





MEMORANDUM

DATE: September 21, 2023

TO: Ventura County Planning Commission

FROM: Dave Ward, Planning Director 
Shelley Sussman, Planning Manager, General Plan Implementation Section 

SUBJECT: Amendment to September 21, 2023, Agenda Item 6A, County-initiated ordinance amending Sections 8107-5.4, 8107-5.6.5, 8107-5.6.11 and 8107-5.6.12 of the Non-Coastal Zoning Ordinance (Case # PL21-0099) and Sections 8175-5.7.5 and 8175-5.7.8 of the Coastal Zoning Ordinance (Case # PL21-0100)

This errata memorandum provides revisions to the Planning Commission packet Item No. 6A on the Planning Commission Agenda for September 21, 2023. In particular, this errata revises portions of the proposed ordinance amendments included in the hearing materials at Exhibits 5a (clean) and 5b (legislative format) for the NCZO provisions, and Exhibits 6a (clean) and 6b (legislative format) for the CZO provisions, as described below.

REVISION TO SITE-SPECIFIC PLAN AND COST ESTIMATE AMOUNT PROVISIONS

The revisions below clarify that for the surety amount based on an approved "Site-Specific Plan and Cost Estimate Amount," should an oil and gas operator elect this option in lieu of basing the surety amount on the "Default Amount" as defined in the proposed ordinance, such amount will be calculated as twenty-five percent (25%) of the total Site-Specific Plan and Cost Estimate Amount. This is consistent with the Default Amount of \$43,000 per well being based on twenty-five percent (25%) of the State's average total cost of closure per well, as set forth more fully in the accompanying Staff Report. The revisions also clarify that such surety amounts are subject to the ordinance provisions for inflation adjustment. These revisions are reflected in the following redlined ordinance sections:

Non-Coastal Zoning Ordinance

Section 8107-5.6.5(f)(1)(i)

- i. The default amount of the Surface Restoration and Well Abandonment Surety shall be \$43,000 per onshore well, exclusive of properly abandoned wells, within unincorporated Ventura County, excluding federal lands, not to exceed \$10,000,000 for any one operator (hereinafter, "Default Amount"). In lieu of providing a surety in the Default Amount, the surety amount may

reflect **twenty-five percent (25%)** of the estimated cost of Restoration and Well Abandonment of the operator's *oil and gas exploration and production* sites and wells in unincorporated Ventura County based on a site-specific Restoration and Well Abandonment plan and cost estimate prepared by a qualified third-party professional at operator's sole expense and approved by the County Planning Division (hereinafter, "Site-Specific Plan and Cost Estimate Amount").

Section 8107-5.6.5(f)(1)(ii)

- ii. For the surety amount to be initially established at **twenty-five percent (25%)** of the Site-Specific Plan and Cost Estimate Amount, such plan and cost estimate must be submitted to, and approved as to accuracy by, the Planning Division prior to the date the Surface Restoration and Well Abandonment Surety is initially due. Otherwise, the initial surety amount shall be the Default Amount which may thereafter be adjusted upon the Planning Division's approval as to accuracy of an operator-submitted Site-Specific Plan and Cost Estimate Amount.

Section 8107-5.6.5(g)(5)

At each five-year interval after the initial Annual Surety Review, each surety amount shall be inflation indexed (i.e., increased or decreased to account for inflation over the preceding five-year period), **including for any surety amounts set at twenty-five percent (25%) of the Site-Specific Plan and Cost Estimate Amount pursuant to Section 8107-5.6.5(f)(1)(i)**, based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim. Approximately 60 days prior to the Annual Surety Review process conducted on each such fifth year, the Planning Division shall notify each operator of the adjusted surety amounts, as inflation indexed. Operators shall thereafter submit replacement sureties to the Planning Division based on the applicable new amounts during the Annual Surety Review for that year.

Coastal Zoning Ordinance

Section 8175-5.7.8(e)(6)(a)(i)

- i. The default amount of the Surface Restoration and Well Abandonment Surety shall be \$43,000 per onshore well, exclusive of properly abandoned wells, within unincorporated Ventura County, excluding federal lands, not to exceed \$10,000,000 for any one operator (hereinafter, "Default Amount"). In lieu of providing a surety in the Default Amount, the surety amount may reflect **twenty-five percent (25%)** of the estimated cost of Restoration and Well Abandonment of the operator's *oil and gas exploration and production* sites and wells in unincorporated Ventura County based on a site-specific Restoration and Well Abandonment plan and cost estimate prepared by a qualified third-party professional at operator's sole expense and approved by the County Planning Division (hereinafter "Site-Specific Plan and Cost Estimate Amount").

Section 8175-5.7.8(e)(6)(a)(ii)

- ii. For the surety amount to be initially established at **twenty-five percent (25%)** of the Site-Specific Plan and Cost Estimate Amount, such plan and cost estimate must be submitted to, and approved as to accuracy by, the Planning Division prior to the date the Surface Restoration and Well Abandonment Surety is initially due. Otherwise, the initial surety amount shall be the Default Amount which may thereafter be adjusted upon the Planning Division's approval as to accuracy of an operator-submitted Site-Specific Plan and Cost Estimate Amount.

Section 8175-5.7.8(e)(7)(e)

At each five-year interval after the initial Annual Surety Review, each surety amount shall be inflation indexed (i.e., increased or decreased to account for inflation over the preceding five-year period), **including for any surety amounts set at twenty-five percent (25%) of the Site-Specific Plan and Cost Estimate Amount pursuant to Section 8175-5.7.8(e)(6)(a)(i)**, based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim. Approximately 60 days prior to the Annual Surety Review process conducted on each such fifth year, the Planning Division shall notify each operator of the adjusted surety amounts, as inflation indexed. Operators shall thereafter submit replacement sureties to the Planning Division based on the applicable new amounts during the Annual Surety Review for that year.