



## Planning Commission Staff Report – February 1, 2024

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

**SUBJECT: Public Hearing to Consider and Make Recommendation to the Board of Supervisors Regarding Proposed Amendments to Ventura County General Plan Policies COS-7.7 (Conveyance for Oil and Produced Water) and COS-7.8 (Gas Collection, Use, and Disposal) Regarding Oil and Gas Production (PL 23-0113)**

### A. PROJECT INFORMATION

1. **Applicant:** County of Ventura
2. **Location:** Unincorporated Ventura County
3. **Request:** County staff request that your Commission review this staff report and its attachments and adopt the proposed Resolution (Exhibit 1) recommending that the Board of Supervisors (Board) approve the proposed amendments to Ventura County General Plan Policies COS-7.7 and COS-7.8 regarding oil and gas production, and take the other stated actions at the end of this staff report.
4. **Review/Decision-Making Authority:** Pursuant to state law, your Commission is required to review, conduct a public hearing on, consider, and make a recommendation to the Board regarding the proposed General Plan amendments. At a subsequent public hearing for this project, the Board will consider your Commission's recommendation and decide whether to adopt, not adopt, or adopt with modifications the proposed amendments.
5. **History and Background:** On September 12, 2023, the Board directed County staff to process the proposed amendments to General Plan Policies COS-7.7 (Conveyance for Oil and Produced Water) and COS-7.8 (Gas Collection, Use, and Disposal). This legislative project was initiated to implement a settlement agreement entered into between the County and petitioners with interests in the Ventura County oil and gas industry who challenged the Board's approval of the Ventura County 2040 General Plan. The Board approved the General Plan on September 15, 2020, and, pursuant to the California Environmental Quality Act (CEQA), certified an environmental impact report (General Plan EIR or EIR) and made findings regarding environmental impacts associated with implementing the General Plan. The General Plan took effect on October 15, 2020.

Ten lawsuits challenging the General Plan were filed in Ventura County Superior Court. The lawsuits primarily alleged violations of CEQA, the Brown Act, state planning law, state and federal preemption, and some allege the County's unconstitutional taking

of property rights and other constitutional violations. The lawsuits seek to nullify the Board's approval of the General Plan, and some seek monetary damages from the County. To date, the County has successfully resolved two of these 10 lawsuits by entering into settlement agreements with petitioners: Ventura County Coalition of Labor, Agriculture, and Business (CoLAB) and the Ventura County Agricultural Association (VCAA), and the California Works Labor-Management Cooperation Trust (CalWorks).

The eight remaining lawsuits were filed against the County by a coalition of royalty owners, economic organizations, and petitioners with interests in the Ventura County oil and gas industry including Aera Energy LLC, Western States Petroleum Association, Lloyd Properties, Carbon California Operating Company LLC, CalNRG, the National Association of Royalty Owners, as well as individual property and royalty owners. To better understand their differences regarding the General Plan and attempt to resolve these lawsuits, the County and petitioners engaged in extensive settlement discussions. These discussions culminated in the negotiation and execution of the settlement agreement attached hereto as Exhibit 2.

Under the settlement agreement, ending the lawsuits is contingent upon the County taking two actions. The first action, which was previously taken by the Board during its public meeting on September 12, 2023, was adopting the Board Resolution attached hereto as Exhibit 3 clarifying certain existing General Plan policies regarding oil and gas production (Implementing Clarifications). These Implementing Clarifications are briefly addressed below.

The second action is approving amendments to General Plan Policies COS-7.7 and COS-7.8 regarding flaring and transportation associated with oil and gas production. These proposed amendments are the subject of the legislative project before your Commission today.

Under the settlement agreement, petitioners will dismiss their lawsuits after the County has taken both actions, with each party bearing its own litigation costs and attorneys' fees. Conversely, if the County does not take both actions, petitioners will not dismiss their lawsuits and the parties will instead continue litigating in court.

### **Implementing Clarifications**

During the settlement discussions, the parties agreed that certain General Plan policies regarding oil and gas production should be clarified by providing further explanation to address petitioners' concerns and to ensure that the policies are evenly applied and implemented by the County in a manner that is consistent with the Board's original intent. These Implementing Clarifications include clarifications to General Plan Policies COS-7.7 and COS-7.8 – which policies are subject of the proposed General Plan amendments before your Commission today – as well as Policies COS-7.2 and COS-7.4.

Policies COS-7.7 and COS-7.8 were clarified regarding the meaning of the phrases “new discretionary oil wells” and “new discretionary oil and gas wells” as used in the policies. The Implementing Clarifications are set forth on pages 3 through 5 of the attached Board Resolution (Exhibit 3). Because the Board’s approval of the Implementing Clarifications did not change the text or meaning of the applicable General Plan policies, which were previously subject to CEQA review in the General Plan EIR, adoption of the Board Resolution did not require additional review under CEQA or a legislative amendment.

## **6. Project Description**

The proposed General Plan amendments would amend Policies COS-7.7 and COS-7.8 to replace the current, as-adopted versions with the mitigation measure versions of the same policies that were included in the General Plan EIR and identified as Mitigation Measures PR-2 and PR-3. This project does not propose any other changes to the County’s existing General Plan; all other oil and gas resources policies in the General Plan would remain unchanged.

### **Existing Policies COS-7.7 and COS-7.8**

The 2040 General Plan is a long-range plan that reflects the County’s vision for the future, provides direction through the year 2040 on growth and development in unincorporated Ventura County, and is an expression of the quality of life in Ventura County through its Vision Statement and 12 supporting Guiding Principles. The 2040 General Plan documents can be found here: <https://vcrma.org/en/ventura-county-general-plan>.

The General Plan includes a Conservation and Open Space Element which focuses on the long-term preservation and conservation of both unincorporated Ventura County’s natural and developed open space environment. Within the Conservation and Open Space Element, Goal COS-7 establishes the County’s goal to effectively and safely manage the exploration, production, and drilling of oil and gas resources.

To guide County decision-makers in achieving this desired goal, the General Plan includes the following existing policies, among others:

**Policy COS-7.7: Conveyance for Oil and Produced Water.** The County shall require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be trucked.

**Policy COS-7.8: Gas Collection, Use, and Disposal.** The County shall require that gases emitted from all new discretionary oil and gas wells shall

be collected and used or removed for sale or proper disposal. Flaring or venting shall only be allowed in cases of emergency or for testing purposes.

### **Mitigation Measure Versions of Policies COS-7.7 and COS-7.8**

In conjunction with preparation of the 2040 General Plan, the County prepared the General Plan EIR pursuant to CEQA to assess the reasonably foreseeable and potentially significant adverse environmental effects that may occur from implementation of the General Plan. The General Plan EIR documents can be found here: <https://vcrma.org/en/ventura-county-general-plan>.

Section 4.12 of the EIR evaluated the potential effects of implementing the General Plan on mineral and petroleum resources, including the potential to hamper or preclude the extraction of, or access to, these resources (Impact 4.12-4). The EIR determined that some oil operators may not be able to comply with requirements of Policies COS-7.7 and COS-7.8 in some locations due to the technological or economic infeasibility of installing the necessary infrastructure consisting of pipelines to convey oil, produced water, and natural gas. Thus, the EIR concluded that Policies COS-7.7 and COS-7.8 could result in the loss of known petroleum resources of value to the region, which the EIR deemed a potentially significant impact in accordance with CEQA Guidelines Appendix G, Section XII, subpart (a).

Accordingly, as required by CEQA, the EIR proposed the following two mitigation measure versions of the policies to address the potentially significant impact that Policies COS-7.7 and COS-7.8 could have on the availability of petroleum resources. These mitigation measure versions, which are shown below in legislative format, continue to generally prohibit trucking of oil and produced water and flaring of gas for new wells requiring discretionary approval by the County. The mitigation measures version would, however, provide the County with the flexibility to approve new discretionary wells that require trucking or flaring if it is demonstrated that it would be infeasible to drill the new well without flaring or trucking. The mitigation measure versions also clarify that the conveyance of oil and produced water by truck, and flaring and venting of gas, are allowed in cases of emergency and for testing purposes consistent with federal, state and local regulations.

**Policy COS-7.7: Limited Conveyance for Oil and Produced Water.** The County shall require new discretionary oil wells to use pipelines to convey crude oil and produced water, if feasible; ~~oil and produced water shall not be trucked.~~ Trucking of crude oil and produced water may only be allowed if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible. In addition, trucking of crude oil and produced water is allowed in cases of emergency and for testing purposes consistent with federal, state and local regulations.

**Policy COS-7.8: Limited Gas Collection, Use, and Disposal.** The County shall require that gases emitted from all new discretionary oil and gas wells be collected and used or removed for sale or proper disposal, if feasible. Flaring or venting ~~shall~~ may only be allowed if the proponent demonstrates that conducting operations without flaring or venting is infeasible. In addition, flaring or venting is allowed in cases of emergency and for testing purposes consistent with federal, state, and local regulations.

The 2040 General Plan defines “feasible,” as used in these mitigation measures, to mean: “Capable of being accomplished in a successful manner within a reasonable period of time, taking in account economic, environmental, legal, social, and technological factors” as determined by the County based on substantial evidence.

With implementation of these mitigation measures, the 2040 General Plan EIR found that impacts to loss of availability of a known petroleum resource that would be of value to the region and the residents of the state (Impact 4.12-4) would be less than significant.

#### **Approval of Policies COS-7.7 and COS-7.8 as Part of General Plan Approval**

In deciding whether to approve Policies COS-7.7 and COS-7.8 as initially proposed for evaluation, or in the mitigation measure versions as set forth above, the Board was tasked with weighing the importance of allowing access to local oil and gas resources with the known local environmental consequences of oil and gas production operations. In adopting the General Plan on September 15, 2020, the Board decided to include Policies COS-7.7 and COS-7.8, as initially proposed.

The Board found that the policies would benefit the local environment by reducing potential environmental effects that may be caused by new discretionary oil and gas wells that would involve trucking and flaring/venting, although the policies could also reduce access to local oil and gas resources, reduce the economic productivity on the oil and gas industry, and increase environmental impacts associated with increased importation of petroleum. In weighing these considerations in its Statement of Overriding Considerations that was adopted in accordance with CEQA, the Board found that Policies COS-7.7 and COS-7.8, as adopted, could provide benefits to air quality, greenhouse gas emissions reductions, vehicle miles traveled, traffic safety, and to human health that outweigh their potential significant and unavoidable effects to mineral and petroleum resources and thus adopted these policies without the proposed mitigation. Because the recommended mitigation measures were not incorporated into the 2040 General Plan when it was originally adopted, the adopted CEQA Findings of Fact and Statement of Overriding Considerations found impacts to loss of availability of a known petroleum

resource that would be of value to the region and the residents of the state (Impact 4.12-4) to be significant and unavoidable.

## **7. Assessment of Proposed General Plan Amendments**

The proposed General Plan amendments before your Commission would amend General Plan Policies COS-7.7 and COS-7.8 to replace the current, as-adopted versions of these policies with the above-stated mitigation measure versions that were included in the General Plan EIR. As explained above, unlike the current, as-adopted versions of the policies, the proposed amended versions, while continuing to generally prohibit trucking of oil and produced water and flaring of gas for new wells requiring discretionary approval by the County, would provide more flexibility by authorizing the County to approve new discretionary oil wells if operators show, with respect to specific development proposals, that it is not feasible to conduct the proposed operation without trucking of oil and produced water under Policy COS-7.7, and/or without flaring or venting of natural gas under Policy COS-7.8.

The policy-weighting considerations associated with the proposed General Plan amendments are the same as those described above when Policies COS-7.7 and COS-7.8 were adopted by the Board in 2020. Amending the policies to provide more flexibility for approving new discretionary oil wells could increase access to local oil and gas resources, increase the economic productivity of the oil and gas industry, and reduce environmental effects associated with increased importation of petroleum to help meet State demand. By adopting the mitigation measures recommended in the 2040 General Plan EIR, the General Plan amendments would mitigate the significant and unavoidable impact to loss of availability of a known petroleum resource that would be of value to the region and the residents of the state (Impact 4.12-4), which was listed previously in the CEQA Findings of Fact and Statement of Overriding Considerations. This impact would now be less than significant as described in the 2040 General Plan EIR. Conversely, amending the policies could lead to previously identified local environmental impacts to air quality, greenhouse gas emissions, vehicle miles traveled, traffic safety, and to human health that are associated with local oil and gas production involving trucking and/or flaring.

For the following reasons, however, staff anticipates that the potential economic, environmental and other implications of the proposed General Plan amendments would be speculative and marginal at most.

Policies COS-7.7 and COS-7.8 – in both their existing form and as proposed for amendment – only apply to “new discretionary” oil wells. This type of oil well is a small subset of new oil development that can be authorized within unincorporated Ventura County. To the extent new oil development is approved in the unincorporated area, the majority of that development does not involve “new discretionary” oil wells. Rather, most

new oil development consists of re-drills of existing wells (and thus does not involve “new” wells), or new wells that are approved ministerially since they are authorized under existing conditional use permits (and thus are not “discretionary” wells). Consequently, most new oil development does not involve “new discretionary” oil wells that are subject to the policies. In this regard, only 56 new discretionary oil wells were approved by the County between 2008 and 2015, and none have been approved since 2015.

It is unknown how many, if any, future applications will be submitted and approved for new discretionary oil wells that would be subject to Policies COS-7.7 and COS-7.8. It is also unknown how many, if any, of those applicants would be able to demonstrate to the satisfaction of the County that the proposed wells could not feasibly be developed without flaring or trucking as required under the proposed amended policies. There is no recent track record of discretionary applications on which any analysis or assumptions about future applications could be based, as there have been no applications submitted to the County seeking new discretionary wells in the last eight years that would be subject to the policies. The County Planning Division is not in receipt of any pending applications for a new discretionary oil well and Planning staff are not aware of any proposed applications that have not yet been submitted.

In addition, oil production in Ventura County has been declining, and was declining prior to the County’s consideration of the 2040 General Plan. The General Plan Background Report (Appendix B to the General Plan EIR) found that petroleum production activities constituted 2.7 percent of the County’s total economy in 1988, but by 2000 had decreased to 1.0 percent due to growth of other sectors. The Background Report further found that oil production in Ventura County reached 9,121,781 barrels in 2015, which represented a 42 percent decrease in production from 1987 levels (15,659,398 barrels). According to the most recent annual report published by the State Department of Conservation, Geologic Energy Management Division (CalGEM) published on August 3, 2023, oil production in Ventura County in 2020 was 6,519,070 barrels. This represents a further decrease from 1987 and 2015 production levels. This longstanding decline of oil production likely helps explain the absence of applications seeking approval of new discretionary oil wells since 2015 (CalGEM, 2023).

Finally, because the amended policies would only apply to “new discretionary” oil wells, any application for such new discretionary wells would be evaluated for environmental impacts of the specific development proposal under CEQA and would be subject to the County’s discretionary permitting authority pursuant to which the application could be denied or approved subject to County-imposed modifications or conditions.

**B. REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed General Plan amendments would revise Policies COS-7.7 and COS-7.8 to adopt the mitigation measure version of these policies that were included in the 2040 General Plan EIR and identified as PR-2 and PR-3. This proposal is considered a “project” under CEQA Guidelines Section 15378(a)(1) and is therefore subject to requirements of CEQA and the CEQA Guidelines. The County, as the project proponent, is the designated lead agency under CEQA since it holds the primary authority to approve and carry out the General Plan amendments.

CEQA Guidelines Section 15164 provides that a lead agency shall prepare an addendum to a previously certified EIR if only some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162(a), calling for preparation of a subsequent EIR, have occurred. In turn, Section 15162(a) states that:

- “(a) When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant impacts not discussed in the previous EIR or negative declaration;
    - (B) Significant impacts previously examined will be substantially more severe than shown in the previous EIR;



- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant impacts of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant impacts on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

The County has prepared Addendum No. 1 to the Ventura County 2040 General Plan (Addendum) for the proposed project attached hereto as Exhibit 4. As this Addendum analyzes and explains in detail, the proposed General Plan amendments do not require any changes or revisions to the General Plan EIR or result in the occurrence of any of the conditions set forth in Section 15162(a). To the contrary, the General Plan amendments would, if approved, implement mitigation measures that were included in the 2040 General Plan EIR itself to mitigate potentially significant impacts that existing Policies COS-7.7 and COS-7.8 were determined to have on the availability of local petroleum resources. By adopting the mitigation measures recommended in the 2040 General Plan EIR, the General Plan amendments would mitigate the significant and unavoidable impact to loss of availability of a known petroleum resource that would be of value to the region and the residents of the state (Impact 4.12-4), which was listed previously in the CEQA Findings of Fact and Statement of Overriding Considerations. This impact would now be less than significant as described in the 2040 General Plan EIR. Consequently, staff have determined that the Addendum is the appropriate CEQA document for the General Plan amendment project.

**C. CONSISTENCY WITH THE GENERAL PLAN, GOOD ZONING PRACTICE, AND PUBLIC HEALTH AND SAFETY**

The proposed General Plan amendments have been analyzed and determined to be consistent with all applicable 2040 General Plan goals, policies and implementing programs. As explained above, the amendments to Policies COS-7.7 and COS-7.8 would incorporate mitigation measures that were proposed in the General Plan EIR and presented to the Board for potential inclusion in the 2040 General Plan when it was considered for approval on September 15, 2020. Consequently, the proposed General Plan amendments were previously determined to be consistent with the 2040 General Plan and this consistency determination remains unchanged. And because the proposed amendments would incorporate CEQA mitigation into the General Plan that could increase access to local oil and gas resources, increase the economic productivity of the oil and gas industry, and reduce environmental effects associated with increased

importation of petroleum to help meet State demand, they are consistent with good planning practices and are in the interest of public health, safety and general welfare.

As explained above in Section 7, the economic, environmental, and other policy implications of the proposed amendments to Policies COS-7.7 and COS-7.8 are anticipated to be marginal at most based upon the anticipated limited applicability of the General Plan policies because countywide oil production is declining, no new oil well permit applications have been requested or currently pending, and if a new oil well permit application is received, the discretionary permit process will require consistency analysis of these policies, as amended, in addition to project level environmental review. With that significant caveat, the proposed General Plan amendments could marginally support attainment of the following General Plan Guiding Principles and policies:

**Guiding Principle Economic Vitality:** Foster economic and job growth that is responsive to the evolving needs and opportunities of the County's economy and preserves land use compatibility with Naval Base Ventura County and the Port of Hueneme, while enhancing quality of life and promoting environmental sustainability.

**Policy EV-1.4: Regulatory Environment.** The County shall promote business-friendliness in the regulatory and permitting environment throughout Ventura County through collaboration, exchange of ideas and best practices, improvement in clarity and efficiency in the permitting process, taking advantage of opportunities for streamlining in the development process, and promoting consistency in policy and practice among cities and the County.

Conversely, the proposed General Plan amendments could marginally reduce attainment of the following General Plan Guiding Principles and policies:

**Guiding Principle: Hazards and Safety.** Minimize health and safety impacts to residents, businesses and visitors from human-caused hazards such as hazardous materials, noise, air, sea level rise, and water pollution, as well as managing lands to reduce the impacts of natural hazards such as flooding, wildland fires, and geologic events.

**Guiding Principle: Climate Change and Resilience.** Reduce greenhouse gas emissions to achieve all adopted targets, proactively anticipate and mitigate the impacts of climate change, promote employment opportunities in renewable energy and reducing greenhouse gases, and increase resilience to the effects of climate change.

**Guiding Principle: Environmental Justice.** Commit to the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies, protect disadvantaged communities from a disproportionate burden posed by toxic exposure and risk, and continue to promote civil engagement in the public decision-making process.

**Policy COS-10.2: Community Greenhouse Gas Emissions Reduction Target for 2030.** The County shall work toward achieving a community-wide GHG emissions reduction target of 41 percent below 2015 levels by 2030.

**Policy COS-10.3: Community Greenhouse Gas Emissions Reduction Goals for 2040 and 2050.** The County shall work toward achieving longer-term, post-2030 community-wide GHG emissions reduction goals, as follows: □ 61 percent below 2015 levels by 2040, and □ 80 percent below 2015 levels by 2050.

**Policy COS-10.4: Greenhouse Gas Reductions in Existing and New Development.** The County shall reduce GHG emissions in both existing and new development through a combination of measures included in the GHG Strategy, which includes new and modified regulations, financing and incentive-based programs, community outreach and education programs, partnerships with local or regional agencies, and other related actions.

Further, the General Plan includes the following programs that are intended to monitor and adjust, where necessary, additional measures to further the mix and type of the County's GHG reduction efforts during the 20-year implementation period of the 2040 General Plan:

**COS Program X: Greenhouse Gas (GHG) Strategy Implementation.** The County shall implement the General Plan GHG Strategy through specific policies, programs, and implementing actions integrated throughout the General Plan and summarized in Appendix B.

**COS Program Y: Greenhouse Gas (GHG) Strategy Monitoring.** The County shall implement, under the overall direction of the CEO and with support of RMA, PWA, GSA, AGC, FD, and other departments as appropriate, the GHG Strategy through specific policies, programs, and implementing actions integrated throughout the General Plan and summarized in Appendix B, Climate Action Plan, as well as other appropriate actions adopted from time to time. The greenhouse gas

reduction strategy shall consist of a comprehensive program to systematically reduce greenhouse gas emissions to meet adopted emission reduction targets and deadlines from all sectors – transportation, buildings, solid waste, stationary sources, agriculture, water and wastewater, and off-road equipment.

**COS Program Z: Public Reporting on Greenhouse Gas (GHG) Strategy Progress.** The County shall prepare public reports on the results of GHG Strategy implementation and monitoring and present these reports to the Board of Supervisors. The first report shall be submitted to the Board of Supervisors two years after the approval of the General Plan, after which the Board of Supervisors will determine the appropriate future reporting interval. The County shall also present a more detailed progress report to the Board of Supervisors, including results of the latest GHG inventory update, every five years.

**COS Program AA: Greenhouse Gas (GHG) Inventory Updates.** The County shall update the County's GHG emissions inventory at least every five years.

**COS Program BB: Greenhouse Gas (GHG) Strategy Amendments.** The County may amend the GHG Strategy to ensure that the County is on track to achieve its 2030 target and making substantial progress towards achieving its longer-term, post-2030 goals.

**COS Program CC: Climate Emergency Council.** The County shall establish a Climate Emergency Council (CEC) by a resolution of the Board of Supervisors to advise the Board of Supervisors on climate action planning and implementation of the Climate Action Plan (CAP) goals, policies, and programs. The County agency or department responsible for implementation of this program shall draft, administer, and maintain the CEC bylaws.

As explained in Section 7 above, the proposed amendments to Policies COS-7.7 and COS-7.8 are anticipated to have marginal effects, at most, with respect to the above GHG policy considerations. To the extent the amendments did result in increased GHG emissions in the unincorporated area, which is not anticipated, the County will be monitoring and tracking the overall GHG emissions to assess if new or additional measures may be necessary to implement the County's GHG strategy, and provide that information to the public and the Board as originally intended in the implementation of these General Plan GHG emissions reduction policies and programs.

#### **D. PLANNING COMMISSION HEARING NOTICE**

The Planning Division provided a public notice regarding this Planning Commission hearing in accordance with Government Code section 65090. The Planning Division placed a legal advertisement providing notice of this public hearing in the Ventura County Star on January 18, 2024, and in Spanish in Vida on also on January 18, 2024. In addition to the posted legal notices, staff provided email notice of this public hearing to approximately 1,100 interested parties.

#### **E. RECOMMENDED ACTIONS**

Based upon the analysis and information provided above, County staff recommend that your Commission take the following actions:

1. **CERTIFY** that your Planning Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all other materials and public comments received during the public comment and hearing processes.
2. **ADOPT** the Resolution attached hereto as Exhibit 1 recommending that the Board of Supervisors take the following actions regarding the proposed amendments to General Plan Policies COS-7.7 and COS-7.8:
  - a. **CERTIFY** that the Board has reviewed and considered the Board letter and all exhibits thereto, the Planning Commission staff report and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing processes;
  - b. **ADOPT** Addendum No. 1 to the Ventura County 2040 General Plan Environmental Impact Report (EIR) (SCH No. 2019011026) and **FIND** that the County's approval of the amendments to General Plan Policies COS-7.7 and COS-7.8 do not require any changes or revisions to EIR and that none of the conditions described in CEQA Guidelines Section 15162(a) calling for preparation of a subsequent EIR have occurred;
  - c. **FIND** that the proposed amendments to General Plan Policies COS-7.7 and COS-7.8 are consistent with the goals, policies and implementation programs of the General Plan and good planning practices and are in the interest of public health, safety and general welfare;
  - d. **APPROVE** the amendments to General Plan Policies COS-7.7 and COS-7.8 as set forth above; and
  - e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the location and custodian of the documents and

materials that constitute the record of proceedings upon which these decisions are based.

3. **SPECIFY** the Clerk of the Planning Commission at 800 S. Victoria Avenue, Ventura, CA 93009 as the location and custodian of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This staff report was prepared by County Counsel. If you have any questions concerning the information presented above, please contact me at (805) 654-2580 or at [Jeffrey.Barnes@ventura.org](mailto:Jeffrey.Barnes@ventura.org), or Dave Ward at (805) 654-2481 or at [Dave.Ward@ventura.org](mailto:Dave.Ward@ventura.org).

**Prepared by:**



Jeffrey E. Barnes,  
Chief Assistant County Counsel

**Reviewed by:**



Dave Ward,  
Planning Director

**Exhibits**

- |           |  |
|-----------|--|
| Exhibit 1 | Planning Commission Resolution   |
| Exhibit 2 | Settlement Agreement   |
| Exhibit 3 | Board Resolution Adopting Implementation Clarification for Certain Policies Regarding Oil and Gas Contained in 2040 General Plan |
| Exhibit 4 | Addendum No. 1 to Ventura County 2040 General Plan EIR   |