



## Planning Director Staff Report – Hearing on October 27, 2015

County of Ventura • Resource Management Agency • Planning Division

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### Mirada Petroleum Oil and Gas Project (Agnew Lease) Case No. PL13-0158

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Modification of Conditional Use Permit (CUP) 3543 be granted to authorize the continued operation and maintenance of an existing oil and gas production facility, the drilling of three new wells and the re-drilling of one existing well (Case No. PL13-0158).
2. **Applicant:** Mirada Petroleum, INC. 15500, W. Telegraph Road, Suite No. D32, Santa Paula, CA 93060
3. **Property Owner:** South Mountain Resources, LTD, 15500 W. Telegraph Road, Suite No. D32, Santa Paula, CA 93060
4. **Applicant's Representative:** Goldenring and Prosser / Mr. Peter Goldenring, 6050 Seahawk Street, Ventura, CA 93003-6622
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8105-4), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The subject 19.83-acre property is located in a mountainous region north of the City of Santa Paula about two miles west of St. Thomas Aquinas College, 2,000-feet north of Highway 150 and adjacent to Koenigstein Road. The Tax Assessor's parcel number for the parcel that constitutes the project site is 040-0-220-165 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Zoning Designation: OS 20 ac (Open Space 20 acres minimum lot size) (Exhibit 2)

# 8. Adjacent Zoning and Land Uses/Development (Exhibit 2):

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS 20 ac/SRP (Open Space 20 acres minimum lot size/Scenic Resource protection Overlay)	Undeveloped
East	OS 20 ac	Open Space & Single Family Dwellings
South	OS 20 ac & RE 5 ac (Rural Exclusive, 5 acres minimum lot size)	Open Space & Single Family Dwellings
West	OS 20 ac & OS 40 ac (Open Space 40 acres minimum lot size)	Open Space & Single Family Dwellings

9. **History:** The oil and gas operation that is the subject of the requested modified conditional use permit (CUP) was first developed in 1976 under the authority of CUP 3543. Through a series of permit modifications granted between 1976 and 1983, the operator of this facility was ultimately authorized to install and operate 6 oil wells and associated facilities. The operator was authorized to export 12 truckloads of produced fluid (oil and wastewater) per week from the facility. The use of Koenigstein Road for truck access to the facility is prohibited by the terms of CUP 3543. To date, only three wells have been installed and placed on production. CUP 3543 carries an expiration date of November 2013. This permit remains in effect while the application for a modified permit is processed.

Table 1 below lists the discretionary permits that have been granted on the project site that involve the operation and maintenance of the existing oil and gas facility.

**Table 1- Discretionary Permits**

Permit No.	Approved Use	Decision Maker and Approval Date
CUP No. 3543	Drill 5 wells	Board of Supervisors April 26, 1976
Modification No. 1	Drill 5 additional wells	Board of Supervisors November 27, 1977
Modification No. 2	Install 3 new well sites with 6 wells each	Board of Supervisors July 1, 1977 Withdrawn November 28, 1978
Modification No. 3	Allow extension of condition deadlines	Planning Director August 24, 1978
Modification No. 4	Drill 1 exploratory well and 5 additional wells (total of 6 wells)	Planning Commission November 17, 1983 (Final EIR prepared June 18, 1980 and certified by Planning Commission on November 17, 1983.)

**10. Project Description:** The applicant requests that a modification of CUP No. 3543 be granted to authorize the continued operation and maintenance of the existing oil and gas exploration and production operation (Agnew lease area) for an additional 25-year period. The requested permit modification would also authorize the following project changes:

- a. The drilling of three new wells on the existing Agnew lease well pad. One new well is proposed to be drilled within five years of the effective date of the requested CUP modification approval. The other two wells are proposed to be drilled within 10 years of the effective date of the requested CUP modification approval. Drilling operations for each well would occur on a 24-hour, 7-day per week basis for up to several weeks.
- b. The re-drilling of one existing well located on the existing Agnew lease well pad. Drilling operations for this well would occur on a 24-hour, 7-day per week basis for up to several weeks.
- c. A change in the authorized access to the existing oil and gas facility during drilling and production operations. The current CUP authorizes access to the facility from a private road connected to Highway 150 at a point southwest of the site. This private roadway was destroyed by flooding in 1995. Since that time, Koenigstein Road has been used to service this oil production facility as there is no other access. Thus, the requested permit would authorize the use of Koengistein Road for access to and from Highway 150 during drilling and production operations. A private driveway connected to Koenigstein Road would provide direct access to the drilling site.

Production operations will include trucking of produced oil and wastewater (brine) from the site to offsite oil refining and wastewater disposal facilities. The current CUP authorizes up to 12 tanker truck loads (24 one-way trips) of produced fluid to be exported from the site per week. It is proposed that this number be reduced to a maximum of 8 tanker truck loads (16 one-way trips) per week. All tanker truck operations would occur during daylight hours Monday through Saturday, between 7:30 am and 6:30 pm. For purposes of the requested CUP modification, the term "tanker truck" refers to any vehicle that is hauling produced fluids (including oil, drilling fluids and brine) to or from the site. During temporary drilling operations, it is anticipated that a few truck trips would occur per day to deliver drilling fluids (mainly water) to the site. A truck-mounted drilling rig would be moved onto the site and remain for a few weeks for each new well.

Although the current CUP does not limit the number of vehicle trips associated with maintenance and operation of production facilities, the applicant proposes to limit such traffic to 14 maintenance visits to the project site per week (i.e. 28 one-way

trips). A standard pickup truck would be utilized to assist with the maintenance of the equipment associated with the oil and gas operation.

The proposed project does not include any removal of vegetation or substantial new grading. No new lighting is proposed. All proposed wells will be drilled on the existing Agnew lease pad.

The existing equipment on the project site includes the following:

- Three wells (Agnew 1, Agnew 2 and Agnew 3);
- One, 16-foot water high tank;
- Two, 7,000 gallon waste water tanks;
- Two, 13,000 gallon storage tanks (one waste tank & one oil tank);
- One barrel tank (out of service), and;
- Three vertical tanks ranging from 10-feet in height to 18-feet in height.
- A flare to incinerate produced gas

Hydraulic fracturing, acid well stimulation and other "well stimulation treatments", as defined in Public Resources Code Section 3157, are not included in the proposed project. The use of any such well stimulation treatment as part of the project would require a subsequent discretionary modification of the CUP, additional environmental review under CEQA, and a public hearing. (Exhibit 3).

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, § 15000 et seq.), the subject application is a "project" that is subject to environmental review.

### **1. Requirement to Prepare a Subsequent EIR:**

The County of Ventura prepared a Subsequent Environmental Impact Report (SEIR) to the Phoenix West Oil and Gas Company Project EIR certified by the County of Ventura in 1983 for the subject oil and gas facility now operated by Mirada Petroleum. As discussed below, an SEIR is the appropriate environmental document to evaluate the project changes pursuant to Section 15162 of the CEQA Guidelines. A Notice of Preparation (NOP) was circulated to local, State and Federal agencies, and the public, for review and comment on the scope of the Draft SEIR on February 19, 2015. As part of this circulation, the NOP was mailed to property owners within 300-feet of the project site and interested persons who previously notified the County of their desire to be notified about the subject project. A public scoping meeting was held on March 10, 2015 in order to assist that the Planning Division in identifying any issues that should be addressed in the Draft SEIR. The Draft SEIR (DSEIR) was released for public review

and comment on April 30, 2015. The required 45-day public review period ended on June 15, 2015.

The requested changes in the existing Mirada Petroleum operation require a discretionary modification of Conditional Use Permit 3543 granted by the County of Ventura. Thus, the proposed changes in the facility constitute a "project" subject to environmental review pursuant to CEQA. In accordance with Section 15151 of the CEQA Guidelines, the purpose of the SEIR is to:

*...inform public agency decision-makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

The conditions described in Section 15162 which require the preparation of a subsequent EIR, are provided below along with a discussion as to why a subsequent EIR is required:

- (1). Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(1)].**

The oil and gas facility under review was analyzed in the previous EIR for its potential impacts on the environment. Mitigation measures were identified in that document that address potentially significant impacts. In addition to the continued operation of the existing facilities, the proposed project includes the drilling of three new wells and the re-drilling of one existing well on an existing drill pad.

The FEIR identified mitigation measures that served to reduce impacts of the original project to a less than significant level (Exhibit 4, Table Nos. 2 and 3, pgs. 8 to 11 of the SEIR). All of the required mitigation measures were implemented prior to the submittal of the current permit modification application.

The proposed well drilling would not involve substantial new ground disturbance as the wells would be drilled from existing well pads. The requested permit includes a reduction in the maximum tanker truck traffic (8 truckloads per week instead of 12 truckloads per week) from that authorized in the current permit. Average daily truck traffic, however, would increase by a few truck trips per day over baseline conditions with the increased production anticipated for the proposed new and re-drilled wells. All of the tanker and other vehicle traffic associated with the oil and gas facility would continue to travel on State Route 150 between the project area and the Santa Paula area. This would occur regardless of the exact point of access to State Route 150.

The only substantial offsite change that would be authorized by the requested modified permit would be the use of Koenigstein Road during well drilling and production operations to access the facility site from State Route 150. Except for emergency traffic, the current permit requires vehicle traffic associated with the oil and gas operations to access the site on a private road that connects to Highway 150 southwest of the well sites. This private road was destroyed by flooding in 1995. Since that time, Koenigstein Road has been used to transport produced fluids from the project site as it is the only available access.

Based on the language in the environmental document and the findings adopted by the Planning Commission (Exhibit 4. Section 1.1 of the SEIR), the potential use of Koenigstein Road is a previously identified significant effect. The requested use of Koenigstein Road by large vehicles represents a substantial change in the project that would increase the severity of this effect. Thus, a major revision of the 1983 EIR is required.

**(2). Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(2)].**

One physical change in the circumstances under which the project is undertaken is the destruction of the primary permitted access road to the facility. This private road was destroyed by flooding in 1995. Since that time, the operator of the facility has used Koenigstein Road for access as there is no other route. As explained in Section 1.2.1 of the SEIR, the proposal to use Koenigstein Road requires major revisions to the EIR as it involves a substantial increase in the severity of a previously identified significant effect.

Other than the change in site access described above, the circumstances under which the potential impacts to the environment were evaluated have not substantially changed such that the proposed drilling of three oil and gas wells, and the re-drilling of one existing well, on an existing well pad will require major revisions to the FEIR.

No recently approved or reasonably foreseeable projects exist within the vicinity of the project site that either were not analyzed in the FEIR or would result in the reconfigured project having a potentially significant contribution to a cumulative impact that was not analyzed in the FEIR. The project site and surrounding area do not exhibit any previously unknown resources that need to be analyzed as part of the proposed project.

**(3). New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Commission certified the previous EIR, shows any of the following:**

**a. The project will have one or more significant effects not discussed in the previous EIR [§ 15162(a)(3)(A)].**

One physical change in the circumstances under which the project is undertaken is the destruction of the primary permitted access road to the facility. This private road was destroyed by flooding in 1995. Since that time, the operator of the facility has used Koenigstein Road for access as there is no other route. As explained in Section 1.2.1 of the SEIR, the proposal to use Koenigstein Road requires major revisions to the EIR as it involves a substantial increase in the severity of a previously identified significant effect.

In summary, the preparation of a subsequent EIR is required due to the changes in the project involving site access.

## **2. Discussion of SEIR Evaluation of Impacts:**

The proposed Final SEIR (FSEIR), including written comments on the DSEIR and staff's responses to the comments on the DSEIR, is attached as Exhibit 4. This FSEIR addressed the issue areas found to involve potentially significant impacts in the 1983 FEIR that could be affected by the proposed changes in the oil and gas project. The FSEIR evaluated project impacts associated with:

- Air Quality
- Traffic Circulation and Safety
- Biological Resources
- Climate Change
- Water Resources
- Noise
- Growth-inducing Effects (CEQA Mandated)
- Significant Unavoidable Effects (CEQA Mandated)
- Significant Irreversible Effects (CEQA Mandated)
- Energy Conservation (CEQA Mandated)

The Final EIR classifies the environmental impacts as follows:

- Class I impacts refer to environmental effects that are significant and unavoidable, even with implementation of all feasible mitigation measures.
- Class II impacts refer to environmental effects that are potentially significant, but with implementation of feasible mitigation measures, can be reduced to a less than significant level.

- Class III impacts are environmental effects that were found to be less than significant.
- Class IV impacts are environmental effects that are considered to be beneficial.

The baseline setting for the analysis of environmental impacts presented in the FSEIR for all issue areas reflects the environmental conditions present at the time (February 19, 2015) the NOP was released for public review. Thus, the FSEIR evaluates the change from the existing operations that would result from implementation of the proposed project. The FSEIR concludes that the proposed project would not create any significant and unavoidable (Class I) impacts on the environment.

An evaluation of Climate Change (i.e. impacts of Greenhouse Gas emissions) was not required at the time the 1983 FEIR was prepared. Therefore, the FSEIR includes an estimate of greenhouse gas emissions that would be generated by project components and an evaluation of the significance of these emissions. The FSEIR concludes that the greenhouse gas emissions of the project would not result in a significant impact on the environment.

The proposed project includes a reduction in the maximum volume of tanker truck traffic from 12 loads (24 one-way trips) to 8 loads (16 one-way trips) per week. As discussed in Section 4.1 of the FSEIR, average daily truck traffic would increase by a few trips per day over baseline conditions with the installation of the proposed new and re-drilled wells. The project also includes a change in the authorized access route to the existing oil and gas facility during drilling and production operations. It is proposed that all project vehicles, including tanker trucks and drilling rigs, travel from State Highway 150 to the production site on the Agnew Lease by way of Koenigstein Road. Therefore, the use of Koenigstein Road (a public road) and Highway 150 by project-related vehicles is evaluated in the FSEIR. The FSEIR concludes that implementation of the proposed project would not result in a significant impact on traffic circulation or traffic safety.

In summary, the FSEIR evaluates the environmental impacts of the continued operation and proposed changes in the existing Mirada Petroleum oil and gas facility in compliance with the CEQA Guidelines (§§ 15126.2, 15126.4, and 15130).

## **2. CEQA Findings for Approval of the Project:**

The CEQA Guidelines [§ 15091(a)] state:

*No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*



- (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

The CEQA Guidelines [§ 15091(c)] also state:

*The finding in [§ 15091(a)(2)] shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.*

As discussed in Section 4.6 of the SEIR, a Noise Impact Assessment Study (Exhibit 4, Appendix E) was prepared by Sespe Consulting on July 20, 2013 to assess the noise impacts that would be generated during drilling activities. This study estimated the drilling-related noise levels that would be experienced at the three sensitive receptors (residences) located nearest to the project site. Because the well drilling would be conducted on a 24-hour basis, these noise levels were compared to the nighttime (i.e. most restrictive) construction noise Threshold of Significance. The table below summarizes the findings of the 2013 noise study.

#### Evaluation of noise impacts

Sensitive Receptor	Estimated project-related noise (dBA)	Construction Threshold of Significance (dBA)	Potentially significant impact? (yes/no)
Residence 1	44.4	45	No
Residence 2	54.9	45	Yes
Residence 3	55.0	45	Yes

As indicated above, construction noise impacts related to the proposed drilling operations would be potentially significant. The noise study (Appendix E) identifies a mitigation measure adequate to reduce the temporary construction noise impact to a less than significant level. This measure is provided below and has been re-formatted to be consistent with current County standards.

Construction Noise Reduction:

**Purpose:** To reduce project-related noise at sensitive receptors, temporary noise attenuation barriers shall be installed.

**Requirement:** A sound barrier shall be installed along the south and west edges of the drill site to preclude the direct transmission of noise from the drilling rig to sensitive receptors 2 and 3, as identified in the June 20, 2013 Noise Impact Assessment Report. The barrier shall extend from ground level to the height of the drilling rig floor (about 20 feet above ground level).

**Documentation:** The Permittee shall submit plans for a sound barrier to the County Planning Division for review and approval.

**Timing:** The Permittee shall obtain approval of the barrier plans prior to the issuance of the Zoning Clearance for Construction of each new well. The barrier shall be erected as part of rig move-in and shall be in place prior to the initiation of drilling activities.

**Monitoring:** The County Planning Division will review the submitted plans for the noise barrier for adequacy. The County Planning Division has the authority to inspect the facility to ensure compliance with this mitigation measure.

With implementation of the above measure, construction noise impacts will be less than significant (Class II). No other potentially significant impacts are identified in the FSEIR.

Based on the above discussion, the finding that *changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR* can be made.

**3. Mitigation Monitoring and Reporting:**

The CEQA Guidelines [§ 15091(d)] state that, when approving a project for which a EIR has been prepared, the agency shall also adopt a program for reporting on, or monitoring, the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The mitigation measure included in the FSEIR includes a monitoring component. This measure is included in the recommended conditions of approval for the project (Exhibit 5, Condition No. 30). Thus, imposition of the conditions of approval will satisfy the requirement to establish a mitigation monitoring program.

**4. Overriding Considerations:** The CEQA Guidelines [§ 15093(a)] state:

*CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'*

The CEQA Guidelines [§ 15093(b)] further state:

*When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened (to a less-than-significant level), the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*

The FSEIR concludes that the proposed changes in the existing Mirada Petroleum oil and gas operation will not result in any potentially significant and unavoidable (Class I) environmental impact. Therefore, a statement of overriding consideration is not required for the proposed project.

**5. Certification of the Final EIR:**

Section 15090(a) of the CEQA Guidelines states:

*Prior to approving a project the lead agency shall certify that:*

- (1) The final EIR has been completed in compliance with CEQA;*
- (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and*
- (3) The final EIR reflects the lead agency's independent judgment and analysis.*

Based on the discussion above, staff recommends that the decision-maker make the required findings and certify the FSEIR as satisfying the environmental review requirements of CEQA.

### **C. CONSISTENCY WITH THE GENERAL PLAN**

The Ventura County General Plan *Goals, Policies and Programs* (2015, page 4) states:

*...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.*

Furthermore, the Ventura County NCZO (§ 8111-1.2.1.1.a) states that in order to be approved, a CUP must be found consistent with all applicable policies of the Ventura County General Plan. Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

- 1. Ventura County General Plan Goals, Policies and Programs Resources Policy**  
**1.1.2-1:** *All General Plan amendments, zone changes and discretionary development shall be evaluated for their individual and cumulative impacts on resources in compliance with the California Environmental Quality Act.*

As discussed in Section B (above) and in the FSEIR prepared for the proposed project (Exhibit 4), the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA.

Based on the discussion above, the proposed project is consistent with Policy 1.1.2-1.

- 2. Ventura County General Plan Goals, Policies and Programs Resources Policy**  
**1.1.2-2:** *Except as otherwise covered by a more restrictive policy within the Resources Chapter, significant adverse impacts on resources identified in environmental assessments and reports shall be mitigated to less than significant levels or, where no feasible mitigation measures are available, a statement of overriding considerations shall be adopted.*

As discussed in Section B (above) and in the Final SEIR prepared for the proposed project (Exhibit 4), the proposed project will have a potentially significant but mitigable impact on noise. The CUP would include the mitigation measure identified in the FSEIR as a condition of approval (Exhibit 5, Condition No. 30). With the

implementation of this condition of approval, impacts to noise will be less than significant.

Based on the discussion above, the proposed project is consistent with Policy 1.1.2-2.

3. **Ventura County General Plan Goals, Policies and Programs Air Quality Resources Policy 1.2.2-5:** *Development subject to APCD permit authority shall comply with all applicable APCD rules and permit requirements, including the use of best available control technology (BACT) as determined by the APCD.*

As discussed in Section 4.1 of the FSEIR (Exhibit 4), the proposed project involves the installation of three new oil wells and the re-drilling on one existing well on the site. The existing tanks, flare, and other equipment will continue to be used. Oil and gas facilities such as the subject facility, operate under ministerial permits issued by the Ventura County Air Pollution Control District (VCAPCD) as part of the overall air quality program for the County. The VCAPCD ministerial permits address wells, tanks, flaring equipment and local pipelines. As with the existing equipment, permits from the VCAPCD will be required for all new wells and equipment. Through this permit program, compliance with VCAPCD rules and regulations and the use of the use of BACT are required.

Based on the above discussion, the proposed project is consistent with Policy 1.2.2-5.

4. **Ventura County General Plan Goals, Policies and Programs Water Resources Policy 1.4.2-2:** *Discretionary development shall comply with all applicable County and State water regulations.*

**Ventura County General Plan Goals, Policies and Programs Water Resources Policy 1.4.2-2:** *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

**Ventura County General Plan Goals, Policies and Programs Water Resources Policy 1.4.2-8:** *All discretionary development shall be conditioned for the proper drilling and construction of new oil, gas and water wells and destruction of all abandoned wells on-site.*

**Ventura County General Plan Goals, Policies and Programs Water Supply Facilities Policy 4.3.2-2:** *Development that requires potable water shall be provided a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water regulations. Water systems operated by or*

*receiving water from Casitas Municipal Water District, the Calleguas Municipal Water District or the United Water Conservation District will be considered permanent supplies unless an Urban Water Management Plan (prepared pursuant to Part 2.6 of Division 6 of the Water Code) or a water supply and demand assessment (prepared pursuant to Part 2.10 of Division 6 of the Water Code) demonstrates that there is insufficient water supply to serve cumulative development within the district's service area. When the proposed water supply is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Environmental Health Division or the Public Works Agency to be questionable or inadequate, the developer shall be required to demonstrate the availability of a permanent potable water supply for the life of the project.*

As discussed in the FSEIR (Exhibit 4), the operation of the oil and gas facility will not involve a long-term demand on water resources. Water will be consumed during the temporary drilling activities. It is estimated that about 147,000 gallons of water will be consumed during the drilling of each new well. Also, about 20,000 gallons of water will be temporarily stored onsite for fire suppression purposes. Thus the total amount of water to be utilized during well installation is 558,000 gallons (1.8 acre-feet). Averaged over the 25-year life of the project, the average annual water use of the project will be about 0.07 acre-feet per year. This water demand is below the adopted Ventura County Initial Study Assessment Guidelines (ISAG) threshold of significance for water quantity of 1.0 acre-feet of water per year. Thus, the consumption of water with project implementation is not considered a significant impact on water quantity.

Oil wells drilled to tap oil zones that may be thousands of feet below the ground generally penetrate shallow geologic units that contain fresh water (i.e. aquifers). Protection of the shallow groundwater resources is a primary design feature of all oil and gas wells drilled in the State of California. All wells must be constructed in accordance with established engineering standards enforced by the California Division of Oil and Gas and Geothermal Resources (DOGGR). Over 12,000 wells have been drilled in the Ventura Basin, there has been no substantial evidence of contamination of water supplies due to oil and gas activities has been identified. As indicated in the Topical Response to Comment prepared for the DCOR Project case no. PL13-0046, (Exhibit 4, Appendix H), the level of oil spillage over the past 20 years has been very low given the extensive oil and gas facilities that exist in the County. Therefore, the proposed project will not have a potentially significant impact on groundwater quality.

In order to ensure the proper drilling, construction and abandonment of new oil, gas and water wells, the applicant/Permittee will be required to:

- obtain a Zoning Clearance for construction prior to the start of drilling each new well and re-drilling of existing well onsite (Exhibit 5, Condition 6.b).

- remove all drilling equipment within 30-days of completion of work (Exhibit 5, Condition No. 22).
- restore the disturbed areas of the site to its original grade and condition within 90-days of CUP revocation, abandonment or expiration (Exhibit 5, Condition No. 27).

Based on the above discussion, the proposed project is consistent with the above listed policies.

5. **Ventura County General Plan Goals, Policies and Programs Mineral Resources Policy 1.4.2-4:** *Petroleum exploration and production shall comply with the requirements of the County Zoning Ordinance and standard conditions, and State laws and guidelines relating to oil and gas exploration and production.*

**Ventura County General Plan Goals, Policies and Programs Mineral Resources Policy 1.4.2-5:** *As existing petroleum permits are modified, they shall be conditioned so that production will be subject to appropriate environmental and jurisdictional review.*

The recommended conditions of approval of the requested modified CUP will require compliance with all currently applicable laws and regulations relevant to oil and gas exploration and production. These regulations include the oil and gas development standards found in Section 8107-5.6 of the County Non-Coastal Zoning Ordinance, the air quality rules and regulations of the VCAPCD, and the requirements of the California Division of Oil and Gas and Geothermal Resources (DOGGR). Standard conditions of approval that reflect these requirements have been developed and are recommended to be imposed on the project.

The proposed project has undergone jurisdictional review by all relevant governmental agencies. The DSEIR was circulated for review and comment to various local, State and Federal agencies for review and comment. These agencies include the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, the California Regional Water Quality Control Board, the California Division of Oil and Gas and Geothermal Resources (DOGGR), the California Department of Transportation (CALTRANS), the County Transportation Department, and the Ventura County Air Pollution Control District (VCAPCD).

With the preparation of the FSEIR, the proposed project has been subject to appropriate level of environmental review in accordance with Section 15162 of the CEQA Guidelines. This FSEIR incorporates information obtained from the 1983 certified FEIR, DOGGR, VCAPCD, CALTRANS, the County Transportation Department and the County Planning Division. The level of informational detail provided in the FSEIR is consistent with the requirements of CEQA and applicable

court decisions. The CEQA Guidelines provide the standard of adequacy on which this document is based. Section 15151 of the CEQA Guidelines state:

*An EIR should be prepared with a sufficient degree of analysis to provide the decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.*

Based on the discussion above, the proposed project is consistent with the Policies noted above.

6. **Ventura County General Plan Goals, Policies and Programs Biological Resources Policy 1.5.2-1:** *Discretionary development which could potentially impact biological resources shall be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures.*

**Ventura County General Plan Goals, Policies and Programs Biological Resources Policy 1.5.2-2:** *Discretionary development shall be sited and designed to incorporate all feasible measures to mitigate any significant impacts to biological resources. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

The proposed project was evaluated by Planning staff and the California Department of Fish and Wildlife. As reported in the FSEIR (Exhibit 4), no rare or threatened plant or animal species were observed on the project site. The project site is more than 3,000-feet east of Sisar Creek. Also, the proposed project involves the use of an existing disturbed well pad area and existing facilities (including tanks, lighting fixtures, a flare and other equipment). The addition of three new oil wells (i.e. three new electrically-powered pumping units) would not change the use or footprint of the facility and would not create a significant impact on wildlife in the creek, such as federally protected steelhead trout.

The existing oil and gas facility drillsite is located about 380 feet west of an identified wetland. As the existing disturbed area of the drilling and production pad is not proposed to be expanded or changed in use, the proposed project would not result in a significant impact on the wetland.



The project site is located in the Sierra Madre-Castaic wildlife corridor. The proposed project involves the use of an existing disturbed well pad area and existing facilities. The addition of three new oil wells would not change the use or footprint of the facility and would not substantially increase operational noise. The installation of three small (each approximately 300 square feet in area) concrete pads to support three new pumping units would not measurably affect runoff from an existing 89,000 square foot (2.0 acre) developed pad. The pad itself is not proposed to be graded or otherwise altered. For these reasons, the minor changes in the existing facility would not have any substantial effect on surrounding or nearby habitat areas. Thus, no potentially significant effects on biological resources are anticipated.

Since the 1983 FEIR was certified, concerns about possible effects of oil and gas operations on the California Condor have been raised in public testimony on other proposed discretionary oil and gas projects. To date, no substantial evidence has been presented or identified that a Condor has ever been injured or killed as a result of oil and gas operations. Thus, impacts on the California Condor are not considered potentially significant. In any case, measures have been developed in consultation with the U.S. Fish and Wildlife Service to minimize any potential adverse effect on the California Condor and other nesting birds. These Best Management Practices (BMP's) are included as condition of approval nos. 38 to 41 (Exhibit 5) of this CUP. With implementation of the BMP's, impacts on the California Condor and other sensitive species will remain less than significant.

Based on the above discussion, the proposed project is consistent with the above-listed Policies.

7. **Ventura County General Plan Goals, Policies and Programs Scenic Resources**  
**Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

The project site is located in a mountainous region north of the city of Santa Paula and two-miles west of St. Thomas Aquinas College. The project is not located within a scenic resource protection overlay zone. However, the project site is located in the vicinity of an identified eligible state scenic highway (State Highway 150). The existing drill site is located about 2,000 feet north of Highway 150 and substantially screened from public view along the by existing vegetation. The drill site is also located about 400 feet west of Koenigstein Road. It is not prominently visible from public viewpoints along this public road. Therefore, the proposed changes in the existing facility would not substantially alter public views of visual resources.

Based on the discussion above, the proposed project is consistent with Policy 1.7.2-1.

8. **Ventura County General Plan Goals, Policies and Programs Paleontological and Cultural Resources Policy 1.8.2-1:** *Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.*

The subject property is underlain by the Quaternary terrace deposits. These deposits do not have a high potential for the presence of paleontological resources. Because the project involves the use of an existing disturbed drillsite and no substantial new grading is proposed, adverse impacts on paleontological resources are not anticipated.

A search of the County's Archeological Report database found that no archeologically important sites have been identified that are located within one-half mile of the proposed project site. Because the project involves the use of an existing disturbed drillsite and no substantial new grading is proposed, adverse impacts on cultural resources are not anticipated.

In the unlikely event that paleontological or archeological resources are uncovered during ground disturbance activities, the applicant will be required to cease construction until the paleontological and/or cultural find can be evaluated, recovered, and curated. This condition will cause a temporary cessation of all ground disturbances, notification of the Planning Director, and assessment of the find by a paleontological/archeological consultant or professional geologist/archeologist. The Planning Director will review the recommendations of the consultant and decide on the disposition of the resources (Exhibit 5, Condition Nos. 19 and 20).

Based on the above discussion, the proposed project will be consistent with the above Policies.

9. **Ventura County General Plan Goals, Policies and Programs Energy Resources Policy 1.9.2-1:** *Discretionary development shall be evaluated for impact to energy resources and utilization of energy conservation techniques.*

The existing oil and gas facility, along with the proposed drilling of three new wells and re-drilling of an existing well, would not involve a substantial increase in onsite energy demand. Existing and proposed pumping units will operate with electric motors that do not create a significant demand on energy resources. All new construction would be required to meet the Building Code standards for energy efficiency. In any case, the amount of energy consumed by the proposed facility would have no effect on regional energy resources or generating stations. In any case, the proposed petroleum production activities would generate more energy resources than would be consumed.

Based on the above discussion, the proposed project will be consistent with Policy 1.9.2-1.

10. **Ventura County General Plan Goals, Policies and Programs Fire Hazards Policy 2.13.2-1:** *All applicants for discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

**Ventura County General Plan Goals, Policies and Programs Fire Protection Policy 2.13.2-2:** *All discretionary permits in fire hazard areas shall be conditioned to include fire-resistant vegetation, cleared firebreaks, or a long-term comprehensive fuel management program as a condition of approval. Fire hazard reduction measures shall be incorporated into the design of any project in a fire hazard area.*

**Ventura County General Plan Goals, Policies and Programs Fire Protection Policy 4.8.2-1:** *Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.*

**Ventura County General Plan Goals, Policies and Programs Fire Hazards Policy 4.8.2-2:** *Fire stations shall be sited in locations central to the area served and on or near arterial highways so as to minimize call response time.*

The Ventura County Fire Protection District (VCFPD) had determined that access to the project site is adequate. In addition, the VCFPD has determined that response time is adequate as Fire Station No. 20 is located within five miles of the property.

The project site is located within a high fire hazard area. Therefore, the VCFPD will require that the applicant have grass and brush adjacent to the oil drill sites cleared for a distance of 30 feet or to the property line if less than 30 feet. Also, all grass and brush shall be cleared for a distance of 10 feet on each side of all access roads and power poles within the project site (Exhibit 5, Condition No. 54). With this condition, adequate firebreaks are assured. The applicant will also be required to install and maintain a private water system (tank and hydrant) of no less than 20,000 gallons of water storage during the drilling of the new wells and re-drilling of the one existing well (Exhibit 5, Condition No. 52). With this condition, adequate water supply for fire prevention is assured.

Based on the above discussion, the proposed project will be consistent with the above-listed Policies.

11. **Ventura County General Plan Goals, Policies and Programs Hazardous Materials and Waste Policy 4.15.2-2:** *Site plans for discretionary development that will generate hazardous wastes or utilize hazardous materials shall include details on hazardous waste reduction, recycling and storage.*

The Ventura County Environmental Health Division reviewed the proposed project in regards to the storage of hazardous materials within the project site. The Environmental Health Division has required the applicant to store, handle and dispose of any hazardous materials in compliance with state law (Exhibit 5, Condition No. 42). The oil and gas facility is required to have a Spill Prevention, Control and Countermeasure Plan (SPCC) approved by and on file with the California Division of Oil and Gas and Geothermal Resources (DOGGR). The currently approved SPCC is required to be modified to reflect any changes in the facility.

Based on the above discussion, the proposed project will be consistent with Policy 2.15.2-2.

**12. Ventura County General Plan Goals, Policies and Programs Noise and**

***Vibration Policy 2.16.2-1: All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts.***

*(1) Noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that:*

*a. Indoor noise levels in habitable rooms do not exceed CNEL 45. b. Outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*

*(2) Noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that:*

*a. Guidelines (1)a. and (1)b. above are adhered to.  
b. Outdoor noise levels do not exceed L10 of 60 dB(A).*

*(3) Noise sensitive uses proposed to be located near airports:*

*a. Shall be prohibited if they are in a CNEL 65 or greater, noise contour.  
b. Shall be permitted in the CNEL 60 to CNEL 65 noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 or less.*

*(4) Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*

*a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.  
b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.*

- c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

*Section 2.16.2(4) is not applicable to increased traffic noise along any of the roads identified within the 2020 Regional Roadway Network (Figure 4.2.3) Public Facilities Appendix of the Ventura County General Plan (see 2.16.2-1(1)). In addition, State and Federal highways, all railroad line operations, aircraft in flight, and public utility facilities are noise generators having Federal and State regulations that preempt local regulations.*

- (5) Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.*

**Ventura County General Plan Goals, Policies and Programs Noise and Vibration Policy 2.16.2-2:** *The priorities for noise control shall be as follows:*

- (1) Reduction of noise emissions at the source.*
- (2) Attenuation of sound transmission along its path, using barriers, landforms modification, dense plantings, and the like.*
- (3) Rejection of noise at the reception point via noise control building construction, hearing protection or other means.*

As discussed in the Final SEIR (Exhibit 4, Section 4.6), a June 20, 2013 Noise Impact Assessment Study was prepared by Sespe Consulting to evaluate the noise that would be generated during drilling activities. This study estimated the drilling-related noise levels that would be experienced at the three sensitive receptors (residences) located nearest to the project site. Because the well drilling would be conducted on a 24-hour basis, these noise levels were compared to the nighttime (i.e. most restrictive) construction noise Threshold of Significance. The table below summarizes the findings of the 2013 noise study:

**Evaluation of noise impacts**

<b>Sensitive Receptor</b>	<b>Estimated project-related noise (dBA)</b>	<b>Construction Threshold of Significance (dBA)</b>	<b>Potentially significant impact? (yes/No)</b>
Residence 1	44.4	45	No
Residence 2	54.9	45	Yes
Residence 3	55.0	45	Yes

As indicated above, construction noise impacts related to the proposed drilling operations would exceed the County General Plan Noise Policy thresholds. The noise study identified a mitigation measure adequate to reduce the temporary

construction noise impact to a less than significant level. This measure has been incorporated into the recommended conditions of approval and requires the temporary installation of noise barriers to attenuate (reduce) the noise level experienced at the sensitive receptors. With implementation of this measure, construction noise impacts will not exceed County General Plan Noise threshold limits.

Based on the discussion above, the proposed project will be consistent with the Policies discussed above.

- 13. Ventura County General Plan Public Facilities and Services Policy 4.1.2-2:** *Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.*

Adequate public services (e.g. roadway access and electrical service) are available to serve the existing and proposed oil and gas facilities. The incremental increase in electricity demand that would result from project implementation will not substantially affect regional electrical demand or generating capacity.

Based on the discussion above, the proposed project will be consistent with Policy 4.1.2-2.

- 14. Ventura County General Plan Goals, Policies and Programs Transportation and Circulation Policy 4.2.2-1:** *County thoroughfares and County maintained local roads shall be designed and constructed in accordance with County road standards or better and should primarily serve in-county transportation needs. County roads should not be widened for the purpose of relieving congestion on Federal or State highways or accommodate interregional traffic that is more appropriately served by the Federal and State highway systems.*

**Ventura County General Plan Goals, Policies and Programs Transportation and Circulation Policy 4.2.2-2:** *The County road standards, five-year capital improvement programs, and road-improvement design, sequencing and timing shall be consistent with the goals, policies and programs of the General Plan. County road improvement design for safety and level-of-service capacity should, if possible, avoid increasing the number of travel lanes, and the improvements should not be constructed before the need has been demonstrated based on evaluation of current and projected traffic conditions.*

**Ventura County General Plan Goals, Policies and Programs Transportation and Circulation Policy 4.2.2-3:** *The minimum acceptable Level of Service (LOS) for road segments and intersections within the Regional Road Network and Local Road Network shall be as follows:*

- (a) LOS-'D' for all County thoroughfares and Federal highways and State highways in the unincorporated area of the County, except as otherwise provided in subparagraph (b);
  - (b) LOS-'E' for State Route 33 between the northerly end of the Ojai Freeway and the City of Ojai, Santa Rosa Road, Moorpark Road north of Santa Rosa Road, State Route 34 north of the City of Camarillo and State Route 118 between Santa Clara Avenue and the City of Moorpark;
  - (c) LOS-'C' for all County-maintained local roads; and
  - (d) The LOS prescribed by the applicable city for all Federal highways, State highways, city thoroughfares and city-maintained local roads located within that city, if the city has formally adopted General Plan policies, ordinances, or a reciprocal agreement with the County (similar to Policies 4.2.2-3 through 4.2.2-6) respecting development in the city that would individually or cumulatively affect the LOS of Federal highways, State highways, County thoroughfares and County-maintained local roads in the unincorporated area of the County.
- At any intersection between two roads, each of which has a prescribed minimum acceptable LOS, the lower LOS of the two shall be the minimum acceptable LOS for that intersection.

**Ventura County General Plan Goals, Policies and Programs Transportation and Circulation Policy 4.2.2-4:** *Except as otherwise provided in the Ojai Area Plan, County General Plan land use designation changes and zone changes shall be evaluated for their individual and cumulative impacts, and discretionary development shall be evaluated for its individual impact, on existing and future roads, with special emphasis on the following:*

- (a) *Whether the project would cause existing roads within the Regional Road Network or Local Road Network that are currently functioning at an acceptable LOS to function below an acceptable LOS;*
- (b) *Whether the project would add traffic to existing roads within the Regional Road Network or the Local Road Network that are currently functioning below an acceptable LOS; and*
- (c) *Whether the project could cause future roads planned for addition to the Regional Road Network or the Local Road Network to function below an acceptable LOS.*

The use of Koenigstein Road for truck access to the Mirada oil and gas facility is currently prohibited by CUP No. 3543. However, the permitted access road to this existing oil and gas facility was destroyed by flooding in 1995. Since that time, the operator of the oil and gas facility has used Koenigstein Road to access the facility since there is no other route. The requested modified CUP would authorize the use of Koenigstein Road.

The proposed use of Koenigstein Road for truck access to the Agnew Lease drill site is evaluated in Section 4.2 and Appendix J (Responses to Comments) of the FSEIR

(Exhibit 4). The FSEIR reports that tanker trucks turned from State Highway 150 onto Koenigstein Road or turned from Koenigstein Road onto State Highway 150 a total of between 2,746 and 4,943 times between 1995 and 2014. There has been no evidence that an accident occurred during this period that involved a truck associated with the oil and gas activities in the area. During the 12-year period (2002-2013) for which CALTRANS records of accidents are available, tanker trucks made a turn at the Koenigstein Road/State Highway 150 intersection between 1,603 and 2,886 times without incident.

The maximum volume of truck traffic associated with the proposed project (2.3 one-way trips per day) does not have the potential to alter the level of service on the lightly travelled Koenigstein Road or on State Highway 150.

In summary, the Public Works Agency Transportation Department has determined that Koenigstein Road and the intersection of Koenigstein Road and State Highway 150 can be safely used for project-related truck traffic. This conclusion is based on 38 years of data on oil-related truck traffic, a review of the geometry of the Koenigstein Road/State Highway 150 intersection, the minimal volume of project-related traffic and CALTRANS accident records for a 12-year period. The FSEIR reflects this determination and concludes that the proposed project will not result in a significant impact on traffic circulation or safety.

Based on the discussion above, the proposed project will be consistent with the Policies discussed above.

#### **D. ZONING ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the Ventura County NCZO (§ 8105-4), the proposed use is allowed in the OS-20 acre zone district with the granting of a CUP. Upon the granting of the CUP, the applicant/Pemittee will be in compliance with this requirement.

The proposed project includes the construction and use of structures that are subject to the development standards of the Ventura County NCZO (§ 8106-1.1). Table 1 lists the applicable development standards and a description of whether the proposed project is designed in conformance with these development standards.

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	20 acres	Yes
Maximum Percentage of Building Coverage	5%	Yes



**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	Complies?
Front Setback	20-feet	Yes
Side Setback	10-feet	Yes
Rear Setback	15-feet	Yes
Maximum Building Height	15-feet	No. However, per §8106-7.4 of the Ventura County NCZO, provided that an accessory structure is set back 20 feet from all property lines, it may exceed 15 feet in height, but it shall not exceed the maximum allowed height of the principal structure unless a discretionary permit is issued pursuant to Article 5.

The proposed oil and gas facility is subject to the oil development standards of the Ventura County NCZO § 8107-5.6. Table 2 lists the applicable standards and a description of whether the proposed project is designed or conditioned to ensure conformance with these standards.

**Table 2 – Special Use Standards Consistency Analysis**

Oil Development Standard	In compliance (?)	Discussion
Setbacks	Yes	The drillsite meets all applicable setback requirements.
Drainage Course Obstruction	Yes	The proposed project would not alter or obstruct a drainage course.
Removal of Equipment	Yes	The recommended conditions of approval require removal of oil equipment upon abandonment.
Waste Handling	Yes	Waste water will be transported from the site by truck to be disposed at a licensed facility. The recommended conditions of approval require compliance with all applicable waste handling regulations.
Securities	Yes	The facility operator is required to post a financial assurance with the County of Ventura.
Dust Prevention and Road Maintenance	Yes	The facility operator will be required to operate in conformance with VCAPCD rules pertaining to dust prevention.
Light Emanation	Yes	There is no proposed change in the existing lighting fixtures at the facility. These fixtures are consistent with applicable standards.
Reporting of Accidents	Yes	The recommended conditions of approval include the requirement for prompt reporting of accidents.
Painting	Yes	The recommended conditions of approval require the

**Table 2 – Special Use Standards Consistency Analysis**

<b>Oil Development Standard</b>	<b>In compliance (?)</b>	<b>Discussion</b>
		facility to be painted in colors that blend with the surrounding area.
Site Maintenance	Yes	The recommended conditions of approval include the requirement that the site be maintained in a neat and orderly condition consistent with the permitted uses.
Site Restoration	Yes	The recommended conditions of approval include the requirement for restoration of the site upon abandonment of facilities or permit expiration.
Insurance	Yes	The Permittee is required to maintain liability insurance.
Noise Standard	Yes	Refer to the discussion of consistency with Policy 2.16.2-1 in Section C of this staff report.
Preventative Noise Insulation	Yes	
Soundproofing Material	Yes	
Hours of Well Maintenance	Yes	Well maintenance will occur within daytime hours, except to address potential emergency situations.
Limited Drilling Hours	Yes	Noise experienced at the nearest sensitive receptors will be less than the County Noise Policy 2.16.2 threshold. Thus, limited drilling hours are not required.
Signs	Yes	These features of the existing facility are adequate and not proposed to be changed.
Fencing	Yes	
General Standards	Yes	The facility will be required to operate in compliance with these standards.
Screening Landscaping	Yes	The existing vegetation adequately screens the facility from public view. This vegetation will be required to be maintained.
Inspection, Enforcement and Compatibility Review	Yes	The oil and gas facility will be periodically inspected by DOGGR, VCAPCD and staff of the Planning Division.

## **E. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to grant a CUP pursuant to § 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [§ 8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

**2. The proposed development is compatible with the character of surrounding, legally established development [§ 8111-1.2.1.1.b].**

The project site is located on a 19.83-acre property within the Ojai Oil Field in a sparsely populated rural area in the hills north of State Highway 150 between the cities of Ojai and Santa Paula. The surrounding area is zoned Open Space and includes a number of widely separated dwellings on large lots. Other active oil and gas facilities are located in the surrounding area in other parts of the Ojai Oil Field.

The existing oil and gas facility occupies a single graded pad that encompasses approximately 2 acres. This drillsite is located more than 600 feet from the nearest residence. This pad is maintained in an un-vegetated state but is substantially screened from public view by surrounding vegetation and topography. The proposed project involves the continued use of this existing drill pad. No vegetation removal or substantial grading is proposed. Thus, no substantial new effects on the character of the area that would be incompatible with nearby land uses would occur with project implementation. Given these factors, the Agnew Lease drillsite will continue to be compatible with the surrounding development.

Based on the discussion above, this finding can be made.

**3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [§ 8111-1.2.1.1.c].**

The project site is located within the Ojai Oil Field in a sparsely populated rural area in the hills north of State Highway 150 between the cities of Ojai and Santa Paula. The site is accessed by an existing paved public road (Koenigstein Road) connected to Highway 150.

As discussed in Section C.14 of this staff report, the Public Works Agency Transportation Department has determined that Koenigstein Road and the intersection of Koenigstein Road and State Highway 150 can be safely used for project-related truck traffic. This conclusion is based on 38 years of data on oil-related truck traffic, a review of the geometry of the Koenigstein Road/State Highway 150 intersection, the minimal volume of project-related traffic and CALTRANS accident records for a 12-year period. The FSEIR reflects this determination and concludes that the proposed project will not result in a significant impact on traffic circulation or safety.

The recommended conditions of approval include various requirements to minimize the effects of the oil and gas facility on neighboring properties and uses. These measures include the requirement to:

- report all major incidents (Exhibit 5, Condition No. 17)
- Create, implement and maintain a waste handling containment plan for the life of the permit. The plan includes a protocol for oil spillage prevention from contamination of surface and subsurface waters and spillage during storage and transport of oil to and from the site (Exhibit 5, Condition No. 23).
- Create, implement and maintain a dust prevention plan that addresses the prevention of dust emanation on the drill site and all the roads located between the public right-of-way and the drill site (Exhibit 5, Condition 24).
- Create, implement and maintain a lighting plan that ensures that light emanation will be controlled so as to not produce excessive levels of light or glare onto neighboring properties (Exhibit 5, Condition 25).
- Install temporary sound barriers along the south and west edges of the drill site to preclude the direct transmission of noise from the drilling operations to nearby sensitive receptors (Exhibit 5, Condition 30).

Implementation of the referenced conditions of approval will ensure that the proposed project will not be obnoxious or harmful or impair the utility of neighboring property or uses. Note that harmful or obnoxious effects have not been identified to have resulted from the 30 years of operation of the existing oil and gas facility.

Based on the above discussion, this finding can be made.

**4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [§ 8111-1.2.1.1.d].**

The proposed project is comprised of the continued operation and modification of an existing oil and gas facility that will not involve any substantial changes in land use or the character of the area. Noise generated during temporary drilling operations will not exceed County Noise Policy limits with the implementation of the conditions of approval. Produced fluids (oil and wastewater) will continue to be stored and transported in accordance with applicable regulations.

As discussed in Section C.14 of this staff report, the Public Works Agency Transportation Department has determined that Koenigstein Road and the intersection of Koenigstein Road and State Highway 150 can be safely used for project-related truck traffic. This conclusion is based on 38 years of data on oil-

related truck traffic, a review of the geometry of the Koenigstein Road/State Highway 150 intersection, the minimal volume of project-related traffic and CALTRANS accident records for a 12-year period. The FSEIR reflects this determination and concludes that the proposed project will not result in a significant impact on traffic circulation or safety.

As the concluded in the FSEIR (Exhibit 4), no significant and unavoidable environmental impacts have been identified that would result from the proposed project.

Based on the discussion above, this finding can be made.

- 5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [§ 8111-1.2.1.1.e].**

As discussed above in Section E.2, the proposed project will be compatible with the existing development and uses in the surrounding area. Given the Open Space land use designation and zoning, substantial changes in the rural land uses in the area are not foreseeable at this time.

Based on the discussion above, this finding can be made.

- 6. The proposed development will occur on a legal lot [§ 8111-1.2.1.1f].**

The subject property (APN ) constitutes a legal lot identified as Parcel 2 of a Parcel Map PM5311, recorded on March 3, 2003 in Book 61, Page 43-47 of Parcel Maps (51PM43), in the office of the recorder, County of Ventura, State of California. In any case, the Planning Director has determined that a legal lot is not required to obtain a permit to tap underground oil and gas resources. Subsurface oil and gas leases are not subject to the provisions of the Subdivision Map Act.

Based on the discussion above, this finding can be made.

**F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

As discussed in Section B of this staff report, on February 19, 2015, Planning Division staff published a Notice of Preparation (NOP) on the Draft Subsequent Environmental Impact Report (DSEIR) and solicited comments on the scope of analysis of the DSEIR. The NOP was circulated to local, State and Federal agencies, and the public for review and comment. The NOP was also mailed to property owners within 300-feet of the project site and interested persons who previously requested to be notified by the

County regarding the processing of this CUP application. A public scoping meeting was held on March 10, 2015 in order to receive comments on the scope of the DSEIR. The public comments received in response to the NOP, and the Planning Division response to the comments, is included in the FSEIR (Exhibit 4).

The DSEIR was released for public review and comment on April 30, 2015. The required 45-day public review period for the DSEIR ended on June 15, 2015. The Notice of Availability (NOA) of the DSEIR was mailed to property owners within 300-feet of the project site, posted on the Planning Division website and published in the *Ventura County Star*. The NOA was also sent by email correspondence and regular mail, to interested persons who previously requested to be notified by the County regarding the environmental document for the proposed project. The DSEIR was posted in its entirety on the County Planning Division website.

The DSEIR was also provided to the State Clearinghouse for distribution to various State agencies including the California Division of Oil and Gas and Geothermal Resources (DOGGR), the California Department of Transportation (CALTRANS), the California Department of Fish and Wildlife, and the Regional Water Quality Control Board. The DSEIR was also made available to Federal agencies including the U.S. Fish and Wildlife Service.

Planning staff received a number of letters of comment on the DSEIR. Those comments and the County's responses to those comments are included in Appendix I and Appendix J of the FSEIR (Exhibit 4).

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§ 65091), and Ventura County NCZO (§ 8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located, posted a notice on the Planning Division website and placed a legal ad in the *Ventura County Star*. Notice was also sent, by email correspondence and regular mail, to interested persons who previously notified the Planning Division of their desire to be notified of County actions regarding the subject application for a modified CUP.

The project site is located within the City of Santa Paula's Area of Interest. Therefore, on February 19, 2015, the Planning Division notified the City of Santa Paula of the proposed project and requested the City of Santa Paula to submit any comments that the City might have on the proposed project. The City of Santa Paula had no comments or concerns regarding the proposed project.

## H. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto, including the proposed FSEIR, and has considered all comments received during the public comment process;
2. **FIND** that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.
3. **CERTIFY** that based on the whole of the record before the Planning Director, including any comments received, the Final EIR (Exhibit 4):
  - a. Has been completed in compliance with CEQA;
  - b. Was presented to the Planning Director and that the Planning Director reviewed and considered the information contained therein prior to approving the project; and,
  - c. Reflects the County's independent judgment and analysis.
4. **ADOPT** the Mitigation Monitoring and Reporting Program (Exhibit 5, Condition No. 30), based upon the substantial evidence provided in the record, including the staff report and public testimony.
5. **MAKE** the required findings to grant a Minor Modification of a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
6. **GRANT** Minor Modification of CUP No. 3543 (Case No. PL3-0158), subject to the conditions of approval (Exhibit 5).
7. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning

Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Kristina Boero at (805) 654-2467 or [kristina.boero@ventura.org](mailto:kristina.boero@ventura.org).

Prepared by:



Kristina Boero, Case Planner  
Commercial & Industrial Permits Section  
Ventura County Planning Division

Reviewed by:



Brian R. Baca, Manager  
Commercial & Industrial Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps
- Exhibit 3 - Site Plans
- Exhibit 4 - Final Subsequent EIR
- Exhibit 5 - Conditions of Approval and Mitigation Monitoring and Reporting Program
- Exhibit 6 - California Environmental Quality Act Findings

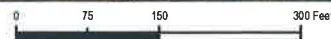




Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 02/12/2015  
source: Pictometry®, February 2014



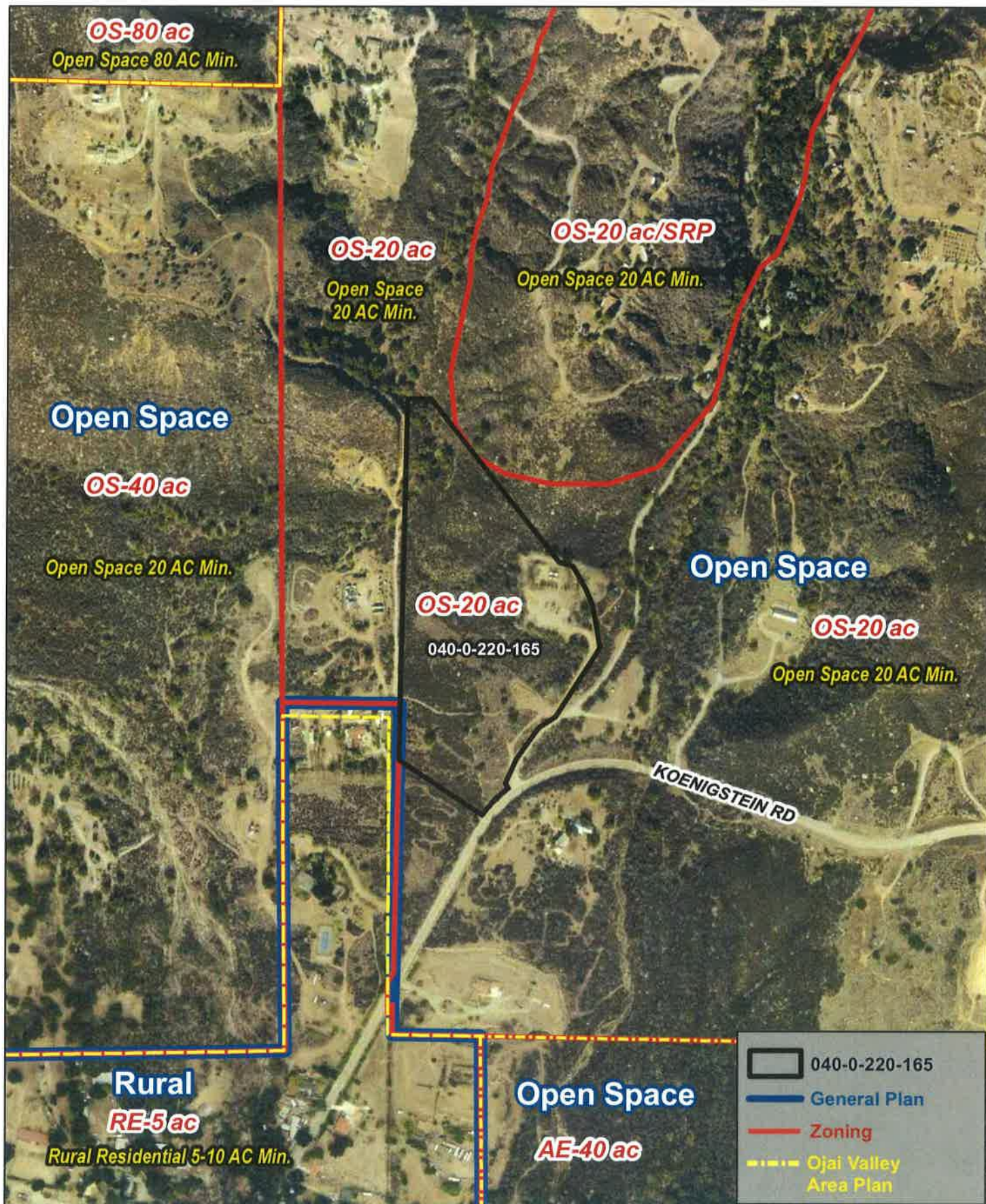
County of Ventura  
Planning Director Hearing  
PL13-0158  
**Exhibit 2 – Maps**



Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein.





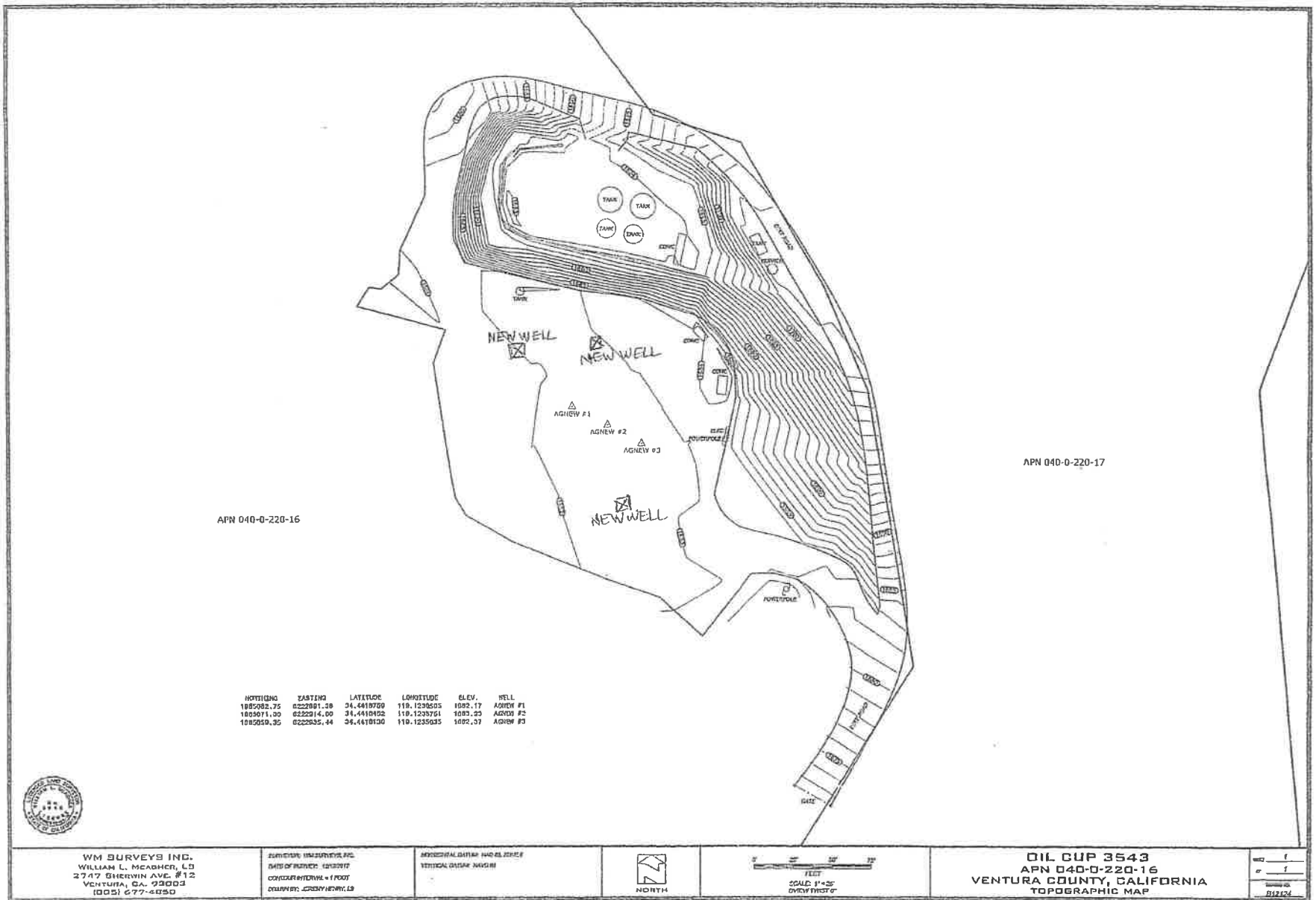


Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 02/12/2015  
Source: Pictometry®, February 2014



County of Ventura  
Planning Director Hearing  
PL13-0158  
**Land Use Aerial Map**





County of Ventura  
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Exhibit 3 – Site Plans



## **EXHIBIT 4**

### **Proposed Final SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

### **MIRADA PETROLEUM OIL AND GAS PROJECT, AGNEW LEASE Case No. PL13-0158**

The Subsequent Environmental Impact Report has been published separately from the Planning Director hearing packet for the October 27, 2015, public hearing for this project.



SCH# 2015021045

County of Ventura  
Planning Director Hearing  
PL13-0158  
**Exhibit 4- Final Subsequent EIR**

## **EXHIBIT 5**

### **DRAFT CONDITIONS OF APPROVAL FOR THE MIRADA PETROLEUM OIL AND GAS PROJECT CONDITIONAL USE PERMIT (CUP) NO. PL13-0158 (MODIFICATION OF CUP No. 3543)**

#### **RESOURCE MANAGEMENT AGENCY CONDITIONS**

##### **Planning Division (PL) Conditions**

1. **Project Description**

This requested modified CUP is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibits 2 to 6, dated October 27, 2015 and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without required County review and approval(s) constitutes a violation of the conditions of this permit and the Non-Coastal Zoning Ordinance.

The project description is as follows:

This permit authorizes the continued operation and maintenance of the existing oil and gas exploration and production operation (Agnew lease area) for an additional 25-year period. The requested permit modification would also authorize the following project changes:

- a. The drilling of three new wells on the existing Agnew lease well pad. One new well is proposed to be drilled within five years of the effective date of the requested CUP modification approval. The other two wells are proposed to be drilled within 10 years of the effective date of the requested CUP modification approval. Drilling operations for each well would occur on a 24-hour, 7-day per week basis for up to several weeks.
- b. The re-drilling of one existing well located on the existing Agnew lease well pad. Drilling operations for this well would occur on a 24-hour, 7-day per week basis for up to several weeks.

- c. A change in the authorized access to the existing oil and gas facility during drilling and production operations. The current CUP authorizes access to the facility from a private road connected to Highway 150 at a point southwest of the site. This private roadway was destroyed by flooding in 1995. Since that time, Koenigstein Road has been used to service this oil production facility as there is no other access. Thus, the requested permit would authorize the use of Koenigstein Road for access to and from Highway 150 during drilling and production operations. A private driveway connected to Koenigstein Road would provide direct access to the drilling site.

Production operations will include trucking of produced oil and wastewater (brine) from the site to offsite oil refining and wastewater disposal facilities. The current CUP authorizes up to 12 tanker truck loads (24 one-way trips) of produced fluid to be exported from the site per week. It is proposed that this number be reduced to a maximum of 8 tanker truck loads (16 one-way trips) per week. All tanker truck operations would occur during daylight hours Monday through Saturday, between 7:30 am and 6:30 pm. For purposes of the requested CUP modification, the term "tanker truck" refers to any vehicle that is hauling produced fluids (including oil, drilling fluids and brine) to or from the site. During temporary drilling operations, it is anticipated that a few truck trips would occur per day to deliver drilling fluids (mainly water) to the site. A truck-mounted drilling rig would be moved onto the site and remain for a few weeks for each new well.

Although the current CUP does not limit the number of vehicle trips associated with maintenance and operation of production facilities, the applicant proposes to limit such traffic to 14 maintenance visits to the project site per week (i.e. 28 one-way trips). A standard pickup truck would be utilized to assist with the maintenance of the equipment associated with the oil and gas operation.

The proposed project does not include any removal of vegetation or substantial new grading. No new lighting is proposed. All proposed wells will be drilled on the existing Agnew lease pad.

The existing equipment on the project site includes the following:

- Three wells (Agnew 1, Agnew 2 and Agnew 3);
- One, 16-foot water high tank;
- Two, 7,000 gallon waste water tanks;
- Two, 13,000 gallon storage tanks (one waste tank & one oil tank);
- One barrel tank (out of service), and;
- Three vertical tanks ranging from 10-feet in height to 18-feet in height.
- A flare to incinerate produced gas

Hydraulic fracturing, acid well stimulation and other "well stimulation treatments", as defined in Public Resources Code Section 3157, are not included in the proposed project. The use of any such well stimulation treatment as part of the project would require a subsequent discretionary modification of the CUP, additional environmental review under CEQA, and a public hearing.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

## **2. Site Maintenance**

**Purpose:** To ensure that the CUP area is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the CUP area.

**Requirement:** The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.

**Documentation:** Pursuant to Condition No. 1 (Permitted Land Uses), the CUP and any amendments thereto.

**Timing:** Prior to occupancy and for the life of the permit.

**Monitoring and Reporting:** The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-4)

## **3. CUP Modification**

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,

- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)

#### 4. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency. (PL-6)

#### 5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2011, Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the CUP conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this CUP.

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations. (PL-7)

#### 6. Time Limits

- a. Use inauguration:
  - i. The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses provided in Condition No. 1 (Project Description).
  - ii. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the granting or approval of this CUP per the *Ventura County Non-Coastal*



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*Zoning Ordinance* (2011, § 8111-4.7). The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.

- iii. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

- b. Zoning Clearance for Construction of each new well: The Permittee must obtain a Zoning Clearance for construction prior to the drilling of each new well authorized by this permit. One new well will be drilled within the first five years of permit issuance [Insert CUP approval date 2020]. The remaining new wells would be drilled over a 10-year period following permit issuance (by Insert CUP approval date, 2025). As specified in this permit, certain conditions of approval must be satisfied prior to the issuance of Zoning Clearance for construction by the Planning Division.

Zoning Clearance for Construction for re-drilling of existing well: The Permittee must obtain a Zoning Clearance for construction prior to the re-drilling of one existing well as authorized by this permit. As specified in this permit, certain conditions of approval must be satisfied prior to the issuance of Zoning Clearance for construction by the Planning Division.

- c. Permit Life or Operations Period: This CUP will expire on November 17, 2040. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:
  - 1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the *Ventura County Non-Coastal Zoning Ordinance* prior to November 17, 2039; and
  - 2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with Section 8111-2.10 of the *Ventura County Non-Coastal Zoning Ordinance*.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CUP

**Purpose:** To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the project (Condition No. 1, above) that is the subject of this CUP.

**Requirement:** Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this CUP) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the project.

**Documentation:** The Permittee shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division project file.

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration or as dictated by the respective agency.

**Monitoring and Reporting:** The Planning Division maintains the documentation provided by the Permittee in the respective project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

8. Notice of CUP Requirements and Retention of CUP Conditions On-Site

**Purpose:** To ensure full and proper notice of permit requirements and conditions affecting the use of the subject property.

**Requirement:** Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

**Documentation:** The Permittee shall present to the Planning Division copies of the conditions, upon the Planning Division's request.

**Timing:** Prior to issuance of a Zoning Clearance for use inauguration and until expiration of the CUP.

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**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-10)

9. Recorded Notice of Land Use Entitlement

**Purpose:** In order to comply with § 8111-8.3 of the *Ventura County Non-Coastal Zoning Ordinance* a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

**Requirement:** The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement form furnished by the Planning Division, for the tax assessor's parcel that is subject to this CUP.

**Documentation:** Recorded Notice of Land Use Entitlement.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded Notice of Land Use Entitlement to the Planning Division for the project file. (PL-11)

10. Condition Compliance, Enforcement, and Other Responsibilities

- a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 10.b. Specifically, the Permittee shall bear the full costs of the following:
  - i. condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
  - ii. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (2011, § 8114-3)*. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections (which may include weekday and/or weekend inspections), public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The

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Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§ 8114-3.4).

- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
  - i. a payment of \$1,000.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition 10.a, above), monitoring and enforcement (Condition 10.c, below). The \$1,000.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
  - ii. a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$1,000.00 deposit and reimbursement agreement (Condition 10.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.
- d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment. (PL-12)

11. Defense and Indemnity

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to County, against any and all claims, actions or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.

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- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties.
- c. Except with respect to claims, actions, proceedings and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County) and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings and Liabilities arising out of or in any way related to the construction, maintenance, land use or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property. (PL-13)

#### 12. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the *Code of Civil Procedures* (§ 1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose

substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked. (PL-14)

### 13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 13 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense. (PL-15)

### 14. Relationship of CUP Conditions, Laws and Other Permits

The Permittee shall design, maintain, and operate the CUP area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

A business tax certificate and regulatory licenses shall be obtained for operation of oil and gas production facilities. (PL-16)

**15. Contact Person**

**Purpose:** To designate a person responsible for responding to complaints.

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP via telecommunication, 24 hours a day.

**Documentation:** The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the CUP site.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the respective project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-17)

**16. Resolution of Complaints**

The following process shall be used to resolve complaints related to the project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 15 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an a use as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this CUP is received by the County, Planning staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the *Non-Coastal Zoning Ordinance* may be initiated. (PL-18)

#### 17. Reporting of Major Incidents

**Purpose:** To ensure that the Planning Director is notified of major incidents within the CUP area.

**Requirement:** The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area.

**Documentation:** Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

**Timing:** The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

**Monitoring and Reporting:** The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file. (PL-19)

#### 18. Change of Owner and/or Permittee

**Purpose:** To ensure that the Planning Division is properly and promptly notified of any change of ownership or change of Permittee affecting the CUP site.

**Requirement:** The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

**Documentation:** The initial notice must be submitted with the new Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

**Timing:** The Permittee shall provide written notice of transfer to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer. The Permittee shall also file a written notice of the transfer of ownership with the State Division of Oil, Gas & Geothermal Resources (DOGGR) no later than 10 calendar days after the effective date of the transfer.

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-20)



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#### 19. Paleontological Resources Inadvertently Discovered During Grading

**Purpose:** In order to mitigate potential impacts to paleontological resources that may be encountered during ground disturbance or construction activities.

**Requirement:** If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Notify the Planning Director in writing, within three days of the discovery;
- c. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide recommendations on the proper disposition of the site;
- d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and,
- e. Implement the agreed upon recommendations.

**Documentation:** Permittee shall submit the reports prepared by the paleontologist or geologist. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by in the paleontological report.

**Timing:** Paleontological reports shall be provided to the Planning Division immediately upon completion.

**Monitoring and Reporting:** The Permittee shall provide any paleontological report prepared for the project site to the Planning Division to be made part of the project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director. (PL-56)

#### 20. Archaeological Resources Inadvertently Discovered During Grading

**Purpose:** In order to mitigate potential impacts to archaeological resources inadvertently discovered during ground disturbance.

**Requirement:** The Permittee shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
  - i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Notify the Planning Director in writing, within three days of the discovery;
  - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;

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- iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and,
  - v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
  - i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Immediately notify the County Coroner and the Planning Director;
  - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and,
  - v. Implement the agreed upon recommendations.

**Documentation:** If archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by the archaeologist's report.

**Timing:** Archaeologist reports shall be provided to the Planning Division immediately upon completion.

**Monitoring and Reporting:** The Permittee shall provide any archaeologist report prepared for the project site to the Planning to be made a part of the project file. The Permittee shall implement any recommendations made in the archaeologist's report to the satisfaction of the Planning Director. (PL-59)

## 21. Financial Security

**Purpose:** In order to comply with § 8107-5.6.5 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure the conditions of this permit are fulfilled.

**Requirement:** The Permittee shall file, on a form acceptable to Operations Division of the Resource Management Agency, a bond or other security in the penal amount of not less than \$10,000.00 for each well that is drilled or to be drilled. In lieu of filing such a security for each well the Permittee may file a security in the penal amount of not less than \$10,000.00 to cover all operations conducted in the County of Ventura, conditioned upon the Permittee well and truly obeying, fulfilling and performing each and every term and provision of the permit. By accepting this Conditional Use Permit and providing the financial security for its operation, the Permittee is agreeing to cure any condition

noncompliance issue that may be discovered during County compliance review. Forfeiture of the financial security may occur if the noncompliance issue is not resolved in a manner that is acceptable to the Planning Director.

If the Permittee can provide documentation which demonstrates that an existing, current, and approved surety is on file with the Operations Division of the Resource Management Agency, a new financial security is not required to be submitted to the Planning Division.

**Documentation:** A wet signed original security document shall be submitted to and approved by the Planning Director.

**Timing:** The Permittee shall either:

- a. submit the document and obtain approval by the Planning Division for the new financial security prior to the issuance of the Zoning Clearance for use inauguration; or,
- b. submit documentation of the existing, current, and approved surety on file with the Operations Division of the Resource Management Agency, prior to the issuance of the Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The Planning Division maintains evidence of the financial security submittal in the project file. In cases of any failure by the Permittee to perform or comply with any term or provision of the permit, the Planning Commission may, after notice to the Permittee and a public hearing, by resolution, determine the amount of the penalty and declare all or part of the security forfeited in accordance with its provisions. The sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the County of Ventura. The forfeiture of any security shall not insulate the Permittee from liability in excess of the sum of the security for damages or injury, or for expense or liability suffered by the County of Ventura from any breach by the Permittee of any term or condition of said permit or of any applicable ordinance or of this security. The Planning Division shall not exonerate the security until the Permittee has satisfied all of the applicable conditions of this Conditional Use Permit. (PL-93)

## **22. Removal of Drilling Equipment**

**Purpose:** In order to comply with § 8107-5.6.3 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure the removal of unused equipment.

**Requirement:** All equipment used for drilling, re-drilling, and maintenance work on approved wells shall be removed from the site within 30 days of the completion of such work.

**Documentation:** If needed, the Permittee shall obtain the Planning Director's written approval for a time extension to remove the equipment after the 30 days deadline.

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**Timing:** The Permittee shall remove the equipment within 30 days of the completion of such work unless the Permittee obtains the Planning Director's written approval for a time extension to the 30 day deadline, prior to the end of the 30 day period.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-94)

### 23. Waste Handling and Containment of Contaminants

**Purpose:** In order to comply with § 8107-5.6.4 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure waste materials and other pollutants are handled appropriately according to federal, state and local laws and regulations.

**Requirement:** The Permittee shall submit a waste handling containment plan to the Planning Division per requirements "a" to "d" noted below:

- a. furnish the Planning Division with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters;
- b. provide a plan that is consistent with requirements of County, state and federal laws;
- c. prepare a containment plan that shows containment of any and all oil, produced water, drilling fluids, cuttings and other contaminants associated with the drilling, production, storage and transport of oil on the site unless properly transported off-site, injected into a well, treated or re-used in an approved manner on-site or, if allowed, off-site;
- d. secure all appropriate permits, permit modifications or approvals when necessary, prior to treatment or re-use of oil field waste materials; and,

**Documentation:** The Permittee shall prepare a containment plan for review and approval by the Planning Division.

**Timing:** The Permittee shall submit the containment plan to the Planning Division for review and approval prior to issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The Planning Division maintains the containment plan provided by the Permittee in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-95)

### 24. Dust Prevention and Road Maintenance

**Purpose:** In order to comply with § 8107-5.6.6 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure pollutants are handled appropriately.

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**Requirement:** The Permittee shall prepare a dust control plan. The drill site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust. Access roads shall be designed and maintained so as to minimize erosion, prevent the deterioration of vegetation and crops, and ensure adequate levels of safety.

**Documentation:** A copy of the approved dust control plan.

**Timing:** The Permittee shall submit a written dust control plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction.

**Monitoring and Reporting:** The Planning Division shall review and approve the dust control plan prior to the issuance of a Zoning Clearance. A copy of the approved dust control plan shall be maintained in the project file. The Planning Director may require that additional dust control measures are implemented at any time. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-96)

## 25. Lighting Plan

**Purpose:** Pursuant to § 8107-5.6.7 of the *Ventura County Non-Coastal Zoning Ordinance* Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area, but not inhibit adequate and safe working light levels. The location of all flood lights and an outline of the illuminated area shall be shown on the landscape plan, if required, or on the requisite plot plan.

**Requirement:** The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval prior to implementing such plan. The lighting plan must comply with the following:

- a. the lighting plan shall be prepared by an electrical engineer registered by the State of California;
- b. the lighting plan shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs);
- c. the lighting plan shall provide illumination information within parking areas, pathways, streetscapes, and open spaces proposed throughout the development;
- d. in order to minimize light and glare on the project property, all light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway; and,

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- e. light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area, but not inhibit adequate and safe working light levels.
- f. The Permittee shall bear the total cost of the review and approval of the lighting plan, and shall install all elements of the approved lighting plan according to the approved Lighting Plan.

**Documentation:** The Permittee shall prepare the Lighting Plan.

**Timing:** The Permittee shall submit the lighting plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the permit.

**Monitoring and Reporting:** The Planning Division shall maintain a stamped copy of the approved lighting plan in the project file. The Building and Safety inspector and Planning Division staff have the authority to ensure that the lighting is installed according to the approved lighting plan prior to the issuance of a Certificate of Occupancy. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-97)

*[Note: The lighting fixtures in operation at the existing permitted facility are adequate and in conformance with County standards. These lighting fixtures are not proposed to be changed. Thus, this condition of approval is applicable to any changes in the existing lighting fixtures that may be proposed in the future.]*

## 26. Painting of Permanent Facilities, Structures and Pipelines

**Purpose:** In order to ensure that buildings and structures comply with the Oil Development Standards of § 8107-5.6.9 of the *Ventura County Non-Coastal Zoning Ordinance* and blend in with their natural surroundings.

**Requirement:** The Permittee shall:

- a. Ensure that all permanent facilities, structures, and above ground pipelines on the site shall be colored so as to mask the facilities from the surrounding environment and uses in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the Planning Director prior to painting of facilities.
- b. provide the specifications for all pumping equipment and ancillary equipment (e.g., tanks, equipment in cabinets, and pipes) on all development plans;
- c. construct and maintain the exterior surfaces of all buildings and structures using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- d. construct the project site in compliance with the approved plans;

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- e. provide photo evidence to the Planning Division that the equipment is installed in compliance with the approved plans; and,
- f. maintain the site in compliance with the approved plans.

**Documentation:** The Permittee shall provide plans with equipment specifications and exterior colors to the Planning Division. The Permittee shall provide photo evidence that the equipment is installed according to the approved plans.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the details of all structures and equipment on plans for review and approval by the Planning Division. Prior to final inspection, the Permittee shall paint and treat the approved structures according to the approved plans. Prior to final inspection of the oil and gas facility, the Permittee shall provide photos demonstrating that the facility was treated as approved.

**Monitoring and Reporting:** The Planning Division maintains a copy of the approved plans in the project file. The Planning Division maintains the photo evidence provided by the Permittee demonstrating compliance with this condition in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-98)

#### 27. Site Restoration

**Purpose:** In order to comply with § 8107-5.5.5(e), 8107-5.5.6, & 8107-5.6.11 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall restore disturbed areas in the project area to its original grade and condition.

Within 90 days of revocation, expiration or surrender of any permit, or abandonment of the use, the Permittee shall also restore and revegetate the premises to as nearly its original condition as is practicable, unless otherwise requested by the landowner and authorized by the Planning Director.

**Documentation:** The Permittee shall submit to the Planning Division a restoration plan prepared by a County-approved, qualified biologist to be reviewed and approved by the Planning Division. The plan may also include a grading plan, prepared by a registered civil engineer.

**Timing:** The Permittee shall submit the grading and restoration plans to the Planning Division and Public Works Agency within 45 days of revocation, expiration, or surrender of the permit, or abandonment of the use. The Permittee shall commence restoration work on the site within 90 days of revocation, expiration, or surrender of the permit, or abandonment of the use, or an alternative timeframe as approved by the Planning Director.

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**Monitoring and Reporting:** The Permittee shall submit the restoration plan to the Planning Division prior to the commencement of the restoration work. The Planning Division will exonerate the financial securities required by Condition No. 21 when it has determined that the restoration plan has been fully implemented as determined by the Planning Division. (PL-100)

## 28. Insurance

**Purpose:** In order to comply with § 8107-5.6.12 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall maintain liability insurance of not less than \$500,000 for one person, and \$1,000,000 for all persons, and \$2,000,000 for property damage. The Permittee shall name the County of Ventura as additionally insured. This requirement does not preclude the Permittee from being self-insured.

**Documentation:** The Permittee shall submit a copy of the liability insurance policy documents.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the liability insurance Planning Division for review and approval. Prior to the issuance of a Zoning Clearance, the Permittee shall submit a copy of the approved liability insurance to the Planning Division for the project file. The Permittee shall maintain liability insurance for the subject property for the life of the permit.

**Monitoring and Reporting:** The Permittee shall submit the liability insurance to Planning Division for review and approval to ensure that the Oil and Gas Operation has the required coverage in a manner that is required. The Planning Division maintains a copy of the liability insurance in the project file. The Planning Director may ask for a current insurance policy at any time to confirm ongoing compliance with this condition. (PL-101)

## 29. Noise Standard for Oil and Gas Operations

**Purpose:** In order to comply with § 8107-5.6.13 and § 8107-5.6.15 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall ensure that drilling, production, and maintenance operations associated with this permit do not exceed the following noise levels, as measured over a one-hour period at locations that are occupied by noise-sensitive receptors (e.g., residences, schools, health care facilities, or places of public assembly):

<b>One Hour Average Noise Levels (LEQ)</b>		
<u>Time Period</u>	<u>Drilling and Maintenance Phase</u>	<u>Producing Phase</u>
Day (6:00 a.m. to 7:00 p.m.)	55 dB(A)	45 dB(A)
Evening (7:00 p.m. to 10:00 p.m.)	50 dB(A)	40 dB(A)
Night (10:00 p.m. to 6:00 a.m.)	45 dB(A)	40 dB(A)



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For the purposes of this condition, a well is in the "producing phase" when hydro-carbons are being extracted or when the well is idle and not undergoing maintenance. It is presumed that a well is in the "drilling and maintenance phase" when it is not in the "producing phase."

Upon the request of the Planning Director, the Permittee shall have a qualified acoustical consultant measure the offending noise, in accordance with the procedures in *Ventura County General Plan Hazards Appendix*. These measurements shall occur within 24 hours of the Planning Director's request.

When the Permittee has been notified by the Planning Division that the Permittee is operating in violation of the applicable noise standard, the Permittee shall correct the problem as soon as possible in coordination with the Planning Division. In the interim, operations may continue; however, the operator shall attempt to minimize the total noise generated at the site by limiting, whenever possible, such activities as the following:

- a. hammering on pipe;
- b. racking or making-up of pipe;
- c. acceleration and deceleration of engines or motors;
- d. drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by use of a slower rotational speed; and,
- e. picking up or laying down drill pipe, casing, tubing or rods into or out of the drill hole.

If the noise problem has not been corrected by 7:00 p.m. of the following day, the offending operations, except for those deemed necessary for safety reasons by the Planning Director upon the advice of the Division of Oil and Gas, shall be suspended until the problem is corrected.

This condition applies for the life of the permit. A report from a qualified acoustical consultant shall be submitted to the Planning Division upon request. If corrective measures are required to attenuate the offending noise to acceptable levels, The Permittee shall submit written and/or photo evidence to demonstrate that the corrective measures are in place prior to restarting the offending operations.

**Documentation:** The Permittee shall prepare a noise report from a qualified acoustical consultant and provide it to the County for review and approval prior to any construction activity that causes noise.

**Timing:** If a qualified acoustical consultant is hired by the Permittee to investigate an alleged violation, the acoustical consultant shall submit their written findings to the Planning Division immediately upon completing their measurements. Within 24 hours of completing the measurements, the acoustical consultant shall submit a written report to the Planning Division.

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**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. The Planning Division maintains all acoustical reports, and a written description of any corrective measures, provided by the Permittee in the project file. (PL-102)

30. Preventive Noise Insulation (Mitigation Measure from the Final SEIR)

**Purpose:** In order to comply with § 8107-5.6.16, § 8107-5.6.17 and §8107-5.6.18 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** Prior to initiating well drilling operations, the Permittee shall erect a sound barrier around the drilling rigs. Such soundproofing shall include any or all of the following: acoustical blanket coverings, sound walls, or other soundproofing materials or methods which ensure that operations meet the applicable noise standard. The sound barrier shall be in place for the entire duration of drilling rig activities. The sound barrier must be sufficiently tall and situated in order to break the line of site between the primary drilling rig noise sources and the nearby residences. The primary drilling rig noise sources are assumed to be located between ground level (0 feet) and the drilling rig floor (about 20 feet).

All acoustical blankets or panels used for required soundproofing shall be of fireproof materials and shall comply with California Industrial Safety Standards and shall be approved by the Ventura County Fire Protection District prior to installation.

The design and placement of the sound barriers shall be consistent with the recommendations included in the Sespe Consultants noise study report (Appendix E of the FSEIR).

**Documentation:** The Permittee shall submit photo-documentation, that the soundproofing is installed.

**Timing:** The Permittee shall install soundproofing prior to the commencement of drilling or maintenance activities, and shall maintain the soundproofing until the operations are complete. The Permittee shall provide photo evidence that the sound proofing is in place prior to the issuance of a Zoning Clearance.

**Monitoring and Reporting:** The Planning Division shall maintain in the project file the photo evidence that the soundproofing was installed. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-103)

31. Screening and Landscaping

Per §8107-5.6.24 of the *Ventura County Non-Coastal Zoning Ordinance*, all oil and gas production areas shall be landscaped so as to screen production equipment in a manner consistent with the natural character of the area, if required, based on the Planning Director's determination that landscaping is necessary. Required landscaping shall be

implemented in accordance with a landscape and irrigation plan to be approved by the Planning Director or his/her designee after consultation with the property owner. The landscape plan shall be consistent with the Ventura County Guide to Landscape Plans and shall include measures for adequate screening of producing wells and permanent equipment from view of public roads or residential uses, revegetation of all cut and fill banks, and the restoration of disturbed areas of the site not directly related to oil and gas production. Low water usage landscaping and use of native plants shall be encouraged.

*[Note: The existing well site will continue to be used for oil and gas operations. This well site is adequately landscaped and screened from public views. Thus, this condition of approval is applicable to any proposed future changes in the existing landscaping or where the existing landscaping has died and must be replaced as determined by the Planning Director.]*

### 32. Hours of Well Maintenance

Per § 8107-5.6.25 of the *Ventura County Non-Coastal Zoning Ordinance*, all non-emergency maintenance of a well, such as the pulling of pipe and replacement of pumps shall be limited to the hours of 7:00 a.m. to 7:00 p.m. of the same day if the well site is located within 3,000 feet of an occupied residence. This requirement may be waived by the Planning Director if the Permittee can demonstrate that the applicable noise standard can be met or that all parties that reside within the prescribed distance have signed a waiver pursuant to § 8107-5.6.25 of the *Ventura County Non-Coastal Zoning Ordinance*.

### 33. Application of Sensitive Use Related Standards

The imposition of regulations on petroleum operations, which are based on distances from occupied sensitive uses, shall only apply to those occupied sensitive uses which were in existence at the time the permit for the subject oil operations were approved, per § 8107-5.6.26 of the *Ventura County Non-Coastal Zoning Ordinance*.

### 34. Signs

**Purpose:** In order to comply with § 8107-5.6.21 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** In addition to the signage otherwise allowed by the *Ventura County Non-Coastal Zoning Ordinance* (§ 8110-0 et seq.), the Permittee shall only place within the permit area, signs that are required for directions, instructions, and warnings, identification of wells and facilities, or signs required by other County ordinances or State and federal laws. Identification signs shall not exceed four square feet in size and shall contain, at a minimum, the following information:

- a. the Division of Oil and Gas well name and number;
- b. the name of the owner/operator of the oil facility;
- c. the name of the lease and name and/or number of the well; and,
- d. the name and telephone number of person(s) on 24-hour emergency call.

The Permittee shall maintain the well identification sign(s) at the well site from the time drilling operations commence until the well is abandoned.

**Documentation:** The Permittee shall submit a sign plan to the County Planning Division for review and approval.

**Timing:** The Permittee shall obtain approval of the sign plan from the Planning Division prior to the issuance of a Zoning Clearance for construction. The Permittee shall install the approved signs prior to the commencement of drilling and submit photo documentation to the Planning Division to ensure that the signs have been installed accordingly.

**Monitoring and Reporting:** The Planning Division maintains the approved sign plan in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-105)

### 35. Fencing

**Purpose:** In order to comply with § 8107-5.6.22 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall securely fence all active well sites (except submersible pumps), sumps and/or drainage basins or any machinery in use or intended to be used at the well site or other associated facilities, if required, based on the Planning Director's determination that fencing is necessary due to the proximity of nearby businesses, residences, or other occupied sensitive uses. The Permittee may use a single, adequate fence, which is compatible with the surrounding area, in order to enclose the wells or well site and appurtenances. The fences must meet all Division of Oil and Gas regulations.

**Documentation:** The Permittee shall submit to the Planning Division for review and approval, a site plan which identifies the location of the fences. These plans must include schematic details of the fences illustration height and construction materials.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall obtain approval of the fencing. The Permittee shall install the fences prior to activating the wells.

**Monitoring and Reporting:** The Planning Division maintains the approved site plan and fencing plans in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-106)

*[Note: The existing well site will continue to be used for oil and gas exploration and production activities. This well site is adequately fenced. Thus, this condition of approval*

*is applicable to any proposed future changes in site fencing or repairs in site fencing required by the Planning Director.]*

**36. Notice to Property Owner and Residents**

Ten days prior to commencement of site preparation or drilling, the Permittee shall notify in writing the surface owner and all residents on the property that such activities are about to occur. Prior to conducting maintenance activities, the Permittee shall notify all the residents on the property, if they can be reached.

**37. Inspection, Enforcement and Compatibility Review**

To ensure that adequate funds are available for the legitimate and anticipated costs incurred for monitoring and enforcement activities associated with new or modified oil and gas related Conditional Use Permits, the Permittee shall deposit with the County funds, determined on a case-by-case basis, prior to the issuance of a Zoning Clearance. The funds shall also cover the costs for any other necessary inspections or the resolution of confirmed violations that may occur. One deposit may be made to cover all of the Permittee's various permits. In addition, all new or modified Conditional Use Permits for oil and gas related uses shall, at the discretion of the Planning Director, be conditioned to require a compatibility review on a periodic basis. The purpose of the review is to determine whether the permit, as conditioned, has remained consistent with its findings for approval and if there are grounds for proceeding with public hearings concerning modification, suspension, or revocation of the permit, per § 8107-5.6.27 of the *Ventura County Non-Coastal Zoning Ordinance*.

The deposit as established in Condition No. 10.b will satisfy the inspection, enforcement and compatibility review costs for this CUP.

**38. California Condor Protection Best Management Practices (BMPs)**

**Purpose:** To avoid significant impacts during construction and operation and ensure compatibility with conservation efforts outlined in the *Recovery Plan for California Condor* (April 19, 1996) and direction provided by United States Fish and Wildlife Service (USFWS) for oil and gas facilities within the range of the California Condor in Ventura County (USFWS, 2013).

**Requirement:** During construction and operation, the Permittee shall adhere to the following USFWS recommended California condor Best Management Practices (BMPs):

*Landing Deterrents*

- a. All power lines, poles, and guy wires shall be retrofitted with raptor guards, flight diverters, and other anti-perching or anti-collision devices to minimize the potential for collision or electrocution of condors. Landing deterrents (e.g. Daddi Long Legs or porcupine wire) shall be attached to the walking beams on pumping units.

- b. All surface structures which are identified by the USFWS or County-approved qualified biologists as a risk to California condors, shall be modified (e.g. to include installation of raptor guards, anti-perching devices, landing deterrents) or relocated to reduce or eliminate the risk.

#### *Microtrash*

- c. All construction debris, food items, and other trash including micro-trash (e.g. small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass, or wire, and anything that is colorful or shiny) will be covered or otherwise removed from a project site at the end of each day or prior to periods when workers are not present at the site.
- d. All hoses or cords that must be placed on the ground due to drilling operations that are outside of the primary work area (immediate vicinity of the drilling rig) will be covered to prevent California condor access. Covering will take the form of burying or covering with heavy mats, planks, or grating that will preclude access by California condors.
- e. All equipment and work-related materials (including, but not limited to, loose wires, open containers, rags, hoses, or other supplies or materials) shall be contained in closed containers either in the work area or placed inside vehicles.
- f. Poly chemical lines shall be replaced with stainless steel lines to preclude condors from obtaining and ingesting pieces of poly line.
- g. Prior to issuance of a Zoning Clearance for land clearing activities or construction, informational signs describing the threat that micro-trash poses to condors, and the cleanup or avoidance measures being implemented, shall be posted at the site.
- h. Prior to conducting work on-site, employees and contractors shall be made aware of the California condor, and how to avoid impacts on them. Special emphasis shall be placed on keeping the well pad site free of micro-trash and other hazards.
- i. Wells pads shall be inspected closely for micro-trash on a daily basis.

#### *Chemicals*

- j. Ethylene glycol based anti-freeze or other ethylene glycol based liquid substances shall be avoided, and propylene glycol based antifreeze will be encouraged. Equipment or vehicles that use ethylene glycol based anti-freeze or other ethylene glycol based liquid substances shall be inspected daily for leaks, including (but not limited to) areas below vehicles for leaks and puddles. Standing fluid (e.g. a puddle of anti-freeze) will be remediated (e.g. cleaned up, absorbed, or covered) immediately upon discovery. Leaks shall be repaired immediately. The changing of antifreeze of any type shall be prohibited onsite.

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- k. Open drilling mud, water, oil, or other liquid storage or retention structures shall be prohibited. All such structures must have netting or other covering that precludes entry or other use by condors or other listed avian species
- l. The design and location of any flaring equipment shall subject to review and approval by the Planning Director in consultation with the US Fish and Wildlife Service.

The Permittee shall implement the BMPs listed above throughout the entire life of the project, unless waived by USFWS or a County-approved qualified biologist in consultation with USFWS, California Department of Fish and Wildlife (CDFW), and the Planning Division. A County-approved qualified biologist shall confirm and photo-document the installation of the BMPs.

**Documentation:** The application shall prepare photo documentation of the complete installation of the signage and above BMPs.

**Timing:** Prior to the issuance of a Zoning Clearance for Construction (i.e. grading or land clearing activities), the Permittee must take the following actions:

- Install signage.
- Submit photo-documentation of the installation of the signage to the Planning Division.

Prior issuance of a Zoning Clearance for construction (i.e. the Zoning Clearance for the drilling of first well), the Permittee must provide the Planning Division with photo documentation of the implementation of the above requirements.

**Monitoring and Reporting:** Planning Division staff will review the submitted reports. The Planning Division has the authority to conduct site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

### 39. Additional California Condor Protection BMPs

**Purpose:** To avoid significant impacts during construction and operation and ensure compatibility with conservation efforts outlined in the *Recovery Plan for California Condor* (April 19, 1996) and direction provided by United States Fish and Wildlife Service (USFWS) for oil and gas facilities within the range of the California Condor in Ventura County (USFWS, 2013).

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**Requirement:** During construction and operation, the Permittee shall adhere to the following additional USFWS recommended California condor Best Management Practices (BMPs):

- a. All food items and associated refuse shall be placed in covered containers that preclude access or use by California condors.
- b. All equipment and work-related materials (including loose wires, open containers, rags, hoses, or other supplies) will be placed in closed containers or inside vehicles.
- c. No dogs or other potentially predatory domesticated animals shall be allowed on the drill site unless on a leash or otherwise contained at all times.
- d. All construction equipment, staging areas, materials, and personnel shall remain within the perimeter of the disturbed area authorized under the applicable permit.
- e. The discharge of firearms at the project site or vicinity by any employee or contractor of the Permittee shall be prohibited.
- f. Feeding of wildlife by any employee or contractor of the Permittee shall be prohibited.
- g. Access to the project site shall be made available to the representatives of the State and Federal wildlife agencies (California Department of Fish and Wildlife, U.S. Fish and Wildlife Service) upon reasonable notice to the Permittee and compliance with all required drill site safety measures. Access to the site shall be provided within 24 hours of the receipt of the notice.

The Permittee shall implement the BMPs listed above throughout the entire life of the project, unless waived by USFWS or a County-approved qualified biologist in consultation with USFWS, California Department of Fish and Wildlife (CDFW), and the Planning Division. A County-approved qualified biologist shall confirm and photo-document the installation of the BMPs. The Permittee shall place signage on the project site to inform personnel and visitors of the above requirements.

**Documentation:** The application shall prepare photo documentation of the complete installation of the signage and implementation of the above BMPs.

**Timing:** Prior to the issuance of a Zoning Clearance for construction (i.e. grading or land clearing activities), the Permittee must take the following actions:

- Install signage.



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- Submit photo-documentation of the installation of the signage to the Planning Division.

Prior issuance of a Zoning Clearance for Use Inauguration (i.e. the Zoning Clearance for the drilling of first well), the Permittee must provide the Planning Division with photo documentation of the implementation of the above requirements.

**Monitoring and Reporting:** Planning Division staff will review the submitted reports. The Planning Division has the authority to conduct site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

40. Pre-Construction Biological Surveys, Relocation and Monitoring

**Purpose:** To avoid impacts on special-status wildlife during land clearing activities associated with preparation of the site for access and oil exploration.

**Requirement:** The Permittee shall retain the services of a County-approved qualified biologist that holds a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit. This biologist shall:

- Conduct surveys for special-status wildlife, including but not limited to the coastal western whiptail, coast horned lizard, coast patch-nosed snake, and western pond turtle.
- Monitor the site for a four-hour minimum duration on day one of land clearing activities.
- Return to the site at least once weekly for four-hour duration to monitor throughout land clearing activities. Individuals of species-status wildlife species that are found shall be relocated to suitable undisturbed habitat according to methods approved by the CDFW, outside of the areas directly and indirectly (e.g. noise) affected by land clearing activities. If the County-approved biologist determines that silt fencing is necessary to prevent special-status wildlife from returning to the construction area or from falling into trenches, etc. silt fencing shall be installed at the edge of the grading footprint with the oversight of the County-approved biologist.

**Documentation:** The Permittee shall submit the following documents to the Planning Division for review and approval:

- A copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring, and relocation of wildlife. When the monitoring will occur and what disturbance areas will be

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monitored by the must be clearly stipulated in the contract. *(It is recommended that the Permittee shall submit a draft copy of the proposed contract to the Planning Division for review and comment prior to the contract being executed.)*

- An Initial Survey Report from a County-approved biologist documenting the results of the initial special-status wildlife survey and a plan for continued surveys and relocation of special-status wildlife in accordance with the requirements above.
- Mitigation Monitoring Report documenting the results of the monitoring and actions taken to prevent loss of special-status wildlife and results.

**Timing:** Prior to issuance of a Zoning Clearance for Construction (i.e. grading or other land clearing activities), the Permittee shall have taken the following actions:

- Provide the Planning Division with a copy of a signed contract as specified above.
- Provide the Planning Division with a copy of the Initial Survey Report. The first survey shall be conducted 30 days prior to initiation of construction. *(Surveys must continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of land clearing activities.)*

Within 30 days of the completion of construction, the Permittee shall submit to the Planning Division, a Mitigation Monitoring Report from a County-approved biologist documenting actions taken to prevent loss of special-status wildlife and results.

**Monitoring and Reporting:** The Planning Division maintains copies of the signed contract and the Mitigation Monitoring Report provided by the Permittee in the project file. The Planning Division has the authority to inspect the property during the monitoring phase of the project to ensure that the County-approved qualified biologist is on-site as required.

#### 41. Nesting Bird Surveys and Avoidance

**Purpose:** In order to prevent impacts on birds protected under the Migratory Bird Treaty Act, land clearing activities shall be regulated.

**Requirement:** The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities") in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

1. Timing of construction: Prohibit land clearing activities during the breeding and nesting season (February 1 – August 31), in which case the following surveys are not required; or

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2. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing activities during the breeding and nesting season (February 1 – August 31) and avoid occupied bird nests. Surveys shall be conducted to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest. All surveys shall be conducted by a County-approved biologist.

An initial breeding and nesting bird survey shall be conducted 30 days prior to the initiation of land clearing activities. The project site must continue to be surveyed on a weekly basis with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas. The required setback is 300 feet for most birds and 500 feet for raptors, as recommended by CDFG. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

**Timing:** If land clearing activities will occur between February 1 and August 31, nesting bird surveys shall be conducted 30 days prior to initiation of land clearing activities, and weekly thereafter, and the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Survey Report documenting the results of the first nesting bird survey and the signed contract shall be provided to the Planning Division prior to issuance of a Zoning Clearance for construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

**Monitoring and Reporting:** The Planning Division shall review the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance for construction.

The Planning Division shall maintain copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file.

## **Environmental Health Division**

### **42. Hazardous Materials Management**

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations. (EHD 10)

## **PUBLIC WORKS AGENCY CONDITIONS**

### **Transportation Division**

#### **43. Baseline for Trip Generation (Other Recommendations)**

A baseline of trip generation factors is established to identify future changes in the trip generation. Based on the applicant's information, 7 average daily trips (ADT) will be used as a baseline to establish future changes in the trip generation.

$$(8 \text{ truckloads} / 5 \text{ days} \times 2 \text{ trips} / \text{truckload}) + (2 \text{ maintenance vehicles} / \text{day} \times 2 \text{ trips} / \text{vehicle}) = 6.3 \text{ ADT (rounded to 7 ADT)}$$

#### **39. Trucks and Oversized Loads**

**Purpose:** To comply with County regulations on the use of oversized or heavy vehicles on County roadways.

**Requirement:** The Permittee shall only utilize large vehicles (such as drilling rigs and tanker trucks) that are authorized to operate on County roadways through the issuance of an Oversized Vehicle Permit.

**Documentation:** The Permittee shall provide specifications for each tanker truck and drilling rig to be used as part of the oil and gas operations to the County Transportation Department (CTD) and the County Planning Division. The Permittee shall provide a copy of any Oversized Vehicle Permit required by the CTD for such vehicles to the Planning Division.

**Timing:** The Permittee shall provide copies of any required Oversized Vehicle Permits for tanker trucks to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration. Oversized Vehicle Permits required for drilling rigs shall be provided to the Planning Division prior to the issuance of the Zoning Clearance for construction for new or re-drilled wells.

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**Monitoring and Reporting:** The County Transportation Department maintains a record of all Oversized Vehicle Permits (OVPs) issued by the County. The Planning Division shall review any Oversized Vehicle Permits (OVPs) submitted by the Permittee for adequacy. The Planning Division shall maintain copies of the OVPs in the project file. County staff has the authority to inspect tanker truck and drilling rig operations to ensure compliance with this condition.

*[Note: The Permittee can contact the County Transportation Department Encroachments Section at 654-2055 for information on Oversized Vehicle Permits.]*

## **Engineering Services Department**

### **40. Grading Permit**

**Purpose:** In order to ensure the Permittee performs all grading in compliance with Appendix J of the Ventura County Building Code.

**Requirement:** The Permittee shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to Development and Inspection Services Division for review and approval. The Permittee must post sufficient surety in order to ensure proper completion of the proposed grading.

**Documentation:** If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to Development and Inspection Services Division for review and approval.

**Timing:** All applicable documentation, as specified above, must be approved prior to issuance of a Zoning Clearance for construction.

**Monitoring and Reporting:** Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports. (ESD-1)

*[Note: The existing graded well site pad will continue to be used. The installation of three new wells does not involve substantial changes in the existing pad that would require a grading permit. This standard condition is imposed in the event additional grading is proposed in the future.]*

## **Integrated Waste Management Division**

### **41. Waste Diversion & Recycling Requirement**

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**Purpose:** To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at [www.wasteless.org/ord4445](http://www.wasteless.org/ord4445).

**Requirement:** Ordinance 4445, Sec 4770-2.3, requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to: [www.wasteless.org/commercialhaulers](http://www.wasteless.org/commercialhaulers).

**Documentation:** The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

**Timing:** Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

**Monitoring and Reporting:** Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill. (IWMD -1)

#### 42. Collection and Loading Areas for Refuse and Recyclables

**Purpose:** To comply with the California Solid Waste Reuse and Recycling Access Act of 1991 (CA Public Resources Code 42900-42901).

**Requirement:** The Permittee shall adhere to the County's Space Allocation Guidelines which include minimum space requirements for refuse and recycling bins and recommend aesthetic, gated, trash enclosures. Please review the County's Space Allocation Guidelines at: [www.wasteless.org/spaceallocationguidelines](http://www.wasteless.org/spaceallocationguidelines).

**Documentation:** The Permittee shall submit a site plan to the IWMD indicating the location of a trash enclosure, or a designated area on the property, with sufficient space to accommodate refuse and recycling bins necessary to meet the needs of the project.

**Timing:** Prior to Issuance of a Zoning Clearance for construction or Use Inauguration, the Permittee must submit a site plan to the IWMD for review/approval that indicates the location of a trash enclosure or designated area on the property for siting refuse and recycling bins.

**Monitoring & Reporting:** Upon request, the Permittee shall allow IWMD staff to verify a trash enclosure has been constructed on the premises. (IWMD-4)

## Surface Water Quality Section

### 43. Compliance with Stormwater Development Construction Program

**Purpose:** To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No. CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit.

**Requirement:** The construction of the proposed project shall meet requirements contained in Part 4.F. "Development Construction Program" of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

**Documentation:** The Permittee shall submit to the Watershed Protection District, Surface Water Quality Section (SWQS) for review and approval a completed SW-1 form (Best Management Practices for Construction Less Than One Acre), which can be found at <http://onestoppermit.ventura.org/>.

**Timing:** The Permittee shall obtain approval of the SW-1 form prior to issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. (SWQ-1)

### 44. State General Industrial Stormwater Permit No. CAS000001 Requirements

**Purpose:** To ensure the project maintains compliance with all water quality provisions of NPDES General Permit (No. CAS000001), Waste Discharge Requirements for Discharges of Stormwater Runoff Associates with Industrial Activities.

**Requirement:** Filing of all compliance documents required under the NPDES General Industrial Stormwater Permit (No. CAS000001).

**Documentation:** The Permittee shall submit the following items to the Watershed Protection District - Surface Water Quality Section (SWQS) staff for review and approval:

- a. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the NPDES General Industrial Stormwater Permit (No. CAS000001); or verification of payment for current coverage year, whichever one is more recent;
- b. Copy of the project Stormwater Pollution Prevention Plan (SWPPP); and



- c. Copy of the most recent Annual Report if applicable.

**Timing:** The Permittee shall obtain the approval of the submitted documents from the SWQS prior to issuance of Zoning Clearance for use inauguration.

**Monitoring and Reporting:** SWQS staff will review the submitted materials for consistency with the General Industrial Stormwater Permit. Current and site-specific SWPPP shall be kept on-site for periodic review by the SWQS inspectors. (SWQ-2)

### **OTHER VENTURA COUNTY AGENCIES CONDITIONS**

#### **Ventura County Fire Protection District**

##### **45. Address Numbers (Commercial, Industrial)**

**Purpose:** To ensure proper premise identification to expedite emergency response.

**Requirement:** The Permittee shall install address numbers that are a minimum of 10 inches tall and painted in a contrasting color to the background and readily visible at night at the entrance to the oil field from Koenigstein Road. Additional address directional signs may be required at common road access points.

**Documentation:** The Permittee shall submit an addressing plan to the Building and Safety Division and the Ventura County Fire Protection District for review and approval.

**Timing:** The Permittee shall obtain approval of the addressing plan prior to the issuance of the Zoning Clearance for use inauguration. The address numbers shall be installed prior to the initiation of any new drilling operations.

**Monitoring and Reporting:** A copy of the approved addressing plan. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form. (VCFPD-41b)

##### **46. Emergency Response Signage**

**Purpose:** To ensure proper identification of each Oil Well Site to expedite emergency response.

**Requirement:** The Permittee shall install and maintain oil well site signage identifying each well site and provide directional signs along access roads.

**Documentation:** The Permittee shall submit a site map to the VCFPD Fire Prevention Bureau indicating the locations of each well site for review and approval.

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**Timing:** The Permittee shall obtain approval of the site map from the Fire Prevention Bureau prior to the issuance of the Zoning Clearance for construction of a new or re-drilled well. The required signs shall be installed before the commencement of drilling.

**Monitoring and Reporting:** A copy of the site map shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct an inspection to ensure that all structures are addressed according to the approved plans.

#### 47. Access Road / Driveway Maintenance

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall maintain all on-site access road(s) and driveway(s) not included in a maintenance agreement. Repairs shall be made as needed or as required by the Fire District to maintain the original design and installation of the access road(s) and driveway(s). The minimum width of access roadways shall be no less than 20 feet.

**Documentation:** A copy of the Covenants, Conditions and Restrictions or such other documentation as may be deemed acceptable by the Fire Prevention Bureau.

**Timing:** The Permittee shall provide evidence of provisions for maintenance must be submitted to the Fire Prevention Bureau prior to issuance of a Zone Clearance for use inauguration.

**Monitoring and Reporting:** The Fire District has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary. The Permittee shall be responsible for ongoing maintenance of the access road and driveways and shall conduct repairs as required by the Fire District. (VCFPD-10)

#### 48. Vertical Clearance

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum vertical clearance of 13 feet 6 inches (13'-6") along all access roads/driveways.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval prior to drilling any new oil wells.

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**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development. (VCFPD-11.a)

**49. Turning Radius**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum [40] foot inside turning radius at all turns along the access roads/driveways.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development. (VCFPD-11.b)

**50. Turnarounds**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide an approved turnaround area for fire apparatus where dead-end Fire Department access roads / driveways exceed 150 feet. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway
- c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.
- d. Kept free of obstructions at all times.

**Documentation:** A stamped copy of the approved access plan.

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**Timing:** The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. The plans shall indicate all access road/driveway locations and proposed turnaround location and design.

**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnaround areas are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the turnaround areas for the life of the development. (VCFPD-14)

#### 51. Access Road Gates

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Standards.

**Requirement:** The Permittee shall design and install all gates along required fire access roads / driveways consistent with Fire Protection District Standards.

**Documentation:** A stamped copy of the approved gate plans.

**Timing:** The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation or replacement of any access road gates.

**Monitoring and Reporting:** A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the gates for the life of the development. (VCFPD-30)

#### 52. Fire Water Supply

**Purpose:** To ensure that adequate fire water supply is available for firefighting purposes where no water purveyor service is available.

**Requirement:** The Permittee shall install a private water system (tank and hydrant). Private water systems shall be provided no less than 20,000 gallons during the drilling of new wells and the re-drilling of existing wells. Fire water tanks shall not be located further than 300 feet away from oil well sites.

**Documentation:** The Permittee shall submit a water supply plan to the VCFPD Fire Prevention Bureau for review and approval.

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**Timing:** The Permittee shall obtain approval of the water supply plan prior to the issuance of the Zoning Clearance for construction of new or re-drilled wells. The approved water system shall be installed and operational before the start of drilling operations. Before burying, all underground piping (if applicable) shall be visually inspected by the Fire Prevention Bureau.

**Monitoring and Reporting:** A copy of the approved private water system plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the private water system is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the private water system for the life of the development. (VCFPD-33)

#### 53. Hazardous Fire Area

**Purpose:** To advise the applicant that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

**Requirement:** The Permittee shall construct all structures to meet hazardous fire area building code requirements.

**Documentation:** A stamped copy of the approved building plans to be retained by the Building Department.

**Timing:** The Permittee shall submit building plans to the Building Department for approval before the issuance of building permits.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the approved construction for the life of the structure. (VCFPD-46)

#### 54. Hazard Abatement

**Purpose:** To ensure compliance with Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall have all grass or brush adjacent to oil drilling sites and storage tanks cleared for a distance of 30 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s) and power poles within the project site.

**Documentation:** A signed copy of the Ventura County Fire Protection District's Fire Code Permits or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

**Timing:** The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines before the start of any oil drilling production activities.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct on-site inspections to ensure compliance with this condition. (VCFPD-47)

#### 55. Fire Protection Plan

**Purpose:** To minimize and mitigate the fire problems created by the project with the purpose of reducing impact on the community's fire protection delivery system and increase emergency response capability.

**Requirement:** The Permittee shall prepare a Fire Protection Plan (FPP). The FPP shall be prepared by a qualified fire protection consultant as approved by the Ventura County Fire Protection District. The Permittee, all land owners and any tenants shall abide by the approved FPP.

**Documentation:** The Permittee shall submit a copy of the Fire Protection Plan (FPP) to the Fire Prevention Bureau for review and approval.

**Timing:** The Permittee shall obtain approval of the FPP prior to the issuance of a Fire Code Permit for oil well drilling operations.

**Monitoring and Reporting:** A copy of the approved Fire Protection Plan shall be kept on file with the Fire Prevention Bureau. (VCFPD-49)

#### 56. Fire Code Permits

**Purpose:** In order to minimize fire hazards, the project shall be constructed in conformance with the requirements of the Ventura County Fire Code.

**Requirement:** The Permittee and/or tenant shall obtain all applicable Fire Code permits.

**Documentation:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.

**Timing:** Prior to final occupancy clearance, installation or use of any required item or system, the Permittee must obtain approval of all necessary Fire Code permits.

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau,

the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD-53)

**57. Inspection Authority**

**Purpose:** To ensure on-going compliance with all applicable codes, ordinances and project conditions.

**Requirement:** The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

**Documentation:** A copy of the approved entitlement conditions.

**Timing:** The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

**Monitoring and Reporting:** A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections. (VCFPD-60)

**58. Oil Well Drilling**

**Purpose:** To ensure the project complies with the California Fire Code, National Fire Protection Association Standard #30 and Ventura County Fire Protection District requirements.

**Requirement:** The Permittee shall obtain a Fire Code permit for drilling. The Fire Code permit application shall include a plot plan drawn to scale or with dimensions showing all buildings and improvements within a radius of 300 feet of the exact location of the proposed wellhead.

**Documentation:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.

**Timing:** The Fire Code permit application must be submitted to the Fire Prevention Bureau at least two (2) weeks before the initiation of drilling. The Permittee shall obtain the Fire Code permit prior to the commencement of drilling. In addition, an inspection of the drill site by the Fire Prevention Bureau shall be completed prior to the commencement of drilling.

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according

to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the project. (VCFPD-64)

## **VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT CONDITIONS**

### **59. APCD Rules and Regulations for Operation**

**Purpose:** To ensure that fugitive dust and particulate matter that may result from vehicles transiting Koenigstein Road and future drilling activities are minimized.

**Requirement:** The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

**Documentation:** The Lead Agency shall ensure compliance with the following provisions:

- a. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- b. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- c. Signs displaying the APCD Complaint Line Telephone number for public complaints shall be posted in a prominent location onsite but easily visible to the public from off the site: (805) 645-1400 during business hours and (805) 654-2797 after hours.

**Timing:** Throughout the life of the permit.

**Reporting and Monitoring:** The Lead Agency shall monitor all dust control measures during grading activities. (APCD-1)

### **60. Construction Equipment**

**Purpose:** In order to ensure that ozone precursor and diesel particulate emissions from mobile construction equipment are reduced to the greatest amount feasible.

**Requirement:** The Permittee shall comply with the provisions of applicable VCAPCD ROC and NOx Construction Mitigation Measures, which include but are not limited to, provisions of Section 7.4.3 of the *Ventura County Air Quality Assessment Guidelines*.

- a. Construction equipment shall not have visible emissions, except when under load.
- b. Construction equipment shall not idle for more than five (5) consecutive minutes. The idling limit does not apply to: (1) idling when queuing; (2) idling to verify that the vehicle is in safe operating condition; (3) idling for testing, servicing, repairing or diagnostic purposes; (4) idling necessary to



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accomplish work for which the vehicle was designed; (5) idling required to bring the machine system to operating temperature, and (6) idling necessary to ensure safe operation of the vehicle.

**Documentation:** The Lead Agency shall ensure that the applicant provides a written idling policy that is made available to operators of the vehicles and equipment and informs them that idling is limited to five consecutive minutes or less.

**Timing:** Throughout construction phases of the project.

**Reporting and Monitoring:** The Lead Agency shall refer to the written idling policy to ensure compliance. (APCD-2)

#### 61. APCD Rules and Regulations

**Purpose:** To ensure that project operations shall be conducted in compliance with all applicable VCAPCD Rules and Regulations, in particular Rule 10, (Permits Required) drilling equipment and operations may require APCD permits.

**Requirement:** The Permittee shall obtain an Authority to Construct prior to installation and a Permit to Operate prior to operation, if needed oil drilling activities.

**Documentation:** An approved Authority to Construct and an approved Permit to Operate, if needed.

**Timing:** The Permittee shall submit the appropriate applications and supporting documentation to APCD for review and approval prior to operation.

**Monitoring and Reporting:** A copy of both the approved Authority to Construct and a Permit to Operate shall be maintained as part of the project file. Ongoing compliance with the requirements of the Permit to Operate shall be accomplished through field inspection by District Inspectors. (APCD-3)

**Exhibit 6**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**AND**

**CERTIFICATION OF THE**

**FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

**(STATE CLEARINGHOUSE NO. 2015021045)**

**for the**

**MIRADA PETROLEUM OIL AND GAS PROJECT**

**Case No. PL13-0158**

**(MODIFICATION OF CONDITIONAL USE PERMIT NO. 3543)**

**SECTION 1: GENERAL CEQA CONSIDERATIONS**

- A. **Project Description:** The changes in land use that comprise the “Project” evaluated in the FSEIR and referenced in this document include the following components:

The applicant requests that a modification of CUP No. 3543 be granted to authorize the continued operation and maintenance of the existing oil and gas exploration and production operation (Agnew lease area) for an additional 25-year period. The requested permit modification would also authorize the following project changes:

- a. The drilling of three new wells on the existing Agnew lease well pad. One new well is proposed to be drilled within five years of the effective date of the requested CUP modification approval. The other two wells are proposed to be drilled within 10 years of the effective date of the requested CUP modification approval. Drilling operations for each well would occur on a 24-hour, 7-day per week basis for up to several weeks.

- b. The re-drilling of one existing well located on the existing Agnew lease well pad. Drilling operations for this well would occur on a 24-hour, 7-day per week basis for up to several weeks.
- c. A change in the authorized access to the existing oil and gas facility during drilling and production operations. The current CUP authorizes access to the facility from a private road connected to Highway 150 at a point southwest of the site. This private roadway was destroyed by flooding in 1995. Since that time, Koenigstein Road has been used to service this oil production facility as there is no other access. Thus, the requested permit would authorize the use of Koenigstein Road for access to and from Highway 150 during drilling and production operations. A private driveway connected to Koenigstein Road would provide direct access to the drilling site.

Production operations will include trucking of produced oil and wastewater (brine) from the site to offsite oil refining and wastewater disposal facilities. The current CUP authorizes up to 12 tanker truck loads (24 one-way trips) of produced fluid to be exported from the site per week. It is proposed that this number be reduced to a maximum of 8 tanker truck loads (16 one-way trips) per week. All tanker truck operations would occur during daylight hours Monday through Saturday, between 7:30 am and 6:30 pm. For purposes of the requested CUP modification, the term "tanker truck" refers to any vehicle that is hauling produced fluids (including oil, drilling fluids and brine) to or from the site. During temporary drilling operations, it is anticipated that a few truck trips would occur per day to deliver drilling fluids (mainly water) to the site. A truck-mounted drilling rig would be moved onto the site and remain for a few weeks for each new well.

Although the current CUP does not limit the number of vehicle trips associated with maintenance and operation of production facilities, the applicant proposes to limit such traffic to 14 maintenance visits to the project site per week (i.e. 28 one-way trips). A standard pickup truck would be utilized to assist with the maintenance of the equipment associated with the oil and gas operation.

The proposed project does not include any removal of vegetation or substantial new grading. No new lighting is proposed. All proposed wells will be drilled on the existing Agnew lease pad.

The existing equipment on the project site includes the following:

- Three wells (Agnew 1, Agnew 2 and Agnew 3);
- One, 16-foot water high tank;
- Two, 7,000 gallon waste water tanks;

- Two, 13,000 gallon storage tanks (one waste tank & one oil tank);
- One barrel tank (out of service), and;
- Three vertical tanks ranging from 10-feet in height to 18-feet in height.
- A flare to incinerate produced gas

Hydraulic fracturing, acid well stimulation and other “well stimulation treatments”, as defined in Public Resources Code Section 3157, are not included in the proposed project. The use of any such well stimulation treatment as part of the project would require a subsequent discretionary modification of the CUP, additional environmental review under CEQA, and a public hearing.

**B. FSEIR Organization:** The Final Subsequent Environmental Impact Report (FSEIR) is one document comprising the FSEIR text and appendices thereto. The FSEIR text includes a description of the Project, potential environmental effects that would result from Project implementation, the mitigation measure required to address the one potentially significant impact identified as a consequence of Project implementation, and alternatives to the Project. The appendices to the FSEIR include figures, the Notice of Preparation (NOP) of the Subsequent Environmental Impact Report, letters of comment on the scope of the Subsequent Environmental Impact Report for the Project received during the NOP public comment period and the County response thereto, technical reports on which the analyses in the FSEIR are based, the 1983 Certified EIR for the Phoenix West Oil and Gas Company project, public comments on the Draft Subsequent Environmental Impact Report (DSEIR) prepared for the Project and responses thereto. These documents are included in the administrative record of proceedings for the Project as Exhibit 4 of the staff report for the public hearing before the Director of the Ventura County Resource Management Agency, Planning Division (Planning Director) at which the FSEIR was certified and the Project was approved by the County of Ventura (County) acting as the land use permitting authority and the lead agency for the implementation of the California Environmental Quality Act (CEQA). The Mitigation Monitoring and Reporting Program for the project is incorporated into the conditions of approval for modified Conditional Use Permit No. PL13-0158 and is adequate for adoption by the County pursuant to the California Environmental Quality Act (Public Resources Code [PRC] §21000 et seq. [CEQA]), and Section 15097 the CEQA Guidelines (Title 14, California Code Regulations, §15000 et seq. [CEQA Guidelines]).

**C. Reliance on the Administrative Record:** Each finding and determination contained herein is based on the competent and substantial evidence, both oral and written, contained in the administrative record of proceedings before the Planning Director relating to the FSEIR and the Project. The findings and determinations constitute the independent findings and determinations of the

Planning Director in all respects and are supported by substantial evidence in the record as a whole.

**D. Nature of the Findings:**

CEQA requires that for every potentially significant environmental effect identified in a final Environmental Impact Report ("EIR") prepared for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions, which include:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1)); or
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CEQA Guidelines § 15091(a)(2)); or
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (CEQA Guidelines § 15091(a)(3)).

**E. Limitations:** The Planning Director's analysis and evaluation of the Project is based on the best information currently available and reasonably feasible. In evaluating any project, absolute and exhaustive knowledge of all possible environmental impacts of the project does not always exist. CEQA does not require lead agencies to engage in speculation. This practical limitation is acknowledged in the CEQA Guidelines §15151, which states that "the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible."

**F. Summaries of Impacts, Facts and Mitigation Measure:** All summaries of information in the findings to follow are based on the FSEIR and other evidence contained in the administrative record of proceedings before the Planning Director. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact or substantial evidence that is otherwise included in the administrative record.

This document includes only as much detail as may be necessary to show the basis for the findings set forth. References to the FSEIR and other evidence have been made to identify the location of more precise information upon which any summary is based.

## **SECTION 2: ENVIRONMENTAL EFFECTS FOUND TO HAVE NO IMPACTS OR TO BE LESS-THAN-SIGNIFICANT**

No potentially significant environmental impacts are identified in the FSEIR in the issue areas listed in Table 1 below:

**Table 1 – No or Less-than-Significant Project-Specific and Cumulative Impacts**

<b>Resource, Facility, or Environmental Issue</b>	<b>Potentially Significant Project-Specific Impact?</b>	<b>Potentially considerable contribution to a Cumulative Impact?</b>
Air Quality	No	No
Traffic Circulation and Safety	No	No
Biological Resources	No	No
Climate Change	No	No
Water Resources	No	No

Because no potentially significant environmental impact in the issue areas listed in Table 1 above would result from implementation of the Project, no mitigation measures are required to address these issue areas.

## **SECTION 3: FINDING OF SUBSTANTIALLY LESSENE ENVIRONMENTAL EFFECT AFTER IMPLEMENTATION OF REQUIRED MITIGATION MEASURE [PRC §21081(a)(1); CEQA GUIDELINES §15091(a)(1)]**

One potentially significant environmental effect is identified in the FSEIR regarding the issue of short-term construction noise associated with the installation of the new and re-drilled oil and gas wells included in the Project. A mitigation measure has been developed and required which will avoid or substantially lessen this potentially significant effect such that the residual effect will be less than significant. The following mitigation measure is incorporated into the conditions of approval for modified Conditional Use Permit No. PL13-0158, and thus, adopted as part of the Mitigation Monitoring and Reporting Program for the Project. This measure is within the County's authority to implement.

**Project-Specific and Cumulative Impacts (FEIR Section 4.6):** The impacts of the Project on noise are discussed in the FSEIR at pages 58 through 63. Without mitigation, the Project could result in potentially significant temporary construction noise impacts on nearby noise sensitive receptors related to the Project's proposed oil well drilling operations.

**Mitigation Measure:** The FSEIR concludes that the project-specific and cumulative impacts of short-term construction noise can be feasibly mitigated by implementation of the following mitigation measure:

**Construction Noise Reduction:**

**Purpose:** To reduce project-related noise at sensitive receptors, temporary noise attenuation barriers shall be installed.

**Requirement:** A sound barrier shall be installed along the south and west edges of the drill site to preclude the direct transmission of noise from the drilling rig to sensitive receptors 2 and 3, as identified in the June 20, 2013 Noise Impact Assessment Report. The barrier shall extend from ground level to the height of the drilling rig floor (about 20 feet above ground level).

**Documentation:** The Permittee shall submit plans for a sound barrier to the County Planning Division for review and approval.

**Timing:** The Permittee shall obtain approval of the barrier plans prior to the issuance of the Zoning Clearance for Construction of each new well. The barrier shall be erected as part of rig move-in and shall be in place prior to the initiation of drilling activities.

**Monitoring:** The County Planning Division will review the submitted plans for the noise barrier for adequacy. The County Planning Division has the authority to inspect the facility to ensure compliance with this mitigation measure.

**Finding:** Pursuant to PRC §21081(a)(1) and CEQA Guidelines §15091(a)(1), the Planning Director hereby finds that the implementation of this mitigation measure will avoid or substantially lessen the Project's potentially significant effect regarding temporary construction noise, and that the residual effect in this issue area will be less than significant.

## **SECTION 4: NO SIGNIFICANT AND UNAVOIDABLE IMPACTS AFTER IMPLEMENTATION OF MITIGATION**

As discussed in Section 4.0 of the FSEIR, the Project will not result in any significant and unavoidable impact on the environment after adoption of the above-described mitigation measure regarding temporary construction noise. Thus, no statement of overriding considerations is required pursuant to CEQA Guidelines §15093.

## **SECTION 5: PROJECT ALTERNATIVES**

As discussed in Section 4.0 of the FSEIR, the Project will not result in any significant and unavoidable impact on the environment after adoption of the above-described mitigation measure. Thus, no findings regarding the feasibility of Project alternatives are required. [*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4<sup>th</sup> 477, 490]

## **SECTION 6: ADDITIONAL FINDINGS AND ACTIONS**

Based upon the analysis and information presented in the FSEIR, the information included in this document, and the entirety of the administrative record of proceedings, the Planning Director hereby makes the following additional findings and takes the following actions:

1. **FIND** that the proposed changes in the existing Mirada Petroleum Company oil and gas operation require the granting of a modified conditional use permit by the County of Ventura (County) and constitute a “project” under CEQA;
2. **FIND** that the County, as the CEQA lead agency for the Project, has prepared a Subsequent Environmental Impact Report (SEIR) to the Phoenix West Oil and Gas Company Project EIR that was certified by the County in 1983 for the subject oil and gas operation now operated by Mirada Petroleum Company, pursuant to Section 15162 of the CEQA Guidelines, in order to evaluate the potential environmental effects that could result from the proposed changes in the operation;
3. **FIND** that the County prepared a Notice of Preparation (NOP) for the SEIR dated February 19, 2015, and distributed the NOP for review and comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties, in compliance with CEQA and the CEQA Guidelines;
4. **FIND** that upon receipt of the NOP, the State Clearinghouse assigned Number 2015021045 to the SEIR;



5. **FIND** that the County conducted a publically-noticed scoping meeting on March 10, 2015, pursuant to Section 15082(c) of the CEQA Guidelines, and received public testimony concerning the scope of the environmental review of the Project to be included in the SEIR;
6. **FIND** that the County reviewed and considered the written and oral comments received in response to the NOP, including comments received at the March 10, 2015 public scoping meeting, and subsequently published a Notice of Availability (NOA) for a Draft SEIR (DSEIR) for the Project on April 29, 2015.
7. **FIND** that the County made the DSEIR available for public review and comment from April 30, 2015 through June 15, 2015;
8. **FIND** that the County prepared a Final SEIR for the Project (FSEIR) and made the FSEIR available for public review [on the County Website] on October 13, 2015, which includes responses to all comments received during the public review period for the DSEIR;
9. **FIND** that on September 23, 2015, the County mailed a Notice of Public Hearing at which the Planning Director would accept public testimony and consider whether to certify the FSEIR, grant the requested modified conditional use permit, approve the Project, take related actions, and make related findings. Said notice was mailed to owners of property located within 300 feet of the property on which the Project site is located, and was placed as a legal advertisement in the Ventura County Star. The notice was also sent by email correspondence and regular mail to interested persons who previously requested to be notified by the County regarding the CEQA document for the Project. Finally, the staff report for Planning Director hearing regarding the Project, as well as the FSEIR, were posted in their entirety on the County Planning Division website prior to said hearing;
10. **FIND** that on October 27, 2015, the Planning Director held the aforementioned, duly noticed public hearing to accept public testimony and consider whether to certify the FSEIR, grant the requested modified conditional use permit, approve the Project, take related actions, and make related findings at the Ventura County Government Center, Hall of Administration, Room 311, located at 800 South Victoria Avenue, Ventura, California;
11. **CERTIFY** that the Planning Director independently reviewed and considered the information contained in and pertaining to the FSEIR and supporting documents, including all appendices, maps, exhibits, testimony and written documents contained in the administrative record of proceedings;

12. **ADOPT** the Mitigation Monitoring and Reporting Program (Exhibit 6 of the Planning Director Staff Report, Condition of Approval No. 30) for the Project.
13. **FIND** that the County has eliminated or substantially lessened all potentially significant effects on the environment, and that no significant and unavoidable effects on the environment will remain upon implementation of the mitigation measure addressing temporary construction noise;
14. **CERTIFY** that:
  - a. The FSEIR has been completed in compliance with CEQA and the CEQA Guidelines.
  - b. The FSEIR was presented to the Planning Director and was independently reviewed and considered prior to approval of the Project.
  - c. The FSEIR reflects the Planning Director's independent judgment and analysis.
  - d. The Planning Director is the custodian of records for the FSEIR and all other documents comprising the administrative record of proceedings upon which the aforementioned decisions, actions, findings and certifications are based. The administrative record is on file and available for public review at the County's Planning Division, Resource Management Agency, located at 800 S. Victoria Street, L-1740, Ventura, California 93009.

ATTEST:

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Kimberly L. Prillhart, AICP  
Planning Director  
County of Ventura