



Meeting Date: 7 / 29 / 2014

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Christopher Williamson, AICP

Agenda Item No. F-2Reviewed By: City Manager SM City Attorney SMT Finance JC Other (Specify) _____**DATE:** July 16, 2014**TO:** City Council**FROM:** Stephen M. Fischer, Interim City Attorney
City Attorney**SUBJECT:** Extension of Interim Urgency Ordinance No. 2882 Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Within the Coastal Zone Pursuant to the Southern California Edison (SCE) Request For Offer (RFO) Process Pending Studies and Changes in the Local Coastal Program (LCP), Zoning Ordinances and Other Land Use Regulations.

RECOMMENDATION

That City Council:

1. Conduct a public hearing to consider extending Ordinance No. 2882.
2. Issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882.
3. Adopt an ordinance to extend the moratorium prohibiting the expansion of existing, or development of new, electrical generating facilities within the Oxnard Coastal Zone pursuant to the SCE RFO process pending studies and changes in the LCP, zoning ordinances, and other land use regulations for a period of 10 months and 15 days from the date Ordinance No. 2882 would otherwise expire.

DISCUSSION

Development Moratorium Extension Process – On July 1, 2014, the City Council unanimously adopted Ordinance No. 2882, an interim urgency measure imposing a 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 Oxnard Coastal Zone. (See Attachment 1) During the period of the moratorium, the City will study, draft and adopt changes to the LCP, zoning ordinances, and other land use regulations regarding electrical generating facilities within the Coastal Zone. Pursuant to Government Code Section 65858, the moratorium will expire after 45 days of adoption unless it is extended by the City Council. Extension must be considered after a noticed public hearing and requires a four-fifths vote of the City Council for adoption. Section 65858 allows for only

two extensions: the first for 10 months and fifteen days, and the second for one additional year. Notices of the public hearing to extend the moratorium were published in accordance with Government Code Section 65090. (Attachment 2) The attached ordinance to extend the moratorium (Attachment 3) restates the findings of Ordinance No. 2882 regarding the current and immediate threat to public health, safety and welfare as required by State law; and clarifies that the moratorium excludes ministerial permits or approvals, and certain improvements to the SCE peaker plant specified in the 2011 Settlement Agreement regarding that facility.

LCP Update Report – Government Code Section 65858 requires the City Council to issue a written report describing the measures taken to alleviate the conditions which led to the adoption of an interim urgency ordinance at least ten days prior to its expiration. Staff has prepared the attached report (Attachment 4), which describes staff's actions following the adoption of Ordinance No. 2882. As stated in the report, staff is preparing a funding plan, sea-level rise (SLR) study schedule, preliminary LCP Update review and task outline, and public outreach plan for presentation to the City Council on September 23, 2014. On July 7, 2014, staff submitted a joint grant application to the Ocean Protection Council and Coastal Commission for a total of \$150,000 to supplement the City's \$133,000 set aside to complete a SLR analysis and adaptation study that is the basis for the subsequent LCP Update. A total of 18 grants were submitted for the available \$2.2 million and grant award decisions are expected in November and December. A portion of a \$500,000 SCE peaker plant mitigation escrow fund, which becomes available to the City in early 2015, will be requested from the Coastal Commission. City GIS staff has obtained the SLR analysis data and maps: an SLR study consultant search will start in August. Staff has converted the 1982 LCP document to Word and GIS format and initiated a basic-level LCP review. The public participation program will include the Ormond Beach Task Force and the Channel Island, Hollywood Beach, Mandalay, and Seabridge communities.

CEQA Applicability – Adoption of the proposed extension of the urgency ordinance would not be considered a project within the meaning of Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines because it does not have the potential to result in a direct or reasonably foreseeable indirect physical change in the environment. Rather the extension of the urgency ordinance would only temporarily prevent certain physical changes in the environment pending completion of the City's review and possible amendment of the regulations applicable to applications for development of electrical generating facilities in the Coastal Zone in response to SCE's RFO.

FINANCIAL IMPACT

There is no financial impact from adopting the extension of the urgency ordinance.

CW/SMF

- Attachment #1 - July 1, 2014 Agenda Report re Interim Urgency Ordinance
- Attachment #2 - Public Hearing Notices
- Attachment #3 - Ordinance Extending Interim Urgency Ordinance
- Attachment #4 - Report on Status of Actions Related to Moratorium




Meeting Date: 7 / 1 / 2014

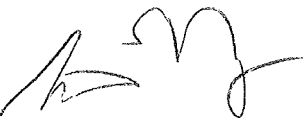
ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input checked="" type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Christopher Williamson, AICP

Agenda Item No. K-1

Reviewed By: City Manager City Attorney Finance 

Other (Specify) _____

DATE: June 25, 2014**TO:** City Council**FROM:** Stephen M. Fischer, Interim City Attorney
City Attorney **SUBJECT:** Interim Urgency Ordinance Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Integrated with the Independent System Operator Grid and with Generating Capacity above 25 MW within the Coastal Zone Until the Oxnard Local Coastal Program Update is Completed

RECOMMENDATION

That City Council adopt an interim urgency ordinance prohibiting the expansion of existing, or development of new, electrical generating facilities integrated with the Independent System Operator grid and with generating capacity above 25 MW within the Oxnard Coastal Zone pending studies and changes in the Local Coastal Program (LCP), land use plan and implementing zoning ordinance, and other applicable regulations.

DISCUSSION

Development Moratorium Process -- Government Code Section 65858 authorizes the City Council to "adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time." The primary purpose of such a development moratorium is to defer decisions on certain pending or future project applications while the City studies related issues and/or complies with Federal or State mandates, evaluates possible regulatory options, and considers the adoption of new permanent regulations. The Government Code provides that a development moratorium shall not be adopted unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use that is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

An urgency ordinance is initially effective for 45 days from its adoption and requires a four-fifths vote of the City Council. Upon subsequent notice and public hearing, the urgency ordinance may be extended for up to 10 1/2 additional months, and may thereafter be extended for another subsequent year, for a total period of two years. An urgency ordinance cannot be extended beyond this two-year

period. While a moratorium operates to preclude approval of a development application, a moratorium does not allow the City to refuse to accept or to process applications where the Legislature has established a comprehensive procedure for processing development applications. If the City Council determines that there is an immediate threat to the public health, safety or welfare and that modification of the City's Coastal Zone regulations are necessary, staff believes that, based on the time devoted to previous LCP updates and amendments, the scale and complexity of this issue, the prescriptive State mandate to update LCP's, the likely need for several steps necessary to complete the LCP amendment process (including public outreach, workshops, CEQA compliance, Planning Commission review, City Council review and adoption, and Coastal Commission review and approval), the LCP Update could take up to two years to complete.

Electrical Generating Facilities in the Coastal Zone -- NRG California South LP (NRG), a Fortune 500 and S&P 500 publically held company and the largest energy company in the United States, owns and operates the Mandalay Beach Generating Station (373 N. Harbor Boulevard) and Ormond Beach Generating Station (6635 Edison Drive). Both NRG facilities are natural-gas fuel plants that supply peak-period electrical power to the Southern California Edison (SCE) Big Creek/Moorpark Sub-Area grid that extends from Simi Valley to Goleta. The Mandalay station has a peaking capacity of 510 MW. The Ormond Beach Generating Station is a two-unit plant with a combined capacity of 1,500 MW. Both facilities are Once-Through Cooling (OTC) facilities that use ocean water for cooling, were originally built by SCE, and pre-exist the California Coastal Act and the Oxnard LCP. Each facility is an allowed use within the Oxnard LCP Energy Coastal (EC) subzone as a "coastal dependent energy facility." On May 4, 2010, the State Water Resources Control Board established standards to implement the Clean Water Act and reduce OTC ocean water intake by 93 percent, or cease operations. The compliance date for both plants is December 31, 2020. Both plants operate under expired NPDS discharge permits that are being considered for renewal by the Region IV office of the State Water Resources Control Board (Los Angeles). Additionally, SCE constructed a 45MW peaker plant at 251 N. Harbor Blvd. and owns additional vacant land that could be used to expand that facility. SCE's peaker plant is not an OTC facility.

With the expected decommissioning of the NRG's two OTC power plants, the California Public Utilities Commission (CPUC) completed a local capacity review in 2013 and determined that 215 to 290 MW of new power generation is needed in the Big Creek/Moorpark Sub-Area. SCE issued a Request for Offer (RFO) in late 2013 that led to several energy companies preparing proposals for development of new power generation facilities, generally in the West Ventura County area. SCE anticipates selecting a proposal at the end of July, 2014. Power plants over 50 MW are directly permitted by the California Energy Commission (CEC) and do not first need permits from a local jurisdiction, including proposed sites within a coastal zone. The CEC will consult with a local jurisdiction during the CEC's siting process "Discovery Phase" and the local jurisdiction would be an "intervenor" (http://www.energy.ca.gov/public_adviser/six_phases.html).

NRG notified the City that NRG submitted a proposal to SCE to construct a new (third) power generation plant immediately adjacent to and north of the Mandalay Beach facility. If NRG is selected, NRG may submit an application to the CEC for a new power plant as early as August, 2014. It is possible that NRG will propose improvements, subject to the City's permitting process, to the Ormond and/or Mandalay facilities at any time to one or both plants that would allow one or both to

continue to operate past December 31, 2020. The possibility exists, then, that the SCE peaker plant and up to three NRG power plants (Ormond, Mandalay, and a new facility) could be operating indefinitely in the Oxnard Coastal Zone. Each of these energy facilities is, by definition a peaker plant dispatched by the Independent System Operator (ISO) that provides electrical power generation during periods of peak demand to prevent grid failures, a critical infrastructure that, should it fail due to storm surge, wave run-up, erosion, or Tsunami inundation, could result in an immediate threat to the public health, safety or welfare.

State-Mandated Update of Local Coastal Program and Implementing Regulations -- The State of California is directing local governments to take more proactive steps to address sea-level rise (SLR) due to the significant impacts SLR may have on the economy, natural systems, the built environment, and human health. In October, 2013, the California Coastal Commission issued a SLR Policy Guidance (Guidance) document that provides a step-by-step guidance on how to address SLR rise in new and updated LCPs and Coastal Development Permits. The City has committed \$133,000, and is applying for a \$150,000 grant, to update the Oxnard LCP. The update will start with SLR mapping (Guidance, Step 1) followed by assessing potential risks to critical infrastructure "...such as electricity and other energy transmission infrastructure" (Guidance, pg. 43). Step 4.9 (Guidance, pg. 62) directs the City to "... Update land uses as needed based on sea-level rise impacts and compatible uses" and "Include policies to require industrial and energy facility expansion plans and proposals to include sea-level rise." The outcome of the LCP Update process would be a list of adaptation measures, new or revised policies, and/or ordinances that protect energy infrastructure from expected impacts of SLR or prohibit critical energy infrastructure in areas or situations where SLR adaptation measures are not available. Until the SLR analysis and LCP Update are completed, the City cannot adequately review an application for new or upgraded coastal energy facilities with best-available SLR science and feasible adaptation measures per the State's Guidance directions.

2030 General Plan Goals and Policies – When adopted in 2011, the Oxnard 2030 General Plan established the City's commitment to updating the Oxnard LCP with consideration of climate change. Goal CD-21 (pg. 3-39) states "Update the Oxnard Local Coastal Program...consideration of climate change issues." Two implementing policies directly address existing and potential coastal energy facilities:

CD-21.2 *Modify non-Coastal Dependent Energy Uses*

When the LCP is being updated, clarify that non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act.

CD-21.3 *Future Use of Coastal Power Plants*

Initiate an update to the Oxnard LCP that has the intent and effect of eventual decommissioning of the SCE Peaker Plant, Mandalay and Ormond Beach power generation facilities by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods. After adoption and Coastal Commission certification of an updated Local Coastal Plan, initiate and implement policy and regulatory actions, and support actions of other relevant agencies that implement the LCP with regard to the future use of the SCE Peaker Plant, Mandalay and Ormond Beach power plants.

LCP Update Process -- City staff expects to begin the SLR mapping analysis within three months and complete Guidance Step 4 within about 18 months. In addition, energy facilities in the Coastal Zone have aesthetic, environmental justice, wetland restoration, and other issues that will also be studied as part of the LCP Update process.

CEQA Applicability -- Adoption of the proposed urgency ordinance would not be considered a project within the meaning of Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines because it does not have the potential to result in a direct or reasonably foreseeable indirect physical change in the environment. Rather the urgency ordinance would only temporarily prevent certain physical changes in the environment pending completion of the City's review and possible amendment of the regulations applicable to applications for development of electrical generating facilities in the Coastal Zone in response to SCE's RFO.

FINANCIAL IMPACT

There is no financial impact from adopting the urgency ordinance.

CW/SMF

Attachment #1 - Location of NRG and SCE coastal power plants
#2 - Urgency Ordinance

Client 19250 - CITY OF OXN/PLANNING COMM
Address 214 S C ST
OXNARD, CA, 93030

Phone (805) 385-7878 Ext: 0
E-Mail
Fax (805) 385-7417

Order# 351705	Requested By MARIA SANTANA	Order Price \$307.04
Classification 1299 - Other Public Notices	PO # POWER PLANT	Tax 1 \$0.00
Start Date 07/19/2014	Created By 147412	Tax 2 \$0.00
End Date 07/19/2014	Creation Date 07/14/2014, 01:22:10 pm	Total Net \$307.04
Run Dates 2		Payment \$0.00
Publication(s) Ventura County Star, Web	Dimensions 4.9500 " X 5.4100 "	

Sales Rep 9902 - Maria Rodriguez

Phone (805) 437-0352
E-Mail legals@vcstar.com
Fax (805) 437-0065

NOTICE OF PUBLIC HEARING

The Oxnard City Council will conduct a public hearing to consider the following matter on Tuesday, July 29, 2014 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, 305 W. Third Street, Oxnard:

EXTENSION OF INTERIM URGENCY ORDINANCE PROHIBITING THE EXPANSION OF EXISTING, OR DEVELOPMENT OF NEW, ELECTRICAL GENERATING FACILITIES WITHIN THE COASTAL ZONE PURSUANT TO THE SOUTHERN CALIFORNIA EDISON REQUEST FOR OFFER PROCESS PENDING STUDIES AND CHANGES IN THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS. The proposal is to extend the interim urgency ordinance for a period of 10 months and 15 days from the date the ordinance is currently set to expire. This interim urgency ordinance is not a project within the meaning of Public Resources Code Section 21065 and State CEQA Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

At the public hearing you may appear and be heard or you may write to the City Clerk's Office at 305 West Third Street, Oxnard, California, 93030, in support of or in opposition to this matter. If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled.

If you challenge the City Council's decision on this matter in court, you may be limited to raising only those issues that were raised at this public hearing or in written correspondence delivered to the City Clerk at or before the hearing.

Beginning at 6:00 p.m., Channel 10 will broadcast the meeting at which the public hearing will be conducted. For further information, contact Chris Williamson with the Planning Division, 214 South C Street, Oxnard, at (805) 385-7858.

Publish: July 19, 2014 Ad No.351705

In the Superior Court of the State of California

IN AND FOR THE COUNTY OF VENTURA

CERTIFICATE OF PUBLICATION

TYPE OF NOTICE

NOTICE OF PUBLIC HEARING

ELECTRICAL GENERATING FACILITIES

STATE OF CALIFORNIA
COUNTY OF VENTURA

I Luis Ayala

hereby certify that Ventura County VIDA Newspaper, is a newspaper of general circulation within the provision of the Government Code of the State of California, printed and published in the County of Ventura, State of California; that I am the Principal Clerk of said newspaper; that the annexed clipping is a true printed copy and published in said newspaper on the following dates, to wit.

July 17, 2014

I certify under penalty of perjury that the foregoing is true and correct, at Oxnard, County of Ventura, State of California, on the

17th day of July 2014

PAGE 2 OF 2

ATTACHMENT NO. 2

(Signature)



NOTICE OF PUBLIC HEARING

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At the public hearing you may appear and be heard or you may write to the City Clerk's Office at 305 West Third Street, Oxnard, California, 93030, in support of or in opposition to this matter. If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled.

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Publishing VCVN Date: 7-17-2014

CITY COUNCIL OF THE CITY OF OXNARD

UNCODIFIED ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, EXTENDING THE INTERIM URGENCY ORDINANCE PROHIBITING THE EXPANSION OF EXISTING, OR DEVELOPMENT OF NEW, ELECTRICAL GENERATING FACILITIES WITHIN THE COASTAL ZONE PURSUANT TO THE SOUTHERN CALIFORNIA EDISON REQUEST FOR OFFER PROCESS PENDING STUDIES AND CHANGES IN THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS.

THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the California Coastal Act ("Coastal Act") was enacted to protect and preserve the California Coastal Zone as an environmental, recreational and economic resource for the benefit of all Californians; and

WHEREAS, Section 30001.5(d) of the Coastal Act states the Legislature's finding that one of the basic goals of the State for the coastal zone is to "[a]ssure priority for coastal-dependent and coastal-related development over other development on the coast"; and

WHEREAS, Section 30004(a) of the Coastal Act states the Legislature's finding that "[t]o achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement"; and

WHEREAS, Section 30006 of the Coastal Act states the Legislature's finding that "the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation"; and

WHEREAS, Section 30006.5 of the Coastal Act states the Legislature's finding that "sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions"; and

WHEREAS, three electrical generating facilities (Power Plants) are currently located in the City's coastal zone, two of which are once-through cooling (OTC) facilities that use ocean water for cooling and were originally built by Southern California Edison (SCE) prior to enactment of the Coastal Act and certification of the Oxnard Local Coastal Program (LCP); and

WHEREAS, on May 4, 2010 the State Water Resources Control Board adopted Resolution No. 2010-0020, generally requiring that the use of existing power plant cooling systems that rely on natural ocean waters be terminated throughout the State of California by 2020; and

WHEREAS, the expansion, alteration or addition of any Power Plant that does not require OTC would not be a coastal dependent facility within the meaning of the Coastal Act, and would therefore be inconsistent with the development policies and priorities of the Coastal Act; and

WHEREAS, the Oxnard 2030 General Plan established the City's commitment to updating the LCP with consideration of climate change, particularly to clarify that "non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act" (CD-21.2) and that the LCP update "has the intent and effect of eventual decommissioning of the [Power Plants] by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods (CD-21.3)"; and

WHEREAS, the City has appropriated funds for, and applied for additional grant funds for, conducting a comprehensive study of the potential impacts of sea level rise (SLR) on the coastal zone, and expects to begin the SLR mapping analysis within three months and complete an update to land uses as needed based on SLR impacts and compatible uses within approximately 18 months; and

WHEREAS, based on the SLR study, the City will seek to amend its LCP and other City planning policies and land use regulations to include adaptation measures, new or revised policies, and/or ordinances that protect energy infrastructure from expected impacts of SLR or prohibit critical energy infrastructure in areas or situations where SLR adaptation measures are not available; and

WHEREAS, SCE is soliciting proposals through a Request for Offer process (RFO) for electrical generating facility projects, and the operator of the existing OTC Power Plants has indicated it will submit a proposal for a project on its property within the City's coastal zone; and

WHEREAS, in order to protect the public health, safety and welfare, it is now necessary for the City to undertake action to review and revise applicable provisions of the City's LCP and other City planning policies and land use regulations so that applications submitted pursuant to SCE's RFO process for electrical generating facilities in the City's coastal zone may be properly analyzed consistent with the policies of the Coastal Act and the Oxnard 2030 General Plan; and

WHEREAS, it is anticipated that electrical generating facility proposals submitted through the RFO process will have generating capacity above 25 MW, and that installation of other types of electrical generating facilities, such as solar panels, would have a lower generating capacity and, thus, would not be proposed through the RFO process; and

WHEREAS, an application for approval of any new electrical generating facility or alterations to any existing electrical generating facility in the City's coastal zone poses an immediate threat to the public health, safety, and welfare, in that approval of such application would result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or Tsunami inundation; and

WHEREAS, Government Code § 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, Ordinance No. 2882 will expire on August 15, 2014 unless extended in accordance with Government Code Section 65858; and

WHEREAS, on July 29, 2014, the City Council issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882 in accordance with Government Code Section 65858; and

WHEREAS, on July 29, 2014, the City Council held a public hearing, duly noticed in accordance with Government Code Sections 65090, to consider the extension of Ordinance No. 2882 for a period of 10 months and 15 days from the date said ordinance would otherwise expire, in accordance with Government Code Section 65858; and

WHEREAS, this extension of Ordinance No. 2882 is not a project within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. The moratorium imposed by Ordinance No. 2882 on the approval of any special use permit, coastal development permit or any other discretionary City permit or discretionary 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 is hereby extended for a period of 10 months and 15 days from the date Ordinance No. 2882 would otherwise expire; provided that the moratorium shall not apply to permits for SCE's McGrath Peaker Plant (Coastal Development Permit No. A-4-oxn-07-096) that are consistent with the Settlement Agreement between the City and SCE executed in October of 2011 (Agreement No. A-7451).

Part 2. It is the intent of the City Council that any proposal for new or modified non-coastal dependent electrical generating facilities within the City's coastal zone during the period of the moratorium shall be considered inconsistent with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such use.

Part 3. The City Council hereby finds that the above recitals are true and correct and incorporates the recitals herein by reference as if set forth in full.

Part 4. This ordinance is hereby declared to be an interim urgency measure to protect the public health, safety and welfare and shall take effect immediately upon its adoption. The findings constituting the urgency are set forth above in the recitals to this ordinance and represent a current and immediate threat to the public health, safety or welfare in that approval of additional development or expansion of energy generating facilities within the Coastal Zone while the City's LCP update is pending would

result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or Tsunami inundation.

Part 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 6. This ordinance shall be effective immediately upon passage and may be extended by the City Council in accordance with Government Code Section 65858.

Part 7. At least ten days prior to the expiration of this interim ordinance, the City Council shall issue a written report describing the measures it has taken to alleviate the conditions which led to the adoption of this ordinance.

Part 8. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City.

PASSED, APPROVED, AND ADOPTED this 29th day of July, 2014

AYES:

NOES:

ABSENT:


ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

ATTACHMENT NO. 3
PAGE 4 OF 4

City of Oxnard, California
Development Services Department, Planning Division

July 21, 2014

Report on Status of Actions Related to Moratorium

Purpose: On July 1, 2014, the City Council of the City of Oxnard (City) unanimously adopted Ordinance No. 2882, an interim urgency measure imposing a 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 Oxnard Coastal Zone. During the period of the moratorium, the City will study, draft and adopt changes to the Oxnard Local Coastal Program (LCP), zoning ordinances, and other land use regulations regarding electrical generating facilities within the Coastal Zone.

Pursuant to Government Code Section 65858, this document is the first progress report prepared prior to the expiration of the initial 45 moratorium period ending August 15, 2014.

Prior to July 1, 2014, the following LCP Update tasks were completed:

1. Converted the 1982 LCP document and maps to Word and GIS format and confirmed with Coastal Commission staff that all LCP amendments were correctly incorporated in the LCP.
2. City Council budgeted and encumbered \$133,000 from Measure 'O' and General Plan maintenance fees for the LCP Update.
3. Staff participated in The Nature Conservancy's (TNC) Coastal Resilience sea-level rise and storm event scenario on-line mapping project released for public use in late 2013.
4. The 2030 General Plan was adopted in 2011 that changed land use designations in the Coastal Zone, adopted the Coastal Conservancy's Ormond Beach Wetlands Restoration Plan Alternative 2U, and included policies regarding the Once-Through Cooling power plants and updating the LCP within one year of adoption.

Between July 1 and August 15, 2014, City staff initiated and/or completed the following actions:

1. On July 7, 2014, staff submitted a joint grant application to the Ocean Protection Council and Coastal Commission for a total of \$150,000 to supplement the City's \$133,000 set aside to complete a SLR analysis and adaptation study that is the basis for the subsequent LCP Update. A total of 18 grants were submitted for the available \$2.2 million and grant award decisions are expected in November and December.
2. On July 14, 2014, staff initiated preparation of a funding plan, sea-level rise (SLR) study schedule, preliminary LCP Update review and task outline, and public outreach plan for presentation to the City Council on September 23, 2014. The public participation program will include the Ormond Beach Task Force and the Channel Island, Hollywood Beach, Mandalay, and Seabridge communities.
3. On July 14, 2014, staff initiated preparation of a recommendation for City Council review on September 23, 2014 on how to spend the \$500,000 SCE peaker plant mitigation escrow fund which becomes available to the City in early 2015, subject to approval by the Coastal Commission.
4. On July 10, 2014, GIS staff confirmed they had obtained the sea-level rise analysis data and maps from TNC and were able to integrate the TNC GIS data with City GIS databases.