DIVISION 8
ENERGY FACILITIES

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

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

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

Sec. 35-294. Definitions.

Unless otherwise defined within this Article, the definitions of energy and petroleum related terms shall be those set forth in Section 25-3 of Chapter 25 of the Santa Barbara County Code (Petroleum Ordinance).
Sec. 35-295. Oil Drilling and Production.

Sec. 35-295.1. Applicability.

The specific regulations contained within this section shall apply to all equipment, buildings, and appurtenances necessary for the exploration and production of oil and gas resources from an onshore area including:

1. The drilling of a new well.
2. Facilities for the production of oil and gas from a well.
3. Re-entering a previously abandoned well for the production of oil and gas.
4. Structures, equipment, or facilities necessary and incidental to the separation of oil, gas, and water obtained from an onshore area (i.e., oil and gas separation plant).
5. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of production wastes including equipment and facilities necessary for waterflooding, steam injection, air injection, carbon dioxide injection, or introduction of polymers or other agents.
6. Pipelines which are incidental to production operations.
7. Storage tanks necessary or incidental to oil and gas separation, or temporary storage of separated hydrocarbons, and equipment for transfer of the produced hydrocarbons to pipelines or tanker trucks.
8. Proposed access roads.
9. Oil spill containment and recovery equipment including central office space and vehicles for the storage of floating oil/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife cleanup equipment.
10. Colocated treatment and processing facilities on the drill site in AG-II, M-CR and M-2 districts determined by the Planning Commission to be incidental to proposed production operations. *(Amended by Ord. 3939, 9/3/91)*

For all districts in which oil and gas drilling and production is a permitted use or a use permitted with a Conditional Use Permit, the district regulations shall be inapplicable to said use.
Sec. 35-295.2. Permitted Districts.

1. Oil and gas drilling, production, and related facilities shall be permitted uses in the following districts:
   a. Agriculture II (AG-II)
   b. Coastal-Related Industry (M-CR)  *(Amended by Ord. 3939, 9/3/91)*
   c. General Industry (M-2)

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

Sec. 35-295.3. Processing.

1. Only a Land Use Permit as set forth in Sec. 35-314. with the submittal requirements as set forth in paragraph 2. below shall be required for oil and gas drilling which meet all of the criteria listed below. A site visit may be conducted by the Planning and Development Department to aid in the evaluation of the project
   a. The project is located on Agriculture II (AG-II), M-2 or M-CR zoned property  *(Amended by Ord. 3939, 9/3/91).*
   b. The project is located within a state designated oil field.
   c. The project is located no closer than 100 feet to the top of the bank of any watercourse (shown as intermittent or perennial on U.S.G.S. 7.5 minute series topographic maps) or 200 feet from the top of the bank of the Santa Ynez, Santa Maria, Sisquoc, or Cuyama River.
   d. The project is located no closer than 1000 feet to any district other than AG-II, M-2 or M-CR.  *(Amended by Ord. 3939, 9/3/91)
e. The project will not be located on, or cause disruption to, mapped historical or archaeological sites as maintained by the Planning and Development Department or identified during a site visit.

f. No treatment or processing facilities are proposed.

g. The project will not disturb mapped locations of rare or endangered species, unusual or delicate habitats, prime examples of ecological communities, or scientific study areas, as maintained by the Planning and Development Department or identified during a site visit.

h. The project, if over one-half acre in site size, will not be located on prime agricultural lands. However, the site size may be exceeded during the period of drilling operations but in no case longer than 90 days. After drilling is complete, the site shall be restored for agricultural use. Prime agricultural land shall be defined in this section as having a soil capability classification of I or II.

i. The project is not located within a Scenic Highway corridor as designated on the Scenic Highway Element Map (GP-23).

j. No water flooding or steam injection using fresh groundwater for enhanced oil recovery is proposed.

k. The project will not result in any other potentially significant adverse impacts identified during a site visit.

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

2. When applying for a Land Use Permit under para. 1. above, the application submittal requirements in Sec. 35-314.3. (Land Use Permits) shall be inapplicable and only the following information shall be required as part of the Land Use Permit application.

a. Assessors Parcel Number

b. Name of the State Department of Oil and Gas designated oil field within which the project is located, if any.

c. The type of facilities proposed, including any enhanced oil recovery facilities.
d. A U.S.G.S. map (7.5 minute series topographic) or facsimile showing the facility site(s), lease boundaries, proposed roads and pipelines.

e. A plot plan, drawn to scale, showing the facility site(s), property lines, proposed access roads, and water courses within 200 feet of the site(s).

f. Photographs of the site.

g. Any other reasonable information as deemed necessary by the Planning and Development Department.

3. In the AG-II, M-2 or M-CR districts, accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities, shall not require Land Use Permits when the installation of such equipment will not require grading or expansion of the site. (Amended by Ord. 3939, 9/3/91)

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

1. The following standards shall apply to all projects:

a. In addition to the well spacing and setback requirements of Section 25-23 of the County Code (Petroleum Ordinance), no oil or gas drilling or related facilities shall be permitted within 500 feet of an occupied residence within a residential or commercial zone district.

b. In order to minimize the area disturbed for drilling, the drill site shall not exceed one (1) acre in size unless the Planning Commission (discretionary permits) or Director (ministerial permits) finds that additional area is necessary.

c. Oil and gas production and related facilities shall be consolidated or colocated to the maximum extent feasible in order to minimize the area of disturbance.

d. Grading and alteration of natural drainage patterns shall be minimized to preserve the natural contour of the lands.

e. All lights shall be shielded so that all lighting is confined to the project site.

f. Drilling or production operations which are within or adjacent to a residential or commercial zone district shall not exceed a maximum daytime noise level of 65 dB(A) and shall not be conducted between the hours of 9:00 p.m. and 7:00 a.m. of any day, unless all noise generating facilities are sufficiently insulated to reduce the outside night time level to 50 dB(A) at or beyond the project property boundary.
g. Production facilities shall be designed and housed such that the noise generated by the facilities as measured at any noise sensitive location shall be equal to or below the existing noise level of said location. Measures to reduce adverse impacts (due to noise, vibration, etc.) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations as identified in the Comprehensive Plan Noise Element (i.e., use of electrical hydraulic surface pumping units).

h. It is prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9:00 p.m. and 7:00 a.m. upon streets within any residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator. This ordinance shall not be effective as to any street or part thereof unless and until signs giving notice of the prohibition are posted at entrances to the street or parts thereof affected. Truck routes shall be reviewed for proposed oil or gas facilities to insure that oil field support traffic is not routed through residential neighborhoods, unless no alternative routes exist.

i. All production equipment and facilities shall be recessed, covered, or otherwise screened from view from any designated Scenic Highway.

j. No noxious odors associated with the project shall be detectable at the project property boundary.

k. In addition to the requirements for abandonment and removal of equipment of Sec. 25-34 and 25-35 of the County Code (Petroleum Ordinance), the site upon well abandonment, shall be recontoured, reseeded, and landscaped to approximate original conditions or other conditions recommended by the applicant or property owner and approved by the Director (Land Use Permits) or Planning Commission (Discretionary Permits). Compliance with said provisions shall be determined by the County Petroleum Office, in consultation with the Planning and Development Department.

2. In addition, the following development standards may be applied to production operations to the extent deemed necessary by the Director or Planning Commission.

a. Each producing well site shall be completed in such a manner that all production equipment and facilities shall be recessed, covered, or otherwise screened from
view. Trees or shrubbery shall be planted and maintained so as to develop attractive landscaping and to screen the site and production equipment, structure, tanks, and facilities thereon from public view, unless such equipment, structures, tanks, and facilities are screened from public view by reason of an isolated location, existing trees or shrubbery, intervening surface contours, or a wall constructed as herein provided.

b. The site shall be enclosed with an adequate non-combustible type fence, wall, screen, or housing sufficient to prevent unauthorized access thereto and having a height of at least six (6) feet, unless public access is prevented by reason of an isolated location.

c. A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, may be required as a condition of approval.

d. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.
Sec. 35-296. Treatment and Processing Facilities

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

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

a. Dehydration and/or separation of oil, gas and water obtained from an offshore area.

b. Processing and/or treatment plants, excluding those described under Sec. 35-295
   (Production).

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

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

d. the development of any oil and/or gas which, after the adoption of these policies,
   requires approval of a new platform, or a new subsea or onshore well completion.

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

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

The Commission may continue the hearing (1) with the consent of the applicant and the
County or (2) to permit or require the applicant or the County to submit additional evidence or legal
analysis. No more than 90 days total continuance shall be granted unless the parties consent or the
Commission finds that additional evidence is needed for a decision cannot feasibly be presented
within the allotted time. The Commission shall decide the matter within 30 days after all such
evidence and analysis has been submitted.
The applicant shall reimburse the County for all reasonable costs incurred in determining the claim of exemption.  (Amended by Ord. 3702, 5/16/88)

**Sec. 35-296.2. Permitted Districts.**

1. Treatment and processing facilities shall be permitted uses in the following districts.
   a. General Industry (M-2)
   b. Coastal-Related Industry (M-CR)  (Amended by Ord. 3939, 9/3/91)

2. Treatment and processing facilities for oil and gas obtained from an onshore area shall be permitted subject to a Major Conditional Use Permit in the Agriculture I and II (AG-I, AG-II) districts.

**Sec. 35-296.3. Processing.**

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317.  (Development Plans), and with Sec. 35-314. (Land Use Permits).  In addition to the applicable information required under Sec. 35-317. (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.

1. An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires.  These emergency response plans shall be approved by the County’s Emergency Services Coordinator and Fire Department.

2. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, and completion, as well as location and amount of any land reserved for future expansion.

**Sec.35-296.4A. Findings Required for Approval of Development Plans Outside the South Coast Consolidation Planning Area.**  (Amended by Ord. 3702, and Ord. 3674)

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

1. Consolidation or colocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.

2. There are no feasible alternative locations for the proposed processing facility that are less environmentally damaging.
3. Where consolidation or colocation on or adjacent to an existing processing facility is not proposed, for coastal areas east of the City of Santa Barbara, there are no existing processing facilities within three (3) miles of the proposed site.

4. The proposed facility is compatible with the present and permitted recreational and residential development and the scenic resources of the surrounding area.

5. Gas processing facilities proposed in the North County Consolidation Planning Area (NCCPA), including expansion of existing facilities, have been sited in accordance with criteria set forth in Santa Barbara County Comprehensive Plan study entitled, *Siting Gas Processing Facilities*. Additionally, sites are selected with adequate consideration of all future gas processing needs in the NCCPA to optimize siting and consolidation strategies. The "expansion" of an existing facility shall mean any structural modification, alteration, expansion or enlargement which results in increased facility capacity, or changed in facility use, operation, or other limitations imposed by permit or other law. The "expansion" of an existing facility shall also mean introduction of production from a field not served by the processing facility since January 1, 1986, or from any new production well that increases the current area extent of a field presently served by the facility. Expansion shall not include modification to existing facilities that is required to comply with current health and safety standards, regulations, and codes.

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

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

1. Existing and approved processing capacity at the County-designated consolidation sites is insufficient to accommodate proposed new production for a period of time that would render development of the proposed offshore reservoir(s) infeasible. This finding shall take into account feasible delays in development of the offshore reservoir(s) to maximize use of existing and approved processing capacity, and feasible expansion of existing processing facilities to provide sufficient capacity.

2. The specific properties of oil or gas from a particular reservoir -- considering available information on the physical and chemical characteristics of the stock, including but not limited to API gravity, sulfur and water content, viscosity, and pour point -- would render
development of the resource technically infeasible unless specialized units can be built. Such finding shall consider partial dehydration as a specialized unit if it is required to adapt a resource to the technical requirements of a processing facility. Modifications or additions to existing facilities shall be favored over construction of redundant processing capacity insofar as such modifications or additions render the resource characteristics and the technical processing requirements of a facility compatible with one another.

3. Commingling the production in existing or already-approved facilities at designated consolidated sites is environmentally unacceptable. Additionally, no Preliminary or Final Development Plan for expansion or construction of processing facilities shall be approved unless the Planning Commission makes the following findings to restrict industrialization of the area.

4. The expansion of existing facilities or construction of new facilities are to be located at a County-designated consolidated oil and gas processing site at Gaviota or Las Flores Canyon, or

5. The Proposed processing facilities will use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

Sec. 35-296.5. Development Standards.
1. In addition to the regulations of the applicable zone district, the following regulations shall apply to treatment and processing facilities:

   a. The level of noise generated by the facility at or beyond the property boundary shall not exceed 70 db(A).

   b. All lights shall be shielded so that all lighting is confined to the project site.

   c. Visible gas flares shall not be permitted except for emergency purposes unless deemed infeasible for a particular operator.

   d. Grading and alteration of natural drainages shall be minimized.

   e. Adequate provisions shall be made to prevent erosion and flood damage.

   f. The site shall be enclosed with a fence or wall to prevent unauthorized access.

   g. It is prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9:00 p.m. and 7:00 a.m. upon streets within any residential neighborhoods. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator.
This ordinance shall not be effective as to any street or part thereof unless and until signs giving notice of the prohibition are posted at entrances to the street or parts thereof affected. Truck routes shall be reviewed for proposed oil or gas facilities to insure that oil field support traffic is not routed through residential neighborhoods, unless no alternative routes exist.

h. After adoption of a Resolution by the County Board of Supervisors that an onshore pipeline for transporting crude oil to refineries is technically and economically feasible, proposals for expansion, modification, or construction of new onshore treatment and processing facilities for offshore oil and gas shall be conditioned to require transshipment of oil through the pipeline when constructed, unless such conditions would not be feasible for a particular operator.

i. No noxious odors associated with the facilities shall be detectable at the property boundary.

j. Within the South Coast Consolidation Planning Area, operators and owners of County-designated consolidated facilities and sites shall make their facilities and property available for commingled processing and consolidation of oil and gas facilities on an equitable and nondiscriminatory basis. If existing processing capacity is insufficient to accommodate proposed production and necessary new facilities are not permissible pursuant to the County’s consolidation policies, operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers. (Amended by Ord. 3674, 12/14/87)

k. Permits for expanding, modifying, or constructing crude-oil processing or related facilities, which receive oil from offshore fields exclusively or from both offshore and onshore fields, shall be conditioned to require that all oil processed by the facility shall be transported from the facility and the County by pipeline as soon as the shipper’s oil-refining center of choice is served by pipeline. Transportation by mode other than pipeline may be permitted only:

(1) within the limits of the permitted capacity of the alternative mode; and

(2) when the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible; and
(3) when the shipper has made a commitment to the use of a pipeline when operations to the shipper’s refining center of choice; and

(4) when the County has determined use of a pipeline is not feasible by making one of the following findings:

(a) A pipeline to the shipper’s refining center of choice has inadequate capacity or is unavailable within a reasonable period of time;

(b) A refinery upset has occurred, which lasts less than two months, precludes the use of pipeline to that refinery, and required temporary transportation of oil to an alternative refining center not served by pipeline;

(c) The costs of transportation of oil by common carrier pipeline are unreasonable taking into account alternative transportation modes, economic costs, and environmental impacts; or

(d) An emergency, which may include a national state of emergency, has precluded use of pipeline.

A permit based on finding (b) or (d) may be granted by the Director of the Planning and Development Department and shall be subject to appeal to the Planning Commission. A permit based on findings (a) and (c) may be granted by the Board of Supervisors.

All permits for the use of non-pipeline mode of transportation may specify the duration for such permitted use. Such permit may be extended upon a showing of good cause based upon a consideration of the findings listed above. A permit based on finding (b) shall be granted for two months only. If refinery upset conditions continue beyond two months and the shipper wishes to continue use of a non-pipeline transportation mode, the shipper must seek a new or modified permit that is based on a consideration of finding (a), (c), or (d).

In all cases, the burden of proof as to pipeline unavailability or inadequate capacity, unreasonable tariffs, and the need for and use of other transportation systems shall be on the shipper. *(Amended by Ord. 3940, 9/3/91)*

2. In addition, the following development standards may be applied to the extent deemed necessary by the Planning Commission.
a. The installation shall be visually compatible with the existing and anticipated surroundings by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained, and camouflage and/or blending colors.

b. A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, shall be required as a condition of approval.

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

1. The County shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic mean) over any twelve (12) consecutive months, does not exceed three (3) percent of the facility's maximum permitted operating capacity. The review shall be conducted in a duly-noticed public hearing to determine if facility abandonment or facility modifications are appropriate.
Sec. 35-297. Refining.

Sec. 35-297.1. Applicability.

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

Sec. 35-297.2. Permitted Districts.

1. Refining facilities for oil development shall be permitted subject to a Major Conditional Use Permit only in the General Industry (M-2) District.

2. Based on Planning Commission Resolution No. 67-22, adopted by the Board of Supervisors on April 12, 1967, no facilities for the refining of oil shall be permitted in the portion of Santa Barbara County east of Point Conception and south of the ridge line of the Santa Ynez mountains.

Sec. 35-297.3. Processing.

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317. (Development Plans), and with Sec. 35-314. (Land Use Permits). In addition to applicable information required under Sec. 35-317. (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.

1. An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. These emergency response plans shall be approved by the County’s Emergency Services Coordinator and Fire Department.

2. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, and completion, as well as location and amount of any land reserved for future expansion.

Sec. 35-297.4. Findings Required for Approval of Development Plans.

In addition to the findings for Development Plans set forth in Sec. 35-317.7. (Development Plans), no preliminary or Final Development Plan shall be approved unless the Planning Commission also makes all of the following findings:

1. Consolidation or colocation on or adjacent to an existing refining facility to accommodate the proposed refinery is not feasible or is more environmentally damaging.

2. There are no feasible alternative locations for the proposed refining facility that are less environmentally damaging.

3. The facility is compatible with the scenic quality and land uses of the surrounding area.

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Sec. 35-297.5. Development Standards.
In addition to the regulations of the M-2 zone district, the following regulations shall apply to refining facilities:

1. The facilities shall be visually compatible with the existing and anticipated surroundings by use of any of all of the following measures where applicable: Buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; and camouflage and/or blending colors.

2. All lights shall be shielded so that all lighting is confined to the project site.

3. Visible gas flares shall not be permitted except for emergency purposes unless deemed infeasible for a particular operator.

4. Grading and alteration of natural drainages shall be minimized.

5. Adequate provisions shall be made to prevent erosion and flood damage.

6. The site shall be enclosed with a fence or wall to prevent unauthorized access.

7. A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, may be required as a condition of approval.

8. No noxious odors associated with the facility shall be detectable at the property boundary.

9. It is prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9:00 p.m. and 7:00 a.m. upon streets within any residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator. This ordinance shall not be effective as to any street or part thereof unless and until signs giving notice of the prohibition are posted at entrances to the street or parts thereof affected. Truck routes shall be reviewed for proposed oil or gas facilities to insure that oil field support traffic is not routed through residential neighborhoods, unless no alternative routes exist.
Sec. 35-298. Marine Terminals.

Sec. 35-298.1. Applicability.

The specific regulations contained within this section shall apply to the onshore portion of the components of a marine terminal (except LNG facility) which include facilities for loading and/or unloading equipment, storage tanks, terminal control and safety equipment, and navigational facilities, but not including pipelines. (The regulations for pipelines and related facilities are located in Sec. 35-290.) This section shall apply to existing and new marine terminals and as of April 12, 1967, there exists in the County four (4) marine terminals which are located at Cojo Bay, Gaviota, El Capitan, and Coal Oil Point.

Sec. 35-298.2. Permitted Districts.

Marine terminals are a permitted use in the Coastal-Related Industry (M-CR) district, except:

1. No more than one (1) additional marine terminal to the number in existence within the County as of April 12, 1967 shall be permitted in the area east of Pt. Conception and south of the ridge line of the Santa Ynez mountains.

2. After adoption of a Resolution by the County Board of Supervisors that an onshore pipeline for transporting crude oil to refineries is technically and economically feasible, new marine terminals shall not be a permitted use in any district and existing marine terminals shall continue to be a permitted use until the pipeline is operational, at which time they shall become legal nonconforming uses. After the pipeline is operational, marine terminals shall be a use permitted subject to a Major Conditional Use Permit in the Coastal-Related Industry (M-CR) District, but only upon a finding, in addition to those normally required for a marine terminal, as set forth in paragraph 4, that transshipment of oil by onshore pipeline is not feasible for the particular operator. (Amended by Ord. 3939, 9/3/81)

Sec. 35-298.3. Processing.

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

In addition to the other information required under Sec. 35-317. (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application:
1. An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County’s Emergency Services Coordinator and Fire Department.

2. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, and completion, as well as location and amount of any land reserved for future expansion.

Sec. 35-298.4. Findings Required for Approval of Development Plans.
In addition to the findings for Development Plans set forth in Sec. 35-317.7. (Development Plans), no Preliminary of Final Development Plan shall be approved unless the Planning Commission also makes all of the following findings:

1. There are no feasible alternative locations for the proposed marine terminal that are less environmentally damaging.

2. Expansion of an existing marine terminal onto adjacent lands is not feasible or is more environmentally damaging.

3. The proposed facility is compatible with the scenic quality and land uses of the surrounding area.

Sec. 35-298.5. Development Standards.

1. The level of noise generated by the facility at or beyond the property boundary shall not exceed 70 db(A).

2. The installation shall be visually compatible with the existing and anticipated surroundings by use of any or all of the following measures where applicable: Buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; camouflage and/or blending colors.

3. All lights shall be shielded so that all lighting is confined to the project site.

4. Grading and alteration of natural drainages shall be minimized.

5. Adequate provisions shall be made to prevent erosion and flood damage.

6. It is prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9:00 p.m. and 7:00 a.m. upon streets within any residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator.
This ordinance shall not be effective as to any street or part thereof unless and until signs giving notice of the prohibition are posted at entrances to the street or parts thereof affected.

Truck routes shall be reviewed for proposed oil or gas facilities to insure that oil field support traffic is not routed through residential neighborhoods, unless no alternative routes exist.
Sec. 35-299. Cogeneration Facilities.

Sec. 35-299.1. Permitted Districts

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

2. Cogeneration facilities shall be permitted subject to a Major Conditional Use Permit in the M-1, AG-I and AG-II zone district.

Sec. 35-299.2. Processing.

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

Sec. 35-299.3. Development Standards.

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

1. Measures to reduce adverse noise or vibration impacts to the maximum extent feasible shall be used for facilities adjacent to noise sensitive locations as identified in the Comprehensive Plan Noise Element.

2. Operation of facilities within 1000 feet of an occupied residence shall be conducted such that the noise generated is reduced to an outside night time level of 50 dBA at the impacted residence.
Sec. 35-300. Wind Energy Systems

Sec. 35-300.1. Applicability

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

Sec. 35-300.2. Permitted Districts

1. In all residential districts, wind energy conversion systems shall be subject to a Major Conditional Use Permit in order to review the visual, safety, and noise impacts on the surrounding residences, and potential transmission interference.

2. In all commercial, industrial, mixed use, recreational and public utility districts, one wind turbine with a maximum power output of 25 KW per parcel shall be permitted subject to a Land Use Permit, Sec. 35-314. Two or more wind turbines or a wind energy conversion system with a maximum power output greater than 25 KW per parcel shall be subject to a Minor Conditional Use Permit, except as per 2d. below.

3. In all agricultural and Resource Management zone districts, wind energy conversion systems shall be permitted subject to a Land Use Permit, Sec. 35-314., when all of the following criteria are met:
   a. Each proposed wind turbine will have a maximum power output of 25 KW or less and the wind energy conversion system will have a total maximum power output of 200 KW or less.
   b. The wind turbines are spaced at least 300 feet apart.
   c. Wind energy conversion systems which do not meet the above criteria shall be permitted subject to a Minor Conditional Use Permit, Sec. 35-315., except as per 2d. below.
   d. Wind energy conversion systems which have a maximum power output of greater than 200 KW shall be permitted in agricultural or industrial zone districts subject to a Major Conditional Use Permit, Sec. 35-315.

Sec. 35-300.3. Processing.

No permits for development including grading shall be issued except in conformance with Sec. 35-314. (Land Use Permits) and, when required, Sec. 35-315. (Conditional Use Permits).
Sec. 35-300.4. Application Submittal Requirements.

1. Land Use Permits

In addition to the applicable contents identified in Sec. 35-314.3., (Land Use Permits), the site plan shall include the height of all structures and trees within 300 feet of proposed wind turbines, the maximum power output of proposed wind turbines, the intended use of the generated power, and documentation of overspeed protection devices.

2. Conditional Use Permits

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

a. A plot plan of the proposed development drawn to scale showing:
   1) Acreage and boundaries of the property.
   2) Location of all existing and proposed structures, their use, and square footage within 500 feet of the turbine.
   3) The height of all structures and trees within 300 feet of the proposed wind turbines.

b. Elevations.

c. Documentation of the maximum noise levels generated by the wind turbine, if available.

d. The intended use of the generated power.

e. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including but not limited to overspeed protection devices and methods to prevent public access to the structure.
Sec. 35-300.5. Development Standards.

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

1. Wind turbines shall comply with all setback requirements in the applicable zone districts.

2. Fencing or other measures (e.g., pole design to restrict access) shall be utilized to prevent public access to moving parts or hazardous electrical components.

3. The applicant shall submit structural and electrical plans to the Building Division of the Public Works Department to insure compliance with applicable sections of the Uniform Building Code and the National Electrical Code.

4. For wind turbines interconnected with any utility grid, written clearance shall be obtained from the utility company.

5. Wind energy conversion systems shall be equipped with both manual and automatic controls to ensure that the rotational speed of the blade does not exceed the maximum design limits of the rotor.

6. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

7. Wind energy conversion systems including guy wires shall not extend beyond the property line.

8. Horizontal axis wind turbines shall be placed at a distance of at least two times the total tower height from any occupied structure.

9. Vertical axis wind turbines shall be placed at a distance of at least ten (10) blade diameters from any structure or tree. A modification may be granted for good cause shown, however, in no case shall the turbine be located closer than three (3) blade diameters to any occupied structure.

10. Wind energy conversion systems shall be operated such that no electromagnetic interference is caused. When notified by the County Zoning Administrator that the system is causing harmful interference, the operator shall promptly take steps to eliminate the interference.
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Sec. 35-301. Reserved for a Future Section.

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

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

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