



Planning Commission Staff Report Hearing on December 15, 2022

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2478 • www.vcrma.org/divisions/planning

ABA ENERGY OIL AND GAS ZONING CLEARANCES APPEAL CASE NOS. PL22-0152 and PL22-0153

A. PROJECT INFORMATION

1. **Request:** The Applicant requests that the Planning Commission issue two Zoning Clearances (Case Nos. ZC22-0937 and ZC22-0938) to certify that the re-drilling of two existing oil wells is authorized by a Special Use Permit (SUP) previously granted by the County of Ventura. The Appellant requests that the Planning Commission decline to issue the requested Zoning Clearances until environmental review is conducted. (Appeal Case Nos. PL22-0152 and PL22-0153).

Zoning Clearance ZC22-0937 issued by the Planning Director to certify that the proposal to directionally re-drill (sidetrack) the existing ABA Maulhardt #9 well (API 0411122360) is authorized by SUP No. 672.

Zoning Clearance ZC22-0938 issued by the Planning Director to certify that the proposal to re-enter and directionally re-drill (sidetrack) the existing (and currently plugged) ABA Dorothy Moon #2 (API 0411122233) is authorized by SUP No. 672.

2. **Appellant:** Climate First, Replacing Oil and Gas (CFROG) represented by Haley Ehlers.
3. **Applicant:** ABA Energy Corporation represented by Al Adler
4. **Property Owner:** Dorothy Moon Trust
5. **Project Site Size, Location, and Parcel Number:** The 126-acre project site is located southwest of the intersection of East Wooley Road and South Rice Road. The subject wells are located between 1,000 and 1,700 feet from the boundary of the City of Oxnard, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 217-0-030-105 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Agricultural
 - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)

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

Table 1 – Adjacent Zoning and Land Uses/Development

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)	Agricultural Uses
East	AE-40 ac	Agricultural Uses
South	AE-40 ac and City of Oxnard	Agricultural Uses and Residential (City)
West	AE-40 ac	Agricultural Uses

- 8. History:** On November 5, 1957, the Ventura County Board of Supervisors granted SUP No. 672 to the Tidewater Oil Company to authorize oil drilling and production operations in the Oxnard Oil Field. SUP No. 672 remains in effect and does not contain an expiration date or express limitation on the number or location of allowable wells and other production facilities. A total of 29 wells have been drilled on the subject property under the authority of SUP No. 672. Of that number, 22 are in active or idle status. Seven have been plugged and abandoned. Drilling and other oil field operations are confined to five separate pads or islands on the subject property that encompass about 20 acres of the 126-acre site. The remainder of the property is utilized for row crop agriculture.

- 9. Project Description:** On September 22, 2022, the Planning Division issued two Zoning Clearances (Case Nos. ZC22-0937 and ZC22-0938) to certify that the re-drilling and operation of two existing oil wells located in the Oxnard Oil Field is authorized by SUP No. 672. On September 30, 2022, the issuance of the two Zoning Clearances was timely appealed by CFROG to the Planning Commission. See Exhibits 5 and 6 for appellant's grounds of appeal and County staff's responses. The Applicant, ABA Energy Corporation (ABA), requests that the two Zoning Clearances be issued. Table 2 below summarizes the information pertaining to the two zoning clearance appeals:

Table 2 – Summary of the Two Zoning Clearance Appeals

	Appeal PL22-0152 (Exhibit 5)	Appeal PL22-0153 (Exhibit 6)
Well number	ABA Maulhardt #9 (API 0411122360)	ABA Dorothy Moon #2 (API 0411122233)
Zoning Clearance	ZC22-0937 (Exhibit 3)	ZC22-0938 (Exhibit 4)
ZC Issuance date	September 22, 2022	September 22, 2022
Appeal Case Number	PL22-0152	PL22-0153
Appeal Received	September 30, 2022	September 30, 2022
CUP	SUP No. 672 (Exhibit 9)	SUP No. 672 (Exhibit 9)
ZC Initial Well Installation	ZC16-0425 (Exhibit 11)	ZC13-0490 (Exhibit 10)
APN	217-0-030-105	217-0-030-105

10. Decision-Making Authority: Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.1 et seq.), the Planning Director is the decision-maker for the requested ministerial Zoning Clearances. The Planning Director's actions to issue the Zoning Clearances have been appealed. In accordance with Section 8111-7.2(a) of the NCZO, the Planning Commission is the decision-making body to consider de novo (anew) in a noticed public hearing whether or not to issue the requested Zoning Clearances. At the hearing, the Commission will also consider whether to grant the appeals.

B. SCOPE OF THE PLANNING COMMISSION HEARING

In accordance with Section 8111-7 of the NCZO, the actions of the Planning Director to issue Zoning Clearances ZC22-0937 and ZC22-0938 are appealable to the Planning Commission. Pursuant to Section 8111-4.5 of the NCZO, the filing of an appeal stayed all proceedings in furtherance of the subject Zoning Clearance applications. Thus, the Zoning Clearances in question are not in effect and jurisdiction over the Zoning Clearance applications has transferred to your Planning Commission. Your Commission will consider whether or not to issue the requested Zoning Clearances in a *de novo* hearing (meaning hearing anew) as if the applications were being reviewed in the first instance.

The issuance of a Zoning Clearance to certify that the proposed actions are authorized by a previously granted discretionary permit does not constitute the granting of a new entitlement. Section 8111-1.1.1 of the NCZO states:

*"A Zoning Clearance **certifies** that a proposed use of land or structures, or construction or demolition of structures, **is consistent with** the provisions of this Chapter and **any applicable conditions of any previously issued entitlement**, and the use or structure may be inaugurated. Where no other Planning Division issued entitlement is required, a Zoning Clearance also serves as an entitlement granted for as long as the subject use or structure is in compliance with the applicable requirements of this Chapter." [emphasis added]*

The Zoning Clearances under appeal were issued to certify that the proposed re-drillings of two existing oil wells are consistent with, and authorized by, SUP No. 672. As indicated in NCZO Section 8111-1.1.1 above, these Zoning Clearances serve only to certify that the well re-drill proposals are in conformance with the previously granted entitlement and do not authorize any new land use.

The Applicant's request that the two Zoning Clearances be issued is a ministerial matter determined by applying objective requirements of NCZO Section 8111-1.1.1b.

C. ZONING CLEARANCE ISSUANCE REQUIREMENTS

As shown in Table 3 below, the Planning Division has determined that the Applicant's proposed developments meet all applicable requirements of NCZO Section 8111-1.1.1b.

Should your Commission concur with this determination, then the County must issue the requested Zoning Clearances.

Table 3 – Project Compliance with Requirements of NCZO Section 8111-1.1.1b

Requirement	Compliance Discussion
(1) Is permissible under the present zoning on the land and complies with the standards of Division 8, Chapter 1 and 2 of the Ordinance Code;	As discussed in Section A.6 above, the project sites are both located in the AE-40 Zone. Oil and Gas exploration and development is allowed in this zone under the authority of a Conditional Use Permit (or Special Use Permit). (See NCZO Sec. 8105-4.)
(2) Is compatible with the policies and land use designations specified in the General Plan;	During the consideration and granting of SUP No. 672, the oil and gas operations were found by the Board of Supervisors to be compatible with the policies and land use designations in effect at the time of decision. In addition, the ministerial issuance of the two Zoning Clearances pursuant to SUP No. 672 is consistent with existing General Plan policies and land use designations.
(3) Complies with the applicable terms and conditions of any applicable permit or other entitlement granting the use in question, and the decision granting said permit is considered "effective" pursuant to Sec. 8111-4.4;	The two Zoning Clearances were issued by the Planning Director in conformance with the terms and conditions of the applicable permit, SUP No. 672.
(4) Is not located on the same lot where a violation exists of standards found in said Chapters 1 and 2 or of any Ventura County Ordinance regulating land use, such as the Ventura County Building Code or any grading ordinance, or of the terms of an existing permit covering the lot, unless the Zoning Clearance is necessary for the abatement of the existing violation;	No violation has been identified to exist on the subject property.
(5) Is not being requested by or for the same party that owes the County fees or billings, fines, civil penalties, or forfeitures associated with this Chapter;	The Applicant for the two Zoning Clearances does not owe the County any money. The Applicant is current on payment of invoices for County staff time.
(6) Is consistent with portions of the County Hazardous Waste Management Plan which identify specific sites or siting criteria for hazardous waste facilities;	Not applicable. The proposed actions that would be certified as in conformance with SUP No. 672 by the requested Zoning Clearances do not involve a hazardous waste facility.
(7) Is located on a legal lot;	Lot legality (if required) is determined at the time a discretionary permit is granted. In the case of oil and gas facilities, the County has determined that a legal lot is not required because oil and gas mineral rights are a separate property interest not subject to the Subdivision Map Act.

(8) Is being undertaken by an owner and/or tenant, who, along with the associated contractors and agents, are in compliance with the Ventura County Business License Tax Ordinance;	Not applicable to oil and gas facilities.
(9) Is determined to be consistent with conditions and requirements established by the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS06339 and the Ventura Stormwater Quality Management Ordinance No. 4142 and as these permits and regulations may be hereafter amended; and	Not applicable to the use of existing drilling pads. No change in runoff characteristics would occur.
(10) Has, in the case of a designated or potentially eligible Cultural Heritage Site been issued a Certificate of Appropriateness or is otherwise authorized to proceed with the project in compliance with that ordinance. Any Zoning Clearance requested for a designated historic site issued a Planned Development permit pursuant to Sec. 8107-32 et seq must also comply with the provisions of that permit.	The project site is not a designated or potentially eligible Cultural Heritage Site.

Consistent with the above discussion, the issuance of the two Zoning Clearances in question serve only to certify that the proposed re-drilling of two existing oil wells is in conformance with the terms and conditions of SUP No. 672 and satisfies the requirements of Section 8111-1.1.1b of the NCZO. Thus, your Commission can and should consider issues such as whether SUP No. 672 is still in effect (i.e., it has not been revoked or expired), whether the wells in question are located within the SUP No. 672 permit area, and whether the proposed well re-drilling is in conformance with the conditions of approval of SUP No. 672 (i.e., numbers 1 through 4 in Table 3 above).

Your Commission cannot impose conditions of approval on the Zoning Clearances, or modify or revoke the discretionary SUP No. 672 for which the Zoning Clearances are requested. Section 8111-6.2 of the NCZO provides a procedure by which a third party can seek to revoke or modify a discretionary permit for cause. No such request is before your Commission regarding SUP No. 672 as part of these appeals.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The issuance of a Zoning Clearance under the NCZO involves a ministerial action that is not subject to environmental review pursuant to CEQA. Public Resources Code Section 21080(b)(1) states that CEQA does not apply to “*ministerial projects proposed to be carried out or approved by public agencies.*” CEQA Guidelines Section 15268(a) likewise states that “*ministerial projects are exempt from the requirements of CEQA.*” Section 15369 of the CEQA Guidelines define a “ministerial” decision as one that involves little or no personal judgement by the public agency or official about the wisdom or manner

of carrying out the project. The agency or official merely applies the particular law or regulation to the facts.

The requested issuance of two Zoning Clearances to certify that proposed developments are in conformance with a previously granted discretionary permit (SUP No. 672) does not involve the exercise of discretion. Rather, it entails ensuring that the Applicant's proposed uses and structures conform to the conditions of approval of the previously granted discretionary permit and the requirements of the NCZO Section 8111-1.1.1b. This is a ministerial determination to which CEQA does not apply.

E. APPELLANT'S GROUNDS OF APPEAL AND COUNTY STAFF RESPONSES

The Appellant's request and grounds of appeal are provided in the appeal application materials attached to this staff report as Exhibits 5 and 6. County staff responses to the Appellant's grounds of appeal relating to Zoning Clearance ZC22-0937 are attached to this staff report as Exhibit 7. County staff responses to the Appellant's grounds of appeal relating to Zoning Clearance ZC22-0938 are attached to this staff report as Exhibit 8.

As indicated in Exhibits 7 and 8, the Planning Division recommends that all of the grounds of appeal submitted by the Appellant be determined to be without merit. This recommendation is based on the lack of evidence that the subject Zoning Clearances were issued in error, the inapplicability of CEQA to a ministerial action, and the ongoing operational compliance under SUP No. 672.

F. APPELLANT'S RECOMMENDED ACTIONS

The Appellant's recommended actions for both appeals are identical and reproduced verbatim from the appeal forms. The Appellant requests that the Planning Commission take the following action:

The County's decision to approve the construction activities required to sidetrack (re-drill) this well is discretionary and subject to all current Ventura County General Plan policies, zoning restrictions, and state laws. We request that the Planning Commission request that County staff prepare an Initial Study and subsequent required environmental review documents for non-antiquated CUPS.

We also request that the County require ABA to provide detailed information and evidence to allow the County and the public to assess whether and how ABA's new proposed drilling operations will comply with the conditions set out in SUP No. 672.

G. PLANNING COMMISSION HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On December 2, 2022, the Planning Division mailed notice to owners

of property within 300 feet of the property on which the project site is located and placed a legal ad in the *Ventura County Star*.

H. APPEAL FEES

Pursuant to the current Board of Supervisors-adopted Planning Division Fee Schedule, if any appeal is fully upheld, all fees paid by the appellant shall be refunded. If the appeal is upheld in part, the decision-making body hearing the appeal shall determine at the time the decision is rendered what portion of the appeal charges should be refunded to the appellant. Therefore, should your Commission uphold this appeal in part, your actions must include a determination regarding the appropriate refund to the appellant, if any.

I. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **GRANT** Zoning Clearance ZC22-0937 pursuant to NCZO Section 8111-1.1.1b based on the information set forth in Section C above and the entire record;
3. **GRANT** Zoning Clearance ZC22-0938 pursuant to NCZO Section 8111-1.1.1b based on the information set forth in Section C above and the entire record;
4. **DENY**, in its entirety, the appeal (Exhibit 5) of the Planning Director's action to issue Zoning Clearance ZC22-0937, and thus, deny any refund of the Appellant's appeal fees in accordance with the adopted Planning Division Fee Schedule;
5. **DENY**, in its entirety, the appeal (Exhibit 6) of the Planning Director's action to issue Zoning Clearance ZC22-0938, and thus, deny any refund of the Appellant's appeal fees in accordance with the adopted Planning Division Fee Schedule;
6. **DIRECT** the Planning Director to implement actions 2 and 3 above on behalf of the Planning Commission by re-issuing the subject Zoning Clearances with new expiration dates consistent with NCZO Section 8111-1.1.1c; and
7. **SPECIFY** that the Clerk of the Planning Commission is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Commission is final unless appealed to the Board of Supervisors within 10 calendar days after the projects have been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any

aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Board of Supervisors to review the matter at the earliest convenient date.

County Counsel has reviewed this Staff Report.

If you have any questions concerning the information presented above, please contact Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

Prepared by:



Thomas Chaffee, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

Reviewed by:



Mindy Fogg, Manager
Commercial/Industrial Permits Section
Ventura County Planning Division



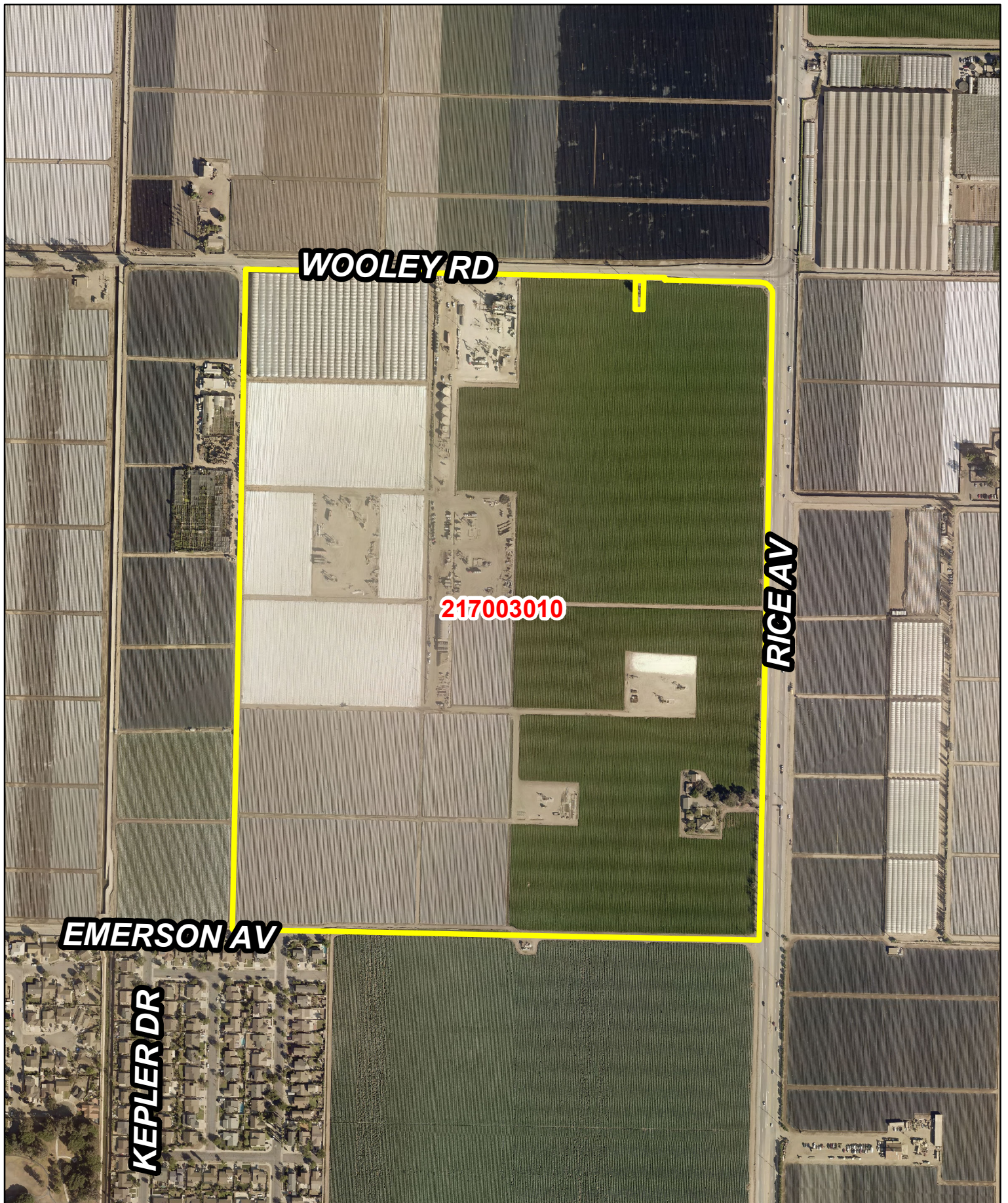
Dave Ward, AICP, Director
Ventura County Planning Division

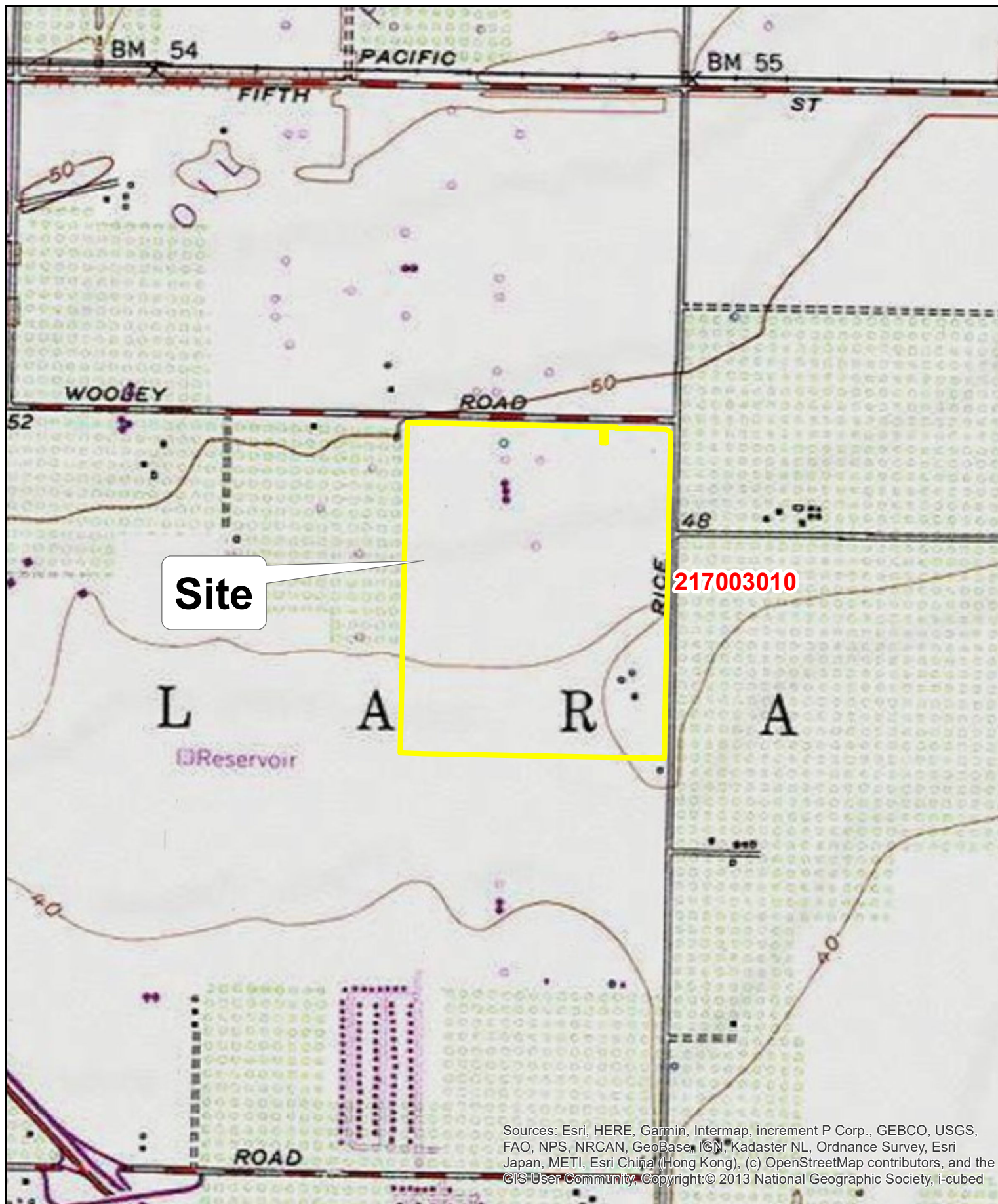
EXHIBITS:

- Exhibit 2 Location Maps
- Exhibit 3 Zoning Clearance ZC22-0937 and attachments
- Exhibit 4 Zoning Clearance ZC22-0938 and attachments
- Exhibit 5 PL22-0152 Appeal form and attachments (for ZC22-0937)
- Exhibit 6 PL22-0152 Appeal form and attachments (for ZC22-0938)
- Exhibit 7 County Staff Responses to the Grounds of Appeal (for ZC22-0937)
- Exhibit 8 County Staff Responses to the Grounds of Appeal (for ZC22-0938)
- Exhibit 9 Special Use Permit No. 672
- Exhibit 10 Zoning Clearance ZC13-0490
- Exhibit 11 Zoning Clearance ZC16-0425
- Exhibit 12 Correspondence Between Applicant and Staff Regarding Appeals









County of Ventura
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-28-2022
Source: Oxnard U.S.G.S.
7.5 Minutes Quadrangle
Contour Interval = 20 ft



**County of Ventura
Planning Commission Hearing
PL22-0152
Topo Map**

0 500 1,000 Feet

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





County of Ventura Planning Division

800 S. Victoria Avenue, Ventura, Ca. 93009-1740 • (805) 654-2488 • vcrma.org/divisions/planning

Construction/Demolition ZC22-0937

Assessor's Parcel No.: 2170030105

Date Issued: 09/22/2022
Date Expires: 9/22/2023
Fee: \$330.00
Issued By: T Chaffee

All Associated APNs:

Property Owner:
MOON DOROTHY M TR EST ET AL

Mailing Address:
902 EL TORO RD
OJAI, CA 93023

Telephone:

Applicant:
ABA Energy Corporation ATTN: Alan Brett Adler ABA Energy Corp

Mailing Address:
7612 Meany Avenue
Bakersfield, CA 93308

Telephone: 661-324-7500

ZONING CLEARANCE TYPE: Construction/Demolition

Site Address: 1557 RICE, OXNARD 99999

Parent Case No.:

Lot Area Sq Ft: 5489594

Legal Lot Status:

Lot Area Acres: 126.02

Map & Lot No:

PROJECT DESCRIPTION: ABA Energy Corporation (ABA), an operator of the oil and gas facilities authorized by Special Use Permit No. 672, requests certification for the sidetrack of Maulhardt #9 Well.

The operator estimates the sidetrack of the well will take approximately 15-30 days. Sidetrack operations will occur 24-hours per day, seven days per week. After the initial sidetrack period, the operator will decide whether or not they will produce from the well.

All conditions of SUP 672 will apply. All conditions of SUP 672 have been reviewed, and the operation is in compliance with all applicable conditions at this time.

This zoning clearance is issued for a period of one year. Should the sidetrack of the well not commence before September 22, 2023, this permit will expire. Zoning Clearance for the sidetrack of the Maulhardt #9 well.

APPLICABLE ZONING:

Zoning AE-40 ac

Area Plan:

General Plan: Agricultural

Zoning: AE-40 ac

Area Plan Designation: N/A

Split Zoning:

Zoning: N/A

Area Plan Designation: N/A

General Plan: N/A

BUILDING COVERAGE ALLOWANCE:

Maximum Building Coverage:

<u>Building Coverage</u>	<u>Existing</u>	<u>Proposed</u>	<u>Combined</u>
Prin. Structure(s) sf.	0	0	0
Accessory Structure(s) sf.	0	0	0
Total sf.	0	0	0
% of Bldg. Coverage	0	0	0

SQUARE FOOTAGE:

Building Coverage	Existing	Proposed	Combined
Principal Dwelling			
Accessory Structure DU			
Accessory 2nd DU			
Principal Structure AG			
Acc Structure AG			
Other Principal Structure			
Other Acc. Structure			

Does the cumulative GFA of any of the structures exceed the maximum ministerial allowance?

BELOW ARE SETBACK EXCEPTIONS THAT MAY APPLY

Allowed Intrusions into Setbacks:

Stairways & balconies, open & unenclosed:	2.5' front, 4' rear
Porches & Landings, uncovered/unenclosed, at or below 1st floor:	6' front, 3' rear and side
Chimneys/fireplaces, masonry:	2' into all setbacks; keep min. 3' side setback
Architectural Features (e.g. eaves, cornices, canopies, etc.):	2.5' front, 2' side, 4' rear; keep min 2' side/rear setback

Are There Setback Exceptions?

Setback Exceptions:

Required Setbacks Between:

Habitable Structures:	10'
Habitable & Non-habitable Structures:	6'
Non-habitable Structures:	6'
Setbacks Between:	

FEES:	Total Fees:	330.00
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ATTACHMENT(S):

Y	Plot/Site Plan	Y	Floor Plans
N	Ordinance Standards	Y	Permit Conditions
N	Compliance Agreement	N	Elevations
N	Declaration	N	Removal Notice and Caveats
N	Cross Sections	N	Arborist Report
N	HOA Approval	N	Affidavit
OTHER:			

NOTES:

1. This Zoning Clearance will be nullified pursuant to Sec. 8111-2.6 of the Non-Coastal Zoning Ordinance and Sec. 8181-5.3 of the Coastal Zoning Ordinance if the information provided by the applicant was not full, true and correct; it was issued erroneously; or it does not comply with the terms and conditions of the permit originally granting the use.
2. Zoning Clearances for which a Building Permit is required are valid for 180 days following issuance of the Zoning Clearance during which time a complete Building Permit application must be submitted to the Ventura County Building and Safety Division. If a Building Permit application is not submitted within 180 days of issuance of the Zoning Clearance, the Zoning Clearance expires. Zoning Clearances shall expire 360 days from submittal of the Building Permit application even if the Building Permit application is renewed. Once a Building Permit is issued, construction must commence in accordance with the required timeline set forth in the Ventura County Building Code. This Zoning Clearance expires if the related Building Permit expires, is withdrawn, is terminated, is renewed, and/or there is a design change.
3. Zoning Clearances for which a Building Permit is not required are valid for 180 days following issuance of the Zoning Clearance. If the authorized development has not received all other required County entitlements and licenses and/or development activities have not commenced on or before the 180th day, the Zoning Clearance expires. If the development has received all other required County entitlements and licenses and development activities have commenced on or before the 180th day, the Zoning Clearance shall remain valid so long as the development remains consistent with the Zoning Ordinance or the conditions of a previously issued entitlement.
4. An applicant may apply for an extension of the 180-day Zoning Clearance expiration date provided that the request for an extension is submitted in writing no later than 30 days prior to the expiration date of the Zoning Clearance and the required fees are paid. A one-time extension may be granted by the Planning Division for a period of up to 180 days provided that (a) there are no material changes to the project or its constituent structures or development, (b) the project is consistent with all applicable General Plan policies, entitlements, and development standards of the Zoning Ordinance in effect at the time the extension is sought, and (c) the project remains subject to the Zoning Clearance permitting requirement, as opposed to a newly enacted discretionary permitting requirement.
5. The property owner is responsible for identifying all property lines and ensuring that all local and state requirements are complied with.
6. Authorizations and approvals by other County Departments that exceed the allowable limits noted herein do not excuse the property owner from complying with the provisions of this Zoning Clearance. (The stricter provisions apply).
7. The proposed project will not result in the removal of more than 50% of the roof or floor area of a non-conforming structure.
8. Property owners shall submit a Verification of Employment Declaration for Zoning Clearances authorizing Farmworker/Animal Caretaker Dwelling Units by May 15th of each year and any applicable fees demonstrating to the Planning Director's satisfaction that the farmworker/animal caretaker meets the Zoning Ordinances' applicable employment criteria.
9. If the property subject of this Zoning Clearance is within the boundary of a Homeowner's Association or Property Owner's Association, additional review and approval of the project may be required by the HOA/POA's Conditions, Covenants & Restrictions (CC&R's). HOA/POA review and approval is the responsibility of the property owner.
10. If the proposed project is located within the Dark Sky Overlay Zone, all new outdoor lighting shall be installed to be consistent with standards outlined in Sec. 8109-4.7 of the Non-Coastal Zoning Ordinance.

BY SIGNING BELOW I CERTIFY THE FOLLOWING:

- I am the owner of the subject property or I am the authorized agent of the property owner and have his/her permission to obtain this Zoning Clearance. I have illustrated on the attached site plan all of the following applicable attributes: existing and proposed structures, Protected Trees (Oaks, Sycamores, and any 30+” diameter trees), marshes, wetlands, streams, rivers, landslides, edges and toes of slopes, abandoned or active oil wells, septic systems and leach fields. I have accurately illustrated all roads, public and private easements, and utilities on the attached site plan and accept responsibility for any encumbrances, restrictions, or agreements on the subject property.
- The information provided in this Zoning Clearance and attached site plans, floor plans, and elevations and landscape plans (if applicable) are full, true and correct.
- I have been informed that I am responsible for contacting the applicable HOA/POA to ensure compliance with the CC&R's.
- I have reviewed, read, and understand the terms, notes and conditions of this Zoning Clearance and as depicted in related attachments, and agree to abide by them and all other provisions of the Zoning Ordinance. I further understand that this Zoning Clearance can be nullified for cause as noted above.
- I agree to defend, indemnify and hold harmless the County of Ventura, including all of its boards, agencies, departments, officers, employees, agents and volunteers, against any and all claims, lawsuits (whether against property owner, County of Ventura or others), judgments, debts, demands and liability, including those arising from injuries or death of persons and for damages to property, arising directly or indirectly out of the obligations of this Zoning Clearance or undertaken or out of operations conducted or subsidized in whole or in part by property owner, save and except claims or litigations arising through the sole negligence or wrongdoing and/or sole willful misconduct of County of Ventura.

9-22-22

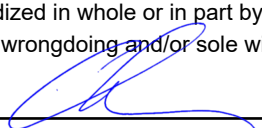

Applicant Signature

Exhibit “1”
Proposed Use Pursuant to Existing Ventura County Special Use Permit 672
Joseph Maulhardt #9ST

Pursuant to the conditions of Special Use Permit 672 (“SUP 672”), ABA Energy Corporation (“ABA”) drilled the Joseph Maulhardt #9 well in 2016. The well was placed on production and produced until late 2019 after which it has been idle. The wellsite upon which the surface location of the Joseph Maulhardt #9 wellbore is located also contains many currently producing ABA wells including the Joseph Maulhardt #6,7,8,10,11 and 15 wells. ABA is the Operator of the Joseph Maulhardt #9 well, the aforementioned producing wells on the same pad as the Joseph Maulhardt #9, the proposed Joseph Maulhardt #9ST, and the Maulhardt Lease together with all of the other producing wells situated thereupon, all of the foregoing via SUP 672. ABA Energy Corporation plans to re-enter the Joseph Maulhardt #9 well, abandon the lower portion of the hole including the previously producing zones therein, abandon the upper portion of the well, and thereafter, the well will be sidetracked, all as allowed for and permitted under SUP 672. If new producing zones are encountered therein, the well will be tested through casing and if successful, ABA will produce from the sidetracked wellbore. For and after the aforementioned operations are completed, the final configuration of the well designated/permitted hereunder, will be the Joseph Maulhardt #9ST which designation will include the sidetracked wellbore and the ancillary equipment used for the wellbore such as the pumping unit/pad, the electrical lines, the oil/gas scrubber, and the pipeline from the wellhead to ABA’s existing facilities. The location of the well is shown on the enclosed Survey Plat for the Joseph Maulhardt #9/#9ST as well as on Site Plan submitted with this Zoning Clearance application (See Exhibits “D” and “E”). Please note the following aspects of the Joseph Maulhardt #9ST:

- A. The Joseph Maulhardt #9ST will be performed from within the original Joseph Maulhardt #9 wellbore which is located on the same rock drill site pad as ABA’s existing Joseph Maulhardt #6,7,8,10,11 and 15 wells and thus, no grading is needed for this project. The Joseph Maulhardt #9ST is illustrated on the attached Site Plan and Survey Plat (See Exhibits “D” and “E”).
- B. For the Joseph Maulhardt #9ST, a portable rig will be employed for the re-entry and sidetrack. A typical rig layout is illustrated on Exhibit “A”. The rig will be illuminated at night to the extent necessary to conduct safe operations. Noise from the site will be normal for similar drilling operations. Equipment for personnel employed in the sidetrack operation will be in accordance with standard sidetrack/drilling procedures. Temporary trailers for key rig personnel will be on the location during sidetrack operations and then removed after project completion.
- C. The sidetrack of the Joseph Maulhardt #9 well should take approximately 15-30 days and will require 24-hour activity. Once the sidetrack is undertaken, logs will be run to see if a test and completion should be made. If neither a test or a completion is to be run based on the logs, the sidetrack and wellbore will be abandoned or re-sidetracked. If the logs dictate a completion/test program (as originally sidetracked or by re-sidetrack), casing will be run and cemented and a smaller production rig will then be brought in and the completion and testing process will then be undertaken, which process takes approximately 1-4 weeks. The prep work and sidetrack will be performed in accordance with the requirements of CalGEM. If the Joseph Maulhardt #9ST is completed for production, equipment necessary to test and produce the well will be re-installed at the well and the existing pipeline will be used to transport the oil and gas from the wellhead of the Joseph Maulhardt #9ST to the existing ABA production facilities on the ABA Maulhardt Lease, all such uses are covered by SUP 672.

D. Please note the following for the Joseph Maulhardt #9ST:

1. Production equipment will include the existing concrete foundation for an oil pumping unit utilizing an electric motor. The typical pumping unit is illustrated on Exhibit "B". Existing electrical service will be utilized for the pumping unit from an existing electrical panel on the existing pad which utilizes a 40HP electric motor.
2. The existing steel pipeline will be used for the Joseph Maulhardt #9ST wellhead to the existing production facilities as illustrated on Exhibits "C" and "D".
3. One existing Oil/Gas Scrubber vessel approximately 10 feet high and 3 feet in diameter may be utilized at the wellhead for the produced crude oil to be transported by pipeline to the existing ABA Maulhardt Production Facility.

E. Oil production will be transported from the production tank facility covered by SUP 672 utilizing crude oil tanker trucks as allowed in SUP 672. Natural gas will be transported from the production tank facility to an end user using an existing buried natural gas pipeline as allowed by SUP 672, if available, and all non-sold gas will be flared to a primary and/or backup gas flare, also allowed by SUP 672 and Ventura APCD Permit #00066.

Exhibit “2”
Condition – Compliance Letter Special Use Permit 672
Joseph Maulhardt #9ST Sidetrack and Testing Phase

On November 5, 1957, the Board of Supervisors of Ventura County, California, ordered and resolved that Special Use Permit 672 (“SUP 672”) be issued to Tidewater Oil Company for the purpose of:

“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, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit.”

ABA Energy Corporation, as successor to Tidewater Oil Company, plans to re-enter the Joseph Maulhardt #9 wellbore, perform a sidetrack from the Joseph Maulhardt #9 wellbore, which wellbore shall then be used to extract oil and gas. The sidetracked wellbore shall be known as the Joseph Maulhardt #9ST wellbore which will be located on the lands subject to SUP 672. The location of the Joseph Maulhardt #9ST is shown on Exhibits “D” and “E” to this Zoning Clearance application and may be referred to herein as “said well”.

As issued, SUP 672 set forth 13 specific conditions. The drilling and extraction of oil and gas from said Well will be in compliance with those thirteen specific conditions as set forth below:

Condition 1: That the permit is issued for the land as described in the application.

Compliance: The lands covered by SUP 672 are shown on the Attached Assessor Parcel Map (**Parcel 217-0-030-105**) included with the Zoning Clearance application. The location of the Joseph Maulhardt #9ST as well as the production pad and tank farm facility area are shown on Exhibits “D” and “E”.

Condition 2: That any derrick used in connection with the drilling of a well, and all machinery or equipment used to operate such derrick, shall be enclosed with fire-resistant and sound-proofing material, whenever such well or derrick is located within five hundred (500) feet of any dwelling not owned by the lessor or lessee.

Compliance: No drilling rig will be located within 500 feet of any dwelling.

Condition 3: That the use and purpose for which this permit is issued shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4.

Compliance: State Regional Water Pollution Control Board No. 4 has been succeeded by Regional Water Quality Control Board No. 4. The protection of subsurface fresh water aquifers is controlled by CalGEM through requirements for setting and cementing surface casing to

ensure that all such aquifers are isolated to prevent contamination and degradation from drilling fluids and produced hydrocarbons. In all other aspects, said Well will comply with all applicable Regional Water Quality Control Board No. 4 rules or regulations.

Condition 4: That no earthen sumps shall be constructed or maintained within 500 feet of any natural channel in which there is, or may be, flowing water.

Compliance: No earthen sumps will be employed in the drilling for and extraction of oil, gas and other hydrocarbon substances associated with said Well.

Condition 5: That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances. Where economically feasible and where generally accepted and used, proven technological improvements in drilling and production methods shall be adopted as they may become from time to time, available, if capable of reducing factors of nuisance and annoyance.

Compliance: Permittee will utilize drilling and extraction equipment which employs current technology for eliminating, as far as practicable, noise, vibration and noxious odors. Permittee will coordinate with the surface farmer the application of water to roads, the drilling pad and extraction site in order to eliminate, as far as practicable, dust. All drilling and production operations will be conducted using good oil field practices and in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances.

Condition 6: That within ninety (90) days after the drilling of each well has been completed, and said well placed on production, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Ventura County Planning Commission and the Board of Supervisors for the drilling of another well on the same premises.

Compliance: All of the drilling equipment, including the derrick will be removed within 90 days following completion of said well.

Condition 7: That all sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like, which are used or may be used for impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, shall be fenced; when located more than one-half (½) mile from any school, playground or dwelling shall be entirely enclosed by a cattle fence in accordance with specifications adopted by the Planning Commission on January 11, 1954; and when located within one-half (½) mile of any school, playground or dwelling shall be entirely enclosed by a wire fence in accordance with specifications adopted by the Planning Commission on December 14, 1953.

Zoning Clearance Application - Special Use Permit 672 (Joseph Maulhardt #9ST)

Condition Compliance

- Compliance: There will be no sumps or debris basin, or any depressions, ravines, gullies, barrancas or the like used in the drilling for or extraction oil, gas and hydrocarbons from said Well. Steel tanks/containment vessels will be used for impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combinations thereof. Therefore, no fencing will be necessary.
- Condition 8: That all water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, which is removed from the limits of the land for which a Special Use Permit is issued for the purpose of disposal as waste material, shall only be deposited in an approved disposal site. If such disposal is done by other than the permittee, the permittee shall inform the hauling or disposal contractor or agent of the requirements of this condition.
- Compliance: All water, mud, oil, or any other fluid, semi-fluid, or any combinations thereof used in the drilling for or extraction of oil, gas and hydrocarbons from said Well will be removed to an approved disposal site within Ventura County or outside Ventura County.
- Condition 9: That no wells shall be drilled within 150 feet of the centerline of the right of way of any public road, street or highway and that no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
- Compliance: As shown on Exhibit "D" to the Zoning Clearance Application, the location of said well is not within 150 feet of the centerline of the right of way of any public road, street or highway and no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
- Condition 10: That the permittee shall at all times comply with the provisions of Section 3220 and Section 3221 of the Public Resources Code of the State of California, relating to the protection of underground water supply.
- Compliance: CalGEM supervises and inspects the drilling for and extraction of oil, gas and other hydrocarbons to ensure that Section 3220 and Section 3221 of the Public Resources Code of the State of California are complied with.
- Condition 11: That the permittee shall at all times comply with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California, regarding the proper location of wells in reference to boundaries and public streets, roads or highways.
- Compliance: CalGEM will not issue the necessary approval and regulatory clearance for the drilling of said well until permittee has demonstrated to the satisfaction of CalGEM that the location of said well is in compliance with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California.

Condition 12: That upon abandonment of any well or when drilling operations cease, all earthen sumps or other depressions containing drilling mud, oil, or other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating all mud, oil or other waste products into the land by disking, harrowing and leveling to restore the land to the conditions existing prior to the issuance of this permit as nearly as practicable so to do.

Compliance: No earthen sumps or other depressions will be used to contain drilling mud, oil, or other waste products during drilling or extracting operations. All drilling mud, oil, or other waste products used during drilling or producing operations will be contained with steel tank/vessels. All drilling mud, oil, or other waste products used during drilling or producing operations will be removed from the premises to an approved disposal site within, or outside of, Ventura County and the land shall be restored as nearly as practicable to conditions existing prior to the commencement of said well.

Condition 13: That the permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

Compliance: Permittee will comply will all conditions of the Ventura County Ordinance Code as same existed at issuance of SUP 672.

Exhibit “3”

Sec. 8107-5.6.1 – Setbacks

Joseph Maulhardt #9ST

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.

Compliance: No well, equipment or facilities will be within 100 feet of any dedicated public street, highway or nearest rail of a railway being used as such.

- 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. (AM. ORD. 3730 – 5/7/85);

Compliance: No well, equipment or facilities will be within 500 feet of any building or dwelling not necessary to the operation of the well. (See Exhibit D)

- 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. (AM. ORD. 3730 – 5/7/85);

Compliance: No well, equipment or facilities will be within 500 feet of any institution, school or other building used as a place of public assemblage

- d. 300 feet from the edge of the existing banks of “Red Line” channels as established by the Ventura County Flood Control District (VCFCD), 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 Flood Control District requirements.

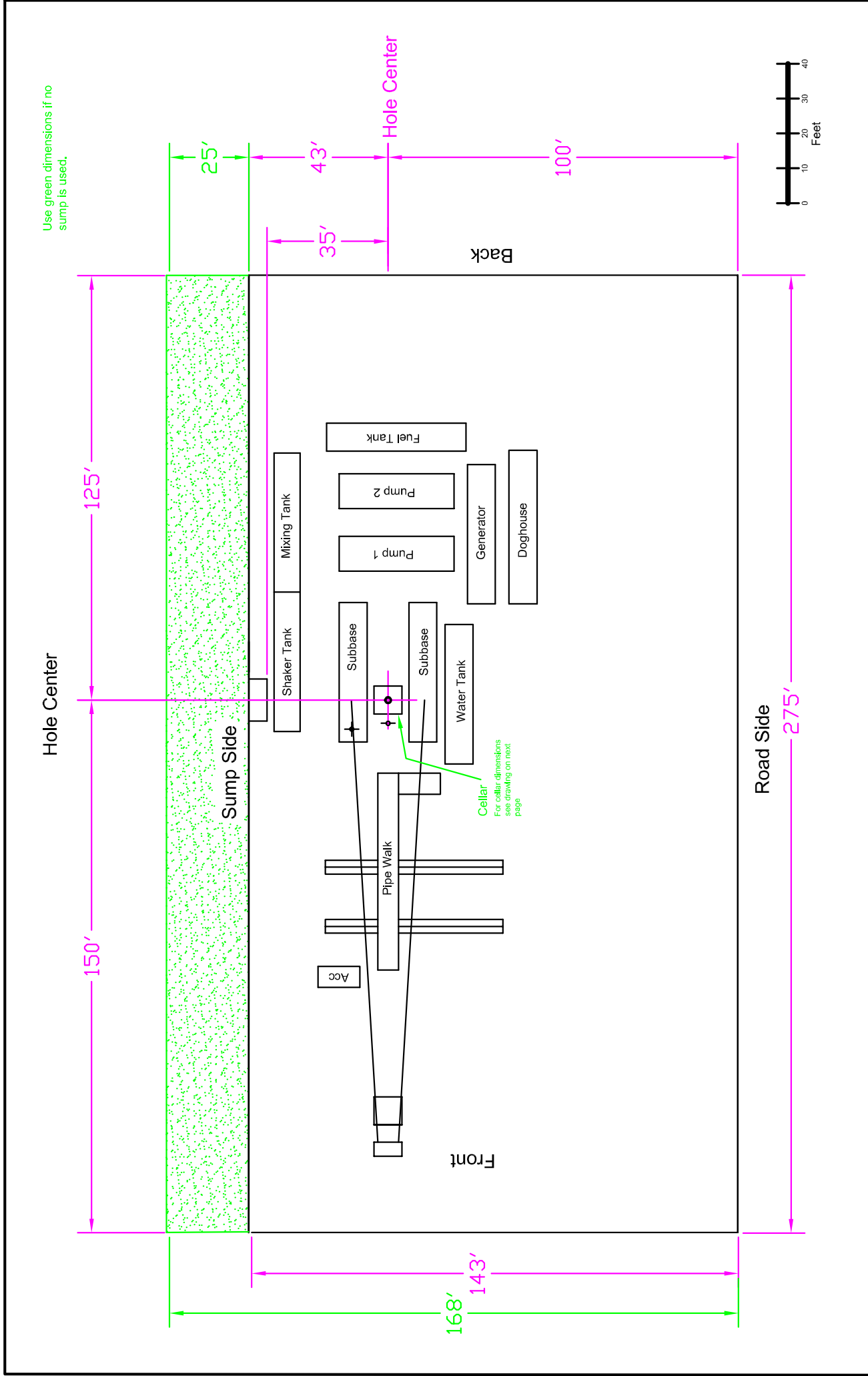
Compliance: No well, equipment or facilities will be within 300 feet from the edge of the existing banks of “Red Line” channels as established by the Ventura County Flood Control District (VCFCD), 100 feet from the existing banks of all other channels appearing on the most current United States Geologic Services (USGS) 2,000’ scale topographic map as a blue line.

- e. The applicable setbacks for accessory structures for the zone in which the use is located.

Compliance: The well, equipment or facilities are outside the required setbacks.

- 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.

Compliance: No well, equipment or facilities will be within 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



Use green dimensions if no sump is used.

For cellar dimensions see drawing on next page

Exhibit "A"



Paul Graham Drilling

Rig 5

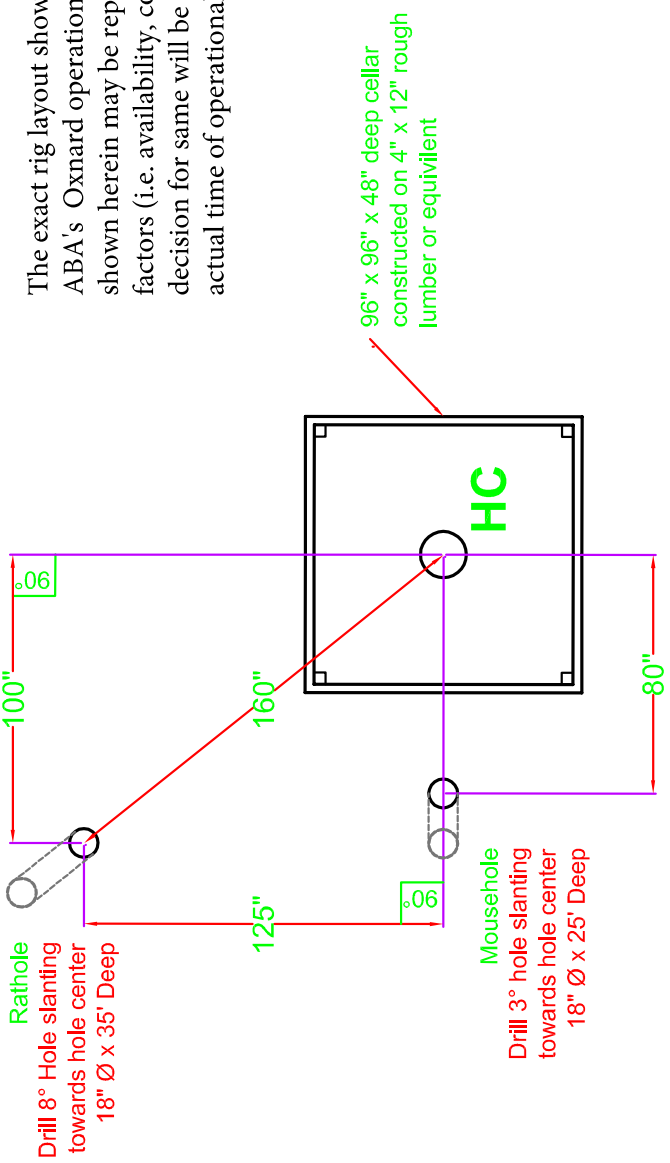
Filename: R5 Plot 1113.dwg

Revision: November 12, 2013

Sump Side

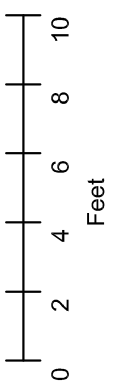
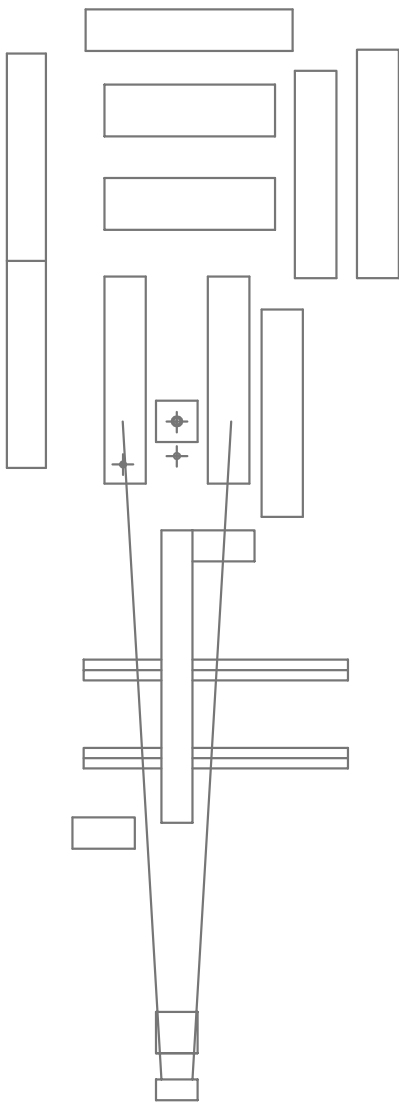
EXHIBIT "A" CONTINUED

The exact rig layout shown herein is typical for ABA's Oxnard operations but the rig/contractor shown herein may be replaced based on many factors (i.e. availability, costs, etc.), the final decision for same will be made just prior to the actual time of operational commencement.



Back

Front



Paul Graham Drilling
Rig 5 Rathole and Mousehole

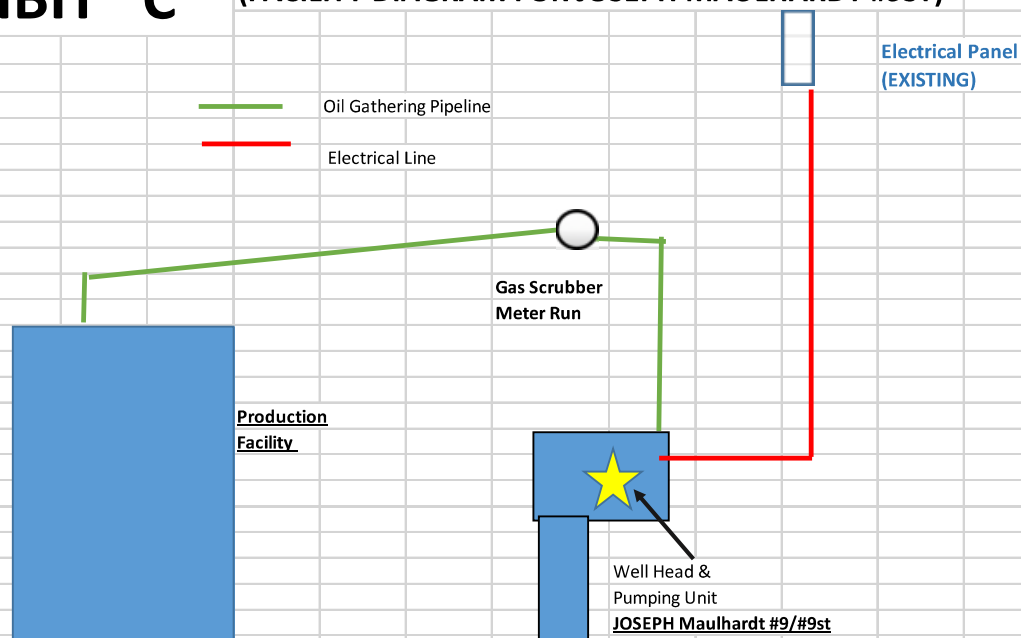
EXHIBIT "B"



The exact pumping unit layout shown herein is typical for ABA's Oxnard operations but may be replaced based on many factors (i.e. availability, costs, etc.), the final decision for same will be made just prior to the actual time of installation of the pumping unit.

EXHIBIT "C"

(FACILITY DIAGRAM FOR JOSEPH MAULHARDT #9ST)



AS THE JOSEPH MAULHARDT #9ST WILL BE THE RESULT OF THE
SIDETRACK OF THE EXISTING JOSEPH MAULHARDT #9 WELL, THE
EXISTING FACILITIES WILL BE UTILIZED AS DEPICTED ABOVE

EXHIBIT “D”

Site Plan

Drillsite and Access Route

Joseph Maulhardt #9ST

Ventura County, California



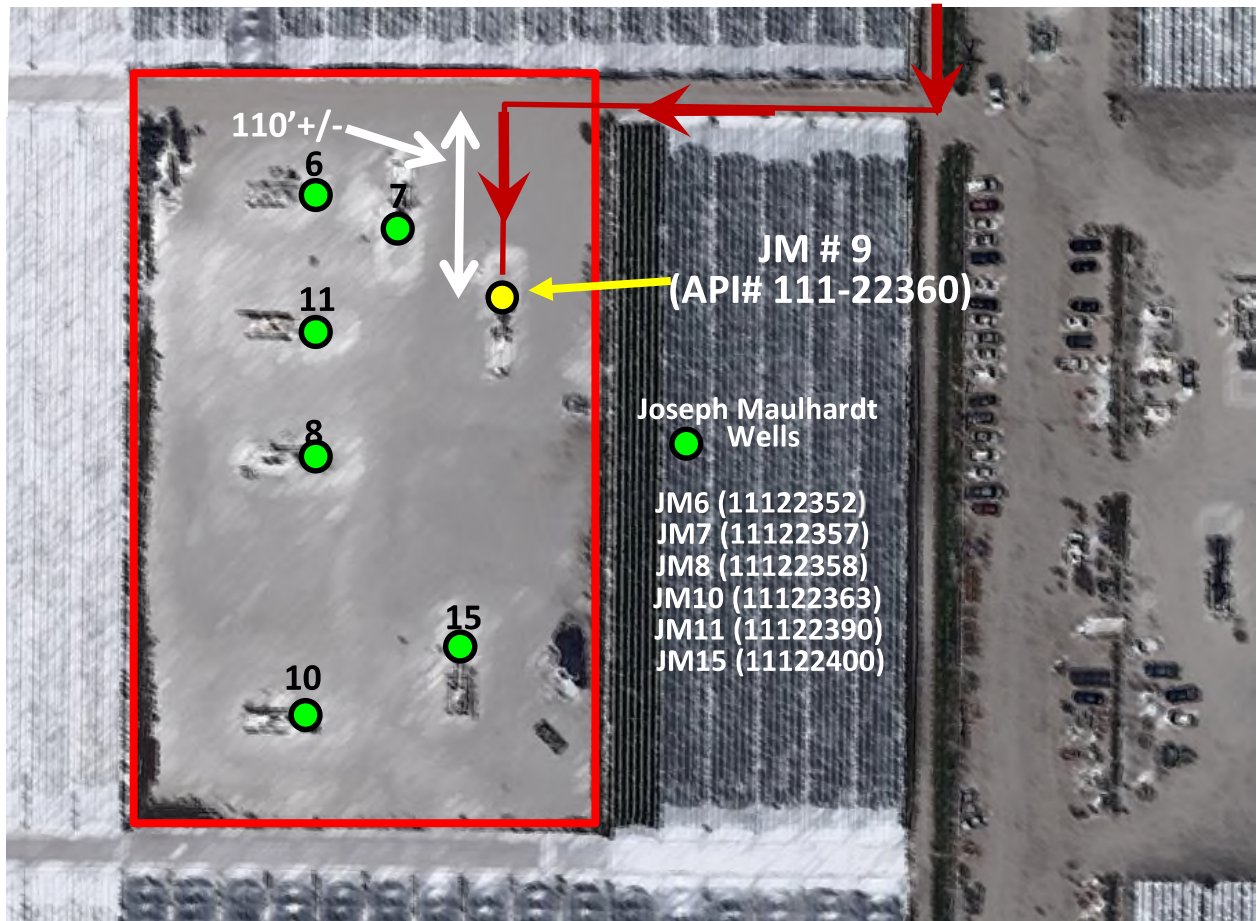
EXHIBIT “D”

Site Plan

Drillsite and Access Route

Joseph Maulhardt #9ST

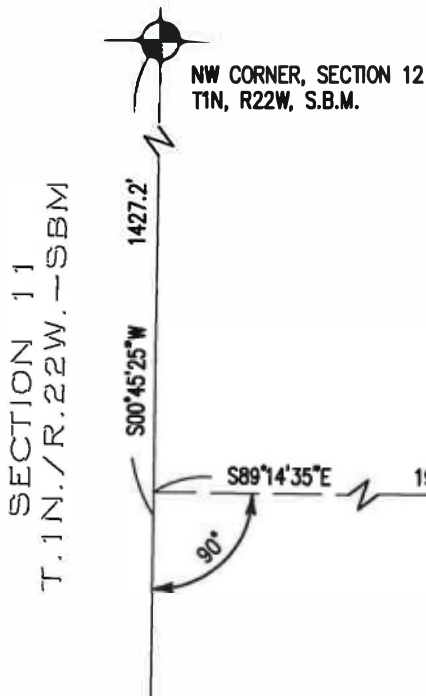
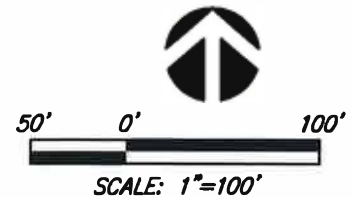
Ventura County, California



FINAL: JOSEPH-MAULHARDT #9

NAD83 (2009.0 EPOCH)

NAD27 (CORPSCON)

(Y) N: 1892407.3 CA - SPC
(X) E: 6214526.8 ZONE 5
ELEVATION: 46.4 NAV88
(GROUND)LAT: 34.1869730 N
LONG: 119.1478816 W(Y) N: 251978.4 CA - SPC
(X) E: 1653136.7 ZONE 5
ELEVATION: 44.0 NGVD29
(GROUND)LAT: 34.1869682 N
LONG: 119.1469409 W**SECTIONAL WELL COORDINATES**
(FOR REFERENCE ONLY)

TO: FINAL WELL SURVEY "JOSEPH-MAULHARDT #9"
1427.2' SOUTHERLY ALONG SECTION LINE, THEN 195.8' EASTERLY, MEASURED
AT RIGHT ANGLES, FROM THE NORTHWEST CORNER OF PROJECTED SECTION 12
TOWNSHIP 1 NORTH, RANGE 22 WEST, SBM - VENTURA COUNTY, CALIFORNIA.

NOTE: PROJECTED SECTION LINE INFORMATION TAKEN FROM CALIFORNIA
DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES COMPUTER DISK ENTITLED
"CALIFORNIA SECTION, TOWNSHIP AND RANGE LAYERS" (DIGITAL MAPPING).

LEGEND

- EXISTING CONDUCTOR
- SBM SAN BERNARDINO MERIDIAN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT
REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY
DIRECTION ON JULY, 2016.

WILLIAM T. HURDLE, PLS 5453

SURVEY CONTROL NOTE

THE BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON
ARE GRID - BASED ON THE CALIFORNIA COORDINATE SYSTEM,
NAD83 DATUM (CCS83), USING TIES TO LOCAL C.O.R.S. STATIONS
(2009.0 EPOCH). ELEVATIONS ARE NAVD88 DATUM - DERIVED
FROM C.O.R.S. ELLIPSOID HEIGHTS USING N.G.S. GEOID09 MODEL.
CORPSCON SOFTWARE (VERSION 6.0.1) WAS USED TO CONVERT
SURVEY DATA TO NAD27 (HORZ.) AND NGVD29 (VERT.) VALUES.
ALL UNITS ARE U.S. SURVEY FEET.

JOSEPH-MAULHARDT #9**FINAL WELL SURVEY****ABA ENERGY CORP****SHEET**
1 OF 1

Jul 05, 2016



1672 DONLON STREET
VENTURA, CALIF. 93003
PHONE 805/654-6977
FAX 805/654-6979



County of Ventura Planning Division

800 S. Victoria Avenue, Ventura, Ca. 93009-1740 • (805) 654-2488 • vcrma.org/divisions/planning

Construction/Demolition ZC22-0938

Assessor's Parcel No.: 2170030105

Date Issued: 09/22/2022
Date Expires: 9/22/2023
Fee: \$330.00
Issued By: T Chaffee

All Associated APNs:

Property Owner:
MOON DOROTHY M TR EST ET AL

Mailing Address:
902 EL TORO RD
OJAI, CA 93023

Telephone:

Applicant:
ABA Energy Corporation ATTN: Alan Brett Adler ABA Energy Corp

Mailing Address:
7612 Meany Avenue
Bakersfield, CA 93308

Telephone: 661-324-7500

ZONING CLEARANCE TYPE: Construction/Demolition

Site Address: 1557 RICE, OXNARD 99999

Parent Case No.:

Lot Area Sq Ft: 5489594

Legal Lot Status:

Lot Area Acres: 126.02

Map & Lot No:

PROJECT DESCRIPTION: ABA Energy Corporation (ABA), an operator of the oil and gas facilities authorized by Special Use Permit No. 672, requests certification for the sidetrack of Dorothy Moon #2 Well.

The operator estimates the sidetrack of the well will take approximately 15-30 days. Sidetrack operations will occur 24-hours per day, seven days per week. After the initial sidetrack period, the operator will decide whether or not they will produce from the well.

All conditions of SUP 672 will apply. All conditions of SUP 672 have been reviewed, and the operation is in compliance with all applicable conditions at this time.

This zoning clearance is issued for a period of one year. Should the sidetrack of the well not commence before September 22, 2023, this permit will expire. Zoning Clearance for the sidetrack of the Dorothy Moon #2 well.

APPLICABLE ZONING:

Zoning AE-40 ac

Area Plan:

General Plan: Agricultural

Zoning: AE-40 ac

Area Plan Designation: N/A

Split Zoning:

Zoning: N/A

Area Plan Designation: N/A

General Plan: N/A

BUILDING COVERAGE ALLOWANCE:

Maximum Building Coverage:

<u>Building Coverage</u>	<u>Existing</u>	<u>Proposed</u>	<u>Combined</u>
Prin. Structure(s) sf.	0	0	0
Accessory Structure(s) sf.	0	0	0
Total sf.	0	0	0
% of Bldg. Coverage	0	0	0

SQUARE FOOTAGE:

Building Coverage	Existing	Proposed	Combined
Principal Dwelling			
Accessory Structure DU			
Accessory 2nd DU			
Principal Structure AG			
Acc Structure AG			
Other Principal Structure			
Other Acc. Structure			

Does the cumulative GFA of any of the structures exceed the maximum ministerial allowance?

BELOW ARE SETBACK EXCEPTIONS THAT MAY APPLY

Allowed Intrusions into Setbacks:

Stairways & balconies, open & unenclosed:	2.5' front, 4' rear
Porches & Landings, uncovered/unenclosed, at or below 1st floor:	6' front, 3' rear and side
Chimneys/fireplaces, masonry:	2' into all setbacks; keep min. 3' side setback
Architectural Features (e.g. eaves, cornices, canopies, etc.):	2.5' front, 2' side, 4' rear; keep min 2' side/rear setback

Are There Setback Exceptions?

Setback Exceptions:

Required Setbacks Between:

Habitable Structures:	10'
Habitable & Non-habitable Structures:	6'
Non-habitable Structures:	6'
Setbacks Between:	

FEES:	Total Fees:	330.00
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ATTACHMENT(S):

Y	Plot/Site Plan	Y	Floor Plans
N	Ordinance Standards	Y	Permit Conditions
N	Compliance Agreement	N	Elevations
N	Declaration	N	Removal Notice and Caveats
N	Cross Sections	N	Arborist Report
N	HOA Approval	N	Affidavit
OTHER:			

NOTES:

1. This Zoning Clearance will be nullified pursuant to Sec. 8111-2.6 of the Non-Coastal Zoning Ordinance and Sec. 8181-5.3 of the Coastal Zoning Ordinance if the information provided by the applicant was not full, true and correct; it was issued erroneously; or it does not comply with the terms and conditions of the permit originally granting the use.
2. Zoning Clearances for which a Building Permit is required are valid for 180 days following issuance of the Zoning Clearance during which time a complete Building Permit application must be submitted to the Ventura County Building and Safety Division. If a Building Permit application is not submitted within 180 days of issuance of the Zoning Clearance, the Zoning Clearance expires. Zoning Clearances shall expire 360 days from submittal of the Building Permit application even if the Building Permit application is renewed. Once a Building Permit is issued, construction must commence in accordance with the required timeline set forth in the Ventura County Building Code. This Zoning Clearance expires if the related Building Permit expires, is withdrawn, is terminated, is renewed, and/or there is a design change.
3. Zoning Clearances for which a Building Permit is not required are valid for 180 days following issuance of the Zoning Clearance. If the authorized development has not received all other required County entitlements and licenses and/or development activities have not commenced on or before the 180th day, the Zoning Clearance expires. If the development has received all other required County entitlements and licenses and development activities have commenced on or before the 180th day, the Zoning Clearance shall remain valid so long as the development remains consistent with the Zoning Ordinance or the conditions of a previously issued entitlement.
4. An applicant may apply for an extension of the 180-day Zoning Clearance expiration date provided that the request for an extension is submitted in writing no later than 30 days prior to the expiration date of the Zoning Clearance and the required fees are paid. A one-time extension may be granted by the Planning Division for a period of up to 180 days provided that (a) there are no material changes to the project or its constituent structures or development, (b) the project is consistent with all applicable General Plan policies, entitlements, and development standards of the Zoning Ordinance in effect at the time the extension is sought, and (c) the project remains subject to the Zoning Clearance permitting requirement, as opposed to a newly enacted discretionary permitting requirement.
5. The property owner is responsible for identifying all property lines and ensuring that all local and state requirements are complied with.
6. Authorizations and approvals by other County Departments that exceed the allowable limits noted herein do not excuse the property owner from complying with the provisions of this Zoning Clearance. (The stricter provisions apply).
7. The proposed project will not result in the removal of more than 50% of the roof or floor area of a non-conforming structure.
8. Property owners shall submit a Verification of Employment Declaration for Zoning Clearances authorizing Farmworker/Animal Caretaker Dwelling Units by May 15th of each year and any applicable fees demonstrating to the Planning Director's satisfaction that the farmworker/animal caretaker meets the Zoning Ordinances' applicable employment criteria.
9. If the property subject of this Zoning Clearance is within the boundary of a Homeowner's Association or Property Owner's Association, additional review and approval of the project may be required by the HOA/POA's Conditions, Covenants & Restrictions (CC&R's). HOA/POA review and approval is the responsibility of the property owner.
10. If the proposed project is located within the Dark Sky Overlay Zone, all new outdoor lighting shall be installed to be consistent with standards outlined in Sec. 8109-4.7 of the Non-Coastal Zoning Ordinance.

BY SIGNING BELOW I CERTIFY THE FOLLOWING:

- I am the owner of the subject property or I am the authorized agent of the property owner and have his/her permission to obtain this Zoning Clearance. I have illustrated on the attached site plan all of the following applicable attributes: existing and proposed structures, Protected Trees (Oaks, Sycamores, and any 30+” diameter trees), marshes, wetlands, streams, rivers, landslides, edges and toes of slopes, abandoned or active oil wells, septic systems and leach fields. I have accurately illustrated all roads, public and private easements, and utilities on the attached site plan and accept responsibility for any encumbrances, restrictions, or agreements on the subject property.
- The information provided in this Zoning Clearance and attached site plans, floor plans, and elevations and landscape plans (if applicable) are full, true and correct.
- I have been informed that I am responsible for contacting the applicable HOA/POA to ensure compliance with the CC&R's.
- I have reviewed, read, and understand the terms, notes and conditions of this Zoning Clearance and as depicted in related attachments, and agree to abide by them and all other provisions of the Zoning Ordinance. I further understand that this Zoning Clearance can be nullified for cause as noted above.
- I agree to defend, indemnify and hold harmless the County of Ventura, including all of its boards, agencies, departments, officers, employees, agents and volunteers, against any and all claims, lawsuits (whether against property owner, County of Ventura or others), judgments, debts, demands and liability, including those arising from injuries or death of persons and for damages to property, arising directly or indirectly out of the obligations of this Zoning Clearance or undertaken or out of operations conducted or subsidized in whole or in part by property owner, save and except claims or litigations arising through the sole negligence or wrongdoing and/or sole willful misconduct of County of Ventura.

9-22-22


Applicant Signature

Exhibit “1”
Proposed Use Pursuant to Existing Ventura County Special Use Permit 672
Dorothy Moon #2ST

Pursuant to the conditions of Special Use Permit 672 (“SUP 672”), ABA Energy Corporation (“ABA”) drilled the Dorothy Moon #2 well in 2013. The well was drilled, and re-drilled twice, all resulting in dry holes. The well and all of the aforementioned re-drills were abandoned in late 2013. The wellsite upon which the surface location of the Dorothy Moon #2 wellbore is located also contains the currently producing ABA Dorothy Moon #1 well which has been producing since 2011. ABA is the Operator of the Dorothy Moon #1 well, the currently abandoned Dorothy Moon #2 wellbore, the proposed Dorothy Moon #2ST, and the Maulhardt Lease together with all of the other producing wells situated thereupon, all of the foregoing via SUP 672. ABA Energy Corporation plans to re-enter the Dorothy Moon #2, clean out the cement plugs in the surface casing therein, and thereafter, the well will be sidetracked, all as allowed for and permitted under SUP 672. If new producing zones are encountered therein, the well will be tested through casing and if successful, ABA will produce from the sidetracked wellbore. For and after the aforementioned operations are completed, the final configuration of the well designated/permitted hereunder, will be the Dorothy Moon #2ST which designation will include the sidetracked wellbore and the ancillary equipment used for the wellbore such as the pumping unit/pad, the electrical lines, the oil/gas scrubber, and the pipeline from the wellhead to ABA’s existing facilities. The location of the well is shown on the enclosed Survey Plat for the Dorothy Moon #2/ #2ST as well as on Site Plan submitted with this Zoning Clearance application (See Exhibits “D” and “E”). Please note the following aspects of the Dorothy Moon #2ST:

- A. The Dorothy Moon #2ST will be performed from within the original Dorothy Moon #2 wellbore which is located on the same rock-drill site pad as ABA’s existing Dorothy Moon #1 wellbore and thus, no grading is needed for this project. The Dorothy Moon #2ST wellbore is illustrated on the attached Site Plan and Survey Plat (See Exhibits “D” and “E”).
- B. For the Dorothy Moon #2ST, a portable rig will be employed for the re-entry and sidetrack. A typical rig layout is illustrated on Exhibit “A”. The rig will be illuminated at night to the extent necessary to conduct safe operations. Noise from the site will be normal for similar drilling operations. Equipment for personnel employed in the sidetrack operation will be in accordance with standard sidetrack/drilling procedures. Temporary trailers for key rig personnel will be on the location during sidetrack operations and then removed after project completion.
- C. The sidetrack of the Dorothy Moon #2ST should take approximately 15-30 days and will require 24-hour activity. Once the sidetrack is undertaken, logs will be run to see if a test and completion should be made. If neither a test or a completion is to be run based on the logs, the sidetrack and wellbore will be abandoned or re-sidetracked. If the logs dictate a completion/test program (as originally sidetracked or by re-sidetrack), casing will be run and cemented and a smaller production rig will then be brought in and the completion and testing process will then be undertaken, which process takes approximately 1-4 weeks. The prep work and sidetrack will be performed in accordance with the requirements of CalGEM. If the Dorothy Moon #2ST is completed for production, equipment necessary to test and produce the well will be installed at the well and a pipeline will be installed to transport the oil and gas from the wellhead of the Dorothy Moon #2ST to the production facilities which already exist on the Dorothy Moon #1 pad, where the proposed Dorothy Moon #2ST is located, and both of which are covered by SUP 672.

D. Please note the following for the Dorothy Moon #2ST:

1. Production equipment will include a concrete foundation for an oil pumping unit utilizing an electric motor. The typical pumping unit is illustrated on Exhibit "B". Electrical service will be brought out to the pumping unit from an existing electrical panel on the existing pad which utilizes a 40HP electric motor.
2. One steel pipeline not to exceed 6 inches in diameter will be constructed from the Dorothy Moon #2ST wellhead to the existing production facilities as illustrated on Exhibits "C" and "D".
3. One Oil/Gas Scrubber vessel approximately 10 feet high and 3 feet in diameter may be utilized at the wellhead for the produced crude oil to be transported by pipeline to the existing ABA Maulhardt Production Facility.

E. Oil production will be transported from the production tank facility covered by SUP 672 utilizing crude oil tanker trucks as allowed in SUP 672. Natural gas will be transported from the production tank facility to an end user using an existing buried natural gas pipeline as allowed by SUP 672, if available, and all non-sold gas will be flared to a primary and/or backup gas flare, also allowed by SUP 672 and Ventura APCD Permit #00066.

Exhibit “2”
Condition – Compliance Letter Special Use Permit 672
Dorothy Moon #2ST Sidetrack and Testing Phase

On November 5, 1957, the Board of Supervisors of Ventura County, California, ordered and resolved that Special Use Permit 672 (“SUP 672”) be issued to Tidewater Oil Company for the purpose of:

“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, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit.”

ABA Energy Corporation, as successor to Tidewater Oil Company, plans to re-enter the Dorothy Moon #2 wellbore, perform a sidetrack from the Dorothy Moon #2 wellbore, which wellbore shall then be used to extract oil and gas. The sidetracked wellbore shall be known as the Dorothy Moon #2ST wellbore which will be located on the lands subject to SUP 672. The location of the Dorothy Moon #2ST is shown on Exhibits “D” and “E” to this Zoning Clearance application and may be referred to herein as “said well”.

As issued, SUP 672 set forth 13 specific conditions. The drilling and extraction of oil and gas from said Well will be in compliance with those thirteen specific conditions as set forth below:

Condition 1: That the permit is issued for the land as described in the application.

Compliance: The lands covered by SUP 672 are shown on the Attached Assessor Parcel Map (**Parcel 217-0-030-105**) included with the Zoning Clearance application. The location of the Dorothy Moon #2ST as well as the production pad and tank farm facility area are shown on Exhibits “D” and “E”.

Condition 2: That any derrick used in connection with the drilling of a well, and all machinery or equipment used to operate such derrick, shall be enclosed with fire-resistant and sound-proofing material, whenever such well or derrick is located within five hundred (500) feet of any dwelling not owned by the lessor or lessee.

Compliance: No drilling rig will be located within 500 feet of any dwelling.

Condition 3: That the use and purpose for which this permit is issued shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4.

Compliance: State Regional Water Pollution Control Board No. 4 has been succeeded by Regional Water Quality Control Board No. 4. The protection of subsurface fresh water aquifers is controlled by CalGEM through requirements for setting and cementing surface casing to

ensure that all such aquifers are isolated to prevent contamination and degradation from drilling fluids and produced hydrocarbons. In all other aspects, said Well will comply with all applicable Regional Water Quality Control Board No. 4 rules or regulations.

Condition 4: That no earthen sumps shall be constructed or maintained within 500 feet of any natural channel in which there is, or may be, flowing water.

Compliance: No earthen sumps will be employed in the drilling for and extraction of oil, gas and other hydrocarbon substances associated with said Well.

Condition 5: That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances. Where economically feasible and where generally accepted and used, proven technological improvements in drilling and production methods shall be adopted as they may become from time to time, available, if capable of reducing factors of nuisance and annoyance.

Compliance: Permittee will utilize drilling and extraction equipment which employs current technology for eliminating, as far as practicable, noise, vibration and noxious odors. Permittee will coordinate with the surface farmer the application of water to roads, the drilling pad and extraction site in order to eliminate, as far as practicable, dust. All drilling and production operations will be conducted using good oil field practices and in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances.

Condition 6: That within ninety (90) days after the drilling of each well has been completed, and said well placed on production, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Ventura County Planning Commission and the Board of Supervisors for the drilling of another well on the same premises.

Compliance: All of the drilling equipment, including the derrick will be removed within 90 days following completion of said well.

Condition 7: That all sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like, which are used or may be used for impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, shall be fenced; when located more than one-half (½) mile from any school, playground or dwelling shall be entirely enclosed by a cattle fence in accordance with specifications adopted by the Planning Commission on January 11, 1954; and when located within one-half (½) mile of any school, playground or dwelling shall be entirely enclosed by a wire fence in accordance with specifications adopted by the Planning Commission on December 14, 1953.

- Compliance: There will be no sumps or debris basin, or any depressions, ravines, gullies, barrancas or the like used in the drilling for or extraction oil, gas and hydrocarbons from said Well. Steel tanks/containment vessels will be used for impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combinations thereof. Therefore, no fencing will be necessary.
- Condition 8: That all water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, which is removed from the limits of the land for which a Special Use Permit is issued for the purpose of disposal as waste material, shall only be deposited in an approved disposal site. If such disposal is done by other than the permittee, the permittee shall inform the hauling or disposal contractor or agent of the requirements of this condition.
- Compliance: All water, mud, oil, or any other fluid, semi-fluid, or any combinations thereof used in the drilling for or extraction of oil, gas and hydrocarbons from said Well will be removed to an approved disposal site within Ventura County or outside Ventura County.
- Condition 9: That no wells shall be drilled within 150 feet of the centerline of the right of way of any public road, street or highway and that no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
- Compliance: As shown on Exhibit "D" to the Zoning Clearance Application, the location of said well is not within 150 feet of the centerline of the right of way of any public road, street or highway and no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
- Condition 10: That the permittee shall at all times comply with the provisions of Section 3220 and Section 3221 of the Public Resources Code of the State of California, relating to the protection of underground water supply.
- Compliance: CalGEM supervises and inspects the drilling for and extraction of oil, gas and other hydrocarbons to ensure that Section 3220 and Section 3221 of the Public Resources Code of the State of California are complied with.
- Condition 11: That the permittee shall at all times comply with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California, regarding the proper location of wells in reference to boundaries and public streets, roads or highways.
- Compliance: CalGEM will not issue the necessary approval and regulatory clearance for the drilling of said well until permittee has demonstrated to the satisfaction of CalGEM that the location of said well is in compliance with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California.

Condition 12: That upon abandonment of any well or when drilling operations cease, all earthen sumps or other depressions containing drilling mud, oil, or other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating all mud, oil or other waste products into the land by disking, harrowing and leveling to restore the land to the conditions existing prior to the issuance of this permit as nearly as practicable so to do.

Compliance: No earthen sumps or other depressions will be used to contain drilling mud, oil, or other waste products during drilling or extracting operations. All drilling mud, oil, or other waste products used during drilling or producing operations will be contained with steel tank/vessels. All drilling mud, oil, or other waste products used during drilling or producing operations will be removed from the premises to an approved disposal site within, or outside of, Ventura County and the land shall be restored as nearly as practicable to conditions existing prior to the commencement of said well.

Condition 13: That the permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

Compliance: Permittee will comply will all conditions of the Ventura County Ordinance Code as same existed at issuance of SUP 672.

Exhibit “3”

Sec. 8107-5.6.1 – Setbacks

Dorothy Moon #2ST

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.

Compliance: No well, equipment or facilities will be within 100 feet of any dedicated public street, highway or nearest rail of a railway being used as such.

- 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. (AM. ORD. 3730 – 5/7/85);

Compliance: No well, equipment or facilities will be within 500 feet of any building or dwelling not necessary to the operation of the well. (See Exhibit D)

- 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. (AM. ORD. 3730 – 5/7/85);

Compliance: No well, equipment or facilities will be within 500 feet of any institution, school or other building used as a place of public assemblage

- d. 300 feet from the edge of the existing banks of “Red Line” channels as established by the Ventura County Flood Control District (VCFCD), 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 Flood Control District requirements.

Compliance: No well, equipment or facilities will be within 300 feet from the edge of the existing banks of “Red Line” channels as established by the Ventura County Flood Control District (VCFCD), 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.

- e. The applicable setbacks for accessory structures for the zone in which the use is located.

Compliance: The well, equipment or facilities are outside the required setbacks.

- 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.

Compliance: No well, equipment or facilities will be within 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

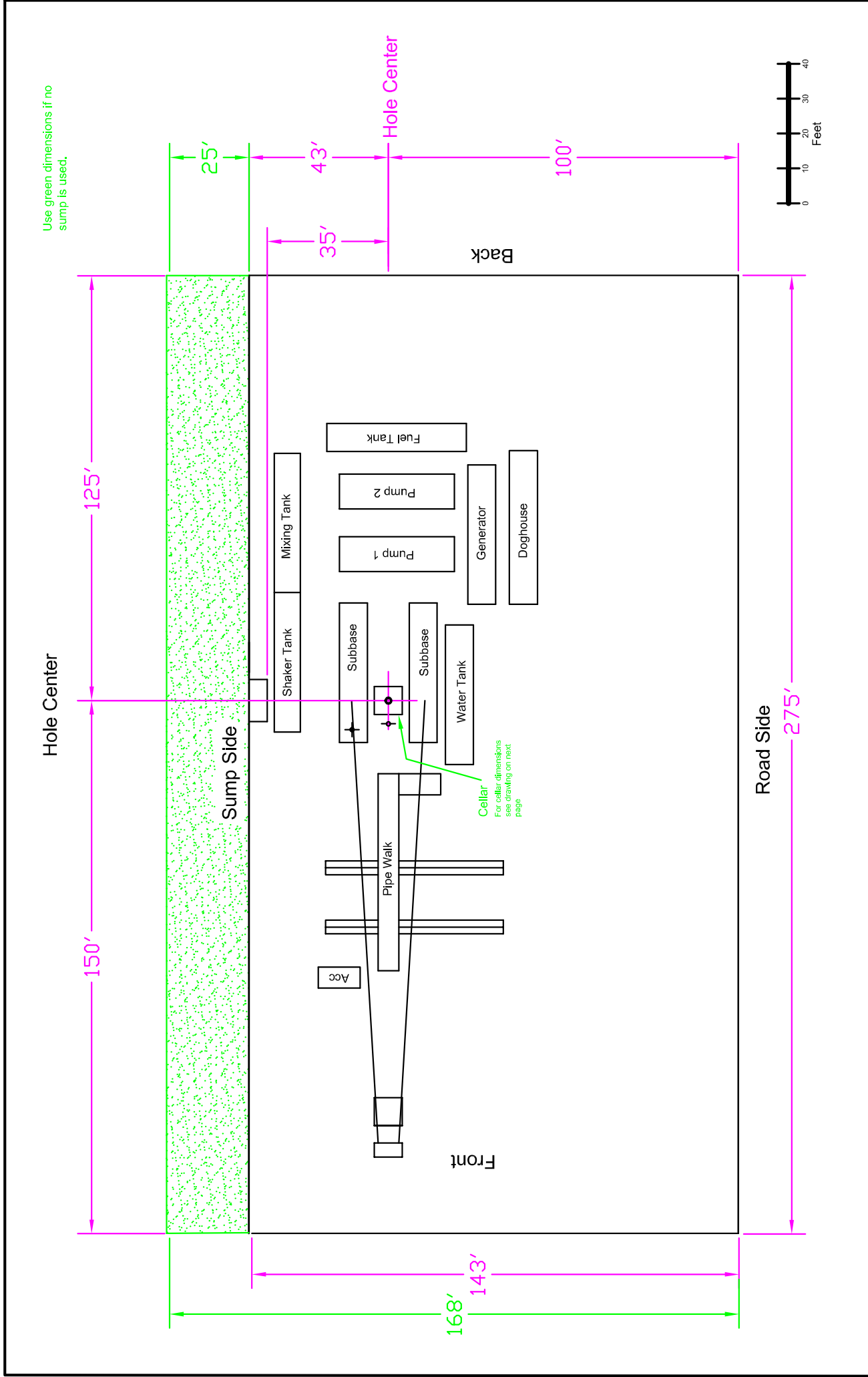


Exhibit "A"



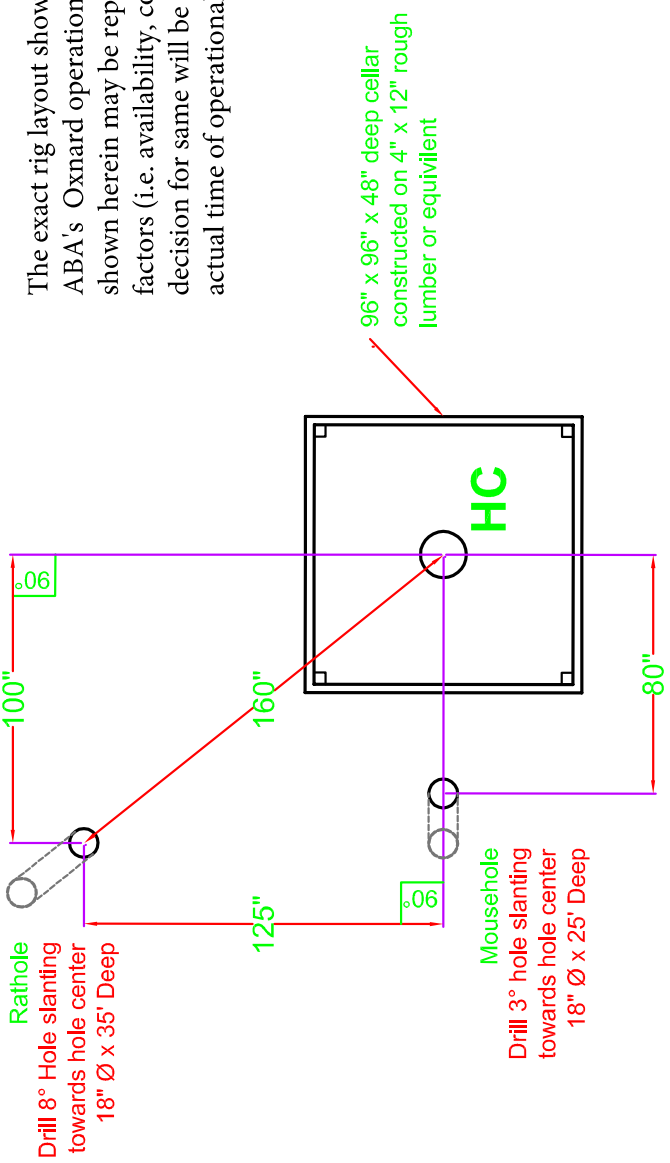
Paul Graham Drilling

Rig 5

Sump Side

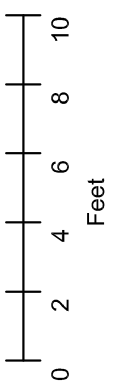
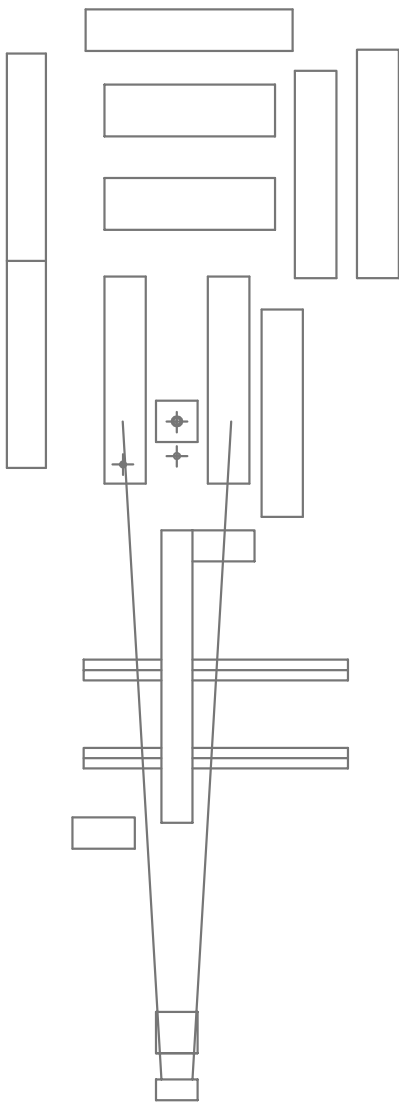
EXHIBIT "A" CONTINUED

The exact rig layout shown herein is typical for ABA's Oxnard operations but the rig/contractor shown herein may be replaced based on many factors (i.e. availability, costs, etc.), the final decision for same will be made just prior to the actual time of operational commencement.



Back

Front



Paul Graham Drilling
Rig 5 Rathole and Mousehole

EXHIBIT "B"



The exact pumping unit layout shown herein is typical for ABA's Oxnard operations but may be replaced based on many factors (i.e. availability, costs, etc.), the final decision for same will be made just prior to the actual time of installation of the pumping unit.

EXHIBIT "C"

(FACILITY DIAGRAM FOR DOROTHY MOON #2ST)

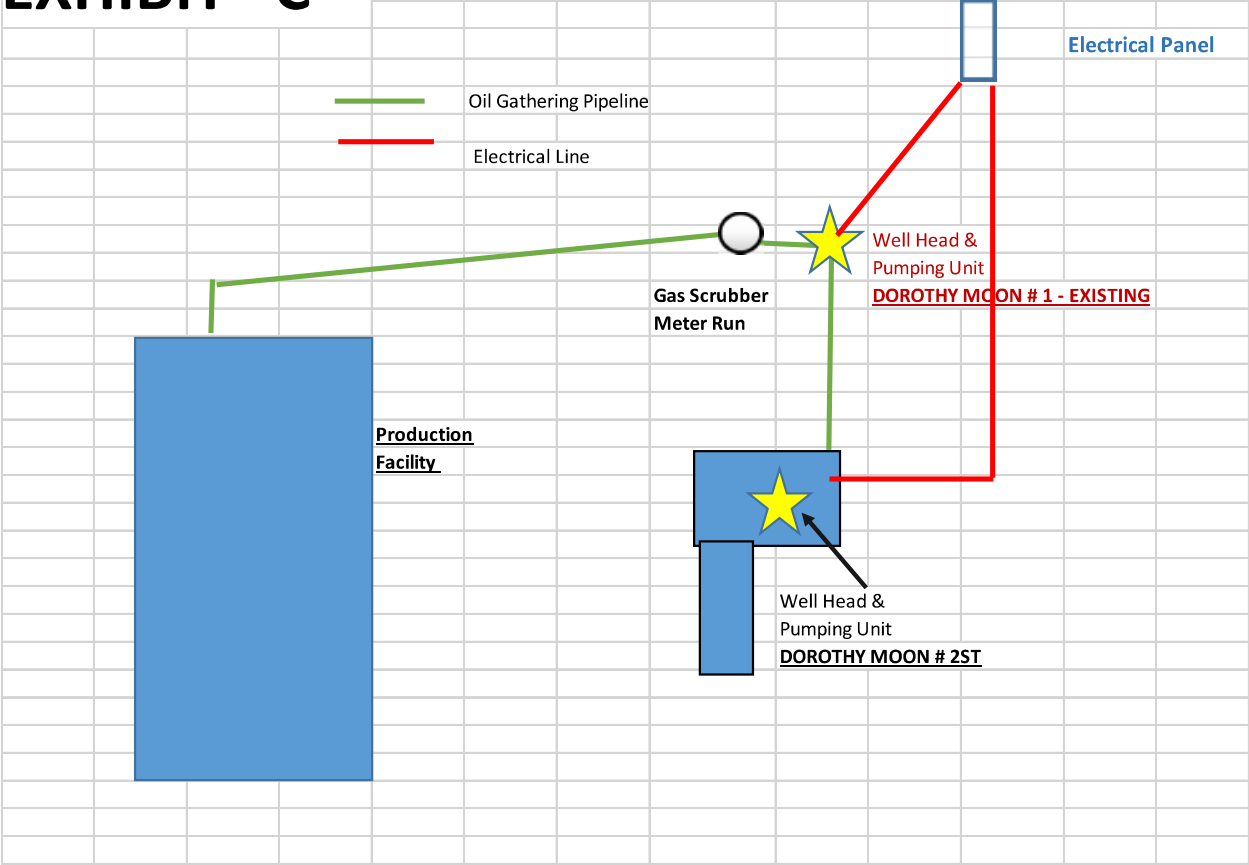


EXHIBIT “D”

Site Plan

Drillsite and Access Route

Dorothy Moon #2ST

Ventura County, California

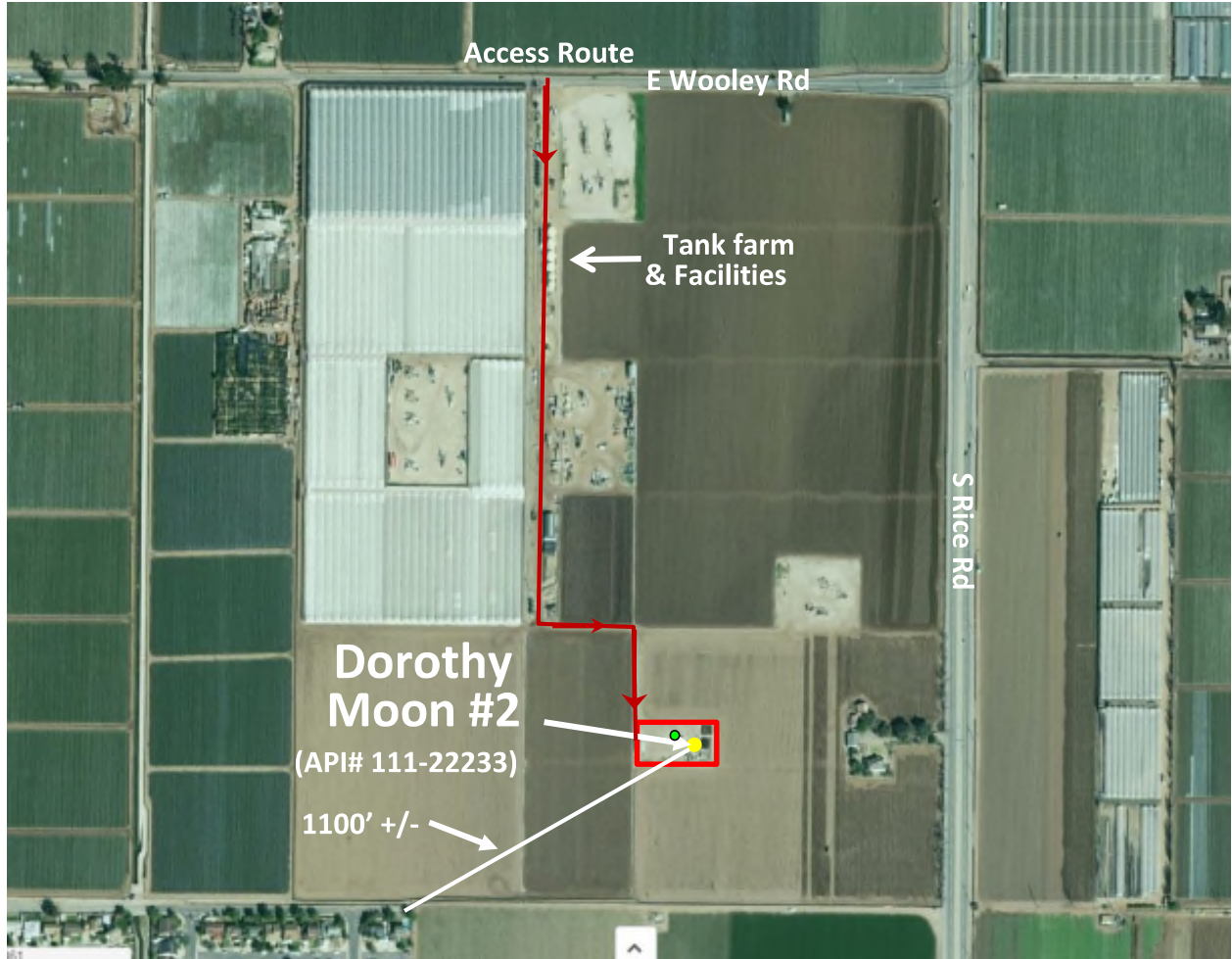


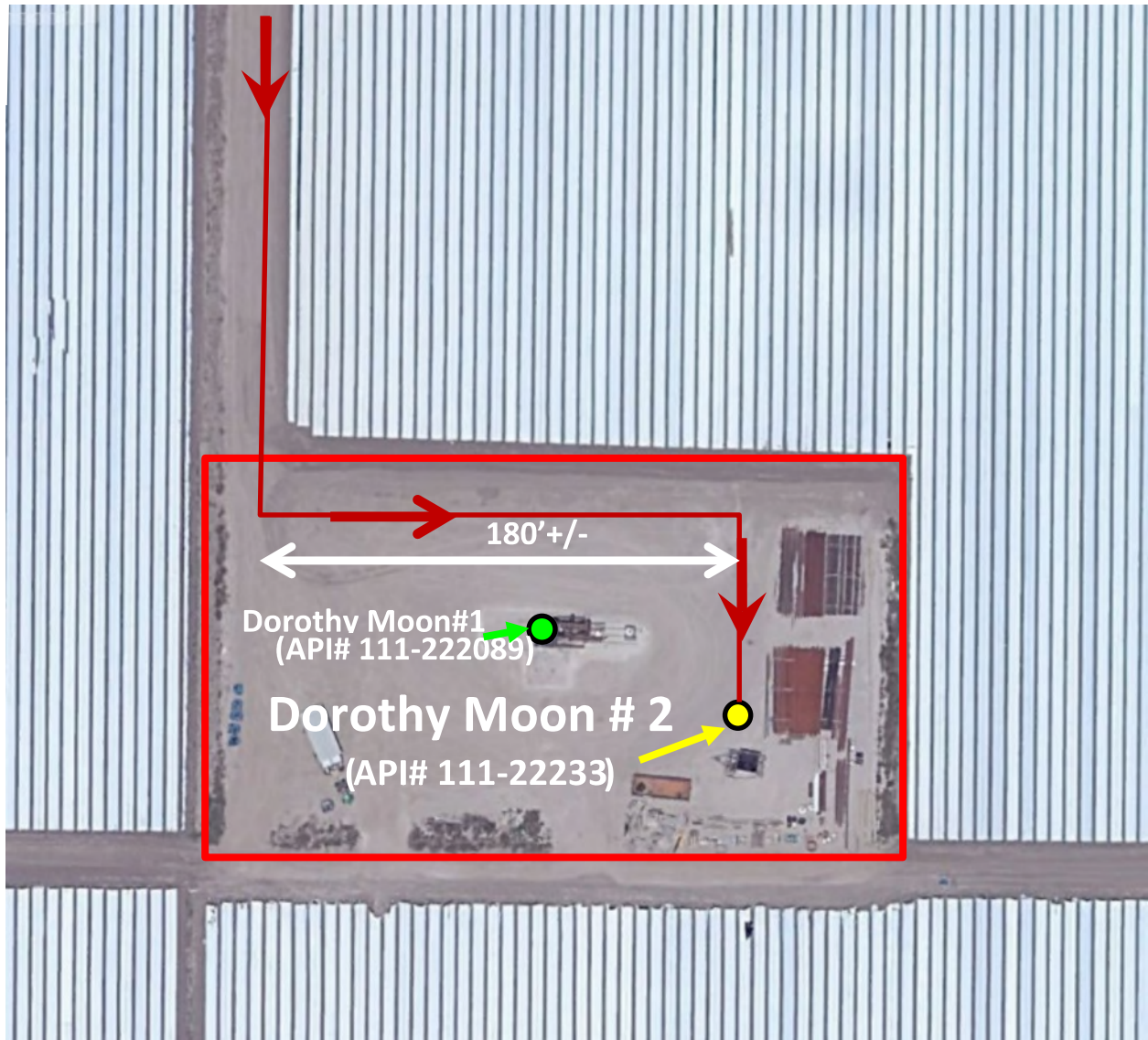
EXHIBIT “D”

Site Plan

Drillsite and Access Route

Dorothy Moon #2ST

Ventura County, California



FINAL: DOROTHY MOON #2

NAD83 (2009.0 EPOCH)

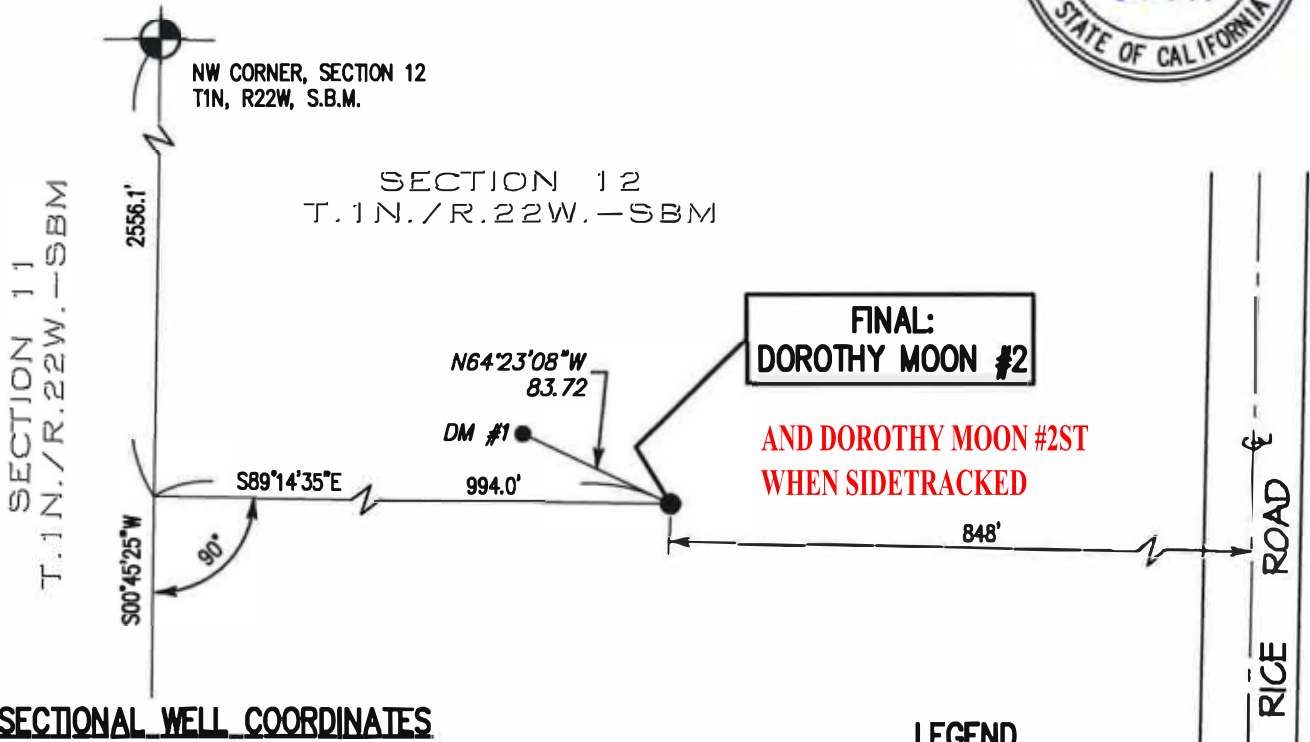
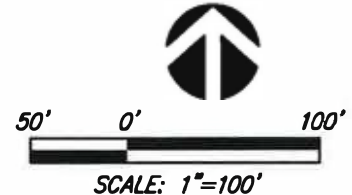
NAD27 (CORPSCON)

(Y) N: 1891268.0 CA - SPC
 (X) E: 6215309.9 ZONE 5
 ELEVATION: 45.0 NAVD88
 (GROUND)

LAT: 34.1838670 N
 LONG: 119.1452494 W

(Y) N: 250839.1 CA - SPC
 (X) E: 1653919.9 ZONE 5
 ELEVATION: 42.6 NGVD29
 (GROUND)

LAT: 34.1838621 N
 LONG: 119.1443088 W

**SECTIONAL WELL COORDINATES**

(FOR REFERENCE ONLY)

TO: FINAL WELL SURVEY "DOROTHY MOON #2"
 2556.1' SOUTHERLY ALONG SECTION LINE, THEN 994.0' EASTERLY, MEASURED
 AT RIGHT ANGLES, FROM THE NORTHWEST CORNER OF PROJECTED SECTION 12
 TOWNSHIP 1 NORTH, RANGE 22 WEST, SBM - VENTURA COUNTY, CALIFORNIA.

NOTE: PROJECTED SECTION LINE INFORMATION TAKEN FROM CALIFORNIA
 DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES COMPUTER DISK ENTITLED
 "CALIFORNIA SECTION, TOWNSHIP AND RANGE LAYERS" (DIGITAL MAPPING).

LEGEND

● EXISTING CONDUCTOR
 SBM SAN BERNARDINO MERIDIAN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT
 REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY
 DIRECTION ON JUNE 28, 2013.

William T. Hurdle

WILLIAM T. HURDLE, PLS 5453

SURVEY CONTROL NOTE

THE BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON
 ARE GRID - BASED ON THE CALIFORNIA COORDINATE SYSTEM,
 NAD83 DATUM (CCS83), USING TIES TO LOCAL C.O.R.S. STATIONS
 (2009.0 EPOCH). ELEVATIONS ARE NAVD88 DATUM - DERIVED
 FROM C.O.R.S. ELLIPSOID HEIGHTS USING N.G.S. GEOID09 MODEL.
 CORPSCON SOFTWARE (VERSION 6.0.1) WAS USED TO CONVERT
 SURVEY DATA TO NAD27 (HORZ.) AND NGVD29 (VERT.) VALUES.
 ALL UNITS ARE U.S. SURVEY FEET.

DOROTHY MOON #2**FINAL WELL SURVEY****ABA ENERGY CORP**

SHEET
1 OF 1

Jul 01, 2013



1672 DONLON STREET
 VENTURA, CALIF. 93003
 PHONE 805/654-6977
 FAX 805/654-6979



Appeal Form

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • www.vcrma.org/divisions/planning

Appeal Number: PL 22 - 0152

To: ☐ Board of Supervisors
☒ Planning Commission
☐ PWA Advisory Agency

I hereby appeal the decision of the Planning Division (Thomas Chaffee), which was given on September 22, 20 22.

The decision was as follows:

Approval of ZC22-0937 authorizing ABA Energy Corporation (ABA or "Oil Company"), an operator of the oil and gas facilities authorized by Special Use Permit No. 672, to construct sidetracking at Maulhardt #9 Well.

ABA seeks to re-enter Maulhardt #9 wellbore, perform a sidetrack from #9 wellbore, which would then be tested and, if producing, used to extract oil and gas. The sidetracked wellbore would be known as Maulhardt #9ST wellbore.

The grounds of appeal are (attach extra sheets as needed):

See attachment.

I request that the appropriate decision making body take the following action:

The County's decision to approve the construction activities required to sidetrack (re-drill) this well is discretionary and subject to all current Ventura County General Plan policies, zoning restrictions, and state laws. We request that the Planning Commission request that County staff prepare an Initial Study and subsequent required environmental review documents for non-antiquated CUPS.

We also request that the County require ABA to provide detailed information and evidence to allow the County and the public to assess whether and how ABA's new proposed drilling operations will comply with the conditions set out in SUP No. 672.

Name of Appellant: Climate First: Replacing Oil & Gas (CFR)G

Address of Appellant: P.O. Box 114, Ojai, CA 93024

Telephone Number of Appellant: (805)794-0629

Is the appellant a party in the application? No . If not, state the basis for filing the appeal as an "aggrieved person."

Halley Ehlers
Signature of Appellant

September 29, 2022
Date

Appeal and deposit fee of \$ 1000.00 (pursuant to fee schedule specified by Resolution No. 222 of the Ventura County Board of Supervisors) received by the Planning Division at 10:30 am (time) on Friday September 30th, 20 22.

Dave Ward, AICP
Director- Planning Division

By Aman Pathyja

Attachment: Grounds of Appeal (ZC22-0937)

The grounds of appeal include, but are not limited to the following:

This zoning clearance was issued in violation of the Ventura County Non-Coastal Zoning Ordinance, the County General Plan, and/or state and federal law. Further, the Oil Company failed to adequately show how the construction and the proposed sidetracking operations will comply with conditions of its Special Use Permit No. 672 (SUP 672).

Maulhardt #9 well is currently an idle well, and has therefore not been in operation since “late 2019.” The Oil Company seeks to undertake construction activities to sidedrill, test for production, and then operate and produce at new Maulhardt #9ST.

This idle well is approximately 1,700 feet away from the residential Lemonwood community and located in the middle of agricultural fields. ABA’s proposed construction activities would last up to 30 days and operate 24 hours a day. This construction will impact the many farmworkers laboring in and around this site. There is also a public park within 2,600 feet and an elementary school within 3,000 feet of the proposed construction activities. Based on the proximity to sensitive receptors and proposed project’s potential significant impacts, CEQA requires that the County conduct an initial environmental study prior to providing the zoning clearance for the construction/demolition of the proposed project. An initial study will identify and provide information for both decision-makers and the public as to potential significant impacts and if and how they can be mitigated. These include air quality impacts, such as particulate matter and traffic, and other environmental impacts under CEQA. The proximity of this new activity to homes and community spaces is also contrary to state legislation that will soon go into effect (SB 1137) requiring 3,200 feet between sensitive receptors and new drilling activity (including sidetrack/re-work).

Additionally, the Oil Company has not sufficiently shown that the proposed project, including the ongoing drilling operations for Maulhardt #9ST wellbore, will adhere to SUP No. 672 Conditions 5 and 8. The Oil Company only broadly asserts that it will meet these conditions, but the record is devoid of information to ascertain whether and how the conditions will be satisfied. The County is responsible for ensuring that permit conditions will be met, which, in this case, requires further information, review, and public notice and participation, in order to assess and make an informed conclusion substantiated with evidence. Further information and an assessment will also identify any requirements to ensure compliance with Conditions 5 and 8, and mitigation of the impacts listed in the conditions that the oil operator must avoid, as identified in the conditions.

Condition 5 states: “

The plain language of Conditions 5 indicates that the County intended to continue to ensure over time that oil companies wishing to create new wells or expand operations under SUP 672 would adhere to technological advances and best practices available at the time of a proposed

project in order to eliminate to the extent possible environmental nuisances and other annoyances. The Oil Company applicant merely restates the condition and states that it will do what the conditions require. The County must not accept what amounts to a pledge to conclude that the condition is met. And it must not wait until the project is underway and impacts occur that Condition 5 intended to avoid. Rather, the County must demand and review information from the Oil Company that substantiates how it will meet Condition 5.

Condition 8 states: “

Again, the Oil Company failed to provide information to show that it will comply with Condition 8, and merely states that it will do as required. Oil drilling is an inherently highly industrial, polluting operation that requires the County to diligently ensure compliance with all conditions in order to protect the public's interest.

The conditions set forth in SUP mean that the Oil Company may not undertake proposed drilling activities unless it complies. The proposed project is therefore contingent on it showing that it will, in fact, comply and not run afoul of the conditions.

Additionally, SUP 672 is considered “antiquated,” it was approved November 4, 1957. This antiquated permit does not provide a vested right to new and expanded operations.



Appeal Form

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • www.vcrma.org/divisions/planning

Appeal Number: PL22 - 0153

To: ☐ Board of Supervisors
☒ Planning Commission
☐ PWA Advisory Agency

I hereby appeal the decision of the Planning Division (Thomas Chaffee), which was given on September 22, 2022.

The decision was as follows:

Approval of ZC22-0938 authorizing ABA Energy Corporation (ABA or "Oil Company"), an operator of the oil and gas facilities authorized by Special Use Permit No. 672, to construct sidetracking at Dorothy Moon #2 Well.

ABA seeks to re-enter Dorothy Moon #2 wellbore, perform a sidetrack from #2 wellbore, which would then be tested and, if producing, used to extract oil and gas. The sidetracked wellbore would be known as Dorothy Moon #2ST wellbore.

The grounds of appeal are (attach extra sheets as needed):

See attachment.

I request that the appropriate decision making body take the following action:

The County's decision to approve the construction activities required to sidetrack (re-drill) this well is discretionary and subject to all current Ventura County General Plan policies, zoning restrictions, and state laws. We request that the Planning Commission request that County staff prepare an Initial Study and subsequent required environmental review documents for non-antiquated CUPS.

We also request that the County require ABA to provide detailed information and evidence to allow the County and the public to assess whether and how ABA's new proposed drilling operations will comply with the conditions set out in SUP No. 672.

Name of Appellant: Climate First: Replacing Oil & Gas (CFR)G

Address of Appellant: P.O. Box 114, Ojai, CA 93024

Telephone Number of Appellant: (805)794-0629

Is the appellant a party in the application? . If not, state the basis for filing the appeal as an "aggrieved person."

Halley Enless
Signature of Appellant

September 29, 2022
Date

Appeal and deposit fee of \$ 1000.00 (pursuant to fee schedule specified by Resolution No. 222 of the Ventura County Board of Supervisors) received by the Planning Division at 10:30 am (time) on September 30th, 20 22.

Dave Ward, AICP
Director- Planning Division

By Amir Patheja

Attachment: Grounds of Appeal (ZC22-0938)

The grounds of appeal include, but are not limited to the following:

This zoning clearance was issued in violation of the Ventura County Non-Coastal Zoning Ordinance, the County General Plan, and/or state and federal law. Further, the Oil Company failed to adequately show how the construction and the proposed sidetracking operations will comply with conditions of its Special Use Permit No. 672 (SUP 672).

Dorothy Moon #2 well is currently an abandoned and plugged well, and has therefore not been in operation since 2013 after being determined a “dry hole” (an exploratory well found to be incapable of producing either oil or gas in sufficient quantities to justify completion as an oil or gas well). The Oil Company seeks to undertake construction activities to sidedrill, test for production, and then operate and produce at new Dorothy Moon #2ST. The re-drilling of this well is in conflict with state regulatory definition of “plugged and abandonment” which “involves permanently sealing the well.”

This idle well is approximately 1,000 feet away from the residential Lemonwood community and located in the middle of agricultural fields. ABA’s proposed construction activities would last up to 30 days and operate 24 hours a day. This construction will impact the many farmworkers laboring in and around this site. There is also a public park within 2,255 feet and an elementary school within 2,700 feet of the proposed construction activities. Based on the proximity to sensitive receptors and proposed project’s potential significant impacts, CEQA requires that the County conduct an initial environmental study prior to providing the zoning clearance for the construction/demolition of the proposed project. An initial study will identify and provide information for both decision-makers and the public as to potential significant impacts and if and how they can be mitigated. These include air quality impacts, such as particulate matter and traffic, and other environmental impacts under CEQA. The proximity of this new activity to homes and community spaces is also contrary to state legislation that will soon go into effect (SB 1137) requiring 3,200 feet between sensitive receptors and new drilling activity (including sidetrack/re-work).

Additionally, the Oil Company has not sufficiently shown that the proposed project, including the ongoing drilling operations for Dorothy Moon #2ST wellbore, will adhere to SUP No. 672 Conditions 5 and 8. The Oil Company only broadly asserts that it will meet these conditions, but the record is devoid of information to ascertain whether and how the conditions will be satisfied. The County is responsible for ensuring that permit conditions will be met, which, in this case, requires further information, review, and public notice and participation, in order to assess and make an informed conclusion substantiated with evidence. Further information and an assessment will also identify any requirements to ensure compliance with Conditions 5 and 8, and mitigation of the impacts listed in the conditions that the oil operator must avoid, as identified in the conditions.

Condition 5 states: “

The plain language of Conditions 5 indicates that the County intended to continue to ensure over time that oil companies wishing to create new wells or expand operations under SUP 672 would adhere to technological advances and best practices available at the time of a proposed project in order to eliminate to the extent possible environmental nuisances and other annoyances. The Oil Company applicant merely restates the condition and states that it will do what the conditions require. The County must not accept what amounts to a pledge to conclude that the condition is met. And it must not wait until the project is underway and impacts occur that Condition 5 intended to avoid. Rather, the County must demand and review information from the Oil Company that substantiates how it will meet Condition 5.

Condition 8 states: “

Again, the Oil Company failed to provide information to show that it will comply with Condition 8, and merely states that it will do as required. Oil drilling is an inherently highly industrial, polluting operation that requires the County to diligently ensure compliance with all conditions in order to protect the public’s interest.

The conditions set forth in SUP mean that the Oil Company may not undertake proposed drilling activities unless it complies. The proposed project is therefore contingent on it showing that it will, in fact, comply and not run afoul of the conditions.

Additionally, SUP 672 is considered “antiquated,” it was approved November 4, 1957. This antiquated permit does not provide a vested right to new and expanded operations.

Exhibit 7: Appeal PL22-0152

Staff Response to the Grounds of Appeal

Provided below are staff responses to the grounds of appeal filed by Climate First, Replacing Oil and Gas (Appellant) in its appeal of the issuance of Zoning Clearance ZC22-0937 to certify that the proposed sidetrack of the Maulhardt #9 well is authorized by Special Use Permit (SUP) No. 672. The grounds of appeal are reproduced verbatim below along with the staff responses.

Grounds of Appeal and Staff Responses:

Ground of Appeal No. 1: *This zoning clearance was issued in violation of the Ventura County Non-Coastal Zoning Ordinance, the County General Plan, and/or state and federal law.*

Staff Response: The Appellant does not provide or identify any evidence that the issuance of the subject zoning clearance was in violation of any County ordinance, state or federal law. Rather, the Ventura County NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures or construction meets the requirements of NCZO Sec. 8111-1.1.1b, including that it “complies with the terms and conditions of any applicable permit or other entitlement granting the use in question.”

SUP No. 672 grants the permittee the authority to conduct oil drilling and production operations. The proposed actions sought to be authorized under ZC22-0937—the re-drilling and operation of an existing oil well—are consistent with and in compliance with the terms and conditions of SUP No. 672. Absent evidence of a violation or otherwise failing to meet the requirements of NCZO Sec. 8111-1.1.1b, the County is obligated to issue the requested zoning clearance.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 2: *Further, the Oil Company failed to adequately show how the construction and the proposed sidetracking operations will comply with conditions of its Special Use Permit No. 672 (SUP 672).*

Staff Response: Refer to responses to Grounds of Appeal Nos. 4, 5 and 6 below.

Ground of Appeal No. 3: *Maulhardt #9 well is currently an idle well, and has therefore not been in operation since “late 2019.” The Oil Company seeks to undertake construction activities to sidedrill, test for production, and then operate and produce at new Maulhardt #9ST.*

This idle well is approximately 1,700 feet away from the residential Lemonwood community and located in the middle of agricultural fields. ABA's proposed construction activities would last up to 30 days and operate 24 hours a day. This

construction will impact the many farmworkers laboring in and around this site. There is also a public park within 2,600 feet and an elementary school within 3,000 feet of the proposed construction activities. Based on the proximity to sensitive receptors and proposed project's potential significant impacts, CEQA requires that the County conduct an initial environmental study prior to providing the zoning clearance for the construction/demolition of the proposed project. An initial study will identify and provide information for both decision-makers and the public as to potential significant impacts and if and how they can be mitigated. These include air quality impacts, such as particulate matter and traffic, and other environmental impacts under CEQA. The proximity of this new activity to homes and community spaces is also contrary to state legislation that will soon go into effect (SB 1137) requiring 3,200 feet between sensitive receptors and new drilling activity (including sidetrack/re-work).

Staff Response: Pursuant to NCZO Section 8111-1.1 et seq., the issuance of a zoning clearance to certify that a proposed activity is in conformance with a previously granted discretionary permit (such as SUP No. 672) is a ministerial action. Ministerial actions are not subject to environmental review pursuant to CEQA. (See, e.g., CEQA Guidelines Section 15268(a) ["ministerial projects are exempt from the requirements of CEQA."]; see also Public Resources Code Section 21080(b)(1) [CEQA does not apply to "ministerial projects proposed to be carried out or approved by public agencies."].)

As acknowledged by the Appellant, the provisions of recently enacted state Senate Bill 1137 are not yet in effect. This legislation has no bearing on whether the Applicant is currently entitled to the requested Zoning Clearances under the County's NCZO.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 4: *Additionally, the Oil Company has not sufficiently shown that the proposed project, including the ongoing drilling operations for Maulhardt #9 ST wellbore, will adhere to SUP No. 672 Conditions 5 and 8. The Oil Company only broadly asserts that it will meet these conditions, but the record is devoid of information to ascertain whether and how the conditions will be satisfied. The County is responsible for ensuring that permit conditions will be met, which, in this case, requires further information, review, and public notice and participation, in order to assess and make an informed conclusion substantiated with evidence. Further information and an assessment will also identify any requirements to ensure compliance with Conditions 5 and 8, and mitigation of the impacts listed in the conditions that the oil operator must avoid, as identified in the conditions.*

Staff Response: Condition 5 relates to operations being conducted to eliminate dust, noise, vibration and be in accordance with best practices and proven technological improvements. Condition 8 requires that all fluid-like substances that are removed from the site be deposited in approved disposal sites. The Applicant has agreed to operate in compliance with the terms and conditions of SUP No. 672 and the County has agreed to monitor such compliance. Exhibit 2 of ZC22-0937 outlines the steps to be taken by the Applicant to remain in compliance with each of the conditions of approval. The Applicant has posted the required bond with the County. The re-drilling of the subject well would be permitted and overseen by the California Geologic Energy Management Division (CalGEM). This process is standard for oilfield operation and regulating oversight.

The subject well was drilled in 2016 by the Applicant after the issuance of Zoning Clearance ZC16-0425 on May 12, 2016. As required by CalGEM, the oil drilling activities would be conducted in accordance with modern accepted practices to minimize environmental effects. The handling and disposal of drilling fluids and cuttings are routine activities in the operation of an oilfield. County staff and CalGEM staff would respond to any complaint filed during the drilling phase of the project.

The NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures, or construction is, among other requirements, in compliance with the terms and conditions of the applicable permit or entitlement. There has been no evidence presented or identified that the Applicant has violated any of the terms and conditions of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 5: *The plain language of Conditions 5 indicates that the County intended to continue to ensure over time that oil companies wishing to create new wells or expand operations under SUP 672 would adhere to technological advances and best practices available at the time of a proposed project in order to eliminate to the extent possible environmental nuisances and other annoyances. The Oil Company Applicant merely restates the condition and states that it will do what the conditions require. The County must not accept what amounts to a pledge to conclude that the condition is met. And it must not wait until the project is underway and impacts occur that Condition 5 intended to avoid. Rather, the County must demand and review information from the Oil Company that substantiates how it will meet Condition 5.*

Staff Response: Refer to response to Ground of Appeal No. 4 above. Condition No. 5 does not speak in absolutes. It states that drilling and production shall be conducted to eliminate “to the extent practicable” dust, noise, vibration and noxious odors, and that proven technological improvements shall be used “[w]here economically feasible

and where generally accepted.” The Appellant has not presented any evidence, nor has there been any indication, that the Applicant has not complied with Condition No. 5. Accepted drilling practices have substantially changed and improved since SUP No. 672 was granted in 1957. In addition to the new mechanical technology employed on drilling rigs, open pits with accumulated drill cuttings, mud and test fluids are no longer allowed as part of drilling operations. Such fluids are contained in portable tanks and are ultimately disposed of offsite at permitted licensed facilities. The Applicant is also conducting drilling operations with improved modern technology intended to minimize environmental effects. For example, the current operation employs a modern vapor recovery system, engines certified by the California Air Resources Board, a flare with Best Available Control Technology (BACT), quarterly self-monitoring and reporting to Ventura County Air Pollution Control District (APCD), and an annual certification by APCD. As such, to the extent Condition No. 5 requires improvements in technology and best practices from the issuance of SUP No. 672 in 1957, such improvements have occurred.

The NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures, or construction is, among other requirements, in compliance with the terms and conditions of the applicable permit or entitlement. There has been no evidence presented or identified that the Applicant has violated any of the terms and conditions of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 6: Again, the Oil Company failed to provide information to show that it will comply with Condition 8, and merely states that it will do as required. Oil drilling is an inherently highly industrial, polluting operation that requires the County to diligently ensure compliance with all conditions in order to protect the public's interest.

The conditions set forth in SUP mean that the Oil Company may not undertake proposed drilling activities unless it complies. The proposed project is therefore contingent on it showing that it will, in fact, comply and not run afoul of the conditions.

Staff Response: Refer to responses to Ground of Appeal Nos. 4 and 5 above.

Ground of Appeal No. 7: Additionally, SUP 672 is considered "antiquated," it was approved November 4, 1957. This antiquated permit does not provide a vested right to new and expanded operations.

Staff Response: SUP No. 672 was granted by the County on November 5, 1957. This permit remains in effect and authorizes the following activities:

“Drilling for and extraction of oil, gas and other hydrocarbon substances and installing and using, buildings, equipment, and other appurtenances accessory thereto...”

The proposed actions sought to be authorized under ZC22-0937 are to conduct a re-drilling of an existing oil well. It falls within the scope of activities authorized by the terms of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Staff Recommendation:

Based on the discussion provided above, staff recommends that the Planning Commission find that the grounds of appeal filed by the Appellant are without merit.

Exhibit 8: Appeal PL22-0153

County Staff Response to the Grounds of Appeal

Provided below are staff responses to the grounds of appeal filed by Climate First, Replacing Oil and Gas (Appellant) in its appeal of the issuance of Zoning Clearance ZC22-0938 to certify that the proposed sidetrack of the Dorothy Moon #2 well is authorized by Special Use Permit (SUP) No. 672. The grounds of appeal are reproduced verbatim below along with the staff responses.

Grounds of Appeal and Staff Responses:

Ground of Appeal No. 1: *This zoning clearance was issued in violation of the Ventura County Non-Coastal Zoning Ordinance, the County General Plan, and/or state and federal law.*

Staff Response: The Appellant does not provide or identify any evidence that the issuance of the subject zoning clearance was in violation of any County ordinance, state or federal law. Rather, the Ventura County NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures or construction meets the requirements of NCZO Sec. 8111-1.1.1b, including that it “complies with the terms and conditions of any applicable permit or other entitlement granting the use in question.”

SUP No. 672 grants the permittee the authority to conduct oil drilling and production operations. The proposed actions sought to be authorized under ZC22-0937—the re-drilling and operation of an existing oil well—are consistent with and in compliance with the terms and conditions of SUP No. 672. Absent evidence of a violation or otherwise failing to meet the requirements of NCZO Sec. 8111-1.1.1b, the County is obligated to issue the requested zoning clearance.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 2a: *Further, the Oil Company failed to adequately show how the construction and the proposed sidetracking operations will comply with conditions of its Special Use Permit No. 672 (SUP 672).*

Staff Response: Refer to responses to Grounds of Appeal Nos. 5, 6 and 7 below.

Ground of Appeal No. 2b: *Dorothy Moon #2 well is currently an abandoned and plugged well, and has therefore not been in operation since 2013 after determined a “dry hole” (an exploratory well found to be incapable of producing either oil or gas in sufficient quantities to justify completion as an oil or gas well). The Oil Company seeks to undertake construction activities to sidedrill, test for production, and then operate and produce at new Dorothy Moon #2ST. The re-drilling of this well is in conflict with state regulatory definition of “plugged and abandoned” which “involves permanently sealing the well.”*

Staff Response: There is no conflict with State regulations with the proposal to re-enter and directionally re-drill the Dorothy Moon #2 well. When an oil well is “plugged and abandoned,” this means it is placed in a condition that is safe to be left in perpetuity without further monitoring, which is referred to as “permanently sealed.” The well still exists, however, and can be re-entered and re-drilled upon obtaining a permit from the California Geologic Energy Management Division (CalGEM) and a zoning clearance from the County. This is a routine oilfield practice. In fact, using a portion of an existing wellbore and casing of a “plugged and abandoned” well is generally safer and involves fewer potential environmental effects than drilling a new well to reach the same target zone.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 3: *This idle well is approximately 1,000 feet away from the residential Lemonwood community and located in the middle of agricultural fields. ABA's proposed construction activities would last up to 30 days and operate 24 hours a day. This construction will impact the many farmworkers laboring in and around this site. There is also a public park within 2,255 feet and an elementary school within 2,700 feet of the proposed construction activities. Based on the proximity to sensitive receptors and proposed project's potential significant impacts, CEQA requires that the County conduct an initial environmental study prior to providing the zoning clearance for the construction/demolition of the proposed project. An initial study will identify and provide information for both decision-makers and the public as to potential significant impacts and if and how they can be mitigated. These include air quality impacts, such as particulate matter and traffic, and other environmental impacts under CEQA. The proximity of this new activity to homes and community spaces is also contrary to state legislation that will soon go into effect (SB 1137) requiring 3,200 feet between sensitive receptors and new drilling activity (including sidetrack/re-work).*

Staff Response: Pursuant to NCZO Section 8111-1.1 et seq., the issuance of a zoning clearance to certify that a proposed activity is in conformance with a previously granted discretionary permit (such as SUP No. 672) is a ministerial action. Ministerial actions are not subject to environmental review pursuant to CEQA. (See, e.g., CEQA Guidelines Section 15268(a) [“ministerial projects are exempt from the requirements of CEQA.”]; see also Public Resources Code Section 21080(b)(1) [CEQA does not apply to “ministerial projects proposed to be carried out or approved by public agencies.”].)

As acknowledged by the Appellant, the provisions of recently enacted state Senate Bill 1137 are not yet in effect. This legislation has no bearing on whether the Applicant is currently entitled to the requested Zoning Clearances under the County's NCZO.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 4: *Additionally, the Oil Company has not sufficiently shown that the proposed project, including the ongoing drilling operations for Dorothy Moon #2ST wellbore, will adhere to SUP No. 672 Conditions 5 and 8. The Oil Company only broadly asserts that it will meet these conditions, but the record is devoid of information to ascertain whether and how the conditions will be satisfied. The County is responsible for ensuring that permit conditions will be met, which, in this case, requires further information, review, and public notice and participation, in order to assess and make an informed conclusion substantiated with evidence. Further information and an assessment will also identify any requirements to ensure compliance with Conditions 5 and 8, and mitigation of the impacts listed in the conditions that the oil operator must avoid, as identified in the conditions.*

Staff Response: Condition 5 relates to operations being conducted to eliminate dust, noise, vibration and be in accordance with best practices and proven technological improvements. Condition 8 requires that all fluid-like substances that are removed from the site be deposited in approved disposal sites. The Applicant has agreed to operate in compliance with the terms and conditions of SUP No. 672 and the County has agreed to monitor such compliance. Exhibit 2 of ZC22-0937 outlines the steps to be taken by the Applicant to remain in compliance with each of the conditions of approval. The Applicant has posted the required bond with the County. The re-drilling of the subject well would be permitted and overseen by CalGEM. This process is standard for oilfield operation and regulating oversight.

The subject well was drilled in 2016 by the Applicant after the issuance of Zoning Clearance ZC16-0425 on May 12, 2016. As required by CalGEM, the oil drilling activities would be conducted in accordance with modern accepted practices to minimize environmental effects. The handling and disposal of drilling fluids and cuttings are routine activities in the operation of an oilfield. County staff and CalGEM staff would respond to any complaint filed during the drilling phase of the project.

The NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures, or construction is, among other requirements, in compliance with the terms and conditions of the applicable permit or entitlement. There has been no evidence presented or identified that the Applicant has violated any of the terms and conditions of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 5: *The plain language of Conditions 5 indicates that the County intended to continue to ensure over time that oil companies wishing to create new wells or expand operations under SUP 672 would adhere to technological advances and best practices available at the time of a proposed project in order to eliminate to the extent possible environmental nuisances and other annoyances. The Oil Company applicant merely restates the condition and states that it will do what the conditions require. The County must not accept what amounts to a pledge to conclude that the condition is met. And it must not wait until the project is underway and impacts occur that Condition 5 intended to avoid. Rather, the County must demand and review information from the Oil Company that substantiates how it will meet Condition 5.*

Staff Response: Refer to response to Ground of Appeal No. 4 above. Condition No. 5 does not speak in absolutes. It states that drilling and production shall be conducted to eliminate “to the extent practicable” dust, noise, vibration and noxious odors, and that proven technological improvements shall be used “[w]here economically feasible and where generally accepted.” The Appellant has not presented any evidence, nor has there been any indication, that the Applicant has not complied with Condition No. 5. Accepted drilling practices have substantially changed and improved since SUP No. 672 was granted in 1957. In addition to the new mechanical technology employed on drilling rigs, open pits with accumulated drill cuttings, mud and test fluids are no longer allowed as part of drilling operations. Such fluids are contained in portable tanks and are ultimately disposed of offsite at permitted licensed facilities. The Applicant is also conducting drilling operations with improved modern technology intended to minimize environmental effects. For example, the current operation employs a modern vapor recovery system, engines certified by the California Air Resources Board, a flare with Best Available Control Technology (BACT), quarterly self-monitoring and reporting to Ventura County Air Pollution Control District (APCD), and an annual certification by APCD. As such, to the extent Condition No. 5 requires improvements in technology and best practices from the issuance of SUP No. 672 in 1957, such improvements have occurred.

The NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures, or construction is, among other requirements, in compliance with the terms and conditions of the applicable permit or entitlement. There has been no evidence presented or identified that the Applicant has violated any of the terms and conditions of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 6: *Again, the Oil Company failed to provide information to show that it will comply with Condition 8, and merely states that it will do as required. Oil drilling is an inherently highly industrial, polluting operation that requires the County to diligently ensure compliance with all conditions in order to protect the public's interest.*

The conditions set forth in SUP mean that the Oil Company may not undertake proposed drilling activities unless it complies. The proposed project is therefore contingent on it showing that it will, in fact, comply and not run afoul of the conditions.

Staff Response: Refer to responses to Ground of Appeal Nos. 4 and 5 above.

Ground of Appeal No. 7: *Additionally, SUP 672 is considered "antiquated," it was approved November 4, 1957. This antiquated permit does not provide a vested right to new and expanded operations.*

Staff Response: SUP No. 672 was granted by the County on November 5, 1957. This permit remains in effect and authorizes the following activities:

"Drilling for and extraction of oil, gas and other hydrocarbon substances and installing and using, buildings, equipment, and other appurtenances accessory thereto..."

The proposed actions sought to be authorized under ZC22-0937 are to conduct a re-drilling of an existing oil well. It falls within the scope of activities authorized by the terms of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Staff Recommendation:

Based on the discussion provided above, staff recommends that the Planning Commission find that the grounds of appeal filed by the Appellant are without merit.

ERA MEMO:
Legibility of writing, typing or
printing UNSATISFACTORY
in portions of the document
when received.

VENTURA COUNTY PLANNING COMMISSION

Meeting of October 28, 1957

RESOLUTION NO. 1362

RECOMMENDING GRANTING SPECIAL USE PERMIT TO TIDEWATER OIL COMPANY (APPLIC. NO. 672) IN ACCORDANCE WITH VENTURA COUNTY ORDINANCE CODE, FOR THE PRODUCTION OF OIL AND GAS ON LAND LOCATED ABOUT 1/2 MILE EAST OF THE CITY OF OXNARD.

WHEREAS, in accordance with the provisions of Ventura County Ordinance Code, an application was filed October 2, 1957, by Tidewater Oil Company, Ventura, California, for a Special Use Permit for oil and gas production on certain lands within Subdivisions 34 and 36, Rancho Colonia, located adjacent to and west of Rice Road and south of Wooley Road, about 1/2 mile east of the City of Oxnard, as set forth in legal description attached to said application and shown on the map attached thereto, and

WHEREAS, a public hearing on this matter was held by the Planning Commission at Oxnard, California, on October 22, 1957, and notice of said public hearing was published, pursuant to law, as shown by affidavit of publication and notices have been mailed or posted as shown by certificate of public notice as filed with this application, therefore be it

RESOLVED, that as a result of investigation caused to be made by the Planning Commission and testimony given at the public hearing, the Commission finds as follows:

1. That the land involved is located adjacent to and west of Rice Road and adjacent to and south of Wooley Road, about 1/2 mile east of the City of Oxnard, is in a level area, and is generally unimproved and being used for citrus production and row crops.
2. That the land involved is located in an area which is remote from any intensive residential use and adjacent to an oil producing area for which Special Use Permits have been previously granted.
3. That the land involved is located in the "A-1" Agricultural (unrestricted) Zone.
4. That under certain conditions stated hereafter, the production of oil and gas would not constitute any material detriment to existing or probable surface uses of other lands in the same zone and vicinity, and it is

FURTHER RESOLVED, that the Ventura County Planning Commission finds and declares that under the conditions cited herein, the granting of the Special Use Permit would conform to the general purpose of Division 8, Ventura County Ordinance Code, and therefore recommends to the Honorable Board of Supervisors that the permit be granted 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, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit,

and subject to the following conditions:

ORIGINAL IN FILE
OF BOARD OF SUPERVISORS

RESOLUTION NO. 1362 - Page 2

1. That the permit is issued for the land as described in the application.
2. That any derrick used in connection with the drilling of a well, and all machinery or equipment used to operate such derrick, shall be enclosed with fire-resistant and sound-proofing material, whenever such well or derrick is located within five hundred (500) feet of any dwelling not owned by the lessor or lessee.
3. That the use and purpose for which this permit is issued shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4.
4. That no earthen sumps shall be constructed or maintained within 500 feet of any natural channel in which there is, or may be, flowing water.
5. That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances. Where economically feasible and where generally accepted and used, proven technological improvements in drilling and production methods shall be adopted as they may become from time to time, available, if capable of reducing factors of nuisance and annoyance.
6. That within ninety (90) days after the drilling of each well has been completed, and said well placed on production, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Ventura County Planning Commission and the Board of Supervisors for the drilling of another well on the same premises.
7. That all sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like, which are used or may be used for the impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, shall be fenced; when located more than one-half (1/2) mile from any school, playground or dwelling shall be entirely enclosed by a cattle fence in accordance with specifications adopted by the Planning Commission on January 11, 1954; and when located within one-half (1/2) mile of any school, playground or dwelling shall be entirely enclosed by a wire fence in accordance with specifications adopted by the Planning Commission on December 14, 1953.
8. That all water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, which is removed from the limits of the land for which a Special Use Permit is issued for the purpose of disposal as waste material, shall only be deposited in an approved disposal site. If such disposal is done by other than the permittee, the permittee shall inform the hauling or disposal contractor or agent of the requirements of this condition.
9. That no wells shall be drilled within 150 feet of the centerline of the right of way of any public road, street or highway and that no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
10. That the permittee shall at all times comply with the provisions of Section 3220 and Section 3221 of the Public Resources Code of the State of California, relating to the protection of underground water supply.
11. That the permittee shall at all times comply with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California, regarding the proper location of wells in reference to boundaries and public streets, roads or highways.
12. That upon abandonment of any well or when drilling operations cease, all earthen sumps or other depressions containing drilling mud, oil or

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other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating all mud, oil or other waste products into the land by disking, harrowing and leveling to restore the land to the condition existing prior to the issuance of this permit as nearly as practicable so to do.

13. That the permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

This is to certify that the foregoing is a full, true and correct copy of Resolution No. 1362, adopted by the Planning Commission of Ventura County, California, on the 28th day of October, 1957, the required number of members being present and voting for the adoption of the resolution.

Dated this 29th day of October, 1957.


L. J. BORSTELMANN, Secretary

cc to:

Tidewater Oil Company
Commissioner Sweetland
Supervisor Carty
Board of Supervisors
County Surveyor
County Health Officer
County Fire Warden
City of Oxnard
Calif. Regional Water Pollution Control Board
United Water Conservation District
Calleguas Soil Conservation District

ERA MEMO:

Legibility of writing, typing or
printing UNSATISFACTORY
in portions of the document
when received.

1.8.672

GRANTING **SPECIAL USE PERMIT TO TIDEWATER OIL COMPANY**
UNDER PROVISIONS OF VENTURA COUNTY ORDINANCE CODE

WHEREAS, **Tidewater Oil Company** in accordance with the provisions of Division 8 of the Ventura County Ordinance Code, did on the **2nd** day of **October**, 1**97**, file **their** application in writing with the Ventura County Planning Commission for a **Special Use Permit for oil and gas production on certain lands within Subdivisions 34 and 36, Rancho Colonia, located adjacent to and west of Rice Road and south of Wooley Road about 1/2 mile east of the City of Oxnard, and;**

WHEREAS, proof is made to the satisfaction of this Board, and this Board finds, that notice of the hearing of said application and petition has been regularly given in accordance with the provisions of said Division 8 of the Ventura County Ordinance Code, and said application and petition having come on regularly for hearing before said Commission, and said Commission having announced its findings and made its decision after hearing the evidence presented at said hearing; and,

WHEREAS, the findings and decision of said Commission have been transmitted to this Board for its action thereon; and,

WHEREAS, the Board has considered the application and petition of the applicant and the findings and decision of said Commission thereon,

NOW, THEREFORE, upon motion of Supervisor **Ax**, seconded by Supervisor **Appleton**, and duly carried,

IT IS ORDERED AND RESOLVED, that said application and petition be approved and allowed, and that a **Special Use Permit** be, and it is hereby, issued to said applicant for the following purposes, to-wit:

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, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit,

and subject to the following conditions:

1. That the permit is issued for the land as described in the application.
2. That any derrick used in connection with the drilling of a well, and all machinery or equipment used to operate such derrick, shall be enclosed with fire-resistant and sound-proofing material, whenever such well or derrick is located within five hundred (500) feet of any dwelling not owned by the lessor or lessee.
3. That the use and purpose for which this permit is issued shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4.
4. That no earthen sumps shall be constructed or maintained within 500 feet of any natural channel in which there is, or may be, flowing water.
5. That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances. Where economically feasible and where generally accepted and used, proven technological improvements in drilling and production methods shall be adopted as they may become from time to time, available, if capable of reducing factors of nuisance and annoyance.
6. That within ninety (90) days after the drilling of each well has been completed, and said well placed on production, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Ventura County Planning Commission and the Board of Supervisors for the drilling of another well on the same premises.
7. That all sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like, which are used or may be used for the impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, shall be fenced; when located more than one-half (1/2) mile from any school, playground or dwelling shall be entirely enclosed by a cattle fence in accordance with specifications adopted by the Planning Commission on January 11, 1954; and when located within one-half (1/2) mile of any school, playground or dwelling shall be entirely enclosed by a wire fence in accordance with specifications adopted by the Planning Commission on December 14, 1953.
8. That all water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, which is removed from the limits of the land for which a Special Use Permit is issued for the purpose of disposal as waste material, shall only be deposited in an approved disposal site. If such disposal is done by other than the permittee, the permittee shall inform the hauling or disposal contractor or agent of the requirements of this condition.
9. That no wells shall be drilled within 150 feet of the centerline of the right of way of any public road, street or highway and that no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
10. That the permittee shall at all times comply with the provisions of Section 3220 and Section 3221 of the Public Resources Code of the State of California, relating to the protection of underground water supply.
11. That the permittee shall at all times comply with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California, regarding the proper location of wells in reference to boundaries and public streets, roads or highways.
12. That upon abandonment of any well or when drilling operations cease, all earthen sumps or other depressions containing drilling mud, oil or

other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating all mud, oil or other waste products into the land by disking, harrowing and leveling to restore the land to the condition existing prior to the issuance of this permit as nearly as practicable so to do.

13. That the permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

THIS IS TO CERTIFY that the foregoing is a full, true and correct copy of the resolution or order adopted by the Board of Supervisors of Ventura County, California, on the 5th day of Nov 1957, a majority of the members being present and voting for the adoption of the same.

Dated this 8th day of Nov, 1957.

L. E. HALLOWELL, County Clerk and ex-officio
Clerk of said Board of Supervisors

By Bernice K. Clark Deputy

Copies to:

Tidewater Oil Co. *sent 11/5/57*
Planning *sent 11/5/57*
Calif. Reg. Water Pollution Control Board
United Water Conservation District
Calleguas Soil Conservation District.

File (2)
Item 6D
11/5/57



County of Ventura Planning Division

800 South Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2488 • <http://www.ventura.org/rma/planning>

x ZC13-0490

Assessor's Parcel No.: 2170030095

Date Issued: 06/05/2013

Date Expires: 12/5/2013

Fee: \$415.00

Issued By: J Dobrowski

Property Owner:

MAULHARDT JOSEPH H TR ET AL

Mailing Address:

6164 CALLE ARENA
ATTN MICHAEL MAULHARDT
CAMARILLO, CA 93012-7115

Applicant:

ABA Energy

Mailing Address:

7516 Meany Ave
Bakersfield, CA 93308

Telephone:

Telephone: 661-324-7500

ZONING CLEARANCE TYPE: x

Site Address:

Parent Case No.:

Lot Area Sq Ft: 5509468.8

Legal Lot Status:

Lot Area Acres: 126.48

Map & Lot No:

PROJECT DESCRIPTION: Project is drilling two oil and gas wells known as Dorothy Moon 2 and Joseph Maulhardt 3, and two oil and gas scrubber vessels. Each well will have electrical equipment and pumping units. This project will be in compliance with CUP 672. All conditions of CUP 672 apply.

APPLICABLE ZONING:

Zoning AE-40 ac

Area Plan:

General Plan: Agricultural

Zoning: AE-40 ac

Area Plan Designation: N/A

Split Zoning:

Zoning: N/A

Area Plan Designation: N/A

General Plan: N/A

BUILDING COVERAGE ALLOWANCE:

Maximum Building Coverage:

Building Coverage

Existing

Proposed

Combined

Prin. Structure(s) sf.

Accessory Structure(s) sf.

Total sf.

% of Bldg. Coverage

SQUARE FOOTAGE:

Building Coverage	Existing	Proposed	Combined
Principal Dwelling			
Accessory Structure DU			
Accessory 2nd DU			
Principal Structure AG			
Acc Structure AG			
Other Principal Structure			
Other Acc. Structure			

Does the cumulative GFA of any of the structures exceed the maximum ministerial allowance?

BELOW ARE SETBACK EXCEPTIONS THAT MAY APPLY

Allowed Intrusions into Setbacks:

Stairways & balconies, open & unenclosed:	2.5' front, 4' rear
Porches & Landings, uncovered/unenclosed, at or below 1st floor:	6' front, 3' rear and side
Chimneys/fireplaces, masonry:	2' into all setbacks; keep min. 3' side setback
Architectural Features (e.g. eaves, cornices, canopies, etc.):	2.5' front, 2' side, 4' rear; keep min 2' side/rear setback

Are There Setback Exceptions?

Setback Exceptions:

Required Setbacks Between:

Habitable Structures:	10'
Habitable & Non-habitable Structures:	6'
Non-habitable Structures:	6'
Setbacks Between:	

FEES:	Total Fees:	415.00
-------	-------------	--------

ATTACHMENT(S):

N	Plot/Site Plan	N	Floor Plans
N	Ordinance Standards	N	Permit Conditions
N	Compliance Agreement	N	Elevations
N	Declaration	N	Removal Notice and Caveats
N	Cross Sections	N	Arborist Report
N	HOA Approval	N	Affidavit

OTHER:

NOTES:

1. This Zoning Clearance becomes valid once the fees are paid.

2. This Zoning Clearance will be nullified pursuant to the Zoning Ordinance if the information provided by the applicant was not full, true and correct; it was issued erroneously; or it does not comply with the terms and conditions of the permit originally granting the use.

3. This Zoning Clearance expires within 180 days of its issuance date unless a Building Permit is issued. Once a building permit is issued, construction must commence within 180 days. This Zoning Clearance expires if construction does not commence within 180 days of issuance of a building permit.

4. The property owner is responsible for identifying all property lines and ensuring that all the requirements of this permit are complied with.

5. That authorizations by other County Departments that exceed the allowable limits noted herein do not excuse the property owner from complying with the provisions of this permit. (The stricter provisions apply).

6. The proposed project will not result in the removal of more than 50% of the roof or floor area of a non-conforming structure.

7. By May 15th of each year the property owner shall submit a "verification report" and applicable fees demonstrating to the Planning Director's satisfaction that the farmworker/animal caretaker meets the Zoning Ordinances' applicable employment

criteria.

8. If the parcel numbers cited in this permit are within the boundary of a Homeowner's Association, additional review and approval of the project may be required by the HOA's Conditions, Covenants & Restrictions (CC&R's). HOA review and approval is the responsibility of the property owner.

BY SIGNING BELOW I CERTIFY THE FOLLOWING:

- I am the owner of the subject property or I am the authorized agent of the property owner and have his/her permission to obtain this permit.
- I have noted on the attached plot plan all of the following applicable attributes: existing and proposed structures, Protected Trees (Oaks, Sycamores, and any 30+” diameter trees), marshes, wetlands, streams, rivers, landslides, edges and toes of slopes, abandoned or active oil wells, septic systems and leach fields. I have illustrated all roads, public and private easements, and utilities on the attached plot plan/site plan accurately and accept responsibility for any encumbrances, restrictions, or agreements on the subject property.
- I have illustrated all roads, public and private easements, and utilities on the attached plot plan/site plan accurately and accept responsibility for any encumbrances, restrictions, or agreements on the subject property
- The information provided in this Zoning Clearance and attached plot/site plans, floor plans and elevations are full, true and correct.
- I have been informed that I am responsible for contacting the applicable Homeowners Association or Property Owners Association to ensure compliance with the CC&R's.
- I have reviewed, read and understand the terms, notes and conditions of this permit and as depicted in related attachments, and agree to abide by them and all other provisions of the Ventura County Zoning Ordinance. I further understand that the permit can be nullified for cause as noted above.

Applicant Signature

FOR OFFICIAL USE ONLY

ISSUED BY: J Dobrowalski

DATE ISSUED: 06/05/2013

Signature



County of Ventura Planning Division

800 South Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2488 • <http://www.ventura.org/rma/planning>

Construction/Demolition ZC16-0425

Assessor's Parcel No.: 2170030095

Date Issued: 05/12/2016
Date Expires: 11/12/2016
Fee: \$330.00
Issued By: K Boero

Property Owner:

MAULHARDT JOSEPH H TR ET AL

Mailing Address:

6164 CALLE ARENA
ATTN MICHAEL MAULHARDT
CAMARILLO, CA 93012-7115

Applicant:

Michael Kerns for ABA Energy Corporation

Mailing Address:

7612 Meany Ave
Bakersfield, CA 93308

Telephone:

Telephone: 530-758-3813

ZONING CLEARANCE TYPE:

Construction/Demolition

Site Address: 1557 RICE, OXNARD 93033

Parent Case No.: SUP 672

Lot Area Sq Ft: 5509332

Legal Lot Status:

Lot Area Acres: 126.48

Map & Lot No:

PROJECT DESCRIPTION: ABA Energy Corporation (ABA), operator of the oil and gas facility authorized by Special Use Permit No. 672 (SUP 672), requests authorization to drill two new wells and install ancillary equipment which includes a portable drilling rig during the drilling phase for the two proposed wells. The rig includes the following equipment: shaker tank, mixing tank, pipe walk, generator house, water tank and fuel tank within the Maulhardt Lease (Attachment 1). A gas scrubber and electric panel would be located adjacent to the well head and pumping unit. The well names, Assessor Parcel Number (APN), and proposed coordinates are as follows:

1. Joseph Maulhardt No. 9; APN: 217-0-030-095; 34.186, -119.148. This well would be located adjacent to the Joseph Maulhardt No. 6 (API 11122352) well that was approved by the Planning Division under Zoning Clearance No. ZC15-0627 on June 22, 2015.
2. Joseph Maulhardt No. 10; APN: 217-0-030-095; 34.188, -119.146. This well would be located adjacent to the Joseph Maulhardt No. 3 (API 11101078) well that was drilled on February 26, 1958 under SUP 672.

The exact well locations will be verified with DOGGR when the operator files the Notice of Intent to Drill. The operator estimates the drilling of each well to take approximately 21 to 30 days and will require drilling 24 hours per day, seven days per week. After the initial drilling period, the operator decides whether or not to initiate a completion program. The operator estimates that the completion and testing process can take between 30 and 45 days.

The project site is located on the southwest corner of Wooley Road and South Rice Avenue, near the City of Oxnard, within the Oxnard Oil Field. A single family residence is located about 1,400 feet south of the proposed location of the Joseph Maulhardt No. 9 well, and about 1,690 feet south of the proposed location of the Joseph Maulhardt No. 10 well. ABA owns and operates approximately 9 active and idle wells within the CUP 672 boundary (Attachment 2). SUP 672 has no well quantity restrictions. SUP 672 does not have an expiration date. CC12-0024 was established for the \$10,000 cash surety posted August 1, 2012 (check # 34927). ABA maintains current liability insurance that meets the requirements of §8107-5.6.12 of the Ventura County Non-coastal Zoning Ordinance as it relates to oil and gas production facilities. All conditions of SUP 672 will apply. All conditions of SUP 672 have been reviewed and the operation is in compliance with all applicable conditions at this time.

APPLICABLE ZONING:

Zoning AE-40 ac

Area Plan:

General Plan: Agricultural

Zoning: AE-40 ac

Area Plan Designation: N/A

Split Zoning:

Zoning: Oxnard

Area Plan Designation: N/A

General Plan: Urban

BUILDING COVERAGE ALLOWANCE:**Maximum Building Coverage:**

<u>Building Coverage</u>	<u>Existing</u>	<u>Proposed</u>	<u>Combined</u>
Prin. Structure(s) sf.	0	0	0
Accessory Structure(s) sf.	0	0	0
Total sf.	0	0	0
% of Bldg. Coverage	0	0	0

SQUARE FOOTAGE:

<u>Building Coverage</u>	<u>Existing</u>	<u>Proposed</u>	<u>Combined</u>
Principal Dwelling			
Accessory Structure DU			
Accessory 2nd DU			
Principal Structure AG			
Acc Structure AG			
Other Principal Structure			
Other Acc. Structure			

Does the cumulative GFA of any of the structures exceed the maximum ministerial allowance?

BELOW ARE SETBACK EXCEPTIONS THAT MAY APPLY**Allowed Intrusions into Setbacks:**

Stairways & balconies, open & unenclosed:	2.5' front, 4' rear
Porches & Landings, uncovered/unenclosed, at or below 1st floor:	6' front, 3' rear and side
Chimneys/fireplaces, masonry:	2' into all setbacks; keep min. 3' side setback
Architectural Features (e.g. eaves, cornices, canopies, etc.):	2.5' front, 2' side, 4' rear; keep min 2' side/rear setback

Are There Setback Exceptions?

Setback Exceptions:

Required Setbacks Between:

Habitable Structures:	10'
Habitable & Non-habitable Structures:	6'
Non-habitable Structures:	6'
Setbacks Between:	

FEES:**Total Fees: 330.00****ATTACHMENT(S):**

N Plot/Site Plan	N Floor Plans
N Ordinance Standards	N Permit Conditions
N Compliance Agreement	N Elevations
N Declaration	N Removal Notice and Caveats
N Cross Sections	N Arborist Report
N HOA Approval	N Affidavit

OTHER:

NOTES:

1. This Zoning Clearance becomes valid once the fees are paid.

2. This Zoning Clearance will be nullified pursuant to the Zoning Ordinance if the information provided by the applicant was not full, true and correct; it was issued erroneously; or it does not comply with the terms and conditions of the permit originally granting the use.
3. This Zoning Clearance expires within 180 days of its issuance date unless a Building Permit is issued. Once a building permit is issued, construction must commence within 180 days. This Zoning Clearance expires if construction does not commence within 180 days of issuance of a building permit.
4. The property owner is responsible for identifying all property lines and ensuring that all the requirements of this permit are complied with.
5. That authorizations by other County Departments that exceed the allowable limits noted herein do not excuse the property owner from complying with the provisions of this permit. (The stricter provisions apply).
6. The proposed project will not result in the removal of more than 50% of the roof or floor area of a non-conforming structure.
7. By May 15th of each year the property owner shall submit a "verification report" and applicable fees demonstrating to the Planning Director's satisfaction that the farmworker/animal caretaker meets the Zoning Ordinances' applicable employment criteria.
8. If the parcel numbers cited in this permit are within the boundary of a Homeowner's Association, additional review and approval of the project may be required by the HOA's Conditions, Covenants & Restrictions (CC&R's). HOA review and approval is the responsibility of the property owner.

BY SIGNING BELOW I CERTIFY THE FOLLOWING:

- I am the owner of the subject property or I am the authorized agent of the property owner and have his/her permission to obtain this permit.
- I have noted on the attached plot plan all of the following applicable attributes: existing and proposed structures, Protected Trees (Oaks, Sycamores, and any 30+" diameter trees), marshes, wetlands, streams, rivers, landslides, edges and toes of slopes, abandoned or active oil wells, septic systems and leach fields. I have illustrated all roads, public and private easements, and utilities on the attached plot plan/site plan accurately and accept responsibility for any encumbrances, restrictions, or agreements on the subject property.
- I have illustrated all roads, public and private easements, and utilities on the attached plot plan/site plan accurately and accept responsibility for any encumbrances, restrictions, or agreements on the subject property.
- The information provided in this Zoning Clearance and attached plot/site plans, floor plans and elevations are full, true and correct.
- I have been informed that I am responsible for contacting the applicable Homeowners Association or Property Owners Association to ensure compliance with the CC&R's.
- I have reviewed, read and understand the terms, notes and conditions of this permit and as depicted in related attachments, and agree to abide by them and all other provisions of the Ventura County Zoning Ordinance. I further understand that the permit can be nullified for cause as noted above.

ABA ENERGY CORPORATION

ALAN B. ADLER, PRESIDENT 
Applicant Signature

MK 5/11/16

FOR OFFICIAL USE ONLY

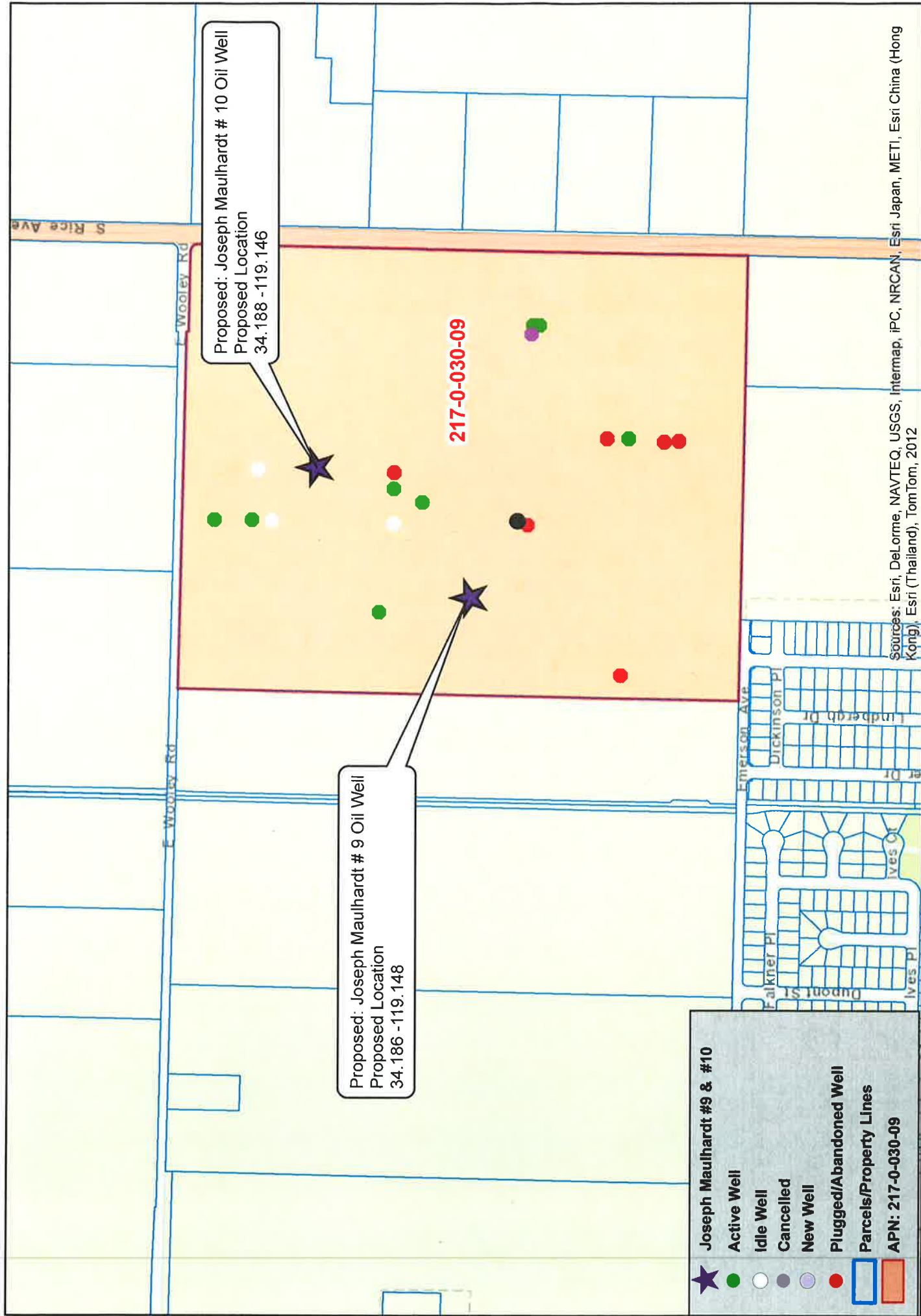
ISSUED BY: K Boero

5-11-14

DATE ISSUED: 5-12-16



Signature



ZC16-0425

API Number	Well Status	Lease Name	Well #	Operator	Directional	Spud Date	ABD Date	Comp Date
11122131	P	DEA	1	ABA Energy Corp.	Y	03/27/2012	08/22/2012	
11122110	P	Gabrielle Maulhardt	1	ABA Energy Corp.	Y	09/13/2011		
11122089	A	Dorothy Moon	1	ABA Energy Corp.	Y	04/17/2011		
11122266	P	SMG	1	ABA Energy Corp.	N			
11122233	P	Dorothy Moon	2	ABA Energy Corp.	Y			
11122187	A	Joseph-Maulhardt	2	ABA Energy Corp.	N			
11122041	A	Joseph-Maulhardt	1	ABA Energy Corp.	Y	09/07/2010		
11122234	N	Joseph-Maulhardt	3	ABA Energy Corp.	N			
11101079	P	Maulhardt	4	Vintage Production (Y	Y	05/01/1958		
11121873	C	Maulhardt	8	Vintage Production (Y	Y			
11122302	A	Joseph-Maulhardt	5	ABA Energy Corp.	Y			
11101081	P	Maulhardt	5	Vintage Production (Y	Y			
11122294	A	Joseph-Maulhardt	4	ABA Energy Corp.	N			
11101077	I	Maulhardt	2	Vintage Production (Y	Y			
11122352	A	Joseph-Maulhardt	6	ABA Energy Corp.	N			
11101080	I	Maulhardt	7	Vintage Production (Y	Y			
11101078	I	Maulhardt	3	Vintage Production (Y	Y			
11101076	A	Maulhardt	1	ABA Energy Corp.	Y	12/06/1957		
11100216	A	Maulhardt	6	ABA Energy Corp.	Y	11/22/1960		



ENERGY CORPORATION

March 28, 2016

Ebony McGee
Ventura County Resource Management Agency
Planning Department
800 South Victoria Avenue
Ventura, CA 93009-1740

Re: SUP 672 Zoning Clearance Application
Joseph Maulhardt #9 & #10 (JM #9 & JM #10) Wells
APN: 217-0-030-095

Dear Ms. McGee:

Please find attached ABA Energy's Zoning Clearance Application for the drilling of the Joseph Maulhardt #9 & #10 wells. ABA hereby submits the following materials in order that the County can timely issue this administrative permit:

1. Zoning Clearance Application
2. Assessor Parcel Map (217-0-030-095)
3. Exhibit "1" Proposed use pursuant to existing Ventura County special use permit 672
4. Exhibit "2" Condition-Compliance letter special use permit 672
5. Exhibit "3" Sec. 8107-5.6.1 -Setbacks
4. Exhibit "A" Illustrated drilling rig layout
5. Exhibit "B" Pumping Unit illustration
7. Exhibit "C" Underground Electrical and Pipeline Route
8. Exhibit "D" Aerial Photo illustrating drill site location, access and distances
9. Approximate latitude of JM #9 is 34.18684500 and longitude -119.14823100 of well (final will be provided to County when we have the survey done).
Approximate latitude of JM #10 is 34.188996000 and longitude -119.14600600 of well (final will be provided to County when we have the survey done).
10. Copy of Certificate of Deposit for CUP #672
11. Copy of Certificate of Liability Insurance

Should you have any additional questions please contact the undersigned.

Very truly yours,

Darren Kerns
Contract Landman

217-0-030-095



Zoning Clearance Application Instructions for Oil & Gas Operations

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • ventura.org/rma/planning

Applicant Provided Information

Applicant/Operator (Company): ABA Energy Corporation

Company Representative/Contact: Michael Kerns

Phone: 661-324-7500 **Cell:** 661-333-3719 **E-mail** mkerns@abaenergy.com

Address: 7612 Meany Ave. Bakersfield, CA 93308

Land Owner: Michael Maulhardt

Phone: 530-758-3813 **Cell:** **E-mail** mike.maulhardt@gmail.com

Address: P.O. Box 552 Oxnard, CA 93032-0552

Site Address: 1557 S. Rice Ave.

Cross Streets: S. Rice Ave and Wooley Rd.

Assessor Parcel Number(s): 217-0-030-095

Proposed Use/Structure 1: See Attached "Exhibit 1 Proposed Use" (Joseph Maulhardt #9 & #10)

Proposed Use/Structure 2: N/A

No. of Protected Trees (see Sec. 8107.25) within 50' of the limits of the construction area: N/A

Conditional Use Permit Number(s): 672

Oil Field: Oxnard

Identify project related set-backs (see Sect. 8107-5.6.1): See Attached "Exhibit 3"

Identify all sensitive noise uses within 800 ft. (radius) of proposed well(s):

N/A See Exhibit D

Detailed Project Description – Provide and attach a detailed description of the proposed project. Include hours of operation and maintenance, project timeline (estimated time frames for drilling

period, testing period and production period), provided dates for timeline (as appropriate) and disclose which, if any, well stimulation treatments are currently used on-site.

Proposed Well Information – Complete the chart below for each proposed well.

Proposed Well	Proposed GPS Coordinates	Lease	APN	Will hydraulic fracturing, acid well stimulation treatment, or other well stimulation treatments be performed (per Public Resources Code §3150 seq.)?
Example: Andersen 12	34.356, -117.240	Andersen	500-0-000-00	NO
Joseph Maulhardt #9	34.186, -119.148	Maulhardt	217-0-030-095	NO
Joseph Maulhardt #10	34.188, -119.146	Maulhardt	217-0-030-095	NO
	Approx. (final will			
	be provided before			
	drilling)			

.....
For Office Use

4/12/16
Date Received: 5-9-16 Date Complete 5-5-16 Date Issued 5-12-16

→ Violations On-site: None

→ Date Wells Verified by DOGGR In Compliance? ☐ YES ☐ NO

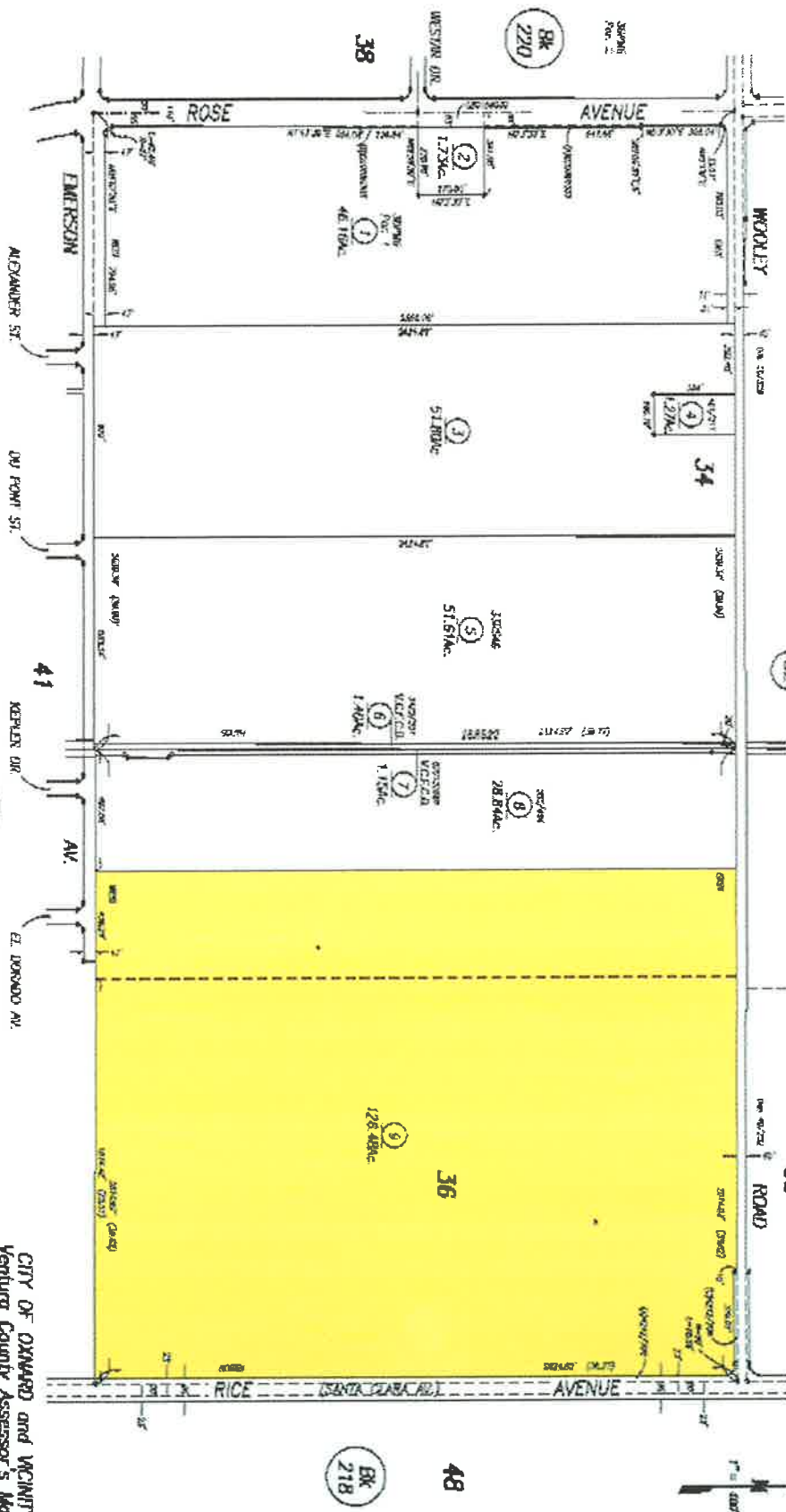
☐ CUP Boundary Mapped ☒ Additional Information Requested ☐ Surety Verified

Additional Notes/Comments:

RANCHO EL RIO DE SANTA CLARA O'LA COLONIA
SUBDIVISION 36 & PORTION 34

Tax Role Area
7/30/22
03/190

217-03



Rancho El Rio de Santa Clara O'la Colonia, Dds. Bk. 6, Pg. 161

NOTE: ASSessor's OFFICE, SHOWN ON THIS MAP
DO NOT REPRESENT ANY OTHER OFFICE
OR ANY OTHER OFFICE'S OFFICE
OR ANY OTHER OFFICE'S OFFICE

DATE	REVISION	REVISION	REVISION
3-31-2020	3-31-2020	3-31-2020	3-31-2020
3-31-2020	3-31-2020	3-31-2020	3-31-2020
3-31-2020	3-31-2020	3-31-2020	3-31-2020

CITY OF OXNARD and VICINITY
Ventura County Assessor's Map.

DATE	REFERENCE DOC.	EXPLANATION	VOO A.P.N.(s)	RESOL A.P.N.(s)	NEW A.P.N.(s)
02/01/2020		From Bk. 217, Pg. 012			117-0-000-012 Pgs. 012

Exhibit "1"
Proposed Use Pursuant to Existing Ventura County Special Use Permit 672
Joseph Maulhardt #9 & #10 Wells

Pursuant to the conditions of Special Use Permit 672 ("SUP 672"), ABA Energy Corporation plans to drill, equip, test and produce oil and gas from the Joseph Maulhardt #9 & #10 wells, including oil pumping units, necessary electrical source, oil/gas scrubbers and oil pipeline. The location of the wells is shown on Site Plan submitted with this Zoning Clearance application. The drilling of the wells will require:

- A. Joseph Maulhardt #9 will be drilled on the drillsite that was approved in ZC15-0627 for JM #6 which will require no grading.
Joseph Maulhardt #10 will be drilled from the existing Maulhardt #3 which was drilled which was drilled in the late 1950's.
Both wells are Illustrated on the Site Plan
- B. A portable drilling rig will be employed for the drilling of the well. A typical drilling rig layout is illustrated on Exhibit "A". The rig will be illuminated at night to the extent necessary to conduct safe operations. Noise from the site will be normal for similar drilling operations. Equipment for personnel employed in the drilling operation will be in accordance with standard drilling procedures. Temporary trailers for key personnel will be on the location during drilling and then removed immediately after drilling is completed.
- C. Drilling for each well is estimated to take 21 to 30 days. Drilling of the wells will require 24-hour per day activity. Following the drilling of the first well, the rig will be moved over to the second location. After the initial drilling we will run logs to see if we want to complete and test the well. Once the logs have been run and reviewed we will decide on a completion program. At this time a smaller production rig will be brought in and the completion and testing process can take approximately 30 – 45 days. The well will be drilled in accordance with the requirements of the State of California Division of Oil, Gas and Geothermal Resources.
- D. If the wells are completed for production, equipment necessary to test and produce the well will be installed at the well and a pipeline will be installed to transport the oil and gas to production facilities which already exist on the property covered by SUP 672.
 - 1. Production equipment will include a concrete foundation for an oil pumping unit utilizing an electric motor. The typical pumping unit is illustrated on Exhibit "B". Electrical service will be brought out to the pumping unit which utilizes a 40HP electric motor.
 - 2. One steel pipeline not to exceed 6 inches in diameter will be constructed from the wells to the existing production facilities as illustrated on Exhibit "C".
 - 3. One Oil/Gas Scrubber vessel approximately 10 feet high and 3 feet in diameter may be utilized at each of the wells for the produced crude oil to be transported by pipeline to the existing Maulhardt Production Facility.
- E. Oil production will be transported from the production tank facility covered by SUP 672 utilizing crude oil tanker trucks as allowed in SUP 672. Natural gas will be sold and transported from the production tank facility using an existing buried natural gas pipeline as allowed by SUP 672, or excess gas will be flared to a shrouded gas flare, also allowed by SUP 672 and APCD Permit #00066.

Exhibit "2"
Condition – Compliance Letter Special Use Permit 672
Joseph Maulhardt #9 & #10 Drilling and Testing Phase

On November 5, 1957, the Board of Supervisors of Ventura County, California, ordered and resolved that Special Use Permit 672 ("SUP 672") be issued to Tidewater Oil Company for the purpose of:

"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, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit."

ABA Energy Corporation, as successor to Tidewater Oil Company, plans to drill and extract oil and gas from the Joseph Maulhardt #9 & #10 wells ("said Wells") which will be located on the lands subject to SUP 672. The location of the wells is shown on Sheet 1 to the Zoning Clearance application.

As issued, SUP 672 set forth 13 specific conditions. The drilling and extraction of oil and gas from said Wells will be in compliance with those thirteen specific conditions as set forth below:

Condition 1: That the permit is issued for the land as described in the application.

Compliance: The lands covered by SUP 672 are shown on Sheet 1 to the Zoning Clearance application. The location of the production pad and tank farm facility area is also shown thereon.

Condition 2: That any derrick used in connection with the drilling of a well, and all machinery or equipment used to operate such derrick, shall be enclosed with fire-resistant and sound-proofing material, whenever such well or derrick is located within five hundred (500) feet of any dwelling not owned by the lessor or lessee.

Compliance: No drilling rig will be located within 500 feet of any dwelling.

Condition 3: That the use and purpose for which this permit is issued shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4.

Compliance: State Regional Water Pollution Control Board No. 4 has been succeeded by Regional Water Quality Control Board No. 4. The protection of subsurface fresh water aquifers is controlled by the State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources through requirements for setting and cementing surface casing to insure that all such aquifers are isolated to prevent contamination and degradation from drilling fluids and produced hydrocarbons. In all other aspects, said Wells will comply with all applicable Regional Water Quality Control Board No. 4 rules or regulations.

Condition 4: That no earthen sumps shall be constructed or maintained within 500 feet of any natural channel in which there is, or may be, flowing water.

Compliance: No earthen sumps will be employed in the drilling for and extraction of oil, gas and other hydrocarbon substances associated with said Wells.

Condition 5: That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances. Where economically feasible and where generally accepted and used, proven technological improvements in drilling and production methods shall be adopted as they may become from time to time, available, if capable of reducing factors of nuisance and annoyance.

Compliance: Permittee will utilize drilling and extraction equipment which employs current technology for eliminating, as far as practicable, noise, vibration and noxious odors. Permittee will coordinate with the surface farmer the application of water to roads, the drilling pad and extraction site in order to eliminate, as far as practicable, dust. All drilling and production operations will be conducted using good oil field practices and in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances.

Condition 6: That within ninety (90) days after the drilling of each well has been completed, and said well placed on production, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Ventura County Planning Commission and the Board of Supervisors for the drilling of another well on the same premises.

Compliance: All of the drilling equipment, including the truck mounted derrick will be removed within 30 days following completion of said Wells.

Condition 7: That all sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like, which are used or may be used for impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, shall be fenced; when located more than one-half (½) mile from any school, playground or dwelling shall be entirely enclosed by a cattle fence in accordance with specifications adopted by the Planning Commission on January 11, 1954; and when located within one-half (½) mile of any school, playground or dwelling shall be entirely enclosed by a wire fence in accordance with specifications adopted by the Planning Commission on December 14, 1953.

Compliance: There will be no sumps or debris basin, or any depressions, ravines, gullies, barrancas or the like used in the drilling for or extraction oil, gas and hydrocarbons from said Wells.
Zoning Clearance Application - Special Use Permit 672 (Joseph Maulhardt #9 & #10 Wells)

Condition Compliance

Steel tanks/containment vessels will be used for impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combinations thereof. Therefore, no fencing will be necessary.

Condition 8: That all water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, which is removed from the limits of the land for which a Special Use Permit is issued for the purpose of disposal as waste material, shall only be deposited in an approved disposal site. If such disposal is done by other than the permittee, the permittee shall inform the hauling or disposal contractor or agent of the requirements of this condition.

Compliance: All water, mud, oil, or any other fluid, semi-fluid, or any combinations thereof used in the drilling for or extraction of oil, gas and hydrocarbons from said Well will be removed to a Ventura County approved disposal site.

Condition 9: That no wells shall be drilled within 150 feet of the centerline of the right of way of any public road, street or highway and that no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.

Compliance: As shown on Sheet 1 attached to the Zoning Clearance Application, the location of said well is not within 150 feet of the centerline of the right of way of any public road, street or highway and no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.

Condition 10: That the permittee shall at all times comply with the provisions of Section 3220 and Section 3221 of the Public Resources Code of the State of California, relating to the protection of underground water supply.

Compliance: The Division of Oil, Gas and Geothermal Resources supervises and inspects the drilling for and extraction of oil, gas and other hydrocarbons to insure that Section 3220 and Section 3221 of the Public Resources Code of the State of California are complied with.

Condition 11: That the permittee shall at all times comply with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California, regarding the proper location of wells in reference to boundaries and public streets, roads or highways.

Compliance: The Division of Oil, Gas and Geothermal Resources will not issue the necessary approval and regulatory clearance for the drilling of said Well until permittee has demonstrated to the satisfaction of the Division of Oil, Gas and Geothermal Resources that the location of said Well is in compliance with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California.

Condition 12: That upon abandonment of any well or when drilling operations cease, all earthen sumps or other depressions containing drilling mud, oil, or other waste products from the drilling operation shall be cleaned up by removing such waste products or by

consolidating all mud, oil or other waste products into the land by disking, harrowing and leveling to restore the land to the conditions existing prior to the issuance of this permit as nearly as practicable so to do.

Compliance: No earthen sumps or other depressions will be used to contain drilling mud, oil, or other waste products during drilling or extracting operations. All drilling mud, oil, or other waste products used during drilling or producing operations will be contained with steel tank/vessels. All drilling mud, oil, or other waste products used during drilling or producing operations will be removed from the premises to a Ventura County approved disposal site and the land shall be restored as nearly as practicable to conditions existing prior to the commencement of said Wells.

Condition 13: That the permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

Compliance: Permittee will comply will all conditions of the Ventura County Ordinance Code as same existed at issuance of SUP 672.

Exhibit “3”

Sec. 8107-5.6.1 – Setbacks

Joseph Maulhardt #9 & #10

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.

Compliance: No well, equipment or facilities will be within 100 feet of any dedicated public street, highway or nearest rail of a railway being used as such.

- 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. (AM. ORD. 3730 – 5/7/85);

Compliance: No well, equipment or facilities will be within 500 feet of any building or dwelling not necessary to the operation of the well. (See Exhibit D)

- 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. (AM. ORD. 3730 – 5/7/85);

Compliance: No well, equipment or facilities will be within 500 feet of any institution, school or other building used as a place of public assemblage

- d. 300 feet from the edge of the existing banks of “Red Line” channels as established by the Ventura County Flood Control District (VCFCD), 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 Flood Control District requirements.

Compliance: No well, equipment or facilities will be within 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District (VCFCD), 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.

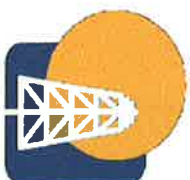
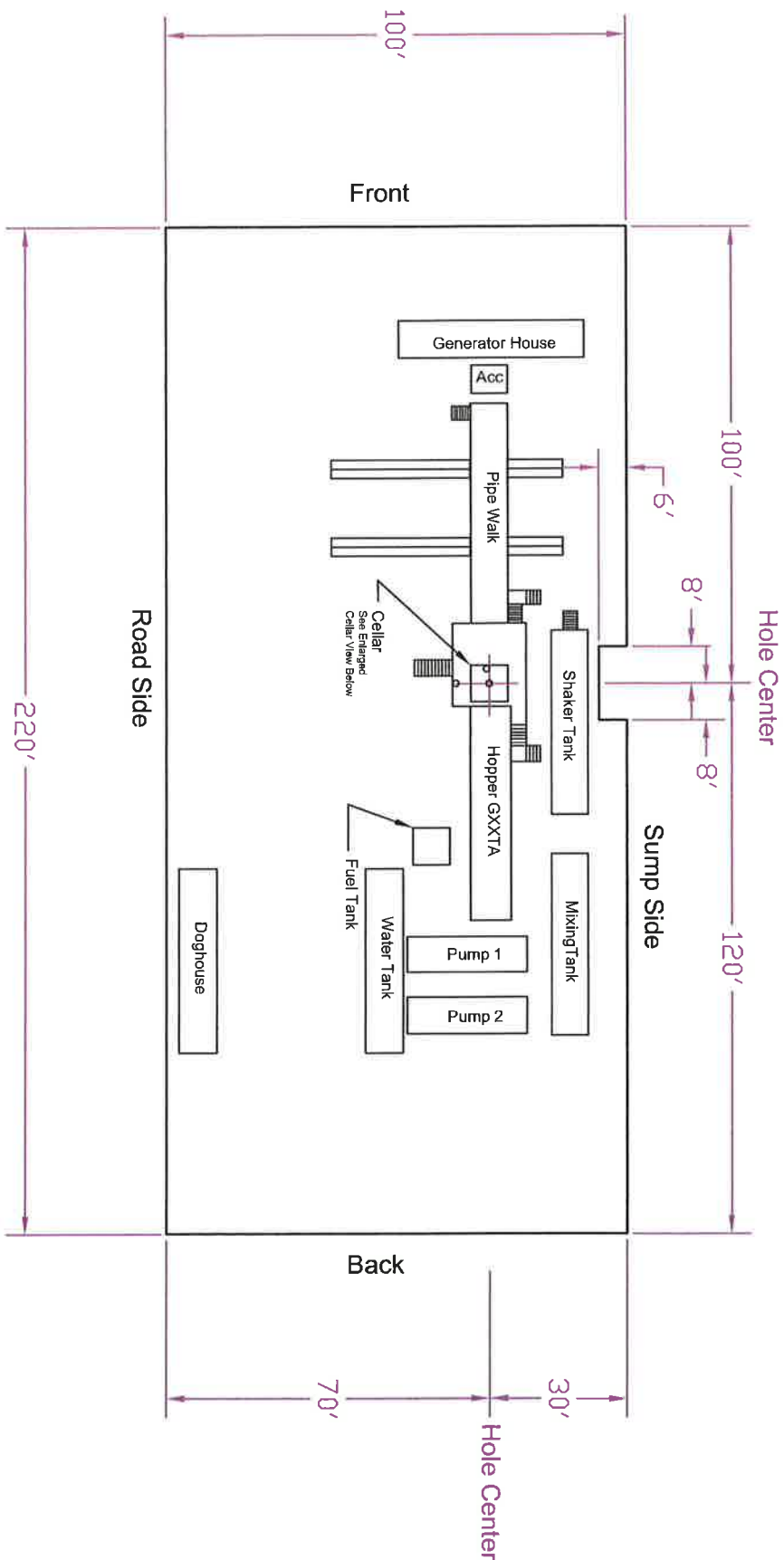
- e. The applicable setbacks for accessory structures for the zone in which the use is located.

Compliance: The well, equipment or facilities are outside the required setbacks. (See Exhibit D)

- 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.

Compliance: No well, equipment or facilities will be within 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

EXHIBIT "A"



Paul Graham Drilling

Rig 4 Location Diagram

Filename: Rig4 Plot LD.dwg

Revision: May 25, 2006

EXHIBIT "B"

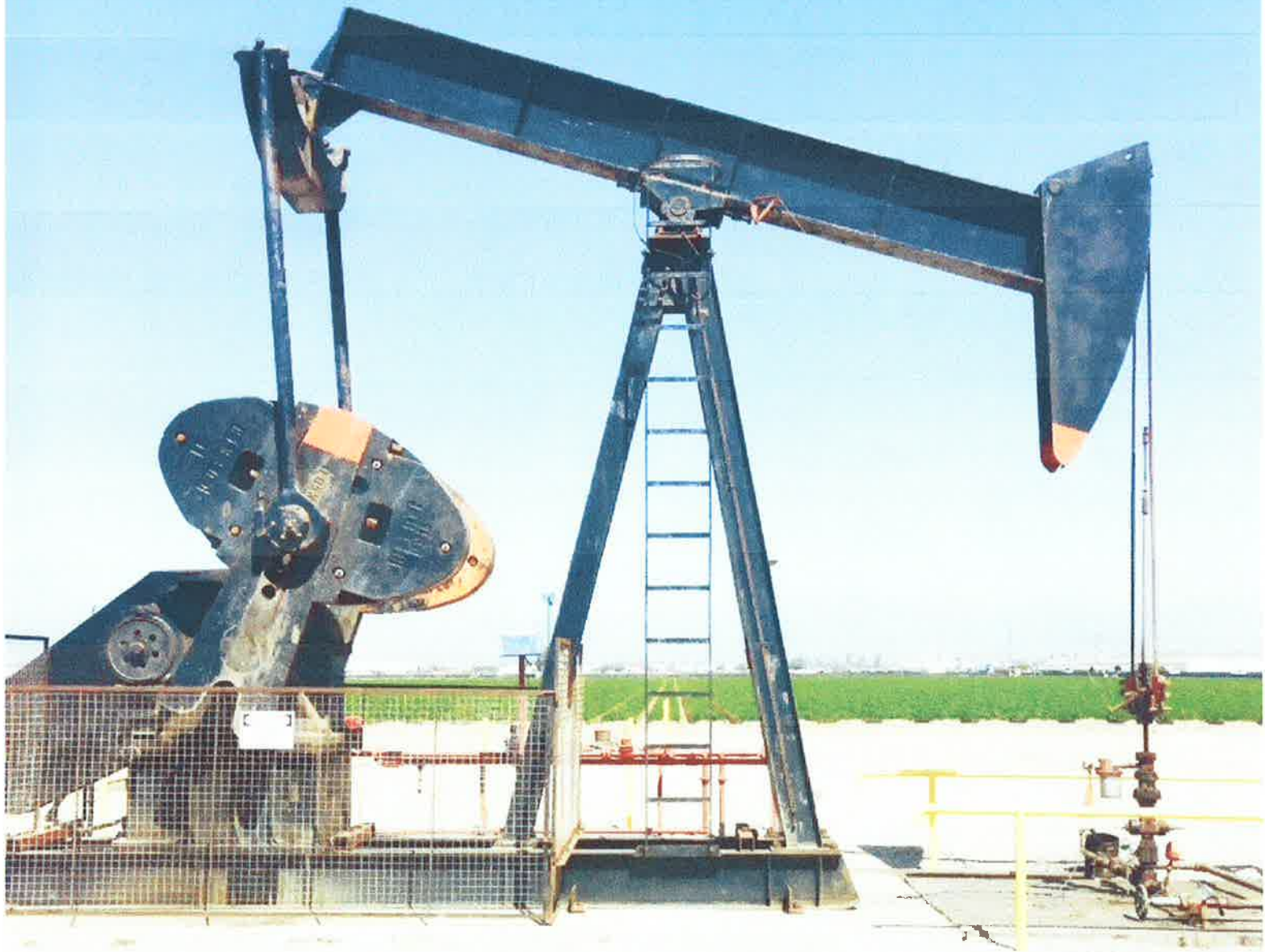


EXHIBIT "B"



Production
Facility

Oil Gathering Pipeline

Electrical Line

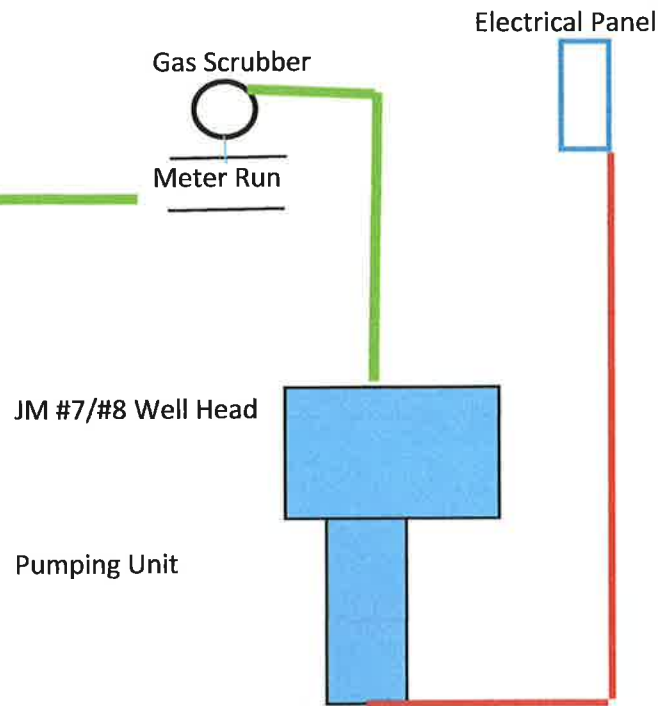


EXHIBIT "C"

Company: ABA Energy Corporation

Location: Joseph Maulhardt #7/#8

Date: 3/1/2016

EXHIBIT “D”

Site Plan

Drillsite and Access Route

Joseph Maulhardt #9 & #10

Ventura County, California



Hope Flores

From: Juana Alvarez [Juana.Alvarez@ventura.org]
Sent: Wednesday, August 01, 2012 9:06 AM
To: Hope Flores
Cc: Jay Dobrowalski
Subject: ABA Energy Corp - Cash Surety Deposit for CUP 672
Attachments: 2669_001.pdf

Good morning Hope,

The check for \$10,000 was received. Attached is a copy of the check and the receipt. If you have any questions, please let me know. Thanks.

Juana Alvarez
Accounting Officer
County of Ventura
Resource Management Agency
(805) 654-2487

JUL 26 2012



ENERGY CORPORATION

July 23, 2012

County of Ventura
Resource Management Agency
Operations Division – Fiscal
800 S. Victoria Ave. #1700
Ventura, CA 93002-1700
Attention: Juana Alvarez

RE: Certificate of Deposit for Conditional Use Permit #672 – Maulhardt Facility

Enclosed please find check number 34927 in the amount of \$10,000. This payment will fulfill the surety bond requirement under this CUP. Please mail me a receipt as soon as you receive this check.

The Ventura County planner for this project is Mr. Jay Dobrowalski.

If you have any questions, please contact me at (661) 324-7500 or via email at hflores@abanergy.com.

Sincerely

Hope Flores
ABA Energy Corporation
Compliance Administrator

Attachments:

cc: Jay Dobrowalski – Ventura County Planning Technician II
Monica Sanoja – Ventura County Compliance Coordinator



October 13, 2022

VIA EMAIL ONLY

Mindy Fogg
Ventura County Planning Manager
Commercial & Industrial Permitting Section
800 S. Victoria Ave.
Ventura, CA 93009
Email: mindy.fogg@ventura.org

Re: *September 29, 2022 Appeals filed by CFROG*

Dear Mindy:

We write regarding the September 29, 2022, appeals (the “Appeals”) filed by Climate First: Replacing Oil & Gas (“CFROG”) of the two Zoning Clearances issued by Ventura County on September 22, 2022, to ABA Energy Corporation (“ABA”) for the sidetracking of the already existing Dorothy Moon #2 and Joseph Maulhardt #9 wells (the “Zoning Clearances”). ABA respectfully urges the County to immediately reject the fling of the Appeals since they are defective.

In addition to being defective, the Appeals blatantly misrepresent, or at best ignore, the County’s own ordinances. They also ignore current state law and misstate the facts, all in an attempt to abuse the County’s process so that ABA is deprived of its rights to move forward with obtaining approval from the State for these operations prior to January 1, 2023—the implementation date for SB1137.

Failure to reject the Appeals now will result in irreparable harm to ABA since it cannot await the time period identified by Planning Department for the Planning Commission to conduct a hearing on December 15, 2022. SB1137 prohibits issuance of notices of intent (“NOIs”) by the State for these operations starting on January 1, 2023. A hearing on December 15, 2022 obviously will be too late.

The Appeals Are Incomplete and Thus Defective

The Appeals are defective on their face and should be rejected on that basis alone. Section 8111-7.1 of the Ventura County Non-Coastal Zoning Ordinance (NCZO) only allows an “aggrieved party” to file an appeal. There is nothing in the NCZO that allows the County to waive this requirement. The Appeals, however, fail to explain how CFROG is an “aggrieved party”. Further, the Appeals form is incomplete and therefore defective.

The Ventura County’s website indicates that appeals must be filed on a certain Appeal Application Form. (See <https://vcrma.org/en/appeals>.) Page 2 of the Appeal Application Form requires the filing party (if not the applicant) to state the basis for filing the appeal as an “aggrieved person.” (See <https://vcrma.org/docs/images/pdf/planning/ordinances/Appeal-Form.pdf>.)

The Appeals filed by CFROG fail to insert any information in the box as to the basis for it being an “aggrieved person.” Indeed, there is no reference anywhere in the Appeals as to why CFROG is aggrieved. For example, there is no assertion that CFROG members will be injured from ABA’s proposed operations. Nor is there any indication that CFROG members even live in the area adjoining ABA’s proposed operations.

CFROG has failed to establish that it is an “aggrieved party” under NCZO Section 8111-7.1 who is entitled to file appeals of the County’s issuance of the Zoning Clearances. As a result, the NCZO does not authorize the County to accept the Appeals and they should be rejected outright since the ten-day time period for filing proper and complete appeals of the Zoning Clearances has lapsed.

The Appeals Blatantly Ignore the County’s Ordinances and Referendum History as to the Ministerial Nature of the Zoning Clearances

The Appeals deliberately misrepresent the County’s NCZO by claiming that issuance of the Zoning Clearances is a discretionary act by the County. Section 8111-1.1 of the NCZO expressly states that issuance of the Zoning Clearances is ministerial. While the County amended the NCZO in 2020 to require discretionary permits instead of ministerial zoning clearances for the types of operations covered by the Zoning Clearances, the amendment was rendered void through a referendum election in June of this year.

CFROG certainly was aware of the referendum history and yet it is still claiming in its Appeals that the issuance of the Zoning Clearances is a discretionary act subject to CEQA. CFROG cannot alter or otherwise ignore the referendum vote by filing the Appeals and turn a ministerial act into a discretionary one.

CEQA only is triggered when there is a discretionary act. (Pub. Res. Code § 21080.) Since the NCZO provides that issuance of the Zoning Clearances is ministerial, there is no legal basis for

CFROG to claim that CEQA applies or that the County improperly issued the Zoning Clearances.

SB1137 is Not Yet in Effect, and Thus It Cannot Form the Basis of the Appeals

The Appeals also claim that issuance of the Zoning Clearances is in violation of State law, but the only law cited in the Appeals (aside from CEQA which is not applicable as discussed above) is SB1137. SB1137 does not prohibit the operations covered by the Zoning Clearances; rather, it prohibits the State from issuing NOIs to engage in those operations starting January 1, 2023. NOIs issued prior to that date are not rendered ineffective by SB1137.

CFROG is attempting to advance SB1137's implementation date through the ruse of the County's appeal process since it knows that the Appeals will not be finalized prior to January 1, 2023. The County should reject CFROG's abuse of its process in this manner. The County cannot now deprive ABA of its rights under the Zoning Clearances based on SB1137. If it does, the County will unlawfully be preventing ABA from securing NOIs from the State prior to the January 1, 2023.

The Appeals Misrepresent Compliance with Conditions of ABA's Special Use Permit

The only other grounds claimed for the Appeals are that somehow the County hasn't ensured that ABA will comply with Condition Nos. 5 and 8 of its Special Use Permit 672. ABA's applications for the Zoning Clearances are detailed. They expressly state how ABA will comply with these and the other Conditions and provide information on the proposed equipment to be used for the operations. The County, and CFROG, have never had an issue with ABA's use of these same explanations on past Zoning Clearances. The County has enforcement mechanisms to ensure ABA's compliance with the Conditions of Special Use Permit 672, and it has never found that ABA has failed to comply. Similarly, CFROG has never before, and doesn't now, contend that ABA has ever failed to so comply. Simply put, the Appeals claim non-compliance as to issues that cannot even be complied with until the operations commence. As a result, they are a subterfuge to further this abuse of process and are not legitimate bases for an appeal.

The Appeals ignore that ABA already has secured rights through Special Use Permit 672, which underwent public and environmental review and of course permit the operations described in the Zoning Clearances. CFROG is misusing the County's appeals process with defective Appeals that are incomplete and based on misrepresentations as to the County's own ordinance, State law and the facts. ABA urges the County to reject the Appeals on these bases and send a message that it will not sanction a misuse of its appeals process to affect CFROG's agenda of a premature implementation of SB1137.

Mindy Fogg
Ventura County Planning Manager
Commercial & Industrial Permitting Section
October 13, 2022
Page 4

ABA appreciates the County's consideration of the matters raised in this letter and respectfully requests a response by October 21, 2022 as to whether the County will reject the Appeals, thereby preventing irreparable harm to ABA.

Sincerely,
ABA ENERGY CORPORATION



10-13-22

Alan B. Adler
President & CEO



October 20, 2022

Mr. Alan B. Adler
President & CEO
ABA Energy Corporation
7612 Meany Avenue
Bakersfield, CA 93308

Via email to: aba@abaenergy.com

SUBJECT: Appeals filed by CFROG for ZC22-0937 and ZC22-0938

Dear Mr. Adler:

This letter is the County of Ventura's (County) response to your letter dated October 13, 2022, regarding the appeals filed by Climate First: Replacing Oil & Gas (CFROG) of two Zoning Clearances (ZC22-0937 and ZC22-0938) issued by Ventura County. County staff has carefully reviewed the concerns outlined in your letter. However, we do not find that the issues raised therein warrant summarily dismissing these appeals. Jurisdiction over the appeals now rests with the County of Ventura Planning Commission, and you may raise the same issues set forth in your letter to the Planning Commissioners for their consideration at the appeal hearing.

Please contact me at 805-654-5192 or at mindy.fogg@ventura.org if you have any additional questions about this process.

Sincerely,

Mindy Fogg, Planning Manager
Commercial & Industrial Permitting Section
Ventura County Planning Division

c: Haley Ehlers, Climate First: Replacing Oil & Gas

From: [REDACTED]
To: [Chaffee, Thomas](#)
Subject: Appeal of ABA Energy Re-Drilling of 2 Wells
Date: Monday, December 5, 2022 8:48:27 PM

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Dear Planning Commission Members,

I am very concerned that Ventura County has approved the redrilling of 23 oil wells in the Lemonwood community, allowing oil drilling near homes, schools and agricultural land. None of these wells would be permitted if the County waited until January 1st, when the buffer zone law goes into effect. The operator has admitted that they are trying to rush these permits in before these wells are illegal.

Do you people just not care about the people who live and work in this neighborhood? Public health experts have found that living, working, or going to school near oil and gas drilling can be linked to a host of harmful health impacts including asthma, respiratory diseases, pre-term births and cancer.

This is an environmental injustice - Oxnard communities should not bear further pollution burden. The communities impacted by these wells already experience a pollution burden 77 to 93 percent higher than other California communities; higher than any other community in Ventura County. The expansion of polluting and dangerous fossil fuel infrastructure would not be happening in white, higher income neighborhoods. Please ask yourself: would you permit drilling in your own neighborhood? If not, then why would you permit it in Lemonwood? All lives matter.

Sincerely,

[REDACTED]

Ojai, CA 93023

EXHIBIT 14

Errata Memo

ABA Energy Oil and Gas Zoning Clearances Appeal
Case Nos. PL22-0152 and PL22-0153



MEMORANDUM

DATE: December 9, 2022

TO: Ventura County Planning Commission

FROM: Mindy Fogg, Manager, Commercial and Industrial Permitting
Dave Ward, Planning Director, AICP

SUBJECT: Corrections to Exhibit 8 of the Staff Report for December 15, 2022, 8:30 AM
Agenda Item #7A, Public Hearing to Consider ABA Energy Oil and Gas
Zoning Clearances Appeal Case Nos. PL22-0152 and PL22-0153

By way of this memorandum, staff is submitting the attached revised "Exhibit 8 - County Staff Responses to the Grounds of Appeal for PL22-0153" that shows minor corrections to the information regarding the dates and Zoning Clearance numbers for the Dorothy Moon #2 well. The erroneous information was inadvertently transposed from Exhibit 7, which describes the Maulhardt #9 well. Corrections in the attached revised document are shown in ~~strikeout~~/underline text with insertions in blue underline font and deletions in red ~~strikeout~~ font.

Exhibit 8: Appeal PL22-0153

County Staff Response to the Grounds of Appeal

Provided below are staff responses to the grounds of appeal filed by Climate First, Replacing Oil and Gas (Appellant) in its appeal of the issuance of Zoning Clearance ZC22-0938 to certify that the proposed sidetrack of the Dorothy Moon #2 well is authorized by Special Use Permit (SUP) No. 672. The grounds of appeal are reproduced verbatim below along with the staff responses.

Grounds of Appeal and Staff Responses:

Ground of Appeal No. 1: *This zoning clearance was issued in violation of the Ventura County Non-Coastal Zoning Ordinance, the County General Plan, and/or state and federal law.*

Staff Response: The Appellant does not provide or identify any evidence that the issuance of the subject zoning clearance was in violation of any County ordinance, state or federal law. Rather, the Ventura County NCZO states that a zoning clearance “*shall be issued*” if the proposed use of land, structures or construction meets the requirements of NCZO Sec. 8111-1.1.1b, including that it “complies with the terms and conditions of any applicable permit or other entitlement granting the use in question.”

SUP No. 672 grants the permittee the authority to conduct oil drilling and production operations. The proposed actions sought to be authorized under ZC22-0938~~7~~—the re-drilling and operation of an existing oil well—are consistent with and in compliance with the terms and conditions of SUP No. 672. Absent evidence of a violation or otherwise failing to meet the requirements of NCZO Sec. 8111-1.1.1b, the County is obligated to issue the requested zoning clearance.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 2a: *Further, the Oil Company failed to adequately show how the construction and the proposed sidetracking operations will comply with conditions of its Special Use Permit No. 672 (SUP 672).*

Staff Response: Refer to responses to Grounds of Appeal Nos. 5, 6 and 7 below.

Ground of Appeal No. 2b: *Dorothy Moon #2 well is currently an abandoned and plugged well, and has therefore not been in operation since 2013 after determined a “dry hole” (an exploratory well found to be incapable of producing either oil or gas in sufficient quantities to justify completion as an oil or gas well). The Oil Company seeks to undertake construction activities to sidedrill, test for production, and then operate and produce at new Dorothy Moon #2ST. The re-drilling of this well is in conflict with state regulatory definition of “plugged and abandoned” which “involves permanently sealing the well.”*

Staff Response: There is no conflict with State regulations with the proposal to re-enter and directionally re-drill the Dorothy Moon #2 well. When an oil well is “plugged and abandoned,” this means it is placed in a condition that is safe to be left in perpetuity without further monitoring, which is referred to as “permanently sealed.” The well still exists, however, and can be re-entered and re-drilled upon obtaining a permit from the California Geologic Energy Management Division (CalGEM) and a zoning clearance from the County. This is a routine oilfield practice. In fact, using a portion of an existing wellbore and casing of a “plugged and abandoned” well is generally safer and involves fewer potential environmental effects than drilling a new well to reach the same target zone.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 3: *This idle well is approximately 1,000 feet away from the residential Lemonwood community and located in the middle of agricultural fields. ABA's proposed construction activities would last up to 30 days and operate 24 hours a day. This construction will impact the many farmworkers laboring in and around this site. There is also a public park within 2,255 feet and an elementary school within 2,700 feet of the proposed construction activities. Based on the proximity to sensitive receptors and proposed project's potential significant impacts, CEQA requires that the County conduct an initial environmental study prior to providing the zoning clearance for the construction/demolition of the proposed project. An initial study will identify and provide information for both decision-makers and the public as to potential significant impacts and if and how they can be mitigated. These include air quality impacts, such as particulate matter and traffic, and other environmental impacts under CEQA. The proximity of this new activity to homes and community spaces is also contrary to state legislation that will soon go into effect (SB 1137) requiring 3,200 feet between sensitive receptors and new drilling activity (including sidetrack/re-work).*

Staff Response: Pursuant to NCZO Section 8111-1.1 et seq., the issuance of a zoning clearance to certify that a proposed activity is in conformance with a previously granted discretionary permit (such as SUP No. 672) is a ministerial action. Ministerial actions are not subject to environmental review pursuant to CEQA. (See, e.g., CEQA Guidelines Section 15268(a) [“ministerial projects are exempt from the requirements of CEQA.”]; see also Public Resources Code Section 21080(b)(1) [CEQA does not apply to “ministerial projects proposed to be carried out or approved by public agencies.”].)

As acknowledged by the Appellant, the provisions of recently enacted state Senate Bill 1137 are not yet in effect. This legislation has no bearing on whether the Applicant is currently entitled to the requested Zoning Clearances under the County’s NCZO.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 4: Additionally, the Oil Company has not sufficiently shown that the proposed project, including the ongoing drilling operations for Dorothy Moon #2ST wellbore, will adhere to SUP No. 672 Conditions 5 and 8. The Oil Company only broadly asserts that it will meet these conditions, but the record is devoid of information to ascertain whether and how the conditions will be satisfied. The County is responsible for ensuring that permit conditions will be met, which, in this case, requires further information, review, and public notice and participation, in order to assess and make an informed conclusion substantiated with evidence. Further information and an assessment will also identify any requirements to ensure compliance with Conditions 5 and 8, and mitigation of the impacts listed in the conditions that the oil operator must avoid, as identified in the conditions.

Staff Response: Condition 5 relates to operations being conducted to eliminate dust, noise, vibration and be in accordance with best practices and proven technological improvements. Condition 8 requires that all fluid-like substances that are removed from the site be deposited in approved disposal sites. The Applicant has agreed to operate in compliance with the terms and conditions of SUP No. 672 and the County has agreed to monitor such compliance. Exhibit 2 of ZC22-093~~87~~ outlines the steps to be taken by the Applicant to remain in compliance with each of the conditions of approval. The Applicant has posted the required bond with the County. The re-drilling of the subject well would be permitted and overseen by CalGEM. This process is standard for oilfield operation and regulating oversight.

The subject well was drilled in 201~~36~~ by the Applicant after the issuance of Zoning Clearance ZC~~13-049016-0425~~ on ~~May 12, 2016~~June 5, 2013. As required by CalGEM, the oil drilling activities would be conducted in accordance with modern accepted practices to minimize environmental effects. The handling and disposal of drilling fluids and cuttings are routine activities in the operation of an oilfield. County staff and CalGEM staff would respond to any complaint filed during the drilling phase of the project.

The NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures, or construction is, among other requirements, in compliance with the terms and conditions of the applicable permit or entitlement. There has been no evidence presented or identified that the Applicant has violated any of the terms and conditions of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 5: *The plain language of Conditions 5 indicates that the County intended to continue to ensure over time that oil companies wishing to create new wells or expand operations under SUP 672 would adhere to technological advances and best practices available at the time of a proposed project in order to eliminate to the extent possible environmental nuisances and other annoyances. The Oil Company applicant merely restates the condition and states that it will do what the conditions require. The County must not accept what amounts to a pledge to conclude that the condition is met. And it must not wait until the project is underway and impacts occur that Condition 5 intended to avoid. Rather, the County must demand and review information from the Oil Company that substantiates how it will meet Condition 5.*

Staff Response: Refer to response to Ground of Appeal No. 4 above. Condition No. 5 does not speak in absolutes. It states that drilling and production shall be conducted to eliminate “to the extent practicable” dust, noise, vibration and noxious odors, and that proven technological improvements shall be used “[w]here economically feasible and where generally accepted.” The Appellant has not presented any evidence, nor has there been any indication, that the Applicant has not complied with Condition No. 5. Accepted drilling practices have substantially changed and improved since SUP No. 672 was granted in 1957. In addition to the new mechanical technology employed on drilling rigs, open pits with accumulated drill cuttings, mud and test fluids are no longer allowed as part of drilling operations. Such fluids are contained in portable tanks and are ultimately disposed of offsite at permitted licensed facilities. The Applicant is also conducting drilling operations with improved modern technology intended to minimize environmental effects. For example, the current operation employs a modern vapor recovery system, engines certified by the California Air Resources Board, a flare with Best Available Control Technology (BACT), quarterly self-monitoring and reporting to Ventura County Air Pollution Control District (APCD), and an annual certification by APCD. As such, to the extent Condition No. 5 requires improvements in technology and best practices from the issuance of SUP No. 672 in 1957, such improvements have occurred.

The NCZO states that a zoning clearance “shall be issued” if the proposed use of land, structures, or construction is, among other requirements, in compliance with the terms and conditions of the applicable permit or entitlement. There has been no evidence presented or identified that the Applicant has violated any of the terms and conditions of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Ground of Appeal No. 6: *Again, the Oil Company failed to provide information to show that it will comply with Condition 8, and merely states that it will do as required. Oil drilling is an inherently highly industrial, polluting operation that requires the County to diligently ensure compliance with all conditions in order to protect the public's interest.*

The conditions set forth in SUP mean that the Oil Company may not undertake proposed drilling activities unless it complies. The proposed project is therefore contingent on it showing that it will, in fact, comply and not run afoul of the conditions.

Staff Response: Refer to responses to Ground of Appeal Nos. 4 and 5 above.

Ground of Appeal No. 7: *Additionally, SUP 672 is considered "antiquated," it was approved November 4, 1957. This antiquated permit does not provide a vested right to new and expanded operations.*

Staff Response: SUP No. 672 was granted by the County on November 5, 1957. This permit remains in effect and authorizes the following activities:

"Drilling for and extraction of oil, gas and other hydrocarbon substances and installing and using, buildings, equipment, and other appurtenances accessory thereto..."

The proposed actions sought to be authorized under ZC22-093~~8~~⁷ are to conduct a re-drilling of an existing oil well. It falls within the scope of activities authorized by the terms of SUP No. 672.

Based on the above discussion, staff determined this ground of appeal is without merit.

Staff Recommendation:

Based on the discussion provided above, staff recommends that the Planning Commission find that the grounds of appeal filed by the Appellant are without merit.

Chaffee, Thomas

From: Elidet Bordon <[REDACTED]>
Sent: Monday, December 12, 2022 7:30 PM
To: Chaffee, Thomas
Subject: Agenda Item 7A

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Oxnard families should not hold the financial burden or have to sacrifice their health and children for big oil. The operator holds a permit that was approved BEFORE an environment review was required. Thus, these re-drills were approved without a public hearing or seen by the Planning Commission. The public deserves to have their voices heard in a fair and democratic process before putting their health at risk in a country that doesn't cover their health care. As this is in Supervisor Kelly Long's district, I specifically urge you, District 3, Supervisor Kelly Long, to focus on the bigger picture of protecting this vulnerable community. The most pro-life thing we can do is not drill in Lemonwood. Protect the children. Thank you, Elidet Reyes Bordon

Chaffee, Thomas

From: Genevieve Bordon <[REDACTED]>
Sent: Monday, December 12, 2022 7:19 PM
To: Chaffee, Thomas
Subject: Agenda item 7A

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Hello. My name is Genevieve. I am 12 years old.

I heard about the meeting that you are holding for the notice of oil wells. There are wells that are near schools, and near farmland. The dangers of the wells are extreme. If people start to use the wells, it will make everyone at schools, farms, and even in homes unsafe.

Do you like fruits and vegetables? I'm a child myself, and as a child, I like fruits and veggies! Now, there are farms that are near oil wells, and that means that the produce from the farms is contaminated! Do you like the sound of contaminated greens? Ew, no! Why would we eat produce with cancer causing chemicals in them?

I also noticed that there is a well that is near a school, and it is causing dirt contamination. This is really dangerous for us, the kids, and the environment. It's a danger to nature, contaminating the plants at the school. Also, there are a lot of Latinx children as well as children of immigrants there. I'm currently at school, and I feel really safe there. Kids that go to school should feel safe.

Thank you for reading!

Genevieve Bordon
7th Grader

Chaffee, Thomas

From: John Brooks <[REDACTED]@com>
Sent: Thursday, December 8, 2022 7:04 PM
To: Chaffee, Thomas
Subject: ABA drilling in disadvantaged neighborhood. Agenda Item #7

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Dear Commissioners,

I ask you to imagine you live in the Lemonwood homes where the pollution burden is already 77 to 93 percent higher than all other communities in California. And someone says the county is approving MORE . This almost happened before when the Cabrillo oil field expansion was proposed. I urge you watch Supervisor Linda Parks short comments in this link when she and the rest of the board voted down those wells because peoples lives are worth far more than a few more barrels of oil. The expansion of pollution in primarily white higher income neighborhoods would not be allowed. Here is a quote from Supervisor Parks in the video:
"I don't have oil wells in the City of Thousand Oaks, in Oak Park, in Lake Sherwood. These are high income areas that would never allow this kind of production next to a residence there. And it's time we need to respect the residents in ALL areas of our county."

I ask each member of this commission if you would sign the ministerial permit to put these wells 1700 feet from your home. Now is the time to correct the sins of environmental injustice. Do it today. And go home to your families who are not breathing pollutants. Thank You ,
John Brooks
Oak View



Supervisor Linda Parks & Environmental Justice
youtu.be

Chaffee, Thomas

From: Kari Aist <[REDACTED]>
Sent: Tuesday, December 13, 2022 8:26 AM
To: Chaffee, Thomas
Subject: Agenda Item 7A

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

To the Ventura County Planning Commission:

Please stop aiding and abetting those in the oil & gas industry who put profits ahead of people! The state is moving away, thankfully, from fossil fuel production and usage; we should be moving that same way in the best interests of *all* the people and of the planet overall rather than re-opening properly shut down and remediated wells.

The harm that this Lemonwood project will bring is not worth it in true humanitarian, environmental justice terms. Look at the entire picture, and please do not let the short term, shortsighted interests of corporations sway you from doing what's right in your roles as effective stewards of the county.

Please do not allow oil drilling on Lemonwood to continue, and instead hold the oil companies accountable for creaking up the messes they already have going there. Please do what's right. I sincerely hope that you will.

--Kari Aist  

[REDACTED]
Ventura CA 93004

--

Pronouns: she, her

[REDACTED], Ventura 93004

"Believe with all your heart that how you live your life makes a difference" - Colin Beavan

Chaffee, Thomas

From: Frieda Gough <[REDACTED]>
Sent: Sunday, December 11, 2022 4:32 PM
To: Chaffee, Thomas
Subject: Re drilling

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

I am concerned that the re-drilling of oil wells in the Lemonwood neighborhood will have long lasting and deleterious health effects on the people there. Please do not give permits to allow those.

I've been a resident of Ventura County for 20 years.

Yours,

Katharine Pond
[REDACTED]
Ojai, Calif.

Chaffee, Thomas

From: Madeline Frey <[REDACTED]>
Sent: Sunday, December 11, 2022 5:11 PM
To: Chaffee, Thomas
Subject: Agenda Item 7A

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Hello,

I'm emailing to tell you that I oppose the opening of new wells in Ventura County. The county has many wells that could service our energy needs and should not be placing a higher health and environmental burden onto an already overburdened community.

Thank you,

Madeline Frey

Chaffee, Thomas

From: Margot Davis [REDACTED] >
Sent: Monday, December 12, 2022 11:37 AM
To: Chaffee, Thomas
Subject: Agenda item 7A

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No more drilling in Lemonwood. Rubberstamping of wells located close to Holmes, schools, and farmland is unacceptable. Thank you for your consideration.

Margot Davis

[REDACTED]

Ventura 93001

Sent from my iPhone

Chaffee, Thomas

From: Millie Seidman <[REDACTED]>
Sent: Monday, December 12, 2022 1:59 PM
To: Chaffee, Thomas
Subject: Agenda Item 7A

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

I am writing with the hope that the oil drilling will no longer be allowed to be within a distance that can be harmful to children or to adults, for that matter Please be respectful of our residents who could be harmed.

Mildred E Seidman

[REDACTED]

Camarillo, Ca. 93012

Chaffee, Thomas

From: Polly Nelson <[REDACTED]>
Sent: Monday, December 12, 2022 5:21 PM
To: Chaffee, Thomas
Subject: Agenda Item 7a

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1. **Oil drilling near homes and schools is a threat to human health.** Research shows that living, working, or going to school near oil and gas drilling can be linked to asthma, respiratory diseases, pre-term births, and cancer.
2. **Oxnard communities should not bear further pollution burden.** The communities impacted by these wells already experience a pollution burden 77 to 93 percent higher than other California communities; higher than any other community in Ventura County.
3. **Hundreds of people work in the fields immediately surrounding the wells** and the impact to their health and safety has also not been assessed.
4. **Some of these wells have already been properly plugged and remediated.** With an already overwhelming inventory of idle and orphan wells, Ventura County should not be re-opening wells.

Chaffee, Thomas

From: Toni Zamora <[REDACTED]>
Sent: Sunday, December 11, 2022 6:05 PM
To: Chaffee, Thomas
Subject: Agenda Item 7A

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

1. Oil drilling near homes and schools is a threat to human health.

Public health experts have found that living, working, or going to school near oil and gas drilling can be linked to a host of harmful health impacts including

- Asthma
- Respiratory diseases
- Pre-term births
- Cancer

A state law was recently passed to protect frontline communities by requiring a 3,200 foot safety zone between oil drilling and homes, schools, and hospitals. This law goes into effect January 1st, 2023.

These wells are well within this safety buffer zone - close to hundreds of homes and Lemonwood Elementary and Park.

2. This is an environmental injustice - Oxnard communities should not bear further pollution burden.

The communities impacted by these wells already experience a pollution burden 77 to 93 percent higher than other California communities; higher than any other community in Ventura County. These are communities of color (over 90% Latinx and Asian) and are experiencing poverty at rates 64 to 90 percent higher than the rest of the state. The expansion of polluting and dangerous fossil fuel infrastructure would not be happening in white, higher income neighborhoods.

3. Ventura County has zoned this land for agriculture and it is home to prime farmland.^[1] Hundreds of people work in the fields immediately surrounding the wells and the impact to their health and safety has not been assessed.

Farmworkers who work near these wells have been subject to [dangerous and sometimes lethal air and water pollution](#). The impact these re-drilled wells will have on Ventura County's farmworkers and agriculture has not been analyzed.

4. Some of these wells have already been properly plugged and remediated - why are we re-opening unproductive wells?

The vast majority of wells on this land are "stripper" wells - meaning they produce very little resources (under 15-20 barrels of oil a day) and work to "strip" the last drop of oil out of the ground. ABA Energy is proposing to re-open wells that have already been properly closed and cleaned up - most of them plugged only a few years ago. With over 2,000 idle wells and [over 400 orphaned wells](#) in Ventura County, we cannot risk re-activating wells and growing this inventory. In fact, there is a [poorly abandoned well](#) in the middle of Lemonwood Park with an unresolved history of soil contamination.

5. Oil company piecemealing a project and making a mockery of democratic processes.

Because this operator holds a permit approved before environmental review was required for drilling, these re-drills were approved without a public hearing or even being seen by the Planning Commission. This appeal hearing is the public's only chance to have a voice on these re-drills. The operator only had to pay \$330 for each

zoning clearance application, but in order to appeal all of these, it would cost \$1,000 each - \$23,000 total. By piecemealing the project, the operator is making it impossible for the public to have their voice heard.

-Toni Zamora



December 13, 2022

Ventura County Planning Commission
c/o Thomas Chaffee, Case Planner
Resource Management Agency, County of Ventura
800 S. Victoria Avenue, Ventura, CA 93009

Sent via email thomas.chaffee@ventura.org

Re: Agenda Item 7A, Case Number: PL22-0152 AND PL22-0153

Dear Planning Commissioners,

Climate First: Replacing Oil & Gas (CFROG) is a grassroots environmental nonprofit dedicated to combating the climate crisis by working to shape the transition from fossil fuels to a carbon-free economy in Ventura County. We are committed to ensuring that oil and gas operations are properly reviewed, permitted, monitored, and compliant. We appreciate your thoughtful consideration of our appeal of the issuance of Zoning Clearances ZC22-0937 and ZC22-0938.

We urge you to approve this appeal of the Planning Director's issuance of ZC22-0937 and ZC22-0938 and refund corresponding appeal fees per noncompliance with the Ventura County Non-Coastal Zoning Ordinance (NCZO), Special Use Permit 672 (SUP 672), and Ventura County 2040 General Plan policies for environmental justice and greenhouse gas emission reduction.

In addition to the two Zoning Clearances being appealed today (ZC22-0937 and ZC22-0938), ABA Energy Corp. has been approved to re-drill and sidetrack 21 additional wells on SUP 672 through the issuance of 21 additional Zoning Clearances approved on 11/18/22. CFROG has been tracking oil and gas developments in Ventura County for almost 10 years and this re-drilling project of 23 wells may be the largest development we have monitored. As [other jurisdictions](#) phase out oil and gas drilling as a response to the climate crisis and environmental

justice, the approval of this major drilling project – with no environmental or public health assessment and with clear regulatory inadequacies – is irresponsible and unacceptable.

In this letter, we put forth the following evidence and arguments:

1. Errors in the Zoning Clearance Application Requiring Revocation of the Permits
2. Piecemealing, Making a Mockery of the System, Denying Democracy
3. Oil Drilling Near Homes and Schools is a Human Health Threat
4. Environmental Injustice - Disadvantaged Ventura County Communities Should Not Bear Further Pollution Burden
5. What is the Gain? ‘Stripper’ Wells - Little Production, Big Liability and Pollution
6. Inconsistent with General Plan Emission Reduction Goals & Air Quality Rules
7. Already Have Idle/Orphan Well Problem, Reopening Plugged Wells Not the Answer

Errors in the Zoning Clearance Application Requiring Revocation of the Permits

Zoning Clearances ZC22-0937 and ZC22-0938 issued on 9/22/22 must be nullified and revoked pursuant to [Ventura County Non-Coastal Zoning Ordinances](#) (NCZO) Section 8111-2.7 which states that Zoning Clearances “shall be null and void for any of the following causes”

- a. The application request which was submitted was not in full, true and correct form. [...]
- b. The entitlement issued does not comply with the terms and conditions of the permit originally granting the use under Division 8, Chapter 1 and 2 of this Code [...]
- c. The entitlement was issued erroneously.

As explained below, the Applicant failed to comply with the requirements of 8111-2.7 by

1. Including inadequate and incomplete submittals in its Statements of Compliance to the Conditions of SUP 672. This failure constituted a violation of subsection a. (referenced above) and established the legal basis for the Zoning Clearances to become null and void.
2. Subsections b. and c. involve the erroneous and unauthorized issuance of the Zoning Clearances by the Planning Division which, contrary to the requirements of b., improperly approved and issued the Zoning Clearances, notwithstanding that they did not comply with the terms and conditions of Conditions 1 and 13 of SUP 672.

Subsection b. does not permit the Planning Division to approve and issue Zoning Clearances that fail to comply with the terms and conditions of SUP 672, and – without any legal authority – actually alter and change Conditions 1 and 13. Because the Zoning Clearances changed the terms and conditions of SUP 672 without the legal authority to approve such changes, the issuance of the Zoning Clearances must be deemed to have been issued erroneously and be deemed null and void.

Why ZC22-0937 and ZC22-0938 Must be Revoked and Declared Null and Void

- 1. Applicant's failure to comply with Zoning Clearance Application requirements and violations of the Ventura County Non-Coastal Zoning Ordinance (NCZO).** The Zoning Clearances must be declared null and void because of the Applicant's failure to comply with the Zoning Clearance Application requirement that the submitted application(s) must be in full (complete), true, and correct form. The Zoning Clearances were incorrectly, improperly, and erroneously issued in disregard of and notwithstanding the applicant's failure to comply with Zoning Clearance Application Instruction (ZCAI) Requirement 2 which requires that a full, true, and correct account of the proposed project must be provided, or the "Zoning Clearance will be nullified subsequently."

More specifically, ZCAI Requirement 7 states: "Conditions of Approval - Submit a Copy of Conditions of Approval and *demonstrate how the operator is in compliance with each condition* [emphasis added]." The applicant failed to comply with Requirement 7 because in Exhibit 4 of the Applications ([ZC22-0937](#) and [ZC22-0938](#)) its compliance statements in response to Conditions 5, 8, 10, 11, and 13 did not provide the specifically required details demonstrating how the operator is in compliance with these conditions. Instead, these compliance statements were non-specific to this project, general in nature, and incomplete and not responsive to Requirement 7.

The Applicant's compliance statement to Condition 13 is a representative example of this failure. [Condition 13 states](#):

The permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

The Applicant's statement of compliance to Condition 13 fails to provide any information showing how the operator is or will be in compliance with that condition. Instead, it clearly indicates it does not intend to comply with the terms of that condition by adding its own new language: "as same existed at issuance of SUP 672." This language was not

in SUP 672 when it was issued on 11/5/57. This added language is inconsistent with and not in compliance with Condition 13 because it adds new language with improper conditions and qualifications to SUP 672. The clear effect of this new language would be to change and limit the Application's legal obligation to comply with all conditions of the NCZO applicable to this permit, as specified in Condition 13 to only those conditions that existed in the Code on 11/5/57 when SUP 672 was issued. [SUP 672](#) was never modified. Its original conditions remain in effect.

Absent a legally approved modification of SUP 672, the issued Zoning Clearances cannot change or modify Condition 13 to now limit the Application's legal obligation to comply with all conditions of the NCZO now applicable to SUP 672. The Planning Division does not have the authority to add language to the original SUP 672 conditions. The Applicant cannot be permitted to ignore any conditions that become applicable to this permit that were added to the Ventura County Ordinance Code (now the NCZO) on 11/6/57 or at any time thereafter until the Zoning Clearances were approved and issued on 9/22/22.

A permit like SUP 672, by its very nature, contemplates operations that will start sometime after the day the permit was issued and could continue for many years in the future. There is no basis to conclude those operations would proceed in the future without regard to any changes in the NCZO that would apply to the operations permitted by SUP 672. It is not reasonable to infer and conclude that the Board of Supervisors, in approving the issuance of SUP 672 on 11/5/57 intended that all future operations undertaken pursuant to this permit were to be frozen in time forever notwithstanding any changes in law applicable to such operations that became effective on the day after SUP 672 was issued, and any time thereafter – until the end of time.

In failing to demonstrate how the Applicant is in compliance with each of the cited conditions as demonstrated above, the Applicant failed to provide a full, true, and correct account of the project. Section 8111.2-7a. of the NCZO and ZCAI Requirement 2 mandates in clear and unambiguous terms that if a true and correct account of the proposed project is not provided – issued Zoning Clearances ZC22-0937 and ZC22-0938 must be nullified subsequently.

Condition 13 requires that the operator comply with the Ventura County Zoning Code - now called the Ventura County Non-Coastal Zoning Ordinance (NCZO). By accepting the Application's revision of Condition 13 by way of additions to the original wording, the County has exercised judgment or opinion by accepting and approving language the Applicant added to Condition 13 in its statement of compliance that materially changed

and dramatically limited the requirements and meaning of Condition 13 in SUP 672 when it was issued on 11/5/57.

County Council defines ministerial and discretionary decisions as

A ministerial decision is made by determining whether the request conforms to objective standards without the exercise of judgment or opinion by the decision-maker. In contrast, a discretionary decision is made by applying broader subjective standards through the exercise of judgment and opinion by the decision-maker ([page 3](#)).

The judgment made by the County per Condition 13 was a discretionary decision in that it applied broader subjective standards. These two Zoning Clearances cannot be approved as ministerial decisions, therefore they must be nullified and a discretionary review commenced.

Further, the Applicant or County does not have the authority to add language to the original SUP 672 conditions.

Nevermind the failure to recognize how the County's zoning ordinances would develop over time, the applicant fails to detail which specific "conditions of the Ventura County Ordinance Code as same existed at issuance of SUP 672" they will comply with. Without identifying this set of specific conditions and corresponding compliance plans, the issuance of these Zoning Clearances is in violation of SUP 672 itself.

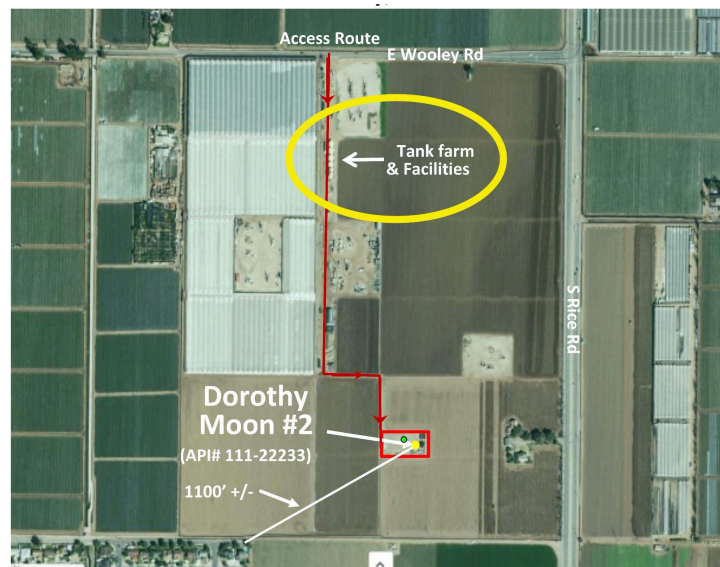
Section 8111-2.7b. and c. provide two additional reasons for requiring the Zoning Clearances to be nullified and revoked. The Zoning Clearances approved and issued did not comply with and were inconsistent with Conditions 1 and 13 of SUP 672. Because the Zoning Clearances failed to comply with the terms and conditions of SUP 672 granting the use under Division 8 of the NCZO as required by subsections b. and c. provides an additional basis to deem the Zoning Clearances null and void because they were issued erroneously.

2. **Because the Zoning Clearances were issued erroneously they must be revoked and deemed null and void.** Section 8111-1.1.1 states that the purpose of a Zoning Clearance is that it "certifies that a proposed use of land or structures, or construction or demolition of structures, is consistent with the provisions of this Chapter and *any applicable conditions of any previously issued entitlement.*" The Zoning Clearances stated the following: "All conditions of SUP 672 will apply. All conditions of SUP 672 have been

reviewed, and the operation is in compliance with all applicable conditions at this time.” This statement is incorrect and inaccurate because it lacks a factual basis because as it relates to Conditions 1 and 13, the operation is clearly inconsistent with and not “in compliance with all applicable conditions at this time,” as detailed below.

- a. The stated purpose of CUP 672 included in the permit specifically excludes “bulk storage” of oil and gas ([para. 7](#)). Section 25270.2 of the California Health & Safety Code defines an above-ground storage tank as “a tank or container that has the capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground [...]” Condition 7 refers to several kinds of storage type facilities “which are used or may be used for impounding or deposition of [...] oil or any other fluid” and the statement of compliance to this condition states there will be no such facilities. This statement makes no reference to the Tank Farm & Facilities” that appear in Exhibit D Site Plan in each Application ([ZC22-0937](#) and [ZC22-0938](#), see Figure 1). The Tank Farm and Facilities shown in this Exhibit indicate violations of and failure to comply with the prohibition against bulk storage of oil and gas stated in the SUP purpose. This not only makes clear that the operation described in the approved and issued Zoning Clearances is not in compliance with SUP 672, but it also demonstrates assertion in the Zoning Clearances. This violation of NCZO Sections 8111-1.1.1b.(3) and Section 8111-2.7b. demonstrate that the Zoning Clearances were improperly and erroneously issued requiring the Zoning Clearances to be revoked and nullified.

Figure 1 - Exhibit D Site Plan from [ZC22-0938](#), Highlighting “Tank farm & Facilities”



- b. Please refer to the discussion in section 1 above pertaining to Condition 13 and how the approved and issued Zoning Clearances are inconsistent and not in compliance with the legally applicable conditions of SUP 672 relating to Condition 13. For these reasons the Zoning Clearances were issued erroneously and in violation of NCZO Sections 8111-1.1.1.b.(3) and failed to comply with Conditions 1 and 13 in SUP 672.
- 3. 8111-1.1.1. of the NCZO states the purpose of a Zoning Clearance is that it “certifies that a proposed use of land or structures, or construction or demolition of structures, is consistent with the provisions of this Chapter and any applicable conditions of any previously issued entitlement.” The Code goes on to detail (8111-1.1.1.b(2)):

- b. A Zoning Clearance shall be issued if the proposed use of land, structures, or construction:

- (2) Is compatible with policies and land use designations specified in the General Plan

The Zoning Clearances issued did not require compliance with various Ventura County 2040 General Plan policies, including safety setbacks between oil and gas wells and sensitive receptors, environmental justice principles, and greenhouse gas emission goals, and therefore, violated this provision of the Ordinance.

For all of the reasons referenced above, the appeal of the issuance of Zoning Clearances ZC22-0937 and ZC22-0938 must be approved – revoking and nullifying the permits and Appellate fees refunded.

Piecemealing, Making a Mockery of the System, Denying Democracy

In addition to the two Zoning Clearances being appealed today (ZC22-0937 and ZC22-0938), ABA Energy Corp. has been approved to re-drill and sidetrack 21 additional wells through the issuance of 21 separate, additional Zoning Clearances.

The piecemealing of this re-drilling project is irresponsible, makes a mockery of the system, and has made what little democratic processes are available in oil and gas development in Ventura County essentially impossible. In order for the public to have any chance to speak on all of these re-drills, an appellant party would have to pay a total of \$23,000 in appeal fees (\$1,000 each). For the project to reach our democratically-elected Board of Supervisors, additional fees of

\$23,000 would need to be paid, totaling \$46,000. In contrast, an applicant only has to pay \$330 for each Zoning Clearance application (initial fee).

Per [Sec. 8111-1.1.1](#) of the Non-Coastal Zoning Ordinance (NCZO), “more than one Zoning Clearance may be required and issued for the same property and one Zoning Clearance may be issued for multiple purposes.” The Zoning Ordinance provides no other direction or required criteria to determine if one or multiple Zoning Clearances are appropriate for oil and gas projects.

The re-drilling of these 23 wells is clearly one project, and should be treated as so, and public engagement and democratic processes should be accessible. Except for well identification details, the 23 Zoning Clearance applications use reiterative language. Additionally, CFROG appealed *two* Zoning Clearances, yet was only provided with *one* hearing and *one* presentation opportunity, additionally, only *one* staff report was prepared - all grouping the two Zoning Clearances together. The same could have been done for the additional 21.

Piecemealing - or the “chopping up” of a larger project into many little ones - of projects is dangerous. This leads to the avoidance of the full disclosure of environmental and public health impacts. To protect against this, the California Environmental Quality Act ([CEQA](#)) [prohibits it](#) and under this law, agencies may not treat each separate permit or approval as a separate project for purposes of evaluating environmental impacts.

Per the Ventura County General Plan [Environmental Justice Land Use and Community Character chapter](#):

There are two major components of environmental justice. One is meaningful involvement in the decision-making process, and the second is the actual planning, siting, development, and operation of public facilities and infrastructure.

Per [Gov. Code § 65040.12\(e\)](#), at a minimum, environmental justice requires meaningful consideration of input from those most impacted by environmental harms resulting from land use decisions.

The issuances of these re-drilling Zoning Clearances and the 21 subsequent Zoning Clearances over the period of two months do not meet or even address the local or state requirements of environmental justice. In fact, it is a clear case of environmental injustice imposed upon a community of color with no attempt by the County to inform residents of the impending additional pollution burdens. Local environmental groups have provided the only information

and possible relief given to those impacted residents, and to do so, were required to file two appeals at the cost of \$2,000. Not only has the County abused its discretion by ignoring the requirement for meaningful civic engagement, but it has also passed the financial and organizational burden onto community organizations.

Oil Drilling Near Homes and Schools is a Human Health Threat

[The State](#) has found 3,200 feet as the minimum distance between oil and gas wells and sensitive receptors to protect the health and safety of people. The direct and consequential impact oil drilling has on human health has been confirmed by various scientific research and has been reflected in state and local policies.

Research shows that people who live near oil and gas drilling sites are exposed to [harmful pollution and air toxins](#) such as benzene, ethylbenzene, and n-hexane. This puts these people at greater risk of [preterm births](#), [asthma](#), [respiratory disease](#), and [cancer](#).

Living and working near oil wells [is linked to](#) reduced lung function and wheezing, and in some cases, the respiratory damage is similar to that of daily exposure to secondhand smoke or living beside a freeway.

[Another study](#) analyzed nearly 3 million births in California of people living within 6.2 miles (~32,736 feet) of at least one oil or gas well. The findings concluded that living near those wells during pregnancy increased the risk of low-birthweight babies.

People working in the oil and gas industry or living near oil and gas facilities were also [found to be at increased risk](#) for developing several different cancer types including mesothelioma, skin melanoma, multiple myeloma, and cancers of the prostate and urinary bladder.

Living close to petroleum facilities was also associated with an [increased risk](#) of childhood leukemia.

These human health threats have been reflected in various state and local policies to protect communities from further harm.

First, in 2020 and as part of the General Plan, Ventura County finalized policies that require a 1,500-foot setback between new wells and residential sites and a 2,500-foot setback for schools. The [General Plan also required](#) that “by 2022, the County shall conduct a study of going to 2,500-foot setback(s) that should be required between oil wells and related extraction facilities and surrounding sensitive receptors for a future potential General Plan amendment.”

In other words, the 2,500-foot setback should be studied to become standard for both homes and schools. Based on our understanding, no progress has been made on this study or amendment.

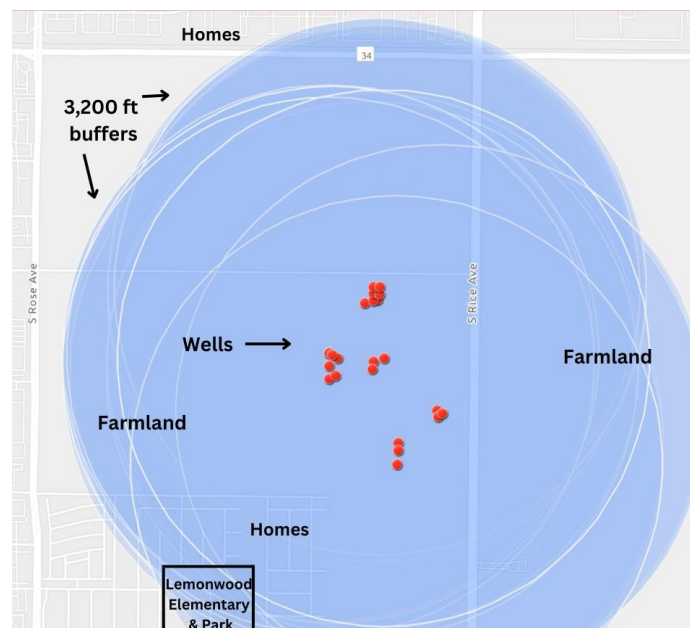
Second, as directed by Governor Newsom in 2019, CalGEM, the state oil and gas regulatory agency, is working to [update public health and safety protections](#) for communities near oil and gas wells by requiring a 3,200 feet setback. This rulemaking is informed by a [Scientific Advisory Panel](#) made up of public and environmental health experts, who emphasize that 3,200 feet is the minimum amount of space required to protect human health.

Third, after years of community advocacy, a state law ([SB 1137](#)) was passed prohibiting new oil and gas wells, or major retrofitting of existing wells, within a buffer zone of 3,200 feet between the wells and homes, schools, and hospitals. This law is supposed to be implemented on January 1st, 2023. Unfortunately, [fossil fuel interests](#) have spent \$20 million so far in an effort to subvert democracy and undo this public safety law.

Additionally, [Texas, Colorado, and Pennsylvania](#), other oil-producing states, all have some sort of buffer zone between oil and gas drilling and neighborhoods.

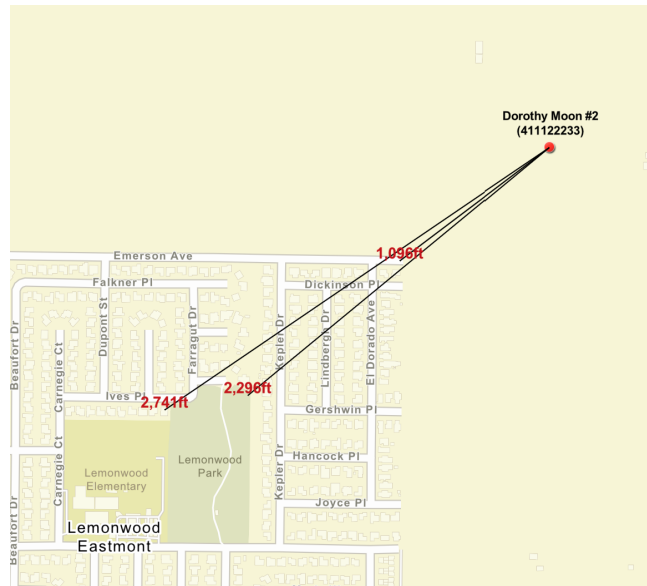
The 23 wells approved for sidetracking on this permit are all within 3,200 feet of a home, school, or park in the Lemonwood and Rose Park neighborhoods of Oxnard. See Figure 2.

Figure 2 - Wells Approved for Re-Drilling on SUP 672 with 3,200-foot Buffer and Nearby Sensitive Receptors



Dorothy Moon #2 (411122233) is located approximately 1,096 feet away from the outer perimeter of Lemonwood residences, 2,296 feet away from Lemonwood Park, and 2,741 feet away from Lemonwood Elementary school (Figure 3).

Figure 3 - Proximity of Dorothy Moon #2 to Homes, School & Park



Maulhardt #9 (411122360) is located approximately 1,675 feet away from the outer perimeter of Lemonwood residences, 2,641 feet away from Lemonwood Park, and 3,013 feet away from Lemonwood Elementary school (Figure 4).

Figure X - Proximity of Maulhardt #9 to Homes, School & Park

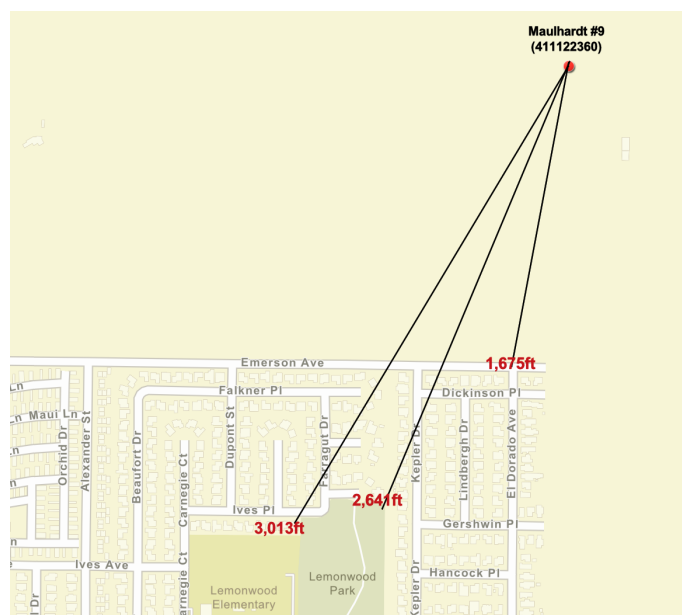
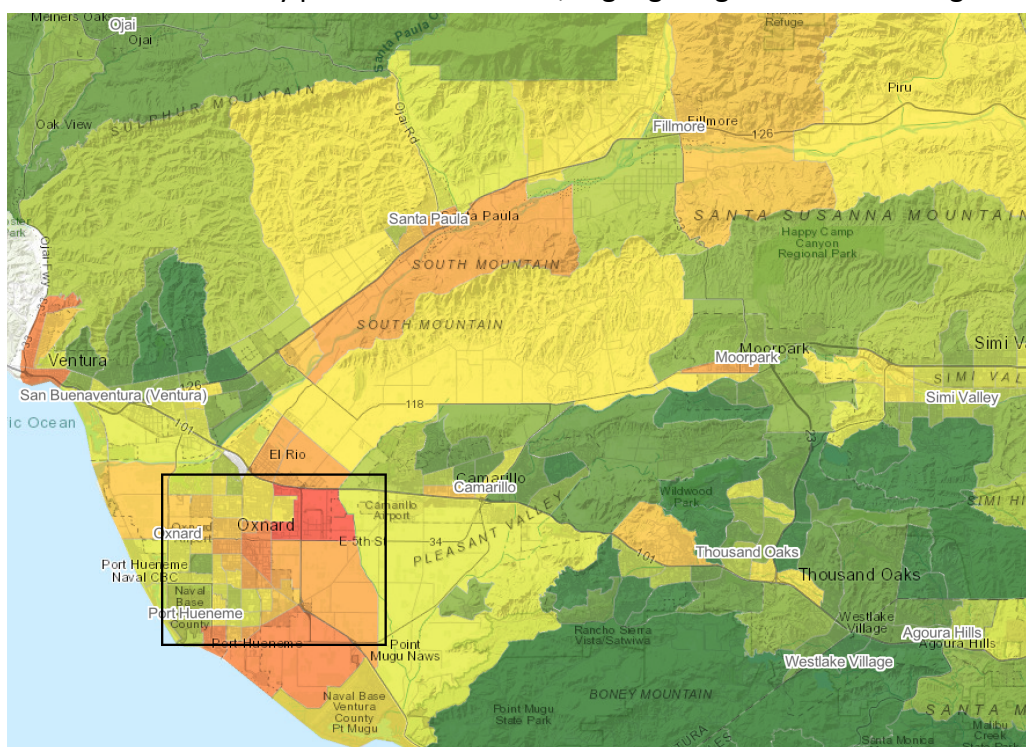


Figure 6 - Ventura County per [CalEnviroScreen](#), Highlighting Area Surrounding SUP 672



These are communities of color (over 90 percent Latinx and Asian) and are experiencing poverty at rates 64 to 90 percent higher than the rest of the state. The expansion of polluting and dangerous fossil fuel infrastructure is not and would not happen in white, higher-income neighborhoods.

Due to the location of these wells in land identified as “prime farmland,” an additional population of thousands of farmworkers is put at risk. There are [41,600 people](#) working on Ventura County farms and ranches. These farmworkers are critical to Ventura County’s [\\$2 billion-a-year agricultural industry](#). This [workforce](#) is made up of migrant and low-income individuals, who face unique challenges including the enforcement of basic labor standards. In Ventura County, farmworkers have been subject to [dangerous and sometimes lethal air and water pollution](#). Below is an excerpt from a [news piece](#) titled “Life, Death & Chemicals: Strawberries and Oil on the Oxnard Plains.” The piece begins with an update stating that “In March 2016, Juan Delgado passed away at the age of 63 due to cancer, a victim of the toxic conditions for working-class & poor families in Oxnard.

Delgado’s neighborhood, Lemonwood, his home for the last 30 years, borders a beautiful, poisoned landscape. A waste dump for spent oil and gas chemicals lies to the east, pesticides from the farming surround him, and to the south, tar sands. When the

coastal fog burns off, you can stand on a Lemonwood roof and see just about the entire field, the reflective silver tarps on strawberries, miles of drills, big sky. “Sometimes the smoke is brown. Sometimes I see black smoke,” says Delgado of the farm tractors and drilling rigs, whose exhaust wafts through the air as it has for decades. An old abandoned well contaminates a park where his grandkids play.

The expansion and re-drilling of polluting oil wells in this disadvantaged community conflicts with many local and state policies and principles.

First, the [mission statement](#) of the County of Ventura is

To provide superior public service and support so that all residents have the opportunity to improve their quality of life while enjoying the benefits of a safe, healthy, and vibrant community.

The County, and your commission, is committed to the service and support of “all residents” by upholding the following values:

- Ethical behavior
- Transparency and accountability
- *Equitable treatment and respect of all constituents* [emphasis added]
- Excellence in service delivery

‘Equitable’ is not the same as ‘equal’ and requires that specific considerations must be made. In this case, the specific conditions of historic environmental, racial, and economic injustice experienced by Lemonwood residents and beyond *must* be considered in the decision to expand infrastructure that threatens their quality of life.

Second, state law ([SB 1000](#)) requires that local governments incorporate policies to reduce the environmental health impacts that adversely affect residents in disadvantaged communities and include residents of disadvantaged communities in decision-making processes. This law has four basic requirements: (1) identifying disadvantaged communities, (2) incorporating policies to reduce the environmental health impacts that adversely affect residents in disadvantaged communities, (3) incorporating policies to include residents of disadvantaged communities in decision-making processes, and (4) incorporating policies that prioritize improvements and projects in disadvantaged communities.

This law drove the inclusion of many environmental justice policies and objectives in the Ventura County General Plan.

Third, the issuance of these two Zoning Clearances and the additional 21 Zoning Clearances on this permit is inconsistent with the requirements of [NCZO Section 8111-1.1.1b](#), specifically the requirement to be compatible with the policies and land use designations specified in the General Plan.

The Ventura County 2040 General Plan includes many [environmental justice policies](#) including:

LU-17: Within designated disadvantaged communities, to plan for and provide public facilities, services, and infrastructure that provide fair treatment and quality of life to all people regardless of race, color, national origin, or income.

LU-17.6: Within designated disadvantaged communities, the County shall work to reduce or prevent negative impacts associated with environmental hazards, including industrial and roadway-generated pollution, to people who are living and working in close proximity to these uses.

As the approval of these Zoning Clearances and re-drill of wells *increases* the negative impacts associated with environmental hazards to people living in the nearby disadvantaged communities, the issuance is not in compliance with General Plan policies or the Zoning Ordinance.

What is the Gain? ‘Stripper’ Wells - Little Production, Big Liability and Pollution

A ‘stripper’ well is [broadly defined](#) as an oil well producing up to 10-15 barrels (bbls) per day averaged over a 12-month period and/or a gas well producing a maximum of 60-90 Mcf per day. These types of wells are called ‘strippers’ because they are stripping the last remaining oil and gas out of the ground.

These wells do not make much money but do delay closure costs. Over the last decade, operators across California have been delaying shutting down these minimally-profitable wells (sometimes even operating at a loss) and selling them to smaller companies with the goal to “strip all value from the ground and leave the cleanup bill to someone else” ([CarbonTracker](#)).

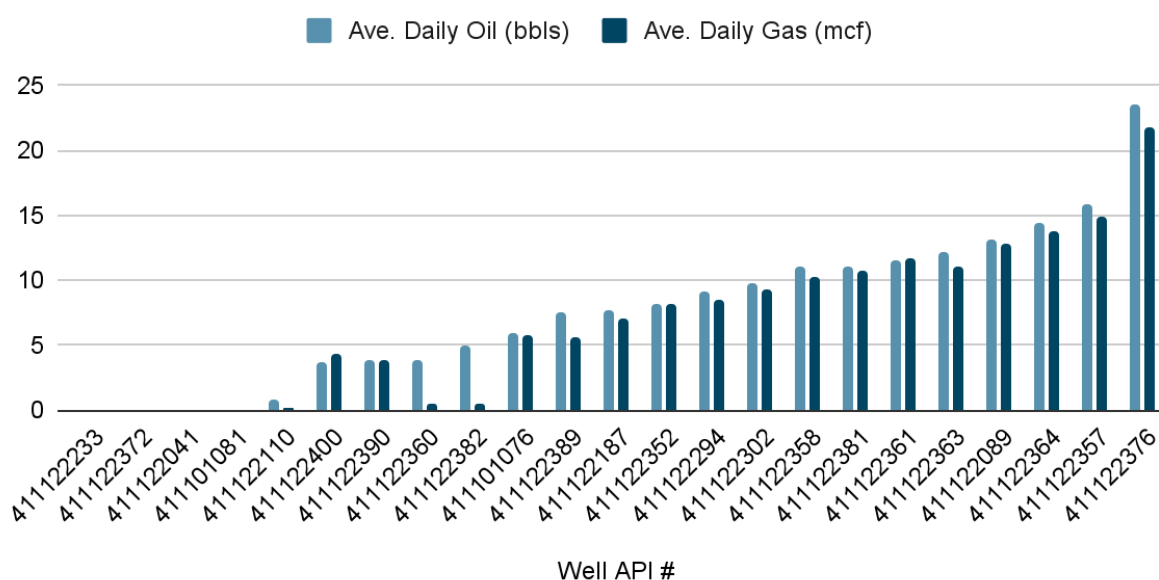
Stripper well criteria:

- For oil wells, 10-15 barrels (bbls) per day averaged over 12 month period
- For gas wells, 60090 mcf per day averaged over 12 month period

With the exception of one, all of the 23 re-drilled wells approved on this permit are stripper wells. These wells range in production from 0.0 to only 23.5 barrels (bbls) of oil per day (daily average over a 12-month period). See Figure 8 below and Table 2 on page 22 of this letter for full production and well details.

Figure 8: Production of Wells Proposed for Re-Drilling

Per CalGEM WellSTAR Data



In fact, the CalGEM production data for the two wells CFROG has appealed tell a clear story of low or non-existent production.

Dorothy Moon #2 (411122233) was drilled in 2013 as an exploratory well of the OF-OJ Sespe Sands, a geologic target that had not been produced from in this area of the Oxnard Oil Field ([page 43 of well record](#)). But ABA Energy's stated possibility of "a new and deeper pool than the reservoirs from which the existing wells are producing" was not met as the well produced no oil or gas, was considered a 'dry hole,' and plugged within the same year as it was drilled. In their application ([page 12](#)), the operator mentions that this well shares a surface well site with Dorothy Moon #1 (411122089) "which has been producing since 2011." This nearby well has only produced a daily average of 13.2 bbls of oil and 12.8 mcf of gas over the last year.

Maulhardt #9 (411122360) was drilled in 2016 and has sat idle, not producing since 2019. But even in its last 12 months of production, the well only produced a daily average of 3.8 bbls of oil and 0.5 mcf of gas. Similarly, the operator mentions in their application ([page 12](#)) that this well

shares a surface well site with currently producing wells: Maulhardt #6, 7, 8, 10, 11, and 15. The average daily production of these wells is only 9.6 bbls of oil and 9.2 mcf of gas.

Inconsistent with General Plan Emission Reduction Goals & Air Quality Rules

Despite stripper wells producing very low amounts of resources, these wells have major implications for air quality and greenhouse gas emissions. [Scientific research](#) shows that stripper wells throughout the U.S. emit methane at about 6-12 times the national average of all oil and gas well sites. The study estimates that 4 million metric tons of methane is emitted annually from low-producing wells in the U.S. - representing about one-half of the total methane emissions from the U.S. oil and gas production sector.

Leaks from low-producing and idle wells continue to be identified across [California](#), [Colorado](#), [Ohio](#), and [New Mexico](#).

Methane, a primary component of natural gas, is a powerful greenhouse gas that has [over 80 times](#) the atmospheric warming power of carbon dioxide over a 20-year time period. A recent [report](#) from the UN's International Panel on Climate Change emphasizes that methane reductions are key to preventing further climate change. In fact, this group of international scientists calls for a methane emission reduction of at least 30 percent by 2030 to avert major climate catastrophe. To help reach this goal, the panel specifically [calls on local governments](#) to ensure that wells are appropriately remediated and emissions minimized.

The Ventura County General Plan includes ambitious and necessary greenhouse gas (GHG) emission reduction goals - most imminent, to reduce GHG emissions by 41% below 2015 levels by 2030. This is only eight years away. The [General Plan](#) commits the County, including your commission, to “improv[ing] the long-term sustainability of the community through *local efforts* [emphasis added]” to reduce GHG emissions. With [15 percent of total GHG emissions](#) in unincorporated Ventura County coming from oil and gas production alone (275,096 MTCO₂e), the responsible limiting of oil and gas permits is a prudent place to start. Without an appeal, development on this permit lease happens without consideration from your or any democratically-created body, so this opportunity to prioritize a sustainable future over ‘business as usual’ is unique and should be taken.

The Ventura County Air Pollution Control District (VCAPCD) dictates that emissions of reactive organic compounds (ROCs) from an oil and gas well be estimated at 2 lbs/day (VCAPCD PEETS Emissions Factors CSS 31000122). To protect our climate and communities from “significant adverse impact on air quality” VCAPCD has set a threshold of 25 pounds per day for projects within Ventura County ([page 3-2](#)).

This re-drilling project on CUP 672 exceeds this threshold by almost double at 46 lbs/day of ROC emissions (see Table 1). This estimate does not include the other various active and idle wells on this SUP.

Table 1 - Estimated ROC Emissions from Re-Drilling Project on SUP 672*			
# of wells	ROC Emissions/Well (lbs/day)	Total ROC Emissions (lbs/day)	VCAPCD ROC Threshold (lbs/day)
23	2	46	25

*Not including emissions from currently active and idle wells not being re-drilled on the permit

The approval to re-drill – and in some cases, re-open – low-producing oil and gas wells is inconsistent with County goals in emission reduction and exceeds safety and climate standards set by the VCAPCD.

Already Have Idle/Orphan Well Problem, Reopening Plugged Wells Not the Answer

Five of the wells approved for re-drill on this lease are currently plugged, including Dorothy Moon #2 (411122233). An oil well is generally plugged and abandoned when “it reaches the end of its useful life or becomes a dry hole” ([OSHA](#)) - as was the case for Dorothy Moon #2. CalGEM, the state oil and gas regulatory agency, [defines the plugging and abandonment](#) of a well as “permanent closure and sealing.”

The permanent closure and sealing of a well is summarized by CalGEM as

A well is plugged by placing cement in the wellbore or casing at certain intervals, as specified in California laws or regulations. The purpose of the cement is to seal the well-bore or casing to prevent fluid from migrating between underground rock layers.

Cement plugs are required to be placed across the oil or gas reservoir (zone plug), across the base-of-fresh-water (BFW plug), and at the surface (surface plug). Other cement plugs may be required at the bottom of a string of open casing (shoe plug), on top of tools that may become stuck down hole (junk plug), on top of cut casing (sub plug), or anywhere else where a cement plug may be needed. Also, the hole is filled with drilling mud to help prevent the migration of fluids.

As a result of this *permanent* process, the surface site of Dorothy Moon #2 is flat, void of any infrastructure, and possible pathways of contamination mitigated - as seen in Figure 7.

Figure 7 - Photo of [Dorothy Moon #2 site](#) after plugging



The re-drilling and re-activation of a plugged and abandoned well defies the State’s definition of a plugged and abandoned well. This clear conflict is alarming for a few reasons.

First, Ventura County already has a significant idle, orphan, and poorly abandoned well inventory. According to State data, within Ventura County, there are 2,267 idle oil and gas wells, 1,520 of which are considered “long-term idle wells,” meaning that they have been idle for at least eight years. At least 1,275 of these wells have been idle for 15 or more years, and 155 wells have been idle for a century or more.¹

The “idle well problem” is likely to soon become an “orphan well problem” in Ventura County. Orphan wells have no financially solvent operator of record, therefore pushing the cleanup to the state and costs to the taxpayer. In fact, CalGEM has already identified [473 likely orphaned or deserted wells](#) in the county.

In addition to unplugged orphan and idle wells, over 40 percent of the plugged wells in Ventura County cannot be confirmed as properly plugged ([CFROG](#)). One of these poorly abandoned wells is located in Lemonwood Park, neighboring Lemonwood Elementary school ([page 31](#)). After a series of re-drilling, the well was abandoned in 1991, but the well record includes a note

¹ As of January 2022

that the area did not pass surface inspection because the soil was still contaminated. Although there are no documents reporting that the soil contamination was resolved, the site passed surface inspection years later in 1994.

In addition to clear [economic risks](#) to the taxpayer, the impacts that these wells have are well-documented including surface and drinking water contamination and air pollution. Many are located near neighborhoods, schools, farms, and waterways where air pollution can have a disproportionate impact on low-income communities of color.

With an already overwhelming inventory of wells that need to be plugged, reopening wells that have already been determined unproductive and then properly plugged is irresponsible.

Second, California is moving to [end oil production by 2024](#). If abandoned wells can be reopened at the operator's will, progress toward that goal cannot be measured. Figure 7 of the plugged Dorothy Moon #2 site clearly illustrates that the sidetracking of a plugged well is, at least on the surface, the re-establishment of a *new* well.

Other California jurisdictions have formalized this definition to protect their communities, climate, and economy. The City of Huntington Beach, which has [recently experienced](#) the negative consequences of oil extraction, rightly requires the reopening of an abandoned well to have the same scrutiny as drilling a new well.

“New well” shall mean a new well bore or well hole established at the ground surface and shall not include redrilling or reworking of an existing well. *An abandoned well shall be considered a new well for purposes of drilling, redrilling, or reworking* [emphases added]. Title 15 Huntington Beach Oil Code [15.08.010 Definitions](#).

Ventura County must join other local counties and cities to establish a definition of abandonment that is permanent - no exceptions.

As illustrated throughout this letter, there are **major and consequential** factors that have not been analyzed in the approval of the re-drill of these 2 and additional 21 oil wells. The lack of CEQA review means that lasting impacts on health, air quality, freshwater use, groundwater, trucking dangers and pollution, and flaring have and will not be considered.

The oil industry has spent millions to undermine democracy and policies to protect human health and our climate, in Ventura County and statewide.

Approving the re-drilling of these wells with this egregious lack of analysis and review is dangerous, irresponsible, puts Ventura County residents at risk, and conflicts with various policies in the Ventura County 2040 General Plan and NCZO.

We encourage this Planning Commission to approve the appeal of the re-drilling of these wells, and require the essential third-party, holistic analysis needed for sound decision-making before any development is made on any of the 23 wells in this project.

With urgency,
Climate First: Replacing Oil & Gas

Table 2 - Production Data for 23 Wells Proposed for Re-Drilling ([CalGEM WellSTAR database](#))

Zoning Clearance	API	Name	Well #	Type	Lease	Pool	Ave. Daily Oil (bbls)	Ave. Daily Gas (mcf)	Notes
ZC22-1211	411122089	Dorothy Moon	1	Active	Dorothy Moon	McInnes [15]	13.2	12.8	
ZC22-0938	411122233	Dorothy Moon	2	Plugged	Dorothy Moon		0.0	0.0	Dry hole
ZC22-1230	411122110	Gabrielle Maulhardt	1	Plugged	Gabrielle Maulhardt		0.8	0.2	Only produced 5 months
ZC22-1223	411122361	Gus Maulhardt	1	Active	Gus Maulhardt	McInnes [15]	11.6	11.7	
ZC22-1224	411122364	Gus Maulhardt	2	Active	Gus Maulhardt	McInnes [15]	14.4	13.7	
ZC22-1225	411122372	Gus Maulhardt	3	Idle	Gus Maulhardt	Topanga [13]	0.0	0.0	Not produced since 2003
ZC22-1226	411122376	Gus Maulhardt	4	Active	Gus Maulhardt	McInnes [15]	23.5	21.8	
ZC22-1227	411122389	Gus Maulhardt	5	Active	Gus Maulhardt	McInnes [15]	7.6	5.6	

Zoning Clearance	API	Name	Well #	Type	Lease	Pool	Ave. Daily Oil (bbls)	Ave. Daily Gas (mcf)	Notes
ZC22-1228	411122381	Gus Maulhardt	6	Active	Gus Maulhardt	McInnes [15]	11.1	10.7	
ZC22-1218	411122041	Joseph-Maulhardt	1	Plugged	Joseph-Maulhardt		0.0	0.0	Dry hole
ZC22-1217	411122187	Joseph-Maulhardt	2	Active	Joseph-Maulhardt	McInnes [15]	7.7	7.0	
ZC22-1215	411122294	Joseph-Maulhardt	4	Active	Joseph-Maulhardt	McInnes [15]	15.9	14.9	
ZC22-1214	411122302	Joseph-Maulhardt	5	Active	Joseph-Maulhardt	McInnes [15]	9.8	9.3	
ZC22-1216	411122352	Joseph-Maulhardt	6	Active	Joseph-Maulhardt	Livingston and E-D [25]	8.2	8.2	
ZC22-1219	411122357	Joseph-Maulhardt	7	Active	Joseph-Maulhardt	Livingston and E-D [25]	15.9	14.9	
ZC22-1220	411122358	Joseph-Maulhardt	8	Active	Joseph-Maulhardt	McInnes [15]	11.0	10.2	
ZC22-0937	411122360	Joseph-Maulhardt	9	Idle	Joseph-Maulhardt		3.8	0.5	Not produced since 2019

Zoning Clearance	API	Name	Well #	Type	Lease	Pool	Ave. Daily Oil (bbls)	Ave. Daily Gas (mcf)	Notes
ZC22-1213	411122363	Joseph-Maulhardt	10	Active	Joseph-Maulhardt	McInnes [15]	12.1	11.0	
ZC22-1221	411122390	Joseph-Maulhardt	11	Active	Joseph-Maulhardt	McInnes [15]	3.8	3.8	
ZC22-1212	411122382	Joseph-Maulhardt	13	Plugged	Joseph-Maulhardt		5.0	0.5	
ZC22-1222	411122400	Joseph-Maulhardt	15	Active	Joseph-Maulhardt	McInnes [15]	3.7	4.3	
ZC22-1210	411101076	Maulhardt	1	Active	Maulhardt	McInnes [15]	5.9	5.7	
ZC22-1229	411101081	Maulhardt	5	Plugged	Maulhardt		0.0	0.0	Last produced in 2001



December 13, 2022

Ventura County Planning Commission
c/o Thomas Chaffee, Case Planner
Resource Management Agency, County of Ventura
800 S. Victoria Avenue, Ventura, CA 93009

Sent via email thomas.chaffee@ventura.org

Re: Agenda Item 7A, Case Number: PL22-0152 AND PL22-0153

Dear Planning Commissioners,

Climate First: Replacing Oil & Gas (CFROG) is a grassroots environmental nonprofit dedicated to combating the climate crisis by working to shape the transition from fossil fuels to a carbon-free economy in Ventura County. We are committed to ensuring that oil and gas operations are properly reviewed, permitted, monitored, and compliant. We appreciate your thoughtful consideration of our appeal of the issuance of Zoning Clearances ZC22-0937 and ZC22-0938.

We urge you to approve this appeal of the Planning Director's issuance of ZC22-0937 and ZC22-0938 and refund corresponding appeal fees per noncompliance with the Ventura County Non-Coastal Zoning Ordinance (NCZO), Special Use Permit 672 (SUP 672), and Ventura County 2040 General Plan policies for environmental justice and greenhouse gas emission reduction.

In addition to the two Zoning Clearances being appealed today (ZC22-0937 and ZC22-0938), ABA Energy Corp. has been approved to re-drill and sidetrack 21 additional wells on SUP 672 through the issuance of 21 additional Zoning Clearances approved on 11/18/22. CFROG has been tracking oil and gas developments in Ventura County for almost 10 years and this re-drilling project of 23 wells may be the largest development we have monitored. As [other jurisdictions](#) phase out oil and gas drilling as a response to the climate crisis and environmental

justice, the approval of this major drilling project – with no environmental or public health assessment and with clear regulatory inadequacies – is irresponsible and unacceptable.

In this letter, we put forth the following evidence and arguments:

1. Errors in the Zoning Clearance Application Requiring Revocation of the Permits
2. Piecemealing, Making a Mockery of the System, Denying Democracy
3. Oil Drilling Near Homes and Schools is a Human Health Threat
4. Environmental Injustice - Disadvantaged Ventura County Communities Should Not Bear Further Pollution Burden
5. What is the Gain? ‘Stripper’ Wells - Little Production, Big Liability and Pollution
6. Inconsistent with General Plan Emission Reduction Goals & Air Quality Rules
7. Already Have Idle/Orphan Well Problem, Reopening Plugged Wells Not the Answer

Errors in the Zoning Clearance Application Requiring Revocation of the Permits

Zoning Clearances ZC22-0937 and ZC22-0938 issued on 9/22/22 must be nullified and revoked pursuant to [Ventura County Non-Coastal Zoning Ordinances](#) (NCZO) Section 8111-2.7 which states that Zoning Clearances “shall be null and void for any of the following causes”

- a. The application request which was submitted was not in full, true and correct form. [...]
- b. The entitlement issued does not comply with the terms and conditions of the permit originally granting the use under Division 8, Chapter 1 and 2 of this Code [...]
- c. The entitlement was issued erroneously.

As explained below, the Applicant failed to comply with the requirements of 8111-2.7 by

1. Including inadequate and incomplete submittals in its Statements of Compliance to the Conditions of SUP 672. This failure constituted a violation of subsection a. (referenced above) and established the legal basis for the Zoning Clearances to become null and void.
2. Subsections b. and c. involve the erroneous and unauthorized issuance of the Zoning Clearances by the Planning Division which, contrary to the requirements of b., improperly approved and issued the Zoning Clearances, notwithstanding that they did not comply with the terms and conditions of the “purpose” and Condition 13 of SUP 672.

Subsection b. does not permit the Planning Division to approve and issue Zoning Clearances that fail to comply with the terms and conditions of SUP 672, and – without any legal authority – actually alter and change the “purpose” of the permit and Condition 13. Because the Zoning Clearances changed the terms and conditions of SUP 672 without the legal authority to approve such changes, the issuance of the Zoning Clearances must be deemed to have been issued erroneously and be deemed null and void.

Why ZC22-0937 and ZC22-0938 Must be Revoked and Declared Null and Void

- 1. Applicant’s failure to comply with Zoning Clearance Application requirements and violations of the Ventura County Non-Coastal Zoning Ordinance (NCZO).** The Zoning Clearances must be declared null and void because of the Applicant’s failure to comply with the Zoning Clearance Application requirement that the submitted application(s) must be in full (complete), true, and correct form. The Zoning Clearances were incorrectly, improperly, and erroneously issued in disregard of and notwithstanding the applicant’s failure to comply with Zoning Clearance Application Instruction (ZCAI) Requirement 2 which requires that a full, true, and correct account of the proposed project must be provided, or the “Zoning Clearance will be nullified subsequently.”

More specifically, ZCAI Requirement 7 states: “Conditions of Approval - Submit a Copy of Conditions of Approval and *demonstrate how the operator is in compliance with each condition* [emphasis added].” The applicant failed to comply with Requirement 7 because in Exhibit 4 of the Applications ([ZC22-0937](#) and [ZC22-0938](#)) its compliance statements in response to Conditions 5, 8, 10, 11, and 13 did not provide the specifically required details demonstrating how the operator is in compliance with these conditions. Instead, these compliance statements were non-specific to this project, general in nature, and incomplete and not responsive to Requirement 7.

The Applicant’s compliance statement to Condition 13 is a representative example of this failure. [Condition 13 states](#):

The permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

The Applicant’s statement of compliance to Condition 13 fails to provide any information showing how the operator is or will be in compliance with that condition. Instead, it clearly indicates it does not intend to comply with the terms of that condition by adding

its own new language: “as same existed at issuance of SUP 672.” This language was not in SUP 672 when it was issued on 11/5/57. This added language is inconsistent with and not in compliance with Condition 13 because it adds new language with improper conditions and qualifications to SUP 672. The clear effect of this new language would be to change and limit the Application’s legal obligation to comply with all conditions of the NCZO applicable to this permit, as specified in Condition 13 to only those conditions that existed in the Code on 11/5/57 when SUP 672 was issued. [SUP 672](#) was never modified. Its original conditions remain in effect.

Absent a legally approved modification of SUP 672, the issued Zoning Clearances cannot change or modify Condition 13 to now limit the Application’s legal obligation to comply with all conditions of the NCZO now applicable to SUP 672. The Planning Division does not have the authority to add language to the original SUP 672 conditions. The Applicant cannot be permitted to ignore any conditions that become applicable to this permit that were added to the Ventura County Ordinance Code (now the NCZO) on 11/6/57 or at any time thereafter until the Zoning Clearances were approved and issued on 9/22/22.

A permit like SUP 672, by its very nature, contemplates operations that will start sometime after the day the permit was issued and could continue for many years in the future. There is no basis to conclude those operations would proceed in the future without regard to any changes in the NCZO that would apply to the operations permitted by SUP 672. It is not reasonable to infer and conclude that the Board of Supervisors, in approving the issuance of SUP 672 on 11/5/57 intended that all future operations undertaken pursuant to this permit were to be frozen in time forever notwithstanding any changes in law applicable to such operations that became effective on the day after SUP 672 was issued, and any time thereafter – until the end of time.

In failing to demonstrate how the Applicant is in compliance with each of the cited conditions as demonstrated above, the Applicant failed to provide a full, true, and correct account of the project. Section 8111.2-7a. of the NCZO and ZCAI Requirement 2 mandates in clear and unambiguous terms that if a true and correct account of the proposed project is not provided – issued Zoning Clearances ZC22-0937 and ZC22-0938 must be nullified subsequently.

Condition 13 requires that the operator comply with the Ventura County Zoning Code - now called the Ventura County Non-Coastal Zoning Ordinance (NCZO). By accepting the Application’s revision of Condition 13 by way of additions to the original wording, the County has exercised judgment or opinion by accepting and approving language the

Applicant added to Condition 13 in its statement of compliance that materially changed and dramatically limited the requirements and meaning of Condition 13 in SUP 672 when it was issued on 11/5/57.

County Council defines ministerial and discretionary decisions as

A ministerial decision is made by determining whether the request conforms to objective standards without the exercise of judgment or opinion by the decision-maker. In contrast, a discretionary decision is made by applying broader subjective standards through the exercise of judgment and opinion by the decision-maker ([page 3](#)).

The judgment made by the County per Condition 13 was a discretionary decision in that it applied broader subjective standards. These two Zoning Clearances cannot be approved as ministerial decisions, therefore they must be nullified and a discretionary review commenced.

Further, the Applicant or County does not have the authority to add language to the original SUP 672 conditions.

Nevermind the failure to recognize how the County's zoning ordinances would develop over time, the applicant fails to detail which specific "conditions of the Ventura County Ordinance Code as same existed at issuance of SUP 672" they will comply with. Without identifying this set of specific conditions and corresponding compliance plans, the issuance of these Zoning Clearances is in violation of SUP 672 itself.

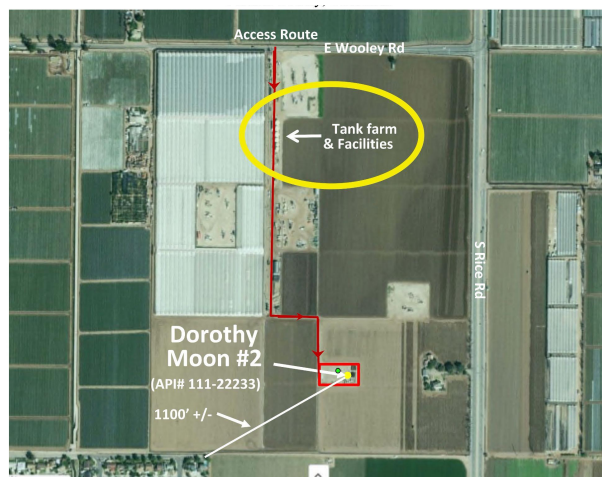
Section 8111-2.7b. and c. provide two additional reasons for requiring the Zoning Clearances to be nullified and revoked. The Zoning Clearances approved and issued did not comply with and were inconsistent with the "purpose of" and Condition 13 of SUP 672. Because the Zoning Clearances failed to comply with the terms and conditions of SUP 672 granting the use under Division 8 of the NCZO as required by subsections b. and c. provides an additional basis to deem the Zoning Clearances null and void because they were issued erroneously.

2. **Because the Zoning Clearances were issued erroneously they must be revoked and deemed null and void.** Section 8111-1.1.1 states that the purpose of a Zoning Clearance is that it "certifies that a proposed use of land or structures, or construction or demolition of structures, is consistent with the provisions of this Chapter and *any applicable conditions of any previously issued entitlement.*" The Zoning Clearances stated

the following: “All conditions of SUP 672 will apply. All conditions of SUP 672 have been reviewed, and the operation is in compliance with all applicable conditions at this time.” This statement is incorrect and inaccurate because it lacks a factual basis because as it relates to the “purpose” of the SUP and Condition 13, the operation is clearly inconsistent with and not “in compliance with all applicable conditions at this time,” as detailed below.

- a. The stated purpose of CUP 672 included in the permit specifically excludes “bulk storage” of oil and gas ([para. 7](#)). Section 25270.2 of the California Health & Safety Code defines an above-ground storage tank as “a tank or container that has the capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground [...]” Condition 7 refers to several kinds of storage type facilities “which are used or may be used for impounding or deposition of [...] oil or any other fluid” and the statement of compliance to this condition states there will be no such facilities. This statement makes no reference to the Tank Farm & Facilities” that appear in Exhibit D Site Plan in each Application ([ZC22-0937](#) and [ZC22-0938](#), see Figure 1). The Tank Farm and Facilities shown in this Exhibit indicate violations of and failure to comply with the prohibition against bulk storage of oil and gas stated in the SUP purpose. This not only makes clear that the operation described in the approved and issued Zoning Clearances is not in compliance with SUP 672, but it also demonstrates assertion in the Zoning Clearances. This violation of NCZO Sections 8111-1.1.1b.(3) and Section 8111-2.7b. demonstrate that the Zoning Clearances were improperly and erroneously issued requiring the Zoning Clearances to be revoked and nullified.

Figure 1 - Exhibit D Site Plan from [ZC22-0938](#), Highlighting “Tank farm & Facilities”



- b. Please refer to the discussion in section 1 above pertaining to Condition 13 and how the approved and issued Zoning Clearances are inconsistent and not in compliance with the legally applicable conditions of SUP 672 relating to Condition 13. For these reasons the Zoning Clearances were issued erroneously and in violation of NCZO Sections 8111-1.1.1.b.(3) and failed to comply with the “purpose” of and Condition 13 in SUP 672.
- 3. 8111-1.1.1. of the NCZO states the purpose of a Zoning Clearance is that it “certifies that a proposed use of land or structures, or construction or demolition of structures, is consistent with the provisions of this Chapter and any applicable conditions of any previously issued entitlement.” The Code goes on to detail (8111-1.1.1.b(2)):
 - b. A Zoning Clearance shall be issued if the proposed use of land, structures, or construction:
 - (2) Is compatible with policies and land use designations specified in the General Plan

The Zoning Clearances issued did not require compliance with various Ventura County 2040 General Plan policies, including safety setbacks between oil and gas wells and sensitive receptors, environmental justice principles, and greenhouse gas emission goals, and therefore, violated this provision of the Ordinance.

For all of the reasons referenced above, the appeal of the issuance of Zoning Clearances ZC22-0937 and ZC22-0938 must be approved – revoking and nullifying the permits and Appellate fees refunded.

Piecemealing, Making a Mockery of the System, Denying Democracy

In addition to the two Zoning Clearances being appealed today (ZC22-0937 and ZC22-0938), ABA Energy Corp. has been approved to re-drill and sidetrack 21 additional wells through the issuance of 21 separate, additional Zoning Clearances.

The piecemealing of this re-drilling project is irresponsible, makes a mockery of the system, and has made what little democratic processes are available in oil and gas development in Ventura County essentially impossible. In order for the public to have any chance to speak on all of these re-drills, an appellant party would have to pay a total of \$23,000 in appeal fees (\$1,000 each). For the project to reach our democratically-elected Board of Supervisors, additional fees of

\$23,000 would need to be paid, totaling \$46,000. In contrast, an applicant only has to pay \$330 for each Zoning Clearance application (initial fee).

Per [Sec. 8111-1.1.1](#) of the Non-Coastal Zoning Ordinance (NCZO), “more than one Zoning Clearance may be required and issued for the same property and one Zoning Clearance may be issued for multiple purposes.” The Zoning Ordinance provides no other direction or required criteria to determine if one or multiple Zoning Clearances are appropriate for oil and gas projects.

The re-drilling of these 23 wells is clearly one project, and should be treated as so, and public engagement and democratic processes should be accessible. Except for well identification details, the 23 Zoning Clearance applications use reiterative language. Additionally, CFROG appealed *two* Zoning Clearances, yet was only provided with *one* hearing and *one* presentation opportunity, additionally, only *one* staff report was prepared - all grouping the two Zoning Clearances together. The same could have been done for the additional 21.

Piecemealing - or the “chopping up” of a larger project into many little ones - of projects is dangerous. This leads to the avoidance of the full disclosure of environmental and public health impacts. To protect against this, the California Environmental Quality Act ([CEQA](#)) [prohibits it](#) and under this law, agencies may not treat each separate permit or approval as a separate project for purposes of evaluating environmental impacts.

Per the Ventura County General Plan [Environmental Justice Land Use and Community Character chapter](#):

There are two major components of environmental justice. One is meaningful involvement in the decision-making process, and the second is the actual planning, siting, development, and operation of public facilities and infrastructure.

Per [Gov. Code § 65040.12\(e\)](#), at a minimum, environmental justice requires meaningful consideration of input from those most impacted by environmental harms resulting from land use decisions.

The issuances of these re-drilling Zoning Clearances and the 21 subsequent Zoning Clearances over the period of two months do not meet or even address the local or state requirements of environmental justice. In fact, it is a clear case of environmental injustice imposed upon a community of color with no attempt by the County to inform residents of the impending additional pollution burdens. Local environmental groups have provided the only information

and possible relief given to those impacted residents, and to do so, were required to file two appeals at the cost of \$2,000. Not only has the County abused its discretion by ignoring the requirement for meaningful civic engagement, but it has also passed the financial and organizational burden onto community organizations.

Oil Drilling Near Homes and Schools is a Human Health Threat

[The State](#) has found 3,200 feet as the minimum distance between oil and gas wells and sensitive receptors to protect the health and safety of people. The direct and consequential impact oil drilling has on human health has been confirmed by various scientific research and has been reflected in state and local policies.

Research shows that people who live near oil and gas drilling sites are exposed to [harmful pollution and air toxins](#) such as benzene, ethylbenzene, and n-hexane. This puts these people at greater risk of [preterm births](#), [asthma](#), [respiratory disease](#), and [cancer](#).

Living and working near oil wells [is linked to](#) reduced lung function and wheezing, and in some cases, the respiratory damage is similar to that of daily exposure to secondhand smoke or living beside a freeway.

[Another study](#) analyzed nearly 3 million births in California of people living within 6.2 miles (~32,736 feet) of at least one oil or gas well. The findings concluded that living near those wells during pregnancy increased the risk of low-birthweight babies.

People working in the oil and gas industry or living near oil and gas facilities were also [found to be at increased risk](#) for developing several different cancer types including mesothelioma, skin melanoma, multiple myeloma, and cancers of the prostate and urinary bladder.

Living close to petroleum facilities was also associated with an [increased risk](#) of childhood leukemia.

These human health threats have been reflected in various state and local policies to protect communities from further harm.

First, in 2020 and as part of the General Plan, Ventura County finalized policies that require a 1,500-foot setback between new wells and residential sites and a 2,500-foot setback for schools. The [General Plan also required](#) that “by 2022, the County shall conduct a study of going to 2,500-foot setback(s) that should be required between oil wells and related extraction facilities and surrounding sensitive receptors for a future potential General Plan amendment.”

In other words, the 2,500-foot setback should be studied to become standard for both homes and schools. Based on our understanding, no progress has been made on this study or amendment.

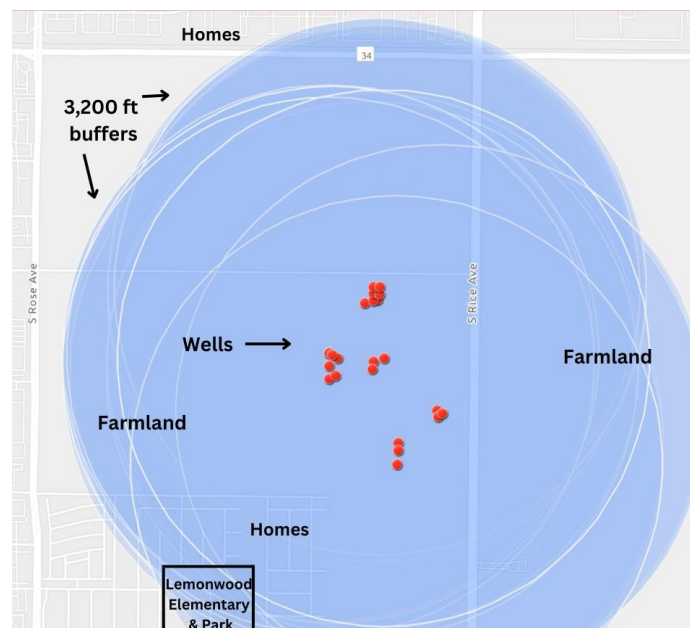
Second, as directed by Governor Newsom in 2019, CalGEM, the state oil and gas regulatory agency, is working to [update public health and safety protections](#) for communities near oil and gas wells by requiring a 3,200 feet setback. This rulemaking is informed by a [Scientific Advisory Panel](#) made up of public and environmental health experts, who emphasize that 3,200 feet is the minimum amount of space required to protect human health.

Third, after years of community advocacy, a state law ([SB 1137](#)) was passed prohibiting new oil and gas wells, or major retrofitting of existing wells, within a buffer zone of 3,200 feet between the wells and homes, schools, and hospitals. This law is supposed to be implemented on January 1st, 2023. Unfortunately, [fossil fuel interests](#) have spent \$20 million so far in an effort to subvert democracy and undo this public safety law.

Additionally, [Texas, Colorado, and Pennsylvania](#), other oil-producing states, all have some sort of buffer zone between oil and gas drilling and neighborhoods.

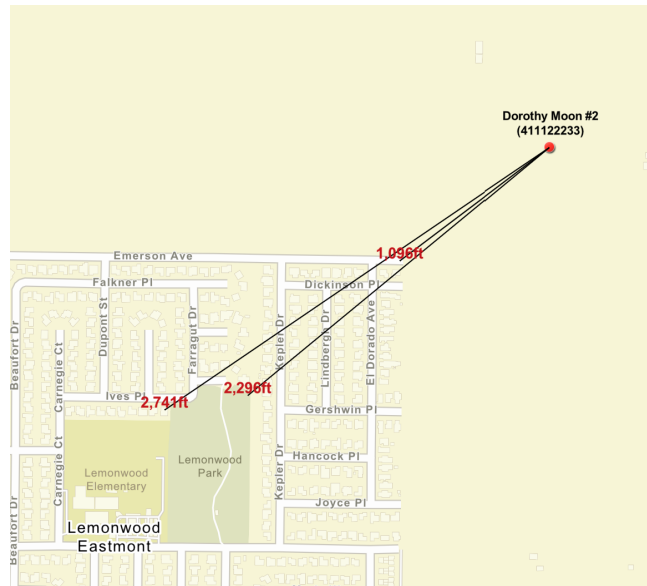
The 23 wells approved for sidetracking on this permit are all within 3,200 feet of a home, school, or park in the Lemonwood and Rose Park neighborhoods of Oxnard. See Figure 2.

Figure 2 - Wells Approved for Re-Drilling on SUP 672 with 3,200-foot Buffer and Nearby Sensitive Receptors



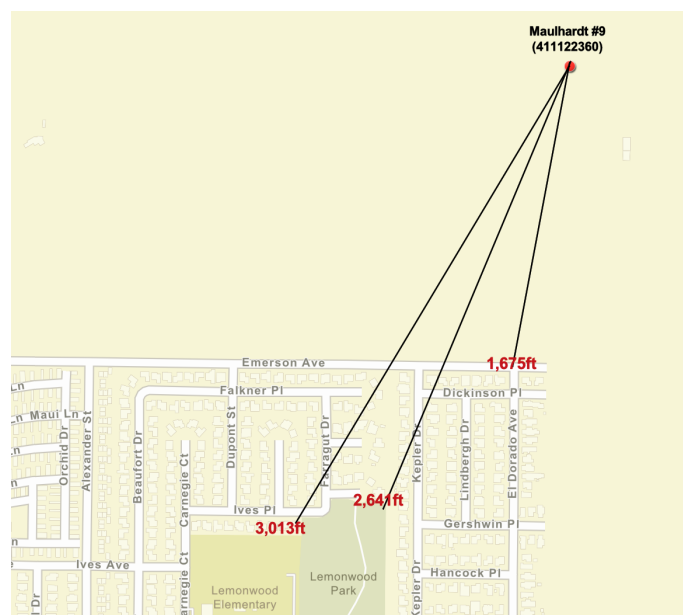
Dorothy Moon #2 (411122233) is located approximately 1,096 feet away from the outer perimeter of Lemonwood residences, 2,296 feet away from Lemonwood Park, and 2,741 feet away from Lemonwood Elementary school (Figure 3).

Figure 3 - Proximity of Dorothy Moon #2 to Homes, School & Park



Maulhardt #9 (411122360) is located approximately 1,675 feet away from the outer perimeter of Lemonwood residences, 2,641 feet away from Lemonwood Park, and 3,013 feet away from Lemonwood Elementary school (Figure 4).

Figure 4 - Proximity of Maulhardt #9 to Homes, School & Park



Based on the numerous studies referenced above and the proximity of these wells to homes and a school, the safety and health of the nearby community of Lemonwood will be impacted and put at risk by the re-drilling of these wells.

Environmental Injustice - Disadvantaged Ventura County Communities Should Not Bear Further Pollution Burden

The health impacts described above are not only a public health threat, they are a clear case of environmental injustice. The communities impacted by these wells already experience a pollution burden 77 to 93 percent higher than other California communities; higher than any other community in Ventura County (see Figures 5 and 6).

Figure 5 - SUP 672 Proximity to Pollution-Burdened, Environmental Justice Communities
(CalEnviroScreen)

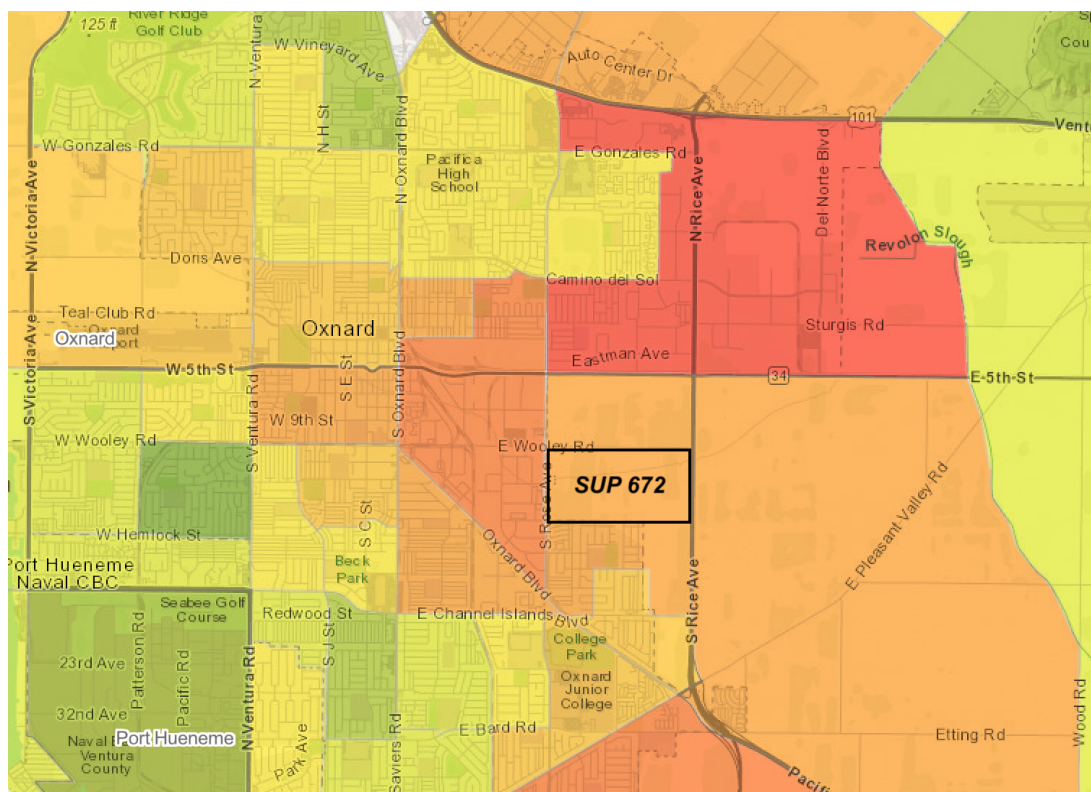
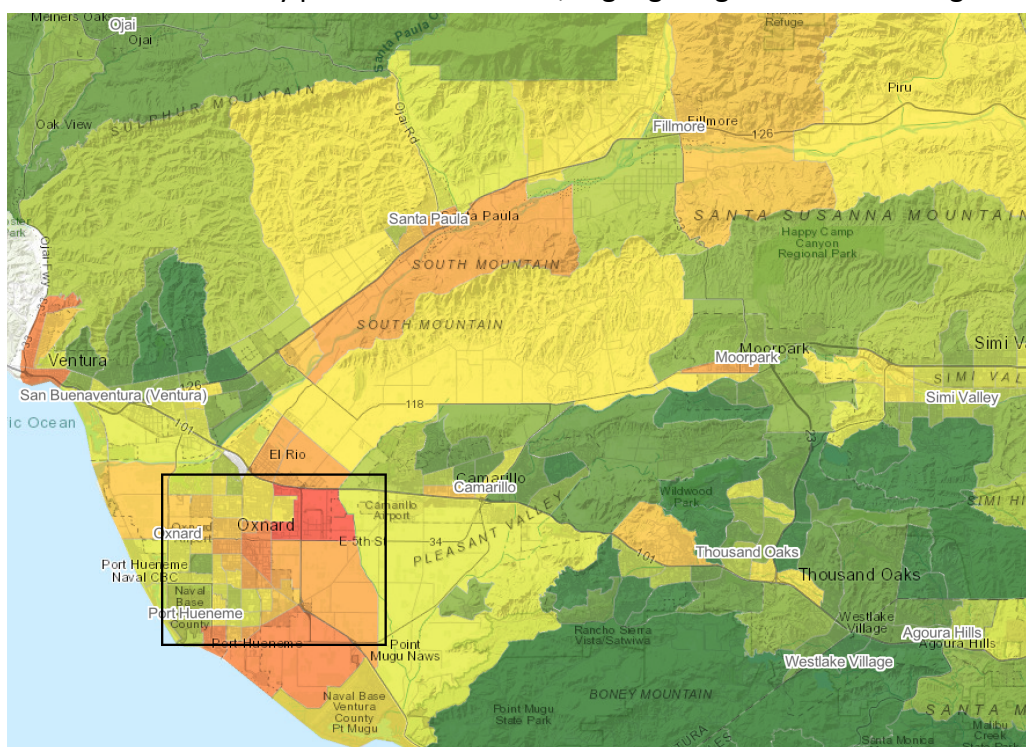


Figure 6 - Ventura County per [CalEnviroScreen](#), Highlighting Area Surrounding SUP 672



These are communities of color (over 90 percent Latinx and Asian) and are experiencing poverty at rates 64 to 90 percent higher than the rest of the state. The expansion of polluting and dangerous fossil fuel infrastructure is not and would not happen in white, higher-income neighborhoods.

Due to the location of these wells in land identified as “prime farmland,” an additional population of thousands of farmworkers is put at risk. There are [41,600 people](#) working on Ventura County farms and ranches. These farmworkers are critical to Ventura County’s [\\$2 billion-a-year agricultural industry](#). This [workforce](#) is made up of migrant and low-income individuals, who face unique challenges including the enforcement of basic labor standards. In Ventura County, farmworkers have been subject to [dangerous and sometimes lethal air and water pollution](#). Below is an excerpt from a [news piece](#) titled “Life, Death & Chemicals: Strawberries and Oil on the Oxnard Plains.” The piece begins with an update stating that “In March 2016, Juan Delgado passed away at the age of 63 due to cancer, a victim of the toxic conditions for working-class & poor families in Oxnard.

Delgado’s neighborhood, Lemonwood, his home for the last 30 years, borders a beautiful, poisoned landscape. A waste dump for spent oil and gas chemicals lies to the east, pesticides from the farming surround him, and to the south, tar sands. When the

coastal fog burns off, you can stand on a Lemonwood roof and see just about the entire field, the reflective silver tarps on strawberries, miles of drills, big sky. “Sometimes the smoke is brown. Sometimes I see black smoke,” says Delgado of the farm tractors and drilling rigs, whose exhaust wafts through the air as it has for decades. An old abandoned well contaminates a park where his grandkids play.

The expansion and re-drilling of polluting oil wells in this disadvantaged community conflicts with many local and state policies and principles.

First, the [mission statement](#) of the County of Ventura is

To provide superior public service and support so that all residents have the opportunity to improve their quality of life while enjoying the benefits of a safe, healthy, and vibrant community.

The County, and your commission, is committed to the service and support of “all residents” by upholding the following values:

- Ethical behavior
- Transparency and accountability
- *Equitable treatment and respect of all constituents* [emphasis added]
- Excellence in service delivery

‘Equitable’ is not the same as ‘equal’ and requires that specific considerations must be made. In this case, the specific conditions of historic environmental, racial, and economic injustice experienced by Lemonwood residents and beyond *must* be considered in the decision to expand infrastructure that threatens their quality of life.

Second, state law ([SB 1000](#)) requires that local governments incorporate policies to reduce the environmental health impacts that adversely affect residents in disadvantaged communities and include residents of disadvantaged communities in decision-making processes. This law has four basic requirements: (1) identifying disadvantaged communities, (2) incorporating policies to reduce the environmental health impacts that adversely affect residents in disadvantaged communities, (3) incorporating policies to include residents of disadvantaged communities in decision-making processes, and (4) incorporating policies that prioritize improvements and projects in disadvantaged communities.

This law drove the inclusion of many environmental justice policies and objectives in the Ventura County General Plan.

Third, the issuance of these two Zoning Clearances and the additional 21 Zoning Clearances on this permit is inconsistent with the requirements of [NCZO Section 8111-1.1.1b](#), specifically the requirement to be compatible with the policies and land use designations specified in the General Plan.

The Ventura County 2040 General Plan includes many [environmental justice policies](#) including:

LU-17: Within designated disadvantaged communities, to plan for and provide public facilities, services, and infrastructure that provide fair treatment and quality of life to all people regardless of race, color, national origin, or income.

LU-17.6: Within designated disadvantaged communities, the County shall work to reduce or prevent negative impacts associated with environmental hazards, including industrial and roadway-generated pollution, to people who are living and working in close proximity to these uses.

As the approval of these Zoning Clearances and re-drill of wells *increases* the negative impacts associated with environmental hazards to people living in the nearby disadvantaged communities, the issuance is not in compliance with General Plan policies or the Zoning Ordinance.

What is the Gain? ‘Stripper’ Wells - Little Production, Big Liability and Pollution

A ‘stripper’ well is [broadly defined](#) as an oil well producing up to 10-15 barrels (bbls) per day averaged over a 12-month period and/or a gas well producing a maximum of 60-90 Mcf per day. These types of wells are called ‘strippers’ because they are stripping the last remaining oil and gas out of the ground.

These wells do not make much money but do delay closure costs. Over the last decade, operators across California have been delaying shutting down these minimally-profitable wells (sometimes even operating at a loss) and selling them to smaller companies with the goal to “strip all value from the ground and leave the cleanup bill to someone else” ([CarbonTracker](#)).

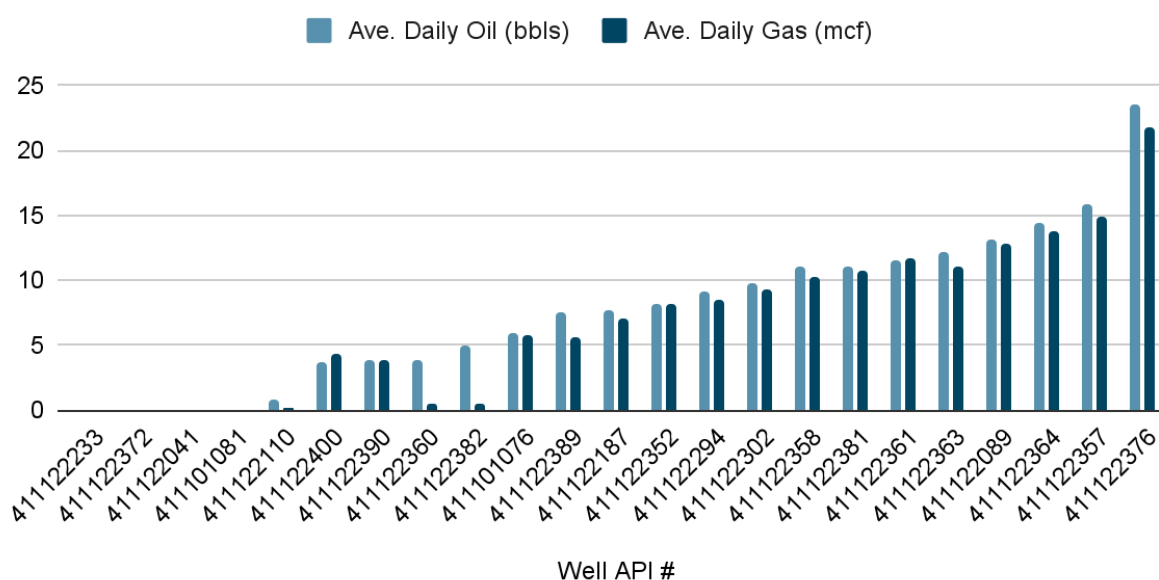
Stripper well criteria:

- For oil wells, 10-15 barrels (bbls) per day averaged over 12 month period
- For gas wells, 60090 mcf per day averaged over 12 month period

With the exception of one, all of the 23 re-drilled wells approved on this permit are stripper wells. These wells range in production from 0.0 to only 23.5 barrels (bbls) of oil per day (daily average over a 12-month period). See Figure 8 below and Table 2 on page 22 of this letter for full production and well details.

Figure 8: Production of Wells Proposed for Re-Drilling

Per CalGEM WellSTAR Data



In fact, the CalGEM production data for the two wells CFROG has appealed tell a clear story of low or non-existent production.

Dorothy Moon #2 (411122233) was drilled in 2013 as an exploratory well of the OF-OJ Sespe Sands, a geologic target that had not been produced from in this area of the Oxnard Oil Field ([page 43 of well record](#)). But ABA Energy's stated possibility of "a new and deeper pool than the reservoirs from which the existing wells are producing" was not met as the well produced no oil or gas, was considered a 'dry hole,' and plugged within the same year as it was drilled. In their application ([page 12](#)), the operator mentions that this well shares a surface well site with Dorothy Moon #1 (411122089) "which has been producing since 2011." This nearby well has only produced a daily average of 13.2 bbls of oil and 12.8 mcf of gas over the last year.

Maulhardt #9 (411122360) was drilled in 2016 and has sat idle, not producing since 2019. But even in its last 12 months of production, the well only produced a daily average of 3.8 bbls of oil and 0.5 mcf of gas. Similarly, the operator mentions in their application ([page 12](#)) that this well

shares a surface well site with currently producing wells: Maulhardt #6, 7, 8, 10, 11, and 15. The average daily production of these wells is only 9.6 bbls of oil and 9.2 mcf of gas.

Inconsistent with General Plan Emission Reduction Goals & Air Quality Rules

Despite stripper wells producing very low amounts of resources, these wells have major implications for air quality and greenhouse gas emissions. [Scientific research](#) shows that stripper wells throughout the U.S. emit methane at about 6-12 times the national average of all oil and gas well sites. The study estimates that 4 million metric tons of methane is emitted annually from low-producing wells in the U.S. - representing about one-half of the total methane emissions from the U.S. oil and gas production sector.

Leaks from low-producing and idle wells continue to be identified across [California](#), [Colorado](#), [Ohio](#), and [New Mexico](#).

Methane, a primary component of natural gas, is a powerful greenhouse gas that has [over 80 times](#) the atmospheric warming power of carbon dioxide over a 20-year time period. A recent [report](#) from the UN's International Panel on Climate Change emphasizes that methane reductions are key to preventing further climate change. In fact, this group of international scientists calls for a methane emission reduction of at least 30 percent by 2030 to avert major climate catastrophe. To help reach this goal, the panel specifically [calls on local governments](#) to ensure that wells are appropriately remediated and emissions minimized.

The Ventura County General Plan includes ambitious and necessary greenhouse gas (GHG) emission reduction goals - most imminent, to reduce GHG emissions by 41% below 2015 levels by 2030. This is only eight years away. The [General Plan](#) commits the County, including your commission, to “improv[ing] the long-term sustainability of the community through *local efforts* [emphasis added]” to reduce GHG emissions. With [15 percent of total GHG emissions](#) in unincorporated Ventura County coming from oil and gas production alone (275,096 MTCO₂e), the responsible limiting of oil and gas permits is a prudent place to start. Without an appeal, development on this permit lease happens without consideration from your or any democratically-created body, so this opportunity to prioritize a sustainable future over ‘business as usual’ is unique and should be taken.

The Ventura County Air Pollution Control District (VCAPCD) dictates that emissions of reactive organic compounds (ROCs) from an oil and gas well be estimated at 2 lbs/day (VCAPCD PEETS Emissions Factors CSS 31000122). To protect our climate and communities from “significant adverse impact on air quality” VCAPCD has set a threshold of 25 pounds per day for projects within Ventura County ([page 3-2](#)).

This re-drilling project on CUP 672 exceeds this threshold by almost double at 46 lbs/day of ROC emissions (see Table 1). This estimate does not include the other various active and idle wells on this SUP.

Table 1 - Estimated ROC Emissions from Re-Drilling Project on SUP 672*			
# of wells	ROC Emissions/Well (lbs/day)	Total ROC Emissions (lbs/day)	VCAPCD ROC Threshold (lbs/day)
23	2	46	25

*Not including emissions from currently active and idle wells not being re-drilled on the permit

The approval to re-drill – and in some cases, re-open – low-producing oil and gas wells is inconsistent with County goals in emission reduction and exceeds safety and climate standards set by the VCAPCD.

Already Have Idle/Orphan Well Problem, Reopening Plugged Wells Not the Answer

Five of the wells approved for re-drill on this lease are currently plugged, including Dorothy Moon #2 (411122233). An oil well is generally plugged and abandoned when “it reaches the end of its useful life or becomes a dry hole” ([OSHA](#)) - as was the case for Dorothy Moon #2. CalGEM, the state oil and gas regulatory agency, [defines the plugging and abandonment](#) of a well as “permanent closure and sealing.”

The permanent closure and sealing of a well is summarized by CalGEM as

A well is plugged by placing cement in the wellbore or casing at certain intervals, as specified in California laws or regulations. The purpose of the cement is to seal the well-bore or casing to prevent fluid from migrating between underground rock layers.

Cement plugs are required to be placed across the oil or gas reservoir (zone plug), across the base-of-fresh-water (BFW plug), and at the surface (surface plug). Other cement plugs may be required at the bottom of a string of open casing (shoe plug), on top of tools that may become stuck down hole (junk plug), on top of cut casing (sub plug), or anywhere else where a cement plug may be needed. Also, the hole is filled with drilling mud to help prevent the migration of fluids.

As a result of this *permanent* process, the surface site of Dorothy Moon #2 is flat, void of any infrastructure, and possible pathways of contamination mitigated - as seen in Figure 7.

Figure 7 - Photo of [Dorothy Moon #2 site](#) after plugging



The re-drilling and re-activation of a plugged and abandoned well defies the State’s definition of a plugged and abandoned well. This clear conflict is alarming for a few reasons.

First, Ventura County already has a significant idle, orphan, and poorly abandoned well inventory. According to State data, within Ventura County, there are 2,267 idle oil and gas wells, 1,520 of which are considered “long-term idle wells,” meaning that they have been idle for at least eight years. At least 1,275 of these wells have been idle for 15 or more years, and 155 wells have been idle for a century or more.¹

The “idle well problem” is likely to soon become an “orphan well problem” in Ventura County. Orphan wells have no financially solvent operator of record, therefore pushing the cleanup to the state and costs to the taxpayer. In fact, CalGEM has already identified [473 likely orphaned or deserted wells](#) in the county.

In addition to unplugged orphan and idle wells, over 40 percent of the plugged wells in Ventura County cannot be confirmed as properly plugged ([CFROG](#)). One of these poorly abandoned wells is located in Lemonwood Park, neighboring Lemonwood Elementary school ([page 31](#)). After a series of re-drilling, the well was abandoned in 1991, but the well record includes a note

¹ As of January 2022

that the area did not pass surface inspection because the soil was still contaminated. Although there are no documents reporting that the soil contamination was resolved, the site passed surface inspection years later in 1994.

In addition to clear [economic risks](#) to the taxpayer, the impacts that these wells have are well-documented including surface and drinking water contamination and air pollution. Many are located near neighborhoods, schools, farms, and waterways where air pollution can have a disproportionate impact on low-income communities of color.

With an already overwhelming inventory of wells that need to be plugged, reopening wells that have already been determined unproductive and then properly plugged is irresponsible.

Second, California is moving to [end oil production by 2024](#). If abandoned wells can be reopened at the operator's will, progress toward that goal cannot be measured. Figure 7 of the plugged Dorothy Moon #2 site clearly illustrates that the sidetracking of a plugged well is, at least on the surface, the re-establishment of a *new* well.

Other California jurisdictions have formalized this definition to protect their communities, climate, and economy. The City of Huntington Beach, which has [recently experienced](#) the negative consequences of oil extraction, rightly requires the reopening of an abandoned well to have the same scrutiny as drilling a new well.

“New well” shall mean a new well bore or well hole established at the ground surface and shall not include redrilling or reworking of an existing well. *An abandoned well shall be considered a new well for purposes of drilling, redrilling, or reworking* [emphases added]. Title 15 Huntington Beach Oil Code [15.08.010 Definitions](#).

Ventura County must join other local counties and cities to establish a definition of abandonment that is permanent - no exceptions.

As illustrated throughout this letter, there are **major and consequential** factors that have not been analyzed in the approval of the re-drill of these 2 and additional 21 oil wells. The lack of CEQA review means that lasting impacts on health, air quality, freshwater use, groundwater, trucking dangers and pollution, and flaring have and will not be considered.

The oil industry has spent millions to undermine democracy and policies to protect human health and our climate, in Ventura County and statewide.

Approving the re-drilling of these wells with this egregious lack of analysis and review is dangerous, irresponsible, puts Ventura County residents at risk, and conflicts with various policies in the Ventura County 2040 General Plan and NCZO.

We encourage this Planning Commission to approve the appeal of the re-drilling of these wells, and require the essential third-party, holistic analysis needed for sound decision-making before any development is made on any of the 23 wells in this project.

With urgency,
Climate First: Replacing Oil & Gas

Table 2 - Production Data for 23 Wells Proposed for Re-Drilling ([CalGEM WellSTAR database](#))

Zoning Clearance	API	Name	Well #	Type	Lease	Pool	Ave. Daily Oil (bbls)	Ave. Daily Gas (mcf)	Notes
ZC22-1211	411122089	Dorothy Moon	1	Active	Dorothy Moon	McInnes [15]	13.2	12.8	
ZC22-0938	411122233	Dorothy Moon	2	Plugged	Dorothy Moon		0.0	0.0	Dry hole
ZC22-1230	411122110	Gabrielle Maulhardt	1	Plugged	Gabrielle Maulhardt		0.8	0.2	Only produced 5 months
ZC22-1223	411122361	Gus Maulhardt	1	Active	Gus Maulhardt	McInnes [15]	11.6	11.7	
ZC22-1224	411122364	Gus Maulhardt	2	Active	Gus Maulhardt	McInnes [15]	14.4	13.7	
ZC22-1225	411122372	Gus Maulhardt	3	Idle	Gus Maulhardt	Topanga [13]	0.0	0.0	Not produced since 2003
ZC22-1226	411122376	Gus Maulhardt	4	Active	Gus Maulhardt	McInnes [15]	23.5	21.8	
ZC22-1227	411122389	Gus Maulhardt	5	Active	Gus Maulhardt	McInnes [15]	7.6	5.6	

Zoning Clearance	API	Name	Well #	Type	Lease	Pool	Ave. Daily Oil (bbls)	Ave. Daily Gas (mcf)	Notes
ZC22-1228	411122381	Gus Maulhardt	6	Active	Gus Maulhardt	McInnes [15]	11.1	10.7	
ZC22-1218	411122041	Joseph-Maulhardt	1	Plugged	Joseph-Maulhardt		0.0	0.0	Dry hole
ZC22-1217	411122187	Joseph-Maulhardt	2	Active	Joseph-Maulhardt	McInnes [15]	7.7	7.0	
ZC22-1215	411122294	Joseph-Maulhardt	4	Active	Joseph-Maulhardt	McInnes [15]	15.9	14.9	
ZC22-1214	411122302	Joseph-Maulhardt	5	Active	Joseph-Maulhardt	McInnes [15]	9.8	9.3	
ZC22-1216	411122352	Joseph-Maulhardt	6	Active	Joseph-Maulhardt	Livingston and E-D [25]	8.2	8.2	
ZC22-1219	411122357	Joseph-Maulhardt	7	Active	Joseph-Maulhardt	Livingston and E-D [25]	15.9	14.9	
ZC22-1220	411122358	Joseph-Maulhardt	8	Active	Joseph-Maulhardt	McInnes [15]	11.0	10.2	
ZC22-0937	411122360	Joseph-Maulhardt	9	Idle	Joseph-Maulhardt		3.8	0.5	Not produced since 2019

Zoning Clearance	API	Name	Well #	Type	Lease	Pool	Ave. Daily Oil (bbls)	Ave. Daily Gas (mcf)	Notes
ZC22-1213	411122363	Joseph-Maulhardt	10	Active	Joseph-Maulhardt	McInnes [15]	12.1	11.0	
ZC22-1221	411122390	Joseph-Maulhardt	11	Active	Joseph-Maulhardt	McInnes [15]	3.8	3.8	
ZC22-1212	411122382	Joseph-Maulhardt	13	Plugged	Joseph-Maulhardt		5.0	0.5	
ZC22-1222	411122400	Joseph-Maulhardt	15	Active	Joseph-Maulhardt	McInnes [15]	3.7	4.3	
ZC22-1210	411101076	Maulhardt	1	Active	Maulhardt	McInnes [15]	5.9	5.7	
ZC22-1229	411101081	Maulhardt	5	Plugged	Maulhardt		0.0	0.0	Last produced in 2001



ENERGY CORPORATION

December 14, 2022

Sent Via Email Only - Thomas.Chaffee@ventura.org

Thomas Chaffee, Case Planner
County of Ventura Resource Management Agency
Planning Division
800 S. Victoria Ave., L#1740
Ventura, CA 93009-1740

RE: December 15, 2022 Planning Commission Hearing Agenda Item No. 7A, Case Nos. PL22-0152 and PL22-0153

Dear Chairman McPhail and Members of the Ventura County Planning Commission:

We write regarding the September 29, 2022, appeals (the “Appeals”) filed by Climate First: Replacing Oil & Gas (“CFROG or Appellant”) of Zoning Clearances ZC22-0937 and ZC22-0938 issued by Ventura County on September 22, 2022, to ABA Energy Corporation (“ABA”) for the sidetracking of the already existing Dorothy Moon #2 and Joseph Maulhardt #9 wells (the “Zoning Clearances”). ABA urges the Planning Commission to affirm staff’s recommendation to deny the Appeals and to uphold the approval of the Zoning Clearances, in compliance with local, State, and federal law.

This letter is sent in addition to our comment letter to the Ventura County Planning Manager dated October 13, 2022 on this same topic, which is attached hereto as **Exhibit A** and incorporated herein by reference. ABA further adopts and incorporates by reference herein the oral and written comments and evidence submitted by and on behalf of those oil and gas industry groups, companies and mineral owners that oppose the Appeals.

ABA responds below to the “Grounds of Appeal” described in the Appeals. CFROG also submitted a letter dated yesterday, December 13, 2022 (“Appellant Letter”), wherein it attempts to raise additional arguments in support of denial of the Zoning Clearances. Any such additional arguments should be rejected outright since they were not identified in the “Grounds for Appeal” and thus cannot form the basis of the Appeals without constituting a denial of due process and the County’s own Code. Nonetheless, and where practicable given the short period of notice, ABA also attempts to address some of those additional arguments below.

ABA Conducts Oil and Gas Operations Pursuant to a Valid and Existing Special Use Permit #672

In 2010 ABA became an owner of the lessee’s interest in, and the operator of, an oil and gas lease referred to as the “Maulhardt Lease” situated in the Oxnard oilfield that was and continues to be subject to Special Use Permit #672 (“SUP #672”). Contrary to the unsupported assertions in Appellant’s Letter, SUP #672 was issued by the Ventura County Board of Supervisors who voted in a noticed, public hearing to accept and approve a thoroughly considered, site-specific, detailed, and fully conditioned discretionary

permit in accord with the recommendation of the Ventura County Planning Commission 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, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit . . .”

A true and correct copy of SUP #672 is included in **Exhibit B** and by this reference is made a part hereof.

The County has continuously acknowledged ABA’s status as a permittee under SUP #672 and has repeatedly acknowledged the validity of SUP #672 and ABA’s compliance therewith, including with the conditions contained therein. Specifically, and prior to the issuance of the Zoning Clearances subject to the Appeals, the County issued numerous other (~24) zoning clearances to ABA over the course of the last twelve years pursuant to SUP #672 for the drilling of new wells, redrills and construction of upgrades to its facilities.

The Zoning Clearances Relate to Two Existing Wells for which ABA Previously Obtained Zoning Clearances for the Original Drilling Operations

The Zoning Clearances are for operations within previously drilled wells that also were authorized by the County via other zoning clearances (ZC13-0490 & ZC16-0425 attached as Exhibits 10 and 11 to the Staff Report). As a result, the County has already approved operations at these same locations and in these well bores. Moreover, the operations under the new Zoning Clearances will cause minimal impact as they will both be drilled from existing, already graded/graveled pads. (See Exhibit D to Staff Report Exhibits 3 and Exhibit 4 for pictures of each of the sites). Additionally, all the required appurtenances are already in place such as pipelines, electric lines, separators, pumping units, etc., which also significantly minimizes surface impacts. Throughout ABA’s development of the Maulhardt Lease via SUP #672, ABA has directionally drilled its wells from centralized pads to further minimize surface impacts. For the Zoning Clearances subject to the Appeals, this is even more pronounced as existing wellbores will be used for the operations.

The Appeals Blatantly Ignore the County’s Ordinances and Referendum History as to the Ministerial Nature of the Zoning Clearances to which CEQA does not apply

The Appeals deliberately misrepresent the County’s NCZO by claiming that issuance of the Zoning Clearances is a discretionary act by the County. Section 8111-1.1 of the NCZO expressly states that issuance of the Zoning Clearances is ministerial. While the County amended the NCZO in 2020 to require discretionary permits instead of ministerial zoning clearances for the types of operations covered by the Zoning Clearances, the amendment was rendered void through a referendum election in June of this year.

CFROG certainly was aware of the referendum history and yet it is still claiming in its Appeals that the issuance of the Zoning Clearances is a discretionary act subject to CEQA. CFROG cannot alter

or otherwise ignore the referendum vote by filing the Appeals and turn a ministerial act into a discretionary one. Further, the NCZO as it exists at the time of the Appeals is what must be enforced.

CFROG claims that an Initial Study and environmental review is required under CEQA, but CEQA does not apply here. CEQA is only triggered when there is a discretionary act. (Pub. Res. Code § 21080; Cal. Code Regs. Tit. 14 (“CEQA Guidelines”) § 15268(a).) CEQA Guidelines § 15369 explains that, “‘Ministerial’ describes a governmental decision involving *little or no personal judgment* by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of *fixed standards or objective measurements . . .*” (Emphasis added.) NCZO 8111-1.1 follows much of this language as to issuance of zoning clearances by stating that, “These entitlements, and modifications thereto, are granted based upon determinations, arrived at *objectively and involving little or no personal judgment*, that the request complies with *established standards* set forth in this Chapter . . .” (Emphasis added.)

Since the NCZO provides that issuance of the Zoning Clearances is ministerial and based on objective standards in the NCZO with little or no personal judgment, there is no legal basis for CFROG to claim that CEQA applies to the subject Zoning Clearances or that the County improperly issued the Zoning Clearances based thereon.

As CEQA clearly does not apply, Appellant’s tardy assertion in Appellant’s Letter that piecemealing applies similarly fails. Piecemealing is only triggered if CEQA is triggered.¹

The Appeals Misrepresent Compliance with Conditions of ABA’s Special Use Permit

Appellant contends that somehow the County has not ensured that ABA will comply with Condition Nos. 5 and 8 of its Special Use Permit 672. ABA’s applications for the Zoning Clearances are detailed. They expressly state how ABA will comply with these and the other Conditions and provide information on the proposed equipment to be used for the operations ***including, without limitation, the protections afforded by ABA’s participation/cooperation with VAPCD as detailed above, ground watering program, setback compliance, and disposing of fluids/semi-fluids to approved dump sites within or without Ventura County.*** The County, and Appellant, have never had an issue with ABA’s use of these same explanations on past Zoning Clearances. The County has enforcement mechanisms to ensure ABA’s compliance with the Conditions of SUP #672, and it has never found that ABA has failed to comply. Similarly, Appellant has never before, and does not now, contend that ABA has ever failed to so comply. Simply put, the Appeals claim non-compliance as to issues that cannot even be complied with until the operations commence. As a result, they are a subterfuge to further this abuse of process and are not legitimate bases for an appeal.

SB1137 is Not Yet in Effect, and Thus It Cannot Form the Basis of the Appeals

The Appeals claim that issuance of the Zoning Clearances is in violation of State law, but the only law cited in the Appeals (aside from CEQA which is not applicable as discussed above) is SB1137. SB1137

¹ Additionally, a discretionary permit such as SUP #672, which was issued prior to September 5, 1973, is exempt from CEQA. (See CEQA Guidelines § 15261(b).)

does not prohibit the operations covered by the Zoning Clearances; rather, it prohibits the State from issuing NOIs to engage in those operations starting January 1, 2023. NOIs issued prior to that date are not rendered ineffective by SB1137.

CFROG is attempting to advance SB1137's implementation date through the ruse of the County's appeal process. The County should reject CFROG's abuse of the County's process in this manner. The County cannot now deprive ABA of its rights under the Zoning Clearances based on SB1137. If it does, the County will unlawfully be preventing ABA from securing NOIs from the State prior to the January 1, 2023 and will be violating its own Ordinances.

SUP #672 is Subject to Modern Environmental Protection

CFROG describes ABA's SUP #672 as being an older permit which lack any modern standards for environmental protection, but that is simply not accurate. ABA has to comply with all conditions of the NCZO to which SUP # 672 and the Zoning Clearances are applicable. It also must comply with numerous other laws and regulations, including those of the State and the Ventura County Air Pollution Control District ("APCD").

In Appellant's Letter, CFROG misstates that ABA's Compliance with SUP #672 Condition 13 means that only the conditions existing in 1957 at the SUP #672 issuance will apply. The meaning of ABA's Compliance Statement was the opposite, in that ABA was simply acknowledging that per SUP #672 Condition 13, that ABA shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit at the time each Zoning Clearance is granted. This should be obvious since it is an express condition of SUP #672, and moreover, the Project Description of the Zoning Clearances lists as a condition of acceptance that "All conditions of SUP 672 will apply. All conditions of SUP 672 have been reviewed, and the operation is in compliance with all applicable conditions at this time."

Accordingly, by definition, the NCZO (which applies to ABA's operations) is continuously updated and thereby, so are the standards. Currently, the NCZO dictates standards, which are routinely updated, for setback requirements, noise attenuation, dust controls, pumping unit and pad design, flood plain compliance, septic setback compliance, soils clearance, and APCD compliance.

APCD compliance includes, but is not limited to, ERC offset participation (which operates like a cap-and-trade program), drilling rig emission review, production equipment approval, as well as an inspection protocol. All of the foregoing air quality regulations are constantly updated, were adopted by the APCD pursuant to CEQA, and compliance with all of these regulations is required by ABA's Ventura County APCD Permit to Operate ("PTO") #00066. In general, each piece of equipment an operator uses, the oil and gas flows for the lease, and the number of wells on the lease/permit are used to calculate what ABA refers to as an "Air Score". Each SUP is initially granted 5.0 tons of Reactive Organic Compound ("ROC") prior to commencing operations and in the course of development, if one's Air Score is excess of 5.0 tons, then ERC's must be purchased in the open market to fill the gap. Current costs for each ton of ROC is ~\$75,000. ABA has heretofore purchased/posted ~ 7.97 tons of ROC to SUP #672 which were then added to the statutory 5.0 tons for a total Air Score of 12.97 tons of ROC. In addition to ABA's 7.97 tons of purchased Emission Reduction Credits ("ERCs"), ABA has purchased an additional ~8.07 tons of ROC in reserve for future work. It should be noted that sidetracks which use a currently non-abandoned wellbore will have no effect on Air Score as the original well (in the case of a sidetrack) will be deducted

from the permit and the newly sidetracked wellbore will replace it. Per Ventura County APCD's Air Quality Assessment Guidelines, "the emissions from equipment or operations requiring APCD permits are not counted towards the air quality significance thresholds. This is for two reasons. First, such equipment or processes are subject to the District's New Source Review permit system, which is designed to produce a net air quality improvement. Second, facilities are required to mitigate emissions from equipment or processes subject to APCD permit by using emission offsets and by installing Best Available Control Technology (BACT) on the process or equipment". Examples of compliance with the foregoing are:

1. ABA's use and application of acquired ERCs as discussed above;
2. ABA's installation of a BACT flare on the Maulhardt Lease (which reduced flare emissions by 92%).
3. ABA's Vapor Recovery System which has a robust mechanism to remove gases from the oil/fluid tanks and routes same to the flare system.
4. ABA's participation in the "LDAR" program which is a voluntary Leak Detection and Repair Program where ABA self-tests each potential source of fugitive emissions such as well and pipeline flanges, hatch seals, pipeline connections, tanks, etc., and when a leak is found, it is fixed within a prompt time protocol (~2-3 days). Every 4th quarter, the APCD inspection immediately follows the ABA LDAR inspection ensuring transparency and conformity with prior tests.
5. All engines used on drilling rigs now have to be CARB certified. This is yet another major improvement in air quality during drilling. If the regulations were, as claimed by CFROG, stuck in 1957, this improvement would not be in effect.
6. Because of ABA's compliance with to the foregoing APCD Program Factors, ABA's emissions were calculated by the APCD to be below the threshold deemed to potentially result in significant health risks to exposed individuals. Accordingly, Appellant's claim that ABA's wells are stripper wells and by that designation, emit 6-12 times the national average of all oil and gas sites is baseless and flies in the face of the VAPCD programs as outlined above. For impact, when a well's flanges are tested and found to have no leaks (which is routine on ABA's Maulhardt Lease), there is zero emission therefrom, not a randomly assigned baseline value.
7. Finally, California uses 1.8 million BPD of oil and produces less than 400,000 barrels/day. Therefore, each of the current 1.4 million barrels of imported oil comes from places where the oil is produced dramatically less healthy than in California. Worse, because there are no oil pipelines into California, the imported oil comes in by sea-going tankers which burn fuel which has an incredibly unhealthy exhaust stream. It is well settled that as imports rise and California production declines, GHG will rise proportionately.

Contrary to CFROG's position, ABA has Vested Right in SUP #672

The original well drilled pursuant to SUP #672 in 1957 is still producing today. In the last twelve years of development of the Maulhardt Lease, ABA has discovered additional resources that require additional operations, like the redrilling operations covered by the Zoning Clearances, to properly recover

the natural resources and develop the mineral rights for the mineral owners. While CFROG asserts that “SUP #672 does not provide a vested right to new and expanded operations”, SUP #672 applies to the ~127 acre Maulhardt Lease and all operations on that land, not an arbitrary well count. The County’s granting of ~24 Zoning Clearances since ABA acquired the Property in 2010 would confirm the foregoing and any contrary position would amount to a taking of ABA’s and its mineral owners’ real property rights.

The relevant legal authority when dealing with a vested right to extract minerals is *Hansen Brothers Enterprises v. Board of Supervisors*, (1996) 12 Cal.4th 533 (“Hansen”). Other decisions have held that use permits confer vested rights. (See *HPT IHG-2 Properties Tr. v. City of Anaheim* (2015) 243 Cal. App. 4th 188, 199 (where a CUP has been issued and the landowner has relied on it to its detriment, the landowner has a vested right.); see also *Malibu Mountains Recreation, Inc. v. County of Los Angeles* (1998) 67 Cal.App.4th 359, 367.) Additionally, the scope of the vested rights is the scope of activity authorized under the permit. (*Santa Monica Pines, Ltd. v. Rent Control Bd.* (1984) 35Cal.3d 858, 865)

In the Hansen case, the High Court made the point that mineral extraction uses, unlike uses that operate within an existing structure or boundary, anticipate the extension of extraction activities into other areas of the property that were not being exploited at the time a subsequent zoning change is proposed. As the High Court explained:

The very nature and use of an extractive business contemplates the continuance of such use of the entire parcel of land as a whole, without limitation or restriction, to the immediate area excavated at the time the ordinance was passed. A mineral extractive operation is susceptible of use and has value only in the place where the resources are found, and once the minerals are extracted it cannot again be used for that purpose.

(*Hansen*, supra, 12 Cal.4th at 553-554.) And even if one were to ignore the foregoing legal precedent, the County’s historical practices regarding oil and gas operations within its jurisdiction and specifically in the case of SUP #672, repeatedly confirm the validity of these permits, time and time again.

As described above, the Ventura County Board of Supervisors issued a final discretionary permit (SUP #672) and in reliance on the permit and the repeated confirmation of its validity by the County, ABA has expended millions of dollars in building and expanding the infrastructure for the oilfield it continues to develop. For this reason, ABA does indeed have a vested property right in SUP #672 and any deprivation of that right would constitute an unconstitutional taking.

In addition to the foregoing, the equitable principle of estoppel prohibits a governmental entity from exercising its regulatory power to prohibit a proposed land use when a developer incurs substantial expense in reasonable and good faith reliance on some governmental act or omission so that it would be highly inequitable to deprive the developer of the right to complete the development as proposed. (*Patterson v. Central Coast Regional Com.* (1976) 58 Cal.App.3d 833, 844.) The theory of equitable estoppel simply recognizes that, at some point in the development process, a developer’s financial expenditures in good faith reliance on the governmental entity’s land use and project approvals should estop that governmental entity from changing those rules to prevent completion of the project. (*Toigo v. Town of Ross* (1998) 70 CA4th 309, 321). ABA has been conducting oil and gas development in reliance on the rights granted in SUP #672 with the continual approval of the County for the last twelve years and has invested millions in support of

future development only to have CFROG now assert, without any evidence or valid reason, that ABA has no such rights.

The Appellant's Letter of December 13, 2022 Raising Tardy Claims

In addition to the several topics in Appellant's Letter that were addressed above, Appellant raises tardy arguments that were not addressed in the Appeals. Those should be rejected since they are untimely and were not among the "Grounds for Appeal". We further note the following regarding those arguments.

Appellant complains about zoning clearances that were issued well over a month after the filing of the Appeals and for which Appellant failed to file any timely appeals to the Planning Commission. The NCZO prohibits consideration of any arguments as to those additional 21 zoning clearances because no timely appeals have been filed. (See NCZO 8111-7.1 (requiring appeal to be filed within ten days after alleged decision-making error).) While Appellant complains about filing fees, the NCZO requires payment of those fees and thus they are required under the law. If Appellant desired to appeal the later zoning clearances and object to the filing fees on some purported lawful grounds, none of which have been asserted, it certainly could have done so. Having failed to do so, it has waived any legal arguments as to the issuance of the later zoning clearances and it would be a denial of ABA's due process rights to consider arguments relating to those later zoning clearances as part of the Appeals.

To the extent there exists questions as to the meaning of the word "bulk storage" in SUP #672 the word is used in connection with processing, refining and packaging, none of which occurs on the Maulhardt Lease: "... excluding processing, refining and packaging, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit..."). This language has been updated in the current NCZO and has been replaced in Section 8102-0 as "***Oil and Gas Exploration and Production - The drilling, extraction and transportation of subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing or manufacturing thereof***". In that same Section 8102-0, the term Petroleum Refining is also defined as "***Petroleum Refining - Oil-related industrial activities involving the processing and/or manufacture of substances such as: asphalt and tar paving mixtures; asphalt and other saturated felts (including shingles); fuels; lubricating oils and greases; paving blocks made of asphalt, creosoted wood and other compositions of asphalt and tar with other materials; and roofing cements and coatings.***" ABA does not engage in any such petroleum refining operations, including "bulk storage."

The foregoing demonstrates that the term "bulk storage" as used in the original exclusionary language to SUP #672 applies to refining operations only which on its face seems logical, since there will be attendant and necessary uses and structures such as temporary tanks for exploration and production operations. The current NCZO language confirms that the term bulk storage refers to storage in connection with refined products.

Moreover, the County has continued to interpret SUP #672 as allowing ABA's tanks in connection with its production operations. Each and every time ABA has submitted a zoning clearance, the County has approved the use of the tanks in connection therewith. Given that history, estoppel would prevent a different interpretation of "bulk storage" that would now somehow prohibit that use. In short, the exclusion in the original SUP #672 Language of "bulk storage" does not mean ABA cannot store oil and/or other liquid substances in its tank battery.

As to the claim in Appellant's Letter that re-entry-sidetracks pose issues with respect to re-abandonment and freshwater plugs, Appellant provides no technical support for that argument and thus there is no evidence to support it.

Appellant also attempts to argue that the Zoning Clearances altered the conditions of SUP #672, but there is no evidence to support that contention. The NCZO, SUP #672 and the Zoning Clearances all require compliance with those conditions and ABA stands prepared to ensure its compliance therewith. Appellant advances new arguments as to Conditions 10, 11 and 13 when it did not complain about those in the Appeals; Appellant thus waived any right to advance those arguments.

The Appeals Are Incomplete and Thus Defective

The Appeals are defective on their face and should be rejected on that basis alone. Section 8111-7.1 of the NCZO only allows an "aggrieved party" to file an appeal. There is nothing in the NCZO that allows the County to waive this requirement. The Appeals, however, fail to explain how CFROG is an "aggrieved party" as CFROG left the box which should have housed the basis for being an aggrieved person completely blank. As such, the Appeals form is also incomplete and therefore defective.

The Ventura County's website indicates that appeals must be filed on a certain Appeal Application Form. (See <https://vcrma.org/en/appeals>.) Page 2 of the Appeal Application Form requires the filing party (if not the applicant) to state the basis for filing the appeal as an "aggrieved person." (See <https://vcrma.org/docs/images/pdf/planning/ordinances/Appeal-Form.pdf>.)

CFROG failed to insert any information in the box as to the basis for it being an "aggrieved person." Indeed, there is no reference anywhere in the Appeals as to why CFROG is aggrieved. For example, there is no assertion or evidence to support that CFROG members will be injured from ABA's proposed operations. Nor is there any indication that CFROG members even live in the area adjoining ABA's proposed operations.

CFROG has failed to establish that it is an "aggrieved party" under NCZO Section 8111-7.1 who is entitled to file appeals of the County's issuance of the Zoning Clearances. As a result, the Appeals should be rejected outright since the ten-day time period for filing proper and complete appeals of the Zoning Clearances has lapsed.

In closing, ABA urges the Planning Commission to affirm Staff's recommendation to deny the Appeals and to uphold the approval of Zoning Clearances ZC22-0937 and ZC22-0938, in compliance with local, State, and federal law.

Respectfully,



ABA ENERGY CORPORATION
Alan B. Adler, President

12-14-22

Enclosures

Ventura County Planning Commission
December 14, 2022
Page 9

EXHIBIT “A”

**To Thomas Chaffee Letter regarding December 15, 2022 Planning Commission Hearing Agenda
Item No. 7A, Case Nos. PL22-0152 and PL22-0153**

(Letter to Mindy Fogg dated 10/13/22 regarding CFROG Appeals)



October 13, 2022

VIA EMAIL ONLY

Mindy Fogg
Ventura County Planning Manager
Commercial & Industrial Permitting Section
800 S. Victoria Ave.
Ventura, CA 93009
Email: mindy.fogg@ventura.org

Re: *September 29, 2022 Appeals filed by CFROG*

Dear Mindy:

We write regarding the September 29, 2022, appeals (the “Appeals”) filed by Climate First: Replacing Oil & Gas (“CFROG”) of the two Zoning Clearances issued by Ventura County on September 22, 2022, to ABA Energy Corporation (“ABA”) for the sidetracking of the already existing Dorothy Moon #2 and Joseph Maulhardt #9 wells (the “Zoning Clearances”). ABA respectfully urges the County to immediately reject the fling of the Appeals since they are defective.

In addition to being defective, the Appeals blatantly misrepresent, or at best ignore, the County’s own ordinances. They also ignore current state law and misstate the facts, all in an attempt to abuse the County’s process so that ABA is deprived of its rights to move forward with obtaining approval from the State for these operations prior to January 1, 2023—the implementation date for SB1137.

Failure to reject the Appeals now will result in irreparable harm to ABA since it cannot await the time period identified by Planning Department for the Planning Commission to conduct a hearing on December 15, 2022. SB1137 prohibits issuance of notices of intent (“NOIs”) by the State for these operations starting on January 1, 2023. A hearing on December 15, 2022 obviously will be too late.

The Appeals Are Incomplete and Thus Defective

The Appeals are defective on their face and should be rejected on that basis alone. Section 8111-7.1 of the Ventura County Non-Coastal Zoning Ordinance (NCZO) only allows an “aggrieved party” to file an appeal. There is nothing in the NCZO that allows the County to waive this requirement. The Appeals, however, fail to explain how CFROG is an “aggrieved party”. Further, the Appeals form is incomplete and therefore defective.

The Ventura County’s website indicates that appeals must be filed on a certain Appeal Application Form. (See <https://vcrma.org/en/appeals>.) Page 2 of the Appeal Application Form requires the filing party (if not the applicant) to state the basis for filing the appeal as an “aggrieved person.” (See <https://vcrma.org/docs/images/pdf/planning/ordinances/Appeal-Form.pdf>.)

The Appeals filed by CFROG fail to insert any information in the box as to the basis for it being an “aggrieved person.” Indeed, there is no reference anywhere in the Appeals as to why CFROG is aggrieved. For example, there is no assertion that CFROG members will be injured from ABA’s proposed operations. Nor is there any indication that CFROG members even live in the area adjoining ABA’s proposed operations.

CFROG has failed to establish that it is an “aggrieved party” under NCZO Section 8111-7.1 who is entitled to file appeals of the County’s issuance of the Zoning Clearances. As a result, the NCZO does not authorize the County to accept the Appeals and they should be rejected outright since the ten-day time period for filing proper and complete appeals of the Zoning Clearances has lapsed.

The Appeals Blatantly Ignore the County’s Ordinances and Referendum History as to the Ministerial Nature of the Zoning Clearances

The Appeals deliberately misrepresent the County’s NCZO by claiming that issuance of the Zoning Clearances is a discretionary act by the County. Section 8111-1.1 of the NCZO expressly states that issuance of the Zoning Clearances is ministerial. While the County amended the NCZO in 2020 to require discretionary permits instead of ministerial zoning clearances for the types of operations covered by the Zoning Clearances, the amendment was rendered void through a referendum election in June of this year.

CFROG certainly was aware of the referendum history and yet it is still claiming in its Appeals that the issuance of the Zoning Clearances is a discretionary act subject to CEQA. CFROG cannot alter or otherwise ignore the referendum vote by filing the Appeals and turn a ministerial act into a discretionary one.

CEQA only is triggered when there is a discretionary act. (Pub. Res. Code § 21080.) Since the NCZO provides that issuance of the Zoning Clearances is ministerial, there is no legal basis for

CFROG to claim that CEQA applies or that the County improperly issued the Zoning Clearances.

SB1137 is Not Yet in Effect, and Thus It Cannot Form the Basis of the Appeals

The Appeals also claim that issuance of the Zoning Clearances is in violation of State law, but the only law cited in the Appeals (aside from CEQA which is not applicable as discussed above) is SB1137. SB1137 does not prohibit the operations covered by the Zoning Clearances; rather, it prohibits the State from issuing NOIs to engage in those operations starting January 1, 2023. NOIs issued prior to that date are not rendered ineffective by SB1137.

CFROG is attempting to advance SB1137's implementation date through the ruse of the County's appeal process since it knows that the Appeals will not be finalized prior to January 1, 2023. The County should reject CFROG's abuse of its process in this manner. The County cannot now deprive ABA of its rights under the Zoning Clearances based on SB1137. If it does, the County will unlawfully be preventing ABA from securing NOIs from the State prior to the January 1, 2023.

The Appeals Misrepresent Compliance with Conditions of ABA's Special Use Permit

The only other grounds claimed for the Appeals are that somehow the County hasn't ensured that ABA will comply with Condition Nos. 5 and 8 of its Special Use Permit 672. ABA's applications for the Zoning Clearances are detailed. They expressly state how ABA will comply with these and the other Conditions and provide information on the proposed equipment to be used for the operations. The County, and CFROG, have never had an issue with ABA's use of these same explanations on past Zoning Clearances. The County has enforcement mechanisms to ensure ABA's compliance with the Conditions of Special Use Permit 672, and it has never found that ABA has failed to comply. Similarly, CFROG has never before, and doesn't now, contend that ABA has ever failed to so comply. Simply put, the Appeals claim non-compliance as to issues that cannot even be complied with until the operations commence. As a result, they are a subterfuge to further this abuse of process and are not legitimate bases for an appeal.

The Appeals ignore that ABA already has secured rights through Special Use Permit 672, which underwent public and environmental review and of course permit the operations described in the Zoning Clearances. CFROG is misusing the County's appeals process with defective Appeals that are incomplete and based on misrepresentations as to the County's own ordinance, State law and the facts. ABA urges the County to reject the Appeals on these bases and send a message that it will not sanction a misuse of its appeals process to affect CFROG's agenda of a premature implementation of SB1137.

Mindy Fogg
Ventura County Planning Manager
Commercial & Industrial Permitting Section
October 13, 2022
Page 4

ABA appreciates the County's consideration of the matters raised in this letter and respectfully requests a response by October 21, 2022 as to whether the County will reject the Appeals, thereby preventing irreparable harm to ABA.

Sincerely,
ABA ENERGY CORPORATION



10-13-22

Alan B. Adler
President & CEO

EXHIBIT “B”

**To Thomas Chaffee Letter regarding December 15, 2022 Planning Commission Hearing Agenda
Item No. 7A, Case Nos. PL22-0152 and PL22-0153**

(ABA SUP #672)

1.8.672

GRANTING SPECIAL USE PERMIT TO TIDEWATER OIL COMPANY
UNDER PROVISIONS OF VENTURA COUNTY ORDINANCE CODE

WHEREAS, **Tidewater Oil Company** in accordance with the provisions of Division 8 of the Ventura County Ordinance Code, did on the **2nd** day of **October**, **1957**, file their application in writing with the Ventura County Planning Commission for a **Special Use Permit** for oil and gas production on certain lands within Subdivisions 34 and 36, Rancho Colonia, located adjacent to and west of Rice Road and south of Wooley Road about 1/2 mile east of the City of Oxnard, and;

WHEREAS, proof is made to the satisfaction of this Board, and this Board finds, that notice of the hearing of said application and petition has been regularly given in accordance with the provisions of said Division 8 of the Ventura County Ordinance Code, and said application and petition having come on regularly for hearing before said Commission, and said Commission having announced its findings and made its decision after hearing the evidence presented at said hearing; and,

WHEREAS, the findings and decision of said Commission have been transmitted to this Board for its action thereon; and,

WHEREAS, the Board has considered the application and petition of the applicant and the findings and decision of said Commission thereon,

NOW, THEREFORE, upon motion of Supervisor **Ax**, seconded by Supervisor **Appleton**, and duly carried,

IT IS ORDERED AND RESOLVED, that said application and petition be approved and allowed, and that a **Special Use Permit** be, and it is hereby, issued to said applicant for the following purposes, to-wit:

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, bulk storage or any other use specifically mentioned in Division 3, Ventura County Ordinance Code, requiring review and Special Use Permit,

and subject to the following conditions:

1. That the permit is issued for the land as described in the application.
2. That any derrick used in connection with the drilling of a well, and all machinery or equipment used to operate such derrick, shall be enclosed with fire-resistant and sound-proofing material, whenever such well or derrick is located within five hundred (500) feet of any dwelling not owned by the lessor or lessee.
3. That the use and purpose for which this permit is issued shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4.
4. That no earthen sumps shall be constructed or maintained within 500 feet of any natural channel in which there is, or may be, flowing water.
5. That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances. Where economically feasible and where generally accepted and used, proven technological improvements in drilling and production methods shall be adopted as they may become from time to time, available, if capable of reducing factors of nuisance and annoyance.
6. That within ninety (90) days after the drilling of each well has been completed, and said well placed on production, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Ventura County Planning Commission and the Board of Supervisors for the drilling of another well on the same premises.
7. That all sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like, which are used or may be used for the impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, shall be fenced; when located more than one-half (1/2) mile from any school, playground or dwelling shall be entirely enclosed by a cattle fence in accordance with specifications adopted by the Planning Commission on January 11, 1954; and when located within one-half (1/2) mile of any school, playground or dwelling shall be entirely enclosed by a wire fence in accordance with specifications adopted by the Planning Commission on December 14, 1953.
8. That all water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, which is removed from the limits of the land for which a Special Use Permit is issued for the purpose of disposal as waste material, shall only be deposited in an approved disposal site. If such disposal is done by other than the permittee, the permittee shall inform the hauling or disposal contractor or agent of the requirements of this condition.
9. That no wells shall be drilled within 150 feet of the centerline of the right of way of any public road, street or highway and that no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
10. That the permittee shall at all times comply with the provisions of Section 3220 and Section 3221 of the Public Resources Code of the State of California, relating to the protection of underground water supply.
11. That the permittee shall at all times comply with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California, regarding the proper location of wells in reference to boundaries and public streets, roads or highways.
12. That upon abandonment of any well or when drilling operations cease, all earthen sumps or other depressions containing drilling mud, oil or

other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating all mud, oil or other waste products into the land by disking, harrowing and leveling to restore the land to the condition existing prior to the issuance of this permit as nearly as practicable so to do.

13. That the permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

THIS IS TO CERTIFY that the foregoing is a full, true and correct copy of the resolution or order adopted by the Board of Supervisors of Ventura County, California, on the 5th day of Nov 1957, a majority of the members being present and voting for the adoption of the same.

Dated this 8th day of Nov 1957.

L. E. HALLOWELL, County Clerk and ex-officio
Clerk of said Board of Supervisors

By Bernice K. Hall Deputy

Copies to:
Tidewater Oil Co.
Planning
Calif.Reg.Water Pollution Control Board
United Water Conservation Dist
Calleguas Soil Conservation Dist.

File (2)
Item 6D
11/5/57

APR. No. 672 12
 File 604

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 when received.

35

159.08
 Less Co. Rd. 5.71
 R/W 0.11
 Net 152.66 Acs.

157.57
 Less Co. Rd. 4.20
 Net 153.37 Acs.

S.O. Co.
 Gordon #1

S.O. Co.
 Dietrich #1

MOOLEY ROAD

East 2614.92' (39.68)

NORTH 2624.82'

12' Right of Way
 South 2624.82'

40'
 10'

497.86'
 238'
 S.O. Co.
 Denton
 Comm. #1

2117.06'

1674.42'

Race Station
 Surf. Rte.
 of Hwy

Maulhardt #1

South 3547.00' (53.75)

NORTH 2624.82' (39.77)

2

198.79
 Less R/W 0.54
 Net 198.25 Acs.
 39.22 (29.405)
 Net 159.03 Acs.

56.67 Acs.

100.90 Acs.

GETTY OIL COMPANY

Maulhardt Lse.

127.63 A. Net

157.57 Acs.

South 2624.82' (39.77)

Denton-Petit

497.86'

2117.06'

1674.42'

East 2614.92' (39.68)

50'

RICE ROAD

ORIGINAL IN FILE
 OF BOARD OF SUPERVISORS

41

TIDE WATER ASSOCIATED OIL CO.

SKETCH OF GETTY OIL CO.'s. Maulhardt Lease #3257
 General District, Ventura County, Calif.
 showing location of proposed Maulhardt Well #1

SCALE 1" = 600' = 1 FOOT
 DATE October 2, 1957
 FILE NO. V-01A-695

ORIGINAL IN FILE
OF BOARD OF SUPERVISORS

APPLICATION FOR SPECIAL USE PERMIT
(to be filed in duplicate with filing fee of \$25.00)

TO THE VENTURA COUNTY PLANNING COMMISSION:
56 North California Street, Ventura, California.

The applicant, being the owner/lessee of the land described below, requests a Special Use Permit, in accordance with provisions of Division 8, Ventura County Ordinance Code, for the use of said land for the purposes described herein or on attachments hereto:

Name of Applicant TIDEWATER OIL COMPANY
Operator for Getty Oil Company
Address P. O. Box 811, Ventura, California
Name of owner of land Gustave H. Maulhardt and Evelyn
M. Maulhardt
Address 1557 Rice Road, Oxnard, California

NO. 672
RECEIVED
JUN 2 1957
VENTURA COUNTY
PLANNING COMMISSION
Zone: A-1
Area: Exempt
Inspected: 10/14/57
By: C. E. Simon

Location of land All of Subdivision 36 and part of Subdivision 34 of Rancho El Rio
de Santa Clara O'La Colonia, in Ventura County, California. Please refer to attached
map and legal description.

An exact legal description of the land involved and a map or plot plan showing the land described and all other land located within 300 feet of the exterior boundaries of the land involved is attached hereto and made a part of this application.

Land was acquired by present owner on _____ 19____ and has the following deed restrictions affecting the use thereof _____ which expire on _____ 19____

Present use of subject land: Agriculture

The Special Use Permit is requested for the use of subject land for the following purposes: To drill a well for oil and/or gas to be designated as Maulhardt #1

ERA MEMO:
Legibility of writing, typing or printing UNSATISFACTORY
in portions of the document when received.

(A comprehensive statement will facilitate action upon this application.)
(Attach properly identified additional sheets if required)

The applicant, or representative, has discussed this matter with the staff of the Planning Commission; has read the Ventura County Ordinance Code, or such portions as concern this application; and is aware of the requirements and conditions thereof.

See sheet No. 2

PC 11A; 7-54-500 trip. sets

The following information is submitted for consideration and, in the opinion of the applicant, indicates that this application conforms to the intent and purpose of Ventura County Ordinance Code.

The drilling of a development well at this location and its production
of oil and/or gas will in no way create a public nuisance. Fresh water sands
will be protected by cement as required by Division of Oil and Gas.

(Explain briefly why this land is especially adapted to the uses intended; what effect, if any, such uses will have upon surrounding property or improvements; exceptional or extraordinary circumstances applicable to the land involved or to the intended use, etc.)

Where applicable, a favorable statement from adjacent property owners may assist in facilitating action upon this application.

A F F I D A V I T

County of Ventura)
State of California) ss.

ERA MEMO:

Legibility of writing, typing or
printing **UNSATISFACTORY**
in portions of the document
when received.

I, G. O. Suman, being duly sworn, depose and say that I am the owner/lessee, or representative thereof, of land involved in this application and that the foregoing statements herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief, and further affirm that the applicant or those whom the applicant represents, has the right either as owner or lessee, to develop the land described in the application for the purpose stated therein.

Signed G. O. Suman

District Supt.

Telephone Miller 3-2154

Mailing Address

Tidewater Oil Company

P. O. Box 811

Ventura, California

City

State

Subscribed and sworn to before me this 2nd day of October, 1957

A. Gayle Caldwell
Notary Public

My Commission Expires January 4, 1961

Applicant not to write in this space

Application No. 672 Filed Oct. 2, 1957

Receipt No. 4672 Fee \$ 25.00 Received Oct. 2, 1957

Filing Fee deposited with County Treasurer

on OCTOBER 29, 1957

T. R. 3947

[Signature]
Secretary
Ventura County Planning Commission.

PC 11B; 7-54-500 sets in triplicate

VENTURA COUNTY PLANNING COMMISSION

Meeting of October 28, 1957

ERA MEMO:
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when received.

RESOLUTION NO. 1362

RECOMMENDING GRANTING SPECIAL USE PERMIT TO TIDEWATER OIL COMPANY (APPLIC. NO. 672) IN ACCORDANCE WITH VENTURA COUNTY ORDINANCE CODE, FOR THE PRODUCTION OF OIL AND GAS ON LAND LOCATED ABOUT 1/2 MILE EAST OF THE CITY OF OXNARD.

WHEREAS, in accordance with the provisions of Ventura County Ordinance Code, an application was filed October 2, 1957, by Tidewater Oil Company, Ventura, California, for a Special Use Permit for oil and gas production on certain lands within Subdivisions 34 and 36, Rancho Colonia, located adjacent to and west of Rice Road and south of Wooley Road, about 1/2 mile east of the City of Oxnard, as set forth in legal description attached to said application and shown on the map attached thereto, and

WHEREAS, a public hearing on this matter was held by the Planning Commission at Oxnard, California, on October 22, 1957, and notice of said public hearing was published, pursuant to law, as shown by affidavit of publication and notices have been mailed or posted as shown by certificate of public notice as filed with this application, therefore be it

RESOLVED, that as a result of investigation caused to be made by the Planning Commission and testimony given at the public hearing, the Commission finds as follows:

1. That the land involved is located adjacent to and west of Rice Road and adjacent to and south of Wooley Road, about 1/2 mile east of the City of Oxnard, is in a level area, and is generally unimproved and being used for citrus production and row crops.
2. That the land involved is located in an area which is remote from any intensive residential use and adjacent to an oil producing area for which Special Use Permits have been previously granted.
3. That the land involved is located in the "A-1" Agricultural (unrestricted) Zone.
4. That under certain conditions stated hereafter, the production of oil and gas would not constitute any material detriment to existing or probable surface uses of other lands in the same zone and vicinity, and it is

FURTHER RESOLVED, that the Ventura County Planning Commission finds and declares that under the conditions cited herein, the granting of the Special Use Permit would conform to the general purpose of Division 8, Ventura County Ordinance Code, and therefore recommends to the Honorable Board of Supervisors that the permit be granted 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, bulk storage or any other use specifically mentioned in Division 8, Ventura County Ordinance Code, requiring review and Special Use Permit,

and subject to the following conditions:

ORIGINAL IN FILE
OF BOARD OF SUPERVISORS

RESOLUTION NO. 1362 - Page 2

1. That the permit is issued for the land as described in the application.
2. That any derrick used in connection with the drilling of a well, and all machinery or equipment used to operate such derrick, shall be enclosed with fire-resistant and sound-proofing material, whenever such well or derrick is located within five hundred (500) feet of any dwelling not owned by the lessor or lessee.
3. That the use and purpose for which this permit is issued shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4.
4. That no earthen sumps shall be constructed or maintained within 500 feet of any natural channel in which there is, or may be, flowing water.
5. That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and the production of oil, gas, and other hydrocarbon substances. Where economically feasible and where generally accepted and used, proven technological improvements in drilling and production methods shall be adopted as they may become from time to time, available, if capable of reducing factors of nuisance and annoyance.
6. That within ninety (90) days after the drilling of each well has been completed, and said well placed on production, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Ventura County Planning Commission and the Board of Supervisors for the drilling of another well on the same premises.
7. That all sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like, which are used or may be used for the impounding or depositing of water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, shall be fenced; when located more than one-half (1/2) mile from any school, playground or dwelling shall be entirely enclosed by a cattle fence in accordance with specifications adopted by the Planning Commission on January 11, 1954; and when located within one-half (1/2) mile of any school, playground or dwelling shall be entirely enclosed by a wire fence in accordance with specifications adopted by the Planning Commission on December 14, 1953.
8. That all water, mud, oil, or any other fluid, semi-fluid, or any combination thereof, which is removed from the limits of the land for which a Special Use Permit is issued for the purpose of disposal as waste material, shall only be deposited in an approved disposal site. If such disposal is done by other than the permittee, the permittee shall inform the hauling or disposal contractor or agent of the requirements of this condition.
9. That no wells shall be drilled within 150 feet of the centerline of the right of way of any public road, street or highway and that no permanent buildings or structures shall be erected within 100 feet of the centerline of any public road, street or highway.
10. That the permittee shall at all times comply with the provisions of Section 3220 and Section 3221 of the Public Resources Code of the State of California, relating to the protection of underground water supply.
11. That the permittee shall at all times comply with the provisions of Chapter 3, Article 3600, Public Resources Code of the State of California, regarding the proper location of wells in reference to boundaries and public streets, roads or highways.
12. That upon abandonment of any well or when drilling operations cease, all earthen sumps or other depressions containing drilling mud, oil or

RESOLUTION NO. 1362 - Page 3

other waste products from the drilling operation shall be cleaned up by removing such waste products or by consolidating all mud, oil or other waste products into the land by disking, harrowing and leveling to restore the land to the condition existing prior to the issuance of this permit as nearly as practicable so to do.

13. That the permittee shall comply with all conditions of the Ventura County Ordinance Code applicable to this permit.

This is to certify that the foregoing is a full, true and correct copy of Resolution No. 1362, adopted by the Planning Commission of Ventura County, California, on the 28th day of October, 1957, the required number of members being present and voting for the adoption of the resolution.

Dated this 29th day of October, 1957.


L. J. HORSTELMANN, Secretary

- cc to:
- Tidewater Oil Company
 - Commissioner Sweetland
 - Supervisor Carty
 - Board of Supervisors
 - County Surveyor
 - County Health Officer
 - County Fire Warden
 - City of Oxnard
 - Calif. Regional Water Pollution Control Board
 - United Water Conservation District
 - Calleguas Soil Conservation District

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35

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R/W 0.11
Net 152.66 Acs.

157.57
Less Co. Rd. 4.20
Net 153.37 Acs.

WOOLEY ROAD

East 2614.92' (39.62)

North 2624.82'

12' Right of Way
South 2624.82'

S.O. Co.
Diedrich #1

S.O. Co.
Gordon #1

40'
10'

2

198.79
Less R/W 0.54
Net 198.25 Acs.
39.22 (39.86)
Net 159.03 Acs.

South 2624.82' (39.77)

Donlon-Petit

56.67 Acs.

2117.06'

1674.42'

Race Station
Surf. Rts.
of cld

S.O. Co.
Donlon
Comm #1

Maulhardt #1

#672
36

GETTY OIL COMPANY

Maulhardt Lsa.

127.63 A. Net

157.57 Acs.

North 2624.82' (39.77)

South 3547.00' (50.75)

lotus

50'

497.86'

2117.06'

1674.42'

East 2614.92' (39.62)

RICE ROAD

41

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TIDE WATER ASSOCIATED OIL CO.

SKETCH OF

GETTY OIL CO's. Maulhardt Lease #3257
Oxnard District, Ventura County, Calif.
showing location of proposed Maulhardt Well #1

SCALE 1" = 600' = 1 FOOT
DATE October 2, 1957
FILE NO. V-Q1A-695

December 14, 2022

VIA E-MAIL

Thomas Chaffee, Case Planner
County of Ventura Resource Management Agency
Planning Division
800 S. Victoria Ave., L#1740
Ventura, CA 93009-1740
Thomas.Chaffee@ventura.org

Re: December 15, 2022 Planning Commission Hearing Agenda Item No. 7A, Case Nos. PL22-0152 and PL22-0153

Dear Members of the Ventura County Planning Commission:

This firm represents Aera Energy LLC (“Aera”), and we submit this letter on Aera’s behalf in connection with December 15, 2022 County of Ventura (“County”) Planning Commission (“Commission”) Hearing Agenda Item No. 7A, more particularly described as the appeals of Zoning Clearances ZC22-0937 and ZC22-0938 under case numbers PL22-0152 and PL-0153 (collectively, the “Appeals”), to certify ABA Energy Corporation’s application that the re-drilling of two existing oil wells is authorized by a Special Use Permit (“SUP”) previously granted by the County. We request that this letter be made a part of the County’s administrative record regarding this proceeding.

As County staff correctly notes in responding to CFROG’s groundless appeals included in Exhibits 7, 8 and 14 of the staff report for Item 7A, CFROG does not provide or identify any specific evidence to support its claim that the Zoning Clearances were issued in violation of any County ordinance, state law or federal law. In fact, by issuing the Zoning Clearances, the County followed proper procedure as set forth in Non-Coastal Zoning Ordinance (“NCZO”) Section 8111-1.1. Both approvals relate to the redrilling and operation of existing wells authorized under ABA Energy Corporation’s existing discretionary permit, Special Use Permit No. 672. As such, the County’s action in approving these Zoning Clearances is ministerial in nature and not subject to environmental review under the California Environmental Quality Act (“CEQA”). Per NCZO Section 8111-1.1.1.b(3), the County is compelled to issue zoning clearances that comply with the underlying discretionary permit—here Special Use Permit No. 672. In this case, CFROG has not, and cannot, demonstrate that the County erred in issuing the subject Zoning Clearances.

December 14, 2022

Page 2

The Appeals further attempt to connect the County's approvals to requirements that do not apply to the proposed work—namely SB 1137—which is state legislation that has not yet taken effect and therefore has no bearing on the redrilling of existing oil wells proposed here. Both of CFROG's appeals open with this baseless ground for appeal. Staff's decision to approve these Zoning Clearances, and staff's responses set forth in the exhibits provided to the Planning Commissioners for this hearing are clearly supported in the NCZO and CFROG has no basis for appeal, especially given that half of its appeal is predicated on a requirement under legislation that is not applicable to the proposed project.

Aera urges the Planning Commission to affirm staff's sound recommendation to deny the Appeals and uphold the approval of Zoning Clearances ZC22-0937 and ZC22-0938, in clear compliance with local, state and federal law.

Sincerely,



Sigrid R Waggener

cc: Michael James, Senior Counsel, Aera Energy LLC



CIPA

December 14, 2022

California Independent Petroleum Association
1001 K Street, 6th Floor
Sacramento, CA 95814
Phone: (916) 447-1177
Fax: (916) 447-1144

Thomas Chaffee, Case Planner
County of Ventura Resource Management Agency
Planning Division
800 S. Victoria Ave., L#1740
Ventura, CA 93009-1740
Thomas.Chaffee@ventura.org

Subject: Support for ABA Energy Corporation's Zoning Clearances, December 15, 2022
Planning Commission Hearing Agenda Item No. 7A, Case Numbers PL22-0152
and PL22-0153

Dear Ventura County Planning Commissioners:

On behalf of the California Independent Petroleum Association ("CIPA"), we wish to express our full support of County Planning Division staff's recommendation to deny CFROG's appeals of rightfully issued Zoning Clearances for redrills of existing oil wells.

CIPA is a non-profit, non-partisan trade association representing approximately 350 independent oil and natural gas producers, royalty owners, and service and supply companies throughout the state of California and the County of Ventura (the "County"). As such, we are both a resource of information to communities and, when needed, an industry advocate.

As an engaged member of this community, CIPA has serious concerns with CFROG's baseless appeals of the County's approval of Zoning Clearances for the redrill of wells operated by ABA Energy Corporation. CFROG has not provided evidence to support its claim that the Zoning Clearances were issued in violation of any County ordinance, state or federal law. In fact, by issuing the Zoning Clearances, the County followed proper procedure as set forth in Non-Coastal Zoning Ordinance ("NCZO") Section 8111-1.1. The County's action in approving these Zoning Clearances is ministerial in nature and not subject to environmental review under the California Environmental Quality Act ("CEQA"). CFROG's appeals provide no evidence suggesting the County erred in issuing these zoning clearances.

Should the Commission reject County staff's well-reasoned recommendation and grant CFROG's unmeritorious appeals, the affected parties will be left with no choice but to seek judicial recourse to protect their property rights. The County would spend thousands of dollars unnecessarily in litigation. These costs, and the risk of an adverse judgment, should not be incurred. The Planning Commission should adopt staff's recommendation affirming issuance of the subject Zoning Clearances and reject CFROG's appeal in its entirety.

Sincerely,

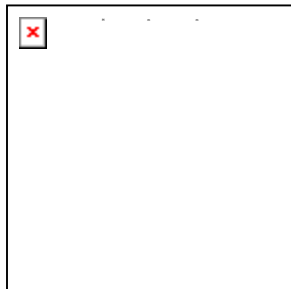
A handwritten signature in black ink, appearing to read 'Rock Zierman', with a stylized flourish extending to the right.

Rock Zierman
Chief Executive Officer
California Independent Petroleum Association

Chaffee, Thomas

From: Friends of Fieldworkers <friendsoffieldworkers@gmail.com>
Sent: Wednesday, December 14, 2022 12:15 PM
To: Chaffee, Thomas
Subject: Agenda Item 7A, Case Number: PL22-0152 AND PL22-0153

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December 13, 2022

Ventura County Planning Commission
c/o Thomas Chaffee, Case Planner
Resource Management Agency, County of Ventura
800 S. Victoria Avenue, Ventura, CA 93009

Sent via email thomas.chaffee@ventura.org

Re: Agenda Item 7A, Case Number: PL22-0152 AND PL22-0153

Dear Ventura County Planning Commissioners,

Friends of Fieldworkers, Inc. is a nonprofit organization established to help improve the lives of the families of fieldworkers in Ventura County. We continue to build partnerships with organizations that help protect the health and wellbeing of our farmworker families.

We are aware that ABA Energy Corporation has been approved to re-drill 23 oil wells in the Lemonwood community in Oxnard and that CFROG was able to appeal the approval of two (2) of these wells.

We are in support of the actions led by CFROG given their efforts to protect the health of our community, including our farmworkers and their children whose homes and schools are located near these oil wells.

Friends of Fieldworkers strongly believes that the rubber stamping of oil wells throughout Ventura County located close to homes and schools is unacceptable and must come to an end as these actions put our farmworkers at risk.

In addition to pesticide exposure that our farmworkers already face, added pollution from oil and gas further elevates the health risks of our farmworkers and their families. Research points to health risks that include asthma, respiratory diseases, preterm births, and cancer. In addition to research, we have families themselves who have or are experiencing these health conditions and we strongly hypothesize this correlation to be due to environmental factors.

Our farmworkers who live in communities impacted by these oil wells already experience a pollution burden 77 to 93 percent higher than other California communities; higher than any other community in Ventura County. These are overwhelmingly communities of color (over 90% Latinx and Asian) and are experiencing poverty at rates 64 to 90 percent higher than the rest of the state. Their lack of access to healthcare further marginalizes these communities.

We ask that the Planning Commission of Ventura County take appropriate measures to protect the health of our community, including that of our farmworkers and their families.

Sincerely,

Martita Martinez-Bravo, PsyD

Executive Director, Friends of Fieldworkers, Inc.

friendsoffieldworkers@gmail.com

References:

https://www.catf.us/wp-content/uploads/2016/09/CATF_Pub_LatinoCommunitiesAtRisk.pdf

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Martita Martinez-Bravo, PsyD

Executive Director

Friends of Fieldworkers, Inc

<https://friendsoffieldworkers.org>

Chaffee, Thomas

From: Leizelle <[REDACTED]>
Sent: Wednesday, December 14, 2022 11:51 AM
To: Chaffee, Thomas
Subject: Agenda Item 7A

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Written Comment:

We need to protect the health and safety of our community and not re-drill wells in the lemonwood community. I have researched first hand the negative side effects of oil and gas drilling. The released gasses can have a negative impact on the health and safety of nearby residents.

These wells are located way too close to the Lemonwood Community including local homes, parks, and even an elementary school. We need to protect the already burdened population in this area. We do not want more drilling in our neighborhood.

- Leizelle Mitchell



Sophie R. Ellinghouse

Vice President, General Counsel & Corporate Secretary

December 14, 2022

Planning Commission of Ventura County
800 South Victoria Avenue
Ventura, CA 93009
Attn: Thomas Chaffee
Email: thomas.chaffee@ventura.org

Via Electronic Mail

Re: Planning Commission December 15, 2022, Agenda Item No. 7.A – Appeal of Case No. PL22-0152 and PL22-0153

Dear Members of the Ventura County Planning Commission:

Western States Petroleum Association (“WSPA”) appreciates this opportunity to provide comments on the appeal by Climate First, Replacing Oil and Gas (“CFROG”) challenging the recent zoning clearances issued to ABA Energy Corporation.

WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas, and other energy supplies in California and four other western states. The industry contributes \$152 billion every year in economic activity and directly contributes \$21.6 billion in local, state, and federal tax revenue to support schools, roads, public safety, and other vital services.¹ More specifically, in Ventura County alone, the oil and gas industry contributed over \$56 million in state and local tax revenue in 2018.²

CFROG’s appeal is based on fundamental errors as to the nature of a Zoning Clearance and the County’s legal authority to require further environmental review under the California Environmental Quality Act (“CEQA”). But a zoning clearance is not a discretionary decision by the County. (NCZO 8111-1.1 & 8111-1.1.1 (describing a “Zoning Clearance” as “granted based upon determinations, arrived at objectively and involving little or no personal judgment, that the request complies with established standards set forth in this Chapter”). For ministerial projects “[t]he public official simply applies statutes, regulations, or other fixed standards to the facts as presented, like a checklist.” (*Mission Peak Conservancy v. State Water Res. Control Bd.* (2021) 72 Cal.App.5th 873, 880-882.)

While demanding an initial study under CEQA, CFROG ignores that CEQA does not apply to ministerial decisions. Ministerial approvals are statutorily exempt from

¹ WSPA, 2019 Report Oil and Gas in California: The Industry, Its Economic Contribution and User Industries at Risk, available at <https://www.wspa.org/resource/2019-report-oil-and-gas-in-california-the-industry-its-economic-contribution-and-user-industries-at-risk/>

² Capital Matrix Consulting, Economic and Tax Revenue Impacts of Oil Production in Ventura County: December 2017, available at <https://www.energyindependenceca.com/support-ventura-county/ventura-county-fiscal-study/>

CEQA. (See Pub. Res. Code, § 21080, subd. (a) [CEQA applies only to “discretionary projects proposed to be carried out or approved by public agencies”].) Courts have been clear that “**CEQA does not regulate ministerial decisions – full stop.**” (*Mission Peak Conservancy*, supra, 72 Cal.App.5th at p. 882, emphasis added.) Rather, CEQA “exempts [m]inisterial projects, a term that has been assumed to refer to projects that are not discretionary.” (*Sierra Club v. Cty. of Sonoma* (2017) 11 Cal.App.5th 11, 19-20, citing Pub. Res. Code § 21080, subd. (b)(1); see also *Great Oaks Water Co. v. Santa Clara Valley Water Dist.* (2009) 170 Cal.App.4th 956, 966 n.8 [statutory exemptions are “absolute”].)

Similarly, Ventura County cannot ignore the vested rights granted by existing permits issued to oil and gas operators within Ventura County. Ventura County voters have already spoken on this issue. In rejecting Measures A & B on the June 7, 2022 ballot, Ventura County voters rejected the County’s proposed re-interpretation of the Zoning Ordinance to provide that every drilling of a new well requires a new discretionary approval, even if existing permits allow for the drilling, re-drilling or side-tracking of wells. In light of this electoral result, the Planning Commission cannot disregard the property rights held by oil and gas operators and mineral rights owners throughout the County. Voters have sent the County a clear message: stop trying to shut down the most highly regulated oil and gas production activities in the nation.

By rejecting Measures A & B, voters blocked dangerous policies that would have arbitrarily shut down local production, eliminated thousands of local jobs and tens of millions in tax revenues, and led to an even greater dependence on unstable and costly foreign oil for everyday energy needs. The California Geologic Energy Management Division (“CalGEM”) has recognized that an increase in “the importation of oil into California would lead to higher global [greenhouse gas (“GHG”)] emissions because California imposes GHG-reduction requirements on oil and gas production that do not exist in the countries and states that would have to supply any imported oil and gas needed to make up for the reductions in domestic production that would occur under those action alternatives.”³ CFROG’s appeal represents a misguided approach that is wildly out of step with a broad, bipartisan coalition of Ventura County voters.

Accordingly, for the reasons detailed below, we urge the Planning Commission to find that the appeal by CFROG is without merit.

Respectfully,



Sophie R. Ellinghouse, Esq.

³ See CalGEM, Well Stimulation Environmental Impact Report (June 2015) (“WST EIR”), at C.2-66, available at https://www.conservation.ca.gov/calgem/Pages/SB4_Final_EIR.aspx (select “Access SB4 EIR”).