

MEETING DATE: August 24, 2009

AGENDA ITEM : Introduction and Adoption of an Ordinance Establishing a Temporary Moratorium on the Drilling, Redrilling or Deepening of any Well Within the Jurisdiction of the City of Culver City Associated with Oil and/or Gas Operations and Declaring the Urgency thereof.

ATTACHMENT

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The City Council of the City of Culver City does hereby ordain as follows:

The City Council of the City of Culver City hereby finds, determines, and

B. Three significant incidents arising from Oil Field operations, occurring within the period of about two years on January 10, 2006, February 6, 2006 and March 22, 2008, resulted in substantial impacts to the surrounding communities. The first of these incidents resulted in a significant release of gases and odors to surrounding neighborhoods, with residents reporting symptoms of headaches, nausea, and ear, eye, nose and throat irritation. The second incident was also a gas release resulting in similar impacts; and, the third incident occurred when a pipeline leak resulted in a release of crude oil that reached the City's storm drain system, threatening to enter the Ballona Creek, a waterway emptying into the Santa Monica Bay. All such

1 incidents required an emergency response by the Culver City Fire Department. The
2 third incident involving the storm drain system also required an emergency response
3 from both the City's and County's Public Works crews. Reports of odors and noise
4 from ongoing Oil Field activities have been made by residents to the City and AQMD in
5 the period since these incidents. These releases are indicative of the types of incidents
6 the City believes will continue to occur without adequate regulation of oil drilling
7 activities.

8 C. There is a significant concern regarding the short- and long-
9 term health impacts on the community from current and future Oil Field operations, as
10 well as the future impact on the Region's evolving business community. There is
11 further significant concern regarding the potential pollution and scarring of land that will
12 likely be transformed into parkland in and around the area already designated as the
13 Baldwin Hills Conservancy, which includes Culver City parkland and other property.
14 Under State law, such areas should be protected for the future benefit of the Culver City
15 community and the entire Region.

16 D. Effective regulation should be adopted that allows oil drilling
17 operations to co-exist safely with the communities surrounding the Oil Field and
18 throughout the City and Region.

19 E. Provisions of the City's current laws, rules, procedures and
20 fees relating to oil drilling activities (the "Existing Regulations"), currently set forth in the
21 Culver City Municipal Code ("CCMC"), including Chapter 11.12, Oil, Gas and
22 Hydrocarbons, need review, study and revisions in order to protect the health, safety
23 and welfare of the communities surrounding the Oil Field and throughout the City and
24 Region; and those revisions will likely result in the City amending, repealing and adding
25 provisions to the CCMC, including Title 17, the Culver City Zoning Code.

26 F. Without the imposition of a temporary moratorium on the
27 drilling, redrilling and deepening of wells associated with oil and/or gas operations, the
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1 City may be required to process applications for such drilling activities despite the fact
2 that the Existing Regulations are in need of updating and studies should be done to
3 provide recommendations of possible new standards for oil and/or gas operations.

4 G. The City has already begun the process of reviewing,
5 studying and revising the Existing Regulations, which has included, but not been limited
6 to:

7 1) City Council members, City residents and City staff have
8 actively participated in the County of Los Angeles' process to establish a community
9 standards district ("CSD") regulating oil drilling activities in that portion of the Oil Field
10 located in unincorporated Los Angeles County (Baldwin Hills), in an attempt to revise
11 the Existing Regulations in a manner that achieves some consistency in regulating the
12 Oil Field, which spans across two jurisdictions—the City and the County. Such
13 participation has included numerous actions taken by the City Council, several hearings
14 before the City Council, the County Planning Commission and the County Board of
15 Supervisors, all of which included significant comments from residents. Substantial
16 comments to the CSD and the related Environmental Impact Report were transmitted to
17 the County during its review process. City participation in this process is ongoing.

18 2) As a result of recent action taken by the County Board of
19 Supervisors to further study the CSD, the City needs time to work in conjunction with
20 the County to bring about mutually acceptable and uniform regulations of the Oil Field.

21 3) As part of the City's effort to draft amendments to the
22 Existing Regulations, the City has retained technical and legal consultants and is
23 currently reviewing various oil field regulations adopted by other local agencies,
24 including the County.

25 H. Further detailed review and study is needed to make certain
26 the revisions to the Existing Regulations will adequately and appropriately balance the
27 rights of existing oil operators and future applicants who wish to operate in the Oil Field,

1 with the preservation of the health, safety and welfare of the communities surrounding
2 the Oil Field and throughout the City and Region.

3 I. This Ordinance is necessary in order to protect the City from
4 the potential health and safety impacts of oil and/or gas operations approved under the
5 Existing Regulations, including air quality, noise, releases, spills and other impacts, and
6 to preserve the quality of life and protect the health, safety and welfare of the
7 communities surrounding the Oil Field and throughout the City and the Region.

8 J. This Ordinance is immediately required to preserve the
9 public health, safety and welfare and should be adopted immediately as an urgency
10 ordinance, to make certain that permits for the drilling, redrilling or deepening of wells
11 associated with oil and/or gas operations are issued only under adequate regulations.
12 Imposition of a moratorium will allow the City sufficient time to conclude the preparation
13 of a comprehensive ordinance for the regulation of such activities. The absence of this
14 Ordinance would create a serious threat to the orderly and effective implementation of
15 any amendments to the CCMC which may be adopted by the City Council as a result of
16 studying this issue, in that the drilling, redrilling and deepening of wells associated with
17 oil and/or gas operations under the Existing Regulations may be in conflict with or
18 frustrate the contemplated updates and revisions to the CCMC.

19 K. There is a current and immediate threat to the public health,
20 safety and welfare of the City and its community, in that the approval of permits for the
21 drilling, redrilling or deepening of wells associated with oil and/or gas operations, which
22 would be required to be processed under the Existing Regulations, do not provide
23 adequate protections for the communities surrounding the Oil Field, including Culver
24 City and the Region, thereby necessitating the immediate enactment of this Ordinance.

25 L. The facts constituting such urgency are set forth in Section
26 1, Paragraphs A-K, inclusive, of this Ordinance.

1 **SECTION 2. MORATORIUM.**

2 From August 24, 2009 through and including October 7, 2009, no
3 application for permit shall be accepted, no consideration of any application for permit
4 shall be made and no permit shall be issued by the City, for the drilling, redrilling or
5 deepening of any well associated with oil and/or gas operations, in order to allow the
6 City time to thoroughly review, study and revise the City's laws, rules, procedures and
7 fees related to oil and/or gas operations, which will enable the City to adequately and
8 appropriately balance the rights of existing operators and future applicants who wish to
9 operate in the Oil Field, with the preservation of the health, safety and welfare of the
10 communities surrounding the Oil Field, including Culver City and the Region.

11 **SECTION 3. URGENCY MEASURE.**

12 Pursuant to Charter Section 614, it is hereby declared that this Ordinance
13 is necessary as an urgency measure for the preservation of the public health, safety
14 and welfare. The City Council finds the urgency measure is necessary in order to
15 ensure adequate regulation of oil and/or gas operations is adopted prior to the issuance
16 of any permits for the drilling, redrilling or deepening of any well associated with oil
17 and/or gas operations, which regulations will serve to adequately and appropriately
18 balance the rights of existing operators and future applicants who wish to operate in the
19 Oil Field, with the preservation of the public health, safety and welfare of the
20 communities surrounding the Oil Field, including Culver City and the Region.

21 **SECTION 4. SEVERABILITY.**

22 The City Council hereby declares that, if any provision, section,
23 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or
24 declared invalid or unconstitutional by any final action in a court of competent
25 jurisdiction or by reason of any preemptive legislation, then the City Council would have
26 independently adopted the remaining provisions, sections, subsections, paragraphs,
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1 sentences, phrases or words of this ordinance and as such they shall remain in full
2 force and effect.

3 **SECTION 5. PUBLICATION.**

4 Pursuant to Sections 616 and 621 of the City Charter, prior to the
5 expiration of fifteen (15) days after the adoption, the City Clerk shall cause this
6 Ordinance, or a summary thereof, to be published in the Culver City News and shall
7 post this Ordinance or a summary thereof in at least three places within the City.

8 **SECTION 6. EFFECTIVE DATE.**

9 Pursuant to Section 614 of the City Charter, this Ordinance shall be
10 introduced and adopted at one and the same meeting and shall become effective
11 immediately. This Ordinance shall be of no further force and effect forty-five (45) days
12 following the date of its adoption unless extended in accordance with the provisions set
13 forth in Government Code Section 65858.

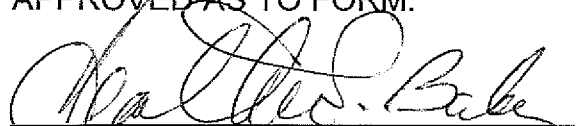
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15 APPROVED AND ADOPTED this _____ day of _____ 2009.

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18 _____
19 ANDREW WEISSMAN, Mayor
City of Culver City, California

20 ATTEST:

APPROVED AS TO FORM:

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22 _____
23 MARTIN R. COLE, City Clerk

24 
25 CAROL SCHWAB, City Attorney
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27 A09-00340