

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 080321

APN# 423-091-043-000

In the matter of the application of

**FINDINGS & DECISION**

**PORTER ESTATES COMPANY/VENOCO, INC. /BRADLEY MINERAL, INC. (PLN080321)**

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, and came on regularly for meeting before the Zoning Administrator on January 8, 2009.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

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

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:~~

- (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).

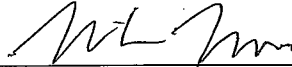
**6. FINDING: APPEALABILITY** – Decisions of the Zoning Administrator concerning this project can be appealed to the Planning Commission.

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

## DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Use Permit to be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of January, 2009.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **FEB 05 2009**

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

**FEB 15 2009**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

<p align="center"><b>Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan</b></p>	<p><b>Project Name:</b> <u>PORTER ESTATE COMPANY/VENOCO INC./BRADLEY MINERAL INC.</u></p> <p><b>File No:</b> <u>PLN080321</u> <b>APN:</b> <u>423-091-043-000</u></p> <p><b>Approved by:</b> <u>ZONING ADMINISTRATOR</u> <b>Date:</b> <u>January 8, 2009</u></p>
--	---

*\*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.		<p><b>PD001 – SPECIFIC USES ONLY</b></p> <p>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 Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation</p>	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>
		measures are properly fulfilled. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 – NOTICE: PERMIT APPROVAL</b> 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 <b>14</b> 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. <b>(RMA - Planning Department)</b>	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.		<b>PD003(A) – CULTURAL RESOURCES: NEGATIVE ARCHAEOLOGICAL REPORT</b> 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. <b>(RMA - Planning Department)</b>	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	
4.		<b>PD008 – GEOLOGICAL CERTIFICATION</b> Prior to final inspection, the geological consultant shall provide certification that all development has been constructed in accordance with the geological report. <b>(RMA - Planning Department)</b>	Submit certification by the geological consultant to the RMA - Planning Department showing project's compliance with the geological report.	Owner/ Applicant/ Geological Consultant	Prior to final inspection.	

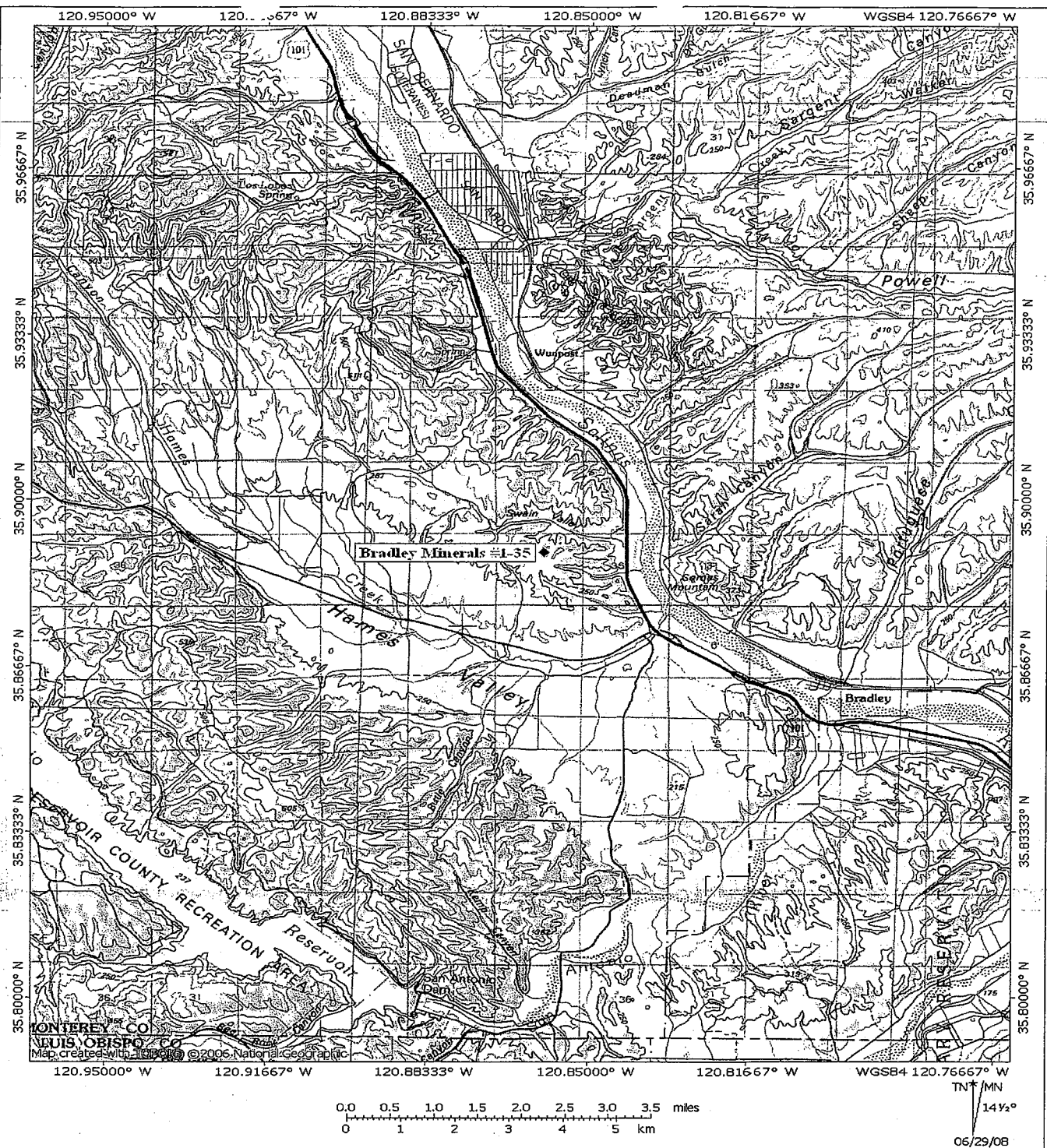
<i>Permit Condition Number</i>	<i>Mitigation Number</i>	<i>Conditions of Approval and Responsible Department</i>	<i>Compliance or Monitoring Actions to be performed. (Where applicable, a certified professional is required for action to be accepted.)</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		<b>PD009 – GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA - Planning Department and Building Services Department)</b>	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.		<b>PD010 – EROSION CONTROL PLAN AND SCHEDULE</b> 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. <b>(RMA - Planning Department and RMA - Building Services Department)</b>	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.	
7.		<b>PD032 – PERMIT TIME/YEAR &amp; DATE</b> 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. <b>(RMA - Planning Department)</b>	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.	



<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>
8.		<b>PD033 – RESTORATION OF NATURAL MATERIALS &amp; CONDITIONS</b> 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. <b>(RMA – Planning Department)</b>	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.		<b>PDSP001 – NON-STANDARD CONDITION</b> 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. <b>(RMA - Planning Department)</b>	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.	
10.		<b>PDSP002 – NON-STANDARD CONDITION</b> 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. <b>(RMA - Planning Department)</b>	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.	

<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>
<b><u>ENVIRONMENTAL HEALTH DIVISION – CONDITIONS OF APPROVAL</u></b>						
11.		<b>EHSP01 – HAZARDOUS MATERIALS: SPILL PREVENTION CONTROL COUNTERMEASURE PLAN</b> Above ground storage tanks for petroleum products (i.e. diesel, oil and gasoline) with greater than 1,320 gallons of capacity, or for cumulative storage of more than 1,320 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. <b>(Environmental Health Division)</b>	<p>Submit a Spill Prevention Control Countermeasure (SPCC) Plan to Hazardous Materials Management Services of the Environmental Health Division for review and approval prior to commencement of operations.</p> <p>Once approved, the applicant shall maintain an up-to-date SPCC Plan.</p>	Owner/ Applicant	<p>Prior to commencement of operations.</p> <p>Ongoing</p>	
12.		<b>EHSP02 – HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN</b> 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). <b>(Environmental Health Division)</b>	<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 commencement of operations.</p> <p>Ongoing</p>	
13.		<b>EHSP03 – HAZARDOUS WASTE CONTROL</b> 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). <b>(Environmental Health Division)</b>	<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>Ongoing</p>	

<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>
14.		<b>EHSP04 – PERMIT TO CONDUCT WELL OPERATIONS</b> 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. <b>(Environmental Health Division)</b>	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.  Submit verification to the Environmental Health Division indicating that DOGGR has issued the required permits.	Owner / Applicant	Prior to commencement of construction.	



**Venoco, Inc.**  
**Bradley Minerals #1-35**  
**Vicinity Map**

**Robert A. Booher Consulting**  
**Environmental Planning & Management**  
**3221 Quail Hollow Drive**  
**Fairfield, California 94534**  
**(707) 399-7835**

**Venoco, Inc.**  
**6267 Carpinteria Avenue, Suite 100**  
**Carpinteria, California 93013**  
**(805) 745-2145**



