

ATTACHMENT 4

PLANNING COMMISSION MINUTES DECEMBER 13, 2012

2. Hearing to consider a request by PHILLIPS 66 for a Development Plan / Coastal Development Permit to allow for the increase in the daily maximum limit of crude oil throughput (by 10 percent) from 44,500 barrels per day (bpd) to 48,950 bpd at the existing oil refinery. Additionally, for the SLOCAPCD permit, the 12-month rolling average of crude oil throughput would increase from 16,220,600 barrels per year (bpy) to 17,866,750 bpy. The project will not result in new ground disturbance on the approximately 1,644 acre parcel. The proposed project is within the Industrial land use category and is located at 2555 Willow Road, southwest of the Village of Callender-Garrett. The site is in the South County (Coastal) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Air Quality, Public Safety and Hazardous Materials, Noise and Vibration, Transportation and Circulation, Public Services, Land Use Policies, and Water Resources. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined to not be necessary. County File No: DRC2008-00146 APN(s): 091-141-062, 092-391-021, 034, 092-401-005, 011, 013, 092-411-002, & 005
Supervisorial District: 4 Date Accepted: 11/4/2009
Murry Wilson, Project Manager Recommend approval
POST HEARING DETERMINATION: APPROVED (10:03 AM)

Murry Wilson, Project Manager: presents staff report via a Powerpoint presentation.

Commissioners: begin deliberations.

Kristen Kopp, Phillips 66: provides project proposal information and makes introductions.

Jean St. Martin, Phillips 66 attorney: explains ordinance compliance in terms of access routes.

Kristin Kopp, agent: discusses objection to Condition 26 regarding \$25,000 fee annually for the life of the project.

Jean St. Martin: clarifies coastal access comments made previously.

Dan O'Grady: opens Public Comment.

Mike Brown (COLAB), and Ron Espinoza (United Steal Workers): speak.

Jerry Stumbo, Phillips 66: responds to Public Comment.

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Murry Wilson, Project Manager: addresses Public Comment.

Commissioners: being their deliberations.

Ken Topping: would like to know which vehicles are appropriate for the access way with Mr. Wilson responding explaining applicant compliance with siting criteria.

Robert Lewin, County Fire Chief: addresses safety issues in terms of fire mitigations for this proposal.

Whitney McDonald, County Counsel: explains how the portion of \$25,000.00 is calculated for the fee as described in Condition 23, with Chief Lewin also responding.

Jerry Stumbo, Phillips 66: explains reasoning for objection to fee proposed by Cal Fire in Condition 23 - especially in terms of it being proposed in perpetuity.

Commissioners: deliberate fee in Condition 23.

Tim Murphy: proposes an annual fee of \$10,000.00.

Jim Irving: supports Mr. Murphy's suggestion.

Carlyn Christianson: supports staff recommendations.

Commissioners: hold a straw poll vote on changing the fee in Condition 23 to \$10,000.00.

TM- Y,

KT-N,

JI-N,

CC-Unknown.

Jason Giffen, Director Planning & Building: presents other options for language in Condition 23 in terms of the length of time the fee is to be paid, or the amount of the fee being proposed.

Murry Wilson, Project Manager: displays revised condition language to address concerns in Condition 23.

Jim Irving: feels Condition 23 should be deleted as this was not covered in the EIR and provides reasoning.

Murry Wilson, Project Manager: displays Option 3 Condition 23 language.

Tim Murphy: proposes \$10,000.00 in perpetuity and provides reasoning.

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Jerry Stumbo, Phillips 66: prefers Option 23, however agrees to \$10,000.00 annually for 19 years.

Dan O'Grady: calls for a straw vote on the suggestion for Condition 23 fee of \$10000.00 for 19 years.

Robert Lewin SLO County Fire Chief: before any vote from Commissioners is taken, withdraws Condition 23.

Tim Murphy: would like to know when this project will be coming back to the Planning Commission.

Ken Topping: comments that he would have voted on the \$10,000.00 as long as it could have been in perpetuity in terms of the loss avoidance being sought and provides reasoning.

Murry Wilson, Project Manager: would like the Commissions decision on whether to delete, or keep Condition 23.

Commissioners: straw vote on keeping Conditions 23.

TM-Y with fee changed to \$10,000.00 annually in perpetuity.

KT-Y

CC-Y

DO-N -feels Condition 23 should be deleted as recommended by Chief Lewin.

Aerin Arlin-Genet, Air Pollution Control district (APCD): describes the elevated particulate levels as it relates to the air quality in this case and EIR and states this proposal is below the APCD thresholds.

Commissioners and staff: discuss the Willow Rd. interchange as it applies in this proposal.

Carlyn Christianson: would like the background explained for the Coastal Plan - Policy 1 a. regarding the intent and why it does not apply in this case.

Whitney McDonald, County Counsel: addresses Ms. Christianson's concern.

Commissioners, staff and applicant: discuss interpretations of Coastal policies in regards to the restoration of the ESHA area.

Thereafter, on motion of Tim Murphy, seconded by Jim Irving, and on the following vote:

AYES: Commissioner(s) Tim Murphy, Jim Irving, Carlyn Christianson, Ken Topping, Dan O'Grady.

NOES: None.

ABSENT: None.

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The Commission certifies the final Environmental Impact Report (FEIR) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Development Plan/Coastal Development Permit DRC2008-00146 based on the findings listed in Exhibit A, changing Finding D. to add "...and safety issues raised by the County Fire Department have been adequately addressed by the Conditions of Approval." to the last sentence; and subject to the conditions listed in Exhibit B, changing Condition 6 to read "6. Prior to issuance of a construction permit or issuance of the Notice to Proceed authorizing an increase in refinery throughput, whichever occurs last, the applicant shall pay all applicable school and public facilities fees pursuant to Title 18 of the County Code and Fee Schedule in effect."; changing Condition 13 to add the sentence "Upon implementation of the throughput increase, the applicant shall provide verification that the noise level at the closest receptor property line does not exceed 50 dBA." at the end of the paragraph; changing Condition 16. to delete the reference to "In addition after the Willow Road/U.S. Highway 101 interchange is completed..." and replace with "It is recommended that...."; adding Condition 22. to read "22. Prior to issuance of the Notice to Proceed authorizing an increase in Refinery throughput, the applicant shall comply with the California Fire Code and the National Fire Protection Association (NFPA) Standards including NFPA Chapters 11, 15, 22, 24, 25, 30, 34, and 58. Further, the applicant will maintain an Industrial Fire Brigade in compliance with NFPA 600 and NFPA 1081. Verification of this condition of approval shall be in consultation with the county fire Department."; adding Condition 23 to read "23. Prior to issuance of the Notice to Proceed authorizing an increase in Refinery throughput, and thereafter annually for the life of the project, the applicant shall fund specialized training and/or equipment not to exceed \$10,000 per year which shall be adjusted annually for inflation, using the Consumer Price Index for County Fire Department personnel that could be called upon to assist in firefighting or other emergency response at the facility."; and subject to the CEQA findings in Exhibit C; adopted.