

Exhibit 4
August 18, 2022 Planning
Commission Staff Report

County of Ventura
Planning Commission Hearing
Case Nos. PL21-0099 and PL21-0100
Exhibit 4 - August 18, 2022, Planning Commission Staff Report



Planning Commission Memorandum – August 18, 2022

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/plannir

SUBJECT: Second Public Hearing for Planning Commission to Consider and Make Recommendations to the Board of Supervisors Regarding Proposed Amendments to the Non-Coastal Zoning Ordinance (PL21-0099) and Coastal Zoning Ordinance (PL21-0100) Related to Permit Terms, Surety and Insurance Requirements for Oil and Gas Operations

Request: The Planning Director requests that your Commission review the July 28, 2022 PowerPoint presentation (Exhibit 1) and the July 28, 2022 staff report including all attachments, and adopt a resolution (see Exhibit 2) recommending that the Board of Supervisors (Board) adopt recommended actions for proposed amendments to the Non-Coastal Zoning Ordinance (NCZO, Sections 8107-5.4, 8107-5.6.5, 8107-5.6.11 and 8107-5.6.12) and the Coastal Zoning Ordinance (CZO, Sections 8175-5.7.5 and 8175-5.7.8) related to permit terms, surety and insurance requirements for oil and gas operations (included in Exhibits 4 and 5 of this staff report); and recommend that the Board direct the Planning Division to commission a professional evaluation to identify and prioritize idle wells in unincorporated Ventura County that should be plugged and abandoned pursuant to state law.

On July 28, 2022, the Planning Commission held a public hearing on this matter and in a 3 - 2 vote, moved to support Planning Division staff recommendations, with Chair McPhail and Vice Chair Boydston dissenting. On July 29, 2022, it was discovered that 36 public comments submitted in accordance with document submission protocols were inadvertently omitted from Exhibit 9, Public Comments. Due to this oversight, the Planning Director determined that the Commission should hold a second hearing on this matter to ensure that all timely public comments were made available to your Commission for consideration.

Materials for Consideration: A detailed project description is set forth in the staff report prepared for the July 28, 2022 Planning Commission hearing. The July 28, 2022 staff report, along with all exhibits and materials submitted in advance of the July 28, 2022 hearing, remain relevant and applicable to your Commission's consideration of this item. No changes have been made to the project description, the proposed ordinance amendments, or staff recommendations. The only exhibits to the staff report package that have been revised or added are the Planning Commission Resolution, updated to reflect your Commission's discussion at the July 28, 2022 hearing, (Exhibit 3 of this Memorandum, provided in legislative format), and Exhibits 6, 7 and 8 of this Memorandum (Public Comments), which are discussed further below.

Although unchanged from the July 28, 2022 public hearing, Planning Division staff have again attached the ordinances amending the NCZO and the CZO, prepared in legislative format, as Exhibits 4b and 5b, respectively. (Exhibits 4a and 5a are clean versions of the NCZO and CZO respectively with legislative formatting removed.) The NCZO and CZO legislative amendments are substantively identical. However, the CZO version includes

non-substantive amendments to the “Average Noise Level” table to correct a typographical error in the existing CZO.

Public Comments: Information provided to the public prior to the July 28, 2022 hearing on this matter requested that public comments be submitted to the case planner no later than 3:30 p.m. on July 27, 2022. The case planner received a total of 309 comments by this deadline. Of the total number of comments submitted by the 3:30 p.m. deadline, 273 comments were included in Exhibit 9, which was made available to the public and the Planning Commissioners at approximately 6:05 p.m. (These public comments are included as Exhibit 9 to the July 28, 2022 staff report and are not reproduced here.)

However, 36 public comments received by the 3:30 p.m. deadline were inadvertently omitted from Exhibit 9. These public comments are attached herein as Exhibit 6. The case planner also received an additional 32 public comments for the July 28, 2022 hearing after the 3:30 p.m. deadline and these comments are attached herein as Exhibit 7. Note that late submissions would ordinarily not be presented to the Planning Commission and instead would only be presented to the Board of Supervisors at the time that the Board would consider the project; however, because of this additional August 18, 2022 public hearing, these comment letters have now been presented to your Commission for consideration. Therefore, a total of 341 public comments were received for the July 28, 2022 Planning Commission hearing. All previously submitted comments remain a part of the record for this August 18, 2022 public hearing and should be considered by your Commission.

A fourth and final set of public comments timely received for today’s hearing is attached herein as Exhibit 8. Any comments received after this deadline will be submitted as part of the package prepared for the Board of Supervisors hearing on this project

Planning Commission Hearing Notice: The Planning Division provided a public notice regarding the Planning Commission hearing in accordance with Government Code section 65090, NCZO section 8111-3.1 and CZO section 8181-6.2.1. The Planning Division placed a legal advertisement providing notice of this public hearing in the *Ventura County Star* on August 7, 2022, and in Spanish in *Vida* on August 4, 2022. A project web page (available in English and Spanish) was updated to notify the public about this hearing and continues to provide access to the proposed ordinances as well as detailed Frequently Asked Questions and Answers. Staff also sent an email notification of the hearing to approximately 1,265 stakeholders on August 1, 2022.

Recommended Actions: The draft Resolution contained in Exhibit 3 is largely the same draft Resolution provided to your Commission in advance of the July 28, 2022 hearing, but with additional content as shown in legislative format reflecting the motion adopted by your Commission on July 28, 2022. However, this updated Resolution is provided for reference only, as your Commission should consider all public comment letters received as well as public testimony during the August 18, 2022 hearing, and may revise or update the proposed Resolution as your Commission sees fit.

Based upon the analysis and information provided above, and in the entire staff report package prepared for the July 28, 2022 Planning Commission hearing on this matter,

Planning Division staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that the 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; and
2. **ADOPT** a resolution (Exhibit 1) recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the Non-Coastal Zoning Ordinance and the Coastal Zoning Ordinance.
 - a. **CERTIFY** that the Board has reviewed and considered the Board letter and all exhibits hereto, 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;
 - b. **FIND** that the adoption of the proposed ordinance amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 3) 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 4) is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.9 as an amendment to the County's Local Coastal Program;
 - c. **FIND** that the proposed ordinance amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 3) 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;
 - d. **FIND** that the proposed ordinance amending the Ventura County Coastal Zoning Ordinance (Exhibit 4) is consistent with the goals, policies and programs of the Ventura County General Plan, the Ventura County Coastal Area Plan, the Coastal Act (Exhibit 7) and good planning practices, and is in the interest of public health, safety and general welfare;
 - e. **ADOPT** the proposed ordinances amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 3) and Coastal Zoning Ordinance (Exhibit 4); and

3. **DIRECT** Planning Division staff, pursuant to Public Resources Code section 3206.5, to commission a professional evaluation to identify and prioritize Ventura County wells that should be plugged and abandoned, (i.e., those that have “no reasonable expectation of being reactivated”). This evaluation would be provided to the supervisor of CalGEM for a formal determination and identification of wells that should be plugged and abandoned in Ventura County.
4. **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.

This staff report has been reviewed by County Counsel. If you have any questions concerning the information presented above, please contact me at (805) 654-2481 or at Dave.Ward@ventura.org, or Shelley Sussman at (805) 654-2493 or at Shelley.Sussman@ventura.org.

Prepared by:



Shelley Sussman, General Plan
Implementation Section Manager

Reviewed by:



Dave Ward, AICP
Planning Director

Exhibits

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| Exhibit 1 | Planning Division Staff PowerPoint presented on July 28, 2022 |
| Exhibit 2 | Staff Report for July 28, 2022 Planning Commission hearing on PL-0099 and PL-0100 |
| Exhibit 3 | Planning Commission Resolution to Board of Supervisors |
| Exhibit 4a | Clean version of proposed ordinance amending the Non-Coastal Zoning Ordinance |
| Exhibit 4b | Legislative format of proposed ordinance amending the Non-Coastal Zoning Ordinance |
| Exhibit 5a | Clean version of proposed ordinance amending the Coastal Zoning Ordinance |
| Exhibit 5b | Legislative format of proposed ordinance amending the Coastal Zoning Ordinance |
| Exhibit 6 | Public comments received by July 27, 2022 at 3:30 p.m. that were not part of the record submitted to the Planning Commission on July 28, 2022 |
| Exhibit 7 | Public comments received after July 27, 2022 at 3:30 p.m. regarding the July 28, 2022 Planning Commission hearing |
| Exhibit 8 | Public comments received by August 17, 2022 at 3:30 |