

VC PLANNING COMMISSION HEARING FOR PL22-0152 AND PL22-0153

ABA Energy Corporation

12/15/22



ABA ENERGY CORPORATION HAS BEEN IN BUSINESS SINCE 1991.

OVER THE PAST 31 YEARS, ABA HAS DRILLED NUMEROUS WELLS IN AREAS RANGING FROM CHICO TO OXNARD.

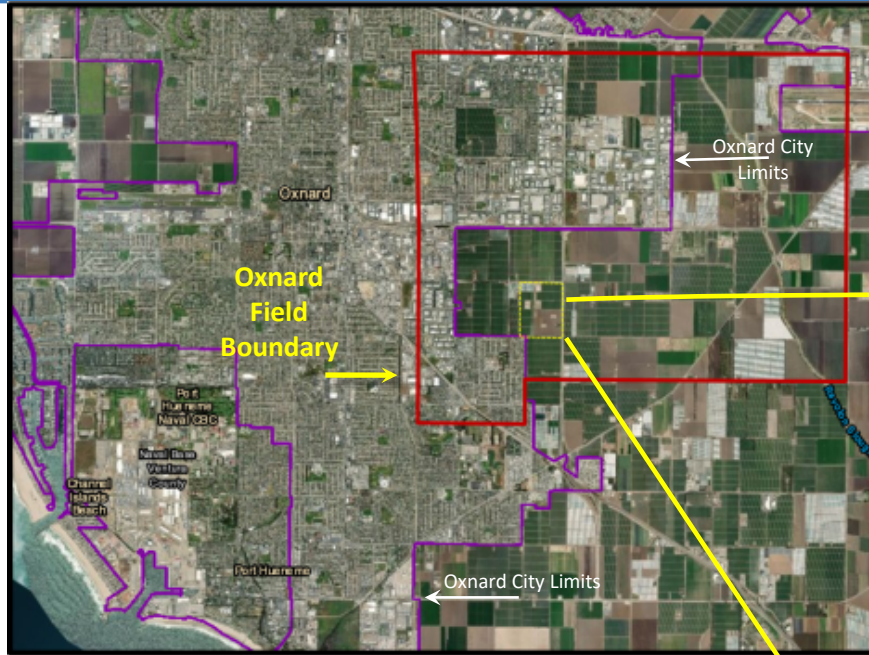
ABA ACQUIRED THE MAULHARDT LEASE AND SUP #672 IN 2010.

SUP #672 WAS ISSUED AS A DISCRETIONARY PERMIT IN 1957.

SUP #672 WAS ISSUED BY THE VENTURA COUNTY BOARD OF SUPERVISORS BY A VOTE IN A PROPERLY NOTICED PUBLIC HEARING AND IN ACCORD WITH THE PLANNING COMMISSION'S VOTE AND RECOMMENDATIONS.

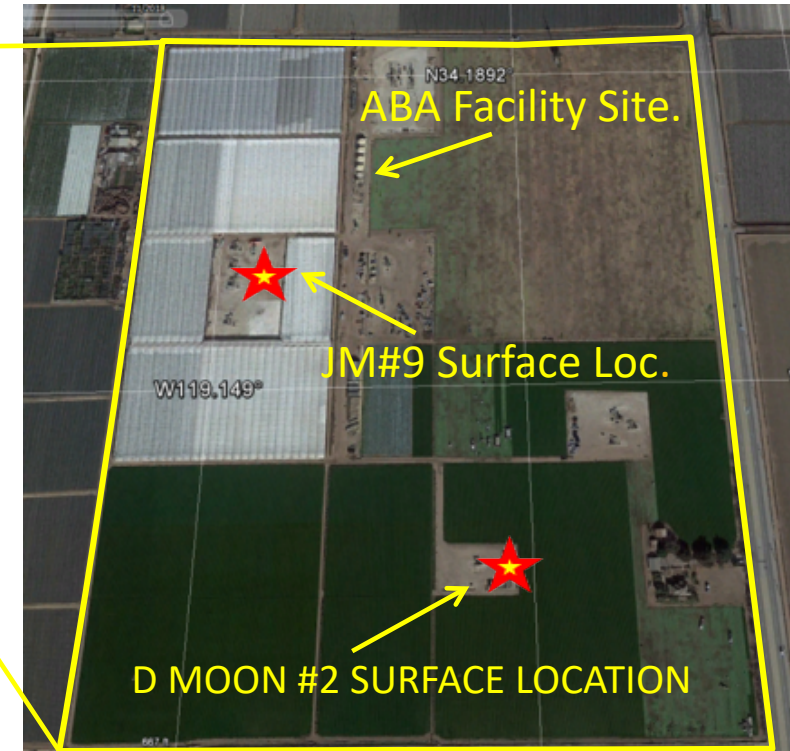
SUP#672 APPLIES TO THE MAULHARDT FAMILY RANCH (~127 ACRES)

GENERAL PROJECT SETTING: JM#9 ST AND DM#2 ST



Modified Image from California Division of Oil and Gas website

Location Map of Oxnard Field and Maulhardt Lease ~127 Acres



Google Earth 11/19/2018
image of Maulhardt Lease (+/-
127 acres)

ABA
Oxnard
Tank
Farm
and
Facilities



JM#9 ST AND DM#2 ST WELL SETTING – EXISTING PADS



JM#9



DM#1 AND PAD FOR DM#2 ST

BACKGROUND FOR ABA ZONING CLEARANCES

- **SUP #672 WAS ISSUED AS A DISCRETIONARY PERMIT.**
- **ABA COMMENCED DRILLING ON THE MAULHARDT LEASE IN 2010.**
- **ABA APPLIED FOR AND ON 9-22-22 WAS GRANTED 2 ZONING CLEARANCES FOR THE DOROTHY MOON#2 ST AND THE JM#9 ST.**
- **BOTH WELLS WERE FOR “SIDETRACKS” OF EXISTING WELLBORES WHICH ALREADY HAD PRIOR ZCs. THE JM#9 IS IDLE AND THE DM#2 IS CURRENTLY PLUGGED.**
- **ON SEPTEMBER 30, 2022, TWO (2) APPEALS WERE MADE OF THESE APPROVED ZCs.**

BACKGROUND FOR ABA ZONING CLEARANCES

- **SUP #672 WAS ISSUED BY THE VENTURA COUNTY BOARD OF SUPERVISORS BY A VOTE IN A PROPERLY NOTICED PUBLIC HEARING IN ACCORD WITH THE VC PLANNING COMMISSION AND WAS DISCRETIONARY.**
- **PER THE CURRENT NCZO, THE ONLY PROCESS REMAINING BEYOND THE ORIGINAL DISCRETIONARY SUP IS THE ZONING CLEARANCE FOR EACH WELL.**
- **PER SEC. 8111-1 OF THE NCZO, ZONING CLEARANCES ARE MINISTERIAL AND INVOLVE “LITTLE OR NO PERSONAL JUDGEMENT”**
- **PLEASE SEE THE NEXT SLIDE FOR THE TEXT OF SEC. 8111-1**

ZONING CLEARANCES ARE MINISTERIAL

- **ARTICLE 11: ENTITLEMENTS – PROCESS AND PROCEDURES**

- (REP./REEN. ORD. 3730 - 5/7/85) (REP./REEN. ORD. 4092 - 6/27/95)

- **Sec. 8111-0 - Purpose**

- The purpose of this Article is to establish procedures for the processing of land use entitlements, including permits and variances and for modification, suspension, or revocation of any permit or variance, and appeals thereto.

- **Sec. 8111-1 - Entitlements**

- Entitlements authorized by this Chapter include the following:

- **Sec. 8111-1.1 - Ministerial Entitlements and Modifications** 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. Such will be issued by the Planning Director or his/her designee without a public hearing. (AM. ORD. 4377 – 1/29/08 – grammar)

- **Sec. 8111-1.1.1 - Zoning Clearance: Purpose Of 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. More than one Zoning Clearance may be required and issued for the same property and one Zoning Clearance may be issued for multiple purposes.

- **CEQA DEFINITION IS SIMILAR TO 8111-1 (ABOVE) AND READS;** 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.

ZONING CLEARANCES ARE MINISTERIAL

- THE APPEALS MISREPRESENT THE COUNTY'S ORDINANCES AND REFERENDUM HISTORY
- PER THE FOREGOING SLIDES, ZCs ARE MINISTERIAL AND ARE NOT DISCRETIONARY.
- THE COUNTY ATTEMPTED TO MAKE PERMITS LIKE SUP #672 DISCRETIONARY AS TO NEW WELLS BUT THE REFERENDUM THIS YEAR VOIDED SUCH AN ACTION.
- CFROG ALSO NOW CLAIMS THAT CEQA APPLIES TO ABA'S ZONING CLEARANCES. AS ZCs ARE IN FACT MINISTERIAL PER THE FOREGOING, CFROG IS IN ERROR AS CEQA DOES NOT APPLY TO MINISTERIAL ACTS. SEE CEQA DEFINITION BELOW.
- THE DISCRETIONARY PHASE OF SUP #672 WAS MADE WHEN THE SUP WAS GRANTED AND ALTHOUGH CEQA WAS NOT YET IN EFFECT, THE BOS AND PLANNING COMMISSION DID CONSIDER THE ENVIRONMENTAL EFFECTS.
- **CEQA is only triggered when there is a discretionary act. (Pub. Res. Code § 21080; Cal. Code Regs. Tit. 14 ("CEQA Guidelines") § 15268(a).)**

CFROG MISREPRESENTS ABA'S COMPLIANCE WITH SUP#672

- **CFROG ASSERTS ABA HAS NOT DEMONSTRATED COMPLIANCE WITH SUP #672 AS TO CONDITIONS 5 AND 8 OF ABA'S SUP #672.**
- **AS TO CONDITION 5, CONSIDER THAT RULES EVOLVE WITH TIME AS THE APCD REGULATIONS AND THE NCZO ARE CONTINUOUSLY UPDATED. NOTE SOME BENEFITS OF THIS SUCH AS ABA'S SELF TESTING PROTOCOL, BACT FLARE INSTALLATION, VAPR RECOVERY UNIT TECHNOLOGY, RIG ENGINE UPGRADES/CERTIFICATION, AND ERC CAP AND TRADE PARTICIPATION.**
- **A HOST OF OTHER ITEMS ARE ALSO UPDATED WITH NCZO MODIFICATIONS SUCH AS SETBACKS, NOISE, ETC.**
- **AS TO CONDITION 8, ABA ALWAYS IS IN COMPLIANCE AS ONLY APPROVED WASTE SITES ARE USED.**
- **PRIOR TO THESE APPEALS, ABA HAS ALWAYS RECEIVED ZONING CLEARANCES IN A MINISTERIAL FASHION. AS TO ALL OF ABA'S PERMITS, COUNTY, STATE, APCD, ETC., ABA HAS NEVER BEEN ADVISED THAT IT IS NOT IN COMPLIANCE.**

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- **CFROG CLAIMS ABA'S ZONING CLEARANCES ARE SUBJECT TO SB 1137**
- **SB 1137 IS NOT YET IN EFFECT, DOES NOT PROHIBIT THE OPERATIONS IN THE SUBJECT ZCs, AND WHEN IT DOES GO INTO EFFECT, IT WILL ONLY BE WITH RESPECT TO CALGEM PERMITS.**
- **THE COUNTY SHOULD REJECT CFROG'S ABUSE OF THE ZC PROCESS IN THIS MANNER.**

CFROG'S APPEALS WERE INCOMPLETE/DEFECTIVE

- SECTION 8111-7.1 ALLOWS ONLY AN AGGRIEVED PARTY TO FILE AN APPEAL.
- AS CFROG LEFT THE BOX ON THE 2ND PAGE OF THE APPEAL FORM BLANK, THE APPEAL FORMS WERE INCOMPLETE AND DEFECTIVE.
- NOWHERE ELSE ON EITHER OF THE APPEAL FORMS DID CFROG EXPLAIN HOW THEY WERE AN AGGRIEVED PARTY.
- THE NCZO DOES NOT HAVE A PROVISION WHEREBY THE FOREGOING REQUIREMENT CAN BE WAIVED.

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

Planning Division Appeal Form
Page 2 of 2

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


Signature of Appellant

September 29, 2022
Date

- **ABA URGES THE PLANNING COMMISSION TO AFFIRM STAFF'S RECOMMENDATION TO DENY THE APPEALS AND APPROVE ABA'S ZONING CLEARANCES.**
- **ANY OTHER RESULT WOULD MEAN A VIOLATION OF THE COUNTY'S ORDINANCE (NCZO) AND WILL BE A TAKING AS TO ABA AND THE MAULHARDT FAMILY.**