

RESOLUTION NO. 23-124

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF VENTURA

ADOPTING IMPLEMENTATION CLARIFICATION FOR CERTAIN POLICIES
REGARDING OIL AND GAS CONTAINED IN THE 2040 GENERAL PLAN

WHEREAS, on January 9, 2020, the County of Ventura ("County") released a Draft Environmental Impact Report ("DEIR") for the 2040 General Plan Update ("2040 GPU" or "Project") pursuant to the California Environmental Quality Act ("CEQA"). The 2040 GPU is a comprehensive update of the County's General Plan. The 2040 General Plan identifies the goals, policies and implementation programs that will guide future decisions in the County concerning a variety of issues, including land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, economic vitality, and resource conservation through the year 2040;

WHEREAS, on July 16, 2020, the County Planning Commission held a public hearing to consider and make recommendations to the Board of Supervisors on the 2040 GPU. The Planning Commission recommended approval of the Project to the Board of Supervisors ("Board");

WHEREAS, on September 1, 2020, the Board held a public hearing on the Project. Written and oral comments were submitted before and at the hearing by numerous individuals and entities, including the below-stated Petitioners, that, among other things, raised objections to the Final Environmental Impact Report ("FEIR"). The Board continued the public hearing to September 15, 2020;

WHEREAS, on September 15, 2020, the Board adopted Resolution No. 20-106 certifying the FEIR for the 2040 General Plan, repealing the existing general plan except for portions constituting the 2014-2021 Housing Element, and approving and adopting the 2040 General Plan, 2040 General Plan Background Report, and all related documents regarding the 2040 General Plan Project;

WHEREAS, on September 16, 2020, the County filed a Notice of Determination for the Project with the Governor's Office of Planning and Research, pursuant to CEQA;

WHEREAS, in October 2020, parties including Aera Energy LLC, Western States Petroleum Association, Lloyd Properties, Carbon California Operating Company LLC, the National Association of Royalty Owners, Deborah Duggan, Richard Duggan, Theresa Ryan, Julie Monro, Mark Monro, Patricia Cortina and David Cortina ("Petitioners") filed verified petitions for writ of mandate and complaints for declaratory and injunctive relief and seeking damages in the following cases alleging, among other claims, the County's violations of CEQA, the Brown Act, State Planning and Zoning Law, state and federal

County of Ventura Planning Commission Hearing Case No. PL23 - 0113 Exhibit 3 - Board Resolution Adopting Implementation Clarification for Certain Policies Regarding Oil and Gas Contained in 2040 General Plan

preemption, and the unconstitutional taking of private property rights in the approval of the Project (the "Actions"):

- *Western States Petroleum Association v. County of Ventura, et al.*; Ventura County Superior Court Case No. 56-2020-00546193-CU-WM-VTA
- *Carbon California Company, LLC, and Carbon California Operating Company, LLC v. County of Ventura, et al.*; Ventura County Superior Court Case No. 56-2020-00546198-CU-WM-VTA
- *Aera Energy LLC v. County of Ventura, et al.*; Ventura County Superior Court Case No. 56-2020-00546180-CU-WM-VTA
- *California Resources Corporation v. County of Ventura, et al.*; Ventura County Superior Court Case No. 56-2020-00546189-CUWM-VTA
- *Lloyd Properties v. County of Ventura, et al.*; Ventura County Superior Court Case No. 56-2020-00546196-CU-WM-VTA
- *National Association of Royalty Owners-California, et al. v. County of Ventura*; Ventura County Superior Court Case No. 56-2021-00550558-CU-WM-VTA

WHEREAS, County disputes the allegations made in the Actions;

WHEREAS, to better understand their differences regarding the 2040 GPU and attempt to resolve the Actions, County and Petitioners engaged in settlement discussions;

WHEREAS, during these settlement discussions, County and Petitioners agreed that certain 2040 GPU policies should be clarified by providing further explanation to address Petitioners' concerns and to ensure that they are applied and implemented by the County in a manner that is consistent with the Board's original intent in approving the policies and the FEIR's analysis of the policies as approved, and so that the policies are consistently applied to all land use applicants;

WHEREAS, County and Petitioners further agreed that the Board's adoption of this resolution setting forth the County's clarification of said policies would be the most effective means of addressing Petitioners' concerns and ensuring the policies' accurate application and consistent implementation in accordance with the Board's original intent and as the policies were analyzed in the FEIR;

WHEREAS, the adoption of this resolution does not change or amend the language or meaning of the 2040 GPU as approved and analyzed in the FEIR, and any change to the language of the 2040 GPU policies would require an amendment to the County's General Plan in accordance with state law;

WHEREAS, the adoption of this resolution does not preclude the County from adopting, amending or removing any 2040 GPU policy or program, including those addressed herein, in accordance with applicable law.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following clarifications of the 2040 GPU policies set forth below:

Section 1.

A. 2040 GPU Policy:

COS-7.4 Electrically-Powered Equipment for Oil and Gas Exploration and Production

The County shall require discretionary development for oil and gas exploration and production to use electrically-powered equipment from 100 percent renewable sources and cogeneration, where feasible, to reduce air pollution and greenhouse gas emissions from internal combustion engines and equipment.

B. County Clarification:

As used in the policy, "where feasible" applies to the policy as a whole.

Section 2.

A. 2040 GPU Policies:

COS-7.2 Oil Well Distance Criteria

The County shall require new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school.

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.

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.

B. County Clarification:

The meaning of the phrases “new discretionary oil wells” and “new discretionary oil and gas wells” (referred to as “new discretionary wells”) under Policies COS-7.2, COS-7.7 and COS-7.8 are clarified as follows:

- (1) The application of these policies is to be interpreted according to their plain meaning, as applying to new discretionary wells. As specified below, that means the policies apply to development only if (i) that development is a well, (ii) the well is new, and (iii) the new well is subject to a discretionary approval action by the County. This clarification equally applies to Policies COS-7.7 and COS-7.8 if these policies are amended to the form set forth in the FEIR as Mitigation Measures PR-2 and PR-3, respectively.
 - (i) The policies apply only to wells, and do not apply to ancillary facilities or activities, or to facilities other than wells.
 - (ii) The policies apply only to new wells. New wells are newly drilled wells separate from any existing well. New wells do not include the modification of permit terms applicable to existing wells. New wells do not include a re-drill or sidetrack of an existing well. New wells do not include downhole activities (including activities generally subject to state jurisdiction by CalGEM) such as tubing changes, pump or other equipment changes, or changes in the status of the existing well. The re-use of an existing but abandoned well using a surface borehole in the same location is not a new well.
 - (iii) The policies apply to new wells that require a discretionary permit approval from the County. Approvals that are ministerial under the terms of existing permits or under the applicable provisions of the Ventura County Coastal Zoning Ordinance or Non-Coastal Zoning Ordinance, as applicable to the development (“County Zoning Ordinance”) are not discretionary approvals.

Section 3.

A. 2040 GPU Policy:

COS-7.2 Oil Well Distance Criteria

The County shall require new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school.

B. County Clarification:

- (1) Based upon the wording of this policy as applying to dwellings and schools, and upon the applicable provisions of the County Zoning Ordinance, this policy shall be applied to residential dwellings based on the distance from the well head to the structure comprising the closest residential dwelling unit.

This policy shall be applied to schools based on the distance from the well head to the closest school facilities.

- (2) Thomas Aquinas College is not a "school" for the purpose of this policy, as stated in the FEIR and based on the definition of "school" in the County Zoning Ordinance.

NOW, THEREFORE, BE IT FURTHER RESOLVED that County staff shall interpret and implement the foregoing 2040 GPU policies in accordance with the above-stated clarifications.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board makes the following findings with respect to the above-stated clarifications:

- A. The above-stated clarifications are based on, derive from, and are consistent with the express language of the 2040 GPU policies. The policies and programs in the 2040 GPU are internally consistent. For the same reasons, the above-stated clarifications are consistent with the 2040 GPU as a whole.
- B. The above-stated clarifications implement and do not change the text of the applicable 2040 GPU policies. There is therefore no environmental impact that is different from those impacts evaluated in the FEIR for the 2040 GPU. The approval of the above-stated clarifications does not result in any new or increased significant environmental impacts requiring further evaluation or analysis under CEQA. The impacts of the 2040 GPU were fully evaluated in the FEIR and no further CEQA document is required in connection with the adoption of the above-stated clarifications.

On motion of Supervisor Parvin, seconded by Supervisor Long, the Board adopted this resolution on the 12th day of September, 2023.

Matt LaVere
Matt LaVere
Chair, Board of Supervisors
County of Ventura

ATTEST:

Dr. Sevet Johnson
Clerk of the Board of Supervisors
County of Ventura, State of California.

By: Lori Key
Deputy Clerk of the Board

