

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	211847
Document Title:	Oxnard City Council Resolution 14.925
Description:	Resolution of the Oxnard City Council approving a General Plan Amendment that prohibits development of electrical generating facilities greater than 50 Megawatts (MW) in capacity in coastal areas of the city that are subject to hazards and/or flooding, as identified by adopted City policy.
Filer:	Jon Hilliard
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	6/16/2016 4:52:01 PM
Docketed Date:	6/16/2016

RESOLUTION NO. 14.925

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING AN AMENDMENT TO THE 2030 GENERAL PLAN UPDATING SEA LEVEL RISE INFORMATION AND MODIFYING AND ADDING POLICIES PROHIBITING DEVELOPMENT OF ELECTRIC GENERATION FACILITIES OF 50 MEGAWATT OF GREATER CAPACITY IN AREAS SUBJECT TO COASTAL AND OTHER ENVIRONMENTAL HAZARDS. FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city; and

WHEREAS, Government Code Section 65302(g)(1) requires a safety element for the protection of the community from any unreasonable risks associated with various effects, including the effects of seismically induced surface rupture, subsidence, liquefaction, and flooding; and

WHEREAS, Government Code Section 65302(g)(2)(B) requires the establishment of comprehensive goals and policies for the protection of the community from the unreasonable risks of flooding, including, but not limited to maintaining the structural and operational integrity of essential public facilities during flooding and locating, when feasible, new essential public facilities outside of flood hazard zones; and

WHEREAS, Government Code section 65302(g)(4) requires the City to update its general plan to include policies to respond to climate change, including an assessment of vulnerabilities and the adoption of measures to avoid and adapt to climate change impacts.

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report (2006), and (2) the Goals and Policies which includes a placeholder for the 2006-2014 Housing Element as Chapter 8; and

WHEREAS, the 2030 General Plan Final Program Environmental Impact Report (PEIR) was presented to the City Council at a public hearing on February 2, 2010, following which the City Council adopted Resolution No.13.770 certifying in accordance with Section 15090 of the State CEQA Guidelines that the Final PEIR was completed in accordance with CEQA, and reflects the independent judgment and analysis of the City; and

WHEREAS, Addendum No. 1 to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, at the October 11, 2011 hearing, City Council voted 4-1 to adopt the 2030 General Plan and no challenges to the PEIR occurred; and

WHEREAS, the documents and other material that constitute the record of proceedings

upon which the 2030 General Plan, PEIR, and Statement of Overriding Considerations and Findings of Fact are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, Goal SC-2 of the Oxnard 2030 General Plan states that “[s]ea level rise is routinely considered relative to coastal areas and other City decisions, as relevant” and Policy SC-2.3 implements this goal by directing the City to “[e]nsure that all planning, public works, and related decisions take rising sea level into consideration and take steps to reduce risk of damage or loss of life and property;” and

WHEREAS, the City has prepared a Sea Level Rise Map Atlas for the Oxnard Coastal Zone that depicts, based on best-available science recommended by the Coastal Commission, existing individual and combined coastal hazards with future low, medium, and high sea level scenarios for 2030, 2060, and 2100 prepared consistent with the Coastal Commission’s Sea Level Rise Policy Guidance; and

WHEREAS, a plain interpretation of the best-available scientific information available to the City clearly indicates that development of a new electrical generating facility or alterations to any existing electrical generating facility in the City’s coastal zone poses a threat to the public health, safety, and welfare, in that approval of such application would threaten coastal resources and result in potential placement of a critical energy infrastructure facility in an area that would be subject to failure due to storm surge, wave run-up, erosion, or earthquake-generated Tsunami inundation; and

WHEREAS, Government Code section 65858 provides that a city council may adopt by a four fifths vote as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a general plan or zoning measures that the city is considering or studying or intends to study within a reasonable time; and

WHEREAS, on July 1, 2014, the City Council adopted Ordinance No. 2882, imposing a 45-day moratorium on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Oxnard; and

WHEREAS, on July 29, 2014 and May 19, 2015, the City Council adopted Ordinance Nos. 2884 and 2891 extending the urgency ordinance to June 30, 2016; and

WHEREAS, the proposed General Plan Amendment PZ 16-620-01 (“General Plan Amendment PZ 16-620-01”) would amend the 2030 General Plan to: 1) update sea level rise background information, 2) replace and retitle Figure 2-1 “Sea Level Rise Map” with “2030 Moderate SLR Combined Hazards Map, 3) modify Policy ICS-17.1 regarding electric generation and transmission facilities, and 4) add a new policy (SH-3.5) to prohibit development of electric generation facilities of 50 MW or greater in areas subject to coastal and other environmental hazards; and

WHEREAS, each portion of the proposed General Plan Amendment PZ 16-620-01 is fully set forth in the staff report to this matter, and each portion is incorporated by this reference

as if fully set forth in full herein; and

WHEREAS, the adoption of General Plan Amendment PZ 16-620-01 is a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by prohibiting development of critical regional electricity generation facilities of 50 MW or greater capacity in hazardous areas; and

WHEREAS, there are approximately 1,600 acres of industrially-zoned acres within City limits where electricity generation facilities of 50 MW or greater capacity could be developed under the permitting process of the California Energy Commission; and

WHEREAS, the proposed amendment is consistent with the direction in the 2030 General Plan to prohibit certain large energy generating facilities in the City and the amendment does not represent a significant change in the 2030 General Plan nor does it result in significant new environmental impacts that have not been previously evaluated; and

WHEREAS, the Energy Commission (CEC) has sole jurisdiction over the siting and permitting of electricity generating facilities of 50 MW capacity or greater; and

WHEREAS, because the City, itself, has no authority to permit, deny, or condition a 50 MW or greater capacity electricity generating facility, General Plan Amendment PZ 16-620-01 can be said, with certainty, to have no possibility of a significant effect on the environment; and

WHEREAS, under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the action is exempt from CEQA; and

WHEREAS, the City prepared Addendum No. 2 to the Final PEIR according to State CEQA Guidelines Section 15164; and

WHEREAS, each of the reasons documented in Addendum No. 2 provides an independent basis for finding that CEQA does not require further environmental review of General Plan Amendment PZ 16-620-01; and

WHEREAS, on May 5, 2016 the Planning Commission approved Resolution No. 2016-09 recommending that the City Council adopt a resolution approving Planning and Zoning Permit No. 16-620-01 (General Plan Amendment); and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed General Plan Amendment No. 16-620-01, and considered Addendum No. 2; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of General Plan Amendment No. 16-620-01.

NOW, THEREFORE, for the above stated reasons, the City Council of the City of Oxnard resolves as follows:

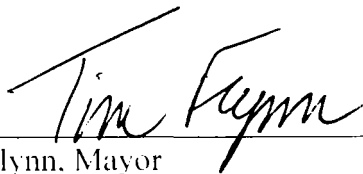
1. The General Plan Amendment 16-620-01 is not a project under CEQA and is exempt from CEQA
2. The 2030 General Plan is amended in the manner described as Exhibit A. attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 7th day of June, 2016 by the following vote:

AYES: Councilmembers Flynn, Ramirez, MacDonald, Padilla and Perello.

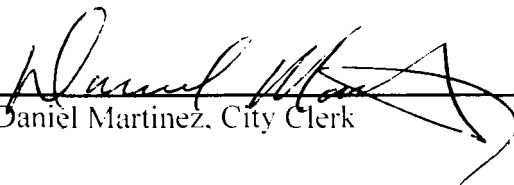
NOES: None.

ABSENT: None.



Tim Flynn, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

City of Oxnard

Ventura County, California



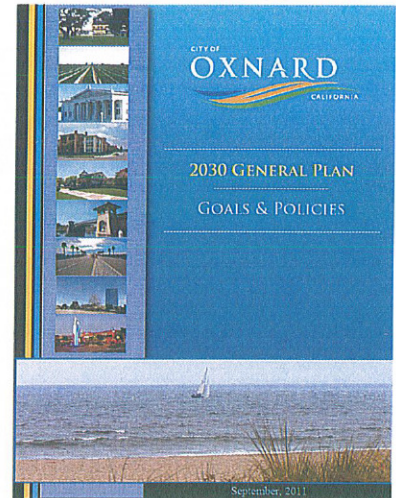
Proposed Amendment to the 2030 General Plan

within:

Chapter 2: Sustainable Community

Chapter 4: Infrastructure & Community Services

Chapter 6: Safety & Hazards



Pursuant to:

Interim Urgency Ordinance 2891 (adopted May 19, 2015, expires June 30, 2016)

Contact: Dr. Christopher Williamson, AICP, Principal Planner
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(805) 385-8156

Notice date of record: April 11, 2016

Proposed text changes are shown with ~~strikeout~~ for removed text and **bold underlined** for inserted text on the following pages.

2030

General Plan

Chapter 2: Sustainable Community

PZ 16-620-01 [Part 1]

Text change to sea level rise background information on page 2-6.

Original page shown to right →

Text changes shown below

the State standards (AB 1493). Similarly, the State imposes a GHG emission standard on private electric utilities (SB 1368). The California Air Resources Board (CARB) is required to adopt regulations for the reporting and verification of statewide GHG emissions and to enforce compliance

Sea Level Rise. According to tide gauge data, the sea level has been rising at an average global rate of approximately 1.8 mm per year for the past century. Satellite images starting in the early 1990's indicate an annual rate of approximately 2.8 mm per year. The rate of sea level rise may be increasing due to global warming. The actual amount of land lost to a rising sea level varies based on geography, since the land mass itself may be changing its relative elevation. The effects of rising sea level and warmer water include loss of beachfront, larger and more powerful coastal waves, relocation and/or migration of wildlife, and possible loss and/or damage of waterfront properties, including docks and piers. The Intergovernmental Panel on Climate Change (IPCC) estimates that the global average sea level will rise by 7.2 to 23.6 inches (18-59 cm or 0.18-0.59m) by 2100 relative to 1980-1999 under a range of scenarios (IPCC, 2007). Figure 2-1 is a map of the Oxnard shoreline from the March 2009 Pacific Institute's report, *The Impacts of Sea-Level Rise on the California Coast*. The map depicts the extent of a coastal storm flood event after sea level has increased by 1.4 meters (55 inches) by the year 2100. This information is included for informational purposes only. The map is not intended to assess actual coastal hazards, insurance requirements, or property values and specifically shall not be used in lieu of Flood Insurance Studies and Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA). The Pacific Institute study was the first of what will be many subsequent studies of sea level rise that will guide the State, County, and City of Oxnard in developing responses.

The California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code, is a compilation of three types of building standards from three different origins:

- Building standards that have been adopted by State agencies without change from building standards contained in national codes
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions
- Building standards, authorized by the California Legislature that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns

~~Sea Level Rise. According to tide gauge data, the sea level has been rising at an average global rate of approximately 1.8 mm per year for the past century. Satellite images starting in the early 1990's indicate an annual rate of approximately 2.8 mm per year. The rate of sea level rise may be increasing due to global warming. The National Research Council (NRC, 2012) projects that by 2100, sea level in California may rise 17 to 66 inches (42 to 167 cm) for areas south of Cape Mendocino. The actual amount of land lost to a rising sea level varies based on geography, since the land mass itself may be changing its relative elevation. The effects of rising sea level and warmer water include loss of beachfront, larger and more powerful coastal waves, relocation and/or migration of wildlife, and possible loss and/or damage of waterfront properties, including docks and piers. The Intergovernmental Panel on Climate Change (IPCC) estimates that the global average sea level will rise by 7.2 to 23.6 inches (18-59 cm or 0.18-0.59m) by 2100 relative to 1980-1999 under a range of scenarios (IPCC, 2007). Figure 2-1 is a map of the 2030 Combined Hazards for the Oxnard shoreline derived from the March 2009 Pacific Institute's report, *The Impacts of Sea-Level Rise on the California Coast* The Nature Conservancy's Coastal Resilience Ventura project. The map depicts the extent of a coastal storm flood event after sea level has increased by 5.2 inches 1.4 meters (55 inches) by the year 2100 2030. This information is included for informational purposes only. The map is not intended to assess actual coastal hazards, insurance requirements, or property values and specifically shall not be used in lieu of Flood Insurance Studies and Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA). The Pacific Institute study was the first of what will be many subsequent studies of sea level rise that will guide the State, County, and City of Oxnard in developing responses.~~

2030 General Plan

Chapter 2: Sustainable Community

PZ 16-620-01 [Part 2]
Replace and retitle Figure 2-1 to
“2030 Moderate SLR Combined
Hazards Map” on page 2-8.

Original Figure 2-1 shown to right →

Replacement Figure 2-1 shown on
following page

[Table of Contents, page iii, “List of Figures”
would also be updated with retitle]



Figure 2-1. California Flood Risk: Sea Level Rise (Oxnard area)

FINAL

July 2011

Page 2-7

Please see next page.



Figure 2-1: 2030 Moderate SLR Combined Hazards Map

- Coastal Zone Boundary
- - - City Boundary
- ▭ City of Oxnard LCP Planning Area
- ▭ Adjacent Jurisdictions
- ▭ 2030 Moderate SLR Combined Hazards

Modeling results from
Coastal Resilience Ventura (ESA PWA, 2013)



2030 General Plan

Chapter 4: Infrastructure & Community Services

PZ 16-620-01 [Part 3]
Text change to Policy ICS-17.1
"Electric Facilities" on page 4-20.

Original page shown to right →

Text changes shown below

ICS-17.1 Electric Facilities
Ensure that electric facilities (such as the Southern California Edison generating facilities located within the City) are built in accordance with the California Public Utilities Commission regulations and incorporate feasible solar, wind, and other renewable sources of energy

ICS-17.2 Easements
Ensure that gas and electric service mains not installed in the public right-of-way have established easements

ICS-17.3 Promoting Renewable Energy Production
Encourage the use of renewable solar, wind, and other electric generation technologies instead of new or expansion of fossil fuel-based generation facilities

ICS-17.4 Service Extension
Coordinate with gas and electric providers for the extension of gas and electrical facilities

ICS-17.5 Undergrounding of Utility Lines
Require undergrounding of utility lines in new development, except where it is not feasible due to electrical transmission load or other operational issues

Communications

Goal ICS-18	Expanded communication system services to improve personal convenience for residents of the City
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ICS-18.1 Telecommunications Services
Work with telecommunications providers to ensure that residents and businesses have access to telecommunications services, including broadband service. To maximize access to inexpensive telecommunications services, the City shall encourage marketplace competition from multiple service providers

ICS-18.2 Communication Technologies for Improved Citizen Participation
Expand the use of communication technologies including cable television systems, City website, cable channel bulletin boards, e-mails, text messaging, and public service/educational programming as a communications tools in providing governmental information, public access and cultural programming.

ICS-18.3 Wireless Telecommunications
Encourage wireless providers to meet the following conditions, to the maximum extent feasible

ICS-17.1 Electric Facilities

Ensure that **public and private, replacement and/or refurbished, electric generation and/or transmission** electric facilities (such as the Southern California Edison generating facilities located within the City) are built in accordance with **the California Coastal Commission Sea Level Rise Policy Guidance**, California Public Utilities Commission **and/or California Energy Commission policies and** regulations and incorporate feasible solar, wind, and other renewable sources of energy.

2030 General Plan

Chapter 6: Safety & Hazards

PZ 16-620-01 [Part 4]

Add new Policy SH-3.5 “Development of Electricity Generating Facilities of 50 Megawatts or More in Areas Subject to Coastal and Other Environmental Hazards” on page 6-5.

Original page shown to right →

insert new Policy SH-3.5
after Policy SH-3.4

6. Safety & Hazards

SH-2.2 Dredging for Beach Sand Replenishment
Support and encourage the regular dredging of inland waterways, subject to applicable review by relevant agencies, and evaluate the usefulness and need of using the dredged sand for beach replenishment.

SH-2.3 Monitoring Projects That May Impact the Beach
Closely monitor public works and private development proposals outside of Oxnard that may impact beach quality.

New Development Mitigations

Goal SH-3 New development required to take necessary precautions prior to any construction to mitigate hazards and protect the health and safety of the inhabitants.

SH-3.1 Location of New Development
Encourage new development to avoid areas with high geologic, tsunami, flood, beach erosion, and fire or airport hazard potential.

SH-3.2 New Development Flood Mitigation
As a condition of approval, continue to require new development to mitigate flooding problems identified by the National Flood Insurance Program and/or other expert information.

SH-3.3 Updating Flood Insurance Rate Maps
Continue to provide information to the Federal Emergency Management Agency (FEMA) to ensure that Flood Insurance Rate Maps (FIRM) are updated periodically.

SH-3.4 Avoiding Blockage of Natural Drainage
Continue to review development proposals to ensure that the capacity or ability of natural drainage is not impacted.

Emergency Preparedness

Goal SH-4 Emergency preparedness through the provision of adequate fire and police protection, infrastructure, emergency supply stockpiling, public education, EOC planning and procedures, and outreach programs.

SH-4.1 Coordination of Disaster Services
Coordinate with the County Office of Emergency Services, other cities, US Navy, State Office of Emergency Services, State Emergency Operations Center (EOC), and FEMA to coordinate emergency preparedness planning.

FINAL September 2011 Page 6-5

SH-3.5 Development of Electricity Generating Facilities of 50 Megawatts or More in Areas Subject to Coastal and Other Environmental Hazards.

The City recognizes that authority for new electricity generation facilities of 50 MW or more rests with the California Energy Commission. The City also recognizes that electricity generation facilities are especially susceptible to coastal and other hazards, particularly considering existing and expected sea-level-rise, and the resultant increased risks of tidal inundation, storm wave run-up, beach and dune erosion and retreat, and tsunami inundation. Therefore, in areas where the City has documented that the location of such facilities is threatened by seismic hazards, wildfire, flooding, or coastal hazards including tidal inundation, storm wave run-up, beach and dune erosion or retreat, and/or tsunami inundation, the following uses are prohibited: (1) the construction of new electricity generation facilities of 50 megawatts or more, (2) modifications, including alteration, replacement, or improvement of equipment that result in a 50 megawatt or more increase in the electric generation capacity of an existing generating facility, and (3) construction of any facility subject to the California Energy Commission’s jurisdiction under Public Resource Code 25500.