FERGUSON CASE
ORR PATERSON LLP
ATTORNEYS AT LAW

Writer's Email:
nmaguire@fcoplaw.com

Reply to: Ventura Office

September 9, 2019

Via Email

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009
Email: clerkoftheboard@ventura.org

Re: *Item 35 of September 10, 2019 Agenda: Report Back and Seek Board Direction Regarding Potential Amendments to the County's Zoning Ordinances Regarding Oil and Gas Development; All Supervisorial Districts*

Dear Chair Bennett, Vice Chair Long, and Supervisors of the Board:

On behalf of Carbon California Company, LLC, we provide the following comments in response to the September 10, 2019, Board letter from County Counsel that purports to grant leeway to the Board of Supervisors to disregard vested mineral extraction rights. As the County Counsel's office itself repeatedly confirmed in prior analyses of the identical legal issues raised in the Board letter, so-called "antiquated" permits for oil and gas production vest rights to all existing and future mineral extraction authorized by the permit, subject only to the conditions imposed by those permits and to the narrow exceptions discussed in the 2014 memorandum attached as Exhibit 2 to the Board letter.

The Board Letter Intentionally Mischaracterizes County Counsel's 2014 Memorandum: As the Board letter recognizes, County Counsel already addressed the issue of vested rights in the oil and gas permitting context in 2013 and 2014. A December 2013, Board letter regarding hydraulic fracturing determined, "The County has only a limited ability to address antiquated

oilfield permits due to the vested rights doctrine and constitutional takings and due process principles." That complete letter, approved by County Counsel, is attached hereto since it has not been provided to the current Board in connection with this item.

Additionally, the 2014 memorandum from County Counsel that was disclosed to the current Board conclusively determined:

> "The County of Ventura's ('County') ability to impose new conditions on antiquated oilfield permits is very limited. Because of the vested rights doctrine and constitutional protections afforded these permits, the County can impose new, narrowly tailored conditions on these permits only when a compelling public necessity, such as danger, harm or public nuisance, or significant violations exist, and not through an ordinary exercise of the police power for the general welfare."

(Emphasis added.) The 2014 memorandum, citing the California Supreme Court, noted, "Once a landowner has secured a vested right the government may not, by virtue of a change in the zoning laws, prohibit construction authorized by the permit upon which he relied."

The 2014 memorandum further discussed, in some detail at pages 2-4 and again with citation to well-established law on the matter, why the so-called antiquated oilfield permits give rise to vested rights. Such rights arise when "a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government." It is disingenuous, at best, to assert in the Board letter that the memorandum did not actually address whether the "typical antiquated permits" "give rise to vested rights in and of themselves." As noted above, the 2014 memorandum squarely and thoroughly addressed this issue.

County Counsel further misinforms the Board of Supervisors by stating, at page 7 of its Board letter, that the 2014 memorandum did not address the County's authority to impose new requirements on new drilling within an existing permit area. Again, the 2014 memorandum hit this issue head on by citing the well-known case of *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 565-566. Conveniently, the current Board letter ignores this discussion in the 2014 memorandum.

In *Hansen Brothers*, the Court of Appeal considered a county's effort to restrict a mining operation. Rejecting the county's position there that the operator's future mining proposal mining constituted "an impermissible intensification of the [legal] nonconforming use," the Court of Appeal noted that the mining operator's vested right included not only its existing

operations but also the right to mine new areas of the property where the operator had the approval and intent to mine those future areas.

Applying *Hansen Brothers* to the analogous oil and gas operations that the Board now seeks to curb, an approved and vested special use permit vests rights not just to its already-installed wells and related infrastructure, but also to additional wells and infrastructure needed to complete the mineral extraction authorized by a vested permit. As the 2014 memorandum concluded, "for purposes of analyzing the scope of a vested right to operate a business, a business cannot be broken down into components and vested rights recognized for less than the entire business operation." (Emphasis added.)

The Board letter impermissibly attempts to piecemeal the rights vested by a use permit instead of recognizing that a permittee obtains rights to the entire scope of work authorized by a permit. The Board letter's newfound approach is inconsistent with *Hansen Brothers* and also belied by the County's own decades-long treatment of the so-called antiquated permits. First, the County has routinely required only confirmatory zoning clearances for additional wells under the antiquated permits. Second, the County has consistently and repeatedly stated that additional wells in furtherance of approved mineral extraction rights cannot be the subject of further discretionary review.

The Board Letter Intentionally Mischaracterizes the Scope of the Typical Antiquated Permit: In order to provide the needed cover that would allow the Board of Supervisors to amend the NCZO as proposed in Exhibit 3 to the Board letter, the Board letter contends that the antiquated permits are so general and vague so as to not constitute permits at all. Instead, the Board letter argues that the use permits are actually "analogous to general zoning designations," which designations, conveniently, do not generally vest rights. In support of its position, the Board letter cites only to a cherry-picked portion of a 1955 "typical" antiquated special use permit provided in Exhibit 1. A reading of the full 1955 permit undercuts the Board letter's position.

At the outset, note that the 1955 permit is itself discretionary in nature and was approved after hearings by both the County Planning Commission and the Board of Supervisors. The 1955 permit authorizes certain mineral extraction and, in turn, the requisite infrastructure for the extraction. Contrary to the misleading portrayal in the Board letter, however, the 1955 permit does not approve unfettered oil and gas production. For example, the permit authorizes drilling only below 4,700 ft. The permit specifically also precludes any processing, refining, packaging, and bulk storage on the property.[1]

[1] Note, too, that the 1955 permit provides a full description of the property and its environmental setting and makes findings regarding the suitability of the project in relation to adjacent land uses.

Moreover, the Board letter misleadingly omits any discussions of the substantial conditions within the 1955 permit. Those enumerated conditions:

1. Authorize drilling only on a certain tract of land, while conditions nos. 2 and 7 prohibit any mineral resource production on the northerly 200 ft. of the land or within 100 ft. of the Revlon Slough;

2. Require the removal of drilling equipment after a period of non-use;

3. Preclude debris basins, sumps, and similar items from being located next to certain uses such as schools; and

4. Require conformance with the County's Ordinance Code and the conditions therein as well as the requirements of the Regional Board and the United Water Conservation District.

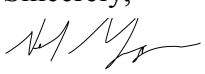
With regard to the referenced Ordinance Code, the County adopted in 1953 its Ordinance 504 (attached), which imposes additional requirements on oil and gas operators. Remarkably, the Board letter wholly ignores the detailed requirements of Ordinance 504, which of course contradict the Board letter's newfound position that the antiquated permits lack detail and are therefore only comparable to zoning designations. For example, while the Board letter contends that the 1955 permit lacks an expiration date, Ordinance 504 contains criteria for when a permit may expire (for example, if a producing well is not drilled within 12 months of approval or if wells are abandoned). It is not uncommon, let alone impermissible, to utilize expiration criteria in a permit rather than a specific expiration date. The use of such criteria does not somehow convert the 1955 permit into merely a zoning designation.

It is clear that certain members of the Board of Supervisors disfavor mineral resource production in Ventura County. It is equally clear that the County Counsel's office is disingenuously minimizing the scope of the 2014 memorandum and the 1955 permit in order to provide sufficient latitude for their desired policy outcome. As is clear from the full details of the 1955 permit, County Counsel's attempt to characterize the permit as merely akin to a zoning designation – instead of the thoroughly-considered, site-specific, fully-conditioned discretionary permit that it is – does not pass the constitutional bar that must be cleared to negate the vested rights granted by such a permit.

For the reasons above, we request that the Board refrain from taking any in furtherance of the proposed amendments to the NCZO. Please include me (via email) on any future public

noticing regarding this or any related matter.

Sincerely,



Neal Maguire

Attachments

Cc: Jane Farkas (via email)

county of ventura

COUNTY EXECUTIVE OFFICE
MICHAEL POWERS
County Executive Officer

J. Matthew Carroll
Assistant County Executive Officer

Paul Derse
Assistant County Executive Officer/
Chief Financial Officer

Catherine Rodriguez
Assistant County Executive Officer/
Labor Relations & Strategic Development

Kelly Shirk
Director Human Resources

December 17, 2013

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: **Receive Presentation and Report Back in Response to May 21, 2013 Board Direction Regarding the Hydraulic Fracturing of Oil and Gas Wells in Ventura County; and Direct Revisions be Made to the Conditional Use Permit Application/Questionnaire for Oil & Gas Exploration and Production Permits**

RECOMMENDATIONS:

It is recommended the Board:

1. Receive and file a presentation by County staff responding to the direction provided by the Board at its May 21, 2013 meeting regarding hydraulic fracturing of oil and gas wells in Ventura County.

2. Direct the Resource Management Agency to revise the Conditional Use Permit Application/Questionnaire for Oil and Gas Exploration and Production to include the following questions:

   1) Will hydraulic fracturing or acidization well stimulation treatments be performed? If yes,
   2) What hazardous materials will be used?
   3) What water supply will be used?
   4) Where will the liquid wastes be disposed?

FISCAL/MANDATES IMPACT:

Mandatory: No
Source of Funding: N/A

Funding Match: None
Impact on other Departments: None

DISCUSSION:

At your May 21, 2013 meeting, the Board of Supervisors directed the County Executive Officer, County Counsel, and the Resource Management Agency return to the Board with a number of items regarding the hydraulic fracturing and acidization of oil and gas wells in unincorporated Ventura County. The specific items were recommendations for a revision to the Conditional Use Permit Application Form/Questionnaire and legal analysis of: 1) the options available to address antiquated oil & gas permits, 2) potential for restrictions on the use of fresh water in oilfield operations, and 3) the County's ability to require the use of non- or least-toxic fracking chemicals. Each of these items is addressed below. However, it is important to note that a significant amount of activity took place in Sacramento after May 21, 2013, and it profoundly altered the regulatory and legal environment surrounding hydraulic fracturing, acidization, and other well stimulation treatments. The culmination of this State activity was the passage of Senate Bill 4 (Pavley – Chapter 313 – Statutes 2013) (SB 4). A copy of SB 4 is attached as Exhibit 1.

Before responding specifically to the Board's May 21, 2013 direction, it would be valuable to provide a brief summary of SB 4. Beginning on January 1, 2015, SB 4 requires that a permit from the Division of Oil, Gas and Geothermal Resources (DOGGR) be obtained prior to conducting hydraulic fracturing or other well stimulation treatments. The DOGGR permit application is required to include a significant amount of information, including but not limited to: 1) detailed information about the well location; 2) a description of the fluids to be used; 3) a groundwater monitoring plan; and 4) a water management plan. Moreover, copies of any approved permit must be sent to neighboring property owners and tenants, and water well testing must be provided upon request. Much of this information directly addresses the concerns raised by the Board, and this will be discussed in more detail below. Also, included as Exhibit 2 and Exhibit 3 are the "Senate Bill 4 Implementation Plan" and a "Frequently Asked Questions" document prepared by the Department of Conservation.

Revisions to the CUP Application Form/Questionnaire

On May 21, 2013, the Board of Supervisors directed the Resource Management Agency return to the Board with revisions to the Conditional Use Permit (CUP) application form that would address a number of questions related to hydraulic fracturing as a well stimulation treatment conducted in newly permitted wells located in the county's unincorporated area. It is recommended in the Board letter presented at the May 21, 2013 hearing that four specific questions be included in the application form, as follows:

1) Will hydraulic fracturing be performed?

2) What hazardous materials will be used?
3) What water supply will be used?
4) Where will the liquid wastes be disposed?

At the May hearing, the Board further directed that these questions be broadened to include well stimulation by acidization.

On September 20, 2013, Governor Brown signed SB 4, which established a regulatory framework for well stimulation treatment activities, including hydraulic fracturing and acidization. The directives outlined in SB 4 in some manner address all of the issues raised by the Board in its May 21, 2013 action, and it requires DOGGR to have rules and regulations in place by January 1, 2015. In addition, DOGGR is required to work in concert with other entities to complete a scientific study of well stimulation treatments by January 1, 2015. And finally, DOGGR is required to complete an environmental impact report that assesses the environmental impacts of oil and gas well stimulation treatments in the state by July 1, 2015.

SB 4 also includes provisions which address well stimulation treatment activities which might take place between January 1, 2014, when the law goes into effect, and January 1, 2015 when the new DOGGR permitting process is required to be in place. These "interim" provisions (referred to by DOGGR as "emergency regulations") require certain information be provided and actions taken by oil and gas well operators if well stimulation treatment activities are to take place prior to January 1, 2015. The required information and actions largely address the items identified by the Board in May 2013.

DOGGR has announced it will have its emergency regulations in place by January 1, 2014, to address the requirements of SB 4 during this interim period. These emergency regulations are expected to be released after the preparation of this Board letter, on December 13, 2013. Should the emergency regulations be released on that date, a copy will be provided to the Board and posted on the County web page with this Board letter.

The Public Resources Code sections being added by SB 4 are summarized here under the four specific issue areas raised by the Board:

1. Will hydraulic fracturing or acidization be performed?

> *§3160 (d) (1) "....prior to performing a well stimulation treatment on a well, the operator shall apply for a permit to perform a well stimulation treatment with the supervisor or district deputy."*

While the formal permitting process is not required to be in place until January 1, 2015, the law requires that operators notify and provide substantial information to

DOGGR prior to engaging in well stimulation treatment activities between January 1, 2014 and December 31, 2014.

2. What hazardous materials will be used?

§3160 (b) (1) (A) "....The rules and regulations shall include.... full disclosure of the composition and disposition of well stimulation fluids, including, but not limited to, hydraulic fracturing fluids, acid well stimulation fluids, and flowback fluids."

§3160 (b) (2) "Full disclosure of the composition and disposition of well stimulation fluids, including, but not limited to, hydraulic fracturing fluids and acid stimulation treatment fluids, shall, at a minimum, include:

(B) A complete list of the names, Chemical Abstract Service (CAS) numbers, and maximum concentration, in percent by mass, of each and every chemical constituent of the well stimulation treatment fluids used. If a CAS number does not exist for a chemical constituent, the well owner or operator may provide another unique identifier, if available.

(C) The trade name, the supplier, concentration, and a brief description of the intended purpose of each additive contained in the well stimulation treatment fluid."

Beginning January 1, 2014, operators are required to provide all of the above information to DOGGR prior to engaging in well stimulation treatment activities.

3. What water supply will be used?

§3160 (b) (2) "Full disclosure of the composition and disposition of well stimulation fluids, including, but not limited to, hydraulic fracturing fluids and acid stimulation treatment fluids, shall, at a minimum, include:

(D) The total volume of base fluid used during the well stimulation treatment, and the identification of whether the base fluid is water suitable for irrigation or domestic purposes, water not suitable for irrigation or domestic purposes, or a fluid other than water.

§3160 (d) (1) (C) "....The information provided in the well stimulation treatment permit application shall include....A water management plan that shall include:

(i) An estimate of the amount of water to be used in the treatment. Estimates of water that is to be recycled or that could be recycled following the well stimulation treatment may be included.

(ii) The anticipated source of the water to be used in the treatment.

The requirement to prepare a Water Management Plan, including the identification of the source and quality of the water used in the well stimulation treatment process, goes into effect on January 1, 2014.

4. Where will liquid wastes be disposed of?

§3160 (d) (1) (C) "....The information provided in the well stimulation treatment permit application shall include....A water management plan that shall include:

(iii) The disposal method identified for the recovered water in the flowback fluid from the treatment that is not produced water...."

§3160 (b) (2) (E) "....The information provided in the well stimulation treatment permit application shall include....the disposition of all water, including, but not limited to, all water used as base fluid during the well stimulation treatment and recovered from the well following the well stimulation treatment that is not otherwise reported as produced water..... Any repeated reuse of treated or untreated water for well stimulation treatments and well stimulation treatment-related activities shall be identified."

§3160 (b) (2) (F) "....The information provided in the well stimulation treatment permit application shall include.... the specific composition and disposition of all well stimulation treatment fluids, including waste fluids....."

The information requirements related to the composition and disposition of well stimulation treatment fluids also become operative on January 1, 2014.

Given the above provisions of State law, it appears that beginning January 1, 2014 all of the information the Board action sought through future CUP applications will be required by DOGGR of <u>all</u> existing and proposed oil wells in Ventura County prior to conducting hydraulic fracturing, acidization, or other well stimulation treatment activities. Since July of this year, DOGGR staff has been providing copies of each "Notice of Intent" filed by oil and gas operators for the drilling or modification of oil and gas wells located in Ventura County to the Resources Management Agency, Planning Division. These Notices have been provided to the County within a day of submittal to DOGGR. County staff has reviewed these notices to ensure that the proposed action is consistent with the conditions of approval of any applicable CUP (there is currently only one CUP which prohibits hydraulic fracturing within its 11 wells). This process provides the Planning Division a timely opportunity to notify DOGGR of activities (such as hydraulic fracturing) that are not authorized by the Conditional Use Permit (CUP) governing the well in question.

However, SB 4 does not require this information be provided to the County or DOGGR as part of an application for a CUP to install <u>new</u> oil wells. Thus, it would be reasonable and appropriate at this time for the County to include these four questions in its Oil and Gas Permit Application Form. Gathering this information as part of the application will not only provide information for public noticing purposes prior to the CUP hearing, but also provide information needed for the County to conduct the required environmental review under the California Environmental Quality Act (CEQA) utilizing the *Water Resources* and *Hazardous Materials/Waste* sections of the County's Initial Study Checklist.

Until DOGGR develops the permitting process and regulations, it is not possible to know for certain what County CUP conditions should contain or address. For example, the County is preempted from adopting its own regulations with respect to well casings and well stimulation treatment fluids, but DOGGR may delineate notice duties for the County that can be implemented through permit conditions. In addition, until DOGGR completes the associated environmental impact report required under SB 4, there will be a question regarding the appropriate environmental review of hydraulic fracturing and acidization well stimulation treatments that might need to be prepared by the County to address proposed discretionary oil and gas projects. Therefore, it may be necessary to re-evaluate the County's CUP application questions in 2015 after the implementation of the new DOGGR permitting process mandated under SB 4.

Finally, the Board may be interested in the current status of oil permitting activities in the County. Since the Board's May 21, 2013 action, three CUP applications for new oil and gas wells have been submitted. This brings to five the number of oil and gas projects, involving a total of 40 wells, currently under review by the Planning Division. Although not yet part of the formal CUP application packet, the Planning Division has asked the applicants to indicate whether or not they intend to utilize hydraulic fracturing stimulation treatments in their operations. All four of the applicants have indicated that their projects do not include hydraulic fracturing well stimulation. However, one of these applicants has indicated that hydraulic fracturing may be considered in the future once the new State regulations are in place. The Planning Division did not initially ask for information related to acidization as there was a lack of clarity at the State as to what level of acidization constituted well stimulation as defined in SB 4. DOGGR has recently released information in its draft regulations which addresses this issue and Planning staff now intends to request the information from these applicants.

Confidential Legal Analysis of Antiquated Permits, Water, and Chemical Toxicity

At the May 21, 2013 meeting, the Board also directed the County Counsel to provide the Board with a confidential legal analysis of three questions regarding the County's ability to regulate oil and gas operations including aspects of hydraulic fracturing and other well stimulation treatments. County Counsel has provided the Board with memoranda addressing these questions which are recommended to remain confidential. The Board's questions are set forth below along with the County Counsel's conclusions regarding each.

1. What options are available to the County to address antiquated oilfield CUPs that do not require discretionary review for new drilling, and/or do not incorporate current ordinance requirements, and/or do not provide time limits?

Conclusion: The County has only a limited ability to address antiquated oilfield permits due to the vested rights doctrine and constitutional takings and due process principles. The County's options to modify antiquated oilfield permits consist of imposing: 1) permit changes that are reasonably related to a permittee's request for modification of an existing permit; 2) limited permit changes based on the establishment by the County of harm, danger or nuisance caused by a permitted activity; 3) limited permit changes based on the establishment by the County of a permittee's significant violations of law or permit conditions; and 4) specific permit changes contemplated by existing conditions in the permit. In addition, a permit could be revoked if its operations constitute a nuisance and imposition of conditions to eliminate the nuisance is not feasible.

2. May the County restrict the use of fresh water or require the use of non-fresh water when discretionary permits are issued for oil and gas well drilling or operation?

Conclusion: No. Restricting the use of fresh water or requiring the use of non-fresh water, to the extent it was applied to an operator's well stimulation treatments such as hydraulic fracturing, would likely conflict with extensive State law providing DOGGR, together with other State agencies including the State Water Resources Control Board, exclusive jurisdiction over the down-hole/subsurface aspects of oil and gas operations and over the surface and subsurface aspects of the composition of well stimulation treatment fluids under SB 4.

3. May the County require the use of non-toxic or least-toxic hydraulic fracturing chemicals?

Conclusion: No. Because of State law preemption resulting from existing State law and SB 4, the County is precluded from requiring the use of non-toxic and least-toxic well stimulation treatment fluids, including hydraulic fracturing fluids, since well stimulation treatments and the fluids used for the treatments are within the exclusive jurisdiction of DOGGR and other State agencies.

Conclusion/Summary

Since the Board action on May 21, 2013, directing staff to return with the analysis and information in this Board letter, the legislature passed and Governor Brown signed SB 4, which establishes a comprehensive regulatory and permitting framework for well stimulation activities. These regulations, being developed by DOGGR, will be among the most protective in the nation. The requirements within SB 4 fundamentally address the technical issues raised by the Board in May. They also address the notification and monitoring issues previously discussed by the Board and raised by county residents.

The legal analysis provided by County Counsel indicates that the County is largely pre-empted from actively regulating well stimulation treatment activities at both new and existing wells. However, the County is required under CEQA to assess and address the potential environmental impacts from such activities requiring a discretionary County

approval at proposed new well sites. Therefore, it is recommended that the Board direct the Resource Management Agency to add the following four questions to the CUP application questionnaire for proposed new Oil and Gas Exploration and Production permits:

1) Will hydraulic fracturing or acidization well stimulation treatments be performed?
2) What hazardous materials will be used?
3) What water supply will be used?
4) Where will the liquid wastes be disposed?

This item has been reviewed by the County Executive Office, County Counsel, and the Resource Management Agency. If you have questions concerning this item, please contact Sue Hughes, Deputy Executive Officer, at (805) 654-3836 or Chris Stephens, Director, Resource Management Agency at (805) 654-2661.

Sincerely,

Sue Hughes
Deputy Executive Officer

Chris Stephens
Resource Management Agency Director

Leroy Smith
County Counsel

Exhibit 1: SB 4 (Pavley – Chapter 313 – Statutes 2013)
Exhibit 2: Senate Bill 4 Implementation Plan
Exhibit 3: Frequently Asked Questions

Newbie

ORDINANCE NO. 504

AN ORDINANCE AMENDING SECTIONS 8161 AND 8182, AND ADDING SECTIONS 8182.4, 8182.41, 8182.411, 8182.412, 8182.413, 8182.414, 8182.415, 8182.416, 8182.417, 8182.418 AND 8182.42 TO THE VENTURA COUNTY ORDINANCE CODE.

The Board of Supervisors of the County of Ventura do ordain as follows:

SECTION I.

Section 8161 of said Code is amended to read as follows:

Sec. 8161 - "A-1" Agricultural Zone. Any use whatsoever is permitted, provided, however, that any use listed under Section 8143, "M-2" Heavy Manufacturing Zone, before being erected, located or inaugurated shall be reviewed by the Planning Commission in exactly the same manner provided in Article 8 of this Chapter for Special Use Permits, and a Special Use Permit obtained from the Board of Supervisors.

SECTION II.

Section 8182 of said Code is amended to read as follows:

Sec. 8182 - Special Use Permits. All of the following, and all materials directly related thereto are declared to be Special Uses and authority for the location and operation thereof shall be considered by the Commission acting in an advisory capacity to the Board. Except as provided in Section 8182.4, recommendations made by the Commission with respect to the issuance of Special Use Permits for such uses shall be subject to approval by the Board in the manner provided for amendments in Sections 8122 through 8122.7. This declaration is based on the fact that all of the uses herein enumerated possess characteristics of unique and special forms as to make practical their being included automatically in any classes of use as set forth in the various zones herein defined.

plates made
delivered to
Pub. Agt 6/4/53

SECTION III.

Sections 8182.4, 8182.41, 8182.411, 8182.412, 8182.413, 8182.414, 8182.415, 8182.416, 8182.417, 8182.418 and 8182.42 are added to said Code to read as follows:

Sec. 8182.4 - Oil and Gas Production. Upon application for Special Use Permits for the production of oil, gas and other hydrocarbon substances within the areas shown on a map of Ventura County as being areas in which oil and gas permit requirements are modified, (identified as "Supplement No. 1, Zoning Map of the County of Ventura, State of California") which map is attached hereto and made a part hereof, any requirement for public hearings or public notices, as otherwise required by this Code, is waived and Special Use Permits shall be issued directly by the Secretary of the Ventura County Planning Commission, provided the application for such Special Use Permit is accompanied by a letter from the Ventura County Surveyor stating that the issuance of such permit would not be detrimental to any existing or proposed flood control or water supply system and that no public hearing on the matter is desired, and provided also that the applicant does not request in writing that the procedure otherwise prescribed in this Code for Special Use Permits be followed.

Sec. 8182.41 - A Special Use Permit so issued by the Secretary of the Planning Commission shall be for the following purposes:

Drilling for and extraction of oil, gas and other hydrocarbon substances and installing and using buildings, equipment, and other appurtenances accessory thereto, including pipelines, but specifically excluding processing, refining and packaging, or bulk storage or any other use specified in this Code as requiring review and Special Use Permit, and any such Special Use Permit issued by the Secretary of the Planning Commission shall be subject to all other applicable provisions of this chapter and also to the following conditions:

Sec. 8182.411 - The permit is issued for the land as described in the application which lies within the modified areas,

Sec. 8182.412 - The permit is limited to the duration of the ownership or lease of the subject property by the permittee, or his successors, and shall expire when the permittee, or his successors, relinquishes said ownership or lease or the right to develop said property in the manner described in the application or when said ownership or lease is otherwise terminated,

Sec. 8182.413 - The permit as issued may be transferred to another owner or lessee, provided the Planning Commission is so notified in writing within ten days of the date of such transfer,

Sec. 8182.414 - Upon expiration of this permit or abandonment by the applicant, or the abandonment of any well or other facility, the premises shall be restored by said applicant to the conditions existing prior to the issuance of said permit, as nearly as practicable so to do,

Sec. 8182.415 - If a producing well is not secured within twelve months from the date of issuance of the permit, said permit shall expire and the drilling of said well shall be abandoned and the premises restored to its original condition as nearly as practicable so to do, provided however, that if an oil well is being drilled at the time of such expiration, then upon application by the holder of the permit, the Secretary of the Ventura County Planning Commission shall extend the permit for a period not to exceed six months,

Sec. 8182.416 - Fire fighting equipment as approved by the Ventura County Fire Warden shall be maintained on the premises at all times during the drilling and production operations,

Sec. 8182.417 - Suitable and adequate sanitary toilet and washing facilities, approved by the Ventura County Health Department, shall be installed and maintained in a clean and sanitary condition at all times,

Sec. 8182.418 - No wells shall be drilled and no earthen sumps or other collection facilities of any kind shall be made or used within five hundred (500) feet of any existing dwelling, except dwelling or dwellings owned by the lessor or lessee of the mineral rights to the land upon which the well is being drilled,

Sec. 8182.42 - The Planning Commission shall prescribe the form in which such applications are made and may prepare and provide blanks for such purpose and may prescribe the type and kind of information to be provided by the applicant and the number of copies thereof, and also the form in which the permit is issued. The filing fee of twenty-five ($25.00) dollars and all other requirements for special use permits, as stated in this Code, shall apply.

PASSED, APPROVED AND ADOPTED this the 26th day of May, 1953.

L. A. Price

L. A. Price, Chairman of the Board of Supervisors, County of Ventura, State of California.

ATTEST:

L. E. Hallowell, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Ventura, State of California.

By: Shirley Weeks
Deputy Clerk