

# Agenda Item 3A: State Advocacy Letters

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**SALUD CARBAJAL**  
First District

**JANET WOLF**  
Second District, Chair

**DOREEN FARR**  
Third District

**PETER ADAM**  
Fourth District, Vice Chair

**STEVE LAVAGNINO**  
Fifth District



**BOARD OF SUPERVISORS**  
County Administration Building  
105 East Anapamu Street  
Santa Barbara, CA 93101  
Telephone: (805) 568-2190  
[www.countyofsb.org](http://www.countyofsb.org)

## COUNTY OF SANTA BARBARA

September 10, 2015

The Honorable Edmund G. Brown, Jr.  
Governor of the State of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

Fax No.: (916) 558-3160

***RE: AB 57 Telecommunications: wireless telecommunication - OPPOSE***

Dear Governor Brown,

I am writing on behalf of the Santa Barbara County Board of Supervisors to reiterate our opposition to Assembly Bill 57 Telecommunications: wireless telecommunication facilities. We respectfully request your veto of AB 57 by Assembly Member Bill Quirk. This bill would continue an unsettling precedent of the Legislature prioritizing the review and approval of development permits for specific industries at the expense of all other types of applications. Moreover, AB 57 would go beyond the already stringent requirements for expedient review of wireless facilities under federal law and regulations by deeming approved *any* application for colocation or siting of a new wireless telecommunication facility if a city or county fails to approve or disapprove the application within time periods that the Federal Communications Commission (FCC) established.

The County of Santa Barbara finds that existing federal law and regulations are sufficiently stringent to promote the timely review and approval of wireless facility applications. The state should not enact a statute that expands the rights of wireless carriers beyond what is currently provided. Beyond this fundamental issue, however, are two additional problems with the provisions of AB 57:

### **Deemed Approved Rule**

Wireless telecommunications companies are generally required to obtain various state and local zoning approvals before building a new wireless facility or collocating equipment at an existing wireless facility. In 2009, the FCC issued a declaratory ruling, 47 U.S. C. § 332(c)(7)(B)(3), to require cities and counties to take action on colocation or new siting applications for wireless telecommunications within certain specific timelines. The FCC issued the following timelines: For colocations, local agencies are required to respond in 90-days and for new siting applications, cities and counties have 150-days. The FCC's 90/150-day rule only provided wireless telecommunications carriers with a rebuttable presumption to be used in court if a local agency failed to act in a timely manner. The FCC refused to adopt the industry's request to issue a deemed approved rule.

### **Lack of Clarity on CEQA**

AB 57 is silent as to whether CEQA review must be completed during the shot-clock period. Currently, both parties have to agree to toll the shot-clock, including CEQA. Despite requests from local government representatives while AB 57 was under consideration in the Legislature, the bill was not amended to explicitly state that CEQA review would be allowed to occur outside of the shot-clock period if necessary.

Local governments fully support greater access to broadband services. However, we are concerned that this measure would provide wireless telecommunications facilities a higher priority under state law than other

SUBJECT: Oppose – Assembly Bill 57 (Quirk) Telecommunications: wireless telecommunication facilities  
September 10, 2015

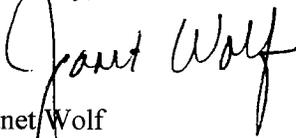
Page 2

broadband providers using different technologies, tie the hands of municipalities, and set a troubling precedent of the state continually eroding local governments' power to make land use decisions.

The Santa Barbara County 2015 Legislative Platform, adopted by the Board of Supervisors, includes the principle of Local Control. The principle supports efforts to ensure local authority and control over governance issues and land use policies. AB 57 would conflict with this principle.

For these reasons, we must respectfully request your veto of AB 57. If you have questions about the Board's position, please contact the County's Legislative Coordinator, Joseph Toney at 805-568-2060 or [jtoney@countyofsb.org](mailto:jtoney@countyofsb.org).

Sincerely,



Janet Wolf  
Chair, Board of Supervisors

cc: Assemblymember Bill Quirk, 20<sup>th</sup> Assembly District  
Assemblymember Katcho Achadjian, 35th Assembly District  
Assemblymember Das Williams, 37th Assembly District  
Members, County of Santa Barbara Board of Supervisors  
Mona Miyasato, County Executive Officer  
Monica Miller, Governmental Advocates  
Cliff Berg, Governmental Advocates  
Glenn Russell, Director, Planning and Development, County of Santa Barbara

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September 10, 2015

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Sacramento, CA 95814

Fax No.: (916) 558-3160

**RE: AB 514 – Ordinances: violations: administrative fines– Support**

Dear Governor Brown:

I am writing on behalf of the Santa Barbara County Board of Supervisors to reiterate our support Assembly Bill 514, which proposes to enhance the amount of potential fines that may be levied for one-time violations of zoning and other ordinances. The current State imposed limitation on the amount of a fine that can be levied on zoning infractions renders their use ineffective in gaining compliance in certain circumstances. Maximum fine amounts need to be increased to ensure that our communities are safeguarded by enforceable zoning rules.

One example of why the increase in fines is necessary, is a large commercial event, such as wedding or other event. Depending on the zone district that the commercial wedding occurs in and the number of attendees, such an event either requires a permit or may not be allowed. Such an event occurred in the County and state law limited the amount of the fine to \$100, which is not a deterrent. Even fines for subsequent illegal events on the same property, which could be \$200 or \$500 do not have any effect on compliance. Such small amounts are a minor portion of the cost of doing business.

The goal of Santa Barbara County is to gain compliance and only apply fines when necessary. The required findings for any one-time event fine over \$500 help ensure that the higher fine amounts will not be applied abusively. Increasing fines will provide a deterrent from ignoring rules and allow the County to have a better enforcement tool. The tool will help gain compliance and ensure the peace and well being of our neighborhoods and communities.

For these reasons, the County of Santa Barbara supports AB 514 and respectfully requests you sign the bill into law. If you have questions about the Board's position, please contact the County's Legislative Coordinator, Joseph Toney at 805-568-2060 or [jtoney@countyofsb.org](mailto:jtoney@countyofsb.org).

Sincerely,

Janet Wolf  
Chair, Santa Barbara County Board of Supervisors

cc: Senator Hannah-Beth Jackson, 19<sup>th</sup> Senate District  
Assemblymember Katcho Achadjian, 35<sup>th</sup> Assembly District  
Assemblymember Das Williams, 37<sup>th</sup> Assembly District  
Members, County of Santa Barbara Board of Supervisors  
Mona Miyasato, County Executive Officer  
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## COUNTY OF SANTA BARBARA

September 15, 2015

The Honorable Edmund G. Brown, Jr.  
Governor of the State of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

Fax No.: (916) 558-3160

***RE: AB 864 Oil spill response: environmentally and ecologically sensitive areas – SUPPORT***

Dear Governor Brown,

I am writing on behalf of the Santa Barbara County Board of Supervisors to reiterate our support for AB 864 Oil spill response: environmentally and ecologically sensitive areas. This bill will require an operator of an intrastate oil pipeline, along environmentally and ecologically sensitive areas near the coast, to use the best available technology to reduce the amount of oil released in an oil spill in order to protect state waters and wildlife. This includes automatic shut off technology, and requires a pipeline operator to document the best available technology used in their oil spill contingency plan.

With the recent oil spill along the Santa Barbara County coastline, improved speed of issue detection and faster response times are necessary. This bill will ensure that the best available technology is in place with the purpose of protecting water and wildlife.

For these reasons, Santa Barbara County supports AB 864 and respectfully requests you sign the bill into law. If you have questions about the Board's position, please contact the County's Legislative Coordinator, Joseph Toney at 805-568-2060 or [jtoney@countyofsb.org](mailto:jtoney@countyofsb.org).

Sincerely,

Janet Wolf  
Chair, Board of Supervisors

cc: Senator Hannah-Beth Jackson, 19<sup>th</sup> Senate District  
Assemblymember Katcho Achadjian, 35th Assembly District  
Assemblymember Das Williams, 37th Assembly District  
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## COUNTY OF SANTA BARBARA

September 10, 2015

San Luis Obispo Board of Supervisors  
1055 Monterey Street  
San Luis Obispo, CA 93408

San Luis Obispo County Planning Commission  
976 Los Osos Street, Room 200  
San Luis Obispo, CA 93408

RE: Proposed Phillips 66 Company Santa Maria Refinery Rail Spur Extension Project

Dear Supervisors and Commissioners:

At the September 1, 2015 Board Meeting the Santa Barbara County Board of Supervisors voted to oppose the Phillips 66 Company's application for its Rail Spur Extension due to the potential health and safety risks to Santa Barbara County residents, our environment and the local economy.

The number of trains transporting petroleum products throughout the United States has increased dramatically over the last decade. The number of shipments of crude oil by rail car in the U.S. has increased by 8,358 percent since 2006, according to the U.S. Energy Information Administration and Association of American Railroads. Consequently, this surge in shipments of crude oil by rail has resulted in an increased frequency of oil spills by American trains, including an all-time high of 141 "unintentional releases" in 2014, according to the federal Pipeline and Hazardous Materials Safety Administration (PHMSA).

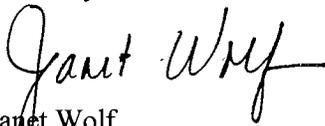
The proposed project is of great concern, due in part to the volatility of Canadian tar sands, and the proximity of the proposed route to highly populated areas. An accident would have catastrophic consequences for our constituents, as well as the sensitive environment of the Central Coast. Moreover, a series of recent rail events underscore the potential danger of the project: In July 2013, 63 cars from a runaway oil tanker train exploded in Lac-Megantic, Quebec, leveling much of the town; then in February 2015, an oil train hauling hundreds of millions of pounds of oil derailed in Boomer, West Virginia and exploded. Most recently, we were reminded that while train accidents are rare, they do occur as evidenced by the recent Metrolink accident on February 24, 2015 in Oxnard which occurred on our same local rail corridor which trains related to this project would operate on. A similar scenario involving an oil train would have resulted in wide ranging public health, safety, economic and environmental impacts. Approval of this project would present considerable risks as the proposed project would result in up to five additional oil trains per week travelling the Santa Barbara County coastal rail line. This route includes heavily populated urban areas and Highway 101, one of the two major interstate highways

Page 2

connecting Southern California to Northern California. Transportation of crude presents many known risks, including explosion, derailment, air pollution, toxic emissions, fire, and spill. Not only does the planned route go directly through the heart of local Santa Barbara County communities, but also some of the most sensitive ecological areas and public parks along our coast, including Jalama, Gaviota, Refugio, and El Capitan Beach Parks, Naples and the Guadalupe Dunes and the Carpinteria Salt Marsh and Bluffs Park, as well as our pristine and productive private ranches.

For these reasons, we strongly urge you to reject the Phillips' proposal and appreciate your consideration of this important issue to our local community.

Sincerely,



Janet Wolf  
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors  
Mona Miyasato, County Executive Officer  
Monica Miller, Governmental Advocates  
Cliff Berg, Governmental Advocates  
Glenn Russell, Director, Planning and Development, County of Santa Barbara

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The Honorable Edmund G. Brown, Jr.  
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Fax No.: (916) 558-3160

***RE: SB 379 – Land use: general plan: safety element – Support***

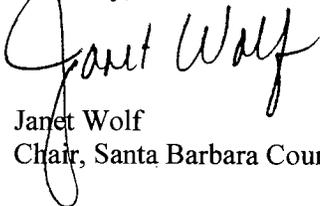
Dear Governor Brown:

I am writing on behalf of the Santa Barbara County Board of Supervisors to reiterate our support of Senate Bill 379, which would require cities and counties to review and update the safety elements of their general plans. These updates are to be designed to address climate adaptation and resiliency strategies applicable to their localities the next time they are required to update the housing elements of the general plans beginning January 1, 2017.

Under current law, every city and county must adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise and safety. SB 379 would require cities and counties to include climate adaptation and resiliency strategies in the safety elements of their general plan. This bill would require the climate adaptation update to include a set of goals, policies, and objectives for their communities for the impacts of climate change.

The County of Santa Barbara supports of SB 379.

Sincerely,



Janet Wolf  
Chair, Santa Barbara County Board of Supervisors

cc: Senator Hannah-Beth Jackson, 19<sup>th</sup> Senate District  
Assemblymember Katcho Achadjian, 35<sup>th</sup> Assembly District  
Assemblymember Das Williams, 37<sup>th</sup> Assembly District  
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