

Exhibit A

EXHIBIT A – FINDINGS FOR APPROVAL (DRC2012-00095)

Environmental Determination

- A. The Environmental Coordinator found that there is evidence that the project may have a significant effect on the environment, and therefore an Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000, et seq., and California Administrative Code Section 15000, et seq.) for the proposed project. Impacts were identified and mitigation measures have been proposed for: Aesthetics and Visual Resources, Agricultural Resources, Air Quality and Greenhouse Gases, Biological Resources, Cultural and Historical Resources, Geological Resources, Hazards and Hazardous Materials, Land Use and Recreation, Noise and Vibration, Population and Housing, Public Services and Utilities, Transportation and Circulation and Water Resources. The FEIR also considers alternatives in addition to the “No Project” that include the “Reduced Project” and “Looped Rail Unloading Configuration” alternatives. See Exhibit C for CEQA Findings including a Statement of Overriding Considerations for significant, unavoidable impacts.

Conditional Use Permit

- B. The proposed project (i.e., three crude oil unit train deliveries per week, 150 trains per year, and a rail spur and crude unloading facilities located on the Santa Maria Refinery (SMR) project site) is consistent with the San Luis Obispo County General Plan. The project is consistent because the rail spur, unloading facilities, and importation of crude by rail is an allowable use on the SMR property which is designated Industrial. The project site contains an existing refinery and rail spur for the export of coke; the proposed rail spur and crude unloading facilities would be subordinate to, and support the primary existing use of the site which is partial refinement of heavy crude.
- C. As conditioned, the proposed project satisfies all applicable provisions of Title 23 of the County Code because it is an allowable use within the Industrial land use category; it would not be located an Environmentally Sensitive Habitat Area (i.e., Unmapped ESHA) as defined in Section 23.11.030 of the CZLUO due a determination of Unmapped ESHA having not been made at or before the time of project application acceptance); and, the project complies with the use standards such as siting, limitations on use, and buffer zones.
- D. The establishment and subsequent operation or conduct of the on-site component of the proposed project will not, because of the circumstances and conditions of approval applied, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use for the following reasons: Implementation of conditions of approval that would reduce on-site impacts for issue areas related to public health and safety such as air quality, hazards, noise, public services, and transportation (refer to Exhibit B); the existing and ongoing coordination with Cal Fire and implementation of an updated Fire Protection Plan that meets all of the standards of API, NFPA, and UFC; the existing and ongoing state and federal regulatory oversight that is applicable to the SMR and proposed rail spur (e.g., implemented by agencies such as the FRA, PHMSA, NTSB, CPUC, CDFW/OSPR, etc.); the rail spur unloading facility and easternmost terminus of the spur would be physically separated from the nearby residential areas due respective separations of approximately 1.4 miles

Exhibit A

and 0.5 mile east of State Route 1; the rail spur site would be partially visually shielded through construction of a maximum 25-foot high berm that would resemble a natural dune shaped landform;

- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development. The proposed rail spur would be in character because it would be located on a site with an existing land use designation of Industrial; would be located within an area where a rail spur currently exists as part of a larger refinery facility; would not introduce a use that would contrast with the existing character of the site; would be visually buffered by both the 0.5 mile of undeveloped, natural dune landforms located between the project and nearby residential areas and by the naturally configured dune berms and vegetation constructed to shield the project; would implement conditions of approval that reduce noise and night-time light and glare impacts as heard and seen from surrounding residential areas to levels of insignificance; and, would constitute a limited amount of temporary and permanent disturbance (i.e., 47 acres of the 1,650 acre site).
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project. The project would generate short-term traffic trips during the approximate one year construction phase, would generate a long-term increase in trips due to the additional of a maximum of 12 employees required to operate the rail spur facility, and approximately one additional sulfur truck trip per day. This number of vehicle and truck trips would not result in any exceedances of acceptable capacity on the roadways that would be used (i.e., State Route 1 and Willow Road).

Flood Hazard and Sensitive Resource Area - Combining Designations

- G. The proposed project will not adversely affect, or be affected by, the Flood Hazard (FH) Combining Designation because the FH designation applies to an area of the project site located outside of the area of the rail spur's area of disturbance, in the southern portion of the project site. This area is associated with the 100-year flood plain of Oso Flaco Creek and its tributaries and will be mitigated through construction of facilities being required to locate above the flood elevation. The Sensitive Resource Area (SRA), along with sub-categories of Coastal Streams and Sensitive Riparian Vegetation (SRV), Terrestrial Habitat (TH), and Wetlands (WET), that are located on the project site are located on the portion of the property west of the UPRR and outside of the project area of disturbance.

Coastal Access

- H. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act. The Applicant, as a result of the County Board of Supervisor's approval of the Throughput project in February 2013, has agreed to the implementation of vertical access if it is found by the County to be consistent with the CZLUO requirements for public safety and protection of fragile coastal resources. The condition the Applicant has agreed to implement as part of the Throughput project states "construction of improvements associated with vertical public access (if required) shall occur within 10 years of the effective date of this permit (including any required Coastal Development Permit to authorize such construction) or at the time of any subsequent use permit approved at the project site, whichever occurs first." The Applicant has made the first step in the process of implementation of vertical coastal access by making an offer to dedicate -- which the County has accepted in consultation with the California Coastal Commission. The FEIR has examined potential impacts associated with three

Exhibit A

forms of vertical access at this location which included: (1) bicycle and pedestrian only; (2) motor vehicle, bicycle and pedestrian; and (3) docent lead pedestrian only. The project is conditioned to include docent led pedestrian only access within the provided easement area because docent led vertical access at this site is consistent with the CZLUO requirements related to public safety and protection of fragile coastal resources.

*Abbreviations:

API: American Petroleum Institute

NFPA: National Fire Protection Association

UFC: Uniform Fire Code

FRA: Federal Railroad Administration

PHMSA: Pipeline and Hazardous Materials Safety Administration

NTSB: National Transportation Safety Board

CPUC: California Public Utilities Commission

CDFW/OSPR: California Department of Fish and Wildlife/Office of Spill
Prevention and Response

CZLUO: Coastal Zone Land Use Ordinance