

**RESOLUTION 23-XX FOR PL21-099 AND PL21-100 REGARDING
PROPOSED COUNTY-INITIATED ORDINANCES AMENDING VENTURA
COUNTY NON-COASTAL ZONING ORDINANCE DIVISION 8, CHAPTER 1,
ARTICLE 7, AND VENTURA COUNTY COASTAL ZONING ORDINANCE
DIVISION 8, CHAPTER 1.1, ARTICLE 5, PERTAINING TO OIL AND GAS
EXPLORATION AND PRODUCTION PERMIT TERMS, SURETIES AND
INSURANCE**

WHEREAS, on November 10, 2020, the Board of Supervisors (Board) directed the Resource Management Agency (RMA) to return to the Board with amendments to both the Non-Coastal Zoning Ordinance (NCZO) and the Coastal Zoning Ordinance (CZO) addressing three topic areas related to the regulation of oil and gas land uses in unincorporated Ventura County: (1) limit discretionary permits for oil and gas operations to 15 years; (2) increase the amount of compliance/site restoration surety and insurance from what is currently required by County ordinance; and (3) incorporate measures to assure the timely permanent plugging and restoration of oil and gas wells that have been idle for 15 years or more; and

WHEREAS, pursuant to the aforementioned Board direction, on July 28, 2022, the Ventura County Planning Commission held a legally noticed public hearing to consider, and to make a recommendation to the Board regarding an ordinance amending NCZO Sections 8107-5.4, 8107-5.6.5, 8107-5.6.11, and 8107-5.6.12, and an ordinance amending CZO Sections 8175-5.7.5 and 8175-5.7.8; and

WHEREAS, due to an error where a subset of public comments submitted for the July 28, 2022 hearing was inadvertently omitted from the public record to the Planning Commission, a subsequent hearing was held on August 18, 2022; and

WHEREAS, the Planning Commission considered all written and oral testimony from County staff and the public on this matter; and

WHEREAS, after the close of the public hearing on August 18, 2022, Planning Commissioner Boydston, District 1, made a motion to approve staff's recommended actions, with direction to Planning Staff to conduct engagement with the oil and gas industry and community stakeholders and to provide additional points of consideration for the Board of Supervisors, seconded by Planning Commissioner King, District 4; and

WHEREAS, the motion carried 5-0; and

WHEREAS, as a result of the follow-up work and recommendations directed by the Planning Commission on August 18, 2022, Planning Division staff determined that some modifications to the proposed ordinances were warranted and due to the nature of the revisions, State law requires that they be considered by the Planning Commission before the ordinance amendments are presented to the Board of Supervisors pursuant to California Government Code section 65857; and

<p>County of Ventura Planning Commission Hearing Case Nos. PL21-0099 and PL21-0100 Exhibit 1 - Planning Commission Resolution to Board of Supervisors</p>

WHEREAS, the Planning Commission held a legally noticed public hearing on September 21, 2023, to consider and make recommendations to the Board regarding the proposed ordinance as subsequently revised;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the following actions be taken by the Board with respect to the proposed ordinances amending the NCZO and CZO:

1. **CERTIFY** that the Board has reviewed and considered the Board letter and all exhibits thereto, the Planning Commission staff reports and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing;
2. **FIND** that the adoption of the proposed ordinance amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 5a) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment; **FIND** that because the project consists of regulations intended to benefit natural resources and the environment, it is also categorically exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308; **FIND** that no substantial evidence exists precluding the use of the above categorical exemptions based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2; and **FIND** that adoption of the proposed ordinance amending the Ventura County Coastal Zoning Ordinance (Exhibit 6a) is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.9 as an amendment to the County's Local Coastal Program;
3. **FIND** that the proposed ordinance amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 5a) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare;
4. **FIND** that the proposed ordinance amending the Ventura County Coastal Zoning Ordinance (Exhibit 6a) is consistent with the goals, policies and programs of the Ventura County General Plan, the Ventura County Coastal Area Plan, the Coastal Act and good planning practices, and is in the interest of public health, safety and general welfare;
5. **ADOPT** the proposed ordinances amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 5) and Coastal Zoning Ordinance (Exhibit 6); and
6. **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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board fully consider the fiscal impacts to the County of adopting the proposed ordinances, with specific consideration given to 1) funding to support staff enforcement of the ordinance provisions; 2) funding to support legal defense of the ordinance provisions; and 3) an analysis of expected costs to be incurred by the County associated with implementation of these ordinance provisions.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission's reasons for the above-stated recommendations to the Board, and the relationship between the proposed ordinances and the General Plan, are specified in the July 28, 2022, August 18, 2022, and September 21, 2023, Planning Commission staff reports and exhibits thereto. As a general summary, the Planning Commission finds that the proposed ordinances would help ensure that the County's natural resources are protected over time by allowing the County to analyze new or renewed oil and gas exploration and development conditional use permits at least every 15 years for consistency with all applicable General Plan policies that may exist at the time of any required permit renewal, including any new or modified policies; conduct an evaluation at the time of proposed permit renewal to determine whether any new permit conditions are warranted to mitigate environmental and other potential adverse impacts, and whether such operations should continue in light of any new circumstances and state laws.

As reported by the State, long-term idle oil and gas wells pose risks to the environment ranging from water contamination to releases of toxic substances and methane, a potent greenhouse gas and the longer a well remains idle, the more likely it is to be deserted by the operator and the greater the likelihood that public health and the environment could be threatened. Moreover, based on evidence in the record, there is a high likelihood that the State will not have sufficient funds to fully address the number of anticipated orphaned wells that will require proper plugging and abandonment. In order to address these issues, the proposed ordinances also require greater amounts of financial assurances to help ensure adequate funding for post-closure site restoration and remediation, and for plugging and abandonment of oil and gas wells; and require greater insurance coverages to protect against unfunded environmental damage that could be caused by oil and gas operations. By requiring additional funding and insurance to address these issues, the proposed ordinances will not only help avoid potential harm to the environment, health and safety, and private property interests, they will also help facilitate the redevelopment and reuse of former oil and gas production sites in the unincorporated area upon cessation of oil production to allow for the potential beneficial use of the parcels containing former oil facilities located in the unincorporated area.

This is to certify that the foregoing is a true and correct copy of the Resolution reflecting the actions taken by the Ventura County Planning Commission at public hearings regarding the above-described matter on July 28, 2022, August 18, 2022, and September 21, 2023.

Dave Ward, AICP
Secretary to the Ventura County
Planning Commission