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April 23, 2024

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County of Ventura
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SUBJECT: Adoption of a Resolution Correcting Administrative Error Contained in Portion of Ventura County Board of Supervisors Resolution 24-039 Amending General Plan Policy COS-7.7 on April 9, 2024, Item 54; Finding that Approval of the Proposed Resolution Correcting the Administrative Error is not a Project Subject to the California Environmental Quality Act

RECOMMENDED ACTIONS:

1. ADOPT the Resolution attached as Exhibit 1:

- A. **CORRECTING** an administrative error contained in the portion of Ventura County Board of Supervisors Resolution 24-039 ("Resolution 24-039") amending General Plan Policy COS-7.7 on April 9, 2024, and **FINDING** that the corrected language is consistent with your Board's original intent in amending General Plan Policy COS-7.7;
- B. **DIRECTING** the Planning Division to attach the proposed Resolution (Exhibit 1), once approved, to Resolution 24-039 in the project file to indicate the correct, intended language of General Plan Policy COS-7.7 as amended by your Board on April 9, 2024;
- C. **FINDING** that adoption of the proposed Resolution (Exhibit 1) is not a project under the California Environmental Quality Act ("CEQA"); and
- D. **SPECIFYING** 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.

At your Board's April 9, 2024, meeting, item 54, your Board adopted Resolution 24-039 (attached hereto as Exhibit 2) amending General Plan Policies COS-7.7 and COS-7.8, approving Addendum No. 1 to the Ventura County 2040 General Plan Environmental Impact Report ("EIR") and taking related actions regarding this legislative project. Following your Board's adoption of Resolution 24-039, an administrative error was identified in the portion of the Resolution stating the proposed amended language of General Plan Policy COS-7.7. (The portion of the resolution amending Policy COS-7.8 did not contain an error.) In particular, Resolution 24-039 contains the following erroneous language for proposed amended Policy COS-7.7 as shown in legislative format:

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 is allowed in cases of emergency and for testing purposes consistent with federal, state and local regulations.

Instead, the Resolution was intended to include the following language for proposed amended Policy COS-7.7 as shown in legislative format:

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.

As a result of this administrative error, Resolution 24-039 does not accurately state the intended amended language of Policy COS-7.7. The purpose of today's item is to address this error so that the record accurately reflects your Board's intended action taken on April 9 and the correct language of Policy COS-7.7, as amended.


This administrative error is apparent from the administrative record for the April 9 item. As explained on pages 4 through 7 of the Board letter for the item ("Board letter"), the County's purpose and intent in amending Policy COS-7.7 was to replace the existing language of this General Plan policy with the mitigation measure version of the same General Plan policy that was included in the Ventura County 2040 General Plan EIR as Mitigation Measure PR-2. The above-stated correct language for Mitigation Measure PR-2, and for corresponding amended Policy COS-7.7, was set forth on page

5 of the Board letter; on pages 2 and 7 of Addendum No. 1 to the 2040 General Plan EIR which was attached as Exhibit 2 to the Board letter; on slide 14 of the County staff presentation shown during the April 9 item; and on page 3 of the settlement agreement attached as Exhibit 3 to the Board letter pursuant to which the legislative project was initiated.

On April 9, 2024, your Board previously approved the substantive amendment to General Plan Policy COS-7.7 in a form that contained the administrative error. That General Plan amendment already occurred and is not being reopened or reconsidered today. Instead, your Board is merely correcting the portion of Resolution 24-039 that unintentionally misstated the language of proposed amended Policy COS-7.7. Because today's action is solely an administrative revision and is not an action with the potential to directly or indirectly result in any physical change to the environment, it does not constitute a project that is subject to CEQA review. (CEQA Guidelines, §§ 15060(c), 15378(a).)

This item has been reviewed by the County Executive Office and the Auditor-Controller's Office. If you have any questions, please call me at (805) 654-2581.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tiffany N. North', followed by a large, stylized circular flourish.

Tiffany N. North
County Counsel

TNN:tdb

Attachments:

- Exhibit 1: Proposed Board Resolution
- Exhibit 2: Board Resolution 24-039