

ATTACHMENT A

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

IN THE MATTER OF APPROVING)	RESOLUTION NO. <u>96-296</u>
AMENDMENTS TO THE SANTA BARBARA)	CASE NOS. 96-OA-007
COUNTY LOCAL COASTAL PLAN AND)	and 96-GP-012
ARTICLE II (COASTAL ZONING)	
ORDINANCE) OF CHAPTER 35 OF THE)	
SANTA BARBARA COUNTY CODE TO ADD)	
LANGUAGE SET FORTH IN THE MEASURE)	
A96 INITIATIVE, APPROVED BY THE)	
VOTERS OF THE COUNTY ON MARCH 26,)	
1996; AND)	
)	
SUBMITTING THE PROPOSED)	
AMENDMENTS TO THE CALIFORNIA)	
COASTAL COMMISSION.)	
)	

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 Local Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. On March 26, 1996, by Voter Initiative Measure A96, the People of Santa Barbara County elected to amend the Santa Barbara County Local Coastal Plan, Coastal Zoning Ordinance, General Plan, and County Code Zoning Ordinance to require that any legislative approvals which would authorize or allow onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara and outside the South Coast Consolidation Areas shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of Santa Barbara County in a regular election; and
- D. It is now deemed 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 said County, to amend the Coastal Land Use Plan, Section 3.6 INDUSTRIAL AND ENERGY DEVELOPMENT, and the Coastal Zoning Ordinance, Article II, Section 35-150 OIL AND GAS FACILITIES as specified below.

- E. The Board now wishes to approve these amendments and submit them to the California Coastal Commission for certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 30514 of the Public Resources Code, the changes described below are hereby adopted as amendments to the Santa Barbara County Local Coastal Plan and Coastal Zoning Ordinance text.
3. Section 3.6 INDUSTRIAL AND ENERGY DEVELOPMENT of the Local Coastal Plan, Subsection 3.6.4 Land Use Plan Proposals is hereby amended to read as follows:

"The following policy has been added pursuant to the Measure A96 voter approval initiative, passed by the voters of Santa Barbara County on March 26, 1996:

Policy 6-5B: Voter Approval

1. Any legislative approvals (e.g. zoning amendment, General Plan amendment, Local Coastal Plan amendment, Development Plan, or other legislative action) which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purpose of this measure, the term "onshore support facility" means any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources.
2. The voter approval requirement set forth in 1 above shall not apply to onshore pipeline projects or to onshore support facilities that are located entirely within an existing approved consolidated oil and gas processing site at Las Flores Canyon (designated as of June 13, 1995 as APN 81-220-14, 81-230-19) or Gaviota (designated as of June 13, 1995 as APN 81-130-07, 81-130-52, 81-130-53).
3. The terms, policies, and zoning amendments set forth herein shall expire at the end of twenty-five (25) years after the effective date of this ordinance unless extended by the Board of Supervisors or by another vote of the electorate."
4. Section 35-150, Purpose and Intent of Division 9, Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to read as follows:

"The following section has been added pursuant to the Measure A96 voter approval initiative, passed by the voters of Santa Barbara County on March 26, 1996:

Section 35-150.1 Voter Approval

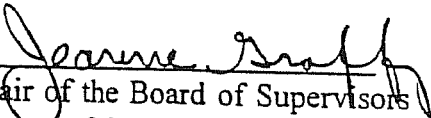
1. Any legislative approvals (e.g. zoning amendment, General Plan amendment, Local Coastal Plan amendment, Development Plan, or other legislative action) which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purpose of this measure, the term "onshore support facility" means any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources.
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3. The terms, policies, and zoning amendments set forth herein shall expire at the end of twenty-five (25) years after the effective date of this ordinance unless extended by the Board of Supervisors or by another vote of the electorate."
5. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act.
6. The Board submits these Local Coastal Plan and Coastal Zoning Ordinance amendments to the California Coastal Commission for review and certification.
7. 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 23rd day of July, 1996, by the following vote:


AYES: Supervisors Schwartz, Graffy, Wallace, Staffel Jrbanske

NOES: None

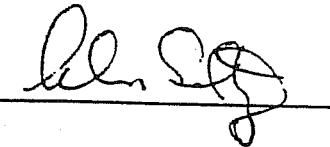
ABSENT: None


Chair of the Board of Supervisors
County of Santa Barbara

ATTEST: KENT TAYLOR
Clerk of the Board of Supervisors

By 

APPROVED AS TO FORM: STEPHEN SHANE STARK
County Counsel

By 

ATTACHMENT B

ORDINANCE NO. 4234

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 9 OIL AND GAS FACILITIES AND DIVISION 12 ADMINISTRATION TO ADD A VOTER APPROVAL REQUIREMENT FOR ONSHORE OIL FACILITIES SUPPORTING OFFSHORE OIL AND GAS ACTIVITY ON THE SOUTH COAST OF SANTA BARBARA COUNTY PURSUANT TO MEASURE A96, APPROVED BY THE VOTERS OF THE COUNTY OF SANTA BARBARA ON MARCH 26, 1996.

Case No. 96-OA-007

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

SECTION 1:

Section 35-150, Purpose and Intent of Division 9, Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add a voter approval requirement as follows:

"The following section has been added pursuant to the Measure A96 voter approval initiative, passed by the voters of Santa Barbara County on March 26, 1996:

Section 35-150.1 Voter Approval

1. Any legislative approvals (e.g. zoning amendment, General Plan amendment, Local Coastal Plan amendment, Development Plan, or other legislative action) which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purpose of this measure, the term "onshore support facility" means any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources.
2. The voter approval requirement set forth in 1 above shall not apply to onshore pipeline projects or to onshore support facilities that are located entirely within an existing approved consolidated oil and gas processing site at Las Flores Canyon (designated as of June 13, 1995 as APN 81-220-14, 81-230-19) or Gaviota (designated as of June 13, 1995 as APN 81-130-07, 81-130-52, 81-130-53).
3. The terms, policies, and zoning amendments set forth herein shall expire at the end of twenty-five (25) years after the effective date of this ordinance unless extended by the Board of Supervisors or by another vote of the electorate."

SECTION 2:

A note will be added to the end of the Administrative Section 35-180.5 of Division 12, Article II for processing Amendments to a Certified Local Coastal Program that cross references the section describing the voter approval requirement as follows:

"Note: Any legislative approval by the Board of Supervisors (i.e., LCP amendments, ordinance amendments, general plan amendments, rezones) which would authorize or

allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County of Santa Barbara in a regular election as described in Section 35-150.1. This voter approval requirement was added to the ordinance pursuant to the Measure A96 voter approval initiative, passed by the voters of Santa Barbara County on March 26, 1996 and is effective twenty-five (25) years hence."

SECTION 3:

Except as amended by this ordinance. Divisions 9 and 12 of Article II of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

This ordinance and any portion of it approved by the California Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage it, or 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.

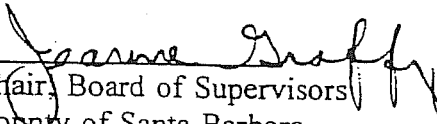
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 23rd day of July, 1996, by the following vote:

AYES: Supervisors Schwartz, Graffy, Wallace, Staffel, Urbanske

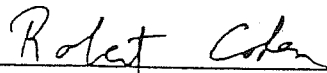
NOES: None

ABSTAINED: None

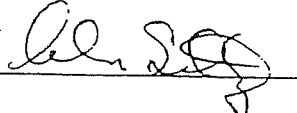
ABSENT: None


Chair, Board of Supervisors
County of Santa Barbara

ATTEST: KENT TAYLOR
Clerk of the Board of Supervisors

By 

APPROVED AS TO FORM: STEPHEN SHANE STARK
County Counsel

By 

**ADMINISTRATIVE GUIDELINES FOR IMPLEMENTING
MEASURE A96 - VOTER APPROVAL INITIATIVE
as approved on March 26, 1996**

The following guidelines are intended to clarify and assist with the implementation of the Voter Approval Initiative, Measure A96, as approved by the electorate on March 26, 1996. Pursuant to the mandate of the initiative as incorporated in Section 35-150.1 of Article II, "any legislative approvals which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election."

1. **Legislative Acts** - Only those onshore support projects requiring legislative acts are subject to referendum. Acts by local legislatures (the Board of Supervisors) that are "administrative," "executive," or "quasi-judicial" are not subject to referendum. Whether an action is "legislative" or not is determined by the courts on a case-by-case basis, considering legal principles and applicable facts and circumstances. The basic definitions are:
 - An action is "legislative" if it prescribes new policy or plan.
 - An action is "administrative" if it applies existing policy.
 - ▶ General plan amendments and rezones are legislative actions.
 - ▶ Not all discretionary actions by the Board of Supervisors are legislative. The granting of discretionary permits, decisions on appeals, and similar actions are discretionary actions but are not usually legislative actions.
 - ▶ Development Plan approvals are not ordinarily legislative actions. A Development Plan may be a legislative action if it makes major land use changes or prescribes new policy or plan. Although Development Plans are listed as types of legislative approvals subject to voter approval under Measure A96, only those Development Plans that as a matter of law are "legislative actions" may constitutionally be subject to referendum.
 - ▶ Projects which are determined to be "exempt" from County permits, even if the exemption leads to a change in use or intensity, are administrative actions under California law and are not subject to referendum. Similarly, decisions that a project is entitled to a zoning variance are typically not considered legislative acts. Determinations as to "vested rights" under existing permits are quasi-judicial decisions not subject to referendum.
 - ▶ Repair and maintenance projects are processed administratively under Article II, Appendix C and do not require legislative approvals.
 - ▶ Limited Exception Determinations for nonconforming industrial uses granted pursuant to Section 35-161.7 or other similar permits for minor modifications that do not expand or extend the life of an existing facility are not legislative approvals.
2. **Onshore Support Facilities** - Measure A96 voter referenda apply solely to legislative approvals of onshore support facilities, defined in the initiative as: "...any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources."

Onshore support facilities include those which, by their nature, are specific and directly related to offshore oil and gas development, but do not include facilities incidental or indirectly related to onshore support of offshore energy resource activities. The determination of whether a particular facility requiring a legislative approval is incidental or indirect, is subject to a case-by-case review.

- ▶ Measure A96 applies to onshore support facilities within the South Coast area, defined as Point Arguello to the Ventura border. Projects north of Point Arguello are not subject to voter referendum, nor are projects within Article IV of the County Zoning Ordinances (Montecito area).
 - ▶ Measure A96 does not apply to projects within cities or on other lands exempt from the County's Zoning Ordinance pursuant to Article II, Section 35-51.
 - ▶ Onshore pipeline projects are specifically exempt from Measure A96.
 - ▶ Onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing sites at Las Flores Canyon or Gaviota are specifically exempt from Measure A96. The approved consolidated oil and gas processing sites for Measure A96 purposes are defined as any and all land within those parcels designated as of June 13, 1995 as APN 81-220-14, 81-230-19 (Las Flores Canyon), or 81-130-07, 81-130-52, and 81-130-53 (Gaviota).
3. **Procedures for Implementing Measure A96** - Elections to consider Board-approved projects would occur at the next regular election according to timelines provided in the California Elections Code.

The California Coastal Commission must approve any changes to the Local Coastal Plan or Coastal Zoning Ordinance. Therefore, the order of "actions" on an onshore support facility project that is determined to be subject to Measure A96 would be:

- (1) Board of Supervisors approval;
- (2) Project consideration by the voters of Santa Barbara County;
- (3) Project consideration by the California Coastal Commission.

Under the California Coastal Act, the Coastal Commission can review Board denials of oil and gas projects and may consider amending the County's Coastal Land Use Plan or Coastal Zoning Ordinance if the County elects not to, provided certain findings can be made under Public Resources Code Section 30515. If the voters reject a Board-approved Coastal Plan or Zoning Ordinance amendment for energy facility development, the project proponent may request approval of the amendment by the Coastal Commission. Actions by the California Coastal Commission are not subject to voter approval pursuant to Measure A96.