

February 28, 2023

Ventura County Board of Supervisors

ABA Oil and Gas Zoning Clearance Appeal

Case Nos. PL22-0152 and PL22-0153

Item No. 72



Resource Management Agency, Planning Division
Thomas Chaffee, Case Planner

Presentation Overview



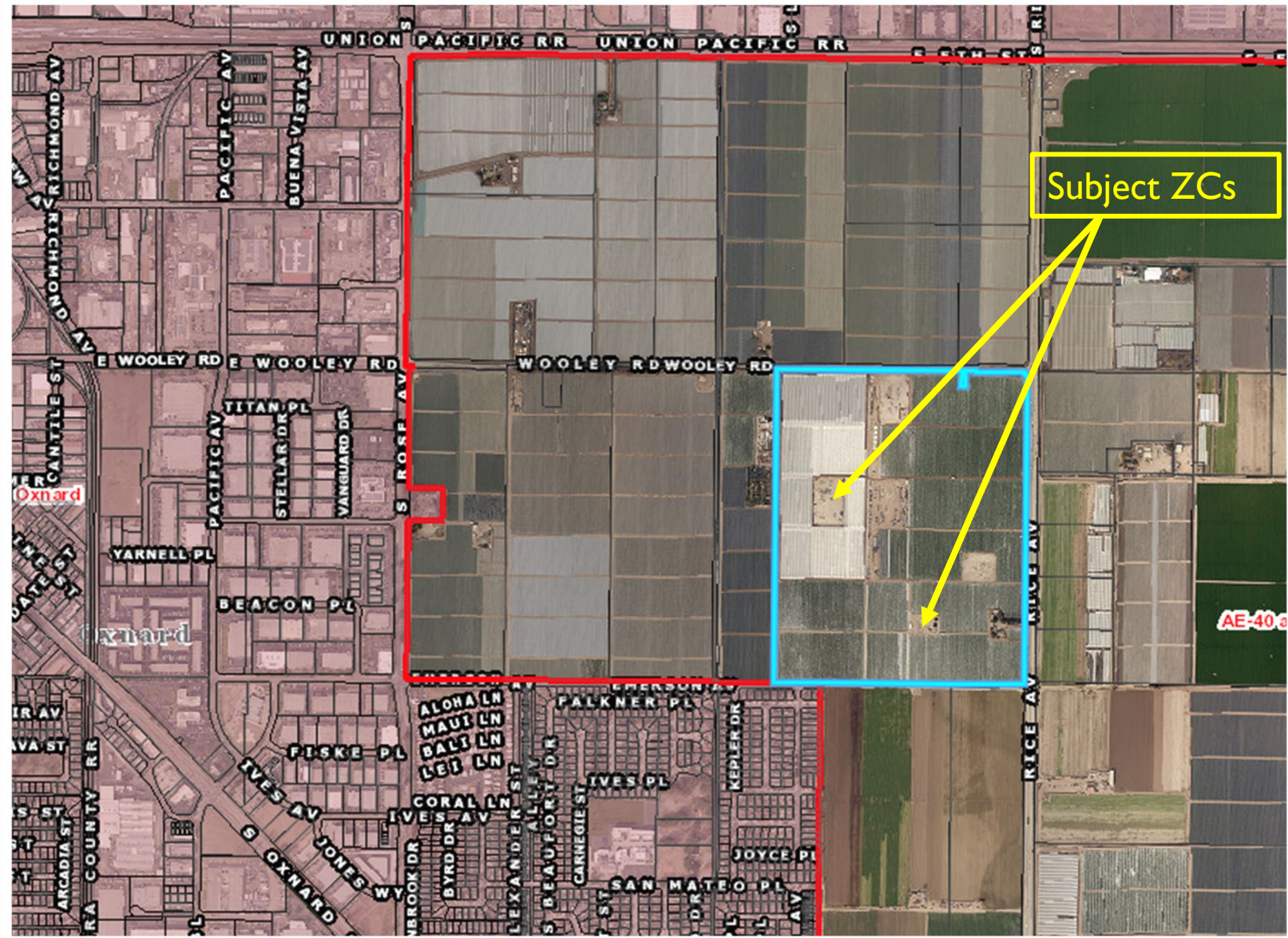
- Project Location
- Project History and Description
- Summary of Planning Commission Hearing
- Grounds of Appeal
- Recommended Actions





Project Location

Vicinity Map



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Site Location



General Plan: Agricultural
Zoning Designation: AE-40 ac

Site Location





History and Project Description

Background



November 5, 1957	Board of Supervisors granted SUP 672
June 5, 2013	Zoning Clearance Issued for Dorothy Moon #2
May 12, 2016	Zoning Clearance Issued for Maulhardt #9
September 22, 2022	Two Zoning Clearances Issued to Re-Drill Dorothy Moon #2 and Maulhardt #9
September 30, 2022	CFROG Timely Appealed the Two Zoning Clearances
December 15, 2022	Planning Commission Granted the Appeal to CFROG and Declined to Issue the Two Zoning Clearances
December 27, 2022	ABA Energy Timely Appealed the Planning Commission Decision

Project Description



- **ZC22-0937** was issued to certify that the proposal to directionally re-drill (sidetrack) the existing ABA Maulhardt #9 well is authorized by SUP No. 672
- **ZC22-0938** was issued to certify that the proposal to re-enter and directionally re-drill (sidetrack) the existing, and currently plugged, ABA Dorothy Moon #2 well is authorized by SUP No. 672

Site Photos



Site Photos





Summary of Planning Commission Hearing

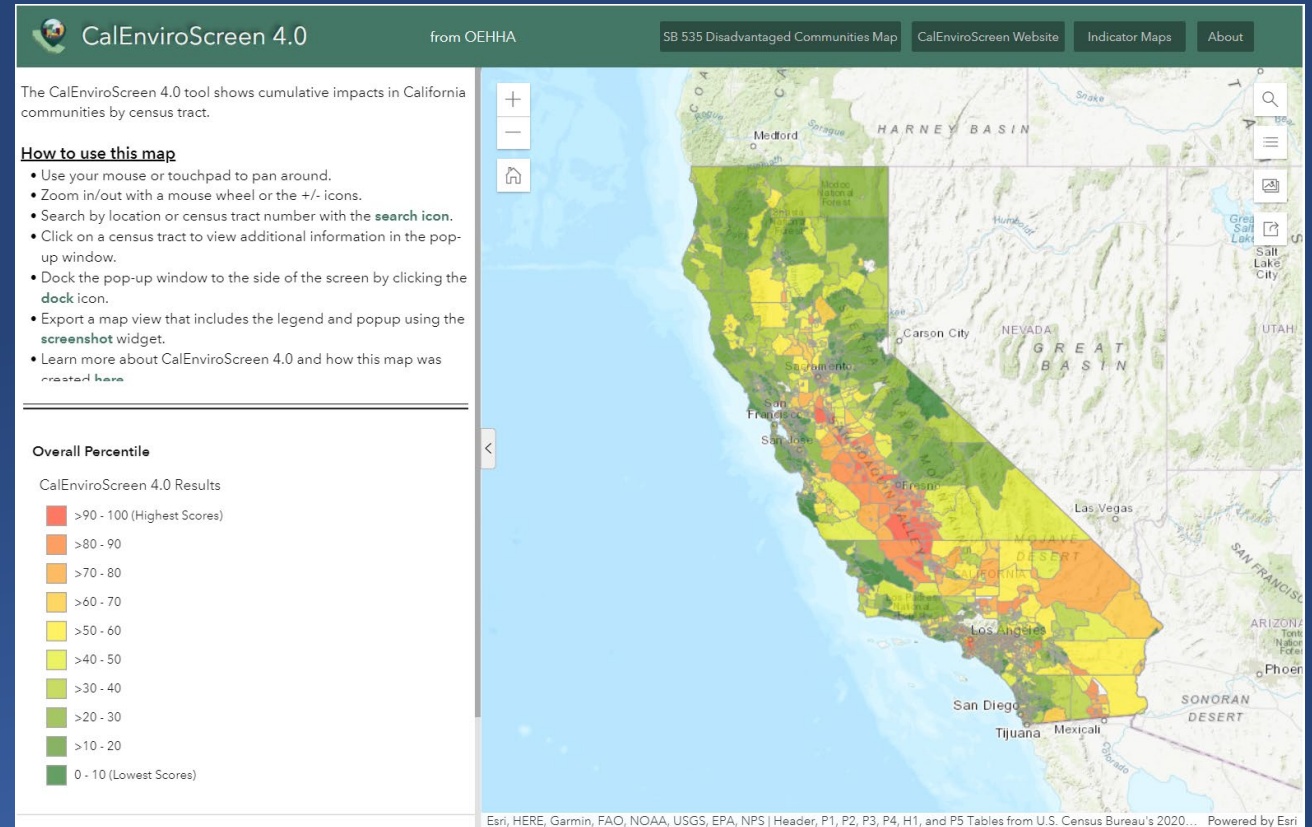
Issues Discussed at Planning Commission Hearing



- General Plan Consistency
 - Oil and Gas Policies in the General Plan explicitly apply only to discretionary projects
- Designated Disadvantaged Communities (DDCs)
 - The project site is not located within or in close proximity to any County DDCs
 - The County has three DDCs in El Rio-Del Norte, Saticoy and Piru
 - The County is working on General Plan Program LU-Q for potential additional DDCs

Overview of CalEnviroScreen

- Developed by CalEPA's Office of Environmental Health Hazard Assessment (OEHHA)
- Identifies communities that are disproportionately burdened by pollution and vulnerabilities due to health effects of pollution based on 21 indicators
- Cannot confirm presence of, or document actual exposure to environmental pollution or contaminants
- Identifies potential risk of exposure to environmental pollution or contaminants

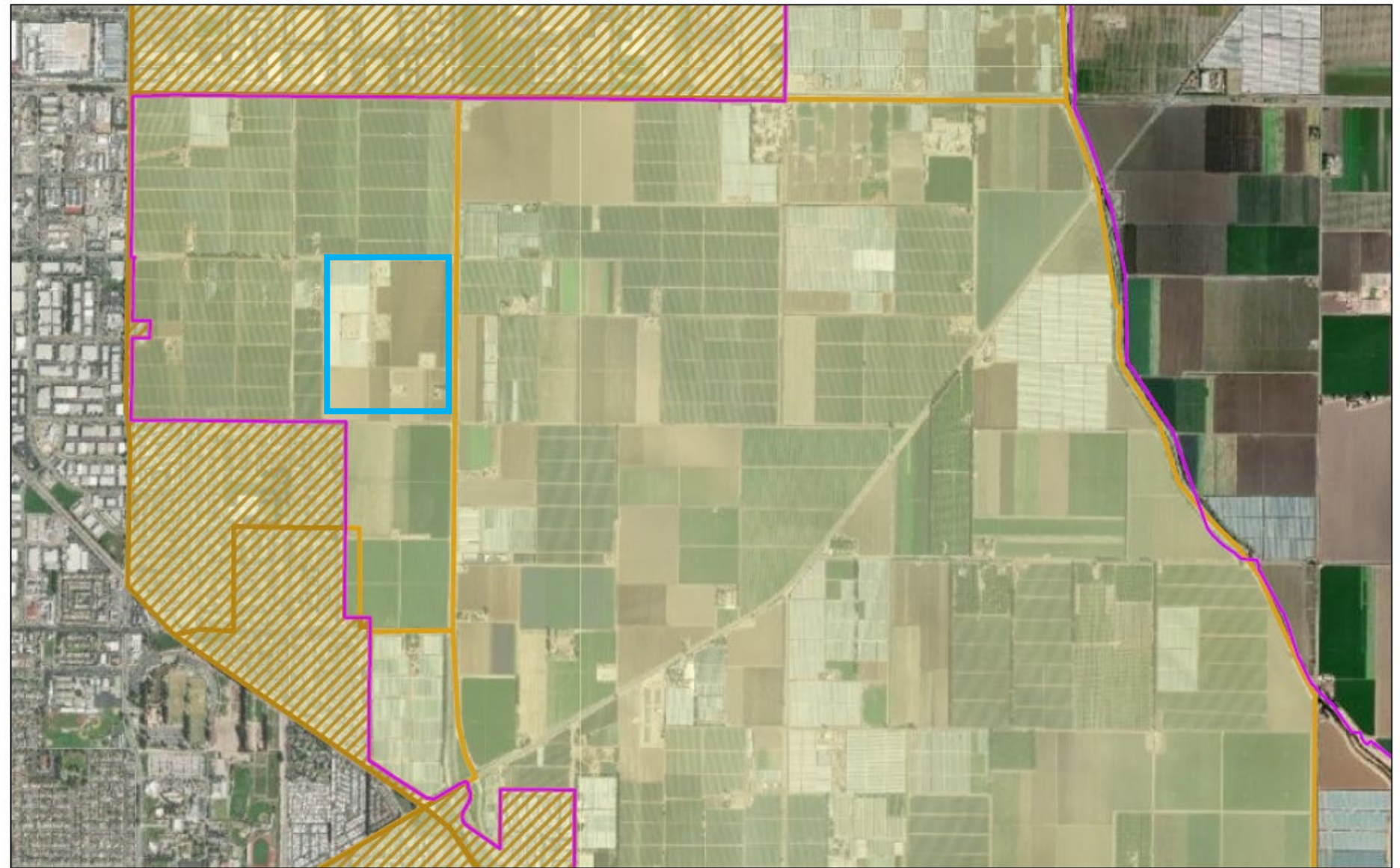


Ventura County General Plan: Designated Disadvantaged Communities (DDCs)


State Designating Criteria


- Areas within census tracts that have CalEnviroScreen overall scores of 75 or above; or
- Areas with median household incomes at or below 80 percent of the statewide median income threshold set by the Department of Housing and Community Development
- Census tract 6111004716 does not meet either of these criteria


Census Tracts Being Studied




2/16/2023


 Study Areas


 Portion of Census Tract Within Cities


 Census Tracts Studied


 Cities

 World Imagery

 Low Resolution 15m Imagery

 High Resolution 60cm Imagery

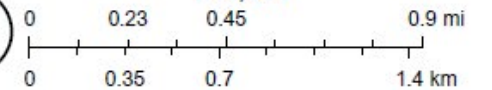
 High Resolution 30cm Imagery

 Citations

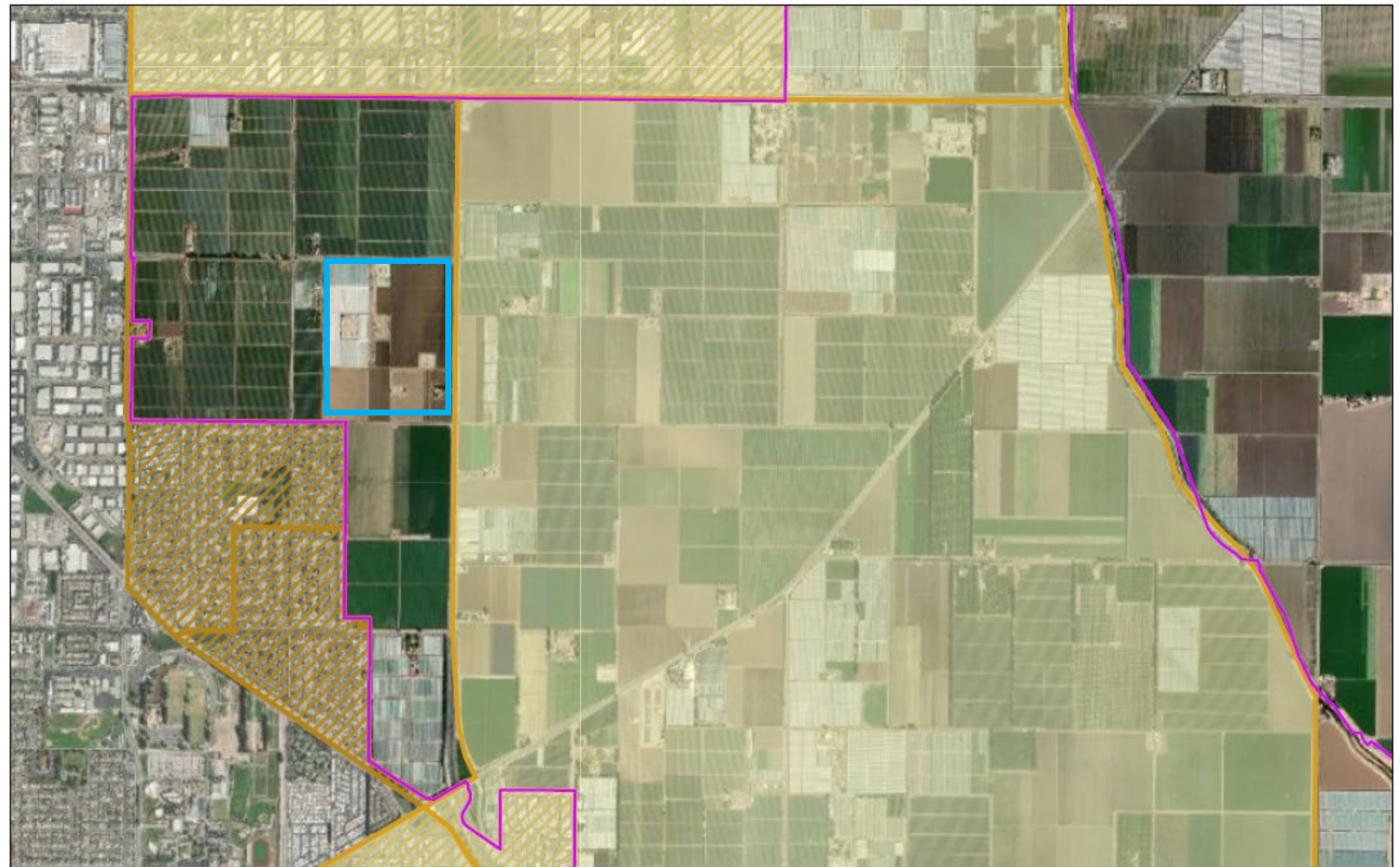


Maxar




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Census Tracts that Meet Criteria for DDC



2/16/2023

-  Study Areas
-  Census Tracts That Meet DDC Criteria
-  Portion of Census Tract Within Cities

-  Cities
-  World Imagery
-  Low

High Resolution 60cm Imagery
High Resolution 30cm Imagery



1:32,380
0 0.23 0.45 0.9 mi
0 0.35 0.7 1.4 km





Grounds of Appeal

Grounds of Appeal from Applicant/Appellant



	Ground of Appeal	Staff Response
1	ABA Conducts Oil and Gas Operations Pursuant to a Valid and Existing Special Use Permit #672	The County recognizes that SUP No 672 granted on November 5, 1957, remains in effect.
2	Zoning Clearances are Ministerial	Zoning Clearances are ministerial, determined by applying objective requirements of NCZO Section 8111-1.1.1.b.
3	Because of the Ministerial Nature of Zoning Clearance Approvals, CEQA Does Not Apply	Per CEQA Section 15268(a), ministerial projects are exempt.
4	SBI 137 is Not Yet in Effect, and Thus It Cannot Impact Issuance of the Zoning Clearance	This new state law that directed new regulations for oil facilities is not effective, subject to voter referendum in November 2024 election.

➤ Staff agrees that these grounds of appeal have merit



Recommended Actions

Recommended Actions



1. **CERTIFY** that the Board of Supervisors has reviewed and considered this staff report and all comments;
2. **GRANT** Zoning Clearance Nos. ZC22-0937 and ZC22-0938;
3. **GRANT** the appeals in their entirety;
4. **DIRECT** the Planning Director to implement action 2 above on behalf of the Board by re-issuing the subject Zoning Clearances with new expiration dates; and
5. **SPECIFY** that the Clerk of the Board is the custodian, and 800 S.Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the administrative record of proceedings upon which the foregoing decisions are based.

Questions?



- Planning Staff Available for Questions
 - VCAPCD and CalGEM Staff on Zoom Available for Questions
- Available in person with a Presentation:
 - Applicant/Appellant, Al Adler with ABA Energy

