



SUBJECT: An amendment to Title 17 (Zoning) of the Brentwood Municipal Code regarding oil and gas regulations

DEPARTMENT: Community Development Department

STAFF: Alexis Morris, Director of Community Development
Erik Nolthenius, Planning Manager

TITLE/RECOMMENDATION

Waive the second reading and adopt Ordinance No. 1067 removing oil and gas development as conditionally permitted uses in Planned Development District No. 17 and Planned Development District No. 55, requiring oil and gas development uses to be expressly listed as permitted or conditionally permitted uses in a district to be permitted or eligible for conditional use permits, amending oil and gas production regulations, and finding the action exempt from CEQA (RZ 23-003).

Adoption of the ordinance is a discretionary action by the City Council and; therefore, subject to consideration under the California Environmental Quality Act (CEQA). The ordinance has been assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines, and the environmental regulations of the City. Pursuant to CEQA and the CEQA Guidelines, it has been determined that the ordinance is exempt from CEQA, including without limitation, requirements for CEQA review, pursuant to the following exemptions: the "common sense" exemption under CEQA Guidelines Section 15061(b)(3) and the categorical exemption under CEQA Guidelines Section 15308 for Class 8 – Actions by Regulatory Agencies for the Protection of the Environment.

FISCAL IMPACT

There is no fiscal impact associated with adoption of the ordinance, other than staff time spent preparing it.

BACKGROUND

On February 13, 2024, the City Council held a public hearing to waive the first reading and introduce Ordinance No. 1067, which removes oil and gas development as conditionally permitted uses in Planned Development District No. 17 and Planned Development District No. 55, requires oil and gas development uses to be expressly



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listed as permitted or conditionally permitted uses in a district to be permitted or eligible for conditional use permits, amends oil and gas production regulations, and finds the action exempt from CEQA (RZ 23-003). This second reading (or waiver thereof) is the last step required by state law to formally adopt the Ordinance.

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

Previous Action by the City Council is included on Attachment 1.

DATE OF NOTICE

Not Applicable.

ENVIRONMENTAL DETERMINATION

Adoption of the ordinance is a discretionary action by the City Council and; therefore, subject to consideration under the California Environmental Quality Act (CEQA). The ordinance has been assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines, and the environmental regulations of the City. Pursuant to CEQA and the CEQA Guidelines, it has been determined that the ordinance is exempt from CEQA, including without limitation, requirements for CEQA review, pursuant to the following exemptions: the "common sense" exemption under CEQA Guidelines Section 15061(b)(3) and the categorical exemption under CEQA Guidelines Section 15308 for Class 8 – Actions by Regulatory Agencies for the Protection of the Environment.

In connection with making the determination as to whether the ordinance is exempt from CEQA, staff evaluated the potential for environmental effects associated with the elimination of oil and gas development uses as permitted or conditionally permitted uses in PD-17 and PD-55 and the new regulations applicable to oil and gas uses, and evaluated the applicability of certain exemptions to these proposed ordinances.

Ultimately, due to the long-term cessation of oil and gas uses within the city and the imposition of enhanced regulatory requirements on oil and gas operators in the city,



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the ordinance will result in beneficial effects that would promote protection of the environment. Such benefits include, but are not limited to:

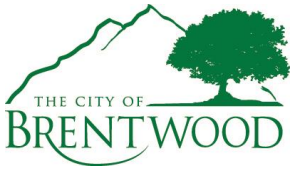
- Improved land use consistency and compatibility between oil production areas and other surrounding community uses;
- As to air quality, incremental reductions in air pollutants locally and assisting the region in meeting clean air goals, and as to climate change, incremental reductions in the State's contribution to GHG emissions;
- Improved visual character and aesthetics by restoration of the areas affected by oil and gas land use activities to as near a natural state as practicable; and
- Enhanced public health, welfare, and safety, and protection of the environment by further restricting locations in which oil and gas development uses may occur and regulating aged and outdated infrastructure that is vulnerable to failure and poses a threat to public safety and to the environment.

Staff considered whether restricting oil and gas production uses within city limits would have any negative environmental effects. Staff determined that, because there is currently no oil and gas production activity within the city, there would be no adverse impacts related to relocation of any such activities or related to any purported need for oil and gas resources to travel farther to refineries or end-users.

Staff has not identified any evidence that oil and gas produced in Brentwood, if any, would be refined or consumed within or near the city; and even if it were, the relatively small population of Brentwood (approximately 66,000 as of July 2022)¹ and its correspondingly-sized demand for oil and gas products suggests that any increase in greenhouse gas emissions related to increased movement of oil and gas into the city would be insignificant. Moreover, the oil and gas extraction industry in the United States alone produces over ten thousand barrels of crude oil per day;² any effects related to the redistribution of any contribution from within the city of Brentwood, should any occur, would be negligible.

¹ "QuickFacts: Brentwood city, California," United States Census Bureau, *available at* <https://www.census.gov/quickfacts/brentwoodcitycalifornia> (accessed December 2023).

² "U.S. Field Production of Crude Oil," U.S. Energy Information Administration, *available at* <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MCRFPUS2&f=M> (accessed December 2023).



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Finally, because there are no currently active oil and gas wells within the city or idle wells that may be re-engaged in the future, the changes to the regulatory provisions in Chapter 17.680 cannot lead to any impacts on the environment.

ALTERNATIVE OPTION(S)

1. Do not approve the ordinance.
2. Modify the ordinance based on legally defensible findings. An additional hearing may be required.
3. Continue the item with direction for staff to return with additional information.

ATTACHMENT(S)

1. Previous Action
2. Ordinance No. 1067