



Planning Director Staff Report– Hearing on August 26, 2021

County of Ventura • Resource Management Agency

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**CARBON BASENBERG LEASE
CASE NO. PL18-0058**

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation and maintenance of an existing oil and gas facility in the Sespe Oil Field for an additional 20-year period. (Case No. PL18-0058)
2. **Applicant/Property Owner:** Carbon California Operating Company, LLC, and Carbon California Company, LLC, (Carbon), 270 Quail Court, Suite B, Santa Paula, CA 93060
3. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8105-4 and § 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
4. **Project Site Size, Location, and Parcel Number:** The project site is located near the northern terminus of Goodenough Road on the Basenberg Lease about 4 miles north of the City of Fillmore in the unincorporated area of the County. The Assessor’s Parcel Numbers (APN) for the parcels that encompass the oil and gas operations currently authorized by CUP No. 2941-1 are as follows:

Lease “A”: 041-0-070-080

Lease “B”: 041-0-040-365, 041-0-040-415, 041-0-040-375

The graded pad (i.e. the well site) upon which all facilities proposed to continue in operation are located encompasses 1.11 acre. (Exhibit 2).

5. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. General Plan Land Use Map Designation: Open Space
 - b. Zoning: "OS-160 ac" (Open Space, 160-acre minimum lot size)
6. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-160 ac	Oil and Gas Production, undeveloped
East	OS-160 ac	
South	OS-160 ac	
West	OS-160 ac	

- 7. History:** The subject property is developed with oil and gas production facilities that recover oil and gas from the Sespe Oil Field. This oil field was discovered in 1887 and has been under production by various operators since that time. The Basenberg Lease facilities operated by Carbon became subject to Conditional Use Permit No. 2941 in 1968. This permit was modified with the granting of CUP 2941-1 in in 1993 and carries a November 30, 2018 expiration date. The current application is a request to authorize the continued operation of the existing facilities.
- 8. Project Description:** The applicant requests that a modified conditional use permit be granted to authorize the continued operation and maintenance of an existing oil and gas facility for an additional 20-year period ending in 2048.

Oil production operations are proposed to continue on the existing 1.11-acre unvegetated graded pad located on the 120-acre Basenberg “A” Lease. There are four existing oil and gas wells located on this pad as follows:

Well Name	API Number	Use	Status
Basenberg #1	11120076	O&G Production	Active
Basenberg #2	11120120	O&G Prod./W.D.	Abandoned
Basenberg #3	11120176	Water Disposal	Idle
Basenberg #4	11120187	O&G Production	Idle

Standard well repair and maintenance activities (such as pump changes) would continue in accordance with California Geologic Energy Management Division (CalGEM) guidelines. Ancillary production equipment, such as pumping units, valves, electrical connections and pipelines, will continue to be used as part of facility operations. No flaring of gas is proposed to occur on the 1.11-acre production site or elsewhere on the subject lease. Produced fluids and gas will continue to be transported from the production facilities by existing pipelines. Oil will continue to be separated from produced wastewater at existing facilities within the Sespe Oil Field. The oil will continue to be shipped to market by pipeline. Wastewater will continue to be conveyed by pipeline from the separation facilities to existing permitted wastewater disposal wells for injection.

The three existing wells may be re-completed (i.e. perforating the existing well casing to produce fluid from a new geologic zone) or re-drilled to penetrate and produce fluid from new zones in the subsurface. Any re-drilled well would include the subsurface installation of new well casing. The existing surface casing would continue to be used.

An existing 0.5-acre graded pad on the Basenberg "A" Lease located south of the oil production pad will be revegetated and restored as it is no longer used at part of the oil and gas operation.

The 15-acre Basenberg "B" Lease will continue to be included in the permit area. A former tank battery site that encompasses approximately 1-acre on this lease will continue to be used as a road maintenance and oil field equipment staging area. It will also be used for pipeline inspection and maintenance.

Hydraulic fracturing, acid well stimulation and other "well stimulation treatments" as defined in Public Resources Code Section 3157 are not proposed and would not be authorized by the requested permit. Additional environmental review pursuant to the California Environmental Quality Act (CEQA), a modified CUP and an additional public hearing is required for these stimulation techniques to be utilized.

Re-activation of the abandoned well (Basenberg #2) is not proposed and would not be authorized by the requested permit.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

On November 30, 1993, the Planning Director granted CUP No. 2941-1 and adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of the drilling, operation and maintenance of six new oil and gas wells in addition to the four existing oil wells (including the now-abandoned Basenberg #2 well) on the subject Basenberg Lease.

Mitigation measures identified in the MND were required to be implemented by the operator of the oil and gas facility authorized by CUP No. 2941-1. These mitigation measures addressed impacts on biological resources and visual resources. These measures involved actions to reduce the potential effects on the environment of the oil storage facility located on the Basenberg "B" Lease. One measure required that a berm be constructed around the storage tanks to prevent spillage of fluids in the event of a tank leak. The other measure required the development and implementation of a lighting plan for this site to minimize the spillover of light onto adjacent properties. The storage tanks were removed in the 1990s when the wells were connected to pipelines.

Since the removal of the tanks, the disturbed one-acre site has been used as a staging area for road maintenance and oilfield equipment. It has also been used for pipeline inspection and maintenance activities.

With the abandonment of the storage facility, the mitigation measures identified in the MND are no longer in effect. No potentially significant impacts were identified for the oil well operations on the Basenberg "A" lease that are the primary subject of the current proposal.

CEQA Guidelines section 15164(a) states that the lead agency shall prepare an addendum to an adopted negative declaration (ND or MND) if only minor technical changes or additions are necessary or none of the conditions described in the CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or subsequent ND have occurred. The MND Addendum (Exhibit 4) includes a description of the changes or additions that are necessary to the MND as well as a discussion of why none of the conditions described in CEQA Guidelines section 15162, which require the preparation of a subsequent EIR or ND, would apply to the proposed project.

In summary, the proposed project is comprised of the continued operation of an existing oil and gas facility. The County has not identified any significant impacts that would result from the continued operation and maintenance of the three existing oil and gas wells and associated equipment on the Basenberg “A” Lease. No potentially significant impacts have been identified that would result from the continued use of the former tank site on the Basenberg “B” Lease as a staging area for road maintenance and oilfield equipment. Thus, an Addendum to the MND is the appropriate document to satisfy the environmental review requirements of CEQA.

Based on the discussion above and the information included in the MND Addendum (Exhibit 4), and in light of the whole record, staff recommends that the decision-maker find there is no substantial evidence to warrant the preparation of a subsequent MND or EIR, and the Addendum (Exhibit 4) to the MND reflects the County’s independent judgment and analysis.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County NCZO (§ 8111-1.2.1.1.a) states that in order for a CUP to be granted, the proposed project must be found consistent with all applicable policies of the Ventura County General Plan.

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County’s General Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the 2040 Ventura County General Plan.

- 1. Community Character and Quality of Life Policy LU-16.1:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

The project site is located within the historic Sespe Oil Field in a sparsely populated rural area in the hills north of the City of Fillmore. The existing facilities are located approximately 4 miles north of the City limit and are not visible from any offsite public viewing location. No new site disturbance or installation of new facilities are proposed. Thus, no effect on community character and quality of life will result from project implementation.

Based on the above discussion, the proposed project is consistent with these policies.

- 2. Consultation with State and Federal Agencies Policy LU-19.4:** *The County shall continue to consult with applicable state and federal regulatory agencies during project review and permitting activities.*

Notification of the public hearing proposed project was sent to the Ventura Office of CalGEM as this agency will continue to regulate the subject oil and gas operations. Notice was also provided to the California Department of Fish and Wildlife (CDFW), and Department of Water Resources. The U.S. Department of Fish and Wildlife Service (USFWS) was also notified.

Note that the Best Management Practices to protect the California Condor developed through consultation with the State and Federal wildlife agencies are incorporated into the conditions of approval (Exhibit 5).

Based on the above discussion, the proposed project is consistent with this Policy.

- 3. Air Quality Management Plan Consistency Policy HAZ-10.2:** The County shall prohibit discretionary development that is inconsistent with the most recent adopted Air Quality Management Plan (AQMP), unless the Board of Supervisors adopts a statement of overriding considerations. (RDR)

Air Pollution Control District Rule and Permit Compliance Policy HAZ-10.3: *The County shall ensure that discretionary development subject to Ventura County Air Pollution Control District (VCAPCD) permit authority complies with all applicable APCD rules and permit requirements, including the use of Best Available Control Technology (BACT) as determined by the VCAPCD.*

Oil and Gas Exploration and Production Permits Policy ED-36.2: *The County shall require oil and gas exploration and production permits to utilize "Best Available Control Technology" (BACT), as outlined by Air Pollution Control District Rules and Regulations.*

The proposed project is limited to the continued operation of three existing oil and gas wells on a 1.11-acre graded pad. Produced fluids and gas will continue to be conveyed from the production site by pipeline. An existing separate one-acre disturbed pad will continue to be used as a road maintenance and oil field equipment staging area. No new development of the site is proposed. Thus, no new emissions of air contaminants

would result from project implementation. The facility will continue to operate in accordance with ministerial permits issued by the VCAPCD. The VCAPCD permitting program requires the use of BACT in all oil and gas production facilities.

Based on the discussion above, the proposed project is consistent with these Policies.

- 4. Watershed Planning Policy WR-1.2:** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

The proposed project does not involve any grading, vegetation removal or installation of new impervious surfaces. The proposed project also does not involve any diversion of surface waters or an increase in groundwater use. Thus, no effect on water resources has been identified that would result from project implementation.

Based on the discussion above, the proposed project is consistent with this policy.

- 5. Water Quality Protection for Discretionary Development Policy WR-1.12:** *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

The Public Works Agency, Watershed Protection District (WPD) reviewed the proposed project for any impacts on water resources. The WPD did not identify any new impacts on water resources that would result from the proposed project. The project does not include any new water demand and would not involve the creation of new impervious surfaces. Therefore, the proposed project will not have a significant effect on the quantity or quality of water resources.

Wastewater produced from the subject wells are separated from the produced oil and injected into offsite disposal wells operated by Carbon elsewhere in the Sespe Oil Field under permit issued by CalGEM. These injection wells are subject to engineering construction standards and periodic testing requirements enforced by CalGEM that ensure the protection of potable water supplies. There are approximately 600 active water injection wells operating in the County of Ventura.

Based on the discussion above, the proposed project is consistent with this policy.

6. Balanced Mineral Resource Production and Conservation Policy COS-6.1: *The County shall balance the development and conservation of mineral resources with economic, health, safety, and social and environmental protection values.*

The proposed project is comprised of the continued operation of an existing oil and gas facility. Thus, no new effect on public health and safety, or on the environment is anticipated. In any case, the recommended conditions of approval (Exhibit 5) to be imposed on the proposed project require compliance with applicable laws and regulations that pertain to oil and gas exploration and production. These regulations include the oil and gas development standards found in Section 8107-5.6 of the NCZO, the air quality rules and regulations of the VCAPCD, and the requirements of CalGEM.

In addition, the conditions of approval require the applicant to implement the Best Management Practices to protect the endangered California Condor developed through consultation with the State and Federal wildlife agencies.

Based on the discussion above, the proposed project is consistent with this Policy.

7. Protection of Sensitive Biological Resources Policy COS-1.1: *The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

Consideration of Impacts to Wildlife Movement Policy COS-1.4: *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

Agency Consultation Regarding Biological Resources Policy COS-1.9: *The County shall consult with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, National Audubon Society, California Native Plant Society, National Park Service for development in the Santa Monica Mountains or Oak Park Area, and other resource management agencies, as applicable during the review of discretionary development applications to ensure that impacts to biological resources, including rare, threatened, or endangered species, are avoided or minimized.*

The proposed project involves the continued operation of existing oil and gas production facilities. No grading or vegetation removal is proposed. Thus, no new

impacts on wildlife or flora indigenous to the area will result from project implementation.

The proposed project is located within the area designated by the Federal government as the Sespe Condor Sanctuary. Concern has been expressed in public testimony and in correspondence provided by State and Federal wildlife agencies regarding potential adverse effects of oil and gas facilities on the endangered California Condor. Although there has been no substantial evidence identified that a condor has ever been injured or killed by oil and gas production equipment, the conditions of approval include measures developed by the USFWS to minimize effects on the condor. These measures are listed in the July 2013 USFWS letter (Exhibit 6) to the County of Ventura.

On December 15, 2015, a public study session was held before the Ventura County Board of Supervisors regarding the issue of potential impacts of oil and gas operations on the California Condor. The ongoing petroleum operations at the Sespe Oil Field (of which the current project is a part) were the focus of the public comments and Board discussion at this study session. At issue was whether the County should consider adoption of an ordinance to impose Condor protection measures on all existing discretionary permits that authorize oil and gas operations.

At the study session, the Board received testimony and written information from environmental advocacy groups, members of the general public, the operators of oil and gas facilities and representatives of the State and Federal wildlife agencies. Based on the information received, Board members expressed appreciation for the efforts of the primary operator of the Sespe Oil Field (i.e. the current applicant, Carbon California Operating Company, LLC and Carbon California Company, LLC (previously known as Seneca)) to be good stewards of the land and, specifically, for Carbon's efforts to protect the Condor. The USFWS states in its November 17, 2014 letter (Exhibit 7) that *"to our knowledge, no California Condors have been injured or killed as a result of Seneca's operations."* At the conclusion of the December 15, 2015 study session, the Board declined to initiate an ordinance change to impose Condor protection requirements on existing permits.

The project site is located in the Sierra Madre-Castaic wildlife corridor. The proposed project involves the use of an existing disturbed well pad area and existing facilities. The continued use of the existing facility would not increase operational noise or result in the removal or disturbance of existing vegetation or habitat. Thus, the proposed project would not adversely affect wildlife movement through the project area.

Based on the above discussion, the proposed project is consistent with these Policies.

- 8. Scenic Roadways Policy COS-3.1:** *The County shall protect the visual character of scenic resources visible from state or County designated scenic roadways.*

Open Space Character Policy COS-3.6: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

The project site is located in a mountainous region north of the City of Fillmore. The existing oil and gas facilities are not visible from offsite public viewing locations or from State Highway 126. Thus, project implementation would have no discernable effect on scenic resources.

Less than 5 of the 135 acres that comprise the subject property are disturbed by oil and gas development. No new disturbance is proposed. Thus, the subject property will continue to be 96 percent undeveloped and will maintain the open space character of the area.

Based on the discussion above, the proposed project is consistent with these policies.

- 9. Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation Policy COS-4.4:** *The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.*

The proposed project involves the use of an existing graded pad already developed with permitted oil and gas facilities. These existing facilities include three oil and gas wells, pipeline connections, and other equipment. The project does not include any grading and no changes in site drainage characteristics are proposed. Thus, the project does not have the potential to adversely affect any paleontological or cultural resources that may exist on the project site.

Based on the above discussion, the proposed project is consistent with this Policy.

- 10. Minimum Site Area Policy COS-7.1:** *The County shall only approve discretionary development for oil and gas development if the area of ground disturbance constitutes the minimum necessary to accomplish the project objectives.*

The proposed project does not involve an expansion of the existing approximate 1.1-acre production pad and the 1-acre pad used as a road maintenance and oilfield equipment staging area. No new grading or vegetation removal is proposed or would be authorized by the requested modified permit.

Based on the above discussion, the proposed project is consistent with this Policy.

11. Oil Well Distance Criteria Policy COS-7.2: *The County shall require new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school.*

The proposed project is limited to the continued operation of three existing oil wells. No new discretionary oil wells are proposed. In any case, the subject facility is located about 9,500 feet from the nearest offsite residence.

Based on the above discussion, the proposed project is consistent with this policy.

12. Compliance with Current Policies, Standards, and Conditions Policy COS-7.3: *The County shall require new or modified discretionary development permits for oil and gas exploration, production, drilling, and related operations be subject to current State and County policies, standards, and conditions.*

The requested modified CUP will include conditions of approval (Exhibit 5) that require the subject facility to be operated in compliance with State of California (CalGEM) oil and gas regulations and the oil development guidelines and standards established in Sections 8107-5.5 and 8107-5.6 of the NCZO. The operator will also be required to obtain an annual Permit to Operate issued by the VCAPCD.

Based on the above discussion, the proposed project is consistent with this Policy.

13. Electrically-Powered Equipment for Oil and Gas Exploration and Production Policy COS-7.4: *The County shall require discretionary development for oil and gas exploration and production to use electrically-powered equipment from 100 percent renewable sources and cogeneration, where feasible, to reduce air pollution and greenhouse gas emissions from internal combustion engines and equipment.*

The oil well pumping units operate using electric motors, with power supplied by Southern California Edison. Due to its small size, the cost to install solar panels for the existing facility would exceed the annual revenue from oil and gas production on the site. Thus, it would not be feasible to require renewable energy sources to power the subject facility. As the produced gas is collected and sold

to a public utility, there is no opportunity to operate a cogeneration facility to reduce demand on the local power grid.

Based on the above discussion, the proposed project is consistent with this policy.

14. Conveyance for Oil and Produced Water Policy COS-7.7: *The County shall require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be trucked.*

The proposed project is limited to the continued operation of three existing oil wells. No new discretionary oil wells are proposed. In any case, all produced fluids and gas will continue to be conveyed from the subject facility by pipeline.

Based on the above discussion, the proposed project is consistent with this policy.

15. Gas Collection, Use, and Disposal Policy COS-7.8: *The County shall require that gases emitted from all new discretionary oil and gas wells shall be collected and used or removed for sale or proper disposal. Flaring or venting shall only be allowed in cases of emergency or for testing purposes.*

The proposed project is limited to the continued operation of three existing oil wells. No new discretionary oil wells are proposed. In any case, produced gas is collected from the subject facility and sold to a public utility.

Based on the above discussion, the proposed project is consistent with this policy.

Emergency Vehicles Access Policy PFS-11.4: *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

The existing roadways to the production facility on the Basenberg "A" Lease will continue to provide adequate access for emergency vehicles. Ongoing road maintenance activities will be staged at the one-acre former tank battery site on the Basenberg "B" Lease.

Based on the above discussion, the proposed project is consistent with this policy.

16. Defensible Space Clear Zones Policy HAZ-1.2: *The County shall require adherence to defensible space standards, or vegetation "clear zones," for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura*

County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.

Adequate Water Supply, Access, and Response Times for Firefighting Purposes Policy PFS-12.3: *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes.*

The existing oil and gas facility will continue to be accessible for fire protection and evacuation purposes by an existing dirt road. The proposed project has been reviewed by the Ventura County Fire Protection District ("VCFPD"). The VCFPD has determined that adequate access and water supply for fire suppression is available. The project will be subject to conditions of approval that require adequate water supply and access for fire protection and evacuation purposes be maintained.

The 1.1-acre production facility site is located within a high fire hazard area. The VCFPD will continue to require brush clearance around the perimeter of this facility and along the access road.

Based on the above discussion, the proposed project is consistent with these policies.

- 17. Hazardous Materials and Waste Management Facilities Policy HAZ-5.2:** *The County shall require discretionary development involving facilities and operations which may potentially utilize, store, and/or generate hazardous materials and/or wastes be located in areas that would not expose the public to a significant risk of injury, loss of life, or property damage and would not disproportionately impact Designated Disadvantaged Communities.*

The ongoing operation of the existing oil and gas facility would not generate any new hazardous materials or wastes. No produced fluids or gas are stored on the project site as they are conveyed to remote facilities by pipeline. The subject facility is located in remote mountainous terrain approximately two miles from the nearest offsite residence. Thus, the public would not be exposed to significant public health and safety risk.

Based on the above discussion, the proposed project is consistent with this policy.

- 18. Oil Spill Prevention Policy HAZ-7.1:** *The County shall review and analyze all proposed oil and gas exploration and production projects, and shall condition all County discretionary permits for such projects, to require compliance with local, state,*

and federal oil spill prevention regulations. The County shall also provide input and comments on permit applications that are under the purview of an outside agency.

The Applicant has an approved Spill Prevention, Control and Countermeasure Plan on file with CALGEM. This plan satisfies State and Federal requirements for spill prevention.

Based on the above discussion, the proposed project is consistent with this Policy.

19.Noise Compatibility Standards Policy HAZ-9.2: *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

- 1. New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
- 2. New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A)*
- 3. New noise sensitive uses proposed to be located near airports: a. Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or b. Shall be permitted in the Community Noise Equivalent by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards: Level (CNEL) 60 dB to CNEL 65 dB*
- 4. New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received*
 - a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
 - b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*
 - c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*
- 5. Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005).*

The proposed project will not generate any new noise as the proposed project is limited to the ongoing operation of existing facilities. Thus, no noise-related impact will occur with project implementation.

In any case, the existing equipment will continue to generate noise from the operation of the pumping unit(s) and maintenance activities that are incidental to oil field operations. The facility operations will occur within the remote Sespe Oil Field. The nearest noise sensitive use is approximately 9,500 feet to the west of

the Lease "A" production site. At that distance, and given the intervening topography, the noise generated from the oil and gas facility will not exceed the threshold levels of Policy HAZ-9.2 at the nearest sensitive receptor.

Based on the above discussion, the proposed project is consistent with the above policy.

- 20. Public Facilities, Services, and Infrastructure Availability Policy PFS-1.7:** *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

Adequate public services (e.g. roadway access and electrical service) are available to serve the existing oil and gas facilities. There will not be any increase in electricity demand from the continued operation of the existing facilities. No effect on regional electrical demand or generating capacity will occur as a result of project implementation.

Based on the discussion above, the proposed project is consistent with this policy.

- 21. Vehicle Miles Traveled (VMT) Standards and CEQA Evaluation Policy CTM-1.1:** *The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria set forth in the County Initial Study Assessment Guidelines.*

Level of Service (LOS) Evaluation Policy CTM-1.4: *County General Plan land use designation changes and zone changes shall be evaluated for their individual (i.e., project-specific) and cumulative effects, and discretionary developments shall be evaluated for their individual effects, on Level of Service (LOS) on existing and future roads, to determine whether the project:*

- a. Would cause existing roads within the Regional Road Network or County-maintained roadways that are currently functioning at an acceptable LOS to function below an acceptable LOS;*
- b. Would add traffic to existing roads within the Regional Road Network or County-maintained roadways that are currently functioning below an acceptable LOS; and*
- c. Could cause future roads planned for addition to the Regional Road Network or County-maintained roadways to function below an acceptable LOS.*
- d. The Level of Service (LOS) evaluation shall be conducted based on methods established by the County.*

The proposed project does not involve any new traffic on public roadways. All produced fluids and gas are conveyed from the site by pipeline. Except for the

initial arrival at the Sespe Oil Field, periodic maintenance activities conducted by oilfield personnel will continue at the current frequency and utilize private roads.

Based on the discussion above, the proposed project is consistent with these policies.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the NCZO. Pursuant to the Ventura County NCZO (§ 8105-4/§ 8105-5), the proposed use is allowed in the Open Space zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will be authorized in conformance with this requirement.

The proposed project includes the continued use of structures that are subject to the development standards of the Ventura County NCZO (§ 8106-1.1). Table 1 lists the applicable development standards and a description of whether the proposed project is in conformance with the development standards.

Table 1 – Development Standards Compliance Analysis

Parameter	Requirement	Project in conformance?
Minimum Lot Area (Gross)	10 acres	Yes
Maximum Building Coverage	5 percent	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	35 feet	Yes

The oil and gas facility is subject to the special use standards of the Ventura County Non-Coastal Zoning Ordinance (§8107-5.6). Table 2 lists the applicable special use standard and a determination of whether the proposed project is in conformance with the special use standards.

Table 2 – Special Use Standards Consistency

Special Use Standard	In conformance?
Setbacks	Yes
Drainage Course Obstruction	Yes
Removal of Equipment	Yes
Waste Handling	Yes
Securities	Yes
Dust Prevention and Road Maintenance	Yes
Light Emanation	Yes

Reporting of Accidents	Yes
Painting	Yes
Site Maintenance	Yes
Site Restoration	Yes. The site of the now-abandoned fluid storage facilities located on the Basenberg "B" Lease is required to be restored
Insurance	Yes
Noise Standard	Yes
Preventive Noise Insulation	Yes
Soundproofing Material	Yes
Hours of Well Maintenance	Yes
Limited Drilling Hours	Yes
Signs	Yes
Fencing	Yes
General Standards	Yes
Screening Landscaping	Yes
Inspection, Enforcement and Compatibility Review	Yes

E. CALIFORNIA GEOLOGIC ENERGY MANAGEMENT DIVISION (CALGEM) REGULATORY COMPLIANCE

Inspection Record:

Pursuant to Section 3706 of the California Public Resources Code, oil and gas facilities operated in California are subject to regulation by the State Oil and Gas Supervisor through the activities of CalGEM. These regulatory activities include establishment and enforcement of well construction engineering standards, inspections of wells and well sites for environmental issues, and engineering tests of idle well integrity.

According to CalGEM (D. Ortiz, 5-18-18 email), the subject wells and associated well pad were inspected by CalGEM staff in 1999, 2000, 2002, 2003, 2006, 2010, 2011 and 2015. Table 3 below provides the results of the most recent CalGEM inspection of the Basenberg Lease wells.

Table 3 – CalGEM Inspection Record (Basenberg Lease)

Well Name	API #	Well type	Status	Fluid Level testing in Compliance?	Depth of Fluid Level (Feet)	Fluid Level meets standards?
Basenberg #1	11120076	OG	Active	N/A	N/A	N/A
Basenberg #2	11120120	OG & WD	Plugged and Abandoned	N/A	N/A	N/A
Basenberg #3	11120176	WD	Idle	Yes	127	Yes
Basenberg #4	11120187	OG	Idle	Yes	308	Yes

No issues of non-compliance with applicable CalGEM regulations were identified by CalGEM in the 2015 inspection of the Basenberg facility.

Production Record:

CalGEM compiles and maintains records of fluid production and injection for each oil and gas well in the State. A five-year (2013-2017) record for the four Basenberg wells is listed in Table 4 below.

Table 4 – 2013-2017 Production/Injection Record

Well Name (Drill Date)	API #	Well Type	Fluid Production			Water Injection (Bbls)
			Oil (Bbls)	Water (Bbls)	Gas (Mcf)	
Basenberg #1 (1968)	1120076	OG	6,160	6,752	9,964	0
Basenberg #2 (1968)	1120120	OG & WD	0	0	0	0
Basenberg #3 (1969)	1120176	WD	0	0	0	0
Basenberg #4 (1969)	1120187	OG	0	0	0	0

Of the four wells on the subject site, only the Basenberg #1 well is currently in operation. The Basenberg #2 well, last operated in 1986, was plugged and abandoned in 2004. The idle Basenberg #3 well last operated as a water injection well in 1986. The idle Basenberg #4 well last operated in 1991.

Well stimulation treatments:

Two of the four Basenberg wells were subject to hydraulic fracturing well stimulation treatments. Basenberg #1 was “fracked” in 1968 and 1989. Basenberg #4 was fracked in 1969 and 1970. These treatments were authorized by CalGEM.

F. CONDITIONAL USE PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a conditional use permit pursuant to Section 8111-1.2.1.1 of the Ventura County Non-Coastal Zoning Ordinance. The ability to make the required findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [§ 8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

2. The proposed development is compatible with the character of surrounding, legally established development [§ 8111-1.2.1.1.b].

The proposed project involves the continued use of existing oil and gas facilities. The project site is located within the remote Sespe Oil Field that has been in production since 1887. The surrounding land is used for oil and gas production and open space. The oil and gas production facilities will continue to be located in an area surrounded by hills and screened from public view. The proposed use of the existing oil and gas facilities will not preclude the existing use of the surrounding properties for oil and gas production and open space. The oil and gas facilities are located about 2 miles from the nearest residence and are compatible with the uses of the surrounding open space lands.

Based on the above discussion, this finding can be made.

3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [§ 8111-1.2.1.1.c].

The existing oil and gas facility is located within the Sespe Oil Field in a remote mountainous area located approximately 4 miles northwest of the City of Fillmore. No substantial effect on neighboring property or uses has been identified that would result from the proposed project. The use of the surrounding open space lands would not be affected.

Based on the above discussion, this finding can be made.

4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [§ 8111-1.2.1.1.d].

The proposed project involves the continued operation of existing oil and gas facilities that will not substantially alter the character of the area and will not impair the uses of neighboring lands. The existing oil and gas facilities will continue to require occasional visits by field personnel for equipment maintenance. The production facility will be unmanned, and will not generate significant noise. The project will be subject to conditions of approval to require the compliance with County and State regulations (Exhibit 5). No substantial adverse effect on public interest, health, safety, convenience or welfare has been identified that would result from the proposed project.

Based on the above discussion, this finding can be made.

5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [§ 8111-1.2.1.1.e].

The proposed project will not substantially alter the character of the area. The use of the existing oil and gas facilities will continue to be compatible with the surrounding open space use. No aspect of the project has been identified that is detrimental to the public health, safety or welfare. Given the lack of public services and the remoteness of the area, a change in the land use designation or zoning of the area is not foreseeable at this time.

Based on the above discussion, this finding can be made.

6. The proposed development will occur on a legal lot [§ 8111-1.2.1.1f].

The applicant requests that a conditional use permit be granted to authorize oil and gas exploration and production operations. The legal lot status of the property has not been established at this time. However, oil and gas leases are exempt from the requirements of the State Subdivision Map Act. Thus, the Planning Director has determined that a permit can be granted for oil exploration and production activities involving a subsurface lease without the establishment of lot legality.

7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws [Section 8111-1.2.1.1a.g].

The proposed project is comprised of the continued operation of an existing oil and gas facility. This facility was evaluated for environmental effects pursuant to CEQA when modified CUP 2941-1 was granted in 1993. A Mitigated Negative Declaration (MND) was prepared and adopted at that time. The current proposal is not substantially different from that previously analyzed. In accordance with Section 15164 of the CEQA Guidelines, an Addendum (Exhibit 4) to the MND satisfies the environmental review requirements for the current project.

Based on the above discussion, this finding can be made.

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§ 65091), and Ventura County NCZO (§ 81113.1). On August 11, 2021, the Planning Division mailed notice to owners of property within 1000 feet of the property on which the project site is located and placed a legal ad in the *Ventura County Star* on August 16, 2021. In addition, the owners of 15 parcels in the general vicinity of the project site were

notified. Public agencies notified of the hearing include the City of Fillmore, USFWS, CDFW, and CalGEM.

H. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that the MND Addendum (Exhibit 4) satisfies the environmental review requirements of CEQA;
3. **MAKE** the required findings to grant a modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** Modified CUP PL18-0058, subject to the conditions of approval (Exhibit 5);
5. **SPECIFY** that the Clerk of the Planning Division 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 Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has 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 Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Justin Bertoline at (805) 654-2466 or Justin.Bertoline@ventura.org.

Prepared by:

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EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 Environmental Document (MND Addendum)
- Exhibit 5 Conditions of Approval
- Exhibit 6 July 2013 USFWS Letter to the County of Ventura
- Exhibit 7 November 17, 2014 USFWS Letter to Seneca Resources