operations that will be added to the Coastal Land Use Plan and the Comprehensive Plan should Measure P2014 be approved by the voters in November.

The granting of an exemption to this prohibition does not in and of itself grant any entitlement for actual development, enhanced or otherwise, of oil and gas resources. In order for a development permit to be approved for oil and gas development projects based on an approved exemption, it still must be determined that the project is consistent with the policies and development standards of the Coastal Land Use Plan and the Comprehensive Plan, including the Community and Area Plans, as applicable. As part of this process, a policy consistency analysis will be performed during the review of the project application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Therefore, these amendments may be found consistent with the adopted Comprehensive Plan, including the Community and Area Plans, and the Coastal Land Use Plan.

Also, for exemptions that are approved to allow existing well activities to continue, it must be determined that these activities are either within the scope of and are consistent with existing permits and permit conditions, or, for nonconforming activities, are consistent with the applicable regulations.

7.0 ORDINANCE COMPLIANCE

The proposed ordinance amendments are consistent with the remaining portions of the Article II Coastal Zoning Ordinance and the Montecito Land Use and Development Code that would not be revised by these ordinances. In order to approve any development project that may be allowed to proceed in reliance on an approved Determination of Exemption as provided by the ordinances amending Article II Coastal Zoning Ordinance and the Montecito Land Use and Development Code, it still must be determined that the project is consistent with the whole of the Article II Coastal Zoning Ordinance and the Montecito Land Use and Development Code as applicable.

8.0 PROCEDURES

- 8.1 Coastal Land Use Plan, Comprehensive Plan and Article II Coastal Zoning Ordinance:** The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed amendments and ordinance to the County Planning Commission.
- 8.2 Montecito Land Use and Development Code:** The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

9.0 APPEALS PROCEDURE

Coastal Land Use Plan, Comprehensive Plan and Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal of the action by the Montecito Planning Commission is required.

10.0 ATTACHMENTS

- A. Findings
- B. Notice of Exemption
- C. 14GPA-00000-00013 and 14ORD-00000-00009
 - Exhibit 1
 - Exhibit 2
- D. 14GPA-00000-00010, 00011 and -00012
 - Exhibit 1
 - Exhibit 2
 - Exhibit 3
- E. 14ORD-00000-00010
 - Exhibit 1
- F. Measure P2014: Initiative to Ban "High-Intensity Petroleum Operations"
- G. County Counsel's Impartial Analysis of Measure P2014
- H. Materials Required to be Submitted With an Application for a Determination of Exemption

ATTACHMENT T

PROPOSED APPLICATION MATERIALS FOR DETERMINATIONS OF EXEMPTION

It is the responsibility of the application to submit with the application any and all evidentiary support reasonably available at the time of application sufficient to establish the basis for the claim of exemption. At a minimum the application shall include:

1. Applicant name, address and telephone number.
2. Agent name, address and telephone number.
3. Property owner name, address and telephone number.
4. A description of the development claimed to be exempt and its location, including Assessor's Parcel Number and street address.
5. Site plan, development plan, grading plan, and construction or architectural plans.
6. A listing of:
 - a. All governmental approvals previously obtained for this development and list the date of each final approval. Attach copies of all approvals.
 - b. Any government approvals which have not yet been obtained and the status of the application or anticipated date of approval.
7. A listing of any conditions to which the approvals are subject and the date on which the conditions were satisfied or are expected to be satisfied.
8. A description of the nature and extent of work in progress or completed, including:
 - a. The date work commenced on each portion (e.g., foundation, grading, structural work).
 - b. Governmental approval pursuant to which portion was commenced.
 - c. Portions completed and the date of completion.
 - d. Status of each portion as of [effective date of this Ordinance].
 - e. Status of each portion of development on date of claim.
 - f. Amounts of money expended on portion of work completed or in project. Itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary governmental approvals.
9. A description of those portions of the development remaining to be constructed.
10. A listing of:
 - a. The amount and nature of any liabilities incurred that are not covered above and dates incurred.
 - b. Any remaining liabilities to be incurred and dates when these are anticipated to be incurred.
11. The expected total cost of the development, including expenses incurred in securing any government approvals.
12. The proposed phasing plan for development if anticipated to be in a series of phases or segments.
13. The anticipated date of completion of the total development.

The Director shall review the application submittal and may determine that the submittal of additional information is required prior to the commencement of processing of the application.

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ATTACHMENT R:

MEASURE P2014:

INITIATIVE TO BAN "HIGH-INTENSITY PETROLEUM OPERATIONS"

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MAR 18 2014

SANTA BARBARA COUNTY

To the Honorable Registrar of Voters of the County of Santa Barbara: We, undersigned, registered and qualified voters of the County of Santa Barbara, hereby propose an initiative measure to amend the Santa Barbara County Comprehensive Plan and the Santa Barbara County Code. We petition you to submit this measure to the Board of Supervisors of the County of Santa Barbara for submission of the measure to the voters of the County of Santa Barbara at the earliest special or general election for which it qualifies.

The measure provides as follows:

The Healthy Air and Water Initiative to Ban Fracking

The people of the County of Santa Barbara do hereby ordain as follows:

SECTION 1: PURPOSE AND FINDINGS

Purpose of Initiative: The purpose of this Initiative is to protect the health and environment of Santa Barbara County—its air and water quality, water supplies, agricultural lands, scenic vistas, and quality of life—by prohibiting the use of any land within the County's unincorporated area for High-Intensity Petroleum Operations. High-Intensity Petroleum Operations include hydraulic fracturing (also known as fracking), acid well stimulation treatments, cyclic steam injection and other types of oil and gas development that use advanced well stimulation technologies.

This Initiative recognizes and builds upon Santa Barbara County's land use plans and adopted rules and regulations governing oil and gas development, including County of Santa Barbara Measure A, adopted in 1996. The Initiative includes provisions to protect vested rights and constitutionally protected property rights. The Initiative does not apply to off-site facilities or infrastructure, such as refineries and pipelines, that do not directly support High-Intensity Petroleum Operation(s).

- A. **Findings:** The people of Santa Barbara County find that this Initiative promotes and protects the health, safety, welfare, and quality of life of County residents, based upon the following findings, any one of which would be sufficient reason to adopt this Initiative:

1. **High-Intensity Petroleum Operations Are Different.** "Low-intensity" petroleum operations generally involve drilling wells through which oil or gas flows naturally under its own pressure or through which oil is pumped up to the surface. High-Intensity Petroleum Operations are different. Fracking, acid well stimulation treatments, and cyclic steam injection typically include high-pressure injections of solvents, acids, and other chemicals, and/or steam to fracture, heat, or

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dissolve underground formations in order to free oil and/or natural gas. High-Intensity Petroleum Operations pose additional threats to our air and water beyond those posed by low-intensity petroleum operations.

Some High-Intensity Petroleum Operations have previously occurred in Santa Barbara County and they are now occurring with greater frequency. New advances in extraction technologies have enabled oil and gas recovery in fields and formations that were previously uneconomical to produce. For example, the petroleum industry has recently shown great interest in extracting oil and gas from the Monterey Shale Formation in Santa Barbara and elsewhere. Use of High-Intensity Petroleum Operations to extract oil and gas from the Monterey Shale Formation or other formations could lead to an increase in the number of new wells in the County.

The County's existing Comprehensive Plan explains that use of these extraction technologies creates a conflict with the County's core goal of environmental protection:

Expansion of production is almost certain to be accompanied by the use of enhanced recovery techniques, particularly steam injection. If steam injection is based on current technology, such production will have significant air quality implications. In general terms, the two stated objectives of the [Comprehensive Plan Conservation Element] – to encourage oil and gas development yet protect the environment – will come into conflict.

This Initiative addresses and resolves that conflict in favor of environmental protection and the protection of human health and safety. The impacts and risks associated with High-Intensity Petroleum Operations are too great for County residents to accept. In order to protect local resources and interests, residents want to prohibit this land use before it further endangers human health and the environment in Santa Barbara County.

2. Emissions From High-Intensity Petroleum Operations Will Degrade Our Air Quality and Contribute to Global Climate Change. Studies suggest that High-Intensity Petroleum Operations increase emissions of air pollutants linked to poor health outcomes and reduced agricultural yields. The County's current Comprehensive Plan states that "the use of steam injection methods can also result in a significant increase in emissions from oil field operations." Air pollutants including benzene, toluene, ethylbenzene, xylene, particulate matter and others have been measured in elevated concentrations close to High-Intensity Petroleum Operations. Ground-level ozone from emissions of nitrogen oxide (NOx), methane and volatile organic compounds (VOCs) from oil and gas development

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have also been observed. The Orcutt Community Plan notes that the petroleum industry is a "major source of NOx."

High-Intensity Petroleum Operations can also generate large quantities of greenhouse gas emissions that are known to contribute to global climate change and its negative effects. For example, the generators used for cyclic steam injections emit high levels of carbon dioxide.

Santa Barbara's air already falls below state standards for ozone and particulate matter, and Santa Barbara is threatened by the effects of global climate change, including sea level rise, wildfire, and reduced water supplies.

3. Our Limited Water Supplies Should Be Preserved For Agricultural and Municipal Uses. Water is a valuable and limited commodity in Santa Barbara County. The County relies on groundwater as a primary water supply source. The County also receives water from the State Water Project, but that source is unreliable and has been reduced over the years.

The County's Comprehensive Plan already recognizes that "a large amount of water is used during oil recovery operations." High-Intensity Petroleum Operations can be water-intensive. For example, according to a 2013 study by the University of California, Berkeley, hydraulic fracturing in California often requires hundreds of thousands of gallons of water per well. Some California operators have reported water use rates in excess of one million gallons per "frack." Steam injection is also water-intensive; for example, the existing Tunnell Facility in Santa Barbara County uses nearly six million gallons of freshwater per year for its operations.

The County currently suffers from drought, water supply shortages, and groundwater overdraft. Some residents are already experiencing increases in water rates and cannot afford further rate increases. Santa Barbara voters want to preserve our limited water supplies for local farmers and residents, not for High-Intensity Petroleum Operations.

4. Santa Barbara County Cannot Afford the Risks of Groundwater and Surface Water Pollution. Accidents happen. Many High-Intensity Petroleum Operations mix, transport, and/or store toxic and hazardous chemicals. They also generate a considerable amount of wastewater that can contain these chemicals along with hydrocarbons, naturally occurring radioactive materials, dissolved salts, and other elements harmful to human health and safety. The chemicals and wastewater from these operations could contaminate Santa Barbara County's groundwater—and surface water—through improper storage or disposal, surface spills, or other means. Treating groundwater pollution is extremely expensive and may not be economically feasible. Given the County's heavy reliance on

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groundwater, groundwater contamination could have devastating impacts on drinking water supplies, agriculture, and our local economy. Santa Barbara residents are not willing to accept the risks of water pollution posed by High-Intensity Petroleum Operations.

5. High-Intensity Petroleum Operations Are Inconsistent With Our Agricultural Heritage. Santa Barbara County takes pride in its agricultural heritage and strives to protect its rural areas. Agriculture is the largest production industry in the County and is important to the economic and cultural well-being of County residents.

The County's Comprehensive Plan has long aimed to "assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County." New High-Intensity Petroleum Operations threaten this goal by converting agricultural lands to oil fields, fragmenting existing grazing and other agricultural operations, endangering the health of livestock, and placing water supplies at risk. This could threaten consumer perception of the quality and safety of the food, wine, and other agricultural goods produced in the County and cost the agricultural industry substantial revenue.

6. Earthquake Risks in Santa Barbara County Are Already Too High. Seismic activity is a matter of particular concern in Santa Barbara County. The County borders the San Andreas Fault. Other major active geologic faults, including the Mesa and Santa Ynez Faults, run through the County and numerous other potentially active faults have been mapped in the region. Coastline earthquakes can create tsunamis, which could inundate major areas of the County.

Activities associated with High-Intensity Petroleum Operations have been shown to induce and/or exacerbate earthquakes. The risk of increased seismic activity in Santa Barbara County from these activities threatens public health and safety and the built environment.

High-Intensity Petroleum Operations can also lead to subsidence, exacerbate natural oil seeps, and create sinkholes in the earth that are a danger to public health and safety. These so-called "surface expressions" have already proved fatal in Kern County, where an oil worker was killed when he fell into a sinkhole that unexpectedly opened up near a drill site. Steam injection operations in Santa Barbara County have already exacerbated oil seeps and resulted in surface expressions.

7. High-Intensity Petroleum Operations Will Degrade Our Scenic Vistas and Rural Areas. The beautiful scenic qualities of Santa Barbara County, including the Gaviota Coast and the Santa Ynez Valley, are a major attraction to both residents and visitors. Views of mountains, grazing lands, agricultural crops,

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vineyards, natural ridgelines, and annual grasslands provide some of the prominent elements of the County's rural landscape.

High-Intensity Petroleum Operations will increase the number of unsightly oil derricks along with more conspicuous drill rigs, pumping units, and other surface equipment and facilities in the County. Smog from increased VOC emissions will cloud our cherished scenic views. Our rural roads will be increasingly used by heavy industrial trucks, which will degrade road conditions and heighten noise, traffic, and safety concerns.

8. High-Intensity Petroleum Operations Could Harm the County's Biological Resources. Santa Barbara County contains a variety of habitats including grasslands, riparian woodlands, and aquatic habitats. These and other habitat types provide high conservation value for the preservation of rare, threatened, and endangered plant and wildlife species.

High-Intensity Petroleum Operations will harm important biological resources within the County by encouraging well exploration and expanding the footprint of oil and gas operations. Industrial activity at well sites, including well drilling, surface pad and road construction, and the associated noise and air pollution, are known to degrade and destroy habitat.

9. Permitting High-Intensity Petroleum Operations Is Not the Way to Grow a Healthy Economy. High-Intensity Petroleum Operations do not provide the long-term local job opportunities that are necessary for a healthy, sustainable local economy. Rather, rapid development of oil resources can lead to "boom-and-bust" growth that is ultimately harmful to the local economy. It is debatable whether High-Intensity Petroleum Operations will create many new jobs in Santa Barbara County in the long term, and they could degrade the assets and resources upon which a prosperous future for the County depends.

The people of Santa Barbara County wish to create 21st Century job opportunities in agriculture, visitor services, clean energy, renewables, and high technology that can be compatible with our existing economic strengths and the quality of our communities. Residents wish to protect and enhance a tourism sector that leverages our existing scenic, historical, agricultural, and environmental assets.

A healthy, sustainable economy requires developing a diversity of energy resources, such as wind and solar. The voters wish to support new renewable energy development to help meet California greenhouse gas reduction targets and to stimulate local businesses and the economy. High-Intensity Petroleum Operations are non-renewable, carbon-emitting extractive technologies that are incompatible with these goals and with preserving what makes Santa Barbara County a desirable place to live and work.

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SECTION 2: COMPREHENSIVE PLAN AMENDMENTS

The Healthy Air and Water Initiative to Ban Fracking ("Initiative") hereby amends the Santa Barbara County Comprehensive Plan ("Comprehensive Plan"), as amended through March 18, 2014 ("submittal date"). Text to be inserted in the Comprehensive Plan is indicated in bold type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

- A. The Land Use Element is hereby amended to add the following new "Land Use Development" Policy number 14.

Policy 14. Land Uses Supporting High-Intensity Petroleum Operations Are Prohibited

1. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s) is prohibited on all lands within the County's unincorporated area.

This Policy applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Policy does not apply to onshore facilities that support offshore exploration or production from offshore wells.

2. Definitions.

"High-Intensity Petroleum Operations" mean (1) Well Stimulation Treatments and/or (2) Secondary and Enhanced Recovery Operations.

"Well Stimulation Treatment" means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments.

"Hydraulic Fracturing Treatment" means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

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"Acid Well Stimulation Treatment" means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.

"Secondary and Enhanced Recovery Operation" means any operation where the flow of hydrocarbons into a well are aided or induced with the use of injected substances including but are not limited to the introduction or injection of water and natural gas, steam, air, CO₂, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

"Effective Date" means the date that the Healthy Air and Water Initiative to Ban Fracking became effective pursuant to State law.

3. This Policy 14, along with other implementing provisions in the County Code, were adopted by the Healthy Air and Water Initiative to Ban Fracking and may not be amended or repealed except by a vote of the people.
- B. Coastal Land Use Plan (which is part of the Local Coastal Program) Section 3.6.4 "Land Use Plan Proposals," regarding "Oil and Gas Wells," is hereby amended to add the following new Policy number 6-5D. Amendments to the Local Coastal Program require certification by the Coastal Commission before they may take effect.

Policy 6-5D. Land Uses Supporting High-Intensity Petroleum Operations Are Prohibited

1. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s) is prohibited on all lands within the County's unincorporated area.

This Policy applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area,

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including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Policy does not apply to onshore facilities that support offshore exploration or production from offshore wells.

2. Definitions.

"High-Intensity Petroleum Operations" mean (1) Well Stimulation Treatments and/or (2) Secondary and Enhanced Recovery Operations.

"Well Stimulation Treatment" means any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments.

"Hydraulic Fracturing Treatment" means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

"Acid Well Stimulation Treatment" means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include acid matrix stimulation treatments and acid fracturing treatments. Acid matrix stimulation treatments are acid treatments conducted at pressures lower than the applied pressure necessary to fracture the underground geologic formation.

"Secondary and Enhanced Recovery Operation" means any operation where the flow of hydrocarbons into a well are aided or induced with the use of injected substances including but are not limited to the introduction or injection of water and natural gas, steam, air, CO₂, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

"Effective Date" means the date that the Healthy Air and Water Initiative to Ban Fracking became effective pursuant to State law.

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3. This Policy 6-5D, along with other implementing provisions in the County Code, were adopted by the Healthy Air and Water Initiative to Ban Fracking and may not be amended or repealed except by a vote of the people.

SECTION 3: COMPREHENSIVE PLAN CONFORMING AMENDMENTS

In light of the Comprehensive Plan amendments set forth above in Section 2 of this Initiative, the Comprehensive Plan is hereby further amended as set forth below in order to promote internal consistency among the various sections of the Comprehensive Plan. Text to be inserted in the Comprehensive Plan is indicated in bold type. Text to be deleted from the Comprehensive Plan is indicated in ~~strike through~~ type. Text in standard type currently appears in the Comprehensive Plan and is not changed or readopted by this Initiative. The page numbers referenced in these amendments are the page numbers shown on the individual Comprehensive Plan elements posted on the County's webpage. To prevent confusion, text that already appears in bold type in the Comprehensive Plan has been unbolded in this Initiative, and footnotes in the Comprehensive Plan that are not amended by this Initiative have not been included in the text shown in the Initiative. The language in the following amendments may be further amended without a vote of the people in the course of future updates and revisions to the Comprehensive Plan, provided that any such amendments do not conflict with any provisions of Section 2 of this Initiative.

A. To the Land Use Element make the following changes:

- (i) To "Agriculture," on page 135, add the following bold text:

AGRICULTURE

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals. For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form which have been grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities.

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In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.

- (ii) To "Coastal-Related Industry," on page 141, add the following bold text:

Coastal-Related Industry

The intent of this designation is to recognize that, although certain industrial uses are directly dependent on coastal-dependent development or uses, they themselves do not strictly qualify as coastal-dependent uses. Examples include those industrial and energy facilities which support coastal-dependent uses such as offshore oil platforms, but do not require a site on or adjacent to the sea to be able to function at all. Determination of what types of uses qualify as coastal-related industry rather than coastal dependent industry must be made case-by-case since several project specific or geographic-specific variables may influence such determination, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.

- (iii) To "General Industry," on page 141, add the following bold text:

General Industry

All industrial uses, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.

- (iv) To "Mineral Resource Area," on page 144, add the following bold text:

Mineral Resource Area - An area of known deposit of metallic and non-metallic resources and mineral fuel. Extraction is permitted in these areas with the required permits and environmental safeguards, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.

- (v) To "Petroleum Resource Industry," on page 145, add the following bold text:

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Petroleum Resource Industry - An area for the processing with or without extraction of petroleum products, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.

- (vi) To "Urban Area," on page 145, add the following bold text:

Urban Area - An area shown on the land use map within which is permitted the development of residential, commercial, and industrial activity, and their related uses, buildings and structures, including schools, parks, utilities, etc. Mineral extraction (including oil) and related uses are permitted in urban areas outside the coastal zone, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these areas and all other designations in accordance with Policy 14. Open spaces and recreational activities and related uses are permitted and encouraged throughout the Urban area. Agriculture is permitted and encouraged in the Urban area when it is surrounded by urban uses. When adjacent to a Rural area, agriculture shall be in the Rural area.

- (vii) To "Inner-Rural Area," on page 146, add the following bold text:

Inner-Rural Area - An area shown on the land use map within which development is limited to rural uses such as agriculture and its accessory uses, mineral extraction (including oil) and its accessory uses, recreation (public or private), ranchette development, agricultural parcels, and uses of a public or quasi-public nature, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this area and all other designations in accordance with Policy 14. These areas shall be adjacent to designated Urban Areas. The minimum permitted lot size shall be five acres, with the sole exception of any parcel(s) to be owned and used solely by a public agency, consistent with the "Public Facilities" Policies of this Element. Residential development denser than one unit per five acres, commercial, industrial, and other intensive urban uses shall be reserved for Urban Areas and excluded from areas designated Inner-Rural. Agricultural and open space preserves and related uses are to be encouraged. Recreational activities in these areas should be compatible with ranchette and agricultural uses. Existing smaller lot neighborhood developments are permitted within the Inner-Rural area only in designated locations.

- (viii) To "Rural Area," on page 146, add the following bold text:

Rural Area: An area shown on the land use map within which development is limited to agriculture and related uses, mineral (including oil) extraction

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and related uses and activities, recreation (public or private), low density residential and related uses and uses of a public or quasi-public nature, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this area and all other designations in accordance with Policy 14. The minimum lot size permitted within this area is 40 acres, with the sole exception of any parcel(s) to be owned and used solely by a public agency, consistent with the "Public Facilities" Policies of this Element. Existing smaller lot neighborhood developments are permitted within the Rural Area only in designated locations.

- (ix) To "North County Consolidation Planning Area (NCCPA)," on page 149, add the following **bold text**:

NORTH COUNTY CONSOLIDATION PLANNING AREA (NCCPA) --

A planning area for oil and gas development (other than land uses in support of High-Intensity Petroleum Operations prohibited under Policy 14) in the western portion of Santa Barbara County, defined by the following boundaries: the Santa Barbara County – San Luis Obispo County boundary to the north, the three-mile offshore limit line to the west, the Santa Ynez Mountain ridge line to the south, and to the east, U.S. 101 north to CA 154, east along CA 154 to CA 176, north along CA 176 until it turns in a general northwesterly direction, east to the Los Padres National Forest boundary just south of Lookout Mountain, north along the National forest boundary to the County Line. Maps of this oil and gas consolidation planning area are provided in the siting study incorporated into this element under Land Use Development Policy #11.

- B. To the Coastal Land Use Plan (which is part of the Local Coastal Program), make the following changes:

- (i) To section 3.6.3 "Planning Areas and Applicable County Regulations," on pages 60-61, add the following **bold text**:

**3.6.3 PLANNING AREAS AND APPLICABLE COUNTY
REGULATIONS**

Oil and gas is produced from onshore fields, State Tidelands fields, and the Federal Outer Continental Shelf (OCS). The State Tidelands encompass submerged lands that extend 3 nautical miles seaward of the mean high tide. The OCS extends seaward of the 3-mile line.

Historically, oil and gas development within the Coastal Zone was extensive.

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The County established three oil and gas planning regions as follows:

- a. The Carpinteria Valley Consolidation Planning Area (CVCPA): an oil and gas planning region that is bounded by the Santa Barbara County - Ventura County boundary to the east, the three-mile offshore limit line to the south, the City of Santa Barbara eastern boundary to the west, and to the north ridge of the Santa Ynez Mountains.
- b. The South Coast Consolidation Planning Area (SCCPA): an oil and gas planning region that is bounded by the City of Santa Barbara to the east, the three-mile offshore limit line to the south, Point Arguello to the west, and the ridge of the Santa Ynez Mountains to the north.
- c. The North County Consolidation Planning Area (NCCPA): an oil and gas planning area that is bounded by the Santa Barbara County-San Luis Obispo County boundary to the north, the three-mile offshore limit line to the west, the ridge of the Santa Ynez Mountains to the south, and to the east U.S. 101 north to CA 154; east to CA 176; north until it turns in a northwesterly direction, east to the Los Padres National Forest boundary just south of Lookout Mountain, and National Forest boundary north to the County line.

On March 26, 1996 the voters approved an initiative, Measure A96, that makes legislative approvals for directional drilling projects (as well as other onshore facilities that support offshore oil and gas development) subject to voter approval unless they are located within the Gaviota Consolidated Oil and Gas Planning Area (defined by the initiative as APNs 81-130-07 and 83-220-19 in their entirety as of June 13, 1995). A portion of these two sites is partially designated for industrial uses to accommodate facilities for processing oil and gas production from offshore reservoirs (M-CD and M-CR zone designations). Based on current projections of future oil and gas production, there is no need to expand the M-CD and M-CR designated portions of these two planning areas to accommodate additional processing facilities. In response to the Molino Project proposal and Measure A96, the County determined that onshore exploration and production of offshore oil and gas reserves is allowed from the Consolidated Planning Areas. Moreover, any new exploration and production operations within the two Consolidated Planning Areas will likely be safer if these exploration and production operations are separated from consolidated processing activities. Consequently, the County has designated M-CD and M-CR zones within the Consolidated Planning Areas for processing, and the AG-II and M-CR zones within the Consolidated Planning Areas for exploration and production of offshore reserves, in order to separate these activities within the Consolidated Planning Areas to accommodate safety concerns.

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Although production and processing may occur within the M-CR zone designation, specific production projects can be separated from processing facilities based on a case-by-case analysis of safety impacts.

As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to onshore exploration and/or production of offshore oil and gas reservoirs.

- (ii) To section 3.6.4 "Where," on page 62, add the following bold text:

Where

Oil and gas wells dedicated solely to exploration or production of onshore oil and gas fields are permitted in Coastal Dependent Industry and Agriculture II designations and are conditionally permitted uses in Mountainous Areas, Open Lands, Rural Residential, and all other Industrial classifications (refer to Table 3-1), provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these and all other designations in accordance with Policy 6-5D. Oil and gas wells dedicated to exploration or production of offshore oil and gas fields are permitted in Coastal Related Industry and Agricultural II designations only within the Las Flores Canyon Consolidated Oil and Gas Processing Site as specified in policies 6-5B and 6-5C, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in these and all other designations in accordance with Policy 6-5D. By retaining the AG-II designation within the Consolidated Oil and Gas Processing Site, the County limits the use of industrially zone (MC-R and MC-D) areas within the Consolidated Oil and Gas Processing Site available for processing facilities; and also, by allowing certain exploration and production in AG districts, but not processing, the County provides for the separation of processing and production to accommodate safety concerns.

- (iii) To Section 3.6.4 "Policy 6-5C," on page 64, add the following bold text:

Policy 6-5C: Exploration or production of offshore oil and gas reservoirs (including reservoirs which traverse the mean high tide line) from onshore sites shall be restricted to locations within the Las Flores Canyon Consolidated Oil and Gas Planning Site which comprises the parcels identified in Policy 6-5B.2 above. Such exploration and production is compatible with AG-II and MC-R designated land uses within this Consolidated Oil and Gas Processing Site. The Healthy Air and Water

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Initiative to Ban Fracking applies to such exploration and/or production, however, such that land uses in support of High-Intensity Petroleum Operations are prohibited pursuant to the Initiative.

- (iv) To Appendix B, "Agriculture," on page 221, add the following bold text:

AGRICULTURE

The purpose of an agriculture designation is to identify and preserve agricultural land for the cultivation of plant crops and the raising of animals. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land (see Appendix A), land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts. Plant crops include food and fiber crops, orchards, field crops, nurseries, and greenhouses. Animal raising includes grazing and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses, buildings and structures related to the agricultural use of the site, and uses of a public works, public service, or public utility nature. In the coastal zone, oil drilling and related activities are permitted in AG II, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 6-5D.

- (v) To Appendix B, "Open Lands (100 or 320 Acres Minimum Parcel Size)," on page 222, add the following bold text:

OPEN LANDS (100 OR 320 ACRES MINIMUM PARCEL SIZE)

These areas are lands which have outstanding resource values, are subject to environmental constraints on development, and have no agricultural potential. One principal residence and one guest house (no kitchen) per specified minimum parcel size are permitted in this category provided that the dwelling is sited to minimize impacts on sensitive areas. Resource dependent uses such as sand-mining and oil well drilling may be allowed subject to a conditional use permit, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 6-5D.

- (vi) To Appendix B "Coastal-Dependent Industry," on page 225, add the following bold text:

Coastal-Dependent Industry - the intent of this land use designation is to recognize that certain industrial uses are coastal-dependent industrial uses.

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Coastal-Dependent Industrial Uses are those industrial uses which require a site on, or adjacent to, the sea to be able to function at all. Determination of what types of uses qualify as coastal-dependent industry shall be made on a case by case basis because the project-specific variables so directly influence such determination. Examples of coastal-dependent industrial uses, as identified in Section 30001.2 of the Coastal Act, include offshore petroleum and gas development, commercial fishing facilities and ports (i.e., those industrial components of commercial fishing facilities and port/harbor areas). Additional examples of industrial uses which could be determined to be coastal-dependent based on the project-specific variables include: oil and gas processing facilities, marine terminals, industrial piers and staging areas, port and harbor areas, fishing facilities, ocean-oriented aquaculture including fish hatcheries, and areas for deploying oil spill cleanup equipment. Uses that are not strictly coastal-dependent, but either need access to the ocean under special conditions (for example, thermal power plants sited to take advantage of ocean cooling water) or are directly dependent on a coastal-dependent use (such as processing facilities which do not require a site on or adjacent to the sea to be able to function at all) are classified as Coastal-Related Industry (see definition below). Policies governing these uses are specified in section 3.6. As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to land uses in this and all other designations.

- (vii) To Appendix B "Coastal-Related Industry," on page 225, add the following bold text:

Coastal-Related Industry - the intent of this designation is to recognize that certain industrial uses are coastal-related industrial uses. Coastal Related Industrial Uses are those industrial uses which are directly dependent on coastal-dependent development or uses. Determination of what types of uses qualify as coastal-related industry rather than coastal-dependent industry shall be made on a case-by-case basis since the project-specific variables so directly influence such determination. Examples of coastal-related industry include those industrial and energy facilities which directly support coastal dependent uses as offshore oil platforms, but may not require a site on or adjacent to the sea to function at all. Policies governing these uses are specified in Section 3.6. As provided in the Healthy Air and Water Initiative to Ban Fracking, the People of Santa Barbara County prohibited land uses in support of High-Intensity Petroleum Operations in all designations of the County; this prohibition applies to land uses in this and all other designations.

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C. To the Agricultural Element make the following changes:

- (i) To "Agricultural Land Use Definitions," on page 10, add the following bold text:

AGRICULTURAL LAND USE DEFINITIONS

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals.

For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including appropriate related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted, provided, however, that land uses in support of High-Intensity Petroleum Operations are prohibited in this and all other designations in accordance with Policy 14.

The following designations provide a description of agricultural lands that identify the more essential and productive agricultural areas as well as the average, and marginally productive lands. These land use designations have the following priority ranking for the identification of agricultural value:

1. AC Agriculture Commercial
2. A-II Agriculture - II
3. A-I Agriculture - I

D. To the Conservation Element make the following changes:

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- (i) To "Environmental Impacts," on pages 165-167, add the following bold text:

ENVIRONMENTAL IMPACTS

Generally, knowledge about potential adverse environmental impacts resulting from mineral resource extraction in the County is quite limited. Only a few activities have been studied in detail, and even for these the record still is spotty. As a result, it has not been possible to assess systematically the environmental impacts of each mineral extraction activity in the County. Before suggesting a procedure that might increase the flow of knowledge and improve the state of information on this subject, it may be helpful to review some of the problems that presently exist and to indicate some of the actions being taken to mitigate the adverse impacts.

The repercussions of an oil spill or blow-out at an onshore drilling site have been well documented in the popular press as well as in scientific journals. Under the direction of the California Oil and Gas Division, oil spill contingency plans for District 3, which includes Santa Barbara County, have been prepared. These plans are designed primarily to minimize adverse environmental impacts, particularly on natural drainage systems. State requirements also have been promulgated to curtail wastewater discharges into the ocean and to regulate Class I dump sites for disposal of oil field wastes. But the oil industry still needs to refine its fail-safe programs so that its imperfect record can be improved.

The major problems associated with mercury mining stems from the proximity of the Cachuma District Quicksilver Mines to Lake Cachuma. Because leaching from an open pit operation could reach the lake, the potential adverse impact on water quality must be scrutinized carefully. An environmental impact report being prepared in conjunction with a proposal to reopen these mines will examine the ability of the proposed new leaching method to meet federal standards and to safeguard water quality.

Mining diatomaceous earth presents similar problems that have not yet been fully resolved. Airblown particulate matter has a serious impact on air quality. In northern Santa Barbara County in 1970, over nine tons of particulate matter were emitted by mineral operations - a figure representing close to 70 per cent of the total amount of particulate matter emitted daily in this area. County Air Pollution Control District regulations have been relatively effective in reducing these emissions. To further reduce the level of emissions, the federal Environmental Protection Agency recently ordered that additional dust collectors be installed at the Lompoc mines. Buffer zones surrounding the diatomite mines, as well as around

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other mineral extraction activities, may be the only viable way to reduce their impact on particularly sensitive members of the population, including people with respiratory problems, young children, and the elderly.

Adverse environmental impacts from, rock, sand, and gravel operations are manifold. For example, the activities can undermine adjacent development, reduce detrital material flowing to the ocean, thereby aggravating coastal erosion problems, and pollute groundwater basins if the pits are backfilled without proper precautions. According to one study, sand and gravel mining in the Santa Ynez River and the Santa Maria River during the period from 1945-55 removed one quarter to two-thirds, respectively, of these rivers' annual estimated sediment yield. Continued production at this rate could seriously impair beach formation along the northern section of the Santa Barbara Coast (Bowen and Inman, 1966, as cited in the South Central Coast Regional Commission's Report on Geology, 1974). The extent and severity of these potential problems in the County has not been studied in a systematic fashion, so it is not possible to determine what action might be necessary to correct potential adverse impacts.

In order for the County to be able to minimize adverse direct or indirect environmental impacts, it should have discretionary review authority over all mineral extraction activities on an annual basis, particularly over the expansion of present activities. This review should be conducted as prescribed under the California Environmental Quality Act. It may be that certain small operations do not have significant adverse environmental impacts, in which case they should be allowed to continue as at present or to expand if desired. However, in those instances in which the impacts of mining would pose a serious threat to the natural or human environment, the County should be able to curtail operations or to require that remedial action be taken in a timely fashion. In reviewing mineral resource activities' potential impacts, cumulative impacts on the environment must be considered, as well as the impacts of individual operations. For example, all of the sand and gravel operations in a river basin have to be analyzed collectively as well as individually, and the cumulative impact on sediment yield for beach formation and replenishment assessed. Similarly, projected waste discharges into the air or water from a proposed activity must be considered in the light of background levels of pollutants already being emitted and projected to be emitted by existing activities (and other projected activities) before reaching a decision on the particular proposal.

Pursuant to the Healthy Air and Water Initiative to Ban Fracking, the people of Santa Barbara County have found that High-Intensity Petroleum Operations create a serious and unacceptable threat to the

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County's air and water quality, water supplies, agricultural resources, scenic vistas, and environmental quality. Accordingly, the Initiative prohibits land uses in support of such High-Intensity Petroleum Operations in all designations in the County's unincorporated area as provided in Land Use Development Policy 14.

- (ii) To "Conclusions and Recommendations," on page 169, add the following bold text:

CONCLUSIONS AND RECOMMENDATIONS

Mineral resource extraction in the County makes a relatively important contribution to the local, state, and national economies, and, as such, should be encouraged, provided that it is consistent with Land Use Development Policy 14. At the same time, every effort should be made to minimize direct and indirect adverse environmental impacts, and to achieve and maintain federal and State standards of emissions controls and environmental quality. Much already has been done by the County to achieve these goals, the oil drilling ordinances and the air and water pollution control regulations being prime examples. However, the County and the cities should continue to push for necessary environmental safeguards, as well as to encourage exploration for new resource sites provided that such exploration is consistent with Land Use Development Policy 14. To meet these general objectives, the County and the cities should adopt the following policies on mineral resource extraction:

- In addition to the relevant policies within this Element, all proposed surface mining operations shall be required to be consistent with the policies contained in the other elements of the Santa Barbara County Comprehensive General Plan, all relevant sections of the Santa Barbara County Code, and all relevant sections of State law.
- Under provisions of the Surface Mining and Reclamation Act of 1975, the County must adopt ordinances to establish procedures for the review of site reclamation plans and issuance of permits to conduct surface mining operations. Within one year after State geologists map areas of mineral deposits, the County must establish resource management policies for incorporation into the Comprehensive Plan. The Board of Supervisors on October 23, 1978, adopted Ordinance No. 3065 (Case No. 77-0A-33), amending Santa Barbara County Zoning Ordinance No. 661 relative to surface

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mining operations and reclamation plan requirements. The State has not yet mapped County mineral resources.

- The County, in cooperation with responsible federal and State agencies, should undertake a study to evaluate its mineral resources, particularly rock, sand, and gravel, to determine how to protect and exploit them to meet future needs without adverse environmental impacts. The Comprehensive Plan then should be examined in light of the new information gleaned from this analysis, and revisions of the plan made as necessary to achieve maximum compatibility of mineral resource extraction programs with other planned land uses. The results of studies of offshore oil drilling also should be considered in this analysis.

- (iii) To "Extraction," on page 240, add the following bold text:

EXTRACTION

Most of the oil in Santa Barbara County is both "heavy" and "sour," meaning it is low gravity and high in sulfur content. Because of its low gravity, continued production of most of Santa Barbara County oil requires the use of enhanced recovery techniques, typically steam injection (the heat from the steam being necessary to increase the flow of the oil). This operation frequently requires a considerable consumption of fuel. In some cases as much as one barrel of oil is consumed for every two barrels produced under steam injection. The use of steam injection methods can also result in a significant increase in emissions from oil field operations. Due to this and other serious and unacceptable impacts, the people of Santa Barbara County adopted the Healthy Air and Water Initiative to Ban Fracking, which prohibits land uses in support of steam injection and other High-Intensity Petroleum Operations in all designations in the County's unincorporated area, as provided in Land Use Development Policy 14.

An additional problem faced by oil producers in recent years has been a dramatic rise in the cost of electricity, necessary to operate oil well pumps. Although information on Santa Barbara oil production electrical costs is not available, it has been estimated that electrical costs in the Long Beach area have escalated 300 percent in recent years, the single most important increase in operation costs.

- (iv) To "Marketing," on pages 240-241, add the following bold text and remove the following ~~strikethrough~~ text:

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MARKETING

The "heavy" and "sour" characteristics of Santa Barbara and California crude have produced additional problems at the consumer stage. The ability to market heavier fuel oils, the cheapest and most logical product for California crude, has been made difficult not only because of the new surge of supplies mentioned previously, but because of existing environmental restrictions on the consumption of these fuels. The electric utility companies are a large consumer of fuel oils, but growing air quality concerns have led to restrictions on the percentage of sulfur content permitted in the fuel consumed. The result has been an increasing dependence of West Coast refiners and utility companies on low-sulfur oil sources, notably Indonesia.

Because of problems associated with extraction, processing, and consumption of California oil, production of Santa Barbara County oil has not responded to the opportunities arising from the worldwide increase in the price of petroleum. By 1977-78, the problem became one of not only continued decline in production, but the threat of production being "shut-in." Some 200-300 wells were reported shut-in in California. Only a few of these occurred in Santa Barbara County, but a number of other operators felt compelled to restrict production.

Belated action on the part of the federal government finally came in 1978. Since the prospect of losing California oil production contradicted the stated federal objective of increasing domestic production, the Department of Energy has taken several steps to remove a number of the obstacles mentioned above. The entitlement program was restructured to permit greater incentives to refiners to accept the heavier California crude, and exemptions have been granted to permit the "export" of California crude to refineries elsewhere in the U.S. which have a need for this crude. Several measures of the pending National Energy Plan are likely to continue or extend the incentives necessary to encourage California oil production.

With the removal of many of the constraints, oil production in the County can be expected to reverse its decline and could conceivably lead to both an expansion of production in existing fields and an interest in new development. Opportunities for expansion could exist in both the North County inland areas as well as along the Coast.

It is at this point that the County will play an important role in the future of mineral resources in the area. Expansion of production is almost certain to be accompanied by the use of enhanced recovery techniques, particularly steam injection. If steam injection is based on current

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technology, such production will have which has significant air quality implications. In general terms, the two stated original objectives of the Conservation Element (p. 181) - to encourage oil and gas development yet protect the environment - will have come into conflict. Pursuant to the Healthy Air and Water Initiative to Ban Fracking, the people of Santa Barbara County decided to resolve that conflict in favor of environmental protection and the protection of human health and safety. Accordingly the Initiative prohibits the use of any land within the County's unincorporated area in support of steam injection and other High-Intensity Petroleum Operations, as provided in Land Use Development Policy 14.

At a minimum, effective planning at the County level should include a coordination of oil developments in the inland areas, the coastal areas, and offshore. Since the County will be facing the prospects of new oil development in all these areas simultaneously, and since developments in one area could impact those in other areas, coordination will be essential. This is particularly true in terms of proposals for new oil-related facilities. Since much of the new activity onshore and offshore will be located in the North County, the County may be presented with new opportunities, perhaps in the form of consolidation of facilities, and new problems, most likely in the form of environmental quality.

SECTION 4: SANTA BARBARA COUNTY CODE AMENDMENTS

This Initiative hereby amends the Code of Santa Barbara County, California, also referred to as the Santa Barbara County Code (herein "County Code"). Text to be inserted in the County Code is indicated in bold type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

- A. To Chapter 35.42 of the Santa Barbara County Land Use and Development Code, add the following section 35.42.175.

35.42.175. High-Intensity Petroleum Operations.

High-Intensity Petroleum Operations Prohibited. Notwithstanding anything in this County Land Use and Development Code or any other County ordinance or resolution to the contrary, the development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s), as defined in the Comprehensive Plan Land Use Development Policy 14, is prohibited and is not allowed in any zoning district (including special purpose zones and overlay zones), specific plan areas, or planned development areas, and shall

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not be approved through a Use Determination (Section 35.82.190) or any other action or inaction by the County.

This Section applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Section does not apply to onshore facilities that support offshore exploration or production from offshore wells.

- B. To Chapter 35.50 of the Santa Barbara County Land Use and Development Code, add the following section 35.50.030:

35.50.030. Compliance with the Healthy Air and Water Initiative to Ban Fracking.

The Healthy Air and Water Initiative to Ban Fracking ("Initiative"), adopted by County voters, prohibits land uses in support of High-Intensity Petroleum Operations, as provided in Section 34.42.175 of this Land Use and Development Code and in Comprehensive Plan Land Use Development Policy 14. Nothing in this Article 35.5 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Article shall be consistent and in compliance with the provisions of the Initiative. No use permit, development plan, exploration plan, production plan, specific plan, coastal development permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

- C. To Chapter 25, "Petroleum Code," add the following Section 25-44:

Sec. 25-44. Compliance with the Healthy Air and Water Initiative to Ban Fracking Initiative.

The Healthy Air and Water Initiative to Ban Fracking ("Initiative"), adopted by County voters, builds upon the provisions of this Chapter 25 by providing whether and where land uses in support of certain Petroleum Operations may occur within the County's unincorporated areas. Nothing in this Chapter 25 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Chapter 25 shall be consistent and in compliance with the provisions of the Initiative. No well permit, drilling permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

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- D. To Chapter 35, "Zoning," Article II, "Coastal Zoning Ordinance of Santa Barbara County" (which is part of the Local Coastal Program) add the following Section 35-144M.

Section 35-144M. High-Intensity Petroleum Operations Prohibited. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, in support of High-Intensity Petroleum Operation(s), as defined in Comprehensive Plan Land Use Development Policy 14, is prohibited and is not allowed in any zoning district (including special purpose zones and overlay zones), specific plan areas, or planned development areas within the County's unincorporated area, and shall not be considered a similar use under Division 4, Zone Districts (Section 35-68 through 35-93A) or be approved through any other action or inaction by the County.

This Section 35-144M applies to land uses in support of all onshore exploration and onshore production in the County's unincorporated area, including but not limited to onshore exploration and onshore production of offshore oil and gas reservoirs. This Section does not apply to onshore facilities that support offshore exploration or production from offshore wells.

- E. To Chapter 35, "Zoning," Article II, "Coastal Zoning Ordinance of Santa Barbara County" (which is part of the Local Coastal Program) add the following section 35.150.2.

Section 35.150.2. Compliance with the Healthy Air and Water Initiative to Ban Fracking.

The Healthy Air and Water Initiative to Ban Fracking ("Initiative"), adopted by County voters, prohibits land uses in support of High-Intensity Petroleum Operations, as provided in Section 35-144M of this Coastal Zoning Ordinance and Policy 6-5D of the Coastal Land Use Plan. Nothing in this Division 9 shall be construed as authorizing or allowing land uses prohibited by the Initiative. All actions taken under this Division shall be consistent and in compliance with the provisions of the Initiative. No use permit, development plan, exploration plan, production plan, specific plan, coastal development permit, or other discretionary entitlement shall be granted, modified, extended, or enforced, through action or inaction, that is inconsistent with the provisions of the Initiative.

SECTION 5: EXEMPTIONS FOR CERTAIN PROJECTS

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- A. The provisions of this Initiative shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or of the State of California.
- B. In the event a property owner contends that application of this Initiative effects an unconstitutional taking of property, the property owner may request, and the Board of Supervisors may grant, an exception to application of any provision of this Initiative if the Board of Supervisors finds, based on substantial evidence, that both (1) the application of any aspect of this Initiative would constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.
- C. The provisions of this Initiative shall not be applicable to any person or entity that has obtained, as of the Effective Date of this Initiative, a vested right, pursuant to State law, to conduct a High-Intensity Petroleum Operation.

SECTION 6: IMPLEMENTATION

- A. **Effective Date:** Upon the effective date of this Initiative, (1) the provisions of Sections 2 and 3 of the Initiative are hereby inserted into the County of Santa Barbara Comprehensive Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the Comprehensive Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this Comprehensive Plan amendment shall be the first amendment inserted into the County of Santa Barbara Comprehensive Plan on January 1 of the next year; and (2) the provisions of Section 4 of the Initiative are hereby inserted into the Santa Barbara County Code as an amendment thereof. Upon the effective date of this Initiative, any provisions of the County Code or of any other County of Santa Barbara ordinance or resolution that are inconsistent with the Comprehensive Plan amendments and County Code amendments adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- B. **Interim Amendments:** The date that the notice of intention to circulate this Initiative was submitted to the elections official of the County of Santa Barbara is referenced herein as the "submittal date." The County of Santa Barbara Comprehensive Plan in effect on the submittal date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the County of Santa Barbara. In order to ensure that nothing in this Initiative measure would prevent the Comprehensive Plan from being an integrated, internally consistent, and compatible statement of the policies of the County, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the Comprehensive Plan that is adopted between the submittal date and the date that

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the Comprehensive Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the Comprehensive Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the Comprehensive Plan. Likewise, any amendment to the County Code that is adopted between the submittal date and the date that the County Code is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the County Code provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the County Code.

- C. **Other County Ordinances and Policies:** The County of Santa Barbara is hereby authorized and directed to amend the County of Santa Barbara Comprehensive Plan, all specific or community plans, the County Code, including the County Land Use and Development Code, the Coastal Zoning Ordinance, and the Petroleum Code, and other ordinances and policies affected by this Initiative as soon as possible as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the Comprehensive Plan; specific or community plans; the County Code, including the County Land Use and Development Code, the Coastal Zoning Ordinance, and the Petroleum Code; and other County ordinances and policies.
- D. **Reorganization:** The Comprehensive Plan and County Code may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the Comprehensive Plan and County Code, provided that the provisions of Section 2 this Initiative shall remain in the Comprehensive Plan, and the provisions of Section 4 of this Initiative shall remain in the County Code, unless earlier repealed or amended by vote of the people of the County.
- E. **Implementing Ordinances:** The Board of Supervisors is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- F. **Enforcement and Defense of Initiative:** The Board of Supervisors shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.
- G. **Project Approvals:** Upon the effective date of this Initiative, the County and its departments, boards, commissions, officers, and employees shall not grant, or by inaction allow to be approved by operation of law, any comprehensive plan amendment, rezoning, specific plan, subdivision map, use permit, development plan, exploration plan, production plan, coastal development permit, building

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permit, development agreement, or any other discretionary entitlement which is inconsistent with this Initiative.

- H. **Coastal Commission Certification:** Following the effective date of this Initiative, the County of Santa Barbara is hereby authorized and directed to submit the Initiative's amendments to the Coastal Land Use Plan and the Coastal Zoning Ordinances, along with any necessary supporting documents, to the California Coastal Commission for certification as an amendment to the Santa Barbara County Local Coastal Program. If the three amendments to the Santa Barbara Local Coastal Program permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this amendment to the Santa Barbara Local Coastal Program shall be the first amendment submitted to the California Coastal Commission for certification on January 1 of the next year. The voters further wish to submit the Initiative's amendment to the Local Coastal Program as an amendment that will take effect automatically upon the California Coastal Commission's approval.

SECTION 7: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT

This Initiative adopts a comprehensive scheme for managing whether and where land uses in support of High-Intensity Petroleum Operations may occur within the County's unincorporated areas. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses the location of land uses supporting petroleum operations, or conflicts with any provision of this Initiative, shall be deemed to conflict with the entire cohesive scheme adopted by this Initiative. Because of this conflict, if this Initiative and any such other Santa Barbara County measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 7, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 8: SEVERABILITY AND INTERPRETATION

This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and County laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If

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any provision of this Initiative is held invalid as applied to any person or circumstances such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve its purpose. Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 9: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the County.

IMPARTIAL ANALYSIS BY COUNTY COUNSEL
MEASURE P2014

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JUL 21 2014

Measure P was placed on the ballot following a petition signed by the requisite number of voters: SANTA BARBARA COUNTY ELECTIONS

If approved by a majority of the voters voting thereon, Measure P would, upon becoming effective:

1. Where it applies, generally prohibit the "development, construction, installation, or use" of any facility or aboveground equipment "in support of" what it defines as "High-Intensity Petroleum Operations," including:

- "Well Stimulation Treatments," which Measure P defines as "designed to enhance oil and gas production or recovery by increasing the permeability of the formation," including but not limited to hydraulic fracturing treatments and acid well stimulation treatments; and/or
- Operations where the flow of hydrocarbons into a well are aided or induced by "introduction or injection of" water, natural gas, steam, air, carbon dioxide, nitrogen, chemicals, or any other substance. Measure P states that examples of this include: "waterflood injection," "steam flood injection," and "cyclic steam injection;"

2. Apply to land uses in the unincorporated area of Santa Barbara County "in support of all onshore exploration and onshore production in the County's unincorporated area," but not apply to onshore facilities that support offshore exploration or production from offshore wells;

3. Provide exemptions, where the general prohibition described above otherwise would:

- Violate the constitution or laws of the United States or the State of California; or
- Constitute an "unconstitutional taking of property;" or
- Apply to a person or entity that has obtained, as of Measure P's effective date, a "vested right" pursuant to State law to conduct what Measure P defines to be "High-Intensity Petroleum Operations."

In applying these exemptions, Measure P: generally states how the Board of Supervisors may grant a limited exception to avoid an "unconstitutional taking of property," does not state a County process for considering and applying the other two exemptions, but states that the Board of Supervisors may adopt implementing ordinances to further Measure P's purposes; and

4. Act through:

- Itself amending parts of the County's: Comprehensive Plan; Land Use and Development Code; Coastal Zoning Ordinance; and Petroleum Code; and
- Directing the County to further amend County plans, ordinances and policies to ensure consistency with Measure P.

State law expressly regulates and/or approves certain oil and gas production methods statewide, while Measure P generally would prohibit land uses in support of some of those methods in the unincorporated area of Santa Barbara County, including: "well stimulation treatments," "waterflood injection," "steamflood injection" and "cyclic steam injection." (Cal. Code Regs., tit. 14, §§ 1714, 1724.6, 1761, 1780-1788.) Concerning any potential effect of State law on it, Measure P: states the exemptions in numbered paragraph 3 above; directs that it be interpreted "so as to be consistent with all applicable Federal, State and County laws, rules and regulations;" and provides that if a court holds part of Measure P invalid or unconstitutional, the remaining parts of Measure P shall remain valid.



Michael C. Ghizzoni
County Counsel

July 21, 2014

ATTACHMENT T

PROPOSED APPLICATION MATERIALS FOR DETERMINATIONS OF EXEMPTION

It is the responsibility of the application to submit with the application any and all evidentiary support reasonably available at the time of application sufficient to establish the basis for the claim of exemption. At a minimum the application shall include:

1. Applicant name, address and telephone number.
2. Agent name, address and telephone number.
3. Property owner name, address and telephone number.
4. A description of the development claimed to be exempt and its location, including Assessor's Parcel Number and street address.
5. Site plan, development plan, grading plan, and construction or architectural plans.
6. A listing of:
 - a. All governmental approvals previously obtained for this development and list the date of each final approval. Attach copies of all approvals.
 - b. Any government approvals which have not yet been obtained and the status of the application or anticipated date of approval.
7. A listing of any conditions to which the approvals are subject and the date on which the conditions were satisfied or are expected to be satisfied.
8. A description of the nature and extent of work in progress or completed, including:
 - a. The date work commenced on each portion (e.g., foundation, grading, structural work).
 - b. Governmental approval pursuant to which portion was commenced.
 - c. Portions completed and the date of completion.
 - d. Status of each portion as of [effective date of this Ordinance].
 - e. Status of each portion of development on date of claim.
 - f. Amounts of money expended on portion of work completed or in project. Itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary governmental approvals.
9. A description of those portions of the development remaining to be constructed.
10. A listing of:
 - a. The amount and nature of any liabilities incurred that are not covered above and dates incurred.
 - b. Any remaining liabilities to be incurred and dates when these are anticipated to be incurred.
11. The expected total cost of the development, including expenses incurred in securing any government approvals.
12. The proposed phasing plan for development if anticipated to be in a series of phases or segments.
13. The anticipated date of completion of the total development.

The Director shall review the application submittal and may determine that the submittal of additional information is required prior to the commencement of processing of the application.



Clergy & Laity United
for Economic Justice

1500 State Street
Santa Barbara, CA 93101
clue@cluesb.org

Board of Directors

September 23, 2014

Rev. Mark Asman
Trinity Episcopal Church

Rebecca Claassen
Unitarian Society of
Santa Barbara

Maureen Earls
Catholic Faith Community

Jane Fehrenbacher
St. Anthony Community

Wayne Mellinger, Ph.D.
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Hilary Peattie
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Jeff Shaffer
Uffizi Missional Order;
Common Ground Santa
Barbara

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Dear Members of the Board of Supervisors:

The Board of Directors of **Clergy and Laity United for Economic Justice – Santa Barbara (CLUE-SB)**, after prayerful discernment, has chosen to **endorse the Healthy Air & Water Initiative – Measure P** on the November 2014 countywide ballot. We believe this is a watershed opportunity for our fellow local citizens to determine their future emphasis on energy usage. Instead of allowing future extraction of more oil from over 10,000 newly-proposed wells by companies in Santa Barbara County, using techniques like fracking, acidizing, and steam injection, they may choose to reduce carbon emissions by fostering a clean energy economy. We believe the risks to health and well being of all life in the county and beyond are too high to continue to rely on fossil fuels. Santa Barbara has been a bellwether in the awareness and stewardship of our local ecology, and can again inspire the state and the nation to choose an environmentally healthy energy future.

Sincerely yours,

John A. Michal, M.D.
CLUE-SB, on behalf of the Members of the Board
<http://www.cluesb.org>

CLUE Mission: The shared values of our faith and spiritual traditions inform and inspire us to work for economic justice in response to the needs of those marginalized by economic inequities in the Santa Barbara community.

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October 6, 2014

VIA EMAIL

Santa Barbara County Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101

Re: Measure P's Implementing Ordinances; Board of Supervisors October 7, 2014 Meeting, Departmental Agenda Item No. 1 (No. 14-00720)

Dear Chair Lavagnino and Honorable Members of the Board of Supervisors:

We write to you, once again, on behalf of a coalition of Santa Barbara County taxpayers, consumers and energy producers to express our strong opposition to Measure P. These Measure P implementing measures will do nothing to insulate the County and residents of the County from the financial liability and economic disaster that they are now facing as a result of Measure P.

Hard working men and women will lose their jobs, and businesses will shut down. The County will lose millions in tax revenues which fund the sheriff, fire, schools and other essential services. Communities will lose essential services that are critical for residents. And the County will be faced with tens of millions of dollars in legal costs, millions of dollars in staff costs and potentially hundreds of millions of dollars in compensation required to be paid by the County for takings of property rights. Your County Counsel confirmed that Measure P is the largest potential liability the County has ever faced.

Measure P would put a stop to virtually all existing on-shore oil and gas production in the County. And though it is being marketed by its proponents as a measure to prohibit hydraulic fracturing, there is no hydraulic fracturing in the County. But Measure P is so broadly drafted that it encompasses all conventional methods of production now in use in the County. The County has independently confirmed this. Measure P's true impact would be to halt virtually all oil and gas development in the County.

Measure P's purported "savings clause" will not "save" jobs, it will not save businesses, and it will not save the County from liability. And it would be a mistake to think that it will. In fact, these measures now before your Board, which are intended to implement Measure P's

LATHAM & WATKINS LLP

“savings clause,” will only increase the County’s administrative burden and costs and add to its litigation costs.

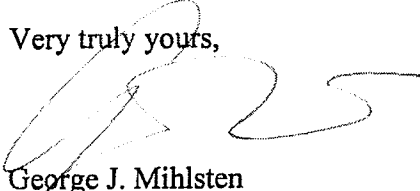
Moreover, it is premature and prejudicial for the County to adopt these implementing measures before the vote on Measure P. Santa Barbara County voters are still making up their minds, and official action by the County to implement Measure P before the election could be seen as an implied endorsement of Measure P and could unnecessarily interfere with the democratic process.

As we have indicated in our previous letters to the Board and to the Montecito and County Planning Commissions, which we incorporate by reference, the measures create tremendous uncertainty about the exemption process, and vest undefined discretion in the Director of Planning and the Board of Supervisors without clear standards to follow in exercising this discretion. California courts have warned strongly against giving public agencies this adjudicatory power, particularly where, as here, there are no clear standards for the collection and presentation of evidence to support a takings claim. Moreover, courts will retain the ultimate determination on these issues. Although the County will be spending millions in staff costs and taking hundreds of hours, perhaps thousands of hours, of the Board’s time to consider these exemption requests, each and every matter will be heard “de novo” by the courts regardless of the Board’s decisions. Additionally, the implementing measures are not exempt from CEQA, and the potential environmental impacts of the measures must be studied before they may be adopted.

Our coalition is strongly opposed to Measure P and believes that any effort to adopt implementing actions which would take effect upon its passage is improper *before* the November 4 election. Crippling uncertainty would result from the passage of Measure P, along with voluminous costs and liability for the County. These implementing measures will do nothing to fix the fundamental flaws in Measure P.

Thank you for your attention to these important issues.

Very truly yours,



George J. Mhlsten
of LATHAM & WATKINS LLP

cc: Michael C. Ghizzoni, County Counsel



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September 9, 2014

#1
D I R E C T O R S
BILL ROSEN, *PRESIDENT*
LAUREN HANSON, *VICE-PRESIDENT*
BERT BERTRANDO, *DIRECTOR*
JOHN F. CUNNINGHAM, *DIRECTOR*
RICHARD M. MERRIFIELD, *DIRECTOR*

G E N E R A L M A N A G E R
JOHN D. MCINNES

2014 SEP 15 AM 10:34

COUNTY OF SANTA BARBARA
CLERK OF THE
SUPERIOR COURT

Honorable Steve Lavagnino, Chairman, and
Members, Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County, Hydraulic Fracturing and Other Advanced Oil and Gas Extraction Processes

Dear Chairman Lavagnino and Members:

On behalf of the Goleta Water District (District) Board of Directors, I would like to thank you for your demonstrated leadership on issues pertaining to the oil extraction technique known as hydraulic fracturing. The Board of Supervisors' amendment of the Land Use and Development Code and Coastal Zoning Ordinance in 2011 enhanced permit requirements for hydraulic fracturing and increased local awareness of drilling operations in the County.

Groundwater from the Goleta Groundwater Basin is a critical and cost-effective component of the District water supply portfolio, which is used to serve a population of over 87,000 in the Goleta Valley. Given the breadth of scientific study on the potential effects of hydraulic fracturing and other advanced petroleum extraction processes on the natural environment, including water supplies, the County's ongoing vigilance in overseeing these and related activities is critical to protecting local water resources. The District encourages your Board to work with relevant organizations and state agencies to strengthen the environmental review process for hydraulic fracturing and other high intensity petroleum operations and to support regulations that will ensure adequate safeguards are in place to protect natural resources and public health and safety.

Worsening drought conditions and dwindling regional water supplies underscore the importance of protecting local groundwater resources. The health of the Goleta Groundwater Basin is vital to providing safe, reliable water supplies to the current and future residents of the Goleta Valley. The Goleta Water District Board of Directors encourages and appreciates your continued close oversight of oil and gas extraction activities in the County to support the District's ability to protect this critical community asset.

Please feel free to contact me should you have any questions or wish to discuss this further.

Sincerely,

BILL ROSEN
President
Goleta Water District Board of Directors

DAY CARTER MURPHY

#1

5620 American River Dr., Suite 305
Sacramento, CA 95834
T: 916.570.2500



Jane E. Luckhardt
jluckhardt@daycartermurphy.com

October 5, 2014

VIA EMAIL

Santa Barbara County Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
Attn: Clerk of the Board

Re: Board of Supervisors October 7, 2014 Meeting, Departmental Agenda Item No. 1,
Implementing Ordinances for Measure P

Dear Chair Lavagnino and Honorable Supervisors:

We are writing on behalf of our client, Santa Maria Energy, LLC ("Santa Maria Energy"), regarding the proposed amendments to Santa Barbara County ("County") zoning codes and general plan policies to implement Measure P ("Ordinance"). Santa Maria Energy has significant concerns about the adoption of the Ordinance prior to the election. Because of the County's well-founded concerns about its potential liability if Measure P passes, County Staff has attempted to craft an ordinance to limit the County's exposure to the extent possible from claims that will inevitably result from Measure P. We too feel the County will be placed in a very difficult position by Measure P. Unfortunately, this Ordinance cannot solve the problems created by Measure P. We have previously filed comment letters on the Ordinance and Measure P, and incorporate those letters by reference:

- Letter to Santa Barbara County Planning Commission dated September 2, 2014 expressing concerns with the Ordinance, and
- Letter to County Board of Supervisors dated June 12, 2014 expressing concerns regarding Measure P.

Santa Maria Energy's concerns with the Ordinance include: 1) timing, by adopting the Ordinance prior to the vote on Measure P a voter could assume the Board supports Measure P; 2) conclusory statements in the findings that the Ordinance will provide certainty wherein Measure P itself leaves many unanswered questions regarding well maintenance, vested rights and takings; 3) claims the Ordinance provides a clear process when the significant details regarding

information needed to make a showing have yet to be defined; and 4) the Ordinance process itself may be futile act for projects employing steam or acidizing technologies.

Adoption of the Ordinance creates the impression Measure P is a forgone conclusion. Santa Maria Energy appreciates the efforts made by County Staff to clarify the Ordinance does not endorse or prejudge the outcome of the election on Measure P. Nonetheless, not everyone reads the background information created by County Staff. The act of adopting the Ordinance prior to the election still leaves the impression passage of Measure P is presumed and potentially supported by the Board of Supervisors. Therefore, we request consideration of the Ordinance be delayed until after the election.

Adoption of the Ordinance cannot create certainty. The statements in the findings that the Ordinance will provide certainty are misleading. Unfortunately, the Ordinance cannot provide certainty to what will become case by case determinations that must be made by the County and are inherently fact specific. Whenever an existing or future operation is subject to another discretionary review, the outcome is not certain. Creation of a process does not create certainty. Another process creates another decision point and another opportunity for challenge. We note the Water Guardians' request for notice cannot be interpreted to mean anything other than their intent to challenge determinations by the County. (See Letter to Santa Barbara County Planning Commission dated August 21, 2014 from Rachel Hooper of Shute, Mihaly & Weinberger LLP at 2-3). Thus, existing and future operations are now subject to another avenue under which their projects can be challenged, creating yet additional uncertainty.

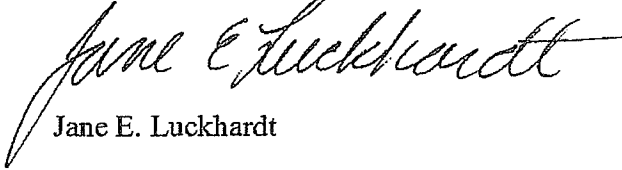
The information requirements are undefined. The Ordinance requires "sufficient evidence" to be provided. Since each situation will be unique, the information needed to meet this standard will be different for each project. The Ordinance does not provide enough specifics for an applicant to understand what information will be necessary to obtain an exemption from the County. Furthermore, for a takings determination, questions about what level of production, number of wells or amount of development meets Measure P's "only to the minimum extent necessary to avoid a taking" requirement has yet to be determined and is fraught with uncertainty.

For thermally enhanced recovery projects, the Ordinance process would be a futile act. The entire exercise of applying for a permit may in and of itself be a futile act if the method of extraction includes one of many banned practices, such as acidizing or steam injection. Through this Ordinance, the County is creating a process by which a mineral rights holder must complete the entire permitting review, committing extensive resources and multiple years, prior to knowing whether the proposed project qualifies for a taking exemption, despite the fact it knows the proposed extraction method is banned by Measure P. The courts do not require an entity to perform a futile act prior to filing a takings claim with the courts. Thus, mineral rights holders may not need to go through the Ordinance process of completing permitting for a banned practice because that exercise would be considered a futile act.

On behalf of Santa Maria Energy, we request the County correct the misleading statements and delay adoption of the Ordinance until after the election. Finally, we are not convinced the Ordinance is exempt from review under the California Environmental Quality Act as it expands the reach and requirements of Measure P, especially when the process itself may be a futile act.

Sincerely yours,

DAY CARTER & MURPHY LLP

A handwritten signature in cursive script, reading "Jane E. Luckhardt". The signature is written in dark ink and is positioned above the printed name.

Jane E. Luckhardt

Enclosure

cc: Michael C. Ghizzoni, Santa Barbara County Counsel
Beth Marino, Santa Maria Energy, LLC

Fidela Garcia

From: Jim Byrne <jb@noonmeasurep.com>
Sent: Wednesday, October 08, 2014 2:13 PM
To: Dave Durflinger
Cc: Brad Stein; Gregg Carty; Al Clark; Wade Nomura; Fred Shaw; Fidela Garcia; John Peschong; Jeff Wyley
Subject: "No on P"
Attachments: eng_SB Fact sheet_NOonP_11am_8242014.pdf

Hello Dave,

It was nice talking with you. I look forward to meeting you and presenting to the Carpinteria City Council on behalf of "No on Measure P" at your upcoming meeting this Monday.

As mentioned I have provided, as an attachment, our Fact sheet that outlines some of our main talking points and I have forwarded it on to the Council members, per your recommendation.

Thanks again Dave. If you have any questions, please, don't hesitate to call.

Best regards,

Jim Byrne

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Jim Byrne
Communications Director
"NO on MEASURE P"
Ph. (805) 714-8417
Fax: (805) 357-6007
Email: jb@noonmeasurep.com

The Oil and Gas Shutdown Initiative

A drastic, flawed and costly measure that would be bad for Santa Barbara County

Proponents of the anti-oil and gas initiative on the Santa Barbara November 2014 countywide ballot seek to portray their measure as a ban on hydraulic fracturing. But what the initiative would actually do is shut down the onshore oil and gas industry in our county.

Our Schools, Fire Protection and Other Public Services Would Lose Millions in Revenues Every Year.

The Initiative Is Not What it Seems

While initiative promoters attack hydraulic fracturing, the recently released Santa Barbara County impact analysis report on the initiative confirmed, "No wells in Santa Barbara County are hydraulically fractured" and there are no plans or permit applications to hydraulically fracture in Santa Barbara County in the future. The real impact of the provisions of this measure would be to shut down nearly all existing onshore oil and gas production in the County, and impose a ban on future onshore oil and gas production activity as well.

Shut Down Nearly All Existing Onshore Oil and Gas Production

Safe and productive onshore oil and gas operations have been an important part of Santa Barbara County's economy for over 100 years. This initiative includes drastic provisions that would shut down nearly all existing onshore oil and gas production in Santa Barbara County. As confirmed by the Santa Barbara County impact analysis report, one hundred percent of the active wells in the county today use one or more of the methods banned by the initiative.

Under the initiative:

- Using undrinkable water from oil and gas reservoirs to make steam is banned.
- All energy production methods that involve the injection of any substance into a well, even air, are banned.
- Routine well maintenance and well servicing activities, including substances commonly used to clean water wells and prevent algae in swimming pools, are banned.
- Constructing a road, building, tank or pipeline, "in support" of these methods is banned.

Proponents claim the initiative grants existing oil and gas operations with a "vested right" to continue operating. However, vested rights only apply when an oil or gas operation has all necessary discretionary permits. In order to operate and maintain an oil field, discretionary permits

are constantly needed (e.g., for maintenance and repairs, replacement of worn-out equipment, constructing supporting facilities or roads, etc.). The initiative prohibits the County from issuing any new discretionary permits. Thus, any "vested right" to continue operating would end as soon as a new discretionary permit is required. As a result, some wells and fields would be shut down quickly — in a matter of just weeks or months, while others might continue operating for several years.

It is estimated that within 5 years, at least 90% of existing oil and gas operations would cease operating.

Ban on All Future Oil and Gas Production

The Santa Barbara County impact analysis report confirms that none of the proposed oil and gas production wells in Santa Barbara County would use hydraulic fracturing. Yet this initiative would ban all new onshore oil and gas production in Santa Barbara County by prohibiting every method currently in use in the County to produce oil and gas. All oil and gas in the County is produced either using steam, or is produced together with non-drinkable, brackish water. That unusable water is reinjected back to where it came from. Since the initiative prohibits both the use of steam and the placing or replacing of any substances — including this produced water — into an oil or gas well, all future oil and gas production would be banned.

Loss of Revenues for Schools and Fire Protection

The Santa Barbara County impact analysis report found that, in 2013, the County received \$16.4 million in revenues from onshore oil and gas production. Of this, Santa Barbara County Schools received \$10.2 million and Santa Barbara County Fire Protection received \$2.1 million. If the initiative passes, millions in annual funding for our schools, fire protection, and other vital government services would be lost.

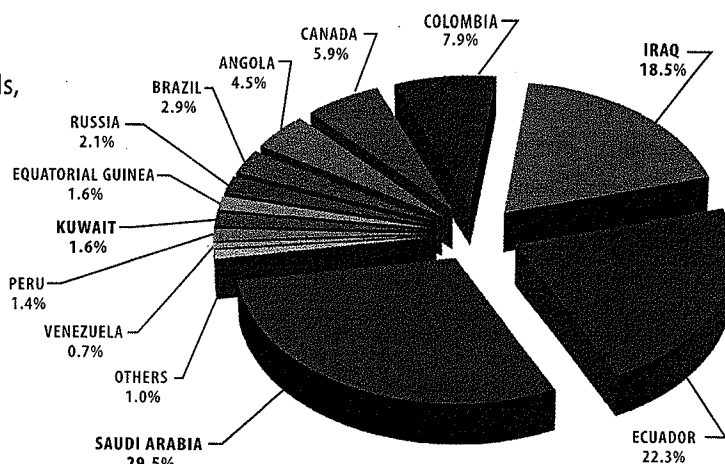
Measure P: The Oil and Gas Shutdown Initiative

Initiative Means that More Oil and Gas Will be Imported into California From Foreign Countries

As long as we need oil and gas to meet our energy needs, it is better that we produce it in California, where we have the most stringent environmental regulations in the world. Since we're driving cars that use gas, it doesn't make sense to ban oil and gas production in California and make us even more dependent on bringing in costly foreign oil by rail and tanker. We should be working towards achieving energy independence, so we don't have to rely on foreign countries with lax environmental regulations.

Foreign Sources of Crude Oil Imports to California 2013

50% of California's imported oil comes from the Middle East



Source: Energy Information Administration (EIA), Company-Level Imports

More Than a Thousand Jobs Lost and a Negative Economic Impact of Over \$291 Million

This deceptive initiative would cause more than a thousand well-paid, mostly blue collar men and women working in the oil and gas industry and many support companies for the industry to lose their jobs. That means higher unemployment and additional expenses for the County to support these men and women, and their families. These are people that work in the oil fields, support personnel in small manufacturing and service companies, truck drivers, mechanics and more. It also means that local stores and restaurants that rely on purchases from these companies and workers would suffer. Based on a 2013 UC Santa Barbara Economic Impact Study, Santa Barbara County's economy could lose over \$291 million that it receives each year from the oil and gas industry.



More than a thousand onshore oil and gas industry workers in Santa Barbara County would lose their jobs.

and oil and gas producers would lose their rights to produce oil and gas. This would entitle them to compensation from the County. It could cost the County millions of taxpayer dollars just to defend "takings" lawsuits. If the County loses, it faces potentially billions of dollars in claims and may be forced to shut down many essential public services.

STOP MEASURE P

For information on how you can help defeat this drastic, flawed and costly initiative, please contact us at:

**Santa Barbara County Coalition
Against the Oil and Gas Shutdown Initiative**

Website: NOonMeasureP.com

**Mail: 3710 State Street - Suite A
Santa Barbara, CA 93105**

Email: info@NOonMeasureP.com

Phone: (805) 979-4103 / Fax: (805) 357-6007

Paid for by No on P: A Coalition of Santa Barbara County Taxpayers, Consumers and Energy Producers, with major funding from Californians for Energy Independence committee, including energy producers and Santa Maria Energy, LLC

Biggest Financial Liability in County History

The U.S. and California Constitutions prohibit the government from taking property, including by initiative without paying for it. Mineral rights are a property right protected by the Constitution. If the initiative passes, mineral rights holders

STAFF REPORT
COUNCIL MEETING DATE
October 13, 2014

ITEM FOR COUNCIL CONSIDERATION

Status report on City of Carpinteria oil and gas regulations.

Report prepared by:

Jackie Campbell
Community Development Director


 Signature

Dave Durflinger
City Manager


 Signature

Jena Shoaf
City Attorney's Office


 Signature

ACTION ITEM X ; NON-ACTION ITEM

STAFF RECOMMENDATION: Consider the options presented and direct staff as determined appropriate.

I. BACKGROUND

On March 24, 2014 the City Council asked staff to analyze additional regulations on oil and gas development as part of the City's planned update to the Zoning Code and to provide an opportunity for the Council to consider:

- a. Directing that a prohibition on oil and gas drilling be included in the update; and
- b. Directing that a moratorium on oil and gas drilling be established until such time as new regulations are effective.

The context in which this matter is being considered includes a national controversy over well stimulation techniques, such as fracking, that has focused greater attention on oil and gas drilling practices and is raising new concerns about drilling in Santa Barbara

County. A voter initiative will be decided on November 4, 2014 that would curtail various well stimulation techniques in the unincorporated area of the County.

More locally, Venoco, Inc. has re-initiated the Paredon Project, an oil and gas exploration and production development permit request that was first proposed in 2004. After requesting that the City stop work on the processing of the Paredon Project application in 2009, Venoco supported a voter initiative, Measure J, which would have granted local permits for an oil and gas exploration and development project. Measure J was defeated by voters on June 8, 2010. The Paredon Project includes oil and gas exploration and production wells, which would constitute a change from the Carpinteria oil and gas plant's current use and development that supports production solely from offshore wells.

In this context and in light of the myriad coastal resource protection policies and regulations, oil and gas drilling projects proposed in Carpinteria may raise discussion of various public policy issues by interested parties.

The purpose of this agenda matter is to allow the City Council to determine if it wishes to direct staff to proceed with developing legislative alternatives to the City's current oil and gas regulations.

A. Summary of Oil and Gas History in Carpinteria

The Carpinteria area has a long history with the oil and gas industry. From the late 1800s through the 1930s, oil and gas exploration and production wells were common in the region. Due to the limits of technology and knowledge at the time, however, wells in Carpinteria were highly speculative and rarely successful. Oil and gas production, therefore, was not a significant element of the Carpinteria economy, which remained dominated by agriculture.¹

By World War II, onshore production in Santa Barbara County was focused on more successful areas to the north and inland parts of the county. By 1940, there were no producing onshore oil and gas fields in the Carpinteria-Summerland area.²

Offshore oil and gas exploration and production grew in the 1950s, and Carpinteria became the site of storage, transportation and processing facilities that supported the offshore, platform-based production wells. Today, the Carpinteria oil and gas facilities, with the exception of the Marketing Terminal storage tanks that were taken out of commission in 1985 and removed entirely as a part of a contaminated soil remediation project in 2000, appear much as they did in the 1950s.

By 1965 the City had incorporated and, although still dominated by an agricultural economy, had become a popular visitor destination and suburban residential area. Plans for the expansion of oil and gas processing facilities were perceived as potentially clashing with the City's plans for the growth and development of Carpinteria as a residential and tourist destination. Three City Council Resolutions passed between April 1967 and February 1968 (Resolution Nos. 80, 115 and 139) illuminate this conflict and express the City's concerns over the number, type and location of oil and gas facilities.

¹ An example of an exploratory well during this period is the Kittie Bailard well that was recently remediated by ConocoPhillips in 2012. A report by ConocoPhillips describes the well as being drilled by Continental Oil Company in 1929 and abandoned after being determined to be a "dry hole."

² Santa Barbara County Energy Division list of Oil and Gas Fields of Santa Barbara County.

The majority of recent projects at the Carpinteria oil and gas processing site have involved removal or consolidation of facilities, repairs and clean-up of soil contamination. The pending Paredon Project diverges from this trend by seeking to re-introduce onshore oil and gas exploration and production to the area.

B. Current Carpinteria Oil and Gas Operations

Oil and gas operations in Carpinteria are located on a contiguous 55-acre site at 5675 Carpinteria Avenue. The land is owned by Venoco,³ and includes facilities owned and operated by a variety of independent companies. Development of the site began around 1950 when construction was governed by County of Santa Barbara standards, before the City incorporated in 1965.

The site includes several Assessor's parcels. All but one parcel (the Buffer Area) have land use designations of Coastal Dependent Industry (CDI) and are zoned Coastal Industry District (M-CD). The Buffer Area has a land use designation of Open Space/Recreation (OSR) and is zoned Recreation (REC). Pipelines are used to transport oil and gas produced offshore to the various oil and gas processing facilities at the site.

The aerial photograph below shows the distribution of uses over the site. The Carpinteria Processing Facility (CPF) occupies over half of the site. The CPF processes oil and natural gas received via pipelines from offshore platforms and sends the processed product into other pipelines for distribution or transportation to other facilities for further processing. The CPF is operated by Venoco. The aerial photograph also shows to location of the proposed Paredon project.

An approximately 11-acre parcel that runs parallel to the length of Dump Road includes a small natural gas odorant and metering station where gas is received via pipeline from offshore platforms odorized, metered, pressurized and sent into The Gas Company's distribution pipeline. The gas odorant and metering station is operated by Dos Cuadros Offshore Resources (DCOR) and The Gas Company. A majority of the parcel is operated as a storage yard and supply base for offshore platform operations and is operated by OST Trucks and Cranes, Inc., and others. A portion of the site adjacent to Carpinteria Avenue is vacant and was the site of soil remediation work resulting from the use of DDT in historical agricultural operations.

A nearly 11-acre parcel directly south of and adjacent to the City Hall site is an oil spill response facility/storage yard operated by Clean Seas, LLC.

A nearly nine-acre parcel that runs along the site's western boundary with the Arbol Verde residential neighborhood functions as an open space buffer area.

[See image on following page]

³ In 1998, Chevron sold much of its assets in the region, including its Carpinteria assets, to Venoco, Inc.



Venoco and prior owners have operated the CPF since the 1960s. The CPF was constructed in 1959 and was originally built to receive oil and gas from Platforms Hilda, Hazel, Hope and Heidi, all of which were decommissioned in 1996. The CPF began receiving oil and gas production from Platforms Gail and Grace in 1988. Platform Grace ceased gas production in 1998 but still produces oil. Platform Gail is still in service producing both oil and gas.

In 2004, Venoco initiated a development proposal for oil and gas drilling from the CPF (the Paredon Project). The proposal included drilling up to 22 wells from the CPF into onshore and offshore fields. In 2009, Venoco requested that the City stop processing the Paredon Project development permit while it pursued approval of a similar project by voter initiative, Measure J. Measure J failed to receive voter approval and in 2013, Venoco reinitiated a modified Paredon Project application that includes onshore drilling into onshore reserves only. The application has been determined by the City to be complete and the City is currently initiating the environmental review process.

C. Regulatory Context

The City of Carpinteria provides regulatory oversight and permit compliance for existing oil and gas facilities through the M-CD zone district regulations in the Carpinteria Municipal Code, Title 14, Zoning, at Chapter 14.30 (see Attachment A) and previously issued permits for existing development. In addition, the City's Community Development Department provides planning, development review, environmental review, permit

issuance and permit compliance services for any proposed oil and gas projects. All local actions affecting major public works or energy facilities are appealable to the Coastal Commission. Other state and federal agencies also have regulatory authority over many aspects of oil and gas production development, operations and transportation.

II. ANALYSIS

As discussed in the Background section above, the City Council has requested an opportunity to reconsider how it regulates oil and gas drilling within the City of Carpinteria as a part of an update of its oil and gas regulations in the Zoning Code, including potentially banning drilling. This section of the staff report includes a review of existing policies and regulations pertaining to oil and gas development and a discussion of legislative alternatives and implementation processes.

A. Existing Policies

In determining whether to permit a development project, the City must consider both local and state-wide policies governing land use decisions. Applicable policies are summarized below.

1. City of Carpinteria Oil and Gas Policies

In general, the City's land use policies concerning oil and gas support location of hazardous facilities away from developed areas, consolidation of industrial facilities, and the protection of scenic view sheds and sensitive environmental resources. Attachment B provides an additional list of important policies relevant to this discussion, including maintaining Carpinteria's small, beach town character, protection of open space, visual and biological resources, noise control, and public health and safety. Similar to the City's other land use policies, these policies are applied to new development proposed within the City.

The City's CDI land use category was established as a result of the CPF's historic role as supporting the offshore oil and gas industry and identifies areas for industrial uses that are coastal dependent, such as aquaculture and pipeline/gas processing facilities in support of the offshore oil industry. The CPF has not historically supported onshore oil and gas drilling. Therefore, although the CDI land use designation and M-CD zoning designation both allow oil and gas development (including drilling), any particular oil and gas development could be found to be inconsistent with the City's other land use policies and thus could not be approved, depending on the facts of the case.

City policies and regulations such as those that influence decisions concerning development applications are typically applied through the development permitting process and can result in project approval, including application of mitigation measures and project conditions, or project denial by decision-makers. Alternatively, these policies may also be considered in determining whether one or more parcels should be redesignated and rezoned in order to best implement policy objectives.

2. Industrial and Energy Development in the Coastal Zone

The California Coastal Act (CCA) provides the basis for many of the City's land use policies and implementing regulations, which must be consistent with the CCA. In general, the CCA includes policies related to preserving, enhancing and restoring

coastal resources, including sensitive habitats and public access to the coast; however, the CCA also recognizes the importance of certain industrial uses along the coast, and the tension between accommodating these uses and protecting other coastal resources.

For example, the CCA prioritizes development defined as Coastal Dependent over other activities in the Coastal Zone. Section 30255 of the CCA provides that:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Additionally, the CCA includes special criteria for balancing coastal dependent oil and gas development with the Act's resource protection policies. Specifically, Section 30260 states:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Determining what uses are Coastal Dependent or Coastal Related and the consideration of other special criteria applicable to oil and gas use are made on a case-by-case basis by the Coastal Commission. Such policies, however, authorize the Coastal Commission to permit development projects, even if those projects are inconsistent with the CCA's resource protection policies.

B. Legislative Options

As outlined above, oil and gas activities raise an array of often competing policies. Although not exhaustive, the following section provides various options for the City to address oil and gas development –specifically onshore drilling–within City limits.

1. Prohibit Onshore Drilling in the M-CD Zone District

The Council could choose to amend the M-CD zone district to eliminate onshore oil and gas drilling as an allowable use. This option could result from a conclusion that onshore oil and gas drilling is inconsistent with the City of Carpinteria General Plan/Local Coastal Land Use Plan objectives and policies and related policies of the CCA, and is no longer appropriate given the proximity to sensitive resources, residential development and coastal access, trail and recreational amenities that have been developed concurrent with or since the facility was originally constructed. Under this scenario, the M-CD zone district would remain in place; however the list of permitted uses would be amended to exclude oil and gas drilling. Existing permitted operations at the CPF, including the Clean Seas yard, would not be affected as no drilling currently occurs at these sites.

Costa's Auto Works would also remain as a conforming use, subject to its Conditional Use Permit, approved by the City in 1992.

Additionally, in this scenario, the existing Coastal Dependent Industry (CDI) land use designation would remain. This designation supports priority uses as recognized in Section 30260 of the CCA, which indicates that even if a coastal dependent industrial facility cannot be found to be consistent with the resource protection policies contained in the CCA, such development may still be permitted.

In addition to accommodating existing uses, this approach would also allow for future M-CD uses such as aquaculture or a desalination facility and is consistent with the Coastal Act policies cited above.

2. Rezone and Redesignate M-CD/CDI Properties

Under this option, the City Council could choose to change the zone district and the General Plan/Local Coastal Plan land use designation for all properties currently designated Coastal Industry District (M-CD) and Coastal Dependent Industry (CDI), respectively, to an alternative zoning designation(s) and land use designation(s).

Although the City previously considered rezoning and redesignating its M-CD/CDI properties (i.e., the CPF and Costa's Auto Works properties) and City Hall (zoned Community Facility District), the effort did not result in any changes. In 1998, Chevron announced that it intended to decommission its processing plant. Shortly thereafter, the City was awarded a State Coastal Resources Grant to conduct a multi-phase planning study of the Carpinteria oil and gas plant site and several surrounding parcels including City Hall, jointly referred to as Bluffs 0. The goal of the study was to select and approve a land use plan to guide future redevelopment of the Bluffs 0 site after the anticipated Carpinteria plant and other onsite oil and gas facilities were decommissioned and removed. During this process, the plant was sold to Venoco and staff began working with Venoco to conduct planning work including:

- The Baseline Conditions Report, which describes the existing environmental and regulatory setting from both a local and regional perspective.
- The Opportunities and Constraints Analysis, which considers existing environmental characteristics of the Bluffs 0 site and evaluates the relative suitability of a range of potential land uses.
- A series of workshops and hearings where input was received from the City Council, Planning Commission, the property owner, Venoco, and members of the public.
- The development of land use plan alternatives for Bluffs 0 and completion of a Draft Environmental Impact Report.

Ultimately, Venoco informed the City that it intended to continue operating the oil and gas processing facility and to explore options for expansion. The City subsequently put the Bluffs 0 planning work on hold. In 2003, the City's General Plan/Local Coastal Land Use Plan was updated to include Policy LU-3K which calls for the City to complete the Bluffs 0 reuse study in anticipation of a change in land use. Under this option, the City may determine that it is appropriate to implement policy LU-3K and re-initiate the Bluffs 0 planning work to guide a change in use at this site in the future.

If the City were to authorize land use and zoning amendments, the application would be submitted to the Coastal Commission for review and approval. Upon the Coastal

Commission's certification that the action is consistent with the CCA, the City would be authorized to implement the new land use policy and zoning regulations. Under this option, new drilling would be prohibited and the CPF and other existing oil and gas facilities would become nonconforming uses subject to allowances and restrictions for nonconforming uses pursuant to the Municipal Code.

Consistent with Venoco's historical statements that the current operations could be consolidated to a site of approximately five acres, this option may also be the impetus for phasing out the site's oil and gas plant by moving some processing done at the plant to offshore platforms and reducing but retaining limited onshore facilities such as the natural gas odorant and metering facilities. This consolidation could allow for alternative priority uses consistent with the new land use and zoning designations on the remainder of the existing Coastal Industry properties. However, other coastal dependent industrial uses such as aquaculture or a desalination facility as mentioned above would no longer be allowed uses in another priority land use category as identified in the CCA (i.e., agriculture, visitor-serving commercial uses and open space/recreation).

3. Establish a Voter Approval Requirement

Under this option, the City Council could pursue a voter approval requirement whereby the Council would be prohibited from granting a permit to drill an oil or gas well within City limits without approval of the City's voters.⁴ Although oil and gas wells are currently permitted in the M-CD zone, approval of an application to drill oil and/or gas wells is discretionary. The addition of a voter approval requirement would transfer some authority over permitted land uses from the City Council to the voters. Even if approved by the City Council, any permit application for oil and gas drilling would have to be approved by voters before it became effective.

Establishing a voter approval requirement could be implemented as a voter initiative, a council-sponsored initiative, or through the City Council's standard ordinance procedure. If approved by voters or adopted by the Council, it would be forwarded to the Coastal Commission for certification of its consistency with the CCA.

Ratification of the City Council's denial of a coastal development permit to drill oil and/or gas wells through the voter approval process is appealable to the Coastal Commission. Although under this option the voters ratify or deny the City Council's issuance of a coastal development permit, the City would remain the issuing body for all intents and purposes. In the case of an appeal, the Commission would review the City's decision to determine if the proposed development is in conformity with the certified local coastal program.

4. Adopt Oil and Gas Drilling Development and Operating Standards as Part of the M-CD Zone District

Under this option, the Planning Commission may recommend and the City Council may submit a Local Coastal Program Amendment to the Coastal Commission to modify the M-CD chapter of the Zoning Code by adding development standards and operating standards for different types of oil and gas activities. These development standards would provide another layer of land use regulation beyond what is currently in the existing zoning code and General Plan/Coastal Plan. Development standards can also be tailored to address specific concerns such as setbacks, throughput, abandonment,

⁴ A similar requirement was enacted by Santa Barbara County voters in 1996 and requires voter approval for oil and gas development in the unincorporated areas of Santa Barbara County.

and noise, as well as other issues. Any permit application for oil and gas development would have to comply with the applicable development standards as evaluated through the development review process.

Independent of this matter, City staff have been engaged in updating the City's Zoning Code. The Oil and Gas Development Standards included in Attachment C are included in the proposed Draft Zoning Code Update. These standards address three aspects of oil and gas activity including Exploratory Onshore Drilling, Onshore Oil and Gas Production and Onshore Processing Facilities Related to Offshore Oil and Gas Development. The Planning Commission and the City Council may choose to add additional development standards to this draft list that will be released for public review along with the entirety of the Zoning Code Update later this.

Finalizing and adopting an update to the City's Zoning Code to adopt new development standards is likely to take approximately one to one and one-half years for both City and Coastal Commission review. If the development standards remain part of the overall comprehensive zoning code update, that effort is like to take approximately two years. In either case, the process would involve multiple public hearings before the Planning Commission and City Council before submittal of a Local Coastal Program Amendment is made to the Coastal Commission. The Coastal Commission process is expected to take one year or more before any changes would become effective. Nonetheless, the City could still use measures such as those proposed in the draft development standards as conditions of approval through the development review process for any pending oil and gas development.

5. Take No Action/Discretionary Review Process

This option maintains the status quo. With the Paredon Oil and Gas Drilling proposal pending (for onshore drilling), the City is currently using its existing discretionary review process to evaluate the proposal against the requirements of the M-CD zone, the General Plan/Local Coastal Land Use Plan, and the California Environmental Quality Act (CEQA).

The outcome of the development review process would be to implement mitigation measures from the CEQA document (similar to what was presented in the 2009 proposed final EIR for the Paredon Project) if the project is to be approved, and to apply appropriate conditions of approval. As mentioned above, the City could choose to require conditions of approval that reflect the content of what is described in the proposed draft development standards (Attachment C). Therefore, whether the development standards are adopted and considered as a part of the application review or imposed as project specific conditions of approval, the standards can be used a basis for evaluating the project application and determining policy consistency.

Pursuant to the CCA, any oil and gas development approved or denied by the City may be appealed to the Coastal Commission. The grounds for appealing a project are limited to whether the project conforms to the requirements of the LCP or the public access policies of the CCA. In the case of an appeal, the Commission would review the City's decision to determine if the proposed development is in conformity with the certified local coastal program. Furthermore, the Commission will ensure that every coastal development permit issued for development between the nearest public road and the sea within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

C. Implementation Options

The following section provides an overview of the various implementation options for the above alternatives.

1. Standard Ordinance

The legislative body of any city is authorized to amend both a city's general plan and its zoning code. Both alternative one (amending the M-CD zone district to prohibit oil and gas drilling) and alternative two (changing the zone designation of the Venoco parcel) contemplate changes to the City's General Plan, while alternatives three (establishing a voter approval requirement) and four (establishing well drilling standards) entail changes to the City's Zoning Code.

The City's General Plan may be amended by resolution. When amending its General Plan, the City must follow the procedures set forth in Government Code §65350 et seq. The Planning Commission must hold a public hearing on the amendment and consider whether to recommend that the City Council approve the amendment. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission, but any substantial modification made to the proposed amendment that was not previously considered by the Commission must be referred back for its reconsideration. If the Planning Commission recommends approval of the amendment, the City Council must hold at least one public hearing prior to amending the General Plan. The resolution takes effect 30 days after approval by the City Council.

The City's Zoning Code may be amended by ordinance. Proposed zoning code amendments must be submitted to the Planning Commission and given a noticed hearing. After considering the proposed amendment at the hearing, the Planning Commission must decide whether it will recommend the amendment to the City Council for approval, and if so, the Commission must specify its reasons for the recommendation and the relationship between the proposed amendment and the City's General Plan. Following a noticed hearing, the City Council may approve, modify, or disapprove the Planning Commission's recommendation. If the City Council wants to modify a recommendation not previously considered by the Planning Commission, it is required to refer the modification back to the Commission for a report and recommendation. The Planning Commission, however, is not required to hold a public meeting regarding the modification under consideration. The proposed amendment must be heard twice by the City Council before its adoption by ordinance.

Under the CCA, local ordinances that change the allowable land uses from what is currently permitted under a Local Coastal Program constitute an amendment requiring Coastal Commission certification before being effective. It is immaterial whether the ordinance intends to expand or limit land uses. While minor amendments may be eligible for consideration under the Commission's "rapid and expeditious" certification procedure does not cover changes in use. A change to the zoning code prohibiting oil and gas drilling in a certain zone or changing a zone designation may be considered a change in use, triggering the Coastal Commission's formal amendment certification process.

2. Urgency Ordinance

Government Code section 65858 authorizes the legislative body of a city to adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to

study within a reasonable time. The municipality's legislative body, however, is not authorized to adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

There are two procedures legislative bodies may follow to adopt urgency ordinances. Without following the procedures otherwise required prior to adoption of a zoning ordinance, the legislative body of a city can adopt an urgency ordinance by four-fifths vote, which will be valid for 45 days. After notice pursuant to Government Code section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted. Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice and public hearing requirements. Under this scenario, the urgency measure would expire 45 days from its date of adoption. After notice and public hearing, the legislative body may by a four-fifths vote for a one-time extension of 22 months and 15 days.

Unlike standard ordinances, as long as an urgency ordinance does not conflict with the CCA, it does not need to be certified by the Coastal Commission before being effective. As discussed above, however, it is possible that the Coastal Commission could find that an urgency ordinance prohibiting oil and gas drilling would conflict with the CCA. Such a determination would trigger Coastal Commission certification prior to enactment.

3. Council-Sponsored Initiative

Under a council-sponsored initiative process a proposal is placed on the ballot at the direction of the municipality's legislative body. Elections Code section 9222 authorizes a city's legislative body to submit to voters, without a petition, measures for the repeal, amendment, or enactment of any ordinance. In lieu of the Council enacting legislation through one of the ordinance processes outlined above, Council-sponsored initiatives allow the Council to sponsor an initiative and submit a proposed ordinance to the voters. Although the two have a number of procedural similarities, council-sponsored initiatives are different from voter initiatives, which are placed on the ballot by voters.

The California Supreme Court has held that compliance with CEQA is required when a public agency proposes and places an initiative on the ballot without a voter petition. Additionally, to the extent that a council-sponsored initiative constitutes an amendment to the Local Coastal Program it must be submitted to the Coastal Commission for certification before it is effective.

III. LEGAL

There are numerous legal issues that emerge when considering local regulation of private property rights, including oil and gas development. Given recent experiences in the County of Santa Barbara and other communities around the state, Staff expects that regulation in this area could well result in litigation. The broad legal issues implicated, some of which are reviewed below, make the outcome of any legal challenge uncertain.

The following section provides an overview of some of the central legal issues, including regulatory takings, the City's police power, and state preemption issues.

A. Regulatory Takings Claim

A regulatory taking generally occurs when a government regulation limits the uses of private property to such a degree that the regulation effectively deprives the property owners of all economically reasonable use or value of the property, even though the regulation does not formally divest them of title to it. In California, courts follow the valuation rule which focuses on the value of the property that remains after the regulation has been enacted, rather than the value that has been lost.

In addition to analyzing the property's remaining value, courts also balance a number of factors in order to determine if the regulation has put an undue burden on the property owner requiring just compensation. These factors include consideration of the regulation's economic impact on the property owner, the regulation's interference with the property owner's investment-backed expectations, and the nature of the governmental action, among others. Although the U.S. Supreme Court has dealt with this issue on numerous occasions, there is very little jurisprudence from the California Supreme Court. Additionally, the unpredictability of the U.S. Supreme Court's decisions makes it difficult to determine the constitutionality of a municipal regulation limiting oil and gas development.

B. Police Power Analysis

Under the California Constitution, cities have wide authority to enact local laws for the public health, safety and welfare. This authority has traditionally included the right to enact zoning regulations, as long as these regulations are reasonably related to the public's welfare. Additionally the California Supreme Court has held that a local agency's regulation of oil and gas wells is a valid use of the police power.

C. Preemption Issues

An additional issue to consider is whether such regulation is preempted by state law. The California Constitution grants cities the authority to make and enforce regulations not in conflict with state laws. In California, the state Division of Oil, Gas and Geothermal Resources (DOGGR) regulates drilling, operation and maintenance of oil wells. DOGGR does not, however, regulate the intensity of oil and gas development allowed. Although courts have held that local ordinances prohibiting oil and gas exploration on state-controlled submerged lands and tidelands granted to it by the state are preempted by state law, there is a dearth of case law directly addressing whether state law preempts a municipality from applying these prohibitions to land within its jurisdiction. The California Attorney General, however, has held that cities are not preempted from regulating oil and gas development within their jurisdiction.

IV. PRINCIPAL PARTIES EXPECTED

Jim Taylor, Carpinteria Valley Association
Venoco, Inc. and other oil industry representatives
Concerned citizens
Western States Petroleum Association representatives

V. ATTACHMENTS

Attachment A: M-CD Zone District

Attachment B: Applicable Coastal Plan Objectives and Policies Summary

Attachment C: Proposed Draft Oil and Gas Development Standards

ATTACHMENT A
M-CD Zone District

Carpinteria Municipal Code Chapter 14.30 - M-CD COASTAL INDUSTRY DISTRICT

Sections:

- **14.30.010 - Purpose and intent.**

The purpose and intent of the M-CD district is to provide for certain energy and industrial uses that require a site on or adjacent to the sea in order to be able to function at all, while providing standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible. (*Ord. 315 § 1 (part), 1981*)

- **14.30.020 - Processing.**

Prior to the issuance of any permits for development on property zoned or to be rezoned to coastal-dependent industry, a development plan shall be submitted, processed, and approved as provided in Chapter 14.68. (*Ord. 315 § 1 (part), 1981*)

- **14.30.030 - Uses permitted subject to development plan approval.**

Uses permitted in the M-CD district subject to development plan approval are as follows:

1. Onshore facilities necessary for the exploration, development, production and/or transportation of offshore oil and gas resources including:
 - a. Pipelines and any necessary equipment, buildings, apparatus or appurtenances incidental thereto;
 - b. Structures, equipment or facilities necessary and incidental to dehydration and/or separation of oil, gas, condensate and other liquid products from gas or water, obtained from an offshore hydrocarbon area, for the purpose of shipping and transporting, recycling, repressurizing, or reinjection of the offshore oil, gas, condensate and/or water for underground disposal in connection with enhanced recovery operations in an offshore producing oil and gas field;
 - c. Staging areas and piers established for shipping equipment, supplies and personnel to offshore sites during offshore exploratory and development drilling;
 - d. Pipeline installation service bases and pipe coating yards;
2. Marine terminals required for waterborne shipments of crude oil or petroleum products including a berthing system for vessels, loading/unloading equipment, storage tanks, terminal control and safety equipment, and navigational facilities;
3. Aquaculture, including fish hatcheries;

4. Oil spill and cleanup facilities including central office space and vehicles for the storage of floating oil/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, fuel tanks, and other beach and wildlife cleanup equipment;

5. Structures, equipment or facilities used in the exploration, development or production of oil, gas or other hydrocarbon substances from an onshore oil and gas field, or any appurtenances necessary thereto including:

- a. Exploratory oil and gas drilling, including any necessary equipment, apparatus, buildings or appurtenances incidental thereto;
- b. Drilling, redrilling or reworking of production oil and gas wells;
- c. Structures, equipment or facilities necessary and incidental to dehydration and/or separation of oil, gas condensate and other liquid products from gas or water, obtained from an onshore hydrocarbon area, for the purpose of shipping and transporting, recycling, repressurizing, or reinjection of said onshore oil, gas, condensate and/or water for underground disposal in connection with enhanced recovery operations in an onshore oil and gas field;
- d. Injection wells, necessary for enhanced oil recovery or disposal of production wastes;
- e. Equipment necessary for enhanced oil recovery;
- f. Gathering and transmission lines for oil and gas;
- g. Access roads. (*Ord. 315 § 1 (part), 1981*)

• **14.30.040 - Uses permitted with conditional use permit.**

Uses permitted in the M-CD district with the conditional use permit are as follows:

1. Caretaker dwellings for employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is to be located;
2. As provided in Chapter 14.62. (*Ord. 315 § 1 (part), 1981*)

• **14.30.050 - Minimum parcel size.**

No parcel shall be created having a net lot area of less than one acre. (*Ord. 315 § 1 (part), 1981*)

• **14.30.060 - Setbacks.**

1. Front. No building or structure shall be located closer than eighty (80) feet to the centerline of any street nor closer than fifty (50) feet to the property line, whichever is the greater distance.
2. Side. No building or structure shall be located closer than ten (10) feet to the side property lines.
3. Rear. No building or structure shall be located closer than ten (10) feet to the rear property line except that:

a. For any parcel that has a rear boundary which abuts the rear boundary of a lot zoned residential or commercial, the required rear yard setback shall be not less than two (2) times the height of the building;

b. No rear yard setback shall be required for buildings located on a lot having a rear boundary common to the rear boundary of any parcel zoned for industrial use. (*Ord. 315 § 1 (part), 1981*)

- **14.30.070 - Building height.**

No building or structure shall exceed a height of thirty (30) feet. (*Ord. 315 § 1 (part), 1981*)

- **14.30.080 - Parking.**

Parking regulations for the M-CD district are as provided in Chapter 14.54. (*Ord. 315 § 1 (part), 1981*)

- **14.30.090 - Landscaping/screening.**

1. All front property lines shall be landscaped with a minimum of a five (5) foot wide planted area.

2. Where any portion of a parcel subject to the requirements of this district abuts a parcel in a residential or commercially zoned district, the first ten (10) feet of the setback area shall be landscaped and a masonry wall not less than six (6) feet in height shall be provided.

3. Outdoor storage areas shall be screened from view of any street by a wall or fence six (6) feet in height. Such wall or fence shall be located not closer than five (5) feet to the street right-of-way line. The space between the wall or fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six (6) feet shall be landscaped to provide continuous screening to an approximate height of not less than twenty (20) feet nor more than forty (40) feet when mature. (*Ord. 315 § 1 (part), 1981*)

ATTACHMENT B

Applicable Coastal Plan Objectives and Policies Summary

General Plan/Local Coastal Land Use Plan and Carpinteria Municipal Code

Objective LU-3: *Preserve the small beach town character of the built environment of Carpinteria, encouraging compatible revitalization and avoiding sprawl development at the city's edge.*

LU-3k. *Prepare a study for the future reuse of the existing Carpinteria oil and gas plant and Bluffs Area 0 (California Coastal Act §30255, 30260, 30262, 30263). Future reuse of the Carpinteria oil and gas plant and Bluffs Area 0 shall incorporate public access, coastal recreation and open space/habitat restoration uses to the maximum extent feasible, and shall at minimum provide for vertical and lateral public access to and along the Coastal Trail.*

Subarea 6. The Bluffs (p. 58)

Objective CDS6-2: *Ensure that development is controlled to avoid impacts to significant viewsheds, vistas, and view corridors.*

Policies:

CDS6-b. *Development on the Bluffs shall not obstruct existing view corridors of the ocean and bluff top edge. In addition, views of the ocean and mountains for users of the Carpinteria Bluffs Nature Park and coastal trail(s), for bluffs area property owners and visitors, and for passing motorists shall be maintained.*

Implementation Policies

57. *New structures shall be low intensity, and reflect the low-rise, small-town feel of the surrounding area. New structures shall be designed to blend into the site and the rest of the city.*

58. *All structures, including ancillary structures, shall be appropriately placed so as to minimize their obtrusiveness, and to maintain existing view corridors. Existing views from Bailard Avenue, Carpinteria Avenue, and U.S. 101 to the ocean shall be preserved.*

59. *Development that is located on or adjacent to bluffs, beaches, or streams shall be designed and sited to prevent adverse impacts on the visual quality of these resources.*

CDS6-e. *Exterior and interior lighting of development projects shall be low intensity and located and designed so as to minimize direct view of light sources and diffusers, and to minimize halo and spillover effects.*

Objective S-6: *Minimize the potential risks and reduce the loss of life, property and the economic and social dislocations resulting from hazardous materials accidents at large industrial facilities, at facilities handling acutely hazardous materials, and along transportation corridors.*

Objective OSC-5. *Protect the Harbor Seal Hauling Ground from human disturbance.*

Policies:

OSC-5a. Harbor Seal Hauling Grounds should not be altered or disturbed by recreation, industrial, or any other uses. ...

Mineral Resources (p. 127)

Oil is the only mineral resource known in the Planning Area in significant quantities. At this time, oil mining and extraction activities are limited to offshore drilling and extraction platforms, onshore oil storage facilities, a crew boat base, product transportation terminal and a natural gas processing plant. **On-shore oil and gas facilities in Carpinteria are largely defunct and are now incompatible with residential neighborhoods that are established.** (emphasis added)

Visual Resources (p. 129)

Objective OSC-13: Preserve Carpinteria's visual resources.

Policies:

OSC-13a. Preserve broad, unobstructed view from the nearest public street to the ocean, including but not limited to Linden Avenue, Bailard Avenue, Carpinteria Avenue, and U.S. Highway 101. In addition, design and site new development on or adjacent to bluffs, beaches, streams, or the Salt Marsh to prevent adverse impacts on these visual resources. New development shall be subject to all of the following measures ...

Hazardous Materials (p. 163)

Objective S-6: Minimize potential risks and reduce the loss of life, property and the economic and social dislocations resulting from hazardous materials accidents at large industrial facilities, at facilities handling acutely hazardous materials, and along transportation corridors.

Noise (p. 175)

Objective N-4: Minimize noise spillover from industrial operations into adjacent residential neighborhoods and other sensitive uses.

Additionally, the following requirements from Carpinteria Municipal Code Title 14, Zoning would apply to any proposed oil and gas development at the Carpinteria Processing Facility given its blufftop location and proximity to ESH areas.

14.50.010 Coastal plan development standards.

The following policies as set forth and adopted in the city coastal land use plan are incorporated into this title. These policies shall serve as development standards for all development subject to the provisions of this title. Nothing in this chapter shall be deemed to obligate any city expenditure without an express appropriation of funding for the same by the city council.

1. General.

- a. Where policies within the land use plan overlap, the policy which is the most protective of resources i.e., land, water, air, etc., shall take precedence. (Policy 1-2)
- b. Where there are conflicts between the policies set forth in the land use plan and those set forth in any element of the city's existing general plan or existing regulations, the policies of the land use plan shall take precedence. (Policy 1-3)
- c. The density specified in the land use plan for a particular parcel may be reduced if it is determined that such reduction is warranted by conditions specifically applicable to the site, such as topography, geologic, or flood hazards, habitat areas, or steep slopes, particularly when such constraints are indicated by the overlay designations on the land use plan maps. (Policy 2-29)

2. *Water and Other Public Service Systems.*

- a. *All new development shall be served by the Carpinteria county water district. At such time as extractions from the groundwater basin have reached the safe yield level, use of a private water well for new development shall be grounds for denial of the project. (Policy 12-3)*
- b. *At such time as a permanent increase in the water supply of the Carpinteria county water district is obtained (through development of surface water facilities, wastewater reclamation, desalinization of sea water, etc.), prior to issuing a development permit for any nonpriority use, the city shall make the finding that an adequate supply of water is being held in reserve to accommodate the priority uses established for the city. (Policy 12-4)*
- c. *Resource-conserving water devices shall be used in all new development. (Policy 2-27)*
- d. *Prior to issuance of a development permit, the city shall make the finding, based on information provided by the applicant or other agencies that adequate services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. (Policy 2-28)*

3. *Hazards.*

- a. *Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to threats from, and impacts of geologic hazards arising from seismic events, tsunamis run up, landslides, beach erosion, or other hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be required. Mitigation measures shall be applied where necessary. (Policy 3-8)*
- b. *Major structures such as schools, hospitals, or communications facilities shall be sited a minimum of fifty feet from a potentially active earthquake fault. Greater setbacks may be required if local geologic conditions warrant. (Policy 3-10)*

4. *Beach Development.*

- a. *Seawalls shall not be permitted unless the city has determined that there are no other less environmentally damaging alternatives for protection of existing development. Where permitted, seawall design and construction shall respect to the degree possible natural land forms. Adequate provisions for lateral beach access shall be made and the project shall be designed to minimize visual impacts by use of appropriate colors and materials. (Policy 3-1)*
- b. *Revetments, groins, cliff retaining walls, pipelines, outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access. (Policy 3-2)*
- c. *To avoid the need for future protective devices that could impact sand movement and supply, no permanent aboveground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers, and recreational facilities of a temporary nature, such as volleyball nets. (Policies 3-3 and 7-2)*
- d. *For all developments between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all dry sandy beach seaward of the base of the bluff shall be dedicated to the city. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the city. At a minimum, the dedicated easement shall be adequate to allow for lateral access during period of high tide. (Policy 7-13)*
- e. *For new developments between Sandyland Road and City Beach, the city shall determine the extent to which the land proposed for development has historically been used*

by the public for informal parking and beach access and shall require adequate provision for continuation of such use. (Policy 7-1)

f. In those areas where it is established that the public has acquired a right of access through use, custom or legislative authorization, new development shall not interfere with or diminish such access. This policy shall be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access. (Policy 7-20)

5. Bluff Development.

a. In areas of new development, aboveground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of one hundred years. The city shall determine the required setback; a geologic report may be required by the city in order to make this determination. (Policy 3-4)

b. Within the required bluff top setback, drought tolerant vegetation shall be maintained. Grading, as may be required to establish property drainage or to install landscaping, and minor improvements (i.e., patios and fences) that do not impact public views or bluff stability may be permitted. (Policy 3-5)

c. Development and activity of any kind beyond the required bluff top setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself. (Policy 3-6)

d. No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal-dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face. (Policy 3-7)

9. Environmentally Sensitive Habitats. All development, including agriculture, adjacent to areas designated on the land use plan maps as habitat areas, adjacent to ocean-fronting parks and recreation areas, or contiguous to coastal waters, shall be regulated to avoid adverse impacts in habitat resources. Regulatory measures include, but are not limited to setbacks, buffer zones, grading controls, noise restrictions, and maintenance of natural vegetation. (Policy 2-26)

10. Visual Impacts of Development.

a. Broad unobstructed views from the nearest public street to the ocean, including but not limited to Linden Avenue, Bailard Avenue, Carpinteria Avenue, and U.S. 101, shall be preserved to the extent feasible. In addition, new development that is located on or adjacent to bluffs, beaches, or streams, or adjacent to Carpinteria Marsh shall be designated and sited to prevent adverse impacts on the visual quality of these resources. To preserve views and protect these visual resources, new development shall be subject to all of the following measures:

(1) Provision for clustering development to minimize alterations to topography or to avoid obstruction of views to the ocean;

(2) Height restrictions to avoid obstruction of existing views of the ocean from the nearest public street;

(3) In addition to the bluff setback required for safety (Policy 3-4) additional bluff setbacks may be required for ocean-front structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures;

(4) Special landscaping requirements to mitigate visual impacts. (Policy 4-1)

- b. New development, or redevelopment, in the downtown section of the city shall be in conformance with the scale and character of the existing community and consistent with the city's theme of a small beach-oriented community. (Policy 4-2)
11. Oil and Gas Processing Facilities. If an onshore pipeline for transporting crude oil to refineries is determined to be economically feasible, proposals for expansion, modification, or construction of new coastal-dependent oil and gas processing facilities shall be conditioned to require transshipment of oil through the pipeline when constructed. Small operators may be excluded from such a pipeline when it is found that: (1) they have minimal quantities of product to be shipped; (2) that they can ship by other means more economically; (3) they can ship by other means with less adverse environmental impacts. (Policy 6-1)
12. Oil and Gas Pipelines. Note: Standards "e" and "f" do not apply to gas pipelines.
- a. Except for pipelines exempted from coastal development permits under Section 30610(c) and (e) of the Coastal Act as defined by the state Coastal Commission's Interpretive Guidelines, a survey shall be conducted along the route of any pipeline in the coastal zone to determine what, if any, coastal resources may be impacted by construction and operation of a pipeline. The costs of this survey shall be borne by the applicant. (This survey may be conducted as part of environmental review if an EIR is required for a particular project.)

The survey shall be conducted by a consultant selected jointly by the applicant, the city, and the Department of Fish and Game. If it is determined that the area to be disturbed will not revegetate naturally or sufficiently quickly to avoid other damage, as from erosion, the applicant shall submit a revegetation plan. The plan shall also include provisions for restoration of any habitats which will be disturbed by construction or operation procedures.

For projects where a revegetation plan and/or habitat restoration plan has been deemed necessary, one year after completion of construction, the area crossed by the pipeline shall be resurveyed to assess the effectiveness of the revegetation and restoration plan. This survey shall continue on an annual basis to monitor and to assure that progress is being made in returning the site to preconstruction conditions or until the city feels no additional progress is possible. The city may require the posting of a performance bond by the applicant to ensure compliance with these provisions. (Policy 6-2)

b. Herbicides shall not be used during pipeline construction and sidecasting of soil shall be restricted when deemed necessary, by removal of excess soil to an approved dumping site after the excavation has been backfilled and compacted. (Policy 6-3)

c. The pipeline shall be sited and constructed in such a manner as to inhibit erosion. (Policy 6-4)

d. When feasible, pipelines shall be routed to avoid important coastal resources, including recreation, habitat, and archaeological areas. (Policy 6-5)

e. For pipeline segments passing through important coastal resource areas, including recreation, habitat, and archaeological areas, the segment shall, in the case of a break, be isolated by automatic shutoff valves. The city shall determine whether spacing of automatic shutoff valves at intervals less than the maximum set by the Department of Transportation is required to protect coastal resource values. (Policy 6-6)

f. Unavoidable routing through recreation, habitat, or archaeological areas, or other areas of significant coastal resource value, shall be done in a manner that minimizes the impacts of a spill, should it occur, by considering spill volumes, durations, and trajectory.

Appropriate measures for cleanup or structures such as catch basins to contain a spill shall be included as part of an oil spill contingency plan. (Policy 6-7)

13. *Pipelines—Generally. Water, gas, sewer, electrical, or crude oil transmission and distribution lines which cross fault lines shall be subject to additional safety standards, including emergency shutoff where applicable. (Policy 3-9)*
14. *Repair, Replacement and Modification of Gas Pipelines. No conditional use permit or development plan shall be required for the repair, replacement or modification of existing underground gas pipelines where each of the following requirements is met:*
 - a. *The repair, replacement or modification activities will not take place in, or require access through, any environmentally sensitive habitat area;*
 - b. *The repair, replacement or modification will not result in substantial increase in volume of gas transported through the pipeline;*
 - c. *The pipeline, after repair, replacement or modification, complies with all applicable safety and engineering standards established by state and federal law;*
 - d. *The repair, replacement or modification will not significantly expand or alter the right-of-way occupied by the existing pipeline;*
 - e. *The ground surface over the pipeline is restored to its prior condition (or better) immediately upon completion of work. Where the ground surface was previously vegetated, the pipeline operator shall revegetate the surface immediately if natural revegetation is not likely to occur within three months. In all other cases the operator shall revegetate the surface within three months of the completion of work if expected natural revegetation has not occurred.*

Coastal Act Policies

Section 30250 Location; existing developed area.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

Section 30253 Minimization of adverse impacts.

New development shall do all of the following: (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

ATTACHMENT C

Proposed Draft Oil and Gas Development Standards

The following Development Standards are proposed in the Draft Zoning Code Update for Exploratory Onshore Drilling.

Development standards.

- **Height limit.** Structures shall not exceed a height of 45 feet.
- **Setbacks.** Exploratory oil or gas wells or related facilities shall not be allowed within 300 feet of either the mean high tide line or a residence.
- **Maximum site size.** A drill site shall not exceed one acre in size, but may contain any number of wells.
- **Oil storage capacity.** Oil storage capacity shall be temporary and limited to the amount necessary to conduct exploratory operations and testing.
- **Drilling rig screening and soundproofing.** Drilling rigs shall be shielded and soundproofed.
- **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.
- **Outdoor lighting.** Lights shall be shielded to ensure that they do not shine directly on adjacent properties.
- **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 7:00 p.m. and 7:00 a.m.
- **Grading and drainage.** Grading and alteration of natural drainages shall be minimized.
- **Archaeological and historical resources.** Archaeological and historical resources shall be protected in accordance with the General Plan/Coastal Plan and Chapter 14.52, §14.52.030 of the Zoning Code. Where adverse impacts to archaeological and historical resources cannot be avoided, feasible 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.
- **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.
- **Spills.** 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 in a timely manner reflecting the need to provide a prompt, responsive and complete response. Preventive measures may include: appropriate location to avoid damage, best available design and best available operational procedures. Additional measures that may be required as a condition of approval of a permit to minimize adverse consequences of spills may include without limitation: 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 clean-up and restoration.
- **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, unless the Director deems this schedule to be infeasible.

The following Development Standards are proposed in the Draft Zoning Code Update for Onshore Oil and Gas Production.

Development standards.

- **Height limit.** Structures shall not exceed a height of 45 feet.
- **Setbacks.** Oil and gas production wells or related facilities shall not be allowed within 300 feet of either the mean high tide line or a residence.
- **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 a number of wells as determined through the development review process.
- **Adequate water source.** Proposed development shall have adequate public and private services and resources, including a water source consistent with City water conservation and use policies.
- **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.
- **Oil storage capacity.** Oil storage capacity shall be limited to the amount necessary to conduct operations.
- **Drilling rig screening and soundproofing.** Drilling rigs shall be shielded and soundproofed.
- **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.
- **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 7:00 p.m. and 7:00 a.m.
- **Parking.** Parking shall be as provided in Chapter 14.36 (Off-Street Parking and Loading Standards).
- **Outdoor lighting.** Lights shall be shielded to ensure that they do not shine directly on adjacent properties.
- **Exterior color.** Permanent structures and equipment shall be painted a neutral color to blend with natural surroundings.
- **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.
- **Grading.** Grading and alteration of natural drainages, watersheds and hillsides shall be minimized. 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 or appropriate non-native plants. 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.
- **Archaeological and historical resources.** Archaeological and historical resources shall be protected in accordance with the General Plan/Coastal Plan and §14.52.030

(Archaeological Resource Protection) of the Zoning Code. Where adverse impacts to archaeological and historical resources cannot be avoided, feasible 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.

- **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 and having a height of at least six feet.
- **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.
- **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 City's General Plan/Coastal Plan. 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 in a timely manner reflecting the need to provide a prompt, responsive and complete response. Preventive measures may include: appropriate location to avoid damage, best available design and best available operational procedures. Additional measures that may be required as a condition of approval of a permit to minimize adverse consequences of spills may include without limitation: 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 clean-up and restoration.

The following Development Standards are proposed in the Draft Zoning Code Update for Onshore Processing Facilities Related to Offshore Oil and Gas Development.

Development standards

- **Height limit.** Structures shall not exceed a height of 45 feet.
- **Setbacks.** Oil and gas related structures, including wells, shall not be allowed within 300 feet of either the mean high tide line or an occupied residence.
- **Oil storage capacity.** Oil storage capacity shall be limited to the amount necessary to conduct operations.
- **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, consistent with §14.30.070 (Performance Standards).
- **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 7:00 p.m. and 7:00 a.m.
- **Parking.** Parking shall be as required by Chapter 14.36 (Off-Street Parking and Loading Standards).
- **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.
- **Drilling rig screening and soundproofing.** Drilling rigs shall be shielded and soundproofed.
- **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.
- **Exterior color.** Permanent structures and equipment shall be painted a neutral color to ensure that they blend with the natural surroundings.
- **Outdoor lighting.** Lights shall be fully shielded to ensure that they do not directly shine on adjacent properties.
- **Grading.** Grading and alteration of natural drainages, watersheds and hillsides shall be minimized. Where grading and alteration of natural drainages, watersheds or hillsides is required, 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 or appropriate non-native plants. 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.
- **Archaeological and historical resources.** Archaeological and historical resources shall be protected in accordance with the General Plan/Coastal Plan and Chapter 14.52, §14.52.030 of this Zoning Code. Where adverse impacts to archaeological and historical resources cannot be avoided, feasible 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.
- **Adequate water source.** The applicant shall demonstrate to the satisfaction of the Director that the proposed development will have adequate public and private services and resources, including a water source consistent with City water conservation and use policies.
- **Oil 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 City's

General Plan/Coastal Plan. 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 in a timely manner reflecting the need to provide a prompt, responsive and complete response. Preventive measures may include: appropriate location to avoid damage, best available design and best available operational procedures. Additional measures that may be required as a condition of permit approval 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 clean-up and restoration.

- **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 City by pipeline. Transportation by a mode other than pipeline may be permitted only:
 - When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible; and
 - When the shipper has made a commitment to the use of a pipeline when operational to the shipper's refining center of choice; and
 - When the Council has determined use of a pipeline is not feasible by making one of the following findings;
 - A pipeline to the shipper's refining center of choice has inadequate capacity or is unavailable within a reasonable period of time;
 - A refinery upset has occurred, which lasts less than two months and precludes the use of a pipeline to that refinery, requiring temporary transportation of oil to an alternative refining center not served by pipeline;
 - The cost of transportation of oil by common carrier pipeline is unreasonable taking into account alternative transportation modes, economic costs and environmental impacts; or
 - An emergency, which may include a national state of emergency, has precluded use of a pipeline.
- 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 14.42.050.B.17.c (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 reconsideration of all the required findings. 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.
- **Facility and site abandonment.** The City shall review permits 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.