

ORDINANCE NO. 4547

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA,  
REPEALING AND REENACTING DIVISION 8, CHAPTER 1.1, SECTION 8175-5.7 OF  
THE VENTURA COUNTY ORDINANCE CODE, 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Section 8175-5.7 of chapter 1.1 of division 8 of the Ventura County Ordinance Code is hereby repealed and re-enacted to read as follows:

**Sec. 8175-5.7 – Oil and Gas Exploration and Production**

**Sec. 8175-5.7.1 – Purpose**

The purpose of this Section 8175-5.7 is to establish reasonable and uniform limitations, safeguards and controls for *oil and gas exploration and production* operations within the 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. The standards of this section shall apply to all *development* activities as provided herein, even within areas covered by existing discretionary permits. However, the permitting requirements shall not apply to any specific *development* for which the applicant has been granted a claim of vested rights by the Coastal Commission on the basis of a discretionary permit. For any such *development*, no new discretionary permit is required pursuant to this Chapter.

**Sec. 8175-5.7.2 – Application**

Section 8175-5.7 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 8175-5.7.8 to the extent: (i) such standards would impose greater restrictions than those set forth in existing permit conditions, laws, or regulations applicable to the operation, and (ii) application of such standards would not impair any vested right of an operator under California law.
- b. The oil *development* design guidelines set forth in Section 8175-5.7.7 and the oil development operational standards set forth in Section 8175-5.7.8 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 12 of this Chapter, a new

conditional use permit or discretionary site plan adjustment or permit 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 8175-5.7 shall also apply to *oil and gas exploration and production* 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 8175-5.7.

#### **Sec. 8175-5.7.3 – 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. 8175-5.7.4 - Prohibition**

Notwithstanding any other provisions of this Chapter, new energy or industrial facilities, except onshore pipelines, are prohibited on: land between U.S. Highway 101 (Ventura Freeway) and the shoreline; Harbor Blvd. and the shoreline; Highway 1 and the shoreline; and on land in any “residential” or “recreational” designation on the LCP Land Use Plan, or identified as environmentally sensitive *habitat* or *buffer area*.

#### **Sec. 8175-5.7.5 - 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), and/or expansion of existing facilities, including re-drilling of existing wells or changing from a producing well to a water injection well, or installing related appurtenances as defined by the *Planning Director*, or prior to abandonment.

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 issuance or a new *Zoning Clearance* shall be required.

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 that 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. 8175-5.7.6 - Development Plan**

A *development* plan shall accompany the application for all new, adjusted or modified discretionary permits, and shall include the following information:

- a. The location of drilling and/or production sites, storage tanks, pipelines and access roads.
- b. Plans for the consolidation, to the maximum extent *feasible*, of drilling and/or production facilities, as well as accessory facilities.
- c. A phasing plan for the staging of *development* that indicates the approximately anticipated timetable for project installation, completion and decommissioning.
- d. A plan for eliminating or substantially mitigating adverse impacts on *habitat* areas, *prime agricultural lands*, *recreational areas*, *scenic resources* and archaeological sites due to siting, construction, or operation of facilities.
- e. Grading plans for all facilities requiring the movement of greater than 50 cubic yards of dirt. For any *development* requiring a grading permit, either (1) a Storm Water Pollution Control Plan (SWPCP) shall be prepared, submitted, and approved in accordance with the Ventura County Municipal Storm Water Permit, Order No. 00-108, Part 4 – Special Provisions, D. Programs for Construction Sites, or (2) a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared submitted, and approved in accordance with the State General Permit for Storm Water Discharges Associated with Construction Activity, whichever is applicable.
- f. A description of means by which all oil and gas will be transported off-site to a marketing point.
- g. A description of the procedures for the transport and disposal of all solid and liquid wastes.
- h. Oil spill prevention and control measures.
- i. Fire prevention procedures.
- j. Emission control equipment.
- k. Procedures for the abandonment and restoration of the site.
- l. Compliance with any other requirement of the Ventura County Ordinance Code related to oil and gas *development*.

- m. All facilities supporting oil and gas *development* must comply with the terms and requirements of the State General Industrial Activities Stormwater Permit, including the *development* and submittal of a Stormwater Pollution Prevention Plan.

**Sec. 8175-5.7.7 – Oil Development Design Guidelines**

The general oil development design guidelines that follow shall be used in the evaluation of projects and development of conditions that 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.

- a. Permit areas and drill sites shall generally coincide and shall be only as large as necessary to accommodate typical drilling and production equipment.
- b. The number of drill sites in an area shall be minimized by using centralized drill sites, directional drilling, and other techniques.
- c. Drill sites and production facilities shall be located so that they are not readily seen. 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 the painting of facilities.
- d. Permittees and operators shall share facilities such as, but not limited to, permit areas, drill sites, *access roads*, storage, production and processing facilities and pipelines.
- e. The following standards apply to the installation and *use* of oil and gas pipelines:
  - 1. Pipelines shall be used to transport petroleum products offsite to promote traffic safety and air quality. Transshipment of crude oil through an onshore pipeline for refining shall be a condition of approval for expansion of existing processing facilities or construction of new facilities.
    - (a) Where pipeline connections are not available or *feasible*, oil products may be removed by truck. All tanker trucking shall be limited to Monday through Saturday, between the hours of 7:30 a.m. and 6:30 p.m. of the same day. Except under *emergency* circumstances, as determined by the *Planning Director*, no more than two equivalent round-trip tanker truck trips per day shall be permitted to haul oil and waste products generated from an area under an oil permit through residential streets unless the *Planning Director* authorizes additional trips.
  - 2. New pipeline corridors shall 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. Installation of pipelines and utility lines (as applicable) shall be within the road prism of project access roads, to the extent practicable, to prevent additional loss of *habitat*.

3. When *feasible*, pipelines shall be routed to avoid important coastal resource areas, such as recreation, sensitive *habitats* and archaeological areas, as well as geological hazard areas. Unavoidable routing through recreation, *habitat*, or archaeological areas, or other areas of a significant coastal resource value, shall be done in a manner that minimizes the impacts of potential spills by considering spill volumes, duration, 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.
4. 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 re-seeded 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.
5. All offshore to onshore pipelines shall, where *feasible*, be located at existing pipeline landfall sites, and shall be buried from a point where wave action first causes significant bottom disturbance. In addition, landfall sites are prohibited from areas designated as "Residential" or shown as "*environmentally sensitive habitat area*."
6. Except for pipelines exempted from permit requirements under Section 30610 of the Coastal Act as defined by the State Coastal Commission's Interpretive guidelines, a survey by a qualified expert in biological resources shall be conducted along the route of any pipeline in the *coastal zone* to determine what, if any, *coastal resources* may be impacted by construction and operation of a pipeline and to recommend any *feasible* mitigation measures. The costs of this survey shall be borne by the applicant, and may be conducted as part of environmental review if an EIR or Mitigated Negative Declaration is required for a particular project; or otherwise conducted prior to the issuance of any permit pursuant to this Chapter. The recommended mitigation measures shall be incorporated as part of the permit.
7. Prior to issuance of any permit or permit modification pursuant to this Chapter, a geologic investigation shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential faulting zones, seismically active areas, or moderately high to high risk landslide areas. This report shall investigate the potential risk and recommend such mitigation measures as pipeline route changes and/or engineering measures to help assure the integrity of the pipeline and

minimize *erosion*, geologic instability, and substantial alterations of the natural topography. The recommended measures shall be incorporated as conditions of the permit.

- f. Cuts or *fills* associated with access roads and drill sites shall be kept to a minimum to avoid *erosion* and visual impacts. They shall be located in inconspicuous areas, and generally not exceed 10 vertical feet. Cuts and *fills* shall be restored to their original *grade* once the *use* has been discontinued.
- g. Gas from wells shall 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 shall also be piped to centralized collection and processing facilities, in order to minimize land *use* conflicts and environmental degradation, and to promote visual quality.
- h. Wells shall be located a minimum of 800 feet from occupied sensitive *uses*. Private access roads to drill sites shall be located a minimum of 300 feet from occupied sensitive *uses*, unless this requirement is waived by the occupant.
- i. *Oversized vehicles* shall be preceded by lead vehicles, where necessary for traffic safety.
- j. In the design and operation of new or modified oil and gas production facilities, best accepted practices in drilling and production methods shall be utilized, to eliminate or minimize to the maximum extent *feasible* any 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 incidental to the *exploration and production of oil and gas*.
- k. Any production shipping tanks(s) installed on the subject permit site shall have a collective rated capacity only as large as necessary to service any particular drill pad(s).
- l. All proposed energy and industrial facilities shall be so sited and designed in compliance with CEQA requirements to eliminate or reduce, to the maximum extent *feasible*, impacts to biological, geological, archaeological, paleontological, agricultural, visual, recreational; air and water quality resources, and any other resources that may be identified.
- m. In sensitive resource areas, the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited, and staked work corridors and storage areas.

#### **Sec. 8175-5.7.8 – Oil Development Operational Standards**

The following are minimum operational standards and requirements, which shall be applied pursuant to Sec. 8175-5.7.2. More restrictive requirements may be imposed on a project through the conditions of the permit.

- a. *Setbacks* – Wells shall be located a minimum of 800 feet from an occupied sensitive *use*. Private access roads to drill sites shall be located a minimum of

300 feet from occupied sensitive *uses*, unless a waiver is signed pursuant to Sec. 8175-5.7.8(w) In addition, no well shall be drilled and no equipment or facilities shall be permanently located within:

1. 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.
  2. 500 feet of any *building* or *dwelling* not necessary to the operation of the well, unless a waiver is signed pursuant to Sec. 8175-5.7.8(w), allowing the *setback* to be reduced. In no case shall the well be located less than 100 feet from said *structures*.
  3. 800 feet of any institution, school or other *building* used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8175- 5.7.8(w), allowing the *setback* to be reduced. In no case shall the well be located less than 300 feet from said *structures*.
  4. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District (VCFCD) and 100 feet from the existing banks of all other channels appearing on the most current United States Geological Service (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, damage to wildlife and *habitat*, or 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 Flood Control District requirements.
  5. The applicable *setbacks* for *accessory structures* for the zone in which the *use* is located.
  6. 100 feet from any marsh, small wash, intermittent lake, intermittent *stream*, spring or perennial *stream* appearing on the most current USGS 2,000' 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.
- b. 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.
- c. 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*.
- d. 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 or 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 the requirements of the County, state and federal government.

- e. 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 of the permit. In cases 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 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. No security shall be exonerated until after all of the applicable conditions of the permit have been met.
- f. 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. The permittee shall treat unpaved access roads by either oiling and chipping or *use* of an APCD-approved chemical dust palliative (such as Dust-Off - MgCl<sub>2</sub>) or *use* of other APCD-approved mechanisms.
- g. 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 normal nighttime 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.

- h. Reporting of Accidents – The permittee shall immediately notify the *Planning Director*, the 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 that 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.
- i. Painting – Drill sites and production facilities shall be located so that they are not readily seen. 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 the painting of facilities.
- j. 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 used for the operation and maintenance of the oil well located at the site may be stored on site. If the well has been suspended, idled or shut-in for 30 days, as determined by the Division of Oil and Gas, all such equipment and materials shall be removed within 90 days.
- k. Site Restoration – Within 90 days of revocation, expiration, 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.
- l. 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.
- m. 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 project 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 Goals, Policies and Programs, and General Plan Hazards Appendix.

The maximum allowable average sound level is as follows:

**Average Noise Levels (LEQ)**

<b>Time Period</b>	<b>Drilling and Maintenance Phase</b>	<b>Producing Phase</b>
Day (6:00 a.m. to 7:00 p.m.)	55 dBA	45 dBA
Evening (7:00 p.m. to 10:00 p.m.)	50 dBA	40 dBA
Night (10:00 p.m. to 6:00 a.m.)	45 dBA	40 dBA

For purposes of this section, a well is in the "producing phase" when hydrocarbons 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."

- n. Exceptions to Noise Standards – The noise standards established pursuant to Sec. 8175-5.7.8(m) shall not be exceeded unless covered under any of the following provisions:
1. 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).
  2. Where the owners/occupants of sensitive *uses* have signed a waiver pursuant to Sec. 8175-5.7.8(w) 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.
- o. 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:
1. hammering on pipe;
  2. racking or making-up of pipe;
  3. acceleration and deceleration of engines or motors;
  4. drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by *use* of a slower rotational speed;
  5. 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 CalGEM, shall be suspended until the problem is corrected.

- p. 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 that ensure that operations meet the applicable noise standard. The requirements may be waived by the Planning Commission 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 8175-5.7.8(w).
- q. Waiver of Preventative 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 Sec. 8175-5.7.8(m) and do not constitute a nuisance, then the soundproofing requirement may be waived. If the findings show 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. 8175- 5.7.8(w) is signed, no preventative noise insulation will be required.
- r. 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.
- s. Hours of Well Maintenance – 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 standards can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Sec. 8175- 5.7.8(w).
- t. 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. Night time 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 Sec. 8175-5.7.8(w).

- u. Signs – Signs shall comply with Sec. 8175-5.13 and the development standards per Sec. 8178-5.13.10.7 *Identification Signs*, Oil and Gas Development.
- v. 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* that 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.
- w. 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 Sec. 8178-8, Water Efficient Landscaping Requirements, or Coastal Area Plan policies, whichever are more restrictive. This *landscape plan* shall include, but not be limited to, measures for adequate screening of producing wells and permanent equipment from view of *public roads* or *dwellings*, 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.
  - 1. Landscaping and Above Ground Pipelines. Consideration shall also be given to above ground pipelines that are part of the project. Landscape maintenance shall be subject to periodic inspection by the County, in accordance with Sec. 8178-8.9 Landscape Documentation Package Approval and Inspections. The permittee shall be required to remedy any defects in landscape maintenance within 30 days of notification by the County.
  - 2. Landscaping and Well Drill Pads
    - a. If wells are brought into production, the site shall be landscaped so as to screen production equipment from view from neighboring residences in a manner consistent with the natural character of the area.
    - b. The landscaping associated with the wells shall also be intended to provide screening from glare that may result from on-site facilities (e.g., tanks, *buildings*, other).
    - c. The permittee shall not install production equipment until the *Planning Director* has approved the landscaping plan and a *Zoning Clearance* has been issued.

- d. At the expense of the permittee, the County, or a County approved *landscape architect*, shall determine whether the visual impacts of the production facilities have been screened from view. The timing and schedule for subsequent review shall be determined prior to the issuance of a *Zoning Clearance* for the production facilities.
- x. 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. 8175-5.7.7.n.(2) shall also be considered a waiver applicable to Sections 8175-5.7.7.p., 8175-5.7.7.s. and 8175-5.7.7.t.
- y. Application of Sensitive Use Related Standards – The imposition of regulations on petroleum operations that are based on distances from occupied sensitive *uses* shall only apply to those occupied sensitive *uses* that were in existence at the time the permit for the subject oil operations was approved.
- z. 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.

## **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 10<sup>th</sup> day of November 2020, by the following vote:

AYES: Supervisor Bennett, Parks, Zaragoza  
Supervisor NOES: Huber and Long  
ABSENT: none

Kelly Long  
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: Joni Key  
Deputy Clerk of the Board

