



Planning Commission Minutes

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2662 • www.vcrma.org/divisions/planning

September 21, 2023

1. **8:37 A.M. HEARING CALL TO ORDER**

2. **ROLL CALL**

Commission:

Scott Boydstun, Chair	District 1
Charles Sandlin	District 2
Earl McPhail	District 3
Maggie Kestly	District 4
Veronica Garcia, Vice-Chair	District 5

County Staff

Jeffrey Barnes, Chief Assistant County Counsel
David Edsall, Assistant County Counsel
Dave Ward, Planning Director
Shelley Sussman, Planning Manager – General Plan Implementation
Dan Tormey, Consultant, Catalyst Environmental Solutions
Lindsey Garner, Consultant, Catalyst Environmental Solutions
Luz Juachon, Recording Secretary

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**

4. **PUBLIC COMMENTS** – None.

5. **APPROVAL OF MINUTES FOR JULY 20, 2023**

RECOMMENDED ACTION

Approve, as presented.

Motion: Approve the July 20, 2023, Meeting Minutes.

Moved by: Commissioner Kestly **Seconded by:** Commissioner Sandlin

Motion carried: 4-0 with 1 abstain – Commissioner McPhail

Yes: Commissioners Sandlin and Kestly, Vice-Chair Garcia, and Chair Boydstun

6. PROJECT:

A. CASE NUMBER: PL21-0099 AND PL21-0100

APPLICANT: County of Ventura

PROJECT DESCRIPTION: The proposed project consists of the County's adoption and implementation of Non-Coastal Zoning Ordinance (NCZO) and Coastal Zoning Ordinance (CZO) amendments related to establishing a 15-year term for new and extended conditional use permits for oil and gas operations, and updated surety and insurance requirements for oil and gas operations, including a surety to address Long-Term Idle Wells.

PROJECT LOCATION: Countywide

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DOCUMENT: The proposed ordinance amending the NCZO is exempt from CEQA review pursuant to CEQA Guidelines 15061(b)(3), 15307, and 15308 CEQA. Nor are there any unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2. The proposed ordinance amending the CZO is exempt from CEQA review pursuant to Public Resources Code section 21080.9.

CASE MANAGER: Shelley Sussman

EMAIL: shelley.sussman@ventura.org

Recommended Action

Approve staff recommendations.

Planning Manager, Shelley Sussman, presented the staff report. The following recommended actions were presented to the Planning Commission:

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 actions set forth more fully therein regarding the proposed amendments to the Non-Coastal Zoning Ordinance and the Coastal Zoning Ordinance. Such actions generally include the following:
 - a. **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;

- b. **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;
 - c. **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;
 - d. **RECOMMEND**, as initially directed by the Planning Commission at its August 18, 2022 meeting, 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;
 - e. **ADOPT** the proposed ordinances amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 5a) and Coastal Zoning Ordinance (Exhibit 6a); and
3. **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.

Prior to the opening of the public comments, Chair Boydston called for a brief recess at 9:50 a.m. and resumed the meeting at 10:08 a.m.

Presentation of Public Speakers:

- Randy Moskal
- Maira Castro
- Harry Barnum
- Owen Judkins
- Jeff Katersky

- Robert Alvary
- Olivia Simonson
- Lauren Friedman
- Tracy Green
- Carla Mena
- Marc Traut
- Nora Traut
- Scott Price
- Todd Collart
- Jane Farkas
- Ben Oakley
- John T. Williams
- Haley Ehlers
- Alasdair Coyne
- Julie Henszey
- Louise Lampara
- Mark Wade

Zoom Speakers:

- Alan Adler
- Douglas Alexander
- Steve Nash
- Michael Nelson

Planning Commission Deliberation and Vote:

Chair Boydstun called for another brief recess at 12:16 p.m. and resumed the deliberation at 12:37 p.m.

Motion: Recommend the Board not adopt the NCZO and CZO ordinances as proposed. Recommend the Board to send the ordinances back to Planning staff for more analysis:

- Study operators' Idle Well Management Plans;
- To what degree do State programs address the issues the ordinances are trying to address;
- Feasibility Study on the ordinances;
- Study for public health and safety by Ventura County Air Pollution Control District (APCD) for emissions and assessment of oil and gas operations on human health;
- Investigate alternative funding sources to insurance and sureties; and

- Confirm process that CalGEM can accept the sureties from the County and that these funds will be used only on Ventura County oil wells.

Moved by: Commissioner Kestly **Seconded by:** Commissioner McPhail

Motion carried: 3-2

Yes: Commissioners Sandlin, McPhail and Kestly

No: Vice-Chair Garcia and Chair Boydston

7. **DISCUSSION:**

a) Report by the Planning Director on Board actions and other matters.

Planning Director Ward reported Planning related projects approved by the Board of Supervisors at their September 12, 2023, meeting.

- General Plan Litigation – The Board acted on a settlement agreement related to the eight remaining litigants on the Ventura County 2040 General Plan. The agenda item contains two components: 1) adding some clarifications to how different policies would be address; 2) Amendment to General Plan Policies COS-7.7 which addressed limited conveyance of oil and produced water and COS 7.8 addressed limited gas collection, use and disposal.
- Adoption of NCZO Ordinance Amendments to establish setback from Wildlife Crossing Structures located in the northern portion of the Ventura County unincorporated area. This item was reviewed by the commission at their November 3, 2022, meeting.
- Ventura County Climate Emergency Council (CEC) two proposals: Create a Policy to reduce Greenhouse gas emission from new and existing county-owned buildings and facilities and Create a Program to reduce carbon dioxide emission from existing residential and non-residential buildings. This item was reviewed by the commission on June 1, 2023, meeting.

The Planning Commission hearing dates in October are as follows:

- October 5 – three legislative items: PL22-0056 and PL22-0057 are related to General Plan Open Space – Parks and Recreation Zone while PL23-0033 is the study of additional potential Disadvantaged Community Designations (DDC) in the unincorporated areas of the county pursuant to General Plan Implementation Program Q in the Land Use Element.
- October 19 – PL23-0074 CUP for continued operation and maintenance of existing carwash. The project is located at 11502 N. Ventura Avenue, Ojai.

b) Items the Planning Commission may wish to introduce.

Commissioner McPhail commented that the implementation of the new Teleconference and Remote Participation Rules for the members of a hearing body like the Planning Commission are very restrictive. He asked the County Counsel if these new rules are unchangeable or if there are other ways to allow a member of the Commission to participate remotely via Zoom. County Counsel Barnes understood Commissioner McPhail's frustration and explained that this remote participation is part of the Brown Act's new post-Covid Teleconference rules. It will be up to the State to relax the rules and unfortunately there is no flexibility to do it at the local level.

Chair Boydstun talked about the two handouts the commission received during the hearing. He would like to establish some protocols or time frame for the public to submit their written materials to the commission so they will have enough time to review these documents. Planning Director Ward mentioned that one item on Planning's to do list is to update the Planning Commission's By-Laws and Procedures. Staff are working with the County Counsel and can look at that component and address it when the By-Laws and Procedures are presented to the commission.

8. MEETING ADJOURNMENT

Chair Boydstun adjourned the meeting at 1:06 p.m.



Luz Juachon, Recording Secretary
Ventura County Planning Division