

8. (SANTA BARBARA COUNTY PROPOSED AMENDATORY ORDINANCE RESTRICTING AND CONTROLLING OIL WELL DRILLING - GEO.-SANTA BARBARA COUNTY.)

Calendar Item No. 41, as attached, was presented to the Commission, after which Mr. Watson explained that this involves what appears to be an infringement of the rights of the Commission to authorize the building of piers under the Cunningham-Shell Tidelands Act.

Mr. Kirkwood was of the opinion that a better understanding of the problems involved should be had by the Commission before making a decision, whereupon Mr. Watson explained that early action was necessary because the ordinance was to be presented to the Santa Barbara County Board of Supervisors at its next meeting to be held within two weeks. Mr. Watson then went on to state that the Santa Barbara County Board of Supervisors had previously agreed with the Rules and Regulations set up by the Commission, but that Ordinance No. 661 would be a direct contravention of those Rules and Regulations, and would interfere with the State's oil development operations.

Deputy Attorney General Jay Shavelson, upon being questioned as to how the State could proceed if the ordinance were adopted, stated that in his opinion the only possible recourse would be to the Courts.

Mr. Kirkwood was of the opinion that the problem should, if possible, be resolved directly with the Board of Supervisors.

Mr. Peirce asked, for practical purposes, if the ordinance were adopted, whether it would apply throughout Santa Barbara County, whereupon Mr. Watson pointed out that it was a negative type of action because it would apply only when the community involved wanted it to apply, which would mean that the Commission would be put in the position of having to carefully watch each individual case and make individual protests every time the question came up.

Following the discussion, the Executive Officer amended the resolution made by the staff, as follows:

It is recommended that the staff be authorized to obtain the assistance of the office of the Attorney General and to suggest changes to the Planning Commission's amendatory Ordinance No. 661 when it is submitted to the Board of Supervisors of Santa Barbara County.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE STAFF OF THE STATE LANDS COMMISSION IS AUTHORIZED TO OBTAIN THE ASSISTANCE OF THE OFFICE OF THE ATTORNEY GENERAL AND TO SUGGEST CHANGES TO THE PLANNING COMMISSION'S AMENDATORY ORDINANCE NO. 661 WHEN IT IS SUBMITTED TO THE BOARD OF SUPERVISORS OF SANTA BARBARA COUNTY.

Attachment

Calendar Item 41 (1 page)

OIL & GAS

41.

(SANTA BARBARA COUNTY PROPOSED AMENDATORY ORDINANCE RESTRICTING AND CONTROLLING OIL WELL DRILLING, GEO.-SANTA BARBARA COUNTY.)

The Santa Barbara Planning Commission has approved for submission to its Board of Supervisors amendments to Ordinance No. 661, as amended (the so-called "O" Ordinance), which would prohibit in areas so zoned as follows:

"(f) No piers for oil drilling purposes shall be permitted to be attached to any upland site above the average mean high tide line and no pier approach for such purposes shall be constructed on any upland site. Nothing herein contained shall be deemed to limit or control the use for oil and gas drilling and operating purposes of piers and their connecting approaches which are in existence at the effective date hereof."

The ordinance is designed so that this provision is not subject to variance, whereas other provisions in the "Special Conditions" are subject to variance.

The staff has tried without success to get the Planning Commission to place the above-quoted amendment in the Special Conditions which are subject to variance. It should be noted that the amendment impinges on the Commission's authority by indirection in that if the Commission authorized the building of a pier for oil development, the county might attempt to prevent its use through the ordinance by prohibiting the access to the pier from the upland. As a corollary, attention is drawn to the ordinances in effect at Seal Beach whose application to the Monterey Island were made ineffective by court action. This Santa Barbara ordinance has been discussed with the office of the Attorney General.

IT IS RECOMMENDED THAT THE STAFF BE AUTHORIZED TO OBTAIN THE ASSISTANCE OF THE OFFICE OF THE ATTORNEY GENERAL AND PROTEST THE ADOPTION OF THE PLANNING COMMISSION'S AMENDMENT WHEN IT IS SUBMITTED TO THE SANTA BARBARA BOARD OF SUPERVISORS FOR ADOPTION.