

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

RESOLUTION NO. 04-303

Case No. 04GPA-00000-00015

IN THE MATTER OF ADOPTING
AMENDMENTS TO THE LAND USE
ELEMENT OF THE COMPREHENSIVE
PLAN, REVISING OIL TRANSPORTATION
POLICIES TO ENSURE THAT OIL
PRODUCED OFFSHORE OF THE COUNTY
WILL BE TRANSPORTED BY PIPELINE.

WITH REFERENCE TO THE FOLLOWING:

- A. Santa Barbara County seeks to ensure that oil produced offshore is transported to refinery by pipeline, in order to minimize adverse impacts of oil transportation on marine and coastal resources.
- B. The Santa Barbara County Planning Commission has recommended policy amendments to assure that oil produced offshore is transported by pipeline, with certain exceptions, consistent with State law.
- C. The Board has held a duly notice public hearing, as required by Section 65355 of the Government Code, at which the amendments to the Land Use Element were explained and comments invited from the persons in attendance.
- D. It is now deemed in the interest of the orderly development of the County of Santa Barbara and important to the preservation of the health and safety of the residents of said County to amend the Land Use Element of the Comprehensive Plan by adopting the following amendments to the Land Use Development Policies:

Revise Preamble Preceding Policy 12 (p. 82-d):

The county has conducted a comparative assessment of available modes for shipping large volumes of crude oil which are produced from offshore fields, processed locally, and requiring transportation to refineries. The assessment concluded that, although pipelines exhibit potentially significant adverse impacts to the environment, they are measurably the environmentally preferred mode of transportation when compared to marine tanker and rail. Furthermore, major crude oil pipelines are in operation for transporting crude oil from both northern and southern Santa Barbara County to refineries outside the county. Consequently, the county shall require that, ~~to the maximum feasible extent,~~ all crude oil produced from offshore reserves and landed in Santa Barbara County shall be shipped to onshore facilities via pipeline, and ~~from local processing facilities thence to refineries~~ via overland pipeline, except as specified below provided in Policy 12. Presently this policy does not apply to facilities that serve only onshore fields however, it shall apply to facilities that serve both onshore and offshore fields as well as only offshore fields.

Revise Policy 12 (pp. 82-d to 82-f):

12. ~~If an onshore pipeline for transporting crude oil to refineries is determined to be technically and economically feasible, p~~Proposals for expansion, modification, or construction of new oil and gas processing facilities, oil storage facilities, or pipeline terminals, which receive oil from offshore fields exclusively or from both offshore and onshore fields, shall be conditioned to require transportation of oil through the by pipeline when constructed, unless such condition would not be feasible for a particular shipper to processing facilities and final refining destination, except as provided in this policy.

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

Crude oil received onshore from offshore production facilities may be transported by highway or rail if the Director determines that the oil is so highly viscous that pipeline transport is infeasible, taking into account available options such as modifications to existing pipelines, blending of NGLs, etc.

Any shipment of oil by highway or rail under this policy shall be limited to that fraction of the oil that cannot feasibly be transported by pipeline and shall not exceed the limits of permitted capacity for these transportation modes. The shipper or carrier shall mitigate to the maximum extent feasible any environmental impacts caused by use of the alternate transportation mode.

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

- a. ~~Pipeline transportation of crude oil to a refining center served by a pipeline is presumed to be technically and economically feasible and the required method of transportation to that center.~~
- b. ~~Pipeline transportation of crude oil is presumed feasible for a particular shipper if a pipeline is in operation to the refining center of the shipper's choice.~~
- c. ~~Crude oil processing facilities shall be conditioned to require that each shipper's oil leaving those facilities be transported by pipeline when a pipeline is in operation to the refining center of the shipper's choice.~~
- d. ~~Until pipelines become available and for refining centers not served by pipeline, other modes of oil transportation are allowed consistent with County policies. Rail is not preferred for large volume shipments of oil.~~

- e.—For refining centers served by pipeline, other modes of transportation up to the limits of the permitted capacity for those modes, and with assurances that the shipper or transportation facility operator can and will mitigate the environmental impacts caused by the alternate transportation mode, are allowed only under the following circumstances:
- (1) Pipeline unavailability or inadequate capacity; or
 - (2) A refinery upset lasting no longer than two (2) months and only where the alternate refining center is not served by pipeline; or
 - (3) An emergency which may include a national state of emergency.

Repeal Implementing Action Statement (p. 82-f):

Implementing Action

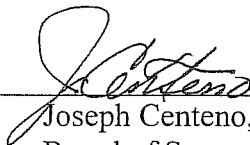
The Planning Commission shall implement this policy pursuant to Section 35-296 of Article III, Chapter 35 of the Santa Barbara County Code (inland zoning ordinance). The regulations of Section 35-296 apply specifically to separation of oil and water from an offshore area and processing/treatment plants that are not described in the previous section, 35-295. This Oil Transportation Policy is intended to apply facilities which process production obtained exclusively from offshore fields or from both offshore and onshore fields. (91-GP-3)

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Pursuant to the provisions of Section 65356 of the Government Code, this Board adopts the foregoing amendments to the Land Use Development Policies of the Land Use Element.
2. A copy of this Resolution shall be made available pursuant to Section 65357 of the Government Code.

PASSED, APPROVED, AND ADOPTED this 26th day of October, 2004, by the following vote:

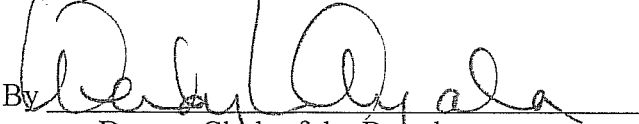
AYES:	Supervisor's Schwartz, Rose, Marshall, Gray and Centeno
NOES:	None
ABSENT:	None
ABSTENTIONS:	None



 Joseph Centeno, Chair
 Board of Supervisors
 County of Santa Barbara

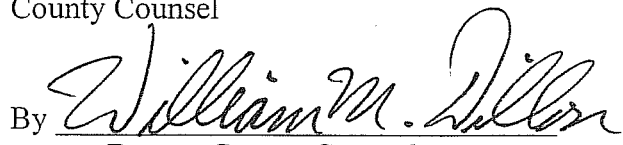
ATTEST:

MICHAEL F. BROWN
 County Clerk of the Board

By 
 Deputy Clerk of the Board

APPROVED AS TO FORM:

STEPHEN SHANE STARK
 County Council

By 
 Deputy County Council