



Monterey County

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Board Report

Legistar File Number: 17-0777

July 25, 2017

Introduced: 7/13/2017

Version: 1

Current Status: Agenda Ready

Matter Type: General Agenda Item

Conduct public workshop to:

- a. Consider a preliminary draft ordinance to add Chapter 16.58 to the Monterey County Code to establish exemption procedures for land uses associated with oil and gas operations in order to implement provisions of Measure Z, a voter-approved initiative measure; and
- b. Provide direction to staff.

Proposed CEQA Action: Statutorily exempt per CEQA Guidelines section 15378(b)(5).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Consider a preliminary draft ordinance to add Chapter 16.58 to the Monterey County Code to establish exemption procedures for land uses associated with oil and gas operations in order to implement provisions of Measure Z, a voter-approved initiative measure; and
- b. Provide direction to staff.

SUMMARY:

Measure Z authorizes the Board of Supervisors to adopt ordinances to implement Measure Z. Measure Z contains exemptions, but there is a need to develop procedures to implement the exemptions. This ordinance establishes the administrative processes to implement the exemptions. The purpose of the workshop is to provide an opportunity for staff to present the draft ordinance to the Board of Supervisors, for the Board to take public comment on the procedures, and for the Board to provide direction to staff. Following the workshop, staff would prepare a final draft ordinance and return to the Board at a noticed public hearing for the Board to consider adoption.

DISCUSSION:

Measure Z is an initiative measure adopted by the voters of Monterey County on November 8, 2016. Measure Z prohibits land uses in support of well stimulation treatments in oil and gas production or recovery including hydraulic fracturing, prohibits land uses in support of oil and gas wastewater injection and impoundment subject to a five- year phase-out period, and prohibits the drilling of new oil and gas wells in the County's unincorporated areas. Measure Z provides for exemptions from its provisions to enable persons to exercise vested rights, to ensure its provisions are applied in a manner that does not effect an unconstitutional taking, and to extend the reasonable amortization period for land uses in support of oil and gas wastewater injection and impoundment. The proposed ordinance would establish the administrative procedures to implement the exemptions. The procedures include the application and hearing process and standards for decision by the County. The draft ordinance is attached.

The ordinance is not a project under the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines section 15378(b)(5), administrative activities of government that will not result in direct or indirect physical changes in the environment are not a project under CEQA. This ordinance meets this standard because it merely establishes processes to implement exemptions that the voters already adopted as part of Measure Z.

OTHER AGENCY INVOLVEMENT:

County Counsel prepared the ordinance and has consulted with the Resource Management Agency.

FINANCING:

Preparation of the ordinance does not have a financial impact. The ordinance authorizes the Board of Supervisors to adopt fees by resolution for applications and other costs under the ordinance. Staff intends to bring a resolution proposing such fees to the Board of Supervisors for consideration at the same time as staff presents a final ordinance to the Board of Supervisors for consideration for adoption.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This ordinance facilitates the administration of policies enacted by Measure Z.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of Board:

Attachment A - Draft ordinance adding Chapter 16.58