

ORDINANCE NO. 4548

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA,
REPEALING AND REENACTING DIVISION 8, CHAPTER 1, SECTION 8107-5 OF
THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING
ORDINANCE, REGULATING OIL AND GAS EXPLORATION AND PRODUCTION**

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1

Section 8107-5 of chapter 1 of division 8 of the Ventura County Ordinance Code is hereby repealed and re-enacted to read as follows:

Sec. 8107-5 - Oil and Gas Exploration and Production

Sec. 8107-5.1 - Purpose

The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for oil and gas exploration and production operations within the non-coastal portions of the unincorporated area that will allow for the reasonable use of important resources. The regulations in this section shall also ensure that development activities will be conducted in harmony with other land uses and that the rights of surface and mineral owners are balanced.

Sec. 8107-5.2 - Application

Section 8107-5 shall apply to all oil and gas exploration and production operations, as provided herein:

- a. All existing oil and gas exploration and production operations are subject to the oil development operational standards set forth in Section 8107-5.6 to the extent: (i) such standards impose greater restrictions than those set forth in existing permit conditions, laws, or regulations applicable to the operation, and (ii) application of such standards does not impair any vested right of an operator under California law.
- b. The oil development design guidelines set forth in Section 8107-5.5 and oil development operational standards set forth in Section 8107-5.6 shall be utilized to evaluate consistency of proposed development with this Chapter and to develop conditions of approval for all new, adjusted and modified discretionary permits authorizing oil and gas exploration and production operations.
- c. Notwithstanding any provision set forth in Article 13 of this Chapter, a new Conditional Use Permit, or a discretionary permit adjustment or modification, as applicable, is required under this Chapter to authorize any new oil and gas exploration and production operation, or component thereof, including but not limited to: (1) the drilling of any new well unless specifically identified by location and number in an active discretionary permit issued under this Chapter; (2) the re-drilling or deepening of any existing well unless specifically authorized by an active discretionary permit issued under this Chapter; or (3) the installation of any permanent structure unless the structure is specifically identified by an active discretionary permit issued under this Chapter or unless the structure replaces an

existing structure with the same dimensions at the same location. This subsection (c) does not apply to maintenance and repair activities.

- d. The provisions of Section 8107-5 shall apply to oil and gas operations upon federally owned lands. Pursuant to the provisions of the Mineral Leasing Act of 1920 (30 U.S.C. Section 181 et seq.), operations conducted on federally owned lands do not require issuance of a land use development permit from the County; however, the review and permitting of such projects by federal agencies should take into account the provisions of Section 8107-5.

Sec. 8107-5.3 - Definitions

Unless otherwise defined herein, or unless the context clearly indicates otherwise, the definition of petroleum-related terms shall be that used by the California Geologic and Energy Management Division (CalGEM).

Sec. 8107-5.4 - Required Permits

a. No oil or gas exploration or production related use may commence without or be inconsistent with a Conditional Use Permit approved pursuant to this Chapter. Furthermore, a Zoning Clearance must be obtained by the permittee to confirm consistency with this Chapter and Conditional Use Permit prior to drilling every well, commencing site preparation for such well(s), or installing related appurtenances, as defined by the Planning Director.

b. A single Zoning Clearance may be issued for more than one well, drill site, structure or appurtenance; however, the construction or installation of each separate improvement must commence within 180 days of issuance. All well drilling conducted under a single Zoning Clearance must be completed within one year of permit issuance.

c. Possession of an approved Conditional Use Permit and Zoning Clearance shall not relieve the operator of the responsibility of securing and complying with any other permit which may be required by other County ordinances, or state or federal laws. No condition of a Conditional Use Permit for uses allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. When more than one set of rules apply, the stricter one shall take precedence.

Sec. 8107-5.5 - Oil Development Design Guidelines

The general oil development design guidelines that follow shall be used in the evaluation of projects and development of conditions which will help ensure that oil development projects generate minimal negative impacts on the environment. The guidelines shall be applied whenever physically and economically feasible and practicable, unless the strict application of a particular guideline would otherwise defeat the intent of other guidelines. An applicant should use the guidelines in the design of the project and anticipate their use as potential permit conditions, unless the applicant can demonstrate that they are not feasible or practicable. More restrictive requirements may be imposed on a project through the conditions of the permit.

Sec. 8107-5.5.1

Permit areas and drill sites should generally coincide and should only be as large as necessary to accommodate typical drilling and production equipment.

Sec. 8107-5.5.2

The number of drill sites in an area should be minimized by using centralized drill sites, directional drilling and other techniques.

Sec. 8107-5.5.3

Drill sites and production facilities should be located so that they are not readily seen.

Sec. 8107-5.5.4

Permittees and operators should share facilities such as, but not limited to, permit areas, drill sites, access roads, storage, production and processing facilities and pipelines.

Sec. 8107-5.5.5

The following guidelines shall apply to the installation and use of oil and gas pipelines:

- a. Pipelines should be used to transport petroleum products off-site to promote traffic safety and air quality.
- b. The use of a pipeline for transporting crude oil may be a condition of approval for expansion of existing processing facilities or construction of new processing facilities.
- c. New pipeline corridors should be consolidated with existing pipeline or electrical transmission corridors where feasible, unless there are overriding technical constraints or significant social, aesthetic, environmental or economic reasons not to do so.
- d. When feasible, pipelines shall be routed to avoid important resource areas, such as recreation, sensitive habitat, geological hazard and archaeological areas. Unavoidable routing through such areas shall be done in a manner that minimizes the impacts of potential spills by considering spill volumes, durations, and projected paths. New pipeline segments shall be equipped with automatic shutoff valves, or suitable alternatives approved by the Planning Director, so that each segment will be isolated in the event of a break.
- e. Upon completion of pipeline construction, the site shall be restored to the approximate previous grade and condition. All sites previously covered with native vegetation shall be reseeded with the same or recovered with the previously removed vegetative materials, and shall include other measures as deemed necessary to prevent erosion until the vegetation can become established, and to promote visual and environmental quality.

Sec. 8107-5.5.6

Cuts or fills associated with access roads and drill sites should be kept to a minimum to avoid erosion and visual impacts. They should be located in inconspicuous areas, and generally not exceed ten vertical feet. Cuts or fills should be restored to their original grade once the use has been discontinued.

Sec. 8107-5.5.7

Gas from wells should be piped to centralized collection and processing facilities, rather than being flared, to preserve energy resources and air quality, and to reduce fire hazards and light sources. Oil should also be piped to centralized

collection and processing facilities, in order to minimize land use conflicts and environmental degradation, and to promote visual quality.

Sec. 8107-5.5.8

Wells should be located a minimum of 800 feet from occupied sensitive uses. Private access roads to drill sites should be located a minimum of 300 feet from occupied sensitive uses, unless this requirement is waived by the occupant.

Sec. 8107-5.5.9

Oversized vehicles should be preceded by lead vehicles, where necessary for traffic safety.

Sec. 8107-5.5.10

Lighting should be kept to a minimum to approximate normal nighttime light levels.

Sec. 8107-5.5.11

In the design of new or modified oil and gas production facilities, best accepted practices in drilling and production methods should be utilized, if capable of reducing factors of nuisance and annoyance.

Sec. 8107-5.6 - Oil Development Operational Standards

The following are minimum operational standards and requirements which shall be applied pursuant to Sec. 8107-5.2. More restrictive requirements may be imposed on a project through the conditions of the permit. Measurements are taken from the outside perimeter of the noise receptors noted below:

Sec. 8107-5.6.1 - Setbacks

No well shall be drilled and no equipment or facilities shall be permanently located within:

- a. 100 feet of any dedicated public street, highway or nearest rail of a railway being used as such, unless the new well is located on an existing drill site and the new well would not present a safety or right-of-way problem. If aesthetics is a problem, then the permit must be conditioned to mitigate the problem.
- b. 500 feet of any building or dwelling not necessary to the operation of the well, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall the well be located less than 100 feet from said structures.
- c. 500 feet of any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall any well be located less than 300 feet from said structures.
- d. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Watershed Protection District (VCWPD), and 100 feet from the existing banks of all other channels appearing on the most current United States Geologic Services (USGS) 2,000' scale topographic map as a blue line. These setbacks shall prevail unless the permittee can demonstrate to the satisfaction of the Public Works Agency that the subject use can be safely located nearer the stream or channel in question without posing an undue risk of water pollution, and impairment of flood control interests. In no case shall setbacks from streams or channels

be less than 50 feet. All drill sites located within the 100-year flood plain shall be protected from flooding in accordance with VCWPD requirements.

- e. The applicable setbacks for accessory structures for the zone in which the use is located.
- f. 100 feet from any marsh, small wash, intermittent lake, intermittent stream, spring or perennial stream appearing on the most current USGS 2000' scale topographic map, unless a qualified biologist, approved by the County, determines that there are no significant biological resources present or that this standard setback should be adjusted.

Sec. 8107-5.6.2 - Obstruction of Drainage Courses

Drill sites and access roads shall not obstruct natural drainage courses. Diverting or channeling such drainage courses may be permitted only with the authorization of the Public Works Agency.

Sec. 8107-5.6.3 - Removal of Equipment

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 unless a time extension is approved by the Planning Director.

Sec. 8107-5.6.4 - Waste Handling and Containment of Contaminants

Oil, produced water, drilling fluids, cuttings and other contaminants associated with the drilling, production, storage and transport of oil shall be contained 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. Appropriate permits, permit modifications or approvals must be secured when necessary, prior to treatment or re-use of oil field waste materials. The permittee shall furnish the Planning Director with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters. The plan shall be consistent with requirements of County, state and federal laws.

Sec. 8107-5.6.5 - Securities

Prior to the commencement or continuance of drilling or other uses on an existing permit, the permittee shall file, in a form acceptable to the County Counsel and certified by the County Clerk, 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. Any operator may, in lieu of filing such a security for each well drilled, re-drilled, produced or maintained, file a security in the penal amount of not less than \$10,000.00 to cover all operations conducted in the County of Ventura, a political subdivision of the State of California, conditioned upon the permittee well and truly obeying, fulfilling and performing each and every term and provision in the permit. In case of any failure by the permittee to perform or comply with any term or provision thereof, 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 expense or liability suffered by the County of Ventura from any breach by permittee of any term or condition of said permit or of any applicable ordinance or

of this security. No security shall be exonerated until after all the applicable conditions of the permit have been met.

Sec. 8107-5.6.6 - Dust Prevention and Road Maintenance

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.

Sec. 8107-5.6.7 - Light Emanation

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.

Sec. 8107-5.6.8 - Reporting of Accidents

The permittee shall immediately notify the Planning Director and Fire Department and all other applicable agencies in the event of fires, spills, or hazardous conditions not incidental to the normal operations at the permit site. Upon request of any County Agency, the permittee shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent recurrence of the incident.

Sec. 8107-5.6.9 - Painting

All permanent facilities, structures, and aboveground 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.

Sec. 8107-5.6.10 - Site Maintenance

The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions such as debris; pools of oil, water, or other liquids; weeds; brush; and trash. Equipment and materials may be stored on the site which are appurtenant to the operation and maintenance of the oil well located thereon. If the well has been suspended, idled or shut-in for 30 days, as determined by CalGEM, all such equipment and materials shall be removed within 90 days.

Sec. 8107-5.6.11 - Site Restoration

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

Sec. 8107-5.6.12 - Insurance

The permittee shall maintain, for the life of the permit, 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. This requirement does not preclude the permittee from being self-insured.

Sec. 8107-5.6.13 - Noise Standard

Unless herein exempted, drilling, production, and maintenance operations associated with an approved oil permit shall not produce noise, measured at a point outside of occupied sensitive uses such as residences, schools, health care facilities, or places of public assembly, that exceeds the following standard or any other more restrictive standard that may be established as a condition of a specific permit. Noise from the subject property shall be considered in excess of the standard when the average sound level, measured over one hour, is greater than the standard that follows. The determination of whether a violation has occurred shall be made in accordance with the provisions of the permit in question.

Nomenclature and noise level descriptor definitions are in accordance with the Ventura County General Plan Goals, Policies and Programs and the Ventura County General Plan Hazards Appendix. Measurement procedures shall be in accordance with the Ventura County General Plan Hazards Appendix.

The maximum allowable average sound level is as follows:

One Hour Average Noise Levels (LEQ)

<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)

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

Sec. 8107-5.6.14 - Exceptions to Noise Standard

The noise standard established pursuant to Sec. 8107-5.6.13 shall not be exceeded unless covered under any of the following provisions:

- a. Where the ambient noise levels (excluding the subject facility) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).
- b. Where the owners/occupants of sensitive uses have signed a waiver pursuant to Sec. 8107-5.6.25 indicating that they are aware that drilling and production operations could exceed the allowable noise standard and that they are willing to experience such noise levels. The applicable noise levels shall apply at all locations where the owners/occupants did not sign such a waiver.

Sec. 8107-5.6.15 - Compliance with Noise Standard

When a permittee has been notified by the Planning Division that his operation is 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;
- 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.

Sec. 8107-5.6.16 - Preventive Noise Insulation

If drilling, re-drilling, or maintenance operations, such as pulling pipe or pumps, are located within 1,600 feet of an occupied sensitive use, the work platform, engine base and draw works, crown block, power sources, pipe rack and other probable noise sources associated with a drilling or maintenance operation shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits applicable to the permit. Such soundproofing shall be installed prior to the commencement of drilling or maintenance activities and shall include any or all of the following: acoustical blanket coverings, soundwalls, or other soundproofing materials or methods which ensure that operations meet the applicable noise standard.

Sec. 8107-5.6.17 - Waiver of Preventive Noise Insulation

The applicant may have a noise study prepared by a qualified acoustical consultant, approved by the County. If the findings of the study conclude that the proposed project will meet the County Noise standards contained in Section 8107-5.6.13 and do not constitute a nuisance, then the soundproofing requirement may be waived. If the findings show that a noise level will be generated above and beyond the County standards, then soundproofing must be installed sufficient to meet the applicable noise standard. Where a waiver pursuant to Sec. 8107-5.6.25 is signed, no preventive noise insulation will be required.

Sec. 8107-5.6.18 - Soundproofing Material

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.

Sec. 8107-5.6.19 - Hours of Well Maintenance

All nonemergency 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 applicable parties within the prescribed distance have signed a waiver pursuant to Sec. 8107-5.6.25.

Sec. 8107-5.6.20 - Limited Drilling Hours

All drilling activities shall be limited to the hours of 7:00 a.m. through 7:00 p.m. of the same day when they occur less than 800 feet from an occupied sensitive use. Nighttime drilling shall be permitted if it can be demonstrated to the satisfaction of the Planning Director that the applicable noise standard can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Section 8107-5.6.25.

Sec. 8107-5.6.21 - Signs

In addition to the signage otherwise allowed by Sec. 8110, only signs required for directions, instructions, and warnings, identification of wells and facilities, or signs required by other County ordinances or state and federal laws may be placed in areas subject to an oil and gas Conditional Use Permit. Identification signs shall be a maximum four square feet in size and shall contain, at minimum, the following information:

1. Division of Oil and Gas well name and number.
2. Name of owner/operator.
3. Name of lease and name and/or number of the well.
4. Name and telephone number of person(s) on 24-hour emergency call.

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

Sec. 8107-5.6.22 - Fencing

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 shall be securely fenced, 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. A single, adequate fence which is compatible with surrounding area, may be used to enclose more than one oil well or well site and appurtenances. Location of fences shall be shown on a submitted plot plan and/or landscape plan, if required. Fences must meet all CalGEM regulations.

Sec. 8107-5.6.23 - General Standards

Projects shall be located, designed, and operated so as to minimize their adverse impact on the physical and social environment. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts and other factors of nuisance and annoyance shall be reduced to a minimum or eliminated through the best accepted practices incident to the exploration and production of oil and gas.

Sec. 8107-5.6.24 - Screening and Landscaping

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.

Sec. 8107-5.6.25 - Waivers

Where provisions exist for the waiver of an ordinance requirement, the waiver must be signed by the owner and all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements for the life of the waiver. Unless otherwise stated by the signatory, a waiver signed pursuant to Sec. 8107-5.6.14(b) shall also be considered a waiver applicable to Sections 8107-5.6.16, 8107-5.6.17, 8107-5.6.19 and 8107-5.6.20.

Sec. 8107-5.6.26 - 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 was approved.

Sec. 8107-5.6.27 - 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 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 for Use Inauguration, and within 10 days of any transfer to a new permittee. 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.

Section 2

Severability

If any section, subsection, sentence, clause, phrase or word of the ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 3

Effective Date; Implementation

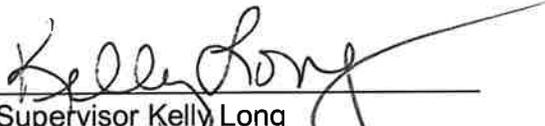
This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this 10th day of November 2020, by the following vote:

AYES: Supervisors Bennett, Parks, Zaragoza

NOES: Supervisors Huber and Long

ABSENT: none



Supervisor Kelly Long
CHAIR, BOARD OF SUPERVISORS

ATTEST: Chair, Board of Supervisors

MICHAEL POWERS County of Ventura
Clerk of the Board of Supervisors
County of Ventura, State of California



By: 
Deputy Clerk of the Board