

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 8, 2009	Time: 1:40 P.M.	Agenda Item No. 3
Project Description: Use Permit to allow Venoco, Inc., to drill three exploratory oil and natural gas wells at the Bradley Minerals drill site No. 1-35. Wells are identified as No. 1-35a, No. 1-35b and No. 1-35c.		
Project Location: The site is approximately 0.96 miles west of State Highway 101 and 1.37 miles north of Jolon Road, within Township 23 South, Range 10 East, Section 35, in southern Monterey County.		APN: 423-091-043-000
Planning File Number: PLN080321		Owner's Name: Porter Estate Company/Bradley Minerals, Inc. Applicant's Name: Venoco, Inc.
Plan Area: South County Area Plan		Flagged and staked: Yes
Zoning Designation: "PG-40" (Permanent Grazing, 40 acres per dwelling unit).		
CEQA Action: Categorically Exempt per Title 14, Division 2, Section 1684.2 - Class 4 - of the California Code of Regulations (re: Minor Alterations to Land).		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the request for a Use Permit, based on the Recommended Findings and Evidence presented in Exhibit C and subject to compliance with the Recommended Conditions of Approval presented in Exhibit D.

PROJECT OVERVIEW:

Venoco, Inc., (the applicant), is proposing to drill three exploratory oil and gas wells in order to determine whether commercial quantities of those resources exist at the site. The parcel in question is located in southern Monterey County in the vicinity of the town of Jolon, about 1.37 miles north of Jolon Road. The project includes a site preparation phase for construction of the drilling site, followed by a drilling and testing phase for each well. Should exploration yield the promise of commercially-viable quantities of oil and gas, the applicant will submit a new Use Permit application for the purpose of putting the well(s) into production.

OTHER AGENCY INVOLVEMENT:

- ✓ California Department of Forestry (CDF) – South County Fire Protection District
- ✓ Monterey County Public Works Department
- ✓ Monterey County Health Department – Environmental Health Division
- ✓ Monterey County Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the Monterey County Environmental Health Division have been incorporated into the overall recommended conditions of project approval (Exhibit D).

The project was not referred to the Bradley-Parkfield Land Use Advisory Committee (LUAC) for review. Based on the LUAC interim procedural guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the

LUAC because the project does not involve a variance, General Plan or Area Plan amendment, ridgeline/viewshed development, subdivision, slope restrictions or lot line adjustment.

Exploratory drilling operations undertaken as part of this project will result in minor alterations to land (Class 4 activities per CEQA) and, therefore, the project has been found to be categorically exempt from the requirement for the preparation of environmental documents under Article 19, Section 15304 of CEQA and Section 21084 of the California Public Resources Code. However, should discovery of oil and/or natural gas subsequently lead to full-scale commercial production, the project will be referred to the Bradley-Parkfield LUAC and will undergo full CEQA review in the context of a new Use Permit application.

Note: The decision of the Zoning Administrator regarding this project can be appealed to the Planning Commission.

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December 19, 2008

cc: Front Counter Copy; Zoning Administrator; South County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Jacqueline Onciano, Planning Services Manager; Guy Moussalli, Project Planner; Carol Allen, Senior Secretary; James O. Carton, Porter Estate Company/Bradley Minerals, Inc. (Property Owner); Bruce Carter, Venoco, Inc. (Applicant); Robert A. Booher (Consultant); Planning File PLN080321.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Project Discussion
 Exhibit C Recommended Findings and Evidence
 Exhibit D Recommended Conditions of Approval
 Exhibit E Vicinity Map
 Exhibit F Site Plan & Drilling Plan
 Grading & Erosion Control Plan

This report was reviewed by Jacqueline R. Onciano, Planning Services Manager.

EXHIBIT A

Project Information for PLN080321

Project Title: PORTER ESTATE COMPANY BM 1-35

Location: 9999	Primary API: 423-091-043-000
Applicable Plan: South County Area Plan	Coastal Zone: No
Permit Type: Use Permit	Zoning: PG-40
Environmental Status: Exempt	Plan Designation: Agricultural
Advisory Committee: N/A	Final Action Deadline (884): 1/17/2009

Project Site Data:

Lot Size: 480 Acres	Coverage Allowed: 5%
Existing Structures (sf): N/A	Coverage Proposed: 0.26%
Proposed Structures (sf): N/A	Height Allowed: 35 ft.
Total Sq. Ft.: N/A	Height Proposed: N/A
	FAR Allowed: N/A
	FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: No	Erosion Hazard Zone: V
Biological Report #: LIB080556	Soils Report #: LIB080558
Forest Management Rpt. #: N/A	
Archaeological Sensitivity Zone: High	Geologic Hazard Zone: High
Archaeological Report #: LIB080555	Geologic Report #: LIB0800557
Fire Hazard Zone: Very High	Traffic Report #: N/A

Other Information:

Water Source: Tanker truck	Sewage Disposal (method): Portolet
Water Dist/Co: N/A	Sewer District Name: N/A
Fire District: South County FPD	Grading (cubic yds.): 19,256.0
Tree Removal: None	

EXHIBIT B PROJECT DISCUSSION

Project setting: The project area is located just south of the southern terminus of the Salinas Valley, close to the boundary of Monterey and San Luis Obispo counties. The general area consists of privately-owned agricultural lands used primarily for grazing. The community of Bradley and San Antonio Reservoir County Recreation Area are located approximately 3.5 miles and 5.7 miles, respectively, south of the project area.

Proposed action: Venoco, Inc., proposes to drill three exploratory wells in southern Monterey County in search of commercial quantities of petroleum and natural gas. The first phase of the project involves preparation of the drilling site, whereas the second phase involves drilling and testing. Drilling activities will take place in an area measuring about 200 ft. by 300 ft.

Site preparation: Preparation of the drill site will include clearing, grading and compaction in order to establish a level and solid foundation for the drilling rig. According to the applicant, it is not anticipated that site preparation activities will alter natural drainage patterns; flooding, erosion or siltation either on- or off-site are also not to be expected. Although no existing trees will be removed, approximately 1.4 acres of grassland used for cattle grazing will be impacted. A temporary pit will be excavated within the site to contain drilling fluids and wastes. Site preparation is estimated to take about one week.

Drilling and testing: Once the well pad is established, the drilling rig will be mobilized and rigged up; this process will take about two to five days to complete. A representative from the company will be onsite 24 hours a day, seven days a week, to monitor operations. A travel trailer will be brought in to provide accommodations, with water and sewer furnished by Pensingers Trailer Rentals. Temporary facilities will be set up at the site to house the equipment and materials necessary for the drilling operation. The applicant will drill each well until reaching target depth; evaluation of each well to determine whether it can be commercially exploited and put into production would continue for up to one year. If exploration is conclusive, Venoco, Inc., will submit a new Use Permit application to Monterey County in order to extract the mineral resources from the appropriate well(s).

Drilling and waste disposal practices: The applicant has indicated that all hazardous materials, such as fuels and lubricants, will be stored according to applicable federal, state and local regulations. Drilling wastes will be managed in compliance with Regional Water Quality Control Board (RWQCB) requirements, with drilling mud contained in tanks on site, then transported and disposed of at an off-site licensed facility. All down hole well operations are to be regulated by the California Department of Conservation – Division of Oil, Gas and Geothermal Resources (DOGGR) in order to protect groundwater. Surface well casing, designed to protect fresh water zones, will be set and cemented, and blowout prevention equipment will be installed at the well head and tested. DOGGR will regulate blowout prevention equipment and DOGGR engineers will be notified for required tests and other operations.

Conclusion: The project, as described, is consistent with all applicable Monterey County policies and regulations. No unusual circumstances, unresolved issues or adverse and unavoidable environmental impacts were identified during project review. Furthermore, if implemented as recommended, the conditions of approval will ensure that the project does not have a significant impact upon the environment. Therefore, staff is recommending that the project be approved.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1, and as conditioned, conforms to the policies, requirements and standards of the Monterey County General Plan, South County Area Plan, South County Area Plan Inventory and Analysis and the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: (a) The text, policies and regulations in the above-referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The proposed project conforms to the goals, objectives and policies of the following documents:

i. Monterey County General Plan: Goals, Objectives and Policies for Natural Resources - Geology, Minerals and Soils, Goal # 2, Objective # 2.3, Policy 2.3.2;

ii. South County Area Plan: Chapter 1, Natural Resources - Mineral Resources & Energy Resources; Chapter V, The Plan - Area Land Use Plan, Major Land Use Recommendations: Industrial (re: San Ardo oil fields);

iii. South County Area Plan Inventory & Analysis: Chapter I - Natural Resources: Mineral Resources;

iv. Monterey County Zoning Ordinance (Title 21 for Inland Areas): The property is located approximately 0.96 miles west of State Highway 101 and 1.37 miles north of Jolon Road (Assessor's Parcel Number 423-091-043-000), South County Area Plan. The property is zoned Permanent Grazing with a minimum parcel size of 40 acres ("PG-40"), which allows the exploration for, and the extraction of, oil and natural gas resources with a Use Permit. Therefore, the property is suitably zoned to accommodate the proposed development.

(c) The application, project plans, and related support materials were submitted by the project applicant for the proposed development to the Monterey County Resource Management Agency, Planning Department, all of which can be found in Project File PLN080321.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the Resource Management Agency (Planning Department & Public Works Department), South County Fire Protection District, Health Department (Environmental Health Division) and Water Resources Agency. There has been no indication from these departments/agencies that the site is unsuitable for the proposed project. Conditions recommended by the Planning Department and the Environmental Health Division have been incorporated in this staff report as part of the project approval process.

(b) Technical reports by outside archaeological, biological, geological and geotechnical consultants concluded that there are no physical and/or environmental constraints that would indicate that the site is not suitable

for the use proposed, provided the appropriate recommendations outlined in those reports are followed. County staff concurs.

i. Archeological resources: A record search and literature review by consulting firm Pacific Legacy, Inc., revealed that no previously recorded ethnographic, historic or archeological sites are located within the project area. A pedestrian survey (i.e. surface inspection) of the property did not result in the discovery of any prehistoric or historic artifacts, or archeological deposits, within the project area; no cultural resources were noted during the survey. The consultant advised that construction personnel be alerted to the possibility of buried cultural remains or artifacts and that, upon discovery of any such remains or materials, the appropriate persons and authorities be contacted. Source: Cultural Resources Assessment of the Venoco, Inc., Bradley Minerals No. 1-35 Oil and Natural Gas Well Project, Monterey County, California (LIB080555), prepared by Pacific Legacy, Inc., Berkeley, California (August 22, 2008).

ii. Biological resources: The biological assessment concluded that it is highly unlikely that special-status listed or sensitive species or habitats will be negatively impacted by the proposed project, although locally and regionally common wildlife species would be temporarily disturbed – albeit at a less than significant level. The report recommended that best management guidelines be followed during the construction phase of the project and that the species-specific avoidance and minimization measures described in the biological assessment be implemented in order to mitigate any potential impacts to wildlife species, plants and trees. Source: Biological Assessment, Venoco, Inc., Bradley Minerals No. 1-35 Natural Gas and Oil Exploration Project, Monterey County, California (LIB080556), prepared by Robert A. Booher Consulting, Fairfield, California (June 2008).

iii. Geotechnical resources: The site has been deemed suitable for the proposed development from a geotechnical engineering standpoint provided the recommendations contained in the consultant's report and pertaining to grading and structural design are successfully implemented. Source: Geotechnical Engineering Report for Proposed Oil and Natural Gas Exploration Well Pad, Bradley Minerals No. 1-35, Monterey County, California (LIB080558), prepared by Norman G. Hallin, Buena Geotechnical Services, Paso Robles, California (August 12, 2008).

iv. Geological resources: A site investigation revealed evidence of potential geologic & seismic conditions which could affect the subject property. In order to minimize hazards, the consultant made several recommendations in order to mitigate any potentially negative impacts. Source: Geologic Hazards Investigation – Proposed Oil/Gas Well Pad, Bradley Minerals, Site No. 1-35, Jolon Road, County of Monterey, California (LIB080557),

prepared by Ron Barto, Sierra Delta Corporation of California (no city provided) (September 5, 2008).

(c) Assistant Planner Jody Lyons conducted a site inspection on July 24, 2008, to verify that the site is suitable for the proposed use.

3. **FINDING: CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified for the proposed project.

EVIDENCE: (a) Minor alterations to land, such as those that will result from the proposed project, have been found to be categorically exempt from the requirement for the preparation of environmental documents under California Environmental Quality Act (CEQA) Guidelines, Article 19, Section 15304. Class 4 activities, as they are known, are those that do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes; this project will not result in the removal of existing oak trees.

(b) Under Section 21084 of the California Public Resources Code, Class 4 activities such as the exploratory drilling operations that will be conducted as part of this project have been determined not to have a significant effect on the environment and, therefore, are exempt from CEQA requirements. This is due to the fact that such activities have been determined to only result in minor public or private alterations to land with negligible or no permanent effects to the existing conditions of the land, water, air and/or vegetation.

(c) No adverse environmental effects were identified during staff review of the development application and during a site visit performed by Assistant Planner Jody Lyons on July 24, 2008.

(d) Once exploratory drilling has ended, and if no commercial quantities of mineral resources that would pave the way for full extraction are found, the applicant will need to restore the site to its pre-development natural grassland condition (Condition no. 8).

4. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property and zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning Department and Building Services Department records. The research did not reveal any violations currently existing on the subject property.

5. **FINDING: HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: The proposed project was reviewed by the South County Fire Protection District, the Water Resources Agency, the Public Works Department, the Planning Department (PD) and the Health Department’s Environmental Health Division (EH). The latter two have recommended specific conditions of approval and mitigation measures, where appropriate, to ensure that the project will not have adverse health and safety impacts (Exhibit D):

- (a) Permit to conduct well operations (EH);
- (b) Hazardous materials spill prevention control countermeasure plan (EH);
- (c) Hazardous materials business response plan (EH);
- (d) Hazardous waste control (EH);
- (e) Use Permit to convert the temporary exploratory well to a full production extractive well meeting California Division and Oil & Gas guidelines (PD);
- (f) Restoration of the site to pre-development grassland condition in the event no commercial quantities of oil and gas are found (PD);
- (g) Pre-construction survey to determine whether wildlife inhabits the project area with mitigation measures in the affirmative (PD);
- (h) Erosion control and pollution prevention plans (PD).

6. **FINDING:** **APPEALABILITY** – Decisions of the Zoning Administrator concerning this project can be appealed to the Planning Commission.

EVIDENCE: Title 21, Chapter 21.80, Section 21.80.040, Paragraph B, of the Monterey County Zoning Ordinance.

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Porter Estate Co./Bradley Minerals No. 1-35 Project File No: <u>PLN080321</u> <u>APN: 423-091-043-000</u> Approved by: <u>Zoning Administrator</u> Date: <u>January 8, 2009</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Condition Number</i>	<i>Mitigation Number</i>	<i>Conditions of Approval and Responsible Department</i>	<i>Compliance or Monitoring Actions to be performed. (Where applicable, a certified professional is required for action to be accepted.)</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 – SPECIFIC USES ONLY This Use Permit (PLN 080321) allows for the drilling of three (3) exploratory oil and gas wells. The property is located approximately 0.96 miles west of State Highway 101 and 1.37 miles north of Jolon Road, within Township 23 South, Range 10 East, Section 35 in southern Monterey County (Assessor’s Parcel Number 423-091-043-000), South County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water	Adhere to conditions and uses specified in the Use Permit.	Owner/ Applicant	Ongoing unless otherwise stated.	

<i>Permit Condition Number</i>	<i>Mitigation Number</i>	<i>Conditions of Approval and Responsible Department</i>	<i>Compliance or Monitoring Actions to be performed. (Where applicable, a certified professional is required for action to be accepted.)</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 – NOTICE: PERMIT APPROVAL The applicant shall record a notice which states: "A permit was approved by the Zoning Administrator for Assessor's Parcel Number 423-091-043-000 on January 8, 2009. The permit was granted subject to 14 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or start of use.	
3.		PD003(A) – CULTURAL RESOURCES: NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources), work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop the required proper mitigation measures.	Owner/ Applicant/ Archaeologist	Ongoing	

<i>Permit Condition Number</i>	<i>Mitigation Number</i>	<i>Conditions of Approval and Responsible Department</i>	<i>Compliance or Monitoring Actions to be performed. (Where applicable, a certified professional is required for action to be accepted.)</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.		PD008 – GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection.	
5.		PD009 – GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA - Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection.	
6.		PD010 – EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning Department and Director of RMA - Building Services. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning Department and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during, and immediately following, construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning Department and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection.	

<i>Permit Condition Number</i>	<i>Mitigation Number</i>	<i>Conditions of Approval and Responsible Department</i>	<i>Compliance or Monitoring Actions to be performed. (Where applicable, a certified professional is required for action to be accepted.)</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.		PD032 – PERMIT TIME/YEAR & DATE The Use Permit shall be granted for one year, to expire on January 8, 2010, one year from today’s public hearing date. A request for a subsequent extension can be made to the RMA - Planning Department, with the stipulation that the permit cannot exceed a time period of six (6) months. Any request for an extension will be contingent upon the finding that no grading, zoning, land use policies or local and state regulations will have been violated. (RMA - Planning Department)	None unless an extension of the Use Permit is requested, in which case an application for such shall be made to the RMA - Planning Department.	Owner/ Applicant	As stated in the conditions of approval. Prior to expiration of Use Permit if an extension is sought.	
8.		PD033 – RESTORATION OF NATURAL MATERIALS & CONDITIONS Upon completion of the exploratory phase, and if no commercial quantities of oil and gas are found at the site, the area disturbed shall be restored to its pre-development condition as an annual grassland, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)	Submit restoration plans to the RMA - Planning Department for review and approval. Site shall be restored prior to expiration of Use Permit, if no extension is requested or subsequent Use Permit applied for.	Owner/ Applicant	Prior to commencement of use.	
9.		PDSP001 – NON-STANDARD CONDITION Should exploration reveal the existence of commercial quantities of oil and/or natural gas, a subsequent Use Permit will be required to convert the exploratory wells to full production wells meeting the California Division of Oil & Gas guidelines for oil and gas drilling. Application for such Use Permit shall undergo CEQA review and analysis. (RMA - Planning Department)	Quantity of oil and gas found at well site shall be furnished to the RMA - Planning Department. A new Use Permit shall be applied for if commercial quantities of oil and/or gas are found.	Owner/ Applicant	Prior to expiration of temporary Use Permit.	

<i>Permit Condition Number</i>	<i>Mitigation Number</i>	<i>Conditions of Approval and Responsible Department</i>	<i>Compliance or Monitoring Actions to be performed. (Where applicable, a certified professional is required for action to be accepted.)</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
10.		<p>PDSP002 – NON-STANDARD CONDITION</p> <p>A pre-construction biological species clearance survey shall be conducted by a qualified biologist within 14 days of earth disturbance activities taking place at the site. If any protected special-status plant and animal species identified in the Biological Assessment report are found, a qualified biologist shall be contacted in order to delineate exclusion zones and buffer areas to avoid any negative impacts. Species that are found in the way of construction activities shall be relocated by the qualified biologist. Applicant will follow the management practices recommended for implementation in the biological report to protect common and sensitive plant and wildlife resources from any potential impacts. (RMA - Planning Department)</p>	Submit results of pre-construction biological survey to the RMA - Planning Department.	Owner/Applicant	Within 14 days prior to the start of site disturbance activities.	
<u>ENVIRONMENTAL HEALTH DIVISION – CONDITIONS OF APPROVAL</u>						
11.		<p>EHSP01 – HAZARDOUS MATERIALS: SPILL PREVENTION CONTROL COUNTERMEASURE PLAN</p> <p>Above ground storage tanks for petroleum products (i.e. diesel, oil and gasoline) with greater than 1320 gallons of capacity, or for cumulative storage of more than 1320 gallons, shall meet the standards as found in the California Health and Safety Code, Section 25270 et seq., and the Code of Federal Regulations, Part 112 (commencing with Section 112.1) of Subchapter D of Chapter 1, Title 40. (Environmental Health Division)</p>	<p>Submit a Spill Prevention Control Countermeasure (SPCC) Plan to Hazardous Materials Management Services of the Environmental Health Division for review and approval.</p> <p>Once approved, the applicant shall maintain an up-to-date SPCC Plan.</p>	Owner/Applicant	<p>Prior to issuance of building permits.</p> <p>Continuous</p>	

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12.		<p>EHSP02 – HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN</p> <p>The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory). (Environmental Health Division)</p>	<p>Submit a signed <u>Business Response Plan – Memorandum of Understanding</u> (form available from EHD) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services of Environmental Health prior to bringing hazardous materials on site and/or commencement of operations.</p> <p>Once approved, the applicant shall maintain an up-to date Business Response Plan.</p>	Owner/ Applicant	<p>Prior to issuance of grading / building permits.</p> <p>Continuous</p>	
13.		<p>EHSP03 – HAZARDOUS WASTE CONTROL</p> <p>The facility shall comply with the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Chapter 6.50, for the proper handling, storage and disposal of hazardous waste as approved by the Environmental Health Division (EHD). (Environmental Health Division)</p>	<p>Register the facility with Hazardous Materials Management Services of EHD.</p> <p>Maintain the Hazardous Materials permit and comply with all permit conditions.</p>	Owner/ Applicant	<p>Prior to commencement of operations.</p> <p>Continuous</p>	
14.		<p>EHSP04 – PERMIT TO CONDUCT WELL OPERATIONS</p> <p>The applicant must obtain a permit to conduct well operations for each exploratory well prior to commencing construction pursuant to the California Department of Conservation, Division of Oil, Gas and Geothermal Resources, Public Resources Code, PRC01 and PRC04. (Environmental Health Division)</p>	<p>Submit an application for a permit to conduct well operations to the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) for review and approval.</p> <p>Submit verification to the Environmental Health Division indicating that DOGGR has issued the required permits.</p>	Owner / Applicant	<p>Prior to the issuance of building permits.</p>	