



Memorandum

County of Ventura • Resource Management Agency • Planning Division

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DATE: May 26, 2015
TO: The Honorable Planning Commission
FROM: Brian R. Baca, Commercial Permits Manager *BRB*
SUBJECT: PL13-0150, Response to Public Comment

Planning Staff received a letter from Jeff Kuyper dated February 11, 2015 regarding the California Resources Corporation (CRC, formerly known as Vintage Petroleum) conditional use permit (CUP) modification request (Case No. PL13-0150) that has been under review by the County of Ventura (see attached). In the letter, it is requested that either the PL13-0150 application be nullified or that any modified CUP granted be nullified because of the "presence of several ongoing violations at this facility." Provided below are specific responses to the comments provided, numbered in correspondence with the attached marked copy of the February 11, 2015 letter.

Responses:

1. The referenced section of the Non-Coastal Zoning Ordinance (NCZO) and Section 8101-3.2 of the NCZO generally prohibit the processing of an application for, or the granting of, a new permit on a lot where an outstanding violation has been confirmed to exist. In this case, a Notice of Violation has not been issued for the CRC facility that is the subject of the PL13-0150 application.

In any case, Section 8111-2.2.f of the NCZO allows the processing of a permit application and the granting of a permit if such action would serve to abate identified violations. For example, the issues of equipment screening are addressed in the recommended conditions of approval. Similar to the current permit, the level of screening required will be determined at the discretion of the Planning Director.

2. CRC submitted an application for a modification of CUP 3344 to authorize the continued use of the oil and gas facility, and to authorize the drilling of 19 new wells. The application submitted by CRC was determined by the Planning Division to be adequate for processing.
3. According to the records made available to Mr. Kuyper, the County Planning Division conducted a "compatibility review" of the subject oil and gas facility in 2003. By letter dated March 20, 2003, the Planning Division determined that:

"Seneca is in compliance with the Conditions of Approval of the permit, the use is consistent with the findings of approval of the parent permit, and the use remains compatible with the surrounding uses."

As recognized in the LPFW letter, Vintage Petroleum purchased the Ferndale Lease from Seneca in 2008. At that time, Vintage paid a Condition Compliance fee to the County Planning Division and signed a Reimbursement Agreement to fund any County compliance reviews. However, there is no record of a formal compliance review being conducted by the County since 2003. However, the access roads and Drillsites 1, 2, 3 and 7 had already been constructed more than a decade earlier and were in use. According to DOGGR records, the last three of the 17 existing permitted wells at this facility were drilled in 1990. Thus, no substantial changes in the facility have occurred in the past 25 years, including the 12 years since the last formal compliance review.

Given the current discretionary action under consideration by the County, the next compliance review will occur after the final action by the County on the requested modified CUP.

4. All project related construction had occurred by 2003. The County Planning Division determined in 2003 (refer to response to comment 3 above) that the facility was being operated in compliance with the conditions of approval. No evidence of a violation of Condition of Approval #6 of CUP 3344 is provided in this comment.
5. The condition of approval requiring notification of Thomas Aquinas College of site preparation or drilling has been included in the recommended conditions of approval for the requested modified conditional use permit. No formal complaint has been filed with the Planning Division regarding a lack of compliance with this condition. A representative of Thomas Aquinas College has indicated in writing that the College administration has no objection to the requested modified CUP.

In any case, the abatement of a "lack of notice" violation would involve the operator providing the required notification in the future. All documentation of the past "rework" events is currently available to college representatives as the records are maintained as a public record on the DOGGR Well Finder website. Furthermore, recently adopted State regulations also require notice to surrounding property owners prior to the conduct of certain well stimulation activities.

6. The painting of oil field facilities is required to minimize the contrast between these facilities and the surrounding vegetated areas. Given that the hillsides may be green in the springtime (based on rainfall) and tan the majority of the year, it is not possible to have the equipment painted to match the color of the surrounding landscape at all times.
7. County staff informed representatives of CRC of the graffiti. CRC staff informed the Planning Division that the graffiti had been removed. Note that the placement of graffiti on the project site requires an illegal act of trespass. No

hazardous or unsightly conditions resulting from the operation of the oil and gas facility have been identified.

8. County staff also observed the gate to be unlocked and informed representatives of CRC. CRC staff informed the Planning Division that the gate has been locked and the site secured.
9. A landscaping maintenance condition of approval is included in the requested permit. This condition of approval is consistent with a similar condition included in the previous permit (CUP 3344). In each case, the drillsites are to be screened from public views *"to the extent the Planning Director determines is reasonably feasible."*

The commenter is correct in that there is currently no screening of the views of Drillsite #7 or the existing oil well pumping units in operation on this site. However, given the narrow corridor where the public trail exists, full screening of Drillsite #7 would obscure views of the natural hillsides above the drillsite and could create a "tunnel effect" along the interim public trail. Full slats incorporated into the fencing would create a potential "graffiti wall." The Planning Director will determine the ultimate design of the required landscaping and screening measures that will minimize visual effects. The vegetation included in the required landscaping will be comprised of native species.

10. The landscaping plan required pursuant to the recommended conditions of approval must be prepared in accordance with the County's Landscape Guidelines. These Guidelines allow for the County to require a surety (i.e. a bond) to guarantee installation of required plantings if done after the issuance of a zoning clearance. Regardless of whether a landscape bond is required, any non-compliance with landscaping requirements would be subject to the issuance of a Notice of Violation, imposition of civil penalties and other enforcement actions.
11. The access road between drill sites 1 and 2 was improved many years ago. No grading is now required to alter this road.
12. The paving of Drill Sites Nos. 1 and 7 required under condition of approval #66 of CUP 3344 has not occurred. Thus, the facility is not in conformance with this requirement of CUP 3344. This non-conformance would be eliminated with the granting of the requested modified CUP. In this case, potential adverse effects on water resources (surface and groundwater) would be exacerbated by paving of the drillsites according to Certified Hydrogeologist Brian R. Baca (CHG 398). The sites are underlain by bedrock and not unconsolidated sand or gravel aquifers. This is recognized in current State stormwater regulations that seek to minimize the area of impervious surfaces to reduce runoff from and maximize water infiltration on developed properties. The proposed project does not involve

any substantial changes in the runoff characteristics of any of the existing facilities.

13. Each oil and gas facility is required by State law to have a Spill Prevention Control and Countermeasure (SPCC) Plan. These SPCC plans are subject to review and approval by the California Division of Oil and Gas and Geothermal Resources (DOGGR). The County Planning Division works in coordination with DOGGR on oil and gas projects. Each approved SPCC plan is available to the County Planning Division. According to DOGGR (Bruce Hesson, pers. Comm., 2-26-15), the SPCC for the subject Vintage Petroleum operation has been approved.
14. Refer to response to comment above. The design and maintenance of the pipelines would be addressed in the SPCC plan as approved by DOGGR. The referenced measure from the 1978 MND is not a condition of approval included in the current permit (CUP 3344) for the Vintage facility.
15. Condition of Approval No. 50 of CUP 3344 states that:

"The Permittee shall cooperate with Thomas Aquinas College, the Ferndale Ranch (or their successors in interest) and the U.S. Forest Service to establish a permanent hiking trail in the Santa Paula Canyon. In the meantime, the permittee shall reconstruct and maintain a temporary hiking trail in the vicinity of Drill Site Nos. 1 and 7. In no case shall the oil operations obstruct the hiker's access to Santa Paula Canyon. "

This condition of approval constitutes the method that the County Board of Supervisors chose to address the issue of a hiking trail in Santa Paula Canyon. It requires only that the permittee "cooperate" with the other listed entities in the establishment of a permanent trail. There is no timeframe or allocation of costs specified in this condition. The permittee (Vintage-CRC) continues to maintain the temporary trail in the vicinity of Drillsites 1 and 7 and is in compliance with the above condition.

16. The issue raised in this comment refers to State regulations enforced by DOGGR. They do not relate to compliance with the current permit (CUP 3344) or the requested modified permit (CUP PL13-0150). Thus, no specific response is required.
17. Refer to responses to comments 1 through 16 above.

Attachment:

- 1- Letter from Jeff Kuyper to Kim Prillhart dated February 11, 2015