

NO. 000612

A.P.# 422-121-014-000

In the matter of the application of  
**Trio Petroleum, Inc. (PLN000612)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to re-enter and re-drill an abandoned commercial oil well at an existing site entitled "Lynch Canyon Oil Field" and commence production testing operations, located in Section 24, Township 22 South, Range 10 East, on the east side of Highway 101 in the San Ardo area, came on regularly for hearing before the Zoning Administrator on June 28, 2001.

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

**FINDINGS OF FACT**

1. **FINDING:** The subject Use Permit (PLN000612), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, South County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located in the "Lynch Canyon Oil Field" east of San Ardo. The combined parcels are zoned "PG/40" or Permanent Grading with one parcel zoned F/40 or Farmlands. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
  - EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the South County Area Plan.
  - EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
  - EVIDENCE:** The proposed use is consistent with the development standards for PG/40 and F/40, pursuant to Title 21, Monterey County Zoning Ordinance.
  - EVIDENCE:** The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.
  - EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
  - EVIDENCE:** The on-site inspection by consulting biologist and subsequent report submitted to Planning and Building Inspection, by Sierra Delta Corporation, dated March 30, 2001.
2. **FINDING:** The proposed project will not have a significant environmental impact.

**EVIDENCE:** Article 19. Section 15301 of the State CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

**EVIDENCE:** The applicant submitted a San Joaquin Kit Fox Survey to Planning and Building Inspection which indicated that the habitat would support kit fox but that none were observed on the property. Suitable Kit fox habitat is found throughout the Central Salinas Valley and South County Area. A condition of approval requires the applicant to instruct all personnel who will be on site on the natural habits and appropriate protocol to protect this protected species. The biological consultant has prepared instructions for such use that will be furnished to employees.

3. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

**EVIDENCE:** File and application materials contained in the project file.

### DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Use Permit consists of a Use Permit to re-enter and re-drill an abandoned commercial oil well site entitled "Lynch Canyon Oil Field" and commence production testing operations for a period of six months. The well sites are called: 107X, and "Lanagan" No's 102, 204, 205 and 305. The project is in Section 24, Township 22 south, Range 10 east, (Assessor's Parcel Number 422-121-014) in the South County Area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

#### On-going conditions:

2. Prior to the expiration of the six month period granted to the applicant for production testing, the applicant may submit a written request to the Director of Planning and Building Inspection to extend the production testing for a period not to exceed an additional six months. The Director of Planning and Building Inspection shall consider this extension providing no grading, zoning, land use policies, local or state

regulations are in violation. The applicant shall be notified in writing of the decision of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

3. The applicant shall comply with the requirements of the State of California Division of Oil and Gas and submit a copy of the Notice of Intention to Drill and proof of the State's licensing for this operation to Environmental Health. **(Environmental Health/Planning and Building Inspection)**
4. Any oil or by-products produced from the exploratory drilling shall be stored in accordance with State of California standards and trucked off site. Waste water shall be vacuumed up on site and removed or reinjected into the well. **(Planning and Building Inspection)**
5. Employees participating in drilling operations are not authorized to maintain any type of permanent living unit with the exception of temporary use of mobile trailers for those operations involving any 24 hour shift. **(Planning and Building Inspection)**

**Prior to commencement of operations:**

6. The applicant shall conduct an educational program for employees working on the site, as recommended by Sierra Delta Corporation, biological consultant, pertaining to San Joaquin Kit Fox habitat. **(Planning and Building Inspection)**
7. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection)**
8. The applicant shall record a notice which states: "A permit (Resolution 000612) was approved by the Zoning Administrator for Assessor's Parcel Number 422-121-014-000 on June 28, 2001. The permit was granted subject to 9 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**

9. Obtain any permits, or amendments to existing permits, from the Monterey Bay Unified Air Pollution Control District prior to any re-drilling activities at the Lynch Canyon Oil Field, and submit a copy of said permit(s) to the Department of Planning and Building Inspection prior to re-drilling.

**PASSED AND ADOPTED** this 28th day of June, 2001.

  
LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **JUL 16 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JUL 26 2001**

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 90<sup>th</sup> 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 two years after the above date of granting thereof unless construction or use is started within this period.

Well

776

Lynch

WT

Oil Well

800

726

1200

Oil Wells

24

24

1182

Canyon

Existing Access Roads

N

• 123 = existing oil well site

x 1028

